

**Office of the President**  
Middle Tennessee State University  
204 Cope Administration Building  
Murfreesboro, Tennessee 37132  
615-898-2622  
FAX: 615-898-2507



June 29, 2023

**VIA FEDEX &  
ELECTRONIC MAIL - [Patrick.McIntyre@tn.gov](mailto:Patrick.McIntyre@tn.gov)**

E. Patrick McIntyre, Jr.  
Executive Director and State Historic Preservation Officer  
Tennessee Historical Commission  
2941 Lebanon Pike  
Nashville, TN 37214

Re: Petition for Waiver, Forrest Hall

Dear Mr. McIntyre:

Enclosed with this letter is a Petition for Waiver concerning Forrest Hall filed on behalf of Middle Tennessee State University. The Petition for Waiver is filed pursuant to the Tennessee Heritage Protection Act of 2016, Tenn. Code Ann. §4-1-412. Please place this matter for consideration on the agenda of the next scheduled meeting of the Tennessee Historical Commission, which according to your website is set for October 20, 2023.

All required materials are included; however, if additional information is needed or if you have questions, please contact James Floyd, MTSU University Counsel and Board Secretary, at 615-898-2025 or [james.floyd@mtsu.edu](mailto:james.floyd@mtsu.edu).

Sincerely,

A handwritten signature in blue ink that reads "Sidney A. McPhee".

Sidney A. McPhee  
President

C: Stephen B. Smith, Chair, MTSU Board of Trustees  
Caty Dirksen, Tennessee Heritage Protection Act and Outreach Coordinator  
[Caty.Dirksen@tn.gov](mailto:Caty.Dirksen@tn.gov) with attachment

Attachment



**TENNESSEE HISTORICAL COMMISSION  
STATE HISTORIC  
PRESERVATION OFFICE  
2941 LEBANON PIKE  
NASHVILLE, TENNESSEE 37214  
OFFICE: (615) 532-1550**

**TENNESSEE HERITAGE PROTECTION ACT  
PETITION FOR WAIVER COVER PAGE**

In accordance with T.C.A. § 4-1-412, an initial hearing before the Tennessee Historical Commission on a petition for waiver shall be scheduled at any regular Commission meeting no sooner than 60 calendar days after a petition is filed. Regular meetings of the Tennessee Historical Commission are normally held on the third Friday of February, June, and October. This cover sheet is designed to aid in the review of the petition for waiver. Refer to T.C.A. § 4-1-412 for procedural and term definitions.

**Petition Date:** \_\_\_\_\_

**Petitioning Entity:** \_\_\_\_\_

**Contact Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_

**Email Address:** \_\_\_\_\_

**Memorial Owner/Managing Entity (if different):** \_\_\_\_\_

**Contact Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_

**Email Address:** \_\_\_\_\_

**Memorial Name or Description:** \_\_\_\_\_

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

Artwork

Historic Display

Plaque

Statue

Bridge

Memorial

Preserve

Street

Building

Monument

Real Property

Bust

Nameplate

Reserve

Flag

Park

School

**Memorial Subject Category (check all that apply):**

Historic Conflict

Historic Figure

Historic Entity

Historic Organization

Historic Event

**Memorial Subject Description:** \_\_\_\_\_

\_\_\_\_\_

**Memorial Location Description:** \_\_\_\_\_

\_\_\_\_\_

**Memorial GPS Coordinates:** \_\_\_\_\_

**Memorial Location City:** \_\_\_\_\_

**Memorial Location County:** \_\_\_\_\_

**Waiver Type:**

Alteration

Removal

Rededication

Renaming

Relocation

Other Disturbance or Alteration

**Waiver Type Description:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Basis Upon Which Waiver is Sought:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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**Required Attachments:**

Proof that the memorial is or is located on public property

Proof that the petitioning entity is a public entity exercising control of the memorial

Proof that prior to filing the petition for waiver, the public entity seeking the waiver published notice of the petition for waiver on the web site of the public entity, if any, and in at least one newspaper of general circulation serving the area of the memorial and one in Davidson County. The published notice must have stated: (1) the basis on which the waiver is sought; and, (2) that upon written request the public entity seeking the waiver will provide any interested party a copy of the petition and all supporting reports at no cost

Detailed statement of the request and the basis upon which the waiver is sought

Report(s) showing that there is a material or substantial need for a waiver based on historical or other compelling public interest

Excel spreadsheet listing the names and addresses of any private entities, groups, or individuals, including, but not limited to, descendants, that may have an interest in receiving notice of the petition Photograph(s) of the memorial

Photograph(s) of the memorial

**Deliver physical and digital copy of completed cover sheet and attachments to:**

Tennessee Historical Commission  
Attn: Tennessee Heritage Protection Act and Outreach  
Coordinator  
2941 Lebanon Pike  
Nashville, TN 37214  
ASK.TH@tn.gov  
615-532-1550

MTSU  
Petition for Waiver

Forrest Hall is  
Located on Public Property

er may hereafter acquire in and to said described land. A lien is expressly retained on said land for the payment in full of the deferred payment in full of the deferred payments thereon. This the 5th day of Jan'y 1914.

C. P. Partee.

Addie Partee.

STATE OF TENNESSEE--RUTHERFORD COUNTY.

Personally appeared before me Collier Crichtlew, a Notary Public in and for said County and State, the within named C. P. Partee the bargainer, with whom I am personally acquainted and who acknowledged that he executed the within instrument for the purposes therein contained and Addie Partee, wife of the C. P. Partee having personally appeared before me, privately and apart from her husband, the said Addie Partee acknowledged the execution of said instrument to have been done by her freely, voluntarily and understandingly, without compulsion or constraint from her husband, and for the purpose therein contained.

Witness my hand and official seal, (SEAL) at Murfreesboro Tennessee, this 5th day of Jan. 1914. Collier Crichtlew, Notary Public.

Noted Jan. 5th at 11:55 A. M. 1914. Registered Feb. 17th 1914.

T. H. Harrison et al State of Tennessee, Rutherford County:- For and in consideration of the sum of \$35,750 paid and to be paid as hereinafter stated, we, the undersigned T. H. Harrison and wife, Mattie L. Harrison, and Joe M. Black and wife, Ella Black,

TO) DEED

Tenn., State Board of Education.

(1) Do hereby sell and convey to the Tennessee State Board of Education and their successors in office forever the following described tract of land located in the 13th District of Rutherford County, Tennessee, bounded and described as follows:-

Beginning at a point, J. R. Thompson's southwest corner, in the middle of the Murfreesboro and Woodbury pike; thence with Thompson's West line North 00° 15' East 700 feet to Thompson's northwest corner; thence with the North line of J. R. Thompson, George Deming, T. W. Holt and James Nelson South 85° 30' East 2205 feet to a stone, C. R. Ragland's Southwest corner in James Nelson's North line; thence with Ragland's West line North 11° 40' East 1155 feet to a marked Hickory; thence South 84° 40' East 155 feet to a stake; thence North 2° 30' East 1197 feet to a stake; thence North 86° 45' West 834 feet to a stake; thence North 2° 30' East with Will Baird's West line 1101 feet to the middle of the Murfreesboro and Halls Hill pike, a point in Tom Brown's South line; thence with the middle of the pike North 82° West 1070 feet; thence North 83° 20' West 730 feet to an iron spike in the middle of the pike, the northeast corner of the Tennessee Normal's 100 acre tract; thence with the East line of this tract South 2° 45' West 750 feet to a stake; thence South 87° 15' East 941.45 feet to a stake; thence South 2° 45' West 2330 feet to a stake; thence North 87° 15' West 941.45 feet to a stake; thence South 2° 45' West 1101 feet to the middle of the Murfreesboro and Woodbury Pike; thence with the middle of the pike south 80° 35' East 165 feet to the beginning, containing 133 acres, as a survey of W. T. Henderson, Surveyor of Rutherford County made Nov. 10, 1913.

(2) And do hereby release and discharge said Tennessee State Board of Education from their said contracts and obligations resting upon said Tennessee State Board of Education to build certain streets as set out in a certain contract or agreement dated Jan. 18, 1911, and in a certain deed dated Sept. 15, 1910, which said deed is recorded in Book 54, page 23-24, Register's office, Rutherford County, Tennessee, and reference is here made to said deed for particulars as to said contracts and obligations.

(3) And do hereby grant to the said Tennessee State Board of Education a right of way of drainage from the Boulevard to the Halls Hill and Lascasses Pike across the said property of Harrison and Black provided, however, that said State Board of Education shall construct or cause to be constructed a sufficient outlet for water across the Halls Hill Pike by a concrete culvert, and provided further that in draining through said property the dirt shall be removed to the low places at the end of the elevations through which said ditch is cut and if said drainage is done by open ditch said ditch shall be cut back a sufficient width to be effective against filling up.

To have and to hold the aforesaid tract of land to the said Tennessee State Board of Education and their successors forever. We covenant that we are lawfully seized and possessed of said tract of land, that we have a right to sell and convey it, and that the title to the

... as per ...

same is clear, free and unincumbered, and we further covenant and bind ourselves, our heirs and representatives, to forever warrant and defend the title to the same to the said Tennessee State Board of Education and their successors against the lawful claims of all persons whatsoever.

Of the consideration aforesaid the sum of \$5000 is cash in hand paid, receipt of which is hereby acknowledged; the sum of \$5750 is to be paid on or before July 1, 1914; the balance is evidenced by five notes of \$5000 each due on or before July 1, 1918, July 1, 1916, July 1st, 1917, July 1, 1918, and July 1, 1919, respectively, said deferred payments drawin 5% interest per annua from date payable annually. Said notes are of even date herewith, executed by said Tennessee State Board of Education or their authorized agents, and payable to T. H. Harrison and Joe M. Black, and a lien retained on the land hereinbefore described for the certain payment of said notes in full.

Witness our hands this the 5th day of December, 1913.

T. H. Harrison.  
Mattie L. Harrison.  
Joe M. Black.  
Ella Black.

STATE OF TENNESSEE--RUTHERFORD COUNTY.

Personally appeared before me E. T. Rien a Notary Public in and for said County and Joe M. Black & Ella Black

State, the within named T. H. Harrison & Mattie L. Harrison the bargainers with whom I am personally acquainted, and who acknowledged that they executed the within instrument for the purposes therein contained. And Mattie L. Harrison & Ella Black wives of the said T. H. Harrison & Joe Black having personally appeared before me, privately and apart from their husband, the said Mattie L. Harrison and Ella Black acknowledged the execution of said deed to have been done by them freely, voluntarily and understandingly, without compulsion or constraint from their husband, and for the purposes therein contained.

Book 56  
Page 410

Witness my hand and official seal, (SEAL) at Murfreesboro Tennessee, this 5th day of January 1914.  
E. T. Rien, Notary Public.

\*\*\*\*\*

NOTED JANUARY 2, at 10 A. M. 1914.

Registered Feb. 17, 1914.

\*\*\*\*\*

J. W. Messick & wife  
TO) DEED  
W. S. Brown & wife

State of Tennessee, Rutherford County:- We, the undersigned J. W. Messick and wife, Daisy M. Messick, have this day bargained and sold, and do hereby transfer and convey unto W. S. Brown and wife, Dora Brown, their heirs, assigns and representatives forever, the following described tract or parcel of land locate in the 24th District of Rutherford County:-

Bounded on the North by Big Spring Creek; on the East by J. W. Messick known as the old Parker place; on the South by John Harrell and Will Winford; on the West by N. S. Mankin and E. S. Cannon, containing 375 acres, more or less, comprising two tracts as follows:- A tract purchased by the undersigned from N. Parker and wife Lou A. Parker by deed recorded in Book 54, page 131; the second tract purchased by the undersigned from Ashley Mankin and wife by deed recorded in Book ---, page ---, Register's Office, Rutherford County, Tennessee. Reference is here made to both of said deeds for more particular description to said land.

To have and to hold to the said W. S. Brown and wife, Dora Brown, their heirs and assigns forever. We covenant that we are lawfully seized and possessed of said land, that we have

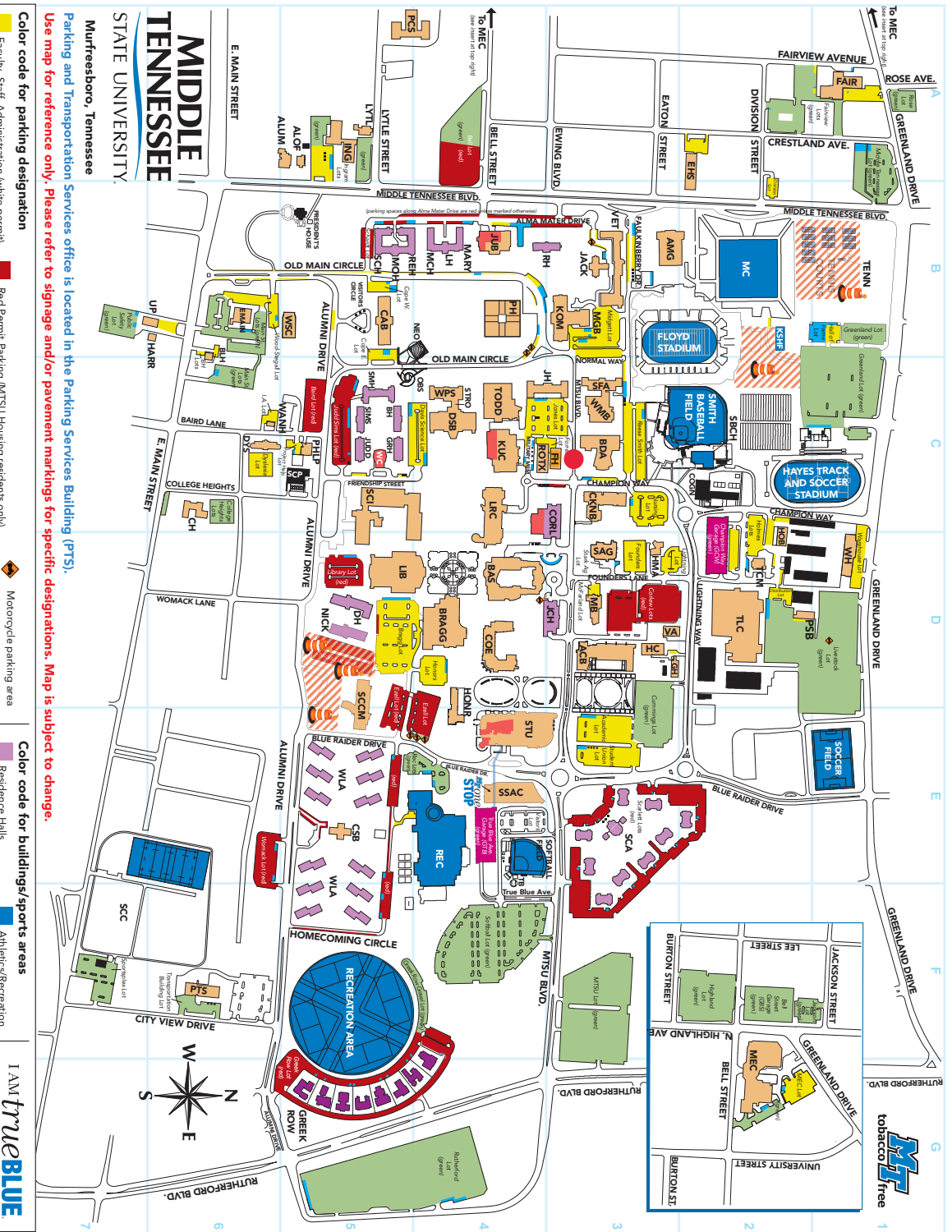
as the true and lawful holder of the same is recorded by Register of the said Rutherford County and to charge all taxes

Sam Miller

# MTSU Campus Map

(addresses shown are for location only, NOT mailing)

- ACB Academic Classroom Building, 1751 MTSU Boulevard, D3
- ALOF Alumni Office, 2263 Middle Tennessee Boulevard, A5
- ALUM Alumni House, 2259 Middle Tennessee Boulevard, A5
- AMG Alumni Memorial Gym, 2610 Middle Tennessee Boulevard, B3
- BAS Business and Aerospace Building, 1642 MTSU Boulevard, D4
- BDA Boutwell Dramatic Arts Building, 615A-615B Champion Way, C3
- BH Beasley Hall, 323 Friendship Street, C5
- BLH Beck House, 1417 East Main Street, C6
- BRAGG John Bragg Media and Entertainment Building, 1735 Blue Raider Drive, D4
- CAB Cape Administration Building, 315 Victor's Circle, B5
- CH College Heights Building, 1607 East Main Street, C6
- CKNB Cason-Kennedy Nursing Building, 610 Champion Way, C3
- COE College of Education Building, 1756 MTSU Boulevard, D4
- COGN Central Utility Plant/Cogeneration Plant, 729 Champion Way, C2
- CORL Corley Hall, 1634 MTSU Boulevard, C3
- CSB Central Services Building, 1835 Alumni Drive, E5
- DH Deere Hall, 1619 Alumni Drive, D5
- D5B Davis Science Building, 422 Old Main Circle, C4
- DYS Tennessee Center for the Study and Treatment of Dyslexia, 200 North Bard Lane, C6
- EHS Ellington Human Sciences Building, 2623 Middle Tennessee Boulevard, A2
- EMAIN 1403 East Main Street, B6
- FAIR Fairview Building, 820 Fairview Avenue, A1
- FH Forest Hill, 543 Champion Way, C3
- FH Greenhouse, 1724 Lightning Way, D3
- GRH Gray Hall, 321 Friendship Street, C5
- HARR Harrison House, 1416 East Main Street, B6
- HMC Horticulture Facility, 1714 Lightning Way, D3
- HMA Housing Maintenance Annex, 657 Founders Lane, D3
- HOBB Holmes Building (Maintenance Complex), 836 Champion Way, D2
- HONR Paul W. Martin Sr. Honors Building, 1737 Blue Raider Drive, D4
- ING Sam H. Ingram Building, 2289 Middle Tennessee Boulevard, A5
- JACK Tom H. Jackson Building, 628 Alma Water Drive, B3
- JCH Jim Cummings Hall, 1744 MTSU Boulevard, D3
- JUB James Hall, 624 Old Main Circle, C3
- JUDJ James Union Building, 516 Alma Water Drive, B4
- KOM Kiddie Old Main, 612 Old Main Circle, B3
- KSHF Emmert and Rose Kennon Sports Hall of Fame, 1320 Greenland Drive, B2
- KUC Keathley University Center, 1524 Military Memorial, C4
- LH Lyon Hall, 414 Alma Water Drive, B4
- LIB James E. Walker Library, 1611 Alumni Drive, D5
- LRC Ned McWhorter Learning Resources Center, 1558 Military Memorial, C4
- LYTL Lytle House, 1114 East Lytle Street, A5
- MARY Miss Mary Hall, 414 Alma Water Drive, B4
- MB McFarland Building, 654 Founders Lane, D3
- MCH Murphy Center, 2650 Middle Tennessee Boulevard, B2
- MCH Andrew Woodfin Miller, Sr. Education Center, 503 Bell Street, (See inset at top right)
- MGB Monahan Hall, 312 Alma Water Drive, B5
- MOH Naked Eye Observatory, 346 Old Main Circle, B4
- NEO Nickle Hall, 1715 Alumni Drive, D5
- OBS Observatory, 346 Old Main Circle, C5
- PCS Homer P. Hiram Camp School, 923 East Lytle Street, A4
- PH Pack Hall, 537 Old Main Circle, B4
- PHLP Project Help, 206 North Bard Lane, C5
- PSB Printing Services Building, 1756 Greenland Drive, D2
- PTS Parking and Transportation Services, 205 City View Drive, F6
- REC Health, Wellness, and Recreation Center (Health Services located inside the HMWC), 1988 Blue Raider Drive, E4
- REH Reynolds Hall, 312 Alma Water Drive, B5



**Parking and Transportation Services offices is located in the Parking Services Building (PTS).**  
**Use map for reference only. Please refer to signage and/or pavement markings for specific designations. Map is subject to change.**

<p><b>Color code for parking designation</b></p> <ul style="list-style-type: none"> <li><span style="color: red;">■</span> Red Permit Parking (MTSU Housing residents only)</li> <li><span style="color: green;">■</span> Green Permit Parking</li> <li><span style="color: blue;">■</span> Disabled Parking (blue permit)</li> </ul>	<p><b>Color code for buildings/sports areas</b></p> <ul style="list-style-type: none"> <li><span style="color: red;">■</span> Residence Halls</li> <li><span style="color: orange;">■</span> Academic/Administrative</li> <li><span style="color: purple;">■</span> Athletics/Recreation</li> <li><span style="color: blue;">■</span> Greek Housing</li> </ul>
<p><b>Motorcycle parking area</b></p> <p><b>Skywalk bridges</b></p> <p><b>Construction Zones</b></p> <p><b>Seek Alternate Routes</b></p>	<p><b>MTSU Located in SSAC STOP (see grid area E)</b></p>

- RH Rutledge Hall, 526 Alma Water Drive, B3
- ROTX ROTC Annex, 531 Champion Way, C4
- SAG Stark Agriculture Center, 651 Founders Lane, D3
- SBCH Stephen B. Smith Baseball Clubhouse, 641 Champion Way, C2
- SCA Scatler Commons Apartments 1-9, 1888 MTSU Boulevard, E3
- SCC Sports Club Complex, 2111 East Main Street, F7
- SCCM School of Concrete and Construction Management, 1723 Blue Raider Drive, F7
- SCJ Schacht Hall, 312 Alma Water Drive, B5
- SCI Science Building, 440 Friendship Street, C5
- SCP Satellite Chiller Plant, 215 College Heights, C5
- SFA Saunders Fine Arts Building, 629 Normal Way, C3
- SIMS Sims Hall, 215 Friendship Street, C5
- SL Soils Labs, C6
- SMH Smith Hall, 318 Old Main Circle, C5
- SSAC Student Services and Admissions Center, 1860 Blue Raider Drive, E4
- STRO Strobel Lobby, C4
- STU Student Union Building, 1768 MTSU Boulevard, E4
- TB Telescope Services, 1852 MTSU Boulevard, F4
- TENN Buck Boudin Tennis Center, 1210 Greenland Drive, B1
- TCM Telecommunications Building, 732 Champion Way, D2
- TLC Tennessee Livestock Center, 1720 Greenland Drive, D2
- TODD Andrew L. Todd Hall, 542 Old Main Circle, C4
- UP University Police, 1412 East Main Street, B6
- VA Vocational Agriculture, 1704 Lightning Way, D3
- VET Northeast Engineering Technology, 1212 Faulkrieherry Drive, B3
- WANH Internal Audit (Wansley House), 209 North Bard Lane, C6
- WC Woodmore (featuring Chris Young Cafe), 319 Friendship Street, C5
- WH Warehouse (Maintenance Complex), 1672 Greenland Drive, D1
- WLA Wornack Lane Apartments A-L, 1815 Alumni Drive, E5
- WMB Wright Music Building, 1439 Faulkrieherry Drive, C3
- WPS Wiser-Patten Science Hall, 422 Old Main Circle, C4
- WSC Woods-Steigall Center (Development and University Advancement), 120 Old Main Circle, B5



MTSU  
Petition for Waiver

MTSU is a Public Entity  
Exercising Control of Forrest Hall

Document:

Tenn. Code Ann. § 49-8-101

[< Previous](#)[Next >](#)**Tenn. Code Ann. § 49-8-101**[Copy Citation](#)

Current through the 2022 Regular Session.

[TN - Tennessee Code Annotated](#) [Title 49 Education](#) [Chapter 8 State University and Community College System](#) [Part 1 General Provisions](#)

**49-8-101. System established.****(a)**

**(1)** There is established a state university and community college system, to be called the board of regents. The state university and community college system is composed of state universities, community colleges, and state colleges of applied technology.

**(2)**

**(A)** The board of regents state universities shall be composed of Austin Peay State University, East Tennessee State University, Middle Tennessee State University, Tennessee State University, Tennessee Technological University, and the University of Memphis. The board of regents state universities shall be subject to the authority of a local governing board of trustees, referred to in this chapter as a state university board.

**(B)** The management and governance of each state university shall be vested in the institution's respective state university board, subject to certain powers and duties maintained by the Tennessee higher education commission.

**(C)** During a transition period commencing July 1, 2016, and ending November 30, 2017, the board of regents shall maintain performance of the following functions on behalf of the state university boards: data systems, capital project planning and management, and procurement. By November 30, 2017, the Tennessee higher education commission shall solicit and receive requests from the state university boards to assume the performance of these functions. The Tennessee higher education commission shall approve or deny a state university board's request to assume these functions. A state university board shall not be permitted to assume the performance of these functions until November 30, 2017. If the board of regents continues to perform the functions related to data systems, capital project planning and management, and procurement after the transition period has concluded, a state university board is not precluded from requesting to assume the performance of these functions at any time after November 30, 2017.

**(3)**

**(A)** The state community colleges shall be composed of Chattanooga State Community College, Cleveland State Community College, Columbia State Community College, Dyersburg State Community College, Jackson State Community College, Motlow State Community College, Nashville State Community College, Northeast State Community College, Pellissippi State Community College, Roane State Community College, Southwest Tennessee Community College, Volunteer State Community College, and Walters State Community College, and other community colleges that may be established. The statewide system of state colleges of applied technology, established under chapter 11, part 4, of this title, shall be composed of the state colleges of

applied technology now established and located at Athens, Chattanooga, Covington, Crossville, Crump, Dickson, Elizabethton, Harriman, Hartsville, Hohenwald, Jacksboro, Jackson, Knoxville, Livingston, McKenzie, McMinnville, Memphis, Morristown, Murfreesboro, Nashville, Newbern, Oneida, Paris, Pulaski, Ripley, Shelbyville, and Whiteville. The board of regents is authorized to establish additional state colleges of applied technology or to combine existing state colleges of applied technology as needed to improve operational and administrative efficiencies.

**(B)** Subject to certain powers and duties reserved for and relegated to the Tennessee higher education commission, the government, management, and control of the state community colleges and the state colleges of applied technology shall be vested in the board of regents.

**(b)** The board of regents shall work collaboratively with state university boards to ensure alignment between community colleges and state universities, especially in regards to innovation and student success initiatives.

**(c)**

**(1)** Notwithstanding any law to the contrary, the board of regents, in consultation with the Tennessee higher education commission, shall establish a comprehensive statewide community college system of coordinated programs and services to be known as the Tennessee community college system.

**(2)** It is the legislative intent that the Tennessee community college system operate as a unified system with individual campuses, teaching centers and teaching sites as necessary to maximize the effectiveness of the system in enhancing student success and increasing the number of college degrees held by Tennesseans.

**(3)** In order to carry out this subsection (c), the board shall develop a plan to transition from the existing system of thirteen (13) independently managed institutions to a comprehensive statewide community college system managed as a unified system. Such plan shall identify any statutory changes needed to accomplish the transition.

**(4)** As part of its plan, the board shall identify and implement consolidation of services among institutions and standardization of processes between institutions in order to improve efficiency and effectiveness in all functional areas, including, but not limited to, student services, academic support and institutional support.

**(5)** The plan shall also incorporate the use of block scheduling and cohort programming as a means of delivering educational programs within the Tennessee community college system. Programs developed pursuant to this subdivision (c)(5) shall be developed in a manner that results in the opportunity for more rapid and significantly higher rates of program completion through structured degree programs that incorporate fixed course offerings that meet the requirements for the degree being offered on a predetermined schedule.

**(6)** In carrying out this subsection (c), the Tennessee community college system shall pursue strategies to create mutually beneficial relationships with colleges of applied technology such that certificate programs may be offered at community college sites and community college courses may be offered at colleges of applied technology.

**(7)** This subsection (c) shall be fully implemented no later than July 1, 2012.

**(d)** All institutions in the state university and community college system shall submit annually institutional mission statements to the Tennessee higher education commission for review and approval. An institutional mission statement shall:

**(1)** Characterize distinctiveness in degree offerings by level, focus, and student characteristics, including, but not limited to, nontraditional students and part-time students; and

**(2)** Address institutional accountability for the quality of instruction, student learning, and, when applicable, research and public service to benefit Tennessee citizens.

**(e)** Nothing contained in this section shall prohibit any institution from pursuing research and related activities that are consistent with the institution's mission.

## History

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Acts 1972, ch. 838, § 1; 1973, ch. 80, §§ 2, 4; 1973, ch. 200, § 1; 1983, ch. 181, § 3; T.C.A., § 49-3236; Acts 1994, ch. 538, § 2; 1994, ch. 685, § 3; 1999, ch. 510, § 1; 2002, ch. 618, § 1; 2009, ch. 352, § 1; 2010 (1st Ex. Sess.), ch. 3, § 8; 2013, ch. 473, § 7; 2016, ch. 869, §§ 1, 2; 2018, ch. 877, § 1.

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Document:

Tenn. Code Ann. § 49-8-203

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Current through the 2022 Regular Session.

[TN - Tennessee Code Annotated](#) [Title 49 Education](#) [Chapter 8 State University and Community College System](#) [Part 2 Board of Regents](#)

**49-8-203. Powers and duties.****(a)**

**(1)** With respect to the institutions they govern, each state university board and the board of regents has the power to:

**(A)** Select and employ the chief executive officers of the institutions and to confirm the appointment of administrative personnel, teachers, and other employees of each state institution and to fix their salaries and terms of office;

**(B)** Prescribe curricula and requirements for diplomas and degrees. The board of regents and the state university boards shall maintain alignment across state higher education by working to develop curricula requirements that promote student success, postsecondary completion, and advancement of the Tennessee higher education commission state master plan;

**(C)** Approve the operating budgets and set the fiscal policies for the schools and programs under its control. Each state university board shall have the power to approve the operating budget and set the fiscal policy for the university under its control. In order to ensure the ability to satisfy both contractual obligations to the Tennessee state school bond authority and obligations to that authority's bondholders, the board of regents shall have authority over, and shall give final approval to, the operating budget of each state university. The funds appropriated for each state university shall initially be distributed by the department of finance and administration to the board of regents, which shall then distribute such funds to each state university in such amounts as were appropriated minus any deduction or deductions required to be made by the board of regents pursuant to any financing agreement, or other similar agreement, then existing by and between the board of regents and the Tennessee state school bond authority or any successor organization. Notwithstanding any provision of law, the board of regents shall retain all powers and duties with respect to each state university, state community college, and Tennessee college of applied technology, including, but not limited to, any projects at such institutions which are necessary for the board of regents to fulfill its covenants, representations, agreements, and obligations under any financing agreement, then existing by and between the board of regents and the Tennessee state school bond authority, or any successor organization, on July 1, 2016, as the same may be amended pursuant to the terms thereof, or any successor or similar agreement subsequently entered into by and between the board of regents and the Tennessee state school bond authority;

**(D)** Establish policies and regulations regarding the campus life of the institutions, including, but not limited to, the conduct of students, student housing, parking, and safety; and

**(E)** Assume general responsibility for the operation of the institutions, delegating to the chief executive officer of each respective institution such powers and duties as are necessary and appropriate for the efficient administration of the institution and its programs.

**(2)** The board of regents has the power to receive donations of money, securities, and property from any source on behalf of the community colleges and the Tennessee colleges of applied technology, which gifts shall be used in accordance with the conditions set by the donor. Each state university board has the power to receive donations of money, securities, and property from any source on behalf of the institution it governs, which gifts shall be used in accordance with the conditions set by the donor.

**(3)** The board of regents and each state university board has the power to purchase land subject to the terms and conditions of state regulations, to condemn land, to erect buildings, and to equip them for the institution subject to the requirements of the state building commission and to the terms and conditions of legislative appropriations. Each board shall be vested with title to property so purchased or acquired.

**(4)** The board of regents and each state university board has other powers, not otherwise prescribed by law, that are necessary to carry out this part, and it is the expressed legislative intent and purpose to vest similar and comparable responsibility and authority in each board as is authorized for the board of trustees of the University of Tennessee; provided, that in exercising any power to borrow money for any purpose, whether by the issuance of bonds or notes or by any other method, each board shall first secure the approval of the state school bond authority.

**(b)** Notwithstanding any other law, the board of regents, a state university board, or any institution subject to this chapter is not authorized to borrow money for any purpose, whether by the issuance of bonds or notes or by any other method, without first securing the approval of the state school bond authority.

**(c)** State university boards shall manage and initiate capital and real estate transactions; provided, that such transactions are within the scope of a master plan approved by the Tennessee higher education commission.

**(d)** The title of the property held on behalf of the state universities named in § 49-8-101(a)(2)(A) by the board of regents shall be transferred to the respective state university board upon assumption of responsibility no later than June 30, 2017.

**(e)** A state university board shall ensure the board's institution remains in compliance with the transfer and articulation provisions of § 49-7-202.

**(f)** The board of regents, the state university boards, and the institutions subject to this chapter shall not enter into any final agreement or other final arrangement for a merger or consolidation with a private institution of higher education without the authorization of the general assembly, acting through legislation, resolution, or appropriations.

**(g)** It is unlawful for any member of a state university board or the board of regents to be financially interested in any contract or transaction affecting the interests of any institution governed by the board, or to procure, or be a party in any way to procuring, the appointment of any relative to any position of financial trust or profit connected with the universities and colleges governed. A violation of this subsection (g) shall subject the member so offending to removal by the governor or the board.

**(h)** Except for the purposes of inquiry or information, a member of the state university board shall not give direction to or interfere with any employee, officer, or agent under the direct or indirect supervision of the chief executive officer of the respective institution.

**(i)** Each institution subject to this chapter shall provide data to the Tennessee higher education commission for information, assessment, and accountability purposes, to be used in a statewide data system that facilitates the public policy agenda developed by the commission. The commission shall determine the data elements necessary to carry out this task.

**(j)** Notwithstanding any provision of this part or any law to the contrary, the state university boards and their respective institutions shall continue to be participating employers in the Tennessee consolidated retirement system and utilize such claims administration services, risk management programs, investment funds and trusts, and retirement and deferred compensation programs, or any successor programs and services in the same fields, as are provided or administered by the department of treasury to any of the state universities on July 1, 2016, until the effective date of any subsequent legislation authorizing procurement from another provider.

**(k)** Institutions shall ensure that any data system employed for student information is interoperable with the statewide student information system used by the board of regents and the higher education commission.

**(j)** Each institution subject to this chapter shall make a report annually to the higher education commission on any academic program terminations which shall be submitted by the higher education commission to the education committee of the senate and the education administration committee of the house of representatives.

**(m)** Upon formal request by the higher education commission, the board of regents and each state university board authorized under this chapter shall assist the commission in convening representatives of the institutions and governing boards, as authorized by § 49-7-202(p), to help ensure a cohesive and coordinated system of higher education public policy in Tennessee.

## History

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Acts 1972, ch. 838, §§ 4, 6-8, 11; 1979, ch. 116, §§ 1, 2; 1979, ch. 182, § 1; 1983, ch. 181, § 4; T.C.A., §§ 49-3239, 49-3241 — 49-3244; Acts 2016, ch. 869, § 21; 2019, ch. 345, § 122; 2021, ch. 64, § 108.

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Petition for Waiver

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**PUBLIC NOTICE – MTSU PETITION FOR WAIVER**  
**FORREST HALL NAME CHANGE**

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**Posted June 23, 2023**

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MTSU  
Petition for Waiver

Report  
Including  
Statement of Request,  
Basis Upon Which the Waiver is Sought,  
And Establishing a Material or Substantial  
Need Based on a Compelling Public Interest

Before the Tennessee Historical Commission  
PETITION FOR WAIVER

Report  
Including  
Statement of Request,  
Basis Upon Which Waiver is Sought, and  
Establishing a Material or Substantial Need  
on a Compelling Public Interest

Middle Tennessee State University (“MTSU”) petitions the Tennessee Historical Commission (the “Commission”) for a waiver that would allow it to rename Forrest Hall to the Army ROTC Building pursuant to the Tennessee Historic Preservation Act of 2016. Tenn. Code Ann. § 4-1-412; Tenn. Comp. R. & Regs. 400-70-01-.01 (2018).

Forrest Hall, named for Confederate General Nathan Bedford Forrest (“Forrest”), has served as home to MTSU’s Reserve Officers’ Training Corps (“ROTC”) program for over 65 years. Originally constructed and opened in 1954, the building was formally dedicated in 1958. Since its dedication, there have been periodic episodes of student and/or community concerns raised regarding the building’s name that continue till this day.

MTSU submits that this honorable Commission’s ruling to allow the relocation of the Nathan Bedford Forrest bust from the State Capitol to the Tennessee State Museum constitutes a change in the law acknowledging the special sensitivity involved with any commemoration of Forrest. *In the Matter of the State Capitol Commission Regarding Request to Relocate the Busts of Nathan Bedford Forrest, David Glasgow Farragut, and Albert Gleaves*, Administrative Procedures Division Docket Number 04.48-204639A (hereinafter State Capitol)<sup>i</sup>. Moreover, as reflected in MTSU’s current campus climate, the designation of the ROTC building as Forrest Hall has a continuing impact on the academic and working environment and constitutes a substantial public policy concern as outlined below. Accordingly, there are changed circumstances in the law or facts which demonstrate a material or substantial need based on historical or other compelling public interest to justify this waiver petition. Tenn. Code Ann. § 4-1-412(c)(8)(A).

As the honorable Commission is aware, MTSU was previously denied permission to rename Forrest Hall. *In the Matter of Middle Tennessee State University, Tennessee Board of Regents, and Intervenor Sons of Confederate Veterans Nathan Bedford Forrest Camp #215 Regarding Forrest Hall*, Case Number No.:04.47-150473A, THC 16-0001 (hereinafter Mid. Tenn. St. Univ.)<sup>ii</sup>. Subsequently, the Commission made the following Finding of Fact in the State Capitol case:

Forrest (1821 - 1877) was a slave trader who enlisted in the Confederate army during the Civil War as a private and rose through the ranks to become a

lieutenant general. He was known as an expert cavalry leader and military strategist. In 1864, in what is now commonly referred to as the Fort Pillow massacre, troops under Forrest's command brutally killed a group of Union soldiers who many believe had already surrendered. Later, the Joint Committee on the Conduct of War investigated the incident and confirmed that Forrest's troops acted unjustly. After the war in 1867, it is believed that Forrest became the first national leader of the Ku Klux Klan, known as the grand wizard, although Forrest denied this claim in 1871.<sup>iii</sup>

The Commission made no such Findings of Fact and Conclusions of Law in MTSU's previous case.<sup>iv</sup> In that instance, the Commission only made reference to "perceptions" of Forrest, but did not authorize MTSU to remove Forrest's name or recognize MTSU's proposed Forrest "historical timeline, with primary source set, be developed and housed in the Albert Gore Research Center on the MTSU Campus."<sup>v</sup> In finding "a material and substantial need for a waiver" in State Capitol,<sup>vi</sup> the Commission reasoned that the State Museum could display Forrest's bust "appropriately and with historical context."<sup>vii</sup>

Similarly, a Gore Center timeline would achieve the same with regards to Forrest's place in history especially given the Center's mission to support education, research, and civic engagement.<sup>viii</sup> Much like the State Museum, the Gore Center "has the means of educating the public not only on [Forrest], but on the current debate relating to Confederate memorials. The [Gore Center] can provide contextualization in a much more appropriate and convenient space than" a name on the façade of a building.<sup>ix</sup> The renaming of Forrest Hall "also advances the compelling public interest of racial reconciliation, as" MTSU "is a unique place of ongoing" educational opportunity "for all citizens of Tennessee, regardless of race. The interest of commemorating a famous Tennessean who has been dead for over 140 years is outweighed by the interest of thousands of citizens, [students (prospective, current, and graduates), faculty, and staff] who deem such commemoration . . . hurtful."<sup>x</sup> State Capitol Comm'n constitutes a change in the law to support the Commission finding that MTSU has carried its burden in order to allow the renaming of Forrest Hall.

Equally important, factual circumstances have evolved and continue to illustrate that Forrest Hall is a flashpoint of debate at MTSU. While the visual image and symbolism of Forrest Hall has long been a divisive subject, the controversy over Confederate statues, monuments and iconography gained greater awareness following these events: 1) the June 17, 2015, mass murder at Emanuel African Methodist Episcopal Church in Charleston, South Carolina;<sup>xi</sup> 2) the August 12, 2017, violence during a rally in Charlottesville, Virginia; and 3) lives lost in 2020 – the February 23, 2020, killing of Ahmaud Arbery in Brunswick, Georgia;<sup>xii</sup> the March 13, 2020, killing of Breonna Taylor in Louisville, Kentucky;<sup>xiii</sup> and the May 25, 2020, killing of George Floyd in Minneapolis, Minnesota. George Floyd's murder spurred both a run of protests throughout the United States and calls for racial reckoning including addressing "symbols of the Confederacy and their meaning."<sup>xiv</sup>

The University and the Murfreesboro community experienced such a protest on May 31, 2020. After a protest march around the historic Rutherford County Courthouse, a subgroup of protestors marched to Forrest Hall where a peaceful demonstration occurred calling for Forrest

Hall to be renamed.<sup>xv</sup> The next day, June 1, 2020, MTSU President Dr. Sidney A. McPhee addressed the campus uneasiness by expressing his sentiments:

As you may already have heard from various media reports, the City of Murfreesboro, like many cities across the nation, experienced a protest Sunday in response to the death of George Floyd. At the end of the peaceful demonstration on the Square downtown, a smaller group came to our campus to protest in front of our ROTC building which, despite our efforts, still carries the name of Nathan Bedford Forrest. . . I am so very proud of how our MTSU Police Department facilitated the peaceful demonstration on our campus in front of Forrest Hall late Sunday afternoon. Indeed, I was touched to see this [video from The Daily News Journal of our police showing kindness and support](#). . . I urge our community to renew and reflect upon our values and further apply them in actions and deeds — so that justice, equality and humanity are available to all.

(Attachment 1). Shortly thereafter, Dr. Debra Sells, MTSU Vice President for Student Affairs and Vice Provost for Enrollment Services, crafted a June 3, 2020, email to share her thoughts of assurance and support to the student community after the George Floyd killing:

As the Vice President for Student Affairs, I am heartened by President McPhee's commitment to our students and the broader community. But on a personal level, like many of you, I am heartbroken. I worry for our country, and the future of our children, but closer to home, I hurt for our students - for each of you. I know that so many of you are suffering. So many are afraid. Some are reaching out to try to understand, but are falling short. And others still have so much to learn about compassion, and justice, and humility. I want you to know that I see your pain, and I stand with you in sadness and support.

I don't have answers for the racism that still confronts us and that requires our constant attention and vigilance. I wish I did. I know that pretending that racism doesn't exist is not the answer. We cannot be content to be bystanders. We must fight for justice and stand for equality. But I also know violence is not the answer, either. As someone once said, "We become what we do." And I don't want violence and hatred to take hold of your hearts.

(Attachment 2).

As the University transitioned to a new academic year, the feeling of injustice and concern continued to permeate the campus community. Multiple conversations were held on campus including a September 16, 2020, panel discussion titled “Racial Justice Protests and the First Amendment” sponsored by the Free Speech Center at MTSU.<sup>xvi</sup> Also, the Forrest Hall controversy was directly addressed in detail during a virtual book talk held on October 14, 2020, sponsored by the Gore Center.<sup>xvii</sup> The discussion was later expanded upon in a February 24, 2021, Forrest Hall: An Open Letter penned by Sidelines, the student newspaper, which expressed that “[a]llowing Forrest’s name to remain on one of our university’s buildings is

nothing but a repudiation of all the progressive attitudes and changes that millions of Americans marched for last summer. It's also a repudiation of the values and integrity of our university.”<sup>xviii</sup>

A month later, this Commission issued its Final Order in the State Capitol case. In response, MTSU Student Government Association (“SGA”) Petition 1-21-F was presented. This petition stated that “[w]ith the recent removal of the bust of Nathan Bedford Forrest from the State Capitol of Tennessee, we the undersigned currently enrolled students petition the Student Government of Middle Tennessee State University to remove the name of Forrest from the Reserved Officer Training Corps Building on our campus.” In turn, SGA Resolution 13-21-S was issued, which requested President McPhee to “reapproach the Tennessee Historical Commission and request to change the name of Forrest Hall.” (Attachment 3). On May 21, 2021, President McPhee advised SGA President Chelsea Moore that he remained committed to bringing the issue back to before the Commission. (Attachment 4). President McPhee noted that he had met with the leaders of various student groups who expressed that current and prospective students do not feel welcome on campus due to the presence of Forrest Hall.

In July 2021, President McPhee stated that “[t]he name of a building should be a net positive, or at least neutral, to our campus. . . . However, the name of this building, and the emotions it evokes, distracts from the values, goals and priorities we share as a modern, inclusive and comprehensive university.”<sup>xix</sup> He also reaffirmed his belief that renaming Forrest Hall is the right thing to do and his commitment to explore all available options.<sup>xx</sup> (Attachment 5). President McPhee expressed these same sentiments in an opinion piece he authored for *The Tennessean*.<sup>xxi</sup> Next, on September 14, 2021, as debate on Forrest Hall continued, the MTSU Board of Trustees voted unanimously to support efforts to remove Forrest’s name from the Army ROTC building.<sup>xxii</sup>

Against this new factual backdrop, the commemoration of Forrest on MTSU’s campus remains unresolved.<sup>xxiii</sup> Having the Army ROTC building named after Forrest appreciably distracts from the University’s mission and is a divisive wedge on the campus. These facts support a finding that a material or substantial need based on historical or other compelling public interest exists to justify the University’s waiver petition. Tenn. Code Ann. § 4-1-412(c)(8)(A).

Furthermore, MTSU is not alone in having to address this issue in the higher education sphere. However, unlike MTSU, numerous colleges have renamed buildings to remove segregationists, white supremacists, eugenicists, and confederate soldiers/iconography. For example:

- The University of Alabama System in support of its fundamental values:
  - University of Alabama at Birmingham - George C. Wallace Building, named after Governor George Wallace who said, “segregation now, segregation tomorrow, segregation forever” and stood in the doorway of Foster Auditorium in attempt to



prevent two African-American students from registering, was renamed the Physical Education Building.<sup>xxiv</sup>

- The University of Alabama:
  - College of Education building renamed for Autherine Lucy Foster, the university's first Black student, and removed the name of Bibb Graves, a Grand Cyclops of the Ku Klux Klan and two-term governor;<sup>xxv</sup>
  - English department building renamed temporarily to English Hall and removed the name of U.S. Senator John Tyler Morgan, a former Confederate general and Ku Klux Klan Grand Dragon who called for the repeal of the 15<sup>th</sup> Amendment to the U.S. Constitution.<sup>xxvi</sup>
  - Honors College building renamed to Honors Hall and removed the name of Josiah Nott who was a eugenicist and supported slavery.<sup>xxvii</sup>
- Baylor University - The campus quad to be renamed to The Quadrangle and statue removed of Rufus Burleson, former university president who owned slaves and was a Confederate Army chaplain.<sup>xxviii</sup>
- Clemson University - In support of its core values, renamed the Honors College building to The Clemson University Honors College and removed the name of John C. Calhoun, a slave owner.<sup>xxix</sup>
- University of North Carolina at Chapel Hill.<sup>xxx</sup>
  - The student affairs building removed the name of Julian Carr who fought for the Confederacy and supported the Ku Klux Klan.
  - A residency hall removed the name of Charles Bentley Aycock, a former North Carolina governor who ran on a white supremacist platform. Note that Duke University and East Carolina University had earlier removed Aycock's name from buildings.
- University of Richmond – Six campus buildings linked to slavery and racism were renamed.<sup>xxxi</sup>

In line with the institutional values reflected in the actions of the above sampled universities, the Commission should allow MTSU to rename Forrest Hall. This is especially appropriate as Forrest Hall is an academic building focused on ROTC, which is a commissioning program to develop cadet leadership skills to become officers in the United States Army. Students who enter Forrest Hall are engaged in a course of study and training that leads to active commission as a Second Lieutenant in the Army.<sup>xxxii</sup> While cadets may be trained in Forrest Hall, as Second Lieutenants in the Army, they will no longer serve on military bases named after individuals affiliated with the Confederacy.

The 2021 National Defense Authorization Act created the Commission on the Naming of Items of the Department of Defense that Commemorate the Confederate States of America or Any Person Who Served Voluntarily with the Confederate States of America (“The Naming Commission”). The Naming Commission recommended changing the names of nine Army bases, which the Department of Defense concurred with and issued a directive effective January

2023 to rename the following Confederate affiliated bases with implementation by January 2024.<sup>xxxiii</sup>

- Fort Benning, Georgia, was renamed Fort Moore, in honor of Lt. Gen. Hal Moore and his wife Julia Moore.
- Fort Bragg, North Carolina, would be renamed Fort Liberty.
- Fort Gordon, Georgia, was renamed Fort Eisenhower.
- Fort A.P. Hill, Virginia, was renamed Fort Walker, in honor of Dr. Mary Edwards Walker, the first female Army surgeon.
- Fort Hood, Texas, was renamed Fort Cavazos, in honor of Gen. Richard E. Cavazos, who won the Distinguished Service Cross during the Korean War.
- Fort Lee, Virginia, was renamed Fort Gregg-Adams, in honor of Lt. Gen. Arthur J. Gregg and Lt. Col. Charity Adams
- Fort Pickett, Virginia, was renamed Fort Barfoot, in honor of Colonel Van T. Barfoot, who received the Medal of Honor for service during World War II.
- Fort Polk, Louisiana, would be renamed Fort Johnson, in honor of Sgt. William Henry Johnson, who served in the first African American unit of the United States Army to engage in combat in World War I.
- Fort Rucker, Alabama, was renamed Fort Novosel, in honor of Army aviator CW4 Michael J. Novosel, who received the Medal of Honor for service in Vietnam.<sup>xxxiv</sup>

Again, graduates of MTSU's ROTC program will no longer serve as leaders on military bases with Confederate iconography. Their training in Forrest Hall; however, is even inconsistent with the cadets who learn at the United States Military Academy at West Point. As part of the Department of Defense directive, West Point, which is charged with training cadets to be "commissioned leaders of character committed to the values" of the Army,<sup>xxxv</sup> was instructed to "remove, relocate, modify or rename busts, memorials, streets and buildings named after Confederate figures."<sup>xxxvi</sup> West Point has already removed bronze panels depicting General Robert E. Lee and members of the Ku Klux Klan. Similarly, the Commission should allow MTSU to remove Forrest's name from the ROTC building and allow the University to address the last presence of Confederate iconography and symbols on campus.

MTSU respectfully asks the Commission to grant this Petition for Waiver so that the University may remove Forrest's name from the ROTC building. Simply put, "celebrating the legacies of those who contributed to the subjugation of others is a form of complicity in past horrors."<sup>xxxvii</sup> The University cannot continue to stand in unison with the name Forrest Hall. His presence on a University building does not reflect the core values and expectations of the University. As an academic institution, the University can properly account for Forrest's legacy in the classroom and through the Gore Center. Campus buildings are a "window to what we value" and he is not an individual who meets University standards for such an honor.<sup>xxxviii</sup>

MTSU submits that based on the changed circumstances in the law or facts outlined above there is clear and convincing evidence to support a determination that there is a material or substantial need to allow this Petition for Waiver based on historical or other compelling public interest.

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<sup>i</sup> State Capitol Comm’n, No. 04.48-204639A (Tenn. Hist. Comm’n Mar. 10, 2021) Final Order, [https://www.tn.gov/content/dam/tn/historicalcommission/outreach/tn-heritage-protection-act/state-capitol/04.48-204639A\\_Capitol\\_Commission\\_Waiver\\_Final\\_Order\\_Historical\\_Commission.pdf](https://www.tn.gov/content/dam/tn/historicalcommission/outreach/tn-heritage-protection-act/state-capitol/04.48-204639A_Capitol_Commission_Waiver_Final_Order_Historical_Commission.pdf) (last visited June 26, 2023).

<sup>ii</sup> Mid. Tenn. St. Univ. and Tenn. Bd. of Regents, No.:04.47-150473A, THC 16-0001 (Tenn. Hist. Comm’n Mar. 19, 2018) Final Order, [https://www.tn.gov/content/dam/tn/historicalcommission/outreach/tn-heritage-protection-act/mtsu/thc\\_thpa\\_mtsu-final-order.pdf](https://www.tn.gov/content/dam/tn/historicalcommission/outreach/tn-heritage-protection-act/mtsu/thc_thpa_mtsu-final-order.pdf) (last visited June 26, 2023).

<sup>iii</sup> State Capitol Comm’n, Findings of Fact No. 7.

<sup>iv</sup> Mid. Tenn. State Univ. Final Order. Given its previous petition for waiver, MTSU finds it prudent to address the doctrine of res judicata. Any assertion that res judicata applies is not persuasive. Even where the doctrine of res judicata is presented by a party, “Tennessee law favors the adjudication of disputes on their merits.” Regions Bank v. Prager, 625 S.W.3d 842, 852 (Tenn. 2021) (citations omitted). When addressing exceptions to the preclusive effect of res judicata due to previous litigation, Tennessee courts have noted that this principle does not bar facts that have changed or new facts that have occurred, which is the case here. Regions Fin. Corp. v. Marsh USA, Inc., 310 S.W.3d 382, 393 (Tenn. Ct. App. 2009) (citing Lien v. Couch, 993 S.W.2d 53, 56 (Tenn. Ct. App. 1998) (citing White v. White, 876 S.W.2d 837, 839–40 (Tenn. 1994))); see also 46 Am. Jur. 2d Judgments § 489 (2022) (the doctrine of res judicata extends only to facts and conditions as they existed at the time the judgment was rendered).

Moreover, in noting an exception to res judicata, Tennessee courts have referred to the Restatement Second. See Regions Fin. Corp. v. Marsh USA, Inc., 310 S.W.3d 382, 392–93 (Tenn. Ct. App. 2009). The Restatement provides that:

Although an issue is actually litigated and determined by a valid and final judgment, and the determination is essential to the judgment, relitigation of the issue in a subsequent action between the parties is not precluded in the following circumstances:

(2) The issue is one of law . . . and (b) a new determination is warranted in order to take account of an intervening change in the applicable legal context or otherwise to avoid inequitable administration of the laws; or

(5) There is a clear and convincing need for a new determination of the issue (a) because of the potential adverse impact of the determination on the public interest or the interests of persons not themselves parties in the initial action.

Restatement (Second) of Judgments § 28(2)(b), 5(a). See also 46 Am. Jur. 2d Judgments § 490 (“[R]eexamination is appropriate if the change in the law, or other circumstances, are such that preclusion would result in a manifestly inequitable administration of the laws.”)

In addition, the Tennessee Supreme Court has observed that

In addition, the courts have declined to apply the res judicata doctrine when a dispute involved matters of **special sensitivity**. Matters of special sensitivity most often arise in cases of developing constitutional principles and **issues of broad public importance**. See Parnell v. Rapides Parish Sch. Bd., 563 F.2d 180, 185 (5th Cir.1977) (declining to apply res judicata to a reapportionment suit lest the right to vote be applied differently in different locations); Christian v. Jemison, 303 F.2d 52, 54–55 (5th Cir.1962) (declining to apply res judicata to suit involving segregation issue in light of the intervening change effected by Brown v. Board of Educ., 347 U.S. 483, 74 S.Ct. 686, 98 L.Ed. 873 (1954)). Also included are **cases of continuing conduct**, which itself strains the typical application of res judicata, **involving substantial public policy concerns**,

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such as a suit to prevent continued environmental pollution. See 18 *Moore's Federal Practice* § 131.22[3]; 18 *Federal Practice and Procedure* § 4415, at 372.

*Jackson v. Smith*, 387 S.W.3d 486, 494 (Tenn. 2012) (emphasis added). As outlined in the body of this Petition, the continued use of the name Forrest Hall persists to create an inappropriate educational environment. In totality, this legal backdrop indicates that the need for a redetermination of whether MTSU is worthy of a waiver to rename Forrest Hall is compelling. Restatement (Second) of Judgments § 28 cmt. g.

<sup>v</sup> *Mid. Tenn. St. Univ.*, Findings of Fact and Conclusions of Law No. 28; *Id.* at No. 18; see *Mid. Tenn. St. Univ.*, Jan. 31, 2018 Notice of Hearing and Petition for Waiver at pp. 24, 65, [https://www.tn.gov/content/dam/tn/historicalcommission/outreach/tn-heritage-protection-act/mtsu/thc\\_thpa\\_mtsu-petition-for-waiver.pdf](https://www.tn.gov/content/dam/tn/historicalcommission/outreach/tn-heritage-protection-act/mtsu/thc_thpa_mtsu-petition-for-waiver.pdf) (last visited June 26, 2023).

<sup>vi</sup> *State Capitol Comm'n*, Conclusions of Law No. 13.

<sup>vii</sup> *Id.* at Policy Reasons No. 2.

<sup>viii</sup> MTSU Albert Gore Research Center, Mission Statement, <https://www.mtsu.edu/gorecenter/mission.php> (last visited June 26, 2023).

<sup>ix</sup> *State Capitol Comm'n*, Policy Reasons No. 2.

<sup>x</sup> *Id.* at No. 3.

<sup>xi</sup> See *Mid. Tenn. State Univ.*, Findings of Fact and Conclusions of Law No. 9.

<sup>xii</sup> Alexis Steven, *What we know about criminal charges in the Ahmaud Arbery shooting*, Atl. J. Const., Feb. 22, 2022, <https://www.ajc.com/news/crime--law/what-know-far-about-the-ahmaud-arbery-shooting/LXyZ46dMFBansWIm3CfzxM/>

<sup>xiii</sup> Richard A. Oppel Jr., Derrick Bryson Taylor, and Nicholas Bogel-Burroughs, *What to Know About Breonna Taylor's Death*, N.Y. Times, Mar. 9, 2023, <https://www.nytimes.com/article/breonna-taylor-police.html> (last visited June 26, 2023).

<sup>xiv</sup> Neil Vigdor and Daniel Victor, *Over 160 Confederate Symbols Were Removed in 2020, Group Says*, N.Y. Times, Feb. 23, 2021, <https://www.nytimes.com/2021/02/23/us/confederate-monuments-george-floyd-protests.html> (last visited June 26, 2023); see *Newshour – Looking back at a year-long racial reckoning since George Floyd's killing* (PBS television broadcast May 25, 2021) <https://www.pbs.org/newshour/show/looking-back-at-a-year-long-racial-reckoning-since-george-floyds-killing> (last visited June 26, 2023).

<sup>xv</sup> Nancy DeGennaro, *MTSU response to protesters yields 'positive results,' campus police chief says*, Daily News Journal, June 12, 2020, <https://www.dnj.com/story/news/2020/06/12/mtsu-police-response-positive-protesters-george-floyd-vigil-murfreesboro-tn/5344882002/> (last visited June 26, 2023).

<sup>xvi</sup> Gina E. Fann, *Racial justice protests are bringing hope, change amid conflict, MTSU panelists agree*, MTSU News Sept. 17, 2020, <https://mtsunews.com/protests-panel-follo-fall20/> (last visited June 26, 2023).

<sup>xvii</sup> Gina Logue, *Forrest Hall, Confederate images come under scrutiny in special videoconference*, MTSU News Oct. 8, 2020, <https://mtsunews.com/forrest-hall-oct-14-videoconference-2020/> (last visited June 26, 2023)

<sup>xviii</sup> Toriana Williams and Ashley Barrientos, *Forrest Hall: An Open Letter*, Sidelines, <https://mtsusidelines.com/2021/02/24/forrest-hall-an-open-letter/> (last visited June 26, 2023).

<sup>xix</sup> Paige Pflieger, *MTSU Revives Bid To Rename Forrest Hall, After Being Rejected By Tennessee's Historical Commission*, WPLN Sept. 15, 2021, <https://wpln.org/post/mtsu-revives-bid-to-rename-forrest-hall-after-being-rejected-by-tennessees-historical-commission/> (last visited June 26, 2023).

<sup>xx</sup> Paige Pflieger, *Now That The Forrest Bust Has Been Removed, What Confederate Symbols Might Be Next?*, WPLN Aug. 4, 2021, <https://wpln.org/post/now-that-the-forrest-bust-has-been-removed-what-confederate-symbols-might-be-next/> (last visited June 26, 2023).

<sup>xxi</sup> Sidney A. McPhee, Guest Columnist, *MTSU tried to remove Forrest's name from a building and that still should happen*, The Tennessean Aug. 20, 2021, <https://www.tennessean.com/story/opinion/2021/08/20/mtsu-sees-path-forward-removing-nathan-bedford-forrest-name-building/8210813002/> (last visited June 23, 2023).

<sup>xxii</sup> Minutes of the MTSU Board of Trustees, Sept. 14, 2021 at p. 13, [https://www.mtsu.edu/boardoftrustees/meetings/minutes/Board\\_2021\\_September\\_14\\_Minutes\\_0.pdf](https://www.mtsu.edu/boardoftrustees/meetings/minutes/Board_2021_September_14_Minutes_0.pdf) (last visited June 26, 2023); see Webcast of the MTSU Board of Trustees, Sept. 14, 2021 at 57:52 - 1:12:05.

<sup>xxiii</sup> Douglas L. Allen and Jordan P. Brasher, *#ChangetheDamnName: MTSU Student Activism Against Forrest Hall, White Supremacy, and a Reparative Approach to Heritage Preservation*, The Activist History Review, November

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2019, <https://activisthistory.com/2019/11/22/changethedamname-mtsu-student-activism-against-forrest-hall-white-supremacy-and-a-reparative-approach-to-heritage-preservation/> (last visited June 23, 2023).

<sup>xxxiv</sup> Resolution of the University of Alabama System Board of Trustees, *Amending the Name of the George C. Wallace Building at the University of Alabama at Birmingham*, Feb. 5, 2021, [https://uasystem.edu/images/documents/resolutions/Resolution\\_Amending\\_Naming\\_of\\_Wallace\\_Physical Education Building.pdf](https://uasystem.edu/images/documents/resolutions/Resolution_Amending_Naming_of_Wallace_Physical_Education_Building.pdf)

<sup>xxxv</sup> Brian Lyman, *University of Alabama will take Klansman's name off building now named for civil rights hero*, *Montgomery Advertiser*, Feb. 11, 2022, <https://www.montgomeryadvertiser.com/story/news/2022/02/11/university-alabama-take-klansmans-name-off-building-named-civil-rights-hero/6742689001/> (last visited June 27, 2023).

<sup>xxxvi</sup> Melissa Brown, *University of Alabama trustees vote to rename hall honoring 'ardent white supremacist'*, *Montgomery Advertiser*, Sept. 17, 2020, <https://www.montgomeryadvertiser.com/story/news/2020/09/17/university-alabama-morgan-hall-renamed-english-hall-confederacy-ties/3478819001/> (last visited June 26, 2023).

<sup>xxxvii</sup> Keely Brewer, *Nott Hall renamed, but committee's work is 'far from finished'*, *The Crimson White*, Aug. 5, 2020, <https://thecrimsonwhite.com/65352/news/nott-hall-renamed-but-committees-work-is-far-from-finished/> (last visited June 26, 2023).

<sup>xxxviii</sup> Kate McGee, *Baylor will rename campus area and relocate statue of slave-owning former university president*, *The Texas Tribune*, May 20, 2022, <https://www.texastribune.org/2022/05/20/baylor-university-statues-changes/>

<sup>xxxix</sup> Zoe Nicholson, *Clemson removes John C. Calhoun's name from Honors College, asks to rename Tillman Hall*, *Greenville News*, June 12, 2020, <https://www.greenvilleonline.com/story/news/2020/06/12/clemson-university-removes-john-c-calhouns-name-honors-college/5341257002/> (last visited June 27, 2023).

<sup>xxx</sup> Sarah Krueger, *UNC-CH removes names Aycock, Carr and Daniels from campus buildings*, *WRAL* July 29, 2020, <https://www.wral.com/unc-ch-removes-names-aycock-carr-and-daniels-from-campus-buildings/19210169/> (last visited June 23, 2020).

<sup>xxxi</sup> *University of Richmond to rename 6 buildings named after slave owners, eugenicists*, *WTVR* March 28, 2022, <https://www.wtvr.com/news/local-news/university-of-richmond-to-rename-6-buildings-named-after-slave-owners-eugenicists> (last visited June 23, 2023).

<sup>xxxii</sup> MTSU Department of Military Science, <https://www.mtsu.edu/arotc1/index.php> (last visited June 23, 2023).

<sup>xxxiii</sup> *DoD Begins Implementation of Naming Commission Recommendations*, U.S. Dep't of Defense Jan. 5, 2023, <https://www.defense.gov/News/Releases/Release/Article/3259966/dod-begins-implementation-of-naming-commission-recommendations/> (last visited June 26, 2023).

<sup>xxxiv</sup> W.J. Hennigan, *At Last, The U.S. Military Won't Have Bases Named After Confederates*, *Time*, May 24, 2022, <https://time.com/6180832/military-bases-remove-confederate-names-history/> (last visited June 26, 2023).

<sup>xxxv</sup> U.S. Military Academy at West Point, <https://www.westpoint.edu/> (last visited June 27, 2023).

<sup>xxxvi</sup> Amanda Holpuch, *West Point to Remove Confederate Monuments From Its Campus*, *N.Y. Times*, Dec. 24, 2022, <https://www.nytimes.com/2022/12/24/us/west-point-confederate-symbols.html> (last visited June 26, 2023).

<sup>xxxvii</sup> Emory University Committee on Naming Honors, *Report to the President* May 8, 2021, [https://president.emory.edu/includes/documents/sections/initiatives/initiatives-emory-naming\\_honors\\_report.pdf](https://president.emory.edu/includes/documents/sections/initiatives/initiatives-emory-naming_honors_report.pdf) (last visited June 28, 2023).

<sup>xxxviii</sup> Webcast of *State Capitol*, *Statement of Governor Bill Lee*, March 9, 2021 at 9:20 – 14:20, [https://www.tn.gov/content/dam/tn/environment/boards/documents/tennessee-historical-commission/2021-meetings/thc\\_video\\_meeting-pt-2\\_march-9-2021.mp4](https://www.tn.gov/content/dam/tn/environment/boards/documents/tennessee-historical-commission/2021-meetings/thc_video_meeting-pt-2_march-9-2021.mp4) (last visited Nov. 11, 2022).

MTSU  
Petition for Waiver  
Attachment 1

The President's Post  
June 1: Message from President Sidney McPhee  
On Protests Over the Weekend  
June 1, 2020

# JUNE 1: Message from President McPhee on Protests Over the Weekend

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| June 1, 2020

To the University community,

As you may already have heard from various media reports, the City of Murfreesboro, like many cities across the nation, experienced a protest Sunday in response to the death of George Floyd. At the end of the peaceful demonstration on the Square downtown, a smaller group came to our campus to protest in front of our ROTC building which, despite our efforts, still carries the name of Nathan Bedford Forrest. The student protest was peaceful and occurred without incident as they exercised their First Amendment rights.

As a person of color, and as a leader of a public institution, I think I have a unique perspective not only on the events set in motion by the killing of Mr. Floyd, but also the fear, hurt and frustration that this tragedy has invoked particularly within the African American community. I find myself struggling to put these events into proper perspective for my children and grandchildren. I also find myself tired as I am faced with trying to make sense as some who are sworn to protect us, regardless of race or ethnicity, once again stand accused of brutality, poor judgment and, now, murder of a citizen.

The loss of Mr. Floyd is a painful reminder that we have so much further to go in becoming more accepting and inclusive of all members of our community. It has triggered response and rage from so many who feel rightfully that our society must show care and concern for all of us, not just some of us.

I believe we should express our beliefs and our feelings, and that we must call for meaningful change – *but not in a violent manner*. The **MTSU True Blue Pledge** reflects our values that include:

- honesty and integrity;
- engagement in our community;
- respect for diversity;
- and commitment to reason, not violence.

Let me be clear: We deeply appreciate the responsible and dedicated law enforcement officers and first responders who work tirelessly in service to our communities. That is why I am so very proud of how our MTSU Police Department facilitated the peaceful demonstration on our campus in front of Forrest Hall late Sunday afternoon. Indeed, I was touched to see this [video from The Daily News Journal of our police showing kindness and support](#).

I take solace and comfort, that MTSU first expressed our True Blue Values almost 10 years ago. As we try to make sense of this societal moment during an ongoing global pandemic virus already challenging us in unprecedented ways, I urge our community to renew and reflect upon our values and further apply them in actions and deeds — so that justice, equality and humanity are available to all.

Sincerely,

Sidney A. McPhee

President

[Sidney.McPhee@mtsu.edu](mailto:Sidney.McPhee@mtsu.edu)

MTSU  
Petition for Waiver  
Attachment 2

Email from Dr. Debra Sells, Vice President for  
Student Affairs and Vice Provost for Enrollment  
to MTSU students regarding the killing of  
George Floyd  
June 3, 2020



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**From:** Debra Sells

**Sent:** Wednesday, June 3, 2020 12:13 PM

**To:** Tom Wallace <Tom.Wallace@mtsu.edu>

**Subject:** Please send out to each mtsu student email address. Thanks!

To each of our MTSU students:

We have already been rocked by so much this spring. The abrupt end to our on-campus classes. Goodbyes left unsaid. Seniors graduated without the usual pomp and circumstance. Student falling ill and others losing jobs. Uncertainty about what the summer and fall will look like. More than 100,000 dead in America from the coronavirus.

And now, the shocking injustice of the senseless killing of another unarmed black man in Minnesota: Mr. George Floyd. And across America, including here in Murfreesboro, our streets are filled with crowds demanding to know why this nation seems so unwilling or so unable to get to the root of the racism that is underneath these deaths.

I know you have read President McPhee's message to our community, which he sent on Monday. In his letter he expresses his personal struggle as he tries to help his children and grandchildren understand this national tragedy. President McPhee also commits to supporting our campus community as we make our way forward in the coming weeks and months, finding new ways, non-violent ways, to put our True Blue values into action to make this community and this nation more safe, just and fair for people of color.

As the Vice President for Student Affairs, I am heartened by President McPhee's commitment to our students and the broader community. But on a personal level, like many of you, I am heartbroken. I worry for our country, and the future of our children, but closer to home, I hurt for our students—for each of you. I know that so many of you are suffering. So many are afraid. Some are reaching out to try to understand, but are falling short. And others still have so much to learn about compassion, and justice, and humility. I want you to know that I see your pain, and I stand with you in sadness and support.

I don't have answers for the racism that still confronts us and that requires our constant attention and vigilance. I wish I did. I know that pretending that racism doesn't exist is not the answer. We cannot be content to be bystanders. We must fight for justice and stand for equality. But I also know violence is not the answer, either. As someone once said, "We become what we do." And I don't want violence and hatred to take hold of your hearts.

What can we do? What can I do? Those are the questions that keep me awake at night. We must do more than talk. We must act. I am proud that students of color make up more than a third of our total student body here at MTSU. We will continue to recruit, enroll, support and graduate a diverse student body that will help influence future change for the state of Tennessee. I am proud that our MTSU police force has a tradition of working **with** our students, not against our students, and that our officers are fully engaged in the life of this community. As we return this fall, our staff in the Center for Student Involvement and Leadership will continue to host “Critical Conversations” that bring diverse students together to talk about some of the toughest issues of our time—and there will be no lack of topics, given where we find ourselves today. And many of our faculty will take on these tough issues in our curriculum and in engagement events that take us into our community to put our learning into action.

We won’t get it perfect. We will disappoint some of you for not doing or saying enough, while others will be critical that we say and do too much. We’ll probably fail, but each time we fail, I hope we “fail better,” reflect on what we’ve learned, and identify the opportunity to do better.

I hope that each of you know that you are a valued and valuable member of this community. We may not always effectively communicate how much we care about you, but every day, every one of our decisions comes from a place of wanting to keep our students at the heart of what we do.

This is a hard time. We must be patient with each other. We must take care of each other. We must offer grace. We must work together to create the world we want to live in.

Stay well. Stay safe.  
True Blue  
Deb

*Debra Sells, Ed.D.*  
Vice President for Student Affairs and  
Vice Provost for Enrollment Services  
Middle Tennessee State University  
(615) 898-2440

I AM *true* **BLUE**  
MIDDLE TENNESSEE STATE UNIVERSITY

MTSU  
Petition for Waiver  
Attachment 3

SGA Resolution 13-21-S  
A Resolution to Remove  
the Name of Forrest Hall

## SGA Resolution 13-21-S

### A Resolution to Remove the Name of Forrest Hall

- Whereas:** The Tennessee Historical Commission (THC) has approval authority of name changes concerning public buildings across Tennessee. <sup>1</sup>
- Whereas:** In 2016, the THC denied the University's request to change the name of the Forrest Hall building on the campus of Middle Tennessee State University.<sup>2</sup>
- Whereas:** On March 10, 2021, the Tennessee Historical Commission voted (25-1) to remove a bust of Nathan Bedford Forrest from the State Capitol.
- Whereas:** Governor Bill Lee stated, "Forrest represents pain, suffering and brutal crimes committed against African Americans".
- Whereas:** In 1989, President Sam Ingram removed the seal of Forrest Hall from the Keathley University Center after hearing complaints from students without hesitation. The following year on January 18<sup>th</sup>, Sidelines recorded the "Students' Honor King's Dream"<sup>3</sup>.
- Whereas:** Until 2013, President Sidney McPhee, in conjunction with the Tennessee Board of Regents, had the opportunity to remove the name without any interference from THC.<sup>4</sup>
- Whereas:** President McPhee has been approached about this topic both in 2006 and 2015. He was urged to change the name of the building from campus group, Students Against Forrest Hall, and student who participated in the "I Am True Black" movement.<sup>5</sup>

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<sup>1</sup> [TN.gov](http://TN.gov) - Tennessee Heritage Protection Act.

<sup>2</sup> "MT to guide civil debate over Forrest controversy next semester" (December 6, 2006)

<https://jewlscholar.mtsu.edu/bitstream/handle/mtsu/2108/3076.pdf?sequence=1&isAllowed=y>

<sup>3</sup> Students honor King's dream (January 18, 1990)

<https://jewlscholar.mtsu.edu/bitstream/handle/mtsu/892/19550.pdf?sequence=1&isAllowed=y>

<sup>4</sup> "Movement rises to axe 'Forrest' from Hall" (November 20, 2006)

<https://jewlscholar.mtsu.edu/bitstream/handle/mtsu/2089/3054.pdf?sequence=1&isAllowed=y>

<sup>5</sup>

"Unlikely advocate speaks out for Forrest" & "Students rally for Forrest Hall" (November 29, 2006)

<https://jewlscholar.mtsu.edu/bitstream/handle/mtsu/2147/3126.pdf?sequence=1&isAllowed=y>

<sup>Y</sup>

**Whereas:** President McPhee has been urged to change the name of Forrest Hall by groups like the “Students Against Forrest Hall” (2006) and the “Talented Tenth” organization (2015)<sup>67</sup>.

**THEREFORE, LET IT BE RESOLVED BY THE 83<sup>rd</sup> CONGRESS OF THE STUDENT GOVERNMENT ASSOCIATION OF MIDDLE TENNESSEE STATE UNIVERSITY THAT:**

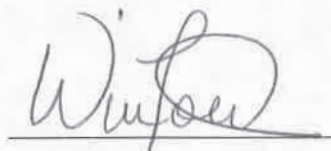
**Section 1:** President McPhee shall reapproach the Tennessee Historical Commission and request to change the name of Forrest Hall.

**Section 2:** President McPhee shall reacknowledge the fight of student activist organizations on campus through a university wide statement no later than the beginning of Fall 2021.


**Section 3:** President McPhee shall investigate the history of other buildings on campus.

**Section 4:** Upon favorable passage of this resolution, the prior sections shall be accomplished within one year unless otherwise stated.

**Sponsor:** Senator Jada Powell, (*College of Basic and Applied Sciences*)



**Speaker of the Senate**



**SGA President**



**VP of Student Affairs**

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<sup>6</sup> “MTSU names fifteen-member task force to determine the fate of ‘Forrest Hall’” (November 10, 2015)

<https://digital.mtsu.edu/digital/collection/p15838coll11/id/411>

<sup>7</sup> “Forrest Hall: President McPhee responds to Talented Tenth’s demand” (April 1, 2016)

<https://digital.mtsu.edu/digital/collection/p15838coll11/id/360>

MTSU  
Petition for Waiver  
Attachment 4

Letter from President Sidney McPhee to  
Chelseah Moore, SGA President, regarding

SGA Resolution 13-21-S

May 21, 2021

Office of the President  
Middle Tennessee State University  
110 Cope Administration Building  
Murfreesboro, TN 37132  
o: 615-898-2622 • f: 615-898-2507



May 21, 2021

Chelseah Moore  
MTSU Student Body President  
Student Union Building, Room 306  
Sent via email to [sgapres@mtsu.edu](mailto:sgapres@mtsu.edu) and [cam2by@mtmail.mtsu.edu](mailto:cam2by@mtmail.mtsu.edu)

Dear Ms. Moore:

Dr. Sells forwarded me a copy of the SGA's Resolution 13-21-S. Thank you for the SGA's continued interest in the University's pursuit of removing the legacy of Nathan Bedford Forrest from this campus. As you know, the University as a whole, the Board of Trustees, and I personally, have been proponents of removing Forest's name from the ROTC building on campus for some time. But, as you also know, doing so requires a substantial showing before the Tennessee Historical Commission in order gain their approval to make the change. Our most recent attempt to gain approval was denied, with a substantial majority of the Commission voting against our request.

We are encouraged by the Commission's recent approval of the removal of Forrest's bust from the Tennessee State Capital. The Board of Trustees and I remain committed to bringing this matter back before the Commission in a manner and at a time that maximizes our likelihood of success. We will continue to make this issue a priority.

In addition, I have appointed Dr. Louis Woods to chair a working group on Social Justice and Inclusion. The SGA's Resolution has been forwarded to Dr. Woods for his review.

I appreciate the actions and support of the SGA and other student groups on this critically important issue. I have met with leaders of various groups on several occasions to discuss matters related to the renaming of Forrest Hall and other social justice initiatives. I have and will continue to support their interests on these matters and will take your request for a university-wide statement under advisement.

I will also consult with my staff regarding the request that the University investigate the names of other buildings on campus.

Thank you for expressing your interest and concerns regarding these important matters that affect all of us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sidney A. McPhee".

Sidney A. McPhee  
President

C: Dr. Deb Sells

MTSU  
Petition for Waiver  
Attachment 5

Letter from President Sidney McPhee to  
Winton Cooper, SGA President, regarding  
Campus Environment

August 4, 2021



## Office of the President

Middle Tennessee State University  
110 Cope Administration Building  
Murfreesboro, TN 37132  
o: 615-898-2622 • f: 615-898-2507



August 4, 2021

Mr. Winton Cooper  
President  
MTSU Student Government Association  
P.O. Box 1  
Murfreesboro, TN 37132

Dear Winton:

As a follow-up to our meeting in May and in response to your letter of concern regarding events on campus that have created a sense of anxiety and unease among our students, particularly our students of color, I want to assure you that your voice is heard. You have my assurance that I, along with my Executive Team, share many of your concerns on our campus environment and are working to develop solutions that meet the needs of everyone in our campus family.

The matters we face are complex and, unfortunately, not confined to our campus community. Issues related to equality, inclusiveness and social justice represent challenges our nation continues to struggle with and require continue diligence and commitment. While we can address some of your concerns rather quickly, others will no doubt require time and patience to remedy. Nevertheless, we are committed to maintaining a welcoming, supportive environment for all our students.

One of the things that I have found, over the past twenty-one years, that makes MTSU such a unique institution is the commitment and dedication of our key leaders in responding to issues facing our campus. The consistently demonstrate a commitment to our students and the institution, assuring that the needs and perspectives of all involved are considered. In considering the issues outlined in your letter and to assist in responding to your concerns, I have asked our Executive Leadership Team to provide information on many of the issues outlined and make recommendations on potential solutions. I have considered this counsel and developed an action plan to begin to address the issues you have raised. This is not to say that our work is done, but to demonstrate that efforts are underway and more are planned.

While not specifically addressed in your letter, I feel it is important to mention one issue that has occupied a considerable portion of our time and efforts over the past few years, namely the status of the naming of Forrest Hall. With the recent decision by the State Historical Commission and the Tennessee State Building Commission to relocate the bust of Nathan Bedford Forrest from the State Capitol to the Tennessee State Museum, I am confident the building's naming will again be a topic of interest on our campus. Without detailing the extensive efforts we have undertaken over the past

August 4, 2021

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several years, our legal team continues to monitor state legislation and explore all options that might be available to us and I remain committed to our request to remove the name from the building.

In your role as SGA President, you represent the needs and concerns of our students and I welcome your input. In the coming months, it will be important that our students are aware of our commitment to their well-being and I will look to you and your colleagues on our Student Government Association to help bridge the communication gap between our administration and our student body. Your leadership will be crucial as we work through the issues you have brought forward.

Please accept my thanks for your efforts and I look forward to working with you in building a stronger university community.

Sincerely,

A handwritten signature in blue ink, reading "Sidney A. McPhee". The signature is written in a cursive style with a large initial 'S'.

Sidney A. McPhee  
President

C: Vice President Deb Sells

MTSU  
Petition for Waiver

Excel Spreadsheet of Interested Parties

# Petition for Waiver - Forrest Hall

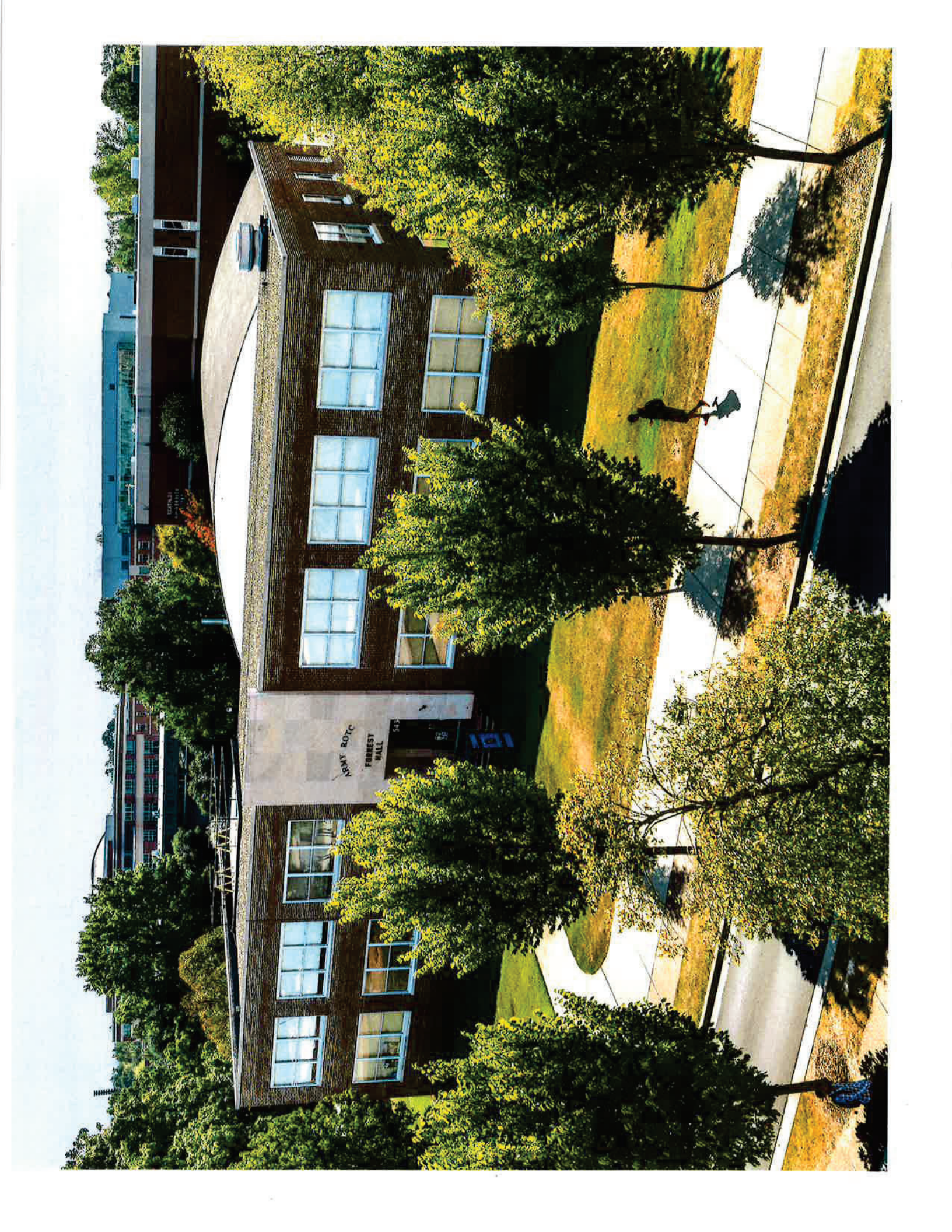
Interested Party	Contact Name	Telephone	Email	Physical Address
African American Historical Society of Rutherford County	Mary Watkins, President	615-890-0837 or 615-556-1961	<a href="mailto:info@aahsrc.com">info@aahsrc.com</a>	P.O. Box 11838, Murfreesboro, TN 37130
Bradley Academy Museum and Cultural Center	Vonchelle Stenbridge, Facility Coordinator	615-962-8773	<a href="mailto:vstembridge@murfreesborotn.gov">vstembridge@murfreesborotn.gov</a>	415 S. Academy Street, Murfreesboro, TN 37130
Change Forrest Hall	Joshua Crutchfield, Group Leader			Joshua C. Crutchfield, 7241 Sorrenta Road, Knoxville, TN 37918-8413
			<a href="mailto:jcrutch4@gmail.com">jcrutch4@gmail.com</a>	Joshua Lee Crutchfield, 1420 Journey Drive, Murfreesboro, TN 37130-3278
Change Forrest Hall	Dakota Dexter, Group Leader		<a href="mailto:dakotadexter1992@yahoo.com">dakotadexter1992@yahoo.com</a>	395 Ashburn Road, Smithville, TN 37166-7343
Forrest Family Descendent and Spokesperson	Lee Millar	901-683-0945	<a href="mailto:millarlee@netscape.net">millarlee@netscape.net</a>	6206 Malloch Drive, Memphis, TN 38119-6327
MT Solidarity	Michael Principe, Faculty Advisor		<a href="mailto:michael.principe@mtsu.edu">michael.principe@mtsu.edu</a>	1301 E. Main Street, Box 73, Murfreesboro, TN 37132
MTSU Black Faculty and Staff Organization	Dr. Michelle Woods	615-898-2557	<a href="mailto:michelle.stevens@mtsu.edu">michelle.stevens@mtsu.edu</a>	1301 E. Main Street, Box 23, Murfreesboro, TN 37132

MTSU Military Science Alumni Chapter	LTC(R) Kevin Douglas Chaffin, U.S. Army (Retired), MSAC Vice-President	615-896-0027	<a href="mailto:chaffind@comcast.net">chaffind@comcast.net</a>	3613 Meadowwood Drive, Murfreesboro, TN 37128-4639
MTSU Military Science Alumni Chapter	Nancy E. Garner, Military Science Executive Assistant	615-898-2470	<a href="mailto:nancy.garner@mtsu.edu">nancy.garner@mtsu.edu</a>	1301 E. Main Street, Box 52, Murfreesboro, TN 37132-0001
MTSU Military Science Alumni Chapter	Col. Ricky E. Smith, U.S. Army (Retired), MSAC President		<a href="mailto:resmith2239@gmail.com">resmith2239@gmail.com</a>	
MTSU Military Science Alumni Chapter	BG Robert David Ogg, Jr., U.S. Army (Retired)	615-987-2740	<a href="mailto:bgdavidogg@gmail.com">bgdavidogg@gmail.com</a>	3326 Valleywood Cove, Murfreesboro, TN 37129-0871
NAACP - MTSU	Paige Jackson, President		<a href="mailto:Pnj2d@mtmail.mtsu.edu">Pnj2d@mtmail.mtsu.edu</a>	
NAACP - MTSU	Olivia Holt-Hall, Vice-President		<a href="mailto:och2i@mtmail.mtsu.edu">och2i@mtmail.mtsu.edu</a>	
NAACP - MTSU	Shane Hinton, Treasurer		<a href="mailto:sch5m@mtmail.mtsu.edu">sch5m@mtmail.mtsu.edu</a>	
NAACP - MTSU	Demetria Woods, Secretary		<a href="mailto:dew5e@mtmail.mtsu.edu">dew5e@mtmail.mtsu.edu</a>	
NAACP - Rutherford County	Pastor David Settles, President	615-907-7248, 615-900-4063	<a href="mailto:tlwwc06@aol.com">tlwwc06@aol.com</a>	The Living Word Worship Center, 1111 Memorial Blvd., Suite B, Murfreesboro, TN 37129; P.O. Box 11905, Murfreesboro, TN 37129
Rutherford County Historical Society	Walter White, President		<a href="mailto:rutherfordtnhistory@gmail.com">rutherfordtnhistory@gmail.com</a>	Rutherford County Historical Society, P.O. Box 906, Murfreesboro, TN 37133-0906
Sons of Confederate Veterans, TN Division				Tennessee Division, Sons of Confederate Veterans, P.O. Box 782, Lebanon, TN 37088

Sons of Confederate Veterans, TN Division	Joey Nolan, Commander		<a href="mailto:tndivcmdrjdn@gmail.com">tndivcmdrjdn@gmail.com</a>	Tennessee Division, Sons of Confederate Veterans, P.O. Box 782, Lebanon, TN 37088
Sons of Confederate Veterans, TN Division	Dr. Michael Bradley	931-455-0702	<a href="mailto:michaelbradley@lighttube.net">michaelbradley@lighttube.net</a>	Tennessee Division, Sons of Confederate Veterans, P.O. Box 782, Lebanon, TN 37088
Sons of Confederate Veterans, TN Division	Dr. Steve Murphree	615-895-6379	<a href="mailto:steve.murphree@belmont.edu">steve.murphree@belmont.edu</a>	Tennessee Division, Sons of Confederate Veterans, P.O. Box 782, Lebanon, TN 37088
MTSU Student Government Association	Michai J. Mosby, President		<a href="mailto:sga@mtsu.edu">sga@mtsu.edu</a>	306 Student Union Building, Murfreesboro, TN 37132
Talented Tenth			<a href="mailto:mtsu_talentedtenth@gmail.com">mtsu_talentedtenth@gmail.com</a>	
United Daughters of the Confederacy			<a href="mailto:udc@hqudc.org">udc@hqudc.org</a>	UDC Memorial Building, 328 North Boulevard, Richmond, VA 23220-1636

MTSU  
Petition for Waiver

Photographs of Forrest Hall







ARMY ROTC

FORREST HALL

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FORREST HALL

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