



AGENDA

Austin Peay State University

416 College Street

Clarksville, TN 37040

March 30, 2017

1:30 pm

President's Remarks/Call to Order

Roll Call/Introductions/Declaration of Quorum

Adoption of Agenda

Action Items

- A. Review and Adoption of Bylaws
- B. Election of Officers
- C. Ratification of President
- D. Appointment of Board Secretary
- E. Selection of Student Trustee
- F. Approval of Committee Structure and Appointments
- G. Confirmation of the Director of Internal Audit
- H. Review and Approval of Code of Ethics and Conflict of Interest Policy
- I. Review and Approval of Policies
- J. Review and Approval of Housing Rates for the 2017-2018 Academic Year
- K. Review and Approval of Academic Programs
- L. Approval of Meeting Calendar for 2017

Information Item

- A. Update on the University's Accreditation- Substantive Change Process

Adjourn



Agenda Item: A.

Date: March 30, 2017

Subject: Bylaws of the Austin Peay State University Board of Trustees

Action Recommended: Adoption

Background Information:

Public Chapter 869 (2016), also known as the Focus on College and University Success (FOCUS) Act, established that the management and governance of Austin Peay State University be vested in the University's Board of Trustees. The authority, purpose, duties, and responsibilities of the Board and Trustees are delineated in TCA § 49-8-101. The Act requires the Board to adopt bylaws and rules for the organization and conduct of its business. The Office of Legal Affairs developed these proposed bylaws in consultation with the requirements of the FOCUS Act and best practices gleaned from the Association of Governing Boards and other university boards.

Proposed Implementation Date: March 30, 2017

Item Details: See attachment.

Bylaws

Board of Trustees of Austin Peay State University

Article I. Governance

The Board of Trustees is vested by the laws of the State of Tennessee with control of the governance and management of Austin Peay State University, subject to certain powers and duties maintained by the Tennessee Higher Education Commission.

Article II. Purpose of Bylaws

The Board adopts these Bylaws in order to establish rules for the organization and conduct of its business, as required by Tennessee Code Annotated § 49-8-201. The Bylaws are intended to establish its governance structure and to define the duties, authority limits and operating procedures for the Board and its Trustees. As the University's governing authority, the Board's Bylaws and Policies shall take precedence over any other administrative policies, guidelines, and procedures of the University. Although the Board is empowered to govern and set policy for the University, the Board's focus is one of oversight and direction. The Board entrusts responsibility for the execution of Board policy and the administration of the University to the President and responsibility for the conduct of teaching and research to the University faculty through the President.

Article III. Board of Trustees

Section 1. Powers and Duties

The Board has been conferred by the laws of the State of Tennessee with the necessary powers and duty to accomplish the following:

- A. Determine the mission of the University and ensure that the mission is kept current and aligned with the goals of Tennessee's master plan for public higher education;
- B. Select and employ the chief executive officer of the University and to confirm the appointment of administrative personnel, teachers, and other employees of the University and their salaries and terms of office;
- C. Prescribe curricula and requirements for diplomas and degrees in cooperation with other state university boards in the interest of maintaining alignment across state higher education;
- D. Approve the operating budgets and set the fiscal policies for the University and its programs;
- E. Establish policies and regulations regarding the campus life of the University, including, but not limited to, the conduct of students, student housing, parking, and safety;
- F. Grant tenure to eligible members of the faculty upon the recommendation of the President;

- G. Assume general responsibility for the operation of the University, delegating to the President such powers and duties as are necessary and appropriate for the efficient administration of the University and its programs;
- H. Receive donations of money, securities, and property from any source on behalf of the University, which gifts shall be used in accordance with the conditions set by the donor;
- I. Purchase land subject to the terms and conditions of state regulations, condemn land, erect buildings, and equip buildings for the University subject to the requirements of the State Building Commission and the terms and conditions of legislative appropriations;
- J. Provide insight and guidance to the University's strategic direction and charge the President with leading the strategic planning process;
- K. Ensure the University's fiscal integrity; oversee the University's financial resources and other assets; review and approve annual University budgets; and preserve and protect the University's assets for posterity;
- L. Ensure and protect, within the context of faculty shared governance, the educational quality of the University and its academic programs; and preserve and protect the University's autonomy, academic freedom, and the public purposes of higher education;
- M. Refrain from directing the day-to-day management and administration of the University, which is the responsibility of the President of the University; and from directing or interfering with any employee, officer, or agent under the direct or indirect supervision of the President;
- N. Act as a body with no individual member speaking for the Board unless specifically authorized to do so by the Board; and
- O. Exercise such other powers, not otherwise prescribed by law, that are necessary to carry out its statutory duties.

Section 2. Delegation

The Board may delegate and provide for the further delegation of any and all powers and duties, subject to limitations expressly set forth in law.

Section 3. Communications

The Board's authority is vested in the Board collectively and not in any individual member. Individual members do not speak on behalf of the Board or APSU unless authorized to do so by the Board or the Board Chair. The Chair is delegated authority to speak on behalf of the Board, unless otherwise determined by the Board.

Section 4. Membership

The Board shall consist of ten (10) members, nine (9) of which shall be voting members and one (1) member shall be a nonvoting student member. Six (6) voting members shall be residents of Tennessee. Eight (8) Board members shall be appointed by the Governor, three (3) of whom shall be graduates of the University. One (1) voting Board member shall be a faculty member of the University selected in a manner determined by the Faculty Senate. The nonvoting student member shall be appointed by the Board.

Section 5. Expectations of Individual Board Members

- A. Board members have a fiduciary obligation to the University, and must at all times act in accordance with the fiduciary duties of due care, loyalty, and good faith.
- B. Board members are expected to vote and speak according to their individual convictions, but be willing to support the majority decision of the Board and to work with fellow Board members in a spirit of cooperation.
- C. Board members are expected to review agendas and supporting materials prior to Board and committee meetings.
- D. Board members are expected to attend and actively participate in Board meetings and to serve on Board committees.
- E. Board members should be informed about the University's mission, policies, and programs.
- F. Board members should be free of any contractual, employment, or personal or familial financial interest in APSU, except as provided for by law.
- G. Board members should be free from undue influence from political, religious, or other external bodies and should protect APSU from such influence.
- H. Board members are expected to represent the interests of the entire university rather than any single constituent part.

Section 6. Terms

- A. The initial terms of Board members appointed by the Governor shall be three (3), four (4), and six (6) years. Three (3) members shall serve a (3) three-year term; three (3) members shall serve a four-year term; and two (2) members shall serve a six-year term. As the terms of the initial Board members expire, successor Board members shall be appointed for six-year terms.
- B. The faculty Board member shall serve a term of two (2) years.
- C. The nonvoting student Board member shall serve a term of one (1) year.

Section 7. Reappointment

Board members appointed by the Governor shall be eligible to serve for two (2) consecutive terms. A member who serves two (2) consecutive terms on the Board may be reappointed after at least four (4) years have elapsed since the member's last date of service.

Section 8. Resignation

Any Board member may resign at any time by submitting written notice to the Board Chair or Secretary. Such resignation shall take effect at the time specified therein or within 30 days of the date of receipt.

Section 9. Removal

- A. Conflict of Interest. It is unlawful for any Board member to be financially interested in any contract or transaction affecting the interests of the University, or to procure, or be

a party in any way to procuring, the appointment of any relative to any position of financial trust or profit connected with the University. A Board member engaging in such conduct shall be subject to removal by the Governor or by the Board as provided for under its Code of Ethics.

- B. Code of Ethics. A Board member may be removed for a material violation of the Board's Code of Ethics by a two-thirds (2/3) vote of the Board membership. No vote may be taken to remove a Board member unless the accused Board member has been afforded a contested case hearing in accordance with the Uniform Administrative Procedures Act, Title 4, Chapter 5, and a finding has been made that the member violated the Board's Code of Ethics.

Section 10. Vacancies

Board vacancies occurring by death, resignation, or removal of a Board member shall be filled for the remainder of the term. A Board member whose term has expired shall continue to serve until a successor is appointed.

When a vacancy is created in the membership of the Board, the Board Secretary shall notify the Governor in the case of a vacancy among the members appointed by the Governor; the Faculty Senate in the case of a Faculty member vacancy; or the Board Chair in the case of a student representative vacancy.

Section 11. Compensation; Reimbursement of Travel Expenses

Board members receive no compensation for their services, but are entitled to reimbursement for travel expenses incurred in the performance of their official duties, in accordance with the comprehensive travel regulations promulgated by the Department of Finance and Administration and approved by the Attorney General and Reporter.

Article IV. Board Meetings

Section 1. Tennessee Open Meetings Act

A "Public Meeting" of the Board is the convening of the members of the Board for a purpose for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. All Public Meetings of the Board shall be conducted in compliance with the Tennessee Open Meetings Act, T.C.A. § 8-44-101, *et seq.* Meetings of the Board shall be open to the public, except as authorized by a statutory or judicially recognized exception to the Act. A Public Meeting does not include any on-site inspection of any project or program or the convening of Trustees for any purpose for which a quorum is not required.

Section 2. Quorum

Except as provided for in these Bylaws, or where the Board authorizes a committee to act, a quorum of the Board is required to make a decision or to deliberate toward a decision on any

matter. Five (5) voting members of the Board shall constitute a quorum for the transaction of business.

Section 3. Regular Meetings

The Board shall have four (4) regular meetings each year, according to a schedule established yearly by resolution of the Board. At such meetings, any business related to the authority of the Board may be discussed and transacted.

Meetings of the Board shall be made available for viewing by the public over the internet by streaming video accessible from the University's web site. Archived videos of the Board meetings shall also be available to the public through the University's web site.

Section 4. Special Meetings

Special meetings may be held at the written request of the Board Chair, the President or any number greater than three (3) voting Board members. The Board Chair or Secretary shall send notice of special meetings to each member of the Board, by regular mail, electronic mail, or other reasonable means, along with a statement of purpose of the meeting. Business transacted at all special meetings shall be confined to the business stated in notice.

Section 5. Notice

- A. Public Notice. Notice to the public of all regular public meetings shall be given in a manner reasonably calculated to give interested persons actual notice of the time and place of the meeting and the principal subjects anticipated to be considered at the meeting. Notice of special meetings of the Board shall be given to the news media and to the general public at least twenty-four (24) hours prior to the hour of the meeting. Notice of emergency meetings of the Board shall be such as is appropriate under the circumstances.
- B. Notice to Board Members. The Secretary shall provide Board members at least five (5) days written notice of a regular meeting of the Board. Notice of special and emergency meetings of the Board must be given to each Board member at least twenty-four (24) hours prior to the hour of the meeting.

Section 6. Remote Participation

The Board may permit any or all members to participate in a meeting by electronic or other means of communication by which all members participating may simultaneously hear each other or otherwise communicate with each other during the meeting. Participation in such a meeting by a Board member constitutes such Board member's presence in person at the meeting. All such meetings must comply with the requirements of the Tennessee Open Meetings Act, T.C.A. § 8-44-101, *et seq.*

Section 7. Manner of Acting

- A. Except as otherwise provided in these Bylaws or by law, a majority of votes of those members present at any meeting at which a quorum is achieved shall constitute an action of the Board. Voting by proxy is not permitted.
- B. All votes of the Board shall be by public vote as defined by T.C.A. § 8-44-104(b), public ballot, or public roll call. No secret votes, secret ballots, or secret roll call are allowed.

Article V. Board Officers

Section 1. Officers of the Board

The officers of the Board are a Chair and a Vice Chair. The Board may establish additional officers of the Board as it deems necessary. All officers of the Board must be voting Board members and serve at the pleasure of the Board. Officers have such powers and duties as set out in these Bylaws, and as may be prescribed by the Board or by law. Officers of the Board are not employees of the University by virtue of these Bylaws and are not, as such, agents of the University or authorized to bind the University.

Section 2. Chair

The Chair shall preside at all Board meetings, have the right to vote on all questions, and otherwise serve as a spokesperson for the Board. The Board chair shall serve as an ex-officio voting member of all standing committees.

Section 3. Vice Chair

In the absence of the Chair, the Vice Chair shall perform the duties of the Chair, including duties that may be assigned by the Board or Chair from time to time.

Section 4. Election and Terms

The Chair and Vice Chair shall be elected by the Board. Each Board officer shall hold office for two (2) years, or until a successor has been duly appointed and qualified or until the officer's death, resignation, or removal. The Chair and Vice Chair may serve a maximum of two full consecutive terms.

Section 5. Resignation of Officers

Any Board officer may resign at any time by submitting written notice to the Board Chair or secretary. Such resignation shall be in effect at the time specified in the notice or within 30 days of the date of its receipt.

Section 6. Removal of Officers

Any Board officer may be removed from office by a two-thirds majority vote of the voting Board members at a meeting of the Board called expressly for that purpose.

Section 7. Vacancies

Board officer vacancies may be filled through a special election at any meeting of the Board.

Article VI. University Officers

Section 1. Officers.

The officers of the University shall be the President and Secretary. The President may appoint such other officers and assistant officers as may be necessary or convenient to conduct its business. The officers shall have such powers and duties as set out in these Bylaws, and as may be prescribed by the Board and/or by law.

Section 2. President of the University.

The President is the chief executive officer of the University and is responsible for the administration and management of the University and its affairs and such other duties as assigned by the Board. The President serves at the direction and pleasure of the Board, which determines the President's compensation and terms of employment, and conducts an annual review of the President's performance. The President shall, from time to time, report to the Board all matters within the President's knowledge affecting the University that should be brought to the attention of the Board. The President may be removed from office only by a two-thirds majority of voting members then in office, provided that notice is sent to all Board members in accordance with Article IV of these Bylaws.

Section 3. Secretary.

The Secretary is appointed by the President. The Secretary serves as a liaison between the Board and the University administration and is responsible for supporting the Board and its committees, including the giving of required notices of meetings of the Board; preparation and distribution of agendas and minutes of meetings of the Board; keeping records of all official Board communication, including but not limited to Board meeting minutes and official and/or legal organizational documents, such as bylaws and resolutions. The Secretary shall perform such other duties as assigned by the Board.

Article IX. Board Committees

Subject to the requirements of applicable law, the Board may appoint such committees as it considers appropriate or necessary from time to time and shall define the duties of such committees, committee quorum requirements, and the reporting requirements of such committees and its members. Any committee of the Board and the members of any such committee serve at the pleasure of the Board.

Article X. Conflicts of Interest

It is unlawful for any Board member to be financially interested in any contract or transaction affecting the interests of the University, or to procure, or be a party in any way to procuring, the appointment of any relative to any position of financial trust or profit connected with the University. A Board member engaging in such conduct shall be subject to removal by the Governor or the Board as provided for in Article III of these Bylaws. Board members must comply with the restrictions contained in state law, these Bylaws, and the Board's Code of Ethics and its Conflict of Interest policy.

Board members shall disclose to the Board any actual, apparent, or possible conflict of interest at the earliest practical time. A Board member who has made such a disclosure shall abstain from voting on such matters. Subject to the Conflict of Interest Policy, the Board member may be invited by the Board to participate in the discussion. The Board meeting minutes shall reflect that a disclosure was made and note the Board member's abstention from voting. A Board member who is recused may be counted for purposes of determining the presence of a quorum at the meeting, but shall not be counted for the purpose of determining the presence of a quorum at the meeting but shall not be counted for purposes of determining the presence of a quorum for the requisite action.

Article XI. Severability

Any determination that any provision of these Bylaws is for any reason inapplicable, invalid, illegal or otherwise ineffective shall not affect or invalidate any other provision of these Bylaws.

- * APSU anticipates the possible addition of a statement concerning the audit process as soon as further direction is received from the Tennessee Comptroller of the Treasury.



Agenda Item: E.

Date: March 30, 2017

Subject: Selection of Student Trustee

Action Recommended: Adoption

Background Information:

Public Chapter 869 (2016), also known as the Focus on College and University Success (FOCUS) Act established that the Trustees select a nonvoting student member to be appointed to serve on the Board for a term of one (1) year.

The invitation to apply for Student Trustee was communicated broadly to students/faculty/staff, encouraging interested students to apply and faculty/staff to personally contact students who they believe would be good applicants. A link to a form on the FOCUS Transition webpage enabled students to complete the application form; attach letter(s) of recommendation, resume, and transcript; and submit the application via email. Students who could not use this technology were encouraged to submit their applications to Student Affairs.

A screening committee was established to accept and review all applications and identify students to be invited to interview with the screening committee. The screening committee consisted of a Student Government Association appointed representative; a Student Organization Council appointed representative; an at-large representative appointed by the Vice President of Student Affairs; the Dean of Students; and the Executive Assistant to the President.

The screening committee interviewed qualified applicants and forwarded three names (with application packet and interview notes identifying strengths and weaknesses of each applicant) to President White for review. The President has reviewed the applicants and is providing each applicant's materials to the Board for its review and selection.

Item Details:

The three students submitted for the Board's consideration include:

1. Dylan Kellogg
2. James Roberts
3. Crystal Wallenius



Agenda Item: F.

Date: March 30, 2017

Subject: Committees of the Austin Peay State University Board of Trustees

Action Recommended: Adoption.

Background Information:

In order to conduct the business of the Board of Trustees in an effective and efficient manner, and in accordance with the bylaws, the Board will establish committees as it considers appropriate or necessary and will define the duties of such committees. In addition, the Audit Committee is a required committee and TCA §4-35-103(c), the Audit Committee Act of 2005, requires audit charters to be approved by the governing board.

Proposed Implementation Date: March 30, 2017

Item Details:

The President is proposing three options for committee structures that the Board can use to guide a discussion on which committees it will establish. The three options include:

1. Traditional Structure
 - Academic Policies and Programs/Student Life
 - Finance and Business Operations
 - External Affairs
 - Personnel & Compensation Committee
 - Audit
2. Minimum required, plus Board priorities
 - Audit
 - Finance

- Academic Policies and Programs/Student Life
3. Strategic Plan, plus required committee
- Enrollment Growth
 - Student Success: Retention, Completion and Workforce Preparedness
 - Sustainability
 - Diversity
 - Communication, Branding and Strategic Planning
 - Audit

The item also includes the charter of the Audit Committee, which was drafted by Blayne Clements, APSU's Director of Internal Audit.

Austin Peay State University

Audit Committee Charter

Purpose and Mission

The Audit Committee, a standing committee of the Austin Peay State University Board of Trustees, provides oversight and accountability on all aspects of university operations. The committee will assist the Board in fulfilling its oversight responsibilities by reporting regularly to the Board about Audit Committee activities and issues that arise with such recommendations as the committee deems appropriate. The Audit Committee will provide for open communications among the Board, university senior management, and the Tennessee Comptroller's Office auditors regarding audit matters.

The Audit Committee will provide oversight in the following areas:

- Audit engagements with the Tennessee Comptroller's Office, including the integrity of financial statements and compliance with legal and regulatory requirements.
- Audit engagements with external auditors.
- Internal Audit administration and activities.
- Management's internal controls and compliance with laws, regulations and other requirements.
- Management's risk and control assessments.
- Fraud, waste and abuse prevention, detection, and reporting.
- Review of the University's Code of Conduct.
- Other areas as directed by the Board.

Authority

The Audit Committee has the authority to conduct or authorize audits or investigations into any matter within its scope of responsibility. The scope of internal auditing extends to all aspects of institutional operations and beyond fiscal boundaries. The committee is authorized to:

- Seek any information it requires from employees or external parties. Employees are directed to cooperate with the committee's requests.
- Have access to all books, records and physical properties of Austin Peay State University.
- Meet with Board and university officials, external and internal auditors, legal counsel, or others as necessary.
- Delegate authority to subcommittees, providing that such decisions by any subcommittee are presented to the full committee at its next scheduled meeting.

Responsibilities

The Board employs a person qualified by training and experience to serve as the Director of Internal Audit, who reports directly to the Audit Committee and the Board of Trustees. The Director of Internal Audit coordinates audit activities with the Tennessee Comptroller of the Treasury and with any other external auditors. The Audit Committee facilitates any audit and investigative matters, including advising auditors and investigators of any information the committee may receive pertinent to these matters.

The Audit Committee will carry out the following duties for the Board and Austin Peay State University and will report to the Board about Audit Committee activities and issues that arise with such recommendations as the committee deems appropriate:

Tennessee Comptroller's Office Audits

- Understand the scope and approach used by the auditors in conducting their examinations.
- Review results of the Comptroller's examinations of financial statements and any other matters related to the conduct of the audits.
- Review with management and legal counsel any legal matters (including pending litigation) that may have a material impact on the financial statements, and any material reports or inquiries from regulatory or governmental agencies.
- Resolve any differences between management and the Comptroller's auditors regarding financial reporting.
- Meet, as needed, with the Comptroller's auditors to discuss any matters that the Audit Committee or auditors deem appropriate.
- Work management and staff, as needed, to ensure implementation of audit recommendations.

External Audits

- Understand the scope and approach used by the external auditors in conducting their examinations.
- Review results of the external auditors' examinations and any other matters related to the conduct of the audits.
- Meet, as needed, with the external auditors to discuss any matters that the Audit Committee or auditors deem appropriate.

Internal Audit Activities

- Ensure that the Director of Internal Audit has direct and unrestricted access to the Chair of the Audit Committee and other committee members.
- Review and approve the charter for the university's Internal Audit function.
- Review and approve the annual audit plans for the university's audit function, including management's request for unplanned audits.
- Receive and review significant results of internal audits performed.
- Review the results of the year's work with the Director of Internal Audit.
- Collaborate with leadership and staff, as needed, to ensure implementation of audit recommendations.

- Ensure the internal audit function maintains a quality assurance and improvement program, including internal procedures and assessments and a periodic external quality assessment of conformance with the Institute of Internal Auditors' *International Standards for the Professional Practice of Internal Auditing*.

Internal Audit Administration

- Annually review the Director of Internal Audit's administrative reporting relationship to the President of Austin Peay State University to assure not only that independence is fostered, but adequate resources in terms of staff and budget are provided to enable the department to effectively perform its responsibilities. The President has administrative authority for approval of the Director of Internal Audit's time, travel and other expenses of the Office of Internal Audit. Additionally, the President may initiate a performance evaluation of the Director of Internal Audit at the request of the Audit Committee or Chair of the committee. This administrative reporting relationship is meant to facilitate administrative activities and does not diminish the Director of Internal Audit's reporting relationship to the Audit Committee and the Board of Trustees.
- Review and approve the appointment, compensation, reassignment, or dismissal of the Director of Internal Audit review and approve the compensation and termination of internal audit staff.

Risk, Internal Control and Compliance

- Consider the effectiveness of management's internal control system and compliance with laws and regulations, including computerized information system controls and security.
- Understand the scope of internal and external auditors' reviews of internal controls over financial reporting.
- Make recommendations to improve management's internal control and compliance systems to ensure the safeguarding of assets and prevention and detection of errors and fraud. The components of the control system are:
 1. Control environment—creating a culture of accountability;
 2. Risk assessment—performing analyses of program operations to determine if risks exist;
 3. Control activities—taking actions to address identified risk areas;
 4. Information and communication—using and sharing relevant, reliable, and timely information; and
 5. Monitoring—tracking improvement initiatives and identifying additional actions needed to further improve program efficiency and effectiveness.
- Review and evaluate risk assessments performed by management of Austin Peay State University.

Fraud

- Ensure that the Board, and the management and staff of the Board and Austin Peay State University take all reasonable steps to prevent, detect, and report fraud, waste and abuse.

- Formally and regularly inform management of its responsibility for preventing, detecting, and reporting fraud, waste and abuse.
- Establish a process for employees, taxpayers and other citizens to confidentially report suspected illegal, improper, wasteful or fraudulent activity.
- Inform the Comptroller of the Treasury of assessments of controls to reduce risks of fraud.
- Promptly report indications of fraud to the Comptroller of the Treasury.

Other

- Review and assess the adequacy of the Audit Committee's charter annually, requesting Board approval for proposed changes.
- Ensure the receipt, retention and resolution of complaints regarding accounting, internal controls or auditing matters.
- Review the university's Code of Conduct policy to ensure it is readily available to all employees, easy to understand and implement, enforced and provide a confidential means of reporting violations. The Code of Conduct should remind management and staff of the need to:
 1. Maintain the highest level of integrity in regards to financial operations.
 2. Avoid preparing or issuing fraudulent or misleading information.
 3. Protect university assets from fraud, waste or abuse.
 4. Comply with all relevant laws, rules, policies and procedures.
 5. Avoid engaging in activities which would otherwise bring dishonor to the University.
- Review the Board's policy regarding conflict of interest to ensure that "conflict of interest" is clearly defined, guidelines are comprehensive, annual signoff is required for those in key positions and procedures are in place to ensure potential conflicts are adequately resolved and documented.

Membership

Tennessee Code Annotated, Section 49-8-201, includes the requirements for the appointment and terms of public members of the Austin Peay State University Board of Trustees. From this membership, the Audit Committee and its chair shall be nominated annually by the Board Chairman and approved by the Board. The Audit Committee shall consist of at least one member, preferably the chair of the committee, who shall have accounting and financial management expertise and other members who are generally knowledgeable in financial, management, and auditing matters. In addition to the Trustees nominated to the committee, the Board may select one or more certified public accountants or other qualified citizens who are not members of the Board to serve on the Audit Committee. The committee shall have at least three members.

Independence

Each member shall be free of any relationship that would give the appearance of a conflict or that would interfere with his or her exercise of independent judgment.

Education

The university senior management and the Internal Audit Office are responsible for providing the committee with educational resources related to accounting principles, internal controls, applicable policies, and other information that may be requested by the committee to maintain appropriate financial and compliance literacy.

Meetings

The Audit Committee shall meet as necessary, but at least annually. Minutes of these meetings should be maintained. The committee may invite management, auditors, or others to attend and provide relevant information. Meeting agendas will be provided to members in advance, along with appropriate briefing materials. Minutes will be prepared. A majority of the members of the committee shall constitute a quorum for the transaction of business. The committee shall also meet at the request of the Comptroller of the Treasury.

The Audit Committee shall follow the public notice requirements of the Board. All meetings of the Committee shall be subject to the open meetings provisions of *Tennessee Code Annotated*, Title 8, Chapter 44, except that, as provided by *Tennessee Code Annotated*, Section 4-35-108(b), the committee may hold confidential, nonpublic executive sessions to discuss:

1. Items deemed not subject to public inspection under *Tennessee Code Annotated*, Sections 10-7-503 and 10-7-504, and all other matters designated as confidential or privileged under this code;
2. Litigation;
3. Audits or investigations;
4. Information protected by federal law, and
5. Matters involving information under *Tennessee Code Annotated*, Section 4-35-107(a), where the informant has requested anonymity.



Agenda Item: G.

Date: March 30, 2017

Subject: Confirmation of the Director of Internal Audit

Action Recommended: Confirmation.

Background Information:

As part of the Higher Education Accountability Act of 2004, TCA § 49-14-102 requires the Tennessee Board of Regents (TBR) to have an Audit Committee that employs a person qualified by training and experience to serve as an internal auditor. This person reports directly to the Audit Committee and is removable only for cause by a majority vote of the Board of Regents.

The TBR has provided centralized, system-wide audit oversight for Austin Peay State University (APSU), including promulgation of policy outlining oversight and endorsement of a Director of Internal Audit at APSU. With the establishment of the Board of Trustees at APSU, TCA § 49-14-102 requirements for employing a qualified person as Director of Internal Audit will apply to the institutional Board of Trustees.

Item Details:

Blayne Clements, a native of Clarksville, graduated from Austin Peay State University's College of Business in May 1997 with a Bachelor of Business Administration degree, with concentrations in Accounting and Finance. In June 1997, the Tennessee Comptroller of the Treasury, Division of State Audit, hired Blayne as a Legislative Auditor, where he performed and supervised financial statement audits of numerous Tennessee Board of Regents institutions and the Tennessee Consolidated Retirement System.

In March 2006, Tennessee Board of Regents (TBR) hired Blayne as the first internal auditor at the TBR office. As the office grew, adding an investigator, IT auditor and other staff, Blayne was promoted to Assistant Director. His duties included supervising

audit staff, overseeing high profile investigations, as well as leading TBR's risk assessment process and coordinating internal audit's periodic and ongoing Quality Assurance Reviews. While at TBR, Blayne obtained several profession certifications: Certified Internal Auditor (CIA), Certified Fraud Examiner (CFE) and Certification in Risk Management Assurance (CRMA).

In April 2016, Blayne joined the APSU community as the Director of Internal Audit.



Agenda Item: H.

Date: March 30, 2017

Subject: Code of Ethics and Conflict of Interest Policies

Action Recommended: Adoption.

Background Information:

Public Chapter 869 (2016), also known as the Focus on College and University Success (FOCUS) Act established that the management and governance of Austin Peay State University be vested in the University's Board of Trustees. The Act requires the Board to adopt a code of ethics that will apply to and govern the conduct of all appointed members of the Board of Trustees. The FOCUS Act additionally outlines the process by which the Board of Trustees may remove any appointed member for a material violation of the code of ethics. This process is also outlined in the Code of Ethics Policy.

The Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) is the regional body for the accreditation of degree-granting higher education institutions in the southern United States. SACSCOC accreditation standards require the Board to adopt a policy which addresses conflicts of interest for its members and procedures whereby members can be dismissed for appropriate reasons by a fair process (SACSCOC standards 3.2.3 and 3.2.5).

The attached policies aim to address those requirements.

Proposed Implementation Date: March 30, 2017

Item Details: See attachment.

**Austin Peay State
University**

Code of Ethics for Members of APSU Board of Trustees

POLICIES

Issued: February 2, 2017

Responsible Official: General Counsel

Responsible Office: Office of Legal Affairs

Policy Statement

It is the policy of Austin Peay State University that the Board of Trustees and employees undertake their responsibilities on the University's behalf with diligence and professionalism and to comply with the highest standards of honesty, integrity, and fairness. This includes, but is not limited to, being respectful of the rights of others and forthright in all dealings with members of the University community as well as third parties; protecting the privacy of confidential information; and compliance with all applicable laws, rules, and regulations. University representatives should not place their personal interests above the best interests of the University; even the appearance of impropriety must be avoided.

Purpose

The purpose of this policy is to establish ethical standards for members of the APSU Board of Trustees.

Contents

Procedures

- Preamble
- Code of Ethics Policy
- Compliance

Links

- APSU Policy 1:002

Procedures

Preamble

A. Public Trust

1. The APSU Board of Trustees is charged by statute with governance of the University. (T.C.A. § 49-8-203)
2. To ensure effectiveness, the Trustees must adhere to the strictest of ethical standards.

B. Time Commitment

1. In undertaking the duties of the office, a Trustee shall make the necessary commitment of time and diligence to carry out the Trustee's public governance responsibilities.
2. A Trustee must regularly attend and actively participate in board and committee meetings and special assignments.

C. Trustee Authority

1. Individual members of the Board enjoy equal rights with all other members:
 - a. The right to vote,
 - b. The right to participate fully in all considerations before the Board,
 - c. The right to enter motions and to submit recommendations, and
 - d. All rights and privileges afforded the Board by law and regulation when sitting in deliberative session.
2. As individuals, when not participating in meetings of the Board or any of its duly constituted committees, members enjoy the same rights and privileges of any citizen of the State of Tennessee as pertains to the governance, control, and management of institutions under the Board.
3. As individuals, members shall not speak for the Board unless so specifically authorized by the Board.

Code of Ethics Policy

A. Conflict of Interest

1. A conflict of interest occurs when the personal interests, financial or otherwise, of a Trustee actually or potentially diverge from the Trustee's obligations as a Board member.
 - a. It is a conflict of interest for any person or any company with whom such person is an officer, a director, or an equity owner of greater than 1% interest to bid on any contract for products or services for a governmental entity if such person or a relative (spouse, parent, sibling, child) is a member of the board having responsibility for letting or approving such contract. (T.C.A. § 12-4-106(b))

- b. Each Trustee will abide by APSU Conflicts of Interest Policy 1:002 as amended from time to time.
- c. A Trustee shall not use the authority, title, or prestige of the office to solicit or otherwise obtain a private financial, social, or political benefit for the Trustee or any other person which would be inconsistent with the public interest.
- d. A Trustee shall abstain from any deliberations or vote on a matter which the Trustee identifies as a conflict of interest.

B. Gifts and Expenses

- 1. No Trustee shall accept or receive, directly or indirectly, from any person, firm, or corporation to whom any contract for the purchase of materials, goods, supplies, equipment or services for the Board or the University may be awarded any money or anything of value or any promise, obligation, or contract for future awards or employment. (T.C.A. § 12-4-106(a))
- 2. Trustees serve without compensation. However, they are entitled to receive reimbursement for expenses incurred while representing the Board in their official capacity.

C. Financial Disclosure

- 1. Each Trustee shall, upon appointment to office and annually each January thereafter, file the financial interest disclosure form in Policy 1:002 with the Secretary of the Board.

Compliance

A. Disclosure Requirements

- 1. Persons who believe that a conflict of interest may exist either personally or with respect to another person covered by the ethics policy shall make a written disclosure of the facts and circumstances surrounding the situation.
- 2. For members of the Board, disclosure should be made to the Secretary of the Board (APSU Policy 1:002, Section VII)

B. Review of Disclosures

- 1. Disclosures made under Section II by or about a member of the Board of Trustees shall be evaluated by the Board or a duly appointed committee thereof. A member of the Board making a self-disclosure shall not be entitled to vote regarding the disposition of the disclosure. (APSU Policy 1:002, Section X)

C. Hearing

1. An appointed Board member accused of a material violation of this Code of Ethics is entitled to a due process contested case hearing in accordance with the Uniform Administrative Procedures Act, T.C.A. § 4-5-101, *et seq.* (T.C.A. § 49-8-204(c)).

D. Removal

1. Upon a finding in a contested case hearing that an appointed Board member materially violated the Code of Ethics, the appointed Board member may be removed from the Board by a two-thirds (2/3) vote of the Board membership. (T.C.A. § 49-8-204 (b))

Links

APSU Policy 1:002

<https://www.apsu.edu/policy/conflict-interest-1002>

Revision Dates

APSU 1:003 – Issued: February 2, 2017

Subject Areas:

Academic	Finance	General	Human Resources	Information Technology	Student Affairs
		<input checked="" type="checkbox"/>			

Approved

President: signature on file

**Austin Peay State
University**

Conflict of Interest

POLICIES

Issued: February 2, 2017

Responsible Official: General Counsel

Responsible Office: Office of Legal Affairs

Policy Statement

It is the policy of Austin Peay State University that employees should avoid external commitments which significantly interfere with the employee's duties to the Board of Trustees and the University. Employees should avoid situations where the self-interests of the Trustees or employee diverge from the best interests of the Board and the University. Board members should avoid external commitments that interfere with their fiduciary obligations to Austin Peay.

Purpose

The purpose of this policy is to define the general principles which should guide the actions of members of the Board and of employees; offer illustrations of activities which potentially constitute a conflict of interest; make Board members and employees aware of disclosure requirements related to conflicts of interest; describe the process by which those disclosures shall be evaluated and decisions rendered; and describe the appeals process regarding such decisions.

Contents

Definitions

- Conflict of interest
- Conflict of commitment
- Family member
- Immediate family

Procedures

- I. Objectives of the Conflicts of Interest Policy
- II. Pertinent Federal Regulations, State Laws, and APSU Policies
- III. Applicability

- IV. General Principles
- V. Situations and Activities Creating a Conflict of Interest
- VI. General Disclosure Requirements
- VII. Special Disclosure Requirements for Researchers Applying For or Receiving NSF or PHS Funding
- VIII. Special Disclosure Requirements for Trustees and Certain APSU Employees
- IX. Review of Disclosures
- X. Sanctions
- XI. Appeals

Related Forms

-Financial Interests Disclosure Form

Links

-APSU Conflict of Interest Committee

Definitions

Conflict of interest	Occurs when the personal interests, financial or otherwise, of a person who owes a duty to the Austin Peay State University Board of Trustees and its constituent University (Trustees and all employees) actually or potentially diverge with the person's professional obligations to and the best interests of the Board and the University.
Conflict of commitment	Occurs when the personal or other non-work related activities of an employee of the Board of Trustee and its constituent University impair the ability of that employee to meet his or her commitments of time and energy to the Board of Trustee and the University.
Family member	Includes the spouse and children (both dependent and non-dependent) of a person covered by this policy.
Immediate family	For purposes of Section VI.A.1.b.(2)(c), means spouse, dependent children or stepchildren, or relatives related by blood or marriage.

Procedures

I. Objectives of the Conflicts of Interest Policy

A. Members of the APSU Board of Trustees and all employees of APSU serve the interests of the State of Tennessee and its citizens, and have a duty to avoid activities and situations which, either actually or potentially, put personal interests before the professional obligations which they owe to the State and its citizens.

II. Pertinent Federal Regulations, State Laws, and APSU Policies

A. The following lists are intended to indicate sources of information which may provide additional guidance regarding conflict of interest situations.

B. This policy is intended to be consistent with all pertinent Federal and State laws, regulations, and policies, as well as with other APSU policies.

C. To the extent that conflicts arise, Federal and State laws, regulations, and policies shall take precedence.

D. The lists are not intended to be exhaustive and additional laws, regulations, and policies may be implicated in a given conflict of interest situation.

1. Federal Regulations

a. The National Science Foundation (NSF) and the Department of Health and Human Services (HHS), acting through the Public Health Service (PHS) (which includes the National Institutes of Health (NIH)), have promulgated policies and regulations regarding conflicts of interest and disclosure of financial interests by investigators who receive funding from these Federal agencies.

b. The NSF policy regarding researcher conflicts of interest is contained in Section 510 of NSF Publication 95-26, the Grant Policy Manual. The PHS regulations, upon which the NSF policy is modeled, are contained in the Code of Federal Regulations at 42 CFR 50.601 et seq. and 45 CFR 94.1 et seq.

c. Other Federal agencies (e.g., the Veterans' Administration or the Food and Drug Administration) may require as a condition to a contract, disclosure and management of conflicts of interest (see, for example, Veterans' Administration Acquisition Regulation 852.209-70).

2. Tennessee State Law

a. Various statutes contained in the Tennessee Code Annotated (T.C.A.) are pertinent to the issue of

conflicts of interest within the Board of Trustees and the University, including:

1. T.C.A. § 8-50-501, Disclosure statements of conflict of interests by certain public officials
2. T.C.A. § 12-2-208, Purchase by officer unlawful – penalty for violation
3. T.C.A. § 12-2-415, State surplus property disposition regulation
4. T.C.A. § 12-2-416, Violation of § 12-2-415
5. T.C.A. § 12-2-417, State employee violation – punishment
6. T.C.A. § 12-4-106, Prohibition against receiving rebates, gifts, money or anything of value -- Conflict of interest
7. T.C.A. § 12-4-101, Personal interest of officers prohibited
8. T.C.A. § 12-4-102, Penalty for unlawful interest
9. T.C.A. § 12-4-103, Bidding by state employees prohibited
10. T.C.A. § 12-4-104, Penalty for unlawful transactions
11. T.C.A. § 49-8-203(d), Powers and duties (of the Board of Trustees)

- b. It is significant to note that violation of some of these statutes may lead to criminal penalties (e.g., violation of T.C.A. § 12-4-103 is a Class E felony).

3. APSU Policies

- a. The following APSU policies deal with issues which implicate conflict of interest situations:
 1. APSU Policy 4:015, Purchasing Policy
 2. APSU Policy 4:020, Disposal of Surplus Personal Property
 3. APSU Policy 5:026, Outside Employment
 4. APSU Policy 5:019, Intellectual Property, Patents, and Copyrights
 5. APSU Policy 5:065, Nepotism

III. Applicability

- A. This policy shall apply to all persons serving as members of the Board of Trustees and to all persons employed (either as full-time, part-time or temporary employees) by the University.

IV. General Principles

- A. It is the policy of Austin Peay State University that employees should avoid external commitments which significantly interfere with the employee's duties to the Board of Trustees and the University (conflicts of

commitment). See also APSU Policy 5:026, Outside Employment. Disclosures of conflicts of commitment shall be made as required under Policy 5:026 and evaluated as indicated in that policy.

- B. It is the further policy of Austin Peay State University that both the Trustees and employees should avoid situations where the self-interests of the Trustees or employees diverge from the best interests of the University (conflict of interest).
- C. The mere existence of either a potential or actual conflict of interest does not mean that such conflict must necessarily be eliminated.
 - 1. Where the potential detriment to the Board and the University is at most minor and inconsequential, and the conflict does not indicate violation of Federal or State law, regulation, or policy, those persons charged with evaluating disclosures should allow the activity to proceed without interference.
 - 2. For those situations which do not implicate Federal or State law, regulation or policy, the standard by which it should be determined whether a conflict of interest should be managed, reduced, or eliminated is whether that conflict would appear to a reasonable person to call into question the integrity or judgment of the affected Trustee or employee.

V. Situations and Activities Creating a Conflict of Interest

- A. In the following situations and activities, there is at least the appearance, and possibly the actuality, of an employee/Trustee allowing his or her personal interests, and not the best interests of the Board of Trustees and its constituent University, to affect that employee's judgments. This list is illustrative, and not exhaustive.
 - 1. Self-dealing
 - a. Situations in which a Trustee or employee can appear to influence or actually influence a University-related decision from which that person or a member of that person's family stands to realize a personal financial benefit is self-dealing, and a conflict of interest.
 - b. Examples of self-dealing activities are numerous, and include those listed below.
 - 1. Purchase of State-owned property by an employee absent fair and open bidding.
 - 1. It is unlawful for any state employee to purchase surplus state-owned property absent

- a fair and open bidding process (see T.C.A. § 12-2-208 and T.C.A. § 12-2-417).
2. Such purchases are also prohibited under APSU Policy 4:020.
 2. Institutional purchases from businesses in which an employee or family member has a financial interest.
 1. T.C.A. § 12-4-103 declares that it is unlawful for any state official or employee to “bid on, sell, or offer for sale, any merchandise, equipment or material, or similar commodity, to the state of Tennessee” or “to have any interest in the selling of the same to the state” during that person’s term of employment and for six months thereafter.
 2. Disclosure of any such transaction by an employee or member of the employee’s family or by a business in which an employee or member of the employee’s family has any significant (more than 4%) ownership interest or for which an employee or employee family member serves as an officer is required by this policy.
 3. T.C.A. § 12-4-106(b) declares that it is a conflict of interest for any person or any company with whom such person is an officer, a director, or an equity owner of greater than 1% interest to bid on any public contract for products or services for a governmental entity if such person or “immediate family” of such person is a member of a board or commission having responsibility for letting or approving such contract.
 4. For purposes of this section only, “immediate family” means spouse, dependent children or stepchildren, or relatives related by blood or marriage.
 3. Use of Educational Materials from Which a Faculty Member Derives Financial Benefit in That faculty Member’s Teaching Activities.
 1. Any faculty member who wishes to use in his or her teaching activities educational materials (e.g. a textbook) which he or she has authored, or in which he or she otherwise stands to benefit financially from such use, a

conflict of interest disclosure shall be made per Section VII of this policy.

2. Whether the use of such materials shall be permitted shall be evaluated either under the terms of Institutional policy, or in the absence of such policy, by the Review Committee established under Section X of this policy.
3. Such evaluation shall include consideration of suitable substitute materials and ensure that the needs of students are best served by use of the materials in which the faculty member has an interest.
4. Acceptance of Gifts, Gratuities, or Favors
 1. Gifts. No employee shall knowingly solicit or accept, directly, or indirectly, on behalf of himself or herself or any member of the employee's household, for personal use or consumption any gift, including but not limited to any gratuity, service, favor, food, entertainment, lodging, transportation, loan, loan guarantee or any other thing of monetary value, from any person or entity that:
 1. Has, or is seeking to obtain, contractual or other business or financial relations with the institution in which the individual is employed; or
 2. Has interests that may be substantially affected by the performance or nonperformance of the employee.
5. Exceptions
 1. The prohibition on accepting gifts in Section (4)(a) above, does not apply to:
 1. A gift given by a member of the employee's immediate family, or by an individual, if the gift is given for a non-business purpose and is motivated by a close personal friendship and not by the position of the employee;
 2. Informational materials in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.
 3. Sample merchandise, promotional items, and appreciation tokens, if they are routinely given to customers, suppliers or potential customers or suppliers in the

ordinary course of business, including items distributed at tradeshow and professional meetings where vendors display and promote their services and products;

4. Food, refreshments, foodstuffs, entertainment, or beverages provided as part of a meal or other event, including tradeshow and professional meetings, if the value of such items does not exceed fifty dollars (\$50.00) per occasion; provided further, that the value of a gift made pursuant to this subsection may not be reduced below the monetary limit by dividing the cost of the gift among two or more persons or entities identified in Section VI.A.1.b.(4).
5. There may be circumstances where refusal or reimbursement of a gift (such as a lunch or dinner) may be awkward and contrary to the larger interests of the institution. In such circumstances, the employee is to use his or her best judgment, and disclose the gift including a description, estimated value, the person or entity providing the gift, and any explanation necessary within fourteen (14) days to their immediate supervisor;
6. Food, refreshments, meals, foodstuffs, entertainment, beverages or intrastate travel expenses that are provided in connection with an event where the employee is a speaker or part of a panel discussion at a scheduled meeting of an established or recognized membership organization which has regular meetings;
7. Participation in institution or foundation fundraising and public relations activities, i.e. golf tournaments and banquets, where persons or entities identified in Section VI.A.1.b.(4) provide sponsorships; and
8. Loans from established financial institutions made in the ordinary course of business on usual and customary terms, so long as there are no guarantees or

collateral provided by any person
described in Section VI.A.1.b.(4)

2. Inappropriate use of students or support staff
 - a. Employees shall ensure that the activities of students or support staff are not exploited for the benefit of any external activity of the faculty member.
 - b. Prior to assigning any such non-Institutionally related task (which is more than incidental or de minimus in nature) to a student or member of the support staff, an employee shall disclose such proposed activities and obtain approval.
3. Inappropriate use of State owned resources
 - a. Employees may not make significant use of State owned facilities, equipment, materials or other resources, not otherwise available to the public, in the course of activities which are not related to the Institution and which are intended for personal benefit, without prior disclosure and approval.
4. Failure to disclose intellectual property
 - a. APSU Policy 5:019 governs the rights and responsibilities which persons affiliated with the Board of Trustees and the University have regarding intellectual property developed during the term of their affiliation with the University.
 - b. Among the responsibilities enumerated in the policy is that of disclosure of inventions and those copyrightable works which may be reasonably expected to have commercial value which they have jointly or solely developed with the Board of Trustees and the University.

VI. General Disclosure Requirements

- A. Persons to whom this policy applies who believe that a conflict of interest may exist either personally or with respect to another person covered by this policy shall make a written disclosure of the facts and circumstances surrounding the situation.
- B. No particular format is required, but the disclosure should adequately describe the pertinent facts and circumstances.
- C. For members of the Board, disclosure shall be made to the Secretary of the Board.
- D. A University employee who self-discloses a potential conflict of interest or a written report of a potential conflict of interest

is presented to the Conflict of Interest Committee.

- E. Disclosures made by a President shall be submitted to the Director of Internal Audit.

VII. Special Disclosure Requirements for Researchers Applying For or Receiving NSF or PHS Funding

- A. Under the policies and regulations indicated under Section 2.1 herein, investigators seeking funding from either the National Science Foundation or the Public Health Service are required to disclose to the investigator's employer all significant financial interests of the investigator;
1. That would reasonably appear to be affected by the research or educational activities funded or proposed for funding by the NSF or PHS; or
 2. In entities whose financial interests would reasonably appear to be affected by such activities.
 - a. Such disclosures must be submitted prior to the time the proposal is submitted to the Federal agency.
 - b. Further, such disclosures must be updated during the period of the award; either annually or as new reportable financial interests arise.
 - c. The University is responsible for eliminating or managing such conflicts prior to receipt of the award.
 - d. To facilitate such disclosures, the accompanying disclosure form is available.
 3. The University is responsible for determining if a grant, services, or other contract with Federal agencies other than the Public Health Service or the National Science Foundation requires disclosure and / or management of conflicts of interest, and for ensuring that any such requirements are met.
 4. Disclosure of financial interests made pursuant to this Section VIII notwithstanding, such disclosure does not eliminate the responsibility for making disclosures under Section VII, when specific conflict of interest situations arise.

VIII. Special Disclosure Requirements for Trustees and Certain APSU Employees

- A. Members of the Board of Trustees, the President, coaches, assistant coaches and employees of athletic departments who are exempt from the provisions of the Fair Labor Standards Act are required to file a financial disclosure form within one month of their initial appointment and annually thereafter in January.
- B. Disclosure of financial interests made pursuant to this Section IX notwithstanding, such disclosure does not

eliminate the responsibility for making disclosures under Section VII, when specific conflict of interest situations arise.

1. Members of the Board of Trustees shall make their disclosure using a form as indicated and submitted to the Secretary of the Board.
2. The President is required by Tenn. Code Ann. § 8-50-501(a)(15) to file an online Statement of Disclosure of Interests Form with the Tennessee Ethics Commission at <https://apps.tn.gov/conflict/>, Form ss-8005 (State Officials). For the Presidents this Statement of Disclosure will meet the requirements of this Policy.
3. Coaches, assistant coaches, exempt employees of the athletic department and other University personnel required to complete a disclosure form shall also use the Tennessee Ethics Commission Form ss-8005, Statement of Disclosure of Interest Form and accompanying instructions. The form shall be submitted to the Human Resource Office or other person designated by the President.

- IX. Review of Disclosures**
- A. Disclosures made under Section VII of this policy by a member of the Board of Trustee. A member of the Board making a disclosure shall not be entitled to vote regarding disposition of the disclosure.
- B. A University employee who self-discloses a potential conflict of interest or a written report of a potential conflict of interest is presented to the Conflict of Interest Committee.
1. The Chair of the Conflict of Interest report submits the disclosure report to the Conflict of Interest Committee.
 2. The Conflict of Interest Committee reviews details of possible Conflict of Interest.
 3. The Conflict of Interest Committee evaluates the proposed Conflict of Interest and seeks legal input from the APSU Office of Legal Affairs when indicated in reviewing of the report.
 4. The Conflict of Interest Committee renders a decision regarding the issue around the disclosure, determining if there is a conflict of interest and how it should be managed (restrictions to be placed on the individual to manage the conflict or that the person must eliminate the conflict).
 5. The Conflict of Interest Committee notifies in writing the person of the outcome, and employee is given an opportunity to appear before the committee.

6. The disclosures and Committee decisions are forwarded to the President.

X. Sanctions

- A. Failure to observe restrictions imposed as a result of review of a conflict of interest disclosure or a knowing failure to disclose a conflict of interest may result in disciplinary proceedings under University policy. A Board member who knowingly fails to disclose a conflict of interest shall be subject to removal.

XI. Appeals

- A. Decisions made by the Board of Trustees may not be appealed.
- B. Decisions made by the University Review Committee may be appealed to the President. Decisions of the President shall be final and binding.

Related Forms

**Financial Interests
Disclosure Form**

http://www.apsu.edu/files/human-resources/conflict_interest.pdf

Links

**APSU Conflict of Interest
Committee**

<https://www.apsu.edu/governance/committees/proprights>

Revision Dates

APSU 1:002 (previously 5:056) – February 2, 2017
APSU 5:056 – Rev.: April 11, 2012
APSU 5:056 – Rev.: September 2, 2008
APSU 5:056 – Rev.: January 13, 2003
APSU 5:056 – Issued: February 10, 1999

Subject Areas:

Academic	Finance	General	Human Resources	Information Technology	Student Affairs
		<input checked="" type="checkbox"/>			

Approved

President: signature on file



Agenda Item: I.

Date: March 30, 2017

Subject: Policies of Austin Peay State University

Action Recommended: Approval

Background Information:

Public Chapter 869 (2016), also known as the Focus on College and University Success (FOCUS) Act established that the management and governance of Austin Peay State University be vested in the University's Board of Trustees. The Board is empowered to set policy for the University and entrusts responsibility for the execution of Board policy to the President. The authority, purpose, duties, and responsibilities of the Board and Trustees are delineated in TCA § 49-8-101. The distinctions between the duties of the Board and the responsibilities of the administration and faculty are clearly delineated in the enabling legislation.

A Transition Task Force of administrators, staff, and faculty members was assembled by the President to oversee the process of transition from the TBR to an institutional board. As outlined in the statute, Austin Peay State University remains under all TBR policies and guidelines until rescinded or revised by the Board of Trustees.

Select policies have been drafted to address the expectations outlined in the FOCUS Act and to provide for efficient functioning of the University as the new Board of Trustees is seated. Except as otherwise stated in the Board's Bylaws, the Board has elected to retain ultimate authority to approve policies in the areas of Policy Administration and Governance and Organization and to delegate approval authority to the President for policies in all other areas.

Proposed Implementation Date: March 30, 2017

Item Details:

The Board will approve the following policies in the areas of Governance and Operations:

- 0:001 Policy Administration
- 1:003 Duties of the President
- 1:004 Selection and Retention of the President
- 1:005 Bylaws of the Board
- 1:006 Diversity
- 1:007 Uniform Procedures for cases Subject to the Uniform Administrative Procedures Act
- 1:008 Litigation Hold Notice
- 1:009 Policy Regarding Legislative Proposals
- 1:010 Appeals and Appearances Before the Board
- 1:011 Student and Faculty Participation in Development of Campus Policies and Programs
- 1:012 Charges for Producing Copies of Public Records
- 1:013 Student Code of Conduct
- 1:014 Classifying Students In-State & Out-of-State for Purposes of Paying Fees & Tuition & for Admissions Purposes
- 1:017 Grievance and Complaint Procedures for Employees
- 1:018 Board Professional Development Policy
- 1:019 Policy on Access to and Use of Campus Property and Facilities
- 1:020 Confidentiality of Student Records
- 1:021 Fees, Charges, Refunds, and Fee Adjustments
- 1:022 Budget Principles and Control
- 1:023 Compensation
- 1:024 Delegation of Authority for Board of Trustees

**Austin Peay State
University**

Policy Administration

POLICIES

Issued:

Responsible Official: Vice President for Finance and Administration

Responsible Office: Vice President for Finance and Administration

Policy Statement

The Board of Trustees has ultimate authority to approve policies in the areas of Governance and Organization. The Board of Trustees delegates approval authority to the President for policies in all other areas. Each responsible official has the responsibility for ensuring that the policies for his/her responsible office(s) are current and accurate. All policies must be in accordance with the laws of the State of Tennessee. The Vice President for Finance and Administration will present policies for approval to the University Policy Committee and maintain the official copy of each approved policy. Committee approval shall be indicated by a simple majority vote.

Contents

Definitions

- Responsible Official

Procedures

- Review of Policies
- Standard Format
- Publication
- Exceptions

Links

- APSU Policies and Procedures
- Procedures for New, Revised, or Rescinded Policies

Definitions

Responsible Official

The responsible officials for APSU are the Provost, Vice Presidents, and Direct Reports to the President.

Procedures

Review of Policies

It is the responsibility of the responsible official to make certain that the proposed new policy or changes in existing policies are in compliance with existing APSU policies and any applicable statutes and regulations. All proposals for new policies or changes to existing policies should be submitted by the initiating authority to the Finance and Administration Office for first reading to be completed by the University Policy Committee.

The draft of the proposed new policy or changes to existing policy will then be provided to the Provost, Vice Presidents, and Direct Reports to the President who may share the draft with other appropriate faculty and staff for review and comments.

After the second reading has been approved by the University Policy Committee, a hardcopy final version of the policy will be sent to the President for approval and signature. For policies in the area of Governance and Organization, once approved by the President, the policy will be sent to the Board of Trustees to review and approve. Once the policy is approved by the Board, the policy will be posted on the University policy webpage. For all other policies, once approved by the President, the policy will be posted on the University policy webpage.

Standard Format

In order to provide for the standardization and clarity of policies, all drafts submitted for inclusion should conform to the following criteria:

- A. Numbering System: Policies will be identified by a multi-digit number. The first digit will designate the section in which the policy lies. These designations are as follows:
 - 0:xxx Policy Instructions
 - 1:xxx Governance, Organization, and General
 - 2:xxx Academics
 - 3:xxx Students
 - 4:xxx Business and Finance
 - 5:xxx Personnel
 - 6:xxx Sexual Discrimination/Harassment/Misconduct
 - 7:xxx Advancement and Communications
 - 8:xxx Athletics

Publication

Upon signature of the President and approval of the Board of Trustees, a notice will be provided to the campus community, the

policy will be posted to the University policy webpage and an electronic copy will be sent to the Library for the University Policy Binder.

Exceptions

Exceptions to this process may be made at the direction and discretion of the President.

Links

APSU Policies and Procedures

<https://www.apsu.edu/policy>

Procedures for New, Revised, or Rescinded Policies

<https://www.apsu.edu/policy/procedures-new-revised-rescinded-policies>

Revision Dates

APSU Policy 0:001– Rev.:

APSU Policy 0:001– Rev.: February 2, 2017

APSU Policy 0:001– Issued: October 28, 2015

Subject Areas:

Academic	Finance	General	Human Resources	Information Technology	Student Affairs
		<input checked="" type="checkbox"/>			

Approved

President: signature on file

**Austin Peay State
University**

Duties of the President

POLICIES

Issued:

Responsible Official: General Counsel

Responsible Office: Office of Legal Affairs

Policy Statement

The President of Austin Peay State University is the Chief Executive Officer of the University and is subject to control of the Board of Trustees, and manages, directs and is responsible for the conduct of all the affairs of the University.

Purpose

The purpose of this policy is to set out the duties of the University President.

Procedures

President

- A. The president shall be the executive head of the University and of all its departments, and shall exercise such supervision and direction as will promote the efficient operation of the University.
- B. He or she shall be responsible to the Board of Trustees for the operation and management of the University and for the execution of all directives of the Board.
- C. The president shall have direct access to the Board by submitting reports to the Board at its regular meetings and shall meet with the Board on such occasions.
- D. He or she shall be the official medium of communication between the faculty and the Board, and between the Faculty Senate, Staff Senate and the Student Government Association, or any such body, either of the faculty, staff, or of the students.

- E. The president shall recommend annually to the Board of Trustees the creation or continuance of positions of faculty and other employees of the University.
- F. He or she shall have the authority to recommend or make appointments of personnel and, within budgetary limitations, to fix their salaries, and to recommend or approve promotions, transfers, leaves of absence, and removal of personnel, pursuant to the requirements of policies and procedures established by the Board, and subject to such prior approval or confirmation of the Board.
- G. The president shall make an annual report to the Board of the work and condition of the University under his or her control.

Revision Dates

APSU Policy 1:003 – Issued:

Subject Areas:

Academic	Finance	General	Human Resources	Information Technology	Student Affairs
		<input checked="" type="checkbox"/>			

Approved

President: signature on file

**Austin Peay State
University**

Selection and Retention of the President

POLICIES

Issued:

Responsible Official: General Counsel

Responsible Office: Office of Legal Affairs

Policy Statement

It is the policy of Austin Peay State University that the Board of Trustees is responsible for selection and employment of the chief executive officer of the University.

Purpose

The purpose of the policy is to recruit and retain the most qualified university administrator as president of the University under the jurisdiction of the Board.

Procedures

Selection of the President

- A. The Board shall establish qualification criteria for the selection of the President upon the vacancy or notice of vacancy of the office. The criteria may be based upon the Board's appraisal of the unique characteristics and complexity of the president's responsibility at the University.
- B. The Board shall establish a selection process for the presidency based upon the Board's appraisal of the most appropriate method to be used for the selection of the President at the University.
- C. The Board has the authority to appoint an interim president in cases of illness, death, untimely resignation, etc., of incumbents.
- D. It is the policy of the Board of Trustees to conduct background investigations on all candidates recommended for interview for the position of president. The investigations are conducted based on guidelines developed by the University.

Appointment and Retention of the President

- A. A president serves at the pleasure of the Board. However, the Board anticipates upon appointment that a president will serve the University for a number of years.
- B. An annual salary agreement shall be issued by the Board at the beginning of each fiscal year.
- C. A president may resign at any time upon written notification to the Board.
- D. A president may be terminated at any time by the Board.
- E. In the event of termination of a president, up to three months' severance compensation may be authorized by the Board.

Evaluation of the President

- A. The president shall be evaluated based upon an evaluation process developed and conducted by the Board.
- B. Generally, the evaluation shall be conducted annually and as a minimum shall consider:
 - 1. The president's accomplishment of annual objectives at the University.
 - 2. The demonstrated ability of the president to serve as the leader of a campus community, including such factors as the ability to organize, to make decisions, to motivate others, to communicate, to maintain strong external relationships, and to develop other leaders.
 - 3. The commitment of the president to the University and the implementation of the University's policies.
- C. The evaluations should be utilized to improve the administration of a president, to determine compensation adjustment, and to determine future employment status.

Revision Dates

APSU Policy 1:004 – Issued:

Subject Areas:

Academic	Finance	General	Human Resources	Information Technology	Student Affairs
		<input checked="" type="checkbox"/>			

Approved

President: signature on file

**Austin Peay State
University**

Bylaws of the Board

POLICIES

Issued:

Responsible Official: General Counsel

Responsible Office: Office of Legal Affairs

Policy Statement

It is the policy of Austin Peay State University to allow for the amendment, repeal, additions, and recording of APSU Board of Trustees Bylaws.

Purpose

The purpose of this policy is to establish procedures for the amendment, repeal, additions, and recording of APSU Board of Trustees Bylaws.

Procedures

Bylaws

- A. The Bylaws of the Board of Trustees may be amended or repealed at any regular meeting by an affirmative vote of not less than five members of the Board, provided however, that any proposed change in Bylaws shall be submitted to the Secretary in writing at any regular meeting or special meeting and shall be voted on at the next regular meeting of the Board.
- B. Amendments or additions to the Bylaws shall be presented in such form as suitable for direct incorporation into the Bylaws.
- C. Any Bylaw may be suspended at any regular or special meeting for that meeting only by the unanimous consent of all present.
- D. The Secretary shall maintain a Bylaws book in which shall be recorded all Bylaws and any changes, additions, or deletions thereto.

Revision Dates

APSU Policy 1:005 – Issued:

Subject Areas:

Academic	Finance	General	Human Resources	Information Technology	Student Affairs
		<input checked="" type="checkbox"/>			

Approved

President: signature on file

**Austin Peay State
University**

Diversity

POLICIES

Issued:

Responsible Official: President

Responsible Office: Office of the President

Policy Statement

It is the policy of Austin Peay State University to model and promote diversity and inclusion at all levels and in all sectors of the University. By modeling and promoting diversity and inclusion, Austin Peay State University will foster environments of equity and inclusive excellence.

Purpose

The purpose of this policy is to define and promote diversity throughout the University.

Contents

Procedures

- Introduction
- Administrative Responsibility

Links

- APSU Diversity Committee
 - APSU Chief Diversity Officer
-

Procedures

Introduction

- A. Diversity can be broadly defined as differences. When applied within the context of education and the educational community, diversity represents the inclusion and support of groups of people with a variety of human characteristics that go beyond the legally protected classes of race, sex, age, religion, national origin, disability status, veteran status – to include, but not be limited to, other categories such as socio-economic status, sexual orientation, first generation college status, urban or rural upbringing – and other personal

characteristics that shape an individual's identity and life experience in a substantive way.

Administrative Responsibility

A. Duties of the President

1. The President shall be responsible for the development and implementation of the diversity program on each campus.
2. In carrying out this responsibility, the President shall comply with the following:
 - a. Provide positive and assertive leadership in the development and implementation of the campus diversity plan and ensure that appropriate attention is devoted to the plan and initiatives in staff and faculty meetings.
 - b. Ensure that campus diversity plans are reviewed annually and progress towards meeting the goals and objectives is assessed.
 - c. Appoint a campus committee with broad campus representation.
3. The charge of the committee should include, but not be limited to:
 - a. Gathering and reporting data.
 - b. Recommending diversity related initiatives.
 - c. Reviewing and assessing progress of diversity initiatives

Links

APSU Diversity Committee <http://www.apsu.edu/diversity>

APSU Chief Diversity Officer <http://www.apsu.edu/chief-diversity-officer>

Revision Dates

APSU Policy 1:006 (previously 5:064) – Rev.:
APSU Policy 1:006 – Rev.: August 12, 2015
APSU Policy 1:006 – Issued: December 8, 2009

Subject Areas:

Academic	Finance	General	Human Resources	Information Technology	Student Affairs
		<input checked="" type="checkbox"/>			

Approved

President: signature on file

**Austin Peay State
University**

**Uniform Procedures for Cases Subject to the Uniform
Administrative Procedures Act**

POLICIES

Issued:

Responsible Official: General Counsel

Responsible Office: Office of Legal Affairs

Policy Statement

It is the policy of Austin Peay State University to provide a basis for uniform procedures for hearing cases that are subject to T.C.A. 4-5-101 et seq.

Purpose

The purpose of this policy is provide a basis for uniform procedures to be used by Austin Peay State University for hearing cases which may be subject to T.C.A. 4-5-101 et seq.

Contents

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-Person

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-Authority of the President
-Hearing Directors
-Selection of a Hearing Officer or Hearing Committee
-Preliminary Conferences
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-Notice of Hearing and Response
-Time for Hearings
-Pre-Hearing Conference
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-Evidence
-Pleadings, Briefs, Motions Service
-Default
-Intervention
-Disqualification and Substitution Hearing Officers and Committee Members
-Separation of Functions

- Ex parte Communications
- Representation at the Hearing
- Conduct of the Hearing
- Order
- Review of Order
- Stay
- Effectiveness of New Order
- Record
- Judicial Review

Definitions

Person	As used herein includes both individuals and organizations.
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Procedures

- | | |
|-----------------------------------|--|
| Scope | <p>A. These procedures may be applicable in cases involving:</p> <ol style="list-style-type: none">1. Suspension of employees for cause, or termination of employees when the termination is in violation of the employee's contract, e.g. termination prior to the expiration of the contract term;2. Suspension or expulsion of a student, or revocation of recognition of a student organization, for misconduct or disciplinary reasons;3. Support staff employees who are demoted, suspended without pay, or terminated and elect to pursue a UAPA hearing instead of an employee panel as the final step of the grievance process; and4. Such other cases as may be designated by the president of Austin Peay State University. <p>B. These procedures are not applicable to termination of faculty for adequate case which are subject to the provision of T.C.A. 49-8-302.</p> <p>C. Prior to the initiation of any hearing pursuant to these procedures, the university shall seek the advice of the university attorney on the applicability of the procedures and for possible assistance in the hearing of the case.</p> |
| Authority of the President | <p>A. The president is responsible for the implementation of these procedures, and has the final decision making authority in proceeding subject to these procedures.</p> |

- B. The authority and responsibilities of the president set forth herein may be delegated by him or her to individual designees who are members of the staff of the university.
- C. All references herein to the president include any designee of the president.
- D. The president shall be responsible for any action taken under a delegation of his or her authority.

Hearing Directors

- A. The president shall designate a member of the staff to be responsible for the coordination and administration of these procedures, who shall hereinafter be referred to as the “director” but who may be given any appropriate title as determined by the president.
- B. The president may designate as many assistants to the “director: as may be necessary to implement these procedures, and may authorize each assistant to exercise the same rules and responsibilities as the “director”.
- C. The ‘director’ shall investigate all cases which may be subject to these procedures, and may recommend to the president whether a hearing shall be commenced in any case.
- D. In all cases which proceed to a hearing under these procedures, the ‘director’ shall be responsible for notifying the university attorney, initiating the hearing procedures sending all appropriate notices, making all arrangements for the hearing and marshaling and presenting evidence at the hearing except in cases where the university will be represented by outside counsel or any other designated person.
- E. The “director” shall provide with a copy of these procedures.

Selection of a Hearing Officer or Hearing Committee

- A. In any case where a hearing pursuant to these procedures is required, the president or director shall determine, in his or her discretion, whether the hearing shall be held before a hearing officer or a hearing committee.
 - 1. Hearing Officers
 - a. Hearing officers shall normally be appointed by the president or director from the administrative or professional staff of the university.
 - b. Contested cases may also be conducted by an administrative judge from the Administrative

Procedures Division of the Office of Secretary of State.

- c. The university may submit a request for an administrative judge to the Office of General Counsel.

2. Hearing Committee

- a. A hearing committee may be appointed by the president or director from the administrative, professional staff and/or appropriate employees or student at the university.
- b. The person appointed as chairperson of the committee shall be deemed to be the hearing officer for purposes of presiding at the hearing.

- B. A “director” may not be appointed to serve as a hearing officer.

Preliminary Conferences

- A. Whenever practicable the “director” should hold a preliminary conference with the person involved and advise him or her orally in his or her presence of the reason for the proposed action.
- B. If the action to be taken is such that these procedures are or maybe applicable; the person shall be advised of the opportunity to elect the procedures pursuant to which a hearing will be provided as hereinafter set forth.
- C. As a result of any preliminary conference, any person who may otherwise be entitled to a hearing pursuant to the act may waive such a hearing and accept the decision proposed by the university.
- D. A waiver may be made verbally or in writing, and if made in writing, it should be signed by the employee and shall state the matter involved and the decision acquiesced in, and should expressly state that the procedures for contacted cases under the act are knowingly and voluntarily waived by the person.
- E. Following a preliminary conference, or prior to commencement of any hearing under these procedures where any issues of fact or cause and effect are contested by the person, he or she shall be advised of hearing procedures available under the Act and of the established university procedures available for resolution of the matter in question, and shall be given the opportunity to elect the procedures

pursuant to which the matter will be heard.

- F. Where the person elects to proceed under the established university procedures for the resolution of the matter, the election should be in writing and signed by the person, and should expressly waive the procedures available under the Act as to the matter in question.

Suspensions Pending a Hearing

- A. A student or employee charged with violations of policies, rules or regulations of the university may be suspended by the president or director pending a hearing subject to thee or alternate procedures when the person's presence poses a danger to person or property or a threat of destruction to the academic or operational processes of the university.
- B. In any case of immediate suspension, the person shall be given an opportunity at the time of the decision or immediately thereafter to contest the suspension, and if there are disputed issues of fact or cause and effect, the person shall be provided a hearing on the suspension as soon as possible at which the person may cross-examine his or her accuser, present witnesses on his or her behalf, and be represented by an attorney.
- C. Thereafter, whether the suspension is upheld or revoked, the case shall proceed pursuant to the procedures.

Notice of Hearing and Response

- A. Prior to the hearing all parties shall be afforded reasonable notice.
- B. This notice shall include:
 - 1. A statement of the time, place, nature of the hearing, and the right to be represented by counsel.
 - 2. A statement of the legal authority and jurisdiction under which the hearing is being held, including a reference to the particular sections of the statute or rules involved: and
 - 3. A short and plain statement of the matters asserted.
- C. If the university or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved.
- D. Thereafter, upon timely notification a more definite and detailed statement shall be furnished ten (10) days prior to

the time set for the hearing.

- E. The party charged shall respond in writing within five (5) days (excluding Saturdays and Sundays) of the service of the notice of hearing which response may generally admit or deny all allegations, or may admit in part and deny in part the allegations made in the notice, and may set forth relevant issues of fact.
- F. If the party fails to respond he or she will be subject to the default provisions found in the Default Section below.
- G. If the party charged elects to be represented by an attorney at the hearing, the response must so indicate in writing and the name and office address of the attorney must be provided.
- H. Failure to provide written notice of the name and address of counsel in the response may result in the continuance of the hearing, if requested by the director.

Time for Hearings

- A. Hearings shall normally be held within twenty (20) calendar days of the date of the notice of hearing.
- B. Extensions of time may be granted upon motion by either party in the event pre-hearing discovery will not be completed by the designated time of the hearing, provided that the parties have proceeded with discovery with due diligence.
- C. Other than as required for the convenience of the hearing officer, extensions of time for hearings for reasons other than discovery shall be authorized only for good and compelling reasons.

Pre-Hearing Conference

- A. In any case for hearing the hearing officer assigned to hear the case upon their own motion or upon the motion of the one parties or their authorized representative, may direct the parties and/or the attorneys for the parties to appear before him or her for a pre-hearing conference.
- B. During the pre-hearing conference, the parties will consider the following:
 - 1. The simplification of issues;
 - 2. The necessity or desirability of amendments to the pleadings;

3. The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;
 4. The limitation of the number of witnesses;
 5. Such other matters as may aid in the disposition of the case.
- C. The hearing officer shall make an order which recites the action taken at the conference, the amendments allowed to the pleadings, and the agreement made by the parties as to any of the matters considered, and which limits the issues for hearing to these not disposed of by admissions or agreement of the parties, and such order when entered controls the subsequent course of the actions, unless modified at the hearing to prevent injustice.
- D. Upon reasonable notice to all parties the hearing officer may convene a hearing or convert a pre-hearing conference to a hearing, to be conducted by the hearing officer sitting alone, to consider argument and/or evidence on any question of law.
- E. If, a pre-hearing conference is not held, the hearing officer may issue a pre-hearing order, based on the pleadings, to regulate the conduct of the proceedings.

**Procedure in Preparation
for Hearing**

- A. Subpoenas and Discovery
1. The hearing officer, at the request of any party shall issue subpoenas, effect discovery, and issue protective orders. The hearing officer shall decide any objection relating to discovery under these rules or the Tennessee Rules of Civil Procedure. Witnesses under subpoena shall be entitled to the same fees as are not or may hereafter be provided for witnesses in civil actions in the circuit court and, unless otherwise provided by law or by action of the university, the party requesting the subpoenas shall bear the cost of paying fees to the witnesses subpoenaed.
 2. All requests for subpoenas and all depositions and interrogatories shall be limited to matters which are not privileged and which are relevant to the proceeding. Upon motion by a party or by a person from whom discovery is sought, and for good cause shown, the hearing officer may enter any order which justice requires to protect a person or party from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following: (I) that the discovery not be had; (II) that the discovery may be had

only on specified terms and conditions; (II) that the discovery may be had only by an alternative method; (IV) that the scope of discovery be limited to certain matters; or (V) that information be submitted under seal to be opened only by orders of the hearing officer.

B. Depositions and Interrogatories

1. Any party to the proceeding may take depositions of parties or witnesses or may serve interrogatories upon any party, within or without the state, in the same manner as provided by law for the taking of depositions and interrogatories in a civil action.

C. Admissions

1. Any party to the proceeding may serve upon any other party a written request for the admission by the other of the genuineness of any relevant documents described in and exhibited to the request or the truth of any relevant matters of fact set forth in the request.
2. Each of the matters of which an admission is requested shall be deemed admitted unless within a period designed in the request, not less than thirty (30) calendar days after service thereof, or within such shorter or longer time as the hearing officer may allow on motion and notice, the party to whom the request is directed serves upon the party requesting the admission either;
 - a. A sworn statement denying specifically the matters of which an admission is requested or setting forth in detail the reasons why he or she cannot truthfully admit or deny those matters or,
 - b. Written objections on the ground that some or all of the requested admissions are privileged or irrelevant or that the request is otherwise improper in whole or in part, together with a notice of hearing the objections at the earliest practicable time. If written objections to a part of the request are made, the remainder of the request shall be answered.

D. Review of University Files

1. Any party to a contested case shall have the right to inspect the files of the university with respect to the matter and to copy there from, except that records may not be inspected the confidentiality of the which is protected by law.

Evidence

- A. The university shall admit and give probative effect to evidence admissible in a court and when necessary to ascertain facts not reasonably susceptible proof under the rules of court, evidence not admissible there under may be admitted if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs.
- B. The university shall give effect to the rules of privilege recognized by law and to Board of Trustees rules the protecting the confidentiality of certain records and shall exclude evidence which in its judgment is irrelevant, immaterial, or unduly repetitious,
- C. At any time not less than ten (10) days prior to a hearing or continued hearing, any party shall deliver to the opposing party a copy of any affidavit which he proposes to introduce in evidence, together with a notice in the form provided in subdivision H, which follows.
- D. Unless the opposing party within seven (7) days after delivery, delivers to the proponent a request to cross-examine an affiant, his right to cross-examination of such affiant is waived and the affidavit, if introduced in evidence, shall be given the same effect as if the affiant had testified orally.
- E. If an opportunity to cross-examine an affiant is not afforded after a proper request is made as herein provided, the affidavit shall not be admitted into evidence.
- F. Delivery for purposes of this section shall mean actual receipt.
- G. The hearing officer may admit affidavits not submitted in accordance with this section where necessary to prevent injustice.
- H. The notice referred to in subdivision C. shall contain the following information and be substantially in the following form:
 1. The accompanying affidavit of (here insert name of affiant) will be introduced as evidence at the hearing in (here insert title of proceeding). (Here insert name of affiant) will not be called to testify orally and you will not be entitled to question him unless you notify (here insert name of the proponent or his attorney) at (here

insert address) that you wish to cross-examine him. To be effective your request must be mailed or delivered to (here insert name of proponent or his attorney) on or before (here insert a date seven (7) days after the date of mailing or delivering the affidavit to the opposing party).

- I. Documentary evidence otherwise admissible may be received in the form of copies or excerpts, or by incorporation by reference to material already on file with the agency. Upon request, parties shall be given an opportunity to compare the copy with the original, if reasonably available.
- J. Official notice may be taken of:
 - 1. Any fact that could be judicially introduced in the courts of this state;
 - 2. The record of other proceedings before the agency;
 - 3. Technical or scientific matters within the university's specialized knowledge; and
 - 4. Codes of standards that have been adopted by an agency of the United States, of this state or any other state, or by nationally recognized organization or association.
- K. Parties must be notified before or during the hearing, or before the issuance of any initial or final order that is based in whole or in part on facts or material noticed, of the specific facts or material noticed and the source thereof, including any staff memoranda and data, and be afforded an opportunity to contest and rebut the facts or material so noticed.

**Pleadings, Briefs, Motions
Service**

- A. The hearing officer, at appropriate stages of the proceedings, shall give all parties full opportunity to file pleadings, motions, objections and offers of settlement.
- B. The hearing officer, at appropriate stages of the proceedings, may give all parties full opportunity to file briefs, proposed findings of fact and conclusions of law, and proposed initial or final orders.
- C. A party shall serve copies of any filed item on all parties, by mail or any other means prescribed by the institution.

Default

- A. If a party fails to attend or participate in a pre-hearing conference, hearing or other stage of a hearing, the hearing

officer, hearing the case alone or with committee may hold the party in default and either adjourn the proceedings or conduct them without the participation of that party, having due regard for the interest of justice and the orderly and prompt conduct of the proceedings.

- B. If the proceedings are conducted without the participation of the party in default the hearing officer, hearing the case alone shall include in the final order a written notice of default, otherwise, the Committee sitting with the hearing officer, shall include such written notice of default in the final order.
- C. If the proceedings are adjourned and not conducted the hearing officer, hearing the case alone, may render an initial default order, otherwise the Committee sitting with the hearing officer, may render a final default order.
- D. All default orders and notices of default in default orders shall include a written statement of the grounds for the default.
- E. A party may petition to have a default set aside by filing timely petition for reconsideration.
- F. If a party fails to file a timely petition for reconsideration or the petition is not granted, the hearing officer, sitting alone, or the Committee sitting with the hearing officer, shall conduct any further proceedings necessary to complete the contested case without the participation of the defaulting party and shall determine all issues in the adjudication, including those affecting the defaulting party.

Intervention

- A. The hearing officer shall grant one or more petitions for intervention if:
 - 1. The petition is submitted in writing to the hearing officer, with copies mailed to all parties named in the notice of the hearing, at least seven (7) days before the hearing;
 - 2. The petition states facts demonstrating that the petitioner's legal right, duties, privileges, immunities, or other legal interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and
 - 3. The hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the

intervention.

- B. The Committee may grant one or more petitions for intervention at any time, upon determining that the intervention sought is in the interest of justice and shall not impair the orderly and prompt conduct of the proceedings.
- C. If a petitioner qualifies for intervention, the hearing officer may impose conditions upon the intervenor's participation in the proceedings, either at the time that intervention is granted or at any subsequent time.
- D. The hearing officer or Committee, at least twenty-four (24) hours before the hearing, shall render an order granting or denying each pending petition for intervention, specifying any conditions, and briefly stating the reasons for the order.
- E. The hearing officer or Committee may modify the order at any time, stating the reasons for the modification.
- F. The hearing officer or Committee shall promptly give notice of an order granting, denying, or modifying intervention to the petitioner for intervention and to all parties.

**Disqualification and
Substitution Hearing
Officers and Committee
Members**

- A. Any hearing officer or Committee member shall be subject to disqualification for bias, prejudice, interest, or any other cause provided in this policy or for any cause for which a judge may be disqualified.
- B. Any party may petition for the disqualification of hearing officer or a Committee member promptly after receipt of notice indicating that the individual may serve or, if later, promptly upon discovering facts establishing grounds for disqualification.
- C. A party petitioning for the disqualification of an individual shall not be allowed to question the individual concerning the grounds for disqualification at the hearing or by deposition unless ordered by the hearing officer conducting the hearing and agreed to by the individual.
- D. The individual whose disqualification is requested shall determine whether to grant the petition, stating facts and reasons for the determination.

- E. If a substitute is required for an individual who becomes unavailable as a result of disqualification or any other reason, the substitute shall be appointed by the president.
- F. Any action taken by a duly appointed substitute for an unavailable individual shall be as effective as if taken by the unavailable individual.

Separation of Functions

- A. A person who has served as an investigator, prosecutor or advocate in a case may not serve as a hearing officer or assist or advise a hearing officer in the same proceeding.
- B. A person who is subject to the authority, direction, or discretion of one who has served as investigator, prosecutor, or advocate in a contested case may not serve as a hearing officer or assist or advise a hearing officer in the same proceeding.
- C. A person who has participated in a determination of probable cause or other equivalent preliminary determination in a case may not serve as a hearing officer or assist or advise a hearing officer in the same proceeding.
- D. A person may serve as a hearing officer at successive stages of the same case, unless a party demonstrates grounds for disqualification.
- E. A person who has participated in a determination of probable cause or other equivalent preliminary determination or participated or made a decision which is on administrative appeal in a contested case may serve as a Committee member in the case where authorized by law and not subject to the disqualification or other cause provided in this chapter.

Ex parte Communications

- A. Unless required for the disposition of ex parte matters specifically authorized by statute a hearing officer or Committee member serving in a case proceeding may not communicate, directly or indirectly, regarding any issue in the proceeding, while the proceeding is pending, with any person without notice and opportunity for all parties to participate in the communication.
- B. Notwithstanding subsection A., a hearing officer or representative may communicate with: other university employees regarding a pending matter or may receive aid from staff assistants, university attorney, if such persons do

not receive ex parte communications of a type that the hearing officer or institution representative would be prohibited from receiving; and do not furnish, augment, diminish or modify the evidence in the record.

- C. Unless required for the disposition of ex parte matters specifically authorized by statute, no party to a contested case, and no other person may communicate, directly or indirectly, in connection with any issue in that proceeding, while the proceeding is pending, with any person serving as a hearing officer or Committee member without notice and opportunity for all parties to participate in the communication.
- D. If, before serving as a hearing officer or Committee member in a case, a person receives an ex parte communication of a type that may not properly be received while serving, the person, promptly after starting to serve, shall disclose the communication in the manner prescribed in subsection E. which follows.
- E. A judge, hearing officer, or Committee member who receives an ex parte communication in violation of this section shall place on the record of the pending matter all written communications received, all written responses to the communications, and a memorandum stating the substance of all oral communications received, all responses made, and the identity of each person from whom the person received an ex parte communication, and advise all parties that these matters have been placed on the record.
- F. Any party desiring to rebut the ex parte communication shall be allowed to do so, upon requesting the opportunity for rebuttal within ten (10) days after notice of the communication.
- G. A hearing officer or Committee member who receives an ex parte communication in violation of this section may be disqualified as previously outlined.
- H. The university shall, and any party may, report any willful violation of this section to appropriate authorities for any disciplinary proceedings provided by law.

Representation at the Hearing

- A. Any party may participate in the hearing in person, or if the party is an organization by a duly authorized representative.
- B. Whether or not participating in person, any party may be advised and represented at the party's own expense by counsel, or unless prohibited by any provision of law, other representative.

Conduct of the Hearing

- A. In the hearing of any case the proceedings or any part thereof:
 - 1. Shall be conducted in the presence of the requisite number of members of the university and in the presence of a hearing officer; or
 - 2. Shall be conducted by a hearing officer sitting alone.
- B. It shall be the duty of the hearing officer to preside at the hearing, rule on questions of the admissibility of evidence, swear witnesses, advise the Committee members as to the law of the case, and ensure that the proceedings are carried out in accordance with the applicable law and the rules.
- C. A hearing officer shall, upon his own motion, or timely motion of a party, decide any procedural question of law.
- D. The hearing officer shall regulate the course of the proceedings, in conformity with the pre-hearing order, if any.
- E. Where more than one party is charged with offenses arising out of a single occurrence or out of multiple connected occurrences, a consolidated hearing will be held for all parties charged; provided that upon timely motion and for good cause shown the officer may in his or her discretion grant a separate hearing for any party or parties.
- F. A tape recording but not a transcription will be made of the hearing. The party charged may request that the recording be transcribed at his or her own expense, or the recording may be transcribed by the institution, in which case any party shall be provided copies upon payment of a reasonable compensatory fee.
- G. No tape recording by the party charged or by other persons at the hearing will be permitted, but the party charged, at his or her own expense, may furnish a certified court reporter provided that a copy of the transcript is promptly furnished

to the director at no cost.

- H. The hearing shall be open to public observation pursuant to the provisions of T.C.A. § 8-44-101 et seq.

Order

- A. The university renders an order in each case.
- B. The order shall be rendered in writing within ninety (90) days after conclusion of the hearing or after submission to proposed findings unless such period is waived or extended with the written consent of all parties or for good cause shown.
- C. If an order is adverse to the party charged it shall in addition to being in writing, include findings of fact, conclusions of law, and reasons for the ultimate decision.
- D. Findings of fact shall be based exclusively on the evidence and on matters officially noticed.
- E. Parties shall be notified in writing either personally or by mail of the decision and such notice shall include a statement of the party's right to judicial review.
- F. A copy of the decision shall be delivered or mailed forthwith to each party or to his or her attorney of record.
- G. The order made either by the hearing officer (or committee by majority vote) may be reviewed by the president or director, in the discretion of the president.
- H. If the decision is reviewed by the president or director based upon the findings of the hearing officer (or committee), a final decision will not be made until the president or director has reviewed the entire record of the proceeding.

Review of Order

- A. A petition for appeal from an initial order shall be filed with the institution or with any person designated for such purpose by rule of the university, within ten (10) days after entry of the initial order.
- B. The ten-day period for a party to file a petition for appeal or for the president or director to give notice of its intention to review an initial order on his/her own motion shall be tolled by the submission of a timely petition for reconsideration of the initial order and a new ten-day period shall start to run

upon disposition of the petition for reconsideration.

- C. If an initial order is subject both to a timely petition for reconsideration and to a petition for appeal or to review by the university on its own motion, the petition for reconsideration shall be disposed of first, unless the institution or college determines that action on the petition for reconsideration has been unreasonably delayed.
- D. The petition for appeal shall state its basis.
- E. If the president or director on its own motion gives notice of its intent to review an initial order, the president or director shall identify the issues that it intends to review.
- F. The person reviewing an initial order shall exercise all the decision-making power that the president or director would have had to render a final order had the president or director presided over the hearing, except to the extent that the issue subject to review are limited by rule or statute or by university policies upon notice to all parties.
- G. The president or director shall afford each party an opportunity to present briefs and may afford each party an opportunity to present oral argument.
- H. A final order or an order remanding the matter for further proceedings pursuant to this section, shall be rendered and entered in writing within sixty (60) days after receipt of any briefs and oral argument, unless the period is waived or extended with the written consent of all parties or for good cause shown.
- I. The university will deliver copies of the final order or order remanding the matter for further proceedings to each party and to the hearing officer who conducted the case.

Stay

- A. A party may submit to the university a petition for stay of effectiveness of an initial or final order within seven (7) days after its entry unless otherwise provided by statute or stated in the initial or final order.
- B. The president or director may take action on the petition for stay, either before or after the effective date of the initial or final order.

Effectiveness of New Order

- A. Unless a later date is stated in an initial or final order, or a stay is granted, an initial or final order shall become effective upon entry of the initial or final order.
- B. All initial and final orders shall state when the order is entered and effective.
- C. If the university has utilized an administrative judge from the Administrative Procedures Division of the Office of the Secretary of State, the initial or final order shall not be deemed entered until the order has been filed with the Administrative Procedures Division.
- D. The president shall designate which officials or employees may sign final orders.
- E. A party may not be required to comply with a final order unless the final order has been mailed to the last known address of the party or unless the party has actual knowledge of the final order.
- F. A nonparty may not be required to comply with a final order unless the institution has made the final order available for public inspection and copying or unless the nonparty has actual knowledge of the final order.
- G. This section shall not preclude any president or director from taking immediate action to protect the public interest.

Record

- A. The university shall maintain an official record of each case under this policy. The record shall be maintained for a period of time not less than three (3) years.
- B. This record shall consist of:
 - 1. Notice of all proceedings;
 - 2. Any pre-hearing order;
 - 3. Any motions, pleadings, briefs, petitions, requests, and intermediate rulings;
 - 4. Evidence received or considered;
 - 5. A statement of matters officially noticed;
 - 6. Offers of proof and objections and rulings thereon;
 - 7. Proposed findings, requested orders, and exceptions;
 - 8. The tape recording, stenographic notes or symbols, or transcript of the hearing;
 - 9. Any final order, initial order, or order on reconsideration;

10. Staff memoranda or data submitted to the institution or college unless prepared and submitted by personal assistants;
 11. Matters placed on the record after an ex parte communication.
- C. A record (which may consist of a tape or similar electronic recording) shall be made of all oral proceedings.
- D. Such record or any part thereof shall be transcribed on request of any party at his expense or may be transcribed by the institution at its expense.
- E. If the university elects to transcribe the proceedings, any party shall be provided copies of the transcript upon payment to the institution of a reasonable compensatory fee.
- F. Except to the extent that this chapter or another statute provides otherwise, the university's record shall constitute the exclusive basis for university action in adjudicative proceedings under this policy, and for judicial review thereof.

Judicial Review

- A. A person who is aggrieved by a final decision in a contested case is entitled to judicial review.

Revision Dates

APSU Policy 1:007 – Issued:

Subject Areas:

Academic	Finance	General	Human Resources	Information Technology	Student Affairs
		<input checked="" type="checkbox"/>			

Approved

President: signature on file

**Austin Peay State
University**

Litigation Hold Notice

POLICIES

Issued:

Responsible Official: General Counsel

Responsible Office: Office of Legal Affairs

Policy Statement

The University has a legal obligation to preserve evidence and records, including electronic documents that are relevant to a pending or potential claim or action, such as a government audit, administrative proceeding or lawsuit. Upon notice of pending litigation or anticipated, the University must implement a Litigation Hold Notice that requires the retention of certain paper and electronic records for an indefinite period of time due to pending state or federal litigation.

Each employee of the University is responsible for acting in compliance with the Litigation Hold Notice regarding the preservation and maintenance of evidence relevant to pending litigation.

Purpose

This policy is issued to aid Austin Peay State University in the implementation of a Litigation Hold Notice Procedure to comply with the Federal Rules of Civil Procedure provisions regarding preservation of Electronically Stored Information.

Contents

Definitions

- Electronically Stored Information (“ESI”)
- Litigation Hold Procedure
- Litigation Hold Notice Letter
- Records Coordinator
- Evidence

Procedures

- Introduction
- Litigation Hold Application

- Purpose of Litigation Hold Notice
- University's Notification of Federal Litigation
- Assessment of Litigations Hold Notice
- Assessment of Litigations Hold Notice
- Publication of the Litigation Hold Notice Procedure

Links

- Litigation Hold Notice

Definitions

Electronically Stored Information ("ESI")	Refers to all forms of electronic data and documents including, but not limited to, metadata, electronic mail, word processing documents, calendars, voice messages, videos, digital photographs, information in personal digital assistants (PDA) in any location where data may be stored.
Litigation Hold Procedure	Is a process whereby the university, when sued in federal court or when reasonably anticipating federal litigation, issues a litigation hold notice communication suspending the normal operation of paper and electronic document destruction policies for particular records that are relevant to the federal litigation.
Litigation Hold Notice Letter	Is the communication that is distributed to preserve information and prevent or suspend destruction of paper documents and electronic data that must be retained during a litigation hold (attached as Exhibit 1).
Records Coordinator	Refers to the individual at the university who has been appointed by the President to serve as the university's Records Coordinator / Official. The Records Coordinator has the authority and responsibility to dispose of paper and electronic documents in accordance with approved records disposition authorizations under APSU Policy 4:017 Disposal of Records. Prior to the destruction of any records, the Records Coordinator must determine if the action should be delayed due to audit or federal litigation hold requirements.
Evidence	Refers to hard copy and electronic / digital recordings, videotapes, writings, material objects, photographs, drawings, diagrams, testimony, or other things presented to the senses that are offered to prove the existence or nonexistence of a fact.

Procedures

Introduction

- A. Federal law requires parties to a lawsuit pending in federal court to preserve electronic data and documents pertaining to the lawsuit in conformance with the Federal Rules of Civil Procedure. There is a legal duty to preserve evidence (e.g., documents and things), including electronic documents, when the institution has notice that the evidence is relevant to pending federal litigation.

- B. This policy requires the university develop a comprehensive written Federal Litigation Hold Notice Procedure (“Litigation Hold Procedure”) to retain Electronically Stored Evidence (“ESI”) evidence that is relevant to a federal lawsuit as required by the Federal Rules of Civil Procedure.
 - 1. The university’s Litigation Hold Procedure must include the components described in this guideline pursuant to which the university intends to preserve and retain all evidence, including ESI that is relevant to pending federal litigation in order to avoid penalties for non-compliance with the Federal Rules of Civil Procedure.

- C. The penalties for non-compliance with the federal law regarding electronic evidence retention in federal litigation are severe and potentially costly. The consequences for an institution could include, but are not limited to:
 - 1. Monetary sanctions;
 - 2. Payment of the opposing party’s attorneys’ fees and costs;
 - 3. Preclusion of the university’s evidence at trial;
 - 4. Dismissal of the university’s claims and counterclaims; and
 - 5. Default judgments against the university.

- D. The university is solely responsible for payment of any monetary sanctions issued by the court resulting from the institution’s non-compliance with electronic record retention requirements as required by federal law hence the importance of an institutional litigation hold procedure.

Litigation Hold Application

- A. The Litigation Hold Procedure shall apply to any evidence, paper or electronic documents and data or things, maintained by an institution that is relevant to a federal lawsuit.
 - 1. Such evidence shall be preserved and retained by the institution pursuant to the provisions of the Litigation

Hold Notice until the conclusion of both the litigation and the requisite time period after the litigation as outlined in APSU Policy 4:017 Disposal of Records.

2. Notwithstanding the records retention and disposition schedule outlined in APSU Policy 4:017 Disposal of Records, upon issuance of a Litigation Hold Notice, the university must suspend routine purging, overwriting, re-using, deleting, or any other destruction of electronic information relevant to a federal law dispute, including electronic information wherever it is stored.
 3. This includes, but is not limited to, electronic information at the university work station, on a laptop, in a personal digital assistant, on a CD-rom, at an employee's home, etc.
 4. The retention requirement includes all forms of attorney-client privileged and non-attorney-client privileged electronic documents.
 - a. In the context of federal litigation, although all information must be preserved, no data will be disclosed to the opposing party without first being reviewed to determine legal necessity, relevance, and privilege.
 - b. Privileged documents (e.g., attorney-client communications) will not be disclosed to the opposing party.
- B. The same preservation requirement exists for paper documents such that the university must suspend routine or intentional destruction of paper documents that are relevant evidence in a federal lawsuit as outlined in a Litigation Hold Notice.
- Purpose of Litigation Hold Notice**
- A. There will be instances in which the university must implement a Litigation Hold Notice that requires the retention of certain paper and electronic records for an indefinite period of time due to pending federal litigation.
 - B. A Litigation Hold Procedure is the process whereby the university, when sued in federal court, sends a Litigation Hold Notice suspending the normal operation of document destruction policies for particular records that are relevant to the federal litigation.
 - C. Notwithstanding the applicable records retention schedule, documents that are subject to a particular Litigation Hold

Notice must be retained until the hold is removed.

- D. The Records Coordinator, or a designee, at the university is responsible for implementing the Litigation Hold Procedure upon notice of the need for a Litigation Hold Notice to preserve relevant ESI and paper documents.
- E. Identifying instances in which a Litigation Hold Notice is required and its subsequent implementation requires collaboration of multiple individuals at the institution, including the university's attorney.
- F. The Litigation Hold Notice Procedure that results in the issuance of a Litigation Hold Notice Letter is outlined in this section. The implementation of an institutional Litigation Hold Notice requires adherence to the procedure outlined in this guideline or an alternative process established at the university that includes the components of the procedure outlined in this guideline.

**University's Notification of
Federal Litigation**

- A. Responsible Party: All Employees
 - 1. All employees have an affirmative duty to inform the university's Records Coordinator when they receive official notification of federal litigation against the university.
- B. Official Notice Federal Litigation
 - 1. Employees are considered to be in receipt of official notice of federal litigation when they receive a complaint, summons, and/or other official documents related to a federal lawsuit.
- C. Employee's Notification of Federal Litigation to Records Coordinator
 - 1. Responsible Party: All employees
 - a. Based on the factors outlined in Institution's Notification of Federal Litigation Section B. of this policy, employees who have official notice of federal litigation against the university must inform the institution's Records Coordinator, in writing, of the matter within two (2) business days of their receipt of notification
- D. Records Coordinator's Issuance of Litigation Hold Notice Letter
 - 1. Responsible Party: Records Coordinator

- a. In consultation with and under the direction of Legal Counsel, the university's Records Coordinator, or designee, will issue an Official Litigation Hold Notice Letter regarding the matter to the appropriate individuals within five (5) business days of receipt of notification of pending federal litigation.
 - b. The Litigation Hold Notice Letter must state the categories of electronic and paper documents, including ESI, that must be retained until further notice and that electronic information must be preserved in its original electronic form, so that all information contained within it, whether visible or not, is also available for inspection.
 1. It is not sufficient to retain only a paper copy of ESI. A Model Litigation Hold Notice Letter is attached to this policy as Exhibit 1.
 2. University employees must consult with the university attorney prior to issuing a Litigation Hold Notice Letter.
- E. Employees' Compliance with the Litigation Hold Notice Letter
1. Responsible Party: Employee recipients of the litigation hold notice
 - A. In response to an official Litigation Hold Notice Letter issued by the university's Records Coordinator, or designee, all individuals who receive the notice must compile paper and electronic documents and data (including e-mails, voicemails, videos, etc.) as instructed in the notice letter.
 - B. Electronic records must be retained in the original electronic format (e.g., burned to disk / CD, saved in a secure folder on the system server that is not subjected to unannounced deletion, etc.).
 - C. It is not sufficient to print paper copies of electronic records as they must be maintained in their original electronic format.
 - D. It is the responsibility of individuals to whom the litigation hold notice is issued to retain all records that are responsive to the notice until they receive written notification indicating otherwise.

**Assessment of Litigations
Hold Notice**

- A. The Records Coordinator, in conjunction with the appropriate administrators and the university attorney, shall assess the effectiveness of the institution's Litigation Hold Notice Procedure on a periodic basis, as deemed necessary

by the university.

- B. The Records Coordinator shall make certain that necessary revisions to the Litigation Hold Notice Procedure are made at the time of the review to address any changes in the university organization that may affect the implementation and effectiveness of the Procedure.

**Assessment of Litigations
Hold Notice**

- A. The Records Coordinator, in conjunction with the appropriate administrators and the university attorney, shall assess the effectiveness of the institution's Litigation Hold Notice Procedure on a periodic basis, as deemed necessary by the university.
- B. The Records Coordinator shall make certain that necessary revisions to the Litigation Hold Notice Procedure are made at the time of the review to address any changes in the university organization that may affect the implementation and effectiveness of the Procedure.

**Publication of the Litigation
Hold Notice Procedure**

- A. To promote uniform compliance with the Litigation Hold Procedures by all personnel employed by an institution and to achieve the university's duty to preserve and retain relevant paper and electronic evidence in federal litigation, institutions shall, at a minimum, display and distribute its Litigation Hold Notice Procedure, or this policy in the absence of an institutional Procedure in accordance with the standard distribution methods.

Links

Litigation Hold Notice

Revision Dates

APSU Policy 1:008 – Issued:

Subject Areas:

Academic	Finance	General	Human Resources	Information Technology	Student Affairs
		<input checked="" type="checkbox"/>			

Approved

President: signature on file

MEMORANDUM

To:

From:

Date:

RE: LITIGATION HOLD COMMUNICATION: Notice to Preserve Information and to Prevent Deletion or Destruction of Emails or other Files

A complaint has been filed against ____ in the ____ by _____. ____ can be expected to allege _____. A copy of the complaint is attached.

Pursuant to the rules of court, the Institution is required to take all reasonable steps to identify all hard copy and digitally maintained files (e.g., electronic records) that may contain documents, including e-mail, records of telephone calls / voicemails, and video / audio tapes, that may be relevant to the case. Failure to do so could result in sanctions being issued by the court that could seriously harm our ability to defend the case.

Therefore, it is imperative that you take all reasonable steps to prevent the automatic, intentional or accidental destruction of this information and data. IMMEDIATELY HALT ALL ROUTINE HOUSEKEEPING OR DELETION EFFORTS that could modify or destroy the following files:

All electronic data (e.g., e-mail files; telephone logs / voicemails; video and audio tapes), any and all information ____ and hard copy document files involving the following:

Be advised that any new hard copy or electronic data created subsequent to the date of delivery of this letter that is relevant to this matter is not to be destroyed and you must take the appropriate steps to avoid the destruction of such documents. NEW RECORDS THAT ARE SUBJECT TO THIS NOTICE MUST BE RETAINED UNDER THIS LITIGATION HOLD IN THE SAME MANNER AS EXISTING DOCUMENTS.

PRESERVE ALL ELECTRONIC RECORDS IN THE FORM IN WHICH THEY CURRENTLY EXIST UNTIL FURTHER NOTICE. IT IS IMPERATIVE THAT YOU RETAIN THE DOCUMENTS IN THEIR ORIGINAL ELECTRONIC FORM. IT IS NOT SUFFICIENT TO PRINT ELECTRONIC RECORDS AND RETAIN PAPER COPIES.

Other information may be identified as our investigation of the matter continues. I will follow up with you soon to discuss any information that you may have and how we may go about collecting it.

Please return a signed copy of this notice letter by _____ indicating that you have received it and understand the instructions that you have received. If you have any questions, please contact me at ext. 4438. PLEASE ALSO NOTE THAT THE INSTITUTION'S OBLIGATION IS CONTINUING AND YOU SHOULD NOT DELETE OR MODIFY THESE FILES UNTIL YOU RECEIVE WRITTEN NOTICE FROM ME THAT WE ARE NO LONGER UNDER A DUTY IMPOSED BY THE COURT TO PRESERVE THESE RECORDS.

The Institution will exercise all reasonable methods to protect the privacy of the preserved data. The purpose of this litigation hold notice is to comply with federal law. It is not intended to and should not suggest any assessment of the merits of tort claim.

I understand that these requirements may create a burden for you and I am prepared to discuss with you any questions or concerns that you may have. I appreciate your cooperation in this matter.

I ACKNOWLEDGE RECEIPT OF THIS LITIGATION HOLD NOTICE AND I UNDERSTAND THAT I HAVE AN AFFIRMATIVE OBLIGATION TO COMPLY WITH THE DIRECTIVES SET FORTH HEREIN.

Employee Name (Print)

Employee Signature

Date

**Austin Peay State
University**

Policy Regarding Legislative Proposals

POLICIES

Issued:

Responsible Official: General Council

Responsible Office: Office of Legal Affairs

Policy Statement

It is the policy of Austin Peay State University to use limited state funds for the greatest need and opportunity of the University based on the procedures outlined in this policy.

Purpose

In accordance with 2014 Tenn. Public Acts, Chapter 538, the purpose of this policy is to protect and maintain the integrity of current prioritization and strategic planning processes established to best use limited state funds for public higher education toward greatest need and opportunity and to ensure prudent fiscal policy.

Procedures

Policy

- A. All legislative proposals or requests for state funding toward public higher education capital projects, maintenance, new academic programs, public service, research activities and engagement opportunities or operational support to be brought before the general assembly shall first be considered and acted upon through established processes and procedures to review such requests; provided, however, that if such consideration or action through established processes and procedures is not possible, than such legislative proposals or requests shall be made with the knowledge of the President for which the proposal or request for state funding is made. The President shall be accountable for ensuring that the established processes for considering and evaluating such requests are followed to the greatest extent possible.
- B. At no time shall an employee of Austin Peay State University advance state legislative funding requests without the knowledge of the President.

Links

Public Act no. 538 (2014) <http://share.tn.gov/sos/acts/108/pub/pc0538.pdf>

Revision Dates

APSU Policy 1:009 – Issued:

Subject Areas:

Academic	Finance	General	Human Resources	Information Technology	Student Affairs
		<input checked="" type="checkbox"/>			

Approved

President: signature on file

**Austin Peay State
University**

Appeals and Appearances Before the Board

POLICIES

Issued:

Responsible Official: General Counsel

Responsible Office: Office of Legal Affairs

Policy Statement

It is the policy of Austin Peay State University to allow a student or employee to appeal the final decision of the president to the Board of Trustees.

Purpose

The purpose of this policy is to set the conditions and procedures for appeals to the Board and for appearances before the Board.

Procedures

General

- A. A student or employee of Austin Peay State University may appeal a final decision of the president to the Board.
- B. UAPA hearings, as outlined in APSU Policy 1:007, are not appealable to the Board.
- C. Appeals to the Board shall be limited to alleged violations of state or federal law or university policy where the complainant has not filed a federal/state administrative appeal or lawsuit in state or federal court.
- D. If, at any time during the pendency of the appeal, a complainant files a lawsuit or administrative action based on the same subject matter as the appeal, the appeal will be dismissed without further action.
- E. Unless there is a violation of state or federal law under the limitations described above, decisions which are not appealable to the Board shall include, but not be limited to:
 - 1. Termination of executive, administrative, professional, clerical and support employees during or at the end of

- the initial probationary period or pursuant to the terms of the contract of employment;
 - 2. Non-renewal of a tenure-track faculty appointment during the first five years of the probationary period;
 - 3. Denial of early tenure unaccompanied by notice of termination in the fifth year of the probationary period;
 - 4. Non-renewal of a temporary faculty appointment;
 - 5. Salary terminations;
 - 6. Student academic matters, e.g. grade appeals, failure to meet retention policies, etc.;
 - 7. Performance evaluations of faculty and staff; and
 - 8. Residency classification of student for tuition and fee purposes.
- F. Any available university complaint procedure must be exhausted prior to consideration by the Board.
- G. Complaints from students or prospective students regarding accreditation or violation of state or federal laws may be submitted to the President's office for appropriate review and action, as required by 34 C.F.R. 600.9(a)1.

Appeals to the Board

- A. An employee who is dissatisfied with the decision of the President on his or her appeal may petition the Board of Trustees for permission to appeal the decision to the Board.
- B. The petition must be submitted in writing to the Secretary of the Board within 20 calendar days following the President's written decision.
- C. The petition for appeal must present:
- 1. A brief statement of the issues to be reviewed including a statement of the redress desired;
 - 2. A brief statement of the facts relevant to the issues to be reviewed, with appropriate reference to where such can be found in the record;
 - 3. A statement of applicable law/policy
 - 4. A brief argument; and
 - 5. Citations of any applicable authorities, (such as policies, statutes, and cases.)
- D. The petition for appeal must be limited to ten (10) pages, typed, doubled spaced, and on 8 ½ X 11" paper.
- E. The appropriate standing committee of the Board shall review the decision of the President on the basis of the

record submitted to the Board, with any new evidence which for good cause shown was not previously considered, and determine whether the petition to appeal will be granted.

- F. A committee of the Board, in determining whether to grant an appeal, may consider the following:
 - 1. Whether Board policy or procedures have been followed;
 - 2. Whether or not there is material evidence to substantiate the decision appealed from; and/or
 - 3. Whether or not there has been a material error in application of the law, which prima facie results in substantial injustice.
 - 4. The listing in 1 – 3 above is exhaustive and, in the decision of the Board committee. Other considerations may be taken into account.
- G. If the petition to appeal is granted, the committee shall hear the appeal at a subsequent regularly scheduled meeting of the committee and may request the person appealing to appear and present arguments on his or her behalf.
- H. The committee shall recommend action on the appeal to the Board of Trustees. The decision of the Board shall be final and binding for all purposes.

Record

- A. The record on an appeal to the Board shall consist of all relevant documents, statements, and other materials submitted by the person appealing and by the President of Austin Peay State University.
- B. In the event that the person appealing does not submit sufficient information to allow review of the decision being appealed, the Board may require the person appealing to furnish any additional information which may be necessary.

Standard of Review

- A. The following provisions shall govern the review by the Board of an appeal under this policy:
 - 1. A decision may be remanded for further consideration upon a finding that it was not made in accordance with applicable statute or federal law or university procedures; provided, however that the decision should not be remanded if the procedural error was not material to the decision and therefore constituted harmless error;
 - 2. A decision may be modified or reversed only upon a finding that the decision constituted an abuse of

discretion or was made in violation of applicable state or federal law or university policies; provided, however, that the decision should not be modified or reversed if the violation of policy was not material to the decision and therefore constituted harmless error

3. A decision should be affirmed in the absence of a finding of abuse of discretion or material violation of applicable state or federal law or university policies or procedures.

- B. Notwithstanding any provision herein to the contrary, any decision may be remanded by the Board for a resolution of the matter which is mutually acceptable to the parties or which is, in the best judgement of the board, a fair and equitable resolution.

Appearances before the Board on Non-Appealable Issues

- A. Individuals may be allowed to address a committee of the Board of Trustees concerning issues which are not appealable but which are of broad concern to the university community.
- B. Such appearances must be approved by the President or the Chairman of the appropriate committee prior to being placed on a committee agenda.
- C. Notwithstanding, the Chairman of the Board may authorize appearances before the Board on any matter deemed appropriate for Board consideration.
- D. Requests for approval to appear before the Board shall be submitted to the President 20 calendar days prior to the date that the committee is next scheduled to meet.

Revision Dates

APSU Policy 1:010 – Issued:

Subject Areas:

Academic	Finance	General	Human Resources	Information Technology	Student Affairs
		<input checked="" type="checkbox"/>			

Approved

President: signature on file

**Austin Peay State
University**

**Student and Faculty Participation in Development of
Campus Policies and Programs**

POLICIES

Issued:

Responsible Provost and Vice President for Academic Affairs &

Official: Vice President for Student Affairs

Responsible Academic Affairs & Student Affairs
Office:

Policy Statement

It is the policy of Austin Peay State University to establish effective means where students and faculty can participate in and make recommendation regarding University policies and programs.

Purpose

To establish effective means whereby students and faculty can participate in and make recommendations concerning the formation of policies and programs relating to student and academic affairs.

Procedures

**Student and Faculty
Participation in
Development of Campus
Policies and Programs**

- A. The Austin Peay Board of Trustees recognizes that students and faculty are vital components of the campus community which must effectively contribute to the progress and general welfare of Austin Peay State University.
- B. Students should have a primary interest in matters of student life, including discipline and housing, and faculty should have a primary interest in academic affairs, including curriculum, program changes and development, and admission and graduation requirements. Furthermore, both students and faculty have a direct interest in both student and academic affairs.
- C. Therefore, it is the policy of the Board that Austin Peay State University shall establish effective means whereby students and faculty can participate in and make

recommendations concerning the formation of policies and programs relating to student and academic affairs.

Links

APSU Policy Committee	http://www.apsu.edu/governance/committees/university_policy
Academic Council Website	http://www.apsu.edu/governance/academic/academic
Academic Council Constitution	http://www.apsu.edu/sites/apsu.edu/files/governance/CONSTITUTION_amended_and_approved_Feb_2012.pdf
Code of Student Conduct	http://www.apsu.edu/student-affairs/judicial1
Student Rights and Responsibilities and Student Role/Participation in Institutional Decision Making	http://www.apsu.edu/sites/apsu.edu/files/student-affairs/STUDENTS_RIGHTS_AND_RESPONSIBILITIES.pdf

Revision Dates

APSU Policy 1:011 – Issued:

Subject Areas:

Academic	Finance	General	Human Resources	Information Technology	Student Affairs
<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>

Approved

President: signature on file

**Austin Peay State
University**

**Inspecting and Copying Public Records and Related
Charges for Producing Copies of Public Records**

POLICIES

Issued:

Responsible Official: General Counsel

Responsible Office: Office of Legal Affairs

Policy Statement

It is the policy of Austin Peay State University to permit the inspection of public records and to implement reasonable charges for making copies of public records by photographic or other means of duplication pursuant to state law.

Purpose

The Tennessee Public Records Act (T.C.A. § 10-7-503 et seq.) (TPRA) grants Tennessee citizens the right to inspect public records.

The law allows records custodians to charge a fee to supply copies of public records pursuant to properly adopted policies. Under T.C.A. § 8-4-601 et seq., the Office of Open Records Counsel (OORC) develop a schedule of reasonable charges which may be used by a records custodian as a guideline to charge a citizen requesting copies of public records.

While these guidelines are not mandatory, they do create a safe harbor for a records custodian who adheres to the policies and guidelines established by the OORC. APSU adopts this policy with the intent of incorporating the OORC guidelines as they may be from time to time amended.

Contents

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- Production costs
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- Records Custodian

-Requesting party

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- Inspection of Records
- Copying of Public Records
- Copying Costs
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- Delivery Costs
- Payment
- Waiver of Production Costs

Related Forms

- Request Form to Inspect/Copy Public Records

Definitions

Labor	The time reasonably necessary to produce the requested records and includes the time spent locating, retrieving, reviewing, redacting, and reproducing the records.
Labor threshold	The labor of the employee(s) reasonably necessary to produce requested records for the first hour incurred by the institution in producing the records.
Production costs	All reasonable costs the institution incurred to produce the public records requested by the requesting party. Production costs include copying costs, labor costs, and delivery costs, as described in this policy.
Public record	All documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency. See Tenn. Code Ann. § 10-7-503(a)(1)(A).
Public Records Request Coordinator (PRRC)	The individual, or individuals, designated who has, or have, the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA. See Tenn. Code Ann. § 10-7-503(a)(1)(B). The Public Records Request Coordinator may also be a records custodian.
Records Custodian	The office, official or employee lawfully responsible for the direct custody and care of a public record. See Tenn. Code Ann.

§ 10-7-503(a)(1)(C). The records custodian is not necessarily the original preparer or receiver of the record.

Requesting party

A person or persons seeking access to a public record, whether it is for inspection or duplication.

Procedures

Responding to Public Records Requests

A. Public Record Request Coordinator

1. The PRRC shall review public record requests and make an initial determination of the following:
 - a. If the requestor provided evidence of Tennessee citizenship (if required);
 - b. If the records requested are described with sufficient specificity to identify them; and
 - c. If the Governmental Entity is the custodian of the records.
2. The PRRC shall acknowledge receipt of the request and take any of the following appropriate action(s):
 - a. Advise the requestor of this Policy and the elections made regarding:
 - i. Proof of Tennessee citizenship;
 - ii. Form(s) required for copies;
 - iii. Fees (and labor threshold and waivers, if applicable); and
 - iv. Aggregation of multiple or frequent requests.
 - b. If appropriate, deny the request in writing, providing the appropriate ground such as one of the following:
 - i. The requestor is not, or has not presented evidence of being, a Tennessee citizen (if proof of citizenship is required).
 - ii. The request lacks specificity. (Offer to assist in clarification)
 - iii. An exemption makes the record not subject to disclosure under the TPRA. (Provide the exemption in written denial)
 - iv. Austin Peay State University is not the custodian of the requested records.
 - v. The records do not exist
 - c. If appropriate, contact the requestor to see if the request can be narrowed.

- d. Forward the records request to the appropriate records custodian within Austin Peay State University.
 - e. If requested records are in the custody of a different governmental entity, and the PRRC knows the correct governmental entity, advise the requestor of the correct governmental entity and PRRC for that entity if known.
3. The designated PRRC(s) is:
 - a. Name or title: The Office of Legal Affairs
 - b. Contact information:
 Austin Peay State University
 Physical Address: Browning, Rm. 151
 Mailing Address: P.O. Box 4628
 Clarksville, TN 37044
 931.221.7572 (o)
 931.221.7569 (f)

B. Records Custodian

1. Upon receiving a public records request, a records custodian shall promptly make requested public records available in accordance with Tenn. Code Ann. § 10-7-503. If the records custodian is uncertain that an applicable exemption applies, the custodian may consult with the PRRC, counsel, or the OORC.
2. If not practicable to promptly provide requested records because additional time is necessary to determine whether the requested records exist; to search for, retrieve, or otherwise gain access to records; to determine whether the records are open; to redact records; or for other similar reasons, then a records custodian shall, within seven (7) business days from the records custodian's receipt of the request, send the requestor a completed Public Records Request Response Form which is referenced in the "Related Forms" section below, based on the form developed by the OORC.
3. If a records custodian denies a public record request, he or she shall deny the request in writing using the Public Records Request Response Form.
4. If a records custodian reasonably determines production of records should be segmented because the records request is for a large volume of records, or additional time is necessary to prepare the records for access, the records custodian shall use the Public Records Request Response Form to notify the requestor that production of the

records will be in segments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the records custodian should contact the requestor to see if the request can be narrowed.

5. If a records custodian discovers records responsive to a records request were omitted, the records custodian should contact the requestor concerning the omission and produce the records as quickly as practicable.

C. Redaction

1. If a record contains confidential information or information that is not open for public inspection, the records custodian shall prepare a redacted copy prior to providing access. If questions arise concerning redaction, the records custodian should coordinate with counsel or other appropriate parties regarding review and redaction of records. The records custodian and the PRRC may also consult with the OORC or with the Office of Attorney General and Reporter.
2. Whenever a redacted record is provided, a records custodian should provide the requestor with the basis for redaction. The basis given for redaction shall be general in nature and not disclose confidential information.

Inspection of Records

- A. There shall be no charge for inspection of open public records.
- B. The location for inspection of records within the offices of Austin Peay State University should be determined by either the PRRC or the records custodian.
- C. Under reasonable circumstances, the PRRC or a records custodian may require an appointment for inspection or may require inspection of records at an alternate location. Records may be inspected during business hours (8:00 a.m.-4:30 p.m., Monday-Friday, except for official holidays).

Copying of Public Records

- A. A records custodian shall promptly respond to a public record request for copies in the most economic and efficient manner practicable.
- B. Copies will be available for pickup at a location specified by the records custodian.
- C. Copies will be delivered via email, unless size limitations prevent delivery or if requested that they be sent via US Mail.

Upon payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service.

- D. A requestor will not be allowed to make copies of records with personal equipment or provide their own storage devices.

Copying Costs

- A. The University will establish the charge for making copies of public records by photographic or other means of duplication at the rate established by the OOCR as they may be from time to time amended. (See www.comptroller.tn.gov/openrecords/index.asp) The schedule sets a per page fee for copying that does not include labor charges as described below.
- B. If the requested records exist electronically, but not in the format requested or a new or modified computer program or application is necessary to put the records in a readable and reproducible format or it is necessary to access backup files, the PRD shall charge the requesting party the actual costs incurred in producing the records in the format requested or in creating or modifying a computer program or application necessary to put the records in a readable and reproducible format or in accessing backup files.
- C. Electronic records will be produced only in a read-only format.

Labor Costs

- A. The PRRC shall utilize the most cost efficient method of producing requested records and strive to utilize current employees at the lowest practicable hourly wage to fulfill public records requests for copies.
- B. "Labor" is the time (in hours) reasonably necessary to produce requested records, including the time spent locating, retrieving, reviewing, redacting, and reproducing records.
- C. "Labor threshold" is the first (1st) hour of labor reasonably necessary to produce requested material(s). The PRRC is only permitted to charge for labor exceeding the labor threshold established by the governmental entity.
- D. "Hourly wage of an employee" is based upon the base salary of the employee and does not include benefits. If an employee is not paid on an hourly basis, the hourly wage shall be determined by dividing the employee's annual salary

by the required hours to be worked per year. For example, an employee who is expected to work a 37.5 hour workweek and receives \$39,000 in salary on an annual basis will be deemed to be paid \$20 per hour.

- E. In calculating labor charges, the PRRC should determine the total amount of labor for each employee and subtract the labor threshold from the labor of the highest paid employee(s). The PRRC should then multiply the amount of labor for each employee by each employee's hourly wage to calculate the total amount of labor charges associated with the request.

Delivery Costs

The PRRC shall charge the requesting party for the costs incurred by the PRRC in delivering the records to the requesting party, in addition to any other charge permitted by these rules.

1. Delivery of copies of records to a requestor is anticipated to be by hand delivery.
2. In the discretion of the PRRC, copies of public records may be delivered through other means, including electronically or by U.S. Postal Service.

Payment

If the requesting party requests copies of public records, the following provisions concerning payment of production costs shall apply:

1. The PRRC shall provide the requesting party an estimate of the production costs before initiating the production of copies of the requested public records.
2. The PRRC may require payment in full of all production costs before copies of public records are delivered or otherwise made available to the requesting party.
3. Production costs must be paid by cash or check. Cash payments must be for the exact amount of the publication costs.
4. The PRRC will provide a receipt to the requesting party upon receipt of payment of the productions costs.

- Waiver of Production Costs** A. The PRRC is authorized in its discretion to waive payment for providing copies of public records on a case by case basis.

Related Forms

**Request Form to
Inspect/Copy Public
Records**

https://www.apsu.edu/sites/apsu.edu/files/policy/pub_record_0.pdf

Revision Dates

APSU Policy 1:012 – Issued:

Subject Areas:

Academic	Finance	General	Human Resources	Information Technology	Student Affairs
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			

Approved

President: signature on file

**Austin Peay State
University**

Student Code of Conduct

POLICIES

Issued:

Responsible Official: Vice President for Student Affairs

Responsible Office: Office of Student Affairs

Policy Statement

Anyone who enrolls at APSU is entitled to all rights granted to him/her by the Constitution of the United States and is entitled to the full protection of the law. Apart from those rights and duties enjoyed by non-students, enrollment in the University carries with it special privileges and imposes special responsibilities. The University has established regulations and certain due process procedures essential to an atmosphere of mutual respect that is sensitive to rights of all individuals.

The Code of Student Conduct is published annually in the APSU Student Handbook and can be accessed at the following website:

<http://www.apsu.edu/student-affairs/judicial1>

Purpose

The purpose of this policy is to provide Austin Peay State University students with a comprehensive document that explains their rights and responsibilities and to provide students with established regulations which articulate due process procedures.

Revision Dates

APSU Policy 1:013 (previously 3:013) – Rev.:
APSU Policy 1:013 – Rev.: August 15, 2012
APSU Policy 1:013– Issued: November 2, 2001

Subject Areas:

Academic	Finance	General	Human Resources	Information Technology	Student Affairs
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Approved

President: signature on file

**Austin Peay State
University**

**Classifying Students In-State & Out-of-State for Purposes
of Paying Fees & Tuition & for Admissions Purposes**

POLICIES

Issued:

Responsible Provost and Vice President of Academic

Official: Affairs

Responsible Office: Enrollment Management

Policy Statement

It is the policy of Austin Peay State University to classify students as “in-state” or “out-of-state” for purposes of paying fees and tuition and for admission purposes based on the guidelines detailed in this policy.

Purpose

It is the intent that the University shall apply uniform rules, as described in these regulations and not otherwise, in determining whether students shall be classified “in-state” or “out-of-state” for fees and tuition purposes and for admission purposes.

Contents

Definitions

- Residence
- Domicile
- Emancipated person
- Parent
- Continuous enrollment

Procedures

- Rules for Determination of Status
- Out-of-State Students who are not Required to Pay Out-of-State Tuition
- Honors Program
- Presumption
- Evidence to be Considered for Establishment Domicile
- Process and Appeals Procedures for Determination of Residency
- Effective Date for Reclassification
- Effective Date

Links

-Exhibit 1 – Guidance of Eligibility Verification for Entitlement Act (EVEA)

Definitions

Residence	Continuous physical presence and maintenance of a dwelling place within this State, provided that absence from the State for short periods of time shall not affect the establishment of a residence.
Domicile	A person's true, fixed, and permanent home and place of habitation; it is the place where he or she intends to remain, and to which he or she expects to return when he or she leaves without intending to establish a new domicile elsewhere. Undocumented immigrants cannot establish domicile in Tennessee, regardless of length of residence in Tennessee.
Emancipated person	A person who has attained the age of eighteen years, and whose parents have legally surrendered the right to the care, custody, and earnings of such person and who no longer are under any legal obligation to support or maintain such person.
Parent	A person's father or mother. If there is a non-parental guardian or legal custodian of an un-emancipated person, then "parent" shall mean such guardian or legal custodian; provided, that there are not circumstances indicating that such guardianship or custodianship was created primarily for the purpose of conferring the status of an in-state student on such un-emancipated person.
Continuous Enrollment	Enrollment at a public higher educational institution or institution of this State as a full-time student, as such term is defined by the governing body of said public higher educational institution or institutions, for a normal academic year or years or the appropriate portion or portions thereof since the beginning of the period for which continuous enrollment is claimed. Such person need not enroll in summer sessions or other such inter-sessions beyond the normal academic year in order that his or her enrollment be deemed continuous, notwithstanding lapses in enrollment occasioned solely by the scheduling of the commencement and/or termination of the academic years, or appropriate portion thereof, of the public higher educational institutions in which such person enrolls.

Procedures

Rules for Determination of Status

- A. Every person having his or her domicile in this State shall be classified "in-state" for fee and tuition purposes and for admission purposes.
 - 1. For guidance regarding the Eligibility Verification for Entitlement Act (EVEA) see Exhibit #1.
- B. Every person not having his or her domicile in this State shall be classified "out-of-state" for said purposes.
- C. The domicile of an un-emancipated person is that of his or her parent, except as provided in section E of this rule.
- D. Un-emancipated students of divorced parents shall be classified "in-state" when one parent, regardless of custodial status, is domiciled in Tennessee, except as provided in section E of this rule.
- E. A student is classified "in-state" for fee and tuition purposes if the student is a citizen of the United States, has resided in Tennessee for at least one (1) year immediately prior to admission and has:
 - 1. Graduated from a Tennessee public secondary school;
 - 2. Graduated from a private secondary school that is located in this state; or
 - 3. Earned a Tennessee high school equivalency diploma.
- F. The spouse of a student classified as "in-state" shall also be classified as "in-state", subject to the requirements of T.C.A. Title 4, Chapter 58.

Out-of-State Students who are Not Required to Pay Out-of-State Tuition

- A. An un-emancipated, currently enrolled student shall be reclassified out-of-state should his or her parent, having theretofore been domiciled in the State, remove from the State. However, such student shall not be required to pay out-of-state tuition nor be treated as an out-of-state student for admission purposes so long as his or her enrollment at the University is continuous.
- B. An un-emancipated person whose parent is not domiciled in this State but is a member of the armed forces and stationed in this State or at Fort Campbell pursuant to military orders shall be classified out-of-state but shall not be required to pay out-of-state tuition. Such a person, while in continuous

attendance toward the degree for which he or she is currently enrolled, shall not be required to pay out-of-state tuition if his or her parent thereafter is transferred on military orders.

- C. A person whose domicile is in a county of another state lying immediately adjacent to Montgomery County, or whose place of residence is within thirty (30) miles of Austin Peay State University shall be classified out-of-state but shall not be required to pay out-of-state tuition at Austin Peay State University.
- D. A person, who is not domiciled in Tennessee, but has a bona fide place of residence in a county which is adjacent to the Tennessee state line and which is also within a 30 mile radius (as determined by THEC) of a city containing a two year TBR institution, shall be classified out-of-state, but admitted at in-state tuition rate.
 - 1. The waiver of out-of-state tuition granted to a border county student at an admitting institution will follow the student ONLY from a community college to the University if the student transfers from the community college after successfully completing an associate's degree UNLESS this condition is waived by the community college as being in the student's best interest; provided, in any case the student must complete the general education requirement at the TBR community college.
- E. Part-time students who are not domiciled in this State but who are employed full-time in the State, or who are stationed at Fort Campbell pursuant to military orders, shall be classified out-of-state but shall not be required to pay out-of-state tuition. This shall apply to part-time students who are employed in the State by more than one employer, resulting in the equivalent of full-time employment.
- F. Military personnel and their spouses stationed in the State of Tennessee who would be classified out-of-state in accordance with other provisions of these regulations will be classified out-of-state but shall not be required to pay out-of-state tuition. This provision shall not apply to military personnel and their spouses who are stationed in this State primarily for educational purposes.
- G. Dependent children who qualify and are selected to receive a scholarship because their parent is a law enforcement officer,

fireman, or emergency medical service technician who was killed or totally and permanently disabled while performing duties within the scope of their employment shall not be required to pay out-of-state tuition. (T.C.A. § 49-4-704)

- H. Active-duty military personnel who begin working on a college degree at a the University while stationed in Tennessee or at Fort Campbell, Kentucky, and who are transferred or deployed prior to completing their degrees, can continue to completion of the degrees at the University without being required to pay out-of-state tuition, as long as he/she completes at least one (1) course for credit each twelve (12) month period after the transfer or deployment. Exceptions may be made in cases where the service member is deployed to an area of armed conflict for periods exceeding twelve (12) months.
- I. Students who participate in a study abroad program, when the course/courses in the study abroad program is/are the only course/courses for which the student is registered during that term, shall not be required to pay out-of-state tuition.
- J. Students who are awarded tuition waiver scholarships for participation in bona fide campus performance-based programs, according to established guidelines, shall not be required to pay out-of-state tuition.
- K. A veteran enrolled at the University shall not be required to pay out-of-state tuition or any out-of-state fee, if the veteran:
 - 1. Has not been dishonorably discharged from a branch of the United States armed forces or the national guard;
 - 2. Is eligible for Post-9/11 GI Bill benefits or Montgomery GI Bill benefits; and
 - 3. Enrolls in the University, after satisfying all admission requirements, within three (3) years from the date of discharge as reflected on the veteran's certificate of release or discharge from active duty, Form DD-214, or an equivalent document.
 - a. To continue to qualify for in-state tuition and fees, a veteran shall:
 - 1. Maintain continuous enrollment as defined by the University; and
 - 2. Demonstrate objective evidence of established residency in this state by presenting at least two (2) of the following:
 - 1. Proof of voter registration in the state;

2. A Tennessee driver license;
3. A Tennessee motor vehicle registration;
4. Proof of established employment in the state;
or
5. Other documentation clearly evidencing domicile or residence in the state, as determined by the Tennessee Higher Education Commission.

Honors Program

The University will establish policies regarding out-of-state tuition scholarships for students selected for admissions into formal honors programs at the University.

Presumption

Unless the contrary appears from clear and convincing evidence, it shall be presumed that an emancipated person does not acquire domicile in this State while enrolled as a full-time student at the University, as such status is defined by the University.

**Evidence to be Considered
for Establishment of
Domicile**

If a person asserts that he or she has established domicile in this State he or she has the burden of proving that he or she has done so. Such a person is entitled to provide to the University by which he/she seeks to be classified or reclassified in-state, any and all evidence which he or she believes will sustain his or her burden of proof. The University will consider any and all evidence provided to it concerning such claim of domicile but will not treat any particular type or item of such evidence as conclusive evidence that domicile has or has not been established.

**Process and Appeals
Procedures for
Determination of Residency**

Initially, the Office of Admissions clerk is responsible for classifying applicants for admission or readmission as either "in-state" or "out-of-state." A decision by the Office of Admission clerk may be appealed in writing to the residency classification officer in the Office of Admissions on an Application for Residency Classification form.

Students currently/continually enrolled may appeal in writing to the residency classification officer in the Office of the Registrar on an Application for Residency Classification form. An appeal of the decision made by either office may be taken to the Residency Appeals Committee. Appointments for students to appear before the committee and copies of written appeals for committee members will be made by the Office of the Registrar. Appeals from students who appear will be heard before the committee. Appeal applications made *in absentia* will be

considered by the committee after consideration of in-person appeal appointments. Unless additional guests are requested in advance and approved by the committee chair, only the student may appear before the committee. Students may bring additional material to support their appeal at the committee meeting. The committee shall include five faculty representatives (including the chair), two staff representatives, two student representatives, as well as up to three ex officio members currently made up of the Coordinator of Graduate Admissions, the Director of Admissions, and the Registrar. The committee chair will prepare a record of the student appeals including the name of the student, the date of the committee meeting, the committee members present, name(s) of any other guest(s) and a statement of the resulting decision of the committee. A copy of this record will be kept in the student's permanent file. The appealing student will be contacted by the Office of the Registrar and informed of the committee's recommendation. A decision by the Residency Appeals Committee may be appealed in writing to the associate provost for enrollment management and academic support. All appeals must be received within five (5) class days of receipt by the student of the committee's decision.

**Effective Date for
Reclassification**

If a student classified out-of-state applies for in-state classification and subsequently is classified thusly, his or her in-state classification shall be effective as of the date on which reclassification was sought. However, out-of-state tuition will be charged for any term or semester during which reclassification is sought and obtained unless application for reclassification is made on or before the last day of registration prior to classes.

Links

**Exhibit 1-Guidance on
Eligibility Verification for
Entitlement Act (EVEA)**

<https://policies.tbr.edu/system/files/exhibits/2015-08-14%20Guidance%20Re%20Eligibility%20Verification%20for%20Entitlements%20Act%20%28EVEA%29.pdf>

Revision Dates

APSU Policy 1:014 (previously 3:019) – Rev.:
APSU Policy 1:014 – Rev.: January 15, 2015
APSU Policy 1:014 – Rev.: September 12, 2006
APSU Policy 1:014 – Rev.: March 31, 2006
APSU Policy 1:014 – Rev.: April 24, 1997
APSU Policy 1:014 – Issued: October 17, 1994

Subject Areas:

Academic	Finance	General	Human Resources	Information Technology	Student Affairs
<input checked="" type="checkbox"/>					

Approved

President: signature on file

**Austin Peay State
University**

Grievance and Complaint Procedures for Employees

POLICIES

Issued:

Responsible Official: Vice President for Finance and Administration

Responsible Office: Human Resources

Policy Statement

It is the policy of Austin Peay State University to provide an effective procedure for resolution of problems arising from the employment relationship or environment. To this end, a formal grievance and complaint procedure has been established for the use and benefit of all employees. When an employee believes a condition of employment affecting him/her is unjust, inequitable or a hindrance to effective performance of his/her employment responsibilities, the employee may seek resolution through this procedure without fear of coercion, discrimination or reprisal. It is the intent of the university to resolve a grievance/complaint at the lowest possible step in the grievance/complaint procedure. Formal procedures outlined in this policy will be used only when informal efforts to settle alleged wrongs have failed.

Purpose

The purpose of this procedure is to provide a clear, orderly and expedient procedure through which all employees of the university may process bona fide complaints or grievances.

Contents

Procedures

- Applicability
- Employees
- Responsibility for Implementation
- Grievance/Complaint Process
- Grievance Committee
- General Rules of Implementation
- Steps for Filing a Grievance
- Steps for Filing a Complaint
- Maintenance of Records

Related Forms

-APSU Employee Grievance/Complaint Form

Links

-APSU Policy 5:033

-APSU Policy 6:004

-APSU Human Resources Webpage

Procedures

Applicability

There are two issues addressed in this policy. They are
1) Grievances which are subject to committee review, and 2)
complaints which must be resolved without committee review.

A. GRIEVANCES - (Committee review available) A grievance
may result from any action the University has taken against
the employee which:

1. Violates University policy, or involves an inconsistent
application of these same policies;
2. Violates state or federal discrimination statutes in that
the adverse action is based solely on race, gender,
including claims under Title IX, national origin, age,
disability, including claims under the ADA, the
Rehabilitation Act, or Section 504, or veteran's status;
3. Violates any constitutional right. The most likely
areas of concern are the First, Fourth or Fourteenth
Amendment of the federal constitution when that
action hampers free speech, freedom of religion, the
right to association, provides for improper search and
seizure, or denies constitutionally required notice or
procedures.

This policy is not applicable to a grievance or complaint
which is the subject of an action filed with an external body.
The term "external body" includes a court, or federal or state
administrative body such as the Equal Employment
Opportunity Commission, Office of Civil Rights, or
Tennessee Human Rights Commission. This policy is not
applicable to a grievance or complaint which is the subject of
a harassment complaint being pursued through procedures
given in APSU Policy No. 6:004, Harassment – Sexual or
Racial.

This policy is not applicable to a termination procedure initiated against a tenured faculty member under APSU Policy 2:043.

This policy is not to be used for non-exempt support staff employees who are demoted, suspended without pay, or terminated. Non-exempt support staff employees who are subject to these types of punitive actions must follow the grievance process in APSU Policy 5:033.

- B. COMPLAINTS - (Committee review not available) A complaint is a concern which an employee wants to discuss with supervisory personnel in an effort to resolve the matter.
- C. This policy does not apply to the following actions and, therefore, these actions will not be considered under either the grievance or complaint process:
 - 1. Termination of personnel. An exception is allowed for this item for non-exempt staff support personnel who are eligible to pursue a grievance under APSU Policy 5:033
 - 2. Performance reviews and normal supervisory counseling
 - 3. Position reclassification
 - 4. Elimination of a position due to a reduction in force, lack of funds or reorganization
 - 5. Formal performance evaluations
 - 6. Rates of pay including decisions on pay increases
 - 7. Group life insurance, group health benefits or retirement benefits
 - 8. Decisions regarding faculty tenure or promotion

Employees

All references to the term “employee(s)” contained in this policy include only those individuals defined in this paragraph.

Employees shall include administrators, faculty (including full-time faculty on term or temporary contracts), professionals, clerical and support personnel. Probationary employees are also included in this definition. Student workers, graduate assistants,

adjunct faculty, and temporary workers are not included in the definition of employees.

Responsibility for Implementation

- A. The President has ultimate responsibility for the implementation of the grievance/complaint procedures and provides the final decision at the university level, where a grievance referred to the grievance committee is involved.
- B. Supervisors should be knowledgeable in the grievance/complaint process and be able to provide their employees with information concerning their right to file a grievance or complaint. Additionally, supervisors must also be aware that they are responsible for ensuring that an employee who files a grievance or complaint is free from fear of retaliation, coercion, and/or discrimination arising from the employee's filing of or intent to file a grievance or complaint. No employee shall retaliate or discriminate against another employee because of the latter employee's filing of a grievance or complaint. In addition, no employee shall coerce another employee or interfere with the action of another employee in the latter employee's attempt to file a grievance or complaint.

Grievance/Complaint Process

- A. Grievances
 - 1. Grievances which cannot be resolved informally shall, upon request of the grievant, be referred to a grievance committee as set out in this policy. The grievant has the option of choosing committee review when he/she has attempted to resolve the matter without success, or it is apparent that such attempt would be futile.
 - 2. Once the President has made a final decision, a grievance is appealable to the Board of Trustees only when it falls within the parameters set out in APSU Policy 1:010. This generally includes all grievances defined in Applicability, Section A. above, except those where the complainant has filed a lawsuit or appeal with a state or federal administrative body.

B. Complaints

Resolution of complaints at a minimum requires the University to: 1) allow the employee to present facts and/or materials; 2) investigate the dispute; and 3) attempt to find a solution. The President shall be the final decision maker if agreement cannot be reached at a lower level. Complaints do not include a right to any

type of hearing, adversarial proceeding, nor the right to appeal to the Board of Trustees.

Grievance Committee

The population from which the Grievance Committee shall be drawn consists of all full-time employees other than the President, those reporting directly to the President, and Deans.

From the group of eligible employees, the President will appoint a standing committee consisting of at least sixteen employees, half of whom must be faculty members. The term of each member of the committee will be three years. At the end of the three-year term, the President will review the committee membership and make new appointments or reappointments as necessary. Should it be determined that a member is biased or prejudiced in his/her actions, the President may replace that individual at any time during his/her term on the committee. The appointments will allow for peer representation to include administrators, professionals, clerical and support employees, and both tenured and non-tenured faculty. Women and minorities will be included in the standing committee. In the event a grievance is submitted to the President, three members of the committee and an alternate will be appointed as a Grievance Panel to hear the grievance. The alternate will be used only if one of the appointed members cannot be present for the hearing. The President will appoint the panel chairperson. Members of the grievant's department and persons involved in the grievance may not be appointed to the Grievance Panel.

General Rules of Implementation

- A. Employees using this procedure will be entitled to do so without fear of retaliation, interference, coercion or discrimination.
- B. A grievance/complaint must be presented to an employee's immediate supervisor within thirty (30) working days after the occurrence of the incident claimed to have given rise to the grievance/complaint. Any claim not presented within the time frame provided shall be deemed to have been waived, except as described in this policy. (For repetitive or ongoing incidents or circumstances, the grievance/complaint must be filed within thirty (30) working days of the last occurrence of such incident or circumstance.)
- C. The grievant is entitled to be accompanied by an advisor at each step of the grievance procedure; however, the advisor may not act as an advocate on behalf of the grievant. An advisor is not applicable for the complaint process.

- D. The grievant and the University may present any pertinent evidence to the Grievance Panel and may have the Panel call witnesses with testimony pertinent to the case. As the hearing will be non-confrontational, only the panel members will be allowed to question witnesses.
- E. Employees may be given the opportunity to pursue grievances/complaints during their assigned work time; however, efforts to pursue a grievance/complaint shall not interfere with the normal work flow of the office. Time off to pursue a grievance shall be coordinated with the employee's immediate supervisor unless the grievance/complaint is against that supervisor. In that situation, time off to pursue the action will be coordinated with the next higher level supervisor.
- F. The President may grant a reasonable extension of the applicable time limit at each stage of the procedure upon the timely showing of good cause. The request for an extension must be in writing. The approval or denial of the request must also be in writing.
- G. Supervisors to whom a grievance/complaint is raised and the Grievance Panel may consult the human resources department for advice on resolving grievances/complaints (except for grievances involving an action taken against the grievant by the human resources department, in which case the Director of Human Resources will serve as advisor).
- H. Grievances and complaints must be submitted in writing using the "APSU Grievance/Complaint Form." Copies of the form can be obtained from human resources or downloaded from the APSU human resources web page.
- I. An employee may withdraw a grievance/complaint at any stage in the process. The withdrawal of a grievance must be submitted in writing.

Steps for Filing a Grievance Step 1: Discussion with Immediate Supervisor

A grievance must be brought to the attention of the employee's immediate supervisor within thirty (30) working days after the employee becomes aware of the problem. If the action or incident on which the grievance is based was initiated at a higher level than the immediate

supervisor, the employee may choose to present the grievance at step one to the higher level supervisor rather than the immediate supervisor. The employee should state the basis for the grievance and the corrective action desired in temperate and reasonable terms. Within fifteen (15) days after the grievance is filed, the employee and the supervisor will have a face-to-face meeting to discuss the grievance in an attempt to resolve the matter in a mutually satisfactory manner. The supervisor will conduct any necessary or appropriate investigation, talk with any material witnesses, and inform the employee of a decision based upon full and fair consideration of all the facts within fifteen (15) working days of the initial discussion. The supervisor will assure that the decision is clearly communicated in writing to the employee. If the employee is satisfied with the decision, no additional action is required. If the employee is not satisfied, the employee may proceed to Step 2. (If no decision is communicated to the employee within fifteen (15) working days of the initial discussion, the employee may proceed directly to Step 2.)

Step 2: Discussion with Higher-Level Supervisor

If the employee does not receive a satisfactory resolution to the grievance at step one, the employee may proceed to discuss the matter with the next-higher-level supervisor within fifteen (15) working days of the date of the decision of the step one supervisor. Failure to comply with Step 2 in a timely manner will be deemed a waiver by the employee and the grievance may not be raised again. The next-higher-level supervisor and the employee will then follow the same procedure as required in Step 1.

If the employee is satisfied with the decision reached by the next-higher-level supervisor, no additional action is required. If the employee is not satisfied, the employee may proceed to Step 2a or 3. (If no decision is communicated to the employee within fifteen (15) working days of the initial discussion between the employee and the next-higher-level supervisor, the employee may proceed directly to Step 2a or 3. In this case, the employee must present the grievance to the Human Resources Department within twenty (20) working days after submission to the next-higher-level supervisor in Step 2.)

Step 2a: Discussion with Division Head (president, vice presidents, director of athletics)

If the supervisor in Step 2 is below the level of division head, the employee will present the matter to the division head; otherwise, the employee may proceed to Step 3. The same procedures and deadlines established in Steps 1 and 2 above will be followed at this level. In the event the situation is not resolved by the division head, the employee may proceed directly to Step 3.

Step 3: Written Grievance Statement to be reviewed by the Grievance Panel

If the employee and the division head are not able to reach a mutually satisfactory resolution to the grievance, the employee may file a written grievance with the Human Resources Department on the designated form. The grievance must be filed within fifteen (15) working days of the date of the decisions of the higher-level supervisor. Failure to comply with Step 3 in a timely manner will be deemed a waiver by the grievant and the grievance may not be raised again. (The Human Resources Department may request the employee to restate the grievance for additional clarity if necessary, but such request will not prejudice the employee in regard to the applicable time limit.)

A copy of the grievance, along with any supporting documentation, will be given to the appropriate supervisors. The Human Resources Department may request the supervisors to respond in writing to the grievance statement. The Human Resources Department will then forward the grievance, the supporting documentation and the responses of the supervisors to the President.

Upon receipt of the written grievance, the President shall appoint a panel consisting of three members and an alternate from the Standing Grievance Committee to hear the grievance. Within ten (10) working days after appointment, the Grievance Panel will conduct an impartial hearing on the grievance, at which it will accept and review all pertinent information presented by the employee and the Human Resources Department as

well as any other information it deems appropriate. The hearing will include a face to face meeting with the employee. The Grievance Panel will make a thorough and independent study. The Grievance Panel may call before it any personnel whom it feels may have information pertinent to the grievance. Within three (3) working days of the end of the hearing, the chairperson of the panel will prepare a written report of the panel's recommendation to the President. The recommendation will be based on full and fair consideration of all the facts and circumstances. The report will also contain a summary of the panel's investigation and findings.

Upon receipt of the recommendation, the President may accept the recommendation of the panel or select an appropriate alternate resolution. The President's decision along with a copy of the panel report will be directed to the employee, and copies will be provided to the chairperson of the panel, the Human Resources Department, and all other parties involved.

Steps for Filing a Complaint

Steps 1, 2, and 2a of the complaint procedure are identical to the grievance procedure.

Step 3: Written Complaint Statement to be reviewed by the President

If the employee and the higher-level supervisors/division head are not able to reach a mutually satisfactory resolution to the complaint, the employee may file a written complaint with the Human Resources Department on the designated form. The complaint must be filed within fifteen (15) working days of the date of the decision of the division head. Failure to comply with Step 3 in a timely manner will be deemed a waiver by the employee and the complaint may not be raised again (the human resources department may request the employee to restate the complaint for additional clarity if necessary, but such request will not prejudice the employee in regard to the applicable time limit). A copy of the complaint, along with any supporting documentation, will be given to the immediate supervisor and the higher supervisors. The Human Resources Department may request the supervisors to respond in writing to the complaint. The Human Resources Department will then forward the

complaint, the supporting documentation and the responses of the supervisors to the President.

Upon receipt of the complaint, the President will review the documentation and make an appropriate decision. The President's decision will be documented in a memorandum and given to the employee. Copies will be provided to all other parties involved.

Maintenance of Records Copies of written grievances/complaints and accompanying responses and documentation shall be maintained in the Office of the Human Resources Department. Copies of grievances/complaints and accompanying responses shall be maintained for at least three years.

Related Forms

APSU Employee Grievances/Complaint Form https://www.apsu.edu/files/human-resources/griev_frm.pdf

Links

APSU Policy 5:033 <https://www.apsu.edu/policy/support-staff-grievance-5033>
APSU Policy 6:004 <https://www.apsu.edu/policy/discrimination-and-harrassment-complaint-and-investigation-procedure-6004>
APSU Human Resources Webpage <https://www.apsu.edu/human-resources/forms>

Revision Dates

APSU Policy 1:017 (previously 5:027) – Rev.:
APSU Policy 1:017 – Rev.: May 2, 2006
APSU Policy 1:017 – Issued: February 4, 2003

Subject Areas:

Academic	Finance	General	Human Resources	Information Technology	Student Affairs
			<input checked="" type="checkbox"/>		

Approved

President: signature on file

**Austin Peay State
University**

Board Professional Development Policy

POLICIES

Issued:

Responsible Official: General Counsel

Responsible Office: Office of Legal Affairs

Policy Statement

Public Chapter 869 (2016), also known as the Focus on College and University Success (FOCUS) Act requires the Board to adopt a policy that facilitates ongoing professional development for members. It is the policy of the APSU Board of Trustees that members receive ongoing professional development.

Purpose

The purpose of this policy is to establish the ongoing professional development activities of the APSU Board of Trustees.

Procedures

The Tennessee Higher Education Commission shall coordinate and administer an orientation training program, as well as an ongoing continuing education program, for the Board. This training shall include a perspective on higher education that incorporates national experts in higher education governance. The training shall address the roles and responsibilities of governing boards, the legal and ethical responsibilities of board members; the board's role in upholding academic standards, intellectual diversity, and academic freedom; budget development; presidential searches and evaluation; the role of higher education in K-12 collaboration; and setting strategic goals. All newly appointed members shall attend orientation seminars within their first year of service.

The Austin Peay State University Board of Trustees (Board) will additionally provide ongoing professional development for its members as it deems necessary and appropriate.

Revision Dates

APSU Policy 1:018 – Issued:

Subject Areas:

Academic	Finance	General	Human Resources	Information Technology	Student Affairs
		<input checked="" type="checkbox"/>			

Approved

President: signature on file

**Austin Peay State
University**

**Policy on Access to and Use of Campus Property and
Facilities**

POLICIES

Issued:

Responsible Official: Vice President for Finance and Administration

Responsible Office: University Facilities

Policy Statement

It is the policy of Austin Peay State University (Austin Peay or University) to regulate the use of its campus property and facilities in a content and viewpoint neutral manner, consistent with the University's mission and educational purpose.

Purpose

This policy shall be implemented and construed to ensure that there is no undue disruption of Austin Peay's mission; to promote an educational atmosphere on campus; to prevent commercial exploitation of students; to preserve residential tranquility; and to ensure that use of campus property and facilities complies with federal, state (T.C.A. §8-50-1001) and local law and, regulations.

Austin Peay recognizes that it is important to the educational process and environment that persons affiliated with the University, including officially recognized student organizations and other groups, have reasonable access to and use of the educational facilities on campus to hear various views. The University's campus, facilities, and buildings, however, are not open public forums. Rather, they are intended solely for use consistent with the advancement and orderly administration of its educational mission for the benefit of its students, staff, and affiliated entities/individuals. Austin Peay, therefore, does not ordinarily make its buildings or other facilities available to outside individuals or outside groups. Exceptions may be made only if the proposed use is consistent with institutional policies and the University's mission.

The use of Austin Peay State University facilities by non-affiliated entities/individuals is permitted only as prescribed in this policy.

Contents

Definitions

- Affiliated Entities
- Affiliated Individuals
- Non-affiliated Individual
- Student

Procedures

- Access to Facilities and Prioritized Users
- Use of Affiliated Individual/entities
- Use by Non-affiliated Individuals/entities
- Denial of the Use of Facilities
- General Conditions for Use of Property or Facilities
- Distribution of Leaflets, Literature, Pamphlets, Etc. – Commercial Use/Solicitation Prohibited

Links

- Summer Camps
 - Police Staffing Matrix
-

Definitions

Affiliated Entities	An officially registered student, student group or student organization
Affiliated Individuals	Persons officially connected with the University including students, faculty, and staff
Non-affiliated Individual	Any person who is not an “affiliated individual”
Student	A person who is currently registered for a credit course or courses, non-credit course or program at the University, including any such person during any period which follows the end of an academic period which the student has completed until the last day for registration for the next succeeding regular academic period.

Procedures

Access to Facilities and Prioritized Users	1. Access to and use of Austin Peay’s campuses, facilities, and property are restricted to the institution, the institutional administration for official functions, affiliated individuals/entities, and the institution’s invited or
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sponsored guests, or when part or all of a campus, its buildings or facilities are open to the general public for a designated period of time and purpose, or when access/use by non-affiliated entities or individuals has been allowed pursuant to the provisions of this policy.

2. Denial of a request to access/use campus facilities and/or property shall be based solely on factors related to reasonable regulations in light of the University's educational mission and the nature of the facility or property requested and rendered in a content/viewpoint neutral manner. See Section Use by Non-affiliated Individuals/entities D. For examples of reasons for denial.
3. Priority for the use of university facilities is in the following order: 1) credit and non-credit classes and programs, 2) University-sponsored activities, 3) all other requests for usage. When considering requests for use, priority shall be given to affiliated individual/entities whose proposed use is consistent with the University's educational mission, with highest priority for use of University buildings, facilities, and/or property always being reserved for administrative and educational uses. Educational and administrative uses include, but are not limited to: classes, university wide events, commencement, awards programs, and recruitment and/or registration events.
4. All requests for use of university space must be made at <http://apbrems.apsu.edu/EmsWebApp/>, where there is an online list of the facilities/areas available for use/rental by affiliated and/or non-affiliated entities and individuals. Applications will be evaluated and processed in the order they are received. Facilities use requests not related to class scheduling are reviewed and approved/denied in the University Facilities Office, except for the following:

All Athletic spaces (Dunn Center and associated athletic fields) approved by the Office of Athletic Director.

Music/Mass Communications Concert Hall approved by Office of the School of Music.

Foy Recreation Center and Intramural Field approved by the Office of University of Recreation.

5. Applications to reserve facility space for priority use (administrative and educational should be submitted prior to April 1 for the following academic year. After that date, facility space scheduling for the following academic year will be open to affiliated entities/individuals for all other uses. After the Spring Semester is concluded, scheduling will open to non-affiliated entities/individuals. However, the scheduling or the rescheduling of classes, no matter the time of the year, takes priority or all other scheduling.
6. Notification of approval or denial of an application to reserve facility space will be provided by email.
7. All approved users of campus facilities or property are subject to all Austin Peay and federal, state and local laws. Further, they must adhere to any conditions of facility usage as outlined in this policy or stated by the approving body.

**Use of Affiliated
Individual/entities**

1. Faculty and/or affiliated individuals may invite uncompensated, unaffiliated guest speakers for regular class sessions and/or meetings without prior application or approval where attendance at the class session or meeting will be limited to members of the class or affiliated entity and where no fee or compensation from state funds will be paid to the speaker.
2. Access to or use of campus facilities or property by affiliated entities and affiliated individuals for an event other than a regular meeting of its membership that will include a compensated guest speaker and/or be open to persons outside group membership be made through the application process established in this policy. The sponsoring entity will be responsible for the conduct of both the speaker and non-affiliated guests at the event as well as for compliance with all laws, APSU rules or policies while present on campus or using campus facilities or property. An application for such access or use of campus facilities or property must clearly set forth the identities of both the affiliated individual/entity filing/sponsoring the application as well as the non-affiliated entity being sponsored.
3. Specialty spaces such as auditoriums and gym spaces may have additional requirements regarding their use. Applicants can check the <http://apbrems.apsu.edu/EmsWebApp/> website for operating use manuals for various campus buildings.

**Use by Non-affiliated
Individuals/entities**

1. Non-affiliated individuals/entities may apply for use or access to designated university space. A list of those facilities is on the online reservation system <http://apbrems.apsu.edu/EmsWebApp/>.
2. The University has designated the Morgan University Center as the main location on campus for use by non-affiliated individuals/entities to request. Campus auditoriums, and gyms may be available for rent on a space available basis if the event does not interfere with the educational mission of the university.
3. The University Center Plaza is the designated space on campus, where access may be granted to non-affiliated individuals/entities without an associated fee. A fee may be assessed should the requesting party require additional set up, cleanup or AV support. All other assignable university space will have, at a minimum, a rental fee associated with the space.
4. Long term use of (more than once and less than 4 months) assignable university is subject to a review of request and the impact of the ongoing operation of the University.
5. A contract may be required based on the nature of the requested event. Non-affiliated individuals/entities will be required to submit a deposit for the space equal to 1/2 of their total estimated costs.
6. A forfeiture of a deposit will be applied to non-affiliated individuals/entities based on the following:
 - Cancellation 120 days before the start of their event
100% refund
 - Cancellation 90-120 days before the start of their event
75% refund
 - Cancellation 60-90 days before the start of their event
50% refund
 - Cancellation 30-60 days before the start of their event
25% refund
 - Cancellation less than 30 days
no refund

**Denial of the Use of
Facilities**

Denial of a request to access/use campus facilities and/or property shall be based solely on factors related to reasonable

regulations in light of the University's educational mission and the nature of the facility or property requested and rendered in a content/viewpoint neutral manner. Such reasons may include, but are not limited to, the following:

1. The property or facilities have been previously reserved by another group, organization or individual with equal or higher priority;
2. Frequency of previous use during an academic period in comparison to that of a contemporaneous applicant;
3. Use of the property or facilities requested would be impractical due to scheduled usage prior to or following the requested use, or due to other extenuating circumstances;
4. The applicant or sponsor of the activity has not provided accurate or complete information required on the application for registration;
5. The applicant or sponsor of the activity has been responsible for violation of University policy during a previously registered use of campus property or facilities;
6. The applicant has previously violated any conditions or assurances specified in a previous registration application;
7. The facility or property requested has not been designated as available for use for the time/date;
8. The anticipated size or attendance for the event will exceed building/fire codes, established safety standards, and/or the physical or other limitations for the facility or property requested;
9. The activity is of such nature or duration that it cannot reasonably be accommodated in the facility or area for which application is made;
10. The size and/or location of the requested use would cause substantial disruption or interference with the normal activities of the University, the educational use of other facilities or services on campus or the flow of vehicular or pedestrian traffic;

11. The activity conflicts with existing contractual obligations of the University;
12. The activity presents a clear and present danger for physical harm, coercion, intimidation, or other invasion of lawful rights of the University's officials, faculty members, or students, the damage or destruction, or seizure and subversion, of the University's or school's buildings, other property, or for other campus disorder of a violent or destructive nature. In determining the existence of a clear and present danger, the responsible official may consider all relevant factors;
13. The requested use would be contrary to local, state, or federal law, and regulation, or the University.

General Conditions for Use of Property or Facilities

Once an affiliated individual or entity or a non-affiliated individual or entity has permission to use University property or facilities, including open access areas, the requirements outlined in this section, as well as all other requirements put forth in this policy, must be met. Violation of, or failure to comply with, the requirements set forth in this policy or other University policies may result in the immediate revocation of previously granted approval for access/use of campus facilities or property.

1. Applicable building, fire codes, and safety standards applicable to a particular facilities and/or property must be met.
2. All Austin Peay rules and/or policies must be followed.
3. Sound amplification equipment may be used only when prior approval has been requested and approved by the appropriate official taking into account the University's educational mission and the nature of the facility or property requested, location, and time of day.
4. Any rental of University equipment must follow the University Facilities guidelines.
5. All persons operating motor vehicles in conjunction with an approved use/access of campus facilities

and/or property shall be subject to University and rules, regulations, policies and procedures regarding traffic and parking.

6. Users of facilities or property and/or their sponsor(s) are responsible for all activities associated with the event.
7. Use of the requested facility and/or property shall be limited to the declared purpose in the application for use/access to campus facilities and/or property.
8. Access to, or use of, campus facilities shall not be permitted overnight unless specifically requested and approved pursuant to the requirements of this policy and/or other applicable University policies. Such use shall be limited to the specific time and location set forth in the notice of approval/registration document.
9. All persons on campus in conjunction with an approved application for use/access shall provide adequate identification upon request to appropriate officials and security personnel of the institution. Persons or groups who refuse to provide such identification may be subject to immediate removal from campus and/or disciplinary action. In appropriate circumstances, such persons may become subject to arrest and/or prosecution.
10. Austin Peay has the right to terminate the use of campus facilities or property by any group, organization or individual that violates any provision of this policy, University policy, local, state, or federal law or regulation. Failure to comply with, the requirements set forth in this policy or other University policies may result in the immediate revocation of previously granted approval for access/use of campus facilities or property, and student disciplinary sanctions, if appropriate.
11. Non-affiliated entities/individuals using APSU facilities, shall indemnify the institution. In certain circumstances or events, the university reserves the right to require:
 - a. Adequate bond or other security for damage to campus property;

- b. Personal injury and property damage insurance coverage;
- c. A performance bond or other insurance guaranteeing or insuring performance of its obligations under the contract; and/or
- d. Other types of insurance, if approved by APSU.

12. Insurance policies must list APSU as additionally insured and be for \$1 million. See attached link for a matrix for when additional may be required.

**Distribution of Leaflets,
Literature, Pamphlets, Etc.
– Commercial
Use/Solicitation Prohibited**

1. Distribution of leaflets, literature, pamphlets is not permitted within:
 - a. Classroom, library or other academic buildings or facilities;
 - b. Administrative and employee offices and work areas; or,
 - c. Student residence halls, dormitories or apartment buildings.
 2. No obscene literature or material, as defined by law, shall be distributed on any property owned or used by APSU.
 3. Placement of flyers, leaflets, literature, etc., is not permitted on motor vehicles parked on the Austin Peay campus.
 4. APSU campus property and facilities may not be used for the commercial or profit-making activities except when engaged in a business relationship, pursuant to a contract, with the University and/or when a rental/or lease agreement or facilities reservation is in place specifically for such temporary purpose.
 5. Any literature which is distributed or sold and any advertisement shall comply with all applicable laws and policies of APSU. Requests to distribute or sell literature shall be included with the underlying application to use campus facilities and/or property through the online reservation system. Literature and/or advertisements may only be sold or distributed in conjunction with an approved application for use of facilities.
 6. The university has designated the University Center Post Office area and the outdoor campus bulletin boards as the posting locations for the non-affiliated individuals/entities.
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Links

Summer Camps	http://www.apsu.edu/summer-camps
Police Staffing Matrix	http://www.apsu.edu/files/facilities/Police-Staffing-Matrix.pdf

Revision Dates

APSU Policy 1:019 (previously 3:001) – Rev.:
APSU Policy 1:019 – Rev.: April 29, 2014
APSU Policy 1:019 – Issued: April 26, 2006

Subject Areas:

Academic	Finance	General	Human Resources	Information Technology	Student Affairs
	<input checked="" type="checkbox"/>				

Approved

President: signature on file

**Austin Peay State
University**

Confidentiality of Student Records

POLICIES

Issued:

Responsible Provost and Vice President for Academic

Official: Affairs

Responsible Office: Enrollment Management

Policy Statement

It is the policy of the Austin Peay State University to comply with the Family Educational Rights and Privacy Act ("FERPA"), also known as the "Buckley Amendment," and, in so doing, to protect the confidentiality of personally identifiable educational records of students and former students. Each school official (as defined herein) is individually responsible for complying with this policy and "Privacy Rights of Parents and Students" from 34 CFR Subtitle A Part 99" and "Confidential Records" from T.C.A. Section 10-7-504. Violations shall subject the school official to appropriate disciplinary action. Appropriate references to this policy shall be included in all faculty, staff, and student handbooks and shall be included in orientation sessions for new employees who work with or have access to student records.

Annually, Austin Peay State University students shall be informed of their rights under FERPA through the APSU Student Handbook and Calendar and the APSU Bulletin. A copy of this policy shall be made available upon request at the Office of Student Affairs (free of charge) and the University Library (at a nominal per sheet charge).

Purpose

The purpose of this policy is the establishment of policy to protect the confidentiality of records for students at Austin Peay State University.

Contents

Definitions

- Directory Information
- Disclosure

- Education Records
- Legitimate Educational Interest
- Parent
- Record
- School Official
- Student

Procedures

- Educational Records
- Access to Student Records
- Student Rights
- Disclosure of Records
- Record of Requests and Disclosures

Related Forms

- FERPA Student Release of Confidential Information Form

Definitions

The following definitions shall apply to this policy. For definitions not included below consult 34 CFR Subtitle A Part 99.3

Directory Information

This includes the following information relating to a student: the student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

Disclosure

This means permitting access or the release, transfer, or other communication of education records of the student or the personally identifiable information contained therein, orally or in writing, or by electronic means, or by any other means to any party.

Education Records

This means those records that are directly related to a student and are maintained by the University or by a party acting for the University (see 34 CFR Subtitle A Part 99.3 for exceptions). This includes but is not limited to those records listed in section II.B.

Legitimate Educational Interest

This is defined as that specific student information that is needed by a school official to fulfill his/her responsibilities to the University and/or to better serve the student's needs.

Parent	This means a parent, a guardian, or an individual acting as a parent of a student in the absence of a parent or guardian.
Record	This means any information or data recorded in any medium, including, but not limited to: handwriting, print, tapes, film, microfilm, and microfiche.
School Official	A school official is a person employed by the University in an administrative, supervisory, academic, research or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the University has contracted (such as an attorney, auditor or collection agent); or a student serving on an official committee, such as disciplinary or grievance committee, or assisting another school official in performing his or her tasks.
Student	This means any individual who has applied for admission, been accepted for admission, or pays the appropriate fees for enrollment. "Eligible student" means a student who has attained eighteen years of age and is attending the University.

Procedures

Educational Records	<p>A. Records Maintained by the University</p> <p>The following types of educational records are maintained, both physically and electronically, by Austin Peay State University at the location(s) and under the supervision of the individual(s) as indicated below:</p> <p>Undergraduate admission application plus all supporting documents (including but not limited to high school transcripts, transfer transcripts, admission test scores, assessment test scores, etc.) registration records including course enrollment, grades, names of instructors and advisers, etc. Records are maintained by the Office of Admissions and the Office of the Registrar, both located in the Ellington Student Services Building. The Director of Admissions and the Registrar are the points of contact for these records.</p> <p>Graduate admission application plus supporting documents (including but not limited to undergraduate transcripts, admission test scores, letters of recommendation, etc.). Records are maintained by the College of Graduate Studies,</p>
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located in McReynolds Building, and the Office of the Registrar, located in the Ellington Student Services Building. The Dean of the College of Graduate Studies is the point of contact for these records.

Permanent record of all undergraduate and graduate students which includes grade reports and transcripts (permanent academic records). Records are maintained by the Office of the Registrar, located in the Ellington Student Services Building. The Registrar is the point of contact for these records.

Student-athlete eligibility records. Records are maintained by the Athletic Department, located in the Dunn Center. The Compliance Coordinator is the point of contact for these records.

Student Financial Aid records including, but not limited to, income support documents, loan/grant/scholarship award documents, certification and verification documents, student payroll records, etc. Records are maintained by the Student Financial Aid and Veterans Affairs Office, located in the Ellington Student Services Building. The Director of the Student Financial Aid and Veterans Affairs Office is the point of contact for these records.

Veteran certification documentation. Records are maintained by the Student Financial Aid and Veterans Affairs Office, located in the Ellington Student Services Building. The Director of the Student Financial Aid and Veterans Affairs Office is the point of contact for these records.

All computer records. Records are maintained by the Information Technology Department, located in the Browning Building. The Chief Information Officer is the point of contact for these records.

Student accounts receivable records and NDSL records. Records are maintained by the Office of the Bursar, located in the Ellington Building. The Bursar is the point of contact for these records.

Counseling records and special test results. Records are maintained by Counseling Services, located in the Ard

Building. The Director of Counseling and Health Services is the point of contact for these records.

Student placement credential files including letters of recommendation. Records are maintained by the Office of Admissions, Office of the Registrar and Testing Center, located in the Ellington Student Services Building. The College of Graduate Studies is located in the McReynolds Building. The Director of Admissions, Registrar, Testing Coordinator and Dean of the College of Graduate Studies are the point of contacts for these records.

Student disciplinary files. Records are maintained by Student Affairs, located in the Morgan University Center. The Dean of Students is the point of contact for these records.

Student medical/health records. Records are maintained by Boyd Health Services, located in the Ellington Building. The Director of Counseling and Health Services is the point of contact for these records.

Assessment test scores and supporting documents. Records are maintained by the Office of Admissions, Office of the Registrar and Testing Services, located in the Ellington Student Services Building. The Director of Admissions, Registrar, and Testing Coordinator are the points of contact for these records.

Academic department or program required tests and/or certification records, academic advisement records. Records are maintained by the respective academic departments, located across campus. The chairperson for the respective departments is the point of contact for these records.

Incident reports and miscellaneous reports of on-campus crime and discipline code violations. Records are maintained by the Public Safety Department, located in the Shasteen Building. The Director of Public Safety is the point of contact for these records.

Student class attendance records, class assignments and requirements information, and academic advisement records. Records are maintained by the respective

instructors, located in across campus. The individual instructor is the point of contact for these records.

Student grievances against academic and non-academic personnel. Records are maintained by the Affirmative Action and Human Resources Offices, located in the Browning Building. The Director of Human Resources and Affirmative Action are the points of contact for these records.

Affirmative Action information. Records are maintained by the Affirmative Action Office, located in the Browning Building. The Director of Affirmative Action is the point of contact for these records.

Academic advising information and mid-term grade reports. Records are maintained by the respective advisors located across campus and the Office of the Registrar, located in the Ellington Student Services Building. The individual advisor and the Registrar are the points of contact for these records.

Access to Student Records Only University Officials who exhibit a genuine need to know, based on a legitimate educational interest may have access to student records. A legitimate educational interest shall be limited to an interest arising from the faculty/staff member's fulfillment of his/her assigned responsibilities and disclosure shall be limited to such information as necessary to fulfill these responsibilities. This access includes, but is not limited to, electronic and physical student records.

Student Rights

A. Rights Statement

1. A student's record may not be disclosed to the parent or to anyone else, except as defined in this policy, without prior consent.
2. Prior consent for disclosure of a student's record to the parent is not required if the student is considered a dependent as defined by Section 152 of the Internal Revenue Code of 1954. A dependent is defined as an individual who receives half of his/her support for the calendar year from the taxpayer (parent). Such a request from a parent for disclosure should be forwarded to the Registrar for a response.

B. Right to Access

1. Except as provided herein, a student has the right to inspect, review and obtain a copy of his/her education records. The following procedures shall apply:
 - a. A student desiring to inspect, review, and obtain a copy of specific education record(s) shall contact the office and administrator named in Section II above.
 - b. The administrator or his/her designee shall comply with the student's request within five (5) class days but no later than thirty (30) days.
 - c. The cost per page to be charged a student for his/her record shall not exceed \$.10 per page.
 - d. If a student requests an explanation/interpretation of a specific record the administrator or his/her designee shall respond in writing within five (5) class days but not to exceed thirty (30) days.
2. A student's right to access, inspect, review and/or obtain a copy of his/her education records is subject to the following exceptions:
 - a. For records pertaining to more than one student, a student may view only the portion of the record pertaining to himself/herself and may not view the portion pertaining to the other student(s).
 - b. A student may not have access to financial records and statements of his/her parents or any information contained therein.
 - c. Students may not have access to confidential letters and confidential statements of recommendation which were placed in the student's records prior to January 1, 1975; provided that:
 - (1) The letters and statements were solicited with a written assurance of confidentiality or were sent and retained with a documented understanding of confidentiality, and
 - (2) The letters and statements are used only for the purposes for which they were specifically intended.

- d. Students may not have access to confidential letters of recommendation and confidential statements of recommendation which were placed in the education records of the student after January 1, 1975 which are either:
 - (1) respecting admission to an educational institution;
 - (2) respecting an application for employment; or
 - (3) respecting the receipt of an honor or honorary recognition; provided that the student has waived his/her right to inspect and review the letters/statements in a signed written waiver. A separate waiver must be provided for each category of letters/statements. The waiver may be revoked at any time; however the revocation will not affect the student's rights as to letters previously provided under the waiver. The institution may not require such a waiver of students as a condition or prerequisite to eligibility for a program or service. The letters or statements provided under the waiver may be used only for the purpose designated on the waiver, and the student must be notified of the receipt by the institution of all letters/statements provided under the waiver.

C. Right to Request Amendment

A student may request that an amendment be made to his/her record if he/she feels it is inaccurate, leading or in violation of his/her rights. The procedures for requesting an amendment shall be as follows:

1. The student shall contact the administrator or his/her designee in charge of the specific record with a written request.
2. The administrator or his/her designee shall meet with the student and review the request.
3. A decision as to whether or not to grant the request shall be made within five (5) class days.

4. The student has a right to appeal the decision provided he/she does so in writing within five (5) class days of the decision. An appeal should be addressed to the senior administrator with overall supervisory responsibility for the specific record.
5. The senior administrator shall respond within five (5) class days by meeting with the student to review his/her request. A decision, once made, shall be delivered to the student in writing.
6. Should the student desire to appeal the senior administrator's decision, a written notification must be sent to the President requesting a hearing. The President shall appoint a senior administrator, other administrator, or faculty member not having a direct interest in the outcome to hear the case.
7. The procedures and rights to be used prior to and during a requested hearing are as follows:
 - a. The student shall receive written notice of the time and place of the hearing at least three (3) class days in advance. A justified delay may be granted.
 - b. The hearing will be held no later than (5) five class days from receipt of the request.
 - c. The student has the right to present evidence in support of his/her appeal.
 - d. The student has the right to be accompanied by an adviser of the student's choice, but such participation shall be limited to advising the student.
 - e. The decision of the hearing officer shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and reasons for the decision.
 - f. The student has a right to be informed in writing of the final decision. Notification shall take place within five (5) class days.
8. If, as a result of the hearing, the request to amend is denied, the student has the right to place a statement in the file

commenting on the information in the file and setting forth any reasons for disagreeing with the information and/or decision. The statement must be maintained with the record and a copy provided to anyone to whom the record is provided.

9. The hearing procedures and amendment procedures outlined above shall not be used by the student to contest the underlying action taken by the University which has been recorded in the student's record but shall be limited to the issues of whether the record is inaccurate or misleading in recording the underlying action or whether the University's placement of the information in the student's record is in violation of the student's rights.

D. Right to File a Complaint

If a student feels that one or more violations of the Family Educational and Privacy Rights Act has occurred, he/she may report these complaints to the Vice President for Student Affairs or the University President. Also, complaints of violations by the University may be filed with the Secretary of the U.S. Department of Education.

Disclosure of Records

Except as is otherwise provided by this policy, all personally identifiable records (by name, identifier or characteristics) directly related to a student or former student shall be kept confidential unless the student signs a consent form similar to that provided in PPM FORM 3:024a. Such confidential records include, but are not limited to, all records listed in Section II above. Disclosure of such records shall be permitted only under one of the exceptions described below.

A. Directory Information

1. Except as provided herein, the University may disclose directory information consistent with this policy to any person requesting such information without the consent of the student. The University publishes in its Bulletin and Student Handbook and Calendar the information which shall be considered directory information, and is limited to those items identified in Section II.
2. The University provides each student the opportunity to refuse to allow disclosure of any designated directory information. The student will be given this opportunity at

the beginning of each academic term. Should a student decide not to allow disclosure, a "Confidentiality Flag" to prevent the release of information will be placed in the SIS record. The "Confidentiality Flag" will remain intact, until such time that written notification is given to the Office of the Registrar to remove it.

B. Disclosure in Bona Fide Emergency

Disclosure of student records is permitted if necessary to protect the student against threat to his/her safety or health. Such disclosure may be made only in the case of immediate bona fide emergency such that consent cannot be obtained. Such disclosure shall be limited to only necessary information and to those persons in a position to render assistance in the emergency situation.

C. Disclosure Within the Institution

Those school officials and/or persons employed by the University who exhibit a genuine need to know based on a legitimate educational interest may have access to a student's record.

D. Disclosure With Consent

The University may disclose confidential information with the assigned written consent of the student. The consent form (FERPA: Student Release of Confidential Information Form) must be dated and must specifically identify the particular records to be disclosed, the purpose of the disclosure and the persons to whom such disclosure is to be made. A copy of the consent must be maintained with the student's record to which it pertains. If information is disclosed pursuant to a consent, a record of the disclosure shall also be maintained and a copy provided to the student upon request. Information disclosed pursuant to a consent shall be accompanied by a statement that the information is provided to the named recipient on the condition that it be used for the purpose designated in the consent (specify purpose). Unless the consent form specifies that the information may be disclosed further, the statement attached to the disclosed information shall also include a warning against further disclosure by the recipient. A sample statement is as follows:

"The education records/information attached have been released by Austin Peay State University with the written consent of the student as provided for under the Family Educational Rights and Privacy Act. This disclosure may only be used by you and shall not be released by you to any other person without the written consent of the student."

E. Disclosure Pursuant to a Subpoena

The University must disclose confidential student records pursuant to a lawfully issued subpoena or judicial order. Upon receipt of such a subpoena or judicial order, the University shall examine the subpoena or order to verify that it has been executed by an officer of the court or other authorized official. (The Office of Legal Affairs may be contacted for assistance in verification.) Prior to disclosure, the University must use reasonable efforts to notify the student of the receipt of the subpoena or order and of the University's intent to comply. If the institution is unable to contact the student prior to the disclosure, it must do so as soon thereafter as is feasible. Oral notification should be followed by a written confirmation, a copy of which shall be maintained along with a copy of the subpoena and record of the disclosure with the student's record.

F. Other Exceptions for Disclosure Without Prior Consent

Federal regulations (see 34 CFR Subtitle A Part 99.1-99.67) provide for disclosure upon certain other limited circumstances. These exceptions are narrow in scope and are strictly construed. Disclosure pursuant to these exceptions shall not be made unless specifically approved by the University Registrar.

Record of Requests and Disclosures

The University shall retain copies of requests for disclosure and a record of the information disclosed. A copy of the request for disclosure of items will be retained with the student records for all disclosures made, except those for directory information, disclosures made pursuant to consent, and disclosures to other school officials. The record of disclosures may be inspected by the student, the officials responsible for the records and by persons responsible for auditing the records.

Related Forms

FERPA Student Release of Confidential Information Form http://www.apsu.edu/sites/apsu.edu/files/registrar/FERPA_1.pdf

Revision Dates

APSU Policy 1:020 (previously 3:024) – Rev.:
APSU Policy 1:020 – Rev.: July 1, 2016
APSU Policy 1:020 – Rev.: August 6, 1992
APSU Policy 1:020 – Issued: August 29, 1988

Subject Areas:

Academic	Finance	General	Human Resources	Information Technology	Student Affairs
<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>

Approved

President: signature on file

**Austin Peay State
University**

Fees, Charges, Refund and Fee Adjustments

POLICIES

Issued:

Responsible Official: Vice President of Finance and Administration

Responsible Office: Bursar's Office

Policy Statement

It is the policy of Austin Peay State University that all assessed fees be paid in advance by a student before he/she is considered enrolled for an academic term.

Purpose

The purpose of this policy is the establishment of a University policy regarding the payment of student fees and enrollment of students.

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- Eligibility
- Payment Terms
- Service Charges and Fines

Definitions

Disposable earnings	The part of the earnings of an individual remaining after the deduction from those earnings of any amounts required by law to be withheld.
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Procedures

Student Fees and Enrollment	<p>A. All assessed fees by the University are due and payable at the time of registration.</p> <ol style="list-style-type: none">1. The University may implement deferred installment as requested by the student. <p>B. An applicant for admission to the University will be considered enrolled and counted as a student when:</p> <ol style="list-style-type: none">1. all assessed fees have been paid in cash; or2. all assessed fees have been paid by a personal check or credit card; or3. the initial minimum payment due under any deferred installment plans has been paid; or4. an acceptable commitment from an agency or organization approved by the University has been received by the University. <p>C. An applicant will not be considered for admission as a student until all past due debts and obligations to the University incurred in prior academic terms, of whatever nature, have been paid.</p> <ol style="list-style-type: none">1. The University has the discretion to allow enrollment when the outstanding obligation is \$200 or less.2. The University will continue to withhold diplomas, transcripts, certificates of credit or grade reports until the student involved has satisfied all debts or obligations or
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the debts or obligations meet the criteria established in T.C.A. § 49-9-108.

3. All outstanding debts and obligations must be fully satisfied by the 14th day purge of the semester in which enrollment with outstanding debt was allowed.
- D. An applicant shall possess an acceptable commitment when an application(s) for financial aid has been timely submitted with the reasonable probability of receiving such.
1. All state financial aid granted to a student shall be applied to pay maintenance fees or tuition, student dormitory or residence hall rental, board, and other assessed fees before any excess may be distributed to the student.
- E. Agencies or organizations which may be approved by the University for purposes of making acceptable commitments for applicants shall be limited to agencies of the federal or state governments authorized to provide financial aid, established financial institutions within the state, established in-state and out-of-state corporations which employ the applicant, foreign embassies and foreign corporations, and other organizations within the state which have previously demonstrated the ability to pay the commitment.
1. An acceptable commitment from an agency or organization shall be limited to a commitment which identifies the applicant and promises to pay all unpaid assessed fees for such applicant.
 2. No commitments from individuals will be accepted on behalf of applicants.
- F. When an applicant tenders payment of fees by means of a personal check or credit card, the applicant may be considered and counted as a student. If the payment is subsequently dishonored by the financial institution, and the payment is not redeemed in cash, the University has the option to not consider that student as enrolled for the term.
1. At the discretion of the University, the student may be considered enrolled and will be assessed the applicable returned payment fee, the applicable late registration fee, and will be denied grade reports, transcripts and future registration privileges until such dishonored payment is redeemed.
 2. Pursuant to T.C.A. § 49-9-108, diplomas, transcripts, certificates of credit, and grade reports cannot be

withheld for debts that are both less than \$25 and more than 10 years in age.

3. The University may deny future check writing privileges to students that have paid registration fees with checks that are subsequently dishonored.
 4. While the University has discretion in how these situations will be handled, all students must be treated the same at the University.
 5. The University has the discretion to allow enrollment in the following semester when the outstanding obligation is \$200 or less.
 6. The University will continue to withhold diplomas, transcripts, certificates of credit or grade reports until the student involved has satisfied all debts or obligations or such meet the criteria established in T.C.A. § 49-9-108.
 7. All outstanding debts must be fully satisfied by the 14th day purge of the semester in which enrollment with outstanding debt was allowed.
- G. The University is authorized, subject to approval by the Board, to establish charges for late registration and/or payments which are returned dishonored, and such charges shall become assessed fees for purposes of admission.
- H. In accordance with this policy, the president has the authority to determine the applicability of certain fees, fines, charges, and refunds, and to approve exceptions in instances of unusual circumstances. All such actions should be properly documented for auditing purposes.

Dishonored Payments

- A. Enrollment Fees. Pursuant to this policy, if any student tenders payment of fees by a check or credit card that is subsequently dishonored by the financial institution, and the payment is not redeemed in cash within the time period specified below, the University has the option to not consider that student enrolled at the University.
1. At the discretion of the University, the student may be considered enrolled and will be assessed the applicable returned check fee, the late registration fee, and will be denied grade reports, transcripts and future registration privileges until such dishonored check is redeemed.
 2. The University has the discretion to allow enrollment when the outstanding obligation is \$200 or less.
 3. The University may deny future check writing privileges to students that have paid registration fees with checks that are subsequently dishonored.

4. While the University has discretion in how these situations will be handled, all students must be treated the same.
 5. A student paying enrollment fees with a check that is dishonored must redeem the check within five (5) calendar days from receipt of the notice.
 - a. Notice should be sent by the University to the student no more than three (3) working days from receipt of notice of a bad check from the bank.
 - b. Notice by certified mail is optional.
 - c. The University will have five (5) working days after the expiration of the five (5) calendar days to pursue any additional collection efforts deemed necessary.
 - d. Immediately after the five (5) working days, the student will be de-enrolled if the check has not been redeemed in full if that option is selected by the University.
 - e. Enrollment fees including returned check fees for students de-enrolled for bad checks should be reversed.
- B. Non-Student or Non-Employee. Any person other than a student or employee who tenders a check for payment for goods or services which is subsequently dishonored shall be given the opportunity to redeem the check and pay the amount due in cash. The person shall be given notice of the dishonored check, sent certified mail, demanding payment within five (5) days.
- C. Collection of Dishonored Checks. A check presented for payment of any goods or services which is subsequently dishonored shall be treated as an account receivable under General Collection Procedures Section. Any transactions that have been processed should be reversed when possible and appropriate.
- D. Future Check-Writing. Receipt of one or more bad checks from any person may result in that person becoming ineligible to make payments by check thereafter, or to have any check cashed by the University. A record of individuals who have written bad checks should be maintained.

**Gramm-Leach-Bliley Act
Contract Clause**

Include the standard language printed below in all future contracts with third party service providers that have access to the University's customers' non-public financial information.

1. “Throughout the term of this Agreement, Service Provider shall implement and maintain ‘appropriate safeguards,’ as that term is used in § 314.4(d) of the FTC Safeguard Rule, 16 C.F.R. § 314, for all ‘customer information,’ as that term is defined in § 314.2(b) of the FTC Safeguard Rule, delivered to Service Provider by APSU pursuant to this Agreement.
2. The Service Provider shall implement an Information Security Program (‘the Program’) as required by the FTC Safeguard Rule.
3. Service Provider shall promptly notify the University, in writing, of each instance of;
 - a. Unauthorized access to or use of that nonpublic financial customer information that could result in substantial harm or inconvenience to a customer of the University; or
 - b. Unauthorized disclosure, misuse, alteration, destruction or other compromise of that nonpublic financial customer information.
4. Service Provider shall forever defend and hold the University harmless from all claims, liabilities, damages, or judgments involving a third party, including University’s costs and attorney fees, which arise as a result of Service Provider’s failure to meet any of its obligations under this provision.
5. Service Provider shall further agree to reimburse the University for its direct damages (e.g., costs to reconstruct lost or altered information) resulting from any security breach, loss, or alteration of nonpublic financial customer information caused by the Service Provider or its subcontractors or agents.
6. Service Provider grants the University the right to conduct on-site audits, as deemed necessary by the University, of the Service Provider’s Program to ensure the integrity of the Service Provider’s safeguarding of the University’s customers’ nonpublic financial information.
7. APSU retains the right to unilaterally terminate the Agreement, without prior notice, if Service Provider has allowed a material breach of its Program in violation of its obligations under the GLBA, if Service Provider has lost or materially altered nonpublic financial customer information, or if the University reasonably determines that Service Provider’s Program is inadequate.
8. Within thirty (30) days of the termination or expiration of this Agreement, Service Provider shall, at the election of the University, either:
 - a. Return to the University; or
 - b. Destroy (and shall cause each of its agents to destroy) all records, electronic or otherwise, in its or its agent’s

possession that contain such nonpublic financial customer information and shall deliver to the University a written certification of the destruction.”

Fees, Charges, Refunds, and Fee Adjustments

A. Establishment of Fees and Charges

1. The Board of Trustees must establish or approve all University fees and charges unless specific exceptions are provided.
2. The president is responsible for the enforcement and collection of all fees and charges. Fees and charges which specifically do not require Board approval must receive formal approval by the president or designee.
3. The University should attempt to follow a general format in publishing information on fees and charges, including but not limited to the following:
 - a. All statements which include the fee amount should be complete and specific enough to prevent misunderstanding by readers.
 - b. When a fee is quoted, the refund procedures should be clearly stated. If there are qualifying conditions for refunds, those conditions also should be stated. If there is no refund, it should be labeled as non-refundable.
 - c. Whenever possible, specific dates related to the payment of fees and the refund procedures should be stated.
 - d. It should be made clear that all fees are subject to change at any time.

B. Approval of Exceptions

1. In accordance with these guidelines, the president or designee has the authority to determine the applicability of certain fees, fines, charges, and refunds, and to approve exceptions in instances of unusual circumstances or for special groups.
2. All such actions should be properly documented for auditing purposes.

C. Appeals Process

1. An appeals process should be established by the University, and communicated to students, faculty, and staff.
2. The process should provide for final appeal to the president or his or her designee.

3. Separate appeals processes may exist for different types of fees, charges, and refunds.

D. Payment of Student Fees

1. As provided in this policy:
 - a. An applicant for admission to the University will be considered and counted as a student when all assessed fees have been paid in cash, when the initial minimum payment due under the deferred installment plan has been paid, or when an acceptable commitment from an agency or organization approved by the University has been received by the University.
 - b. An applicant shall possess an acceptable commitment when he/she has timely submitted an application(s) for financial aid with the reasonable probability of receiving such.
2. Pursuant to the above condition, institutions with a continuous registration process must require payment of all applicable fees or payment of the initial minimum payment due under the deferred installment plan prior to the regular registration period as defined by the University.
 - a. Students who do not prepay all fees or have an acceptable approved financial aid deferment will forfeit pre-registration privileges and must enroll under the normal registration process.
3. A prepayment plan to assist parents and students with planning and budgeting their academic year expenses is authorized.
 - a. Under the plan, students may choose the expenses they wish to prepay including room, board, tuition, and fees.
 - b. Expenses can be prepaid over a period of six months.

Maintenance Fees

A. Description of Fees

1. The Maintenance Fee is a charge to students enrolled in credit courses. It is an enrollment or registration fee and is calculated based on the number of Student Credit Hours (SCH's) for the University for which the student enrolls. Fees are established by the Board of Trustees.
2. The same fee is applicable to courses for which the student is enrolled on an audit basis.

B. Rates

1. Rates are established by the Board and incorporated in a fee schedule that groups specific fees; by type of institution; and by student level (undergraduate and graduate). The hourly rate will be discounted when undergraduate students enroll in greater than 12 hours and graduate students in greater than 10 hours unless stated otherwise elsewhere in this policy.
2. Because the University has multiple summer sessions, maintenance fees and tuition may be assessed by using the current part-time rate with no maximum amount for total credit hours enrolled.
3. Maintenance fees may not be waived. However, specific exceptions are provided in the following instances:
 - a. Pursuant to T.C.A. § 49-7-113, exceptions exist for certain disabled and elderly students, as well as state service retirees. For audit courses, no fee is required for persons with a permanent, total disability, persons 60 years of age or older and domiciled in Tennessee and persons who have retired from state service with 30 or more years of service, regardless of age. For credit, a fee of \$70 per semester or \$60 per trimester may be charged to persons with a permanent, total disability, and persons who will become 65 years of age or older during the academic semester in which they begin classes and who are domiciled in Tennessee. (Note: This fee includes all mandatory fees; it does not include course-specific fees such as all miscellaneous course fees, materials fees, application fee, online course fees and parking fees.) This only applies to enrollment on a space available basis, which permits registration no earlier than four (4) weeks prior to the first day of classes.
 - b. Pursuant to T.C.A. § 49-7-102, certain statutory fee exceptions exist for dependents and spouses of military personnel killed, missing in action, or officially declared a prisoner of war while serving honorably as a member of the armed forces during a period of armed conflict. If these provisions are invoked by a student, the correct applicable law should be determined.
4. Military reserve and national guard personnel who are mobilized to active military service within six months of attendance at the University and whose mobilization lasts more than six months shall be charged upon re-enrollment at the tuition, maintenance fees, student activity fees and required registration or matriculation

fees that were in effect when such student was enrolled prior to mobilization. After re-enrollment, no increase in tuition, maintenance fees, student activity fees or required registration or matriculation fees shall be assessed to such student until a period of time equal to one year plus the combined length of all military mobilizations has elapsed. In no event, however, shall a student's tuition and fees be frozen after re-enrollment for more than four years.

- a. To be eligible for the tuition and fee freeze, the student shall have completed military service under honorable conditions and shall re-enroll in the University within six months of release from active duty.
- b. A student eligible for the tuition and fee freeze may transfer from one state institution of higher education to another state institution of higher education one time with such student's tuition and fees calculated at the institution to which the student transfers as if the student had been in attendance at that institution before the mobilization that resulted in the student's tuition and fee freeze at the initial institution.

C. Accounting Treatment

1. A revenue account for Maintenance Fees is used to record both the revenue assessed and refunds made.
2. As provided in GASB Statements 34 and 35, summer school revenues and expenditures must be accrued at fiscal year-end. Summer school activity will not be allocated to only one fiscal year.
3. In some cases full fees are not assessed to students. These occur when statutes establish separate rates for such groups as the disabled, elderly, and military dependents. The difference between normal fees and special fees is not assessed. Fees not assessed in these cases do not represent revenue. For administrative purposes the fees may be calculated and credited to revenue, then written off against a contra revenue account.
4. Agreements/contracts may be executed with a third party (federal agency, corporation, institution, etc.), but not with the individual student, to deliver routine courses at a fixed rate or for the cost of delivering the course and may provide for fees not to be charged to individual students. Individual student fees will be assessed as usual and charged to the functional category Scholarships and Fellowships. The amount charged to or paid by the third

party is credited to the appropriate Grants and Contracts revenue account.

5. In some cases a non-credit course provides an option to grant regular credit. If a separate (or additional) fee is collected because of the credit, that amount is reported as Maintenance Fee revenue.
6. Full-time employees of APSU may enroll in one course per term at any public postsecondary institution, with fees waived for the employee.
 - a. No tuition paying student shall be denied enrollment in a course because of enrollment of an APSU employee.
 - b. Spouses and dependents of employees of APSU may be eligible for a student fee discount for undergraduate courses at State institutions and the University of Tennessee.
7. State institutions exchange funds for tuition fees of employees' spouses and dependents who participate in a State educational assistance program. Effective fall term 1990, the charging and exchanging of funds for maintenance fee discounts between State institutions and the University of Tennessee shall begin.
8. To the extent they are not reimbursed by the State, fee waivers for full-time State employees and fee discounts to children of certified public school teachers shall be accounted for as a scholarship.

Out-of-State Tuition

A. Description of Fee

1. This is an additional fee charged to students classified as non-residents who are enrolled for credit courses, including audit courses. This fee is in addition to the maintenance fee.
2. Out-of-state tuition fee rates are established by the Board of Trustees and are incorporated in the annual fee schedule.
3. A separate hourly rate for out-of-state tuition will be set for undergraduate and graduate students.
 - a. While the per-hour rate for graduate students will be higher, the rates will be set so that a full-time graduate student and a full-time undergraduate student will pay approximately the same amount for out-of-state tuition.
 - b. A full-time student is defined as an undergraduate enrolled in 12 hours or a graduate student enrolled in 10 hours.

4. Applicability of out-of-state tuition is determined pursuant to APSU Policy 1:014. The business office will collect fees based upon student classification as determined by the appropriate authority within the University.

B. Accounting Treatment

1. A revenue account for out-of-state tuition is used for recording both credits for fees and debits for refunds.
2. Other accounting is the same for out-of-state tuition as that outlined under Maintenance Fees except that separate out-of-state accounts are used.
 - a. In the case of fees not collected from students under grants and contracts, the same expense account under Scholarships and Fellowships may be used.

**Recruitment Focus Area
Plan**

A. Description of Plan

1. The Recruitment Focus Area Plan has been made available to the University on an "opt-in" basis. Unless otherwise delegated, approval of a request to adopt the Plan would rest with the Board.
2. The Plan applies to admitted students (both undergraduate and graduate) who graduate from a high school located in a county within a 250 mile radius of the city in which the main campus of the University is located.
3. The out-of-state tuition rate charged to students eligible for the Plan rate will equal the University's state subsidy per full-time equivalent for the prior fiscal year. This rate would be capped at 12 hours for undergraduate students and 10 hours for graduate students.
4. The Recruitment Focus area rate does not impact students who otherwise qualify for border county classification or other in-state residency classification.
5. Participating institutions must adopt a process that permits reporting to the Board on the effect of the Plan.

B. Accounting Treatment

1. The maintenance fee and the out-of-state tuition should each be recorded as outlined in Maintenance Fees and Out-of-State Tuition Sections above.

eRate

A. Description of Fee

1. The eRate is available to students who enroll at APSU, who are classified as non-residents of Tennessee, and who are enrolled exclusively in online courses.

2. The eRate is 150% of the University's approved undergraduate or graduate maintenance fee.
3. The hourly rate will not be discounted for students receiving the eRate and enrolling in greater than 12 undergraduate hours or 10 graduate hours.
4. To qualify for an eRate, students must:
 - a. Meet all University admission requirements and must be verified as an online out-of-state student enrolled exclusively in courses delivered online by a procedure documented by the institution.
 - b. Out-of-state students in item 2 above refers to geographic location and does not include undocumented students living in Tennessee.
5. Students enrolled in any type courses other than online (on-ground, telecourse, hybrid, distance education, etc.) will not be eligible for the eRate specified in this policy and will instead incur traditional non-resident fees and charges.
 - a. Students who enroll in both online courses and other type courses and subsequently drop the other type courses will not then become eligible for the eRate.
6. The University enrolling eRate students as defined in this policy must provide a method to mitigate any negative impact on the opportunity for Tennessee student enrollment in online courses.

B. Accounting Treatment

1. The eRate is comprised of the maintenance fee and a 50% markup that represents the out-of-state tuition portion.
2. The maintenance fee and the out-of-state tuition should each be recorded as outlined in the Maintenance Fees and Out-of-State Tuition Sections above.

Debt Service Fees

- A. The amount of debt service fees will be approved by the Board of Trustees. Separate rates are recommended based on requirements of the University.
- B. For simplicity of administration and communication, the University may combine debt service with maintenance fees in quoting fee rates, in fee billings and charges, and in making refunds.
- C. Revenue from debt service fees will be recorded in the unrestricted current fund and then transferred to the retirement of indebtedness fund as either a mandatory

transfer or a non-mandatory transfer. The portion of debt service fee revenue used for current-year debt service will be reported as a mandatory transfer. Any additional debt service fee revenue will be transferred to the retirement of indebtedness fund as a non-mandatory transfer.

- D. At the conclusion of the debt retirement for a given project, the debt service fee attributed to the project will cease. Any new project requires the approval of a new debt service fee on its own merits without the reallocation of any existing fee. Any continuation of fees necessary for renewal and replacement of a project for which the debt is totally retired must be approved for that purpose by the Board of Trustees.

Student Fees

- A. A student government activity fee may be established pursuant to T.C.A. § 49-8-109. Any increase in this fee shall be subject to a referendum for student body approval or rejection. The fee will be administered in accordance with the provisions adopted by the University. These fees will be restricted current funds additions. These fees are refundable on the same basis as maintenance fees or as established by the University.
- B. Student activity fees (other than student government activity fees) will be approved by the Board of Trustees. Such fees may be recommended by the University based on services to be provided which are related to the activity fee. These fees will be unrestricted current funds revenues. These fees are refundable on the same basis as maintenance fees or as established by the University.

Technology Access Fees

- A. A fee shall be levied by the University for the purpose of providing student access to computing and similar technologies. It is refundable on the same basis as maintenance fees or as established by the University. The University shall establish designated revenue codes for purposes of recording technology access fees. Organization codes will be used to identify technology access fee (TAF) expenditures.
- B. Use
 - 1. Technology Access Fees (TAF) are composed of two pools. Pool 1 represents the TAF prior to FY 1997-98 when it did not exceed \$30 annually. Pool 2 represents the difference between the current TAF rate and the pre-

1997-98 TAF rate. Items 2 and 3 below shall apply to use of Pool 2 TAF funds.

2. The TAF should be used by APSU for direct student benefit, for items such as new and improved high technology laboratories and classrooms, appropriate network and software, computer and other equipment, and technological improvements that enhance instruction. Use of Pool 2 TAF is limited to the following items:
 - a. Computers and other technical laboratory supplies, equipment, and software and maintenance.
 - b. Network costs (WWW internet, interactive video, etc.)
 - c. "Smart" or multimedia classroom equipment and classroom modifications.
 - d. Lab and course staffing - student assistance for lab and classroom uses; universities are limited to a 12% maximum (Pool 2 current-year TAF revenues) and student employees only; for student employees.
 - e. Renewal and replacement reserves as necessary.
 - f. New machines for faculty use when faculty are actively engaged in developing and conducting on-line courses.
 - g. Faculty and staff development directly related to the introduction or application of new technology which impacts students. These guidelines should have the flexibility to place instructional technology in a faculty lab where course materials are being prepared. For example, TAF funds can be used to create faculty labs to include the purchase of computers and to conduct faculty training and course development. (Travel costs for faculty and staff are excluded; however, consultants may be hired as needed for training.)
 - h. Infrastructure (wiring, network, servers, etc.) necessary to provide students maximum computing capability. A ceiling is established of 50% of the total project costs from which technology access fees can be used.
 - i. Expand technology resources in library, i.e., video piped anywhere on campus, interactive video room for distance education, network for web video courses.
 - j. Technology access revenue may only be spent for the campus where the funds are collected.
3. As part of the July budget process, the University shall prepare a detailed spending plan for the use of funds

generated by the TAF. These spending plans shall be reviewed by the internal audit staff for compliance with TAF use guidelines and APSU policy.

4. The spending plan will be maintained by the University and will be updated throughout the year as needed. The President shall ensure that the spending plan is prepared. At the end of the fiscal year, a summary of the actual money generated and actual use of the money shall be prepared and maintained by the University.
5. Compliance with these guidelines will be audited by the internal audit staff and reported to the Board as determined by the internal auditor's annual risk-based planning process or other appropriate means.

Specialized Academic Fees

- A. Certain academic programs require expensive maintenance/updating of equipment and software and the employment of highly qualified staff. The high costs of instruction for these programs can be offset by establishing specialized academic fees, with the Board's approval. To receive approval for a specialized academic fee, a program will be required to meet criteria 1. High Cost of Instruction as defined below. Additionally, the program should document meeting criteria 2.-7., as applicable.
 1. High Cost of Instruction. Programs qualifying for charging specialized academic fees must demonstrate that they are more costly than other programs offered by the University. If appropriate, the extraordinary cost of the program must be validated including benchmarking with similar programs in the region and nation.
 2. High Demand. The number of students enrolled in the program and the student credit hours generated are sufficient to justify additional fees.
 3. High Cost of Updating/Maintaining Equipment and Software. Programs qualifying for charging specialized academic fees are expected to be those that require extensive maintenance and regular updating of equipment and/or software, all of which are very expensive. An average hardware/software cost per student credit hour serves as the basis for determining the amount of the fee.
 4. Accreditation. Meeting standards of specific accrediting agencies may also qualify a specialized program for charging specialized academic fees. The accrediting standards that justify a fee are those that specify the possession and use of certain equipment and unique software that are extraordinarily costly and/or the

employment of faculty with specific credentials that demand high salaries.

5. High Recognition and Quality. The programs approved for specialized academic fees are expected to be distinctive and with a regional or national reputation. The program must demonstrate that it has achieved exceptional recognition in its particular enterprise.
6. High Value to Tennessee. The program must demonstrate that it is a good investment for the State of Tennessee to justify charging extra fees to the student. The program should be distinctive and not one duplicated in other State institutions and should be of integral value to Tennessee. The graduates' earning potential and the associated benefit to the state economy should be projected, as well as the efforts taken by the University to aid graduates in finding appropriate employment in Tennessee.
7. Impact on Affected Students. Through surveys, questionnaires, or other suitable means, the program must demonstrate that the charging of additional fees will not diminish enrollment. The program should demonstrate that enrolled students realize that the potential earning power in the work force justifies their additional investment.

- B. The University must submit documentation of the above applicable criteria when requesting approval of a specialized academic fee. Specialized academic course fee revenues are limited to funding related costs accumulated in the instruction function.

Miscellaneous Course Fees A. All miscellaneous fees must be approved by the Board of Trustees. Fees for courses requiring special off-campus facilities or services do not require Board approval but should reflect the cost of the facilities or services.

Incidental Fees and Charges

- A. Uniform Rates and Policies
 1. The following fees will be uniformly charged (or, if applicable, to the extent that they remain within the set range) at the University both as to the amount and condition of assessment. Charges are subject to approval by the Board of Trustees.
 - a. Application Fee:
 1. Undergraduate - Not less than \$5.00 or more than \$25.00.

2. Graduate - Not less than \$25.00 or more than \$75.00.
- b. Graduation Fee: This fee shall be assessed according to degree level as follows and shall include the cost of the diploma and rental of academic regalia:
 1. Associate Degree \$25.00
 2. Baccalaureate 30.00
 3. Master and Specialist 35.00
 4. Doctor and Juris Doctor 45.00
 1. The fee is refundable only if the University has incurred no costs on the student's behalf. Other items may be included in the fee, as determined by the University. Additional fees may be charged for optional graduation-related activities or services.
- c. Late Exam Fee: None

B. Institutions

1. Returned Check Fee: \$30.00 per check - nonrefundable. The University will charge a returned check fee that is the maximum set by state law. This fee will apply to all returned checks received by the University, whether from students, faculty, staff, or other parties. The Board will review state statutes each spring to determine any changes.

C. Other Fees and Charges Subject to Board Approval

1. Institutions
 - a. The following fees may be assessed by the University. Specific rate recommendations will be developed separately by the University for approval by the Board of Trustees. In review of the recommendations, the Board will consider the consistency of fees for comparable services among institutions.
 1. Motor Vehicle Registration - nonrefundable. A fee may be levied by the University per academic year, per fiscal year and/or per academic term for motor vehicle registration, and such fee shall be applicable to each student, faculty and staff member.
 2. Post Office Box and/or Postal Service Fee - nonrefundable. This fee may be assessed for U.S. Postal services provided on campus to the student population.

3. Traffic Fines - nonrefundable. These fines will apply to all employees and students.
 4. Applied Music Fees. This fee is charged for private music lessons or small group training sessions. It is refundable on the same basis as maintenance fees or as established by the University.
 5. Late Registration Fee. A late registration fee up to \$100 will be charged during the entire period of late registration. The effective date of the fee will be determined by the University.
 6. Facilities Fee. This fee will be used to improve facilities and fund expenditures such as replacing carpets in student lounges, remodeling classrooms, etc. The fee would not be used for routine maintenance or new construction, but would be used to make improvements to areas that have an impact on students. The intended projects will be disclosed during the normal budget cycles. The fee is refundable on the same basis as maintenance fees.
 7. Transcript Fee. There will be no charge for transcripts; however, the University shall set a limit on a reasonable number of copies at any one time and may establish a nonrefundable charge for the cost of copying transcripts in excess of that number.
2. Fees and Charges to be Established and Administered by the University.
- a. The following fees and charges may be established and administered by the University. No specific approval or notification to the Board of Trustees will be required unless subject to other Board or State requirements. The University will establish appropriate refund policies.
 1. Sales of goods and services of a commercial nature, including bookstores, food services, vending, laundry and similar activities.
 2. Rental of non-student housing and facilities.
 3. Admissions fees to athletic and other events open to the public, including special events sponsored by campus organizations and activities.
 4. Sales and services of educational activities such as clinical services, publications, etc.
 5. Registration for conferences, institutes, and non-credit activities.

6. Fees for use of campus facilities for recreational purposes.
7. Parking permits and parking meters for use by guests and visitors.
8. Nonrefundable library fines, which will apply to students, faculty, staff, and other library users.
9. Thesis and dissertation fee - nonrefundable. The fee will be determined based upon cost to the University.
10. Child Care Fees - Kindergarten, Preschool, Early Childhood, Day Care, or similarly defined activities. The refund policy will be established by the University.
11. Special Exam Fee - nonrefundable. The fee will be determined based upon cost to the University.
12. Standardized Test Fees - nonrefundable. The fee will be determined based upon the cost for administering the tests.
13. Identification Card Replacement - nonrefundable. There will be no charge for the original identification card. A fee may be set by the University to offset the cost of replacing the card. This fee applies only to student ID cards and not to faculty and staff ID's.
14. Change of Course or Section Fee - nonrefundable. If the change is caused by the University, there will be no charge for the change. If two or more forms are used at one time, they will be treated as one change/form. The University may waive the fee for schedule changes.

Deposits

- A. Breakage deposits may be recommended by the University for Board approval for courses in which it can be shown that there is a reasonable chance of loss or damage to items issued to students. The amount of the deposit should be related to the materials issued and subject to a 100% refund.
- B. A deposit may be established by the University for rent or lease of buildings and facilities or for the issuance of other institutional property or equipment. Deposits should be subject to a 100% refund if no damage or loss occurs. The amount of such deposits should be related to the value of the facilities or equipment subject to loss and the general ability of the University to secure reimbursement should loss or

damage occur.

- C. Pursuant to APSU Policy on Student Residence Regulations and Agreements (No. 3:004), the University is authorized to require a security deposit for residence hall facilities which may be forfeited by the student for failure to enter into a residence agreement or non-compliance with applicable agreement terms.

Student Residence Hall and Apartments

- A. All regular and special rental rates for student dormitories and student apartments will be approved by the Board of Trustees upon the recommendation of the University. A \$5.00 late payment may shall be assessed. The University may recommend special rates for non-student groups during summer periods, etc.
- B. Pursuant to APSU Policies on Student Resident Regulations and Agreements (No. 3:004) and this policy, rental for student dormitory or residence hall units shall be payable in full in advance of the beginning of a term. However, the University offers an optional payment plan under which a prorated amount of the rental shall be payable monthly in advance during the term. Specific provisions for the payment plan must comply with those cited in Policy No. 3:004. A monthly service charge and a late payment charge may be assessed. Residence Hall students can participate in either the deferred installment plan or the optional monthly housing payment plan. The University has the option of allowing students to participate in both the deferred installment plan and the optional monthly housing payment plan.

Other Fee and Charge Considerations

The University may submit for Board of Trustees approval fees and charges not specifically covered by this policy when the establishment of a fee or charge is justified by the University.

1. Fees may be established to control the utilization of facilities and services or to offset the cost of extraordinary requirements as a result of specific programs or activities. [Reference APSU Policy on Access to and Use of Campus Property and Facilities (No. 1:019).]
2. When fees and charges are incorporated in agreements with outside contractors and vendors, specific rates, refunds and conditions must be clearly stated.
3. Fees for auxiliary services must take into consideration that Auxiliary Enterprises should be a break-even operation with rates and charges generating revenue sufficient to cover all expenses as defined in operating budget guidelines.

4. Fees established for non-credit courses and activities shall be sufficient to cover the total costs incurred in providing instruction plus a minimum of 25% of the annual instructional salary costs including contractual salary costs or personal services contracts.
5. Students enrolled for six or more hours are eligible for full-time privileges, i.e., access to social, athletic, and cultural functions, pursuant to T.C.A. § 49-8-109.

Refunds and Fee Adjustments

- A. Adjustments to all fees and charges must be in accordance with the following provisions except as previously stated, or when required by federal law or regulation to be otherwise.
- B. Pursuant to T.C.A. §§ 49-7-2301 and 49-7-2302, students called to active military or National Guard service during the semester are entitled to a 100% adjustment or credit of mandatory fees. Housing and meal ticket charges may be prorated based on usage.
- C. Maintenance Fee Refunds and Adjustments
 1. Refunds are 100% for courses canceled by the University.
 2. Changes in courses involving the adding and dropping of equal numbers of SCH's for the same term at the same time require no refund or assessment of additional maintenance fees, unless the dropping and adding involves TN eCampus courses. The change of course fee would be applicable.
 3. The fee adjustment for withdrawals or drops during regular terms (fall and spring) is 75% on the first day of classes through the fourteenth calendar day of classes and then reduced to 25% for a period of time which extends 25% of the length of the term. When the first day of the academic term falls on a Saturday, the 100% refund period is extended through the weekend until the following Monday morning (12:01 am). There is no fee adjustment after the 25% period ends. Dropping or withdrawing from classes during either the 75% or the 25% fee adjustment period will result in a fee adjustment of assessed maintenance fees based on the total credit hours of the final student enrollment.
 4. For summer sessions and other short terms, the 75% fee adjustment period and the 25% fee adjustment period will extend a length of time which is the same proportion of the term as the 75% and 25% periods are of the regular terms.

5. All fee adjustment periods will be rounded to whole days and the date on which each fee adjustment period ends will be included in publications. In calculating the 75% period for other than the fall and spring and in calculating the 25% length of term in all cases, the number of calendar days during the term will be considered. When the calculation produces a fractional day, rounding will be up or down to the nearest whole day.
6. A full refund (100%) is provided on behalf of a student whose death occurs during the term. Any indebtedness should be offset against the refund.
7. A 100% refund will be provided for students who enroll under an advance registration system but who drop a course or courses prior to the beginning of the first day of class.
8. A 100% refund will be provided to students who are compelled by the University to withdraw when it is determined that through institutional error they were academically ineligible for enrollment or were not properly admitted to enroll for the course(s) being dropped. An appropriate official must certify in writing that this provision is applicable in each case.
9. When courses are included in a regular term's registration process for administrative convenience, but the course does not begin until later in the term, the 75%/25% fee adjustment periods will be based on the particular course's beginning and ending dates. This provision does not apply to classes during the fall or spring terms which may meet only once per week. Those courses will follow the same refund dates as other regular courses for the term.
10. The fee adjustment is calculated as the difference between (1) the per credit hour cost of originally enrolled hours and (2) the per credit hour cost of the courses at final enrollment after adjustments have been applied for all courses dropped. Adjustments are calculated at the full per credit hour rate less the fee adjustment credit at the applicable fee adjustment percentage (regardless of the original number of hours enrolled). Not all drops/withdrawals will result in fee adjustments.
11. A \$100 administrative fee will be charged for all withdrawals.

D. Out-of-State Tuition Refunds and Fee Adjustments

1. The fee adjustment provision for out-of-state tuition is the same as that for maintenance fees. The 75% fee

adjustment period and the 25% fee adjustment period will follow the same dates as the fee adjustment periods for maintenance fees. When 100% of maintenance fees are refunded, 100% of out-of-state tuition also is refunded. Calculation procedures are the same as those specified for maintenance fees.

- E. Debt Service Fee Refunds
 - 1. Debt service fees will be subject to the same refund policy as maintenance fees.
- F. Student Residence Hall/Apartment Rent and Deposit Refunds
 - 1. Refund of residence hall rent after registration will be prorated on a weekly calendar basis when the student is forced to withdraw from the residence hall:
 - a. Because of personal medical reasons confirmed in writing by a licensed physician, or
 - b. At the request of the University for other than disciplinary reasons. Full refund will be made in the case of the death of the student. Withdrawals for other reasons will be subject to the same 75%/25% amounts and time periods as maintenance fees. No refund will be made other than under the above conditions.
 - 2. Residence hall reservations and breakage deposits will be refunded in full if:
 - a. The University is notified by a specific date which it establishes, but which may not be later than fourteen (14) calendar days prior to the first official day of registration,
 - b. The student is prevented from entering the University because of medical reasons confirmed in writing by a licensed physician, or
 - c. Residence hall space is not available. Full refund also will be made in the case of the death of the student.
- G. Meal Plan Refunds
 - 1. The University with meal plans should develop appropriate refund procedures.

Deferred Payment Plan

The University is authorized to offer a deferred installment plan. The deferred installment plan is available for regular academic terms, but not for summer or other short terms.

Eligibility

- A. All students in good financial standing and with no outstanding account balances from previous terms are eligible to participate in the deferred installment program.
- B. Students who have failed to make timely payments in previous terms may be denied the right to participate in the deferred installment program in additional enrollment periods.
- C. The University may set minimum balances due for students to be eligible for deferred installment plan.

Payment Terms

All awarded financial aid awarded, including student loans, must be applied toward payment of total fee balances before the deferred installment plan may be utilized. Two options are available for the remaining balance after financial aid and discounts are applied. The University elects to offer the following payment plans.

- 1. An initial down payment of 25% of the balance of tuition less any financial, scholarships, and/or third party assistance awards have been credited to your account plus the \$50 enrollment fee (non-refundable). The due dates for the additional three installments are:
 - a. Fall - October 1, November 1 and December 1
 - b. Spring - March 1, April 1, and May 1

Service Charges and Fines

- A. The University charges a service fee of \$50 to help defray administrative costs associated with the deferment program.
- B. An additional late payment charge not to exceed \$25 will be assessed on each installment which is not paid on or before the due date and each 30 day period past the 2nd installment up to a maximum of \$100.
- C. Withdrawals from classes will not alter any remaining balance due except to the extent that any refund may be applied.

Revision Dates

APSU Policy 1:021 (previously 4:011) – Rev.:
APSU Policy 1:021 – Rev.: September 14, 2015
APSU Policy 1:021 – Rev.: May 23, 2011
APSU Policy 1:021 – Rev.: February 8, 2006
APSU Policy 1:021 – Rev.: June 28, 2001

APSU Policy 1:021 – Rev.: September 26, 1994
APSU Policy 1:021 – Issued: August 1, 1986

Subject Areas:

Academic	Finance	General	Human Resources	Information Technology	Student Affairs
	<input checked="" type="checkbox"/>				

Approved

President: signature on file

**Austin Peay State
University**

Budget Principles and Control

POLICIES

Issued:

Responsible Official: Vice President for Finance and Administration

Responsible Office: Office of Budget and Financial Planning

Policy Statement

It is the policy of Austin Peay State University to propose an operating budget that has been prepared in accordance with sound budget principles and approved by the University Board of Trustees. The budget is the approved formal plan of operation, expressed in dollars, for the fiscal year beginning July 1 of each year.

Purpose

As a public entity, the University is responsible for the prudent management of resources entrusted to its care by Tennesseans. Ensuring that budgets developed by the University and considered by the Board are prepared in accordance with sound budget principles is fundamental to good stewardship of the University's financial resources. The budget principles included in this policy are intended to respond to the expectations of various stake holders relating to the generation and expenditure of funds. The University officials responsible for budgeting processes are directed to adhere not only to specific requirements of this policy, but to also act within the spirit of this policy and in a manner that evidences forthrightness and engenders public trust. It is widely recognized that budget control is essential for effective financial management of any organization. It is the intent of this policy to provide clear and specific responsibility for proper budget management and control at the University.

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Definitions

Budgeting

Process whereby the plans of an institution are translated into an itemized, authorized, and systematic plan of operation, expressed in dollars, for a given period. Budgets are the blueprints for the orderly execution of program plans; they serve as control mechanisms to match anticipated and actual revenues and expenditures.

Procedures

Guiding Principles

- A. Working within the University's shared governance process, the President has the responsibility and full authority to propose a budget to the Board. The President will ensure that the process for budget development is open, provides for accountability, includes appropriate constituencies in budget planning, and incorporates clear guidelines and adequate training for those involved.
- B. In the development and submission of budgets, the President shall adhere to the following principles.
 1. Budgetary needs should be prioritized relative to the University's core mission and consistent with its strategic plan, with resources aligned accordingly. In situations where resources are constrained or limited, resources should be redistributed as needed to ensure that limited resources meet the highest priority needs of the University.
 2. Budgets must respect generational neutrality. In general, this to say that the cost of educating the current generation of students should be borne by the current generation and not be deferred to future generations.

3. The Budget must be balanced:
 - a. In total, such that all planned expenditures do not exceed expected revenues and use of reserves or other non-recurring funds; and
 - b. On a recurring basis, such that planned ongoing expenditures do not exceed expected recurring revenues. Use of non-recurring funds to meet recurring expenditures is discouraged; however, it is acknowledged that circumstances may arise when it is in the best interest of the University to do so. In the event non-recurring revenues are budgeted to meet recurring expenses, this must be specifically disclosed to the Board as part of the budget consideration process, including justification and the University's plan for achieving recurring balance.
4. A degree of fiscal conservatism must be incorporated in the budget to reduce the risk of year-end deficits by:
 - a. Ensuring all costs are fully recognized. Use of anticipated savings as a funding source (e.g., lapsed salaries) for recurring expenses is discouraged. If anticipated savings are used to fund recurring expenses, this must be specifically disclosed to the Board as part of the budget consideration process;
 - b. Using financially conservative, yet reasonable, revenue estimates in light of existing conditions. Estimates of revenues derived from students must be based on analysis of historic enrollment patterns, modified for any recent observable patterns. The basis for student derived revenue estimates must be communicated to the Board as part of the budget consideration process; and
 - c. Maintaining appropriate contingency funds for revenue shortfalls and emergencies for both Education & General and Auxiliary operations, consistent with relevant APSU policies and guidelines.
5. Related to the principle on generational neutrality and to ensure the long term viability of the University, sufficient provision must be made in both Education & General and Auxiliary budgets to annually fund:
 - a. Maintenance and facilities renewals to the physical plant and grounds; and
 - b. Acquisition, repair and replacement of teaching equipment, computers, and other equipment.
6. Opportunities for cost savings arising from shared services and resources between departments and

organizations within the University and among other universities should be aggressively pursued.

Operational Provisions

- A. Accountability for the effective management of the budget rests with the President, who ensures that proper controls and budget management policies are established.
- B. Guidelines may be developed that further direct and clarify application of the above principles in the budget development and administration process. The President may issue directives on these matters consistent with the provisions of this policy.

Submission of Budgets

- A. It is recognized that a budget is a plan and that circumstances may necessitate revisions or changes to the original plan from time to time. In view of this, the University prepares detailed budgets for approval by the Board three times each fiscal year. The three submissions are described briefly as follows:
 - 1. Proposed Budget - This is the original budget prepared in the spring that is for the fiscal year to begin July 1. It is normally submitted to the Board for approval at the Summer Board meeting.
 - 2. Revised Budget - This budget is a revision of the proposed budget and is normally referred to as the "October Revised Budget". It is prepared as of October 31 after actual fall enrollments and other estimated costs and closing balances are known and is normally submitted to the Board for approval at the Winter Board meeting.
 - 3. Spring Estimated Budget - This budget is the final budget submitted for the current year operations. It is submitted in the spring at the same time as the Proposed Budget for the coming year.
- B. It should be noted that the approval of a budget does not waive statutory, policy, or other restrictions for expending funds.

Operating Budgets

- A. Level of Budget Control
 - 1. Budget allocations are divided into budget control accounts such as travel and operating. The amount allocated for each control account is the amount planned to be spent during the fiscal year.
 - 2. Institutional budget control amounts are approved for the major educational and general functional classifications

of Instruction, Research, Public Service, Academic Support, Student Services, Institutional Support, Operation and Maintenance of Plant, and Scholarships and Fellowships where applicable.

3. Auxiliary Enterprises are controlled on a profit or break-even basis.
4. Additionally, control amounts are approved for educational and general transfers, both mandatory and non-mandatory. Funds transferred to other funds whether mandatory or non-mandatory are restricted in the other funds for the designated purpose. This restriction, however, does not prevent subsequent reallocations or transfers to other funds.

B. Budget Revisions

1. Should operating requirements prove incompatible with approved budgets because of unforeseen circumstances, a budget revision request should be initiated by the departmental budget administrator and approved by the appropriate approving authority. Budget revision procedures can be found at the following link:
http://www.apsu.edu/fin_admin/budget.htm
2. Revisions within Functional Area
 - a. The University may make budget revisions within a given functional area at the campus level.
 - b. The revisions should be properly documented and approved by the president, or his or her designee.
3. Revisions between Functions
 - a. Budget revisions from one functional area to another that exceed 1% of total expenditures must receive prior approval of the Vice President for Finance & Administration if proposed at other than the three regular budget submission times.
 - b. The request for revision should be submitted by the budget administrator in writing with a detailed explanation.
4. Revision of Overall Expenditure Total
 - a. Budget revisions to one or more educational and general functional areas that increase the overall educational and general budget must receive prior approval of the President if proposed at other than the three regular submission times.
 - b. The request for revision should be submitted in accordance with item 2 above and should include the source of funding for the proposed revision.

Plant Fund Budgets**A. Unexpended Funds****1. General**

- a. The purpose of the Unexpended Plant Fund is to account for the unexpended resources derived from various sources to finance the acquisition of long-term plant assets and the associated liabilities.
- b. These funds will be used for capital projects such as major additions and/or renovations to physical facilities.
- c. The University may request approval for transfer of funds to the Unexpended Plant Fund during the regular budgetary process or special request to the President.
- d. All funds added or transferred into the Unexpended Plant Fund will be controlled by specific project.
- e. Commitments or expenditures for any capital project shall be in conformance with all applicable state laws and requirements of the State Building Commission.
- f. All project budget revisions and the utilization of reallocated project balances shall be approved by the President or designee.

2. Extraordinary Maintenance

- a. Within the Unexpended Plant Fund, the University shall establish an account for extraordinary maintenance to be used for unusual or unanticipated maintenance needs.
- b. The annual budget shall include a minimum balance in the extraordinary maintenance account. This minimum shall be \$150,000.
- c. All projects in the extraordinary maintenance account shall be approved by the President or designee.

B. Renewals and Replacements

1. The resources set aside for renewals and replacements, as distinguished from additions and improvements to plant, are accounted for in this fund group.
2. The University has the responsibility to replace auxiliary equipment and must transfer at least 5% of auxiliary gross margin to the renewal and replacement fund.

C. Retirement of Indebtedness

1. The purpose of this fund is to account for the accumulation of resources for interest and principal payments and other debt service charges relating to plant fund indebtedness.

2. Additions to this fund are to be set up in separate debt service accounts.

Legislative Controls

- A. Each budget year will normally have unique guidelines and requirements depending on legislative or executive branch requirements.
 1. A schedule of these requirements will be prepared each budget cycle.
 2. It is the responsibility of the University to ensure that all budget guidelines for a given fiscal year are incorporated into the budget and are carried out operationally.

Budget Control

- A. It is the responsibility of University budget administrators to perform their respective operations within the approved budget. Budget administrators have no authority to expend funds in excess of approved budgets.
- B. Summary management reports should be prepared for top level administrators to evaluate the current financial status of the University.

Related Forms

Budget Revision Request Form	http://www.apsu.edu/fin-admin/tools-and-resources
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Links

APSU Financial Planning and Budget Office	http://www.apsu.edu/fin_admin/budget.htm
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Revision Dates

APSU Policy 1:022 (previously 4:021) – Rev.:
APSU Policy 1:022 – Rev.: June 8, 2009
APSU Policy 1:022 – Issued: October 9, 1995

Subject Areas:

Academic	Finance	General	Human Resources	Information Technology	Student Affairs
	<input checked="" type="checkbox"/>				

Approved

President: signature on file

**Austin Peay State
University**

Compensation

POLICIES

Issued:

Responsible Official: Vice President of Finance and Administration

Responsible Office: Human Resources

Policy Statement

It is the policy of Austin Peay State University to compensate employees fairly, equitably and consistent with market and performance.

Purpose

The goal of the University is to provide all employees compensation consistent with market and satisfactory job performance. This goal is reflected within the University budget and will be dependent upon budget availability.

Contents

Procedures

- Compensation Philosophy
- Procedures
- Part-Time Faculty Compensation Rate
- Faculty Compensation for Teaching Credit Courses as an Overload

Links

- APSU Policy 5:011
 - APSU Policy 5:014
 - APSU Compensation Plan
-

Procedures

Compensation Philosophy

- A. The University desires to have a compensation system which is fair, equitable and accountable to the Board of Trustees and the public-at-large.
1. The Board of Trustees will consider budget availability in all salary decisions.

2. This policy will cover compensation transactions at the University.
3. The same reportable policies apply to positions totally supported by restricted or auxiliary funds.

B. Faculty

1. Faculty salaries will be a primary objective and priority in developing and approving the overall system budget.
2. It is the goal of the Board of Trustees, within available funds, to provide competitive compensation for faculty, consistent with the market for their discipline and rank at officially recognized peer institutions and consistent with performance.

C. Staff

1. It is the goal of the Board of Trustees within available funds, to compensate staff within the approved compensation plan consistent with market and performance.

Procedures

- A.** The University will develop and maintain a compensation plan to be approved by the Board. This plan will be updated as necessary.

- B.** Salary adjustments may occur under the following circumstances.

1. Upon approval of the Board of Trustees, annual increases may be given to faculty and staff as an across-the-board, cost-of-living adjustment, merit-based or equity-based, or other increases as may be required by the state.
2. Employees may be awarded a salary increase for completion of the Certified Administrative Professional (CAP) exam as outlined in APSU Policy 5:016.
3. In rare circumstances APSU may choose to counteroffer in order to retain an employee who has been offered another position outside of the University. Documentation of the need for the offer must be presented and the counteroffer approved by the appropriate Executive Authority before such an offer is made.
4. Critical and special adjustments may occur in extraordinary circumstances to retain a uniquely qualified employee where APSU is in danger of losing the

employee. Documentation of the need for the adjustment must be presented and the adjustment approved by the appropriate Executive Authority before such an offer is made.

5. Employees may be eligible for an adjustment for obtaining a job related degree as outlined in APSU Policy 5:027.
6. The University may adjust an employee's salary to mitigate an internal inequity or verified external inequity.
7. An employee may receive an approved bonus as defined by the University, state legislation, or another approving authority.
8. Faculty promotions will follow APSU Policy 1:015, Policy on Academic Tenure.
9. Non-faculty promotions may occur when an employee assumes the duties of a vacant position at a higher level. Non-faculty promotions will follow APSU Policy 5:036.
10. Reclassifications may occur when an employee's duties have significantly changed. All reclassifications will follow APSU Policy 5:026.
11. The Office for Human Resources will process a technical adjustment if an error on a previously approved salary is discovered in order to correct the error.
12. In certain circumstances it may be appropriate to pay employees compensation for assuming additional duties outside their required responsibilities. Any pay adjustments for additional work will follow APSU Policy 5:014.

**Part-Time Faculty
Compensation Rate**

- A. APSU Policy 5:011, provides that "Part-time instructional personnel shall be paid on the basis of the credit or noncredit hours taught, pursuant to such policies and/or schedules as may be established by the Board."
- B. The rates set forth in this schedule shall be considered maximum rates for compensation of part-time faculty.

Level

Rate per Semester Credit Hour

4	\$700
3	\$650
2	\$600
1	\$550

- C. The University will develop criteria for assigning part-time faculty to the four levels.
1. The criteria may include such factors as educational qualifications, market differentials, and professional experience.
 2. Exceptions to the schedule may be approved by the president based on bona fide market studies which can be documented.

Faculty Compensation for Teaching Credit Courses as an Overload

- A. APSU Policy 5:014 Outside Employment provides that “the minimum rates per credit hour of instruction... must be applied when calculating compensation for extra service for full-time faculty teaching credit courses at the university.”
- B. The rates set forth in this policy shall be considered minimum rates for compensation of full-time faculty teaching credit courses in excess of the normal load.

Rank	Rate per Credit Hour of Instruction
Full Professor	\$700
Associate Professor	\$650
Assistant Professor	\$600
Instructor	\$550

- C. The rate per credit hour of instruction refers to the number of credits granted toward the faculty load, which may differ from the number of student credit hours.
1. Faculty often receive more credits for teaching laboratory courses, for example, than they do for non-laboratory courses.

Links

APSU Policy 5:011	https://www.apsu.edu/policy/personnel-policy-5011
APSU Policy 5:014	https://www.apsu.edu/policy/outside-employment-5014
APSU Compensation Plan	http://www.apsu.edu/human-resources/austin-peays-pay-plan

Revision Dates

APSU Policy 1:023 – Issued:

Subject Areas:

Academic	Finance	General	Human Resources	Information Technology	Student Affairs
			<input checked="" type="checkbox"/>		

Approved

President: signature on file

**Austin Peay State
University**

Board of Trustees Delegation of Authority

POLICIES

Issued: *(Date President approves policy)*

Responsible Official: General Counsel

Responsible Office: Legal Affairs

Policy Statement

The Austin Peay State University Board of Trustees (Board) is vested with the power and authority to govern Austin Peay State University (University). The Board reserves to itself certain powers and authority, and may delegate authority as provided for in state law, the Board Bylaws and as set forth in Board or University policy.

Purpose

The purpose of this policy is to enumerate such powers and duties that it holds and to enumerate those powers and duties that the Board chooses to delegate to the President.

Procedures

Powers and Duties of the Board

The Board reserves to itself all authority necessary to carry out its legal and fiduciary duties and responsibilities, to include the authority to set the overall direction of the Institution. The Board shall exercise its authority consistent with state law, and Board and University policies.

No authority that the Board reserves to itself shall be exercised by any other person or body unless expressly authorized by Board policy or directive. The Board shall retain authority over matters unless otherwise specified as a delegation to the President. The Board's powers and duties are expressly stated in its Bylaws to include:

- A. Determine the mission of the University and ensure that the mission is kept current and aligned with the goals of Tennessee's master plan for public higher education;

- B. Select and employ the chief executive officer of the University and to confirm the appointment of administrative personnel, faculty, and other employees of the University and their salaries and terms of office;
- C. Prescribe curricula and requirements for diplomas and degrees in cooperation with the TN Board of Regents, University of Tennessee Board of Trustees, and other state university boards in the interest of maintaining alignment across state higher education;
- D. Approve the operating budget and set the fiscal policies for the University and its programs;
- E. Establish policies and regulations regarding the campus life of the University, including, but not limited to, the conduct of students, student housing, parking, and safety;
- F. Grant tenure to eligible members of the faculty upon the recommendation of the President;
- G. Assume general responsibility for the operation of the University, delegating to the President such powers and duties as are necessary and appropriate for the efficient administration of the University and its programs;
- H. Receive donations of money, securities, and property from any source on behalf of the University, which gifts shall be used in accordance with the conditions set by the donor;
- I. Purchase land subject to the terms and conditions of state regulations, condemn land, erect buildings, and equip buildings for the University subject to the requirements of the State Building Commission and the terms and conditions of legislative appropriations;
- J. Provide insight and guidance to the University's strategic direction and charge the President with leading the strategic planning process;
- K. Ensure the University's fiscal integrity; oversee the University's financial resources and other assets; review

and approve annual University budgets; and preserve and protect the University's assets for posterity;

- L. Ensure and protect, within the context of faculty shared governance, the educational quality of the University and its academic programs; and preserve and protect the University's autonomy, academic freedom, and the public purposes of higher education;
- M. Refrain from directing the day-to-day management and administration of the University, which is the responsibility of the President of the University; and from directing or interfering with any employee, officer, or agent under the direct or indirect supervision of the President;
- N. Act as a body with no individual member speaking for the Board unless specifically authorized to do so by the Board; and
- O. Exercise such other powers, not otherwise prescribed by law, that are necessary to carry out its statutory duties.

Delegation to the President The President shall be the chief executive officer of the University. Subject to the ultimate authority of the Board, the President is delegated the authority necessary and appropriate for the efficient administration of the University and its programs, including the establishment of policies and procedures for the educational programs and operations of the University, except where the Board has reserved specific authority pursuant to the Bylaws and this policy as enumerated above. The discretionary powers of the President shall be sufficiently broad to enable him/her to discharge these responsibilities.

Unless otherwise restricted by specific Board policies or directives, the President may delegate general executive management and administrative authority to other executive officers and employees as necessary and prudent, including authority to execute contracts and other legal documents. The President may condition, limit, or revoke any presidential authority so delegated. All delegations and revocations shall be in writing, name the position to whom such authority is delegated, describe the scope and limitations of such authority, and prescribe the extent to which such authority may be further

sub-delegated. Notwithstanding any delegation, the President remains responsible for the proper functioning of the University.

The President shall carry out all rules, orders, directives, and policies established by the Board, and shall approve and implement all other policies and standards for the management of the University.

The organizational structure of the University will be established by the President except as otherwise specifically determined by the Board.

The President shall notify the Board of any matter that significantly involves the authority and role of the Board, including its fiduciary, oversight and public accountability responsibilities.

The President is authorized to negotiate and execute contracts on behalf of the University, including the aggregation of all contract extensions and renewals.

The President is authorized to name identifiable sub-units or components of campus facilities.

The President may hire all employees of the University and, within budgetary limitations, fix their salaries, and approve promotions, transfers, leaves of absence, and removal of personnel pursuant to the requirements of APSU policies and subject to such prior approval or confirmation as the Board may require. The President is authorized to further delegate appointing authority to the Vice Presidents or other designees.

The President shall have the authority to negotiate banking and credit card services to periodically open and close bank accounts and to purchase and sell investments. The President may delegate this authority to other administrative officers.

The President is authorized to act for the Board regarding all matters concerning grants and contracts for research, development, service and training.

The President is authorized to act for the Board in the management of the student body and other matters incident thereto, except for the establishment of rules and policies regarding student conduct.

The President is authorized to establish a reserve officers training corps unit, to execute and deliver bond, with or without surety, in such manner and on such terms and conditions as may be required by the United States, for the care and safekeeping of the transportation, animals, arms, ammunition, supplies, tentage, and equipment that may be necessary or desirable for the operation, conduct and training of any reserve officers training corps units of the armed forces of the United States authorized by law at any time.

The President is authorized to act for the Board regarding the execution and administration of instruments and the general business and financial affairs of the University that occur in the usual course of business except as otherwise provided in the Board Bylaws.

The President is authorized to approve the acquisition or disposal of real property for the University, subject to other approvals that may be required.

The President is authorized to act for the Board regarding all legal action necessary to protect the interests of the University.

In the event of an emergency or in the event immediate action is in the best interests of the University, the President, after consultation with the Board Chair, is authorized to act, pursuant to authority otherwise available but for this Delegation of Authority.

Revision Dates

APSU Policy 1:024 – Issued:

Subject Areas:

Academic	Finance	General	Human Resources	Information Technology	Student Affairs
		<input checked="" type="checkbox"/>			

Approved

President: signature on file



Agenda Item: J.

Date: March 30, 2017

Subject: Student Housing Rates for 2017/18

Action Recommended: Approval

Background Information:

The Board will review and consider for approval the changes in student housing rates which will become effective Fall 2017.

Proposed Implementation Date: Fall 2017

Item Details:

APSU Policy 1:021 "Fees, Charges, Refund and Fee Adjustments" requires that "all regular and special rental rates for student dormitories and student apartments will be approved by the Board of Trustees upon the recommendation of the University." The University proposes to increase student housing rates as follows:

	From	To
Residence Halls		
Double occupancy	\$ 2,680 - \$ 3,300	\$ 2,760 - \$ 3,400
Single occupancy	\$ 3,450 - \$ 4,800	\$ 3,550 - \$ 5,100
Apartments (EH)	N/A	\$ 3,750 - \$ 3,900
Family Apartments	\$ 650 - \$850	\$ 670 – 870

Residence Hall rates are represented on a “per semester” basis and family apartments are “monthly.” Several Emerald Hill (EH) apartments will be converted from 12-month family units to semester-based upperclassman units in order to better serve the student population. The revenue expected to be generated is \$304,200 annually. This is an overall 3% increase in housing rates to cover inflationary increases for salaries and operations.



Agenda Item: K.

Date: March 30, 2017

Subject: BSE Engineering Physics

Action Recommended: Recommend approval to establish new degree program (major)

Background Information: Engineering physics (EP) is the interdisciplinary study of physics, mathematics, and engineering with a particular emphasis on developing advanced techniques to solve complex, real-world problems.

- Supporting Workforce Needs
 - Availability of engineering graduates is a significant consideration when attracting new industry. Clarksville-Montgomery County is home to a number of large manufacturers.
 - The Clarksville-Montgomery County Industrial Development Board (IDB), in conjunction with local and state governments, has been successful at attracting a large manufacturing presence in Clarksville. Employers such as these are seeking employees with an engineering education as opposed to a technology or science degree. Availability of such a degree is especially important as the IDB undertakes a search for additional industry partners for Clarksville.
 - There are several large automotive manufacturers in the state and the plethora of automotive suppliers that constitute a significant manufacturing and economic presence in Tennessee. These industries are also seeking engineers for technical positions which handle a greater responsibility than is expected of someone with a degree in technology or science.
 - Other Tennessee employers, such as Oak Ridge National Lab, Y-12 National Security Complex, Tennessee Valley Authority, and Arnold Engineering Development Center, have similar engineering needs.
 - The Clarksville metropolitan statistical area (MSA) ranked 19th in the nation for fastest job growth in a report released in December 2016 from 24/7 Wall St., a Delaware-based financial news company. A steady supply of qualified engineering graduates will be critical for the Clarksville MSA to maintain this growth.

- Job Market
 - An engineering physics program will also enable APSU to better prepare students who wish to enter engineering careers or attend graduate school in an engineering discipline. According to the Bureau of Labor Statistics, there are approximately 2 million jobs in the STEM cluster of occupations¹. Of the projected job openings between the years 2013 and 2022, more than half of them will be in the engineering and technology pathway. Engineering managers with 61,000 openings and electrical engineers with 44,000 openings are next on the list respectively.
- Estimated enrollment
 - 15 students in Fall 2017, 28 students in Fall 2018, 45 students in Fall 2019
- Distinctiveness
 - No other public institutions within the State of Tennessee currently offer a degree of any kind in engineering physics.
- Alignment with APSU Strategic Plan
 - This proposed program supports APSU Goal 1: Enrollment Growth and Goal 2: Student Success: Retention, Completion and Workforce Preparedness

Proposed Implementation Date: Fall 2017

Item Details:

BSE Engineering Physics is a 120 credit hour undergraduate degree that will be housed in the Department of Physics and Astronomy, within the College of Science and Mathematics. The program proposal has been led by Dr. Alex King, Department Chair of Physics and Astronomy, and Dr. Jaime Taylor, Dean of the College of Science and Mathematics.

The Field of Engineering Physics

- Engineering physicists are best suited to applying new technologies to problems in engineering design and manufacturing where established mechanical or electrical engineering approaches are inadequate. Consequently, engineering physics curriculum focuses on advanced theoretical, computational, and experimental topics that are outside the scope of traditional engineering subject areas. Engineering physics requires design as an element of the curriculum, much like an engineering program, while also requiring more advanced physics than a typical engineering degree.
- An undergraduate degree in engineering physics qualifies a student to seek engineering-oriented employment after earning a bachelor's degree, but also

¹ [http://www.bls.gov/careeroutlook/2015/article/career-clusters.htm#Science, technology, engineering, and mathematics](http://www.bls.gov/careeroutlook/2015/article/career-clusters.htm#Science,technology,engineering,andmathematics), Bureau of Labor and Statics, Career Outlook, "Clusters, Pathways, and BLS: Connecting Career Information, Elka Torpey, March 2015.

provides excellent preparation for students who wish to pursue graduate study in physics or engineering.

- Engineering physics is accredited by the American Board of Engineering and Technology (ABET). As such, graduates from an ABET-accredited program are eligible to sit for the professional engineer licensure examinations (unlike regular physics graduates). Engineering physicists typically work in high-tech industrial and manufacturing settings on teams with engineers and engineering technologists to solve real-world design and implementation problems. APSU will seek ABET accreditation of the proposed program.

Budget

- One-time expenditures include \$50,000 in each of years 2, 3, and 4 for purchase of equipment to support workforce development goals. Purchases begin in year 2 so they may be incorporated into upper-division coursework for the first cohort in year 3.
- Existing faculty are qualified and able to teach courses in the proposed program. The addition of an engineering physics program to the Department of Physics & Astronomy will allow for efficient use of resources while meeting the growth needs of APSU and the department. It is expected that program growth will necessitate a new tenure-track faculty line in year 3 who will be dedicated full-time to the engineering physics program.
- Revenue from tuition and fees is expected to be approximately \$100,000 in the first year and increase by approximately \$150,000/year through year 5 stabilizing at approximately \$700,000/year. Revenues are projected to be sufficient to cover all necessary expenses for the program.

Major Field Core (courses required of all students in a program)

Courses	Courses
Chem 1110/1111 General Chemistry I	Engr 1000 Introduction to Engineering
CSci 2000 Prog. & Data Struct. in C++	Engr 2110 Statics
Econ 2010 Principles of Macroeconomics	Engr 2120 Particles and Ridged Bodies
Math 1910 Calculus & Analytic Geom. I	Engr 3005 Advanced Engineering Mathematics
Math 1920 Calculus & Analytic Geom. II	Engr 3020 Engineering Thermodynamics
Math 2110 Calculus III	Engr 3030 Electricity & Magnetism
Math 3120 Differential Equations I	Engr 3050/3051 Introduction to Circuits
Phys 2110/2111 University Physics I	Engr 3100/3101 Introduction to Design
Phys 2120/2121 University Physics II	Engr 3550/3551 Experimental Methods
Phys 3700 Modern Physics	Engr 3600 Materials Science
Engr 4000/4001 Intro to Computational Eng.	Engr 4510 Engineering Design I
	Engr 4520 Engineering Design II

The program proposal has received approvals from the Department of Physics and Astronomy Curriculum Committee, Department Chair, College of Science and Mathematics Curriculum Committee, Dean, Academic Council, Provost, and President.

Appendices

- Visual of the Lifecycle of New Program Development Process
<http://www.apsu.edu/academic-course-and-program-development/program-development>
- Curricular Development and Modification Approval Overview – see Row K for the steps involved in the approval process for new degree programs:
<http://www.apsu.edu/academic-course-and-program-development/roles-and-responsibilities>



Agenda Item: L.

Date: March 30, 2017

Subject: Adoption of Calendar for Board of Trustees Meetings

Action Recommended: Adoption.

Background Information:

The Focus on College and University Success Act (FOCUS Act), requires the Austin Peay State University Board of Trustees to meet a minimum of four times per year. The following calendar is proposed for the remaining academic year and for the 2017 year. Committees of the board will meet electronically or telephonically as necessary between board meetings and on the morning of scheduled board meetings as necessary. THEC will convene members of all boards of institutions of higher education in Nashville for training in August 2017.

Item Details:

Proposed 2017 meeting dates are as follows:

- Summer Meeting- May 18 and 19
- Fall Meeting- September 14 and 15
- Winter Meeting- November 30 and December 1



Information Item: A.

Date: March 30, 2017

Subject: Update on the University's Accreditation - Substantive Change Process, SACSCOC

Action Recommended: Information only

Background Information:

The Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) is the regional accrediting body in the eleven U.S. Southern states (Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas and Virginia) and in Latin America for institutions of higher education that award associate, baccalaureate, master's or doctoral degrees. To gain or maintain accreditation with SACSCOC, an institution must comply with the standards contained in the *Principles of Accreditation: Foundations for Quality Enhancement*. The *Principles* provide consistent guidelines for peer review on standards appropriate for the assurance of quality in higher education. SACSCOC applies the requirements of its *Principles* to all applicant, candidate, and member institutions, regardless of type of institution (public, private for-profit, private not-for-profit).

The U.S. Department of Education (USDE) requires recognized accrediting agencies to monitor institutions with access to federal funds to ensure that they continue to meet accreditation standards. SACSCOC conducts a comprehensive review of accredited institutions every ten years and requires a fifth-year interim report to demonstrate to the USDE that it monitors institutional compliance more frequently than once per decade.

Austin Peay State University is accredited by SACSCOC to award associate, baccalaureate, masters, and specialist degrees. APSU was first accredited in 1947, and accreditation was most recently reaffirmed in 2014. APSU will submit a fifth-year interim report to SACSCOC in March 2020, and the institution's next reaffirmation is scheduled for 2024.

SACSCOC defines substantive change as "a significant modification or expansion in the nature and scope of an accredited institution." Certain types of substantive changes,

including changes in governance, require prior approval by SACSCOC, as well as an on-site visit by a substantive change committee to determine continued compliance with the *Principles*.

Proposed Implementation Date: Ongoing

Item Details: (Detailed Description)

A history of the correspondence and activities with SACSCOC related to the governance change is provided below.

- 3/2/16: David Gregory, Acting Chancellor, Tennessee Board of Regents (TBR) notified Belle Wheelan, SACSCOC President, of a potential pending substantive change in governance for the six TBR universities, including APSU.
- 3/18/16: Dr. Wheelan responded to Dr. Gregory's notification, outlining SACSCOC policy regarding substantive changes and requested a meeting with representatives from affected institutions because the legislative timeline for the proposed change was not consistent with the timeline of SACSCOC policies.
- 5/23/16: APSU Accreditation Liaison Lynne Crosby notified SACSCOC of the pending substantive change in governance and anticipated timeline.
- 06/02/16: SACSCOC President Wheelan sent a letter to APSU to confirm the relevant policy and process.
- 6/20/16: APSU President Alisa White and APSU Accreditation Liaison Crosby, along with their TBR counterparts, met with SACSCOC officials to discuss process and timeline regarding the governance change.
- 6/23/16: SACSCOC President Wheelan sent a letter to APSU President White outlining the dates and steps for the process.
- 6/28/2016: APSU President White sent SACSCOC a letter to acknowledge understanding of the process and timeline specified in the 6/23/2016 letter.
- 8/31/16: President White submitted a prospectus to SACSCOC describing the change in governance of APSU from the TBR to the APSU Board of Trustees (APSU BT). This prospectus included the following sections: abstract; background information; assessment of need and program planning/approval; description of the change; faculty; and financial support.
- 09/08/16: SACSCOC acknowledged receipt of prospectus.
- 10/14/16: President White submitted an addendum to SACSCOC containing the following items:
 - a list of proposed APSU BT governing board members identified by the governor;
 - board members' occupations, professional affiliations, terms of office, and any contractual, employment, or personal or familial financial interest;
 - proposed APSU BT governing board member selected as described by APSU Faculty Senate.
- 1/11/17: APSU was notified of the actions taken by the Executive Council of the Board of Trustees of the SACSCOC.

- The Council received the recommendation of the SACSCOC Board of Trustees Committee on Compliance and Reports to approve the change of governance from TBR to APSU BT and to authorize an on-site review by a substantive change committee.
- The Council deferred final action to its March 14-16, 2017 meeting.
- The Council requested that APSU submit materials for review and indicated that it would take final action on the change in governance and notify APSU within 10 days following its March meeting.
- 2/14/17: APSU submitted a second addendum to SACSCOC containing the following items:
 - the final board member roster (minus the student member) and evidence of Tennessee General Assembly confirmation of the members of the APSU BT;
 - APSU's Financial and Compliance Audit Report for FY 2016 that ended June 30, 2016; and
 - an unaudited statement of net position, exclusive of plant assets and plant-related debt for FY 2016.
- 3/14-16/17: SACSCOC Executive Council vote on the proposed APSU governance change.

APSU's on-site visit with a SACSCOC substantive change committee has been confirmed for October 2-5, 2017. The final committee composition is not yet available, but we anticipate a four-person team plus the assigned SACSCOC Vice President. APSU BT Members are expected to participate in the on-site visit; however, participation via video chat is acceptable in limited cases. During a typical visit, committee members examine data and conduct interviews in order to ascertain whether the institution continues to be in compliance with the *Principles*. The committee offers written advice to the institution, develops a consensus on its findings, and completes a draft report. Finally, the committee presents an oral summary in an exit report to the chief executive officer and invited institutional officials on the last day of the visit.

In preparation for the visit, APSU will submit a comprehensive report to SACSCOC in mid-August 2017 documenting compliance with a specific subset of *Principles*, as described below.

Core Requirements:

- 1.1: The institution operates with integrity in all matters. (Integrity)
- 2.1: The institution has degree-granting authority from the appropriate government agency or agencies. (Degree-granting authority)
- 2.2: The institution has a governing board of at least five members that is the legal body with specific authority over the institution. The board is an active policy-making body for the institution and is ultimately responsible for ensuring that the financial resources of the institution are adequate to provide a sound

educational program. The board is not controlled by a minority of board members or by organizations or interests separate from it. Both the presiding officer of the board and a majority of other voting members of the board are free of any contractual, employment, or personal or familial financial interest in the institution. (Governing board)

- 2.3: The institution has a chief executive officer whose primary responsibility is to the institution and who is not the presiding officer of the board. (Chief executive officer)
- 2.4: The institution has a clearly defined, comprehensive, and published mission statement that is specific to the institution and appropriate for higher education. The mission addresses teaching and learning and, where applicable, research and public service. (Institutional mission)

Comprehensive Standards:

- 3.2.1: The governing board of the institution is responsible for the selection and the periodic evaluation of the chief executive officer. (CEO evaluation/selection)
- 3.2.2: The legal authority and operating control of the institution are clearly defined for the following areas within the institution's governance structure: (Governing board control)
 - 3.2.2.1: the institution's mission
 - 3.2.2.2: the fiscal stability of the institution
 - 3.2.2.3: institutional policy
- 3.2.3: The governing board has a policy addressing conflict of interest for its members. (Conflict of interest)
- 3.2.4: The governing board is free from undue influence from political, religious, or other external bodies and protects the institution from such influence. (External influence)
- 3.2.5: The governing board has a policy whereby members can be dismissed only for appropriate reasons and by a fair process. (Board dismissal)
- 3.2.6: There is a clear and appropriate distinction, in writing and practice, between the policy-making functions of the governing board and the responsibility of the administration and faculty to administer and implement policy. (Board/administration distinction)
- 3.2.7: The institution has a clearly defined and published organizational structure that delineates responsibility for the administration of policies. (Organizational structure)
- 3.2.8: The institution has qualified administrative and academic officers with the experience and competence to lead the institution. (Qualified administrative/academic officers)
- 3.7.5: The institution publishes policies on the responsibility and authority of faculty in academic and governance matters. (Faculty role in governance)

- 3.10.3: The institution exercises appropriate control over all its financial resources. (Control of finances)
- 3.13: Responsibility for compliance with other Commission policies
 - 3.13.4 Reaffirmation of Accreditation and Subsequent Reports - The institution should provide a description of the system operation and structure or the corporate structure if this applies.
- 3.14.1: A member or candidate institution represents its accredited status accurately and publishes the name, address, and telephone number of the Commission in accordance with Commission requirements and federal policy. (Publication of accreditation status)

Federal Requirements:

- 4.5: The institution has adequate procedures for addressing written student complaints and is responsible for demonstrating that it follows those procedures when resolving student complaints. (Student complaints)
- 4.7: The institution is in compliance with its program responsibilities under Title IV of the most recent Higher Education Act as amended. (Title IV program responsibilities)