



A G E N D A

PRESIDENTS MEETING

Wednesday, November 7, 2012 – 9:00 A.M. (CT)

1. Proposed New TBR Guideline G-130 – Limited English Proficiency (Vice Chancellor Wendy Thompson) - Attachment
2. Proposed Revision to TBR Policy 5:02:03:30 - Academic Freedom and Responsibility (Interim Vice Chancellor Kay Clark) - Attachment
3. Proposed Revisions to TBR Guideline A-019 – Academic Calendar (Interim Vice Chancellor Kay Clark and Associate Vice Chancellor Treva Berryman) - Attachment
4. Legislative Initiatives (Vice Chancellor David Gregory)
5. Budget Discussion (Vice Chancellor Dale Sims)
6. Presidents/Directors Compensation (Vice Chancellor Dale Sims)
7. Proposed Revisions to TBR Policy 4:02:20:00 – Disposal of Surplus Personal Property (Vice Chancellor Dale Sims) - Attachment
8. Proposed Revisions to TBR Guideline B-080 – Reporting and Resolution of Institutional Losses (Vice Chancellor Dale Sims) - Attachment
9. Banner Maintenance Extension Update (Vice Chancellor Dale Sims)

PRESIDENTS QUARTERLY MEETING

DIRECTORS QUARTERLY MEETING

November 2012

DATE: Presidents Meeting (November 7, 2012)
Directors Meeting (November 8, 2012)

AGENDA ITEM: Proposed Guideline G 130

ACTION: Recommend Approval

PRESENTER: Wendy J. Thompson, Vice Chancellor of Access & Diversity

Title VI of the Civil Rights Act of 1964 requires TBR to provide reasonable translation services to Limited English Proficient (LEP) persons. The adoption of this Guideline will address concerns identified in the Tennessee Human Rights Commission's review of the system's Title VI report.

This Guideline deals primarily with third parties who wish to access various programs and services on our campuses and in the central office. This Guideline does not apply to classroom instruction or to the provision of sign language interpreters.

A copy of the proposed Guideline is attached.

Proposed Guideline G-130

Subject: Limited English Proficiency

This guideline advises the Tennessee Board of Regents (TBR) Central Office and its constituent institutions, as recipients of federal funds, of the obligation under Title VI of the Civil Rights Act of 1964 to take reasonable steps to provide meaningful access to persons with Limited English Proficiency (LEP).

The Department of Justice defines persons with LEP as "those individuals who have a limited ability to read, write, speak or understand English." Because English is not the primary language of these individuals, they may have a limited ability to function in a setting where English is the primary language spoken, such as a TBR institution. TBR and its institutions may encounter LEP persons in the form of international students, faculty, staff and other individuals seeking services and access to programs.

TBR Central Office and campus staff will post services available to LEP persons in highly visible areas and also provide trained personnel to provide meaningful services and access to programs for these persons. TBR Central Office and campus staff will promptly identify the language and communication needs of the LEP person who makes himself or herself known to the institution. TBR staff will then have options to address the LEP person's needs.

These options may include but are not limited to:

- a) Using language identification cards (or "I speak cards") or posters to determine the language
- b) Maintaining an accurate and current list showing the name, language, phone number and hours of availability of a staff interpreter, if applicable
- c) Contacting the appropriate staff member to interpret, in the event that an interpreter is needed and/or if an employee who speaks the needed language is available and is qualified to interpret;
- d) If necessary, obtaining an outside interpreter if a staff interpreter is not available or does not speak the needed language.

When translation of vital documents is needed, the appropriate Title VI Coordinator will submit documents for translation into frequently-encountered languages to the responsible staff person or interpreter. Documents being submitted for translation must be in final, approved form.

TBR Title VI coordinators will regularly assess the efficacy of these procedures, including but not limited to mechanisms for securing interpreter services, equipment used for the delivery of language assistance, complaints filed by LEP persons, and feedback from the public and community organizations.

Individuals who believe they have not been provided reasonable access to LEP services may file a complaint with the appropriate Title VI Officer within 180 days after the last incident of denial.

PRESIDENTS QUARTERLY MEETING

DIRECTORS QUARTERLY MEETING

November 2012

DATE: Presidents Meeting (November 7, 2012)
Directors Meeting (November 8, 2012)

AGENDA ITEM: Revisions to TBR Policy 5:02:03:30 –
Academic Freedom and Responsibility

ACTION: Requires Vote

PRESENTER: Interim Vice Chancellor Kay Clark

BACKGROUND INFORMATION:

A recommended revision to TBR Policy 5:02:03:30 will be before the presidents for review and approval.

Policy: 5:02:03:30

Subject: Academic Freedom and Responsibility

I. Introduction

The following policy of the Tennessee Board of Regents on academic freedom and responsibility is applicable to all universities/colleges within the System. The statement in Article II on academic freedom and responsibility may be adopted by each university/college, or a university/college may adopt an alternative statement, provided that the statement is consistent with the policies set forth herein.

University/college policies on academic freedom and responsibility must cite and specifically acknowledge compliance with the Board Policy on Academic Freedom and Responsibility (5:02:03:30). Likewise, university/college policies must embody and communicate clearly as a minimum all provisions, definitions, and stipulations of the Board policy.

II. Academic Freedom and Responsibility

- A. The faculty member is entitled to freedom in the classroom in discussing his or her subject, being careful not to introduce into the teaching unrelated subject matter.
- B. The faculty member is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of his/her other academic duties. Research for financial gain must be based upon an understanding with the authorities of the university, which is documented reduced to writing and signed by the faculty member and the appropriate academic officer(s)
- C. The faculty member is a citizen, a member of a learned profession, and an officer of an educational university/college. When the faculty member speaks or writes as a citizen, he/she should be free from university/college censorship or discipline, but his/her special position in the community imposes special obligations. As a man or woman of learning and an educational officer, he/she should remember that the public may judge the profession and the university/college by the faculty member's utterances. Hence, a faculty member should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that he/she does not speak for the university/college.

Academic freedom is essential to fulfill the ultimate objectives of an educational university/college - the free search for and exposition of truth - and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth, and academic freedom in teaching is fundamental for the protection of the rights of the faculty member in teaching and of the student to freedom in learning. Implicit in the principle of academic freedom are the corollary responsibilities of the faculty who enjoy that freedom. Incompetence, indolence, intellectual dishonesty, failure to carry out assigned duties, serious moral dereliction, arbitrary and capricious disregard of standards of professional conduct - these and other grounds as set forth in TBR Policy, "Policy on Academic Tenure at Tennessee Board of

Regents' Universities, "Section P., may constitute adequate cause for dismissal or other disciplinary sanctions against faculty members subject to the provisions of Article III.

The right to academic freedom imposes upon the faculty an equal obligation to take appropriate professional action against faculty members who are derelict in discharging their professional responsibilities. The faculty member has an obligation to participate in tenure and promotion review of colleagues as specified in university policy. Thus, academic freedom and academic responsibility are interdependent, and academic tenure is adopted as a means to protect the former while promoting the latter. While academic tenure is essential for the protection of academic freedom, ~~all faculty members, tenured or non-tenured, have an equal right to academic freedom and bear the same academic responsibilities implicit in that freedom~~ the full benefits and responsibilities of academic freedom extend to all individuals teaching in the TBR System whether or not they are eligible for tenure.

Source: April 2, 2004

Policy: 5:02:03:30

Subject: Academic Freedom and Responsibility

I. Introduction

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- C. The faculty member is a citizen, a member of a learned profession, and an officer of an educational university/college. When the faculty member speaks or writes as a citizen, he/she should be free from university/college censorship or discipline, but his/her special position in the community imposes special obligations. As a man or woman of learning and an educational officer, he/she should remember that the public may judge the profession and the university/college by the faculty member's utterances. Hence, a faculty member should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that he/she does not speak for the university/college.

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Source: April 2, 2004

PRESIDENTS QUARTERLY MEETING

DIRECTORS QUARTERLY MEETING

November 2012

DATE: Presidents Meeting (November 7, 2012)
Directors Meeting (November 8, 2012)

AGENDA ITEM: Revision of TBR Guideline A-019: Academic Calendar

ACTION: Vote

PRESENTER: Kay Clark and Treva Berryman

BACKGROUND INFORMATION:

The “*Draft Revised Guideline*” identifies Common Calendar Review Committee members and provides the marked-up copy of the current guideline with all of the proposed changes recommended by the review committee. The “*Clean A-019 Draft*” is the same document without showing the mark-up changes. These are the two documents sent to all sub-councils and reviewed by institutions over the past 6 months or more.

The final document titled “*SubCouncil Revisions*” is the one that should receive the closest scrutiny. The “key” below will help with interpretation of changes:

Academic Sub-Council: changes in **red font** with no highlight color.

Vote: 14 – yes 2 – no 2 – abstain 1- absent

Faculty Sub-Council: **changes highlighted in yellow.**

Vote: 16 – yes 1 – no 1 – abstain 1 - absent

Student Affairs Sub-Council: **changes highlighted in blue.**

Vote: 19 - yes

Deleted sentence because it conflicted with other changes made: **highlighted in grey.** RODP could not follow the Community College “end of term” if flexibility is given to schedule their own last day of classes and finals.

Common Calendar Review Committee 2012 Recommendations

Members Bert C. Bach, ETSU
Jim Bitter, ETSU
Sherryl Byrd, APSU
Jon Harr, NeSCC
Fannie Hewlett, ChSCC
Raylean Henry, TBR/RODP
Tom Nenon, UoM
Laura Ritter, WSCC
Mary Ann Sellars, DSCC
Gretta Stanger, TTU

Guideline No. A-019

Subject: Academic Calendars and Student Registration

~~EFFECTIVE: FALL SEMESTER 2008~~

EFFECTIVE: FALL SEMESTER 20132014

This guideline applies to all TBR universities and two-year colleges. Its primary purpose is to provide a common academic calendar among system institutions in order to:

1. Facilitate student enrollment at more than one TBR college or university and in the collaborative programs offered by multiple institutions;
2. Enable institutions to share resources, including courses, faculty, and physical facilities;
3. Encourage and enable the formation of consortia among institutions;
4. Permit greater efficiency in system-wide information technology resources.

Academic Calendar:

All TBR colleges and universities will offer fall and spring terms that follow the Academic Calendar Template included in this guideline. Institutions may offer terms of alternate length in addition to the 15-week fall and spring semesters, but should be mindful of calendar conflicts and federal financial aid requirements.

Each semester, the 14th day of class must be identified as the last date a student can drop a class (withdraw) without a grade designation, including a "W," appearing on the transcript. When providing alternate class formats, the institution is responsible for documenting equivalence in terms of student outcomes and competencies.

Template:

Fall Semester, Full Term (Week 1 of Fall Semester ~~begins starts with the first day of class.~~)
~~last Monday in August.)~~

Early registration for summer and fall semesters must begin the 1st Monday in April.

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~~Classes begin the Saturday before the last Monday in August.~~

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Classes begin the Monday preceding the last Monday in August. ****** see comment at end of draft revision)**

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- Labor Day Holiday (1st Monday in September)
- Midterm break must be scheduled for Monday and Tuesday of week 8 **or can be moved to the Monday and Tuesday of Thanksgiving week.** TBR universities have flexibility to choose and the break may vary among the TBR universities. While community colleges may choose the option, the decision must be consistently implemented across the unified community college system.- (To accommodate flexibility for universities, faculty may want to consider the possibility of requiring no tests or assignments to be due on either of these two Mondays or Tuesdays. This will allow students and faculty in a collaborative environment to participate in the break even if they are engaged at universities that observe different midterm breaks.)
- Thanksgiving Holiday (Wednesday, Thursday, Friday, Saturday, and Sunday) (Monday and Tuesday of Thanksgiving week may also be included if the midterm break option described above is used. Administrative close days are not impacted; Wednesday is an extension of a break period where no classes will be held.)

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Classes ~~End-end~~

Flexibility is provided at the end of the semester to allow institutions to address concerns with the number of class sessions, lab availability, etc.

- ~~• The earliest date that classes may end is Wednesday of week 15~~
- ~~• The latest date that classes may end is Monday of week 16~~

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Study day and/or Final Exams begin

- ~~• The earliest day for study day and/or final exams is Thursday of week 15.~~
- ~~• The latest day for study day and/or final exams is Tuesday of week 16.~~

Final exams must end no later than Saturday of week 16.

All grades must be submitted no later than the Monday of Week 17.

All TBR institutions must establish and publish an end-of-term schedule for the last day of class and final exams. Appropriate time for completion of end of course assignments and preparation for final exams must be included in the schedule.

The end-of-term schedule for the unified community college system will be the same at each community college. RODP will follow the schedule established by the community colleges. Universities may have variation in their schedules as long as all grades are submitted by Monday of Week 17. Universities assume the responsibility of communicating any variations to students and faculty engaged in collaborative programs.

~~Spring Semester, Full Term (Week 1 of Spring Semester is counted as the week that begins with MLK holiday—not the week of the first day of class.)~~

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(Week 1 of Spring Semester begins with the first day of class.)

- Early registration for spring semester (and summer semester if applicable) must begin the 2nd Monday in November.
- ~~Classes must begin on Thursday before MLK holiday.~~
- Classes must begin on Tuesday after MLK holiday with the exception of when MLK is on the 21st of January, when classes will begin on the Monday before MLK holiday.
- Martin Luther King Holiday (3rd Monday in January)
- Midterm break must take place beginning Monday of week 8 or a date agreed upon by all community colleges in the unified community college system. RODP will follow the schedule established by the community college system. Universities have flexibility to adopt an alternate spring break date, but will have the responsibility of communicating the impact to students and faculty involved in collaborative programs.
- Friday before Easter Holiday* (may be used to provide additional flexibility)

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Classes ~~End~~ end

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Flexibility is provided at the end of the semester to allow institutions to address concerns with the number of class sessions, lab availability, etc.

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*Institutions have the option of requesting an exception to the TBR Policy from the Chancellor in order to take the Good Friday Holiday on the Friday of spring vacation rather than the Friday prior to Easter. This provides an additional Friday for instruction.

Registration:

The published registration schedule for each institution must designate specific registration deadlines for each phase of registration. Late registration may be permitted through the seventh calendar day for regular fall and spring courses with late registration period proportionally adjusted for summer and alternate length courses.

Exceptions to the common calendar for specialized programs may be approved by the President, with notification to the Vice Chancellor for Academic Affairs. Other exceptions to the calendar and registration guideline must be approved, in advance, by the Vice Chancellor for Academic Affairs.

Source: Presidents Meeting February 10, 1987; Presidents Meeting May 21, 2001; Presidents meeting August 13, 2002; Presidents meeting November 8, 2006: 2012.

***** (Possible Alternate Wording to be Considered)

- Classes begin the Monday preceding the last Monday in August, except on years when this start date results in only one week after Thanksgiving for finals. In that case, classes will begin one week later (i.e., the last Monday in August) to allow time for a week of classes, as well as finals, after the Thanksgiving break. (Templates are posted on the TBR website to specify dates for at least 10 years in the future.)

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Guideline No. A-019

Subject: Academic Calendars and Student Registration

EFFECTIVE: FALL SEMESTER 2014

This guideline applies to all TBR universities and two-year colleges. Its primary purpose is to provide a common academic calendar among system institutions in order to:

1. Facilitate student enrollment at more than one TBR college or university and in the collaborative programs offered by multiple institutions;
2. Enable institutions to share resources, including courses, faculty, and physical facilities;
3. Encourage and enable the formation of consortia among institutions;
4. Permit greater efficiency in system-wide information technology resources.

Academic Calendar:

All TBR colleges and universities will offer fall and spring terms that follow the Academic Calendar Template included in this guideline. Institutions may offer terms of alternate length in addition to the 15-week fall and spring semesters, but should be mindful of calendar conflicts and federal financial aid requirements.

Each semester, the 14th day of class must be identified as the last date a student can drop a class (withdraw) without a grade designation, including a "W," appearing on the transcript. When providing alternate class formats, the institution is responsible for documenting equivalence in terms of student outcomes and competencies.

Template:

Fall Semester, Full Term (*Week 1 of Fall Semester begins with the first day of class.*) Early registration for summer and fall semesters must begin the 1st Monday in April.

- Classes begin the Monday preceding the last Monday in August.
- Labor Day Holiday (1st Monday in September)
- Midterm break must be scheduled for Monday and Tuesday of week 8 **or** can be moved to the Monday and Tuesday of Thanksgiving week. TBR universities have flexibility to choose and the break may vary among the TBR universities. While community colleges may choose the option, the decision must be consistently implemented across the unified community college system. (To accommodate flexibility for universities, faculty may want to consider the possibility of requiring no tests or assignments to be due on either of these two Mondays or Tuesdays. This will allow students and faculty in a collaborative environment to participate in the break even if they are engaged at universities that observe different midterm breaks.)
- Thanksgiving Holiday (Wednesday, Thursday, Friday, Saturday, and Sunday) (Monday and Tuesday of Thanksgiving week may also be included if the midterm break option described above is used. Administrative close days are not impacted; Wednesday is an extension of a break period where no classes will be held.)

Classes End

Flexibility is provided at the end of the semester to allow institutions to address concerns with the number of class sessions, lab availability, etc.

All grades must be submitted no later than the Monday of Week 17.

All TBR institutions must establish and publish an end-of-term schedule for the last day of class and final exams. Appropriate time for completion of end of course assignments and preparation for final exams must be included in the schedule.

The end-of-term schedule for the unified community college system will be the same at each community college. RODP will follow the schedule established by the community colleges. Universities may have variation in their schedules as long as all grades are submitted by Monday of Week 17. Universities assume the responsibility of communicating any variations to students and faculty engaged in collaborative programs.

Spring Semester, Full Term (*Week 1 of Spring Semester begins with the first day of class.*)

- Early registration for spring semester (and summer semester if applicable) must begin the 2nd Monday in November.
- Classes must begin on Tuesday after MLK holiday with the exception of when MLK is on the 21st of January, when classes will begin on the Monday before MLK holiday.
- Martin Luther King Holiday (3rd Monday in January)
- Midterm break must take place beginning Monday of week 8 or a date agreed upon by all community colleges in the unified community college system. RODP will follow the schedule established by the community college system. Universities have flexibility to adopt an alternate spring break date, but will have the responsibility of communicating the impact to students and faculty involved in collaborative programs.
- Friday before Easter Holiday* (may be used to provide additional flexibility)

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Registration:

The published registration schedule for each institution must designate specific registration deadlines for each phase of registration. Late registration may be permitted through the seventh calendar day for regular fall and spring courses with late registration period proportionally adjusted for summer and alternate length courses.

Exceptions to the common calendar for specialized programs may be approved by the President, with notification to the Vice Chancellor for Academic Affairs. Other exceptions to the calendar and registration guideline must be approved, in advance, by the Vice Chancellor for Academic Affairs.

Source: Presidents Meeting February 10, 1987; Presidents Meeting May 21, 2001; Presidents meeting August 13, 2002; Presidents meeting November 8, 2006; _____, 2012.

***** (Possible Alternate Wording to be Considered)

- **Classes begin the Monday preceding the last Monday in August, except on years when this start date results in only one week after Thanksgiving for finals. In that case, classes will begin one week later (i.e., the last Monday in August) to allow time for a week of classes, as well as finals, after the Thanksgiving break. (Templates are posted on the TBR website to specify dates for at least 10 years in the future.)**

Guideline No. A-019

Subject: Academic Calendars and Student Registration

EFFECTIVE: FALL SEMESTER 2014

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Each semester, the 14th day of class must be identified as the last date a student can drop a class (withdraw) without a grade designation, including a "W," appearing on the transcript. When providing alternate class formats, the institution is responsible for documenting equivalence in terms of student outcomes and competencies.

Template:

Fall Semester, Full Term (*Week 1 of Fall Semester begins with the first day of class.*) ~~Early registration for summer and fall semesters must begin the 1st Monday in April.~~

- Classes begin the **fourth Monday preceding the last Monday** in August.
- Labor Day Holiday (1st Monday in September)
- ~~Midterm-Fall break~~ **for community colleges** must be scheduled for Monday and Tuesday of week 8. **Fall break for each TBR university must be scheduled for Monday and Tuesday of week 8 or** can be moved to the Monday and Tuesday of Thanksgiving week. ~~TBR universities have flexibility to choose and the break may vary among the TBR universities. While community colleges may choose the option, the decision must be consistently implemented across the unified community college system.~~ (To accommodate flexibility for universities, **faculty may want to consider the possibility of requiring no tests or assignments to be due on either of these two Mondays or Tuesdays.** This will allow students and faculty in a collaborative environment to participate in the break even if they are engaged at **universities- TBR institutions** that observe different midterm breaks.)
- Thanksgiving Holiday (Wednesday, Thursday, Friday, Saturday, and Sunday) (Monday and Tuesday of Thanksgiving week may also be included if the midterm break option

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Classes End

Flexibility is provided at the end of the semester to allow institutions to address concerns with the number of class sessions, lab availability, etc.

All grades must be submitted no later than the Monday of Week 17, except RODP grades which will be delivered to the appropriate "home" institution no later than 4:30 p.m. on Friday of Week 16.

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Spring Semester, Full Term (*Week 1 of Spring Semester begins with the first day of class.*)

- ~~• Early registration for spring semester (and summer semester if applicable) must begin the 2nd Monday in November.~~
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- Martin Luther King Holiday (3rd Monday in January)
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PRESIDENTS QUARTERLY MEETING

DIRECTORS QUARTERLY MEETING

November 2012

DATE: Presidents Meeting (November 7, 2012)
Directors Meeting (November 8, 2012)

AGENDA ITEM: Recommended Revision to Policy 4:02:20:00 – Disposal of
Surplus Property

ACTION: Requires Vote

PRESENTER: Dale Sims

BACKGROUND INFORMATION:

The recommended revision ensures that the number of days institutions make surplus property available to other TBR institutions and State Agencies is consistent within the policy.

3. General Disposal Procedures

- a) The president or director of each institution or their designee shall declare personal property to be surplus personal property prior to disposition as such; provided however, property need not be declared surplus when disposition is through use of the trade-in method.
- b) The president or director or their designee shall designate the department or individual at the institution responsible (hereinafter referred to as "responsible authority") for the disposal of surplus personal property, and the communications and procedures concerning the disposal of surplus personal property.
- c) No article of personal property may be disposed of as surplus except by one of the following methods:
 1. Trade-in, when such is permitted due to the nature of the property or equipment and subject to the provisions of T.C.A. 12-2-403 and the rules of this policy;
 2. Transfer to other institutions within the Tennessee Board of Regents system;
 3. Transfer to other state agencies;
 4. Sale to eligible political subdivisions of the state and other governmental entities;
 5. Public auction, publicly advertised and held;
 6. Sale under sealed bids, publicly advertised, opened and recorded;
 7. Negotiated contract for sale, at arms length; but only in those instances in which the availability of the property is recurring or repetitive in character, such as marketable waste products;
 8. Disposition through the Department of General Services as provided in the Department Rules and Regulations.
 9. Donations to a public school or public school system.
 10. Sale by Internet auction.
- d) If the president, director or designee declares the property to be surplus personal property, the method of disposal shall be determined by the responsible authority from the alternatives set forth in Section 3(c) of this policy. Written documentation for the selection of method of disposal shall be maintained. The trade-in method, when property is of the nature appropriate for trade-in, and transfer to other institutions in the Tennessee Board of Regents System shall be the first and second priority methods, respectively, for disposal of surplus personal property, except for waste products which shall be disposed of as further provided in this policy. In the selection of other methods of disposal, the following criteria shall be considered:

1. The character, utility and functionality of the property;
 2. The economics of disposal in light of all relevant circumstances attendant the proposed disposal, including the condition and climate of the potential market and present estimated market value of the property, transportation costs, and other cost factors associated with disposal; and
 3. Sound fiscal and budgetary policy and practices.
- e) The method of disposal selected in the preceding section shall be implemented pursuant to the specific procedures set forth in this policy for such disposition.
- f) The responsible authority at the institution shall be responsible for the maintenance of accountability documentation on all items of surplus personal property, and shall ensure that adequate audit and inventory trails on all items of surplus personal property are maintained. Such authority shall make the final determination of the fair market value of surplus personal property for purposes of calculating reimbursements to the transferring institution and to determine whether property may be destroyed pursuant to Section 2(a)(3).
- g) Nothing shall prohibit an institution from simultaneously providing notice of an intended disposition of surplus personal property to all System institutions and all state agencies as specified in Section 5(a) and 6(a) below. In such event, if no System institution has requested the property within **307** days of the initial notice, the first state agency which had requested the property within such time shall be entitled to receive the property upon reimbursement as provided in Section 6 below

PRESIDENTS QUARTERLY MEETING

DIRECTORS QUARTERLY MEETING

November 2012

DATE: Presidents Meeting (November 7, 2012)
Directors Meeting (November 8, 2012)

AGENDA ITEM: Recommended Revisions to Guideline B-080 – Reporting and
Resolution of Institutional Losses

ACTION: Requires Vote

PRESENTER: Dale Sims

BACKGROUND INFORMATION:

The recommended revisions bring consistency to the procedures for reporting property losses by institutions.

TBR Guideline No. B-080

SUBJECT: Reporting and Resolution of Institutional Losses

It is the responsibility of each institution to establish a system to report losses of state or institutional funds, property or other resources, whether by malfeasance or misfeasance (TCA 8-19-501). When fraud, waste or abuse is suspected, the appropriate authorities as designated by the institution's president/director should be informed in accordance with the Tennessee Board of Regents (TBR) Policy 4:01:05:50, *Preventing and Reporting Fraud, Waste or Abuse*. Administrators at all levels of management should be aware of the risks and exposures inherent in their areas of responsibility, and should establish and maintain proper internal controls to provide for the security and accountability of all assets and other resources entrusted to them. "Resources," as used herein, shall refer to supplies, ~~personnel~~, equipment, real property, intellectual property, data, and financial resources.

Reporting

The procedure for reporting property losses to the appropriate officials is divided into three categories: (A) losses due to cash shortages, (B) losses involving acknowledged or suspected misconduct, and (C) losses of physical property. TBR reports the suspected fraud items, cash shortages and property losses to the Comptroller of the State of Tennessee, Division of State Audit. The institution reports property losses to the State of Tennessee, Department of Treasury, Office of Risk Management. Losses must be reported to the State immediately upon discovery and the institutional procedures should address timely reporting.

Reporting Losses – For each reportable situation, the institution must complete a "Notification of Loss Report" (see Attachment A) or "Property Loss Report" (see Attachment B). Losses should generally be reported on the Notification of Loss Report, but losses involving property may be reported on the Property Loss Report.

Reporting Resolution – The investigation unit identified on the notification report will file a "Case Resolution Report" (see Attachment C) at the conclusion of the investigation. Depending upon the nature and extent of the investigation, an Internal Audit Report may be issued in lieu of a Case Resolution Report.

Distribution of Reports – Each required report should be submitted to the following:

1. Vice President for Business and Finance
2. Internal Audit Director
3. Office of Safety and Security/Campus Police
4. TBR Vice Chancellor for Business and Finance
5. TBR Director of System-wide Internal Audit

A. Losses Due to Cash Shortages

Each institution is required to report cash shortages equal to or greater than \$250 **\$500 immediately** to TBR. Some cash shortages result from human error and are the cost associated with doing business. However, objective reviews must be completed to eliminate misconduct and provide assurance that controls are effective. Regardless of amount, management should routinely review shortages to identify any unusual items, recurring issues or a pattern of financial shortfalls. If suspected fraud or misconduct is identified in any area or unit, the matter should be reported **immediately** to TBR and handled as a reportable situation as noted in this guideline.

B. Losses Involving Acknowledged or Suspected Fraud, Waste or Abuse

Losses of institutional assets or other resources as the result of acknowledged or suspected misconduct by either an employee or a non-employee (for example, a vendor, contractor, or student) may include, but are not limited to: lost, stolen or altered checks, shortages of cash, operational supplies, physical property, intellectual property, data and any other instance where assets or other resources may have been misappropriated, e.g., travel claim abuse, long distance telephone abuse, theft of athletic tickets, reporting or approval of hours not worked, etc. Such losses should be reported **immediately** to TBR and handled as a reportable situation as noted in this guideline.

C. Losses of Physical Property

Property Records – Institutions maintain property inventory records for capitalized property (property with a cost of \$5,000 or more) and sensitive property (property ~~with a cost of less than \$5,000 but~~ **with a cost between \$1,500 and \$4,999**).

Property Losses Due to Misconduct – Institutional losses of physical property from thefts or other suspected fraudulent activities should be reported **immediately** to TBR and handled as a reportable situation as noted in this guideline.

Other Property Losses – Other losses of physical property due to inventory shrinkage, vandalism, unexplained events, natural disasters, or acts of God should be reported to TBR on a ~~monthly~~ **quarterly** basis on the Property Loss Report (see Attachment B). A Case Resolution report is not required to be submitted for these losses. However, unexplained losses and those due to shrinkage or vandalism should be routinely reviewed by management to identify any unusual events, recurring issues or a pattern of losses. If suspected fraud or misconduct is identified in any area or unit, the matter should be handled as a reportable situation as noted in this guideline.

Occurrences that are potentially serious situations that would create public concern regardless of amount must be reported to the TBR and the Office of Risk Management **immediately**, followed by a written report.

Claims Process – Individual occurrences exceeding **\$25,000** must be reported to the TBR and the Office of Risk Management immediately, followed by a written report. The Office of Risk Management website at <http://www.treasury.state.tn.us/risk/index.htm> contains contact information under the “Contact Us” link and details of the insurance claim process under the “Claims Process” link.

Property Loss Report – This report (see Attachment B) should list equipment items individually and should include all related data as reflected on the equipment inventory list. This information may be forwarded to TBR on an Excel spreadsheet with a brief narrative explaining how the loss occurred. Each property damage report should include a detailed description of the loss and the estimated cost. In addition to the reporting requirements noted above, the department where the loss occurred should also receive a copy of this report.

Refer to the Addendum to this Guideline for reporting requirements for situations discussed in this guidance.

Actions

The TBR will evaluate the information provided and make a determination concerning external reporting obligations, if any, and the feasibility of pursuing available legal remedies in cases of misconduct or fraudulent activities.

Source: November 6, 2002, Presidents Meeting; February 28, 2008, Presidents Meeting; February 29, 2008, TTC Directors Meeting.

ADDENDUM TO TBR GUIDELINE B-080

Tennessee Board of Regents
Reporting Matrix for Institutional Losses

Type of Loss		Immediate Notification to TBR	Attachment A Notification of Loss Report	Attachment C Property Loss Report (b)	Attachment B Case Resolution Report (c)	TBR Reports to Comptroller of the Treasury	Report to Office of Risk Management (d)
Any Loss	FWA	Yes	Yes	Physical Property Only	Yes	Yes	Physical Property Only
Non-FWA							
Cash (a)	< \$500 250	No	No	No	No	No	No
Cash	≥ \$500 250	Yes	Yes	No	Yes	Yes	No
Physical Property	Capitalized	Quarterly No	Yes	Yes	Yes	Yes	Yes (d)
Physical Property	Sensitive ≥ \$1,500	Quarterly No	Yes	Yes	Yes	Yes	Yes (d)
Physical Property	Not Capitalized and Not Sensitive < \$1,500	No	No	No	No	No	No
Other Assets or Resources (e)	Any value	Yes	Yes	No	Yes	Yes	No

Notes:

FWA - Fraud, Waste or Abuse (Misconduct by an employee, student, vendor, contractor or other).

(a) These losses should be reviewed by management to identify any patterns of losses; matters involving misconduct should be reported.

(b) For property losses, either Notification of Loss Report or Property Loss Report should be submitted; both are not required.

(c) An Internal Audit Report may be issued in lieu of a Case Resolution Report.

(d) Events resulting in losses of \$25,000 or greater should be reported to the Office of Risk Management.

(e) Other assets or resources may include items such as intellectual property or data, including data that may be stored on electronic devices.

NOTIFICATION OF LOSS REPORT

(Date)

_____, Vice Chancellor for Business and Finance
Tennessee Board of Regents
1415 Murfreesboro Road, Suite 350
Nashville, TN 37217

Dear _____:

Please be advised that the following loss has occurred in (Department Name) at
 (Institution)

Below is a brief description of the loss:

(Include individual's name, approximate amount in question, and the nature of the loss)

The situation is currently being investigated by (investigating unit) . A case resolution report will be issued to you by (name, title, phone number) at the conclusion of the investigation.

Sincerely,

(Name)

(Title)

**INSTITUTION
PROPERTY LOSS REPORT
QUARTER ENDING _____**

Location of Loss	Item Description	Decal #	Serial #	Date of Loss	Cost/Value	Cause of Loss

Note for Preparer: *The Property Loss Report should list **property equipment** items individually and should include all related data as reflected on the property inventory list. This information may be forwarded to TBR on an Excel spreadsheet with a brief narrative explaining how the loss occurred. Each property damage report should include a detailed description of the loss and the estimated cost.*

**INSTITUTION
CASE RESOLUTION REPORT
DATE**

Department: _____ Unit: _____

1. Date of the loss: _____
2. Reported by: _____
3. Investigation unit: _____
4. Description of the loss: _____

5. Total amount of loss: _____ Total amount of recovery: _____
6. Was employee misconduct-dishonesty discovered? Yes _____ No _____
7. Name(s) of employee(s) involved: _____

8. Action taken: _____

9. Methodology used to determine loss: _____

10. Internal control weaknesses found: _____

11. Actions taken to resolve weaknesses: _____

Note: An internal audit report may be issued in lieu of a case resolution report.