



**Middle Tennessee State University
Board of Trustees**

Winter Board Meeting

Tuesday, December 10, 2019
1:00 p.m.

AGENDA

Call to Order

Pledge of Allegiance

Introduction of Student-Veteran

Welcome and Opening Remarks

Roll Call

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September 18, 2019 Regular Session Board Meeting

Academic Affairs, Student Life, and Athletics Committee Report..... Tab 2
and Recommendations
1. Tenure and Promotion
2. New Policy
a. Policy 90 Athletics Integrity and Conduct of Athletics Staff

Audit and Compliance Committee Report and Recommendations Tab 3
1. Policy Revisions
a. Policy 10 Ethics and Code of Conduct

Finance and Personnel Committee Report and Recommendations Tab 4
1. Compensation Plan Allocations
2. 2019-20 October Revised Budget

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President's Report

Closing Remarks

Adjournment



**Middle Tennessee State University
Board of Trustees**

**Action Item
Voice Vote**

DATE: December 10, 2019

SUBJECT: **Minutes of September 18, 2019
Fall Quarterly Board Meeting**

PRESENTER: Chairman Steve Smith

BACKGROUND INFORMATION:

Approval of minutes of September 18, 2019 Fall Quarterly Board Meeting

MIDDLE TENNESSEE STATE UNIVERSITY
BOARD OF TRUSTEES
MINUTES

The Middle Tennessee State University Board of Trustees met on September 18, 2019, in the Miller Education Center Meeting Room at Middle Tennessee State University.

Call to Order and Pledge of Allegiance

Board Chair Steve Smith called the meeting to order at 1:00 p.m. Lt. Gen. Keith Huber led the Pledge of Allegiance.

Introduction of Student Veteran

Gen. Huber introduced Sgt. Corbitt Huseh who served in the Marine Corp from January 2010 until January 2015. He was deployed to Afghanistan from March 2011 until October 2011. Sgt. Huseh was with U.S.M.C. 1st Battalion, 5th Marines in the Helmand Province. He was engaged in combat operations against a very aggressive enemy where 18 were killed in action and over 200 were wounded. After serving five years in the Marine Corps, he and his wife Marie decided to return to middle Tennessee. It was his wife who first mentioned that he should go to MTSU because they welcome veterans and support veteran families in transition. Sgt. Huseh achieved his Bachelor's degree at MTSU in less than three years, continued with his Masters in Exercise Science, and is currently a doctoral student working on his Ph.D. His point of research is post-traumatic stress and the relationship between sleep patterns and physical activity. Sgt. Huseh agreed that MTSU provided needed support for veterans. While working on his bachelor's degree he stated that he participated in an underwater treadmill study of individuals with spinal cord injuries. Having been involved in that research project, he decided research is what he wanted to pursue, and that he had become passionate about the research participants they were helping. He stated that during the time while pursuing his masters and doctoral degrees, the suicide rate in his unit was twice the number killed in action. He realized he was in a unique situation where he could effect change through research. He then began to concentrate on

veteran-centered research in PTSD and physical activity, working closely with the VA. He stated that MTSU is a place where you can not only succeed, but excel. He closed his remarks by thanking the Daniels Center staff, Gen. Huber and Dr. Miller, and the Board for their support.

Welcome and Opening Remarks

Chairman Smith welcomed those present to the meeting of the Board of Trustees.

Roll Call

The following trustees were in attendance: J.B. Baker, Thomas Boyd, Pete DeLay, Samantha Eisenberg, Darrell Freeman, Sr., Joey Jacobs, Mary Martin, Stephen Smith, and Pamela Wright. Trustee Chris Karbowski was unable to attend. A quorum was declared. President Sidney A. McPhee; Alan Thomas, Vice President for Business and Finance; Mark Byrnes, University Provost; Joe Bales, Vice President for University Advancement; Andrew Oppmann, Vice President for Marketing and Communications; Bruce Petryshak, Vice President for Information Technology and Chief Information Officer; Deb Sells, Vice President for Student Affairs and Vice Provost for Enrollment and Academic Services; Brenda Burkhart, Chief Audit Executive; Heidi Zimmerman, University Counsel and Board Secretary; and, Kim Edgar, Assistant to the President and Chief of Staff were also in attendance.

Election of Board of Trustee Chair and Vice Chair

Chairman Smith stated that it is required by statute that the Board elect a Chair and Vice Chair and that they serve two years. The floor was opened for nominations for Chair. Trustee Martin nominated Trustee Smith for Chairman and Trustee Baker seconded the motion. There were no further nominations. With no additional nominations, Trustee Smith was re-elected Chairman by unanimous consent.

The floor was then opened for nominations for Vice Chair. Trustee Wright nominated Trustee Freeman for Vice Chair and Trustee Delay seconded the motion. There were no further nominations. A voice vote was taken and Trustee Freeman was re-elected as Vice Chair. Chairman

Smith and Vice Chairman Freeman thanked everyone for their support and the opportunity to continue serving.

Approval of Minutes – Action

The first agenda item was approval of the minutes from the June 18, 2019 Board meeting. Trustee Freeman made the motion to approve the minutes from the June 18, 2019 meeting, and Trustee Delay seconded the motion. A voice vote was taken and the motion to approve the minutes from the June 18, 2019 meeting of the Board passed.

Committee Report: Academic Affairs, Student Life, and Athletics

Committee Chair Pamela Wright gave the report from the September 4, 2019 meeting of the Academic Affairs, Student Life, and Athletics Committee. The meeting began with approval of the minutes from the May 29, 2019 meeting. The Committee report contained two (2) action items to be considered and voted on by the Board, and one (1) information item. Materials outlining these actions were made available for review prior to the Board meeting and were contained in the Board notebooks.

Consideration of New Academic Program Degree: Bachelor of Science in Data Science – Action

This program prepares individuals to design and manage the construction of databases and related software programs and applications, including the linking of individual data sets to create complex searchable databases and the use of analytical search tools.

Revision to Policy 501 Residency Classification – Action

The proposed changes reflect Public Chapter 80, which requires that universities classify the spouse or dependent child of a service member as in-state for tuition purposes if the service member is transferred out-of-state on military orders. Specific criteria are enumerated, including that the spouse or dependent: had to have been accepted to the university; initially classified as in-state prior to the transfer out-of-state; enrolled during the term initially accepted; and, maintain continuous enrollment.

The two action items brought before the Committee were approved unanimously.

Athletics Department Update - Information

Statistics were provided on student athletes' recent academic success. There was also an update on the 2019 summer committee's work on a policy concerning conduct and risk management for athletics staff; a statement on conduct for athletics staff; and a student-athlete dispute resolution process. These proposals have been submitted to the President for consideration.

Motion

Chairperson Wright made the motion to approve these action items as recommended by the Committee, and Trustee Freeman seconded the motion. A voice vote was taken and the motion to approve all action items passed.

Trustee Freeman asked about the status of identifying the first African-American student participating in sports at MTSU in order to possibly recognize him/her at an upcoming event. Chris Massaro stated that he is working on this. Trustee Freeman stated it would be good to have that individual or group of individuals back on campus to recognize them. Trustee Boyd mentioned that he was told that the first African-American football players at MTSU were Harold Stevenson and J.W. Harper, who started school in 1969.

Chairman Smith introduced Tom Boyd as the newest Board member.

Committee Report: Audit and Compliance Committee

Trustee Boyd provided the report for the Audit and Compliance Committee in the absence of Committee Chair Karbowski. The Committee met on August 20, 2019 with the first item on the agenda being approval of the minutes from the May 29, 2019 meeting. The Committee report

contained one (1) action item to be considered and voted on by the Board, and three (3) information items. Materials outlining these actions were made available for review prior to the Board meeting and were contained in the Board notebooks.

Internal Audit Annual Comprehensive Report – Information

Tennessee Code Annotated § 49-14-102, along with the Board of Trustees Bylaws and Policy on Board Committees, require that an annual comprehensive report on the internal audit function be submitted for the Committee's review. MTSU Policy 70 Internal Audit, Section VII.C. requires approval by the Committee of the coming year's audit plan. The Internal Audit Plan for Fiscal Year 2020 was presented to the Committee as part of the annual report and was approved.

Results of External Reviews - Information

The Tennessee Department of Finance and Administration, Office of Criminal Justice Programs, conducted an on-site financial monitoring review and a program monitoring review on June 6, 2019 of the Victims of Crime Act (VOCA) funding with a current year maximum liability of \$58,196. Two reports were issued. There were no findings in the financial monitoring review. The program monitoring review contained five (5) findings. Management implemented corrective action and the respective agencies agreed the corrective action adequately addresses the findings and is in compliance.

On July 30, 2019, the Office of the Comptroller of the Treasury released an investigative report concerning the MTSU Office of International Affairs. The report concluded that a former international recruiter misappropriated funds totaling at least \$39,750 and that he submitted other questionable documentation totaling at least \$5,010. The matter was referred to the Rutherford County District Attorney for criminal prosecution. Management has taken corrective action by requiring stricter review of international recruiters' travel. The Business Office requires direct payment of expenses with vendors when possible, and cash advances require justification of the expenses that require cash payments.

Office of Compliance and Enterprise Updates - Information

Gené Stephens, Assistant Vice President, Compliance and Enterprise Risk Management, provided three (3) updates from her office concerning Compliance and Risk Management Program Effectiveness – DOJ Measurements and Evaluation; Healthcare and HIPAA Compliance – University Pharmacy and Other Offices; and, European Union General Data Protection Compliance and International Partnerships.

The public meeting of the Committee adjourned, and the Committee went into executive session to discuss risk assessments, audits, and investigations.

Risk Assessment Reporting – Action

The Committee reconvened in public session for the final action item, Risk Assessment Reporting, presented by Ms. Stephens. Section 9-18-104 of the Financial Integrity Act requires institutions of higher education to prepare and provide a management assessment of risk to the State of Tennessee's Commissioner of Finance and Administration and to the Comptroller of the Treasury by December 31, annually. For 2019, the Divisions of Student Affairs, University Advancement, and Marketing and Communications performed and provided risk assessment reporting. In addition, a risk assessment report was completed detailing university-wide risk and control activities. Similar to MTSU's risk assessment reporting of 2018, the risk assessment documents are designated as confidential and were discussed in the non-public executive session of the Committee. The risk assessment reports were presented to the Committee for approval prior to the reports' submission to the State, as required by law.

The action item was approved unanimously by the Committee.

Motion

Trustee Delay made the motion to approve the action item and Trustee Baker seconded the motion. A voice vote was taken and the motion to approve the action item passed.

Committee Report: Executive and Governance Committee

Trustee Freeman provided a report for the Executive and Governance Committee which met on September 18, 2019. The minutes from the March 18, 2019 Committee meeting were reviewed and approved. The report contained one (1) information item.

Board Self-Evaluation - Information

MTSU's accrediting body, SACSCOC, requires a governing board to define and regularly evaluate its responsibilities and expectations pursuant to Standard 4.2.g. As evidence of compliance with that standard, SACSCOC recommends a regular board self-evaluation. An online, anonymous evaluation was provided to the trustees in January.

Chairman Smith asked whether there was a 100% response rate to the survey, with all trustees responding. Dr. McPhee responded that the survey information shows a 100% response rate.

Committee Report: Finance and Personnel Committee

Committee Chair Joey Jacobs provided the Finance and Personnel Committee report. The Committee met on September 4, 2019 and approved minutes from the May 29, 2019 Committee meeting. The report contained three (3) information items and one (1) action item. Materials pertaining to the Committee meeting were made available for review prior to the meeting and were included in the Board notebooks.

Budget Development and Compensation Timelines – Information

Mr. Thomas provided the Committee with an explanation of the timeline related to the University's annual budget process. The process starts in August each year for the following fiscal year, beginning with a request from the Tennessee Higher Education Commission (THEC) for various data elements in the areas of finance, physical facilities, and enrollment. A calendar timeline was included in the Board materials for a typical budget process. This timeline will be used to develop the FY 2020 – 2021 budget. The budget process and timeline can be affected by outside agencies such as THEC, other state governmental agencies, and the State Legislature. It

was also noted that the budget process overlaps from one year to another which requires the University to work on multiple fiscal year budgets at any given time.

Policy Revisions – Action

Revisions to three (3) policies were considered by the Committee.

Policy 101 Minors Participating in University Sponsored Programs or Programs Using University Facilities

Provisions are proposed for clarity as concerns: the supervision of minors (Section IV.A.5.); only minors registered as participating in a program being allowed to be present during that program (Section IV.A.12.e.); a prohibition against propping residence hall doors open (Section IV.A.12.h.); and an Enforcement section added to provide consequences for violation of the policy (Section V.).

Policy 620 Campus Master Plan

Revisions are proposed to change “Campus Facility Master Plan” references to “Campus Master Plan” to mirror THEC policy F.4.1 Nomenclature. The title of the policy was also changed to “Campus Master Plan”.

Policy 622 Acquisition and Disposal of Real Property

The proposed revisions change acquisition property title to be in the name of “State of Tennessee” rather than the “MTSU Board of Trustees”. The property acquisition or disposal submittal request was revised to be from the University and not from the State of Tennessee Real Estate Asset Management Division.

Capital Projects Update - Information

Bill Waits, Assistant Vice President for Campus Planning, provided updates and timelines on the Academic Classroom Building and the School of Concrete and Construction Management projects. Joe Whitefield, Assistant Vice President for Facilities Services, provided an update on

current capital maintenance projects.

Classified Employee Grievance Annual Report - Information

The Classified Employee Grievance Annual Report was presented by Kathy Musselman, Assistant Vice President for Human Resources. In accordance with T.C.A. § 49-8-117, each state university board, “shall provide an annual report to the education committee of the Senate and the education committee of the House of Representatives summarizing grievance activities of the previous year.” Classified staff who are demoted, suspended, or terminated for cause are notified of their rights to appeal the employment action. If the employee starts the grievance process, the outcome of the grievance must be reported to the Senate and House education committees. The report provided for fiscal year July 1, 2018 - June 30, 2019 indicated that there were no grievances filed for this time period.

All action items before the Committee were approved unanimously. Trustee Jacobs thanked Alan Thomas, Bill Waits, Joe Whitefield, and Kathy Musselman for their many contributions to the Committee.

Motion

Trustee Freeman made a motion, seconded by Trustee DeLay, to approve the action items recommended by the Finance and Personnel Committee. A voice vote was taken and the motion to approve all action items passed.

Campus Safety - Information

Mr. Thomas reported that campus safety is always the number one priority for the entire campus community. He introduced Buddy Peaster, Chief of Police, to present information on safety updates and initiatives.

Chief Peaster reported that the MTSU University Police Department has 45 sworn officer positions, 11 civilian positions (dispatch, clerical, accreditation), and 20-25 part-time student

employees, as well as working with dozens of officers from other agencies (contract officers). The Department is certified and is recognized as a police agency, like any other agency in Tennessee. They have arrest powers, but also provide a service. The Department is divided into patrol, investigations, community policing, training, and communications sections. There is also an individual who works with victims as an advocate. The Department mission statement is about providing excellent, professional law enforcement services to the campus community.

Peaster, with 34 years of experience working with a campus police department, said that he feels privileged and honored to work with his staff because they are some of the best, most conscientious, capable, reliable, and hard-working people in law enforcement that he has ever been around. He said they sometimes fly under the radar, but that can be a good thing.

Chief Peaster highlighted some of the Department's accomplishments. In May, the Department was accredited by the Commission for Accreditation for Law Enforcement Agencies (CALEA), the most prestigious and hardest accreditation for law enforcement agencies to achieve, not only in Tennessee but across the nation. It is an international group stretching from Mexico into Canada. MTSU is the third university in Tennessee accredited through CALEA.

The Department introduced technological improvements including a video security system over the past couple of years that uses cameras across campus. This provides actionable information providing leads for cases, identification of suspects, and assistance with other civil matters. They are also heavily involved in social media since the core demographic at MTSU are students who are involved in social media. This provides the Department one way they can reach out to inform the campus. A number of emergency call boxes have been installed, with more scheduled to be added, so people can speak directly to police dispatch if they have an issue or a problem. They are the first and the only agency in Rutherford County to have body cameras. Patrol rifles were added to their weaponry years ago, helping them be prepared to respond to mass casualty incidences. The Department was one of the first in the county to provide ballistic vests designed to be worn by officers outside their uniforms, allowing them to maintain equipment on their vests rather than their belts. The Department has implemented prevention measures such as officers carrying Narcan, epi-pens, tourniquets, and AEDs. MTSU officers have saved people's

lives using CPR. Because police officers are often the first responders to arrive at an emergency, it is important that they be well trained and well equipped.

Programming has been expanded over the years. Rape Aggression Defense program is provided, designed for women to make sure they are aware and have tools at their disposal if they were ever assaulted or attacked. There are dedicated community policing officers that work throughout housing on campus. An MOU with the City of Murfreesboro helps with some of the violent crimes in surrounding apartment complexes. The officers continually train, including active shooter response and management with the city police and county sheriff's offices.

Within the last three or four years they have been awarded two grants, one for victim services with an advocate for sexual assault victims. This advocate has been able to expand her role to deal with any sort of violent crime victim. The Department now has a domestic violence sexual assault investigator who works with other departments across campus that deal with victims of these crimes. A crime suppression unit and a drug K-9 position were created to identify suspicious activity, offenders, and deal with low-level crimes before they take hold and begin to develop. Lastly, the types of patrols have increased as the Department has partnered with other agencies, particularly trying to be more present and available during Fall and Spring semesters and during the evening hours.

Chief Peaster explained that the Department fully complies with the Clery Act, a federal law that requires colleges and universities to report crime statistics. Additionally, every month statistics are provided to the TBI which uses the information for their crime reporting for universities and colleges in Tennessee.

Chief Peaster expressed his pride and appreciation for the job being done by the Department in keeping the campus safe. He explained that staff works every day, around the clock, doing an exceptional job.

Trustee Eisenberg asked Chief Peaster how call box installations are prioritized. He replied that there is a task force that looks at various factors, such as where crimes are reported, ADA issues, accessibility, and funding in order to produce a list. They currently have nine additional locations pinpointed and will be adding the call boxes as funds become available. Trustee Eisenberg

thanked Chief Peaster and commended the Department on their proactive work and resourcefulness.

Dr. McPhee added that there is a narrative about an increase in violent crime on campus. He asked Chief Peaster if there has been a significant increase. Chief Peaster replied that the Clery Act statistics cover three-year periods which makes it a little difficult to put together a complete analysis. However, he reported that they have seen statistics stay stable or even decrease over time.

Trustee Baker asked if MTSU's Police Department has the legal authority to pursue active events off campus. Chief Peaster replied yes, that if they have a warrant on anyone in Tennessee, they could apprehend a suspect, and they do assist Murfreesboro Police Department many times.

Bahamas Relief Efforts

Trustee Freeman spoke about the efforts Dr. McPhee has been leading for hurricane relief to the Bahamas. He said it has been very rewarding to watch his leadership in action. Trustee Freeman has seen the positive impact that Dr. McPhee's efforts have provided to the people in the Bahamas.

Report of the Board Secretary

Ms. Zimmerman reported that Policy 641 Student Fees – Incidental Charges and Refunds had a minor revision as shown in the meeting materials. She further stated that the Public Records rule the Board approved at a prior meeting became effective June 2, 2019, and that the three rules approved at the last meeting of the Board: Residency Classification; Traffic, Parking and Safety Enforcement; and Academic Misconduct, became effective on August 15, 2019. MTSU currently has four rules that are effective.

Report of the President

Enrollment

Dr. McPhee shared news for Fall 2019 enrollment, that the entering class of 3,259 new freshmen is the largest since 2011. This is an increase of 413 such students compared to last year, an increase of about 14%. New transfers are up by 4.2% over last year. The entering class of new undergraduate students, 5,393, is the largest since 2011 when 5,706 total new undergraduates enrolled. The ACT average for the Fall 2019 Freshman class is 23.34, surpassing last year's record-setting freshman ACT average of 22.87. The average high school GPA for the Fall 2019 freshman class is 3.54, surpassing last year's freshman class average GPA of 3.49. This will also be the largest entering class of new transfers (2,048). The top six feeder institutions for transfer students to MTSU are: Motlow State (1,861 students); Columbia State (933 students); Nashville State (814 students); Volunteer State (723 students); Pellissippi State (264 students); and UT Knoxville (252 students). Total transfer students enrolled (10,474) represent 53.82% of the total student population. Based on THEC data, MTSU is the #1 choice for Tennessee Promise students. This will also be the largest class of dual enrollment students (1,221) across the state. Overall, the undergraduate population (19,461 students) equals 89.6% of total enrollment and the graduate population (2,260 students) equals 10% of total enrollment. This represents an increase of .4% in total overall enrollment. THEC has not yet provided an official report on enrollment, but based on unofficial information it appears that only one other LGI is showing an undergraduate enrollment increase though it is still less than 1%. Dr. McPhee commended Dr. Sells and her staff for this incredible accomplishment. He also reminded the trustees that the 14-city True Blue Tours has begun to recruit students for the next freshman class.

Center for Organizational and Human Resource Effectiveness

Next was a presentation concerning the nationally recognized Center for Organizational and Human Resource Effectiveness (COHRE). Dr. Michael Hein, Director of the Center, along with his colleagues, Dr. Patrick McCarthy, Program Director for the Masters program in Industrial Organizational Psychology, and Dr. Rick Moffett, Associate Director of COHRE, provided a brief overview of the and some highlights of their work.

Industrial Organizational (IO) Psychology is human resource management integrated with organizational development, and is a rapidly growing field. The U.S. Department of Labor identified it as the number one fastest growing occupation in the nation right now. IO Psychology is a very applied field so emphasis is placed on getting students hands-on experience as part of their education. That approach set the stage for creating COHRE in the first place.

COHRE's success story begins on three foundations: innovative leadership in administration, commitment to shared goals, and a team of MTSU faculty, students, and administrators. COHRE is currently in its 15th year. In 2003, President McPhee made a challenge to the academic units at this University to bring innovative proposals that would help develop nationally recognized programs. The IO Psychology faculty met with President McPhee and John Cothorn, former Senior VP for Business and Finance, to share a vision and business plan for a consulting center. Dr. McPhee liked what he saw and heard, and greenlighted the proposal and the business plan. He also provided five years of seed funding with the commitment from the IO faculty that the Center would be self-sufficient. That commitment has been met.

COHRE's mission centers on the education and training of IO Psychology students. It's organized and built around three pillars of the academic master plan: student-centered learning and success, partnership and outreach, and advancing academic quality. The IO Psychology program has been around for 50 years. COHRE's success has led to the program being the top Master's IO Psychology program in the United States.

Examples of some types of programs include developing recruiting, selection, and promotion systems for law enforcement agencies; leadership development and training in different sectors; strategic planning with health care executives and universities; and, organization-wide surveys for national companies, local companies, and nonprofits. Students get direct experience in these projects under the direct supervision of PhDs, and everybody brings these experiences back to the classroom.

The Center continues to be financially successful. It is self-funded and pays its own expenses. [The Center pays its own operational expenses.] In a typical project, 75% of the money comes back to students. In the past fiscal year, 16 graduate students and 11 undergraduate students

engaged in paid career-relevant experience through COHRE, including six 12-month graduate assistantships. Student travel to present research in international and national conferences has also been supported.

In terms of partnerships and outreach, partnerships are about bringing the expertise of the University to the MTSU community to help organizations be more successful. A partial list of clients and partnerships was provided, including serving as an internal resource to MTSU departments. State agencies include the Tennessee Board of Regents, Tennessee Highway Patrol, Tennessee Bureau of investigation, and Tennessee Department of Human Resources. COHRE has worked with local and regional agencies such as Rutherford County government. The short list of corporate partners and clients includes prominent Tennessee corporations, national corporations, and international corporations. COHRE has also worked with nonprofits, not-for-profits, and universities in Tennessee and other states.

The Center's reputation as a consulting center that is university-based has been recognized nationally and internationally, and they have been invited to panel discussions at international conferences. The staff has also been asked to consult with other universities about their university-based consulting centers.

Dr. Moffett stated that the support of university leadership has been a key to the success of the Center. When that support is not there or there are administrative barriers, other similar centers have not been successful and many have had to close. President McPhee has provided sufficient independence and helped create effective relationships with administrative offices all over campus in order for the MTSU center to be successful.

COHRE provides a major enhancement of education beyond the classroom through high quality, professional experiences. COHRE's success has had a direct impact on its graduate program earning its number one national ranking. In addition to paid projects for students, COHRE cross-fertilizes opportunities for student internships, client projects integrated with their graduate courses, as well as, generating research opportunities and community service through partnerships with different organizations. 100% of the Center's graduate students are involved in multiple projects, the average number of projects being 12. For applicants, this is the top cited

reason why they chose to come to MTSU. Students are enrolled from all across the country and internationally from a wide range of countries. For graduates, all of those experiences add up to typically 100% placement in good, career relevant jobs, and for those who choose to go on to a Ph.D., getting into top programs and succeeding there. Ultimately, employers seek out COHRE's graduates.

Student success is a primary focus, but a positive side effect of this is attracting and retaining top quality faculty, which helps sustain excellence over the years. Student success is measured in many different ways, but the following two were highlighted. The Society for Human Resource Management has an outstanding graduate student award at the national level. Five MTSU students have won this award. Purdue University has an HR executive case competition where the judges are executives from Fortune 500 corporations. A couple years ago, MTSU students decided to enter and they walked away as national champions on the very first attempt. Undergraduate students also significantly benefit through an undergraduate major in IO Psychology. These undergraduates are increasingly becoming involved in COHRE and benefiting from it as well.

Director Hein extended thanks to President McPhee for his continued support, and stated that they were there on behalf of all of the faculty who work very hard to make this successful and the students who also worked very hard. Appreciation was also extended to Alan Thomas for his support, acknowledging that the Contracts Office is easy to work with which helps the Center with their work. The Board was also thanked for its interest and support.

Trustee Baker congratulated COHRE on their success and asked them to identify their biggest obstacle in retaining that success going forward. Dr. McCarthy replied that masters programs traditionally have a hard time retaining faculty because they move on to a PhD program. The Center has been a major asset, but with the next generation set to come in, it will need to remain competitive.

Trustee Delay asked about the salary range for graduates. Dr. Hein responded that it is pretty broad, anywhere from \$40,000 to \$120,000. Dr. McCarthy stated that generally, graduates accelerate upwards pretty quickly after they become employed.

Trustee Boyd asked how many undergrad and grad students are in the program. Dr. McCarthy replied that for the graduate program, they typically have about 30 total, bringing in about 15 each year. It is a two-year program full-time. For the undergraduate program, there are about 100 students, but that has been growing, in part because the opportunities are good.

Trustee Boyd asked if they have a feel for their capacity - the number of students with the current staffing. Dr. McCarthy replied that is something they are very careful about. With the graduate program, they are concerned about providing a top-tier experience, so they are selective. Only a very small percentage of those that apply are enrolled because to provide these kinds of hands-on experiences requires giving each student significant opportunity. With the undergraduates, a retreat is held each year during which they discuss this capacity. The number of faculty is always a key issue.

Trustee Boyd asked if MTSU undergraduates get preference for the graduate program. Dr. McCarthy responded that it's not really a preference, and that most of their students come from someplace else.

Raider Relief

Dr. McPhee gave an update on Raider Relief, previously mentioned by Trustee Freeman. He stated that this is not the first time it has been done. After the hurricane in Puerto Rico and St. Thomas, a Raider Relief program was initiated that carried supplies to families of MTSU students who were living in Puerto Rico. The current effort really provided a challenge because of the vastness of the destruction. Within three days, Raider Relief had raised over \$50,000 in financial support and, at the time of the Board meeting, was approaching \$70,000 thanks to the generosity of more than 500 donors. Dr. McPhee thanked Chairman Smith for allowing him to meet with Chairman Smith's business partners who responded with financial assistance. MTSU has 51 students from the Bahamas, 7 of whom have families directly affected by this storm. Dr. McPhee stated that he and Vice Chairman Freeman have made two trips to the islands with supplies, taking two planes to deliver more than 6,000 pounds of supplies. They are scheduled to make a third trip and, due to receiving so many donations, a third plane has been added. One of the corporate executives in Nashville volunteered to fly his plane to deliver supplies. Dr. McPhee

expressed that the silver lining in this tragedy is the example of the goodness of people who stepped up and provided funds to buy basic necessities delivered directly to the people. A video presentation of the news stories covering MTSU's Raider Relief was shown.

Concluding Remarks

Chairman Smith expressed his thanks to everyone who assisted in putting on the meeting. He stated he would be in touch with every Board member on committee assignments before the next meeting.

Adjournment

Chairman Smith adjourned the meeting at 2:20 p.m.

Respectfully Submitted,

Heidi Zimmerman
Board Secretary



**Middle Tennessee State University
Board of Trustees**

MEETING: Winter Quarterly Board Meeting

SUBJECT: **Academic Affairs, Student Life, and
Athletics Committee**

DATE: December 10, 2019

PRESENTER: Pam Wright
Committee Chair

-
- Tenure and Promotion
 - New Policy
 - a. Policy 90 Athletics Integrity and Conduct of Athletics Staff



**Middle Tennessee State University
Board of Trustees**

**Action Item
Voice Vote**

MEETING: Winter Quarterly Board Meeting
DATE: December 10, 2019
SUBJECT: **Tenure and Promotion**

BACKGROUND INFORMATION:

The following faculty member applied for tenure and promotion to associate professor and has been reviewed by her department chair, department committee, college committee, and college dean according to MTSU Policies 204 and 205 and the respective college and department policies. The President recommends the following faculty member be granted tenure and promoted to associate professor retroactive to August 1, 2019.

Kolar, Kelly Department of History



**Middle Tennessee State University
Board of Trustees**

**Action Item
Voice Vote**

MEETING: Winter Quarterly Board Meeting

DATE: December 10, 2019

SUBJECT: **New Policy: Policy 90
Athletics Integrity and
Conduct of Athletics Staff**

BACKGROUND INFORMATION:

This policy applies to all Athletics staff, including Coaches and administrators, and sets out expectations for their conduct regarding student athletes. The policy also provides an additional, independent, objective process of reviewing student athlete complaints and grievances through which student athletes may report behavior inconsistent with the expectations set forth in Policy 90. Athletics Staff found to have violated this policy will be subject to disciplinary proceedings as outlined in the Policy.



90 Athletics Integrity and Conduct of Athletics Staff

Approved by Board of Trustees

Effective Date: _____ (pending BOT approval)

Responsible Division: Business and Finance

Responsible Office: Compliance and Enterprise Risk Management

Responsible Officer: Assistant Vice President for Compliance and Enterprise Risk Management

I. Purpose

Coaches, administrators, staff, and volunteers of the University Athletics Department (collectively "Athletics Staff") are covered by the laws, regulations, policies, and procedures applicable to other members of the University community. In addition, Athletics Staff and the University itself are subject to a wide variety of special requirements including those of the National Collegiate Athletic Association (NCAA), Conference USA (C-USA) or other applicable conferences, professional coaches' and sports' organizations, and federal and state government authorities (collectively "special requirements"). Such special requirements are designed to protect student-athletes, ensure the integrity of the University's athletic programs, and promote fair competition.

Middle Tennessee State University (MTSU or University) is committed to full compliance with all of these special requirements and engages in extensive oversight, education, and training to ensure that all Athletics Staff understand and are in compliance.

II. Scope

This policy applies to all Athletics Staff insofar as their job responsibilities are primarily in support of student-athletes or the MTSU athletic program, regardless of whether employed full-time, part-time, or temporary. The policy applies to volunteers, student workers, interns, and graduate assistants, where appropriate.

III. Definitions

- A. Athletics Staff. Includes all employees insofar as their job responsibilities are primarily in support of student-athletes or the MTSU athletic program, regardless of whether employed full-time, part-time, or temporary. The policy includes volunteers, interns, graduate assistants, and student workers, where appropriate.

- B. Special requirements. Those policies and other expectations of the NCAA, C-USA, or other applicable conferences, professional coaches' and sports organizations, and federal and state government authorities.

IV. Policy

- A. General. [Policy 851 Disciplinary Policy for Administrative and Classified Personnel](#) applies to all Athletics Staff. In addition, all Athletics Staff are required to abide by the MTSU Statement on the Conduct of Athletics Staff.
- B. Statement of Athletics Values. Student athletic programs are an integral piece of MTSU's mission and purpose. These programs strive to provide opportunities for academic success, competitive excellence, personal and physical development, and involvement in the campus community. These programs further strive to reflect a commitment to the spirit of fair, honest, skillful, and civil competition.

The University is also committed to the core values of honesty, integrity, respect for diversity, engagement in the community, and commitment to non-violence. As part of the University's core values, all Athletics Staff are expected to promote the best interests of students; treat others with respect and civility; conduct all activities with the highest level of ethical standards and integrity; utilize resources in a manner that avoids waste, fraud, and abuse; and maintain a culturally rich and diverse environment in which to work and learn.

All MTSU Athletics Staff will adhere to the highest standards of conduct, including all elements of the MTSU Statement on the Conduct of Athletics Staff.

- C. Procedures for responding to grievances or complaints from student-athletes. As noted, MTSU is committed to the core values of honesty, integrity, respect for diversity, engagement in the community, and commitment to non-violence. Accordingly, all Athletics Staff are expected to promote the best interests of student-athletes and to treat student-athletes with respect and civility while teaching and encouraging students to meet their full competitive potential. Athletics Staff shall conduct themselves in accordance with the rules of their sports and of the University, and shall avoid conduct that demeans, harasses, or threatens any person.

These expectations are contextual, however, as some behaviors that are common on the playing field would be considered disrespectful in the classroom. The intent and force of this policy are to prevent clearly prohibited behavior, including bullying, physical abuse, verbal abuse, or harassment.

Student-athletes who wish to report Athletics Staff behavior, that is believed to be in violation of this policy, may initiate a complaint based upon the approved MTSU

Student-Athlete Conflict Resolution Process as outlined in the Student-Athlete Handbook. The process includes provisions for anonymous reporting and third-party reporting, as may be appropriate. The process outlines the procedures and goals of reporting, the method of investigation, and resolution.

It is the intent of this policy that complaints be effectively resolved at the lowest possible level. However, the student-athlete may enter the conflict resolution process at any level by contacting any Athletics Staff member. It is the responsibility of all Athletics Staff to be familiar with this policy and with the MTSU Student-Athlete Conflict Resolution Process as outlined in the Student-Athlete Handbook, so that they can assist any student-athlete bringing forward a concern.

- D. Risk Management. Primary leadership, direction, oversight, and advocacy of the Athletics Department rests with the Director of Athletics. However, the activities of collegiate athletics programs on university campuses carry unique risks related to policy compliance, student safety and wellness, public perception, and legal issues.

In an effort to effectively manage student-athlete wellness and institutional risk, the Office of Compliance and Enterprise Risk Management is charged with serving as an unbiased third party for the purposes of providing effective training of Athletics Staff; appropriate oversight of compliance and risk-related issues; referrals to the Office of the University Counsel (where appropriate) on legal matters; advocacy for student-athletes (in collaboration with other University departments including, but not limited to, Athletics); and timely investigation and resolution of serious student-athlete complaints that cannot be resolved through the internal procedures of the Athletics Department.

- E. Scope and Coordination with Athletics. As is true for every other MTSU student, the full range of MTSU staff are available to assist student-athletes as they navigate their university experience. In addition, approved MTSU procedures for responding to student-athlete wellness and complaints are outlined in the Student-Athlete Handbook. In most cases, student-athletes should address their concerns directly with their coach, the athletics administrator assigned to their sport, the Senior Associate AD, or the Athletics Director.

However, in circumstances in which the student-athlete does not feel that consulting with Athletics Staff will be effective, the student-athlete may instead consult with Compliance and Risk Manager in the Office of Compliance and Enterprise Risk Management. Specific processes for addressing student-athlete issues with that office are also included in the approved MTSU Student-Athlete Conflict Resolution Process as outlined in the Student-Athlete Handbook.

- F. Education and Training. MTSU Athletics is charged with primary responsibility for providing effective initial and on-going training to Athletics Staff related to NCAA and C-USA compliance, policies, and procedures. In addition, MTSU Athletics is responsible for

providing both individual and team training for student-athletes related to NCAA and C-USA compliance, eligibility, team and university rules, drug testing, and other Athletics Department policies and procedures.

In collaboration with MTSU Athletics and other University offices and departments, as appropriate, the MTSU Office of Compliance and Enterprise Risk Management is responsible for ensuring that student-athletes also receive training regarding student-athlete rights and responsibilities, procedures for reporting and resolving conflicts and complaints, and University resources available to assist with personal development, safety, health, wellness, counseling needs, and/or referrals for such resources.

- G. Student-Athlete Mental Health. Athletics Staff may refer student-athletes to MTSU Counseling Services for assistance with a variety of mental health issues. In addition, student-athletes may access MTSU Counseling Services on their own, without contacting their coach, or through a referral by a coach or other member of the Athletics or University staff. Student contact with MTSU Counseling Services is confidential. Information about appointments or content of counseling sessions will not be shared with Athletics Staff, except as permitted by law and required to protect the life/safety of the student-athlete or when the student-athlete grants permission to share specific information.

MTSU Athletics and MTSU Counseling Services will work in collaboration to develop programs, protocols, and best practices to serve the mental health and wellness needs of student-athletes.

V. Athletics Staff Disciplinary Procedures

Athletics Staff are subject to [Policy 851 Disciplinary Policy for Administrative and Classified Personnel](#), which outlines a progressive disciplinary policy, [Policy 852 Administrative, Professional, and Faculty Grievance or Complaint](#), and [Policy 853 Classified Grievance and Complaint Policy](#), which outline employee grievance processes. In addition, [Policy 26 Discrimination and Harassment Based on Protected Categories Other than Sex](#) and [Policy 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation, and Gender Identity/Expression](#), which prohibit misconduct, discrimination, and harassment based on various protected categories, may contain other specific investigative and discipline procedures.

While MTSU will generally take disciplinary action in a progressive manner, it reserves the right, in its sole discretion, to determine whether and what disciplinary action will be taken in a given situation.

Revisions: none.

Forms: none.

References: Policies 26 Discrimination and Harassment Based on Protected Categories Other than Sex; 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation, and Gender Identity/Expression; 851 Disciplinary Policy for Administrative and Classified Personnel; 852 Administrative, Professional, and Faculty Grievance or Complaint; 853 Classified Grievance and Complaint Policy; Student-Athlete Handbook.



**Middle Tennessee State University
Board of Trustees**

MEETING: Winter Quarterly Board Meeting

SUBJECT: **Audit and Compliance Committee**

DATE: December 10, 2019

PRESENTER: Christine Karbowiak
Committee Chair

-
- Revision of Policy
 - a. Policy 10 Ethics and Code of Conduct



**Middle Tennessee State University
Board of Trustees**

**Action Item
Voice Vote**

MEETING: Winter Quarterly Board Meeting

DATE: December 10, 2019

SUBJECT: **Policy Revision:
Policy 10 Ethics and Code of Conduct**

BACKGROUND INFORMATION:

Policy 10 Ethics and Code of Conduct

The proposed revisions are drafted to add investigatory procedures and an appeals process for all ethics investigations.



10 Ethics and Code of Conduct

Approved by Board of Trustees

Effective Date: _____, 2019

Responsible Division: Business and Finance

Responsible Office: Compliance and Enterprise Risk Management

Responsible Officer: Assistant Vice President for Compliance and Enterprise Risk Management

I. Purpose

Middle Tennessee State University (MTSU or University) has a fiduciary responsibility to fulfill its overall mission in compliance with applicable policies, laws, regulations, rules, contracts, grants, and donor restrictions. As the University pursues its mission, it is committed to conducting its business in an ethical and law-abiding fashion; it will maintain a business culture that builds and promotes compliance consciousness.

The University is also committed to the core values of honesty, integrity, respect for diversity, engagement in the community, and commitment to non-violence. As part of the University's core values, employees are expected to promote the best interests of students; treat others with respect and civility; conduct University business with the highest level of ethical standards and integrity; utilize University resources in a manner that avoids waste, fraud, and abuse; and maintain a culturally rich and diverse environment in which to work and learn. This policy sets forth standards of conduct to support these core values and, in so doing, to protect the reputation, credibility, financial well-being, and legal obligations of the University.

II. Scope

This policy applies to all employees of the University whether employed full-time, part-time, or temporary, and includes student workers where appropriate.

III. Policy

All employees of the University are expected to maintain the highest standards of honesty and integrity in the performance of their employment duties. Accordingly, the following are general standards of conduct related to an employee's duty to the University.

- A. Employees must comply with [Policy 12 Conflict of Interest](#). Employees must refrain from using their position at the University, or any privileges obtained through employment at the University, in a manner that would unduly influence or result in a personal advantage to the employee or to the employee's immediate family members. Employees shall not have any personal interest, financial or otherwise, or directly or indirectly engage in a business transaction or professional activity that conflicts with the proper performance and responsibilities of their duties in the course of University employment, or that provides the appearance of such conflict. As provided for in [Policy 12 Conflict of Interest](#), employees must disclose information on the nature and extent of any financial interests in entities that do business with the University.
- B. Employees must comply with [Policy 71 Preventing and Reporting Fraud, Waste, and Abuse](#), and should become familiar with the reporting process.
- C. Employees must comply with [Policy 814 Outside Employment, Extra Compensation, and Dual Services Agreements](#) as concerns employment outside of, and in addition to, the employee's responsibilities at the University.
- D. Employees shall not accept any compensation for their service as University employees from any source other than the University, except as may be otherwise provided in other policies such as [Policy 814 Outside Employment, Extra Compensation, and Dual Services Agreements](#).
- E. An employee shall not disclose the confidential information of the University obtained during the course of his/her employment, except as required by law, statute, a valid subpoena, or request by a government entity for educational or investigatory purposes. An employee shall not use such information for his/her personal gain or benefit. Such confidential information includes, but is not limited to, student educational records under the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g; 34 CFR Part 99); pharmacy records, treatment records, medical records, and other protected health information; University business and financial records; and University patents, licenses, inventions, research, or other University intellectual property.
- F. An employee shall not engage in conduct or actions that could provide the appearance or impression that improper influence over him/her could favorably affect the outcome of any University contract, award, rank, position, grant, or University-owned asset.
- G. Employees must comply with [Policy 816 Nepotism](#). An employee may not be in a direct supervisory line with his/her relative, nor may the employee participate in the process of review, recommendation, and/or decision making in any manner concerning hiring, opportunity, promotion, salary, retention, or termination of a relative.
- H. Professional Values. Employees should demonstrate the following behaviors in carrying out fiscal and other professional transactions:

1. According respect to self and others;
 2. Exhibiting commitment to both the University and organizational unit;
 3. Accepting responsibility; and
 4. Striving to enhance one's own capabilities, and provide the highest quality of performance and counsel.
- I. Employees shall, in the performance of their duties, be accountable for:
1. Knowing, supporting, and implementing the University's and functional area's operational plans;
 2. Exercising prudence and integrity in the management of resources in their custody and in all fiscal transactions in which they participate;
 3. Acting in a competent manner and in compliance with applicable policies, laws, regulations, and rules, contracts, grants, and donor restrictions;
 4. Not knowingly being a party to, or condoning, fiscal misconduct;
 5. Reporting fiscal misconduct as required by University policy;
 6. Not knowingly signing, subscribing to, or permitting the issuance of any financial statement or report that contains any material misstatement or that omits any material fact;
 7. Knowing and fulfilling the fiscal responsibilities set forth in University policy;
 8. Preparing or presenting financial information as required by University policies; and
 9. Protecting privileged or confidential information to which they have access by virtue of their position.
- J. Healthy Workplace
1. Employees shall not, in the performance of their duties:
 - a. Commit abusive conduct against another employee, subordinate, administrator, Board Trustee, or any persons doing business with, or in relation to, the University.

- b. Assist another employee in committing abusive conduct in the workplace.
 - c. Exhibit and/or commit workplace bullying against another employee.
 - d. Retaliate against any employee who reports incidences of abusive conduct in the workplace, and/or commit such acts of retaliation as defined in Section VII of [MTSU Policy 710 Violence on Campus](#).
2. "Abusive conduct" shall have the same meaning as defined within the Healthy Workplace Act, T.C.A. § 50-1-502, as "any acts or omissions that would cause a reasonable person, based on the severity, nature, and frequency of the conduct, to believe that an employee was subject to an abusive work environment, such as:
- a. Repeated verbal abuse in the workplace, including derogatory remarks, insults, and epithets;
 - b. Verbal, non-verbal, or physical conduct of a threatening, intimidating, or humiliating nature in the workplace; or
 - c. The sabotage or undermining of an employee's work performance in the workplace.
3. "Abusive conduct" does not include:
- a. A single act, unless such conduct is determined to be severe and egregious.
 - b. Disciplinary procedures in accordance with MTSU policies and procedures.
 - c. Routine coaching and counseling, including feedback about and/or correction of work performance.
 - d. Reasonable work assignments, including shift, post, and overtime assignments.
 - e. Individual differences in styles of personal expression.
 - f. Passionate, loud expression with no intent to harm others.
 - g. Differences of opinion on work-related concerns or matters.
 - h. The non-abusive exercise of managerial prerogative.
 - i. Other, similar non-abusive behavior.
 - j. Expressive activity protected by federal or state law.

4. Complaints regarding abusive conduct should be submitted to the Assistant Vice President for Human Resources, or his/her designee, and investigated pursuant to university policies and practices. Employees who violate this policy by engaging in abusive conduct will be subject to discipline, up to and including termination.
- K. Ethics Training. Employees shall complete online Ethics training on an annual basis in furtherance of MTSU's community values, mission, and compliance program.
- L. Appropriate Use of University Resources

University resources are an important part of the successful delivery of both academic and support services to MTSU's students and community constituents. All employees of the University are entrusted with the responsibility of preserving University resources, using those resources in a prudent manner for their designated purposes, and are entrusted with fiscal responsibility for their functional area of responsibility. Accordingly, University resources should only be used in furtherance of the University's mission and operations. Inappropriate use of University resources includes, but is not limited to:

1. Faculty or staff utilizing students or other University employees to advance the faculty or staff member's personal, monetary, or political interests.
2. Granting external entities access to University services, information, technology, or resources for personal gain.
3. Inappropriate use or misuse of computer or information technology resources in violation of [MTSU Policy 910 Information Technology Resources](#).

M. Fiscal Code of Conduct

1. All Banner Finance users, HRBanner users, procurement card (P-Card) users, and other specified employees shall demonstrate their awareness of, and compliance with, the University's Fiscal Code of Ethics through the acknowledgement process that follows.
2. Acknowledgment Process. The applicable Fiscal Code of Ethics statement must be signed, as monitored by the responsible party identified in parentheses:
 - a. By employees upon signing their letter of offer for employment with the University (the respective department or college);

- b. By individuals requesting access to the University's Finance System/MTSource as Finance System Users, prior to receiving such access (the appropriate University Finance System Access Security Coordinator);
 - c. By individuals requesting access to the University's HRBanner and by HRBanner users prior to receiving such access (the appropriate University HRBanner Access Security Coordinator);
 - d. By individuals asking for authority as a P-Card user, prior to receiving such authority (Procurement Services);
 - e. By all the principal investigators, project directors, and everyone associated with a grant, as may be required by the terms of the grant or relevant laws, regulations, or policies; and
 - f. By other employees as required by his/her Vice President.
3. If an individual fails to sign the statement as required, the respective Finance System, HRBanner, or P-Card access will not be provided. If the individual already has access, then the access will be withdrawn. The failure to sign will be reported to the relevant supervisor for appropriate action. Employees who fail to sign as required will be deemed to have failed to meet a condition of their appointment/employment.

IV. Investigatory Process

- A. The Office of Compliance and Enterprise Risk Management (CAERM) will meet with the employee who is accused of the alleged ethics violation under this policy.
- B. The initial meeting will include:
 - 1. Fact-finding.
 - 2. A review of this policy.
- C. Upon completion of the initial meeting, CAERM will perform a review of any relevant materials associated with the ethics allegations, including interviews of individuals who may have relevant information related to the allegations.
- D. After a review of all associated materials and the information gathered from all interviews, the Assistant Vice President of CAERM will make a written determination and decision, and will provide the decision together with any recommendations to one (1) or more of the following individuals based on the nature or subject matter, scope, and severity of the case, for further actions, including any disciplinary action:

1. Assistant Vice President of Human Resources
2. Vice President of Business and Finance
3. Office of the University Counsel
4. Audit and Consulting Services
5. Office of Institutional Equity and Compliance
6. The employee's direct supervisor, manager, and/or Division Vice President.

E. The employee-subject of the ethics investigation will receive a copy of the determination/decision and recommendations issued by CAERM for his/her review, as well as for any further discussion, procedures, and/or disciplinary action by any of the individuals and entities mentioned in Section IV.D.1-6 above. Any additional procedures concerning the outcome, discipline, and next steps determined from the investigation and decision by the Assistant Vice President of CAERM shall be consistent with University policy and Human Resources procedures.

F. The Office of Compliance and Enterprise Risk Management will conduct an adequate, reliable and impartial investigation in a reasonable and timely manner.

V. Appeals

The employee shall have the right to appeal decision issued by CAERM by submitting a request to the Vice President of Business and Finance within fifteen (15) business days of the date of the issued recommendation and decision. The employee's appeal must:

- A. State the basis for the appeal (i.e. untimely length of the investigation/review; disagreement with the decision issued by the Assistant Vice President of CAERM; and/or disagreement regarding the handling of the investigation/review).
- B. Provide a statement and/or documentation to support the employee's position.

The determination of the Vice President of Business and Finance will be final. Such determination will be issued to the employee by email within ten (10) business days of the date of the final determination.

VI. Enforcement

The Ethics Advisor for MTSU is the Assistant Vice President for CAERM. All allegations of ethics violations should be forwarded to the Office of Compliance and Enterprise Risk Management at carem@mtsu.edu for initial review and investigation.

Forms: none.

Revisions: June 5, 2017 (original); April 3, 2019; _____, 2019.

Last Reviewed: _____ 2019.

References: Policies 12 Conflict of Interest; 71 Preventing and Reporting Fraud, Waste, and Abuse; 710 Violence on Campus; 814 Outside Employment, Extra Compensation, and Dual Services Agreements; 816 Nepotism; 910 Information Technology Resources; Family Educational Rights and Privacy Act; Healthy Workplace Act, T.C.A. § 50-1-502 et. seq.



10 Ethics and Code of Conduct

Approved by Board of Trustees

Effective Date: ~~April 3, 2019~~ _____, 2019

Responsible Division: Business and Finance

Responsible Office: Compliance and Enterprise Risk Management

Responsible Officer: Assistant Vice President for Compliance and Enterprise Risk Management

I. Purpose

Middle Tennessee State University (MTSU or University) has a fiduciary responsibility to fulfill its overall mission in compliance with applicable policies, laws, regulations, rules, contracts, grants, and donor restrictions. As the University pursues its mission, it is committed to conducting its business in an ethical and law-abiding fashion; it will maintain a business culture that builds and promotes compliance consciousness.

The University is also committed to the core values of honesty, integrity, respect for diversity, engagement in the community, and commitment to non-violence. As part of the University's core values, employees are expected to promote the best interests of students; treat others with respect and civility; conduct University business with the highest level of ethical standards and integrity; utilize University resources in a manner that avoids waste, fraud, and abuse; and maintain a culturally rich and diverse environment in which to work and learn. This policy sets forth standards of conduct to support these core values and, in so doing, to protect the reputation, credibility, financial well-being, and legal obligations of the University.

II. Scope

This policy applies to all employees of the University whether employed full-time, part-time, or temporary, and includes student workers where appropriate.

III. Policy

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- E. An employee shall not disclose the confidential information of the University obtained during the course of his/her employment, except as required by law, statute, a valid subpoena, or request by a government entity for educational or investigatory purposes. An employee shall not use such information for his/her personal gain or benefit. Such confidential information includes, but is not limited to, student educational records under the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g; 34 CFR Part 99); pharmacy records, treatment records, medical records, and other protected health information; University business and financial records; and University patents, licenses, inventions, research, or other University intellectual property.
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 4. Not knowingly being a party to, or condoning, fiscal misconduct;
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 6. Not knowingly signing, subscribing to, or permitting the issuance of any financial statement or report that contains any material misstatement or that omits any material fact;
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1. Employees shall not, in the performance of their duties:
 - a. Commit abusive conduct against another employee, subordinate, administrator, Board Trustee, or any persons doing business with, or in relation to, the University.

- b. Assist another employee in committing abusive conduct in the workplace.
 - c. Exhibit and/or commit workplace bullying against another employee.
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 - c. Routine coaching and counseling, including feedback about and/or correction of work performance.
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 - e. Individual differences in styles of personal expression.
 - f. Passionate, loud expression with no intent to harm others.
 - g. Differences of opinion on work-related concerns or matters.
 - h. The non-abusive exercise of managerial prerogative.
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 - j. Expressive activity protected by federal or state law.

4. Complaints regarding abusive conduct should be submitted to the Assistant Vice President for Human Resources, or his/her designee, and investigated pursuant to university policies and practices. Employees who violate this policy by engaging in abusive conduct will be subject to discipline, up to and including termination.
- K. Ethics Training. Employees shall complete online Ethics training on an annual basis in furtherance of MTSU's community values, mission, and compliance program.
- L. Appropriate Use of University Resources

University resources are an important part of the successful delivery of both academic and support services to MTSU's students and community constituents. All employees of the University are entrusted with the responsibility of preserving University resources, using those resources in a prudent manner for their designated purposes, and are entrusted with fiscal responsibility for their functional area of responsibility. Accordingly, University resources should only be used in furtherance of the University's mission and operations. Inappropriate use of University resources includes, but is not limited to:

1. Faculty or staff utilizing students or other University employees to advance the faculty or staff member's personal, monetary, or political interests.
2. Granting external entities access to University services, information, technology, or resources for personal gain.
3. Inappropriate use or misuse of computer or information technology resources in violation of [MTSU Policy 910 Information Technology Resources](#).

M. Fiscal Code of Conduct

1. All Banner Finance users, HRBanner users, procurement card (P-Card) users, and other specified employees shall demonstrate their awareness of, and compliance with, the University's Fiscal Code of Ethics through the acknowledgement process that follows.
2. Acknowledgment Process. The applicable Fiscal Code of Ethics statement must be signed, as monitored by the responsible party identified in parentheses:
 - a. By employees upon signing their letter of offer for employment with the University (the respective department or college);

- b. By individuals requesting access to the University's Finance System/MTSource as Finance System Users, prior to receiving such access (the appropriate University Finance System Access Security Coordinator);
 - c. By individuals requesting access to the University's HRBanner and by HRBanner users prior to receiving such access (the appropriate University HRBanner Access Security Coordinator);
 - d. By individuals asking for authority as a P-Card user, prior to receiving such authority (Procurement Services);
 - e. By all the principal investigators, project directors, and everyone associated with a grant, as may be required by the terms of the grant or relevant laws, regulations, or policies; and
 - f. By other employees as required by his/her Vice President.
3. If an individual fails to sign the statement as required, the respective Finance System, HRBanner, or P-Card access will not be provided. If the individual already has access, then the access will be withdrawn. The failure to sign will be reported to the relevant supervisor for appropriate action. Employees who fail to sign as required will be deemed to have failed to meet a condition of their appointment/employment.

IV. Investigatory Process

A. The Office of Compliance and Enterprise Risk Management (CAERM) will meet with the employee who is accused of the alleged ethics violation under this policy.

A.B. The initial meeting will include:

1. Fact-finding.

2. A review of this policy.

C. Upon completion of the initial meeting, CAERM will perform a review of any relevant materials associated with the ethics allegations, including interviews of individuals who may have relevant information related to the allegations.

D. After a review of all associated materials and the information gathered from all interviews, the Assistant Vice President of CAERM will make a written determination and decision, and will provide the decision together with any recommendations to one (1) or more of the following individuals based on the nature or subject matter, scope, and severity of the case, for further actions, including any disciplinary action:

1. Assistant Vice President of Human Resources
2. Vice President of Business and Finance
3. Office of the University Counsel
4. Audit and Consulting Services
5. Office of Institutional Equity and Compliance
6. The employee's direct supervisor, manager, and/or Division Vice President.

B.E. The employee-subject of the ethics investigation will receive a copy of the determination/decision and recommendations issued by CAERM for his/her review, as well as for any further discussion, procedures, and/or disciplinary action by any of the individuals and entities mentioned in Section IV.D.1-6 above. Any additional procedures concerning the outcome, discipline, and next steps determined from the investigation and decision by the Assistant Vice President of CAERM shall be consistent with University policy and Human Resources procedures.

F. The Office of Compliance and Enterprise Risk Management will conduct an adequate, reliable and impartial investigation in a reasonable and timely manner.

V. Appeals

The employee shall have the right to appeal decision issued by CAERM by submitting a request to the Vice President of Business and Finance within fifteen (15) business days of the date of the issued recommendation and decision. The employee's appeal must:

- A. State the basis for the appeal (i.e. untimely length of the investigation/review; disagreement with the decision issued by the Assistant Vice President of CAERM; and/or disagreement regarding the handling of the investigation/review).
- B. Provide a statement and/or documentation to support the employee's position.

The determination of the Vice President of Business and Finance will be final. Such determination will be issued to the employee by email within ten (10) business days of the date of the final determination.

IV]. Enforcement

The Ethics Advisor for MTSU is the Assistant Vice President for CAERM. All allegations of ethics violations should be forwarded to the Office of Compliance and Enterprise Risk Management at carem@mtsu.edu for initial review and investigation.

~~Recommendations from the Office of Compliance and Enterprise Risk Management made after any ethics investigation may be reported to the Assistant Vice President for Human Resource Services; the Office of Audit and Consulting Services; and/or the Office of the University Counsel for an additional determination concerning disciplinary action.~~

Forms: none.

Revisions: June 5, 2017 (original); April 3, 2019; _____, 2019.

Last Reviewed: ~~April~~ _____ 2019.

References: Policies 12 Conflict of Interest; 71 Preventing and Reporting Fraud, Waste, and Abuse; 710 Violence on Campus; 814 Outside Employment, Extra Compensation, and Dual Services Agreements; 816 Nepotism; 910 Information Technology Resources; Family Educational Rights and Privacy Act; Healthy Workplace Act, T.C.A. § 50-1-502 et. seq.



**Middle Tennessee State University
Board of Trustees**

MEETING: Winter Quarterly Board Meeting

SUBJECT: **Finance and Personnel Committee**

DATE: December 10, 2019

PRESENTER: Joey Jacobs
Committee Chair

-
- Compensation Plan Allocations
 - 2019-20 October Revised Budget



**Middle Tennessee State University
Board of Trustees**

**Action Item
Voice Vote**

MEETING: Winter Quarterly Board Meeting

DATE: December 10, 2019

SUBJECT: **Compensation Plan Allocations**

BACKGROUND INFORMATION:

Policy 808 – Compensation Reporting and Approvals requires the Board of Trustees to approve salary increases of MTSU employees.

On June 28, 2019, the MTSU Board of Trustees approved a 2% salary pool to implement salary increases. With the approval of the 2% salary pool, the Trustees approved the implementation of an across the board raise of 1% or \$500, whichever is greater, for employees on the payroll as of June 30, 2019. The increases were implemented on July 1, 2019 for administrative/classified staff and August 1, 2019 for faculty.

The University is requesting approval to implement market adjustments using the remainder of the 2% salary pool and an additional allocation of \$1 million dollars from operating funds. The market adjustments will be based on 2014-

15 CUPA data and will be effective January 1, 2020 for employees on payroll as of December 31, 2019. With the allocated resources, employees whose current salary is below the market predicted salary will receive 43% of the recommended adjustment.

Attached is a summary of the funds needed to fully implement the market adjustments using 2014-15 CUPA data and the amounts allocated to each employee group based on the funds allocated.

Implementation of Market

After 1.0% or \$500 Increase

	Amount Needed for Full Market Implementation	January 1, 2020 Market Increases	Net Remaining Need for Market
Faculty	\$3,123,100	\$1,342,933	\$1,780,167
Administrative	1,065,419	458,129	607,290
Classified	562,453	241,854	320,599
Total Salary	\$4,750,972	\$2,042,916	\$2,708,056
Benefits at 25%	1,187,743	510,729	677,014
Total Including Benefits	\$5,938,715	\$2,553,645	\$3,385,070



**Middle Tennessee State University
Board of Trustees**

**Action Item
Voice Vote**

MEETING: Winter Quarterly Board Meeting
DATE: December 10, 2019
SUBJECT: **2019-20 October Revised Budget**

BACKGROUND INFORMATION:

The Board of Trustees are charged with approving the operating budgets and setting the fiscal policies for Middle Tennessee State University. As required by THEC, one of the three budgets submitted by the University annually is an October (Revised) budget.

The attached budget being submitted for your approval contains the following changes since the July (Original) Budget:

- Adjustments to Tuition and Fee Revenue for (1) inclusion of the remaining 2.37% tuition and mandatory fee increase and (2) reflecting a .47% increase in FTE for fall enrollment.
- Adjusted expenditure budgets for (1) re-budgeting of various student fee balances from the prior year, (2) purchases in process at year end but not be completed until the current fiscal year, (3) additional safety

and security initiatives, (4) salary increases for 1.0% across-the-board and market adjustments, (5) increases in adjunct pay, (6) increases in funding for graduate assistants and marketing for graduate courses, (7) additional scholarships, and (8) limited funding for new academic programs approved by THEC for FY 2019-20.

- Adjustments to auxiliary and restricted budgets based on information obtained since the July Budget submission.

**MIDDLE TENNESSEE STATE UNIVERSITY
ANALYSIS OF BUDGET CHANGES FOR REVENUE CATEGORIES
OCTOBER BUDGET 2019-20**

	<u>2019-20 July Budget</u>	<u>2019-20 October Budget</u>	<u>Difference</u>
Tuition and Fees	\$ 200,345,600	\$ 204,607,500	\$ 4,261,900
State Appropriations	106,505,600	107,259,900	754,300
Federal Grants and Contracts	650,000	650,000	-
Local Grants and Contracts	60,000	60,000	-
State Grants & Contracts	45,000	45,000	-
Private Grants & Contracts	281,300	281,300	-
Private Gifts	-	-	-
Sales & Services of Educ Activities	697,400	740,800	43,400
Sales & Services of Other Activities	19,306,000	19,130,700	(175,300)
Other Sources	<u>1,371,700</u>	<u>1,371,700</u>	<u>-</u>
	<u>\$ 329,262,600</u>	<u>\$ 334,146,900</u>	<u>\$ 4,884,300</u>

The following items are reflected above:

Partial tuition Increase is reflected in the July Budget

Remaining tuition increase and fall enrollment increase is reflected in October Budget

MTSU Meharry appropriation of 350K and TCRS additional funding

Mandatory and Non-mandatory Fee Increases

**MIDDLE TENNESSEE STATE UNIVERSITY
UNRESTRICTED EDUCATION AND GENERAL EXPENDITURES BY FUNCTIONAL CATEGORY
OCTOBER BUDGET 2019-20**

Function	July Budget 2019-20	October Budget 2019-20	Difference
Instruction	\$ 157,482,900	\$ 170,903,900	\$ 13,421,000
Research	4,885,100	8,269,300	3,384,200
Public Service	4,123,100	5,724,500	1,601,400
Academic Support	33,853,900	35,013,700	1,159,800
Student Services	38,346,300	41,400,200	3,053,900
Institutional Support	24,852,400	27,852,200	2,999,800
Operation and Maintenance	28,431,700	29,506,800	1,075,100
Scholarships and Fellowships	26,194,100	27,921,400	1,727,300
Transfers	11,093,100	12,692,100	1,599,000
Total	<u>\$ 329,262,600</u>	<u>\$ 359,284,100</u>	<u>\$ 30,021,500</u>

The following items are reflected above:

- 1.0% July ATB plus 1.0% Additional Market Adjustment Funding
- MTSU Meharry scholarships of 350K and TCRS additional funding
- Mandatory Fee Increases
- July Budget Figures are Base Budget; October includes carryover

**MIDDLE TENNESSEE STATE UNIVERSITY
UNRESTRICTED EDUCATION AND GENERAL EXPENDITURES BY NATURAL CATEGORY
OCTOBER BUDGET 2019-20**

	July Budget 2019-20	October Budget 2019-20	Difference
Professional Salaries	\$ 145,718,600	\$ 149,248,600	\$ 3,530,000
Other Salaries	22,445,300	22,799,200	353,900
Employee Benefits	61,329,600	62,609,300	1,279,700
Travel	5,351,400	6,049,700	698,300
Operating Expense	79,335,500	101,868,300	22,532,800
Capital Outlay	3,989,100	4,016,900	27,800
Transfers	11,093,100	12,692,100	1,599,000
Total	<u>\$ 329,262,600</u>	<u>\$ 359,284,100</u>	<u>\$ 30,021,500</u>

The following items are reflected above:

- 1.0% July ATB plus 1.0% Additional Market Adjustment Funding
- MTSU Meharry scholarships of 350K and TCRS additional funding
- Mandatory Fee Increases
- July Budget Figures are Base Budget; October includes carryover

**MIDDLE TENNESSEE STATE UNIVERSITY
ANALYSIS OF BUDGET CHANGES FOR AUXILIARIES
OCTOBER BUDGET 2019-20**

<u>Auxiliary</u>	<u>2019-20 July Budget</u>	<u>2019-20 October Budget</u>	<u>Difference</u>
Bookstore	\$ 411,955	\$ 415,000	\$ 3,045
Food Service	2,700,000	2,700,000	-
Housing	16,968,487	16,968,487	-
Vending	130,000	130,000	-
Recreational Center	3,102,644	3,122,644	20,000
Post Office	485,000	468,500	(16,500)
Parking Services	5,114,200	5,114,200	-
Residential & Commercial Rentals	280,000	280,000	-
Greek Row	0	0	-
Health Services	4,110,700	4,110,700	-
TN Miller Coliseum	614,614	614,614	-
Student LD Service	6,000	4,500	(1,500)
TOTAL	\$ 33,923,600	\$ 33,928,645	\$ 5,045

**MIDDLE TENNESSEE STATE UNIVERSITY
SUMMARY OF RESTRICTED CURRENT FUNDS AVAILABLE AND APPLIED
OCTOBER BUDGET 2019-20**

Revenues	2019-20 July Budget	2019-20 October Budget	Difference
Tuition and Fees	\$ 1,600,000	\$ 1,500,000	\$ (100,000)
Federal Grants and Contracts	42,250,000	42,850,000	600,000
State Appropriations: Centers of Excellence	389,900	390,200	300
State Appropriations: Special Allocations	489,500	489,500	-
State Grants & Contracts	38,250,000	38,750,000	500,000
Local Grants & Contracts	50,000	45,000	(5,000)
Private Grants & Contracts	1,000,000	850,000	(150,000)
Private Gifts	2,500,000	2,300,000	(200,000)
Endowment Income	900,000	750,000	(150,000)
Other Income	1,600,000	1,000,000	(600,000)
Total Revenues	<u>\$ 89,029,400</u>	<u>\$ 88,924,700</u>	<u>\$ (104,700)</u>
Expenses			
Instruction	\$ 3,000,000	\$ 3,000,000	\$ -
Research	3,400,000	3,650,000	250,000
Public Service	5,300,000	5,500,000	200,000
Academic Support	500,000	500,000	-
Student Services	3,500,000	3,400,000	(100,000)
Institutional Support	80,000	100,000	20,000
Operation and Maintenance	1,000	500	(500)
Scholarships and Fellowships	73,000,000	72,750,000	(250,000)
Total Expenses	<u>\$ 88,781,000</u>	<u>\$ 88,900,500</u>	<u>\$ 119,500</u>

**MIDDLE TENNESSEE STATE UNIVERSITY
TOTAL REVENUE BUDGET
OCTOBER BUDGET 2019-20**

<u>Fund Group</u>	<u>2019-20 July Budget</u>	<u>2019-20 October Budget</u>	<u>Difference</u>
Unrestricted Education & General	\$ 329,262,600	\$ 334,146,900	\$ 4,884,300
Auxiliary	33,923,600	33,928,645	5,045
Restricted	<u>89,029,400</u>	<u>88,924,700</u>	<u>(104,700)</u>
TOTAL	<u><u>\$ 452,215,600</u></u>	<u><u>\$ 457,000,245</u></u>	<u><u>\$ 4,784,645</u></u>

TSSBA Debt Service Coverage - Disclosed Projects Adjustment
 MIDDLE TENNESSEE STATE UNIVERSITY
 Revised Budget 2019-20

Project Name	Total Project Budget	Amt. Financed by TSSBA	Est. Annual Debt Service	Est. Annual Related Fee Rev
Revised Budget:				
Parking Services Facility	3,400,000	2,000,000	248,340	-
Academic Classroom Building	39,600,000	1,520,000	315,500	
Miller Education Center Renovation	12,000,000	4,000,000		
Parking Structure	17,000,000	17,000,000		
School of Concrete & Construction Mgmt	6,015,000	2,000,000		
Football Operations Facility	50,000,000	40,000,000		
Women's Softball Facility	3,000,000	2,500,000		
Athletic Video Board Upgrades	3,000,000	3,000,000		



**Middle Tennessee State University
Board of Trustees**

MEETING: Winter Quarterly Board Meeting

SUBJECT: **Audit and Compliance Committee Approval**

DATE: December 10, 2019

PRESENTER: Chairman Steve Smith

-
- Audit and Compliance Committee Chair and Members Approval



**Middle Tennessee State University
Board of Trustees**

**Action Item
Voice Vote**

MEETING: Winter Quarterly Board Meeting

DATE: December 10, 2019

SUBJECT: **Audit and Compliance Committee Chair
and Members**

BACKGROUND INFORMATION:

The Audit and Compliance Committee Charter requires that its chair and committee members be approved by the Board of Trustees. The following names are submitted for consideration:

- Pete DeLay, Chair
- Tom Boyd
- Christine Karbowski
- Mary Martin
- Steve Smith
- Pam Wright



**Middle Tennessee State University
Board of Trustees**

MEETING: Winter Quarterly Board Meeting

SUBJECT: **Board Secretary Report**

DATE: December 10, 2019

PRESENTER: Heidi Zimmerman
Board Secretary

-
- Policy Revisions



**Middle Tennessee State University
Board of Trustees**

**Action Item
Voice Vote**

MEETING: Winter Quarterly Board Meeting
DATE: December 10, 2019
SUBJECT: **Board Secretary Report**

BACKGROUND INFORMATION:

The Board Secretary was delegated limited authority to make minor technical revisions in policies, with the condition that a report be made to the Board of Trustees concerning what revisions were made.

Policy	Date Edited	Explanation
100 Use of Campus Property and Facilities Scheduling	9/11/2019	Updated policy references to Policy 661 (name of policy changed to "Food and Beverages") and Policy 662 (policy deleted after merging with Policy 661).