

**Tennessee State University  
Board of Trustees**

**APPROVAL OF  
SEPTEMBER 24, 2020,  
ACADEMIC AFFAIRS  
AND STUDENT AFFAIRS  
COMMITTEE MEETING  
MINUTES**

TENNESSEE STATE UNIVERSITY

BOARD OF TRUSTEES

ACTION ITEM

DATE: November 19, 2020

ITEM: Approval of the September 24, 2020, Academic Affairs and Student Affairs Committee Meeting Minutes

RECOMMENDED ACTION: Approval

PRESENTED BY: Chair of Academic Affairs and Student Affairs Committee,  
Trustee Pamela Martin

The document reflecting the minutes from the September 24, 2020, Academic Affairs and Student Affairs Committee meeting is included in the November 19, 2020 Board materials.

**MOTION: To approve the minutes from the Board of Trustees' September 24, 2020, Academic Affairs and Student Affairs Committee meeting, as contained in the Board materials for the Board's November 19, 2020, meeting.**

**Meeting of the Tennessee State University Board of Trustees  
Academic Affairs and Student Affairs Committee Meeting  
September 24, 2020  
Tennessee State University – Electronic  
MINUTES**

**Committee Members Present:** Trustees Pam Martin, Andre Johnson, Ali Sekmen, and Non-voting Member: Tiara Thomas.

**Other Board Members Present:** Trustees Steve Corbeil, Obie McKenzie, Deborah Cole, Richard Lewis; Joseph Walker III

**University Staff Present:** President Glenda Glover; Laurence Pendleton, General Counsel and Board Secretary; Dr. Michael Harris, Interim Provost and Vice President for Academic Affairs; Dr. Curtis Johnson, Chief of Staff; Dean Frank Stevenson, Assoc. Vice President of Student Affairs; Horace Chase, Vice President of Business and Finance; Dr. Frances Williams, Assoc. Vice President of Research & Sponsored Programs; Terrence Izzard, Assoc. Vice President of Enrollment Management; Dr. Robbie Melton, Graduate School Dean and Assoc. Vice President and Arlene Nicholas-Phillips, Liaison to the Board of Trustees.

### **I. CALL TO ORDER**

Trustee Martin called the meeting to order at 8:30 a.m. on September 24, 2020. Trustee Martin moved to make certain findings on the record regarding the necessity for conducting the meeting electronically without a physical quorum present due to the coronavirus pandemic. The Committee is set to take up important matters. Participation by electronic means is necessitated by the COVID-19 pandemic and accompanying guidance from the Center for Disease Control (“CDC”) and the State of Tennessee to limit face-to-face contact whenever possible. Electronic participation for the Committee meeting is necessary for the safety of Board members, staff, and guests.

### **II. ROLL CALL/DECLARATION OF A QUORUM**

Board Secretary Pendleton called the roll at the committee chair’s request. Trustees Pam Martin, Andre Johnson, Ali Sekmen, and Tiara Thomas were present. Secretary Pendleton announced the presence of a quorum.

Trustee Martin asked the Committee members to state now if any of the committee members cannot hear or speak with each other. No committee members answered in the affirmative. Trustee Martin also asked the committee members to indicate if someone is present with them from the location in which they are calling. No committee members indicated there was anyone present.

### **III. APPROVAL OF THE JUNE 18, 2020, COMMITTEE MEETING MINUTES**

Trustee Martin proceeded to the approval of the June 18, 2020, Academic Affairs and Student Affairs Committee meeting minutes.

Trustee Martin moved to recommend to the full Board the approval of the June 18, 2020, Academic Affairs and Student Affairs Committee meeting minutes, as contained in the Board materials for the September 24, 2020, Board meeting. Trustee Johnson seconded the motion, which carried unanimously by roll call.

#### **IV. REPORT ON COVID-19 CORONAVIRUS PANDEMIC ACADEMIC AND STUDENT ISSUES**

Trustee Martin announced the next item on the agenda is the report on COVID-19 Coronavirus Pandemic and student issues. This is an informational item and no vote is required. Trustee Martin asked President Glover or her designee to provide pertinent information related to this agenda item. The material is included in the September 24, 2020, Board Meeting materials.

President Glover asked permission to the Board to introduce Provost Harris as the new Interim Provost and Vice President of Academic Affairs. She then asked Provost Harris to respond to this agenda item. Provost Harris outlined the campus re-opening and response plan as detailed on pages #93 and #94 in the September 24, 2020 Board Meeting materials. His outline included the “Back to TSU for Fall 2020” campaign, access to education plan, course scheduling, streamlined advising, technology and access plan and listing of virtual events. Provost Harris stressed that the university, under the leadership of President Glover, offered a very innovative and comprehensive plan for re-opening during a pandemic. He added that TSU also offered 15% discount to all in-state students who were taking all classes online and a 10% discount to those who were out-of-state.

Trustee Martin congratulated President Glover, Provost Harris and then entire TSU team for putting this plan in place and agreed that when compared to any other university in the country, our plan would stand above the rest. Trustee Martin emphasized that it was President Glover who first said to her, “What if our students are not able to come back? We need to make sure that they are safe”. Trustee Martin also acknowledged that putting this comprehensive plan in place took long days and nights and again thanked everyone for putting in the extra time and effort in making this happen for our students.

Trustee Sekmen commented that it was commendable that we were able to distribute laptops to all of our students and faculty who needed a device. He asked that when faculty loan or purchase laptops that they be given administrative authority to put what they need onto the device. President Glover suggested that Trustee Sekmen, Provost Harris and Interim CIO Tim Warren all meet to discuss this request further.

Trustee Martin thanked President Glover, Provost Harris and all others for all that was done regarding this agenda item.

#### **V. APPROVAL OF UPDATED TSU MISSION STATEMENT**

Trustee Martin introduced the next item on the agenda as approval of the updated TSU mission statement. This is an informational item and no vote is required. Trustee Martin asked President Glover or her designee to provide pertinent information related to this agenda item. The material is included in the September 24, 2020, Board Meeting materials.

President Glover asked Provost Harris to present on this item. Provost Harris explained that pursuant to Core Accreditation requirement 2.1, the institutional mission must reflect who we are and what we do, as an institution. In keeping with that mandate and to ensure compliance with the SACSCOC standard 2.1, a revision of the current mission statement was necessary. Through a strategic planning process and in consultation with TSU’s accreditation consultant, a new

mission statement was developed. As noted in the September 24, 2020 Board Meeting materials on page #97, the proposed mission statement reads:

*Tennessee State University, through its legacy as an HBCU and land grant institution, transforms lives, prepares a diverse population of leaders, and contributes to economic and community development by providing affordable and accessible educational programs at various degree levels and promoting academic excellence through scholarly inquiry, teaching, research, lifelong learning, and public service.*

Trustee Martin moved to recommend to the full Board the approval of the Updated TSU Mission Statement, as contained in the Board materials for the September 24, 2020, board meeting. Trustee Sekmen seconded and the motion carried unanimously by roll call vote.

## **VI. APPROVAL OF TSU 2020 STRATEGIC PLAN**

Trustee Martin announced the next agenda item as the approval of TSU 2020 Strategic Plan. She asked President Glover or her designee to provide pertinent information related to this agenda item. The material is included in the September 24, 2020, Board Meeting packet.

President Glover asked Provost Harris to comment on this agenda item. Provost Harris explained that between November, 2019 and July, 2020 several committees conducted institution analysis of strengths, weaknesses, opportunities, and threats (SWOT) using supporting data to frame priorities. He stated that the entire campus community was engaged in providing feedback at several stages and based on this effort, the mission, vision, and core values were revised, and five strategic goals were identified. He added that this bold and transformative plan, "The Pathway to Excellence 2025," defines and addresses the challenges and opportunities facing higher education. Through its focus on student success, academic excellence and world-changing impact stand to position TSU for decades. The plan, "The Pathway to Excellence 2025" is detailed in the September 24, 2020 Board Meeting materials starting on page #100 through #119. Provost Harris mentioned that after completion of the University's plan, academic Colleges and Administrative units will develop integrated plans that are mapped to the institution's priorities and scorecard. He reported that his was a live document and will be evaluated periodically for enhancements and changes.

President Glover complemented Dean Haynes for spear-heading this project.

Trustee Sekmen identified the goal for growing enrollment as to him, the most important goal in the strategic plan. He also took the opportunity to praise President Glover on the approach taken in over-coming the SACSCOC probation issue. He stressed that everyone took ownership in the probation issue and the entire campus worked as one team. He then suggested that we should adopt the same approach with enrollment, where everyone should take ownership.

Provost Harris announced that measures were put in place to keep everyone engaged. He stated that he believed that people support what they help to build and so that is the approach being implemented. He added that mechanisms were now in place where every unit and department will be held accountable. We will continue working together.

Trustee Martin moved to recommend to the full Board the approval of the TSU 2020 Strategic Plan, as contained in the Board materials for the September 24, 2020, board meeting. Trustee Johnson seconded and the motion carried unanimously by roll call vote.

**VII. APPROVAL OF OFF-CAMPUS ACADEMIC PROGRAM SITE: Bachelor of Science (B.S.) in Applied Industrial Technologies at the Motlow State Community College – McMinnville Campus**

Trustee Martin announced the next agenda item as the approval of off-campus academic program site: Bachelor of Science (B.S.) in Applied Industrial Technologies at the Motlow State Community College – McMinnville Campus. She asked President Glover and her designee to provide pertinent information related to this agenda item. The material is included in the September 24, 2020, Board Meeting packet.

Provost Harris discussed the relevance of expanding this program to Motlow State Community College and the McMinnville Campus. He pointed out that this was part of the larger strategic plan. He also stated that the state was focusing heavily on this area and it was in our best interest to position ourselves accordingly. Provost Harris also added that TSU will benefit from the transfer students coming from this program. President Glover commented that TSU now had a presence in 50 of the 95 counties in the state of Tennessee.

Trustee Sekmen added that Applied Industrial Technologies (AIT) was a good fit for TSU and that we might also consider offering Mechatronics in the future especially since Tennessee was becoming a “hot spot” for the automotive industry. He pointed out that companies such as GM and Nissan had moved in and that this expansion was very timely for TSU.

Trustee Martin moved to recommend to the full Board the approval of the Off-Campus Academic Program Site: Bachelor of Science (B.S.) in Applied Industrial Technologies at the Motlow State Community College – McMinnville Campus, as contained in the Board materials for the September 24, 2020, Board meeting. Trustee Johnson seconded and the motion carried unanimously by roll call vote.

**VIII. APPROVAL OF THE DISCONTINUANCE OF MASTER OF SCIENCE IN PROFESSIONAL SCIENCE**

Trustee Martin announced the next agenda item as the approval of the Discontinuance of Master of Science in Professional Science. She asked President Glover and her designee to provide pertinent information related to this agenda item. Information pertaining to this agenda item is included in the September 24, 2020 board materials.

President Glover asked Provost Harris to comment on this item. He explained that the Professional Science Masters (PSM) will be consolidated into the proposed new MS degree in Environmental Sciences (pending approval by THEC) as a concentration in Geospatial Sciences. Provost Harris added that more students were interested in Geospatial Information Systems (GIS) courses and not the core which include business courses. The PSM degree program could not be sustained because its success was dependent on full participation and support of the College of Agriculture and other colleges at TSU; however, the other colleges did not come on board.

Provost Harris went on to explain that the new concentration in Geospatial Sciences within the Environmental Sciences MS degree will provide only such needed courses. During the 2019 Graduate Program Review, it was recommended that the Department of Agricultural and Environmental Sciences where the PSM degree program is housed, find alternative and feasible method of delivering the GIS. After discussions with faculty in the GIS, PSM and the Environmental Sciences, there was unanimous agreement that the PSM program should be

consolidated and offered as a concentration within the proposed MS degree in Environmental Sciences.

Trustee Martin then moved to recommend to the full board the approval of the Discontinuance of Master of Science in Professional Science, as contained in the Board materials for the September 24, 2020, board meeting. Trustee Johnson seconded and the motion carried unanimously by roll call vote.

## **IX. APPROVAL OF THE FOCUS ACT REQUIRED INSTITUTIONAL MISSION PROFILE FOR THE TENNESSEE HIGHER EDUCATION COMMISSION**

Trustee Martin introduced the next item on the agenda as the approval of the FOCUS Act Required Institutional Mission Profile for the Tennessee Higher Education Commission. Trustee Martin asked President Glover and her designees to provide pertinent information related to this agenda item. Information pertaining to this agenda item is included in the September 24, 2020 board materials.

President Glover asked Provost Harris to comment on this agenda item. Provost Harris explained the significance of the Institutional Mission Profile and stressed that this was how TSU will be recognized. In stating this, he pointed out that there were some changes necessary to be made as compared to the current profile. Below are the changes which were made:

*The proposed Institutional Mission Profile makes the following changes (as seen in the merged profile).*

- *Added additional details regarding TSU's Carnegie clarification*
- *Added specificity to the geographic scope of our student placements and partnerships (local, state, national, international)*
- *Added a statement emphasizing our commitment and focus on recruitment, retention, and graduation*
- *Added language regarding our student career placements in diverse sectors (private, public, nonprofit)*
- *Added public service as a focus of TSU's curriculum*

The entire proposed profile and the current profile highlighting the recommended changes were all included in the September 24, 2020, Board Materials on pages #127 and #128.

Trustee Martin then moved to recommend to the full board the approval of the FOCUS Act Required Institutional Mission Profile for the Tennessee Higher Education Commission, as contained in the Board materials for the September 24, 2020, Board Meeting. Trustee Johnson seconded and the motion carried unanimously by roll call vote.

## **X. REPORT ON SACSCOC ACCREDITATION REVIEW MATTERS**

Trustee Martin introduced the next item on the agenda as the report on SACSCOC accreditation review matters. Trustee Martin asked President Glover or her designee to provide pertinent information related to this agenda items, as contained in the Board materials for the September 24, 2020, Board Meeting.

President Glover called on Provost Harris to announce the great news relating to this agenda item. Provost Harris reiterated why the university was on probation and all steps taken to reverse this probationary status. He applauded the efforts of the Deans, Chairs and most importantly, the efforts of Dr. Charlise Anderson.

Provost Harris then addressed the SACSCOC Decennial Review process as well and detailed the timeline which everyone was adhering to in order to have the reports completed and submitted on time. The timeline included the upcoming On-Site Reaffirmation Committee visit and the



time-frame for responding to any recommendations. He stipulated that by December, 2021 we should receive the SACSCOC Board of Trustees Reaffirmation decision.

President Glover then thanked everyone who participated in getting TSU off probation. She praised the efforts of everyone: faculty, staff and the leadership of Provost Harris. She commented that we all did this because everyone “had a mind to work”. We all accomplished this goal together.

Trustee Martin then thanked President Glover and Provost Harris for the report. She was then joined by all the other Trustees in applauding the efforts of everyone who had a hand in getting TSU off probation.

## **XI. ACADEMIC AFFAIRS REPORT**

Trustee Martin announced the next agenda item as the Academic Affairs Report. Information regarding this Academic Affairs and Student Affairs Committee agenda item is included in your board materials dated September 24, 2020. Trustee Martin asked President Glover and her designee to provide pertinent information related to this agenda item.

President Glover asked Provost Harris to comment on this agenda item. Provost Harris detailed the outline found on pages #134 and #135 in the September 24, 2020 Board Meeting materials. He highlighted the work completed on the academic calendar, faculty handbook, strategic plan, personnel transitions and discipline specific accreditations. He also thanked everyone again for all the hard work put in to achieving these goals.

Provost Harris then went on to briefly mention some of the other programs that were being considered for the TSU curriculum.

Trustee Cole thanked President Glover and Provost Harris for “thinking outside of the box”. She then asked for a timeframe when updates will be made to the dashboard. Trustee McKenzie then commented on adding programs such as “the digitalization of money” in an effort to stay ahead of the market and exposing our students to the moving trend. President Glover agreed and welcomed continuing the conversation on this topic.

Trustee Martin then thanked President Glover and Provost Harris for the report.

## **XII. REPORT ON RESEARCH FUNDING**

Trustee Martin introduced the next item on the agenda as the report on research funding. Trustee Martin asked President Glover and her designees to provide pertinent information related to this agenda item. Information pertaining to this agenda item is included in the September 24, 2020 board materials.

President Glover then asked Dr. Frances Williams to comment on this agenda item. Dr. Williams directed everyone to pages #139 and #140 of the September 24, 2020, Board Meeting materials. She announced that FY20 was a great year for grant funding at TSU, since that research awards exceeded the previous goal of \$50M for a total of \$55.2M.

Dr. Williams then highlighted some of the funding agencies responsible for helping us meet and exceed our goals. She also listed the diversity in grants awards.

Trustee Sekmen applauded this wonderful news of the amount of awarded grants. He then commented that the recent hires were doing an excellent job regarding grant writing. Trustee Sekmen added that the faculty should be rewarded for bringing in such high amounts of grant funding. Dr. Williams alluded to the fact the President Glover was working on an incentive program for the faculty regarding grant awards.

Trustee Martin then thanked President Glover and Dr. Williams for the report.

### **XIII. STUDENT AFFAIRS REPORT**

Trustee Martin introduced the next item on the agenda as a Student Affairs report. Trustee Martin asked President Glover or her designee to provide pertinent information related to this agenda item. Information pertaining to this agenda item is included in the September 24, 2020 board materials.

President Glover asked Dean Frank Stevenson to provide pertinent information related to this agenda item. Since this was an informational discussion item, no vote was required. Dean Stevenson stated that regarding the COVID-19 Response to students, when compared to the other LGIs, TSU was doing extremely well. The two-week “safer in place” played a large part in minimizing the student exposure to the virus. Even amid the pandemic, the Student Affairs division was able to host “Welcome week” and student elections. In fact we experience the highest voter participation turnout. Voting for Mr. and Ms. TSU was also included in this election. “Power to the Polls” was another initiative held, along with Voter Registration Drives. An excess of 300 students showed up for the Drive and we were able to register over 100 students. The students are ready to have their voices heard. They are ready for this election.

Dean Stevenson added that another initiative held was Leadership Institute – Leadership TSU. The Career Center also hosted a virtual Career Fair where 169 companies participated, compared to 82 who did last year.

Dean Stevenson also noted that the institution set up a Bubble on campus for students who needed to be quarantined or isolated due to the COVID-19. We instituted daily student testing and results were received in 24 – 48 hours.

Regarding student conduct, Dean Stevenson stated that TSU continues to educate students about conflict resolution. He pointed out that on page #144 of the September 24, 2020, Board Meeting materials, there are diagrams illustrating analytical breakdown for student conduct. He stressed that there were two areas needing improvement: marijuana use on campus and sexual assault reporting.

Dean Stevenson was happy to announce that the students were doing a great job on campus, especially during these very different and unprecedented times. Trustee Tiara Thomas had been very instrumental in getting the student needs to administration. Last announcement was regarding the unveiling of the Tiger - a reminder of how we made it through this challenge.

Trustee Martin commended Dean Stevenson for everything that was done.

Trustee Thomas thanked the leadership at TSU for helping in making the transition back to school during this COVID-19 pandemic, very smooth. She thanked the administration for allowing students to have the option of paying only 25% of their balance in order to set up payment plans, and for extending the purge date. One request she had was to extend the “Tutor Me” availability to students to 8 to 10 hours per week. President Glover agreed that this was possible and suggested that further conversations be held with Provost Harris.

#### **XIV. ADJOURNMENT**

Trustee Martin asked if there was any additional business. Seeing none, she moved to adjourn the meeting, and the motion was seconded by Trustee Johnson which carried unanimously by roll call vote. The meeting was adjourned at 10:07 am.

**Tennessee State University  
Board of Trustees**

**Report on COVID-19 Coronavirus Pandemic  
Academic  
and Student Issues**

TENNESSEE STATE UNIVERSITY

BOARD OF TRUSTEES

INFORMATION ITEM

DATE: November 19, 2020

ITEM: Report on COVID-19 Coronavirus Pandemic Academic  
and Student Issues

RECOMMENDED ACTION: None

PRESENTED BY: President Glover

President Glover and/or her designee will provide a report on COVID-19 academic and student issues.

**Tennessee State University  
Board of Trustees**

**Approval of Academic  
Program Modification –  
Discontinuance of the  
Bachelor of Science Degree  
Completion in Dental  
Hygiene**

TENNESSEE STATE UNIVERSITY

BOARD OF TRUSTEES

ACTION ITEM

DATE: November 19, 2020

ITEM: Approval of Academic Program Modification –  
Discontinuance of Bachelor of Science Degree Completion  
in Dental Hygiene

RECOMMENDED ACTION: Approval

PRESENTED BY: Chair of Academic Affairs and Student Affairs Committee,  
Trustee Pamela Martin

The materials associated with the approval of the academic program modification –  
discontinuance of bachelor of science degree completion in dental hygiene, are included in the  
November 19, 2020 Board materials.

**MOTION: To approve the academic program modification – discontinuance of Bachelor of  
Science degree completion in dental hygiene, as contained in the Board materials for the  
Board’s November 19, 2020, meeting.**

## Academic Program Modification

### **Proposed Inactivation of Academic Program**

The University, with the support of the College of Health Sciences, requests approval to proceed with discontinuing/inactivating its Bachelor of Science Degree Completion in Dental Hygiene. Pursuant to TSU's Academic Programs, Units and Modifications process, which includes revised programs, academic departments may seek the discontinuance/inactivation of an academic program by initiating an internal review process. The department initiates the review process by developing and proposing the new/revised academic program for review at the departmental committee, college, and University levels. The Provost and Vice President for Academic Affairs and the President must ultimately approve the submissions.

Pursuant to the FOCUS Act, the Board's Bylaws, and the Board's Delegation of Authority to the President Policy, the Board must approve the discontinuance/inactivation of academic programs. Upon approval by the Board, THEC must provide final approval.

### Background

The University, with the support of the College of Health Sciences, requests approval to proceed with inactivating the Bachelor of Science Degree Completion in Dental Hygiene degree. In its current form, this program has consistently not been able to sustain the requisite minimum number of students for each course, for several consecutive years, rendering the program low producing. Our intent is to restructure the program courses and delivery format. The on-line delivery platform has been identified, and there is significant regional and national demand for this delivery format within the Dental Hygiene community. The decision to inactivate this program comes with the following teach-out plan to assure successful matriculation for the three (3) remaining students. The Department of Dental Hygiene has identified two core elective courses within the College of Health Sciences that students can choose from to fulfill their degree requirement for spring 2021 graduation.



**Tennessee State University  
Board of Trustees**

**Approval of Title IX  
Emergency Rule**

TENNESSEE STATE UNIVERSITY  
BOARD OF TRUSTEES  
ACTION ITEM

DATE: November 19, 2020

ITEM: Approval of Title IX Emergency Rule

RECOMMENDED ACTION: Approval

PRESENTED BY: Chair of Academic Affairs and Student Affairs Committee,  
Trustee Pamela Martin

Under the Uniform Administrative Procedures Act (UAPA), State entities are required to promulgate rules and regulations under certain circumstances, including when student due process rights may be affected. The Federal Government recently articulated new regulations under Title IX related to the investigation and due process requirements involving sexual harassment. The attached rule will be filed as an emergency rule and mirrors the recently effective federal regulations. The institution will ultimately present a permanent rule for review and approval by the Board.

The rule also requires approval by the attorney general and the secretary of state, and will be reviewed by the Government Operations Committee of the Tennessee General Assembly.

In conformance with the rulemaking process, TSU held a rulemaking hearing on the attached Student Conduct Rule on June 1, 2020. No comments were made and there have been no modifications to the draft since the rulemaking hearing. A roll call vote is required.

**MOTION: To adopt the new Title IX Emergency Rule, as contained in the Board materials for the Board's November 19, 2020, meeting, as a rulemaking rule, and authorize the President and her designees to make any technical or legal based corrections to these rules, including changes required by the Attorney General's Office, after review.**

# Emergency Rule Filing Form

*Emergency rules are effective from date of filing, unless otherwise stated in the rule, for a period of up to 180 days.*

**Agency/Board/Commission:** Tennessee State University  
**Division:**  
**Contact Person:** Laurence Pendleton  
**Address:**  
**Zip:** 37209  
**Phone:** 615-963-7925  
**Email:** Laurence.pendleton@tnstate.edu

**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Statement of Necessity:**

It is necessary for Tennessee State University to file this emergency rule in order to confirm compliance with Title IX of the Educational Amendments of 1972 final regulations that went into effect on August 14, 2020.

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that ALL new rule and repealed rule numbers are listed in the chart below. Please enter only ONE Rule Number/Rule Title per row.)**

Chapter Number	Chapter Title
0240-08-02	Title IX Compliance
Rule Number	Rule Title
0240-08-02-.01	Statement of Nondiscrimination on the Basis of Sex
0240-08-02-.02	Definitions
0240-08-02-.03	General Provisions Related to Reporting Title IX Complaints
0240-08-02-.04	Response to Complaints of Sex Discrimination
0240-08-02-.05	Response to Complaints of Sexual Harassment
0240-08-02-.06	Confidentiality
0240-08-02-.07	Written Notice to the Parties Upon Receipt of a Formal Complaint
0240-08-02-.08	Investigations of Formal Complaints
0240-08-02-.09	Grievance Process for Formal Complaints
0240-08-02-.10	Hearing of Formal Complaints
0240-08-02-.11	Determination Regarding Responsibility
0240-08-02-.12	Appeal of Determination of Responsibility or Dismissal of Formal Complaint
0240-08-02-.13	Informal Resolution Process
0240-08-02-.14	Retaliation
0240-08-02-.15	Training Related to Sexual Harassment
0240-08-02-.16	Effect of Other Requirements
0240-08-02-.17	Record Retention and Disposition
0240-08-02-.18	Severability

**Rules  
of  
Tennessee State University**

**Chapter 0240-08-02  
Title IX Compliance**

**New Chapter**

Division 0240-05 is amended by adding Chapter 06 Title IX Compliance, a table of contents, and Rules .01 through .18, so that it shall read as follows:

Table of Contents

0240-08-02-.01	Statement of Nondiscrimination on the Basis of Sex
0240-08-02-.02	Definitions
0240-08-02-.03	General Provisions Related to Reporting Title IX Complaints
0240-08-02-.04	Response to Complaints of Sex Discrimination
0240-08-02-.05	Response to Complaints of Sexual Harassment
0240-08-02-.06	Confidentiality
0240-08-02-.07	Written Notice to the Parties Upon Receipt of a Formal Complaint
0240-08-02-.08	Investigations of Formal Complaints
0240-08-02-.09	Grievance Process for Formal Complaints
0240-08-02-.10	Hearing of Formal Complaints
0240-08-02-.11	Determination Regarding Responsibility
0240-08-02-.12	Appeal of Determination of Responsibility or Dismissal of Formal Complaint
0240-08-02-.13	Informal Resolution Process
0240-08-02-.14	Retaliation
0240-08-02-.15	Training Related to Sexual Harassment
0240-08-02-.16	Effect of Other Requirements
0240-08-02-.17	Record Retention and Disposition
0240-08-02-.18	Severability

0240-08-02-.01 Statement of Nondiscrimination on the Basis of Sex is added to Chapter 0240-08-02 Title IX Compliance and shall read as follows:

**0240-08-02-.01 Statement of Nondiscrimination on the Basis of Sex**

- (1) As required by law, no student, employee, or applicant for admission or employment will be excluded, on the basis of sex, from participation in, be denied the benefit of, or be subjected to discrimination under any Tennessee State University (TSU) education program or activity.
- (2) If TSU has actual knowledge of sexual harassment in an education program or activity against a person in the United States, TSU will respond promptly in a manner that is not deliberately indifferent.

Authority: T.C.A. §§ 49-8-101(a)(2)(A) and 49-8-203(a)(1)(D) & 49-8-203(a)(4).

0240-08-02-.02 Definitions is added to Chapter 0240-05-02 Title IX Compliance and shall read as follows:

**0240-08-02-.02 Definitions**

- (1) Actual knowledge: notice of sexual harassment or allegations of sexual harassment to an TSU Title IX Coordinator or any TSU official who has authority to institute corrective measures on behalf of TSU. This definition is not met when the only TSU official with actual knowledge is also the respondent.
- (2) Complainant: an individual who is alleged to be the victim of conduct that could constitute sexual

harassment. Complainant does not mean the Title IX Coordinator when the Title IX Coordinator signs a formal complaint or is not otherwise an alleged victim of sexual harassment. References in this rule to the singular "complainant" include the plural, as applicable.

- (3) Deliberately indifferent: a response that is clearly unreasonable in light of the known circumstances.
- (4) Education program or activity: locations, events, or circumstances over which TSU exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by TSU.
- (5) Formal complaint: a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting TSU investigate the allegation of sexual harassment. As used in this definition, the phrase "document filed by a complainant" means a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party.
- (6) Hearing officer: the person who is the decision-maker with respect to the determination of responsibility after a live hearing. Hearing officer may also mean a committee that is the decision-maker with respect to the determination of responsibility after a live hearing. A hearing officer cannot be the same person(s) as the Title IX Coordinator or the investigator(s).
- (7) Party: either complainant or respondent. References in this rule to the plural "parties" includes complainant and respondent.
- (8) Respondent: an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. References in this rule to the singular "respondent" include the plural, as applicable.
- (9) Sexual harassment: conduct on the basis of sex that satisfies one (1) or more of the following:
  - (a) An TSU employee conditioning the provision of an aid, benefit, or service of TSU on an individual's participation in unwelcome sexual conduct;
  - (b) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to TSU's education program or activity; or
  - (c) Sexual assault as defined by federal law, "dating violence" as defined by federal law, "domestic violence" as defined by federal or state law, or "stalking" as defined by federal law.
- (10) Supportive measures: non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to TSU's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or TSU's educational environment, or deter sexual harassment. Supportive measures may include but are not limited to counseling, adjustments for assignments or tests, extensions of deadlines or other course-related adjustments, academic support services such as tutoring, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, providing or assisting in providing medical services, arranging a course re-take or withdraw from a class without penalty including ensuring that any changes do not adversely affect the student's academic record, and other similar measures.
- (11) Title IX Coordinator: the person designated and authorized by TSU to coordinate its efforts to comply with its Title IX responsibilities.

Authority: T.C.A. §§ 49-8-101(a)(2)(A) and 49-8-203(a)(1)(D) & 49-8-203(a)(4).

0240-08-02-.03 General Provisions Related to Reporting Title IX Complaints is added to Chapter 0240-08-02 Title IX Compliance and shall read as follows:

**0240-08-02-.03 General Provisions Related to Reporting Title IX Complaints**

- (1) Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.
- (2) Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.
- (3) A complainant may file a formal complaint with the Title IX Coordinator in person, by mail, or by electronic mail, using the contact information listed for the Title IX Coordinator or by any additional method TSU designates. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in a TSU education program or activity.

Authority: T.C.A. §§ 49-8-101(a)(2)(A) and 49-8-203(a)(1)(D) & 49-8-203(a)(4).

0240-08-02-.04 Response to Complaints of Sex Discrimination is added to Chapter 0240-08-02 Title IX Compliance and shall read as follows:

**0240-08-02-.04 Response to Complaints of Sex Discrimination**

- (1) When a person reports sex discrimination committed against a person while in the United States, TSU will follow its rules, procedures and processes used for Title VII sex discrimination allegations, which provide for the prompt and equitable resolution of complaints alleging sex discrimination.
- (2) Where a person alleges both sex discrimination and sexual harassment committed against a person while in the United States, TSU will follow its rules, procedures and processes for responding to a formal complaint of sexual harassment. If the formal complaint is dismissed at any point in the process, TSU will follow its rules, procedures and processes used for Title VII sex discrimination allegations.

Authority: T.C.A. §§ 49-8-101(a)(2)(A) and 49-8-203(a)(1)(D) & 49-8-203(a)(4).

0240-08-02-.05 Response to Complaints of Sexual Harassment is added to Chapter 0240-08-02 Title IX Compliance and shall read as follows:

**0240-08-02-.05 Response to Complaints of Sexual Harassment**

- (1) If TSU has actual knowledge of sexual harassment in an education program or activity committed against a person while in the United States, TSU will respond promptly in a manner that is not deliberately indifferent and follow its grievance process.
- (2) TSU will treat complainants and respondents equitably by offering supportive measures to a complainant, and in cases where a formal complaint is filed, will follow its grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.
- (3) The Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.
- (4) The Title IX Coordinator is responsible for coordinating the effective implementation of supportive

measures.

- (5) TSU may remove a respondent from an education program or activity on an emergency basis only after undertaking an individualized safety and risk analysis, determining that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and providing the respondent with notice and an opportunity to challenge the decision immediately following the removal.
- (6) TSU may place a non-student employee respondent on administrative leave during the pendency of a grievance process.
- (7) TSU's response to Title IX inquiries, informal reports and complaints of sexual discrimination and harassment, including its investigations, the administering of its processes and procedures, and other activities shall be subject to legal sufficiency review through the TSU General Counsel or the TSU General Counsel's designee.

Authority: T.C.A. §§ 49-8-101(a)(2)(A) and 49-8-203(a)(1)(D) & 49-8-203(a)(4).

0240-08-02-.06 Confidentiality is added to Chapter 0240-08-02 Title IX Compliance and shall read as follows:

**0240-08-02-.06 Confidentiality**

- (1) TSU will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent and any witness, except as may be permitted or required by federal or state law, or to carry out the purposes of this rule and attendant policies, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.
- (2) TSU will utilize good faith efforts to maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality does not impair TSU's ability to provide the supportive measures.

Authority: T.C.A. §§ 49-8-101(a)(2)(A) and 49-8-203(a)(1)(D) & 49-8-203(a)(4).

0240-08-02-.07 Written Notice to the Parties Upon Receipt of a Formal Complaint is added to Chapter 0240-08-02 Title IX Compliance and shall read as follows:

**0240-08-02-.07 Written Notice to the Parties Upon Receipt of a Formal Complaint**

- (1) When a formal complaint is filed, TSU will provide parties with a written notice of its grievance process, including any informal resolution process(es).
- (2) TSU will provide written notice of the allegations potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.
- (3) TSU's written notice will include a statement that:
  - (a) The respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
  - (b) The parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
  - (c) The parties may inspect and review evidence; and

(d) Identifies any provision in its codes of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

- (4) If, in the course of an investigation, TSU decides to investigate allegations about the complainant or respondent that are not included in the initial written notice, TSU will provide notice of the additional allegations to the parties whose identities are known.

Authority: T.C.A. §§ 49-8-101(a)(2)(A) and 49-8-203(a)(1)(D) & 49-8-203(a)(4).

0240-08-02.08 Investigations of Formal Complaints is added to Chapter 0240-08-02 Title IX Compliance and shall read as follows:

**0240-08-02-.08 Investigations of Formal Complaints**

- (1) TSU will investigate, to the extent necessary or possible, the allegations in a formal complaint.
- (2) If the conduct alleged in a formal complaint would not constitute sexual harassment even if proved, did not occur in TSU's education program or activity, or did not occur against a person while in the United States, TSU will dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX; such a dismissal does not, however, preclude action under another provision of TSU's codes of conduct or other related rules or policies.
- (3) TSU may dismiss a formal complaint or any allegations therein, if at any time during the investigation a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein, the respondent is no longer enrolled or employed by TSU; or specific circumstances prevent TSU from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
- (4) If TSU dismisses a formal complaint during the investigation phase, TSU will promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.
- (5) TSU may consolidate formal complaints as to allegations of sexual harassment against more than one (1) respondent, or by more than one (1) complainant against one (1) or more respondents, or by one (1) party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.
- (6) The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on TSU and not on the parties.
- (7) TSU will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and are made and maintained in connection with the provision of treatment to the party, unless TSU obtains that party's voluntary, written consent to do so for a grievance process.
- (8) TSU will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
- (9) TSU will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
- (10) TSU will provide the parties with the same opportunities to have others present during any interview or investigative process, including the opportunity to be accompanied to any related investigation meeting by the advisor of their choice, who may be, but is not required to be, an attorney.
- (11) TSU will not limit the choice or presence of an advisor for either the complainant or respondent in any investigative meeting; however, TSU may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.
- (12) TSU will provide to a party whose participation is invited or expected, written notice of the date, time,



location, participants, and purpose of all investigative interviews, or other meetings with a party, with sufficient time for the party to prepare to participate.

- (13) TSU will provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which TSU does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.
- (14) Prior to completion of the investigative report, TSU will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy,
- (15) TSU will allow the parties ten (10) business days to submit a written response, which the investigator will consider prior to completion of the investigative report.
- (16) TSU will create an investigative report that fairly summarizes relevant evidence.
- (17) At least ten (10) business days prior to a hearing or other time of determination regarding responsibility, TSU will send the investigative report in electronic format or a hard copy to each party and the party's advisor, if any, for their review and written response to the investigative report.

Authority: T.C.A. §§ 49-8-101(a)(2)(A) and 49-8-203(a)(1)(D) & 49-8-203(a)(4).

0240-08-02.09 Grievance Process for Formal Complaints is added to Chapter 0240-08-02 Title IX Compliance and shall read as follows:

**0240-08-02.09 Grievance Process for Formal Complaints**

- (1) TSU will apply its grievance procedures and requirements equally to both parties.
- (2) During the course of the grievance process, TSU will treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following its grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.
- (3) TSU will design remedies to restore or preserve equal access to TSU's education program or activity. Such remedies may include supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.
- (4) TSU will ensure that the Title IX Coordinator, investigator, hearing officer, or decision-maker does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- (5) TSU will require an objective evaluation of all relevant evidence - including both inculpatory and exculpatory evidence - and prohibit credibility determinations based on a person's status as a complainant, respondent, or witness.
- (6) TSU will presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- (7) TSU will apply a preponderance of the evidence standard for all formal complaints.
- (8) TSU will require the grievance process, including the appeal process, to conclude within a reasonably prompt time frame.
- (9) TSU will provide the range of possible disciplinary sanctions and remedies or list the possible disciplinary sanctions and remedies that TSU may implement following any determination of responsibility.
- (10) TSU will describe the range of supportive measures available to complainants and respondents.
- (11) TSU will provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.

- (12) TSU will not limit the choice or presence of advisor for either the complainant or respondent in any grievance proceeding; however, TSU may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.
- (13) TSU will provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all proceedings or hearings, or other meetings with a party, with sufficient time for the party to prepare to participate.
- (14) TSU will appoint a hearing officer that meets the training requirements set forth in T.C.A. §4-5-324.

Authority: T.C.A. §§ 49-8-101(a)(2)(A) and 49-8-203(a)(1)(D) & 49-8-203(a)(4).

0240-08-02.010 Hearings of Formal Complaints is added to Chapter 0240-08-02 Title IX Compliance and shall read as follows:

#### **0240-08-02-.10 Hearings of Formal Complaints**

- (1) TSU will conduct a live hearing of formal complaints not dismissed pursuant to this rule.
- (2) At the request of either party, TSU will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the hearing officer and parties to simultaneously see and hear the party or the witness answering questions.
- (3) Live hearings may be conducted with all parties physically present in the same geographic location or, at TSU's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.
- (4) At least seventy-two (72) hours prior to a live hearing, TSU will provide both parties with written notice of the following:
  - (a) The time, place, date of the hearing, and electronic access information, if applicable;
  - (b) The name of each witness TSU expects to present at the hearing and those TSU may present if the need arises;
  - (c) The right to request a copy of the investigative file;
  - (d) The right to request copies of all documents, copies of all electronically stored information, and access to tangible evidence that TSU has in its possession, custody, or control and may use to support claims or defenses.
- (5) When notice is sent by United States mail or courier service, the notice is effective on the date that the notice is mailed or delivered to the courier service. When notice is hand delivered to the parties from TSU, notice is effective on the date that the notice is delivered to the parties. When notice is sent by email, the notice is effective on the date that the email is sent to the parties' TSU-provided email account.
- (6) The hearing officer may allow a temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include but is not limited to considerations such as the absence of a party, a party's advisor, or a witness, concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities.
- (7) In cases that involve more than one (1) respondent, the hearing officer may, consistent with the requirements of Title IX, consider whether separate proceedings are necessary to avoid undue prejudice to the respondents.
- (8) During the hearing, the hearing officer will make evidence subject to review and inspection during the investigation phase available to give each party equal opportunity to refer to that evidence, including for purposes of cross-examination.
- (9) Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not

relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

- (10) Only relevant cross examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the hearing officer will first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
- (11) The hearing officer will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
- (12) Notwithstanding any limitations to the contrary that TSU has placed on the advisor's participation in the hearing, the hearing officer will permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing will be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.
- (13) If a party does not have an advisor at the live hearing, TSU will provide without fee or charge to that party an advisor of TSU's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.
- (14) If a party or witness does not submit to cross-examination at the live hearing, the hearing officer will not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the hearing officer cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.
- (15) TSU will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.
- (16) The hearing officer may dismiss the formal complaint or any allegations therein, if at any time during the hearing a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein, the respondent is no longer enrolled or employed by TSU, or specific circumstances prevent TSU from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
- (17) If the hearing officer dismisses the formal complaint during the grievance process, the hearing officer will promptly notify the Title IX Coordinator who will promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

Authority: T.C.A. §§ 49-8-101(a)(2)(A) and 49-8-203(a)(1)(D) & 49-8-203(a)(4).

0240-08-02.11 Determination Regarding Responsibility is added to Chapter 0240-08-02 Title IX Compliance and shall read as follows:

**0240-08-02.11 Determination Regarding Responsibility**

- (1) The hearing officer will issue a written determination simultaneously to the complainant and respondent regarding responsibility, using a preponderance of evidence to reach a determination.
- (2) The written determination must include:
  - (a) Identification of allegations potentially constituting sexual harassment;
  - (b) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

- (c) Findings of fact supporting the determination;
  - (d) Conclusions regarding the application of TSU's rule, policy, and, if applicable, code of conduct to the facts;
  - (e) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions TSU imposes on the respondent, and whether remedies designed to restore or preserve equal access to TSU's education program or activity will be provided to the complainant; and
  - (f) TSU's procedures and permissible bases for the complainant and/or respondent to appeal.
- (3) Either party may submit a written statement in support of the outcome to the Title IX Coordinator within ten (10) business days of the date of the determination or dismissal.
  - (4) The Title IX Coordinator will be responsible for effective implementation of any remedies.
  - (5) The determination regarding responsibility becomes final either on the date that TSU provides the parties with the written appeal decision, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Authority: T.C.A. §§ 49-8-101(a)(2)(A) and 49-8-203(a)(1)(D) & 49-8-203(a)(4).

0240-08-02.12 Appeal of Determination of Responsibility or Dismissal of Formal Complaint is added to Chapter 0240-08-02 Title IX Compliance and shall read as follows:

**0240-08-02-.12 Appeal of Determination of Responsibility or Dismissal of Formal Complaint**

- (1) Both parties may appeal a determination regarding responsibility or the dismissal of a formal complaint or any allegations therein, only on the following bases:
  - (a) Procedural irregularity that affected the outcome of the matter;
  - (b) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made and that could affect the outcome of the matter; and
  - (c) The Title IX Coordinator, investigator(s), or hearing officer had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
- (2) A party wishing to appeal a determination regarding responsibility or the dismissal of a formal complaint or any allegations therein must file a written appeal with the Title IX Coordinator within ten (10) business days of the date of the determination or the dismissal. The written appeal must identify the basis or bases for the appeal and explain with specificity the facts supporting the basis or bases of the appeal.
- (3) As to all appeals, the Title IX Coordinator will
  - (a) Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
  - (b) Ensure that the decision-maker(s) for the appeal is not the same person as any investigator(s) or the hearing officer that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
  - (c) Ensure that the decision-maker(s) for the appeal meets the training requirements as required by Title IX and state law.
- (4) Within a reasonable time, the decision-maker(s) will issue a written appeal decision describing the result of the appeal and the rationale for the result.
- (5) The Title IX Coordinator will provide the written appeal decision simultaneously to both parties.

Authority: T.C.A. §§ 49-8-101(a)(2)(A) and 49-8-203(a)(1)(D) & 49-8-203(a)(4).

0240-08-02.-13 Informal Resolution Process is added to Chapter 0240-08-02 Title IX Compliance and shall read as follows:

**0240-08-02-13 Informal Resolution Process**

- (1) TSU will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment.
- (2) TSU will not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility, TSU may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, but only if TSU
  - (a) Provides to the parties a written notice disclosing the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations;
  - (b) Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
  - (c) Obtains the parties' voluntary, written consent to the informal resolution process; and
  - (d) Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.
- (3) At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.
- (4) TSU will ensure that an individual designated to facilitate an informal resolution process does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- (5) TSU will require an informal resolution process to conclude within a reasonably prompt time frame.

Authority: T.C.A §§ 49-8-101(a)(2)(A) and 49-8-203(a)(1)(D) & 49-8-203(a)(4).

0240-08-02.14 Retaliation is added to Chapter 0240-08-02 Title IX Compliance and shall read as follows:

**0240-08-02-14 Retaliation**

- (1) Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this rule, constitutes retaliation.
- (2) The exercise of rights protected under the First Amendment does not constitute retaliation.
- (3) Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance process does not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Authority: T.C.A §§ 49-8-101(a)(2)(A) and 49-8-203(a)(1)(D) & 49-8-203(a)(4).

0240-08-02.-15 Training Related to Sexual Harassment is added to Chapter 0240-08-02 Title IX Compliance and shall read as follows:

**0240-08-02-15 Training Related to Sexual Harassment Issues**

- (1) TSU will ensure that its Title IX Coordinator, investigators, hearing officers, decision-makers, and any person who facilitates an informal resolution process receive training on this rule's definition of sexual harassment, the scope of TSU's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.
- (2) Such training will satisfy the requirements of Title IX and be developed or conducted consistent with the requirements of state law, including but not limited to T.C.A. § 4-5-324.
- (3) TSU will ensure that hearing officers receive training on any technology to be used at a live hearing.
- (4) TSU will ensure that hearing officers receive training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.
- (5) TSU will ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
- (6) TSU will ensure that any materials used to train Title IX Coordinators, investigators, hearing officers, decision-makers, and any person who facilitates an informal resolution process promote impartial investigations and adjudications of formal complaints and do not rely on sex stereotypes.

Authority: T.C.A. §§ 49-8-101(a)(2)(A) and 49-8-203(a)(1)(D) & 49-8-203(a)(4).

0240-08-02.16 Effect of Other Requirements is added to Chapter 0240-08-02 Title IX Compliance and shall read as follows:

**0240-08-02.-16 Effect of Other Requirements**

- (1) TSU will not restrict any rights protected from government action by the First Amendment of the U.S. Constitution, deprive a person of any rights that would otherwise be protected from government action under the Due Process Clauses of the Fifth and Fourteenth Amendments of the U.S. Constitution, or restrict any other rights guaranteed against government action by the U.S. Constitution or State of Tennessee Constitution.

Authority: T.C.A. §§ 49-8-101(a)(2)(A) and 49-8-203(a)(1)(D) & 49-8-203(a)(4).

0240-08-02.17 Record Retention and Disposition is added to Chapter 0240-08-02 Title IX Compliance and shall read as follows:

**0240-08-02-.17 Record Retention and Disposition**

- (1) TSU will retain and dispose of records related to Title IX matters as required by federal and state laws and regulations.

Authority: T.C.A. §§ 49-8-101(a)(2)(A) and 49-8-203(a)(1)(D) & 49-8-203(a)(4).

0240-08-02.18 Severability is added to Chapter 0240-08-02 Title IX Compliance and shall read as follows:

**0240-08-02-.18 Severability**

- (1) If any provision of this rule or its application to any person, act, or practice is held invalid as to TSU, the remainder of the rule or the application of its provisions to any person, act, or practice shall not be affected thereby.
- (2) If any provision of the Title IX regulations on which this rule is based is enjoined or held invalid and applies to TSU or the Title IX regulations' application to any person, act, or practice is enjoined or held invalid and applies to TSU, the remainder of this rule or the application of its provisions to any person, act, or practice shall not be affected thereby.

Authority: T.C.A. §§ 49-8-101(a)(2)(A) and 49-8-203(a)(1)(D) & 49-8-203(a)(4).

**Tennessee State University  
Board of Trustees**

**Report on SACSCOC  
Accreditation Review  
Matters**



TENNESSEE STATE UNIVERSITY  
BOARD OF TRUSTEES  
INFORMATION ITEM

DATE: November 19, 2020  
ITEM: Report on SACSCOC Accreditation Review Matters  
RECOMMENDED ACTION: None  
PRESENTED BY: President Glover

President Glover and/or her designee will present a report on SACSCOC Accreditation Review Matters.

## SACSCOC

### *Compliance Certification (CCR) for University's Reaffirmation of Accreditation*

SACSCOC member institutions undergo a 10-year review process to maintain their accreditation. The purpose of the Compliance Certification (CCR) document is to demonstrate Tennessee State University's (University) compliance with the *Principles of Accreditation*.

The SACSCOC Steering Committee was charged in 2017 with the internal review process and completion of the CCR. On August 31, 2020 the Steering Committee submitted its final draft to Silver & Associates for review and feedback. On September 23, 2020, the President and Provost reviewed the final product and on September 25, 2020, the University's Compliance Certification was submitted to SACSCOC – ahead of the SACSCOC deadline provided for submission.

#### Next Steps and Timeline

- November 5 – 6, 2020 - The SACSCOC Off-Site Reaffirmation Committee reviews the CCR and all documentation to determine if University is in compliance with the *Principles of Accreditation*.
- November – December – The University will receive the Off-Site Reaffirmation Committee Report.
- December – January – the SACSCOC Steering Committee will resume weekly meetings and prepare the Focused Report.
- February 2020 – The University will respond to Off-Site Reaffirmation Committee Report, submits Focused Report and the Quality Enhancement Plan.
- March 16 – 18, 2021 - On-Site Reaffirmation Committee will visit the campus to review any areas of concern or non-compliance and completes Report of the Reaffirmation Committee submitted to the President to identify any errors of fact.
- Fall 2021 – The University prepares a response to the recommendations in the Report of the Reaffirmation Committee.
- December 4-7, 2021 - SACSCOC Board of Trustees Reaffirmation Decision.

### *Quality Enhancement Plan*

SACSCOC standard 7.2: The institution has a Quality Enhancement Plan that (a) has a topic identified through its ongoing, comprehensive planning and evaluation processes; (b) has broad-based support of institutional constituencies; (c) focuses on improving specific student learning outcomes and/or student success; (d) commits resources to initiate, implement, and complete the QEP; and (e) includes a plan to assess achievement.

In accordance with the above-cited SACSCOC standard, in November 2017, the University established the Topic Research Committee which hosted a well-attended campus-wide faculty and staff forum in January 2018. Faculty and staff members at the forum were invited to submit short QEP topic proposals during the spring 2018 semester. As a result, two sets of proposals were recommended by the Topic Research Committee for development into full QEP prospectuses and writing teams were commissioned to prepare these documents. As a result of this broad-based involvement, the QEP prospectus entitled *Care, Academics, Development, Navigating Careers, and Engagement* (CADENCE) was presented to and approved by the President. The University's QEP seeks to improve student success and career outcomes through a coordinated network of support services with a focus on students' personal and career goals.

#### Next Steps and Timeline:

- August 21, 2020 - Formation of TSU QEP Working Committee

- September 30, 2020 – First draft of QEP submitted to Silver & Associates
- October 23, 2020 – Second internal draft due to Provost
- October 30, 2020 - Second draft submitted to Silver & Associates
- November 10, 2020 – Third internal draft submitted to Provost
- November 12, 2020 – Third draft due to Silver & Associates
- December 4, 2020 – Final internal draft due to President and Provost
- January 9, 2021 - Final draft due to Silver & Associates
- February – QEP due to SACSCOC

**Tennessee State University  
Board of Trustees**

**ACADEMIC AFFAIRS  
REPORT**

TENNESSEE STATE UNIVERSITY  
BOARD OF TRUSTEES  
INFORMATION ITEM

DATE: November 19, 2020  
ITEM: Academic Affairs Report  
RECOMMENDED ACTION: None  
PRESENTED BY: Chair of Academic Affairs and Student Affairs Committee,  
Trustee Pamela Martin

President Glover and/or her designee will provide a report on academic affairs.

TENNESSEE STATE  
UNIVERSITY  
BOARD OF TRUSTEES  
ACADEMIC AFFAIRS REPORT

Opportunities, Realities, and Challenges

The Office of the Provost and Vice President for Academic Affairs continues to move forward as we face the ongoing challenges impacting the higher education landscape across the nation. The COVID-19 pandemic, economic recession, and institutional budget shortfall have resulted in a confluence of variables our Office has to navigate on a micro, mezzo, and macro level. From working directly with students seeking funds to pay for their education to managing class delivery options for health and safety to working collaboratively with our community to ensure our success, the Office of the Provost and Vice President for Academic Affairs continues to work comprehensively to deliver educational excellence. Now is the time to consider innovative approaches to our work and we are reviewing all options! This is a challenging time in the history of our country and in higher education but challenge breeds opportunity.

*Academic Affairs Strategic Alignment – New and Existing Units*

One of the major opportunities for our Office is the strategic alignment of our new units with our existing units. Over the past three months, several units were transitioned under the Office's leadership. This transition provides our Office with the capacity to review, analyze, and redesign processes, procedures, and policies to best meet the needs of all stakeholders. The units transitioning to our Office include:

- Information Technology – led by CIO Tim Warren
- Financial Aid – led by AVP Amy Wood
- Office of Records – led by Director Thelria Hardaway\*
- Student Success Center – led by Interim Executive Director Kimi Bonner\*
- Title III – led by Interim Executive Director Marjorie Seward\*
- Office of Institutional Effectiveness, Research, Planning, and Assessment – led by Dr. Charlise Anderson\*
- Testing Center – led by Director Brenda Coleman\*
- TRIO – led by Director Victoria McGee-Hayes

\*These units have undergone or soon will be undergoing leadership changes and this is a key component of our comprehensive planning and alignment going forward.

One of the first changes we made was to align our advising, coaching, and mentoring programs by placing the success coaches in the advising center. This realignment streamlines our student services and helps students access additional resources in one location. Another change was to place three employees in the Office of Institutional Effectiveness, Research, Planning, and Assessment to manage the review of data, implement the strategic plan, and provide support services for program accreditation. Over the next year, our Office will take a “deep dive” into our processes.

Our Office has and continues to assess all units on efficiency, effectiveness, and quality assurance and we will continue to make changes.

Spring 2021 Academic Calendar

The Spring 2021 academic calendar has been finalized. With a continued focus on educational excellence while fostering a culture of health and safety, the calendar is designed with an emphasis on both. As a result, the following decisions were made:

*Course Delivery* – the majority of courses will be delivered online. The programs, departments, and faculty will determine the course delivery method.

*Two Week Quarantine* – all students living in dorms will quarantine for the first two weeks of classes. All classes during those two weeks will be delivered online.

*Extreme Winter* – two mini semesters will be offered virtually at the beginning of January. This will allow students to work toward degree completion and will replace (for this academic year) Extreme Spring Break.

*Delayed Start* – with the potential convergence of a severe flu season with the ongoing pandemic during the winter months, spring semester will start two weeks later than normal.

### Student Partnerships

Our Office has been working directly with student leadership in order to address the needs, concerns, and issues related to student learning. Due to the transition to a largely virtual classroom space, the collaboration between Academic Affairs and student leaders is imperative. As a result, our Office has been working with the Student Government Association President and Vice President as well as the student Trustee. Moreover, our staff works with students across campus on an ongoing basis to identify potential solutions to problems as well as new approaches to our work. The list below contains some of our ongoing initiatives as a result of these partnerships:

*Pulse Check* – our Office worked directly with the Global Online center to create a Pulse Check Survey accessible via eLearn. This allows students to identify issues they are having in their classrooms. Our office works directly to address the feedback and find solutions.

*Financial Aid* – we continue to address the issues in the Office of Financial Aid. We held a meeting between student leadership and the Director of Financial Aid to begin the process of adjusting the procedures impacting student aid delivery. We are in the process hiring two additional staff members for the Office of Financial Aid as well as a thorough review of the customer service protocol for student contacts. This included a meeting on October 23<sup>rd</sup>, 2020 with our external call center partner EdAmerica where we conducted a comprehensive discussion of solutions and procedures to assure responsiveness. To make this effort we will be producing a paper for publication every month demonstrating key metrics on the Office's responsiveness.

*Academic Leadership* – our Office continues to emphasize, with Deans and Department Chairs the necessity of compassion and responsiveness while maintaining standards. We constantly urge our faculty to create a sense of community and reach out to students.

## Strategic Plan Implementation

The implementation phase of strategic planning development is the most important part of the process. It has been characterized as the living and breathing of the plan. Implementation is the phase that should turn strategies into actions. This step should ensure that a document does not get put on a shelf but instead is used to produce actions that drive institutional change and growth. The implementation phase continues the process of institutional self-reflection.

Implementation at TSU began in September with a cross section of representatives. An attempt was made to expand participation beyond those individuals who participated in the development of the strategic plan. To date a grouping of approximately forty-five individuals from the colleges and support units have met weekly to take on the process of developing strategies. This group includes all of the academic deans or their representatives, representatives from each academic support unit, and representatives from administrative support units such as Human Resources, IT, Facilities Management and Alumni Affairs.

This process will conclude at the end of October. Though this has been a somewhat lengthy process, the conversation and teamwork that has developed will foster a sense of ownership in the strategic planning process by the entire university community. The work process has produced rich discussion and has been informed by the voices and experiences of employees from a variety of units.

### *Next Steps*

A subset of the larger group will begin developing a document outlining proposed methods of assessments, performance targets, units responsible for the strategies and budgetary needs. The document will be brought back to the larger group during the third week of November for discussion and reflection.

The implementation phase has been executed carefully to maximize benefits of the process. One of the real benefits of an incremental approach to implementation is helping to dissuade negativity, skepticism and resistance among the university community. Scholars have suggested that the process may be more important than the document. The process should engender greater participation to broaden the base of acceptance of the process.

### *Timeline*

- October 29, 2021 – Completion of the development of strategies
- November 2-13, 2020 - Subgroup development of methods of assessments, performance targets, units responsible for the strategies and budgetary needs
- November 19, 2020 – Full group evaluation of subgroup product
- December 1 – 11, 2020 - OIERPA staff will work with responsible units
- January 11, 2021 - Draft Strategic Plan Semi-Annual Review Report submitted to Provost
- February 1, 2021 – Final Strategic Plan Semi-Annual Review Report submitted to President



### Program Accreditation Site Visits

The Provost and Vice President for Academic Affairs continues to work with programs and units to achieve program accreditation success. This includes participating accreditation site visits. During September and October, the Provost participated in two site visits. They are described in the table below.

<b>Program/Unit</b>	<b>Accreditor</b>	<b>Site Visit</b>	<b>Purpose</b>
Bachelors and Masters in Public Health	Council on Education for Public Health	October 1 & 2, 2020	Reaccreditation of both programs
Intensive English Center, Office of International Affairs	The Commission on English Language Accreditation	October 8, 9, and 10, 2020	Initial accreditation of the Intensive English Center

### Faculty VESP

As part of the ongoing efforts to provide avenues for budget realignment, the TSU faculty were offered the Voluntary Employee Separation Program. All faculty approved will finish the fall 2020 academic semester and the officially retire from the university. The following provides information on the faculty VESP.

The Provost and Vice President for Academic Affairs worked collaboratively with Deans to strategically redesign resources to ensure that programs are able to maintain high levels of student learning outcomes, classroom instruction, and support service activities. Through one-on-one meetings the Provost and staff had honest, open discussions regarding those resources and the impact of the faculty VESP on program activities. This process was transparent, open, and continues.

Our Office is recommending measures that would result in an annual salary savings of \$1,516,331 and the elimination of eleven positions (out of 33).

### Professional Development for Faculty

Our Office is committed to the ongoing offering of professional development opportunities for faculty. We have identified several streams of funding for professional development. These are listed below (please note that all are virtual offerings):

*Academic Affairs Resources* – We are offering up to \$400 for faculty to attend virtual conferences, trainings, workshops etc. This allows faculty to continue their research output as well as gain important knowledge to execute their jobs in and out of the classroom.

*External Partners* – we partner with several organizations through which we can participate in national, local, and TSU-specific activities. For example, we held a TSU-focused workshop on October 1, 2020 through our partnership with EAB. The partnership was titled “Blueprint for Growth” and discussed strategies for growing our graduate programs. EAB held another workshop on October 22, 2020 on “Timely Degree Completion.” Over 45 attendees have received training from EAB. Other partners include the United Negro College Fund and Association of Public Land Grant Universities.

*Academic Affairs Initiative* – our Office will be working with and directing an activity in partnership with Title III which provides funding for faculty development. This activity will allow our office to strategically target funds for faculty development with local and national organizations as well as internal projects aimed at promoting skills, knowledge, and advancement.

**Tennessee State University  
Board of Trustees**

**Student Affairs Report**

TENNESSEE STATE UNIVERSITY  
BOARD OF TRUSTEES  
INFORMATION ITEM

DATE: November 19, 2020

ITEM: Student Affairs Report

RECOMMENDED ACTION: None

PRESENTED BY: Chair of Academic Affairs and Student Affairs Committee,  
Trustee Pamela Martin

President Glover or her designee will provide a report on student affairs.

## **DIVISION OF STUDENT AFFAIRS**

### **DIVISION OF STUDENT AFFAIRS**

#### **Tennessee State University Counseling Center**

The University Counseling Center has instituted several practices to address TSU's shift to virtual operations and supporting the mental health needs of our students. The University Counseling Center has moved all scheduled counseling sessions to a virtual format via a HIPAA compliant Zoom platform, with additional weekly psychiatric evaluation and med check appointments available every Friday as well. The University Counseling Center continues to hold "Let's Talk" drop in hours, 4 times a week, which allow students who may not be sure if they want/need to make an appointment to seek counseling, have concerns that they may not deem urgent or therapy related, or simply want to work through a specific issue for one-time "drop in" support.

Additionally, the University Counseling Center also host Friday Conversations with Counseling via Instagram, where each week staff from the University Counseling Center either highlights a mental health concern and provides an interactive education and information program, and/or interviews black professionals in the field of mental health services regarding mental health needs, service providers, resources, and ways to identify potential mental health concerns. The University Counseling Center has also revised the Suicide Prevention Plan which is now disseminated twice yearly to the University.

The University Counseling Center recently held their annual depression screening day encouraging students to receive mental health screening for potential depression/anxiety or other mental health needs. In support of students who have either tested positive or have come in contact with someone who tested positive for COVID-19 and are in isolation or quarantine, the University Counseling Center is providing weekly "check-in" hours to those students address any counseling related needs.

#### **Tennessee State University Health Services**

TSU University Health Services has taken the lead for the COVID-19 testing initiative for the campus community, testing over 700+ students and staff over the course of the semester. UHS nursing staff members have directly provided medical support for the Isolation and Quarantine Zone (I/Q Zone) visiting the I/Q/ zone daily for med checks, retesting, and other general health related concerns.

UHS nurses have set daily hours to support students, staff, and faculty self-testing process, setting up an additional site for testing and evaluation. Also, the UHS has maintained its ongoing service provision for general health care for students, also provided ongoing consultation services for general health care concerns, well-women's care, and prescription maintenance.

Additionally, the UHS has recently premiered its collaboration with a distinguished telehealth entity to provide ongoing services after hours, on weekends, and during semester breaks to TSU students with included programming such as outreach education, individual consultation, and access to medical support and consultation for both local and out of state students.

## **Update on TSU Student Affairs COVID Response**

### **-Testing**

The University is averaging approximately 75 test per day. Any student can request a test.

### **-Isolation/Quarantine Zone**

The I/Q Zone is managed by professional staff, and clinical staff to create a safe learning environment for our students. It is a self-sufficient area that is monitored 24 hours a day.

### **-Monitoring**

The campus experienced an unusual uptick in COVID-19 positive cases in early October. The administration reacted swiftly with three things that made an immediate impact:

- 1) A ten-day reprieve was instituted for all campus activities and sports.
- 2) Aggressive testing and contact tracing was amplified.
- 3) Unified marketing campaign to remind the campus community of our responsibilities to social distance and wearing masks was initiated.