

AGENDA

Austin Peay State University

317 College Street

Clarksville, TN 37040

June 7, 2019

9:00 am

Call to Order

Roll Call/Declaration of Quorum

Adoption of Agenda

- A. Consent Agenda
 - i. Termination of B.S. English
 - ii. Termination of B.A. Psychological Science
 - iii. Consideration of Policy 1:010 Appeals and Appearances Before the Board

Approval of Minutes

Campus Spotlight

Action Items

- A. Academic Policies and Programs/Student Life Committee Report and Recommendations
 - i. Adoption of Minutes
 - ii. Tenure Approval
 - iii. Tenure Upon Appointment of Dr. Nancy King Sanders
 - iv. Approval of Elevation of Existing Media Technology Concentration within BA/BS Communication Arts into separate major of BA/BS Communication Media
 - v. Consideration of Student Conduct and Disciplinary Sanctions Rule
- B. Audit Committee Report and Recommendations
 - i. Adoption of Minutes

C. Business and Finance Committee Report and Recommendations

- i. Adoption of Minutes
- ii. Consideration of a Tuition Increase for the 2019-2020 Academic Year
- iii. Consideration of the Estimated Budget for the 2018-2019 Fiscal Year and Proposed Budget for the 2019-2020 Fiscal Year
- iv. Consideration of the Capital Outlay and Maintenance Requests for the 2020-2021 Fiscal Year
- v. Consideration of APSU Participation in the Clarksville Multipurpose Event Center
- vi. Consideration of Revisions to Policy 1:021 Fees, Charges, Refund and Fee Adjustments
- vii. Consideration of Use of University Property Rule
- viii. Consideration of Classifying Students In-State and Out-of-State Rule
- ix. Consideration of Rule 0240-05-01 Traffic and Parking Regulations

D. Executive Committee Report and Recommendations

- i. Adoption of Minutes
- ii. Consideration of the Presidential Performance Evaluation for Fiscal Year 2018-2019
- iii. Consideration of the Revised Presidential Base Compensation, Performance Evaluation, and Incentive Plan and the President's Base Compensation for Fiscal Year 2019-2020

E. Other Business

- i. APSU Awards
- ii. Committee Appointments

Information Items

- A. Legislative Update
- B. President's Report
- C. President's Interim Items
 - i. Review of Contracts and Agreements
 - ii. Review of State Building Commission Actions
 - iii. Appointment of LaNeeça Williams as Chief Diversity Officer/Title IX Coordinator

Adjourn

Consent Agenda Item: A.i.

Date: June 7, 2019

Subject: Termination of BS in English

Action Recommended: Approval

Background Information:

The Department of Languages and Literature currently offers two undergraduate degree programs in English: the Bachelor of Arts (B.A.) and the Bachelor of Science (B.S.). The department proposes to eliminate the Bachelor of Science in English to reaffirm its commitment to the humanities.

Proposed Implementation Date:

Fall 2019

Item Details:

The B.A. is the standard degree for the English discipline, and the Department of Languages and Literature is aligning its program with national norms. Given the humanistic nature of the discipline and the emphasis on language and literature, it is most fitting that the Bachelor of Arts be the sole degree offered for the English major.

The change is essentially curricular. As part of the major requirements, the Department of Languages and Literature currently requires all English majors to complete 6-8 credit hours of Foreign Language regardless of whether students are seeking the B.A. degree or the B.S. option.

The B.S. currently requires one year of foreign language, which can be fulfilled with two semesters of elementary-level (1010/1020) courses. The B.A. requires intermediate-level (2010/2020) foreign language. Students who place out of the elementary courses can still fulfill the language requirement in one year, although students who need to take the elementary level to get to the Intermediate need to complete two years of language. A recent program review of the B.A./B.S. English program affirmed this change. The external reviewer, Dr. Julia A. Galbus, University of Southern Indiana, stated the following

in the recent program review report: "The decision to eliminate the B.S. degree is a wise one and will simplify planning for students and the department."

The termination of the B.S. option for the English major is aligned with Strategic Plan Goal 5: Communication as it will help to better communicate the humanistic nature of the degree program and discipline to students and to others within and external to the university. The proposed termination also aligns with Strategic Plan Goal 2: Student Success as the Bachelor of Arts degree will be advantageous to students who may pursue advanced graduate education in English and related disciplines and to those seeking employment in settings or occupations that emphasize cultural competencies and language expertise.

This action will have no impact on the current program and the B.A. degree will remain active with no changes to coursework in the major.

No adverse impact is anticipated for students as the B.A. degree contains the same major coursework as the B.S., with the exception of the requirement for Intermediate foreign language. There are no anticipated personnel, fiscal or other impacts resulting from this action.

This termination constitutes a SACSCOC Substantive Change and will be submitted for approval per SACSCOC policy, after obtaining approval by the APSU Board of Trustees.

Consent Agenda Item: A.ii.

Date: June 7, 2019

Subject: Termination of B.A. in Psychological Science

Action Recommended: Approval by Voice Vote

Background Information:

The Department of Psychological Science and Counseling currently offers two undergraduate degree programs: Bachelor of Arts (B.A.) in Psychological Science and Bachelor of Science (B.S.) in Psychological Science. In 2015, the Department of Psychological Science and Counseling (formerly Department of Psychology) sought a change in the department name and degree/major title change from *Psychology* to *Psychological Science*. These changes were approved and implemented in 2016. The department requested a title change to Psychological Science to better reflect the empirical basis of the discipline and to align with national trends among similar academic programs as well as the guidelines for undergraduate programs set forth by the American Psychological Association (APA). The current request to terminate the B.A. degree option is borne of this same rationale. The proposed action reflects the final step toward this alignment which began with changing the title of our program/major from psychology to psychological science in 2016.

Proposed Implementation Date:

Fall 2019

Item Details:

The Department proposes the termination of the B.A. option for the Psychological Science major. Currently, students who wish to pursue the major in Psychological Science have the option of selecting the B.A or the B.S. Given the scientific nature of the discipline and the emphasis on knowledge acquired through empirical investigative research methods, it is most fitting that the B.S. be the sole degree offered for the Psychological Science major. The American Psychological Association guidelines have been adopted by the program and this modification will allow the department to be in greater alignment with its emphasis on promoting the scientific nature of the discipline. This change will be in further

alignment with national trends among academic institutions. The B.S. degree option is identical to the B.A. with the exception of the university-wide additional foreign language credit that is required for the B.A. The major coursework, core and electives, are identical.

The termination of the B.A. option for the major in Psychological Science is aligned with Strategic Plan Goal 5: Communication as it will help to better communicate the scientific nature of the degree program and discipline to students and to others within and external to the university. The proposed termination also aligns with Strategic Plan Goal 2: Student Success as the Bachelor of Science degree will be advantageous to students who may pursue advanced graduate education in psychological science and to those seeking employment in settings or occupations that emphasize empiricism and knowledge of research methods.

This action will have no impact on the current program and the B.S. degree will remain active with no changes to coursework in the major.

No adverse impact is anticipated for students as the BS degree contains the same major coursework as the B.A. with the exception of the university's requirement for foreign language for the B.A. Any student who wishes to complete foreign language coursework will still be able to do so using free electives. There are no anticipated personnel, fiscal, or other impacts resulting from this action.

This termination constitutes a SACSCOC Substantive Change and will be submitted for approval per SACSCOC policy, after obtaining approval by the APSU Board of Trustees.

Consent Agenda Item: A.iii.

Date: June 7, 2019

Subject: Approval of the Appeals and Appearances Before the Board Policy 1:010

Action Recommended: Approval by Voice Vote

Background Information:

Appeals and Appearances Before the Board Policy 1:010 sets the conditions and procedures for appeals to the Board and for appearances before the Board. The policy is being updated to give the Board Chair discretion to allow public comment from the audience.

Proposed Implementation Date: June 7, 2019

Item Details:

See attached documents.

**Austin Peay State
University**

Appeals and Appearances Before the Board

POLICIES

Issued: ~~March 15, 2019~~

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 certain decisions of the president to the Board of Trustees ("Board").

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 certain decisions of the president to the Board.
- B. Appeals heard pursuant to the TN Uniform Administrative Procedures Act (UAPA), 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. Faculty promotions;
6. Salary determinations;
7. Student academic matters, e.g. grade appeals, failure to meet retention policies, etc.;
8. Performance evaluations of faculty and staff; and
9. 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.

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

Public Participation

Members of the public are allowed to appear before the Board of Trustees to comment on any topic listed on the agenda for a Board meeting that is open to the public. Testimony will be limited to topics listed on the agenda. Members of the public wishing to present shall provide their name and agenda topic they wish to address to APSU General Counsel and Secretary to the Board of Trustees at least 72 hours in advance of the meeting (trustees@apsu.edu). [The Chair, in his or her discretion, may allow individuals to address the Board without advance notice.](#)

If possible, members of the public who wish to appear before the Board shall provide a brief written statement of the substance of such person's testimony to APSU General Counsel and Secretary to the Board of Trustees in sufficient time for copies to be distributed to the Trustees prior to the meeting.

When applicable, the Chair, in consultation with the committee chair and Secretary to the Board, will determine whether the comment(s) will be made during the meeting of the relevant committee or the meeting of the full Board. Notwithstanding, the Chairman of the Board may authorize appearances before the

Board on any matter deemed appropriate for Board consideration.

Time Allocation

A person addressing the Board will have a maximum of 3 minutes for any comments. Exceptions to this time period will only be allowed at the discretion of the Board Chair.

The aggregated time for all public comments at a meeting will not exceed 15 minutes in total.

Revision Dates

[APSU Policy 1:010 – Rev.:](#)

APSU Policy 1:010 – Rev.: March 15, 2019

APSU Policy 1:010 – Rev.: June 8, 2018

APSU Policy 1:010 – Issued: March 30, 2017

Subject Areas:

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

Approved

President: signature on file

Agenda Item: A.ii.

Date: June 7, 2019

Subject: Tenure Approval

Action Recommended: Approval by Voice Vote

Background Information:

Per university policy, the president recommends the granting of tenure to eligible faculty members. The recommendations are made within the requirements of APSU policies on tenure. The university has followed approved policies and procedures in each case.

Proposed Implementation Date:

August 2019

Item Details:

A total of 14 faculty members are recommended for tenure. The list of faculty members is provided below.

Name:	Department:
Robert Atkinson	Languages and Literature
Christopher Bailey	Theatre and Dance
Jennis Biser	Accounting, Finance and Economics
Joseph Elarde	Computer Science and Information Technology
Christina Galben	Agriculture
Virginia Griswold	Art and Design
Ying Ma	Sociology
Gloria Miller	Management, Marketing and General Business
Michael Shen	Management, Marketing and General Business
Marissa Sikes	Languages and Literature
Andrea Spofford	Languages and Literature
Patrick Vincent	Art and Design
Colleen White	Biology
Stefan Woltmann	Biology

Currently there are 344 full-time tenured and tenure-track faculty, of which 239 (69%) are tenured. The following summary table provides the numbers of tenure-track faculty

granted tenure from 2015-16 to the present. The president is recommending 14 tenure-track faculty for tenure at this time.

Tenured/Tenure-Track Faculty				
Year Hired	2010	2011	2012	2013
Tenure Decision Year	2015-16	2016-17	2017-18	2018-19
# Hired	20	29	29	17
# No Longer with University	9	11	11	2
	45%	38%	38%	12%
# Tenured or Currently Tenure Track	11	18	18	15
	55%	62%	62%	88%

Agenda Item: A.iii.

Date: June 7, 2019

Subject: Tenure Upon Appointment: Dr. Nancy KingSanders

Action Recommended: Approval by Voice Vote

Background Information:

The provost and vice president of Academic Affairs proposes the award of tenure upon appointment for Dr. Nancy KingSanders, new executive director for the Center of Teaching and Learning. Dr. KingSanders began her appointment as executive director on April 1, 2019. Dr. KingSanders' education, as well as teaching, scholarship and service experience, meet the tenure criteria of the Department of Music. Therefore, the Department of Music and the College of Arts and Letters recommend that Dr. Sanders be appointed with tenure at the rank of full professor in the department.

Proposed Implementation Date: retroactive to April 1, 2019

Item Details:

Dr. KingSanders comes to APSU holding a terminal degree (DMA) in music with focus areas in clarinet performance and music education. Before transferring into her role in student success, Dr. Sanders rose through the academic ranks from assistant to full professor with tenure in the music department at her prior institutions. She has since maintained an active service and research agenda and currently holds membership in six professional associations pertaining to higher education.

Enclosed: Dr. Nancy KingSanders CV

NANCY KINGSANDERS

Home Contact Information:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

EDUCATION

The University of Illinois
School of Music
Urbana-Champaign, Illinois

Doctor of Musical Arts, 1994
Focus Area: Clarinet Performance
Secondary Field, Music Education

University of North Texas
College of Music
Denton, TX

Master of Music, 1983
Focus Area: Clarinet Performance
Secondary Field, Music Theory

Texas State University
Department of Music
San Marcos, TX

Bachelor of Music Education, 1980
Focus Area: Music Education
Secondary Field, French
Education Graduated cum laude

PROFESSIONAL EXPERIENCE

Associate Vice President for Student Success
Texas A&M University-Kingsville
Kingsville, TX 78363

Spring 2011 - 9/2017

Associate Dean, College of Graduate Studies
Texas A&M University-Kingsville
Kingsville, Texas

Fall 2010-Spring 2011

Academic Affairs Administrative Intern for the Provost
Texas A&M University-Kingsville
Kingsville, Texas

Fall 2007 –Summer 2010

Graduate Music Education Coordinator
Texas A&M University-Kingsville
Kingsville, Texas

Fall 1999 – Summer 2010

TEACHING EXPERIENCE

Professor of Music

Texas A&M University-Kingsville
Kingsville, Texas

2002-2011 – (Full Professor Faculty Rank Retained
Concurrently with Administrative
Positions)

Associate Professor of Music

Texas A&M University-Kingsville
Kingsville, Texas

1996 –2002

Assistant Professor of Music

Texas A&M University-Kingsville
Kingsville, Texas

1993 –1996

Assistant Professor of Music

McMurry University
Abilene, Texas

1990–1993

PROFESSIONAL HONORS, SCHOLARSHIP, AND PROFESSIONAL ACTIVITIES

Selected Honors

- Outstanding First-Year Student Advocate, February 2016, National Resource Center for the First-Year Experience and Cengage Learning
- Kingsville, Texas Women's Club Community Service Award, 2009
- Marquis Who's Who in Education, 2006
- Women in Music Award, Tau Beta Sigma, 2005
- Presidential Award for Excellence in Teaching, Texas A&M University-Kingsville, 2003

Funded Research Projects

- Integrating a Culture of Academic Research and Engagement, ***I-CARE***. Nancy KingSanders, Co-Principal Investigator, Allen Rasmussen, Co-Principal Investigator, \$2.625 Million, Department of Education, Title V, October 2015-September 2020
- Partnering for Student Success in South Texas, ***PSSST***. Nancy KingSanders, Principal Investigator, \$3.826 Million, Department of Education, Title V, October 2010-September 2015
- Bridges to Success Program, Nancy KingSanders, Principal Investigator, \$100,000, Ed Rachal Foundation, May 2014-April 2015

- **A**dvancement **V**ia **I**ndividual **D**etermination, **AVID** Work-study Mentorship Grant, Nancy KingSanders, Principal Investigator, \$100,000, Texas Higher Education Coordinating Board, August 2013 – July 2014
- Complete College America FOCUS for Developmental Math, Nancy KingSanders, Principal Investigator, \$36,000, Texas Higher Education Coordinating Board, January 2013 – August 2013
- **AVID** Work-study Mentorship Grant, Nancy KingSanders, Principal Investigator, \$158,000, Texas Higher Education Coordinating Board, August 2011-July 2013
- The Effect of Temperature, Elevation, and Humidity as it applies to *Arundo Donax*. Nancy KingSanders, Principal Investigator, \$8,400, Teaching Excellence Fund Grant, August 2002-2003

Selected Presentations

- *Increasing Faculty Participation in Professional Development; Teacher Preparation Initiative; Increased Retention Rates*, AHE National Leadership Summit (AVID Higher Education, **A**dvancement **V**ia **I**ndividual **D**etermination), July 2017
- Selected as a panelist for The Texas Higher Education Coordinating Board, in partnership with National Institute for Staff and Organizational Development (NISOD) and Austin Community College May 2016 event to bridge secondary and postsecondary education and support goals of the 60X30TX strategic plan
- *Bridge Focus Group*, February 2016, Educational Policy Improvement Center
- *Using AVID-Based Dual Enrollment Courses to Bridge the Educational Gap*, December 2014, **A**dvancement **V**ia **I**ndividual **D**etermination, **AVID** National Conference
- *Student Success in the First-Year Through Graduation*, May 2013, Texas Hispanic Institutions Consortium Spring Conference
- *Refresh Participation and the Benefit to Student Success, Retention, and Graduation Rate*, February 2012, Foundations of Excellence Winter Meeting
- *The Value of Immediate Feedback Toward Future Correct Responses*, Texas A&M University 9th Annual Assessment Conference, March 2008
- *Woodwind Pedagogy*, University of Central Florida, April 2005
- *Practical Rehearsal Techniques for Middle School Clarinetists*, Texas Music Educators Association, February 1997

Selected Publications

- Bain De Los Santos, S., Mundy, M.A., KingSanders, N. (2017). *We are the Jetsons! 21st century technology engages online classrooms by infusing AVID strategies*. Presented at the International Council for Open and Distance Education's World Conference on Online Learning (ICDE 2017). Toronto, ON, Canada. October.
- Gonzalez, C., Birdwell, J., and KingSanders, N., "Power of the Javelina Pack: The Evolution of Peer Mentoring," in proceedings of 2017 Annual Conference on The First-Year Experience, Atlanta, GA.
- Gonzalez, C., Bain DeLosSantos, S., Vanness, B., Birdwell, J., and KingSanders, N., "The Javelina First-Year Experience: Building the Pack," in proceedings of 2017 Annual Conference on the First-Year Experience, Atlanta, GA.

Dr. Nancy KingSanders

Joiner, M., Gohre, D., and KingSanders, N., “Using AVID-Based Dual Enrollment Courses to Bridge the Educational Gap,” in proceedings of 2014 Advancement Via Individual Determination National Conference, Orlando, FL.

KingSanders, N., “Student Success in the First-Year Through Graduation,” in proceedings of the 2013 Texas Hispanic Institutional Consortium Spring Conference, Kingsville, TX.

KingSanders, N., “Using John Gardner’s 9 Foundational Dimensions to Design an Effective First-Year Experience,” in proceedings of 2013 Foundations of Excellence Winter Meeting, Orlando, FL.

KingSanders, N., “Refresh Participation and the Benefit to Student Success, Retention, and Graduation Rate,” in proceedings of the 2012 Foundations of Excellence Winter Meeting, San Antonio, TX.

KingSanders, N., “The Value of Immediate Feedback Toward Future Correct Responses,” in proceedings of the 2008 Annual Assessment Conference, College Station, TX.

Selected University and Professional Activities

Texas A&M University-Kingsville

- Dana Math Center Liaison for Math Pathways
- Academic Deans Council
- Council of Chairs
- Retention Performance Management Liaison
- Foundations of Excellence Liaison
- Liaison for Former Foster Care Students
- Army ROTC Task Force Chair
- Full Member of Graduate Faculty
- Liaison for Advancement Via Individual Determination, **AVID**, Student Success Initiative and Teacher Preparation Initiative
- *Ex-officio*, Center for Student Success Advisory Board
- *Ex-officio*, First-Year Experience Committee
- *Ex-officio*, Common Read Committee
- *Ex-officio*, Transitional Education Committee

Professional Affiliation Activities

Council on Undergraduate Research, CUR

American Association for State Colleges and Universities, AASCU

Liberal Education and America’s Promise – AASCU LEAP, Texas

Hispanic Association of Colleges and Universities

Texas A&M University System-wide Advising Council

Texas Women in Higher Education

Agenda Item: A.iv.

Date: June 7, 2019

Subject: Elevation of existing Media Technology Concentration within BA/BS Communication Arts into separate major of BA/BS Communication Media

Action Recommended: Approval

Background Information:

The Department of Communication is seeking accreditation from the Accrediting Council on Education in Journalism and Mass Communication (ACEJMC). ACEJMC requires curriculum revisions to better align with current industry standards and trends. Therefore, the Department of Communication is requesting the addition of a second major option in the Department of Communication.

Media Technology is an existing concentration that is indicative of the areas of study and thus the Department of Communication opted to utilize this concentration for elevation. However, as many of the concentration and major naming conventions within the Department of Communication are outdated according to industry standards and trends, the department will rename the Media Technology program to Communication Media. Communication Media will more clearly reflect the content of the program and assist students seeking employment post-graduation.

The existing B.A./B.S. Communication Arts program will be modified into two separate majors as described below:

1. The existing B.A./B.S. Communication Arts name has been changed to B.A./B.S. Professional Communication which will include the following existing concentrations
 - Corporate Communication Concentration
 - Public Relations Concentration
 - Information Specialist Concentration

2. The Media Technology Concentration will be elevated to stand-alone major (pending approval by the APSU Board of Trustees and the Tennessee Higher Education Commission).

- Change the name of major to B.A./B.S. Communication Media
- B.A./B.S. Communication Media will include the following existing concentrations:
 - Broadcast Media Concentration
 - Sports Broadcasting Concentration
 - Journalism Concentration (Formally Print and Web Journalism)

Proposed Implementation Date:

Fall 2019

Item Details:

Many of the major core requirements will remain the same, but some adjustments to each concentration will be made in order to meet the ACEJMC standard which requires students to take a minimum of 72 credit hours outside the communication discipline. With the minimum of 120 credit hours to complete a bachelor's degree, this limits the number of hours of communication courses a student can take to only 48 credit hours. The ACEJMC standard also requires that 95% of the graduating students meet this requirement in the program prior to the program attaining ACEJMC accreditation.

The program modification supports the APSU Strategic Plan Goal 1 Enrollment Growth, specifically Priority 1.2, create new credit programs. By creating a stand-alone major, the Department of Communication will continue with robust recruiting efforts to maintain and increase enrollment numbers.

Agenda Item: A.v.

Date: June 7, 2019

Subject: Student conduct and disciplinary sanctions rule

Action Recommended: Approval by roll call vote

Background Information:

State entities are required to promulgate rules and regulations when the subject of those rules and regulations affects the rights of third parties. The Tennessee General Assembly recently passed Public Chapter 0980, which put additional requirements on due process for students accused of sexual misconduct. The attached rule includes changes in response to the recent legislation.

Proposed Implementation Date: At the conclusion of the rule promulgation process.

Item Details: See attachment.

**Rules
of
Austin Peay State University**

**Chapter 0240-05-02
Student and Student Organization Conduct and Disciplinary Sanctions**

0240-05-02-.01	APSU Policy Statement
0240-05-02-.02	Disciplinary Offenses
0240-05-02-.03	Academic and Classroom Misconduct
0240-05-02-.04	Disciplinary Sanctions
0240-05-02-.05	Disciplinary Procedures

0240-05-02-.01 APSU Policy Statement.

- (1) Austin Peay State University ("University" or "APSU") students are expected to conduct themselves as law-abiding members of the community at all times. Admission to APSU carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by non-students. In recognition of the special relationship that exists between APSU and the academic community which it seeks to serve, the APSU Board of Trustees (the Board) has authorized the President of APSU (the President) to take such action as may be necessary to maintain campus conditions and preserve the integrity of APSU and its educational environment.
- (2) Pursuant to this authority and in fulfillment of its duties to provide a secure and stimulating atmosphere in which individual and academic pursuits may flourish, the Board has developed the following regulations, intended to govern student conduct on the APSU campus. The University under the jurisdiction of the Board is directed to implement policies subject to, and consistent with, these rules. In addition, students are subject to all federal, state, and local laws and ordinances. If a student's violation of such laws or ordinances also adversely affects APSU's pursuit of its educational objectives, APSU may enforce its own regulations regardless of any proceedings instituted by other authorities. Conversely, violation of any section of these rules may subject a student to disciplinary measures by APSU whether or not such conduct simultaneously violates state, local or national laws.
- (3) For the purpose of these rules, a "student" shall mean any person who is admitted and/or registered for study at APSU for any academic period. This shall include, but not be limited to any period of time following admission and/or registration, but preceding the start of classes for any academic period. It will also include any period which follows the end of an academic period through the last day for registration for the succeeding academic period, and during any period while the student is under suspension from APSU. Finally, "student" shall also include any person subject to a period of suspension or removal from campus as a sanction which results from a finding of a violation of the policies, rules, and regulations governing student conduct. Students are responsible for compliance with rules and policies including, but not limited to the Policies on Student Conduct and with similar APSU policies at all times.
- (4) Disciplinary action may be taken against a student for violation of the policies, rules, and regulations which occur on APSU owned, leased or otherwise controlled property, while participating in international or distance learning programs, and off campus, when the conduct impairs, interferes with, or obstructs any APSU activity or the mission, processes, and functions of APSU. The University may enforce their own rules regardless of the status or outcome of any external proceedings instituted in any other forum, including any civil or criminal proceeding.

- (5) These rules, and related material incorporated herein by reference, are applicable to registered student organizations as well as individual students. Registered sStudent organizations are subject to discipline for the conduct and actions of individual members of the organization while acting in their capacity as members of, or while attending or participating in any activity of, the organization.
- (6) Confidentiality of Discipline Process. Subject to the exceptions provided pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA) and/or the Tennessee Open Records Act, a student's disciplinary files are considered educational records and are confidential within the meaning of those Acts.

Authority: T.C.A. §§ 4-5-101 et seq., 49-8-203, and § 10-7-501 et seq.

0240-05-02-.02 Disciplinary Offenses.

- (1) Generally, through appropriate due process procedures, APSU disciplinary measures may be imposed for conduct which adversely affects APSU's pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of APSU's academic community or which endangers property or persons on APSU, or APSU-controlled property.
- (2) Individual students or registered student organizational misconduct which is subject to disciplinary sanction may include but not be limited to the following examples:
 - (a) Conduct dangerous to self or others. Any conduct, or attempted conduct, which poses a direct threat to the safety of others or where the student's behavior is materially and substantially disruptive of APSU's learning environment;
 - (b) Hazing. Violations of this section include any act of hazing on or off the ~~Austin Peay State~~ University campus or APSU controlled property, by an ~~Austin Peay State University individual~~ APSU student, group of ~~individuals~~ students or registered student organization. Hazing means any intentional or reckless act on or off the property of any higher education institution by one (1) student acting alone or with others which is directed against any other student, that endangers the mental or physical health or safety of that student, or which induces or coerces a student to endanger such student's mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organizations;
 - (c) Discrimination or Discriminatory Harassment. Any ~~individual student~~ or group ~~of students~~ act against another individual or group in violation of ~~these rules and Board of Trustee University~~ policies, as well as federal and/or state laws prohibiting discrimination and discriminatory harassment, including, but not limited to, APSU Policy ~~5:0036:001 and 6:003, and 6:004;~~
 - (d) Disorderly Conduct. Any ~~individual student~~ or group ~~of students whose~~ behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs or may reasonably provoke other groups or individuals (this may include, but not be limited to verbal abuse, nonverbal gestures and inappropriate behavior resulting from the use of being under the influence of alcohol or drugs), etc.;

- (e) Obstruction of or Interference with APSU Activities or Facilities. Any intentional interference with or obstruction of any APSU program, event, or facility including, but not limited to the following:
1. Any unauthorized occupancy of APSU or APSU-controlled facilities or blockage of access to or from such facilities;
 2. Interference with the right of any APSU member or other authorized person to gain access to any APSU or APSU-controlled activity, program, event or facility;
 3. Any obstruction or delay of a campus security officer, public safety officer, police officer, firefighter, EMT, or any University official in the performance of his or her duty;
 4. Any form of disruptive behavior in the classroom, during any campus event; or activity or at any location on campus or
- (f) Misuse of or Damage to Property. Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to APSU or property being used, rented, owned or leased by a student, group of students or officially registered student organization not owned by APSU;
- (g) Theft, Misappropriation, or Unauthorized Sale. Any act of theft, misappropriation, or unauthorized possession, use or sale of APSU property or any such act against a member or organization of the APSU community or a guest of APSU;
- (h) Misuse of Documents or Identification Cards. Any forgery, alteration of or unauthorized use of APSU documents, forms, records or identification cards, including the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment or status at APSU or; failure to carry the APSU ID card at all times or to show it upon proper request;
- (i) Firearms and Other Dangerous Weapons. Any possession of or use of firearms, dangerous weapons of any kind on APSU property or APSU controlled property. Firearms or dangerous weapons include, but are not limited to: rifles, handguns, replica/toy guns, BB guns, pellet guns, stun guns, non-culinary knives with a blade greater than four (4) inches, martial arts equipment, paint ball guns, water guns, bows and arrows, etc., or other objects with the intent to cause bodily harm, including mace and/or pepper spray;
- (j) Explosives, Fireworks, and Flammable Materials. The unauthorized possession, ignition or detonation of any object or article which would cause damage by fire or other means to persons or property or APSU controlled property or possession of any substance which could be considered to be and used as fireworks;
- (k) Alcoholic beverages. The use and/or possession of alcoholic beverages and/or public intoxication on APSU-owned or controlled property, violation(s) of any local ordinance or state or federal law concerning alcoholic beverages, on or off campus, or a violation of the terms of the APSU Drug-Free Policy Statement. It shall not be a violation for students twenty-one (21) years of age or older to consume alcohol

within areas designated by the President where alcohol is permitted to be served. In addition, officially registered student organizations that sponsor events off campus, where alcoholic beverages are present and available for consumption, must adhere to all local, state and federal laws concerning alcoholic beverages and must follow APSU's Risk Management Guidelines for Student Organizations;

- (l) Drugs. The unlawful possession or use of any drug, controlled substance or drug paraphernalia (including, but not limited to, any prescription drug, stimulant, depressant, narcotic or hallucinogenic drug or substance, or marijuana), or sale or distribution of any such drug or controlled substance, or a violation of any terms of the APSU Drug-Free Policy Statement;
- (m) Gambling. Participation in any gambling or gambling-related activities on campus or on APSU controlled property or property being used, rented or leased by a student, group of students or ~~officially~~-registered student organization not owned by APSU that have not been approved and/or administered in accordance with the laws and regulations of the State of Tennessee. Any permitted gambling or gambling-related activity, e.g. raffles, must also be operated under the auspices of the APSU's Foundation;
- (n) Financial Irresponsibility. Failure to promptly meet financial responsibilities to APSU including, but not limited to, knowingly passing a worthless check or money order in payment to APSU or to a member of the APSU community acting in an official capacity;
- (o) Unacceptable Conduct in hearings. Any conduct at an APSU hearing involving contemptuous, disorderly behavior, or the giving of false testimony or other evidence at any hearing;
- (p) Failure to Cooperate with University Officials. Failure to comply with directions of APSU officials acting in the performance of their duties;
- (q) Violation of general rules and regulations. Any violation of the general rules and regulations of the University as published in an official APSU publication, whether in print or digital, including but not limited to, the intentional failure to perform any required action or the intentional performance of any prohibited action;
- (r) Attempts and aiding and abetting the commission of offenses. Any attempt to commit any of the offenses listed in this document, or the aiding and abetting of the commission of any of the offenses (an attempt to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission);
- (s) Violations of state or federal laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference;
- (t) Violation of imposed disciplinary sanctions. Intentional or unintentional violation of a disciplinary sanction officially imposed by an APSU official or a constituted body including, but not limited to, sanctions contained herein;
- (u) Violations of APSU Residence Hall or Apartment policies or regulations. The violation of any policies or regulations which appear in printed materials, whether in

print or digital, distributed to resident students (i.e., housing license agreements, handbooks for resident students, etc.);

- (v) Sexual Battery/Rape. Any act of sexual battery or rape as defined by state law;
- (w) Sexual Misconduct. An offense including acts of sexual assault, domestic violence, dating violence and/or stalking as defined in APSU Policy 6:001. The handling procedures concerning All matters involving allegations of sexual misconduct ~~will be governed by the procedures~~ are set forth in APSU Policy 6:001;
- (x) Tobacco. Smoking, inclusive of electronic smoking devices and vapors, in all APSU buildings, grounds and state-owned vehicles is prohibited (except in otherwise designated areas as provided in APSU policy 99:022). Regardless of whether classes are in session, smoking is prohibited in APSU all buildings, grounds and state-owned vehicles twenty-four (24) hours a day, year round. Students who want to use smoke-free tobacco products may do so thirty (30) feet from each building exit and entrance. Smoke-free tobacco product use is prohibited in APSU buildings and state-owned vehicles.
- (y) Pets. With the exception of service animals, emotional support animals, and animals used for academic research purposes, animals are prohibited on APSU campus except in designated housing areas. Students are required to provide the Office of Disability Services with medical documentation in requesting an accommodation for an emotional support animal.
- (z) Filing a false complaint or statement. Any behavior whereby a student knowingly submits a false complaint or statement alleging a violation of these regulations by a student or organization or APSU employee.
- (aa) Academic Misconduct includes, but is not limited to: ~~p~~Plagiarism, cheating, facilitation, fabrication or collusion. For purposes of this section the following definitions apply:
 - 1. Plagiarism. The adoption or reproduction of ideas, words, statements, images, or works of another person as one's own without proper attribution.
 - 2. Cheating. Using or attempting to use unauthorized materials, information, or aids in any academic exercise or test/examination. The term academic exercise includes all forms of work submitted for credit or hours.
 - 3. Fabrication. Unauthorized falsification or invention of any information or citation in an academic exercise.
 - 4. Facilitation or Collusion. Assisting or attempting to assist another to violate a provision of APSU's student code of conduct regarding academic misconduct.
- (bb) Unauthorized Duplication or Possession of Keys. Making, causing to be made or the possession of any key for an APSU facility without proper authorization.
- (cc) Litter. Dispersing litter in any form onto the grounds or facilities of the APSU campus;

(dd) Abuse of Computer Resources and Facilities. Misusing and/or abusing computer resources including, but not limited to the following:

1. Distribution or use of a student and/or another person's identification to gain access to APSU computer resources¹⁷
2. Use of APSU computer resources and facilities to violate copyright laws, including, but not limited to, the act of unauthorized distribution of copyrighted materials using institutional information technology systems¹⁷
3. Unauthorized access to a computer or network file, including but not limited to, altering, using, reading, copying, or deleting the file¹⁷
4. Unauthorized transfer of a computer or network file¹⁷
5. Use of computing resources and facilities to send abusive or obscene correspondence¹⁷
6. Use of computing resources and facilities in a manner that interferes with normal operation of the APSU computing system¹⁷
7. Use of computing resources and facilities to interfere with the work of another student, faculty member, or APSU official¹⁷
8. Violation of any published information technology resources policy¹⁷ or
9. Unauthorized peer-to-peer file sharing¹⁷

(ee) Unauthorized Access to APSU Facilities and/or Grounds. Any unauthorized access and/or occupancy of APSU facilities and grounds is prohibited, including, but not limited to, gaining access to facilities and grounds that are closed to the public, being present in areas of campus that are open to limited guests only, being present in academic buildings after hours without permission, and being present in buildings when the student has no legitimate reason to be present;

(ff) Unauthorized Surveillance. Making or causing to be made unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, and men's or women's restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means;

(gg) Uncontrolled or Unsafe Rollerblading/Skateboarding/Other Coasting Device. Individuals are prohibited from using Rollerbladesing/skateboardsing and other /coasting devices in an unsafe and/or reckless manner on APSU campus. must comply with APSU Policy 4:01²³.

(3) Disciplinary action may be taken against a student or registered student organization for violations of the foregoing rules which occur on APSU owned, leased or otherwise controlled property, or which occur off-campus when the conduct impairs, interferes with, or obstructs any APSU activity or the missions, processes and functions of APSU. In

addition, disciplinary action may be taken on the basis of any conduct, on or off campus which violates local, state or federal laws, which violate APSU policies for student organizations, or which poses a substantial threat to persons or property within the APSU community. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree including periods prior to or between semesters. Conduct occurring while a student is registered or enrolled at APSU, but not discovered until after the awarding of a degree is actionable under these provisions and may result in the retroactive application of a disciplinary sanction. Should a student withdraw from APSU with disciplinary action or academic misconduct action pending, the student's record may be encumbered by the appropriate APSU office until the proceedings have been concluded.

Authority: T.C.A. §§ 4-5-101 et seq., 49-7-123(a)(1), 49-8-203, and 10-7-501.

0240-05-02-.03 Academic and Classroom Misconduct.

- (1) The instructor has the primary responsibility for control over classroom behavior and maintenance of academic integrity, and can order the temporary removal or exclusion from the classroom of any student engaged in disruptive conduct or conduct that violates the general rules and regulations of APSU. Extended or permanent exclusion from the classroom, beyond the session in which the conduct occurred, or further disciplinary action can be effected only through appropriate procedures established by the Division of Student Affairs.
- (2) Academic dishonesty may be defined as any act of dishonesty in academic work. This includes, but is not limited to, plagiarism, the changing or falsifying of any academic documents or materials, cheating and giving or receiving of unauthorized aid in tests, examinations or other assigned work. Students guilty of academic misconduct, either directly or indirectly through participation or assistance, are immediately responsible to the instructor of the class. Penalties for academic misconduct will vary with the seriousness of the offense and may include, but are not limited to, a grade of "F" on the work in question, a grade of "F" in the course, reprimand, probation, suspension and expulsion. The student will be advised of his/her rights. The student may accept the instructor's finding, grade reduction, and/or other sanction and waive his/her hearing right. In the event a student believes he/she has been erroneously accused of academic misconduct, he/she may request a hearing. Hearings will be conducted pursuant to the procedures set forth at Rule 0240-05-02-.05, Disciplinary Procedures, below. If the student is found responsible for the allegation(s) of academic misconduct, the grade as assigned by the instructor will stand. Should the hearing source absolve the student of the allegations of academic misconduct, the faculty member will reassess the student's grade based upon the hearing source's finding. When necessary, grade changes will be made administratively.
- (3) Students may appeal a grade assignment associated with a finding of academic misconduct, as distinct from a student disciplinary action, through appropriate APSU academic grade appeal procedures. Courses may not be dropped pending the final resolution of an allegation of academic misconduct.
- (4) Disruptive behavior in the classroom may be defined, but is not limited to, behavior that obstructs or disrupts the learning environment (e.g., repeated outbursts from a student which disrupts the flow of instruction or prevents concentration on the subject taught, failure to cooperate in maintaining classroom decorum, the presence of non-enrolled visitors in the classroom (~~([see APSU Policy No. 3-032, Minors on Campus Policy], etc including but not limited to minors).~~), the continued use of any electronic or other noise or light emitting

device which disturbs or interrupts the concentration of others (e.g., disturbing noises from beepers, text messaging, cell phones, palm pilots, laptop computers, games, etc.).

- (5) Class attendance and punctuality requirements are established by the faculty through the ~~printed~~ syllabus, whether print or digital, for each course. Students are expected to attend class regularly and on time and are responsible for giving explanations/rationale for absences and lateness directly to the faculty member for each course in which they are enrolled. In cases where student absences are the result of emergency circumstances (e.g., death in the family, a student's serious injury or incapacitating illness), for which student(s) are unable to make immediate contact with faculty, the student may contact the Central Student Affairs office for assistance in providing such immediate notification to faculty. However, the student remains responsible for verifying the emergency circumstances to faculty and for discussing arrangements with faculty for possible completion of coursework requirements, if feasible.

Authority: T.C.A. §§ 4-5-101 et seq. and 49-8-203.

0240-05-02-.04 Disciplinary Sanctions.

- (1) APSU shall adopt and publish ~~a policy~~ guidelines, providing notice of potential disciplinary sanctions consistent with these rules applicable to both individuals and organizations. The ~~policy~~ guidelines may include any appropriate sanction subject to prior review by the APSU Office of Legal Affairs and approval by the Board of Trustees. Upon a determination that a student or student organization has violated any of the disciplinary offenses set forth in these rules, disciplinary policies, ~~or the general policies,~~ and/or guidelines disciplinary sanctions may be imposed, either singly or in combination, by the appropriate school officials. (Note: Final results of disciplinary proceedings for violations that include violent acts or non-forcible sex offenses, as defined by Tennessee law, may be released without permission of the student perpetrator.)
- (2) Definition of Sanctions. The following provides a non-exhaustive list of possible sanctions with corresponding definitions:
 - (a) Restitution. Restitution may be required in situations which involve destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or student organization is obligated by the appropriate judicial authority to monetarily compensate a party or parties for a loss suffered as a result of disciplinary violation(s). Any such monetary payment in restitution shall be limited to actual cost of repair, replacement or financial loss;
 - (b) Warning. The appropriate APSU official may notify the student or student organization that continuation or repetition of specified conduct may be cause for other disciplinary action;
 - (c) Reprimand. A written or verbal reprimand or censure may be given to any student or student organization whose conduct violates any part of these rules and provides notice that any further violation(s) may result in more serious penalties;
 - (d) Restriction. A restriction upon a student's or registered student organization's privileges for a period of time may be imposed. This restriction may include, but is not limited to, the following: denial of the right to represent APSU in any way, denial of the use of APSU facilities and/or parking privileges, restriction of participation in

extracurricular activities, restriction of organizational privileges including registration, and restriction of the transfer of academic credit from another institution;

- (e) University Probation. Continued enrollment of a student or student organization on probation may be conditioned upon adherence to these rules. Any student or registered student organization placed on probation will be notified of such in writing, either in hard copy or electronic, and will also be notified of the terms and length of probation. Probation may include restrictions upon the extracurricular activities of a student or registered student organization. Any conduct in violation of these rules while on probationary status or the failure to comply with the terms of the probationary period may result in the imposition of a more serious disciplinary sanction;
- (f) Suspension. If a student or student organization is suspended, he/she or the organization is separated from APSU for a stated period of time with conditions for readmission stated in the notice of suspension;
- (g) Expulsion. Expulsion entails a permanent separation from APSU. The imposition of this sanction is a permanent bar to the student's readmission, or a registered student ~~student~~ organization's recognition ~~to-by~~ APSU. A student or registered student organization that has been expelled may not enter APSU property or facilities without obtaining prior approval from an appropriate campus official with knowledge of the expulsion directive;
- (h) Interim or Summary Suspension. As a general rule, the status of a student or student organization accused of violations of these rules should not be altered until a final determination has been made in regard to the charges. Interim or Summary suspension may be imposed upon a finding by the appropriate APSU official that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused or of any other member of the APSU community or its guests, destruction of property, or substantial disruption of classroom or other campus activities. In any case of interim suspension, the student, or student organization, shall be given an opportunity at the time of the decision, or as soon thereafter as reasonably possible, to contest the suspension;
- (i) Housing Probation. A ~~resident student~~ or registered student organization placed on housing probation is deemed not to be in good standing with the housing community, and his/her continued residence is conditioned upon adherence to these rules and the Housing Contract. Any student or registered student organization ~~resident~~ placed on probation shall be notified in writing or via email of the terms and length of the probation. Probation may include restrictions upon the activities of the housing resident, including any other appropriate special condition(s). Any conduct of a similar or more serious nature in violation of the probation shall result in suspension from housing;
- (j) Housing Suspension and Forfeiture. A ~~resident student~~ or registered student organization suspended from housing may not reside in, visit, or make any use whatsoever of a housing facility or participate in any housing activity during the period for which the sanction is in effect. A suspended student or registered student organization ~~resident~~ shall be required to forfeit housing fees (including any unused portion thereof and the Housing deposit). A suspended student or registered student organization ~~resident~~ must vacate the housing unit within forty-

eight (48) hours. Housing suspension shall remain a part of the student's disciplinary record;

- (k) Service to the University. A student or registered student organization may be required to donate a specified number of service hours to APSU, by way of performing reasonable tasks for the appropriate APSU office or official. This service shall be commensurate to the offense the student or registered student organization ~~student~~ is guilty of violating (i.e., service to maintenance staff for defacing APSU property);
- (l) Special Educational Program. A student or student organization may be required to participate in any special educational programs relevant to the offense, to attend special seminars or educational programs or to prepare a project or report concerning a relevant topic;
- (m) Smoking and Clean Air Policy Violation. There will be graduated fines imposed for violation of the Smoking and Clean Air policy:
 - 1. First Offense- \$25.00
 - 2. Second Offense- \$50.00
 - 3. Third Offense or more- \$100.00 and for additional Disciplinary Charges;
- (n) Interim or Summary Suspension from Campus Housing. Though as a general rule, the status of a student or student organization accused of violations of these regulations should not be altered until a final determination has been made in regard to the charges against him or her, interim suspension from campus housing may be imposed upon a finding by the appropriate APSU official that the continued presence of the accused in APSU housing constitutes an immediate threat to the physical safety and well-being of the accused, or of any other member of the APSU community or its guests, or the destruction of property. A final determination of the charges against any student or student organization summarily suspended from campus housing shall be made through appropriate hearing procedures within seven (7) class days of such housing suspension during which time the accused shall forfeit the right to reside in or visit campus housing facilities. The accused student shall be permitted to attend classes during this interim period.
- (o) Referral for Intervention, Assessment and/or Counseling. The student is mandated to visit the appropriate APSU official for an initial intervention and assessment which may be followed by required participation and a prescribed plan of action or treatment plan. Parents or legal guardians may be notified;
- (p) Fines. Penalties in the form of fines may be enforced against a student or an organization whenever the appropriate hearing officer(s) or hearing body deems necessary. The sanction of fines may be imposed in addition to other forms of disciplinary sanctions. Failure to pay fines to the Business Office within two (2) weeks of the decision will result in further disciplinary action;
- (q) Letter of Apology. A student or student organization may be required to write a letter of apology to APSU or its guests, another student or student organization, faculty or staff member, or any other constituent affected by the behavior for which the student or student organization has been found responsible. The letter shall be

written and sent within seven (7) class days of notification of sanction and copies to the appropriate hearing body or official;

- (r) Revocation of Admission, Degree, or Credential; and,
- (s) Any alternate sanction deemed necessary and appropriate to address the misconduct at issue.

Authority: T.C.A. §§ 4-5-101 et seq. and 49-8-203.

0240-05-02-.05 Disciplinary Procedures.

(1) Hearing Procedures:

- (a) Procedures conforming to the Uniform Administrative Procedures Act (UAPA). All cases which may result in (i) suspension or expulsion of a student or student organization from APSU for disciplinary reasons, or (ii) revocation of registration of a student organization during the term of the registration are subject to the contested case provisions of the UAPA § T.C.A. 4-5-301 et seq. and shall be processed in accordance with the uniform contested case procedures adopted by the Board of Trustees, unless the student or student organization waives those procedures in writing and elects to have his or her case heard by either the University Hearing Board or an Administrative Hearing.
- (b) Cases which are not subject to the contested case procedures under the Uniform Administrative Procedures Act and cases in which a student or student organization has waived the contested case procedures in writing shall be processed in accordance with APSU Hearing Procedures. APSU has established two (2) alternate APSU Hearing Procedures:
 - 1. A hearing conducted by one (1) or more Student Affairs Administrators; or
 - 2. A hearing conducted by the University Hearing Board. (Note: This option shall be available until the final ten (10) class days of each semester, or the final five (5) class days of the second summer term, during which time all disciplinary hearings will be conducted by appropriate Student Affairs Administrators, except those subject to UAPA procedures as selected by the accused student or student organization.)
- (c) Cases which are not subject to the contested case procedures under the Uniform Administrative Procedures Act and which involve very minor first offenses by students or student organizations may be discussed informally with students or student organizations. In such cases, no formal record will be maintained in the judicial records of APSU. The Dean of Students or other designee, appointed by the Vice President for Student Affairs, shall note the name of the student or student organization involved in his/her personal records. The purpose of this notation is only to determine a student's or student organization's prior involvement in a minor offense, when and if a second offense occurs at a later date. If the student or student organization is subsequently involved in another violation of regulations, at the discretion of the hearing body, this Informal Record will become a part of the student's or student organization's Formal Disciplinary Records.

- (d) Alternative resolution methods may include, but are not limited to, mediation, diversion programs and/or negotiated resolutions.
- (e) Jurisdiction of Cases to be heard by Student Affairs Administrators:
 - 1. All formal cases involving incidents which occur in APSU residence halls and/or apartments and which involve on-campus residents shall be heard by the Residence Life staff or designee.
 - 2. All other formal cases shall be heard by the Dean of Students for Student Affairs, or appropriate designee, except in cases where such staff member is unavailable or has a bias toward either party in the pending case. In such cases the Senior Student Affairs Officer shall assign one (1) or more Student Affairs Administrators to hear the case.

(2) Commencement of Disciplinary Proceedings.

- (a) A student or registered student organization accused of violating APSU disciplinary policies, rules, or regulations shall be called before the Dean of Students or designee, appointed by the Vice President for Student Affairs, for a preliminary conference at which the student or registered student organization will be orally advised of the following:
 - 1. The charges against him/her/or organization;
 - 2. The rights afforded to him/her/or organization by the hearing procedures which are available;
 - 3. The hearing procedure options available; and
 - 4. The responsibilities of the accused student or registered student organization ~~organization~~ in the disciplinary procedures.
- (b) A student or registered student organization ~~organization~~ may waive the right to a preliminary conference and an oral explanation of the items listed in (2) (a) above.
- (c) Once advised of the hearing options, the accused student or registered student organization ~~organization~~ may elect to accept the finding and sanction from the Dean of Students or designee, or elect a hearing pursuant to UAPA (where appropriate), or a hearing before the University Hearing Board.
- (d) The election must be made within three (3) class days of receipt of notice of pending charges against him/her or organization by completing, and signing, an Election of Procedure form and/or waiver form. Once the election is made, the decision is final and may not be changed during the course of the hearing.
- (e) Procedural guidelines for aAll matters involving allegations of impermissible discrimination, harassment, or retaliation ~~will be governed by the procedures outlined~~are set forth in an APSU policy that reflects the requirements of that ~~g~~Guideline.
- (f) Procedural guidelines regarding aAll matters involving allegations of sexual misconduct and/or stalking ~~will be governed by~~are set forth in the procedures outlined in APSU policy 6:001: Sexual Violence and Stalking.

- (3) APSU Hearing Rights. These rights shall be afforded the accused student/organization in all APSU Hearings before the appropriate Student Affairs administrator or the University Hearing Board.
- (a) The right to choose the appropriate hearing option. (This right must be exercised within three (3) class days of the presentation of charges. Note: This option shall be available until the final ten (10) class days of each semester, or the final five (5) class days of the second summer term, during which time all discipline hearings will be conducted by appropriate Student Affairs administrators, except those subject to UAPA procedures.)
 - (b) The right to written notice, by United States mail, courier service, hand delivery to the permanent or local address on file for the student, or APSU email, of the time, place, and date of the hearing at least three (3) days in advance of the hearing. A justified delay may be granted. (This right may be waived in writing by the accused student/organization.) When notice is sent by United States Mail.
 - (c) The right to a written statement of the charges in time and detail sufficient to enable the student/organization to prepare a defense.
 - (d) The right to be accompanied by an advisor of the student's/organization's choice, but such advisor participation shall be limited to advising the student/organization.
 - (e) The right to a statement of the possible sanctions that may be imposed as a result of a finding of a violation of the Student Code, at least three (3) days in advance of the hearing.
 - (f) The right to present witnesses in the student's/registered student organization's behalf and to question any witnesses presented against the student. The student/organization is responsible for the attendance of any witnesses to be present in the student's /organization's behalf.
 - (g) The right to be informed in writing, delivered either by United States mail, courier service, hand delivery to the permanent or local address on file for the student, or via email, of:
 - 1. The final administrative decision in the case.
 - 2. The proper procedure for appeal.
 - (h) The right to be provided copies, upon request and in accordance with APSU policies, rules, and guidelines, of all complaints, reports, witness statements and other written materials used in determining the charges.
 - (i) In cases involving sexual misconduct, the right to the name of each witness ~~the institution~~ APSU expects to present at the student disciplinary proceeding and those ~~the institution~~ APSU may present if the need arises.
 - (j) In cases involving sexual misconduct, the right to request a copy of the institution's investigative file, redacted in accordance with the Family Educational Rights and Privacy Act of 1974.

- (k) In cases involving sexual misconduct, the student's right to request copies of all documents, copies of all electronically stored information, and access to tangible evidence that the institution has in its possession, custody, or control and may use to support claims or defenses, unless the use would solely be for impeachment.

(4) Rights of Complainant and/or Victim.

The APSU member (student, faculty or staff) who authors "complaints" or "statements" as a victim in the alleged violation shall have the following rights:

- (a) To be notified of his/her rights prior to making a statement.
- (b) To be informed that any written statement made or signed will be shared with the accused student/organization and that the accused student/organization may request a copy of the statement.
- (c) To attend the hearing.
- (d) To have an advisor present during the hearing.
- (e) To be given the opportunity to question all witnesses and the accused during the hearing.
- (f) To be provided a copy of any statement he/she has written or dictated to others.
- (g) To be able to submit a list of witnesses to be called to the hearing.
- (h) To be permitted to drop the charges only up to the date of the hearing.
- (i) To be notified of the outcome of the hearing, including the finding concerning responsibility and any sanctions taken.
- (j) In cases involving sexual misconduct, the right to the name of each witness ~~the institution~~APSU expects to present at the student disciplinary proceeding and those ~~the institution~~APSU may present if the need arises.
- (k) In cases involving sexual misconduct, the right to request a copy of the ~~institution's~~APSU's investigative file, redacted in accordance with the Family Educational Rights and Privacy Act of 1974.
- (l) In cases involving sexual misconduct, the student/organization's right to request copies of all documents, copies of all electronically stored information, and access to tangible evidence that ~~the institution~~APSU has in its possession, custody, or control and may use to support claims or defenses, unless the use would solely be for impeachment.

(5) APSU Hearing Procedures.

- (a) Hearings before a Student Affairs Administrator. The appropriate Student Affairs Administrator shall act as hearing officer in the hearing, shall determine student's/organization's innocence or guilt and shall apply sanctions as appropriate.

- (b) Hearings before the University Hearing Board ("Hearing Board). Procedures for the Board include the following:
1. The Hearing Board shall be composed of nine (9) persons: five (5) students, (two (2) automatically selected from the Student Tribunal Justices of the Student Government Association, and three (3) selected at large from the student body who meet the same qualifications and are selected via the same procedures as those for Student Tribunal Justices as listed in the APSU SGA Constitution), two (2) faculty and two (2) administrators, all appointed by the President, for a term of one (1) academic year. Additionally, student, faculty and administrator alternate members shall be selected to serve in the absence of regular members and shall be appointed by the President for a term of one (1) academic year.
 2. The Chair of the Hearing Board shall be appointed by the President.
 3. A minimum of five (5) members of the Hearing Board are required to hear a disciplinary case, composed of at least two (2) students, one (1) faculty member, and one (1) administrator.
 4. The Dean of Students shall train and advise all regular and alternate members of this Hearing Board in appropriate disciplinary procedures.
 5. The hearing shall be conducted consistent with the rights described above in paragraphs (3) and (4) of this rule.
 6. All hearings shall be closed unless the respondent and the complainant both elect in writing to have an open hearing.
 7. Formal rules of evidence shall not be applicable. The adjudicating body may exclude evidence which in its judgment is immaterial, irrelevant, or unduly repetitious.
 8. The standard of proof required to overturn a finding of violation of the Student Discipline Policy made by the Dean of Students, or designee, shall be the preponderance of the evidence and the charged student bears the burden of proof.
 9. The hearing source shall issue a written decision within three (3) class days after the conclusion of the hearing.
 10. The student will be advised in writing via ASPU email (and USPS mail if requested by the student) of the Hearing Board or Student Affairs Administrator decision and all sanctions imposed as a result of the disciplinary hearing.
 11. Any sanction imposed as a result of a hearing conducted under the Code of Conduct shall be effective immediately upon written notification of the student/organization unless the hearing authority deems a stay of such sanction desirable pending appeal.
 12. In any case where the decision results in separation from APSU, the decision shall be reviewed by the Senior Student Affairs Officer prior to notifying the

Office of the Registrar and the Academic Department in which the student has been enrolled.

(6) Appeals.

- (a) The student may appeal a decision of the University Hearing Board or the Student Affairs Administrator to the Senior Student Affairs Officer, or designee.
- (b) An appeal in writing setting forth grounds for the appeal and addressed to the appropriate appellate authority must be received in the Office of the Senior Student Affairs Officer within three (3) class days after the student/organization is notified of the sanction imposed at any hearing or appellate level.
- (c) Appeals shall be limited to the following grounds on the following issues:
 - 1. Were procedures properly followed in the hearing?
 - 2. Was the evidence presented at the hearing determined by “preponderance”?
 - 3. Was the sanction imposed proportional to the violation?
 - 4. New information, not available at the time of the original hearing, has become available which would substantially alter the outcome of the hearing.
- (d) Review shall be based solely on a consideration of the record generated through the hearing together with the written appeal document and relevant attachments filed by the student.
- (e) Appellate Authority. The Senior Student Affairs Officer, or designee, shall have the authority to do any of the following upon review of an appeal:
 - 1. Sustain the previous decision including the penalty imposed;
 - 2. Sustain the previous decision but impose a greater or lesser penalty;
 - 3. Remand the case for further consideration; or
 - 4. Reverse the previous decision.
- (f) The Senior Student Affairs Officer shall issue a written decision within ten (10) class days after the appeal is filed by the student.
- (g) The decision of the Senior Student Affairs Officer is final.

(7) Student Organization Disciplinary Procedures.

Sanctions against Student Organizations. Any registered student organization may be given a warning, reprimand, placed on probation, suspension, or restriction or may have its registration withdrawn by the Dean of Students, or by a Student Affairs Administrator appointed by the Senior Student Affairs Officer. Such actions may be taken after having a hearing conducted in accordance with the procedures outlined in these rules for disciplinary procedures. In the case of Withdrawal of Registration of an organization, the procedures to be used will be the contested case provisions of the ~~Tennessee Uniform Administrative Procedures Act~~ UAPA, unless those provisions have been waived in writing by an

authorized representative of the student organization. Such action may be taken for any one of the following reasons:

- (a) The organization fails to maintain compliance with the initial requirements for registration.
- (b) The organization ceases to operate as an active organization.
- (c) The organization requests withdrawal.
- (d) The organization operated or engaged in any activity in violation of the policies, rules, and regulations of APSU, of any governing body of federal or state laws.

Authority: T.C.A. §§ 4-5-101 et seq. and 49-8-203.

Agenda Item: C.ii.

Date: June 7, 2019

Subject: Consideration of Tuition Increase for the 2019-2020 Academic Year

Action Recommended: Approval by Roll Call Vote

Background Information:

In November 2018, the Tennessee Higher Education Commission (THEC) recommended a maximum of a 2.5% increase for tuition and fees for Tennessee's public higher education institutions. The University is requesting approval for a 2.26% tuition increase for the 2019-2020 academic year. The total increase in tuition and fees does not exceed the 2.5% recommendation from THEC.

Proposed Implementation Date: Fall 2019

Item Details:

The additional revenue combined with the increase in state appropriations will be used as follows:

- Compensation
- Scholarships
- Operating Expenses

Agenda Item: C.iii.

Date: June 7, 2019

Subject: Consideration of the Estimated Budget for the Fiscal Year 2018-2019 and Proposed Budget for Fiscal Year 2019-2020

Action Recommended: Approval by Roll Call Vote

Background Information:

Under Policy 1:022 (*Budget Principles and Control*), the original budget for the fiscal year is known as the *Proposed Budget* and is prepared in the spring. This budget includes the level of state funds recommended in the governor's proposed budget. The *Proposed Budget* is submitted to the Board for approval at the summer board meeting.

The *Estimated Budget* is the final budget submitted for each fiscal year. It includes final adjustments to the current year budget and is the budget against which final, year-end actual amounts are compared. It is prepared, submitted and considered by the Board at the same time as the *Proposed Budget* for the upcoming fiscal year.

The purpose of this agenda item is to consider for approval both the *Estimated Budget* for Fiscal Year 2018-19 and the *Proposed Budget* for Fiscal Year 2019-20.

Proposed Implementation Date: July 1, 2019

Item Details:

See attachment.

Austin Peay State University
Estimated Budget 2018-19 & Proposed Budget 2019-20

Revenues/Funds Available

Education and General	Estimated	Proposed
Funds from previous year rebudgeted	\$ 798,300	\$ -
Tuition and Fees	86,983,000	88,316,200
State Appropriations	46,905,900	50,304,200
Grants and Contracts (IDC)	263,700	263,700
Sales and Services of Other Activities	7,243,400	7,264,400
Other Sources	445,600	421,100
Auxiliary Enterprises		
Sales & Services of Auxiliary Enterprises	14,072,500	14,566,100
Total Revenues/Funds Available	\$ 156,712,400	\$ 161,135,700

Expenditures and Transfers by Function

Education and General	Estimated	Proposed
Instruction	\$ 64,797,000	\$ 66,817,500
Research	750,600	654,800
Public Service	584,300	478,200
Academic Support	9,432,600	10,430,400
Student Services	23,025,700	23,258,400
Institutional Support	13,638,600	13,927,400
Operation and Maintenance of Plant	14,359,000	14,980,200
Scholarships and Fellowships	12,495,700	12,763,000
<u>Transfers</u>		
Principal and Interest	3,496,400	3,424,700
Renewal and Replacement	235,000	235,000
Unexpended Plant	225,000	-
Other Funds	(400,000)	(400,000)
Auxiliary Enterprises		
Expenditures	7,518,000	7,875,200
<u>Transfers</u>		
Principal and Interest	4,511,700	4,475,300
Renewal and Replacement	1,642,800	1,815,600
Other Funds	400,000	400,000
Total Expenses	\$ 156,712,400	\$ 161,135,700

Expenditures and Transfers by Natural Classification

Education and General	Estimated	Proposed
Salaries	\$ 71,529,300	\$ 74,080,300
Employee Benefits	28,868,000	30,222,200
Operating Expenses	38,686,200	39,007,500
Transfers	3,556,400	3,259,700
Auxiliary Enterprises		
Salaries	1,875,200	1,920,900
Employee Benefits	497,700	477,400
Operating Expenses	5,145,100	5,476,800
Transfers	6,554,500	6,690,900
Total Expenses	\$ 156,712,400	\$ 161,135,700

Agenda Item: C.iv.

Date: June 7, 2019

Subject: Consideration of the Capital Outlay and Maintenance Requests for the 2020-2021 Fiscal Year

Action Recommended: Approval by Roll Call Vote

Background Information:

As the coordinating body for higher education in Tennessee, the Tennessee Higher Education Commission (THEC) engages with institutions and governing boards on capital investments through its role to develop and approve recommendations for capital outlay and maintenance funding. THEC identifies capital investment needs and determines priorities for those investments to be considered by the governor and the General Assembly as part of the annual appropriations act. APSU will submit to THEC a capital outlay request for a new health professions building, three capital maintenance projects and one disclosed project for the fiscal year 2020-2021.

Proposed Implementation Date: Fiscal Year 2020 – 2021

Item Details:

To meet the demands of growing academic programs in nursing, psychological sciences and counseling, allied health sciences, social work, and health and human performance, APSU is submitting a capital outlay request for a health professions building for fiscal year 2020-2021. APSU will also submit maintenance outlay requests for Dunn Center HVAC, main electrical switchboard and controls replacement; passenger elevator upgrades in Claxton, Woodward Library, Trahern, Dunn Center and the Morgan University Center service elevator; and replacement of fume hood control systems in Sundquist.



Fiscal Year 2020-2021 Capital Budget Requests

Outlay Request	
Health Professions Building & Migration Space State Outlay Request	\$60,961,500
APSU Match	\$6,773,500
Total	\$67,735,000
Maintenance Requests	
Dunn Center HVAC Replacement	\$3,295,000
Elevator Upgrades	\$750,000
Sundquist Exhaust System Controls, Ph 1	\$625,000
Disclosed Projects	
Blount Hall	\$785,000

Agenda Item: C.v.

Date: June 7, 2019

Subject: Consideration of APSU Participation in the Clarksville Multipurpose Event Center

Action Recommended: Approval by Voice Vote.

Background Information:

The plan for the new multipurpose event center in downtown Clarksville includes a 29,000-square-foot main event floor with stadium seating and box seats. An adjacent building would have a full basketball practice facility on the second level. The event center would cover the downtown block bounded by College, Second, Main and First streets.

Montgomery County has had conversations with Austin Peay State University about making the facility the home of its basketball program.

Item Details:

A proposed agreement between APSU and the Montgomery County government will allow APSU to lease space for the men and women's basketball programs, including coach and assistant offices, locker rooms, practice facilities and game-day facilities.

APSU will be allowed 40 events, which will cover all men and women's basketball regular season games and potentially other events, such as major volleyball games.

Agenda Item: C.vi.

Date: June 7, 2019

Subject: Consideration of Revisions to Fees, Charges, Refund and Fee Adjustments Policy 1:021

Action Recommended: Approval by Voice Vote.

Background Information:

Fees, Charges, Refunds and Fee Adjustments Policy 1:021 details the required fees of University and the process for approving them. All fees are approved by the Board of Trustees unless the Board has delegated the approval to the president. The policy is being updated to remove the section regarding 250R, which is no longer applicable for the University as of fiscal year 2019-2020.

Proposed Implementation Date: June 7, 2019

Item Details: See attached.

**Austin Peay State
University**

Fees, Charges, Refund and Fee Adjustments

Issued: June 7, 2019

POLICIES

Responsible Official: Vice President for Finance and Administration

Responsible Office: Student Account Services

Policy Statement

It is the policy of Austin Peay State that fees be approved by the APSU Board of Trustees.

Purpose

The purpose of this policy is the establishment of a University policy regarding review and approval of fees and charges, refunds, and fee adjustments.

Contents

Procedures

- Establishment and Approval of Fees and Charges
 - Publishing Approved Fees and Charges
 - Appeals Process
 - Mandatory Fees
 - Out-of-State Tuition
 - eRate
 - Specialized Academic Fees
 - Miscellaneous Course Fees
 - Incidental Fees and Charges
 - Deposits
 - Room and Board
 - Other Fee and Charge Considerations
 - Refunds and Fee Adjustments
-

Procedures

**Establishment and
Approval of Fees and
Charges**

- 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. The University Budget Office is charged with

the responsibility of obtaining and coordinating data to be submitted to the Vice President for Finance and Administration in establishing those fees.

B. Approval of Fees and Charges

1. The Board of Trustees must approve specific fees as follows:
 - a. Mandatory Fees (In-state tuition and program service fees)
 - b. Out-of-State Tuition
 - c. Specialized academic course fees
 - d. Miscellaneous course fees
2. The President or designee is authorized to approve fees and charges not reserved for specific approval by the Board of Trustees.

Publishing Approved Fees and Charges

- A. Student Account Services is charged with the responsibility of maintaining a master fee list of all approved fees and publishing this information.
- B. The University will follow a general format in publishing information on fees and charges.

Appeals Process

- A. Any student may appeal the assessment, application, calculation, collection, or interpretation of any University fee, charge, deposit, or refund.
- B. Procedures for appealing a fee adjustment are available through the Office of Enrollment Management and are posted on the office web site.

Mandatory Fees

- A. Description of Fees
 1. Mandatory Fees include in-state tuition and program service fees.
 2. The Mandatory Fee is charged 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.
 3. 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, mandatory fees, including tuition, may be assessed by using the current part-time rate with no maximum amount for total credit hours enrolled.
 3. Mandatory 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.
- C. Tuition Refunds for Activated Reserve and National Guard Personnel
(per Tennessee Higher Education Commission; Chapter 1540-1-6 and Tennessee Senate Bill 1925)

This policy applies to any activated Reserve or National Guard personnel ordered to active military service since August 1, 1990.

1. Students who have been ordered to active military service and seeking a tuition credit or refund must be absent in excess of thirty (30) days during the term due to active military service. Students absent less than thirty (30) days may receive a refund or tuition credit at the discretion of the institution.
2. Students seeking a tuition credit or refund must present to the Associate Provost of Enrollment Management and Academic Support from competent military authority of the dates active duty was actually performed. Determination of the adequacy of documentation presented or the necessity for additional material will be at the discretion of the institution.
3. These rules apply only to the refund of maintenance fees and out-of-state tuition. Refunds for other fee charges such as student activity fees, vehicle registration fees, and room and board charges will be reimbursed based upon the date of withdrawal.
4. A refund or credit for tuition may be provided only if the reserve or National Guard student did not receive a final grade in the class or the course which a refund or tuition credit is sought.
5. If a withdrawal occurs late in the term and one or more of the student's instructors deem that sufficient work has been completed to warrant awarding credit, fees will be assessed at the hourly rate for courses for which credit is granted, and a refund will be made in an amount equal to the difference between that assessment and the fees paid for all courses in which the student is enrolled.
6. Any refund or credit for tuition to which the student is entitled may be first applied to any of the student's outstanding balances as determined by the institution.
7. Students who are unable to withdraw from the institution at the time of military activation may withdraw within a reasonable timeframe upon completion of active duty without penalty to the student.

D. Appeal Procedures

Students seeking a tuition credit or refund should apply in a manner consistent with institutional procedures now in place for withdrawal from the institution. Please click on the following link, [Withdrawals](#), for instructions on Withdrawal from the University. Procedures for fee appeals can be found at www.apsu.edu/appeals.

E. Awarding a W (withdrawal) or I (incomplete) Grade for Service Members Called to Active Duty

Military reserve and national guard personnel who are called to active duty shall be allowed to withdraw, even if the deadline to withdraw from courses has passed, or to receive a grade of incomplete in any course in which the service member is enrolled. The withdrawal or grade of incomplete shall be reflected on the service member's transcript.

F. Financial Aid Implications

1. Students receiving a tuition credit or refund will be responsible for repayment of financial aid where applicable.
2. A service member that is called to active duty and must withdraw from a course or receive a grade of incomplete, then the withdrawal or grade of incomplete that is related to the service absence shall not affect eligibility or continuing eligibility for state or institutional financial aid, including scholarships or grants, upon reenrollment at the institution.
3. The semester hours attempted for courses from which the military service member withdrew or received a grade of incomplete shall not count against any limitation or receipt of state or institutional financial aid, including scholarships or grants.
4. Future consideration for state or institutional financial aid, scholarship and grants shall not be affected by the withdrawal from a course or the receipt of a grade of incomplete due to mandatory service obligations.

Out-of-State Tuition

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 mandatory fees.
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. Student Account Services will collect fees based upon student classification as determined by the appropriate authority within the University.

eRate

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 mandatory fees.
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. Qualify as 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.

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 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 Incidental 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 President.

Deposits

A. 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.

B. 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.

Room and Board

A. All regular and special rental rates for student residence halls and student apartments will be approved by the Board of Trustees upon the recommendation of the University. All meal plan rates will be approved by the President. 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 residence halls and student apartments 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. Mandatory Fees Refunds and Adjustment procedures will be posted appropriately on the website.

Revision Dates

APSU Policy 1:021 – Rev.: June 7, 2019
APSU Policy 1:021 – Rev.: November 30, 2018

APSU Policy 1:021 – Rev.: September 15, 2017
APSU Policy 1:021 (previously 4:011) – Rev.: March 30, 2017
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**

Fees, Charges, Refund and Fee Adjustments

POLICIES

Issued: ~~November 30, 2018~~ June 7, 2019

Responsible Official: Vice President for Finance and Administration

Responsible Office: Student Account Services

Policy Statement

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- Establishment and Approval of Fees and Charges
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- Out-of-State Tuition
- ~~-Recruitment Focus Area Plan (250-R)~~
- eRate
- Specialized Academic Fees
- Miscellaneous Course Fees
- Incidental Fees and Charges
- Deposits
- Room and Board
- Other Fee and Charge Considerations
- Refunds and Fee Adjustments

Procedures

**Establishment and
Approval of Fees and
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2. The President or designee is authorized to approve fees and charges not reserved for specific approval by the Board of Trustees.

Publishing Approved Fees and Charges

- A. Student Account Services is charged with the responsibility of maintaining a master fee list of all approved fees and publishing this information.
- B. The University will follow a general format in publishing information on fees and charges.

Appeals Process

- A. Any student may appeal the assessment, application, calculation, collection, or interpretation of any University fee, charge, deposit, or refund.
- B. Procedures for appealing a fee adjustment are available through the Office of Enrollment Management and are posted on the office web site.

Mandatory Fees

- A. Description of Fees
 1. Mandatory Fees include in-state tuition and program service fees.
 2. The Mandatory Fee is charged 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.
 3. 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, mandatory fees, including tuition, may be assessed by using the current part-time rate with no maximum amount for total credit hours enrolled.
 3. Mandatory 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.
- C. Tuition Refunds for Activated Reserve and National Guard Personnel
(per Tennessee Higher Education Commission; Chapter 1540-1-6 and Tennessee Senate Bill 1925)

This policy applies to any activated Reserve or National Guard personnel ordered to active military service since August 1, 1990.

1. Students who have been ordered to active military service and seeking a tuition credit or refund must be absent in excess of thirty (30) days during the term due to active military service. Students absent less than thirty (30) days may receive a refund or tuition credit at the discretion of the institution.
2. Students seeking a tuition credit or refund must present to the Associate Provost of Enrollment Management and Academic Support from competent military authority of the dates active duty was actually performed. Determination of the adequacy of documentation presented or the necessity for additional material will be at the discretion of the institution.
3. These rules apply only to the refund of maintenance fees and out-of-state tuition. Refunds for other fee charges such as student activity fees, vehicle registration fees, and room and board charges will be reimbursed based upon the date of withdrawal.
4. A refund or credit for tuition may be provided only if the reserve or National Guard student did not receive a final grade in the class or the course which a refund or tuition credit is sought.
5. If a withdrawal occurs late in the term and one or more of the student's instructors deem that sufficient work has been completed to warrant awarding credit, fees will be assessed at the hourly rate for courses for which credit is granted, and a refund will be made in an amount equal to the difference between that assessment and the fees paid for all courses in which the student is enrolled.
6. Any refund or credit for tuition to which the student is entitled may be first applied to any of the student's outstanding balances as determined by the institution.
7. Students who are unable to withdraw from the institution at the time of military activation may withdraw within a reasonable timeframe upon completion of active duty without penalty to the student.

D. Appeal Procedures

Students seeking a tuition credit or refund should apply in a manner consistent with institutional procedures now in place for withdrawal from the institution. Please click on the following link, [Withdrawals](#), for instructions on Withdrawal from the University. Procedures for fee appeals can be found at www.apsu.edu/appeals.

E. Awarding a W (withdrawal) or I (incomplete) Grade for Service Members Called to Active Duty

Military reserve and national guard personnel who are called to active duty shall be allowed to withdraw, even if the deadline to withdraw from courses has passed, or to receive a grade of

incomplete in any course in which the service member is enrolled. The withdrawal or grade of incomplete shall be reflected on the service member's transcript.

F. Financial Aid Implications

1. Students receiving a tuition credit or refund will be responsible for repayment of financial aid where applicable.
2. A service member that is called to active duty and must withdraw from a course or receive a grade of incomplete, then the withdrawal or grade of incomplete that is related to the service absence shall not affect eligibility or continuing eligibility for state or institutional financial aid, including scholarships or grants, upon reenrollment at the institution.
3. The semester hours attempted for courses from which the military service member withdrew or received a grade of incomplete shall not count against any limitation or receipt of state or institutional financial aid, including scholarships or grants.
4. Future consideration for state or institutional financial aid, scholarship and grants shall not be affected by the withdrawal from a course or the receipt of a grade of incomplete due to mandatory service obligations.

Out-of-State Tuition

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 mandatory fees.
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. Student Account Services will collect fees based upon student classification as determined by the appropriate authority within the University.

Recruitment Focus Area Plan (250-R)

Description of Fee

- ~~1. The 250-R rate is available to students who graduate from a high school located in a county within a 250-mile radius of APSU.~~
- ~~2. The out-of-state tuition rate charges to students eligible for 250-R will pay a reduced rate based on the state subsidy per full-time equivalent for the prior fiscal year. This rate will be capped at 12 hours for undergraduate and 10 hours for graduate students.~~
- ~~3. This plan does not impact students who otherwise qualify for the border county classification or other in-state residency qualifications.~~

eRate

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 mandatory fees.
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. Qualify as 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.

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 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 Incidental 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 President.

- Deposits**
- A. 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.
 - B. 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.

- Room and Board**
- A. All regular and special rental rates for student residence halls and student apartments will be approved by the Board of Trustees upon the recommendation of the University. All meal plan rates will be approved by the President. 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 residence halls and student apartments 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. Mandatory Fees Refunds and Adjustment procedures will be posted appropriately on the website.

Revision Dates

[APSU Policy 1:021 – Rev.: June 7, 2019](#)

APSU Policy 1:021 – Rev.: November 30, 2018

APSU Policy 1:021 – Rev.: September 15, 2017

APSU Policy 1:021 (previously 4:011) – Rev.: March 30, 2017

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

Agenda Item: C.vii.

Date: June 7, 2019

Subject: Use of University Property Rule

Action Recommended: Approval by Roll Call Vote

Background Information:

State entities are required to promulgate rules and regulations when the subject of those rules and regulations affects the rights of third parties. The Use of University Property Rule falls into this category. These rules mirror the University's policy on Use of University Property and were reviewed by APSU's Office of Legal Affairs. The rule also requires approval by the attorney general, secretary of state, and is subject to final approval by the Government Operations Committee of the Tennessee General Assembly. The promulgation process is enumerated in the Tennessee Uniform Procedures Act at T.C.A. § 4-5-201, et. seq.

Proposed Implementation Date: At the conclusion of the rule promulgation process.

Item Details: See attachment.

**Rules
of
Austin Peay State University**

**Chapter 0240-05-03
Use of University Property**

A Table of Contents is added to Chapter 0240-05-03 and shall read as follows:

Table of Contents

0240-05-03-.01	Dedication of University Property
0240-05-03-.02	Definitions
0240-05-03-.03	Access to Facilities and Prioritized Users
0240-05-03-.04	Use by Non-affiliated Individuals/Entities
0240-05-03-.05	Denial of the Use of Facilities or Property
0240-05-03-.06	General Conditions for Use of Property or Facilities
0240-05-03-.07	Distribution of Leaflets, Literature, Pamphlets
0240-05-03-.08	No-Trespass Notices

Rule 0240-05-03-.01 Dedication of University Property is added to Chapter 0240-05-03 Use of University Property and shall read as follows:

0240-05-03-.01 Dedication of University Property. Austin Peay State University (“APSU” or “University”) dedicates its property exclusively to the advancement of the University’s principal missions of teaching, research, and service. The University regulates its property to preserve it for the advancement of the University’s principal missions.

Authority: T.C.A. § 49-9-209(e); Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; and Public Acts of Tennessee, 1807, Chapter 64.

0240-05-03-.02 Definitions is added to Chapter 0240-05-03 Use of University Property and shall read as follows:

0240-05-03-.02 Definitions.

- (1) The term “University Property” means all land, grounds, structures, facilities, and any other physical property owned, controlled, or operated by Austin Peay State University.
- (2) The term “University Unit” means any academic, administrative, or auxiliary department or division of the University or any other official entity of the University, functioning through University employees acting within the scope of their University employment.
- (3) The term “Unmanned Aircraft” means a device that is used or is intended to be used for flight in the air without an individual in or on the device (including but not limited to drone, model aircraft).
- (4) The term “Affiliated Entities” means an officially registered student, student group or student organization.

- (5) The term “Affiliated Individuals” means persons officially connected with the University including students, faculty, and staff.
- (6) The term “Non-affiliated individual or Entity” means any person who is not an “Affiliated Individual” or “Affiliated Entity” as defined in paragraph (45) or (56).
- (7) The term “Student” means a person who is currently registered for a credit course or courses, non-credit course or program at the University, including but not limited to reciprocal study abroad programs and clinical placements, 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.
- (8) The term “University Facilities” means any structures or outdoor or indoor properties owned, controlled, or operated by Austin Peay State University.
- (9) The term “University Official” means an individual employed by the institution with the authority to make decisions on behalf of the University.

Authority: T.C.A. § 49-9-209(e); Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; and Public Acts of Tennessee, 1807, Chapter 64.

0240-05-03-.03 Access to Facilities and Prioritized Users is added to Chapter 0240-05-03 Use of University Property and shall read as follows:

0240-05-03-.03 Access to Facilities and Prioritized Users

- (1) Access to and use of APSU’s campuses, facilities, and property are restricted to the University, the University administration for official functions, affiliated individuals/entities, and the University’s invited or 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 rule.
- (2) Denial of a request to access/use campus facilities and/or University 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.
- (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 Facilities must be made via APSU’s website, 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:

- (a) All Athletic spaces (Dunn Center and associated athletic fields) approved by the Office of Athletic Director.
- (b) Music/Mass Communications Concert Hall approved by Office of the School of Music.
- (c) 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 over all other scheduling.
- (6) Notification of approval or denial of an application to reserve University/facility-Facilities/Spspace will be provided by email.
- (7) All approved users of campus-University Facilities or University Property are subject to all Austin-PeayAPSU rules, policies, and procedures and federal, state and local laws. Further, they must adhere to any conditions of facility usage as outlined in this policy-rule or stated by the approving body.

Authority: T.C.A. § 49-9-209(e); Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; and Public Acts of Tennessee, 1807, Chapter 64

0240-05-03-.04 Use by Non-affiliated Individuals/Entities is added to Chapter 0240-05-03 Use of University Property and shall read as follows:

0240-05-03-.04 Use by Non-affiliated Individuals/Entities.

- (1) Non-affiliated Individuals/Entities may apply for use or access to designated University Property.
- (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 fees including but not limited to additional set up, security, cleanup or audio visual (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 four (4) months) assignable University Facilities and/or Property is subject to a review of request and the impact of the ongoing operations of APSU.

- (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 half (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:
 - (a) Cancellation one hundred and twenty (120) days before the start of their event- 100% refund;
 - (b) Cancellation ninety (90) to one hundred and twenty (120) days before the start of their event- 75% refund;
 - (c) Cancellation thirty (30) to sixty (60) days before the start of their event- 25% refund; and
 - (d) Cancellation less than thirty (30) days- no refund.

Authority: T.C.A. § 49-9-209(e); Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; and Public Acts of Tennessee, 1807, Chapter 64.

0240-05-03-.05 Denial of the Use of Facilities or Property. Denial of a request to access/use University Property and/or Facilities 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; or
- (13) The requested use would be contrary to local, state, or federal law, and regulation, or the University's rules, policies, regulations, procedures, or mission.

Authority: T.C.A. § 49-9-209(e); Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; and Public Acts of Tennessee, 1807, Chapter 64.

0240-05-03-.06 General Conditions for Use of Property or Facilities is added to Chapter 0240-05-03 Use of University Property and shall read as follows:

0240-05-03-.06 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 rule, must be met. Violation of, or failure to comply with, the requirements set forth in this rule or other University policies may result in the immediate revocation of previously granted approval for access/use of Campus-University Property or Facilities.

- (1) Applicable building, fire codes, and safety standards applicable to a particular facilities and/or property must be met.
- (2) All Austin-PeayAPSU 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 as defined in .02.
- (5) All persons operating motor vehicles in conjunction with an approved use/access of University Facilities and/or Property shall be subject to University rules, regulations, policies and procedures regarding traffic and parking.
- (6) Users of University Facilities or Property and/or their sponsor(s) are responsible for all activities associated with the event.

- (7) Use of the requested University Facility and/or Property shall be limited to the declared purpose in the application for use/access to ~~campus~~-University Facilities and/or Property.
- (8) Access to, or use of, University Facilities shall not be permitted overnight unless specifically requested and approved pursuant to the requirements of this ~~policy~~-rule and/or other applicable University ~~policies~~rules and guidelines. 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~~University. 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 State University has the right to terminate the use of University Property or Facilities by any group, organization or individual that violates any provision of this rule, University policy, local, state, or federal law or regulation. Failure to comply with the requirements set forth in this rule or other University- ~~rules~~. Guidelines, and policies may result in the immediate revocation of previously granted approval for access/use of ~~campus~~-University ~~F~~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~~-University 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 APSU website for a matrix for when additional insurance maybe required.

Authority: T.C.A. § 49-9-209(e); Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; and Public Acts of Tennessee, 1807, Chapter 64.

0240-05-03-.07 Distribution of Leaflets, Literature, Pamphlets.

- (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 University Property or Facility.

- (3) Placement of flyers, leaflets, literature, etc., is not permitted on motor vehicles parked on the Austin Peay State University campus.
- (4) University Property and Facilities may not be used for 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) The University will not establish permitting requirements that prohibit spontaneous outdoor assemblies or outdoor distribution of literature, although it may maintain a policy that grants members of the University community the right to reserve certain outdoor spaces in advance.
- (6) Any literature which is distributed or sold and any advertisement shall comply with all applicable laws policies, regulations, and rules of APSU. Requests to distribute or sell literature shall be included with the underlying application to use University 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.
- (7) 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.

Authority: T.C.A. § 49-9-209(e); Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; and Public Acts of Tennessee, 1807, Chapter 64

0240-05-03-.08 No-Trespass Notices.

- (1) A No-Trespass Notice ("Notice") is a written directive requiring a Non-affiliated Individual to leave and/or not enter all or part of University Property or Facilities.
- (2) A sworn law enforcement officer employed by the University may issue a Notice to a Non-affiliated Individual:
 - (a) who is not authorized to use University Property as defined in Section .03(1), and who has refused to leave University Property, or a specified part of University Property, within a reasonable time after the person has received an oral request to leave by a University official;
 - (b) who has engaged in a use of University Property that is prohibited by Section .03(2), and who has refused to cease the prohibited conduct within a reasonable time after receiving an oral request to do so from a University official;
 - (c) who, in the good faith judgment of the law enforcement officer issuing the Notice, poses an unreasonable threat to the health, safety, or welfare of a person(s) affiliated with the University while on University property; or
 - (d) who, in the good faith judgment of the law enforcement officer issuing the Notice, has engaged in conduct that substantially disrupts or interferes with University operations, events, or activities, or is likely to cause such a disruption or interference.
- (3) A Notice must specify: the reason for the Notice; the geographical scope of the restriction; the duration of the restriction, which may be for an indefinite period; the potential consequences of

a violation of the Notice; and the process for appealing the issuance of the Notice. The scope and duration of the restriction imposed must be proportional to the underlying misconduct. In appropriate circumstances, with respect to conduct on University Property, a Notice also may prohibit a non-affiliated person from contacting or being within a certain distance from a person affiliated with the University.

(4) Appeals.

(a) A Non-affiliated Individual to whom a Notice has been issued may appeal the decision to the chief of police for the University's ~~campus/institute~~.

(b) A Non-affiliated Individual must submit the appeal in writing. The written appeal must be received by the ~~C~~chief of ~~P~~police within twenty (20) calendar days of the date on which the Notice was provided to the Non-affiliated Individual. Any Notice mailed (or e-mailed) to a Non-affiliated Individual shall be deemed to have been provided on the date on which it was mailed (or e-mailed). The written appeal should include the Non-affiliated Individual's reason for being on University property, the Non-affiliated Individual's future need to be on University Property, and any other information the Non-affiliated Individual wishes the University official who issued the Notice to consider.

(c) Upon receipt of a written appeal, the chief of police will consult as needed with other University officials to verify the Non-affiliated Individual's need for access to University property, to gather additional information or advice, or to review the impact that granting the appeal may have on persons affiliated with the University.

(d) Within twenty (20) calendar days of the receipt of an appeal submitted in accordance with this Chapter, the Chief of Police will sustain, rescind or modify the Notice in a written decision that will be mailed to the address provided by the Non-affiliated Individual. The decision of the Chief of Police is final and not appealable within the University.

(e) The restrictions set forth in the Notice will remain in effect while an appeal of the Notice is pending.

(f) If the Chief of Police issued the Notice, then the Non-affiliated Individual may appeal to the supervisor of the Chief of Police.

(5) The law enforcement officer who issued the Notice (or, if the Notice is appealed, the Chief of Police or the Chief of Police's Supervisor), with the approval of the Chief of Police or his/her supervisor, may rescind or modify the Notice at any time. Notification of any such rescission or modification shall be provided to the Non-affiliated Individual to whom the Notice was issued.

(6) Failure to comply with a Notice may result in issuance of a citation or an arrest for trespassing pursuant to applicable state criminal trespass statutes or local ordinances. Nothing in this section shall limit or be construed to limit the exercise of the statutory authority of sworn law enforcement officers of ~~a campus~~the University's police department to arrest in accordance with the laws of this state or local ordinances. Nor shall anything in this rule limit or be construed to limit the authority of sworn law enforcement officers of ~~a campus~~the University's police department to issue an oral request instructing a person to leave and/or not enter all or part of University Property.

Authority: T.C.A. § 49-9-209(e); Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; and Public Acts of Tennessee, 1807, Chapter 64.

Agenda Item: C.viii.

Date: June 7, 2019

Subject: Approval of Classifying Students In-State and Out-of-State Rule

Action Recommended: Approval by Roll Call Vote

Background Information:

State entities are required to promulgate rules and regulations when the subject of those rules and regulations affects the rights of third parties. Approval of Classifying Students In-State and Out-of-State Rule falls into this category. These rules mirror the University's Policy on the classification of in-state and out-of-state students. The rules were reviewed by APSU's Office of Legal Affairs. The rule also requires approval by the attorney general, secretary of state, and is subject to final approval by the Government Operations Committee of the Tennessee General Assembly. The promulgation process is enumerated in the Tennessee Uniform Procedures Act at T.C.A. § 4-5-201, et. seq.

Proposed Implementation Date: At the conclusion of the rule promulgation process.

Item Details: See attachment.

**RULES
OF
AUSTIN PEAY STATE UNIVERSITY**

**CHAPTER 0240-05-05
CLASSIFYING STUDENTS IN-STATE AND OUT-OF-STATE**

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0240-05-05-.01 Intent. It is the intent that Austin Peay State University (APSU or 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.

Authority: Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; Public Acts of Tennessee, 1807, Chapter 64; and Tenn. Code Ann. § 49-9-105.

0240-05-05-.02 Definitions. Wherever used in these regulations:

- (1) “Continuous ~~E~~enrollment” or “~~C~~ontinuously ~~E~~enrolled” shall mean 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 ~~P~~ublic ~~H~~igher ~~E~~ducational ~~I~~nstitution or ~~I~~nstitutions, 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 ~~P~~ublic ~~H~~igher ~~E~~ducational ~~I~~nstitutions in which such person enrolls.
- (2) “Domicile” shall mean 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 or having established a new domicile elsewhere. Undocumented immigrants cannot establish domicile in Tennessee, regardless of length of residence in Tennessee.
- (3) “Emancipated ~~P~~erson” shall mean a person who has attained the age of eighteen (18) years and whose parents have entirely surrendered the right to the care, custody, and earnings of such person and are no longer under any legal obligation to support or maintain such person.
- (4) “Parent” shall mean a person’s father or mother. If there is a non-parental guardian or legal custodian of an unemancipated 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 emancipated person.

- (5) "Public Higher Education Institution" shall mean a university or community college supported by appropriations made by the Legislature of this State.
- (6) "Residence" shall mean 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.
- (7) "U.S. Armed Forces" shall mean the U.S. Army, Navy, Air Force, Marine Corps, and Coast Guard.
- (8) "Veteran" means:
 - (a) a former member of the U.S. Armed Forces; or
 - (b) a former or current member of a reserve or Tennessee national guard unit who was called into active military service of the United States, as defined in Tennessee Code Annotated § 58-1-102.

Authority: Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; Public Acts of Tennessee, 1807, Chapter 64; and Tenn. Code Ann. § 49-8-104.

0240-05-05-.03 Rules for Determination of Status.

- (1) Every person having his or her domicile in Tennessee shall be classified "in-state" for fee and tuition purposes and for admission purposes.
- (2) Every person not having his or her domicile in Tennessee shall be classified "out-of-state" for fee and tuition purposes and for admission purposes.
- (3) The domicile of an unemancipated person is that of his or her parent, except as provided in paragraph (4) of this Section .03. Unemancipated students of divorced parents shall be classified "in-state" when one (1) parent, regardless of custodial status, is domiciled in Tennessee, except as provided in paragraph (4) of this Section .03.
- (4) A student shall be classified as "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:
 - (a) Graduated from a Tennessee public secondary school;
 - (b) Graduated from a private secondary school that is located in Tennessee; or
 - (c) Earned a Tennessee high school equivalency diploma.
- (5) The spouse of a student classified as "in-state" shall also be classified "in-state."
- (6) All classifications shall be subject to the Eligibility Verification for Entitlements Act, Tennessee Code Annotated § 4-58-101 *et seq.*

Authority: Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; Public Acts of Tennessee 1807, Chapter 64; and Tenn. Code Ann. § 49-8-104.

0240-05-05-.04 Out-of-State Students Who Are Not Required to Pay Out-of-State Tuition.

- (1) An unemancipated, currently enrolled student in a higher educational institution shall be reclassified out-of-state should his or her parent, having theretofore been domiciled in ~~the State~~ Tennessee, ~~remove from the State~~ relocate out-of-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 a Public Higher Educational Institution or institutions shall be continuous.
- (2) An unemancipated person whose parent is not domiciled in ~~this State~~ Tennessee but is a member of the armed forces and 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. 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.
- (3) 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.
- (4) 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 institution, shall be classified out-of-state, but admitted at in-state tuition rate.
 - (a) 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.
- (5) Part-time students who are not domiciled in ~~this State~~ Tennessee but who are employed full-time in the ~~s~~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.
- (6) 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~~ Tennessee primarily for educational purposes.
- (7) 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.
- (8) 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.

- (9) 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.
- (10) 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.
- (11) A Vveteran enrolled at the University shall not be required to pay out-of-state tuition or any out-of-state fee, if the Vveteran:
 - (a) Has not been dishonorably discharged from a branch of the United States armed forces or the national guard;
 - (b) Is eligible for Post-9/11 GI Bill benefits or Montgomery GI Bill benefits; and
 - (c) 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.

1. To continue to qualify for in-state tuition and fees, a Vveteran shall:

- (i) Maintain continuous enrollment as defined by the University; and
- (ii) Demonstrate objective evidence of established residency in ~~this state~~Tennessee by presenting at least two (2) of the following:
 - (I) Proof of voter registration in the state;
 - (II) A Tennessee driver license;
 - (III) A Tennessee motor vehicle registration;
 - (IV) Proof of established employment in ~~Tennessee~~the state; or
 - (V) Other documentation clearly evidencing domicile or residence in ~~Tennessee~~the state, as determined by the Tennessee Higher Education Commission.

Authority: Tenn. Code Ann. §§ 49-4-704, 49-7-1304, 49-7-1305, 49-9-105, and 49-9-209(e); Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; Public Acts of Tennessee, 1807, Chapter 64I; 20 U.S.C. § 1015d; and 38 U.S.C. § 3679.

0240-05-05-05 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~~Tennessee while enrolled as a full-time student at the University, as such status is defined by APSU.

Authority: Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; Public Acts of Tennessee, 1807, Chapter 64; and Tenn. Code Ann. § 49-9-105.

0240-05-05-.06 Evidence to Consider for Establishment of Domicile. If a person asserts that he or she has established domicile in ~~this State~~Tennessee he or she has the burden of proving that he or she has done so. Such a person is entitled to provide to APSU 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. APSU 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.

Authority: Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; Public Acts of Tennessee, 1807, Chapter 64; and Tenn. Code Ann. § 49-9-105.

0240-05-05-.07 Appeal. 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 abstentia 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 (5) faculty representatives (including the chair), two staff representatives, two (2) student representatives, as well as up to three (3) 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. The decision of the associate provost will be final.

Authority: Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; Public Acts of Tennessee, 1807, Chapter 64; and Tenn. Code Ann. § 49-9-105.

0240-05-05-.08 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.

Authority: Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; Public Acts of Tennessee, 1807, Chapter 64; and Tenn. Code Ann. § 49-9-105.

Agenda Item: C.ix.

Date: June 7, 2019

Subject: Traffic and Parking Regulations

Action Recommended: Approval by Roll Call Vote

Background Information:

State entities are required to promulgate rules and regulations when the subject of those rules and regulations affects the rights of third parties. Traffic and Parking Regulations fall into this category. The rules were reviewed by APSU's Office of Public Safety. The rule also requires approval by the attorney general, secretary of state, and is subject to final approval by the Government Operations Committee of the Tennessee General Assembly. The promulgation process is enumerated in the Tennessee Uniform Procedures Act at T.C.A. § 4-5-201, et. seq.

Proposed Implementation Date: At the conclusion of the rule promulgation process.

Item Details: See attachment.

**Rules
of
Austin Peay State University**

**Chapter 0240-05-01
Traffic and Parking Regulations**

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0240-05-01-.01 Introduction.

- (1) The purpose of these regulations is to facilitate the safe and orderly operation of Austin Peay State University ("The University") business and to provide parking facilities for this operation within the limits of available space.
- (2) The Office of Public Safety is responsible for implementation and enforcement of these regulations.
- (3) Any person operating a motor vehicle on the University campus is required to obey these regulations as a condition to parking or operating the vehicle on the campus.
- (4) The responsibility for locating a legal parking space rests with the operator of the motor vehicle. Lack of space will not be considered a valid excuse for violating any parking regulations.
- (5) The University shall have no responsibility for loss or damage to any vehicle or its contents operated or parked on the APSU or on lots leased by APSU.

Authority: §49-9-209(e), Public Acts of Tennessee, 1839-1840, chapter 98, Section 5 and Public Acts of Tennessee, 1807, chapter 64, 40 C.F.R. §85.1703 (defining motor vehicles).

0240-05-01-.02 Registration of Vehicles.

- (1) All motor vehicles parked on APSU property between 7:30 a.m. and 4:00 p.m. or on lots leased by APSU must have a current APSU permit and be registered with APSU. Housing lots require a valid parking permit twenty-four (24) hours a day, seven (7) days a week.
- (2) Permits are available for pickup/purchase at Parking Services. Students receive a permit as part of their access fee. Faculty and staff must purchase a parking permit.
- (3) The permit must be hung on the rear view mirror of the vehicle. If the mirror prevents the permit from hanging, the permit must be displayed near the rear view mirror.
- (4) Expired permits should be removed (or covered) so that only the current permit is displayed.

- (5) Permits must be renewed at the beginning of each Fall semester and will be valid until the beginning of the following Fall semester so long as the registrant remains a student or an APSU employee.
- (6) Hanging parking permits are issued to persons, not vehicles, and are required to be affixed to a vehicle. Permit holders are responsible for citations incurred with their permit and/or vehicle. Persons will also be held liable for a violation incurred by a vehicle, when that vehicle is reasonably shown to be associated to that person.
- (7) Persons are entitled to only one (1) category of parking permit at a time. Persons will be identified by their primary affiliation with APSU. Graduate assistants and part-time student workers are eligible for student parking permits only.
- (8) Permit holders are only eligible for one (1) parking permit at a time. This permit can be moved from one (1) vehicle to another. A second parking permit may be issued to students who live in married housing. Faculty/Staff/Students who present extraordinary circumstances may be authorized to have a second parking permit with the approval of the Director of Public Safety/Chief of Police. The cost of a second permit, if authorized, will be equal to the APSU access fee for parking. This fee will be prorated if purchased after the first month of the Fall semester.
- (9) Permits are not transferable to any person other than the registrant, particularly to a person in a different parking category.
- (10) Only persons who are neither students, nor faculty/staff are entitled to a visitor parking permit.
- (11) Lost or stolen permits will be replaced for \$10.00 upon making a report to Parking Services.

Authority: Public Acts of Tennessee 1839-1840, Ch. 98, Section 5 and Public Acts of Tennessee 1807, Ch. 64.

0240-05-01-.03 Parking Zones

- (1) Parking is permitted only in marked areas with painted control lines. Parking is not permitted in seeded areas or gravel service areas utilized by Physical Plant.
- (2) Faculty or Staff – Zone Color Red – Full-time faculty, staff, contract service employees, and adjunct instructors are authorized for this zone. Valid permits must be displayed between 7:30 a.m. and 4:030 p.m., Monday through Friday ~~when APSU is in session.~~
- (3) Resident Student – Zone Color Silver – Students who reside in the on-campus residence halls are authorized for this zone. Valid permits must be displayed twenty-four (24) hours a day, seven (7) days a week.
- (4) Commuter Student and Married Housing – Zone Color Green – Students who reside off campus and students who reside in married housing are authorized for this zone. Valid permits must be displayed between 7:30 a.m. and 4:30 p.m., Monday through Friday ~~when APSU is in session.~~
- (5) Overflow – Zone Color Black – Any valid APSU permit is authorized for this zone. Valid permits must be displayed between 7:30 a.m. and 4:30 p.m., Monday through Friday ~~when APSU is in session.~~

- (6) ADA Accessible Parking – Zone Color Light-Blue – Persons utilizing ADA spaces on campus must have a placard issued by any state. Students, faculty, and staff who have a state issued placard must be registered with APSU Parking Services. APSU Parking checks to ensure the state issued placard is issued to the registrant and issues an APSU ADA Accessible parking permit. ADA Accessible Permit holders are authorized to park in any parking space on campus, except those spaces specifically reserved with a sign (example: Electric Vehicle Charging). Valid permits or state issued placards for ADA Accessible parking spaces must be displayed twenty-four (24) hours a day, seven (7) days a week.
- (7) Visitor Parking Spaces – Visitor parking permits are issued by Parking Services. Areas where visitors can park will be listed on the parking permit provided. Visitor parking permits are available twenty-four (24) hours a day, seven (7) days a week at the Shasteen Building. APSU Departments may request visitor permits in advance by contacting Parking Services. Marked visitor spaces are enforced between 7:30 a.m. and 4:00 p.m., Monday through Friday, ~~when APSU is in session.~~
- (8) Yellow curbs, yellow or white striped areas, and yellow bumper blocks. No parking is permitted in these areas. These areas are enforced twenty-four (24) hours a day, seven (7) days a week.
- (9) Temporary Parking Permits– Temporary permits are issued to community members who qualify for zoned parking but do not have their permit in their possession at the time they need to park. Temporary permits are available twenty-four (24) hours a day, seven (7) days a week.
- (10) Motorcycle Parking –
 - (a) All motorcycles are to be parked in a parking space in their designated zone or in motorcycle only parking spaces.
 - (b) Motorcycles are not to block stairways, sidewalks, or pedestrian access.

Authority: Public Acts of Tennessee, 1839-1840, Ch. 98, Section 5 and Public Acts of Tennessee, 1807, Ch. 64.

0240-05-01-.04 Vehicle Operation.

- (1) All persons operating a motor vehicle on APSU property or in the campus area, which includes City streets running through APSU property, must be properly licensed operators.
- (2) Pedestrians have the right-of-way at established pedestrian crossings, except where regulated by traffic control lights or police officers.
- (3) The maximum speed limit on the APSU campus and city streets are clearly marked. Streets interior to APSU campus are limited to twenty (20) mph. However, ~~motor vehicles~~ may not be operated at any speed which is excessive for the conditions which may exist as a result of weather, traffic congestion, pedestrians, etc.
- (4) Traffic control signs, devices, and directions of police officers must be obeyed.
- (5) All persons operating motor vehicles are responsible for maintaining control of the vehicle, safe operation, and observance of traffic control signs, barriers and devices.

- (6) Operating a motor vehicle in any area other than a street or a roadway intended for motor vehicles is prohibited.
- (7) All accidents must be reported to APSU Police immediately (931-221-7786). All motor vehicle break-ins or incidents should also be reported immediately.

Authority: Public Acts of Tennessee, 1839-1840, chapter 98, Section 5 and Public Acts of Tennessee, 1807, chapter 64.

0240-05-01-.05 Violations. The following non-exhaustive examples constitute classifications for violations of these regulations:

(1) Parking Violations

- (a) Out of Zone;
- (b) Not a Parking Space;
- (c) Loading Zone;
- (d) Parking on Yellow Curb/No Parking Zone;
- (e) Blocking Traffic;
- (f) Parked Facing Traffic;
- (g) Occupying Two (2) (or more) Spaces;
- (h) Outside of Designated Space;
- (i) Within Fifteen (15) feet of Fire Hydrant;
- (j) Within Twenty (20) feet of entrance/exit/intersection;
- (k) On Seeded Areas;
- (l) Failure to Display Permit;
- (m) No Permit or Improper Display of Permit;
- (n) Altered, Lost, or Stolen Permit;
- (o) Reserved – Visitor;
- ~~(e)~~(p) Reserved – Electric Vehicle Charging Only
- ~~(p)~~(q) Reserved – ADA Accessible Parking Only; and
- ~~(q)~~(r) Warning Only.

(2) Moving Violations

- (a) Failure to obey stop sign or traffic signal;

- (b) Failure to yield to pedestrian in crosswalk;
 - (c) Traveling wrong way on one-way street;
 - (d) Operating a motor vehicle off a marked roadway;
 - (e) Speeding;
 - (f) Failure to yield right of way;
 - (g) Failure to obey lawful directions of a police officer;
 - (h) Failure of motorcycle operator or rider to wear required headgear; and
 - (i) Failure to yield to emergency vehicle.
- (3) Impounded Vehicle/Towed Vehicle
- (a) APSU may tow without advance notice those motor vehicles parked in a fire lane, designated ADA accessible parking space, spaces reserved for designated vehicles or in such a manner as to impede the flow of traffic or to disrupt the orderly affairs of APSU.
 - (b) If a motor vehicle has unpaid parking citations, APSU may impound/tow the vehicle, if advance notice and opportunity to contest have been given. Windshield notices and/or other methods of notification will be used to provide the operator of the vehicle with advance notice of APSU's intent to tow and the operator's right to a hearing.

Authority: §49-9-209(e) and Public Acts of Tennessee, 1839-1840, Ch. 98, Section 5 and Public Acts of Tennessee, 1807, Ch. 64.

0240-05-01-.06 Enforcement.

- (1) The Office of Public Safety and Campus Police are tasked with enforcement of the parking regulations. The Director/Chief of Police is authorized to selectively enforce or not enforce certain regulations and parking categories based on special events and circumstances that require special accommodations.
- (2) A motor vehicle parked in a manner which blocks a fire zone, emergency exit, flow of traffic, designated ADA accessible parking space, spaces reserved for designated vehicles, or otherwise poses a danger or disrupts the orderly affairs of APSU may be impounded, immobilized, or towed.
- (3) A motor vehicle which has accumulated one hundred dollars (\$100.00) or more in unpaid citations may be immobilized or towed.

Authority: §49-9-209(e), Public Acts of Tennessee, 1839-1840, Ch. 98, Section 5 and Public Acts of Tennessee 1807, Ch. 64.

0240-05-01-.07 Penalties.

- (1) Parked in Visitor, maintenance, or emergency vehicle space: \$35.00

~~(2)~~ Parked in ADA Accessible Space: \$200.00 - The fine for this parking violation is set by State law, T.C.A. §55-21-108. As of July 1, 2008, the fine was set at \$200. The fine imposed under these regulations will increase or decrease automatically when increased or decreased by State law.

~~(2)(3)~~ Boot Removal Fee - \$75.00 for first violation in an academic year. \$125.00 for subsequent violations.

~~(3)(4)~~ All other parking violations: \$25.00

~~(4)(5)~~ All moving violations when written as an APSU citation: \$35.00

~~(5)(6)~~ Other Penalties

- (a) Students who fail to pay violation fines or penalties will not be permitted to register for course work, to continue as a student, to receive credit, to receive a degree, or to obtain a transcript until the fines or penalties are paid.
- (b) Repeated violations of parking regulations will be grounds for towing away, impoundment or immobilization in accordance with regulations under enforcement.
- (c) Students who persist in violating these regulations or commit a single violation under extreme circumstances will be referred to the Dean of Students' office for disciplinary action which may lead to suspension or dismissal from APSU.
- (d) Once a motor vehicle or owner has accumulated one hundred dollars (\$100.00) of unpaid fines, his or her motor vehicle, if found parked upon APSU property or lots leased by APSU, will be immobilized or towed in accordance with regulations under 0240-05-01-.06 Enforcement.
- (e) Any individual (student, faculty or staff) with outstanding citations will not be allowed to register a motor vehicle or purchase a parking permit until indebtedness is cleared.
- (f) Repeated violations may result in the loss of parking privileges.

Authority: T.C.A. §49-9-209(e).

0240-05-01-.08 Appeals.

- (1) Upon receipt of a citation, persons have three (3) class days to submit an appeal.
- (2) Appeal forms are completed and submitted electronically through the parking management software.
- (3) Issuing officers will be afforded the opportunity to comment on appeals before they are presented to the appeal authority.
- (4) The Student Tribunal shall hear and decide all student appeals.
- (5) Students may further appeal the Tribunal's decision to the Vice President of Student Affairs, or designee, within three (3) class days of the finding by Student Tribunal.

- (6) When APSU is not in session, the Dean of Students will hear and decide appeals.
- (7) Staff and visitors' appeals shall be heard by a committee consisting of the Faculty Senate Chair or designee, Staff Council Chair or designee, and the Dean of Students.
- (8) Anyone failing to appeal within three (3) class days of issuance of citation loses the right to appeal.

Authority: §49-9-209(e), Public Acts of Tennessee, 1839-1840, chapter 98, Section 5 and Public Acts of Tennessee, 1807, chapter 64.

0240-05-01-.09 Restrictions. APSU streets or grounds may not be used by any firm, corporation or person for advertising or commercial purposes.

Authority: Public Acts of Tennessee, 1839-1840, chapter 98, Section 5 and Public Acts of Tennessee, 1807, chapter 64.

0240-05-01-.10 Special Occasion and Emergencies. On special occasions, for example: athletic events, concerts, graduation exercises, etc., and in emergencies, parking and traffic limitation may be imposed by the Office of Public Safety and Campus Police as required by the conditions which prevail.

Authority: §49-9-209(e), Public Acts of Tennessee, 1839-1840, chapter 98, Section 5 and Public Acts of Tennessee, 1807, chapter 64.

0240-05-01-.11 Pedestrian Regulations.

- (1) Students and staff members must not endanger their safety or constitute an unreasonable impediment to lawful vehicular traffic by crossing streets at other than authorized lanes or by willfully walking or congregating in the streets.
- (2) Violations of these regulations will be cited through appropriate channels for disciplinary action.

Authority: Public Acts of Tennessee, 1839-1840, chapter 98, Section 5 and Public Acts of Tennessee, 1807, chapter 64.

Agenda Item: D.ii.

Date: June 7, 2018

Subject: Approval of the Presidential Performance Evaluation and Incentive Payment for Fiscal Year 2018-2019

Action Recommended: Approval by Voice Vote

Background Information:

The performance evaluation and incentive payment for the president are based on six criteria. Each is weighted with the total points equaling 100. The six criteria are enrollment, graduation rate, fundraising, program development, athletics and Board of Trustees discretion.

Proposed Implementation Date: By June 30, 2019

Item Details:

The performance evaluation for the 2018-2019 fiscal year is attached.

Agenda Item: D.ii.

Date: June 7, 2018

Subject: Approval of the Presidential Performance Evaluation and Incentive Payment for Fiscal Year 2018-2019

Action Recommended: Approval by Voice Vote

Background Information:

The performance evaluation and incentive payment for the president are based on six criteria. Each is weighted with the total points equaling 100. The six criteria are enrollment, graduation rate, fundraising, program development, athletics and Board of Trustees discretion.

Proposed Implementation Date: By June 30, 2019

Item Details:

The performance evaluation for the 2018-2019 fiscal year is attached.

APSU's Presidential Performance Evaluation

Fiscal Year 2018-19 Performance Period

Enrollment: Enrollment includes activities that increase undergraduate and graduate full-time or part-time enrollment in the areas of traditional freshmen, dual-enrollment students, international students, online students, transfer students, military-related students, high performing students, and non-traditional students.

- a. Enrollment will be measured by a percentage for the following year fall enrollment with a goal of a 4 percent increase in headcount enrollment and has a proportionate increase in net tuition revenue in order to meet APSU's Strategic Plan for enrollment growth.
- b. If the President grows headcount enrollment by at least 4 percent and has a proportionate increase in net tuition revenue, then he/she will be eligible to receive the full 15 points for the evaluation. If the President grows headcount enrollment by less than 4 percent headcount enrollment (7.5 points) and has a proportionate increase in net tuition revenue (7.5 points), then he/she will be eligible to receive a pro rata portion of the 15 points for the evaluation.

<i>Fall 2017 to Fall 2018 Headcount Enrollment</i>	4.7%
<i>Net Tuition Revenue</i>	0%

Graduation Rate: Graduation rate is measured every six years by the Tennessee Higher Education Commission. Graduation rate is defined as those students who are first-time, full-time freshmen who enrolled in summer of 2012 and returned that fall, or enrolled in fall 2012 and graduated by spring or summer of 2018.

- a. Graduation rate will be measured by a percentage of growth with an increase of 2 percent in order to meet APSU's Strategic Plan.
- b. If the President increases the graduation rate by at least 2percent, he/she will be eligible for the full 15 points for the evaluation. If the President increases the graduation rate by less than 2 percent, then he/she will be eligible to receive a pro rata portion of the 15 points for the evaluation.

<i>Summer/Fall 2012 to Spring/Summer 2018 Graduation Rate</i>	0.3%
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Fundraising: Fundraising is defined as all cash donations and contributions made annually to the University and Foundation by non-governmental agencies and organizations.

- a. Fundraising will be measured by a 5 percent increase in the average dollars raised, based on a three year average. This is in line with the University's Strategic Plan.
- b. If the President increases annual dollars raised by 5 percent, then he/she will be eligible to receive the full 15 points for the evaluation. If the President has an increase in annual

dollars that is less than 5 percent, then he/she will be eligible to receive a pro-rata portion of the 15 points for the evaluation

3 Year Percent Increase	16.4%
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Program Development: Program development is defined as the faculty development of new academic majors, concentrations and certificates, which require more than 24 credit hours, in alignment with the University mission and THEC master plan and their subsequent approval by the appropriate entities.

- a. Program development will be measured by the President establishing new majors for undergraduate and graduate programs, new concentrations for undergraduate and graduate programs, and new graduate certificates that exceed 24 credit hours in length.
- b. If the President is proactive in establishing new majors, concentrations, and graduate certificates that exceed 24 credit hours in length, then he/she will be eligible to receive the full 15 points for the evaluation.

Undergraduate Majors	0
Graduate Majors	1 EdD
Undergraduate Concentrations	28
Graduate Concentrations	7
Graduate Certificates	7
Total	43

Athletics: Athletics is based on maintaining a successful Division I Athletics program, which includes conference championships and high academic progress rate (APR).

- a. Athletics will be measured by at least one conference championship annually and maintaining an Athletics program that meets the APR as required by the NCAA.
- b. If the University wins at least one conference championship annually and maintains an Athletic program that meets the APR as required by the NCAA, then the President will be eligible to receive the full 15 points for the evaluation. If the University does not win at least one conference championship annually but maintains an Athletic program that meets the APR as required by the NCAA, then the President will be eligible to receive half (7.5 points) of the 15 points for the evaluation.

Conference Championship	2: Volleyball and Women's Tennis
Academic Progress Rate	.981 (minimum is .930)

Board of Trustees Discretion: Board of Trustees discretion is based on leadership; creating a culture of excellence by maintaining positive relationships with the Board of Trustees, the community, and the state and local government; and employee retention.

- a. Board of Trustees discretion for leadership and culture of excellence will be measured by key stakeholder evaluations of the President that include evaluations conducted with

his/her direct reports, members of the Board of Trustees, other community officials or as directed by the Chair of the Board of Trustees.

- b. Board of Trustees discretion for employee retention has three parts. The first part will be compensation of faculty and staff and will be measured by achieving an increase in the total salaries at a percentage equal to or higher than the Higher Education Price Index (HEPI). The second part of employee retention is turnover rate. The third part of employee retention is diversity among employees.
- c. If the President receives at least a satisfactory evaluation in the Board of Trustees discretion criteria, then he/she will be eligible to receive the full 25 points for the evaluation. If the President receives less than a satisfactory evaluation, then he/she will be eligible to receive a pro rata portion of the 25 points for the evaluation.

<i>Percent Increase in Compensation of Faculty and Staff (Inflation increased by 3.3%)</i>	4.68%
<i>Turnover Rate for 2018</i>	11.79%
<i>Diverse Employee : Student Ratio (Fall 2017 - Fall 2018 comparison)</i>	Fall 2017 – 21% : 36% Fall 2018 – 22% : 37%

Presidential Performance Evaluation Scoring

All points from the evaluation will be totaled. The points totaling a certain amount will receive a certain incentive percentage, which is based on a percentage of the President's base salary,

- a. Less than 75 points = 0% incentive
- b. 76 points to 84 points = 4% incentive
- c. 85 points to 94 points = 6% incentive
- d. 95 point to 100 points = 10% incentive

Criteria	Possible Points	Awarded Points
Enrollment	15 points	7.5
Graduation Rate	15 points	2.25
Fundraising	15 points	15
Program Development	15 points	15
Athletics	15 points	15
Board of Trustees Discretion <ul style="list-style-type: none"> • Leadership • Culture of Excellence through Positive Relationships • Employee Retention 	25 points	25
Total Points	100 points	79.75
Incentive Total	10%	4%

Default Report

Atkins' survey

May 6, 2019 3:22 PM MDT

Q1 - President's Job Knowledge: Please rate on a scale of 1 to 5 (1 being the lowest and 5 being the highest)

#	Field	1 (lowest)		2		3		4		5 (highest)		Total
1	President White has a thorough grasp on all phases of her position/responsibilities.	0.00%	0	0.00%	0	0.00%	0	20.00%	2	80.00%	8	10
2	Rate President White on quality of work, i.e. errors, omissions, promptness.	0.00%	0	0.00%	0	0.00%	0	40.00%	4	60.00%	6	10
3	President White is a high volume producer and does more than expected or required.	0.00%	0	0.00%	0	0.00%	0	40.00%	4	60.00%	6	10
4	President White uses exceptionally good judgement when analyzing facts and solving problems.	0.00%	0	0.00%	0	0.00%	0	30.00%	3	70.00%	7	10
5	President White values input from her direct reports.	0.00%	0	0.00%	0	0.00%	0	40.00%	4	60.00%	6	10
6	President White is cooperative to work with.	0.00%	0	0.00%	0	0.00%	0	10.00%	1	90.00%	9	10
7	President White communicates effectively throughout the University.	0.00%	0	0.00%	0	0.00%	0	40.00%	4	60.00%	6	10
8	President White has exceptional decision making abilities.	0.00%	0	0.00%	0	0.00%	0	40.00%	4	60.00%	6	10
9	President White is a motivational leader.	0.00%	0	0.00%	0	0.00%	0	30.00%	3	70.00%	7	10
10	Rate President White on planning skills for future years.	0.00%	0	0.00%	0	0.00%	0	40.00%	4	60.00%	6	10

Showing rows 1 - 10 of 10

#	Field	Minimum	Maximum	Mean	Std Deviation	Variance	Count
1	President White has a thorough grasp on all phases of her position/responsibilities.	4.00	5.00	4.80	0.40	0.16	10
2	Rate President White on quality of work, i.e. errors, omissions, promptness.	4.00	5.00	4.60	0.49	0.24	10
3	President White is a high volume producer and does more than expected or required.	4.00	5.00	4.60	0.49	0.24	10
4	President White uses exceptionally good judgement when analyzing facts and solving problems.	4.00	5.00	4.70	0.46	0.21	10

#	Field	Minimum	Maximum	Mean	Std Deviation	Variance	Count
5	President White values input from her direct reports.	4.00	5.00	4.60	0.49	0.24	10
6	President White is cooperative to work with.	4.00	5.00	4.90	0.30	0.09	10
7	President White communicates effectively throughout the University.	4.00	5.00	4.60	0.49	0.24	10
8	President White has exceptional decision making abilities.	4.00	5.00	4.60	0.49	0.24	10
9	President White is a motivational leader.	4.00	5.00	4.70	0.46	0.21	10
10	Rate President White on planning skills for future years.	4.00	5.00	4.60	0.49	0.24	10

End of Report

Default Report

Atkins' survey

May 6, 2019 3:20 PM MDT

Q2 - General Comments:

General Comments:

Exceptionally committed and accesible leader; wants to hear from all members of her team; values honest and thoughtful input; comfortable making decisions; always has the best interest of students, staff and faculty in mind.

I personally have worked for six different presidents and Dr. White is at the top.

I have been thoroughly impressed with President Whites ability to successfully navigate a variety of challenging issues with diverse constituents.

An exceptional leader and manager who understands all aspects of higher education. She has earned the trust and respect of those who work around her, because of her expertise, knowledge and experience. She does a very good job of articulating her vision and justifying it with facts and follow-through. The University is fortunate to have president her insight and dedication.

End of Report

Question 1

Have you heard anything derogatory about President White in the past year?

No.

No.

No.

No. I hear positive comments about her vision and the way she connects with the local community. She is well connected and her ability to raise money has enhanced the viability of APSU.

No.

Some areas feel that she favors programs and areas over others because she promotes other areas over others. Others are concerned about the focus on enrollment without a focus on support for those students when they arrive.

No.

No

It's impossible to have everyone happy all the time. But I have heard nothing that is alarming.

No.

Question 2

What is your personal opinion of the overall performance of APSU for 2018-20189, which includes academics, athletics, positive marketing programs, and facility management for the future?

Overall, my opinion is high. As a trustee, the information that we get prior to meetings is well prepared. It makes the meetings go smoothly and efficiently.

Everything is going well. Our enrollment rate is up, which is a positive indicator. As a President, she does a great job of creating a strong team of empowered, capable, and motivated leaders.

I think it's excellent.

I think this is the most exciting era that I've ever experienced. We have a president that believes in athletics, developing facilities to bring in talent. All the things going on diversity wise, educationally, more online classes, attracting out-of-state students—we have employed novel approaches. I think the whole university is pulling together. We have more stakeholders than I have seen now. We have great professors and very capable students. Students feel positive about their education. The campus is in great shape. There is nowhere that you can look that Austin Peay's not shining. The enrollment and graduation rate is excellent, especially given the population that we serve. We educate all of TN, not a specific segment.

I think it is outstanding. It is a growing and solid operation. It seems that everything is being done quite well. Good balance and level of effort in all areas.

APSU has done a great job as far as recruiting students. On the public relations and admissions sides, they have worked hard to find students who may not think college is an option and bringing them to the campus. On the academic side, I think our retention could be better, especially at the 4-year retention. We can't lose sight of why we're here, which is to graduate students. We need more visibility amongst cabinet members to come and see what campus is actually like in a number of areas.

I think it has been outstanding. So many goals reached and improvement and growth. It has been outstanding in a number of areas. Leadership, talent that Dr. White brings into the university, athletics is on the rise and doing well. The overall health of the university in terms of enrollment is high.

Broadly speaking, in all areas, we are headed in the right direction and making progress in our strategic plan. In the area of student success, the priorities are exactly where they need to be and appropriate attention and resources are being devoted to that area; however, some changes have been made in some programs that directly impact student success without adequately assessing the likely impact of those changes. As a result, we have seen some negative results. That may be temporary and we will get back on track. We face challenges in student success given the fact that we serve a population that faces a more academic challenges. We can't use that as an excuse for not doing well, but use that to provide resources to help the students be successful. Initiatives are well-intentioned, but more care should be taken when making changes to ensure that we move forward rather than backward.

Their marketing is superb. They publish not only athletic events, but also academic achievements, music performances, and other areas of note. From what has been published, it has been another spectacular year.

Question 3

Do you have an opinion on President White's Strategic Plan as it is currently written? i.e. Can it be accomplished or does it need to be adjusted in certain areas, such as enrollment growth, degrees being offered or proposed to be offered?

I recommend it be adjusted. I think you have to be careful with a plan that calls for growth, for example. When we have growth, we have to consider all the things we need to support that growth, such as classrooms, housing, and other things. I would recommend that it be more realistic. Overall, I think we should adjust the targets.

I think it can be accomplished and don't see any issues with the plan.

I'm okay with the plan, although I think it is challenging, particularly with enrollment. I am complimentary of the way we have grown enrollment, but I think it will be an continuing challenge.

I think it is an aggressive plan. The goals that we set are necessary to move the needle. I think we have measures and long term goals. I think it is ongoing and is modified when necessary, which makes it far more effective.

Strategy is a path than it is a definite thing. I think the plan as written provides the parameters in which the organization can operate to produce excellent results. I like the plan because it clearly points that path forward without being too specific and gives you flexibility.

I know that diversity is a big component. I think diversity needs to be refined more to help target who you are actually looking to add to our campus. I think that would also help with retention.

It seems like we are on target on the goals within the plan. The new programs that we are adding are excellent.

I think it is a good, sensible plan that is achievable.

I think it is appropriate and it is a good set of goals to strive for.

I think it is good. They do a periodic assessment. We were updated at one of the board meetings where we were given highlights of the prior year.

Question 4

Overall on a scale of 1-5, 5 being the highest, how would you rate President White's overall performance at APSU for the 2018-2019 academic year?

5

5

5

5

5

I would say a 4, particularly because of some of the audit concerns regarding contracts and advertising positions.

5

5

4.5

5. She is a very inspirational leader, boundless energy. She leads from the front, has strict standards, and cares for students and Austin Peay State University overall.

Agenda Item: D.iii.

Date: June 7, 2019

Subject: Consideration of the Presidential Base Compensation, Performance Evaluation, and Incentive Plan for Fiscal Year 2019-2020

Action Recommended: Approval by Voice Vote

Background Information:

A Presidential Base Compensation, Performance Evaluation and Incentive Plan was developed last fiscal year. The plan aligns with the University's strategic plan. The revised plan will be used to set the base compensation for the president, evaluate the president and set an incentive amount for fiscal year 2019-2020.

Proposed Implementation Date: Fiscal Year 2019-2020

Item Details:

See the attached plan.



Austin Peay State University
Presidential Base Compensation, Performance Evaluation, and Incentive Plan
Effective for the Fiscal Year 2019-20 Performance Period

Presidential Base Compensation, Performance Evaluation, and Incentive Plan

I. Objectives of the Plan

1. The objectives of the Presidential Base Compensation, Performance Evaluation and Incentive Plan is to:
 - a. Motivate and reward achievement of performance goals aligned with the *APSU 2015 – 2025 Leading through Excellence Strategic Plan*; and
 - b. Enhance the University's ability to attract and retain an outstanding chief executive officer by providing competitive compensation.

II. Background Information for Base Compensation

1. It is the goal of the Austin Peay State University Board of Trustees to attract and retain an outstanding chief executive officer by providing competitive base compensation. An evaluation of the President's current salary has revealed that her compensation is significantly lower compared to other Presidents of peer institutions, identified as Tennessee State University, East Tennessee State University, Tennessee Technological University, Middle Tennessee State University, the University of Memphis, the University of Tennessee at Martin, and the University of Tennessee at Chattanooga.
2. An analysis of current benchmark peer presidential salaries reveals that the median salary of APSU's President is significantly lower. It is the intent of the Board of Trustees to raise the President's salary to the peer median within a reasonable period of time.

III. Methodology for Base Compensation

1. The President will receive a salary adjustment each year that funds are available to provide salary increases to faculty and staff. The first component is to provide the same performance adjustment percentage to the base salary that is provided to faculty and staff. Performance adjustments are described in the APSU Compensation Plan. The second component is to provide a market gap adjustment to bring the President's salary to the market median within a reasonable period of time as funds are available. Market gap is defined as the difference between the peer market median and current salary.

IV. Performance Period

1. The incentive period shall be a one year period from July 1 to June 30. The Chair of the Board of Trustees may extend or shorten the incentive period.

V. Eligibility

1. To be eligible for payment of the incentive amount, the President must be in active status on the day the incentive payment is approved by the Board of Trustees.
2. If the President's employment with the University terminates, either voluntarily or involuntarily, prior to the end of the incentive period, he/she will not receive any portion of the incentive amount except as follows:
 - a. If the President voluntarily terminates employment for medical reasons duly documented by a medical provider, the President will receive a pro-rata portion of the incentive amount if the Executive Committee of the Board of Trustees determines that the performance of the President, with respect to the strategic performance goals, was more than satisfactory during the completed portion of the incentive period.
 - b. If the termination of employment is by reason of death of the President, a pro rata portion of the incentive amount will be paid to the executor or administrator of his/her estate if the Executive Committee determines that the performance of the President, with respect to the strategic performance goals, was more than satisfactory during the completed portion of the incentive period.
 - c. The pro rata portion to be paid will be calculated on a monthly basis.
 - d. To the extent possible, the pro rata portion will be paid to the employee or administrator of the estate within thirty (30) days of receipt of satisfactory documentation and availability of data upon which to calculate the incentive payment.
3. The incentive payment is a one-time payment, and is not added to the employee's base salary.

VI. Methodology for Calculating the Incentive Payment

1. The performance incentive amount for the President will be based on six (6) criteria. Each criteria is weighted with the total points equaling one hundred (100). The six (6) criteria to be met for the performance incentive plan are detailed in Appendix A and are listed below:
 - a. Enrollment 15 points
 - b. Graduation Rate 15 points
 - c. Fundraising 15 points
 - d. Program Development 15 points
 - e. Athletics 15 points
 - f. Board of Trustees Discretion 25 points
 1. Leadership
 2. Culture of Excellence through Positive Relationships
 3. Employee Retention

VII. Maximum Incentive Payment

1. Based on the President's performance each year, the President shall be considered for a lump-sum incentive payment of up to ten percent (10%) of the President's base salary as of July 1 of the incentive period.

VIII. Amendment, Suspension, and Termination of the Plan

1. The Board of Trustees reserves the right to amend, suspend, or terminate the Plan at any time.

IX. General Provisions

1. Neither the Plan nor any payment under the Plan shall be construed to confer any right to continued employment with Austin Peay State University. The President serves at the pleasure of the Board of Trustees, subject to the terms of any existing written contract of employment between the parties.
2. Neither the Plan nor any payment under the Plan shall be construed to create a trust or to create in any security interest, in his/her personal representative or beneficiary, or other interests in any assets of Austin Peay State University.
3. All payments under the Plan are subject to all reporting, deductions, and withholdings required by applicable law or University policy, as amended, enacted, or adopted from time to time, including but not limited to deduction for debts owed to the University.
4. To the extent any part of the Plan fails to comply with applicable state or federal law or regulation, that part of the Plan shall not be effective.
5. The Plan will be reviewed by the Executive Committee every year. Proposed revisions will be brought before the full Board for consideration.

Appendix A:

APSU's Presidential Performance Evaluation

Enrollment	15 points
Graduation Rate	15 points
Fundraising	15 points
Program Development	15 points
Athletics	15 points
Board of Trustees Discretion <ul style="list-style-type: none">• Leadership• Culture of Excellence through Positive Relationships• Employee Retention	25 points

Enrollment: Enrollment includes activities that increase undergraduate and graduate full-time or part-time enrollment in the areas of traditional freshmen, dual-enrollment students, international students, online students, transfer students, military-related students, high performing students, and non-traditional students.

- Enrollment will be measured by a percentage for the following year fall enrollment with a goal of a 4 percent increase in headcount enrollment and has a proportionate increase in net tuition revenue in order to meet APSU's Strategic Plan for enrollment growth.
- If the President grows headcount enrollment by at least 4 percent and has a proportionate increase in net tuition revenue, then he/she will be eligible to receive the full 15 points for the evaluation. If the President grows headcount enrollment by less than 4 percent headcount enrollment (7.5 points) and has a proportionate increase in net tuition revenue (7.5 points), then he/she will be eligible to receive a pro rata portion of the 15 points for the evaluation.

Graduation Rate: Graduation rate is measured every six years by the Tennessee Higher Education Commission. Graduation rate is defined as those students who are first-time, full-time freshmen who enrolled in summer of 2012 and returned that fall, or enrolled in fall 2012 and graduated by spring or summer of 2018.

- Graduation rate will be measured by a percentage of growth with an increase of 2 percent in order to meet APSU's Strategic Plan.
- If the President increases the graduation rate by at least 2 percent, he/she will be eligible for the full 15 points for the evaluation. If the President increases the graduation rate by less than 2 percent, then he/she will be eligible to receive a pro rata portion of the 15 points for the evaluation.

Fundraising: Fundraising is defined as all cash donations and contributions made annually to the University and Foundation by non-governmental agencies and organizations.

- a. Fundraising will be measured by a 5 percent increase in the average dollars raised, based on a three year average. This is in line with the University's Strategic Plan.
- b. If the President increases annual dollars raised by 5 percent, then he/she will be eligible to receive the full 15 points for the evaluation. If the President has an increase in annual dollars that is less than 5 percent, then he/she will be eligible to receive a pro-rata portion of the 15 points for the evaluation.

Program Development: Program development is defined as the faculty development of new academic majors, concentrations and certificates, which require more than 24 credit hours, in alignment with the University mission and THEC master plan and their subsequent approval by the appropriate entities.

- a. Program development will be measured by the President establishing new majors for undergraduate and graduate programs, new concentrations for undergraduate and graduate programs, and new graduate certificates that exceed 24 credit hours in length.
- b. If the President is proactive in establishing new majors, concentrations, and graduate certificates that exceed 24 credit hours in length, then he/she will be eligible to receive the full 15 points for the evaluation.

Athletics: Athletics is based on maintaining a successful Division I Athletics program, which includes conference championships and high academic progress rate (APR).

- a. Athletics will be measured by at least one conference championship annually and maintaining an Athletics program that meets the APR as required by the NCAA.
- b. If the University wins at least one conference championship annually and maintains an Athletic program that meets the APR as required by the NCAA, then the President will be eligible to receive the full 15 points for the evaluation. If the University does not win at least one conference championship annually but maintains an Athletic program that meets the APR as required by the NCAA, then the President will be eligible to receive half (7.5 points) of the 15 points for the evaluation.

Board of Trustees Discretion: Board of Trustees discretion is based on leadership; creating a culture of excellence by maintaining positive relationships with the Board of Trustees, the community, and the state and local government; and employee retention.

- a. Board of Trustees discretion for leadership and culture of excellence will be measured by key stakeholder evaluations of the President that include evaluations conducted with

his/her direct reports, members of the Board of Trustees, other community officials or as directed by the Chair of the Board of Trustees.

- b. Board of Trustees discretion for employee retention has three parts. The first part will be compensation of faculty and staff and will be measured by achieving an increase in the total salaries at a percentage equal to or higher than the Higher Education Price Index (HEPI). The second part of employee retention is turnover rate. The third part of employee retention is diversity among employees.
- c. If the President receives at least a satisfactory evaluation in the Board of Trustees discretion criteria, then he/she will be eligible to receive the full 25 points for the evaluation. If the President receives less than a satisfactory evaluation, then he/she will be eligible to receive a pro rata portion of the 25 points for the evaluation.

Scoring of the Evaluation:

All points from the evaluation will be totaled. The points totaling a certain amount will receive a certain incentive percentage, which is based on a percentage of the President's base salary,

- a. Less than 75 points = 0% incentive
- b. 76 points to 84 points = 4% incentive
- c. 85 points to 94 points = 6% incentive
- d. 95 point to 100 points = 10% incentive

At the conclusion of the evaluation, a recommendation of the incentive amount and new base salary will be made by the Executive Committee to the full Board of Trustees. The Board of Trustees will approve the incentive amount and the President's new base salary.

2019-2020 Peer Institutions Salaries	
Institutions	Presidential Salary
UTM	\$309,500
TSU	\$322,520
TTU	\$345,864
UTC	\$353,568
ETSU	\$375,000
MTSU	\$400,000
UoM	\$444,075

APSU Presidential Salary	\$328,384
Proposed Increase to Peer Median	\$25,184
Proposed 2019-2020 Presidential Salary	\$353,568



APSU PHILANTHROPIST OF THE YEAR

WILMA NEWTON

Austin Peay alumna Wilma Newton recently retired from a successful career in healthcare administration. She worked in information technology and was the CFO of several hospitals. She earned a bachelor's degree in accounting from APSU in 1973. Now she is giving back to her alma mater through a transformative gift to fund significant renovations to the facility that will house the new William E. & Sadako S. Newton Military Family Resource Center. The facility, located at 426 College Street, will be named after her late parents. Newton's father, William, met her mother, Sadako, in Japan when he was stationed there as part of military efforts to reconstruct the country following the end of World War II. The center will provide seamless support to military-related students as they apply for admission, access financial aid, select their programs of study, register for their courses, progress toward graduation and secure employment after graduation.

Newton, along with her late husband Raymond Vares, previously decided to contribute to the University because of their appreciation for education and their family connection to the military. Newton's late father, husband, brother and several uncles all served in the military.

At APSU, about one in four students has a military connection, with more than 2,500 in attendance in each of the last three years. Assistance from staff with specialized knowledge and close attention to detail will help students stay on track with degree planning and maximizing their use of educational benefits. The center will house existing academic and support programs, which could include Veterans Upward Bound (VUB), VetSuccess on Campus (VSOC) and the Military Student Center (MSC), along with the satellite branches of the Office of Career Services, Admissions, the Office of the Registrar, and the Office of Student Financial Aid and Veterans Affairs.



GOVS WHO LEAD THROUGH MILITARY SERVICE AWARD

JACK TURNER

Jack B. Turner is a Clarksville native who entered the life insurance business in the 1970s. He is now a prominent community leader and faithful supporter of Austin Peay State University.

Hailed as a “visionary, patriot and leader” on many fronts, Turner has advanced the concept of “regional cooperation” throughout middle Tennessee. His leadership has fostered the creation of the Ajax Turner Senior Citizens Center, the Fort Campbell Historical Foundation, Leadership Middle Tennessee, the Jack B. Turner Foundation for Leadership Middle Tennessee and the Community Foundation of Middle Tennessee. He was also the founding president of Leadership Clarksville, an organization that brings nonpartisan leaders from the Clarksville, Montgomery County and Austin Peay communities together to exchange ideas and insights. Turner’s commitment to community service has extended to the U.S. Army’s famed 101st Airborne Division, 5th Special Forces Group, 160th Special Operations Aviation Regiment and other tenant units at nearby Fort Campbell. His connection to the military began in the period between the Korean War and the Vietnam War, when he was an artillery officer for six months. He later served seven years in the U.S. Army Reserve. As Civilian Aide to the Secretary of the Army, he serves as a liaison between the Secretary of the Army’s office, the community and the military. Since 2012, Turner has sponsored the CSM Darol Walker Award Ceremony and Breakfast at APSU to annually recognize one outstanding ROTC cadet while also honoring Walker, the retired vice president of Jack B. Turner and Associates Inc. and a retired command sergeant major in the Army.

Over the years, Turner served as an active member and former chair of the APSU Foundation Board of Trustees. He has also supported APSU through generous donations to several endowed scholarships and his involvement in the Red Coat Society, the Tower Club, Candlelight Ball, the Governors Club, the Govs Golf Classic and APSU Athletics. He received the Outstanding Service Award from Austin Peay in 1998.

Turner is often asked to speak at local, regional and national industry events. He is nationally recognized as a creative Estate and Business Planner. His authenticity and acumen have made Jack B. Turner & Associates a trusted resource for generations of Tennesseans and a blessing to the many charitable recipients of his clients’ generosity. In 2016, he received the Joe Kraft Humanitarian Award from the Community Foundation of Middle Tennessee. The award is given annually to a person who, like the late Joe Kraft, demonstrates a “commitment to community, home and hearth, and individuals in need.”



GOVS WHO LEAD THROUGH SERVICE

BEN KIMBROUGH SR.

Austin Peay alumnus Ben Kimbrough Sr. graduated from Austin Peay State University in 1951 with a bachelor's degree in business. Since that time, he has been a dedicated supporter of his alma mater. Only a few years after earning his degree, he co-founded The Tower Club, an organization intended to provide financial support to the University.

Kimbrough has served as a member and past president of the APSU Foundation Board of Trustees, a member of the APSU Foundation Investment Committee and past president of the APSU National Alumni Association. Additionally, he has supported Austin Peay through many generous contributions to the Candlelight Ball, the Woodward Library Society, the Mickey Fisher Golf Tournament and several endowed scholarships to benefit APSU students.

In May 2003, Kimbrough, along with his late wife Margaret, jump-started APSU's first capital campaign with a sizable pledge from the couple's estate, plus a large cash donation during the campaign.

An influential local businessman and philanthropist in the Clarksville community, Kimbrough is also a past president of the Clarksville Area Chamber of Commerce. His children, Martha Kimbrough Hopson and her late husband John, Ben Kimbrough Jr. and his wife Beverly, Bill Kimbrough and his wife Betsy, along with his grandchildren, are all distinguished leaders within the community as well.

In 2004, Kimbrough was honored with the Tennessee Board of Regents Award for Excellence in Philanthropy for his continual support of APSU. His efforts have helped create a thriving academic community at the University, which will continue to inspire and motivate future generations of APSU students.

Agenda Item: C.i.

Date: June 7, 2019

Subject: Review of Contracts and Agreements

Action Recommended: Information Only

Background Information:

The following constitutes a record of business transacted at the University since the previous meeting of the Board of Trustees under the authority of the Board Policy 1:024 (*Board of Trustees Delegation of Authority*), which grants the President authority to act for the Board regarding all matters concerning contracts and agreements between the University and an outside entity.

Item Details: See attached.

Agenda Item: C.i.

Date: June 7, 2019

Subject: Review of Contracts and Agreements

Action Recommended: Information Only

Background Information:

The following constitutes a record of business transacted at the University since the previous meeting of the Board of Trustees under the authority of the Board Policy 1:024 (*Board of Trustees Delegation of Authority*), which grants the President authority to act for the Board regarding all matters concerning contracts and agreements between the University and an outside entity.

Item Details: See attached.

Agenda Item: C.ii.

Date: June 7, 2019

Subject: Review of State Building Commission Actions

Action Recommended: Information Only

Background Information:

The following constitutes a record of business transacted between the University and the State Building Commission since the previous meeting of the Board of Trustees under the authority of the Board Policy 1:024 (*Board of Trustees Delegation of Authority*).

Item Details: See attached.



BOARD OF TRUSTEES



**Austin Peay State University
Summary of State Building Commissions Actions
February 1, 2019 through May 1, 2019**

<u>Date</u>	<u>SBC/Transaction Number</u>	<u>Project</u>	<u>Value</u>	<u>SBC Action</u>
February 14, 2019	166/003-05-2013	Fine Arts Improvements	\$21,300,000.00	Approval of a revision in project funding
April 11, 2019	373/003-07-2018	Kimbrough HVAC Replacement	\$2,250,000.00	Approval to award a contract to the best evaluated proposer for a Construction Manager/General Contractor (Codell Construction Company)

Information Item: C.iii.

Date: June 7, 2019

Subject: Appointment of LaNeeça Williams as Chief Diversity Officer/Title IX Coordinator

Action Recommended: Information Only

Background Information:

At the June 8, 2018, Board of Trustees meeting, the board approved a delegation of confirmation of the president's direct reports to be delegated to the board chair in order to facilitate the timely hiring of the individual selected. The board is being apprised of the selection of LaNeeça Williams as Chief Diversity Officer/Title IX Coordinator. Ms. Williams will begin at the University on July 1, 2019.

Item Details:

Ms. William's resume is attached.

LaNeeça R. Williams

Life Mission

My son was a victim of a senseless hate crime on November 5, 2010. The incident had a tremendous impact on my life. Since the incident, I have found that I believe that diversity, equality, and inclusion are permanently etched into my life work. It has truly become a passion. Every day, I work to ensure that people have fairness and equality in their workplace and school environment and that it transcends into the global world. I strive to educate others on the importance of humanitarian issues that exist around us.

I have also completed 45 hours toward a doctorate degree in Organizational Development and Leadership with an emphasis in Industrial and Organizational Psychology and plan to eventually complete the degree. My studies as well as my real life experiences have helped me to truly understand the importance of making sure that all campus members are treated with equality and fairness. My experiences have further expanded my working relationships in helping all people to work toward basic civility in the workplace but also to help improve the overall campus climate of the universities I have served.

Education & Skills

Masters of Science Degree

Family & Consumer Science/Specialization in Education— May 2008
Indiana State University, Terre Haute, Indiana

Bachelor of Science Degree

Child Development & Family Life—December 1999
Indiana State University, Terre Haute, Indiana

Professional Positions

Chief Diversity Officer, Interim Deputy IX Coordinator (Manage Diversity Resource Center)

*University of Evansville
August 2013-Present*

- Demonstrated ability to lead, coordinate and inspire individuals with different perspectives in a large and complex environment and to work collaboratively with faculty, staff, students, administrators and community partners.

- Act as the Chair the Diversity Supplier Programs Committee, Martin Luther King, Jr. Annual Lectureship, the Inclusion Committee and the Diversity and Equity Committees.
- Contribute to division and university-wide efforts of student enrollment and retention, and the assessment of student learning at UE.
- Implemented an alumni student mentoring program and training.
- Responsible for coordinating and guiding all efforts to define, understand, assess, foster and cultivate diversity, including developing and overseeing programs, services, and initiatives designed to enhance the recruitment and successful retention of faculty, staff, and students from diverse and under-represented population groups.
- Implemented a UE Fellows Scholars cohort program to help with recruitment and retention of domestic students of color which begin in the fall of 2016.
- Serve as liaison for all current Fellows Scholars.
- Serve as an internal resource and consultant, working collaboratively with multiple stakeholders in a politically sensitive context often complicated by the presence of competing perspectives or interests.
- Research, identify and implement best practices of equity, diversity and inclusion.
- Developed a weekly live Let's Talk Diversity at the university radio station, WUEV.
- Demonstrate ability to cross organizational and cultural boundaries with ease, adapting language and style to the context both in person and at a distance.
- Provide training opportunities for campus members that focus on non-discriminatory and equitable working environments.
- Conducted Title IX intakes and investigations.
- Active participant on the President's Cabinet and with the Board of Trustees' standing committee on diversity.
- Demonstrate judgment, analysis and decision-making skills.

***Director of Affirmative Action/Equal Employment Opportunity & Campus Diversity
(Manage Campus Diversity Resource Center)***

Colorado State University-Pueblo

August 2009-May 2013

- Coordinate, with the President and general Counsel, compliance with federal, state, and campus policies and regulations relating to nondiscrimination and affirmative action, including, Title VII of the Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972, as amended. Meet affirmative action reporting requirements.

- Conduct investigations of formal complaints from intake to final written report, utilizing the university equal opportunity discrimination complaint procedures in order to meet federal, state and university compliance guidelines whenever possible, informally resolves complaints through mediation, negotiation and other conflict resolution techniques. Recommend policy and procedural changes resulting from complaints filed.
- Monitors, evaluates and recommends improvements in the University's compliance with equal opportunity and non-discrimination laws, guidelines, and policies to ensure that employment practices and contracting arrangements are in compliance.
- Provide leadership and technical assistance to departments to insure that recruiting of faculty and academic staff is carried out fairly, equitably and in compliance with applicable policies and procedures. Conduct innovative outreach and support recruitment strategies to successfully employ and retain a workforce reflective of changing demographics.
- Work with Director of Human Resources to coordinate and monitor University compliance with the American with Disabilities Act (ADA), including efforts to provide access to campus facilities and programs, and advice for any accommodation issues.
- Implemented and constructed Campus Climate Survey for employees.
- Implemented the Universities first online training module for Preventing Sexual Harassment.
- Conduct Sensitivity/Civility Training/Workplace Discrimination and Preventing Sexual Harassment with several on campus departments in order to meet compliance guidelines and to eliminate discriminatory behaviors.
- Co-wrote Religious Observance Policy for student, faculty, and staff members to implement for campus members planning to be absent from work or classes due to a religious observance.
- Provide administrative leadership for developing and implementing programs and events for the Diversity Resource Center which serves as a primary resource to Colorado State University-Pueblo for students who self identify as African American, Asian American, Hispanic American, Native American, and/or multiracial.
- Develops, manages and oversees the budget for the AA/EEO office and the Diversity Resource Center. Oversees all relevant expenditures and ensures compliance with University policies and procedures, and ensures a balanced budget for the office and the center.

Director of Affirmative Action/Equal Employment Opportunity & Student Conduct
Colorado State University-Pueblo
February 2008-July 2009

- Accepted, evaluated, investigated, adjudicated and set sanctions (up to and including expulsion) for cases of misconduct in accordance with appropriate University policies and processes.
- Served as Hearing Officer for possible referrals involving student organizations, coordinating investigations of alleged misconduct by student organizations.
- Maintained records and files of disciplinary cases in keeping with applicable University policies and state/federal laws.
- Conducted regular follow-up with all student violators who have not completed assigned sanctions, and place administrative holds on accounts when appropriate.
- Assisted students, professional staff, faculty and parents/guardians by educating them on the student judicial process, Student conduct Code and the University philosophy on student success.

Interim Director of Diversity & Affirmative Action

Indiana State University

June 2006-January 2008

- Provided leadership for the work of the President's Commission for Enhancement of Diversity Resources in coordinating, promoting and delivering educational programs which promote diversity and advocate a fair and equitable environment on campus and in the community.
- Developed and implemented projects, programs, and strategies to enhance the recruitment and retention of a diverse campus of a diverse campus and conducted web-based and other research in order to meet compliance guidelines and fulfill the university's strategic goal of increasing diversity.
- Collaborated with the Department of Women's Studies and African American Studies, African American Cultural Center, International Student Affairs Office, Disability Support Services Office and related offices and when appropriate refer students, staff, and faculty seeking advice on non-affirmative-action issues.
- Provided recommendations to staff and faculty members needed to approve new hires.
- Managed the Office of Diversity and Affirmative Action.

Assistant Director of Diversity & Affirmative Action

Indiana State University

June 2004-June 2006

- Conducted Sexual Harassment Prevention and Prevention Employment Discrimination training for faculty and staff members of the entire campus.
- Implemented and supported several campus/community diversity initiatives and urbanized a rich resource database for diversity initiatives to distribute campus-wide.
- Played key role in developing resources and infrastructure that support diversity program initiatives and developing ways to become a resource to the local Community.
- Worked directly with campus groups in coordinating Strategic planning of diversity programs and expand and track the present ISU diversity inventory.
- Prepared office financial reports and client complaint intake files for director.

Adjunct Faculty

Family & Consumer Science, Indiana State University (Fall 2001-Spring 2008)

Women's Studies/Social Sciences, Colorado State University-Pueblo (Fall 2009-Fall 2012)

Social Responsibility, University of Evansville (Fall 2014-present)

- Attained knowledge of and commitment to teaching strategies and methods, which enhance student success at each University
- Demonstrated effective oral and written communication skills and ability to teach the courses or perform the duties effectively as described by Chairperson.
- Communicated well with students of diverse academic, ethnic, socioeconomic, and cultural backgrounds, including students with disabilities.
- Cooperatively worked with other faculty members and students.
- Developed Women's & Chicano's Studies Course, *Women of the Civil Rights Movement* in 2010.
- Developed *Anti-Bias Education and Training* course for Social Responsibility/ChangeLab at UE, Fall 2014.
- Developed *Diversity on Campus* course for ChangeLab at UE, Fall 2018.

Executive Director,

Minority Health Coalition of Vigo County, Inc. (Non-Profit Organization)

July 1998-May 2004

- Held key responsibility in this small business for helping facilitate health workshops and sessions with Latino and African American populations.
- Served as liaison for state agency in business and programming negotiations for long range implementation.

- Attained certification in Chronic Disease Self-Management as a Facilitator from Stanford University.
- Initiated multiple joint program ventures and served as liaison for city officials, community leaders, and local as well as state agencies.
- Handled administrative functions for the Board of Directors, assisted in preparing contracts and grant proposals with efforts totaling over \$500,000.

University Committees

- President's Strategic Staffing Committee Member, UE, August 2018-present
- Academic Cabinet Member, UE, August 2018-present
- President's Cabinet Member, UE, August 2014-August 2018
- UE Board of Trustees' Standing Committee on Diversity
- Student Success Team, UE, 2014-present
- University's Equity and Minority Issues Committee, UE, 2013-present
- University's Administration Prioritization Committee, UE, 2013-2014
- UE Inclusion Committee, Chair, August 2015-present
- UE MLK Jr. Lectureship Committee, Chair, August 2014-present
- University's Retention Task Force Member, CSU-P, 2012-2013
- University Faculty Grievance Panel Member, CSU-P, 2012-2013
- University Co-Title IX Coordinator, CSU-P, 2011-2013
- Gender Equity Advisory Board for Athletics, CSU-P, 2010-2013
- University's Board on Diversity & Equality, CSU-P, 2008-2013
- Title IX Accreditation Committee Member for Athletics, ISU, 2007-2008
- President's Commission for Diversity & Equality, ISU, 2004-2008

Community Committees

- Member of Leadership Evansville, Class of April 2018
- YWCA Evansville, Board Member, April 2017-present
- Carver Community Center, Board Member, March 2015-August 2017
- Mayor of Evansville, Citizen's Advisory Committee, March 2014-January 2015
- City of Evansville, Diversity Speakers Series Committee, December, 2014-present

Computer Knowledge

Microsoft Word, Excel, Access, PowerPoint, University Banner System, PREZI, Movie Maker, AIS System (Colorado State University-Pueblo)

Presentations

- "A Safe and Respectful Learning Environment," 6th Annual Dialogue on Diversity Conference, Bellarmine University, April 2018.
- "Safe Space: Coddled Students or a Liberal Assault on Other Students, or an Equitable and Inclusive Movement?" UE Faculty Convocation, August 2017.

- “The New Black,” 43rd Annual Indiana Consortium of State and Local Human Rights Agencies/NAHRW Joint Training Conference, June 23, 2016.
- “Understanding Why Everybody is Bias,” 5th Annual Dialogue on Diversity Conference, Bellarmine University, April 1, 2016.
- “The Race Effect on the Wage Gap,” YWCA Equal Pay Day Speaker, April 14, 2015.
- “Mixed: Misunderstanding the Hybrid Phenomena,” Andiron Lecture Series in Liberal Arts and Sciences at the University of Evansville, December 3, 2014.
- “My Passion: Goal Eradicate Hate,” Evansville African American Museum, October 2013.
- “Losing Ground,” A new study by I-News Network at Rocky Mountain PBS shows that economic and social indicators for minority populations in Colorado are sliding backwards, to levels below the 1960s. Panel Member, March 2013.
- “Emotional Intelligence the Other Kind of Smart: Developing Social and Personal Competencies in Leadership Development,” Student Leadership Experience Program, CSU-Pueblo, January 2013.
- “Cognitive-Behavioral Educational Workshop to Combat Sexual Harassment in the Workplace,” presented to Resident Assistants at CSU-Pueblo, October 2012, January 2013.
- “Why Women Matter,” panel member for diverse women leaders in Pueblo, Colorado for The White House Project Training, October 2012.
- “Diversity, Social Responsibility and Student Outcomes,” presented to CSU-Pueblo, General Education Board, March 2012.
- “Developing Diverse Learning Environments in Relation to Multicultural Experiences: Our Commitment to Our Diversity Goals,” presented to the Career Center Professional Association of Colorado, November 2010.
- “Hate Crimes and Bullying: A Mother’s Personal Experience,” presented to Pueblo Community College, November 2010.
- “Diversity in the Workplace,” presented to Goal Academy, District 60, September 2009.
- Coordinator and Presenter at “Unstoppable Conference,” June 2008.

Memberships

- Golden Key International Honor Society Member, April 2012
- National Association of Diversity Officers in Higher Education Member, February 2012
- Academic Management Institute Member, Women Leaders of Colorado in Higher Education, Academic Year 2010-2011
- Phi Upsilon Omicron, National Honor Society, March 2005

Trainings & Certifications

- Completion of Civil Rights Investigator Certification Training, ATIXA, August 2016

- Safe-Zone Training, UE, November 2013
- Completion of the Association of Title IX Administrators (ATIXA) Title IX Investigator Training School, February 2012- December 2015
- Completion of Civil Rights Investigator Certification Training, ATIXA, February 2012
- Certified in Mediation Coursework Completed, Colorado State University, March 2012
- Completion of the Hispanic Association of Colleges and universities Leadership Institute, October 2011
- Mountain States Employees Council Investigations in the Workplace Training, September 2009
- Supervisory Training Certification, Indiana State University, January 2005

Awards

- Leadership of Evansville, Nominated for 24th Annual Celebration of Leadership “Leadership in Education,” March 2019
- University of Evansville, Changees Award Winner, Fall 2018
- University of Evansville, Dean of Students Leadership Award, Student Organization Advisor of the Year, 2016-2017
- YWCA (Pueblo, CO) “Women of Excellence,” nominee for Overcoming Adversity, May 2013
- Colorado State University-Pueblo, Campus Advisor of the Year, April 2010
- Indiana Minority Health Coalition, Executive Director of the Year, May 2004

Volunteer Experiences

- Mayor’s Citizen’s Advisory Committee-Evansville
- Carver Community Center-Evansville
- Evansville African American Museum
- Special Olympics Basketball Coach-Terre Haute
- YMCA Youth Basketball Coach-Terre Haute
- Boy & Girls Club Basketball Coach-Terre Haute
- United Way of the Wabash Valley Funding Distribution Committee
- Authored two 501(c)3’s for two separate non-profit organizations.
- Organization Advisor to Black Student Union (UE)
- Organization Advisor to Amnesty International (CSU-P)
- Organization Advisor Black Student Organization (CSU-P)
- Organization Advisor to PRIZM—LBGTQA Student Organization (CSU-P)
- Organization Advisor to Soul-Stepper Dance Troupe (CSU-P)
- Advisor to the NAACP College Chapter (ISU)
- Organization Advisor to the Sigma Gamma Rho Sorority (ISU)