



TENNESSEE BOARD OF REGENTS

COMPLIANCE REVIEW AND IMPLEMENTATION PLAN
FOR
TITLE IX OF THE EDUCATION AMENDMENTS ACT OF 1972
2014-2015

John G. Morgan, Chancellor

October 1, 2015

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PART 1

OVERVIEW OF THE TENNESSEE BOARD OF REGENTS **TITLE IX ENFORCEMENT PROGRAM**

I. Overview of the Agency

The Tennessee Board of Regents (“TBR”) was created in 1972 by the General Assembly as the governing body of the State University and Community College System of Tennessee. At that time, the member institutions of the System were the state universities and community colleges formerly governed by the State Board of Education. In 1983, the General Assembly transferred the technical institutes and area vocational technical schools to the System. The TBR System is comprised of six universities, thirteen two-year institutions, and twenty-seven colleges of applied technology that collectively enroll approximately 200,000 students in Tennessee. These institutions offer a very broad range of postsecondary academic programming from doctoral degrees to technical certificates.

The composition and powers of TBR are set forth in Tennessee Code Annotated § 49-8-201 through § 49-8-203. TBR’s Board consists of eighteen members, including four *ex officio* members who are the governor, the commissioners of education and agriculture, and the executive director of the higher education commission. As a legislative entity, the purpose of TBR is to govern and manage the System. It is empowered to define the duties of and employ the System Chancellor and select and employ Presidents and Directors of the institutions. The System Chancellor, six Vice Chancellors and the Central Office staff are seated at the TBR Central Office, located in Nashville, TN.

Upon recommendation of the Tennessee Higher Education Commission, the Tennessee General Assembly appropriates funds to the TBR institutions. Federal funds are also received by the institutions for grant program assistance. Federal funds are also available to students for financial aid. The 2014-15 TBR Statement of Revenues, Expenditures & Changes in Net Position will be sent as addendum by November 15, 2015. TBR also keeps record of the number of women-owned businesses that it has made awards to in the past year. (Attachment 2)

II. Federal programs or activities

Student financial aid assistance is available directly from the federal agency to the student. The amount of federal assistance received and how that assistance is distributed among the agency's programs is available in the institution’s budget on file. All contractual agreements must contain a "nondiscrimination clause", as defined in TBR Guideline G-030, “Contracts and Agreements.”

III. Organization and Designation of Title IX Coordinator

TBR Policy No. 6:02:00:00, “Sex Discrimination and Sexual Harassment” requires the system office and each institution to designate an employee as the Title IX Coordinator to ensure Title IX Acts and Regulation compliance at each institution. TBR Policy No. 6:02:00:00 is attached as Attachment 3. The current list of Title IX Coordinators at each TBR institution and the central office is attached as Attachment 4.

IV. Statement of Policies and Applicability

It is the Tennessee Board of Regents’ intent that its institutions shall fully comply with Title IX of the Education Amendments of 1972, Sections 799A and 845 of the Public Health Service Act and Regulations issued pursuant thereto (45 C.F.R. Parts 83 and 86). Policy No. 6:01:00:00 Sex Discrimination, Sexual Harassment or Sexual Misconduct and Policy No. 6:02:00:00 Sex Discrimination and Sexual Harassment (Attachment 3) provide protection against Sexual Discrimination:

“Pursuant to Title IX of the Education Amendments of 1972, Sections 799A and 845 of the Public Health Service Act, and Regulations adopted pursuant thereto, no institution or school shall discriminate on the basis of sex in the education programs or activities of the institution or school, including health-related training programs. Institutions and schools shall ensure that equal opportunity and nondiscrimination exist on the basis of sex for students in all education programs and activities, including but not limited to the following: (1) recruitment and admission, (2) academic, extracurricular, research, occupational training, health-related training, and other education programs; (3) rules on student life activities; (4) housing; (5) facilities; (6) access to course offerings; (7) counseling; (8) financial assistance; (9) employment assistance; (10) health and insurance benefits and services; (11) rules on marital or parental status; and (12) athletics.

In addition, in conjunction with Board Policy No. 5:01:02:00, Equal Employment Opportunity and Affirmative Action, each institution and school shall ensure that no person, on the basis of sex, is excluded from participation, denied the benefits of, or subjected to discrimination in employment under any education program or activity. Nondiscrimination in employment on the basis of sex shall include, but not be limited to, the following areas: (1) employment criteria; (2) recruitment and hiring; (3) promotion, tenure, demotion, transfer, layoff, termination, nepotism policies, and rehiring; (4) compensation; (5) job assignments, classifications, and descriptions, lines of progression and seniority

lists; (6) leave; (7) fringe benefits; and (8) all other terms, conditions, and privileges of employment.”

Furthermore, the Tennessee Board of Regents, pursuant to Title IX of the Education Amendments of 1972 and regulations adopted pursuant thereto, provides protection against Sexual Harassment:

“..no institution or technology center shall condone sexual harassment of students, applicants for employment or employees and each institution and technology center shall affirmatively address all allegations of sexual harassment. Compliance with this policy shall be effectuated through procedures established in accordance with Section C.2 of this policy and Guideline P-080.”

Specifically with regard to employment, TBR Policy 5:01:02:00, “Equal Employment Opportunity and Affirmative Action” (Attachment 5) provides:

“The Board of Regents hereby reaffirms the policy of the Tennessee Board of Regents System, and all institutions and schools included therein, that the System will not discriminate against any employee or applicant for employment because of race, color, religion, national origin, sex (except where sex is a bona fide occupational qualification), age or because of their status as a qualified veteran with a disability or veteran of the Vietnam era.

Similarly, the System shall not, on the basis of a protected status, subject any student to discrimination under any educational program. No student shall be discriminatorily excluded from participation nor denied the benefits of any educational program on the basis of a protected status.”

Other related policies with Title IX enforcement implications include:

- Policy No. 1:03:02:10 Approval of Agreements (Attachment 6)
- Policy No. 3:03:01:00 General Student Housing Policy (Attachment 7)
- Policy No. 3:04:01:00 Student Scholarships, Grants, Loans, Financial Aid Programs (Attachment 8)
- Policy No. 3:04:01:01 Student Scholarships, Grants, Loans, and Financial Aid Programs At Tennessee Colleges of Applied Technology (Attachment 9)

- Policy No. 4:02:10:00 Purchasing Policies and Procedures (Attachment 10)
- Guideline No. G-120 Method of Administration for Compliance with Office of Civil Rights Guidelines, Title VI, Title IX, and Section 504 (Attachment 11)
- Guideline No. P-080 Discrimination & Harassment - Complaint & Investigation Procedure (Attachment 12)
- Guideline No. P-110 Employee Grievance- Complaint (Attachment 13)

TBR policies and guidelines are published and available on each campus, as well as on the Internet at the Tennessee Board of Regents' website: <https://policies.tbr.edu/>. The policies and guidelines are also printed in campus publications, (including the institutional catalogues, student handbooks, faculty and staff handbooks, etc.). Additionally, job advertisements and student applications for admission contain notices of the TBR's nondiscrimination policies as required by TBR Policy No. 6:02:00:00.

V. Title IX Definitions

Assurance: As required by 34 CFR § 106.4, every application for Federal financial assistance for any educational program or activity shall as condition of its approval, contain an assurance from the applicant or recipient that each program or activity operated by the applicant and to which the regulations apply, will be operated in compliance with Title IX and the implementing regulations.

Educational Program or Activity: "Educational program or activity" encompasses most operations of the TBR institutions.

Federal Financial Assistance: "Federal financial assistance" is defined by 34 CFR § 106.2(g) as:

- (1) A grant or loan of Federal financial assistance, including making funds available for:
 - (i) The acquisition, construction, renovation, restoration, or repair of a building or facility or any portion thereof; and

- (ii) Scholarships, loans, grants, wages, or other funds extended to any entity for payment to or on behalf of students admitted to that entity.
- (2) A grant of Federal real or personal property or any interest therein, including surplus property, and the proceeds of the sale or transfer of such property, if the Federal share of the fair market value of the property is not, upon such sale or transfer, properly accounted for to the Federal Government.
- (3) Provision of the services of Federal personnel.
- (4) Sale or lease of Federal property or any interest therein at nominal consideration, or at consideration reduced for the purpose of assisting the recipient or in recognition of public interest to be served thereby, or permission to use Federal property or any interest therein without consideration.
- (5) Any other contract, agreement, or arrangement which has as one of its purposes the provision of assistance to any education program or activity, except a contract of insurance or guaranty.

Gender Equity: "Gender equity" means equal athletic opportunity for members of both sexes as provided in 34 CFR §106.41.

Recipient: "Recipient" is defined by 34 CFR §106.2(i) as any State . . . or any instrumentality of a State . . . to whom Federal financial assistance is extended directly or through another recipient and which operates an education program or activity which receives or benefits from such assistance

Sexual Harassment: "Harassment", including sexual harassment, is defined in TBR Guideline P-080 Discrimination & Harassment as:

B. Harassment – based on a protected class

1. Harassment is conduct that is based on a person's race, color, religion, creed, ethnic or national origin, sex, sexual orientation, gender identity/expression, disability, age (as applicable), status as a covered veteran, genetic information, or any other category protected by federal or state civil rights law that;

- a. Adversely affects a term or condition of an individual's employment, education, participation in an institution's activities or living environment;
- b. Has the purpose or effect of unreasonably interfering with an individual's employment or academic performance or creating an intimidating, hostile, offensive or abusive environment of the individual; or
- c. Is used as a basis for or a factor in decisions that tangibly affect that individual's employment, education, participation in an institution's activities or living environment.

2. Examples of such conduct include, but are not limited to verbal or physical conduct relating to an employee's national origin, race, surname, skin color or accent, offensive or derogatory jokes based on a protected category, racial or ethnic slurs, pressure for dates or sexual favors, unwelcome comments about a person's religion or religious garments, offensive graffiti, cartoons or pictures, or offensive remarks about a person's age.

3. Not every act that might be offensive to an individual or a group will be considered harassment. Whether the alleged conduct constitutes harassment depends upon the record as a whole and the totality of the circumstances, such as the nature of the conduct in the context within which the alleged incident occurs. Harassment does not include verbal expressions or written material that is relevant and appropriately related to course subject matter or curriculum.

Examples of Sexual Harassment are also included in P-080, but are not limited to, the following;

1. Refusing to hire, promote, or grant or deny certain privileges because of acceptance or rejection of sexual advances;
2. Promising a work-related benefit or a grade in return for sexual favors;
3. Suggestive or inappropriate communications, email, notes, letters, or other written materials displaying objects or pictures which are sexual in nature that would create hostile or offensive work or living environments;
4. Sexual innuendoes, comments, and remarks about a person's clothing, body or activities;

- 5.Suggestive or insulting sounds;
- 6.Whistling in a suggestive manner;
- 7.Humor and jokes about sex that denigrate men or women;
- 8.Sexual propositions, invitations, or pressure for sexual activity;
- 9.Use in the classroom of sexual jokes, stories, remarks or images in no way or only marginally relevant to the subject matter of the class;
- 10.Implied or overt sexual threats;
- 11.Suggestive or obscene gestures;
- 12.Patting, pinching, and other inappropriate touching;
- 13.Unnecessary touching or brushing against the body;
- 14.Attempted or actual kissing or fondling;
- 15.Sexual violence; including rape, sexual assault, sexual battery, and sexual coercion;
- 16.Suggestive or inappropriate acts, such as comments, innuendoes, or physical contact based on one's actual or perceived sexual orientation, gender identity/expression.

a. The examples listed above are not exclusive, but simply represent types of conduct that may constitute sexual harassment. Campus policies may delineate additional examples

In addition, P-080 notes:

D. Please note that incidents of sexual violence may constitute criminal acts and as such, investigation and processing by the criminal justice system, local police, campus security and crisis intervention centers may occur in addition to the process developed under this Guideline.

1.Complainant must be notified of his/her right to file a criminal complaint.

TBR Central Office or Central Office: The Nashville based office for the TBR that houses the Chancellor, six Vice Chancellors and department staff assigned to each Vice

Chancellor.

TBR System: The campuses that make up one of the nation's largest systems of public higher education. This includes six state universities, 13 community colleges, and 27 colleges of applied technology.

VI. Staff and Budgetary Resources

Under TBR Policies 5:01:02:00 (Attachment 5) and 6:01:00:00 (Attachment 3), the Chancellor has designated the Assistant Vice Chancellor for Student Affairs as the TBR system coordinator for Title IX compliance. The president/director of each TBR institution also has named a Title IX coordinator for that institution (Attachment 4). Generally, this is the Affirmative Action officer. The Title IX coordinators are charged with evaluating the Title IX compliance efforts of the institution, coordinating compliance activities, and investigating (or ensuring investigation) of complaints by students, employees or other personnel on violations of Title IX.

Budgetary resources devoted to Title IX compliance include, but are not limited to, the budget allocated at each institution and the system office for training and development, for affirmative action, for student financial assistance, and for appropriate personnel and programs.

VII. Training

The TBR on-line training can be used for new employee orientation and also as a refresher course for continued training. Information is provided regarding discrimination and sexual harassment to each new employee by the institution's Human Resources Office. Additionally, each new employee receives a copy of TBR Guideline P-080 regarding sexual harassment. In addition, Title IX coordinators may provide other forms of training as deemed appropriate.

In July 2013, TBR launched an on-line Respectful Workplace training tutorial for employees that was designed in-house. Additionally, an on-line Sexual Harassment training was created in September 2013. The training tutorials explain the federal laws and TBR policies regarding discrimination and sexual harassment; various types of inappropriate behavior; and how to report inappropriate / harassing behavior. The login to this training can be found at:

<https://elearn.tbronline.org>

The training provides an updated approach to communicating the information, including incorporating pre and posttests, various scenarios, and videos. Each campus Title IX officer is given the flexibility to establish his/her own schedules for refresher

course training. As a result, the number of annually trained TBR employees will vary from year to year.

In addition, the TBR Office of General Counsel has provided numerous related trainings on the campuses. The training covered the legal requirements, the TBR policies and guidelines, and discussing different scenarios.

PART 2

TENNESSEE BOARD OF REGENTS **APPROACH TO MAJOR CIVIL RIGHTS FUNCTIONS**

I. Statements of Assurance

Under TBR Policy No. 4:02:10:00, attached as Attachment 10, and the related Guideline G-030 (Attachment 14), assurance statements regarding the prohibition against unlawful discrimination based on sex are required in relevant contracts entered between TBR institutions and sub-recipients.

II. Public Notification

As required by TBR Policy No. 6:02:00:00 (Attachment 3), a public notice of nondiscrimination is included in each catalogue, bulletin, application form, advertisement, newspaper, magazine, etc.

Posters are placed in several locations on each campus containing nondiscrimination language and who to contact to lodge a complaint. A Title IX Fact Sheet is available and posted at TBR institutions.

III. Compliance Reviews

Tennessee Code Annotated § 4-4-123 requires state agencies subject to Title IX to develop implementation plans for its enforcement.

TBR institutions endeavor to ensure pre-award compliance by sub-recipients annually in writing. The survey instrument, "Tennessee Board of Regents –Title IX Compliance Survey," developed by TBR for that purpose is attached as Attachment 15. Further investigation will be conducted if evidence of non-compliance is found.

Investigations and resolution of non-compliance, when necessary, will be conducted in accordance with 34 CFR § 100.7 - § 100.11.

IV. Complaints of Discrimination

TBR has a grievance policy for employees and students to complain of discrimination based on sex pursuant to the policy outlined in TBR Guideline P-080 (Attachment 12).

The "Title IX Workload and Performance Data Report" (Attachment 16) outlines all Title IX complaints filed by individuals at a TBR institution during the 2014-2015 fiscal year.

V. Data Collection and Analysis

TBR and its institutions collect the sex and race of all employees (including administrators), as provided on a voluntary basis by each applicant for employment. Employment data is collected and analyzed for any underutilization in the affirmative action reports compiled annually at each institution.

VI. Compliance Reporting


Copies of assurances, training materials, data collection and participation records, monitoring records, and pertinent correspondence are maintained at each TBR institution.

VII. Implementing Compliance

TBR's compliance with Title IX is implemented through the compliance reviews and grievance procedures outlined in Part 2 III and IV of this plan.

TBR Guideline G-120 (Attachment 11) establishes the methods of administration for compliance with the Office of Civil Rights Guidelines, including Title IX, Title VI and Section 504 for the Vocational Technical Education Division of the Tennessee Board of Regents. The Compliance Director is responsible for review of programs to assure that policies and procedures do not discriminate on the basis of race, color, national origin, sex and handicap, as required by 34 CFR Part 100.

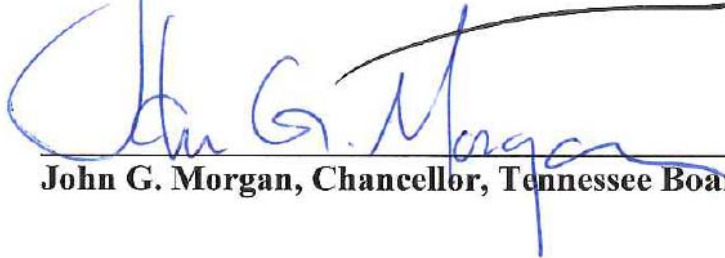
VIII. Responsible Parties



Dr. Heidi Leming, Asst. Vice Chancellor for Student Affairs



Dr. Tristan Denley, Vice Chancellor, Academic Affairs



John G. Morgan, Chancellor, Tennessee Board of Regents



ATTACHMENT 1

(TBR Statement of Revenues, Expenditures & Changes in Net Position)

(TBR Statement of Revenues, Expenditures & Changes in Net Assets)

**CURRENTLY
UNAVAILABLE**



ATTACHMENT 2

(TBR Small, Minority and Women Owned Business Report)

TENNESSEE BOARD OF REGENTS					
Small, Minority, and Women Owned Business Report (SUMMARY)					
July 1, 2014 - June 30, 2015					
	<u>SOLICITATIONS</u>	<u>RESPONSES</u>	<u>AWARDS</u>	<u>AMOUNT</u>	
REPORTING CLASSIFICATION:					
Minority Owned	3,501	2,403	2,475	\$4,281,659	
Women Owned	6,681	5,875	6,250	\$12,640,548	
Disabled Veteran (20%+)	171	38	30	2,100,329	
ETHNICITY:					
African American	1,628	1,009	945	\$1,877,868	
Hispanic American	279	148	165	436,438	
Asian American	782	629	761	1,310,696	
Native American	814	618	608	657,282	
Total Ethnicity	3,503	2,404	2,479	\$ 4,281,659	
SMALL BUSINESS:	24,444	21,006	21,236	\$34,465,822	
NOTES:					
1. Vendors are reported in one category and may not be duplicated between categories.					
2. The numbers are compiled from data submitted quarterly by each TBR institution and are based on information maintained in the institution's Purchasing Department regarding bids and awards.					



ATTACHMENT 3

(Sex Discrimination and Sexual Harassment Policy)

Sex Discrimination, Sexual Harassment or Sexual Misconduct : 6:01:00:00

Policy Area

Sexual Discrimination/Harassment/Misconduct

Applicable Divisions

TCATs, Community Colleges, Universities, System Office

Purpose

It is the intent of the Tennessee Board of Regents that the institutions under its jurisdiction shall fully comply with Title IX of the Education Amendments of 1972, §485(f) of the HEA, as amended by §304 of the Violence Against Women Reauthorization Act of 2013, the regulations implementing these Acts found at 34 CFR §668.41, §668.46, and Appendix A to Subpart D of Part 668; and Sections 799A and 845 of the Public Health Service Act and Regulations issued pursuant thereto found at 45 CFR Parts 83 and 86. The policies in this area are adopted to address such compliance.

Definitions

For purposes of this policy area the following definitions shall apply:

- Sex Discrimination is treating someone less favorably because of that person's sex, sexual orientation or gender identity/expression.
- Sexual Harassment is conduct based on a person's sex, sexual orientation or gender identity/expression that:
 - Adversely affects a term or condition of an individual's employment, education, participation in an institution's activities or living environment;
 - Has the purpose or effect of unreasonably interfering with an individual's employment or academic performance or creating an intimidating, hostile, offensive or abusive environment of the individual; or
 - Is used as a basis for or a factor in decisions that tangibly affect that individual's employment, education, participation in an institution's activities or living environment.
- Sexual Misconduct for purposes of this policy area includes dating violence, domestic violence, sexual assault, and stalking, as they are defined in Policy 6:03:00:00.

Policy

1. Applicable Policies and Procedures

1. Complaints of sex discrimination or sexual harassment by or against students, faculty or staff shall be governed by Policy 6:02:00:00 and P-080. Complaints of sexual misconduct shall be governed by Policy 6:03:00:00.

Sex Discrimination and Sexual Harassment : 6:02:00:00

Policy/Guideline Area

Sexual Discrimination/Harassment/Misconduct

Applicable Divisions

TCATs, Community Colleges, Universities, System Office

Purpose

It is the intent of the Tennessee Board of Regents that the institutions under its jurisdiction shall fully comply with Title IX of the Education Amendments of 1972, Sections 799A and 845 of the Public Health Service Act and Regulations issued pursuant thereto (45 C.F.R. Parts 83 and 86). The following policy and procedures are adopted by the Board to assist the institutions in such compliance.

Policy/Guideline

1. Sex Discrimination

1. It is the policy of the Tennessee Board of Regents that, pursuant to Title IX of the Education Amendments of 1972, Sections 799A and 845 of the Public Health Service Act, and Regulations adopted pursuant thereto, no institution shall discriminate on the basis of sex in the education programs or activities of the institution, including health-related training programs.
2. Institutions shall ensure that equal opportunity and nondiscrimination exist on the basis of sex for students in all education programs and activities, including but not limited to, the following:
 1. Recruitment and admission;
 2. Academic, extracurricular, research, occupational training, health-related training, and other education programs;
 3. Rules on student life activities;
 4. Housing;
 5. Facilities;

6. Access to course offerings;
7. Counseling;
8. Financial assistance;
9. Employment assistance;
10. Health and insurance benefits and services;
11. Rules on marital or parental status; and
12. Athletics.

3. In addition, in conjunction with Board Policy No. 5:01:02:00, each institution_ shall ensure that no person, on the basis of sex, is excluded from participation in, denied the benefits of, or subjected to discrimination in employment under any education program or activity.

4. Nondiscrimination in employment on the basis of sex shall include, but not be limited to, the following areas:

1. Employment criteria;
2. Recruitment and hiring;
3. Promotion, tenure, demotion, transfer, layoff, termination, nepotism policies, and rehiring;
4. Compensation;
5. Job assignments, classifications, and descriptions, lines of progression and seniority lists;
6. Leave;
7. Fringe benefits; and
8. All other terms, conditions, and privileges of employment.

2. Sexual Harassment

1. It is the policy of the Tennessee Board of Regents that pursuant to Title IX of the Education Amendments of 1972 and regulations adopted pursuant thereto, no institution shall condone sexual harassment of students, applicants for employment or employees and each institution shall affirmatively address all allegations of sexual harassment.

2. Compliance with this policy shall be effectuated through procedures established in accordance with Section III.B. of this policy and Guideline P-080.

3. Procedures

1. Designation of Responsible Employee.

1. Each institution shall designate at least one employee who will coordinate the efforts of the institution to comply with the Acts and the Regulations.
 2. The designated employee or employees should have sufficient time and ability to evaluate the compliance efforts of the institution, coordinate such efforts, and investigate complaints by employees or students arising under the Acts and the Regulations.
 3. The names of the designated employee or employees of each institution should be submitted to the Chancellor.
2. Complaint Procedures.
 1. Students and employees shall utilize the complaint and investigation procedure set forth in TBR Guideline P-080 Discrimination and Harassment- Complaint and Investigation Procedure (or the institution's corresponding policy) when filing complaints arising under the Acts or the Regulations.
3. Statement and Dissemination of Policy.
 1. Each institution shall designate a policy statement reaffirming the fact that it does not discriminate on the basis of sex in the educational programs or activities which it operates and that it is required by Title IX of the Educational Amendments of 1972, Sections 799 A and 845 of the Public Health Service Act, and 45 C.F.R. Parts 83 and 86 not to discriminate in employment or in admission to education programs or activities.
 2. The policy statement shall include the name and address of the employee or employees designated pursuant to Section III. A. 1., to whom inquiries concerning the application of the above Act or the Regulations adopted pursuant thereto may be directed.
 3. Each institution shall adopt specific and continuing measures whereby applicants for admission and employment, students, employees, and sources of referral of applicants for admission and employment will be notified of the policy adopted pursuant to subsection 1. of this item.

4. The policy statement adopted pursuant to section 1. of this item shall be published in the following publications:
 1. Local newspapers;
 2. Newspapers and magazines operated by the institution or by student or alumni groups; and
 3. Memoranda or written communications to every student and employee of the institution.
5. In addition, each institution shall include the policy statement in each announcement, bulletin, catalog, and application form which it makes available to any person herein described, or which is used in connection with the recruitment of students or employees.
4. Self-Evaluation.
 1. Each institution shall modify any policies and practices which do not meet the requirements of Title IX, the Public Health Service Act, or the Regulations issued pursuant thereto, shall take appropriate remedial steps to eliminate the effects of any discrimination which resulted from such policies and practices, and shall recommend to the Chancellor amendment of any state legislation which inhibits compliance with Title IX, the Public Health Service Act, and the Regulations issued pursuant thereto.
 2. Each institution shall modify any policies and practices which do not meet the requirements of Title IX, the Public Health Service Act, or the Regulations issued pursuant thereto, shall take appropriate remedial steps to eliminate the effects of any discrimination which resulted from such policies and practices, and shall recommend to the Chancellor amendment of any state legislation which inhibits compliance with Title IX, the Public Health Service Act, and the Regulations issued pursuant thereto.



ATTACHMENT 4

(Title IX Coordinators—as of September 2015)

Name	Institution	Name	TCAT Location
Sheila Bryant	Austin Peay State University	Kim Davis	Athens
Jerome Gober	Chattanooga State CC	Jerome Gober	Chattanooga
Joann Bates	Cleveland State CC	Cristi Hill	Covington
Christie Miller	Columbia State CC	Glenn Baker	Covington
Sheila Gillahan	Dyersburg State CC	Jerry Young	Crossville
Mary Jordan	East Tennessee State University	Henrietta Lusk	Crump
Amy West	Jackson State CC	Gary Fouts	Dickson
Latosha Dexter	University of Memphis	Mike Cole	Elizabethton
Laura Jent	Motlow State CC	Sandy Aston-Wash	Harriman
Marian Wilson	Middle Tennessee State University	Jonathan Smallwood	Hartsville
Lori Maddox	Nashville State CC	Kelli-Kea Carrol	Hohenwald
Leigh Hornsby	Northeast State CC	Amy West	Huntsville/Oneida
Patrick Shipwash	Pellissippi State CC	Rita Broyles	Jacksboro
Odell Fearn	Roane State CC	John Hodgson	Jackson
Tracy Horton	Southwest State CC	Kasey Vatter	Knoxville
Tiffany Cox	Tennessee State University	Joel Chappell	Livingston
Marlene Hall	Tennessee Tech University	John Penn Ridgeway	McKenzie
Tammy Goode	Walters State CC	Marvin Lusk	McMinnville
		Diana Wilkerson	Memphis
		Jerry King	Nashville
		Efferd Barrett	Morristown
		Judy Henegar	Murfreesboro
		Donnie Walton	Newbern
		Willie Huffman	Paris
		Stephen Milligan	Pulaski
		Belinda Douglas	Ripley
		Jim Potts	Shelbyville
		Jacquene Walker	Whiteville



ATTACHMENT 5

(Equal Employment Opportunity & Affirmative Action Policy)

Equal Employment Opportunity and Affirmative Action: 5-01-02-00

Policy/Guideline Area

Personnel Policies

Applicable Divisions

TCATs, Community Colleges, Universities, System Office

Purpose

The purpose of this policy is to set the standards for a consistent process and treatment of employees regarding equal employment opportunity and affirmative action across the TBR system.

Policy/Guideline

1. Introduction

1. It is the intent of the Tennessee Board of Regents that the Board of Regents and all of the institutions within the Tennessee Board of Regents System will promote and insure equal opportunity for all persons without regard to race, color, religion, sex, ethnic or national origin, disability status, age or status as a covered veteran and shall fully comply with Executive Order 11246, as amended; the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990; the Vietnam Era Veterans Readjustment Act of 1974, as amended; the Equal Pay Act of 1963, as amended; the Age Discrimination in Employment Act of 1967, as amended the Age Discrimination Act of 1975; the Pregnancy Discrimination Act; applicable state statutes and all regulations promulgated pursuant thereto.
2. It is the intent of the Board that each campus of the Board shall be free of harassment on the basis of sex, and race, and shall fully comply with the provisions of Titles VI and VII of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972, as amended, the federal and state constitutions, and all other applicable federal and state statutes.

2. Statement of Policy

1. The Board of Regents hereby reaffirms the policy of the Tennessee Board of Regents System, and all institutions included therein, that the System will not discriminate against any employee

or applicant for employment because of race, color, religion, ethnic or national origin, sex, disability, age or status as a covered veteran.

2. Similarly, the System shall not, on the basis of a protected status, subject any student to discrimination under any educational program. No student shall be discriminatorily excluded from participation in nor denied the benefits of any educational program on the basis of a protected status.
3. The System will take affirmative action to ensure that all individuals are treated during the employment process without regard to their race, color, religion, ethnic or national origin, sex, disability, age, or status as a covered veteran. Such action shall include, but not be limited to, actions to:
 1. Recruit, hire, train, and promote persons in all job titles, without regard to any of the foregoing prohibited factors;
 2. Base decisions on employment so as to further the principle of affirmative action and equal employment opportunity;
 3. Insure that promotion decisions are in accord with principles of equal employment opportunity by imposing only valid requirements for promotional opportunities; and
 4. Insure that all personnel actions such as compensation, benefits, transfers, layoffs, return from layoff, and institution sponsored training, education, tuition assistance, and social and recreation programs, will be administered without regard to any of the foregoing prohibited factors.
4. It is and has been the policy of the Tennessee Board of Regents to maintain each campus as a place of work and study for faculty, staff, and students, free of sexual and racial harassment. Harassment is a form of discrimination and harassment in the workplace or the educational environment is unacceptable conduct and will not be tolerated.

3. Administrative Responsibility

1. Duties of the Chancellor and/or System Equal Employment Opportunity and Affirmative Action Program Officer.

1. The Chancellor shall designate the person on the staff of the Board who shall serve as the Equal Employment Opportunity/Affirmative Action Officer (hereinafter EEO/AA) for the System and also designate an EEO/AA Officer for the System Office.
2. The Chancellor shall direct the President and/or Director of each institution to appoint an EEO/AA Officer for the institution.
3. The Chancellor shall furthermore ensure participation in Board approved access and diversity initiatives.
4. The Chancellor shall insure that the following actions occur:
 1. Equal Employment and Affirmative Action
 1. Equal employment opportunity and affirmative action program plans are to be prepared by each campus EEO/AA Officer at the individual institutions and schools in the System and these plans must be effectively administered by the campus EEO/AA Officer within the requirements of this policy and applicable laws and regulations. The EEO/AA Officer for the System Office shall prepare the System Office affirmative action plan.
 2. The system EEO/AA Officer will review and evaluate the success of the equal employment opportunity and affirmative action programs in the System Office and on each campus and make recommendations to the Chancellor concerning desirable changes.
 3. The institutional EEO/AA Officer and the TBR System Office EEO/AA Officer will receive, review, and investigate institution and system Office equal employment

opportunity complaints and appeals and make recommendations regarding their disposition to the President in the case of an institutional complaint and to the Chancellor regarding a system Office complaint.

2. Harassment

1. Depending on the locus of the complaint, the Chancellor and Presidents/Directors are responsible for the final resolution of a harassment complaint.

2. The Chancellor shall insure the following actions occur:

1. Investigation of Harassment Complaints

1. The Chancellor shall designate the Tennessee Board of Regents' General Counsel to supervise the investigation and give legal advice to the institution or system Office EEO/AA Officer who will receive, review, and investigate all charges of harassment arising from their institution or office.

2. The institution or system Office EEO/AA Officer will investigate all complaints of unlawful harassment as directed by Guideline P-080 and will communicate all facts to the General Counsel for legal advice.

3. It is the intent of this policy that the review and investigation process conducted by the campus or System Office Affirmative Action Office will be under the direct supervision and control of the General Counsel and is intended to be a confidential communication which will result in Counsel giving legal advice.

2. Resolution of Harassment Complaints

1. The Chancellor and the Board have designated the institution or System Office EEO/AA Officer as the coordinator and investigator of all harassment complaints. The process outlined in Guideline P-080 will be followed. The

President/Director/Chancellor will assure that the EEO/AA Officer investigates the complaint. The final report on the harassment complaint will go from the EEO/AA Officer to the President/Director/Chancellor for action and the final resolution will be made by that individual.

3. Annual Evaluations

1. The Chancellor will annually evaluate each president/director on their progress toward the affirmative action plan goals, their progress toward diversity, and their participation in Board approved access and diversity initiatives.

2. Duties of the President/Director

1. Each institution President or Director shall be responsible for the development and implementation of the equal employment opportunity and affirmative action program on each campus as well as assuring that unlawful harassment is investigated and educational efforts regarding harassment take place. In carrying out this responsibility, the President or Director shall comply with the following:
 1. Appoint an EEO/AA Officer who will be responsible for promoting and assuring compliance with this policy and with all applicable laws and regulations, receiving and investigating complaints pursuant to the process set forth in TBR Guideline P-080, reviewing the effectiveness of the program and recommending improvements to the President or Director.
 2. Insure that affirmative action plans are developed annually and implemented as a means of aggressively pursuing the principles of equal employment opportunity.
 3. Develop affirmative action goals and timetables directed toward correcting situations contributing to the under-utilization or inequitable treatment of minority or women employees in the institution or school.

4. Provide positive leadership in the implementation of the affirmative action program on the campus and insure that appropriate attention is devoted to the program in staff and faculty meetings.
5. Inform all management officials and supervisors that their performance evaluation will be partially determined by the effectiveness of their participation in the equal employment opportunity program and in Board approved access and diversity initiatives.
6. Designate a person on the campus to be responsible for gathering and reporting data related to the equal employment opportunity program.
7. Assure policies and procedures are instituted to deal with all forms of harassment, including a procedure for the EEO/AA Officer to receive and investigate complaints and recommend necessary action to the President or Director.
8. Designate the EEO/AA Officer as the staff person responsible for the development and implementation of educational efforts regarding all types of harassment.

3. Duties of the EEO/AA Officer

1. Equal Employment Opportunity and Affirmative Action Program

1. The EEO/AA Officer will develop and maintain an EEO/AA program which shall include but not be limited to the following responsibilities:
 1. The institution/System Office EEO/AA Officer will receive, review and investigate equal employment opportunity complaints and appeals and make recommendations to the President/Director of Chancellor regarding their disposition.
 2. Equal employment opportunity or affirmative action complaints made to external agencies, i.e. EEOC or THRC, will be investigated by the institution or system Office EEO/AA Officer in conjunction with the Office of the General Counsel. All

complaints will be forwarded to the Office of the General Counsel and any reports to the external agency will be prepared by the institution and submitted to the Office of the General Counsel for approval and forwarding to the agency. The attorney/client relationship will apply to the investigation and preparation of those reports.

3. The EEO/AA Officer will develop and maintain an EEO/AA program which shall include:
 1. Developing or reaffirming the institution's equal employment opportunity policy in all personnel actions;
 2. Formal internal and external dissemination of the policy;
 3. Establishing responsibilities for implementation of the program;
 4. Identifying problem areas by organizational units and job classifications;
 5. Establishing goals and objectives by organizational units and job classifications, with timetables for completion;
 6. Developing and executing action-oriented programs designed to attain established goals and objectives;
 7. Assuring compliance of personnel policies with the sex discrimination guidelines;
 8. Active support of local and national community action and community services programs designed to improve the employment opportunities of minorities and women;
 9. Internal audit and reporting systems designed to insure compliance and to permit monitoring of the program; and

10. Internal complaint procedures designed to expeditiously process and resolve complaints and grievances by employees or applicants for employment.
4. Updating the EEO/AA plan annually, and reporting progress in meeting the established goals and objectives, with such report submitted at least annually to the Chancellor as directed by the System EEO/AA Officer. The EEO/AA Officer shall discuss the success of the EEO/AA program with the President and make recommendations regarding desirable changes.

2. Harassment Program

1. Each institution and System Office EEO/AA Officer will be responsible for implementing Guideline P-080 Discrimination and Harassment – Complaint and Investigation Procedure.
2. The EEO/AA Officer will assure the development of an educational program alerting students and employees to the non-harassment policy and guideline.
3. Under the direction and guidance of the TBR General Counsel, the institution or system Office EEO/AA Officer will investigate all harassment complaints. The institution or System Office EEO/AA Officer will receive, review, and investigate all complaints of harassment based on sex, race, color, religion, ethnic or national origin, or other protected status.
4. The EEO/AA Officer will insure that complaints involving discrimination or harassment between students are investigated and resolved by the Student Affairs Office, which resolves all student disciplinary problems.



ATTACHMENT 6
(Approval of Agreements)

Approval of Agreements : 1-03-02-10

Policy/Guideline Area

Governance, Organization, and General Policies

Applicable Divisions

TCATs, Community Colleges, Universities

Purpose

The following policy on the approval of agreements is adopted by the Tennessee Board of Regents (TBR) to expressly provide for the approval process and requirements concerning agreements with institutions governed by the TBR, and to delegate to the presidents of the institutions certain authority deemed necessary and appropriate for the efficient administration of the institutions.

Policy/Guideline

1. Approval Processes

1. The following agreements and contracts shall be expressly subject to the approval of the Chancellor or designee:
 1. All agreements and contracts involving or related to the purchase or disposal of real property, capital outlay projects, insurance or agreements providing insurance or other benefits.
 2. All agreements involving or related to the lease (institution as lessee) of real property for more than five (5) years or more than \$15,000 per year.
 3. All agreements involving or related to the leasing of institutional property for more than five (5) years or more than \$15,000 per year.
 4. All personal, professional and consultant service agreements required to be submitted to the System Office for approval by guidelines developed pursuant to this policy.
 5. All agreements and contracts involving or related to the purchase of data processing equipment required to be submitted to the System Office for approval by guidelines developed pursuant to this policy.

6. All agreements in which the TBR is a named party.
7. Any other agreement required to be submitted to the System Office for approval by other TBR policies or guidelines.
2. No agreement of any nature which requires the expenditure of funds by an institution shall extend beyond the end of the fiscal year in which it is entered unless expressly subject to the condition that the institution shall have the right to terminate the agreement at the end of any fiscal year in the event that sufficient funds are not appropriated by the General Assembly and/or budgeted for continuation of the agreement.
3. No agreement of any nature shall be entered into which:
 1. Provides that the institution shall purchase liability insurance or performance bonds.
(However, if the institution is unable to negotiate for the deletion of such provisions, the Office of the General Counsel should be consulted as it may be possible to purchase insurance or a performance bond in appropriate circumstances.)
 2. Provides that the institution or college of applied technology shall indemnify or hold harmless any other party.
 3. Provides that the institution shall pay taxes from which the institution is exempt by law.
 4. Provides for the payment of interest or late charges (other than as permitted under the Tennessee Prompt Pay Act), liquidated damages or penalties of any nature by the institution.
 5. Contains any provision concerning consent to: default by the institution binding arbitration, commencement of any legal proceedings, or payment of attorneys' fees.
 6. Provides for a disclaimer of vendor's liability for incidental, exemplary, consequential damages or limitations on dollar amount of damages recoverable by state from vendor; or*

7. *Provides for a disclaimer by vendor of express or implied warranties of merchantability and fitness for a particular purpose, unless the agreement is expressly subject to the approval of the Chancellor or designee.
 1. *Note: In appropriate circumstances, the type of language described in sub-sections 6. & 7. of this section may be included in an agreement, if and only if, additional language which has been pre-approved by the Office of the General Counsel is included to address the language; or in appropriate circumstances, the procedures of TBR Purchasing Policy No. 4:02:10:00 XXV. G. or H. may be applied.
4. All agreements and contracts affecting a Tennessee College of Applied Technology must be approved by the Vice Chancellor for the Tennessee Colleges of Applied Technology, who for purposes of this policy shall have the authority and responsibilities of the presidents of other institutions. The Vice Chancellor for the Tennessee Colleges of Applied Technology may delegate authority to directors in writing.
5. The president or designee of an institution is authorized to approve applications for grants from agencies or organizations, provided that where matching funds or services in lieu of funds are required by the institution, no application shall be made unless the operating budget provides the funds and/or resources necessary for the project.
6. The president or designee is further authorized to accept the award of a grant, and enter into agreements confirming grants; further provided that the acceptance of grants and agreements confirming the award of grants shall be subject to sections I. B. and C., supra.
7. Any agreement between a TBR institution and any other institution, agency, organization or entity which involves programs relating to matters of TBR system-wide interest, or any agreement which provides for the coordinated or cooperative offering of any credit or non-credit programs or activities or in which certificate or degree requirements are met or credit is given for coursework or activities offered by another institution, shall be expressly subject to the approval of the Chancellor or designee.

1. Examples of such agreements include provisions for either credit or non-credit academic programs or public service activities to private or state agencies and institutions in the fulfillment of that agency' s responsibility for state-wide services or governmental training, and
2. Agreements which require consortia or cooperative arrangements with other institutions, agencies, or associations.
3. This section does not apply to agreements concerning informal, locally arranged activities generally considered to be in the purview of the institution in the fulfillment or its role in community services or in providing student learning experiences as are seen in arrangements to provide student teaching experiences in the local public school systems.
8. In any agreement which requires participation by an applicant, student or employee of the institution in an education program or activity conducted in whole or in part by any other person or organization, or which facilitates, permits or considers participation by such persons as part of or equivalent to an education program or activity of the institution, the institution shall require the person or organization to agree that no person shall, on the basis of sex, age, race, color, religion, disability, veteran status or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under the education program or activity.
 1. Breach of this provision shall be cause for termination of the agreement.
9. All agreements, contracts and subcontracts shall contain all necessary nondiscrimination requirements provided by federal or state laws and regulations.
10. All agreements not expressly requiring the approval of the Chancellor or designee may become effective upon the approval of the president or designee of an institution subject to the general requirements of this policy.

11. In the event there is any question as to whether an agreement or contract should be submitted for the approval of the Chancellor, the president should direct the inquiry to the Office of the General Counsel or the Director of Purchasing and Contracts.
12. The Office of the General Counsel and the Director of Contracts and Purchasing shall provide assistance to the institutions in drafting agreements and contracts, and shall recommend any standard form agreements or contracts for use by institutions in the TBR which are deemed necessary or feasible.
13. Each institution shall develop written policies and procedures which are in addition to TBR's policies and guidelines and which will further ensure that no contract or agreement is entered into without the approval of the president or designee of the institution.
14. The Chancellor may direct that copies of any and all agreements entered into by institutions be submitted for informational and record keeping purposes, or to ensure compliance with this policy, and may direct that certain or all agreements of any institution be submitted for prior review and approval when deemed necessary to ensure such compliance. In addition, the Chancellor may require reports on the type and number of agreements entered into by institutions, with such additional information as may be necessary.
15. Each institution shall comply with the guidelines established pursuant to this policy.
16. The Chancellor or designee may approve exceptions to the requirements of this policy in appropriate cases.



ATTACHMENT 7
(Student Residence Regulations)

General Student Housing Policy: 3-03-01-00

Policy/Guideline Area

Student Policies

Applicable Divisions

Universities

Purpose

The purpose of this policy is to establish the minimum policy and provisions that shall be applicable to all institutions that operate student housing facilities.

Policy/Guideline

1. General Requirements

1. Each institution that operates student housing facilities shall adopt a policy consistent with this system-wide policy.
2. Each institution is authorized to enact additional provisions that are appropriate to their facilities and operations, and are consistent with the provisions of the system policy.
3. Each institution shall submit its proposed student housing policy to the Board of Regents Office of Academic Affairs and Office of General Counsel for approval. After initial approval any subsequent revision shall be submitted to the Board of Regents Office of Academic Affairs for approval.
4. Each institutional policy shall set forth the eligibility requirements for residence in student housing facilities. Institutional policies may establish requirements that are specifically applicable to the varying types of housing operated by the institution.
5. If an institution mandates that students reside in a student residence facility, the institution's policy shall set forth the parameters of that requirement in terms of academic progression and/or age.
6. Each student residing in a student residence facility shall sign a TBR standard contract applicable to the type of facility he or she occupies.
7. All student residence facilities shall be limited to occupancy by students and housing staff of the institution:

1. Institutions may permit part-time students to reside in student residence facilities; and
 2. Student residence facilities may be leased/licensed to other persons in connection with programs and activities on campus.
8. All students, with the exception of students who are prohibited by federal or state law from residing in student residence facilities for any reason, shall have an equal opportunity to reside in student residence facilities regardless of race, color, national origin, religion, sex, familial status, or disability, provided that separate student residential facilities may be established on the basis of sex.
9. No person who is registered, or required to register, as a sex offender pursuant to the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004, as amended, shall be eligible to reside in any on-campus student residence facility, including dormitories and apartments if:
1. The campus includes a public school, private or parochial school, licensed day care center, other child care facility, public park, playground, recreation center or public athletic field available for use by the general public; or
 2. The campus is within one thousand feet (1,000') of a public school, private or parochial school, licensed day care center, other child care facility, public athletic field available for use by the general public.
10. The rental rate or fee payable for any student residence unit shall be as established by the institution at the beginning of any academic term, and may be subject to increase by the institution for a subsequent academic term with notice at least twenty (20) days prior to execution of the student housing agreement.
11. Officials and agents of the institution may enter a student housing facility/unit at all reasonable times to examine and inspect the facility/unit for maintenance, health, safety, emergency purposes, or to render service and/or repairs to any unit.
12. Any student housing facility may be searched with the consent of the student resident(s) or any other occupant of the unit.
13. All entries/searches, other than those described in sections K and L above, shall be conducted in accord with federal/state law.

14. In the event any occupant of a multiple occupancy dormitory or residence facility/unit ceases to reside in the unit for any reason, the institution shall have the right to reassign the remaining occupants to other student residence facility units on campus.
15. Student residents, and occupants shall comply with the system-wide and institutional student housing policies and with general institutional policies at all times. Student residents and occupants shall be responsible for compliance with same by their invited guests.
16. Each institution's policy shall address student conduct within its student housing facilities.
17. Each institution may adopt/utilize its institutional policy and procedures applicable to general student conduct violations or may establish a separate housing conduct code and procedure. Where separate, housing disciplinary procedures shall provide at least minimum due process as set forth in TBR Policy No. 3:02:00:01 (VI) (E) for general student disciplinary hearings.
18. The housing conduct policy and procedures shall be published with the student housing policy and/or the general student conduct policy and procedures.
19. Student residents and other occupants of each student housing unit will be specifically notified of the institution's housing conduct policy and the general student conduct policy.
20. Each institution operating student housing facilities shall develop and publish a non- exclusive list of potential sanctions for violations of the student housing conduct policy.
21. The institution may choose to adopt or amend the sanctions provided for in the general student conduct policy for this purpose or may establish a separate set of housing sanctions.
22. Institutions may include as a potential sanction that student residents may be assessed, on a pro rata basis, for damage in corridors, bathrooms, lounges, and other common areas within or around facility, either by floor or areas or by the entire facility where the cause of such damage is attributable to multiple student residents, occupants or their guests.
23. The use and/or possession of alcoholic beverages shall be prohibited in all student residence facilities.
24. The unlawful use and/or possession of drugs and/or drug paraphernalia shall be prohibited in all student residence facilities.

25. Smoking shall be prohibited inside all student residence facilities, consistent with TBR Policy No. 3:05:01:01, Alcohol and Smoking.

26. Institutions are authorized to establish policies permitting or prohibiting pets. Whether by policy or practice, institutions shall comply with the requirements of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973 with regard to service animals and The Fair Housing Act with regard to non-service comfort animals in student housing facilities. Institutions shall consult with campus SDS offices regarding the implementation of such policies and practices. (Title VIII of the Civil Rights Act of 1968, as amended (42 U.S.C. §§ 3601-3631)

2. Reservations/Fees/Deposits/Cancellations/Refunds

1. Each Institution is authorized, subject to the requirements set forth in TBR Guideline B-060, to require an application fee, a reservation deposit, and/or a security deposit for student residents who apply for residence facility/unit facilities.

2. Each institution policy shall include a definition of each fee, describe when same are refundable, if ever, and when each fee will be applied toward payment of rent for student residence facility or to resolve other debt to the institution.

3. Where required, the amount of any application fee, reservation deposit, and/or security deposit shall be stated in the institution housing policy.

4. Institutions may require other fees not specifically identified in this policy, subject to Board policy governing fees charged to students, and any prior review and/or approval required by such policy.

5. Each institution's student housing policy shall set forth the schedule for the application for residence in student residence facilities as well as all other deadlines for providing deposits, supporting documentation, submitting required pre-payments, and/or the execution of the student housing agreement. Once initially established, these dates may be revised from term to term without additional approval by the Board.

6. Consistent with TBR Guideline B-060 (XI) & (XII) each institution's student housing policy shall set forth the circumstances, if any, for refunds of reservation deposits, pre-paid rent, and/or security deposits for a student housing facility.

7. That policy shall also set forth the schedule for full and/or pro rata refunds of reservation deposits, pre-paid rent and/or security deposits when such refunds are appropriate. Refunds of rent paid in advance shall be prorated on a weekday calendar basis when the student resident is forced to withdraw from the premises:
 1. Due to personal medical reasons confirmed in writing by a licensed physician; or
 2. At the request or direction of the institution for other than disciplinary reasons.
 8. Each institution policy shall provide that a refund of rent paid in advance in the event of the death of the student resident.
3. Resident Responsibilities & General Regulations
1. All student residence facility units shall be used for by students as private residences only.
 2. Spouses, children, dependents, and/or other persons residing with student residents in a student residence facility must be documented/identified on the student housing agreement document or an attachment thereto.
 3. No student shall assign the lease/license of any student residence facility unit, or sublet the unit, and any attempted assignment shall be void without the written consent of the institution.
 4. No student resident may make any alterations, additions, or improvements to a residence unit without the written consent of the institution.
 5. All student residents shall maintain student residence facility units in the same condition and repair as accepted at the commencement of the period of occupancy, and upon termination of such occupancy, shall surrender the premises in the same condition and repair, ordinary wear and tear excepted.
 6. Each student resident and occupant of any student residence facility unit agrees to pay the institution, upon demand, for any and all damages to the unit, including but not limited to damages to exterior or interior walls, ceilings, floors, windows, doors, locks, hardware, plumbing fixtures, cabinets, shrubbery, lawn, appliances, fixtures, and furnishings of the unit and its surrounding premises, if such damage is caused by any act or failure to act by the student resident/occupant, or guests/invitees of the student resident/occupant.
 7. All personal property of student residents on the premises shall be maintained at the risk of the student residents.

8. No student resident shall permit or create a nuisance, or disturb any other resident of the unit or the facility.
9. All student residents and/or occupants of student residence housing facilities shall be subject to and comply with the rules and policies of the Tennessee Board of Regents and all institutional policies, including but not limited to student discipline and housing policies, as well as all federal and state laws.

4. Visitation

1. Institutions shall adopt policies regarding visitation in student residence facilities. Institutional visitation policies shall be subject to prior review and approval of the Board.
2. Visitation provisions should be developed in accord with the nature and suitability of differing types of residence facilities for visitation.
3. Visitors may be permitted in residence facilities pursuant to the institution's policy for open house visitation, which may supersede the regular visitation provisions.
4. In the development of visitation provisions, each institution shall give due consideration to the privacy rights of all student residents, and should ensure that visitation practices do not adversely affect student residents who choose not to participate in visitation privileges.
5. Institutions shall be responsible for the enforcement of visitation provisions.

5. Exceptions

1. Exceptions to the provisions of this policy may be made with the written approval of the Chancellor or designee.



ATTACHMENT 8

(Students Scholarships, Grants, Loans and Financial Aid)

Student Scholarships, Grants, Loans & Financial Aid Programs : 3:04:01:00

Policy Area

Student Policies

Applicable Divisions

Community Colleges, Universities

Purpose

This policy covers the establishment of and participation in student scholarship and financial aid programs by TBR universities and community colleges. (TCATs are covered by separate policy.)

Policy

1. Federal, State and Private Financial Aid, Loan, and Scholarship Programs
 1. All institutions are hereby authorized to participate in any private, federal, or state programs providing financial aid, loans, scholarships, grants, and other forms of educational assistance to students. Institutions must meet the eligibility requirements for participation and comply with all federal and state laws and regulations related to said programs.
 2. In participating in educational assistance programs, institutions shall comply with all applicable laws. Institutions may participate in publicly or privately funded educational assistance programs which provide preference on the basis of race, color, creed, sex, handicap, age, religious preference, veteran's status, or national origin in the selection of students or awards to students, but only where the aggregate of all such participation is non-discriminatory and after consultation with legal counsel. Institutions may participate in any educational assistance programs provided by the federal government or the State of Tennessee for affirmative action or diversity purposes in furtherance of the institution's affirmative action and or diversity plan.
2. Institutional Scholarships and Grant Programs
 1. General Parameters
 1. State appropriations shall be expended or applied only to Access and Diversity grants.
 2. Each institution is authorized to employ students under local work programs, and each university is authorized to employ students and graduate assistants pursuant to Board Policy No. 5:02:05:00.

3. Institutions may award scholarships and grants, in any of the programs listed below in Sections II. C. and D., to students who are full-time, part-time, out-of state, or Tennessee residents.
4. The maximum amount of an individual academic service scholarship awarded for any one semester or summer session shall be the amount of the maintenance fees (and/or out-of-state tuition) for the semester or summer session plus an allowance for books and supplies. The maximum books and supplies allowance shall be commensurate with the book and supply allowance component of the standard student budget compiled by the institution's financial aid officer. The maximum amount that may be awarded to any individual during a single fiscal year shall not exceed the total amount of combined fees and book allowances defined herein. For the purposes of this policy, maintenance fees (and/or out-of-state tuition) shall be defined as all mandatory fees payable by a student for continued enrollment at the institution, including but not limited to debt service fees, student activity fees, and registration fees. The maximum amount awarded to a part-time student shall be prorated based on the number of hours for which the student is enrolled. Refunds shall be handled in accordance with TBR refund policy outlined in TBR Guideline B-060. The provisions of this section do not apply to privately funded scholarships or grants.
5. Each institution shall establish specific criteria for the scholarship programs listed below in Sections II. C. and D. Such criteria must meet the minimum limitations set forth in this TBR policy; however, the institution may set criteria which is more restrictive than the TBR policy. The written procedures implementing this policy and all requirements for eligibility, maintenance, and renewal shall be clearly published in the official catalog of the institution and through the institutional website.

2. Funding Sources for Scholarships and Grant Programs

1. Academic Scholarships and Institutional Grants may be funded by a maximum of 10% of total tuition and fees received by the institution in any one year. An exception to this limitation may be made upon approval of the Chancellor and subsequent approval of the budget by TBR.

2. Athletic and Performance Grants may be funded by private contributions, donations, endowment earnings designated for scholarships and grants, revenues derived from the activities in which the student participates, and student fees specifically programmed and approved for such assistance.
 3. Access and Diversity Grants shall be funded by state funds and may be supplemented by other campus revenue sources.
 4. Academic Work Scholarships in the College of Medicine (ETSU) may be funded by a maximum of 10% of total tuition and fees received by the College of Medicine in any one year.
3. Scholarship and Grant Programs Requiring Service to the Institution
 1. Athletic Grants
 1. Each institution is authorized to award grants for students involved in athletics.
 2. Grants for athletes awarded by institutions shall be subject to applicable limitations imposed by any national, regional, or other conference or association of which the institution is a member.
 3. The requirement of service to the institution is satisfied by student performance of athletic endeavors.
 2. Performance Grants
 1. The institution may award grants to students who perform a service to the institution, such as band members, cheerleaders, spirit squad members, staff of student newspapers and yearbooks, etc.
 2. The service requirement is fulfilled by the performance of the activity by the student.
 3. Other Institutional Grants
 1. Institutional Grants may be provided for meeting affirmative action and minority recruitment goals.
 2. Institutional Grants may be provided for assisting handicapped, physically disadvantaged, and economically disadvantaged students.
 4. Academic Service Scholarships

1. Awards to first-time freshmen shall be limited to students who had a minimum high school average of 2.9 or the equivalent. In addition, first-time university freshmen shall have a minimum enhanced ACT composite score of 19 to be eligible for consideration. Awards to GED students shall be based upon evidence of comparable scholastic ability. Institutions may make exception to the requirements of this paragraph when admitting freshmen who have not attended high school or another postsecondary institution for at least four years.
2. Awards to transfer and other than first-time freshman students will require a minimum cumulative college GPA of 2.9 for universities and 2.5 for two year colleges earned on the basis of at least twelve (12) credit hours. Students who have completed less than twelve (12) credit hours shall, for the purposes of this policy, be considered first-time freshmen.
3. Renewal of academic service scholarships after the initial academic year of the freshman shall require a minimum cumulative GPA of 2.5. All subsequent renewals shall be reviewed at the end of each semester and require a minimum cumulative GPA of 2.5 for students of both universities and two year institutions.
 1. Students must complete a minimum amount of twelve credits, if full time and six credits, if part time.
4. Awards of academic service scholarships shall be made on a semester basis. Failure to maintain the required grade-point average or a satisfactory standard of conduct will result in the automatic forfeiture of the scholarship. A student who forfeits his/her scholarship for any of the above reasons may be eligible for consideration after the lapse of at least one full semester. Exceptions to this provision may be made when approved by the institution's president or his/her designee.
5. Economic status and need of the applicant will be considered a favorable factor only when all other conditions appear equal. Consideration may be given to the student's potential for the future as well as his or her area of specialization in relation to the needs of the state and the nation.

6. An Academic Service Scholarship shall involve a service obligation to the institution of 75 hours per semester. The service obligation will be structured to primarily provide an educational benefit to the student, not a work benefit to the institution. The service requirement for part-time and summer session students shall be prorated based on the number of hours for which the student is enrolled.
 1. Students must complete a minimum amount of twelve credits, if full time and six credits, if part time.
 2. The institution may define service for the purpose of the scholarship to include academic or co-curricular activities, such as study abroad, undergraduate research, service learning, student teaching, nursing clinical, social work practicum, and approved institutional service.
5. Academic Work Scholarships (in the College of Medicine - ETSU)
 1. Awards shall be made to incoming freshmen who are Tennessee residents, present an MCAT score of 9.0 or better and a "P" in writing skills, and have an undergraduate GPA of 3.3 or better.
 2. Students are ineligible for the Academic Work Scholarship if they are a recipient of a grant or award from the Armed Forces, NHSC, THEC, or under contractual obligation for practice after residency. Likewise, students who receive funding from CWSP or RSWP (work programs) or who hold a salaried position at ETSU are ineligible for a TBR scholarship.
 3. The award will be for tuition plus book stipend. No award will exceed total in-state fees, debt service, student activity, registration, and a book allowance commensurate with the educational cost allowance for all other students.
 4. Scholarship recipients must earn at least a 3.0 GPA to qualify for renewal awards. In addition, recipients must earn overall GPA and progress normally through the curriculum as defined by Title IV "satisfactory academic progress" regulations to maintain the scholarship or qualify for renewal awards.
6. Recipients must work not less than 300 hours per calendar year. Activities will include but not be limited to participation in research projects, generation of publications, support of

activities related to increased extramural findings, and other scholarly activities as deemed appropriate by the Special Research Project Review Committee. This Committee, made up of basic scientists, clinical practitioners/research and research project administrators, will oversee the selection of and assignments to work-study projects.

4. Grants Which Do Not Require Service to the Institution

1. Access and Diversity grants may be provided to students in order to achieve diversity plan objectives.
2. Students receiving Access and Diversity grants are not required to provide service to the institution.
3. Students enrolled in institutional Honors programs which require significant enrichment activities by the student over and above normal course requirements are not by this policy required to provide service to the institution.
4. Students receiving privately-funded or publicly-funded scholarships which require an institutional match are not by this policy required to provide service to the institution.

5. Exceptions

1. The President or his/her designee is authorized to approve other scholarships/grants so long as the total amount of these and other academic scholarships and institutional grants funded under this policy do not exceed a maximum of 10% of total tuition and fees received by the institution in any one year.



ATTACHMENT 9

(Student Financial Aid Programs at Tennessee Technology Centers)

Student Scholarships, Grants, Loans & Financial Aid Programs at Tennessee Colleges of Applied Technology : 3-04-01-01

Policy/Guideline Area

Student Policies

Applicable Divisions

TCATs

Purpose

This policy covers the establishment of and participation in student scholarship and financial aid programs by Tennessee Colleges of Applied Technology.

Policy/Guideline

1. Federal, State and Private Financial Aid, Loan, and Scholarship Programs
 1. All schools are hereby authorized to participate in any private, federal, or state programs providing financial aid, loans, scholarships, grants, and other forms of educational assistance to students. Schools must meet the eligibility requirements for participation and comply with all federal and state laws and regulations related to said programs.
 2. In participating in educational assistance programs, schools shall comply with anti-discrimination laws. Schools may participate in privately funded educational assistance programs which provide preference on the basis of race, color, creed, sex, handicap, age, religious preference, veteran's status, or national origin in the selection of students or awards to students, but only where the aggregate of all such participation is non-discriminatory. Schools may participate in any educational assistance program provided by the federal government or the State of Tennessee for affirmative action or desegregation purposes.
2. Schools Scholarships and Grant Programs
 1. General Parameters
 1. State appropriations shall be expended or applied only to desegregation grants.
 2. Each school is authorized to employ students under local work programs.
 3. Schools may award scholarships and grants, in any of the programs listed below in Section II. C., to students who are full-time, part-time, out-of-state, or Tennessee residents.

4. The maximum amount of an individual academic scholarship or grant awarded for any one term shall be the amount of the maintenance fees for the term plus an allowance for books and supplies. The maximum books and supplies allowance shall be commensurate with the book and supply allowance component of the standard student budget compiled by the school's financial aid office. The maximum amount that may be awarded to any individual during a single fiscal year shall not exceed the total amount of combined fees and book allowances defined herein. For the purpose of this policy, maintenance fees shall be defined as all mandatory fees payable by a student for continued enrollment at the school. The maximum amount awarded to a part-time student shall be prorated based on the number of hours for which the student is enrolled. Refunds shall be handled in accordance with TBR refund policy outlined in TBR Guideline TCAT-080. The provisions of this section do not apply to privately funded scholarships or grants.
5. Each school shall establish specific criteria and guidelines for administration of the scholarships and grant programs listed below in Section IIC. Such criteria must meet the minimum limitations set forth in this policy. The written procedures implementing this policy and all requirements for eligibility, maintenance, and renewal shall be approved by the Vice Chancellor for Colleges of Applied Technology prior to implementation and shall be published in the school's student handbook.

2. Funding Sources for Scholarships and Grant Programs

1. Academic Scholarships and School Grants may be funded by a maximum of 10% of the maintenance fees received by the school in any one year. An exception to this limitation may be made upon approval by the Chancellor and subsequent approval of the budget by TBR.
2. Desegregation Grants shall be funded by state funds and may be supplemented by other campus revenue sources.

3. C. Scholarships and Grant Programs

1. Academic Scholarships
 1. Academic scholarship awards shall be limited to students who graduated from high school with a minimum high school average of B or the equivalent. Awards to HSE

students shall be based upon evidence of comparable scholastic ability. Schools may make exception to the requirements of this paragraph when admitting students who have not attended high school for at least two years.

2. Awards of academic scholarships shall be made on a school term basis and may be continuous for the length of the training program, provided the student maintains a minimum B grade average and minimum school attendance requirements.

2. School Grants

1. School grants may be provided for meeting affirmative and minority recruitment goals.
2. School grants may be provided for assisting handicapped, physically disadvantaged, and economically disadvantaged students.



ATTACHMENT 10

(Purchasing Policies & Procedures)

Purchasing Policies and Procedures: 4:02:10:00

Policy/Guideline Area

Business and Finance Policies

Applicable Divisions

TCATs, Community Colleges, Universities, System Office

Purpose

The following policy and procedures, Minimum General Bid Conditions (Exhibit 2), and Code of

Ethics in Procurement and Contracting (Exhibit 3) are adopted as minimum standards for exercise by the TBR System Office, Presidents and Directors of the institutions governed by the Tennessee Board of Regents, of their delegated authority to purchase materials, supplies, equipment and services.

Definitions

- Competitive Bidding - it will be considered open and competitive bidding by utilizing one of the following procurement techniques:
 - Requests for Quotation (RFQ)/Invitation to Bid (ITB) – a competitive process soliciting bids from possible suppliers for a one-time procurement of product(s) and/or service(s).
 - Requests for Proposals (RFP) – a competitive process in which bids are solicited from possible suppliers, with a source or sources of supply established for a specified period of time at agreed upon unit pricing for goods and/or services.
 - Responsive - the bid meets the requirements and criteria set forth in the Request for Quotation or Request for Proposal.
 - Responsible - the bidder is capable of performing or is not otherwise disqualified.
 - Multi-step sealed bidding - a two-phase process consisting of a technical first phase composed of one or more steps in which proposers submit un-priced technical offers to be evaluated and a second phase in which those proposers whose technical offers are determined to be responsive during the first phase have their price proposals considered.
 - Procurement Under the Authority of Another Entity's Bid Process - purchase of materials or services, for which any TBR or UT institution or the State of Tennessee Department of General Services, Purchasing Division, has awarded a contract to a vendor through the competitive bidding process.

- State Manufactured Articles and Services - items (goods) and services purchased from other State agencies.
- Procurement under Contracts with Group Purchasing Organizations - goods and services under a contract with a group purchasing program as provided in T.C.A. § 49-7-127.
- Gifts - shall be defined as a voluntary transfer of goods or services to the institution made gratuitously and without consideration.
- Service Contract – a contract for personal, professional, or consulting service.
- State contract - a TBR institution contract, a TBR system contract, a UT contract, or a General Services contract.
- Minority owned Business – a business that is a continuing, independent, for profit business which performs a commercially useful function, and is at least fifty-one percent (51%) owned and controlled by one (1) or more minority individuals who are impeded from normal entry into the economic mainstream because of past practices of discrimination based on race or ethnic background.
- "Minority" means a person who is a citizen or lawful permanent resident of the United States and who is:
 - African American (a person having origins in any of the black racial groups of Africa;
 - Hispanic (a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race);
 - Asian American (a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands); or
 - Native American (a person having origins in any of the original peoples of North America.
- Small Business – a business that is independently owned and operated, for profit, is not dominant in its field of operation and is not an affiliate or subsidiary of a business dominant in its field of operation.
- Woman owned Business - a woman owned business that is a continuing, independent, for profit business which performs a commercially useful function, and is at least fifty-one percent (51%) owned and controlled by one or more women; or, in the case of any publicly owned business, at least fifty-one percent (51%) of the stock of which is owned and controlled by one (1) or more

women and whose management and daily business operations are under the control of one (1) or more women.

- Tennessee Business - Tennessee business means a business (T.C.A. § 12-4-121(c)(2):
 - Incorporated in this state;
 - That has its principal place of business in this state; or
 - That has an established physical presence in this state.
- Other definitions are part of the body of the policy text.

Policy/Guideline

I. Purchasing Authority

- A. Except as specifically provided in this policy or other TBR policies or guidelines, the authority of the Presidents and Directors pursuant to these policies and procedures shall not include the purchase or lease of real property, purchase of data processing equipment over \$249,999.99, the purchase of insurance, or purchases for capital outlay projects from any fund source whatsoever.
- B. Goods and services may be procured without competitive bidding only if such purchases are justified in writing and approved by the Chancellor, President, or Director as required by TBR policies and guidelines.
- C. In cases where the TBR policies and procedures do not address a specific procedure for purchase of a particular item, the Department of General Services' rules and regulations will govern, if applicable.
- D. The Chancellor, President, Director, Chief Business Officer, or Chief Procurement Officer may delegate approval authority as specified in this policy to designees.
- E. Time periods specified in this policy shall be calculated by excluding the first day and including the last, unless the last day is a Saturday, a Sunday, or a legal holiday, and then it shall also be excluded.

II. Competitive Bidding and Specifications

- A. All purchases shall be based upon the principle of competitive bidding except as herein provided.

- B. Required documentation related to competitive bidding shall be routed through the institution's procurement/contract office, prior to the purchase, to ensure compliance with applicable policies and guidelines.
- C. Unless original signatures are otherwise required (e.g., easements, deeds and other real property documents), electronic procurement is permitted for formal procurements when the required rules and procedures are developed in accordance with TBR Guideline B-095, and T.C.A. §12-3-704, which provides that state agencies shall not require small and minority owned businesses to receive or respond to invitations to bid/request for quotations or request for proposals, or other solicitations electronically.
- D. Whenever possible, all specifications for materials, supplies, equipment and services shall be worded or designed so as to permit open and competitive bidding for the supplying of the article, commodities or services to which they apply.
- E. For all RFPs and RFQs exceeding \$100,000, written certification from the author or committee that the specifications, to the best of their knowledge, are not proprietary shall be documented in the bid file.
- F. It is the responsibility of the procurement officer to ensure all competitive bidding is considered fair and open in a bid process. It will be considered open and competitive bidding by utilizing one of the following procurement techniques:
 - 1. Requests for Quotation (RFQ)/Invitation to Bid (ITB)
 - a. Specifications based on brand names and product numbers - reference to brand names, trade names, model numbers or other descriptions peculiar to specific brand products is made to establish a required level of quality and functional capabilities.
 - b. It is not intended to exclude other products of that level. Comparable products of other manufacturers will be considered if proof of comparability is contained in the bid.
 - c. Vendors are required to notify the Chief Procurement Officer whenever specifications procedures are not perceived to be fair and open. All suggestions or

objections shall be made in writing and received by the Chief Procurement Officer at least three (3) working days prior to the bid opening.

- d. It shall be the responsibility of the vendors, including vendors whose product is referenced; to furnish with the bid such specifications, catalog pages, brochures or other data as will provide an adequate basis for determining the quality and functional capabilities of the product offered.
- e. Failure to provide this data may be considered valid justification for rejection of a bid;
 - (1) Specifications based on standard specifications;
 - (2) Specifications based on qualified products list; or
 - (3) Specifications based on catalogs, price lists, or price schedules.
- f. For any contract that results from an RFQ or ITB, Institutions are not permitted to change the scope of the service(s) once a contract is awarded. (Department of General Services Purchasing Division, Agency Purchasing Procedures Manual, Revision Twelve, Approved by the Board of Standards, January 30, 2007)

III. Requests for Proposals (RFP) under \$50,000

- A. Does not require sealed bids; can be written, telephone or electronic.
- B. If the estimated amount of the purchase (or revenue) is at least \$10,000 but less than \$50,000, written, telephone or electronic bids must be solicited from at least three (3) qualified vendors (with the exception below)
- C. When telephone bids are solicited, a written record of the bidders and amounts bid shall be maintained.
 - 1. Exception: Institutions are permitted to make purchases of goods and services under a contract with a group purchasing program as provided in T.C.A. § 49-7-127. The statute specifically permits such purchases when the price for goods or services under a group purchasing program is lower than the price available on a state contract.
 - 2. Comparison pricing must have been obtained within twelve (12) months of the date of comparison.

IV. Request for Proposal (RFP) – \$50,000 and over

- A. Sealed bid with separate sealed technical and cost proposals which must be submitted at the same time.
- B. Compliance with the mandatory RFP requirements shall be determined by the RFP Coordinator in consultation with the Chief Business Officer or designee.
- C. Evaluation of technical offers shall be determined by an evaluation team selected by the president or designee. Members of the evaluation team should be adequate and appropriate to the scope and nature of the RFP.
- D. Procurement department representatives shall review the proposals to ensure procurement procedures were followed and shall offer guidance to the evaluation team, but shall not serve on the evaluation team, and shall not score technical proposals received, except in instances where the RFP is directly related to a good/service needed by the procurement department.
- E. Any technical offers shall be evaluated based on the criteria of the RFP and other information learned during the technical evaluation process.
- F. Any technical offer submitted which contains any pricing information of any type shall be rejected.
- G. Technical offers not deemed acceptable will not proceed to the pricing phase. Cost proposals shall not be opened if the associated technical proposal has been deemed non-responsive and is rejected by the institution.
- H. Technical and cost proposals shall not be made public until the inspection period following the evaluation of the cost proposals.
- I. If the estimated amount of the purchase (or revenue) is \$50,000 or more, written sealed bids must be solicited from fifteen (15) vendors or the number of vendors on the Vendors List-- whichever is less and to all that request the specific RFQ/RFP. (The Chief Procurement Officer must approve the solicitation of less than 15 bids).
- J. A contract for consulting services hereunder which exceeds \$25,000 shall not be allowed unless it is determined by the Chancellor, President, or Director, in writing, that the services

are in fact needed and that they cannot be satisfactorily or economically performed by a state agency.

1. A cover form will be required to be completed by the requisitioning department, submitted to the institution's procurement office, certifying the need for the service(s) and that appropriate consideration has been given to the use of state resources (sample language is available through the TBR System Office).

V. Additional Procedures for Multi-step Sealed Bidding

- A. The use of a multi-step sealed bidding process is required in the bidding process for the procurement of products and/or services when it is not practical to prepare initially definitive specifications.
- B. For any contract that results from an RFP, Institutions are not permitted to change the scope of the service(s) once a contract is awarded. (Department of General Services Purchasing Division, Agency Purchasing Procedures Manual, Revision Twelve, Approved by the Board of Standards, January 30, 2007)

VI. Procurement Under the Authority of Another Entity's Bid Process

- A. Purchase of materials or services may be made without adherence to (12) Minimum Notice and Number of Bids, provided the vendor meets the bid specifications.
- B. Note: the competitive bidding process of another entity (except the State Purchasing Division) must have specified that other institutions would be permitted to purchase under the bid.
- C. Institutions are strongly encouraged to include language in RFPs/RFQs asking if the bid is open to other TBR and UT institutions.
- D. This Section does not preclude institutions from utilizing an SWC as a bid in accordance with the competitive bidding process outlined in (12) Minimum Notice and Number of Bids, if so desired. (F&A Rule 0690-3-1-.01 (5) and Section XXVII of this policy.)

VII. Procurement of State Manufactured Articles and Services

- A. All institutions are required to purchase items (goods) and services from other State agencies, e.g., Department of Correction, Blind Services, Tennessee Rehabilitative Initiative

in Correction (TRICOR), Community Rehabilitation Agencies (CMRA) / TRUST in Tennessee, whenever such items or services are available therefrom and meet the desired conditions and standards. (General Services Rule 0690-3-1-.01 (7) (d).)

- B. In addition, for personal, professional and consultant service contracts only, no competitive process is required when the contractor is a state agency (as provided in the immediately preceding paragraph), a political subdivision of the state, any other public entity in Tennessee, or an entity of the federal government. The non-competitive negotiation process in Section XXV subsection C. of this Policy may be used for such contracts. (F&A Rule 0620-3-3-.03).

VIII. Procurement under Contracts with Group Purchasing Organizations

- A. Institutions are permitted to make purchases of goods and services under a contract with a group purchasing program as provided in T.C.A. § 49-7-127.
- B. The statute specifically permits such purchases when the price for goods or services under a group purchasing program is lower than the price available on a state contract.
- C. Comparison pricing must have been obtained within twelve (12) months of the date of comparison.
- D. See Section XXXII for Reporting and Documentation Requirements.

IX. Gifts

- A. Gifts do not require a procurement process subject to this policy. See TBR Policy 4:01:04:00 Solicitation and Acceptance of Gifts and TBR G-030, Section 3.
- B. Essential elements of a gift are:
 - 1. Capacity of the donor of the gift,
 - 2. Intention of donor to make a gift,
 - 3. Completed delivery of the gift to or for the institution, and
 - 4. Acceptance of the gift by the institution.
- C. Nothing in this policy shall be construed to mean that the institution must accept any gift.

X. Procurement of Goods, Materials, and Supplies/Services

- A. Goods, materials, and supplies (cumulatively called "goods") should be awarded to the lowest responsive and responsible bidder pursuant to a Request for Quotation, sometimes

called an Invitation to Bid. (A sample Request for Quotation is available at the TBR web site.)

- B. Goods and Services. Certain services or a combination of goods and services may be procured as a "good", based on a Request for Quotation rather than a Request for Proposal, if the end product is more important than the service that goes toward its production or when the vendor has little discretion in determining its actual content or form.
 - 1. Examples of this type of service may include, but are not limited to:
 - a. pest control;
 - b. security services;
 - c. moving and hauling;
 - d. refuse collections;
 - e. charter services;
 - f. printing services, and
 - g. maintenance services.
- C. Mischaracterization of an item to be procured as a good or service shall not constitute an error in the procurement if the requirements of this policy are met, but it may be grounds for the institution to terminate the procurement process.
- D. For competitive procurement of goods, an Invitation to Bid (or Request for Quotation) is appropriate, and in general, a purchase order may be used to finalize the purchase.
- E. For competitive procurement of services, a Request for Proposal is more appropriate, and a purchase order is generally not sufficient to serve as the written contract for the services.
- F. For procurement of services which will require System Office approval, the Request for Proposal format approved by the System Office shall be used.
- G. Procurement of goods under this policy shall not require a monitoring plan, but shall comply with TBR and institution internal controls and audit procedures.
- H. Services
 - 1. A contract for personal, professional, or consulting service shall be used when the vendor's discretion or the form of the end product or service is critical to the performance.

2. All purchases of personal, professional, and consultant services should be based, to the maximum extent practicable, on evaluation and consideration of vendor qualifications and cost.
3. Detailed information regarding service contracts is provided in TBR Guideline G-030.
4. A sample Request for Proposal for service contracts is available at the TBR web site.
5. Each institution's RFP should contain, at a minimum, the requirements of the sample RFP provided by TBR System Office.
6. A contract for consulting services hereunder which exceeds \$25,000 shall not be allowed unless it is determined by the Chancellor, President, or Director, in writing that the services are in fact needed and that they cannot be satisfactorily or economically performed by a state agency.
7. A cover form will be required to be completed by the requisitioning department, submitted to the institution's procurement office, certifying the need for the service(s) and that appropriate consideration has been given to the use of state resources (sample language is available through the TBR System Office).
8. Monitoring of Services
 - a. Institutions shall have a monitoring plan for all service contracts, including grants and grant subcontracts, to ensure the following:
 - (1) That deliverables are received,
 - (2) Financial obligation of the institution does not exceed the contract pricing, and
 - (3) Services are in compliance with the terms and conditions of the contract.

XI. Outsourcing

- A. Institutions are encouraged to determine whether some services can be delivered more economically by the private rather than the public sector. The following process is hereby permitted and encouraged:
 1. The state's cost of the service may be ascertained and kept confidential as part of the evaluation process. This cost must be finally determined and provided to the Chancellor,

President, or Director, as appropriate, in a sealed envelope prior to bid/proposal due date.

2. The service may be the subject of an RFQ/RFP, as appropriate, which approximately describes the services heretofore provided by the TBR/institution.
3. The RFP/RFQ may require that if the proposer's/bidder's price exceeds the state's confidential cost, the proposal/bid may be rejected.

XII. Illegal Immigrants

- A. No person may enter into a contract to supply goods or services to the state or other state entities without first attesting in writing that the person will not knowingly utilize the services of illegal immigrants in the performance of the contract, and will not knowingly utilize the services of any subcontractor who will utilize the services of illegal immigrants in the performance of the contract.
- B. The procedures for implementing this Policy and the attestation form are provided in TBR Guideline G-030. Language to be included in bids/proposals is included in Exhibit 2, Minimum General Bid Conditions

XIII. Requests for Quotation & Requests for Proposal

- A. Requests for Quotation and Requests for Proposal shall specify:
 1. The time and place that bids will be received and opened;
 2. Information describing the purpose of the procurement, technical requirements, bidder qualifications, and any other information considered relevant to the goods or services being acquired;
 3. The amount or number of articles or services required;
 4. For all RFPs and RFQs exceeding \$100,000, in estimated expenditure or revenue, a question/answer period and/or pre-bidders' conference, with all questions and responses forwarded to all prospective bidders (The larger or more complex an RFP is, the more likely a pre-bidders' conference should be held, and the more likely it may be that two periods of questions and answers may be appropriate.);
 5. The time of delivery;

6. The amount, if any, of any bid bond or certified checks to accompany the bid/proposal;
7. The amount, if any, of any performance bond which may be required if the vendor is the successful bidder;
8. A declaration of the contract terms and conditions which shall be required by the institution;
9. A description of the factors to be considered in evaluating bids/proposals, if applicable;
10. Date bid/proposals evaluations will be available for viewing;
11. If applicable, whether other TBR institutions and/or UT institutions may purchase from the contract; and
12. The period of time during which each bidder/proposer will hold its bid open and the period during which the contract awarded will be available to other institutions, if applicable.

B. RFQs/RFPs may specify any other requirements, conditions, or information in reference to the purchase deemed necessary.

C. RFQ/RFP files (hard-copy or electronic) shall contain, at a minimum, the following:

1. A copy of the RFQ/RFP issued (including specifications),
2. A list of vendors for solicitation,
3. The date vendors were sent the RFQ/RFP,
4. For RFPs and applicable RFQs, any pre-bid questions/responses or addendums to the RFQ/RFP,
5. For RFPs and applicable RFQs, all documentation relating to the composition of the evaluation team and the evaluation documentation used to make the award,
6. As applicable, any documentation that warrants a re-bid of the RFQ/RFP,
7. Any informal bid complaints and the respective responses/actions,
8. As applicable, copies of intent to award letters, and
9. The executed purchase order and/or contract.

XIV. Minimum Notice and Number of Bids

- A. The number of bids required and the notice to bidders for solicitation of bids for purchases and revenue contracts shall be as follows:
1. As noted in paragraph IV. above, if the estimated amount of the purchase (or revenue) is \$50,000 or more, written sealed bids must be solicited from fifteen (15) vendors or the number of vendors on the Vendors List--whichever is less and to all that request the specific RFQ/RFP. (The Chief Procurement Officer must approve the solicitation of less than 15 bids).
 2. If the annual estimated amount of the purchase is \$100,000 or more, solicitations must be sent in a manner that verifies proof of delivery.
 3. An RFQ for goods must be sent at least fourteen (14) days (ten (10) days when all vendors are local vendors) before the date that the bids are scheduled to be opened.
 4. For RFPs and applicable RFQs, (for example, those RFQs having requirements in addition to or other than the purchase of goods), a minimum of four (4) to six (6) weeks should be allowed for vendors to adequately prepare a competitive proposal based on the method of RFP or RFQ delivery, bid specifications and pre-bidders questions/responses.
 5. Examples of types of bids which would need to allow at least six (6) weeks include, but are not limited to:
 - a. Banking and other financial services,
 - b. Bookstore and food services,
 - c. Custom software and or IT system services,
 - d. Advertising management services,
 - e. And any other bid for which the additional time is appropriate.
- B. A vendor's general or standing request for notice for all RFQs/RFPs or all RFQs/RFPs of a given type shall not suffice as a request for a specific RFQ/RFP and shall create no obligation on the institution.

- C. As noted in paragraph III. above, if the estimated amount of the purchase (or revenue) is at least \$10,000 but less than \$50,000, written, telephone or electronic bids must be solicited from at least three (3) qualified vendors (with the exception of (3)(c)1. above).
- D. When telephone bids are solicited, a written record of the bidders and amounts bid shall be maintained.

XV. Bid Withdrawal, Bid revision, and Bid Rejection

- A. Before bid opening, a vendor may be permitted to withdraw a bid entirely and/or submit a substitute bid. The vendor making such a request must submit suitable identification.
- B. After bid opening, a vendor will be permitted to withdraw a bid only where there is obvious clerical error in the bid such as a misplaced decimal point, or when enforcement of the bid would impose unconscionable hardship due to an error in the bid resulting in a quotation substantially below the other bids received.
- C. Withdrawal will be considered only upon written request from the vendor.
- D. In cases of errors in the extension of prices in the bid, the unit price will govern.
- E. Incorrect proposal information – If the institution determines that a proposer has provided, for consideration in a contractor selection process or in negotiations, information which the proposer knew or should have known was materially incorrect, the subject proposal may be determined non-responsive, the proposal may be rejected and the vendor may be removed from the vendor list.
- F. A bid may not be revised after bid opening, however;
 - 1. After evaluation is complete and the successful bidder/proposer selected, the institution may initiate negotiations which serve to alter the bid/proposal in a way favorable to the institution.
 - 2. For example, prices may be reduced, time requirements may be revised, the bid/proposal may be revised to supply omitted contract terms, etc.
 - 3. In no event shall negotiations increase the cost or amend the proposal such that the apparent successful proposer no longer offers the best proposal.
- G. Any proposal that restricts the rights of the institution or otherwise qualifies or limits the proposal may be considered to be non-responsive, and the proposal may be rejected.

- H. When it becomes necessary to reject all bids, the reason for such rejection must be set out in complete detail and made available to all bidders who submitted a bid.
- I. Action to reject all bids shall be taken only for unreasonably high prices, errors in the RFQ/RFP, cessation of need, unavailability of funds, failure of all proposals to meet technical specifications, lack of competition, a determination that the goods/services can be more economically delivered pursuant to an agreement with another TBR institution of other state agency, or a determination that proceeding with the procurement would be detrimental to the best interests of the institution, the reason for which must be documented and approved by the Chancellor or designee, President or designee, Vice Chancellor for Colleges of Applied Technology or Director.
- J. If another RFP is to be issued, all prior offers and/or proposals shall remain closed to inspection by the proposers and/or the public until the evaluation of the re-bid is complete.

XVI. Acceptance of Bids/No Rights Created

- A. Notwithstanding any provision contained herein or in any solicitation document, submission of a bid or a proposal shall not create rights, interests or claims of entitlement in any bidder or proposer, including the successful bidder or proposer. Notwithstanding any action or agreement to the contrary, no such right, interest, or claim shall exist unless and until a purchase order has been issued or a contract is fully executed.
- B. For RFPs and applicable RFQs, a notice of intent to award shall be sent to all proposers containing, at a minimum, the content provided by the TBR System Office.
- C. All bids shall be subject to rejection by the Chancellor or designee, President or designee, Vice Chancellor for Colleges of Applied Technology or Director. If awarded, the contract for purchase shall be awarded to the lowest qualified and responsible bidder, taking into consideration quantifiable factors including but not limited to the apparent ability of the bidder to perform the proposed contract, the conformity of the articles or services to the specifications, any discount allowed for prompt payment or for any other reason, transportation charges, and the date of delivery specified in the RFP/RFQ.
- D. A bond for the faithful performance of any contract may be required at the discretion of the institution.

- E. A complete written record on all procedures and justifications shall be maintained on each procurement transaction in order to provide a clear audit trail on the purchase.
- F. Bids must be received in the specified location on or before the date and hour designated for bid opening. All bids received must be date and time stamped to show compliance with the designated opening date and time. Late bids will not be considered in contract award.
- G. All RFQs received shall be publicly opened and examined by a designated institutional representative at the time and place specified in the RFQ. Whenever sealed bidding is utilized, bidders shall have no less than five (5) working days after the opening before a purchase order/contract may be awarded.
- H. All RFQs/RFPs conforming to the RFQ/RFP specifications, together with the name of the bidders, shall be recorded. Only after the completion of evaluation shall the complete procurement files become a matter of public record and open to public inspection.
- I. Each bid should give the full name and business address of the bidder; if the vendor is a corporation, the name shall be stated as it is in the corporate charter.
- J. Each bid must be signed in ink by the vendor's authorized agent. Unsigned bids will be rejected. The person signing the bid must show his title, and if requested by the institution or college of applied technology, must furnish satisfactory proof of his or her authority to bind his or her company in contract.
- K. Bids must be typewritten or in ink; otherwise they may not be considered. However, institutions may conduct informal procurement electronically, and if the institution requests or permits electronic bidding, no bidder's signature shall be required. T.C.A. § 12-3-704. Unless original signatures are otherwise required (e.g., easements, deeds and other real property documents), electronic procurement is permitted for formal procurements when the required rules and procedures are developed in accordance with TBR Guidelines B-095 and T.C.A. § 12-3-704, which provides that state agencies shall not require small and minority owned businesses to receive or respond to invitations to bid/request for quotations or request for proposals, or other solicitations electronically.
- L. A purchase order, if applicable, will be issued to the firm name appearing on the bid.

- M. When more than one item is specified in the RFQ/RFP, the institution may provide in the RFQ/RFP that the institution shall have the right to determine the low vendor(s) either on the basis of each individual item, a group of items, or the total of all items.
- N. Alternate bids will not be considered unless specifically called for in the bid.
- O. All material, supplies, and equipment offered and furnished must be new unless the RFQ/RFP specifically permits offers of used, remanufactured, or reconditioned items. RFQs/RFPs which specifically permit offers of used, remanufactured, or reconditioned items shall require a warranty; however, the Chancellor, President, or Director shall have the authority to waive this requirement.

XVII. Protested Bids

A. Right to Protest

1. Any actual proposer who claims to be aggrieved in connection with a specific solicitation process may submit a protest in writing to the Chief Procurement Officer within seven (7) calendar days after he or she knows or should have known the facts giving rise to the protest.
2. All proposers should know and shall be deemed responsible for knowing the facts documented in the institution's procurement files on the day the institution opens the bid files for public inspection.
3. Any issues raised by the protesting party after the seven (7) calendar day period shall not be considered as part of the protest.

B. Signature on Protest Constitutes Certificate.

1. The signature of an attorney or protesting party on a request for consideration, protest, motion, or other document constitutes a certificate by the signer that the signer has read such document, that to the best of the signer's knowledge, information, and belief formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass, limit competition, or to cause unnecessary delay, or needless increase in the cost of the procurement or of the litigation.

2. If a request for consideration, protest, pleading, motion, or other document is signed in violation of this subsection before or after appeal to the Chancellor, the Chancellor upon motion or upon his/her own initiative, may impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties, including the affected institution, the amount of the reasonable expenses incurred because of the filing of the protest, a petition for a stay of award, pleading, motion, or other paper, including reasonable attorneys' fees.
3. Neither a protest nor a stay of award shall proceed under this section unless the protesting party posts a protest bond (See Exhibit 1).
4. The protesting party shall post, with the Chief Procurement Officer of the institution, at the time of filing a notice of protest, a bond payable to the institution in the amount of five percent (5%) of the lowest cost proposal evaluated or five percent (5%) of the highest revenue proposal evaluated. Such protest bond shall be in form and substance acceptable to the institution and shall be immediately payable to the institution conditioned upon a decision by the Chancellor that:
 - a. A request for consideration, protest, pleading, motion, or other document is signed, before or after appeal to the Chancellor, in violation of Section XVII subsection B.;
 - b. The protest has been brought or pursued in bad faith; or
 - c. The protest does not state on its face a valid basis for protest.
5. The institution shall hold such protest bond for at least eleven (11) calendar days after the date of the final determination by the institution. If the protesting party appeals the determination in accordance with paragraph (17), the institution shall hold such protest bond until instructed by the Chancellor to either keep the bond or return it to the protesting party.
6. At the time of filing notice of a protest of a procurement in which the lowest evaluated cost proposal is less than one million dollars (\$1,000,000), or in which the highest evaluated revenue proposal is less than one hundred thousand dollars (\$100,000), a minority or small business protesting party may submit a written petition to the Chief

Procurement Officer for exemption from the protest bond requirement of Section XVII, B., 3.

7. Such a petition must include clear evidence of minority or small business status.
8. On the day of receipt, the petition shall be given (may be faxed) to the Chancellor or designee. The Chancellor has five (5) business days in which to make a determination.
9. If an exemption from the protest bond requirement is granted, the protest shall proceed as though the bond were posted.
10. Should the Chancellor deny an exemption from the requirement, the protesting party shall post the bond with the Chief Procurement Officer of the institution as required in paragraph Section XVII, B., 3. within three (3) business days of the determination.

C. Authority to Resolve Protest

1. The Chief Procurement Officer of the institution has the authority to resolve the protest. If deemed necessary, the Chief Procurement Officer may request a meeting with the protesting party to seek clarification of the protest issues.
2. The final determination of the Chief Procurement Officer shall be given in writing and submitted to the protesting party.
3. The protesting party may request that the final determination of the Chief Procurement Officer be considered by the Chief Business Officer of the institution. The request for consideration shall be made in writing to the Chief Business Officer within seven (7) calendar days from the date of the final determination by the Chief Procurement Officer.
4. The Chief Business Officer has the authority to review and resolve the protest. If deemed necessary, the Chief Business Officer may request a meeting with the protesting party to seek clarification of the protest issues. The final determination of the Chief Business Officer shall be given in writing and submitted to the protesting party.
5. The protesting party may request that the final determination of the Chief Business Officer be considered by the President or Director of the institution. The request for consideration shall be made in writing to the President or Director within seven (7) calendar days from the date of the final determination by the Chief Business Officer.

6. The institution shall have no longer than sixty (60) calendar days from receipt of the protest to resolve the protest.
7. The protesting party may request that the final determination of the President/Director be considered by the Chancellor. The request for consideration shall be made in writing to the Chancellor within seven (7) calendar days from the date of the final determination by the President/Director.
8. The determination of the Chancellor or designee is final and shall be given in writing and submitted to the protestor.
9. In the event that the institution fails to acknowledge receipt of a protest within fifteen (15) days of receipt of a protest or fails to resolve the protest within sixty (60) calendar days, the protesting party may request that the Chancellor consider the protest at a meeting.

D. Stay of Award

1. Prior to the award of a contract, a proposer who has protested may submit to the Chief Business Officer a written petition for stay of award. Such stay shall become effective upon receipt by the Chief Business Officer.
2. The Chief Procurement Officer shall not proceed further with the solicitation process or the award of the contract until the protest has been resolved in accordance with this section, unless the Chancellor makes a written determination that continuation of the solicitation process or the award of the contract without delay is necessary to protect substantial interests of the institution.
3. It shall be the responsibility of the Chief Business Officer to seek such determination by the Chancellor.

E. Protest Subsequent to Award

1. The Tennessee Claims Commission has exclusive jurisdiction to determine all monetary claims against the state for the negligent deprivation of statutory rights.

F. Appeal to Chancery Court

1. Protests appealed to the chancery court from the Chancellor's decision shall be by common law writ of certiorari.

2. The scope of review in the proceedings shall be limited to the record made before the Chancellor and shall involve only an inquiry into whether the Chancellor exceeded his/her jurisdiction; followed an unlawful procedure; or acted illegally, fraudulently or arbitrarily without material evidence to support his/her action.

G. Appendix I (Exhibit 1)

1. A protest bond may be presented to the institution in form and substance compliant with the Protest Bond format attached in Exhibit 1. Any protest bond presented to the institution that represents a deviation from the Exhibit 1 format shall be considered for acceptability by the institution on a case by case basis.

XVIII. Tie Bids

- A. Goods - A tie bid exists when two or more bidders offer goods and/or services that meet all specifications, terms and conditions at identical prices, including cash discount offered. In such case, a tie bid will be broken by the following methods, in descending order of preference:
 1. Tennessee businesses will be given preference.
 2. Small, minority and women-owned business will be given preference.
 3. Award item(s) to vendor who was low bidder on other item(s) being bid per the same requisition.
 4. Best delivery.
 5. By lot or coin toss (properly witnessed and documented).
- B. Personal, professional and consultant services - In the event that a proposal evaluation process results in two or more proposals receiving evaluation scores that tie for the rank of highest score, the institution shall request best and final cost proposals from only those proposers with scores that tie. The institution may calculate new evaluation scores for the tying proposals by adding the original technical scores to the recalculated cost scores. Should another tie result, the contract shall be awarded by coin toss.

XIX. Receiving Reports

- A. When any supplies, equipment, or materials are received by an institution, the receiving agent thereof shall maintain a record of receipt that the supplies, equipment, or materials received were equal in quality and quantity to those requisitioned.
- B. Appropriate documentation of contract performance or specific deliverables shall be provided by the requisitioning department prior to payment for services, supplies, equipment, and materials.
- C. Complete records on all receiving reports/documentation shall be maintained in order to provide for a clear audit trail on the receipt of all purchases.

XX. Vendors List

- A. Each institution shall maintain a list of vendors which shows the types or classes of materials, supplies, equipment or services which the person, firm or corporation is willing and able to furnish to the institution.
- B. The institution may require the person, firm or corporation to submit sufficient information to demonstrate ability to perform any future commitment prior to inclusion on the list of bidders.

XXI. Removal from Vendors List

- A. Vendors who fail to respond to a reasonable number of bids or fail to provide adequate goods and/or services shall be removed from the vendors list.
- B. Reported failure to comply with bids, awards, and/or orders becomes a part of the bidder's application file.
- C. If a qualified bidder repeatedly fails to respond to Invitations to Bid, the bidder will be removed from all commodity groups. Examples of failure to comply include but are not limited to:
 - 1. Over shipments: Under shipments;
 - 2. Early Shipments: Late Shipments;
 - 3. Damaged Products: Defective Products;
 - 4. Shipments not in Conformance with Specifications;
 - 5. Unauthorized Substitutions;
 - 6. Billing Errors;

7. Service Deficiencies:

8. Failure to Ship

D. Other principal causes for temporary or permanent removal from the bid list are:

1. Unethical Practices

2. Misrepresentation of Merchandise

E. Failure of a vendor to perform satisfactorily in any of the above areas may result in a vendor's liability for damages to the institution.

XXII. Purchases from Small/Minority/Women Owned Businesses

A. All institutions, in accordance with state and federal law, shall actively promote and encourage diversity participation with small, minority, and women-owned businesses in order to obtain a fair proportion of goods and services from such businesses as further defined in Exhibit 4 to this policy.

B. Information regarding small, minority, and women-owned business solicitations and purchases will be filed with the Governor's Office of Diversity Business Enterprise and the Department of General Services which will consolidate this information into reports to the Legislature.

XXIII. Emergency Purchases

A. Purchases of specific materials, supplies, equipment or services may be made in the open market for immediate delivery only to meet bona fide emergencies arising from any unforeseen cause.

B. All bona fide emergency purchases must be approved by the Chancellor, President, or Director, and a written report on the circumstances of any such emergency justifying the purchase shall be prepared and maintained.

C. All emergency purchases shall, if practicable, be made on the basis of competitive bids.

XXIV. Special Purchase Categories

A. Competitive Negotiation

1. A contract may be entered into by competitive negotiation only in cases when the institution is unable to obtain needed goods and/or services by the competitive bid

process. In addition, competitive negotiation may be appropriate for personal, professional and consultant service contracts when one of the following is true:

- a. Public need will not permit the delay incident to the RFP process;
 - b. No acceptable proposals have been received after the RFP process;
 - c. Rates payable for the services are regulated by law; or
 - d. As provided in Section XIV.C. of this Policy. (F&A Rule 0620-3-3-.03)
2. The Chancellor, President, or Director shall prescribe the procedures under which negotiation is to be conducted. These procedures shall provide for the safeguarding of the information and provide fairness to the vendors in the negotiation process; procedures shall mandate communication of the requirements of the institution, clarify best interests of the institution, and solicit bids from at least three (3) potential providers (including minority, disadvantaged and small business providers as otherwise required by TBR policy and guidelines), and require documentation of the solicitation process.
 3. In the event it appears the competitive negotiation process is to be implemented, such an action must be approved by the Chancellor, President, or Director.
 4. Once the negotiations have been concluded, a recommendation shall be made by the negotiating team to the Chancellor, President, or Director, and he or she shall approve the results prior to entering into a contract.
- B. Non-competitive negotiation for sole source procurement – the negotiation of the terms of a contract with only one provider.
1. Personal, professional and consultant service contracts may be obtained by non-competitive negotiation when the contractor is a state agency, a political subdivision of the state, and any other public entity in Tennessee, or an entity of the federal government. (See Section XVII. Subsections A. & B. of this policy and F&A Rule 0620-3-3-.03.)
 2. Sole source or proprietary purchases may be allowed pursuant to the following:
 - a. Sole Source Procurement - Sole source purchases are made only when items are unique and possess specific characteristics that can be filled by only one source.

The vendor must furnish a letter indicating that it is the sole source and the letter must be signed by an authorized company representative.

- b. Proprietary Purchase - A proprietary product is one that is manufactured and marketed by a person or persons having the exclusive right to manufacture and sell the product. Marketing is generally controlled by franchises that may include competitive sales at wholesale or retail levels. When it is found that bids may be obtained from different franchises, bid invitations must be issued unless the estimated purchase is less than \$10,000.
3. Factors to be considered in sole source and proprietary purchases include the following:
 - a. Whether the vendor possesses exclusive and/or predominant capabilities or the items contain a patented feature providing superior utility not obtainable from similar products.
 - b. Whether the product or service is unique and easily established as one of a kind.
 - c. Whether the program requirements can be modified so that competitive products or services may be used.
 - d. Whether the product is available from only one source and not merchandised through wholesalers, jobbers, and retailers.
 - e. Whether items must be interchangeable or compatible with in-place items.
 - f. Whether the cost of conversion, including but not limited to disruption, re-training, and replacement precludes bidding competitively.
 - g. Whether the product is to be used in an instructional setting and the intent is to provide instruction on the specific product or diversity of products.
 - h. For personal, professional and consultant services, whether the use of non-competitive negotiation is in the best interests of the institution. (F&A Rule 0620-3-3-.03)
 - i. Other justifications as approved by the Chancellor, President, Director.
 4. Only authorized sole source may be procured utilizing non-competitive negotiation and a completed non-competitive justification form.

5. Whenever specifications are not so worded or designed to provide competitive bidding, or specify a single brand, the person responsible for the recommendation shall be required to justify the necessity for the specification in writing, and the request shall be approved by the Chancellor, President, or Director. The TBR Justification for Non-Competitive Purchases and Contracts Form must be completed and approved by the institution's procurement office or TBR System Office (when applicable).

C. Purchases for Resale in Auxiliary Enterprises

1. Purchases of items for resale shall be made as follows:
 - a. Textbooks and other course related materials may be purchased without adherence to Section IV of this policy, Minimum Notice and Number of Bids. All textbook ordering lists and authorization forms must be maintained for audit purposes.
 - b. Certain items for resale for which customers have expressed a preference, and/or promotional items procured under accepted retail merchandising practices, may be purchased without adherence to Section IV of this Policy, Minimum Notice and Number of Bids. Appropriate documentation shall be maintained which supports the action taken.

D. Purchases for Libraries, Excluding Materials and Supplies Identified for Consumption by the Library

1. Purchases of materials for additions to a library collection include cost of books, catalogs, periodicals, binding, audio-visual media, and other general publications. These items are capital expenditures.
2. Each institution shall be responsible for developing procurement policies and procedures for the library.
3. These purchases may be made without formal bids or quotations, and appropriate documentation shall be maintained on these purchases to support sole source procurement.

4. Purchases of electronic journals, subscriptions, and databases for libraries shall be procured through the institution's procurement or contract office in instances when a competitive process can be used.
5. In addition, any required electronic or written agreements to license journals, subscriptions, or databases shall be routed through the institution's procurement or contracts office for review and approval prior to use.
6. Appropriate documentation must be maintained for purchases to support sole source procurement.
7. Additionally, these items may require the approval of the Fiscal Review Committee if the purchase exceeds the Fiscal Review Committee threshold

E. Federal Guidelines

1. Purchases utilizing federal funding are to follow federal guidelines regarding such purchases. Purchases for goods or services shall not be made from vendors on the List of Parties Excluded From Federal Procurement and Non-procurement Programs.

F. Utility Contracts

1. The institution shall purchase or contract for all telephone, telegraph, electric light, gas, power, postal and other services for which a rate for the use thereof has been established by a public authority in such manner as the institution deems to be in the best interest of the State of Tennessee.
2. Each such purchase or contract shall be made on a competitive basis, whenever possible, in accordance with this policy, unless it has been determined that such purchase is single source. If such purchase has been determined to be single source, the purchase shall then be made pursuant to Section XXIV. B., Non-competitive negotiation, of this TBR Purchasing Policy.

XXV. Contracts and Agreements

- A. All contracts and agreements will be in conformance with TBR Policy 1:03:02:10 Approval of Agreements and TBR Guideline G-030, Contracts and Agreements.

- B. No agreement of any nature which requires the expenditures of funds shall extend beyond the end of fiscal year in which it is entered into unless expressly subject to the condition that the institution or college of applied technology shall have the right to terminate the agreement at the end of any fiscal year in the event that sufficient funds are not appropriated by the General Assembly and/or budgeted for continuation of the agreement.
- C. All agreements, contracts and subcontracts shall contain all necessary affirmative action and nondiscrimination requirements provided by Federal or State laws and regulations.
- D. No contract for purchase of materials, supplies, equipment or services shall be awarded pursuant to these procedures unless funds have been appropriated and are available for the purchase. No contract shall be entered into in addition to the contract resulting from acceptance of a bid and issuance of a purchase order except pursuant to TBR Policy No. 1:03:02:10, Approval of Agreements.
- E. Contracts containing no financial consideration may be negotiated.
- F. Expenditure contracts, other than real property contracts, may not have a contract term for a period in excess of sixty (60) months. Revenue contracts may not have a contract term for a period in excess of one hundred twenty (120) months.
- G. A revenue contract shall be used to formalize an agreement in which a TBR institution provides specific deliverable goods or services for monetary compensation. Revenue contracts shall conform to the requirements of this policy, TBR Policy 1:03:02:10 and G-030.
- H. Individuals who execute agreements, contracts or subcontracts containing impermissible clauses may be subject to personal liability (T.C.A. § 12-3-105)
- I. Limitation of Liability - Personal, Professional and Consultant Service Contracts.
 - 1. The provisions of this Section XXV subsection I. are not required to be followed for contracts of adhesion; for such contracts, the provisions of G-030 Section 11 subsection Contract of Adhesion may be applied.
 - 2. The Chancellor or designee, President or designee, and the Vice Chancellor for the Colleges of Applied Technology or designee may approve limitations of liability below

two (2) times the value of the contract and limitations of warranty in contracts for personal services, professional services, and consultant services.

- a. Approval Process. The request made under this Section must be submitted in writing, with appropriate supporting information, to the approving authority and must be signed by the Chief Procurement Officer of the institution.
- b. Not Authorized. In no event shall a limitation of liability or warranty permitted under this Section limit the liability of the contractor for intentional torts, criminal acts, or fraudulent conduct. This Section does not authorize any further limitation of the legal rights of TBR as a state entity, does not constitute a waiver of sovereign immunity, and does not authorize a cause of action against TBR in any jurisdiction.

3. Institutions may purchase software for use restricted solely to academic teaching or research upon terms which may limit the contractor's liability or warranties; provided, that in no event shall the liability of the contractor be limited for intentional torts, criminal acts, or fraudulent conduct.

- a. Approval Process. The request made under this Section must be submitted in writing, with appropriate supporting information, to the approving authority and must be signed by the Chief Procurement Officer of the institution.

4. Institutions may acquire software or services, materials, supplies and equipment free or at a nominal cost upon terms which may limit the contractor's liability or warranties; provided that in no event shall the liability of the contractor be limited for intentional torts, criminal acts, or fraudulent conduct.

- a. Approval Process. The request made under this Section must be submitted in writing, with appropriate supporting information, to the approving authority and must be signed by the Chief Procurement Officer of the institution.

J. Limitations of Liability – Materials, Supplies, Equipment and Services.

1. The provisions of this Section XXV subsection J. are not required to be followed for contracts of adhesion; for such contracts, the provisions of G-030 Section 11 subsection Contracts of Adhesion may be applied.

2. The Chancellor or designee, President or designee, and the Vice Chancellor for the Colleges of Applied Technology or designee may approve contracts for the purchase of materials, supplies, equipment and services when such contracts contain limitations of the liability of contractors for damage claims.

a. Not Authorized. The approving authority is not authorized to approve limitations of contractor liability for intentional torts, criminal acts, or fraudulent conduct; nor is the approving authority authorized to accept limitation of liability for an amount less than two (2) times the value of the contract. Further, Sections I. and J. do not authorize

TBR or its institutions to indemnify contractors for the acts or negligence of the contractors or third parties.

b. Approval Timeliness. Any request to the approving authority under this Section must be made at an appropriate time in the procurement process to ensure that no such decision shall detrimentally impact the fairness of the procurement or the interests of the state in competitive procurements. In a formal ITB process, the procuring institution may determine to request the approving authority's approval under this Section I. after receiving written comments from potential proposers. If the approving authority approves such request, an amendment to the ITB may be made. An institution may request, and the approving authority may approve, initiation of a new procurement process, including a contractor's limitation of liability, at any stage of the procurement process and may authorize negotiation of a limitation on a contractor's liability in circumstances in which the applicable procurement process has failed to provide a qualified proposer or a responsive bid.

c. Approval Process. The request under this Section J. must be submitted in writing to the approving authority and must be signed by the Chef Procurement Officer. The request must contain justification that addresses the following:

(1) The text of the limitation of liability sought to be used;

- (2) The risks of liability to the state created by the information technology services and/or products to be purchased under the contract, and the impact on the state of allowing the limitation;
 - (3) The conditions of the market which justify a limitation of liability;
 - (4) The anticipated impact on the state's procurement if limitation of liability is not approved; and
 - (5) The identification of one or more persons at the procuring TBR institution familiar with the information set forth in the request.
- d. The approving authority may deny or approve the request or may authorize limitation of liability under other language than that proposed in the request.
- e. Notwithstanding the above, the approving authority may authorize, with respect to contracts for telecommunications and information technology goods and services, a limitation of liability of not less than two (2) times the value of the contract provided that the limitation of liability permitted under this paragraph shall not apply to intentional torts, criminal acts, fraudulent conduct or acts or omissions that result in personal injuries or death. Any limitation beyond that permitted in this paragraph must be approved by the Chancellor. T.C.A. § 12-3-315 and General Services Rule 0690-3-2

XXVI. Coordination of Procurement Functions among System Institutions and with the University of Tennessee System

- A. In all contracts and other bid processes, wording should be included that would allow TBR member institutions and UT institutions to purchase under the terms and conditions of the bid of the individual institution unless to do so would not be potentially helpful to other schools, or unless to do so is not in the best interests of the institution.
- B. TBR institutions shall also be permitted to purchase under the terms and conditions of a contract or bid of the UT System if the contract or bid authorizes TBR institutions to do so.

- C. That is to say that TBR institutions and UT institutions may purchase under the bid of any other institution in either system if language in the bid documents specifies that the other institutions may do so.
- D. Sometimes an exception applies, and procurement is made without a bid process; in such situations, TBR and UT institutions may purchase off the contract resulting from the procurement process as long as the contract specifies that they may do so.

XXVII. Life-Cycle Costs

- A. It is the policy of TBR to use the life cycle costs of commodities as developed and disseminated by the federal government when feasible. (T.C.A. § 12-3-602)
- B. In determining life cycle costs, the acquisition cost of the product, the energy consumption and the projected energy cost of energy over the useful life of the product and the anticipated resale or salvage value of the product may be considered in the evaluation. (T.C.A. § 12-3-606)

XXVIII. Energy Efficiency Standards

- A. Energy Star is a joint program of the U.S. Environmental Protection Agency and the U.S. Department of Energy that has established energy efficiency standards that are used by the Federal Government in its contracting for major energy-consuming products, as well as energy efficient best practices.
- B. TBR institutions shall use energy efficiency standards prescribed by Energy Star for the purchase of energy-consuming products.
- C. The Energy Star website (<http://www.energystar.gov>) provides a qualified list of products and commodities meeting Energy Star's minimal energy specifications, life cycle costing calculations, life cycle formula information and qualified products that meet Energy Star's rating for using less energy and helping to protect the environment. (T.C.A. §§12-3-604 & 12-3-605).
- D. Products and commodities listed on the Energy Star website's list of qualified products and commodities will be used as "acceptable brands and models" on bid documents.

- E. The minimal energy specifications for products and commodities listed on the Energy Star Qualified Products list (see link above) must be included in the line item specifications on all bid documents for the purchase of major energy-consuming products.

XXIX. Disposal of Surplus Property

- A. Surplus property is personal property which has been determined obsolete, outmoded, unusable or no longer usable by the institution, or property for which future needs do not justify the cost of maintenance and/or storage.
- B. Disposal of such property must be in accordance with TBR Policy No. 4:02:20:00, Disposal of Surplus Personal Property.

XXX. Prohibited Transactions

- A. No personal items shall be purchased through the institution or from funds of the institution for any employee of the institution or any relative of any employee.
- B. No employee of an institution responsible for initiating or approving requisitions shall accept or receive, directly or indirectly, from any person, firm or corporation to whom any contract may be awarded, by rebate, gift or otherwise, any money or anything of value whatsoever, or any promise, obligation or contract for future awards or compensation.
- C. Whenever any contract is awarded contrary to the provisions of these policies and procedures, the contract shall be void and of no effect, and if the violation was intentional, the employee responsible for the purchase shall be liable for any state funds paid contrary to these policies and procedures.

XXXI. Procurement Manual

- A. Each institution shall maintain a written procurement manual (may be in electronic format) which sets forth any procedures of the institution which are in addition to and necessary to comply with this guideline.

XXXII. Reports

- A. Reports shall be submitted to the TBR Central Office as follows:
 - 1. Small/Minority/Women-Owned Business Report. This report consists of transactions with minority-owned, women-owned, and small businesses required by T.C.A. § 12-3-808

shall be reported to the TBR Director of Purchasing and Contracts on a quarterly basis (January-March, April-June, July-September, and October-December).

2. Group Purchasing Report. This report consists of transactions procured with comparison pricing from group purchasing organizations required by T.C.A. § 49-7-124 and shall be reported to the TBR Director of Purchasing and Contracts on an annual basis.
3. RFP Diversity Report. This report consists of contracts issued from request for proposals for goods and/or services pursuant to T.C.A. § 12-3-807(b) and shall be reported to the TBR Director of Purchasing and Contracts.

XXXIII. Exceptions

- A. Any exceptions to the policies and procedures established herein shall be subject to the approval of the Chancellor or designee.
- B. An institution may devise and document procedures for an Alternate Competitive Procurement Method and use the methodology in a specific contractor selection process, provided that prior, written approval of the Chancellor or designee is obtained for the proposed method to be used in the specified instance.

XXXIV. Council of Buyers

- A. The Chancellor has established a Council of Buyers.
 1. The Council shall be comprised of at least one (1) procurement representative from each institution, and representatives from the TBR System Office appointed by the Chancellor.
 2. The Council should meet quarterly, or at minimum semi-annually, or upon request of the Chancellor or designee, and shall have the responsibilities including but not limited to the following:
 - a. Development of uniform procedures, forms, and general conditions governing procurement which may be feasible and practicable for use by all institutions in the System, including affirmative action and equal opportunity provisions, for review and approval by the Chancellor. Uniform procedures, forms, and general conditions

governing procurement developed by the Council of Buyers shall be posted at the TBR web site.

- b. Formulation of standard specifications for purchase of specific materials, supplies, equipment, and/or services which may be feasible and practicable for use by the institutions, for review and approval by the Chancellor or designee. Standard specifications for purchase of specific materials, supplies, equipment, and/or services developed by the Council of Buyers shall be posted at the TBR web site.
- c. Consideration of the feasibility and advantages of possible term contracts for the System, of designation of certain institutions as responsible procurement agents for specific materials, supplies, equipment, and/or services for the System, and of the possibility of coordinating procurement functions among institutions within geographic areas, with recommendations to be submitted to the Chancellor.
- d. Formulation of a uniform code of ethics for governing the professional conduct of employees responsible for procurement. (Exhibit 3)
- e. Any other matters referred to the Council by the Chancellor or designee.



ATTACHMENT 11

**(Method of Administration for Compliance
with Office of Civil Rights Guidelines)**

Method of Administration for Compliance with Office of Civil Rights Guidelines, Title VI, Title IX, & Section 504: G-120

Policy/Guideline Area

General Guidelines

Applicable Divisions

TCATs, Community Colleges, Universities, System Office

Purpose

The purpose of this guideline is to establish the operational guidelines for compliance with Office of Civil Rights guidelines as well as Title VI and Title IX and Section 504 at institutions governed by the Tennessee Board of Regents.

Policy/Guideline

Complete guideline can be found online at: <https://policies.tbr.edu/guidelines/method-administration-compliance-office-civil-rights-guidelines-title-vi-title-ix-section>



ATTACHMENT 12

(Discrimination and Harassment – Complaint and Investigation Procedure)

Discrimination & Harassment - Complaint & Investigation Procedure: P-080

Policy/Guideline Area

Personnel Guidelines

Applicable Divisions

TCATs, Community Colleges, Universities, System Office

Purpose

The purpose of this Guideline is to supplement Board Policies 6:02:00:01 and 5:01:02:00 relative to the orderly resolution of complaints of discrimination or harassment on the basis of race, color, religion, creed, ethnic or national origin, sex, sexual orientation, gender identity/expression, disability, age (as applicable), status as a covered veteran, genetic information, and any other category protected by federal or state civil rights law related to the institutions, and office of the Tennessee Board of Regents.

Policy/Guideline

Complete guideline can be found online at: <https://policies.tbr.edu/guidelines/discrimination-harassment-complaint-investigation-procedure>



ATTACHMENT 13

(Employee Grievance/Complaint Guideline)

Employee Grievance-Complaint Guideline: P-110

Policy/Guideline Area

Personnel Guidelines

Applicable Divisions

TCATs, Community Colleges, Universities, System Office

Purpose

The purpose of this guideline is to establish the process regarding employee grievances and/or complaints at the Central Office and institutions governed by the Tennessee Board of Regents.

Definitions

- Grievance (Committee review available) – An employee may only grieve actions the institution/TCAT has taken against the employee which:
 - Violates institution/TCAT or TBR policy, or involves an inconsistent application of these same policies;
 - Violates any constitutional right. The most likely areas of concern are the First, Fourth or Fourteenth Amendment of the federal constitution when that action hampers free speech, freedom of religion, the right to association, provides for improper search and seizure, or denies constitutionally required notice or procedures; or
 - Violates a federal or state statute not covered by TBR Guideline P-080.
- Complaint (Committee review not available) – A complaint is a concern which an employee wants to discuss with supervisory personnel in an effort to resolve the matter. Personnel actions such as performance evaluations, rates of pay, position re-classifications, or position terminations due to reduction in force do not fall under the definition of complaint.
- Employee - For purposes of the grievance and complaint procedures, an employee is defined as faculty (though not including faculty on adjunct contracts), executive, administrative, or professional staff. Probationary employees, student workers and graduate assistants are not included in the definition of employee.

- Employment Action – Employment action is the demotion, suspension without pay, termination of an employee, or work assignments or conditions of work which violate statute or policy.

Policy/Guideline

Can be found online at: <https://policies.tbr.edu/guidelines/employee-grievance-complaint-guideline>



ATTACHMENT 14

(General Instructions on Form and Execution of Contracts)

Contracts and Agreements: G-030

Policy/Guideline Area

General Guidelines

Applicable Divisions

TCATs, Community Colleges, Universities, System Office

Purpose

The purpose of this guideline is to establish the criteria and process for form and execution of contracts as applied to the institutions governed by the Tennessee Board of Regents.

Policy/Guideline

Can be found online at: <https://policies.tbr.edu/guidelines/contracts-and-agreements>



ATTACHMENT 15
(Compliance Survey/Checklist)

TBR Compliance Checklist

Annual Report Form can be found online at: <https://www.tbr.edu/academics/studentaffairs/title-ix-annual-report-form>

Title IX Annual Report Form

Each campus must submit an annual Title IX report to the System Office by Friday, August 28, 2015.

Instructions for Title IX Coordinator: Use this checklist to ascertain your institution's compliance with Title IX. If you decide not to certify compliance status, then your institution has a duty to follow up on any deficiencies which affected that decision.

1. Services from this institution are provided to employees, applicants, students and other parties without regard to gender.
2. An employee has been appointed to serve as the Title IX Coordinator for the institution.
3. A written procedure exists for hearing Title IX complaints for all parties.
4. Records are maintained regarding all alleged cases of gender based discrimination or harassment.
5. Title IX posters are prominently displayed and are used to emphasize the Title IX program and complaint procedures.
6. All parties are specifically informed about their responsibilities under Title IX.
7. New employees are clearly informed about their responsibilities under Title IX.
8. Contracts between the institution and vendors/sub-contractors contain provisions regarding the vendor/sub-contractor responsibilities to clients under Title IX standards.

If you are not able to indicate "yes" to any of these standards found on the web form below, you must submit documentation to state reason(s) for non-compliance and measures to be taken.

Report Summary

All campuses in compliance with all 8 statements.

Methods used to inform faculty/staff/students of Title IX Regulations

Orientation/In-service	Application/Program Materials	Printed Materials	Student Information Sessions	Email Notification/Website	Annual Training	Other
31	17	23	19	17	18	7



ATTACHMENT 16

(Title IX Workload and Performance Data/Complaints)

TBR TITLE IX COMPLAINTS FY 14-15

Austin Peay State University	9/24/2014	Female	Sexual harassment	Closed
Austin Peay State University	11/19/2014	Female	Gender discrimination	Closed
Austin Peay State University	11/24/2014	Female	Sexual Assault	Closed
Austin Peay State University	3/11/2015	Female	Sexual harassment	Closed
Chattanooga State Community College	5/20/2015	Female	Harassed	Closed
Chattanooga State Community College	6/1/2015	Female	Sexual harassment	Open
Chattanooga State Community College	10/6/2014	Female	Stalking	Closed
Chattanooga State Community College	2/11/2014	Female	Physical altercation	Closed
Chattanooga State Community College	3/27/2015	Female	Dating Violence	Closed
Chattanooga State Community College	5/18/2015	Female	Pregnancy	Closed
Chattanooga State Community College	12/11/2014	Male	Sexual Misconduct	Closed
Cleveland State Community College	2/15/2015	Female	Rape/Sexual Assault	Closed
Cleveland State Community College	3/16/2015	Female	Rape	Closed
Cleveland State Community College	3/20/2015	Female	Rape	Open
Columbia State Community College	8/21/2014	Female	Sexual harassment	Closed
Columbia State Community College	3/3/2015	Female	Sexual harassment	Closed
Dyersburg State Community College	9/9/2014	Female	Rape/Sexual assault	Closed
Dyersburg State Community College	9/10/2014	Female	Sexual harrassment	Closed
Dyersburg State Community College	11/25/2014	Female	Sexual harrassment/stalking/discrimination	Closed
Dyersburg State Community College	4/20/2015	Female	Sexual harassment	Closed
East Tennessee State University	8/4/2014	Male	Sexual harassment	Closed
East Tennessee State University	8/4/2014	Female	Sexual harassment	Closed
East Tennessee State University	9/19/2014	Male	Gender discrimination	Closed
East Tennessee State University	10/13/2014	Female	Sexual harassment	Closed
East Tennessee State University	10/27/2014	Female	Sexual harassment	Closed
East Tennessee State University	12/5/2014	Female	Sexual harassment	Closed
East Tennessee State University	2/23/2015	Female	Sexual harassment	Closed
East Tennessee State University	3/26/2015	Female	Sexual harassment	Closed
East Tennessee State University	4/28/2015	Female	Sexual harassment	Closed
East Tennessee State University	5/27/2015	Female	Sexual harassment	Closed
Jackson State	5/8/2015	Male	Hostile Work Environment (gender and ethnicity were both mentioned)	Closed
Middle Tennessee State University	9/11/2014	Female	Rape (Off Campus)	Closed
Middle Tennessee State University	9/12/2014	Female	Sexual Harassment (Off Campus)	Closed
Middle Tennessee State University	9/14/2014	Male	Dating Violence (On Campus)	Closed
Middle Tennessee State University	9/16/2014	Female	Sexual Battery (On Campus)	Closed
Middle Tennessee State University	9/17/2014	Female	Stalking (On Campus)	Closed
Middle Tennessee State University	9/23/2014	Female	Rape (On Campus)	Closed
Middle Tennessee State University	9/26/2014	Female	Sexual Harassment (On Campus)	Closed
Middle Tennessee State University	9/30/2014	Female	Rape (Off Campus)	Closed
Middle Tennessee State University	10/3/2014	Female	Domestic Violence (Off Campus)	Closed
Middle Tennessee State University	10/7/2014	Female	Sexual Assault (Off Campus)	Closed
Middle Tennessee State University	10/13/2014	Female	Rape (Off Campus)	Closed
Middle Tennessee State University	10/15/2014	Female	Sexual Harassment (Off Campus)	Closed
Middle Tennessee State University	10/17/2014	Female	Domestic Violence (Off Campus)	Closed
Middle Tennessee State University	10/21/2014	Female	Dating Violence (Off Campus)	Closed

Middle Tennessee State University	10/21/2014	Female	Sexual Harassment (On Campus)	Closed
Middle Tennessee State University	10/21/2014	Female	Sexual Harassment/Extortion (Off Campus)	Closed
Middle Tennessee State University	10/22/2014	Male	Sexual Harassment (On Campus)	Closed
Middle Tennessee State University	10/23/2014	Female	Sexual Harassment (On Campus)	Closed
Middle Tennessee State University	10/24/2014	Female	Rape (Off Campus)	Closed
Middle Tennessee State University	10/24/2014	Female	Dating Violence (On Campus)	Closed
Middle Tennessee State University	10/27/2014	Female	Sexual Harassment/Vandalism (On Campus)	Closed
Middle Tennessee State University	10/31/2014	Female	Sexual Harassment (Off Campus)	Closed
Middle Tennessee State University	10/31/2014	Female	Sexual Harassment (On Campus)	Closed
Middle Tennessee State University	11/4/2014	Female	Cyber Stalking	Closed
Middle Tennessee State University	11/5/2014	Female	Domestic Violence (Off Campus)	Closed
Middle Tennessee State University	11/14/2014	Female	Sexual Harassment (On Campus)	Closed
Middle Tennessee State University	11/15/2014	Female	Dating Violence (On Campus)	Closed
Middle Tennessee State University	11/18/2014	Female	Sexual Harassment (On Campus)	Closed
Middle Tennessee State University	11/23/2014	Female	Dating Violence (On Campus)	Closed
Middle Tennessee State University	12/5/2014	Females	Sexual Harassment (On Campus)	Closed
Middle Tennessee State University	12/6/2014	Female	Dating Violence (On Campus)	Closed
Middle Tennessee State University	12/7/2014	Female	Sexual Harassment	Closed
Middle Tennessee State University	12/16/2014	Anony mous	Sexual Harassment (On Campus)	Closed
Middle Tennessee State University	1/24/2015	Female	Dating Violence (On Campus)	Closed
Middle Tennessee State University	1/30/2015	Female	Stalking (On Campus)	Closed
Middle Tennessee State University	2/1/2015	Male	Sexual Harassment (On Campus)	Closed
Middle Tennessee State University	2/3/2015	Female	Sexual Harassment (On Campus)	Closed
Middle Tennessee State University	2/8/2015	Female	Sexual Assault (Off Campus)	Closed
Middle Tennessee State University	2/9/2015	Female	Sexual Harassment (On Campus)	Closed
Middle Tennessee State University	2/9/2015	Female	Rape (Off Campus)	Closed
Middle Tennessee State University	2/12/2015	Female	Sexual Assault (Off Campus)	Closed
Middle Tennessee State University	2/17/2015	Female	Cyber Stalking (Off Campus)	Closed
Middle Tennessee State University	2/23/2015	Female/ Male	Domestic Violence (Off Campus)	Closed
Middle Tennessee State University	2/27/2015	Male	Dating Violence (Off Campus)	Closed
Middle Tennessee State University	3/4/2015	Female	Sexual Harassment	Closed
Middle Tennessee State University	3/31/2015	Female	Sexual Harassment	Closed
Middle Tennessee State University	4/2/2015	Female	Domestic Violence (Off Campus)	Closed
Middle Tennessee State University	4/2/2015	Female	Dating Violence (On Campus)	Closed
Middle Tennessee State University	4/6/2015	Female	Rape (On Campus)	Closed
Middle Tennessee State University	4/9/2015	Female	Sexual Harassment (On/Off Campus)	Closed
Middle Tennessee State University	4/28/2015	Female	Dating Violence (Off Campus)	Closed
Middle Tennessee State University	4/30/2015	Female	Sexual Harassment (On Campus)	Closed
Middle Tennessee State University	5/3/2015	Female	Cyber Harassment	Open
Middle Tennessee State University	5/3/2015	Males	Sexual Harassment (On Campus)	Closed
Middle Tennessee State University	5/18/2015	Female	Sexual Harassment (On Campus)	Pending
Middle Tennessee State University	6/9/2015	Female	Cyber Harassment	Closed
Middle Tennessee State University	6/9/2015	Female	Sexual Harassment (On Campus)	Closed
Motlow State Community College	10/21/2013	Female	Sexual remarks made by a Male faculty member that created discomfort for a Female student	Closed
Northeast State Community College	2/2/2015	Female	Sexual Assault	Closed
Northeast State Community College	9/22/2014	Female	Potential Stalking	Closed

Northeast State Community College	11/13/2014	Female	Harrassment	Closed
Northeast State Community College	10/10/2014	Female	Inappropriate Contact	Open
Pellissippi State Community College	11/1/2014	Female	Sexual harassment	Closed
Pellissippi State Community College	11/21/2014	Female	Sexual harassment	Closed
Southwest Tennessee Community College	1/22/2015	Female	Alledged sexual misconduct and attempted rape	Open
Tennessee State University	7/23/2014	Female	Sexual harassment	Closed
Tennessee State University	8/18/2004	Female	Pregnancy Accommodation	Closed
Tennessee State University	2/12/2015	Female	Sexual Assault	Closed
Tennessee State University	4/2/2015	Female	dating violence	Closed
Tennessee State University	4/10/2015	Female	Sexual Assault	Closed
Tennessee State University	5/4/2015	Female	dating violence	Closed
Tennessee State University	5/4/2015	Female	stalking	Closed
Tennessee State University	5/5/2015	Female	sexual assault	Open
Tennessee State University	6/21/2015	Female	dating violence	Open
Tennessee State University	6/22/2015	Male	dating violence	Open
Tennessee Tech	9/17/2014	Male	Harassment	Closed
Tennessee Tech	9/28/2014	Female	Sexual Assault	Closed
Tennessee Tech	10/15/2014	Female	Sexual harassment (Simple Assault)	Closed
Tennessee Tech	10/17/2014	Female	Sexual harassment	Closed
Tennessee Tech	10/30/2015	Female	Sexual harassment	Closed
Tennessee Tech	11/13/2014	Female	Sexual Assault	Closed
Tennessee Tech	11/13/2015	Female	Stalking	Closed
Tennessee Tech	11/13/2015	Female	Sexual Assault	Closed
Tennessee Tech	11/14/2015	Female	Stalking	Closed
Tennessee Tech	11/20/2015	Male	Sexual harassment	Closed
Tennessee Tech	11/24/2014	Male	Sexual harassment	Closed
Tennessee Tech	11/25/2014	Female	Sexual harassment (Simple Assault)	Closed
Tennessee Tech	12/2/2014	Female	Sexual Assault	Pending
Tennessee Tech	12/11/2014	Female	Sexual Harassment (Simple Assault)	Closed
Tennessee Tech	12/19/2014	Female	Stalking	Closed
Tennessee Tech	1/30/2015	Male	Sexual Harassment (Voyeurism)	Closed
Tennessee Tech	1/30/2015	Female	Harassment	Closed
Tennessee Tech	2/2/2015	Female	Sexual harassment	Closed
Tennessee Tech	2/5/2015	Female	Sexual harassment	Closed
Tennessee Tech	2/9/2015	Female	Sexual harassment	Closed
Tennessee Tech	2/9/2015	Female	Sexual harassment	Closed
Tennessee Tech	4/8/2015	Female	Harassment (Indecent Exposure)	Closed
Tennessee Tech	4/9/2015 (but REACTIVATED 6/5/2015)	Female	Sexual harassment	Pending
Tennessee Tech	4/10/2015	Female	Stalking	Closed
Tennessee Tech	6/5/2015	Female	Sexual Assault	Pending
Tennessee Tech	6/5/2015	Female	Sexual harassment	Pending
Tennessee Tech	6/5/2015	Female	Sexual Assault	Pending
Tennessee Tech	6/29/2015	Female	Sexual Assault	Closed
Tennessee Tech	6/30/2015	Female	Sexual Assault	Closed

University of Memphis	8/1/2014; 09/2014	Female (3)	Inappropriate comments and/or behavior of a sexual nature	Closed
University of Memphis	08/2014	Female	Simple Assault/DV	Closed
University of Memphis	09/2014	Female (2)	Inappropriate comments and/or behavior of a sexual nature	Closed
University of Memphis	09/2014	Female	Simple Assault/DV	Closed
University of Memphis	10/2014	Female	Simple Assault/DV	Closed
University of Memphis	11/2014	Female	Simple assault/DV	On-going
University of Memphis	11/2014	Female	Simple assault/DV	Closed
University of Memphis	12/2014	Female	Sexual harassment	Closed
University of Memphis	03/2015	Female	Sexual Harassment/hostile work environment	Closed
University of Memphis	03/2015	Female	Simple Assault/DV	Closed
University of Memphis	03/2015	Female	Non-consensual, physical interaction	Closed
University of Memphis	03/2015	Anonymous	Inappropriate relationship	Closed
University of Memphis	04/2015	Male	Inappropriate behavior (?)	On-going
University of Memphis	04/2015	Female	Sexual harassment/sexual misconduct	On-going
University of Memphis	04/2015	Female	Forcible Fondling	Closed
University of Memphis	05/2015	Female	Forcible Fondling	Closed
University of Memphis		Female	Sexual Misconduct	Closed
University of Memphis	04/2015	Female	Forcible Fondling	Closed
University of Memphis	05/2015	Female	Sexual harassment	On-going
Volunteer State Community College	11/10/2014	Female	Sexual harassment	Closed
Volunteer State Community College	11/10/2014	Female	Sexual harassment	Closed
Volunteer State Community College	12/15/2014	Female	Sexual harassment	Closed
Volunteer State Community College	12/16/2014	Female	Sexual harassment	Closed
Volunteer State Community College	3/16/2015	Female	Sexual Misconduct	Closed
Volunteer State Community College	3/19/2015	Female	Sexual Misconduct	Closed
Volunteer State Community College	3/20/2015	Female	Harassment	Closed
Volunteer State Community College	3/26/2015	Female	Harassment	Closed
Volunteer State Community College	4/22/2015	Female	Sexual Misconduct	Closed
Walters State Community College	9/11/2014	Male	sexual assault	Closed
Walters State Community College	11/4/2014	Female	bullying	Closed
Walters State Community College	11/17/2014	Female	Sexual harassment	Closed
Walters State Community College	12/4/2014	Female	Sexual harassment	Closed
Walters State Community College	2/3/2015	Male	Mental/emotional abuse	Closed
TCAT Crump	8/25/2014	Transgender	Sexual Harassment	Closed
TCAT Crump	6/10/2015	Female	Sexual Harassment	Closed
TCAT Harriman	5/20/2015	Female	Being made to feel uncomfortable	Closed
TCAT Harriman	6/9/2015	Female	Sexually explicit comment made to student.	Closed
TCAT Memphis	11/12/2014	Male	Sexual harassment	Closed
TCAT Memphis	5/15/2015	Female	Sexual harassment	Closed

Total of 174 Cases Reported for 2014-15 fiscal year.