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Sequence Number: 10-14-23
 Notice ID(s): 3736
 File Date: 10/12/2023

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Middle Tennessee State University
Division:	
Contact Person:	James Floyd, University Counsel
Address:	1301 E. Main Street, CAB 209, Murfreesboro, TN 37132
Phone:	615-898-2025
Email:	James.floyd@mtsu.edu

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	Lance Alexis, Director of ADA Compliance
Address:	1301 E. Main Street, CAB 116, Murfreesboro, TN 37132
Phone:	615-898-2185
Email:	Lance.alexis@mtsu.edu

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Miller Education Center, MEC Meeting Room
Address 2:	503 E. Bell Street
City:	Murfreesboro
Zip:	37130
Hearing Date:	12/6/2023
Hearing Time:	1:00 p.m. CST

Additional Hearing Information:

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Revision Type (check all that apply):

- ☒ Amendment
☐ New
☐ Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0240-07-04	Academic Misconduct
Rule Number	Rule Title
0240-07-04-.03	Definitions
0240-07-04-.04	Process
0240-07-04-.05	University Sanctions for Academic Misconduct
0242-07-04-.07	UAPA Hearing

Rules of
Middle Tennessee State University

Chapter 0240-07-04
Academic Misconduct

Amendment

0240-07-04-.03 Definitions is amended by revising Paragraphs (2)(a)&(b) and (4) and adding Paragraph (6) so that, as amended, the amended rule in its entirety shall read:

0240-07-04-.03 Definitions

- (1) Academic Exercise. Academic Exercise may consist of all forms of work submitted by a student for academic credit or hours.
- (2) Academic Misconduct. Academic Misconduct may consist of acts of plagiarism, cheating, or fabrication.
 - (a) Plagiarism. Plagiarism includes, but is not limited to, the adoption or reproduction of ideas, words, statements, images, or works from another source as one's own without proper attribution. This includes self-plagiarism, which occurs when an author submits material or research from a previous academic exercise to satisfy the requirements of another academic exercise and uses it without proper citation of its reuse. Plagiarism also includes the unauthorized use of paraphrasing tools or "text spinners" and artificial intelligence software.
 - (b) Cheating. Cheating includes, but is not limited to, using or attempting to use unauthorized materials, information, or aids in any academic exercise or test/examination. Cheating also includes unapproved collaboration, which occurs when a student works with others on an individual academic exercise without the express permission of the faculty member. Unapproved collaboration can also include, but is not limited to, sharing of any physical or electronic papers, exams/quizzes, assignments, and/or posting of same to unauthorized websites.
 - (c) Fabrication. Fabrication includes, but is not limited to, unauthorized falsification or invention of any information or citation in an academic exercise.
- (3) Academic Misconduct Committee (Committee) refers to the Committee established under University policy.
- (4) Faculty Member. For the purposes of this rule, a faculty member is the University employee teaching a course or serving in a supervisory, advisory, or evaluative capacity in relation to the student(s) accused of academic misconduct, including graduate teaching assistants who are instructors of record. Graduate teaching assistants or others who are not instructors of record should present documentation of suspected misconduct to the supervising faculty member.
- (5) Director of Academic Integrity (Director). A designee of the Vice Provost for Faculty Affairs whose responsibilities are to manage and ensure fairness in the investigation and timely resolution of alleged academic misconduct. The Director does not vote in academic misconduct hearings.
- (6) Student. Any person who is admitted and/or registered for study at MTSU for any academic period, either full-time or part-time, undergraduate, graduate, or professional studies.
- (7) Notice. For the purposes of this rule, a notice is a written communication sent to the student's official MTSU email account, or to the student's local address as indicated in the student information system, or both as specified in this rule. Students have the responsibility to check their University-issued email accounts regularly and to ensure that the local mailing address on file with MTSU is current. The requirement to provide notice will be satisfied and any period for response will begin on the date the notice is sent.

Authority: T.C.A. § 49-8-203(a)(1)(D).

0240-07-04-.04 Process is amended by revising current Paragraphs (1), (2), (5) (amended Paragraph (4)), (7) (amended Paragraph (6)) and (8) (amended Paragraph (7)) and deleting Paragraph (3) so that, as amended, the amended rule in its entirety shall read:

0240-07-04-.04 Process

- (1) Academic misconduct is prohibited. Whenever a faculty member believes that academic misconduct has occurred, he/she must provide notice to the student and submit an Academic Integrity Incident Report Form (Incident Report) to the Director within seven (7) business days from the time the faculty member suspects that the alleged academic misconduct occurred. If the semester has ended, the faculty member has ten (10) business days from the date the semester ended to submit the Academic Integrity Incident Report Form.

The Incident Report will provide:

- (a) the name of the student;
 - (b) the course in which the academic misconduct is alleged to have occurred;
 - (c) a description of the academic misconduct; and,
 - (d) supporting documentary evidence (if available).
- (2) A student who has been referred by a faculty member pursuant to this rule is prohibited from dropping a course in which academic misconduct is alleged, pending final resolution of the case. Students should continue attending class, absent a disciplinary sanction to the contrary, while this procedure is ongoing. If found responsible for committing academic misconduct, a student will not be allowed to drop the course, though continued class attendance is neither prohibited nor required. (Students receiving federal financial aid who stop attending a course may incur significant financial penalties. Students are encouraged to consult the MT One Stop.) Failure to comply with this directive will result in referral to the Office of Student Conduct for violation of general rules and regulations and violation of imposed disciplinary sanctions under University policy and rule.
 - (3) The Director will review the case within five (5) business days of receipt of the Incident Report. If, in the Director's opinion, the Incident Report lacks substance or is otherwise deficient, the Director may consult with the referring faculty member and indicate either that additional information is needed or encourage that the Incident Report be withdrawn. Such a consultation may take place before and/or after the Director has met with the student.
 - (4) For any Incident Report not withdrawn by mutual consent between the Director and the referring faculty member, the Director will send notice to the student and schedule an in-person or virtual meeting to discuss the alleged academic misconduct violation. During this meeting the student can accept responsibility or not accept responsibility for the alleged academic misconduct. If the student accepts responsibility, the Director will decide on University sanctions (see Rule 0240-07-04-.05) appropriate to the case, and the matter will be resolved at that point. The Director will note the resolution on the Incident Report and provide copies to the student, the faculty member, and the Vice Provost for Faculty and Strategic Initiatives. This notice will be sent to the student's official MTSU email account and/or a hard copy letter will be sent via first class United States Postal Service (USPS) mail to the student's local address as indicated in the student information system. For graduate students found responsible of academic misconduct, the decision will also be provided to the student's graduate program director.
 - (5) If a referred student fails to attend a scheduled meeting with the Director without a reasonable excuse, the Director may find the student responsible in absentia and determine appropriate sanctions. Cases heard in absentia may not be appealed.
 - (6) If the student does not accept responsibility, the case will be heard by the Committee. The Director will:
 - (a) Determine whether the matter warrants consideration of suspension or expulsion of the student should the Committee find academic misconduct. If so, the student must be given the option of a

hearing held pursuant to the Uniform Administrative Procedures Act (UAPA) as set forth in Rule 0240-07-04-.07, below. A waiver of this option must also be in writing.

- (b) As the designee of the Vice Provost for Faculty Affairs, form the Committee from the pool of members for the purpose of the hearing.

(7) Institutional Hearing

- (a) If the sanction of suspension or expulsion will not be considered or if the student has waived a hearing under the UAPA, the Committee will set an institutional hearing for the matter as soon as is feasible, ideally within fifteen (15) business days of the student's request for a committee hearing, allowing reasonable time for preparation. Both the faculty member and the student will be notified of the hearing.
- (b) Outside of regular Fall and Spring semesters, hearings will be scheduled under only two (2) circumstances:
 - 1. If lack of resolution affects the student's ability to graduate in the Spring or Summer; or
 - 2. If the Vice Provost for Faculty Affairs determines that there are extenuating circumstances to warrant a special hearing.
- (c) The Director will advise the student, in writing, of the following:
 - 1. The type of alleged academic misconduct and the circumstances alleged by the faculty member to constitute academic misconduct;
 - 2. The date, time, and place of the hearing;
 - 3. That the student may appeal a grade given by the faculty member in response to academic misconduct;
 - 4. The right to receive a list of the witnesses the University expects to present at the proceeding and those the University may present if the need arises;
 - 5. The right to request a copy of the University's investigative file, redacted in accordance with the Family Educational Rights and Privacy Act of 1974, (20 U.S.C. § 1232g), and the federal regulations implementing that statute, as amended; and, the portion of the state Public Records Act making certain student information confidential (T.C.A. § 10-7-504(a)(4)).
 - 6. The right to request copies of all documents, copies of all electronically stored information, and access to tangible evidence the University has in its possession, custody, or control and may use to support claims or defenses, unless the use would be solely for impeachment; and
 - 7. The rights the student will be afforded at the hearing as specified in Rule 0240-07-04-.04(7)(e).
- (d) The hearing will take place at the scheduled time, regardless of whether the student and/or the referring faculty member choose to attend. Failure to appear at a scheduled hearing abrogates the rights listed under Rule 0240-07-04-.04(7)(e) or (f), as applicable. A hearing may be rescheduled, under extraordinary circumstances, at the discretion of the Director.
- (e) The rights applicable to the referred student at the hearing include:
 - 1. The right to present evidence pertinent to the case and to hear and respond to all testimony;
 - 2. The right to be accompanied by an advisor. An advisor may not actively or directly participate in the hearing, but may only consult with the student;
 - 3. The right to call witnesses; and
 - 4. The right to confront witnesses in support of the academic misconduct allegation.

- (f) The rights applicable to the referring faculty member at the hearing include:
1. The right to present evidence pertinent to the case and to hear and respond to all testimony;
 2. The right to be accompanied by an advisor. An advisor may not actively or directly participate in the hearing, but may only consult with the faculty member;
 3. The right to call witnesses; and
 4. The right to confront witnesses against the academic misconduct allegation.
- (g) The hearing will not be open to the public.
- (h) The Committee may exclude evidence it deems immaterial, irrelevant, or unduly repetitious.
- (i) Decisions shall be by majority vote of the Committee members present and voting. The Director is a non-voting ex-officio member of the Committee. The Committee may ask the referred student, referring faculty member, and any advisors present to leave the hearing while they deliberate and vote. Votes of individual Committee members will not be reported. In the event of a tie vote, the charge of misconduct is dismissed.
- (j) The standard of proof required for a finding of academic misconduct shall be by a preponderance of the evidence.
- (k) The Director will, on behalf of the Committee, issue a written decision indicating its finding concerning the charge of academic misconduct. The decision must specify the factual basis for the determination, and, if academic misconduct is found, state whether disciplinary sanctions will be imposed. The decision will be provided to the student, the faculty member, and the Vice Provost for Faculty Affairs. For graduate students found responsible of academic misconduct, the decision will also be provided to the student's graduate program director.
- (l) The student and the faculty member must be notified of the right to appeal the Committee's decision to the Provost.
- (m) Once it has been determined whether academic misconduct has occurred or not, the faculty member shall determine a grade for the academic exercise or examination and/or course.

Authority: T.C.A. §§ 49-8-203(a)(1)(D) and 10-7-504(a)(4).

0240-07-04-.05 University Sanctions for Academic Misconduct is amended by revising Paragraphs (1), (2), and (5)(e)-(g) so that, as amended, the amended rule in its entirety shall read:

0240-07-04-.05 University Sanctions for Academic Misconduct

- (1) Appropriate sanctions will be determined by majority vote of the Committee and reported to the Vice Provost for Faculty Affairs for recording in the academic integrity software of record. Students will be provided notice of all sanctions. Graduate programs may impose separate, additional sanctions (up to and including removal from the program) for graduate student academic misconduct. This requires a majority vote of the student's faculty advisor, program director, and department chair (or academic dean, for interdisciplinary programs). In these instances, program directors are responsible for calling this vote within seven (7) business days of the final disposition of the student's academic integrity case, promptly notifying the student of additional sanctions, and reporting sanctions to the Vice Provost for Faculty and Strategic Initiatives.
- (2) Any finding against the student or admission of responsibility by the student will result in a record that will be maintained and referred to by the Director in the event that a subsequent misconduct case arises against the student, regardless of the severity of sanctions imposed in those instances.
- (3) Subsequent determinations of academic misconduct may result in more severe University sanctions. If a student has been found responsible for academic misconduct more than once, the Director will inform the

sitting members of the Committee of the nature of prior offenses so that appropriate sanctions may be determined. These facts will not be revealed prior to the Committee's determination of responsibility in the present case in order to avoid prejudice.

- (4) Sanctions may include suspension or expulsion from the University but only if the student was provided the option of a UAPA hearing. (See Rule 0240-07-04-.07 for conducting the hearing required in such a case.)
- (5) Sanctions include, but are not limited to:
 - (a) Reprimand. A written reprimand will be given to a student whose conduct violates any part of these rules, and warns a student that any further violation(s) may result in more serious consequences;
 - (b) Specified Educational Program. Requirement to participate in specified educational program(s) or project(s) relevant to the offense and overseen by the Director;
 - (c) Restriction. A restriction upon a student's privileges for a period of time may be imposed. This restriction may include, but not be limited to denial of the ability to represent MTSU at any event, ability to participate in University travel, or use of facilities (including, but not limited to, labs, etc.).
 - (d) Probation. Any student placed on probation will be notified of the terms and length of the probation. Any conduct in further violation of this rule while on probationary status or the failure to comply with the terms of the probationary period may result in the imposition of more severe disciplinary sanctions, up to and including suspension or expulsion following the hearing process described in these rules for any subsequent academic misconduct violation.
 - (e) Suspension. Separation from the University for a specified period of time. This includes all instructional delivery methods (including, but not limited to, on ground, online, hybrid, etc.). Suspension may be accompanied by special conditions for readmission. Any student receiving a sanction of suspension shall be restricted from the campus of MTSU during the period of separation unless on official business with the University verified in writing by the Dean of Students or, if a graduate student, by the Dean of the College of Graduate studies. A suspended student must submit a written request to be on campus to the Dean of Students or, if a graduate student, to the Dean of the College of Graduate Studies, a minimum of forty-eight (48) hours in advance of the scheduled time of his/her business on campus. The request must specify the specific reason to be on campus and the location that the student wishes to visit. The Dean of Students or the Dean of the College of Graduate Studies will issue a written decision regarding the request to be on campus, and the student must carry that written decision with him/her during the time of the visit.
 - (f) Expulsion. Permanent separation from the University. The imposition of this sanction is a permanent bar to the student's admission to MTSU. Any student receiving a sanction of expulsion shall be restricted from the campus of MTSU unless on official business with the University verified in writing by the Dean of Students or, if a graduate student, the Dean of the College of Graduate Studies. An expelled student must submit a written request to be on campus to the Dean of Students or, if a graduate student, the Dean of the College of Graduate Studies, a minimum of forty-eight (48) hours in advance of the scheduled time of his/her business on campus. The request must specify the specific reason to be on campus and the location that the student wishes to visit. The Dean of Students or the Dean of the College of Graduate Studies will issue a written decision regarding the request to be on campus, and the student must carry that written decision with him/her during the time of their visit.
 - (g) Revocation of Admission, Degree, or Credential. Under circumstances deemed appropriate, an offer of admission, a degree, or a credential awarded may be revoked or rescinded upon the recommendation of the Committee and with approval from the relevant department chair/school director and dean, the College of Graduate Studies dean (for graduate cases), the University Provost, and the President. Any final revocation of admission, degree, or credential shall be reported to the University Registrar by the Director.
 - (h) Other Sanctions. Additional or alternate sanctions may be created and designed as deemed appropriate to the offense and the student's individual need for education, growth, and reform.

Authority: T.C.A. § 49-8-203(a)(1)(D).

0240-07-04-.07 UAPA Hearing is amended so that, as amended, the amended rule in its entirety shall read:

0240-07-04-.07 UAPA Hearing

Any matter that may result in suspension or expulsion of a student from the University is subject to be heard pursuant to the contested case provisions of the Uniform Administrative Procedures Act, T.C.A. § 4-5-301, et. seq., and shall be processed in accordance with Chapter 0240-07-08, unless the student waives the right to such a hearing in writing.

Authority: T.C.A. §§ 49-8-203(a)(1)(D) and 4-5-301, et. seq.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date:

October 12, 2023

Signature:

James C. Floyd

Name of Officer:

James Floyd

Title of Officer:

University Counsel

Department of State Use Only

Filed with the Department of State on:

10/12/2023

Tre Hargett

Tre Hargett
Secretary of State

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Oct 12 2023, 3:26 pm

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Sequence Number: 11-11-23
File Date: 11/15/2023

Cancellation of Rulemaking Hearing Form

Agency/Board/Commission:	Middle Tennessee State University
Division:	
Contact Person:	James C. Floyd, University Counsel
Address:	1301 E. Main Street, CAB 209, Murfreesboro, TN
Zip:	37132
Phone:	615-898-2025
Email:	James.floyd@mtsu.edu

Cancelled Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Miller Education Center, MEC Meeting Room		
Address 2:	503 E. Bell St.		
City:	Murfreesboro		
Zip:	37132		
Hearing Date:	12/06/2023		
Hearing Time:	1:00 pm	<input checked="" type="checkbox"/> <u>x</u> CST/CDT EST/EDT	

This cancellation refers to the following Notice of Rulemaking Hearing:

Cancelled Rulemaking Hearing Sequence Number: 10-14-23

Cancelled Rulemaking Hearing File Date: October 12, 2023

Additional Hearing Cancellation Information:

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RECEIVED

Nov 15 2023, 3:42 pm

Secretary of State
Division of Publications

Date: 11/15/2023

Signature: 

Name of Officer: James C. Floyd

Title of Officer: University Counsel