



**Middle Tennessee State University  
Board of Trustees  
Finance and Personnel Committee**

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Wednesday, September 4, 2019  
10:00 am

Miller Education Center  
2<sup>nd</sup> Floor Meeting Room  
503 East Bell Street  
Murfreesboro, Tennessee 37132





**Middle Tennessee State University  
Board of Trustees**

**Finance and Personnel Committee**

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September 4, 2019  
10:00 am

**AGENDA**

Call to Order and Opening Remarks

Roll Call

Approval of Minutes (Action) ..... Tab 1

Budget Development and Compensation Timelines (Information)..... Tab 2

Policy Revisions (Action) ..... Tab 3

1. Policy 101- Minors Participating in University-Sponsored Programs or Programs Using University Facilities
2. Policy 620 - Campus Master Plans
3. Policy 622 - Acquisition and Disposal of Real Property

Capital Projects Update (Information) ..... Tab 4

Classified Employee Grievance Annual Report (Information) ..... Tab 5

Closing Remarks

Adjournment





**Middle Tennessee State University  
Board of Trustees**

**Finance and Personnel Committee**

**Action Item**

DATE: September 4, 2019

SUBJECT: **Approval of Minutes**

PRESENTER: Joey Jacobs  
Committee Chair

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**BACKGROUND INFORMATION:**

The Finance and Personnel Committee met on May 29, 2019. Minutes from this meeting are provided for your review and approval.



**MIDDLE TENNESSEE STATE UNIVERSITY  
BOARD OF TRUSTEES**

**FINANCE AND PERSONNEL COMMITTEE  
MINUTES**

The Finance and Personnel Committee met on Wednesday, May 29, 2019, in the Miller Education Center Meeting Room at Middle Tennessee State University.

**Call to Order and Opening Remarks**

Committee Chair Joey Jacobs called the meeting to order at 9:30 a.m. and requested Board Secretary Heidi Zimmerman to call the roll.

**Roll Call**

The following Committee members were in attendance: J.B. Baker, Pete DeLay, Darrell Freeman, Joey Jacobs, Tony Johnston, Steve Smith and Peyton Tracy. A quorum was declared. Also present was Trustee Andy Adams. President Sidney A. McPhee; Alan Thomas, Vice President for Business and Finance; Cheryl Torsney, Vice Provost for Faculty Affairs; 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 Success; Brenda Burkhardt, 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.

**Approval of Minutes**

The first agenda item was approval of the minutes from the March 18, 2019 Finance and Personnel Committee meeting. Trustee DeLay moved to approve the minutes from the March 18, 2019 meeting and Trustee Freeman seconded the motion. A voice vote was taken and the motion to approve the minutes from the March 18, 2019 meeting of the Finance and Personnel Committee carried.

### **MTSU Foundation Agreement**

The second agenda item concerned approval of the agreement between the University and the MTSU Foundation. This item was presented for approval at the March 18th Committee meeting; however, voting on the agreement was deferred to allow University Advancement Vice President Joe Bales to provide an informational session on the topic at the April 3rd Spring Quarterly BOT Meeting. Mr. Thomas informed the Committee that the agreement contained in the meeting materials was the same as the one presented at the previous Committee meeting. A motion was made by Trustee Freeman to approve the MTSU Foundation Agreement. Trustee Johnston seconded the motion. A voice vote was taken and the motion to approve the MTSU Foundation Agreement passed. Board Chair Smith asked if consideration was being given to appointing a designee from the Board of Trustees to serve on the MTSU Foundation Board. Dr. McPhee replied that he and Mr. Bales are discussing this matter with executive members of the Foundation to determine whether this could create a possible conflict of interest issue for the two governing boards. Dr. McPhee noted the importance of preserving the independence of the MTSU Foundation Board in the process of nominating and appointing members to its Board. He further explained the role of the Foundation Nominating Committee in putting forward names for potential members and presenting them to the full Foundation body for a vote. Trustee Delay asked if a Board of Trustees member could serve in an ex officio role on the Foundation Board if it is determined to be a conflict for a member to serve on both boards. Dr. McPhee responded that he and the President of the Foundation would discuss this as an option.

### **Capital Outlay Project Submittal**

The third agenda item presented for Committee approval was the proposed FY 2020-21 Capital Outlay Project Submittal for the Applied Engineering Building that will provide lab, classroom, office space, and common space for the degree areas of Mechatronics Engineering and Engineering Technology. Bill Waits, Assistant Vice President for Campus Planning, provided the Committee with a brief summary of the submittal and approval process for receiving state funding for the project. He directed the Committee to the documents contained in the meeting



materials for an outline of the budget information concerning construction costs, designer fees, and contingency costs. A motion was made by Trustee Baker to approve the proposed FY 2020-21 Capital Outlay Project Submittal for the Applied Engineering Building. Trustee DeLay seconded the motion. A voice vote was taken and the motion to approve the proposed FY 2020-21 Capital Outlay Project Submittal for the Applied Engineering Building passed.

### **Capital Disclosures**

Mr. Waits presented information on the next agenda item concerning the planned disclosure of five (5) capital projects to be submitted in the MTSU FY 2020-21 Capital Budget request to the Tennessee Higher Education Commission (THEC) and the Tennessee Department of Finance and Administration. The proposed projects include improvements to the campus quadrangle, food service improvements, Floyd Stadium stairs, tennis improvements, and renovations to the Smith Baseball Clubhouse. Mr. Waits explained that disclosure of a capital project is the first step in the project lifecycle to demonstrate the University's intent to the State Building Commission and to allow the state to budget accordingly. He noted, however, that the University is not obligated to construct a project once it is on the list. He then directed the Committee to the FY 2020-21 Capital Disclosure list contained in the meeting materials and provided a brief description and update for each project.

### **Capital Maintenance Projects Submittal**

The fifth agenda item was a recommendation to submit six (6) project requests totaling \$10,050,000 to THEC for 2020-21 capital maintenance funding. Joe Whitefield, Assistant Vice President for Facilities Services provided information concerning the process for identifying and bringing forward capital maintenance projects in conjunction with the instructions received from the Tennessee Higher Education Commission. The materials presented by Mr. Whitefield also contained information on potential project requests for FY 2021-22 through 2024-25. A motion was made by Trustee Baker to approve the FY 2020-21 Capital Maintenance Projects Submittal for six (6) projects totaling \$10,050,000, as well as the potential project requests for FY 2021-22 through 2024-25. Trustee DeLay seconded the motion. A voice vote was taken and the motion

to approve the FY 2020-21 Capital Maintenance Projects Submittal for six (6) projects totaling \$10,050,000, and the potential project requests for FY 2021-22 through 2024-25, passed.

### **Tuition, Fees and Housing Rates**

The sixth agenda item concerned a recommendation for approval of 2019-20 tuition, fees and housing rates. Mr. Thomas noted that this is the first year under the new Tuition Transparency and Accountability Act, T.C.A. §§ 49-7-1601, et. seq., that was passed during the 2018 legislative session, which requires a fifteen (15) day public comment period on any tuition and mandatory fee increases for undergraduates. He stated that those comments would be provided to the full Board at the June 18th quarterly meeting. Mr. Thomas then provided detailed discussion on how the recommended tuition increase was determined for both in-state and out-of-state students. He explained that with the University's total expense increase of \$7.4 million and state appropriations of approximately \$3.8 million, a 2.36% increase for in-state and out-of-state tuition would be needed to fund the \$3.6 million shortfall. Mr. Thomas directed the Committee to the 2018-19 tuition and fee peer comparison information contained in the meeting materials and indicated that MTSU ranks in the middle of the THEC peer institutions. He informed the Committee that the University is handling more students with the same budget, but that burden would not be put on the backs of the students. The discussion then turned to the requested 3% increase for graduate tuition. Mr. Thomas indicated that even with a 3% increase, MTSU would still rank third lowest in graduate tuition rate among the other LGIs. Trustee Johnston asked if the THEC recommendation for tuition increases applied only to undergraduate tuition. Mr. Thomas affirmed that the recommendation is for undergraduate tuition only and that any increase in graduate tuition falls under the purview of the Board. Mr. Thomas then stated that a decrease in the Corporate Rate to equal the in-state rate was also being recommended for approval. He explained that the intent of the rate decrease is to attract additional corporate partnership opportunities for the University with companies outside of Tennessee. This would involve entering into partnership agreements with these companies to promote MTSU as the higher education provider for their employees. In exchange, their employees would be allowed to enroll in a degree completion program created specifically for them at a lower Corporate Rate,

equal to the in-state tuition rate. Board Chair Smith asked how many partnerships the University currently has. Mr. Thomas replied that we have two but are hoping to broaden that area by offering a more competitive rate to potential partners. Next, Mr. Thomas provided the Committee with a brief summary of the mandatory and non-mandatory fee increase requests. He then provided information concerning proposed increases for 2019-20 housing rates. He explained that a 2% increase for apartments and a 2.5 % increase for residence halls is necessary to cover the increasing cost of salaries, benefits, utilities, plant, and maintenance costs. The final item presented was a summary of the total impact of the combined increases in undergraduate tuition plus mandatory fees based on a 15-hour enrollment in fall and spring equal to 2.37 %. Mr. Thomas stated that the recommended increase is within the zero to 2.5% binding range set by THEC at their May 2019 meeting. A motion was made by Trustee Freeman to approve the combined in-state and mandatory fees increase of 2.37%. Trustee DeLay seconded the motion. A voice vote was taken and the motion to approve the combined in-state and mandatory fees increase of 2.37% passed.

### **Operating Budgets**

The next agenda item was a recommendation for approval of the 2018-19 Estimated Budget and the July 2019-20 Proposed Operating Budget. Mr. Thomas explained that the Estimated Budget is the final budget for the fiscal year and reflects adjustments for spring enrollment, additional funding from state appropriations, and other miscellaneous adjustments. The July Budget is the base budget for the upcoming fiscal year. He noted that it includes 1.5% of the recommended 2.37% tuition and mandatory fee increase with the remaining amount to be included in the October Budget. A 2% salary pool was also included even though the Governor's Budget did not allocate separate funding for salary increases. He then directed the Committee to a list of ongoing bond projects and provided information on the process for including bridge funding in the budget based on gifts and pledges for the repayment of bond funding. A motion was made by Trustee Delay to approve the 2018-19 Estimated Budget and the July 2019-20 Proposed Operating Budget. Trustee Johnston seconded the motion. A voice vote was taken and the

motion to approve the 2018-19 Estimated Budget and the July 2019-20 Proposed Operating Budget passed.

### **Compensation Recommendation**

The final agenda item was a recommendation for the creation of a 2% salary pool to implement salary increases from the operating increase approved for the University. Kathy Musselman, Assistant Vice President for Human Resources, presented information concerning a proposal to provide a Cost of Living Allowance (COLA) of 1.0% or \$500, whichever is greater, for regular employees, both full and part-time, on the payroll as of June 30, 2019, effective July 1, 2019. She explained that a proposal for implementing market adjustments using the remaining funds from the 2% salary pool, along with any additional funds provided from an increase in enrollment, would be presented at the August Committee meeting in an attempt to bring actual employee salaries closer to 2014-15 CUPA Salaries. Dr. McPhee reminded the Board that this is part of the overall strategy recommended last year to begin making headway in bringing University salaries to the market level. A motion was made by Board Chair Smith to approve a Cost of Living Allowance (COLA) of 1.0% or \$500, whichever is greater, for regular employees, both full and part-time, on the payroll as of June 30, 2019, effective July 1, 2019. Trustee Freeman seconded the motion. Chairman Jacobs asked that it be noted by Secretary Zimmerman that only the 1% cost of living increase or a minimum of \$500 was being voted on today. A voice vote was taken and the motion to approve a Cost of Living Allowance (COLA) of 1.0% or \$500, whichever is greater, for regular employees, both full and part-time, on the payroll as of June 30, 2019, effective July 1, 2019 passed.

### **Closing Remarks**

Chairman Jacobs thanked Dr. McPhee and Mr. Thomas for answering all of their questions and thanked all the team members for their work in putting together the information for the meeting.

### **Adjournment**

The meeting adjourned at 10:35 a.m.

Respectfully submitted,  
Finance and Personnel Committee



**Middle Tennessee State University  
Board of Trustees**

**Finance and Personnel Committee**

**Information Item**

DATE: September 4, 2019

SUBJECT: **Budget Development and  
Compensation Timelines**

PRESENTER: Alan Thomas  
Vice President for Business and Finance

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**BACKGROUND INFORMATION:**

The University's annual budget process starts in August of each year for the following fiscal year. It begins with a request from the Tennessee Higher Education Commission (THEC) of various data elements from each campus in the areas of finance, physical facilities, and enrollment.

The calendar timeline provided in these materials is typical for the budget process and will be used to develop the FY 2020 – 21 budget. The budget process and timeline can be affected by outside agencies such as THEC, other state governmental agencies, and the State Legislature. It should also be 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.

Members of the Finance and Personnel Committee will be provided additional information at each meeting as we follow the above process. Since the passage of the Governor's Budget and THEC's final binding tuition and mandatory fee ranges will not be known until early May 2020, the Committee will not vote on the Proposed 2020-21 Budget or tuition and fee increases until the regularly scheduled May 2020 meeting.

As you will recall, the Board of Trustees approved a 1% Cost of Living Allowance (COLA), effective July 1, 2019, from the 2% salary pool created from operating appropriations. The remaining 1% of the pool is being held for implementation of additional market adjustments. In addition, we will explore if additional funding is possible from an enrollment increase this fall. Since this information is not currently available, a plan to implement market adjustments will be brought to the Committee at its November meeting, with an effective date of January 1, 2020.

# Middle Tennessee State University

## Budget Calendar/Timeline

### August

- THEC requests various data from college campuses (i.e. financial, physical facilities information, enrollment statistics, etc.)

### October

- THEC sends appropriation data to campuses for verification (funding formula metrics)

### November

- THEC publishes appropriation recommendation
- THEC issues non-binding tuition guidance

### December

- Governor's Budget hearings

### January

- Governor's State of the State Address with release of Governor's Budget
- Proposed fee requests (including housing rates) received from campus departments

### February

- Senate and House budget hearings
- Budget worksheets sent to departments

### March

- Senate and House budget hearings continue
- Budget worksheets returned to Budget Office

# Middle Tennessee State University

## Budget Calendar/Timeline

### April

- President holds budget hearings with each academic college and division
- Estimated and Proposed budgets prepared

### May

- Legislature passes appropriations bill
- THEC issues binding tuition and mandatory fee ranges
- Finance and Personnel Committee reviews/recommends approval of the following:
  - Estimated and Proposed budgets
  - Maintenance fees and tuition
  - Mandatory and Non-Mandatory fees
  - Housing Rates

### June

- Board of Trustees approves budgets, maintenance fees and tuition, mandatory and non-mandatory fees, and housing rates

### July

- Budget forms submitted to THEC
- THEC approves Estimated and Proposed budgets

### August

- THEC requests various data from college campuses (i.e. financial, physical facilities information, enrollment statistics, etc.)

### September

- Begin preparation of Revised Budget after finalizing year end and determining impact of fall enrollment on revenue





**Middle Tennessee State University  
Board of Trustees**

**Finance and Personnel Committee**

**Action Item**

DATE: September 4, 2019

SUBJECT: **Policy Revisions**

PRESENTERS: Heidi Zimmerman  
University Counsel and Board Secretary

Bill Waits  
Assistant Vice President for Campus Planning

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**BACKGROUND INFORMATION:**

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

- Additional provisions are being added for clarity as concerns the supervision of minors. Section IV.A.5.
- Only minors registered as participating in a program are allowed to be present during a program. Section IV.A.12.e.
- Residence hall doors are not to be propped open. Section IV.A.12.h.

- An Enforcement section is added to provide consequence for violation of the policy. Section V.

### **Policy 620 Campus Master Plan**

The proposed revisions are drafted to change “Campus Facility Master Plan” references to “Campus Master Plan” to mirror THEC policy (F4.1) nomenclature. The title of the policy has also been similarly 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” and not “MTSU Board of Trustees”. The submittal request was revised to be from the University and not from STREAM



## **101 Minors Participating in University-Sponsored Programs or Programs Using University Facilities**

**Approved by Board of Trustees**

**Effective Date:** \_\_\_\_\_, 2019

**Responsible Division:** President

**Responsible Office:** Office of the University Counsel

**Responsible Officer:** University Counsel

### **I. Purpose**

This policy provides for appropriate supervision of minors who are involved in Middle Tennessee State University (MTSU or University) sponsored programs, programs held at MTSU, and/or programs housed in MTSU facilities.

### **II. Scope**

- A. This policy applies to programs involving minors offered by an academic or administrative unit of MTSU, or by non-MTSU individuals or groups using MTSU property or facilities subject to [Policy 100 Use of Campus Property and Facilities Scheduling](#). Examples include, but are not limited to, athletic camps, academic camps, recreational camps, workshops, competitions, clinics, and conferences.
- B. This policy does not apply to:
  - 1. Events where parents/guardians are expected to provide supervision of the minor children, or events where the minor is accompanied by his/her parent/guardian;
  - 2. Events designed primarily for students enrolled at MTSU;
  - 3. An event open to the general public that is not targeted toward minors (i.e., athletic events, plays, concerts);
  - 4. Orientation programs for prospective students, including prospective student-athletes. However, orientation programs involving overnight stays in residence halls must be registered/have entered into a use agreement with the Office of Housing and Residence Life;
  - 5. Campus tours and visitation programs for prospective students, including prospective student-athletes. However, pre-enrollment visit programs for high school students

housed overnight in residence halls must be registered/have entered into a use agreement with the Office of Housing and Residential Life;

6. Events, such as field trips and athletic events, sponsored and supervised by a minor's school;
  7. Licensed daycare centers or pre-schools affiliated with MTSU; or,
  8. Single day events that begin and end between the hours of 8:00 a.m. and 4:30 p.m. Nonetheless, requirements of [Policy 100 Use of Campus Property and Facilities Scheduling](#) may apply. Additionally, and particularly for events sponsored by MTSU, the sponsor should consider Section IV.A. and B. to be best practices and, as applicable to the specific event, is urged to implement those requirements. It should be noted that the mandatory reporting of assault or abuse as set out in Section IV.A.7. is applicable to all program staff.
- C. Notwithstanding its duration, events, programs, or activities held at the Recreation Center are subject to that facility's requirements, such as completion of releases of liability.
- D. The Office of Event Coordination retains the discretion to impose requirements in addition to those mandated by this policy, as it deems reasonable based on the type of program.
- E. Requests for Exemption.
1. The sponsor of a program may submit a request for exemption from this policy, or from any of the requirements and responsibilities set out in Section IV., by filling out the [Request for Exemption from Certain Requirements](#) form.
  2. The sponsor must indicate which requirements or responsibilities the request concerns, the basis for the request, and information about the procedures to be substituted.
  3. The form should then be sent to the Office of the University Counsel. The University Counsel will forward the request, along with any additional information and/or recommendations, to the Vice Presidents and Provost, who will make the determination as to whether the request should be granted or denied.

### III. Definitions

- A. Minor. A person under the age of eighteen (18) who is not enrolled in for-credit courses at MTSU. Students who are dually enrolled in MTSU for-credit courses, while also enrolled in high school, are not covered by this policy. As used in this policy, participant shall also refer to a minor.

- B. MTSU Property or Facilities. Property or facilities under the control of MTSU.
- C. Program. Programs, events, or activities offered by academic or administrative units of MTSU, or by non-MTSU individuals or groups using MTSU property or facilities subject to [Policy 100 Use of Campus Property and Facilities Scheduling](#).
- D. Sponsor. The academic or administrative unit of MTSU which offers a program, or a non-university individual or entity that contracts with MTSU to provide a program using institutional property or facilities. The sponsor is responsible for ensuring compliance with this policy. The sponsor must designate at least one adult as the program director who will be the contact point for the program.
- E. Program Director. The individual designated by the sponsor who acts as the contact person with MTSU for the program.
- F. Authorized Adult. Individuals, age eighteen (18) and older, paid or unpaid, who interact with, supervise, chaperone, or otherwise oversee minors in program activities, using academic, recreational, and/or residential facilities. This includes, but is not limited to, faculty, staff, volunteers, graduate students, undergraduate students, interns, employees of temporary employment agencies, and independent contractors. The authorized adults' roles may include positions such as counselors, chaperones, coaches, instructors, etc. Collectively, authorized adults may also be referred to as program staff. Authorized adults are considered to be mandatory reporters of child abuse, as defined by Tennessee law.
- G. Direct Contact. Responsibilities of authorized adults including, but not limited to, the care, supervision, guidance, teaching, coaching, or control of participants.
- H. One-on-One Contact. Personal, unsupervised interaction between any authorized adult and a minor without at least one (1) other authorized adult or parent/guardian being present.

#### **IV. Program Requirements and Responsibilities**

- A. Applicable to all programs. The following requirements and responsibilities shall apply to all programs, whether sponsored by MTSU or a non-MTSU individual or entity:
  1. The sponsor, program director, program staff, and participants are expected to abide by all federal and state laws, and rules, regulations, and policies of MTSU. Failure of an individual to do so may result in disciplinary action, if the individual is an MTSU employee; and/or removal from the program and the campus for non-compliance. MTSU reserves the right to terminate a program if, in its discretion, it is being run in an unsafe manner and/or is not complying with applicable laws, rules, regulations, and policies.

2. Sponsors, program directors, and authorized adults must make all reasonable efforts to maintain a reasonably safe environment for minors participating in programs and activities covered by this policy, including removal of minors from dangerous, or potentially dangerous, situations, irrespective of any other limitation or requirement.
3. A sponsor offering a program that involves minors shall provide adequate and appropriate care and supervision of participants associated with the program at all times. Some of the factors to consider in determining adequate supervision are the number and age of participants, the activity(ies) involved, type of housing, if applicable, and age and experience of the authorized adults.
4. It is recommended that one-on-one contact between an authorized adult and a minor be avoided to the extent possible. If the program will include activities involving one-on-one contact, the sponsor must ensure that the parent/legal guardian is specifically made aware of this fact.
5. Authorized adults involved in programs covered by this policy shall not:
  - a. Have any direct electronic contact of a personal nature with minors without another adult being included in the communication.
  - b. In the case of supervising minors overnight, to the extent practical, enter a minor's room, bathroom facility, or similar area without another authorized adult in attendance. In these circumstances, the adults should be of the same gender as the minor(s).
  - c. Engage in abusive conduct of any kind toward, or in the presence of, a minor.
  - d. Strike, hit, administer corporal punishment to, or touch in an inappropriate or illegal manner, any minor.
  - e. Pick up or drop off minors at their homes, other than the driver's child(ren), except as specifically authorized in writing by the minor's parent/guardian and the program director.
  - f. Provide alcohol, tobacco, tobacco products (including e-cigarettes), or illegal drugs to any minor. Authorized adults shall not provide prescription drugs or any medication to any minor, unless specifically authorized in writing by the parent/legal guardian as being required for the minor's care or the minor's emergency treatment.

- g. Make sexual materials, in any form, available to minors or assist them in any way in gaining access to such materials.
  - h. Leave minors unattended or unsupervised.
  - i. Allow minors to be supervised by other minors in violation of this policy.
  - j. Allow the presence or participation of any minor other than those properly registered for the program. This includes the presence of a sponsor's or authorized adult's minor children.
6. If an allegation of inappropriate conduct has been made against an authorized adult involved in a program, he/she shall discontinue any further participation in the program until such allegation has been resolved to the satisfaction of the University.
7. Reporting assault or abuse. Each authorized adult who will be participating in a program covered by this policy shall complete [annual mandatory training](#) on the conduct requirements of this policy, on protecting participants from abusive emotional and physical treatment, and on appropriate or required reporting of incidents of improper conduct to the proper authorities including, but not limited to, appropriate law enforcement authorities and the Tennessee Department of Children's Services.
- a. Reporting allegations of assault or abuse. If a participant discloses any type of assault or abuse occurring at any time previously or during the program, or an authorized adult has reason to suspect that the participant has been subject to such assault or abuse, the authorized adult, as a mandatory reporter, must inform the program director immediately, unless the authorized adult believes the program director may be involved in the allegations of assault or abuse.
  - b. Together, the program director and the authorized adult must then call the Tennessee Department of Children's Services Child Abuse Hotline 1-877-237-0004 if the situation requires an emergency response. If the program director is unavailable, is suspected to be involved in the allegations of assault or abuse, or if the program director or designee does not call 1-877-237-0004, the authorized adult should immediately call that number.
  - c. If a situation presents immediate danger to a minor, University Police should be called as soon as possible, followed by a call to the Tennessee Department of Children's Child Abuse Hotline 1-877-237-0004.
  - d. If the report relates to a past event where there is no immediate threat to a minor (i.e., the report is based on a past event and the alleged abuser is not known to be currently in contact with minors), the program director or the authorized adult must provide written notification within forty-eight (48) hours

of filing the oral report to the [Department of Children's Services](#). In addition, the program director will immediately contact University Police, if that has not already occurred.

- e. The program director should notify the appropriate senior administrator, Office of the University Counsel, and Title IX Coordinator as soon as practical, but this notification should not unreasonably delay the notification requirements outlined in the sections above.
8. The program director must provide the contact information for the University Police (615-898-2424) to each authorized adult.
  9. Whenever it is learned that a participant is a victim or perpetrator of a crime, University Police (615-898-2424) must be contacted as soon as possible.
  10. Appropriate safety measures, approved by the Environmental Health and Safety Office as outlined in the [MTSU Employee Safety Handbook](#), must be followed.
  11. If MTSU residential facilities are being used, a list of all participants and all program staff must be maintained and a copy provided to the Office of Housing and Residence Life. The list shall include the participant's name, local room assignment, gender, age, address, and phone number(s) of parent/guardian, as well as emergency contact information.
  12. If applicable, the program will be required to adopt and implement rules and regulations for proper supervision of minors in MTSU housing. The following must be included:
    - a. Written permission, signed by the parent/legal guardian, for the minor to reside in MTSU housing.
    - b. A curfew time, which is age-appropriate for the participants, but in no case shall it be later than midnight.
    - c. In-room visitation is restricted to participants of the same gender.
    - d. Separate accommodations for adults and minors are required, other than the minors' parents/legal guardians.
    - e. Neither the Program Director nor any Authorized Adult may bring a minor child with him/her who is not a properly registered participant in the program.



- f. Guests of participants (other than a parent/legal guardian and other same gender program participants) are restricted to visitation in the building lobby and/or floor lounges, and only during approved hours specified by the program.
  - g. The program must comply with all security measures and procedures specified by the Office of Housing and Residential Life and University Police.
  - h. Doors in residence halls must not be propped open at any time.
- B. Applicable to only MTSU-sponsored programs. In addition to the requirements and responsibilities listed in IV.A. above, the following shall apply to programs sponsored by MTSU. It is suggested that non-MTSU sponsors consider complying with, or implementing, these requirements as a best practice:
- 1. A list of all participants and program staff must be maintained by the sponsor and program director. The list shall include the participant's name, local room assignment (if applicable), gender, age, address, and phone number(s) of parent/guardian, as well as emergency contact information. The list of program staff shall include the individual's M number, if applicable, and contact information, and must be provided to the Office of Human Resource Services (HRS) as specified in 11.f. below. The list shall be maintained by the sponsor for a period of one (1) year following the conclusion of the program. Maintaining copies in electronic format is permitted.
  - 2. The [Agreement Regarding Participation in Event](#) form, which includes provisions regarding acknowledgement of risk, release of liability and hold harmless, medical release, permission to use University housing, and image consent must be completed and signed by the parent/legal guardian of each participant as part of the program registration process. Sponsor must obtain the executed form prior to a minor's participation in the program, and must maintain the document for a period of one (1) year following the conclusion of the program. Maintaining copies in electronic format is permitted. No such information gathered shall be disclosed, except as may be required by law.
  - 3. The sponsor must establish a procedure for the notification of the minor's parent/legal guardian in case of an emergency, including medical or behavioral problems, natural disasters, or other significant program disruptions. Authorized adults with the program, as well as participants and their parents/legal guardians, must be advised of this procedure in writing prior to the participation of the minors in the program.
  - 4. Participants' parents/legal guardians must be provided information detailing the manner in which the participant can be contacted during the program.

5. Parents/legal guardians must be provided with information related to storage of participants' medication and the administration of any such medicine.
  - a. Personal epi pens and inhalers may be carried by the participant during activities.
  - b. If an issue arises related to the need for access to medications, the program director must consult with Health Services and/or Disability Access Center to discuss the possibility of reasonable accommodations.
6. The sponsor must arrange for access to emergency medical services at all locations. Medical care appropriate for the nature of the program activities, expected attendance, and other variables should be considered.
7. Guidance from Health Services concerning communicable diseases must be followed.
8. Rules and disciplinary measures applicable to the program must be developed and provided to the participants and their parents/legal guardians. Participants and program staff must abide by all MTSU policies and procedures and may be removed from the program for non-compliance with rules. The following must be included in program rules:
  - a. The possession or use of alcohol, drugs, tobacco, tobacco products including e-cigarettes, fireworks, guns, and other weapons is prohibited.
  - b. The parking of staff and participant vehicles must be in accordance with MTSU parking regulations.
  - c. Rules and procedures governing when, and under what circumstances, participants may leave MTSU property during the program.
  - d. No violence, including sexual misconduct or harassment, will be tolerated.
  - e. Hazing of any kind is prohibited. Bullying, including verbal, physical, and cyber bullying, is prohibited.
  - f. No theft of property, regardless of owner, will be tolerated.
  - g. Misuse of, or damage to, MTSU property is prohibited. Charges will be assessed against those participants who are responsible for damage to, or misuse of, MTSU property.



- b. Newly hired MTSU employees are required to complete the MTSU background check process at the time of hire.
  - c. With the exception indicated in e. below, all other individuals must complete the background check process through HRS. This includes current employees who have not previously had a background check completed or do not have a current background check, as well as all other individuals, paid or unpaid. For the purposes of this policy, a current background check means a background check that is no more than four (4) years old on the date it is submitted to HRS for review.
  - d. Authorized adults are required to notify HRS of an arrest (misdemeanor or felony) or conviction for an offense enumerated in the [Criminal History Attestation](#) within seventy-two (72) hours of knowledge of the arrest or conviction. The Criminal History Attestation form provides the list of arrests and/or convictions that must be disclosed. This form must be used to provide the information in writing to the Assistant Vice President of HRS. This includes any arrests or convictions that occur between the date of disclosure for a MTSU-run background check and the date work begins.
  - e. Authorized adults employed by a K-12 educational system, who have undergone the State of Tennessee's required background and fingerprint process, will be deemed to be in compliance with these background check requirements. It is the responsibility of the sponsor to verify that such individuals have met the state's K-12 requirements for supervision, oversight, and protection of minors.
  - f. A roster, including the names of the sponsor and all program staff for a particular program, must be provided to HRS, which will confirm that background checks have been done as required by this policy.
12. A [Volunteer form](#) must also be completed and submitted to HRS when utilizing unpaid and/or non-MTSU employees as program staff. Use of MTSU employees as unpaid staff must be reviewed and approved by HRS prior to the start of the program.
13. The program director must provide satisfactory evidence of compliance with the requirement of this policy at least fourteen (14) days prior to the scheduled use of MTSU property or facilities.
- C. Applicable only to non-MTSU entities or individuals. In addition to the requirements and responsibilities listed in IV.A. above, the following requirements and responsibilities shall apply to programs sponsored by non-MTSU entities or individuals:

1. The sponsor must agree to indemnify MTSU and hold it harmless from any and all liabilities arising out of its use of University property and/or facilities, including, but not limited to, personal injury, property damage, court costs, and attorney fees. Such indemnity agreement shall specifically include any and all claims brought against the University for any injury to the participants including, but not limited to, child abuse and child sexual abuse/molestation.
2. In addition to any other insurance required pursuant to [Policy 100 Use of Campus Property and Facilities Scheduling](#), sponsors shall obtain an appropriate amount of sexual abuse and molestation insurance, and must name MTSU as an additional insured. Proof of such coverage shall be provided to MTSU, along with the certificate of insurance.
3. The program director must provide satisfactory evidence of compliance with all of the requirements of this policy at least fourteen (14) days prior to the scheduled use of MTSU property or facilities, as well as sign an approved agreement for use of MTSU facilities, as may be required by [Policy 100 Use of Campus Property and Facilities Scheduling](#), if applicable.

## **V. Enforcement**

Violations of this policy will be subject to, but may not be limited to, the following:

- A. Breach of contract (for Coaching and/or Faculty contracts).
- B. Denial of Facilities Use and/or Facilities Use Agreements.
- C. Disallowance of future camp sponsorships and/or co-sponsorships.
- D. Other sanctions and disciplinary actions as may be deemed appropriate by the University President in consultation with Human Resources and University Counsel.

## **VI. Interpretation**

- A. Requests to amend any forms required by this policy must be approved by the Office of the University Counsel prior to distribution or use.
- B. The President or designee has the final authority to interpret the terms of this policy, and to approve exceptions to the policy.

Forms:

[Annual Mandatory Training for Authorized Adults: Minors on Campus Agreement Regarding Participation in Event Arrest and Conviction Self-Disclosure Form](#)

[Volunteer Form](#)  
[Request for Exemption from Certain Requirements](#)

Revisions: June 5, 2017; \_\_\_\_\_, 2019.

Last Reviewed: \_\_\_\_\_, 2019.

References: Policy 100 Use of Campus Property and Facilities Scheduling; MTSU Employee Safety Handbook.



## **101 Minors Participating in University-Sponsored Programs or Programs Using University Facilities**

**Approved by Board of Trustees**

**Effective Date:** \_\_\_\_\_, 2019

**Responsible Division:** President

**Responsible Office:** Office of the University Counsel

**Responsible Officer:** University Counsel

### **I. Purpose**

This policy provides for appropriate supervision of minors who are involved in Middle Tennessee State University (MTSU or University) sponsored programs, programs held at MTSU, and/or programs housed in MTSU facilities.

### **II. Scope**

- A. This policy applies to programs involving minors offered by an academic or administrative unit of MTSU, or by non-MTSU individuals or groups using MTSU property or facilities subject to [Policy 100 Use of Campus Property and Facilities Scheduling](#). Examples include, but are not limited to, athletic camps, academic camps, recreational camps, workshops, competitions, clinics, and conferences.
- B. This policy does not apply to:
  - 1. Events where parents/guardians are expected to provide supervision of the minor children, or events where the minor is accompanied by his/her parent/guardian;
  - 2. Events designed primarily for students enrolled at MTSU;
  - 3. An event open to the general public that is not targeted toward minors (i.e., athletic events, plays, concerts);
  - 4. Orientation programs for prospective students, including prospective student-athletes. However, orientation programs involving overnight stays in residence halls must be registered/have entered into a use agreement with the Office of Housing and Residence Life;
  - 5. Campus tours and visitation programs for prospective students, including prospective student-athletes. However, pre-enrollment visit programs for high school students

housed overnight in residence halls must be registered/have entered into a use agreement with the Office of Housing and Residential Life;

6. Events, such as field trips and athletic events, sponsored and supervised by a minor's school;
  7. Licensed daycare centers or pre-schools affiliated with MTSU; or,
  8. Single day events that begin and end between the hours of 8:00 a.m. and 4:30 p.m. Nonetheless, requirements of [Policy 100 Use of Campus Property and Facilities Scheduling](#) may apply. Additionally, and particularly for events sponsored by MTSU, the sponsor should consider Section IV.A. and B. to be best practices and, as applicable to the specific event, is urged to implement those requirements. It should be noted that the mandatory reporting of assault or abuse as set out in Section IV.A.7. is applicable to all program staff.
- C. Notwithstanding its duration, events, programs, or activities held at the Recreation Center are subject to that facility's requirements, such as completion of releases of liability.
- D. The Office of Event Coordination retains the discretion to impose requirements in addition to those mandated by this policy, as it deems reasonable based on the type of program.
- E. Requests for Exemption.
1. The sponsor of a program may submit a request for exemption from this policy, or from any of the requirements and responsibilities set out in Section IV., by filling out the [Request for Exemption from Certain Requirements](#) form.
  2. The sponsor must indicate which requirements or responsibilities the request concerns, the basis for the request, and information about the procedures to be substituted.
  3. The form should then be sent to the Office of the University Counsel. The University Counsel will forward the request, along with any additional information and/or recommendations, to the Vice Presidents and Provost, who will make the determination as to whether the request should be granted or denied.

### III. Definitions

- A. Minor. A person under the age of eighteen (18) who is not enrolled in for-credit courses at MTSU. Students who are dually enrolled in MTSU for-credit courses, while also enrolled in high school, are not covered by this policy. As used in this policy, participant shall also refer to a minor.



- B. MTSU Property or Facilities. Property or facilities under the control of MTSU.
- C. Program. Programs, events, or activities offered by academic or administrative units of MTSU, or by non-MTSU individuals or groups using MTSU property or facilities subject to [Policy 100 Use of Campus Property and Facilities Scheduling](#).
- D. Sponsor. The academic or administrative unit of MTSU which offers a program, or a non-university individual or entity that contracts with MTSU to provide a program using institutional property or facilities. The sponsor is responsible for ensuring compliance with this policy. The sponsor must designate at least one adult as the program director who will be the contact point for the program.
- E. Program Director. The individual designated by the sponsor who acts as the contact person with MTSU for the program.
- F. Authorized Adult. Individuals, age eighteen (18) and older, paid or unpaid, who interact with, supervise, chaperone, or otherwise oversee minors in program activities, using academic, recreational, and/or residential facilities. This includes, but is not limited to, faculty, staff, volunteers, graduate students, undergraduate students, interns, employees of temporary employment agencies, and independent contractors. The authorized adults' roles may include positions such as counselors, chaperones, coaches, instructors, etc. Collectively, authorized adults may also be referred to as program staff. Authorized adults are considered to be mandatory reporters of child abuse, as defined by Tennessee law.
- G. Direct Contact. Responsibilities of authorized adults including, but not limited to, the care, supervision, guidance, teaching, coaching, or control of participants.
- H. One-on-One Contact. Personal, unsupervised interaction between any authorized adult and a minor without at least one (1) other authorized adult or parent/guardian being present.

#### **IV. Program Requirements and Responsibilities**

- A. Applicable to all programs. The following requirements and responsibilities shall apply to all programs, whether sponsored by MTSU or a non-MTSU individual or entity:
  1. The sponsor, program director, program staff, and participants are expected to abide by all federal and state laws, and rules, regulations, and policies of MTSU. Failure of an individual to do so may result in disciplinary action, if the individual is an MTSU employee; and/or removal from the program and the campus for non-compliance. MTSU reserves the right to terminate a program if, in its discretion, it is being run in an unsafe manner and/or is not complying with applicable laws, rules, regulations, and policies.

2. Sponsors, program directors, and authorized adults must make all reasonable efforts to maintain a reasonably safe environment for minors participating in programs and activities covered by this policy, including removal of minors from dangerous, or potentially dangerous, situations, irrespective of any other limitation or requirement.
3. A sponsor offering a program that involves minors shall provide adequate and appropriate care and supervision of participants associated with the program at all times. Some of the factors to consider in determining adequate supervision are the number and age of participants, the activity(ies) involved, type of housing, if applicable, and age and experience of the authorized adults.
4. It is recommended that one-on-one contact between an authorized adult and a minor be avoided to the extent possible. If the program will include activities involving one-on-one contact, the sponsor must ensure that the parent/legal guardian is specifically made aware of this fact.
5. Authorized adults involved in programs covered by this policy shall not:
  - a. Have any direct electronic contact of a personal nature with minors without another adult being included in the communication.
  - b. In the case of supervising minors overnight, to the extent practical, enter a minor's room, bathroom facility, or similar area without another authorized adult in attendance. In these circumstances, the adults should be of the same gender as the minor(s).
  - c. Engage in abusive conduct of any kind toward, or in the presence of, a minor.
  - d. Strike, hit, administer corporal punishment to, or touch in an inappropriate or illegal manner, any minor.
  - e. Pick up or drop off minors at their homes, other than the driver's child(ren), except as specifically authorized in writing by the minor's parent/guardian and the program director.
  - f. Provide alcohol, tobacco, tobacco products (including e-cigarettes), or illegal drugs to any minor. Authorized adults shall not provide prescription drugs or any medication to any minor, unless specifically authorized in writing by the parent/legal guardian as being required for the minor's care or the minor's emergency treatment.

- g. Make sexual materials, in any form, available to minors or assist them in any way in gaining access to such materials.
  - h. Leave minors unattended or unsupervised.
  - i. Allow minors to be supervised by other minors in violation of this policy.
  - j. Allow the presence or participation of any minor other than those properly registered for the program. This includes the presence of a sponsor's or authorized adult's minor children.
6. If an allegation of inappropriate conduct has been made against an authorized adult involved in a program, he/she shall discontinue any further participation in the program until such allegation has been resolved to the satisfaction of the University.
7. Reporting assault or abuse. Each authorized adult who will be participating in a program covered by this policy shall complete [annual mandatory training](#) on the conduct requirements of this policy, on protecting participants from abusive emotional and physical treatment, and on appropriate or required reporting of incidents of improper conduct to the proper authorities including, but not limited to, appropriate law enforcement authorities and the Tennessee Department of Children's Services.
- a. Reporting allegations of assault or abuse. If a participant discloses any type of assault or abuse occurring at any time previously or during the program, or an authorized adult has reason to suspect that the participant has been subject to such assault or abuse, the authorized adult, as a mandatory reporter, must inform the program director immediately, unless the authorized adult believes the program director may be involved in the allegations of assault or abuse.
  - b. Together, the program director and the authorized adult must then call the Tennessee Department of Children's Services Child Abuse Hotline 1-877-237-0004 if the situation requires an emergency response. If the program director is unavailable, is suspected to be involved in the allegations of assault or abuse, or if the program director or designee does not call 1-877-237-0004, the authorized adult should immediately call that number.
  - c. If a situation presents immediate danger to a minor, University Police should be called as soon as possible, followed by a call to the Tennessee Department of Children's Child Abuse Hotline 1-877-237-0004.
  - d. If the report relates to a past event where there is no immediate threat to a minor (i.e., the report is based on a past event and the alleged abuser is not known to be currently in contact with minors), the program director or the authorized adult must provide written notification within forty-eight (48) hours

of filing the oral report to the [Department of Children's Services](#). In addition, the program director will immediately contact University Police, if that has not already occurred.

- e. The program director should notify the appropriate senior administrator, Office of the University Counsel, and Title IX Coordinator as soon as practical, but this notification should not unreasonably delay the notification requirements outlined in the sections above.
8. The program director must provide the contact information for the University Police (615-898-2424) to each authorized adult.
  9. Whenever it is learned that a participant is a victim or perpetrator of a crime, University Police (615-898-2424) must be contacted as soon as possible.
  10. Appropriate safety measures, approved by the Environmental Health and Safety Office as outlined in the [MTSU Employee Safety Handbook](#), must be followed.
  11. If MTSU residential facilities are being used, a list of all participants and all program staff must be maintained and a copy provided to the Office of Housing and Residence Life. The list shall include the participant's name, local room assignment, gender, age, address, and phone number(s) of parent/guardian, as well as emergency contact information.
  12. If applicable, the program will be required to adopt and implement rules and regulations for proper supervision of minors in MTSU housing. The following must be included:
    - a. Written permission, signed by the parent/legal guardian, for the minor to reside in MTSU housing.
    - b. A curfew time, which is age-appropriate for the participants, but in no case shall it be later than midnight.
    - c. In-room visitation is restricted to participants of the same gender.
    - d. Separate accommodations for adults and minors are required, other than the minors' parents/legal guardians.
    - e. Neither the Program Director nor any Authorized Adult may bring a minor child with him/her who is not a properly registered participant in the program.

- f. Guests of participants (other than a parent/legal guardian and other same gender program participants) are restricted to visitation in the building lobby and/or floor lounges, and only during approved hours specified by the program.
  - g. The program must comply with all security measures and procedures specified by the Office of Housing and Residential Life and University Police.
  - h. Doors in residence halls must not be propped open at any time.
- B. Applicable to only MTSU-sponsored programs. In addition to the requirements and responsibilities listed in IV.A. above, the following shall apply to programs sponsored by MTSU. It is suggested that non-MTSU sponsors consider complying with, or implementing, these requirements as a best practice:
1. A list of all participants and program staff must be maintained by the sponsor and program director. The list shall include the participant's name, local room assignment (if applicable), gender, age, address, and phone number(s) of parent/guardian, as well as emergency contact information. The list of program staff shall include the individual's M number, if applicable, and contact information, and must be provided to the Office of Human Resource Services (HRS) as specified in 11.f. below. The list shall be maintained by the sponsor for a period of one (1) year following the conclusion of the program. Maintaining copies in electronic format is permitted.
  2. The [Agreement Regarding Participation in Event](#) form, which includes provisions regarding acknowledgement of risk, release of liability and hold harmless, medical release, permission to use University housing, and image consent must be completed and signed by the parent/legal guardian of each participant as part of the program registration process. Sponsor must obtain the executed form prior to a minor's participation in the program, and must maintain the document for a period of one (1) year following the conclusion of the program. Maintaining copies in electronic format is permitted. No such information gathered shall be disclosed, except as may be required by law.
  3. The sponsor must establish a procedure for the notification of the minor's parent/legal guardian in case of an emergency, including medical or behavioral problems, natural disasters, or other significant program disruptions. Authorized adults with the program, as well as participants and their parents/legal guardians, must be advised of this procedure in writing prior to the participation of the minors in the program.
  4. Participants' parents/legal guardians must be provided information detailing the manner in which the participant can be contacted during the program.

5. Parents/legal guardians must be provided with information related to storage of participants' medication and the administration of any such medicine.
  - a. Personal epi pens and inhalers may be carried by the participant during activities.
  - b. If an issue arises related to the need for access to medications, the program director must consult with Health Services and/or Disability Access Center to discuss the possibility of reasonable accommodations.
6. The sponsor must arrange for access to emergency medical services at all locations. Medical care appropriate for the nature of the program activities, expected attendance, and other variables should be considered.
7. Guidance from Health Services concerning communicable diseases must be followed.
8. Rules and disciplinary measures applicable to the program must be developed and provided to the participants and their parents/legal guardians. Participants and program staff must abide by all MTSU policies and procedures and may be removed from the program for non-compliance with rules. The following must be included in program rules:
  - a. The possession or use of alcohol, drugs, tobacco, tobacco products including e-cigarettes, fireworks, guns, and other weapons is prohibited.
  - b. The parking of staff and participant vehicles must be in accordance with MTSU parking regulations.
  - c. Rules and procedures governing when, and under what circumstances, participants may leave MTSU property during the program.
  - d. No violence, including sexual misconduct or harassment, will be tolerated.
  - e. Hazing of any kind is prohibited. Bullying, including verbal, physical, and cyber bullying, is prohibited.
  - f. No theft of property, regardless of owner, will be tolerated.
  - g. Misuse of, or damage to, MTSU property is prohibited. Charges will be assessed against those participants who are responsible for damage to, or misuse of, MTSU property.

- h. The inappropriate use of cameras, imaging, and digital devices is prohibited, including use of such devices in showers, restrooms, or other areas where privacy is expected by participants.
9. An authorized adult must be accessible to participants at all times. The authorized adult must reside in the housing unit, if applicable. Additional authorized adults will be assigned to ensure appropriate levels of supervision are implemented.
10. Require the program to provide authorized adults to provide on-site supervision throughout the duration of the program in accordance with the following:
  - a. The minimum ratio of authorized adults to participants should meet the following:

One (1) authorized adult for every eight (8) participants ages four (4) and five (5);

One (1) authorized adult for every ten (10) participants ages six (6) to fourteen (14);

One (1) authorized adult for every twenty-five (25) participants ages fifteen (15) to seventeen (17).
  - b. In addition to the requirements in Section IV.A.7. concerning reporting assault or abuse, training for authorized adults provided by the sponsor must include, at a minimum, information about responsibilities and expectations; applicable policies and procedures; appropriate crisis/emergency responses; safety and security precautions; and confidentiality issues for the specific program or activity.
  - c. Responsibilities of the authorized adults must include, at a minimum, informing participants about safety and security procedures, MTSU rules, rules established by the program, and behavioral expectations. The program director is responsible for following and enforcing all rules and must be able to provide this information to participants and be able to respond to emergency(ies).
11. All authorized adults are required to have current background checks on record with MTSU at the time of hire and/or prior to beginning work with minors. The background checks shall be paid for by the sponsor. This background check must be reviewed and approved by HRS prior to being hired and/or working with minors. No individual with a criminal history relating to children or violence, including, but not limited to, child abuse, neglect, or sex offenses may be designated as an authorized adult.
  - a. When there are high school students, including prospective athletes, participating in pre-enrollment visitation, the hosting MTSU student(s) will not be required to undergo a background check.

- b. Newly hired MTSU employees are required to complete the MTSU background check process at the time of hire.
  - c. With the exception indicated in e. below, all other individuals must complete the background check process through HRS. This includes current employees who have not previously had a background check completed or do not have a current background check, as well as all other individuals, paid or unpaid. For the purposes of this policy, a current background check means a background check that is no more than four (4) years old on the date it is submitted to HRS for review.
  - d. Authorized adults are required to notify HRS of an arrest (misdemeanor or felony) or conviction for an offense enumerated in the [Criminal History Attestation](#) within seventy-two (72) hours of knowledge of the arrest or conviction. The Criminal History Attestation form provides the list of arrests and/or convictions that must be disclosed. This form must be used to provide the information in writing to the Assistant Vice President of HRS. This includes any arrests or convictions that occur between the date of disclosure for a MTSU-run background check and the date work begins.
  - e. Authorized adults employed by a K-12 educational system, who have undergone the State of Tennessee's required background and fingerprint process, will be deemed to be in compliance with these background check requirements. It is the responsibility of the sponsor to verify that such individuals have met the state's K-12 requirements for supervision, oversight, and protection of minors.
  - f. A roster, including the names of the sponsor and all program staff for a particular program, must be provided to HRS, which will confirm that background checks have been done as required by this policy.
12. A [Volunteer form](#) must also be completed and submitted to HRS when utilizing unpaid and/or non-MTSU employees as program staff. Use of MTSU employees as unpaid staff must be reviewed and approved by HRS prior to the start of the program.
13. The program director must provide satisfactory evidence of compliance with the requirement of this policy at least fourteen (14) days prior to the scheduled use of MTSU property or facilities.
- C. Applicable only to non-MTSU entities or individuals. In addition to the requirements and responsibilities listed in IV.A. above, the following requirements and responsibilities shall apply to programs sponsored by non-MTSU entities or individuals:



1. The sponsor must agree to indemnify MTSU and hold it harmless from any and all liabilities arising out of its use of University property and/or facilities, including, but not limited to, personal injury, property damage, court costs, and attorney fees. Such indemnity agreement shall specifically include any and all claims brought against the University for any injury to the participants including, but not limited to, child abuse and child sexual abuse/molestation.
2. In addition to any other insurance required pursuant to [Policy 100 Use of Campus Property and Facilities Scheduling](#), sponsors shall obtain an appropriate amount of sexual abuse and molestation insurance, and must name MTSU as an additional insured. Proof of such coverage shall be provided to MTSU, along with the certificate of insurance.
3. The program director must provide satisfactory evidence of compliance with all of the requirements of this policy at least fourteen (14) days prior to the scheduled use of MTSU property or facilities, as well as sign an approved agreement for use of MTSU facilities, as may be required by [Policy 100 Use of Campus Property and Facilities Scheduling](#), if applicable.

#### **V. Enforcement**

Violations of this policy will be subject to, but may not be limited to, the following:

- A. Breach of contract (for Coaching and/or Faculty contracts).
- B. Denial of Facilities Use and/or Facilities Use Agreements.
- C. Disallowance of future camp sponsorships and/or co-sponsorships.
- D. Other sanctions and disciplinary actions as may be deemed appropriate by the University President in consultation with Human Resources and University Counsel.

#### **VI. Interpretation**

- A. Requests to amend any forms required by this policy must be approved by the Office of the University Counsel prior to distribution or use.
- B. The President or designee has the final authority to interpret the terms of this policy, and to approve exceptions to the policy.

Forms:

[Annual Mandatory Training for Authorized Adults: Minors on Campus Agreement Regarding Participation in Event Arrest and Conviction Self-Disclosure Form](#)

[Volunteer Form](#)  
[Request for Exemption from Certain Requirements](#)

Revisions: June 5, 2017; \_\_\_\_\_, 2019.

Last Reviewed: \_\_\_\_\_, 2019.

References: Policy 100 Use of Campus Property and Facilities Scheduling; MTSU Employee Safety Handbook.



## **620 Campus Master Plan**

**Approved by Board of Trustees**

**Effective Date:** \_\_\_\_\_, 2019

**Responsible Division: Business and Finance**

**Responsible Office: Campus Planning**

**Responsible Officer: Assistant Vice President, Campus Planning**

### **I. Purpose**

This policy sets forth the responsibilities relative to the Middle Tennessee State University's (MTSU or University) Campus Master Plan, which provides guidance for future development of the physical campus necessary to provide quality instructional and service facilities.

### **II. Campus Master Plans**

- A. The campus master plan should be internally reviewed by Campus Planning staff at least every two (2) years.

If an update to the existing master plan is deemed necessary and approved by the President and the Board of Trustees (Board), the University should document the need and initiate retainage of a professional consultant according to State Building Commission (SBC) and Tennessee Higher Education Commission (THEC) Policy.

- B. New campus master plans and updates shall be prepared by professional consultants appointed by the SBC. The new master plan or master plan update shall be approved by the Board, submitted to THEC for review and comment, and approved by the SBC.
- C. A new campus master plan or campus master plan update must be completed by the University at least once every ten (10) years.
- D. The development, execution, timeliness, and scope of campus master plans shall be performed in accordance with current THEC Master Plan Guidelines.
- E. New building construction or additions should be addressed in the campus master plan prior to the submission for funding to THEC.

- F. The costs of obtaining consultant services for campus master plans should be funded by the University.
  
- G. The content of the campus master plan includes, but is not limited to, the following items:
  - 1. Academic mission;
  - 2. Enrollment;
  - 3. Student services;
  - 4. Capital projects;
  - 5. Parking;
  - 6. Space need, as defined by THEC's Space Allocation Guidelines and space utilization;
  - 7. Land acquisition and disposal; and
  - 8. Site, environmental, and utility issues.

Forms: none.

Revisions: June 12, 2018 (original) to be effective July 1, 2018; \_\_\_\_\_, 2019.

Last Reviewed: \_\_\_\_\_, 2019.

References: THEC Policy F4.1, THEC Master Plan Guidelines, T.C.A. § 49-7- 202, § 49-7-1002, § 49-8-203.



## 620 Campus Master Plan

Approved by Board of Trustees

Effective Date: \_\_\_\_\_, 2019

Responsible Division: Business and Finance

Responsible Office: Campus Planning

Responsible Officer: Assistant Vice President, Campus Planning

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F. The costs of obtaining consultant services for campus master plans should be funded by the University.

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G. The content of the campus master plan includes, but is not limited to, the following items:

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1. Academic mission;
2. Enrollment;
3. Student services;
4. Capital projects;
5. Parking;
6. Space need, as defined by THEC's Space Allocation Guidelines and space utilization;
7. Land acquisition and disposal; and
8. Site, environmental, and utility issues.

Forms: none.

Revisions: June 12, 2018 (original) to be effective July 1, 2018; \_\_\_\_\_, 2019.

Last Reviewed: \_\_\_\_\_, 2019.

Deleted: July 2018

References: THEC Policy F4.1, THEC Master Plan Guidelines, T.C.A. § 49-7- 202, § 49-7-1002, § 49-8-203.



## 622 Acquisition and Disposal of Real Property

Approved by Board of Trustees

Effective Date: \_\_\_\_\_, 2019

Responsible Division: Business and Finance

Responsible Office: Campus Planning

Responsible Officer: Assistant Vice President, Campus Planning

### I. Purpose

This policy establishes procedures for the acquisition and disposal of real property at Middle Tennessee State University (MTSU or University).

### II. Introduction

- A. Authorization. Pursuant to T.C.A. § 49-8-203(a)(3), the University has the authority, whether by gift or purchase, to acquire and dispose of real property, condemn land, and to receive donations of property. See [Policy 135 Solicitation and Acceptance of Gifts](#).
- B. Title of Property Acquired. Property that is acquired shall be titled in the name of the State of Tennessee for the use and benefit of the University.
- C. All proposed acquisitions or disposals of real property, in any manner, shall be subject to the approval of the President. Any acquisitions or disposals that are outside of the Campus Master Plan acquisition area or require an amendment to the Campus Master Plan shall require Board approval.

### III. Procedures

- A. The approval of land acquisition by purchase or condemnation shall be subject to the following procedures:
  - 1. The University shall submit to the Board and the Tennessee Higher Education Commission (THEC), for consideration and approval, a campus master plan or an amended master plan which indicates land acquisition needs.
  - 2. Upon approval of the campus master plan or an amendment to the campus master plan, the University may request a land acquisition by submitting the proper

documentation for each proposed acquisition to State of Tennessee Real Estate Asset Management Division (STREAM). The property acquisition or disposal request will be submitted by the University to the State Building Commission (SBC) Executive Sub-Committee (ESC) for approval and shall be done in accordance with procedures established by the State Building Commission (SBC) By-laws, Policy and Procedure Item 8, T.C.A. §§ 4-15-102, 12-2-112 and 49-8-111.

After SBC ESC approval, STREAM staff will obtain a title commitment, an appraisal, option to purchase property, survey, and an Environmental Site Assessment Phase I report.

If an option to purchase property is signed by the seller, it will be submitted to the President for final approval to proceed with transaction through STREAM. If negotiations fail, the University may request that condemnation proceedings commence for acquisition of the property.

If acquisition of the property by purchase is approved, STREAM will be responsible for recording the warranty deed and forwarding the deed and title insurance to the University.

- B. Gift Property. Acquisition of any interest in real property by gift or devise that obligates the University, or State of Tennessee to expend State of Tennessee funds for capital improvements or continuing operating expenditures shall be approved by the SBC Executive Sub-committee in accordance with T.C.A. § 4-15- 102(d)(2), prior to acceptance by the University. See [Policy 135 Solicitation and Acceptance of Gifts](#).

#### **IV. Inspection**

Facilities evaluations and environmental identification inspections shall be conducted according to STREAM requirements.

#### **V. Relocation Assistance**

Persons, businesses, farms, and non-profit organizations relocated by State real property acquisition projects are eligible for relocation assistance in accordance with the provisions of T.C.A. § 13-11-101 et seq., and the Federal Uniform Relocation Assistance and Land Acquisition Policies Act of 1970, as administered by the Department of Finance and Administration.

#### **VI. Proceeds from Sale of Real Property**

- A. The receipts from the sale or conveyance of real property shall be deposited in the capital outlay fund of the selling institution in accordance with T.C.A. § 49-8-111.



- B. However, if the receipts are the result of a devise or gift which designated the purpose of the gift for a particular use, any funds from a sale or conveyance of the property may be transferred from the capital outlay fund of the selling institution to the appropriate account in order to effectuate the donor's intent.

Forms: none.

Revisions: June 12, 2018 (original) to be effective July 1, 2018; \_\_\_\_\_, 2019.

Last Reviewed: \_\_\_\_\_, 2019.

References: SBC By-laws, Policy and Procedure Item 8, T.C.A. §§ 4-15-102; 12-2-112; 49-8-111; § 49-8-203(a)(3); Policy 135 Solicitation and Acceptance of Gifts.





## 622 Acquisition and Disposal of Real Property

Approved by Board of Trustees

Effective Date: \_\_\_\_\_, 2019

Responsible Division: Business and Finance

Responsible Office: Campus Planning

Responsible Officer: Assistant Vice President, Campus Planning

Deleted: July 1, 2018

### I. Purpose

This policy establishes procedures for the acquisition and disposal of real property at Middle Tennessee State University (MTSU or University).

### II. Introduction

- A. Authorization. Pursuant to T.C.A. § 49-8-203(a)(3), the University has the authority, whether by gift or purchase, to acquire and dispose of real property, condemn land, and to receive donations of property. See [Policy 135 Solicitation and Acceptance of Gifts](#).
- B. Title of Property Acquired. Property that is acquired shall be titled in the name of the State of Tennessee for the use and benefit of the University.
- C. All proposed acquisitions or disposals of real property, in any manner, shall be subject to the approval of the President. Any acquisitions or disposals that are outside of the Campus Master Plan acquisition area or require an amendment to the Campus Master Plan shall require Board approval.

Deleted: MTSU Board of Trustees (Board)

### III. Procedures

- A. The approval of land acquisition by purchase or condemnation shall be subject to the following procedures:
  - 1. The University shall submit to the Board and the Tennessee Higher Education Commission (THEC), for consideration and approval, a campus master plan or an amended master plan which indicates land acquisition needs.
  - 2. Upon approval of the campus master plan or an amendment to the campus master plan, the University may request a land acquisition by submitting the proper

documentation for each proposed acquisition to State of Tennessee Real Estate Asset Management Division (STREAM). The property acquisition or disposal request will be submitted by the University, to the State Building Commission (SBC) Executive Sub-Committee (ESC) for approval and shall be done in accordance with procedures established by the State Building Commission (SBC) By-laws, Policy and Procedure Item 8, T.C.A. §§ 4-15-102, 12-2-112 and 49-8-111.

Deleted: STREAM

Deleted: for submission

After SBC ESC approval, STREAM staff will obtain a title commitment, an appraisal, option to purchase property, survey, and an Environmental Site Assessment Phase I report.

If an option to purchase property is signed by the seller, it will be submitted to the President for final approval to proceed with transaction through STREAM. If negotiations fail, the University may request that condemnation proceedings commence for acquisition of the property.

If acquisition of the property by purchase is approved, STREAM will be responsible for recording the warranty deed and forwarding the deed and title insurance to the University.

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#### IV. Inspection

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B. However, if the receipts are the result of a devise or gift which designated the purpose of the gift for a particular use, any funds from a sale or conveyance of the property may be transferred from the capital outlay fund of the selling institution to the appropriate account in order to effectuate the donor's intent.

Forms: none.

Revisions: June 12, 2018 (original) to be effective July 1, 2018; \_\_\_\_\_, 2019.

Last Reviewed: \_\_\_\_\_, 2019.

References: SBC By-laws, Policy and Procedure Item 8, T.C.A. §§ 4-15-102; 12-2-112; 49-8-111; § 49-8-203(a)(3); Policy 135 Solicitation and Acceptance of Gifts.

Deleted: July 2018





**Middle Tennessee State University  
Board of Trustees**

**Finance and Personnel Committee**

**Information Item**

DATE: September 4, 2019

SUBJECT: **Capital Projects Update**

PRESENTERS: Bill Waits  
Assistant Vice President for Campus Planning

Joe Whitefield  
Assistant Vice President for Facilities Services

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**BACKGROUND INFORMATION:**

Bill Waits, Assistant Vice President for Campus Planning, will provide 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, will provide an update on current capital maintenance projects.





# Middle Tennessee State University Capital Maintenance Projects

FY 2020/21				
	Project	Project Cost	Affected Buildings	Project Status
1	Murphy Center Window Repair/Replacement	\$ 4,600,000	Murphy Center	Submitted to THEC
2	Elevator Modernization Phase 3	\$ 2,000,000	KUC, CK Nursing, Bragg, Jones, MEC (west)	Submitted to THEC
3	Water and Sewer System Updates Phase II	\$ 490,000	Campus/Various Buildings	Submitted to THEC
4	Several Building Roof Replacements	\$ 950,000	Cope, Ingram, Blue Warehouse	Submitted to THEC
5	Steam Condensate and MH Rep/Rep Phase III	\$ 1,400,000	Campus	Submitted to THEC
6	Sidewalk Repair/Replacement Phase I	\$ 610,000	Campus	Submitted to THEC
		\$10,050,000		

FY 2019/20				
	Project	Project Cost	Affected Buildings	Project Status
1	Several Buildings Roof Replacements	\$ 600,000	Cogen Plant, Chilling Plant, Wisner Patten	Funded July 1, 2019 Completing Designer Selection
2	KOM Mechanical, HVAC **	\$1,317,000	KOM	Funded July 1, 2019 Completing Designer Selection
3	Stark AG/Police Station Mechanical/HVAC Upgrades	\$1,965,000	Stark Ag. , University Police	Funded July 1, 2019 Completing Designer Selection
4	Campus Storm Water BMP Phase1	\$ 450,000	Campus	Funded July 1, 2019 Completing Designer Selection
5	Miller Education Boiler Replacement	\$ 400,000	Miller Education	Funded July 1, 2019 Completing Designer Selection
		\$4,732,000		

\*\* project scope revised to HVAC/Mechanical only

FY 2018/19				
	Project	Project Cost	Affected Buildings	Project Status
1	Mechanical/Electrical Updates Data Centers and Tower	\$ 1,212,000	Cope, Telecom, BAS, Dyslexia, WMOT Tower	In Construction – Contracts Awarded
2	KUC and Miller Education Roof Replacements	\$ 1,500,000	Miller Education	In Construction
3	Steam Condensate and Manhole Repair/Replace Phase2	\$ 2,350,000	Campus (Midget – Rutledge)	In Construction
4	Domestic Water and Sewer System Updates Phase1	\$ 1,010,000	Campus – Various Buildings	In Construction
5	Maintenance Complex Roof Replacements	\$ 1,048,000	Maint. Complex, Greenhouse	In Construction
6	Several Bldg Smoke Evacuation Repair and Retro-Commissioning	\$ 500,000	Science, SUB, COE, Walker Lib, Bragg, MEC	In Construction - NTP
7	Elevator Modernization Phase 2	\$ 550,000	KOM	In Construction
		\$ 8,170,000		

FY 2017/18				
	Project	Project Cost	Affected Buildings	Project Status
1	Life Safety Fire Alarm System Upgrades Phase 1	\$ 2,810,000	Network/Central System – several buildings	In Construction
2	Steam Condensate and Manhole Repair/Replace Phase1	\$ 1,900,000	Campus (Faulkinberry Dr.)	Construction Complete
3	KUC Mechanical and HVAC	\$ 1,750,000	KUC	In Construction
4	Several Bldgs. Roof Replacement	\$ 1,790,000	LRC, BDA, AMG, VET	Construction Complete
5	Elevator Modernization (Phase 1)	\$ 700,000	SFA, BDA	Construction Complete
		\$ 8,950,000		

FY 2016/17				
	Project	Project Cost	Affected Buildings	Project Status
1	SFA HVAC Phase 2 Updates	\$1,750,000	SFA	Construction Complete
2	Energy Recovery Boiler	\$ 875,000	Steam Plant	Construction Complete
3	Several Buildings Electrical Upgrade	\$ 1,595,000	Jones Hall, Stark Ag., VET	Construction Complete
4	Replace BAS Control Panels	\$ 787,000	Numerous E&G	In Construction Substantially Complete
5	Several Buildings Exterior Repair	\$ 1,628,000	JUB, BDA, Alumni, Cope, other E&G	Construction Complete
		\$ 6,635,000		



**Middle Tennessee State University  
Board of Trustees**

**Finance and Personnel Committee**

**Information Item**

DATE: September 4, 2019

SUBJECT: **Classified Employee Grievance Annual Report**

PRESENTER: Kathy Musselman  
Assistant Vice President for Human Resources

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**BACKGROUND INFORMATION:**

In accordance with TCA §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 that are demoted, suspended or terminated for cause are notified of their rights to appeal the employment action. If the employee starts the grievance process, we are required to report the outcome to the senate and house committees.

Attached is the information reported for fiscal year July 1, 2018 - June 30, 2019.



**Classified Employee Grievances**

**July 1, 2018 – June 30, 2019**

	<b>Number</b>	<b>Hearing</b>	<b>Decision Upheld</b>	<b>Decision Overturned</b>
<b>Demotion</b>	0			
<b>Suspension without pay</b>	0			
<b>Termination for Cause</b>	0			
<b>Work assignments or conditions of work</b>	0			