



Audit & Business Committee Meeting

June 23, 2020

Meeting via teleconference and streamed live via link found on this web page:

<https://www.tntech.edu/board/>

AGENDA

- I. Call to Order**
- II. Determination of Necessity**
- III. Approval of Minutes**
- IV. Naming of Student Recreation Center**
- V. Federal CARES Funding and Auxiliary Income**
- VI. Endowments and Bond Financing**
- VII. State Budget**
- VIII. FY2019-20 Estimated and FY2020-21 Proposed Budgets**
- IX. Disclosed Projects FY2020-21**
 - A. Campus Signage and Wayfinding**
 - B. Data Center Fire Suppression**
 - C. Football Offices**
- X. Capital Budget FY2021-22**
- XI. Faculty Promotions**
- XII. Tenure Recommendations**
- XIII. Presidents Emeriti Contracts**
- XIV. TTU Emergency Rule 0240-09-08 Title IX Compliance and TTU Policy 144 (Title IX Policy and Grievance Procedures)**
- XV. Adjournment of Open Session and Call to Order of Executive Closed Session to Discuss Audits, Investigations, Litigation, and Matters Deemed Not Subject to Public Inspection Pursuant to T.C.A. § 4-35-108(b)(1)-(3)**
- XVI. Adjournment**



Agenda Item Summary

Date: June 23, 2020

Agenda Item: Determination of Necessity

Review

Action

No action required

PRESENTER: Mr. Stites

PURPOSE & KEY POINTS: Pursuant to Tennessee Code Annotated Section 8-44-108(b)(3), “[i]f a physical quorum is not present at the location of a meeting of a governing body, then in order for a quorum of members to participate by electronic or other means of communication, the governing body must make a determination that a necessity exists.”



**Board of Trustees Meeting
Audit & Business Committee
March 12, 2020
Roaden University Center Room 282**

MINUTES

AGENDA ITEM 1—Call to Order

The Tennessee Tech Board of Trustees Audit & Business Committee met on March 12, 2020, in Roaden University Center Room 282. Chair Johnny Stites called the meeting to order at 8:31 a.m.

Chair Stites asked Ms. Kae Carpenter, Secretary, to call the roll. The following members were present:

- Johnny Stites
- Sally Pardue
- Purna Saggurti participated by phone and confirmed that he could simultaneously hear and speak to the Committee members, that he was the only person present in the location from which he was calling and that he received the committee materials in advance of the meeting.

Other board members and members of the public were also in attendance.

AGENDA ITEM 2—Approval of Minutes

Chair Stites asked for approval of the minutes of the March 6, 2020 Audit & Business Committee meeting. Chair Stites asked if there were questions or comments regarding the minutes. There being none, Dr. Sally Pardue moved to recommend approval of the March 6, 2020 Audit & Business Committee minutes. Mr. Saggurti seconded the motion. The motion carried unanimously.

AGENDA ITEM 3- Land Disposal Easement

Dr. Stinson advised the City of Cookeville approached the University for a Deed Utility Easement for the installation of a sewer line along North Franklin Avenue to Ninth Street. The city is not anticipating to pay any money to the university for the easement. The city needs a permanent easement for the strip of land where the sewer line will be located and a temporary easement for about eight feet for the period of construction. Board approval is required before we submit to the State Building Commission since this is considered a land disposal. Mr. Jones asked why there would be no payment. Dr. Stinson advised the city does not typically pay for this type of situation. Chair Stites asked if there was any other discussion. There being none, he asked for a motion to send the proposed disposal of land for temporary construction easement and permanent sewer collection and disposal easement on North Franklin Avenue as described in Diligent tab 3 to the Board for approval and place it on the Board's regular agenda. Dr. Pardue moved to recommend. Mr. Saggurti seconded the motion. Ms. Carpenter took a roll call vote. The motion carried unanimously.

AGENDA ITEM 4— Sale of W. Clyde Hyder Farm Lot

Dr. Stinson advised this was an informational item only. Putnam County approached the University for a piece of land located at the W. Clyde Hyder Farm for the purpose of building a fire station. The size of the lot is half acre with an estimated sale price of \$25,000. This lot was part of a 30 acre farm that was donated to the university in 1996. The gift agreement stated this farm would support the needs of the School of Agriculture and could not be sold as long as Tennessee Tech had an agriculture program. The donor and estate attorney are deceased therefore, we have begun working with the Attorney General's Office for a court appointed exception based on the public good for a fire station in that location. Dr. Stinson reiterated that this was just an informational item at this time. Once further along in the process we will have a special called meeting or bring back to June meeting for the full Board to vote on since disposal of property requires Board approval.

AGENDA ITEM 5—Generic Naming of Buildings and Roadway

Dr. Stinson advised this was an informational item. At a recent Board meeting TTU Policy 537 (Naming Buildings, Facilities and Organizational Units) was approved. This policy requires Board approval if a building was being named after an individual or groups of individuals. The buildings and roadway being named are the current fitness center to Academic Wellness Center, new fitness center to Student Recreation Center, Lab Science Building to Laboratory Sciences Commons and Eighth Street to Wings Up Way. None of the generic naming prevents the Board for approving naming for an individual at a future date.

AGENDA ITEM 6—Update on Governor’s Budget

Dr. Stinson presented the Governor’s proposed FY2020-21 budget, which still had to pass through legislature for approval. The state appropriations for Tennessee Tech would increase \$4,051,200. The outcomes formula consisted of \$1,876,800 of the increased appropriation amount. Tennessee Tech was the second highest scoring in the funding formula. A salary pool consisted of \$1,349,100 for a 2.5 percent salary increase. The appropriations also included a \$325,300 adjustment for group health insurance rate increase. The final year of the NSF-CEROC grant match of \$500,000 was included. The base adjustment from outcomes reallocation was \$404,200. The total state appropriation for FY2020-21 was \$64,052,900. However, these amounts could be subject to change until legislature passes the Governor’s recommended budget. The Governor’s Budget for Capital Outlay and Maintenance total was \$56,850,000. This amount consisted of \$5,100,000 for Capital Maintenance, which included \$2,100,000 for roof replacements phase 4 and \$3,000,000 building controls upgrades phase 1. The engineering building was \$51,750,000 which the state will fund \$43,500,000 and the university will match \$8,250,000. Dr. Pardue asked how much Tech would be responsible for on the salary pool because the \$1,349,100 would not cover a 2.5 percent salary increase for employees. Dr. Stinson advised that the university would need to cover approximately 40 percent. Dr. Oldham added that the \$1,349,100 had to be spent on salaries but we had been given flexibility in distribution and timing.

AGENDA ITEM 7—Report on Flat-rate Tuition Model and Tech Promise Scholarship Recommendation

Dr. Stinson advised the Audit & Business Committee, along with other Board members, met on March 6th to review, discuss and approve the flat-rate tuition model. At that meeting President Oldham explained the model was developed to support the university’s emphasis on graduating students within eight semesters. Provost Bruce shared research study that students were more likely to graduate when they enroll in 15 credit hours per semester. The model was vetted by several groups on campus including Faculty Senate and officers of the Student Government Association. The flat-rate tuition model was proposed and approved by the committee to set a flat-rate for students taking 12 or more credit hours. The new model would only apply to new students enrolling in fall 2020 and beyond. There was no increase proposed per credit hour for students currently enrolled. There was no proposed increase in mandatory or non-mandatory fees for the upcoming academic year. The committee also approved a new Tech Promise Scholarship. This scholarship is intended to assist low income high-achieving students coming into the university under the new flat-rate model. The scholarship would be available to full-time undergraduate students for four years as a last dollar scholarship for tuition and mandatory fees.

AGENDA ITEM 8—Notice of Responsibilities for Preventing, Detecting, and Reporting Fraud, Waste, and Abuse

Deanna Metts advised state law required the Audit Committee to formally reiterate on a regular basis to the Board, Management, and Staff their responsibilities for preventing, detecting, and reporting Fraud, Waste and Abuse. The notice was placed in Diligent for the Committee and Board members to review.

AGENDA ITEM 9 –Adjournment of Open Session & Call to Order of Executive Closed Session

There being no further business, the meeting adjourned at 8:51 a.m. After a short break, the Executive Closed Session began at 9:04 a.m. Tennessee Tech Board Trustees were present.

The following were also present for the meeting:

- President Philip Oldham
- Kae Carpenter, Board Secretary
- Deanna Metts, Director of Internal Audit
- Dr. Claire Stinson, Vice President for Planning and Finance
- Janice Scarlett, Internal Audit Administrative Associate
- Lee Wray, Chief of Staff
- Leslie Crickenberger, Associate Vice President of Human Resources
- Libby Gays, Affirmative Action Director
- Yvette Clark, Executive Director ITS
- Deb Zsigalov, Chief Information Security Officer
- Greg Holt, Compliance Officer
- Dr. Lori Bruce, Provost
- Dr. Brandon Johnson, Vice President Enrollment Management
- Mary McCaskey, Director of Financial Aid
- Attorneys for Tennessee Tech

AGENDA ITEM 10—Adjournment

There being no further business, the Executive Closed Session adjourned at 10:37 a.m.

Approved,

Kae Carpenter, Secretary



Agenda Item Summary

Date: June 23, 2020

Division: Planning & Finance

Agenda Item: Naming of Student Recreation Center

Review

Action

No action required

PRESENTERS: Phil Oldham, President

PURPOSE & KEY POINTS:

Naming of the Student Recreation Center to the Marc L. Burnett Student Recreation & Fitness Center.

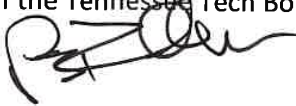


Office of the President

TENNESSEE TECH

MEMORANDUM

To Audit & Business Committee of the Tennessee Tech Board of Trustees

From Dr. Philip Oldham, President 

Date June 5, 2020

Subject Request approval to name new student recreation center

I appointed a committee to consider naming the new student recreation center, the Marc L. Burnett Student Recreation & Fitness Center. I support the committee's unanimous recommendation to name the building as such. I respectfully submit this request to the Board of Trustees for consideration and approval.



Office of the President

TENNESSEE TECH

MEMORANDUM

To Dr. Philip Oldham, President

From Lee Wray, Chairperson of the Student Recreation Center Naming Committee *Lee Wray*

Date May 29, 2020

Subject Request Approval to Name New Student Recreation Center

On May 20, 2020, the Student Recreation Naming Center met to consider your proposal to name this new building after Mr. Marc L. Burnett. Members of the committee are

- Nia Buntin, student
- Amanda Fabrizio-Grzesik, Development Officer
- Lee Gatts, alumnus and former SGA president
- Christy Killman, Chair, EXPW
- Aaron Lay, student
- Rob Owens, interim VP for Student Affairs
- Steve Smith, faculty member, EXPW
- Bobbie Maynard, Executive Director, Communications & Marketing
- David Mullinax, Director, Student Recreation & Fitness Center

The committee unanimously supports naming the new student recreation center, the Marc L. Burnett Student Recreation & Fitness Center for the following reasons:

- Mr. Burnett was extremely instrumental in getting the student body to approve a fee for the purpose of building the new center. He worked closely with the SGA and other students to show the benefit the center will have for student use and also the University's image and reputation.

Dr. Philip Oldham
May 29, 2020
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- Mr. Burnett served 36 years as an employee of the University, almost all of those years in the Division of Student Affairs, and a large percentage of those years as Vice-President.
- Mr. Burnett served as the University's first Chief Diversity Officer.
- Mr. Burnett has raised approximately \$1.2 million for the diversity scholarship fund.
- Mr. Burnett was instrumental in the founding and leadership for what is now the Leona Lusk Officer Multicultural Center.
- Mr. Burnett is the first – and only – African-American Vice-President and the naming of this building after Mr. Burnett will be the first building named for an African-American.
- As side notes, Mr. Burnett is part of one of Tech's iconic moments in scoring the first point in Hooper Eblen Center history. In addition, Mr. Burnett was a five-time captain of the men's basketball team and holds bachelor's and master's degrees from Tech.

To honor Mr. Burnett and his legacy to Tennessee Tech, we respectfully request you submit to the Board of Trustees for approval, the naming of the new student recreation center, the Marc L. Burnett Student Recreation & Fitness Center. Thank you.




Office of the President

TENNESSEE TECH

MEMORANDUM

To Trudy Harper, Chair, Tennessee Tech Board of Trustees

From Dr. Philip Oldham, President 

Date June 4, 2020

Subject Request Exception to TTU Policy 537 Naming Buildings, Facilities and Organizational Units

I respectfully request an exception be made to TTU Policy 537 Naming Buildings, Facilities and Organizational Units. Specifically, I would like to request an exception to Item V.D.2 which states "No current employee of Tennessee Tech, and no individual who has been an employee of Tennessee Tech within the previous year, shall be eligible." Item VI.1. provides "The Chair of the Board of Trustees or his/her designee has the authority to approve exceptions in instances of unusual circumstances."

I appointed a committee to consider naming the new student recreation center, the Marc L. Burnett Student Recreation & Fitness Center. The committee met on May 20th, 2020 and I support the committee's recommendation to name the building as such. For your consideration, the Naming Committee's recommendations are attached.

I would like to request an exception to name a building after a former employee who retired on December 31, 2019 (less than one year ago) due to the following unusual circumstances:

- The intent of this policy timeframe would be to allow ample time to vet the individual. With Marc Burnett's 36 years of service, adequate vetting has already occurred.
- Having a name in place at the time of this summer's opening and dedication is preferable due to the marketing and branding that will occur at that time.
- Naming and branding the building officially when opened will immediately establish the building's identity.

Trudy Harper
June 4, 2020
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With your approval of the requested exception, I will submit this naming opportunity to the Audit & Business Committee for consideration on June 23, 2020.



Trudy Harper, Chair

6/5/2020
Date

ds

Attachments



Agenda Item Summary

Date: June 23, 2020

Division: Planning and Finance

Agenda Item: Federal CARES Act and Auxiliary Income

Review

Action

No action required

PRESENTERS: Dr. Claire Stinson, Vice President for Planning and Finance

PURPOSE & KEY POINTS:

Information on funds the university received from the Federal CARES Act. Update on status of auxiliary operations.



Agenda Item Summary

Date: June 23, 2020

Division: Planning and Finance

Agenda Item: Endowments and Bond Financing

Review

Action

No action required

PRESENTERS: Dr. Claire Stinson, Vice President for Planning and Finance

PURPOSE & KEY POINTS: Update on endowment investments. Update on University bond financing.



Agenda Item Summary

Date: June 23, 2020

Division: Planning and Finance

Agenda Item: State Budget Update

Review

Action

No action required

PRESENTERS: Dr. Claire Stinson, Vice President for Planning and Finance

PURPOSE & KEY POINTS:

Updates on Governor's revised budget and impact on Tennessee Tech.



Agenda Item Summary

Date: June 23, 2020

Division: Planning and Finance

Agenda Item: FY2019-20 Estimated and FY2020-21 Proposed Budgets

Review

Action

No action required

PRESENTERS: Dr. Claire Stinson, Vice President for Planning and Finance

PURPOSE & KEY POINTS: Review recommendation and approval of Tennessee Tech's FY2019-20 Estimated and FY2020-21 Proposed Budgets.

Estimated Budget is the final budget for fiscal year 2019-20. This budget is an estimate of how resources will be collected and expended for the year and will closely compare to our financial statements prepared at end-of-year. The Proposed Budget for fiscal year 2020-21 is our operating plan to begin the new fiscal year. The Proposed Budget is revised in October of each year (Revised Budget) to reflect fall semester enrollments and other changes that may have occurred. The Revised Budget is approved by the Board of Trustees at their December meeting.

Both the Estimated Budget and the Proposed Budget include budget line items for Educational & General (E&G) revenues and expenses for the University's major operations, and Auxiliary Enterprise revenues and expenses. These budgets also include mandatory transfers which are resources set aside to service debt for the fiscal year. Non-mandatory transfers included in the budget are resources transferred to reserves and plant funds at the University's discretion

E&G Revenues - Current Estimate FY2019-20 and Proposed Budget FY2020-21

	Current Estimate FY2019-20		Proposed Budget FY2020-21		% Change Over Current Estimate
Tuition and Fees	\$	98,989,300	\$	94,314,200	-4.72%
State Appropriations	\$	59,396,600	\$	62,703,900	5.57%
Contracts and IDC	\$	971,400	\$	971,400	0.00%
Sales and Services	\$	899,600	\$	855,500	-4.90%
Other Activities	\$	3,621,763	\$	3,549,110	-2.01%
Athletics (inlc student fee)	\$	6,217,037	\$	6,116,890	-1.61%
Total Revenues	\$	170,095,700	\$	168,511,000	-0.93%

E&G Expenses by Budget Category - Current Estimate FY2019-20 and Proposed Budget FY2020-21

	Current Estimate FY2019-20		Proposed Budget FY2020-21		% Change Over Current Estimate
Instruction	\$	81,746,600	\$	77,708,800	-4.94%
Research	\$	3,886,700	\$	2,652,400	-31.76%
Public Service	\$	2,441,800	\$	2,117,600	-13.28%
Academic Support	\$	13,897,200	\$	13,172,400	-5.22%
Student Services	\$	21,726,200	\$	20,230,200	-6.89%
Institutional Support	\$	17,107,800	\$	16,440,100	-3.90%
Oper. & Maint. of Plant	\$	14,518,100	\$	14,612,900	0.65%
Scholarships & Fellowships	\$	17,241,100	\$	16,172,600	-6.20%
Total Expenses	\$	172,565,500	\$	163,107,000	-5.48%

E&G Expenses by Natural Classification - Current Estimate FY2019-20 and Proposed Budget FY2020-21

	Current Estimate FY2019-20		Proposed Budget FY2020-21		% Change Over Current Estimate
Salaries and Wages	\$	77,883,799	\$	81,707,765	4.91%
Fringe Benefits	\$	35,085,026	\$	34,527,637	-1.59%
Travel	\$	2,610,629	\$	2,009,834	-23.01%
Operating & Utilities	\$	38,525,099	\$	27,796,214	-27.85%
Scholarships & Fellowships	\$	18,043,023	\$	16,733,911	-7.26%
Capital	\$	417,714	\$	331,500	-20.64%
Total Expenses	\$	172,565,290	\$	163,106,861	-5.48%

E&G Unrestricted Budget Summary - Current Estimate FY2019-20 and Proposed Budget FY2020-21

	Current Estimate FY2019-20		Proposed Budget FY2020-21		% Change Over Current Estimate
Beginning Fund Balance	\$	17,756,106	\$	6,325,458	-64.38%
E&G Revenues	\$	170,095,700	\$	168,510,100	-0.93%
E&G Expenses	\$	172,565,500	\$	163,107,000	-5.48%
Mandatory Transfers	\$	1,046,100	\$	1,988,700	90.11%
Non-mandatory Transfers	\$	7,794,200	\$	3,383,600	-56.59%
Ending Fund Balance	\$	6,446,006	\$	6,356,258	-1.39%

Auxiliary Budget Summary - Current Estimate FY2019-20 and Proposed Budget FY2020-21

	Current Estimate FY2019-20		Proposed Budget FY2020-21		% Change Over Current Estimate
Beginning Fund Balance	\$	956,694	\$	917,842	-4.06%
Aux Revenues	\$	18,356,800	\$	18,330,800	-0.14%
Aux Expenses	\$	7,469,900	\$	7,531,800	0.83%
Mandatory Transfers	\$	6,118,000	\$	6,118,000	0.00%
Non-mandatory Transfers	\$	4,928,300	\$	4,681,000	-5.02%
Ending Fund Balance	\$	797,294	\$	917,842	15.12%

TOTAL Budget Summary - Current Estimate FY2019-20 and Proposed Budget FY2020-21

	Current Estimate FY2019-20		Proposed Budget FY2020-21		% Change Over Current Estimate
Beginning Fund Balance	\$	18,712,800	\$	7,243,300	-61.29%
Total Revenues	\$	188,452,500	\$	186,840,900	-0.86%
Total Expenses	\$	180,035,400	\$	170,638,800	-5.22%
Mandatory Transfers	\$	7,164,100	\$	8,106,700	13.16%
Non-mandatory Transfers	\$	12,722,500	\$	8,064,600	-36.61%
Ending Fund Balance	\$	7,243,300	\$	7,274,100	0.43%

Breakdown of E&G Fund Balance - Current Estimate FY2019-20 and Proposed Budget FY2020-21

Current Estimate FY2019-20				
	Beginning Fund Balance		Ending Fund Balance	
Allocation for Encumbrances	\$	2,347,600	\$	-
Allocation for Working Capital	\$	2,914,800	\$	2,914,800
Special Allocations*	\$	13,339,300	\$	4,328,500
Unallocated Balance	\$	111,100	\$	-
Total E&G Fund Balance	\$	18,712,800	\$	7,243,300
*2% to 5% Reserve	\$	9,644,751	\$	3,410,641
*Student Activity Fee	\$	658,709	\$	-
*Technology Access Fee	\$	753,334	\$	-
*Specialized Academic Course Fee	\$	1,325,833	\$	-
Total Special Allocations	\$	12,382,627	\$	3,410,641
*Aux Contingency	\$	956,694	\$	917,842
Proposed Budget FY2020-21				
	Beginning Fund Balance		Ending Fund Balance	
Allocation for Encumbrances	\$	-	\$	-
Allocation for Working Capital	\$	2,914,800	\$	2,914,800
Special Allocations*	\$	4,328,500	\$	4,359,300
Unallocated Balance	\$	-	\$	-
Total E&G Fund Balance	\$	7,243,300	\$	7,274,100
*2% to 5% Reserve	\$	3,410,641	\$	3,441,746
*Student Activity Fee	\$	-	\$	-
*Technology Access Fee	\$	-	\$	-
*Specialized Academic Course Fee	\$	-	\$	-
Total Special Allocations	\$	3,410,641	\$	3,441,746
*Aux Contingency	\$	917,842	\$	917,582

E&G Transfers - Current Estimate FY2019-20 and Proposed Budget FY2020-21

	Current Estimate FY2019-20	Proposed Budget FY2020-21
<u>Debt Service and Unexpended Plant</u>		
Debt Service Perf Contract	\$ 481,074	\$ 369,930
Debt Service Fitness Center	\$ 2,021,730	\$ 2,021,730
Debt Service Univ Center	\$ 89,460	\$ 89,460
Debt Service Eblen Center	\$ 196,810	\$ 196,810
Facilities Development (fee)	\$ 867,000	\$ 845,500
Parking and Transportation	\$ 1,043,275	\$ 1,069,292
Extraordinary Maintenance	\$ 650,000	\$ 650,000
Small Projects	\$ 4,225,276	\$ 841,000
Total Debt Service & Unexp Plant	\$ 9,574,625	\$ 6,083,722
<u>Renewal and Replacement</u>		
IT Computer Equipment	\$ 77,110	\$ 77,110
Electronic Upgrades	\$ 350,000	\$ 350,000
Equipment - Departments	\$ 593,000	\$ 543,000
Reserves	\$ (3,147,700)	\$ (2,000,000)
Total R&R	\$ (2,127,590)	\$ (1,029,890)
GRAND TOTAL All Transfers	\$ 7,447,035	\$ 5,053,832

Reserves - Proposed Budget FY2020-21 - Beginning July 1	
	<u>Unexpended Plant</u>
Land Purchases	\$ 2,815,845
New Construction:	
Science Building	\$ 7,213,315
Fitness & Rec Center	\$ 4,602,233
Agriculture Facility	\$ 219,109
Intramural Sports Field House	\$ 19,490
Shipleigh Farm Hay Barns	\$ 82,500
Parking & Transportation	\$ 4,590,828
Landscaping	\$ 200,228
Residence Hall Rvn & Roof	\$ 1,931,400
Roaden Center Rvn	\$ 771,500
Eblen Center Rvn	\$ 2,348,464
Various Academic Upgrades	\$ 235,455
Infrastructure & HVAC	\$ 4,007,176
Engineering Master Plan	\$ 500,000
Extraordinary Maint	\$ 2,565,994
Advising Center	\$ 610,000
Facilities Development Fee	\$ 1,545,166
Regional Consulting Grp	\$ 254,464
Depts. Small Projects	\$ 683,873
Other Small Projects	\$ 17,945
Total Unexpended Plant	\$ 35,214,985
	<u>Renewal and Replacement</u>
Auxiliary - Housing	\$ 17,864,939
Auxiliary - Other	\$ 14,343,420
Computer Center	\$ 2,852,581
Technology Update	\$ 1,423,592
Telecommunication	\$ 483,149
Printing & Photo Srv	\$ 220,505
Motor Pool	\$ 611,754
Online Fee	\$ 844,070
Craft Center R&R	\$ 494,251
Departmental R&R	\$ 1,278,288
University Reserve	\$ 6,334,808
Total R&R	\$ 46,751,356
GRAND TOTAL All Reserves	\$ 81,966,341

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Tennessee Tech University
Summary Of Unrestricted Current Funds Available And Applied
July Budget 2020-21

	Actual 2018-19	October Budget 2019-20	Estimated Budget 2019-20	% Change Over Actual	July Budget 2020-21	% Change Over Actual
Unrestricted Current Fund Balances						
at Beginning of Period						
Allocation for Encumbrances	198,818	2,347,600	2,347,600	1080.8	0	-100.0
Allocation for Working Capital	2,306,620	2,914,800	2,914,800	26.4	2,914,800	26.4
Special Allocations	10,418,025	13,339,300	13,339,300	28.0	4,328,500	-58.5
Unallocated Balance	128,824	111,100	111,100	-13.8	0	-100.0
Total Unrestricted Current Fund Balances	13,052,287	18,712,800	18,712,800	43.4	7,243,300	-44.5
Revenues						
Education and General						
Tuition and Fees	95,852,464	97,640,600	98,989,300	03.3	94,314,200	-01.6
State Appropriations	56,172,876	59,396,600	59,396,600	05.7	62,703,000	11.6
Federal Grants and Contracts	1,354,365	869,700	869,700	-35.8	869,700	-35.8
Local Grants and Contracts	12,523	3,200	3,200	-74.4	3,200	-74.4
State Grants and Contracts	259,011	59,400	59,400	-77.1	59,400	-77.1
Private Grants and Contracts	36,964	39,100	39,100	05.8	39,100	05.8
Private Gifts	27,267	0	0	-100.0	0	-100.0
Sales & Services of Educ Activities	824,270	857,500	899,600	09.1	855,500	03.8
Sales & Services of Other Activities	8,734,714	8,671,700	8,635,800	-01.1	8,466,700	-03.1
Other Sources	3,054,590	1,246,000	1,203,000	-60.6	1,199,300	-60.7
Total Education and General	166,329,044	168,783,800	170,095,700	02.3	168,510,100	01.3
Sales & Services of Aux Enterprises						
Sales and Services of Aux Enterprises	19,136,590	18,343,300	18,356,800	-04.1	18,330,800	-04.2
Total Revenues	185,465,634	187,127,100	188,452,500	01.6	186,840,900	00.7
Expenditures and Transfers						
Education and General						
Instruction	69,577,550	81,774,300	81,746,600	17.5	77,708,800	11.7
Research	2,369,134	3,878,200	3,886,700	64.1	2,652,400	12.0
Public Service	2,305,792	2,478,500	2,441,800	05.9	2,117,600	-08.2
Academic Support	12,197,099	13,275,200	13,897,200	13.9	13,172,400	08.0
Student Services	19,885,215	21,127,000	21,726,200	09.3	20,230,200	01.7
Institutional Support	15,159,752	17,443,600	17,107,800	12.9	16,440,100	08.4
Operation & Maintenance of Plant	12,891,610	14,737,800	14,518,100	12.6	14,612,900	13.4
Scholarships & Fellowships	15,096,058	17,396,200	17,241,100	14.2	16,172,600	07.1
Total Education and General	149,482,210	172,110,800	172,565,500	15.4	163,107,000	09.1
Mandatory Transfers for:						
Principal & Interest	624,480	1,046,100	1,046,100	67.5	1,988,700	218.5
Renewals & Replacements	0	0	0		0	

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Form I

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Tennessee Tech University
Summary Of Unrestricted Current Funds Available And Applied
July Budget 2020-21

	Actual 2018-19	October Budget 2019-20	Estimated Budget 2019-20	% Change Over Actual	July Budget 2020-21	% Change Over Actual
Loan Fund Matching Grant	0	0	0		0	
Total Mandatory Transfers	624,480	1,046,100	1,046,100	67.5	1,988,700	218.5
Non-Mandatory Transfers for:						
Transfers to Unexpended Plant Fund	6,781,338	2,831,300	3,132,200	-53.8	1,903,600	-71.9
Transfers to Renewal & Replacements	1,395,449	1,902,800	2,430,500	74.2	1,750,900	25.5
Transfers to Other Funds	2,423,469	2,231,500	2,231,500	-07.9	2,231,500	-07.9
Transfers from Unexpended Plant Fund	0	0	0		0	
Transfers from Renewal & Replacements	0	0	0		-2,502,400	
Transfers from Other Funds	-20,189	0	0	-100.0	0	-100.0
Total Non-Mandatory Transfers	10,580,067	6,965,600	7,794,200	-26.3	3,383,600	-68.0
Total Education and General	160,686,757	180,122,500	181,405,800	12.9	168,479,300	04.8
Auxiliary Enterprises Expenditures						
Auxiliary Enterprises Expenditures	6,976,220	7,449,600	7,469,900	07.1	7,531,800	08.0
Total Auxiliary Expenditures	6,976,220	7,449,600	7,469,900	07.1	7,531,800	08.0
Mandatory Transfers for:						
Principal & Interest	3,757,778	6,118,000	6,118,000	62.8	6,118,000	62.8
Renewals & Replacements	0	0	0	00.0	0	00.0
Loan Fund Matching Grant	0	0	0	00.0	0	00.0
Total Mandatory Transfers	3,757,778	6,118,000	6,118,000	62.8	6,118,000	62.8
Non-Mandatory Transfers for:						
Transfers to Unexpended Plant Fund	0	0	0	00.0	0	00.0
Transfers to Renewal & Replacements	8,384,353	4,935,900	4,928,300	-41.2	4,681,000	-44.2
Transfers to Other Funds	0	0	0	00.0	0	00.0
Transfers from Unexpended Plant Fund	0	0	0	00.0	0	00.0
Transfers from Renewal & Replacements	0	0	0	00.0	0	00.0
Transfers from Other Funds	0	0	0	00.0	0	00.0
Total Non-Mandatory Transfers	8,384,353	4,935,900	4,928,300	-41.2	4,681,000	-44.2
Total Auxiliary Enterprises	19,118,351	18,503,500	18,516,200	-03.1	18,330,800	-04.1
Total Expenditures And Transfers	179,805,108	198,626,000	199,922,000	11.2	186,810,100	03.9
Other						
Prior Period Adjustments	0	0	0	00.0	0	00.0

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Form I

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Tennessee Tech University
Summary Of Unrestricted Current Funds Available And Applied
July Budget 2020-21

	Actual 2018-19	October Budget 2019-20	Estimated Budget 2019-20	% Change Over Actual	July Budget 2020-21	% Change Over Actual
Other Additions/Deductions	0	0	0	00.0	0	00.0
Total Other	0	0	0	00.0	0	00.0
Unrestricted Current Fund Balances at End of Period						
Allocation for Encumbrances	2,347,580	0	0	-100.0	0	-100.0
Allocation for Working Capital	2,914,811	2,914,800	2,914,800	00.0	2,914,800	00.0
Special Allocations	13,339,321	4,299,100	4,328,500	-67.6	4,359,300	-67.3
Unallocated Balance	111,101	0	0	-100.0	0	-100.0
Total Unrestricted Current Fund Balances	18,712,813	7,213,900	7,243,300	-61.3	7,274,100	-61.1

FZRJF01 TBR8: 1.1
Form I

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Tennessee Tech University
Summary Of Unrestricted Current Funds Available And Applied
July Budget 2020-21
* * * Report Control Information * * *
Parameters have been entered via Job Submission.

Parameter Name	Value
Parameter Seq No:	1676597
Chart:	T
Budget Id:	FY2020
Budget Phase 5:	195A
Budget Phase 2:	202R
Budget Phase 3:	203E
Budget Phase 4:	214P
Fund:	
Begin Page Number:	1
Suppress Zero Amounts:	N

TTU Budget Summary and Budget Analysis Documents

The complete Budget Summary and Budget Analysis documents can be viewed on the Budgeting, Planning, Reporting and Analysis website at:

Direct Link to document – **Summary:**

https://www.tntech.edu/businessoffice/pdf/budget/Budget_Summary_July_FY2020-21.pdf

Direct Link to document – **Analysis:**

https://www.tntech.edu/businessoffice/pdf/budget/Budget_Analysis_Forms_July20-21.pdf

Historical Budget documents (FY2011 through FY2019):

Budget **Summary:** <https://www.tntech.edu/businessoffice/bpra/budgetary-info.php>

Budget **Analysis:** <https://www.tntech.edu/businessoffice/bpra/budgetary-info.php>



Office of the President

TENNESSEE TECH

May 1, 2020

Submitting on behalf of Tennessee Tech University (TTU) a crosswalk of organizational changes/updates with a proposed implementation date of July 1, 2020, as follows:

Academic Affairs

- Add Online Education & Faculty Development as a direct report to Academic Affairs
- Rename the Center for Achievement of Faculty Excellence as the Center for Advancing Faculty Excellence
- Realign Center for Advancing Faculty Excellence (CAFÉ) as a direct report to Online Education & Faculty Development
- Realign Center for Innovation in Teaching and Learning (CITL) as a direct report to Center for Advancing Faculty Excellence (CAFÉ)
- Rename Faculty Development to Faculty Development & Awards
- Realign Faculty Development & Awards as a direct report to Center for Advancing Faculty Excellence (CAFÉ)
- Add Diversity & Inclusion as a direct report under the Center for Advancing Faculty Excellence
- Realign Undergraduate Research and Creative Activity (URECA) as a direct report to Center for Advancing Faculty Excellence (CAFÉ)
- Realign TN eCampus as a direct report to Online Education & Faculty Development
- Add Online Education as a direct report to Online Education & Faculty Development
- Remove Assessment as a direct report to Institutional Assessment, Research, and Effectiveness (IARE)
- Remove Institutional Research as a direct report to Institutional Assessment, Research and Effectiveness (IARE)
- Remove Military Science as a direct report to Academic Affairs
- Rename Academic Support to Academics & Operations
- Realign Military Science as a direct report to Academics & Operations
- Realign Honors College as a direct report to Academics & Operations
- Add Space Utilization as a direct report to Academics & Operations
- Add Academic Integrity as a direct report to Academics & Operations
- Add Student Success as a direct report to Academics & Operations
- Remove UNIV 1010 as a direct report to Academic Support

College of Business

- Remove Small Business Development Center as a direct report to the College of Business

College of Fine Arts

- Add Student Success Center as a direct report to the College of Fine Arts

Planning and Finance

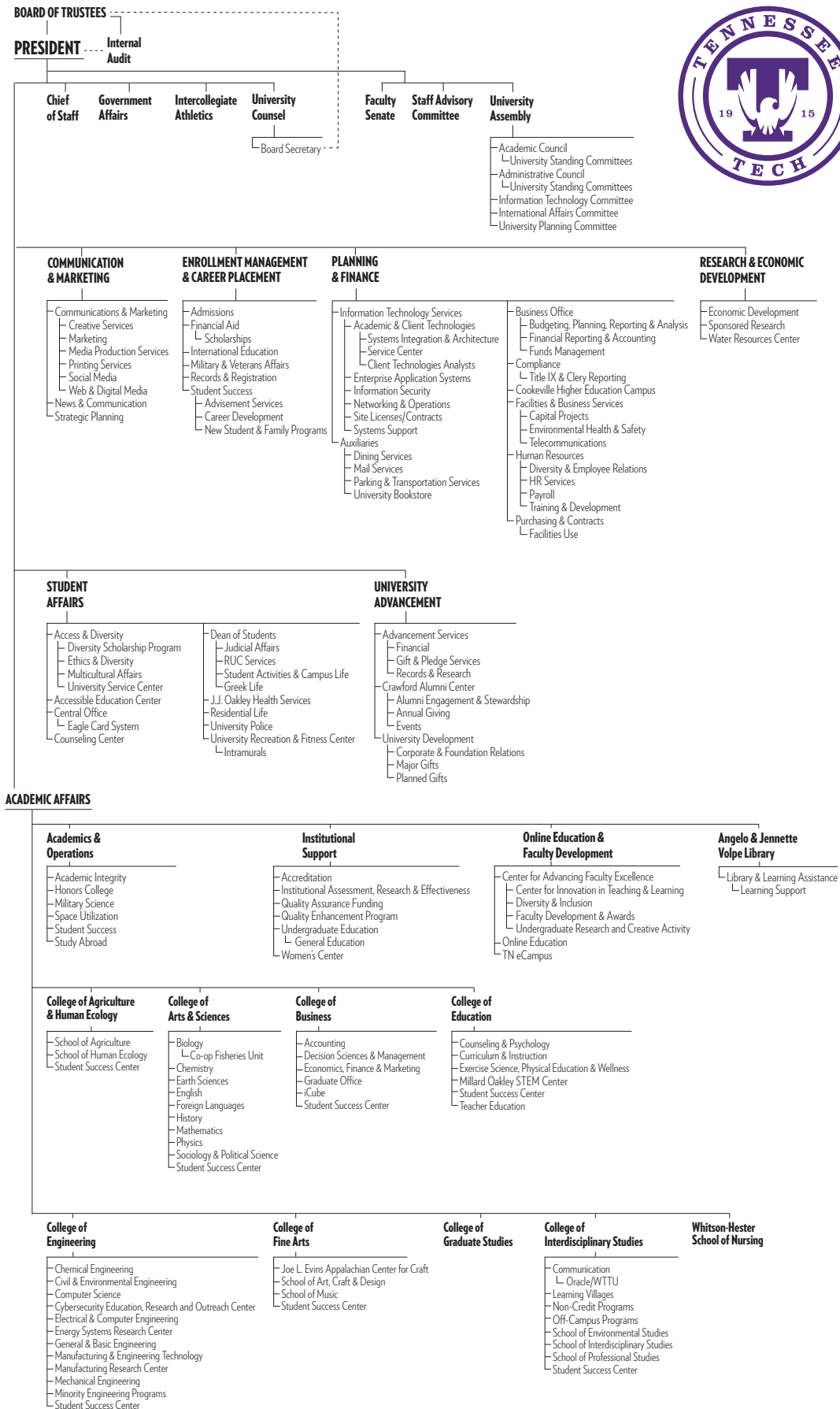
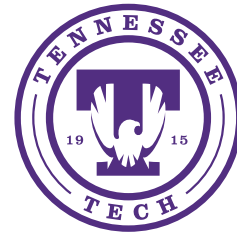
- Rename Parking Services to Parking & Transportation Services

Office of Communications & Marketing

- Add Strategic Planning as a direct report to Communication & Marketing
- Remove Public Relations as a direct report to Communication & Marketing
- Add News & Communications as a direct report to Communications & Marketing
- Realign Media Production Services as a direct report to Communications & Marketing
- Realign Social Media as a direct report to Communications & Marketing



Dr. Philip B. Oldham, President





Agenda Item Summary

Date: June 23, 2020

Division: Planning and Finance

Agenda Item: Disclosed Projects FY2020-21

Review

Action

No action required

PRESENTERS: Dr. Claire Stinson, Vice President for Planning and Finance

PURPOSE & KEY POINTS: Review and approval of three projects for the FY 2020-21 Capital Budget Q1 Disclosure Amendment.

These projects are an addition to the TTU submittal for the 2021-22 Capital Budget:

1. Install a fire suppression system for the data center in Clement Hall.
2. Install ceremonial gates at the primary main entry points to campus and entry markers at secondary entry points. Include building, street and wayfinding signage.
3. Purchase and installation of a prefabricated portable office building for the Football program.

3.1 DB70

1 Department: Tennessee Higher Education Commission
Institution: Tennessee Technological University
Project: Campus Gateway Signage
City/County: Cookeville/Putnam

2 Fiscal Year: 2020-21

<input type="checkbox"/>	Capital Outlay	New		Reno/Maint
<input type="checkbox"/>	Capital Maintenance		0	Gross Sq.Ft. 0
<input checked="" type="checkbox"/>	Disclosure		0	Net Sq.Ft. 0
<input checked="" type="checkbox"/>	Designer Required		0.00	Cost/Sq.Ft. 0.00

4 Project Description:
 Install ceremonial gates at the primary main entry points to campus and entry markers at secondary entry points. Include new building, street and wayfinding signage.

If new const., is it in the Master Plan If new will it add to E&G?

5	Total Project	This Request	Estimated Building Construction Cost: <input type="text" value="0"/>	
	420,000	160,000	Building Construction	
			Site & Utilities	
		0	Built-in Equipment	
	420,000	160,000	Bid Target	
	21,000	8,000	Contingency:	5.00 5.00 percent
	441,000	168,000	MACC (Maximum Allowable Construction Cost)	
	34,342	14,428	Fee:	35/LogP-1.15= 7.78740199 <input type="text" value="New"/>
		0	Movable Equipment	
	0	0	first other	
	14,658	7,572	second other	
	490,000	190,000	Administration & Miscellaneous	
			Total Cost	

6 Funding Request: THIS REQUEST

0	0	STATE funds	0
0	0	FEDERAL funds	0
490,000	190,000	Local and Institutional Funds	Plant Funds (Non-Aux.)

7 Previous SBC Approved Funding:

	fund year	description
already approved for existing SBC project	0	
0	0	
plus This Request	0	
190,000	0	

8 SBC Action: If an existing project, SBC Project No.: NA

9 Designer: NA

3.2 Project Support Documentation sheet-1

Institution: Tennessee Technological University

Project: Campus Gateway Signage

A. Architectural Program Scope

Design and install ceremonial gates at the primary main entry points to campus and entry markers at secondary entry points. Include new building, street and wayfinding signage.

B. Evidence of Physical Facility Need

The ceremonial gates will provide a sense of prominence and greet visitors to the campus with a traditional architectural element. The entry markers will further signify the boundaries of the campus and enhance the perception of the campus as a leading academic institution. Building, street and wayfinding signage will further enhance those efforts.

These improvements are included in the Campus Master Plan.

C. Historical Profile

D. Summary Results and Date of Physical Facilities Survey

3.3 Project Support Documentation sheet-2

Institution: Tennessee Technological University

Project: Campus Gateway Signage

E. Cost Basis for Construction Estimate and Other Costs

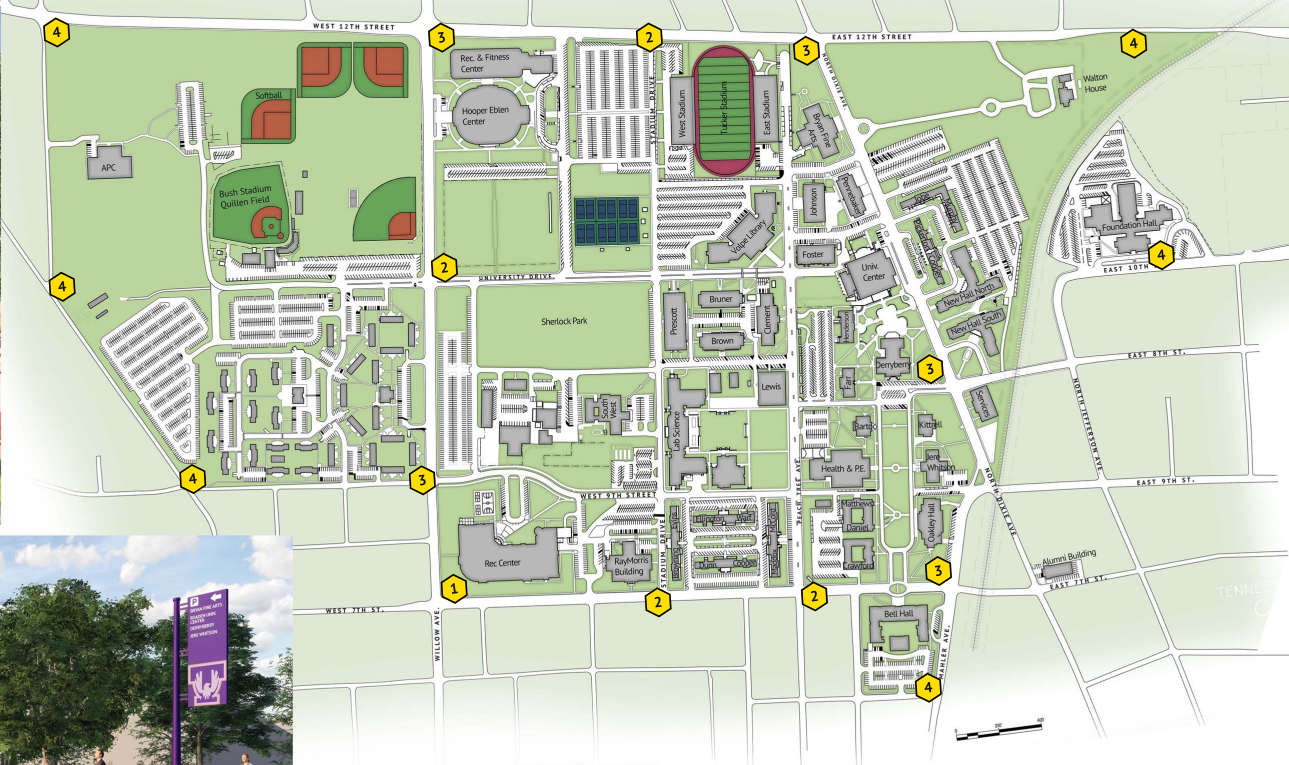
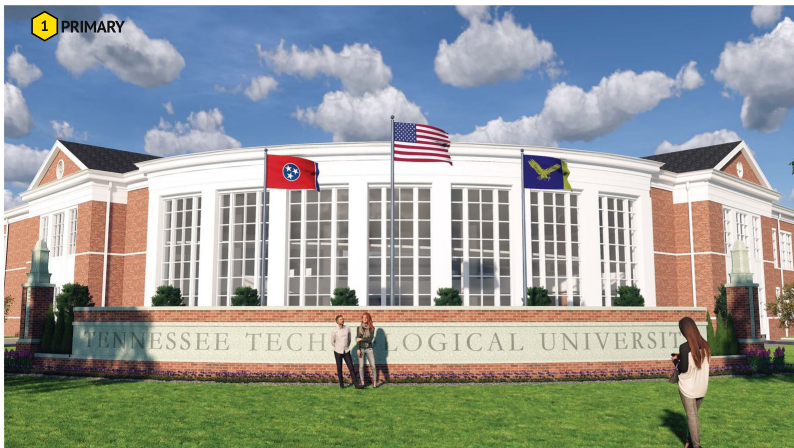
The cost estimate was provided by the campus architectural consultant.

F. Project Schedule

The work will be implemented in phases as funding allows. The first phase will be to construct an entrance sign adjacent to the new Student Recreation Center at 7th & Willow Avenue.

G Campus or Architectural Program Impact





TENNESSEE
19 15
TECH

Campus Gateways
&
Street Wayfinding

Upland
Design
Group

3.1 DB70

1 Department: Tennessee Higher Education Commission
Institution: Tennessee Tech University
Project: Data Center Fire Suppression
City/County: Cookeville/Putnam

2 Fiscal Year: 2020-21

<input type="checkbox"/>	Capital Outlay	New		Reno/Maint
<input type="checkbox"/>	Capital Maintenance		0	Gross Sq.Ft. 0
<input checked="" type="checkbox"/>	Disclosure		0	Net Sq.Ft. 0
<input checked="" type="checkbox"/>	Designer Required		0.00	Cost/Sq.Ft. 0.00

4 Project Description:
 Install a fire suppression system for the data center in Clement Hall.

Proj. Type: If new const., is it in the Master Plan If new will it add to E&G?

5	Total Project	This Request	Estimated Building Construction Cost:	<input type="text" value="0"/>
			Building Construction	
			0 Site & Utilities	
	250,000	250,000	Built-in Equipment	
	250,000	250,000	Bid Target	
	25,000	25,000	Contingency:	10.00 10.00 percent
	275,000	275,000	MACC (Maximum Allowable Construction Cost)	
	28,049	28,049	Fee:	35/LogP-1.15= ##### <input type="text" value="Renovation"/>
			0 Movable Equipment	
			first other	Pre-Con, Comm
	0	0	second other	
	11,951	11,951	Administration & Miscellaneous	
	315,000	315,000	Total Cost	

6 Funding Request:

	THIS REQUEST	
0	0	STATE funds
0	0	FEDERAL funds
315,000	315,000	Local and Institutional Funds <input type="text" value="Plant Funds (Non-Aux)"/>

7 Previous SBC Approved Funding:

	fund year	description
already approved for existing SBC project	0	
plus This Request	0	
315,000	0	

8 SBC Action: If an existing project, SBC Project No.:

9 Designer:

3.2 Project Support Documentation sheet-1

Institution: [Tennessee Tech University](#)
Project: [Data Center Fire Suppression](#)

A. Architectural Program Scope

[Install a fire suppression system for the data center in Clement Hall.](#)

B. Evidence of Physical Facility Need

[The data center does not have a fire suppression system. A system has been recommended by state audit and the state's risk management insurance inspector.](#)

C. Historical Profile

[Clement Hall was constructed in 1964. The building does not have a fire suppression system.](#)

D. Summary Results and Date of Physical Facilities Survey

3.3 Project Support Documentation sheet-2

Institution: [Tennessee Tech University](#)
Project: [Data Center Fire Suppression](#)

E. Cost Basis for Construction Estimate and Other Costs

[The cost estimate was prepared by the campus MEP Consultant.](#)

F. Project Schedule

[TBD](#)

G Campus or Architectural Program Impact

[N/A](#)

3.1 DB70

1 **Department:** Tennessee Higher Education Commission
Institution: Tennessee Tech University
Project: Football Offices
City/County: Cookeville/Putnam

2 **Fiscal Year:** 2020-21

3 <input type="checkbox"/>	Capital Outlay	New		Reno/Maint
<input type="checkbox"/>	Capital Maintenance	4,320	Gross Sq.Ft.	0
<input checked="" type="checkbox"/>	Disclosure	0	Net Sq.Ft.	0
<input type="checkbox"/>	Designer Required	90.00	Cost/Sq.Ft.	0.00

4 **Project Description:**
 Purchase and installation of a prefabricated portable office building for the Football program.

Proj. Typ: If new const., is it in the Master Plan: If new will it add to E&G?:

5 Total Project	This Request	Estimated Building Construction Cost: <input type="text" value="388,800"/>	
400,000	400,000	Building Construction	
		0 Site & Utilities	
		0 Built-in Equipment	
-----	-----	Bid Target	
400,000	400,000	0 Contingency:	0.00 0.00 percent
0	0	MACC (Maximum Allowable Construction Cost)	
-----	-----	0 Fee:	7.86152928 <input type="text" value="New"/>
400,000	400,000	0 Movable Equipment	
0	0	first other	Pre-Con, Comm
-----	-----	0 second other	
0	0	Administration & Miscellaneous	
-----	-----	Total Cost	
400,000	400,000		

6 Funding Request:	THIS REQUEST	
0	0	STATE funds
0	0	FEDERAL funds
400,000	400,000	Local and Institutional Funds <input type="text" value="Plant Funds (Non-Aux.)"/>

7 Previous SBC Approved Funding:	fund year	description
already approved for existing SBC project	0	
0	0	
plus This Request	0	
400,000	0	

8 **SBC Action:** If an existing project, SBC Project No.:

9 **Designer:**

3.2 Project Support Documentation sheet-1

Institution: Tennessee Tech University

Project: Football Offices

A. Architectural Program Scope

Purchase and install a prefabricated portable office building for the Football program. Connect all required utilities.

B. Evidence of Physical Facility Need

The Football offices are currently located in East Stadium, under the stadium seating. The stadium seating leaks and the problem is worsening. From our building envelope consultants report "Over time, many efforts have unsuccessfully been attempted to render these areas watertight such as caulking, coatings and interior systems of sloped metal diversion panels running to internal gutters and downspouts. It is our opinion that the continued practice of caulking and coating the stadium concrete/steel from above will NOT give a leak free facility for any length of time. We cannot recommend any feasible solution to make the present East Tucker Stadium watertight."

Our football offices need be relocated to a leak free, water tight facility.

C. Historical Profile

Caulking and elastomeric coatings have been applied to the stadium and obtained some degree of watertightness, however, the degree of watertightness rapidly erodes with time. Over time, the expansion/contraction cracks will always open up and allow water entry. Due to the nature of this construction, as the steel and concrete expand and contract, the juncture of the two materials can never be made watertight.

D. Summary Results and Date of Physical Facilities Survey

7/1/2019 45.9%

3.3 Project Support Documentation Sheet-2

Institution: Tennessee Tech University

Project: Football Offices

E. Cost Basis for Construction Estimate and Other Costs

Cost estimates were furnished by two portable office building suppliers.

F. Project Schedule

3 months from date of purchase order

G Campus or Architectural Program Impact

N/A

External Funding

Department: Tennessee Higher Education Commission

Institution: Tennessee Tech University

Project: Football Offices

400,000 Total External Funding			
	Amount	Non-Appropriated Category	Specifics of Source
0%	0	Plant Funds (Auxiliary)	
100%	400,000	Plant Funds (Non-auxiliary)	
0%	0	Land Sale Proceeds	
0%	0	Access Fees	
0%	0	Student Fees	
0%	0	Gifts	
0%	0	Local Government	
0%	0	Federal Funds	
0%		TSSBA Revolving Credit Facility	Specify Term of Loan - 5 yr., 10 yr., etc.
0%	0	TSSBA (Long Term)	
0%	0	Other (Specify)	

Provide additional support information about the funding source(s) as needed:

June 23, 2020, Audit & Business Committee Materials - Disclosed Projects FY2020-21

Disclosure Projects FY20-21 Quarter 1 (July2020 - September 2020)

Institution	Project	Disclosure Year (Quarter)	Funding Source	Project Cost	New Sq.Ft.	TSSBA	Gifts	Grants	Auxiliary	Gift-in-Place	Plant Funds	Project Description - Match DB70	Project Description	Reason for Disclosure
TTU	Data Center Fire Suppression	20-21 (Q1)	Plant Funds (Non-Aux.)	\$ 315,000							\$ 315,000	Install a fire suppression system for the data center in Clement Hall.		Improvement
TTU	Campus Gateway Signage	20-21 (Q1)	Plant Funds (Non-Aux.)	\$ 490,000							\$ 490,000	Install ceremonial gates at the primary main entry points to campus and entry markers at secondary entry points. Include new building, street and wayfinding signage.		Improvement
TTU	Athletic Pavilion	20-21 (Q1)	Gift in Place	\$ 100,000						\$ 100,000		Private Donors will fund the construction of an Athletic Pavilion on the north side of the tennis courts, along the south edge of the large parking lot between Tucker Stadium and Hooper Eblen Center. The pavilion will be a 44' x 60' steel column and roof structure on an existing concrete pad.		Gift/Improvement
TTU	Football Offices	20-21 (Q1)	Plant Funds (Non-Aux.)	\$ 400,000							\$ 400,000	Purchase and installation of a prefabricated portable office building for the Football program.	East Stadium is leaking and the leaks are beyond repair. It is urgent we relocate the Football Offices.	



Office of the President

TENNESSEE TECH

June 1, 2020

Mr. Michael Krause, Executive Director
 Tennessee Higher Education Commission
 Suite 1900, Parkway Tower
 404 James Robertson Parkway
 Nashville, Tennessee 37243-0830

Re: Q1 FY 2020-21 Disclosure Amendment

Dear Director Krause,

Tennessee Tech University is requesting the addition of three projects for the Q1 FY 2020-21 Disclosure Amendment. These projects are in addition to the Tennessee Tech submittal for the 2020-21 Capital Budget and are as follows:

Project	Funding Source	Project Cost	Project Description/Rationale
Data Center Fire Suppression	Plant Funds (Non-Aux.)	\$315,000	Install a fire suppression system for the data center in Clement Hall.
Campus Gateway Signage	Plant Funds (Non-Aux.)	\$490,000	Install ceremonial gates at the primary main entry points to campus, entry markers at secondary entry points, building, and street and wayfinding signage.
Athletic Pavilion	Gift in Place	\$100,000	The campus has been using a temporary tent structure for past events at this location. A local steel fabricator alumni has offered to provide a permanent structure to replace the tent. The campus does not have available funding to build a permanent structure at this time.

Michael Krause
June 1, 2020
Page Two

Project (continued)	Funding Source	Project Cost	Project Description/Rationale
Football Offices	Plant Funds (Non-Aux.)	\$400,000	Purchase and installation of a prefabricated portable office building for the Football program. East Stadium is leaking and the leaks are beyond repair. It is urgent we relocate the Football Offices.

If you need additional information, please contact me or Mr. Jim Cobb, Director of Capital Projects and Planning, at jimcobb@tntech.edu or at 931-372-3524.

We appreciate your consideration and assistance in this matter.

Sincerely,



Philip B. Oldham
President

cc: Claire Stinson
Jim Cobb



Agenda Item Summary

Date: June 23, 2020

Division: Planning and Finance

Agenda Item: Capital Budget

Review

Action

No action required

PRESENTERS: Dr. Claire Stinson, Vice President for Planning and Finance

PURPOSE & KEY POINTS: Review and approval of the FY 2021-22 Capital Budget Request.

CAPITAL OUTLAY REQUEST FY 2021-22 thru 2025-26

FY	Priority	SPA	Project Name	Project Description**	Project Type	New Square Footage	Reno. Or Replaced SF	A	B	C = B / A	D = A - B
								Project Cost	Committed External Funds	Percent Match	State Funds Request
2021-22	1	TTU	Engineering Building	Construct a student centered interdisciplinary engineering building for the College of Engineering.	New Construction	100,000		\$51,750,000	\$8,250,000	16%	\$43,500,000
2021-22	2									0%	\$0
2021-22	3									0%	\$0
2021-22	4									0%	\$0
2021-22	5									0%	\$0

** Provide a duplicate of the Project Description from the DB70 sheet. Additional brief summary comments may be added for support justification.

Out-Years

FY	Priority	Institution	Project Name	Project Description	Project Type	New Square Footage	Reno. Or Replaced Square Footage	Project Cost	Committed External Funds	Percent Match	State Funds Request
2022-23	1	TTU	Facilities Services Complex		New Construction	70,000	43,886	\$10,100,000	\$505,000	5%	\$9,595,000
2022-23	2									0%	\$0
2022-23	3									0%	\$0
2022-23	4									0%	\$0
2022-23	5									0%	\$0
2023-24	1	TTU	Biology Building		New Construction	100,000	59,679	\$60,000,000	\$3,000,000	5%	\$57,000,000
2023-24	2									0%	\$0
2023-24	3									0%	\$0
2023-24	4									0%	\$0
2023-24	5									0%	\$0
2024-25	1	TTU	Academic Classroom/Office Building		New Construction	50,000	43,555	\$19,500,000	\$925,000	5%	\$18,575,000
2024-25	2									0%	\$0
2024-25	3									0%	\$0
2024-25	4									0%	\$0
2024-25	5									0%	\$0
2025-26	1	TTU	Memorial Gym Update		Major Renovation		87,181	\$15,400,000		0%	\$15,400,000
2025-26	2									0%	\$0
2025-26	3									0%	\$0
2025-26	4									0%	\$0
2025-26	5									0%	\$0

Capital Maintenance Request: FY2021-22

Governing Board: **Tennessee Tech**
 2021-22 Maintenance Allocation: **\$7,834,000**

Fiscal Year	Priority*	Institution	Project	Project Cost	Project Description
2021-22		1 TTU	Replace Steam Plant Deaerator Tank	\$ 920,000	Replace Steam Plant Deaerator Tank
2021-22		2 TTU	Derryberry Hall Upgrades	\$ 1,691,000	Phase 1 - Auditorium Upgrade
2021-22		3 TTU	Foster Hall Demolition	\$ 2,150,000	Demolition and re-route utilities
2021-22		4 TTU	Bryan Fine Arts Auditorium Upgrades	\$ 1,506,000	Replace seating, systems and finishes
2021-22		5 TTU	Site Lighting Upgrade	\$ 1,567,000	Replace/update site lighting along streets, pedestrian paths, and in parking lots.
2021-22		6			
2021-22		7			
2021-22		8			
2021-22		9			
2021-22		10			
2021-22		11			
				Total Project Cost	\$ 7,834,000

* Requests are not limited to 10. Insert more rows if there are more projects to recommend. Total costs must fall within allocation.

Capital Maintenance Out-Years: FY 2022-23 through 2025-26

Fiscal Year	Priority	Institution	Project	Project Cost	Project Description
2022-23	1	TTU	Academic Wellness Center Upgrades & Repurpose	\$ 12,100,000	
2022-23	2				
2022-23	3				
2022-23	4				
2022-23	5				
2022-23	6				
2022-23	7				
2022-23	8				
2022-23	9				
2022-23	10				
2023-24	1	TTU	Brown Hall Upgrades	\$ 10,000,000	
2023-24	2				
2023-24	3				
2023-24	4				
2023-24	5				
2023-24	6				
2023-24	7				
2023-24	8				
2023-24	9				
2023-24	10				
2024-25	1	TTU	Derryberry Hall Upgrades	\$ 9,000,000	
2024-25	2				
2024-25	3				
2024-25	4				
2024-25	5				
2024-25	6				
2024-25	7				
2024-25	8				
2024-25	9				
2024-25	10				
2025-26	1	TTU	Clement Hall Upgrades	\$ 11,415,000	
2025-26	2				
2025-26	3				
2025-26	4				
2025-26	5				
2025-26	6				
2025-26	7				
2025-26	8				
2025-26	9				
2025-26	10				

3.1 DB70

1 Department: Tennessee Higher Education Commission
Institution: Tennessee Tech University
Project: Replace Steam Plant Deaerator Tank
City/County: Cookeville/Putnam

2 Fiscal Year: 2021 / 2022

<input type="checkbox"/>	Capital Outlay	New		Reno/Maint
<input checked="" type="checkbox"/>	Capital Maintenance		0 Gross Sq.Ft.	0
<input type="checkbox"/>	Disclosure		0 Net Sq.Ft.	0
<input checked="" type="checkbox"/>	Designer Required		0.00 Cost/Sq.Ft.	0.00

4 Project Description:

Replace the deaerator tank at the Steam Plant.

5	Total Project	This Request	Estimated Building Construction Cost: <input type="text" value="0"/>	
	0	0	0	Building Construction
	0	0	0	Site & Utilities
	720,000	720,000		Built-in Equipment
	720,000	720,000		Bid Target
	72,000	72,000	10.00	Contingency: 10.00 percent
	792,000	792,000		MACC (Maximum Allowable Construction Cost)
	72,967	72,967	35/LogP-1.15=	9.21299893 <input type="text" value="Renovation"/>
	0	0		Movable Equipment
	0	0		first other
	0	0		second other
	55,033	55,033		Administration & Miscellaneous
	920,000	920,000		Total Cost

6 Funding Request:	THIS REQUEST
920,000	920,000
0	0
0	0
	STATE funds
	FEDERAL funds
	Local and Institutional Funds

7 Previous SBC Approved Funding:	fund year	description
already approved for existing SBC project	0	
plus This Request	0	
920,000	0	

8 SBC Action: If an existing project, SBC Project No.:

9 Designer:

3.2 Project Support Documentation sheet 1

Institution: [Tennessee Tech University](#)
Project: [Replace Steam Plant Deaerator Tank](#)

A. Architectural Program Scope

[A new deaerator tank will be sized for two boiler capacity.](#)

B. Evidence of Physical Facility Need

[The existing deaerator tank is not sized for the full capacity of the steam plant and is in poor condition.](#)

C. Historical Profile

D. Summary Results and Date of Physical Facilities Survey

[N/A](#)

3.3 Project Support Documentation Sheet 2

Institution: [Tennessee Tech University](#)
Project: [Replace Steam Plant Deaerator Tank](#)

E. Cost Basis for Construction Estimate and Other Costs

The cost estimate was provided by the campus engineering consultant.

F. Project Schedule

TBD

G Campus or Architectural Program Impact

N/A

3.1 DB70

1 Department: Tennessee Higher Education Commission
Institution: Tennessee Technological University
Project: Derryberry Hall Upgrades
City/County: Cookeville/Putnam

2 Fiscal Year: 2021 / 2022

3		New	Reno/Maint
<input type="checkbox"/>	Capital Outlay		
<input checked="" type="checkbox"/>	Capital Maintenance	0	Gross Sq.Ft. 57,877
<input type="checkbox"/>	Disclosure	0	Net Sq.Ft. 50,609
<input checked="" type="checkbox"/>	Designer Required	0.00	Cost/Sq.Ft. 110.00

4 Project Description:

Evaluate/replace/update systems and spaces in building. Complete any needed repairs to the building's exterior envelope. This project will be completed in phases.

5	Total Project	This Request	Estimated Building Construction Cost:
	8,100,000	1,320,000	6,366,470
	0	0	Building Construction
	0	0	Site & Utilities
	0	0	Built-in Equipment
	8,100,000	1,320,000	Bid Target
	810,000	132,000	Contingency: 10.00 10.00 percent
	8,910,000	1,452,000	MACC (Maximum Allowable Construction Cost)
	672,105	126,747	Fee: 35/LogP-1.15= 7.54326250 Renovation
	400,000	0	Movable Equipment
	80,000	20,000	first other <i>Commissioning</i>
	0	0	second other
	337,895	92,253	Administration & Miscellaneous
	10,400,000	1,691,000	Total Cost

6 Funding Request:	THIS REQUEST
10,400,000	1,691,000
0	0
0	0
	STATE funds
	FEDERAL funds
	Local and Institutional Funds

7 Previous SBC Approved Funding:	fund year	description
already approved for existing SBC project	0	
0	0	
plus This Request	0	
1,691,000	0	

8 SBC Action: If an existing project, SBC Project No.: NA

9 Designer: NA

3.2 Project Support Documentation sheet 1

Institution: Tennessee Technological University

Project: Derryberry Hall Upgrades

A. Architectural Program Scope

Evaluate/replace/update the mechanical, electrical and plumbing systems as needed. Add a sprinkler system. Create office suites, conference areas and related support spaces for the university's senior administration. Update materials, finishes and systems throughout. Complete any needed repairs to the building's exterior envelope. Abate asbestos materials as required.

This project will be completed in phases. The first phase will be auditorium upgrades.

B. Evidence of Physical Facility Need

This building is the first stop for the majority of prospective students and their families. Public officials, donors, visitors and other VIP's routinely visit senior administrative offices. Several events are held in the auditorium each year. With the exception of some updated finishes and system improvements the building has largely remained unchanged. Materials and finishes are dated and unimpressive. Modern materials with a traditional appearance will enhance the look and feel of the space.

C. Historical Profile

Derryberry Hall was the first building constructed on the campus (1912) and is the focal point of the main quadrangle. A major addition was completed in the 50's. With the exception of some minor upgrades over the years, the building remains largely unchanged.

D. Summary Results and Date of Physical Facilities Survey

Building rating was 56.9 in 2019.

3.3 Project Support Documentation Sheet 2

Institution: Tennessee Technological University

Project: Derryberry Hall Upgrades

E. Cost Basis for Construction Estimate and Other Costs

The cost estimate was developed by campus planning using costs derived from similar projects on campus.

F. Project Schedule

6 months design
2 months bidding and contract execution
10 months construction
2 months final completion & closeout

G Campus or Architectural Program Impact

3.1 DB70

1 Department: Tennessee Higher Education Commission
Institution: Tennessee Tech University
Project: Foster Hall Demolition
City/County: Cookeville/Putnam

2 Fiscal Year: 2021 / 2022

3		New	Reno/Maint
<input type="checkbox"/>	Capital Outlay		
<input checked="" type="checkbox"/>	Capital Maintenance	0	Gross Sq.Ft. 60,743
<input type="checkbox"/>	Disclosure	0	Net Sq.Ft. 0
<input type="checkbox"/>	Designer Required	0.00	Cost/Sq.Ft. 33.00

4 Project Description:

Demolish Foster Hall, reroute existing utilities and return the site to green space.

5	Total Project	This Request	Estimated Building Construction Cost:
	910,000	910,000	2,004,519
	795,000	795,000	
	0	0	
	1,705,000	1,705,000	
	170,000	170,000	Contingency: 9.97 percent
	1,875,000	1,875,000	MACC (Maximum Allowable Construction Cost)
	160,123	160,123	Fee: 35/LogP-1.15= 8.53991590
	0	0	Movable Equipment
	25,000	25,000	first other <i>Haz. Mat. & Env. Consul.</i>
	0	0	second other
	89,877	89,877	Administration & Miscellaneous
	2,150,000	2,150,000	Total Cost

6 Funding Request:	THIS REQUEST
2,150,000	2,150,000
0	0
0	0

STATE funds
 FEDERAL funds
 Local and Institutional Funds

7 Previous SBC Approved Funding:	fund year	description
already approved for existing SBC project	0	
plus This Request	0	
2,150,000	0	

8 SBC Action: If an existing project, SBC Project No.: NA

9 Designer: NA

3.2 Project Support Documentation sheet 1

Institution: Tennessee Tech University

Project: Foster Hall Demolition

A. Architectural Program Scope

Demolish Foster Hall, reroute existing utilities and return the site to green space.

B. Evidence of Physical Facility Need

Foster Hall houses the Chemistry department. Chemistry will move into the new Laboratory Sciences Building when completed in the Fall of 2020.

C. Historical Profile

Foster Hall is a four story, 60,743 square foot building built in 1964. This building has serious problems that will make it difficult and expensive to upgrade for other long term academic uses. The building is not well located on the campus.

D. Summary Results and Date of Physical Facilities Survey

Survey rating is 54.8% as of July 2019.

3.3 Project Support Documentation Sheet 2

Institution: Tennessee Tech University

Project: Foster Hall Demolition

E. Cost Basis for Construction Estimate and Other Costs

The cost estimate was derived using estimates furnished by two general contractors, and by reviewing demolition costs for recently completed projects at other Tennessee higher ed institutions.

F. Project Schedule

TBD

G Campus or Architectural Program Impact

The demolition of Foster Hall is included in the Campus Master Plan.

3.1 DB70

1 Department: Tennessee Higher Education Commission
Institution: Tennessee Technological University
Project: Bryan Fine Arts Auditorium Upgrades
City/County: Cookeville/Putnam

2 Fiscal Year: 2021 / 2022

<input type="checkbox"/>	Capital Outlay	New		Reno/Maint
<input checked="" type="checkbox"/>	Capital Maintenance		0 Gross Sq.Ft.	0
<input type="checkbox"/>	Disclosure		0 Net Sq.Ft.	0
<input checked="" type="checkbox"/>	Designer Required	0.00	Cost/Sq.Ft.	0.00

4 Project Description:

Upgrade MEP systems, special stage lighting and sound systems, seating and finishes in the auditorium.

5	Total Project	This Request	Estimated Building Construction Cost: <input type="text" value="0"/>	
	1,100,000	1,100,000	Building Construction	
	0	0	Site & Utilities	
	80,000	80,000	Built-in Equipment	
	1,180,000	1,180,000	Bid Target	
	118,000	118,000	Contingency:	10.00 10.00 percent
	1,298,000	1,298,000	MACC (Maximum Allowable Construction Cost)	
	114,415	114,415	Fee:	35/LogP-1.15= 8.81474484 <input type="text" value="Renovation"/>
	0	0	Movable Equipment	
	40,000	40,000	first other	Commissioning
	0	0	second other	
	53,585	53,585	Administration & Miscellaneous	
	1,506,000	1,506,000	Total Cost	

6 Funding Request:	THIS REQUEST
1,506,000	1,506,000 STATE funds
0	0 FEDERAL funds
0	0 Local and Institutional Funds <input type="text"/>

7 Previous SBC Approved Funding:	fund year	description
already approved for existing SBC project	0	
plus This Request	0	
1,506,000	0	

8 SBC Action: If an existing project, SBC Project No.:

9 Designer:

3.2 Project Support Documentation sheet 1

Institution: Tennessee Technological University

Project: Bryan Fine Arts Auditorium Upgrades

A. Architectural Program Scope

Upgrade MEP systems, special stage lighting and sound systems, seating and finishes in the auditorium.
Install handrails in the aisles.

B. Evidence of Physical Facility Need

Several events are held in the auditorium each year. With the exception of some limited system improvements the auditorium has largely remained unchanged. Materials and finishes are dated and unimpressive. Modern materials with a traditional appearance will enhance the look and feel of the space.

C. Historical Profile

The Bryan Fine Arts Building was constructed in 1981. With the exception of some minor upgrades over the years, the building remains largely unchanged.

D. Summary Results and Date of Physical Facilities Survey

Facility survey score was 81 in 2019.

3.3 Project Support Documentation Sheet 2

Institution: Tennessee Technological University

Project: Bryan Fine Arts Auditorium Upgrades

E. Cost Basis for Construction Estimate and Other Costs

The cost estimate was developed by campus planning using costs derived from similar projects on campus and quotes furnished by equipment and system suppliers.

F. Project Schedule

6 months design
2 months bidding and contract execution
10 months construction
2 months final completion & closeout

G Campus or Architectural Program Impact

3.1 DB70

1 Department: Tennessee Higher Education Commission
Institution: Tennessee Technological University
Project: Site Lighting Improvements
City/County: Cookeville/Putnam

2 Fiscal Year: 2021 / 2022

<input type="checkbox"/>	Capital Outlay	New		Reno/Maint
<input checked="" type="checkbox"/>	Capital Maintenance		0 Gross Sq.Ft.	0
<input type="checkbox"/>	Disclosure		0 Net Sq.Ft.	0
<input type="checkbox"/>	Designer Required	0.00	Cost/Sq.Ft.	0.00

4 Project Description:

Replace/update site lighting along streets, pedestrian paths, and in parking lots.

5	Total Project	This Request	Estimated Building Construction Cost:	<input type="text" value="0"/>
	0	0	Building Construction	
	1,250,000	1,250,000	Site & Utilities	
	0	0	Built-in Equipment	
	1,250,000	1,250,000	Bid Target	
	125,000	125,000	Contingency:	10.00 10.00 percent
	1,375,000	1,375,000	MACC (Maximum Allowable Construction Cost)	
	120,595	120,595	Fee:	35/LogP-1.15= 8.77051828 <input type="text" value="Renovation"/>
	0	0	Movable Equipment	
	0	0	first other	
	0	0	second other	
	71,405	71,405	Administration & Miscellaneous	
	1,567,000	1,567,000	Total Cost	

6 Funding Request:	THIS REQUEST
1,567,000	1,567,000
0	0
0	0
	STATE funds
	FEDERAL funds
	Local and Institutional Funds

7 Previous SBC Approved Funding:	fund year	description
already approved for existing SBC project	0	
plus This Request	0	
1,567,000	0	

8 SBC Action: If an existing project, SBC Project No.:

9 Designer:

3.2 Project Support Documentation sheet 1

Institution: Tennessee Technological University

Project: Site Lighting Improvements

A. Architectural Program Scope

Replace/update site lighting along streets, pedestrian paths, and in parking lots.

B. Evidence of Physical Facility Need

The existing lights are 60+ years old. The lighting proposed in this project scope will complement new lamp posts and parking lot lighting that have been installed in other areas of campus through the Parking and Transportation Improvements project. New lighting will be energy efficient, state of the art LED.

C. Historical Profile

D. Summary Results and Date of Physical Facilities Survey

3.3 Project Support Documentation Sheet 2

Institution: Tennessee Technological University

Project: Site Lighting Improvements

E. Cost Basis for Construction Estimate and Other Costs

The cost estimate was prepared by the campus engineering consultant.

F. Project Schedule

TBD

G Campus or Architectural Program Impact

The Master Plan recommends improvements to roadways, parking and pedestrian circulation areas in several areas of campus, including the lighting.

Capital Disclosure: FY2021-22

	SPA	Project	Project Description**	Project Cost	New Sq. Ft.	Funding Source					
						TSSBA	Gifts	Grants	Auxiliary	Gift-in-Place	Plant Funds
1	TTU	Generator Expansion & Relocation	Relocate 4 existing generators to the west side of campus and add 2 new generators.	\$ 10,000,000		\$ 3,000,000					\$ 7,000,000
2											
3											
4											
5											
6											
7											
8											
9											
10											
11											
12											
13											
14											
15											
16											
17											
18											
19											
20											

** Provide a duplicate of the Project Description from the DB70 sheet. Additional brief summary comments may be added for support justification.

3.1 DB70

1 Department: Tennessee Higher Education Commission
Institution: Tennessee Tech University
Project: Generator Capacity Upgrade
City/County: Cookeville/Putnam

2 Fiscal Year: 2021-22

<input type="checkbox"/>	Capital Outlay	New		Reno/Maint
<input type="checkbox"/>	Capital Maintenance		0	Gross Sq.Ft. 0
<input checked="" type="checkbox"/>	Disclosure		0	Net Sq.Ft. 0
<input checked="" type="checkbox"/>	Designer Required		0.00	Cost/Sq.Ft. 0.00

4 Project Description:

Relocate four generators to the west side of campus and add 2 generators to increase capacity.

Proj. Typ: If new const., is it in the Master Plan: If new will it add to E&G?:

5	Total Project	This Request	Estimated Building Construction Cost:	<input type="text" value="0"/>
	0	0	Building Construction	
	8,500,000	8,500,000	Site & Utilities	
		0	Built-in Equipment	
	8,500,000	8,500,000	Bid Target	
	650,000	650,000	Contingency:	7.65 7.65 percent
	9,150,000	9,150,000	MACC (Maximum Allowable Construction Cost)	
	551,070	551,070	Fee:	35/LogP-1.15= 6.02262328 <input type="text" value="New"/>
		0	Movable Equipment	
	7,500	7,500	first other	Permitting
	0	0	second other	
	291,430	291,430	Administration & Miscellaneous	
	10,000,000	10,000,000	Total Cost	

6 Funding Request:

0	0	STATE funds	
0	0	FEDERAL funds	
10,000,000	10,000,000	Local and Institutional Funds	Plant Funds & TSSBA

7 Previous SBC Approved Funding:

	fund year	description
already approved for existing SBC project	0	
	0	
	0	
plus This Request	0	
10,000,000	0	

8 SBC Action: If an existing project, SBC Project No.:

9 Designer:

3.2 Project Support Documentation sheet-1

Institution: [Tennessee Tech University](#)
Project: [Generator Capacity Upgrade](#)

A. Architectural Program Scope

Relocate four generators to the west side of campus and add 2 generators to increase capacity. Build a screen wall around the generators for aesthetics.

B. Evidence of Physical Facility Need

With the addition and/or renovations of several buildings on campus, the overall electrical load is expected to exceed the capacity of the existing four generators. Two additional generators need to be installed to maintain sufficient capacity for the campus into the foreseeable future. The generators enable the campus to have an Interruptible Demand (ID) contract with TVA that gives them an ID credit for being able to reduce their demand if requested by TVA. The campus currently realizes a net annual savings of approximately \$241,000 per year from the ID contract. With the addition of two generators the net annual savings is estimated to be \$387,100.

C. Historical Profile

The four existing generators were installed in 2006.

D. Summary Results and Date of Physical Facilities Survey

N/A

3.3 Project Support Documentation sheet-2

Institution: Tennessee Tech University

Project: Generator Capacity Upgrade

E. Cost Basis for Construction Estimate and Other Costs

The cost estimate was prepared by the campus architectural consultant and electrical engineering consultant.

F. Project Schedule

TBD

G Campus or Architectural Program Impact

Relocation of the generators is included in the Campus Master Plan.

External Funding

Department: Tennessee Higher Education Commission

Institution: Tennessee Tech University

Project: Generator Capacity Upgrade

10,000,000 Total External Funding			
Amount	Non-Appropriated Category		Specifics of Source
0%	0	Plant Funds (Auxiliary)	
70%	7,000,000	Plant Funds (Non-auxiliary)	
0%	0	Land Sale Proceeds	
0%	0	Access Fees	
0%	0	Student Fees	
0%	0	Gifts	
0%	0	Local Government	
0%	0	Federal Funds	
0%		TSSBA Revolving Credit Facility	Specify Term of Loan - 5 yr., 10 yr., etc.
30%	3,000,000	TSSBA (Long Term)	
0%	0	Other (Specify)	

Provide additional support information about the funding source(s) as needed:



Agenda Item Summary

Date: June 23, 2020

Division: Planning and Finance

Agenda Item: Faculty Promotions

Review

Action

No action required

PRESENTERS: Dr. Lori Bruce, Provost

PURPOSE & KEY POINTS:

Decisions and supporting documentation for granting promotions to eligible faculty members.

Tennessee Tech University

Board of Trustees



FACULTY PROMOTION CERTIFICATION STATEMENT

Fifteen faculty members are awarded promotion beginning August 2020.

Zero faculty members are awarded promotion by exception.

Number of faculty at each rank prior to recommendations:

45 Instructor
12 Senior Instructor
43 Lecturer
25 Senior Lecturer
87 Assistant Professor
111 Associate Professor
134 Professor

Those awarded promotion include the following:

1 from Instructor to Senior Instructor
7 from Lecturer to Senior Lecturer
6 from Assistant to Associate Professor
1 from Associate to Professor

The distribution of rank among the faculty members at Tennessee Tech University in Fall 2020, including new positions being anticipated will be:

<u>RANK</u>	<u>NUMBER</u>	<u>PERCENTAGE</u>
Instructor	44	10%
Senior Instructor	13	3%
Lecturer	55	12%
Senior Lecturer	9	2%
Assistant Professor	89	19%
Associate Professor	117	26 %
Professor	130	28%

The percentage of total faculty awarded promotion in June 2020 is 3%.

DATE: June 18, 2020

Tennessee Tech University
Board of Trustees



FACULTY PROMOTIONS FOR 2020 – 2021

Personnel are listed alphabetically by last name.

	Name	Department/Division	Proposed Rank	Current Rank
1	Allen, Michael	Mathematics	Professor	Associate Professor
2	Carroll, Amanda	Chemistry	Senior Lecturer	Lecturer
3	Driggers, Edward (Allen)	History	Associate Professor	Assistant Professor
4	Hall, Rachel	Nursing	Associate Professor	Assistant Professor
5	Henry, Sharon	English	Senior Lecturer	Lecturer
6	Hensley, James (Doug)	Counseling & Psychology	Senior Lecturer	Lecturer
7	Leckie, Brian	School of Agriculture	Associate Professor	Assistant Professor
8	Mills, Holly	Library	Associate Professor	Assistant Professor
9	Nabors, Yolunda	Economics, Finance, & Marketing	Senior Lecturer	Lecturer
10	Panter, Nikki	Biology	Senior Lecturer	Lecturer
11	Randall, Daniel	Art, Craft, & Design	Associate Professor	Assistant Professor
12	Sharp, Steven	Environmental Studies	Senior Lecturer	Lecturer
13	Smith, John (Steve)	Exercise Science, Physical Education and Wellness	Senior Instructor	Instructor
14	Smith, Wendy	Mathematics	Senior Lecturer	Lecturer
15	Zhan, Xuanzhi	Chemistry	Associate Professor	Assistant Professor



Agenda Item Summary

Date: June 23, 2020

Division: Planning and Finance

Agenda Item: Tenure Recommendations

Review

Action

No action required

PRESENTERS: Dr. Lori Bruce, Provost

PURPOSE & KEY POINTS:

Recommendations and supporting documentation for granting tenure to eligible faculty members.

Tennessee Tech University

Board of Trustees



FACULTY TENURE CERTIFICATION STATEMENT

Eight faculty members are hereby recommended for tenure beginning August 2020.

Zero faculty members are recommended for tenure by exception.

If these recommendations are approved, the percentage of tenured faculty members at Tennessee Tech University in Fall 2020 will be 60%, which includes new tenure-track positions anticipated for 2020-2021.

DATE: June 18, 2020

Tennessee Tech University
Board of Trustees



FACULTY TENURE RECOMMENDATIONS FOR 2020 – 2021

Recommended personnel are listed alphabetically by last name. An asterisk indicates faculty also being recommended for promotion.

	Name	Department/Division	Current Rank
1	Driggers, Edward (Allen)	History	Assistant Professor*
2	Languri, Ethan	Mechanical Engineering	Assistant Professor
3	Leckie, Brian	School of Agriculture	Assistant Professor*
4	Lee, Emily	Nursing	Assistant Professor
5	Mills, Holly	Library	Assistant Professor*
6	Randall, Daniel	Art, Craft & Design	Assistant Professor*
7	Roberts, Rory	Mechanical Engineering	Associate Professor (tenured upon appointment)
8	Zhan, Xuanzhi	Chemistry	Assistant Professor*



Agenda Item Summary

Date: June 23, 2020

Division: Planning and Finance

Agenda Item: Presidents Emeriti Contracts

Review

Action

No action required

PRESENTERS: Dr. Claire Stinson, Vice President for Planning and Finance

PURPOSE & KEY POINTS:

Review and approve the Presidents Emeriti contracts for Dr. Robert Bell and Dr. Angelo Volpe for 2020-21 pursuant to the laws of the State of Tennessee and Tennessee Tech policies.

8-36-714. Requirements to be compensated as president emeritus Continued eligibility requirements Filing of agreement.

(a) The board of trustees of the University of Tennessee may grant to any former president of the University of Tennessee the title president emeritus. The board of regents of the state university and community college system may also grant to any former president of any college or university governed by the board of regents a similar emeritus title. No former president shall receive any compensation or remuneration for holding the emeritus title, unless the following conditions are met:

(1) The remuneration is for time actually spent by the former president in performing services for the University or board of regents;

(2) An agreement is executed between the respective board and the former president which sets forth the duties to be performed by the former president;

(3) The agreement cannot exceed a term of one-year. The board of trustees of the University of Tennessee or the board of regents may enter into additional one-year agreements with the former president. No renewal agreement shall be entered into until the respective board reviews and is satisfied with the emeritus work performed by the former president. Any such renewal must be approved by an affirmative vote of a majority of the respective board;

(4) The former president must reside in the state of Tennessee at the time of the initial appointment and at the time of any subsequent appointment; and

(5) The former president shall not accrue any additional retirement credit as a result of such appointment.

(b) Notwithstanding any other law to the contrary, any former president receiving compensation or remuneration for holding the emeritus title pursuant to this section shall be eligible to continue drawing such person's retirement allowance; provided, that the former president does not work and is not compensated for more than one hundred twenty (120) days or the equivalent of one hundred twenty (120) days during the one-year appointment, or, if working as a teacher, for more than twenty-four (24) quarter credit hours or eighteen (18) semester credit hours during the one-year appointment. If the period exceeds that specified in this subsection (b), the former president's monthly retirement allowance shall be reduced in direct proportion thereto. The retirement system is authorized to obtain reimbursement for any retirement benefits overpaid as a result of any compensation being paid to a former president in excess of that permitted by this section. Such reimbursement may be made by deductions from the former president's monthly benefit.

(c) For each emeritus appointment for which compensation or remuneration will be paid, the board of trustees of the University of Tennessee and the board of regents shall be responsible for filing the agreement with the retirement division which sets forth the name of the person holding the title, and the beginning and ending date of the appointment. The agreement shall be accompanied with documentation showing the amount of compensation to be paid to the person and the number of hours to be worked. The agreement and documentation shall be filed annually, if applicable, and signed by the former president acknowledging the conditions of the appointment. The board of trustees of the University of Tennessee and the board of regents shall further send written notice to the speaker of the senate, the speaker of the house of representatives, the chairs of the senate standing committees on education and on finance, ways, and means, and the chairs of the house standing committees on education and finance, ways, and means of each emeritus appointment for which compensation or remuneration will be paid.

Tennessee Tech University
NOTICE OF PART-TIME EMPLOYMENT AND AGREEMENT
FOR PRESIDENT EMERITUS

TO: Dr. Robert R. Bell
[REDACTED]
Cookeville, TN 38501

This is to confirm your part-time appointment to a position approved by the Tennessee Tech Board of Trustees as President Emeritus of Tennessee Technological University for a period beginning July 1, 2020, at a monthly salary of \$4,114.84 subject to the terms and conditions hereinafter set forth and our acceptance thereof:

1. This appointment is made subject to the laws of the State of Tennessee, the requirements and policies of the Tennessee Tech Board of Trustees and the requirements and policies of Tennessee Tech University.
2. The term of this agreement is July 1, 2020, to June 30, 2021. It may be renewed on an annual basis following review of the emeritus work performed and approval by the Tennessee Tech Board of Trustees.
3. The above stated salary is contingent upon your successful completion of service for the full term of this agreement. The salary will accrue and will be payable monthly. In the event of failure to complete the specific terms of the appointment, salary will be prorated in accordance with the policies of Tennessee Tech University.
4. This appointment and the above-stated salary are in consideration of your faithful performance to the best of your ability of the duties and responsibilities assigned to you as a part-time employee of Tennessee Tech University. These duties include:
 - ❖ Fund raising for Tennessee Technological University (TTU);
 - ❖ Institution-community relations and activities for TTU; including teaching a class, regional development related activities, and working with the Cookeville Regional Medical Center Board;
 - ❖ Consultation for Tennessee Technological University, as requested;
 - ❖ Provide support in inter-institutional, governmental, legislative, and community relations;
 - ❖ Assist as needed with the completion of selected capital projects;
 - ❖ As requested, represent the President and the University at selected functions and professional meetings;
 - ❖ Recruit students and provide advice to prospective students and their parents;
 - ❖ Promote higher education, the Tennessee Tech University Board of Trustees, and Tennessee Tech University on a continuous basis.

5. As a part-time employee, you are not eligible for employment benefits (retirement credit, state insurance plan, annual or sick leave, holiday pay, or longevity credit). Notwithstanding, social security will be deducted from your paycheck unless you are a member of a retirement system or are a rehired annuitant as specified in 26 CFR Part 31.
6. This appointment does not include any assurance, obligation, or guarantee of subsequent employment.
7. This agreement may be terminated without prior notice.
8. By acceptance of this appointment, you agree to abide by the terms of the Drug-Free Workplace Act of 1988 as defined in published institution statements and policy. You also agree to notify TTU-Human Resources of any criminal drug conviction for a violation occurring in the workplace no later than five (5) days after such conviction.
9. You are required to notify the President should you become employed at another state agency/institution.
10. The following special condition shall govern this appointment:

The retired employee accepts employment for up to 120 days during a 12-month period. The number of hours actually worked will be provided to the institution upon request and will be no less than 247 hours.

I accept the appointment described above under the terms and conditions set forth.



APPOINTEE

5.15.20

DATE

An Equal Opportunity/Affirmative Action Employer



PRESIDENT

5/15/2020

DATE

**President Emeritus Report
2019-2020**

During this fiscal year, I performed the following functions (attached) for Tennessee Technological University.

(typed report attached to this work sheet)

I spent at least 259 hours performing the work but less than 120 days.

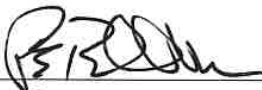


President Emeritus, Dr. Robert R. Bell

5.15.2020

Date

I have reviewed the work of Dr. Robert R. Bell for 2019-2020, and I am satisfied that it was well performed.



President, Dr. Philip B. Oldham

5/15/2020

Date

**Report of President Emeritus Robert R. Bell
Tennessee Technological University
Functions Performed for 2019-20**

Summary of Activities

1. TTU: Teaching, Scholarship, Advocacy
 - a. Seminar Director, Moderator and instructor for the Spring 2020 TTU/Highlands Leaders Seminar (non-credit) for the School of Interdisciplinary Studies (canceled after COVID)
 - b. Spoke on topics of economic development and college/career readiness to classes at Cookeville High School, Algood Middle School, Livingston Middle School and Rickman Elementary Schools. Hosted 5th Grade Space Science Symposium at Algood Middle School with NASA Astronaut Andy Allen.
 - c. Participated in the accreditation reviews for the Doctorate of Nursing Practice for the Whitson-Hester School of Nursing.
 - d. Served as advisor for Mayberry Chair of Excellence, member of the College of Business Board of Trustees, School of Nursing Development Council.
 - e. Chair, Tornado Relief Disaster Fund Disbursement Task Force, Putnam County/City of Cookeville
 - f. Editorial Review Board Member, *Advanced Management Journal*;
 - g. Presented two papers via Zoom at the International Conference of the Society for the Advancement of Management
 - h. Served on the Host Community Program Sub-Committee, Society for the Advancement of Management, Nashville, TN March 2020 (meeting moved on-line after COVID)
 - i. Radio Host for "Regional Educational Matters" Series on Stonecom Broadcasting
2. Regional Development/TECH-REDI/External Relations:
 - a. Member, Highlands Initiative Workforce Development Task Force;
 - b. Chairman, Industrial Development Board, City of Cookeville: Confidential Work with several new companies locating in Cookeville and expansions of existing industry
3. Cookeville Regional Medical Center (CRMC):
 - a. Serve as strategy adviser to the CEO, and serve on the Hospital Performance Excellence and Ethics Committees.
4. Service to the University in other roles as requested.
 - a. Conducted Campus Tours/Orientation new business/community leaders and job candidates.
 - b. Host for President's Box, TSSAA Blue Cross Bowl, and other volunteer activities at TSSAA.
 - c. Meetings/Lunches, as requested, with Campus Leaders, Foundation Members, and Regents.
 - d. Participated in Seminars in School of Nursing.

Work Report for 2019-20		
July 2019	Total Hours	20
Workforce Development Meeting		2 hrs.
Radio Program, "Education Matters in the Upper Cumberland"		7 hrs.
Regional Development/External Relations: Cookeville Chamber		3 hrs.
CRMC committees on Performance Excellence, Ethics		3 hrs.
Economic Development/Industrial Board: Portobello; ECD grants		3 hrs.
SAM Editorial Board Teleconference		2 hrs.
August 2019	Total Hours	17
Economic Dev. meetings, Industrial Development Board, Strategic Planning, Project Orlando		5 hrs.
College of Business/Mayberry discussions/Dr. Reimann (phone, email)		2 hrs.
TTU Highlands Leadership Course meetings at Chamber		3 hrs.
Radio Program: "Education Matters in the Upper Cumberland"		5 hrs.
External Relations: Performance Excellence Committee, Ethics Committee CRMC		2 hrs.
September 2019	Total Hours	10
Telephone/email Chancellor Susan Elkins, Dr. Guimares re projects for 2020 SAM Meetings		2 hrs.
Education Matters, Stonecom		4 hrs.
Industrial Dev. Board: Project Joe; Portabello, TTI, Riobi, Automation Tool		4 hrs.
October 2019	Total Hours	26
Education Matters, Stonecom Broadcasting		6 hrs.
Meetings, teleconference w/ Dr.Elkins, Dr. Reimann, University Presidents(SAM Ms.)		5 hrs.
Industrial Development Board : ECD Grant, TTI/Riobi, Milwaukee Tool, ATC Host Chamber of Commerce CEO Candidates/TTU-Community Tour		9 hrs.
Highlands/TTU Emerging Leader Seminar Planning		2 hrs.
Mentor, SAM Club Leadership Team and Speak to SAM Club		2 hrs.
WH School of Nursing Development Council		2 hrs.

November 2019	Total Hours	22
“Education Matters,” Stonecom Broadcasting		4 hrs.
Highlands Emerging Leaders Seminar, Planning		2 hrs.
Highlands Workforce Development		2 hrs.
IDB: Riobi, TTI/Milwaukee Tool, ATC; Chamber of Commerce Search		3 hrs.
TTU: Collaboration w/ Dr. Elkins, Dr. Reimann, Dr. Guimares, on SAM paper		4 hrs.
Highlands Partnership Speaker, Careers at TTU and in business, Rickman, Livingston Middle Schools		2 hrs.
CRMC Ethics Comm.; QIP Committee; CRMCF; Meetings with Buffy Key, John Bell, Paul Korth		5 hrs.
December 2019	Total Hours	27
Hosted “Education Matters” Stonecom Broadcasting		5 hrs.
Workforce Development Steering Committee; Speaker, Livingston Middle School		3 hrs.
Chamber/Industrial Development Board		6 hrs.
TTU: Hosting Executive Suite and VIP tent at TSSAA Blue Cross Bowl		6 hrs.
Host, Space Science Symposium, 5 Classes with NASA Astronaut Andy Allen, Algood Middle School		7 hrs.
January 2020	Total Hours	25 Hrs.
Regional Development: Chamber/Highlands/IDB		5 hrs.
Preparation/Taping, “Educational Matters/Local Matters,” Stonecom Broadcasting		4 hrs.
Co-author work on SAM Manuscript (Key, Bell)		5 hrs.
Highlands Workforce Development: Highlands Leaders Seminar: Economic Development		5 hrs.
CRMC Performance Excellence/Quality Improvement Sessions		2 hrs.
CRMC Ethics Committee		2 hrs.
ITS Staff/Update TTU office computer		2 hrs
February 2020	Total Hours	31
Preparation/Taping, “Educational Matters/Local Matters”, Stonecom Broadcasting		6 hrs.
Edits on Quality Management paper for the International meeting of the Society for Advancement of Management (SAM); Editorial Board Reviews/Ad. Man. Journal and SAM Annual Meeting		6 hrs.
Speaker, Highlands Partnership Annual Meeting and Luncheon		2 hrs..
CRMC Performance Excellence Committee		2 hrs.
Regional Development /IDB Annual Meeting and Chamber Annual Meeting		5 hrs.

February 2020 (continued)	
Highlands Leaders Seminar—Preparation/2 sessions	8 hrs.
Chair, Putnam County Non-Profit Allocation Advisory Committee to Randy Porter (preparation for one meeting only—moved to new mission/new task force after March Tornado)	2hrs.
March 2020	Total Hours 34
Preparation/Taping, “Educational Matters,” Stonecom Broadcasting	5 hrs.
Chair, Putnam County/Cookeville Tornado Disaster Relief Allocation Committee	7 hrs.
Final editing and presentation of SAM paper + Serve on 2 panels, SAM International on-line conference	8 hrs.
Regional Development: IDB/ Chamber/Highlands: Expansion Prospect + Ficosa/Project Milwaukee/Attorney meetings	5 hrs.
Highlands Leaders Seminar (Closure Decisions/Communication)	3 hrs.
CRMC Ethics Committee	2 hrs.
SAM Editorial Board: Manuscript Reviews	4 hrs.
April 2020	Total Hours 20
Highlands Workforce Development Committee (via ZOOM)	2 hrs.
Preparation/Taping, Educational Matters, Stonecom Broadcasting + on-air interview w/ Larry Stone	2 hrs.
Putnam County/Cookeville Disaster Relief Allocation Committee/Zoom Meetings—final allocations	12 hrs.
Regional Development: Industrial Board meetings re Riobi/Milwaukee Tool projections	2 hrs.
SAM Editorial Board, Manuscript Reviews	2 hrs.
May 2020 (Estimated)	Total Hours 17
“Education Issues in the Upper Cumberland” Radio Show	5 hrs.
Industrial Development Board	3 hrs.
Putnam County/Cookeville Tornado Disaster Relief Allocation follow-up	6 hrs.
IDB orientation teleconference, new chamber director Amy New.	1 hr.
Zoom Meeting with Workforce Development Task Force	2 hrs.
June 2020 (Estimated)	Total Hours 10
“Education Issues in the Upper Cumberland”	4 hrs.
Regional Development:IDB/Chamber/Highlands	4 hrs.
SAM Editorial Board manuscript editing/review	2 hrs.

Work Report Summary for President Emeritus Dr. Robert R. Bell Tennessee Technological University	
Total for 2019-20 fiscal year July 1, 2019, through April 30, 2020	232 hours
Projected emeriti activities for the remainder of academic and fiscal year, May – June, 2020	27 hours
Grand total for 2019-20	259 hours

Tennessee Tech University
NOTICE OF PART-TIME EMPLOYMENT AND AGREEMENT
FOR PRESIDENT EMERITUS

TO: Dr. Angelo A. Volpe
[REDACTED]
Cookeville, TN 38501

This is to confirm your part-time appointment to a position approved by the Tennessee Tech Board of Trustees as President Emeritus of Tennessee Technological University for a period beginning July 1, 2020, at a monthly salary of \$2,378.33 subject to the terms and conditions hereinafter set forth and our acceptance thereof:

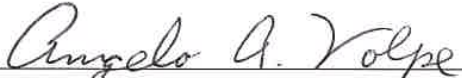
1. This appointment is made subject to the laws of the State of Tennessee, the requirements and policies of the Tennessee Tech Board of Trustees and the requirements and policies of Tennessee Tech University.
2. The term of this agreement is July 1, 2020, to June 30, 2021. It may be renewed on an annual basis following review of the emeritus work performed and approval by the Tennessee Tech Board of Trustees.
3. The above stated salary is contingent upon your successful completion of service for the full term of this **agreement**. The salary will accrue **and will be payable monthly**. In the event of failure to **complete the** specific terms of the **appointment**, salary will be prorated in accordance with the policies of Tennessee Tech University.
4. This appointment and the above-stated salary are in consideration of your faithful performance to the best of your ability of the duties and responsibilities assigned to you as a part-time employee of this institution. These duties include:
 - ❖ Fund raising for Tennessee Technological University (TTU);
 - ❖ Institution-community relations and activities for TTU;
 - ❖ Consultation for Tennessee Technological University, as requested;
 - ❖ Consultation for the Tennessee Higher Education Commission (THEC);
5. As a part-time employee, you are not eligible for employment benefits (retirement credit, state insurance plan, annual or sick leave, holiday pay, or longevity credit). Notwithstanding, social security will be deducted from your paycheck unless you are a member of a retirement system or are a rehired annuitant as specified in 26 CFR Part 31.
6. This appointment does not include any assurance, obligation, or guarantee of subsequent employment.
7. This agreement may be terminated without prior notice.

**President Emeritus Report
2018-2019**

During this fiscal year, I performed the following functions (attached) for Tennessee Technological University.

(typed report attached to this work sheet)

I spent at least 120.5 hours performing the work but less than 120 days.



President Emeritus, Dr. Angelo A. Volpe

5/18/20

Date

I have reviewed the work of Dr. Angelo A. Volpe for 2019-2020, and I am satisfied that it was well performed.



President, Dr. Philip B. Oldham

5/18/2020

Date

**Report of President Emeritus Dr. Angelo A. Volpe
Tennessee Technological University**

Functions Performed for 2019-2020

Summary of Activities

Dr. Angelo Volpe —Work Report for 2019-2020		
July 2019	Total Hours	18.5
Attend monthly meeting of the Bryan Symphony Orchestra Board of Directors		1.5 hrs.
Attend Football Alumni Reception and Dinner		2.5 hrs.
Meet and Mingle Fundraiser for TTU Men’s Basketball at home of Sam & Cheryl Sandlin		2.5 hrs.
Attend bi-monthly meeting of the Family and Patient Advisory Council at CRMC. Elected Co-Chairperson at this meeting.		2.0 hrs.
Attend Summer Quarterly meeting of THEC and lunch with Drs. Stein and Loftis.		7.5 hrs.
Lunch with Clay Wesley, Associate Director for Professional Development, College of Business		1.5 hrs.
Attend retirement reception for Tony Marable and Darrell Hoy		1.0 hr.
August 2019	Total Hours	14.0
Attend Annual Retreat for members of the Board of Directors of the Bryan Symphony Orchestra		6.0 hrs.
Meeting with Dr. Elizandro to discuss research		1.0 hr.
Lunch meeting with Dr. Duncan, Director of Agriculture to discuss lecture to be presented on leadership in fall semester		1.0 hr.
Volunteered at TTU’s 2019 Great Move-In Day		3.5 hrs.
Attend retirement reception for Prof. Corinne Darvennes		.5 hr.
Attend retirement reception for Charlie Macke		1.0 hr.
Attend welcome reception for new Deans: Kim Hanna, Joe Slater and Darron Smith		1.0 hr.
September 2019	Total Hours	3.0
Attend quarterly lunch meeting of the TTU Retired Faculty & Staff Association		1.5 hrs.
Attend monthly meeting of the Bryan Symphony Orchestra Board of Directors		1.5 hrs.

October 2019	Total Hours	11.0
Attend monthly meeting of the Bryan Symphony Orchestra Board of Directors		1.5 hrs.
Attend Black and White Evening of Thanks		2.5 hrs.
Lunch meeting with Dr. Elizandro to discuss research		1.5 hrs.
Attend mass and reception honoring the memory of Dr. Kurt Eisen		2.0 hrs.
Attend NAACP Second Annual Freedom Fund		3.5 hrs.
November 2019	Total Hours	15.0
Attend Champagne Gala for the Angelo and Jennette Volpe Library		2.5 hrs.
Participated in the photo of the Human Periodic Chart of the Elements		.5 hr.
Attend monthly meeting of the Bryn Symphony Orchestra Board of Directors		1.0 hr.
Attend 2019 TTU Sports Hall of Fame Dinner and Induction Ceremony		2.5 hrs.
Attend the Annual Alumni Homecoming Speech Breakfast		1.5 hrs.
Dinner meeting with Mayberry Chair holder, Dr. Curt Reimann		1.5 hrs.
Prepare and present lecture on Networking and Relationship Building to Dr. Duncan's Senior Honors Class		1.5 hrs.
Volunteered to assist at the Bryan Symphony Orchestra Education Concert for 4 th graders from Putnam, Cumberland, Warren, White and Jackson Counties		4.0 hrs.
December 2019	Total Hours	22.5
Attend quarterly lunch meeting of the TTU Retired Faculty & Staff Association		2.0 hrs.
Attend 2 nd Annual President's Club and Visionary Society Open House		1.5 hrs.
Attend bi-monthly meeting of the Patient and Family Advisory Council at CRMC. I am now Chairman of the Council		2.0 hrs.
Volunteered to serve in the Media Tent at the TSSAA Blue Cross Bowl at Tucker Stadium		5.5 hrs.
Consulting lunch with Clay Wesley of the College of Business		1.0 hr.
Interview four candidates for the TTU Baseball Head Coach Position		5.5 hrs.
January 2020	Total Hours	3.0
Attend monthly meeting of the Bryan Symphony Orchestra Board of Directors		1.5 hrs.
Meet and greet with the new TTU Head Baseball Coach		1.5 hrs.

February 2020	Total Hours	11.5
Attend monthly meeting of the Bryan Symphony Board of Directors		2.0 hrs.
Attend Football National Signing Day Event at Progressive Bank		2.0 hrs.
Meet with COO of CRMC to set agenda for meeting of the Patient and Family Advisory Council of which I am Chair		.5 hr.
Attend Annual Boy Scouts Awards Lunch and Fund Raiser		1.5 hrs.
Lunch meeting with Dr. Elizandro to discuss his research		1.5 hrs.
Attend and Chair bi-monthly meeting of the Patient and Family Advisory Council at CRMC		2.0 hrs.
Serve chili at the Tech Faculty Women’s Club Annual Chili Supper and Fund-raiser		2.0 hrs.
March 2020	Total Hours	4.0
Attend monthly meeting of the Bryan Symphony Board of Directors		1.0 hr.
Served as Judge for the annual WCTE Academic Bowl		1.5 hrs.
Lunch meet with the former director of the Livingston TCAT		1.5 hrs.
July 2019 – March 2020	Total Hours	12.0
Phone calls and meetings with TTU and Personnel		12 hrs.
Mid-March - May 2020		
Due to COVID-19 and recent health issues, I was unable to fulfill my obligations.		0
Projected emeriti activities for the remainder of academic and fiscal year: June, 2020		6.0 hrs.

Work Report Summary for President Emeritus Dr. Angelo A. Volpe Tennessee Technological University	
Total for 2019-2020 fiscal year July 1, 2019, through March 13, 2020	114.5 hours
Projected emeriti activities for the remainder of academic and fiscal year: June, 2020	6 hours
Grand total for 2019-2020	120.5 hours



Agenda Item Summary

Date: June 23, 2020

Agenda Item: TTU Emergency Rule 0240-09-08 Title IX Compliance and TTU Policy 144 (Title IX Policy and Grievance Procedures)

Review

Action

No action required

PRESENTER: Greg Holt, Compliance Officer & Clery Coordinator

PURPOSE & KEY POINTS:

On May 6, 2020, the US Department of Education published its final regulations related to Title IX sex discrimination and sexual harassment procedures. These new regulations, which go into effect August 14, 2020, make substantial changes to the procedures and processes used by institutions to address sexual harassment. An emergency rule* is necessary to ensure the rule is in effect by August 14.

TTU Policy 144 (Title IX Policy and Grievance Procedures) reflects the Title IX rule requirements and provides additional details as required by the federal regulations. These new regulations make changes to procedures and process used by institutions to address sexual harassment including:

- New frameworks for determining whether alleged sexual harassment occurs within the scope of an institution's education program or activity, when an institution has actual knowledge of sexual harassment and when an institution's response to sexual harassment would be considered to be deliberately indifferent;
- Revisions to several key terms including sexual harassment, sexual assault, stalking, and formal complaints;
- Additional notification and publication responsibilities;
- Greater emphasis on providing supportive measures to a complainant, both before and after the filing of a formal complaint; and
- Increased constitutional and due process protections, including live hearings with the right to cross examine witnesses and the other party.

*An emergency rule is a rule that becomes effective upon filing with the Secretary of State. The rule is effective only for 180 days, during which time Tennessee Tech will need to hold a rulemaking hearing for a permanent rule.

<p>Department of State Division of Publications 312 Rosa L. Parks Ave., 8th Floor, Snodgrass/TN Tower Nashville, TN 37243 Phone: 615-741-2650 Email: publications.information@tn.gov</p>	<p>For Department of State Use Only</p> Sequence Number: _____ Rule ID(s): _____ File Date: _____ Last Effective Day: _____
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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 Technological University
Division:	
Contact Person:	Dr. Claire Stinson, Vice President for Planning and Finance
Address:	1 William L. Jones Drive, Cookeville, TN
Zip:	38505
Phone:	931-372-3657
Email:	cstinson@tntech.edu

Revision Type (check all that apply):

- Amendment
- New
- Repeal

Statement of Necessity:

It is necessary for Tennessee Technological University to file this emergency rule in order to comply with Title IX of the Education Amendments of 1972 final regulations before the implementation deadline of 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
0240-09-08	Title IX Compliance
Rule Number	Rule Title
0240-09-08-.01	Definitions
0240-09-08-.02	Statement of Nondiscrimination on the Basis of Sex
0240-09-08-.03	Notification and Publication Requirements
0240-09-08-.04	General Provisions Related to Reporting Title IX Complaints
0240-09-08-.05	Tennessee Tech's Response to Complaints of Sex Discrimination
0240-09-08-.06	Tennessee Tech's Response to Complaints of Sexual Harassment
0240-09-08-.07	Confidentiality
0240-09-09-.08	Written Notice to the Parties Upon Tennessee Tech's Receipt of a Formal Complaint
0240-09-09-.09	Investigations of Formal Complaints
0240-09-09-.10	Grievance Process for Formal Complaints—General Provisions
0240-09-09-.11	Specific Provisions Related to Conducting a Hearing of Formal Complaints
0240-09-09-.12	Determination Regarding Responsibility
0240-09-09-.13	Appeal of Determination of Responsibility or Dismissal of Formal Complaint
0240-09-09-.14	Informal Resolution Process
0240-09-09-.15	Retaliation
0240-09-09-.16	Training Related to Sexual Harassment Issues
0240-09-09-.17	Effect of Other Requirements
0240-09-09-.18	Record Retention and Disposition
0240-09-09-.19	Severability

Rules of
Tennessee Technological University

Chapter 0240-09-08
Title IX Compliance

New Chapter

Table of Contents is added to Chapter 0240-09-08 Title IX Compliance and shall read as follows:

0240-09-08.01 Definitions
0240-09-08.02 Statement of Nondiscrimination on the Basis of Sex
0240-09-08.03 Notification and Publication Requirements General Provisions
0240-09-08.04 General Provisions Related to Reporting Title IX Complaints
0240-09-08.05 Tennessee Tech's Response to Complaints of Sex Discrimination
0240-09-08.06 Tennessee Tech's Response to Complaints of Sexual Harassment
0240-09-08.07 Confidentiality
0240-09-08.08 Written Notice to the Parties Upon Tennessee Tech's Receipt of a Formal Complaint
0240-09-08.09 Investigations of Formal Complaints
0240-09-08.10 Grievance Process for Formal Complaints—General Provisions
0240-09-08.11 Specific Provisions Related to Conducting a Hearing of Formal Complaints
0240-09-08.12 Determination Regarding Responsibility
0240-09-08.13 Appeal of Determination of Responsibility or Dismissal of Formal Complaint
0240-09-08.14 Informal Resolution Process
0240-09-08.15 Retaliation
0240-09-08.16 Training Related to Sexual Harassment Issues
0240-09-08.17 Effect of Other Requirements
0240-09-08.18 Record Retention and Disposition
0240-09-08.19 Severability

0240-09-08.01 Definitions is added to Chapter 0240-09-08 Title IX Compliance and shall read as follows:

0240-09-08-.01 Definitions

- (1) Actual knowledge: notice of sexual harassment or allegations of sexual harassment to a Tennessee Tech's Title IX Coordinator or any Tennessee Tech official who has authority to institute corrective measures on behalf of Tennessee Tech. This definition is not met when the only Tennessee Tech 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 Tennessee Tech 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 Tennessee Tech.
- (5) Formal complaint: a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting Tennessee Tech 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.
- (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) A Tennessee Tech employee conditioning the provision of an aid, benefit, or service of Tennessee Tech 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 Tennessee Tech'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 Tennessee Tech's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or Tennessee Tech's educational environment, or deter sexual harassment. Supportive measures may include but are not limited to counseling, extensions of deadlines or other course-related adjustments, 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, and other similar measures.
- (11) Title IX Coordinator: the person designated and authorized by Tennessee Tech 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).

0240-09-08.02 Statement of Nondiscrimination on the Basis of Sex is added to Chapter 0240-09-08 Title IX Compliance and shall read as follows:

0240-09-08-.02 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 Tech education program or activity.
- (2) If Tennessee Tech has actual knowledge of sexual harassment in an education program or activity against a person, Tennessee Tech 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).

0240-09-08.03 Notification and Publication Requirements is added to Chapter 0240-09-08 Title IX Compliance and shall read as follows:

0240-09-08-.03 Notification and Publication Requirements

- (1) Tennessee Tech will notify applicants for admission and employment, students, and employees, that it does not discriminate on the basis of sex in its education programs or activities and will provide the name, title, office address, electronic mail address, and telephone number of the Title IX Coordinator in that notification.

- (2) Tennessee Tech will notify applicants for admission and employment, students, and employees that inquiries about the application of Title IX may be referred to the Title IX Coordinator, to the Department of Education, or both.
- (3) Tennessee Tech will provide applicants for admission and employment, students, and employees notice of its grievance process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how Tennessee Tech will respond.
- (4) Tennessee Tech will prominently display the contact information for the Title IX Coordinator, its Title IX policies and procedures, and training materials as required by Title IX on its website and in each handbook or catalog that it makes available to applicants for admission and employment, students, and employees.

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

0240-09-08.04 General Provisions Related to Reporting Title IX Complaints is added to Chapter 0240-09-08 Title IX Compliance and shall read as follows:

0240-09-08-.04 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 Tennessee Tech designates. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in a Tennessee Tech 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).

0240-09-08.05 Tennessee Tech's Response to Complaints of Sex Discrimination is added to Chapter 0240-09-08 Title IX Compliance and shall read as follows:

0240-09-08-.05 Tennessee Tech's Response to Complaints of Sex Discrimination

- (1) When a person reports sex discrimination committed against a person while in the United States, Tennessee Tech 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, Tennessee Tech 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, Tennessee Tech 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).

0240-09-08.06 Tennessee Tech's Response to Complaints of Sexual Harassment is added to Chapter 0240-09-08 Title IX Compliance and shall read as follows:

0240-09-08-.06 Tennessee Tech's Response to Complaints of Sexual Harassment

- (1) If Tennessee Tech has actual knowledge of sexual harassment in an education program or activity committed against a person while in the United States, Tennessee Tech will respond promptly in a

manner that is not deliberately indifferent and follow its grievance process.

- (2) Tennessee Tech 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) Tennessee Tech 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) Tennessee Tech may place a non-student employee respondent on administrative leave during the pendency of a grievance process.

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

0240-09-08.07 Confidentiality is added to Chapter 0240-09-08 Title IX Compliance and shall read as follows:

0240-09-08-.07 Confidentiality

- (1) Tennessee Tech 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) Tennessee Tech will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality does not impair Tennessee Tech'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).

0240-09-08.08 Written Notice to the Parties Upon Tennessee Tech's Receipt of a Formal Complaint is added to Chapter 0240-09-08 Title IX Compliance and shall read as follows:

0240-09-08-.08 Written Notice to the Parties Upon Tennessee Tech's Receipt of a Formal Complaint

- (1) When a formal complaint is filed, Tennessee Tech will provide parties with a written notice of its grievance process, including any informal resolution process(es).
- (2) Tennessee Tech 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) Tennessee Tech'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, Tennessee Tech decides to investigate allegations about the complainant or respondent that are not included in the initial written notice, Tennessee Tech 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).

0240-09-08.09 Investigations of Formal Complaints is added to Chapter 0240-09-08 Title IX Compliance and shall read as follows:

0240-09-08-.09 Investigations of Formal Complaints

- (1) Tennessee Tech 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 Tennessee Tech's education program or activity, or did not occur against a person while in the United States, Tennessee Tech 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 Tennessee Tech's codes of conduct or other policies.
- (3) Tennessee Tech 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 Tennessee Tech; or specific circumstances prevent Tennessee Tech from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
- (4) If Tennessee Tech dismisses a formal complaint during the investigation phase, Tennessee Tech will promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.
- (5) Tennessee Tech 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 Tennessee Tech and not on the parties.
- (7) Tennessee Tech 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 Tennessee Tech obtains that party's voluntary, written consent to do so for a grievance process.
- (8) Tennessee Tech will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
- (9) Tennessee Tech will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
- (10) Tennessee Tech 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) Tennessee Tech will not limit the choice or presence of an advisor for either the complainant or respondent in any investigative meeting; however, Tennessee Tech 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) Tennessee Tech 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) Tennessee Tech 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 Tennessee Tech 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, Tennessee Tech 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) Tennessee Tech 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) Tennessee Tech 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, Tennessee Tech 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).

0240-09-08.10 Grievance Process for Formal Complaints—General Provisions is added to Chapter 0240-09-08 Title IX Compliance and shall read as follows:

0240-09-08-.10 Grievance Process for Formal Complaints—General Provisions

- (1) Tennessee Tech will apply its grievance procedures and requirements equally to both parties.
- (2) During the course of the grievance process, Tennessee Tech 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) Tennessee Tech will design remedies to restore or preserve equal access to Tennessee Tech'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) Tennessee Tech 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. The intent of this provision is to provide protections analogous to, and no less protective than, the conflict of interest provisions of T.C.A. § 4-5-303.
- (5) Tennessee Tech 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) Tennessee Tech 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) Tennessee Tech will apply a preponderance of the evidence standard for all formal complaints.
- (8) Tennessee Tech will require the grievance process, including the appeal process, to conclude within a reasonably prompt time frame.
- (9) Tennessee Tech will provide the range of possible disciplinary sanctions and remedies or list the possible disciplinary sanctions and remedies that Tennessee Tech may implement following any determination of responsibility.
- (10) Tennessee Tech will describe the range of supportive measures available to complainants and respondents.
- (11) Tennessee Tech 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) Tennessee Tech will not limit the choice or presence of advisor for either the complainant or respondent in any grievance proceeding; however, Tennessee Tech 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) Tennessee Tech 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) Tennessee Tech 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).

0240-09-08.11 Specific Provisions Related to Conducting a Hearing of Formal Complaints is added to Chapter 0240-09-08 Title IX Compliance and shall read as follows:

0240-09-08-.11 Specific Provisions Related to Conducting a Hearing of Formal Complaints

- (1) Tennessee Tech will conduct a live hearing of formal complaints not dismissed pursuant to this rule.
- (2) At the request of either party, Tennessee Tech 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 Tennessee Tech'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, Tennessee Tech 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 Tennessee Tech expects to present at the hearing and those Tennessee Tech 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 Tennessee Tech 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 the institution, 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' institution-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 Tennessee Tech 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 that 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, Tennessee Tech will provide without fee or charge to that party an advisor of Tennessee Tech'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) Tennessee Tech 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 Tennessee Tech, or specific circumstances prevent Tennessee Tech 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).

0240-09-08.12 Determination Regarding Responsibility is added to Chapter 0240-09-08 Title IX Compliance and shall read as follows:

0240-09-08-.12 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 Tennessee Tech'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 Tennessee Tech imposes on the respondent, and whether remedies designed to restore or preserve equal access to Tennessee Tech's education program or activity will be provided to the complainant; and
 - (f) Tennessee Tech'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 Tennessee Tech 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).

0240-09-08.13 Appeal of Determination of Responsibility or Dismissal of Formal Complaint is added to Chapter 0240-09-08 Title IX Compliance and shall read as follows:

0240-09-08-.13 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 complies with the standards set forth in Rule 0240-09-08-.10 (4).
- (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).

0240-09-08.14 Informal Resolution Process is added to Chapter 0240-09-08 Title IX Compliance and shall read as follows:

0240-09-08-.14 Informal Resolution Process

- (1) Tennessee Tech 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) Tennessee Tech 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, Tennessee Tech may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, but only if Tennessee Tech
 - (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) Tennessee Tech 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. The intent of this provision is to provide protections analogous to, and no less protective than, the conflict of interest provisions of T.C.A. § 4-5-303.
- (5) Tennessee Tech 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).

0240-09-08.15 Retaliation is added to Chapter 0240-09-08 Title IX Compliance and shall read as follows:

0240-09-08-.15 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.
- (4) Complaints alleging retaliation may be filed with the Title IX Coordinator who will follow the procedures and processes used for Title VII retaliation allegations.

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

0240-09-08.16 Training Related to Sexual Harassment is added to Chapter 0240-09-08 Title IX Compliance and shall read as follows:

0240-09-08-.16 Training Related to Sexual Harassment Issues

- (1) Tennessee Tech 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 Tennessee Tech'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) Tennessee Tech will ensure that hearing officers receive training on any technology to be used at a live hearing.
- (4) Tennessee Tech 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) Tennessee Tech will ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
- (6) Tennessee Tech 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).

0240-09-08.17 Effect of Other Requirements is added to Chapter 0240-09-08 Title IX Compliance and shall read as follows:

0240-09-08-.17 Effect of Other Requirements

- (1) Tennessee Tech 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).

0240-09-08.18 Record Retention and Disposition is added to Chapter 0240-09-08 Title IX Compliance and shall read as follows:

0240-09-08-.18 Record Retention and Disposition

- (1) Tennessee Tech 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).

0240-09-08.19 Severability is added to Chapter 0240-09-08 Title IX Compliance and shall read as follows:

0240-09-08-.19 Severability

- (1) If any provision of this rule or its application to any person, act, or practice is held invalid, 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 or the Title IX regulations' application to any person, act, or practice is enjoined or held invalid, 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).

If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Trudy Harper					
Tom Jones					
Fred Lowery					
Sally Pardue					
Rhedona Rose					
Purna Saggurti					
Johnny Stites					
Teresa Vanhooser					
Barry Wilmore					

I certify that this is an accurate and complete copy of an emergency rule(s), lawfully promulgated and adopted.

Date: _____

Signature: _____

Name of Officer: _____

Title of Officer: _____

Agency/Board/Commission: Tennessee Technological University

Rule Chapter Number(s): 0240-09-08

All emergency rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Herbert H. Slatery III
Attorney General and Reporter

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective for: _____ *days

Effective through: _____

** Emergency rule(s) may be effective for up to 180 days from the date of filing.*

Tre Hargett
Secretary of State

Impact on Local Governments

This rule is not anticipated to have an impact on local government.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

This rule describes Tennessee Tech’s obligations in responding to allegations of Title IX sex discrimination or sexual harassment by persons who apply for or are engaged in a Tennessee Tech education activity or program and provides specific details concerning the grievance process required for formal complaints of sexual harassment.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

34 C.F.R. § 106

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

The Tennessee Tech Board of Trustees urges adoption of this rule. Students and employees are most directly affected by this rule. Tennessee Tech will hold a rulemaking hearing within 180 days to determine whether any of those groups urge adoption or rejection of this rule.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

Tennessee Tech is not aware of an Attorney General opinion or judicial ruling directly related to this rule.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

None.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Dr. Claire Stinson, Vice President for Planning and Finance

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Dr. Claire Stinson, Vice President for Planning and Finance

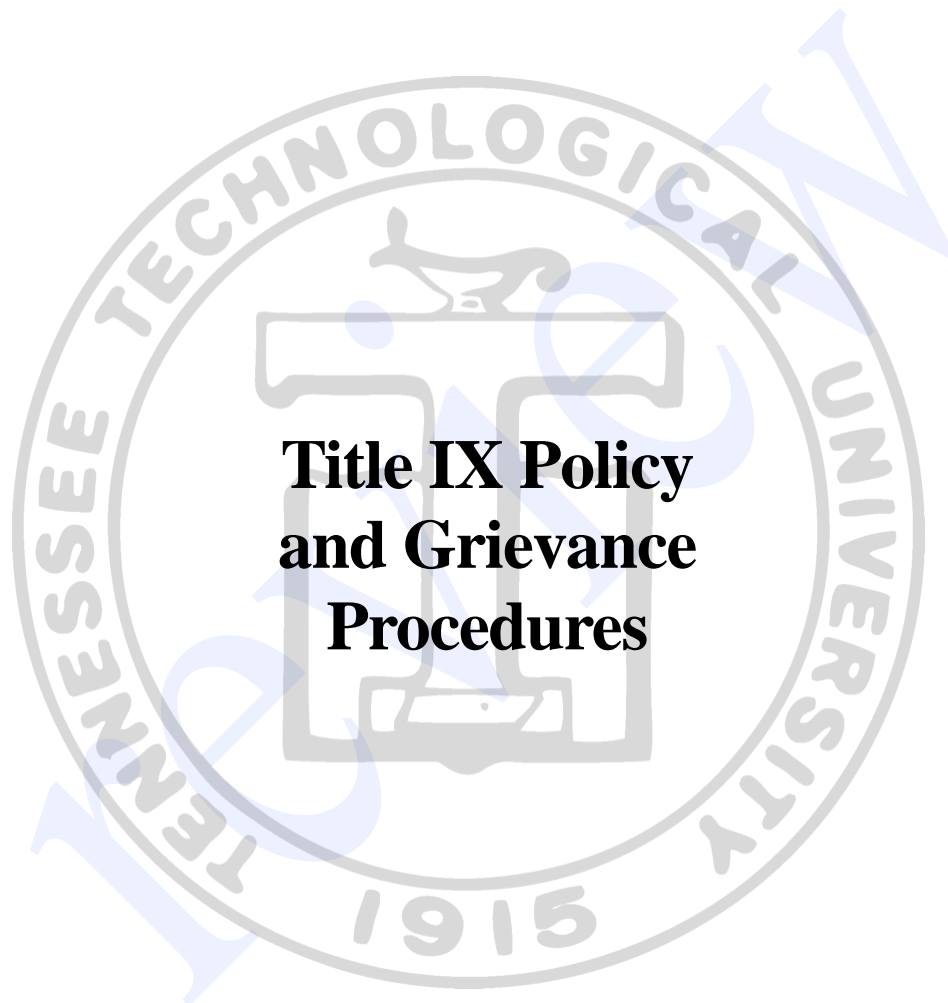
- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Dr. Claire Stinson, Vice President for Planning and Finance
1 William L. Jones Drive
Cookeville, TN 38505
931-372-3675
cstinson@tntech.edu

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

N/A

Tennessee Technological University Policy No. 144



Title IX Policy and Grievance Procedures

Effective Date: August 14, 2020

Policy No: 144

Policy Name: Title IX Policy and Grievance Procedures

I. Purpose

This policy is intended to provide a single, easily accessible, and user-friendly document for students, employees, and others affected by sexual harassment to find information regarding Tennessee Tech's rules and procedures related to the offenses defined herein.

II. Scope

Allegations of prohibited discrimination or harassment not within the scope of this policy are subject to the procedures described in Tennessee Tech Policy 141 (Prohibited Discrimination and Harassment).

III. Definitions

- A.** Actual knowledge -- notice of sexual harassment or allegations of sexual harassment to Tennessee Tech's Title IX Coordinator or any Tennessee Tech official who has authority to institute corrective measures on behalf of Tennessee Tech. This definition is not met when the only Tennessee Tech official with actual knowledge is also the respondent.
- B.** 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.
- C.** Consent -- a clear and unambiguous agreement, expressed outwardly through mutually understandable words or actions, to engage in agreed upon sexual activity. An individual who is asleep, unconscious, mentally or physically incapacitated either through the effect of drugs or alcohol or for any other reason, or who is under duress, threat, coercion, or force cannot give consent. Past consent does not imply future consent. Consent can be withdrawn at any time.
- D.** Dating violence -- as defined under federal law, violence committed by a person:
 - 1.** Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

- 2.** Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - a.** The length of the relationship;
 - b.** The type of relationship; and
 - c.** The frequency of interaction between the persons involved in the relationship.
- E.** Deliberately indifferent -- a response that is clearly unreasonable in light of the known circumstances.
- F.** Disciplinary Sanctions -- remedies and penalties that Tennessee Tech may impose upon a respondent following a determination of responsibility are as follows:
 - 1.** A student who violates this policy is subject to the disciplinary sanctions set forth in Tennessee Tech Policy 302, Student Conduct. These include:
 - a.** Informal Warning
 - b.** Official Warning
 - c.** No Contact Order
 - d.** Restitution
 - e.** Restriction of Privileges
 - f.** Educational Action
 - g.** Disciplinary Probation
 - h.** Housing Probation, Suspension or Cancellation of Housing Contract
 - i.** Other Interim Measures
 - j.** Expulsion

- 2.** An employee who violates Tennessee Tech Policy 144, Title IX Policy and Grievance Procedures, is subject to the disciplinary sanctions set forth in Tennessee Tech Policy 650, Disciplinary Action. These include:
 - a.** Verbal or Written Warning
 - b.** Suspension with Pay
 - c.** Suspension without Pay
 - d.** Demotion
 - e.** Disciplinary Probation
 - f.** Termination
 - 3.** Students or employees found guilty of violating this policy may also face criminal prosecution.
- G.** Domestic violence -- as defined under federal law, includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
- H.** Education program or activity -- locations, events, or circumstances over which Tennessee Tech 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 Tennessee Tech.
- I.** Formal complaint -- a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting Tennessee Tech 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.

- J.** Hearing officer -- the person(s) who conducts the live hearing and is the decision-maker with respect to the determination of responsibility. A hearing officer cannot be the same person(s) as the Title IX Coordinator or the investigator(s).
- K.** Officials with Authority -- Tennessee Tech employees who have the authority to institute corrective measures to redress sexual harassment or allegations of sexual harassment on behalf of Tennessee Tech. Tennessee Tech Officials with Authority are:
1. The President
 2. The Title IX Coordinator
 3. The Dean of Students
 4. Associate Vice President of Human Resources
- L.** Respondent -- as defined under federal law 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.
- M.** Sexual assault -- as defined under federal law, an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
1. Forcible sex offenses are defined as any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent. Forcible sex offenses include:
 - a. Forcible Rape -- (Excluding statutory rape). The carnal knowledge of a person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity.
 - b. Forcible Sodomy -- Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
 - c. Sexual Assault With An Object -- To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or

access to Tennessee Tech's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or Tennessee Tech's educational environment, or deter sexual harassment. Supportive measures may include but are not limited to counseling, extensions of deadlines or other course-related adjustments, 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, and other similar measures.

- Q.** Title IX Coordinator -- the person designated and authorized by Tennessee Tech to coordinate its efforts to comply with its Title IX responsibilities.

IV. Policy

- A.** 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 Tech education program or activity.
- B.** When a person reports sex discrimination committed against a person while in the United States, Tennessee Tech 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.
- C.** If Tennessee Tech has actual knowledge of sexual harassment in an education program or activity committed against a person while in the United States, Tennessee Tech will respond promptly and follow its grievance procedures in a manner that is not deliberately indifferent.
- D.** If the allegations in a formal complaint do not meet the definition of sexual harassment, or did not occur in the school's education program or activity against a person while in the United States, Tennessee Tech will dismiss such allegations for purposes of Title IX but may still address the allegations in any manner deemed appropriate under all Tennessee Tech policies.
- E.** Where a person alleges both sex discrimination and sexual harassment committed against a person while in the United States, Tennessee Tech 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, Tennessee Tech will follow its rules, procedures and processes used for Title VII sex discrimination allegations.

- F. As required by law, Tennessee Tech will not restrict rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment.

V. Notification and Publication Requirements

- A. Tennessee Tech will notify applicants for admission and employment, students, and employees, that:
 - 1. It does not discriminate on the basis of sex in its education programs or activities and will provide the name, title, office address, electronic mail address, and telephone number of the Title IX Coordinator in that notification;
 - 2. Inquiries regarding the application of Title IX may be directed to the Title IX Coordinator, the U.S. Department of Education, or both;
 - 3. Its grievance process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how Tennessee Tech will respond; and
 - 4. The contact information for the Title IX Coordinator and its Title IX policies and procedures.
- B. These notifications along with other information related to Title IX will be placed on Tennessee Tech's website and in each handbook or catalog that it makes available to applicants for admission and employment, students, and employees.
- C. The Title IX Coordinator is responsible for coordinating the effective implementation of the notification and publication requirements.

VI. Confidentiality

- A. Tennessee Tech 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.

- B.** Tennessee Tech will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality does not impair Tennessee Tech's ability to provide the supportive measures.

VII. Immediate Steps a Complainant Should Take After Sexual Assault

- A.** In the immediate aftermath of a sexual assault, domestic violence, dating violence or similar event, the complainant should first get to a safe place and to call 911 if in immediate danger.
- B.** The complainant should next seek medical attention, regardless of whether a complainant has decided to report the crime to the police. It is very important for the complainant of sexual assault to seek medical attention immediately so that the complainant can be screened for sexually transmitted diseases/pregnancy/date rape drugs, obtain emergency contraception, and receive treatment for any physical injuries.
- C.** The complainant has the right to accept or decline any or all parts of a medical exam. However, critical evidence may be lost or missed if not collected or analyzed.
- D.** Valuable physical evidence can be obtained from the complainant's clothing. Every effort should be made to save anything that might contain the respondent's DNA. Therefore, if at all possible, a complainant of sexual assault should not:
 - 1.** Bathe or shower;
 - 2.** Wash his or her hands;
 - 3.** Brush his or her teeth;
 - 4.** Use the restroom;
 - 5.** Change clothes;
 - 6.** Comb hair;
 - 7.** Clean up, move things, or change anything associated with the crime scene; or

8. Move anything the offender may have touched.
- E. Regardless of whether the complainant has decided to report the crime, receiving a forensic medical exam and keeping the evidence safe from damage will improve the chances that law enforcement can access and test the stored evidence should the complainant choose to prosecute at a later date.
- F. The complainant is encouraged to preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if any, that would be useful to investigators.

VIII. Reports of Sex Discrimination or Sexual Harassment

- A. 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.
- B. A report may be made at any time (including during non-business hours) to the Title IX Coordinator at 931-372-3112, titleix@tntech.edu, 1 William L. Jones Drive, Box 5037, Cookeville, TN 38505 or to the U.S. Department of Education, Office of Civil Rights, 800-421-3481, OCR@ed.gov, 400 Maryland Avenue, SW, Washington D.C. 20202-1100.

IX. Supportive Measures

- A. Upon receipt of a report of sexual harassment or upon the filing of a formal complaint the Title IX Coordinator will promptly contact the complainant and:
 1. Discuss the availability of supportive measures;
 2. Consider the complainant's wishes with respect to supportive measures;
 3. Inform the complainant of the availability of supportive measures with or without the filing of a formal complaint; and
 4. Explain the process for filing a formal complaint.
- B. In cases where a formal complaint is filed, and an investigation is commenced, Tennessee Tech will offer supportive measures to the respondent as well.

- C. Mutual restrictions on contact between the parties may be obtained through the Title IX Coordinator.
- D. In cases where a formal complaint is filed Tennessee Tech may remove a respondent from an education program or activity on an emergency basis only after the Title IX Coordinator, in consultation with appropriate personnel, undertakes 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.
- E. Tennessee Tech may place a non-student employee respondent on administrative leave during the pendency of a grievance process.
- F. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

X. Grievance Procedures

- A. Regarding its grievance procedures, Tennessee Tech will:
 - 1. Apply its grievance procedures and requirements equally to both parties;
 - 2. 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;
 - 3. Apply a preponderance of the evidence standard throughout the grievance process;
 - 4. Assume the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility;
 - 5. 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. 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;

7. Design remedies to restore or preserve equal access to Tennessee Tech'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;
8. 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; however, the advisor may not participate in the proceeding other than to render advice to the party or to cross examine the other party or witnesses during a live hearing;
9. 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;
10. Provide parties written notice of the grievance process, including informal resolution; and
11. 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.

B. Timeframe for the Grievance Process

Tennessee Tech will make reasonable efforts to conclude the grievance process, including the investigation, hearing and appeal within ninety (90) calendar days following receipt of the complaint, absent good cause. The anticipated timeframe for the investigation hearing appeal or informal resolution are:

1. Investigation -- 45 calendar days
2. Hearing -- 30 calendar days
3. Appeal (if applicable) -- 15 calendar days
4. Informal Resolution (if applicable) -- 30 calendar days

XI. Formal Complaint

- A.** Only a complainant or the Title IX Coordinator may file a formal complaint.

- B.** If Title IX Coordinator files a formal complaint, the Title IX Coordinator is not considered a complainant or a party during a grievance process.
- C.** A formal complaint must contain:
- 1.** the complainant's physical or digital signature, or otherwise indicate that the complainant is the person filing the formal complaint; and
 - 2.** a written notice of the allegations potentially constituting sexual harassment, including sufficient details known at the time; 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.
- D.** Upon receipt of the formal complaint, Tennessee Tech will provide the parties 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.
- E.** In addition, the written notice to the parties shall include statements that:
- 1.** The respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
 - 2.** The parties may have an advisor of their choice, who may be, but is not required to be, an attorney; however, the advisor may not participate in any investigative interview or proceeding other than to render advice to the party or to cross examine the other party or witnesses during the live hearing;
 - 3.** The parties may inspect and review evidence; and
 - 4.** Identifies any provision in its codes of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
- F.** If, during the course of an investigation, Tennessee Tech decides to investigate allegations about the complainant or respondent that were not included in the initial written notice, Tennessee Tech will provide notice of the additional allegations to the parties.

- G.** Tennessee Tech may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.
- H.** Tennessee Tech 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 Tennessee Tech; or specific circumstances prevent Tennessee Tech from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
- I.** If Tennessee Tech dismisses a formal complaint during the investigation, Tennessee Tech will promptly send written notice of the dismissal and reason(s) therefore simultaneously to the parties.
- J.** If the conduct alleged in a formal complaint would not constitute sexual harassment even if proved, did not occur in Tennessee Tech's education program or activity, or did not occur against a person in the United States, Tennessee Tech must 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 Tennessee Tech's codes of conduct or other policies.

XII. Investigative Reports

- A.** Tennessee Tech will investigate, to the extent necessary or possible, the allegations in a formal complaint and create an investigative report that fairly summarizes relevant evidence.
- B.** During the investigatory process, both parties will have an equal opportunity to:

 - 1.** Present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; and
 - 2.** 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 Tennessee Tech 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.
- C.** Tennessee Tech will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

- D.** Prior to completion of the investigative report, Tennessee Tech will:
 - 1.** Send the investigative report along with the evidence subject to inspection and review in an electronic format or a hard copy to each party and the party's advisor, if any;
 - 2.** Allow the parties 10 business days to submit a written response to the investigative report, which the investigator will consider prior to completion of the investigative report; and
- E.** At the conclusion of 10 business days, the Title IX Coordinator will send the investigative report along with the evidence subject to inspection and review in an electronic format or a hard copy to the Hearing Officer.

XIII. Formal Complaint Hearing

- A.** A live hearing of formal complaints not dismissed will be conducted by a hearing officer that meets the requirements set forth in Tennessee Code Annotated Section 4-5-324.
- B.** Live hearings may be conducted with all parties physically present in the same geographic location or, at Tennessee Tech'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.
- C.** Either party may request that 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.
- D.** Tennessee Tech will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.
- E.** At least seventy-two (72) hours prior to a live hearing, Tennessee Tech will provide both parties with written notice of the following:
 - 1.** The time, place, and date of the hearing and electronic access information, if applicable;
 - 2.** The name of each witness Tennessee Tech expects to present at the hearing and those Tennessee Tech may present if the need arises;
 - 3.** Their right to request a copy of the investigative file; and

- 4.** Their right to request copies of all documents, copies of all electronically stored information, and access to tangible evidence that Tennessee Tech has in its possession, custody, or control and may use to support claims or defenses.
- F.** 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 the institution, 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' institution-provided email account.
- G.** 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.
- H.** In cases that involve more than one 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.
- I.** 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.
- J.** 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.
- K.** 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.
- L.** 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.
- M.** Notwithstanding any limitations to the contrary that Tennessee Tech 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.

- N. If a party does not have an advisor at the live hearing, Tennessee Tech will provide without fee or charge to that party an advisor of Tennessee Tech's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party
- O. 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.
- P. 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 Tennessee Tech, or specific circumstances prevent Tennessee Tech from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
- Q. 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) therefore simultaneously to the parties.

XIV. Determination of Responsibility

- A. The hearing officer will issue a written determination regarding responsibility simultaneously to the parties. The written determination will include:
 - 1. The allegations potentially constituting sexual harassment;
 - 2. 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;
 - 3. The findings of fact supporting the determination;
 - 4. The conclusions regarding the application of Tennessee Tech's rules, policy and if applicable, code of conduct to the facts;

5. A statement of, and rationale for, the result as to each allegation, including a determination of responsibility, any disciplinary sanctions Tennessee Tech imposes on the respondent, and whether remedies designed to restore or preserve equal access to Tennessee Tech's education program or activity will be provided to the complainant; and
6. The procedures and permissible bases for the complainant and/or respondent to appeal.

XV. Appeals

- A. Both parties may appeal a determination of responsibility or the dismissal of a formal complaint or any allegations therein.
- B. A party wishing to appeal a determination or the dismissal must file a written appeal with the Title IX Coordinator within 10 business days of the date of the determination or 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.
- C. The following are the only bases for an appeal:
 1. A procedural irregularity affected the outcome of the matter;
 2. New evidence that could affect the outcome of the matter that was not reasonably available at the time the determination or dismissal was made; and
 3. A conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent by the Title IX Coordinator, investigator(s), or hearing officer that affected the outcome of the matter.
- D. As to all appeals, the Title IX Coordinator will:
 1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
 2. 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;
 3. Ensure that the decision-maker(s) for the appeal complies with the standards set forth in Section X.

- E. If a party is a student, the Vice President for Student Affairs is the appeal decision maker. If a party is an employee, the Vice President for Planning and Finance is the appeal decision maker,
- F. The respective Vice President will issue a written appeal decision describing the result of the appeal and the rationale for the result within the anticipated timeframe, absent good cause.
- G. The Title IX Coordinator will provide the written appeal decision simultaneously to both parties.

XVI. Informal Resolution

- A. After the filing of a formal complaint, the Title IX Coordinator may facilitate the informal resolution process, such as mediation, that does not involve a full investigation and adjudication. The informal resolution process may go forward only if the Title IX Coordinator:
 - 1. Obtains the parties' voluntary, written consent to the informal resolution process;
 - 2. 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 and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; and
 - 3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.
- B. Prior to agreeing to an informal resolution, a party may withdraw from the informal resolution process and resume grievance procedures with respect to the formal complaint.
- C. Tennessee Tech 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.
- D. The informal resolution process will conclude within 30 days of the parties agreeing to participate, absent good cause.
- E. Tennessee Tech 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.

XVII. Retaliation

- A.** Neither Tennessee Tech nor other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing.
- B.** 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.
- C.** The exercise of rights protected under the First Amendment does not constitute retaliation.
- D.** 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. However, a determination regarding responsibility, alone, is insufficient to conclude that any party made a materially false statement in bad faith.
- E.** Complaints alleging retaliation may be filed with the Title IX Coordinator who will follow the procedures and processes used for Title VII retaliation allegations as set forth in Tennessee Tech Policy 141, Prohibited Discrimination and Harassment.
- F.** Retaliation will result in disciplinary measures up to and including termination or expulsion.

XVIII. Interpretation

The Tennessee Tech Compliance Officer or his/her designee has the final authority to interpret the terms of this policy.

XIX. Citation of Authority for Policy

T.C.A. § 49-8-203(a)(1)(E); Tennessee Tech Policy 006 (Nondiscrimination Policy); Title IX of the Education Amendments of 1972 and its regulations, Section 485(f) of the Reauthorization of

Education Act as amended, by Section 304 of the Violence Against Women Reauthorization Act of 2013; 34 CFR § 668.41, § 668.46, and Appendix A to Subpart D of Part 668.

Approved by: President on June 17, 2020, pursuant to Policy 101, Section VILA.

Received by:

Administrative Council:

University Assembly:

review