

BUSINESS AFFAIRS SUB-COUNCIL

January 17, 2002

MINUTES

The meeting began at 9:00 a.m. in the TBR Board Room. Present were Mr. Dwight Johnson, Chairperson (STCC); Dr. Bob Adams (APSU); Ms. Debra Bauer (NSTI); Mr. Steve Campbell (ETSU); Mr. Horace Chase (JSCC); Mr. Bill Fuqua (RSCC); Mr. Mike Gower (MTSU); Mr. Clay Harkleroad, Jr. (TSU); Mr. James Hodges (VSCC); Mr. Ken Horner (CoSCC); Dr. Charles Hurley (CLSCC); Mr. Al Irby (APSU); Dr. Julian Jordan (WSCC); Mr. Ron Kesterson (PSTCC); Mr. Charles Lee (UOM); Ms. Deborah Mailen (CSTCC); Ms. Linda Maxwell (TTU); Mr. Raymond Pipkin (UOM); Mr. Mike Posey (MSCC); Mr. Terry Rector (TTU); Mr. Mitch Robinson (DSCC); Ms. Claire Stinson (NSTCC); Dr. John Rudley, Ms. Kathy Crisp, Ms. Deanna Hall, Ms. Lisa Hall, Ms. Ann Rutland, Mr. Ron Simmons, Ms. Renee Stewart, Mr. Bob Wallace, and Mr. Keith Williams (TBR).

Mr. Johnson called the meeting to order.

Dr. Rudley informed the committee that Raja Kodali has been appointed interim Vice Chancellor for Information Systems, replacing Lige Hall who retired December 31, 2001.

Mr. Pipkin introduced Charles Lee, the new Vice President of Finance and Administration at UOM.

BUSINESS

1. Policy on Extra Compensation & Outside Employment

Ellen Weed, Academic Affairs, discussed the proposed policy on extra compensation and outside employment (Policy 5:01:05:00). The proposal will combine two existing policies on outside employment (5:01:05:00) and extra compensation (5:02:04:00). Major changes include giving Presidents and Directors more authority over extra compensation decisions, removing limits on extra compensation except those required by statute, and explicitly permitting institutions to develop policies more restrictive than the TBR policy.

The proposal was approved. Dr. Rudley suggested including examples in the final policy. The examples will be included in the policy presented at the Presidents Council.

2. UOM Non-purge Pilot Report

Mr. Lee updated the BASC on the status of the non-purge registration pilot currently on-going at UOM. The pilot was initiated when UOM discovered that 75% of students who were purged for nonpayment of fees subsequently re-

enrolled. In many instances, the nonpayment was due to financial assistance processing. The purge/re-enrollment was causing serious problems for a number of students who needed specific courses. To resolve these problems, the pilot program allows UOM to complete registration and the semester without a student purge. Students who register for courses have “bought” the seat in that course and are financially responsible for the payment of enrollment fees unless the student withdraws prior to the first day of class. Additionally, a \$100 late payment penalty is assessed to students who fail to meet the initial payment deadline. A 1.25% monthly penalty is assessed on any unpaid balance that remains through the end of the semester.

Mr. Lee reported that the results of this pilot, in operation since Fall 2000, include increased productivity in the bursar’s office, larger increases in late payment fees than in bad debt, and an increase in students’ self-withdrawing prior to the first day of class. Students’ self-withdrawal had the added benefit of increasing available course space during the regular registration period. Mr. Lee stated that the non-purge did not significantly inflate enrollment statistics.

Mr. Adams inquired how students with all Fs were handled. Mr. Pipkin responded that clearly communicating the responsibility of the student prior to implementation was key. UOM included brightly colored fliers with student billings, campus announcements, etc. Some instances of students with all Fs did occur, however, these dramatically decreased after the first semester. Complaints were handled through the normal exception process.

The committee inquired how the pilot was in compliance with state statutes addressing when a student is counted as a student. There was debate over whether this issue is addressed in state statute or THEC/TBR policy. TBR staff will research this issue and discuss with THEC expanding the pilot to other interested institutions.

Several two-year institutions’ representatives suggested developing a different model for smaller institutions. A preferred model would include more flexibility on the number and timing of student purges.

3. Report of the Finance Committee

Ms. Stewart highlighted the following issues from the January 10, 2002 Finance Committee meeting.

A. Athletics

Community colleges currently allocate 15% of the head coach’s salary to athletics, regardless of actual time spent coaching or in the classroom. The Finance committee recommended that the two-year institution representatives develop a revised allocation method to present at the January BASC. Mr. Robinson stated that

the two-year representatives had met on January 16th and were recommending allocating athletic salaries on methods determined by each individual campus. The budget instructions will be revised to delete the 15% requirement. Dr. Rudley suggested the two-year institutions develop a more detailed allocation method for all, not different methods for each institutions.

B. GASB 34/35 Update

The Finance Committee recommended that institutions that have not reclassified desegregation and special allocation accounts from unrestricted to restricted do so now. This change was approved when state audit approved the position paper on desegregation, special allocations, and Centers of Emphasis/Excellence. The reclassification only applies to state appropriated funds, not to any required match.

Dr. Rudley inquired if CBOs have kept their Presidents informed of this major change in financial reporting and all the work required to implement it. Dr. Rudley will send a letter to the Presidents on the GASB 34/35 implementation.

C. Blind Vendors Update

The Finance Committee reviewed the statute permitting blind vendors to operate on higher education campuses and determined that the elimination of an exception clause in the public property definition would exclude higher education campuses. A suggestion was made that in exchange for revising the current statute, campuses consider dedicating a portion of vending earnings to funding scholarships for the disabled or funding ADA improvements. Mr. Posey disagreed with this suggestion. Several university representatives stated that they were happy with their current arrangements. Dr. Rudley reminded the BASC that the two-year institutions were not treated as well as the universities during the negotiations with the blind vendors.

TBR staff requested financial information for vendors operating on our campuses. We received the sales figures for each institution type, but were not able to get figures for individual institutions.

School Type	Sales	# of Campuses	# of Vendors
Universities	\$ 711,767	6	8
Community Colleges	1,387,014	14	14
TTCs	460,321	9	9

Total	\$ 2,559,102	29	31
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It was also noted that 20% of blind vendors facilities are on TBR campuses and 13% of all sales are generated on TBR campuses.

TBR staff and the ad hoc committee will continue to work toward a resolution of this issue.

D. Guideline G-070 Disposal of Records

The Finance Committee recommended revising the retention period for student financial assistance records from five years to three years, as required by 34 CFR 668.24, see attachment A.

E. Object Code Listing

The Finance Committee recommended using a supplies object code when expensing livestock. Supplies object codes available for use include 4500 – 4599, excluding 4595 and 4596.

The minutes of the Finance Committee were approved.

4. Report of the Human Resource Officers Committee

Ms. Stewart informed the BASC that the Human Resources Officers met on Thursday, January 16, 2002. Minutes were not available for review and approval.

Ms. Debbie Johnson briefly reviewed all policy and guideline revisions proposed. BASC members will receive the minutes and policy/guideline revisions by email. Approval votes will also be conducted by email.

5. General Counsel Policies and Guidelines Update

Mr. Kerry Goodwin presented the results of General Counsel's review of existing guidelines and policies. Please see attachment B for all recommended revisions and deletions.

BASC recommended two changes to General Counsel's proposal: 1) The addition of athletic personnel to the conflict of interest policy, and 2) the deletion of section 1(e) of Guideline 090 Letterhead Stationery.

BASC members inquired if revised TUAPA forms are available. Mr. Goodwin stated that he would research and inform the campuses.

The proposed revisions/deletions were approved with the exceptions noted above.

There being no further business, the BASC adjourned.

ATTACHMENT A

GUIDELINE G-070

SUBJECT: Disposal of Records - RDA 2161

These guidelines set forth the procedures for disposal of institutional records for all institutions and technology centers governed by the Tennessee Board of Regents. Disposal of institutional and center records must be approved by the State Public Records Commission. No records may be destroyed unless and until provided below. Unless specified otherwise, or otherwise required by law, records may be microfilmed or imaged and the paper copy destroyed upon verification of an archival quality reproduction. The microfilm or image will then be retained for the balance of the indicated retention period.

The following record series have been approved for disposal by state-approved methods: shredding or burning. No record shall be destroyed, however, so long as it pertains to any pending legal case, claim or action, or to any federal or state audit until such actions have been concluded. Records which reflect "Permanent" retention may be destroyed after verification of an archival quality microform or image. Actions by the State Commission shall be communicated to all campus records officers through the Board staff.

Institutional or Center Records Officers have the authority and responsibility to dispose of records in accordance with approved records disposition authorizations. Prior to the destruction of any records, the Records Officer must determine if the action should be delayed due to audit or litigation requirements. Specific records pertaining to current or pending litigation or investigation must also be retained until all questions are resolved. These specific records can be retained in a suspense file, while all other records not under pending investigation should be disposed of in accordance with established RDAs. The disposal authorizations cited below are minimum retention standards; institutions and centers may retain the record series for longer periods at their discretion. However, disposal pursuant to this schedule is recommended.

Notwithstanding the retention period stated herein, should such periods conflict with federal law, the period of longer retention shall apply.

The following definitions are applicable to this Guideline:

RECORD: All books, papers, maps, photographs, films, microfilm, imaged copy, electronic data processing output, sound recordings or other materials regardless of

physical form or characteristics made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency.

NON-RECORD: Those documents which do not document the activities of an agency: i.e. extra copies of documents kept for convenience or reference; stock supplies of publications; extra copies of circulated materials where follow-up copies are kept for the record; reading files; follow-up correspondence copies; identical or carbon copies kept in the same file; draft copies or work copies of documents when the final version is complete; letters of transmittal which add nothing to the transmitted information; inter-office memoranda; shorthand notes, steno type tapes or sound recordings after they have been transcribed; and internal housekeeping materials such as intra-office memos, routing slips, telephone call slips, and computer edit error listings after the corrections are made; library or museum material which is for reference or exhibition; private materials neither made nor received by an institution or school staff member in connection with the transaction of official business. As non-records, the above-mentioned items are excluded from the record retention and disposal requirements.

PERMANENT RECORDS: Those records or materials which have permanent administrative, physical, historical or legal value.

WORKING PAPERS: Those records or materials created to serve as interim documents or inputs to final reporting documents, including electronic data processed records, computer output microfilm and records which become obsolete immediately after agency use or publication and are not classified as being a permanent record, or record of archival value.

I. BUSINESS RECORDS

NOTE: Business records must be retained the indicated number of years listed below. In addition, prior to disposal or destruction, these business records must have been subjected to the completion of an annual or bi-annual audit conducted by the State Audit Division of the Comptroller's Office as required in T.C.A. Section 9-3-211. Internal audit reports and work papers must be retained either 5 years or through 2 audits. "Completion" includes the issuance of the final audit report and the resolution of any audit exceptions or questions arising from the audit.

TYPE OF RECORD	RETENTION PERIOD
Capital Outlay Requisitions	3 years
Capital Outlay Purchase Orders	
Closed capital outlay purchase order files	3 years
Requisition for Local Purchase	3 years

Requisition for Bids	3 years
Budget Records and Ledgers (Working Papers) Budget working papers which are prepared at each institution during the budget process	3 years
Travel Claims Claims for travel expenses filed for reimbursement	3 years
Purchase Orders	3 years
Petty Cash Receipts	3 years
Vocational Rehabilitation Authorizations Authorizations and invoices from the State Division of Vocational Rehabilitation for services to clients	3 years and audit
Equipment Inventory Records	3 years
Grant Files	3 years after termination
Disbursement Voucher Files Disbursement vouchers and supporting documents, such as vendor invoices, purchase orders and related correspondence, travel requests and authorizations	3 years
Motor Vehicle Operations Files Applications for title, registration, invoices, etc., for school-owned vehicles	3 years
Internal Audit Reports	5 years or two audits

Internal Audit Work Papers	5 years or two audits
Accounts Receivable Invoices billing individuals and organizations for accounts receivable	5 years
Bank Deposit Slips	5 years
University Operating Funds Receipt Books and Other Pre-Numbered Receipts-	5 years
Payroll Records Payroll journals, transmittal sheets, etc	5 years
Check Vouchers	5 years
Fee Assessment Forms	5 years
Vendor Files	5 years
Bank Account Reconciliation Statements showing checks, other debits, deposits and credits to bank accounts	5 years
Canceled Checks	5 years
Student Ledger Cards/ Student Registration System Receipts	5 years after account is paid in full; permanently if not paid in full
Tuition and Fee Charges, Assessed and Paid	5 years after date of charge
Investment Records Includes records concerning LGIP accounts, certificates of deposit, records of interest and dividends earned	5 years after maturity/liquidation of investment
Student Financial Aid Records 1. Records pertaining to the	Records for an award year shall be retained 5 years after program and fiscal report are

<p>application for and receipt and expenditure of federal funds, including all accounting records and original and supporting documents necessary to document how the funds are spent</p> <p>2. Records pertaining to specific award of financial aid</p> <p>3. Repayment Records</p>	<p>submitted-</p> <p>5 years after last date of the period for which the loan was intended-</p> <p>5 years from date on which the loan is repaid, canceled, or assigned to the Department. The original promissory note and repayment schedule must be maintained in a locked fireproof container until the loan is paid in full or until the originals are needed in order to enforce collection of the loan. Other such records may be substituted with microform or imaged copies or kept in computer format. If maintained in computer format, source documents supporting the computer input must be maintained either in hard copy or in microform. > ></p> <p><u>A minimum of 3 years, as required by federal law. See 34 C.F.R. 668.24.</u></p>
<p>Contracts</p>	<p>6 years after either final payment, or termination of contract term</p>
<p>Housing Contracts</p>	<p>6 years after final payment</p>
<p>Leases</p>	<p>6 years after termination</p>
<p>Gift and Contribution Records</p> <p>Master listing of gifts and contributions</p> <p>Record of any stipulations placed on gift or contribution</p> <p>All other records</p>	<p>Permanently</p> <p>Life of gift or contribution</p> <p>3 years</p>
<p>General Ledger</p>	<p>Permanently</p>
<p>Monthly Budget and Expenditure Report (if different than General Ledger)</p>	<p>Permanently if kept in lieu of a general ledger; otherwise, 7 years</p>

II. PERSONNEL RECORDS

TYPE OF RECORD	RETENTION PERIOD
Attendance and Leave Records, Employee Leave Requests, Attendance and Leave Reports	Maintain by fiscal year (current leave balances should be constantly maintained); hold for 3 years after current year and completed audit when required
<p>Personnel Files</p> <p>Official personnel folders for each employee of the Tennessee Board of Regents or its institutions or schools centers</p>	Maintain in active files for current employees; upon separation from state government, the documents must be imaged or microfilmed. Destroy paper records after verification of microfilm or imaged copy. Retain microfilm or imaged copy for 75 years, then destroy.
<p>Daily Work Report Files</p> <p>This record serves as a work sheet for the attendance and leave record. It serves as a record of daily attendance, hours worked and leave taken. Included are forms giving name of employee, time signed in and out, hours worked, signature of employee, etc</p>	Maintain in file on annual basis; destroy after maintaining 3 years
<p>Pledge Cards for Charity Drives</p> <p>Records consist of payroll deduction authorizations for the State Employee Charity Fund and similar campaigns</p>	Destroy after 1 year and audit
<p>Employee Insurance Files</p> <p>Records consist of signed copies of group welfare program and similar forms indicating type coverage selected, signed application for health insurance and similar or related forms</p>	Retain in active file until superseded by a new form, at which time original authorization will be placed in agency personnel folder or attached to the new authorization. Upon termination of employment, place in agency employee personnel folder, etc.
<p>U.S. Savings Bond Payroll Savings Authorization</p> <p>Form used to authorize payroll</p>	Retain in active file until superseded by a new form, at which time original authorization will be either replaced in agency personnel folder or attached to

deduction for savings bonds, showing beneficiary and owner's name, address, and social security number.	the new authorization. Upon termination of employment, place in agency employee personnel folder.
Applications for Employment Applications and resumes submitted in response to an advertised position.	2 years after date of last action on an application
Unsolicited Applications Employment applications and resumes gratuitously submitted.	May be disposed of immediately
Affirmative Action Records Composite information relating to applicant flow logs, applicant statistics, wage data, and information concerning adverse impact, affirmative action compliance program, etc.	5 years
I-9 Employment Eligibility verification forms	3 years after date of hire or one year after date of termination, whichever is later

III. STUDENT RECORDS

The Family Educational Rights and Privacy Act of 1974, as amended (FERPA) specifically requires institutions to maintain records of requests and disclosures of personally identifiable information except for defined "directory information" and requests from students to review their own records. The records of disclosures and requests for disclosures are considered part of the students' educational records; therefore, these records must be retained as long as the education records to which they refer are retained by the institution.

Additionally, FERPA requires that no record for which there is a pending request to review be destroyed.

Admission data, documents for applicants who do not enter whether accepted or rejected

TYPE OF RECORD	RETENTION PERIOD
Acceptance Letters	1 year after application term
Advanced Placement Records	1 year after application term

Applications for Admission	1 year after application term
Correspondence	1 year after application term
Entrance Exam Reports (ACT, CEEB)	1 year after application term
Letters of Recommendation	1 year after application term
Transcripts High school, other colleges or universities	1 year after application term
Medical Records	1 year after application term
Readmission Forms	1 year after application term

The remainder of the retention guidelines for student records pertain to applicants who enter the institution.

TYPE OF RECORD	RETENTION PERIOD
Grade Reports (Registrar's copies)	1 year after date distributed
Registration Forms	1 year after date submitted
Social Security Certificates	1 year after certified
Teacher Certifications	1 year after certified
Transcript Requests (student)	1 year after date requested
Audit Authorizations	1 year after date submitted
Pass/Fail Request	1 year after date submitted
Changes of Course (add/drop)	1 year after date submitted
Credit/No Credit Approvals	1 year after date submitted
Enrollment Verifications, Logs or Lists	1 year after date

	submitted
AAPP Scan Sheets and Essay Booklets (Hard Copy)	5 years after date of test
Applications for Graduation	1 year after graduation or date of last attendance
Examination Papers and Answer Sheets	If not distributed to students, retain for length of grade appeal period
Academic Advisor Files	1 year after graduation, or 3 years after end of advisor status, whichever occurs first
Class Schedules (Students)	1 year after graduation or date of last attendance
Personal Data Information Forms	1 year after graduation or date of last attendance
Judicial Board Cases/Student Disciplinary Files For matters resulting in expulsion or suspension For matters resulting in a finding of no violation(s)	Permanent At conclusion of disciplinary process
All other matters	1 year after graduation or 4 years after date of action
Veterans Administration Certifications/Individual Folders File includes recruitment material (for those who do not enter whether accepted or rejected); previous education (transcripts from other colleges); evidence of formal admission (acceptance letters); grade reports and/or statements of progress (academic records); change of course forms; transfer credit evaluations; degree audit reports; tuition and fees charged and collected.	3 years after graduation or date of last term attended

Withdrawal Authorizations	3 years after graduation or date of last attendance
Academic Action Authorizations (Dismissal, etc.)	5 years after graduation or date of last attendance
Acceptance Letters	5 years after graduation or date of last attendance
Name Change Authorizations	5 years after graduation or date of last attendance
Correspondence, Relevant	5 years after graduation or date of last attendance
Residence Classification Forms	5 years after graduation or date of last attendance
Curriculum Change Authorizations	5 years after graduation or date of last attendance
Degree Audit Records, Reports	5 years after graduation or date of last attendance
Entrance Examinations Reports (ACT, CEEB)	5 years after graduation or date of last attendance
Transcripts - High schools, other colleges	5 years after graduation or date of last attendance
Foreign Student Forms (I-20)	5 years after graduation or date of last attendance
Graduation Authorizations	5 years after graduation or date of last attendance
Advance Placement Records	5 years after graduation

Information regarding students' high school advance placement scores	or date of last attendance
Applications for Admission or Readmission (Re-entry)	5 years after graduation or date of last attendance
Credit by Examination Forms	5 years after graduation or date of last attendance
Placement Records Records of job placement subsequent to attendance, graduation, receipt of certificate, etc.	5 years after graduation or date of last attendance
Letters of Recommendation	Upon admission of the student
Student Waivers for Right of Access to Review Letters of Recommendation for Admission	Retain as long as letters of recommendation
Transfer Credit Evaluations	5 years after graduation or date of last attendance
Academic Records Includes Narrative Evaluations, Competency Assessments, etc.	Permanently
Change of Grade Forms (Update Forms)	Permanently
Class Lists (Original Grade Sheets or Cards)	Permanently
Graduation Lists	Permanently
Permanent Student Cards	Permanently
Statistical Data - Enrollment, Grades, Racial/Ethnic, Degree, Schedule of Classes (Institutional)	Permanently
Commencement Program	Retain 1 copy permanently

IV. MISCELLANEOUS

TYPE OF RECORD	RETENTION PERIOD
Correspondence Files	1 year
Deeds	Permanently
Endowment and Living Trust Agreements	Permanently
<p>Minutes of Board and Committees</p> <p>Documents relating to the holding of meetings and recording of proceedings of meetings of the Board of Regents and its official commissions, councils, sub-councils, and committees.</p> <p>Included are accounts (either verbatim or in summary) of proceedings; actions taken in such meetings, agenda; copies of reports; exhibits; announcements; retained in Office of General Counsel</p>	Permanently
<p>Printed Materials and Publications</p> <p>Items which have permanent administrative, physical, historical or legal value, such as: Class schedules (institutional), school catalogs, brochures, etc.</p>	Retain 2 copies permanently in institution/center library archive
Medical X-Rays	4 years, provided the written and signed findings of a radiologist who has read such X-ray film shall be retained for 10 years after treatment of patient
Medical Case Records	Retain entire record for 10 years after student leaves institution. Retain 10 years after treatment of member of institution/center staff
<p>Litigation Files</p> <p>Institutional Files - Supporting records utilized in litigation</p> <p>Central Office Files - Pleadings and other supporting documents</p>	<p>3 years after conclusion of litigation/final appeal</p> <p>5 years after conclusion of litigation/final appeal</p>

Interlibrary Loan Forms	Maintain by calendar year and hold for 1 additional year
<p>Motor Vehicle Registration</p> <p>Registration forms for campus parking permits</p>	Retain during current academic year; or, destroy once invalid
<p>Reference Paper Files</p> <p>Records consist of documents used to facilitate, control, or supervise the performance of a specific function, process or action - not the official record copies necessary to document function, process or action. Do not use this number for working papers, investigations and similar working papers which are required by operating procedures, state or federal regulations and/or to be retained for a stipulated period of time.</p> <ol style="list-style-type: none"> 1. Notes, drafts, feeder reports, news clippings, similar working papers and other materials accumulated for preparation of a communications, study, a survey, an inspection or other action. This definition does not include official and quasiofficial recommendations, coordinating actions and other documents which contribute or result from preparation of the communication or other record. 2. Cards, listings, indexes, and similar documents used for facilitating and controlling work. Do not destroy cards, listings, and indexes and similar documents which provide access to the original documents. 3. Technical documents, plans, and similar reproduced materials which do not fall in the description of reference or technical publications. This does not apply to the record copy generally maintained by the initiating office. 4. Documents received for general information purposes that require no action and are not required for documentation of specific 	<p>Terminate files upon completion of communication, study, survey, inspection or other action</p> <p>Destroy when no longer needed to facilitate or control work</p>

functions. 5. Extra copies maintained by action office which reflect actions taken. Such files should not be established unless absolutely	
Copyrights and Patents Forms, documents and materials relating to applications for and granting of copyrights and patents	Permanently
JTPA Records All records concerning the Job Partnership Training Program including participant records	Retain 3 years following the date on which the annual expenditure report containing the final expenditures charged to such program year's allotment is submitted to the Department of Labor
Accreditation Records	Until superseded

I. OFFICE GENERAL ADMINISTRATIVE FILES

TYPE OF RECORD	RETENTION PERIOD
<p>Suspense files, papers arranged in chronological order as a reminder that action is required on a given date.</p> <p>A note or reminder to submit a report or take some other action</p> <p>The file copy or extra copy of an outgoing communication</p> <p>An incoming communication filed by date on which action is expected.</p>	<p>Destroy when action is taken</p> <p>Remove from suspense file when reply is received. If extra copy, destroy; if record copy, file in proper file.</p> <p>Remove from file on date action is to be taken.</p>
<p>Office General Management Files. Included are:</p> <p>Correspondence concerning hours of work and additional duties</p>	<p>Destroy after 1 year</p> <p>Destroy after 1 year</p>

<p>Correspondence concerning participation in Public Relations/information activities, such as open house programs and special events. (This does not normally apply to news releases, project files on conferences, seminars, open house programs, etc., accumulated by Agency Information directors or agency offices performing similar functions.)</p> <p>Correspondence pertaining to security within the office.</p> <p>Correspondence relating to office participation in charity drives and blood donations.</p> <p>Correspondence relating to parking, traffic, and related protective services.</p> <p>Documents relating to safety within the office.</p> <p>Other documents similar to the above categories that do not pertain to the official functional files of the office</p>	<p>Destroy after 1 year</p> <p>Destroy after 1 year</p> <p>Destroy after 1 year</p> <p>Destroy after 1 year</p> <p>Destroy after 1 year</p>
<p>Housekeeping Instruction Files.</p> <p>Documents relating to the preparation and issue of office memorandums, numbered and unnumbered, or comparable continuing instructions that apply only to internal administrative practices and housekeeping details within the preparing office. Included are copies of the instructions and communications related to them.</p>	<p>Destroy when superseded by new instructions or when obsolete</p>
<p>Office Organization Files.</p> <p>Documents relating to the organization and function of an office, such as copies of documents which are duplicated in other offices responsible for the organization and functions of state government. Included are:</p> <p>Copies of functional charts and functional statements, copies of documents relating to office staffing and</p>	<p>Destroy when superseded, obsolete, or no longer needed for reference.</p>

<p>personnel strength.</p> <p>Documents reflecting minor changes in the organization which are made by the head of the office and which do not require commissioner approval.</p>	
<p>Records Access File.</p> <p>Correspondence or listings received by or prepared by an office, giving name and other identification of individuals authorized access to office records, particularly confidential records.</p>	<p>Destroy when superseded, obsolete, or no longer needed for reference</p>
<p>Office Record Transmittal Files.</p> <p>Copies of records, transmittal forms showing files transferred to the State Records Center for State Archives.</p>	<p>Destroy when records listed thereon have been destroyed. For permanent records and records transferred to the State Archives retain indefinitely</p>
<p>Office Financial Files.</p> <p>Documents that relate to the participation of offices in matters concerning the expenditure of funds, such as cost estimates for travel, correspondence with budget offices, funds for long distance telephone calls, receipts for bonds and checks, or comparable documents affecting funds. This authorization does not apply to Finance and Budget Offices that accumulate similar files in the performance of mission functions.</p>	<p>Destroy after 1 year</p>
<p>Office Property Record Files</p> <p>Cards, lists, receipts, or comparable documents showing accountable property charged to an office.</p>	<p>Destroy when superseded, obsolete, or upon turn-in of property</p>
<p>Office Space Assignment Record Files</p> <p>Documents reflecting administrative space assigned to an office.</p>	<p>Destroy when superseded or obsolete</p>
<p>Office Service and Supply Files</p> <p>Documents relating to supply and equipment used by an office; office space and utilities, communications, transportation requests, custodial or other services required by an office; and to the general maintenance of an office. Included are:</p>	<p>Destroy 1 year after completion of action</p>

<p>Requests for supplies, receipts for supplies and equipment, and similar matters</p> <p>Requests and other documents concerning issue of keys and/or locks to an office</p> <p>Requests for publications and blank forms and other papers relating to the supply and distribution of publications to the office</p> <p>Documents relating to local transportation</p> <p>Documents relating to custodial services required by an office</p> <p>Requests for installation of telephones, floor plans showing location of offices, telephone extensions, requests for changes to telephone directories, and similar papers</p> <p>Documents relating to modification, repair, or change to office heating, lighting, ventilation, cooling, electrical, and plumbing systems.</p> <p>Documents relating to painting, partitioning, repairing, or other aspects of maintaining the office physical structure.</p>	
<p>Office Management System Files.</p> <p>Documents related to the use and approval of a micromation system, an automated filing system, or similar systems.</p>	<p>Destroy when system is no longer in effect</p>

II. OFFICE PERSONNEL FILES

TYPE OF RECORD	RETENTION PERIOD
<p>Office General Personnel Files</p> <p>Documents that relate to the day-to-day administration of personnel in individual offices. Included are notices of holidays and hours worked; notices about participation in athletic events and employee unions; notifications and lists of employees to receive State medical services,</p>	<p>Destroy after 1 year</p>

including X-rays and immunizations; notices and lists of individuals to receive training; and comparable or related papers.	
Office Personnel Locator Files Cards or sheets showing name, address, and telephone number and similar data for each office employee.	Destroy on transfer or separation of individual
Employee Record Files Printouts or cards that provide complete information on employees, positions, strength authorizations and actions in process.	Forward to gaining organization upon transfer within state government. Place in Supervisor/Agency Employee Personnel Folder upon separation
Job Description Files Supervisor's copies of official job descriptions	Destroy on abolishment of position, supersessions of job description, or when no longer needed for reference
Supervisory/Agency Employee Information Files Documents pertaining to the administration of individual employees which are duplicated in, or which are not appropriate for inclusion in the official Personnel Folder filed in the Job Description File, or similar official personnel records. Included are: Copies of performance appraisals Approval for off-duty employment Papers relating to individual injuries Letters of commendation and appreciation Documents reflecting assigned responsibilities of individuals Records showing training received by individuals Copy of PNF 201 Forms	Review at end of each calendar year and destroy documents which have been superseded or are no longer applicable For separated employees, place in an active file and destroy after 3 years after termination

III. OFFICE REFERENCE FILES

TYPE OF RECORD	RETENTION PERIOD
<p>Reference Publication Files</p> <p>Copies of publications, such as catalogs, brochures, and manuals issued by any element of state government, other states, US Government agencies and private concerns maintained for reference within an office.</p>	<p>Destroy when superseded, obsolete, or no longer needed for reference. Books which are on property records will be returned to supply.</p>
<p>Technical Material Reference Files</p> <p>Copies of technical materials, such as transparencies, charts, sound recordings, motion picture, and still photographs maintained for reference purposes.</p>	<p>Destroy when superseded, obsolete, or maps, no longer needed for reference</p>
<p>Reading Files</p> <p>Extra copies of outgoing communications, arranged chronologically, and maintained as a cross reference file or for periodic review by staff members.</p>	<p>Destroy after 1 year</p>
<p>Policy and Precedent Files</p> <p>Extra copies of documents establishing policy or precedent for future and continuing action. (This does not include the official record copies of policy and precedent documents, which are usually filed in other subject or functional files in an office.)</p>	<p>Destroy when superseded, obsolete, or no longer needed for reference</p>
<p>Travel Authorization Files</p> <p>Copies of request and authorization for in-state and out-of-state travel and related correspondence</p>	<p>Destroy after 1 year</p>

Source: November 15, 1983 SBR Presidents Meeting; Revised July 1, 1984; Revised July 1, 1985; Revised September 1, 1986; Approved May 14, 1991, Presidents Meeting and implemented August 6, 1993 after approval by State Records Commission; May 5, 1998, Presidents Meeting.

Memorandum

To: TBR Business Affairs Sub-Council
From: Kerry Goodwin, Assistant General Counsel
Date: January 11, 2001
Re: Proposed System policy and guideline changes

The TBR Office of the General Counsel is proposing a number of modifications to TBR policies and guidelines. This memorandum describes the changes being proposed to a number of the General Guidelines, Personnel Guideline P-010, revisions to the General Personnel Policy, 5:01:00:00, and a major revision of the System policy on Conflicts of Interest, 1:02:03:10. You are being provided this memorandum in anticipation of the Business Affairs Sub-Council meeting scheduled for Thursday, January 17 at the TBR Central Office. At this meeting, the Sub-Council's approval of the proposed modifications to these policies and guidelines will be requested. The proposed modifications shown were reviewed and approved by the Finance Committee at their January 10, 2002 meeting, subject to changes which have been included.

Proposed Modifications to TBR Guidelines

1. Guideline G-010 Campus Communication of Board Actions and Policies

The current guideline was last revised in 1984, a time when electronic communications remained in a nascent stage, and the document reflects a paper-based paradigm. It is the opinion of the Office of the General Counsel that it is now more appropriate to rely upon electronic communications as the mechanism for dissemination of Board actions and policies. As indicated in Attachment I, copies of revised or new policies and guidelines will be distributed to the same parties currently receiving this information. However, to the degree practicable, that distribution will be made via electronic communication. (The revision does provide, however, that paper notices alerting that new or revised policies and guidelines have been sent electronically shall be mailed to the various appropriate parties.) And the campuses will not no longer be required to maintain paper copies of System policies and guidelines (obviously, to the degree that an Institution wishes to continue this practice, it is welcome to do so).

Rather, Central Office staff will be charged with promptly updating the System policies and guidelines maintained on the TBR website. Similarly, after the Board meeting minutes are approved (typically at the following Board meeting), those minutes will be posted to the TBR website by Central Office personnel.

2. Guideline G-020 Subcouncils

Only minor changes in nomenclature are recommended for Guideline G-020. See Attachment II.

3. Guideline G-040 Expenditures for System-Owned Residences

When Guideline G-040 was approved (1975), the TBR owned a residence for the use of the Chancellor. This is no longer the case. The recommended revisions (see Attachment III) deal primarily with making the guideline reflect this reality.

4. Guideline G-050 Computer Services Support for Institutional Public Service

This Guideline was created in 1977 and last revised in 1984. During that period of time, computers were somewhat exotic, and not as prevalent and readily available as they are today. The Guideline was created to allow persons and organizations in the communities served by the TBR Institutions access (in exchange for reasonable consideration to the Institution) to the Institution's computing facilities. Given that the rationale behind this policy is no longer valid, the OGC recommends deletion of this Guideline. The current Guideline is shown in Attachment IV.

5. Guideline G-060 Forms for Use with Cases Subject to the TUAPA

The forms contained in this Guideline are no longer used, and the OGC recommends deletion of this Guideline. The current Guideline is shown in Attachment V.

6. Guideline G-080 Memberships and Subscriptions

Modifications to Guideline G-080 are recommended primarily to update language and provide clarifications consistent with Policy 10, promulgated by the State Department of Finance and Administration, pertaining to membership and subscriptions paid for with state funds. The proposed revision is shown as Attachment VI.

7. Guideline G-090 Letterhead Stationery

While it is clearly arguable that this Guideline provides an unnecessarily detailed level of System management of matters better handled at the Institutional level, the OGC

recommends only minor changes to this Guideline, rather than its deletion. Our rationale for this is that various TBR Institutions have adopted policies which derive from and reference this System Guideline, and its deletion would create the need to revise those Institutional documents. We believe the effort associated with these changes to existing Institutional policies would exceed the benefit.

8. Guideline G-100 Management by Objectives Implementation

It is the understanding of the OGC that the management by objectives initiative has long since been discarded, and the Guideline is no longer being observed. Deletion of this Guideline is therefore recommended. The current Guideline is shown in Attachment VIII.

9. Guideline G-140 Publications

Only recommended changes relate to updating nomenclature contained in the Guideline. Please note Attachment IX.

10. Guideline P-010 Personnel Transactions and Recommended Forms

Guideline P-010 contains a number of template employment contracts to be used by the Institutions. These contracts were modified in 2001 to include a provision regarding intellectual property developed by persons employed by the TBR and its constituent Institutions. The OGC is aware that some prospective employees have expressed reservations regarding this new clause, with the mistaken belief that the clause extends the rights of the Institution beyond those which exist under the TBR Intellectual Property policy, 5:01:06:00. In order to improve the clarity of this clause, and hopefully mitigate the concerns of persons entering these contracts, the OGC recommends the modifications shown in on the first page of Attachment X.

Attachment X also includes the text of other proposed revisions to P-010. The primary purpose of these other revisions is to make the Guideline consistent with the proposed modifications to TBR Policy 5:01:00:00, which is described in more detail below.

Proposed Modifications to TBR Policies

1. Policy 1:02:03:10 Conflicts of Interest

The Office of the General Counsel is aware of multiple instances on the campuses which have exposed elements of the current System conflict of interest policy which we

believe can be improved upon. The OGC prepared a significant revision to the existing policy in the fall of 2001. A memorandum soliciting comments upon this draft was prepared and sent to each President and Director with the objective of obtaining input from the campuses regarding this proposed revision. A copy of this memorandum is included as Attachment XI.

The current version of the revision draft is shown in Attachment 4 of Attachment XI. As of the date of this mailing, comments have been received from our friends at ETSU, MTSU, TTU, U of M, Motlow State, Columbia State, and TTC – Hartsville. Comments received from those Institutions have been incorporated.

2. Policy 5:01:00:00, General Personnel Policy

The basic objective of changes to the General Personnel Policy is to increase the level of autonomy at the Institutions. Specific changes include 1) eliminating the requirement that the TBR Chancellor approve appointments for administrative deans and 2) increasing the salary level of positions for which the Chancellor's approval is required for an appointment, promotion, or transfer from \$50,000 to \$75,000. The complete revised text of the proposed revision is included as Attachment XII.

I expect to attend the meeting of the Business Affairs Sub-Council on January 17, and will be available to address questions or concerns you may have regarding these proposed modifications. Please note that Ms. Modisher is principally responsible for suggested modifications to TBR Policy 5:01:00:00 and the associated changes to Guideline P-010, and is the person most able to answer questions pertaining to these two items. In the interim, I will of course be pleased to address any questions you may have. Please do not hesitate to contact me at 615-366-3909 or (kgoodwin@tbr.state.tn.us).

Attachment I

Guideline G-010

Campus Communication of Board Actions and Policies

Guideline NO: G-010

SUBJECT: ~~Campus~~ Communication of Board Actions and Policies

~~It is the responsibility of each institution and area vocational-technical school governed by the State Board of Regents to ensure that actions and policies of the Board are communicated to the campus community. In addition, the institutions and area schools shall make available such information to the general public. The following are minimum provisions to be maintained by the institutions and schools relative to communicating Board actions and policies on campus.~~

~~1. Institutions~~

~~Two complete sets of Board meeting minutes, including the Chancellor's interim report, are to be maintained at separate locations on the main campus where they are available for review by students, personnel, and the public. One of the sets shall be housed in the main library.~~

~~Two complete copies of the current Board policy manual shall be maintained at separate locations where they are available for review by students, personnel, and the public. One copy shall be housed in the main campus library.~~

~~2. Area Schools~~

~~One complete set of Board meeting minutes, including the Chancellor's interim report, and one complete copy of the current Board policy manual shall be maintained in a location or separate locations on campus where they are available for review by students, personnel, and the public.~~

~~3. The Board staff shall distribute the minimum number of copies of Board meeting minutes and policies to each president and area school director. The president or director may duplicate and distribute additional copies of the materials on campus at his or her discretion.~~

~~4. Each president and area school director should make known the availability of Board meeting minutes and policies on campus.~~

~~5. The institutions and schools should incorporate summaries of Board actions affecting faculty, staff, and students in appropriate campus newsletters/publications.~~

Following meetings of the Board of Regents, the staff of the TBR Central Office shall promptly distribute a copy of all new and revised System policies approved by the Board to the persons and organizations listed below. As practicable, distribution will be made by electronic mail. Those parties receiving the policies electronically shall also receive a

notice by mail indicating that new and/or revised System policies have been sent electronically.

Institution Presidents and Directors

Board Members (policies only)

Tennessee State Library and Archives

State Comptroller's Office

Tennessee Legislative Library

Tennessee State Employees' Association

Similar distribution will be made of TBR Guidelines following each meeting of the Presidents' Council when such new and revised Guidelines are approved.

Central Office staff shall also maintain up-to-date copies of all System policies, guidelines, and procedures on the TBR website.

Minutes of each meeting of the Board of Regents shall be prepared at the direction of the Board Secretary, and approved by the Board at the following meeting. Once approved, the minutes shall be posted to the TBR website by Central Office personnel.

Source: September 1, 1976 SBR Presidents Meeting. Revised July 1, 1984.

Attachment II

Guideline G-020

Sub-Councils to the Joint Presidents' Council

Guideline NO: G-020

SUBJECT: Sub-Councils to the Joint Presidents' Council

Pursuant to Board Policy No. 1:03:04:00, the Tennessee Board of Regents has authorized certain sub-councils to the Joint Presidents' Council for the purpose of providing a mechanism to promote effective communication and internal management throughout the State Tennessee Board of Regents System. The Joint Presidents' Council recognizes the inherent value of the collective advice and comments of campus officials in designated areas on matters of System-wide concern, while preserving the organizational structures

and systems of communication at the individual institutions and for the System as a whole. The Joint Presidents' Council further finds it necessary to establish the following guidelines and procedures to govern the operations of the various sub-councils in fulfilling their stated purposes.

1. Names of Sub-Councils

The names of the sub-councils to the Joint Presidents' Council which have been established are the Academic Affairs Sub-Council, the Business Affairs Sub-Council, the Student Affairs Sub-Council, the Faculty Sub-Council, and the ~~Area Vocational-Technical School~~ Tennessee Technology Center Directors' Sub-Council.

2. Nature of the Sub-Councils

Each of the foregoing are sub-councils to the Joint Presidents' Council, in the nature of sub-committees to a principal committee. Communications from the sub-councils shall be made to the Joint Presidents' Council and the Board of Regents staff; no releases of information or public statements shall be made by the sub-councils.

3. Membership of Sub-Councils

(a) The regular members of the Academic Affairs, Business Affairs, and Student Affairs Sub-Councils shall be the chief administrative officers in the areas of academic, business, and student affairs, respectively, at each institution in the System. It is recommended that the Faculty Sub-Council members be the chairman of the faculty senate, assembly or advisory committee established by each of the various institutions; however, a representative may be selected annually by the faculty organization to serve as a Faculty Sub-Council member. The director of each ~~area vocational-technical school~~ TTC shall be a member of the ~~Area Vocational-Technical School~~ TTC Directors' Sub-Council.

(b) In addition to the regular members of the respective sub-councils, the presidents of all institutions in the System and the member of the Board of Regents staff designated by the Chancellor shall be ex-officio (non-voting) members of each sub-council.

4. Purpose and Functions of the Sub-Councils

The purpose of the sub-councils shall be to improve communications and internal management in the respective areas of the sub-councils throughout the System, and to provide necessary information to the Joint Presidents' Council and the Board staff for their consideration in relation to the policy-making role of the ~~State Tennessee~~ Board of Regents.

The functions of the sub-councils shall be as follows:

(a) To consider matters and make reports as requested by the Joint Presidents' Council or the Board staff.

(b) To confer and discuss concerns within the jurisdiction of their respective areas for the purpose of promoting the improvement of their campus functions.

(c) To initiate projects and studies and report their findings to the Joint Presidents' Council and the Board staff.

In exercising these functions, the respective sub-councils shall ensure against consideration of matters without their jurisdiction, or referred to or initiated by a different sub-council. All sub-councils shall limit their reports to their findings and conclusions concerning particular matters.

5. Meetings of Sub-Councils

Each sub-council shall hold a maximum of four regular meetings per year, to be held at such times and places which least conflict with the regular institutional responsibilities of the members. Special meetings of the sub-councils may be called by the Joint Presidents' Council or the Chancellor. All members of the sub-councils are responsible for attendance at meetings, but there shall be no quorum required for any meeting.

All regular and ex-officio members of each sub-council shall be invited to all meetings of the sub-council, and other persons shall not attend the meetings except by invitation from the sub-council chairman for a specific purpose.

6. Officers of Sub-Councils

Each sub-council shall select a chairman on an annual basis. The chairman shall be responsible for reports and communications between the sub-council and the Joint Presidents' Council and the Board staff. Additional officers may be selected by sub-councils as deemed necessary to carry out their purposes and functions.

7. Internal Operation of Sub-Councils

These guidelines and procedures shall constitute what would otherwise be the equivalent of bylaws for the respective sub-councils. Each sub-council may adopt additional procedures which are not inconsistent with the provisions herein set forth to govern the internal operations and the order of meetings of the sub-councils, subject to approval by the Joint Presidents' Council.

Source: May 25, 1977 SBR presidents meeting. Revised September 30, 1977 presidents meeting; July 1, 1984

Guideline G-040

Expenditures on System-Owned Residencies Furnished to State University and Community College System of Tennessee Tennessee Board of Regents Presidents and Chancellor

Guideline G-040

SUBJECT: Expenditures on System-Owned Residencies Furnished to ~~State University and Community College System of Tennessee~~ Tennessee Board of Regents Presidents ~~and Chancellor~~

The Board of Regents and the institutions under its control furnish to ~~some the Chancellor and~~ presidents system-owned residencies in recognition of the role these staff members must play in official entertainment and other official functions in these residencies. ~~These officials are required to live in these residencies. This practice is a consistent one throughout the nation.~~

Expenditures are required to furnish, maintain, repair, renovate, and operate these residencies. The following guidelines apply to expenditures on these residencies ~~by the Board for the Chancellor and~~ by the respective institutions for their presidents:

1. The ~~Board or~~ institution will pay all utility bills for these residencies ~~since all utility systems are required for proper functioning of these buildings.~~
2. The ~~Board or~~ institution will pay for necessary repairs and maintenance to keep these buildings in an acceptable state of repair and operation ~~since these structures are system property and are to be maintained as other properties of the institutions. Expenditures of this type include interior and exterior paint, wall paper, heating and cooling systems, plumbing, windows, and system-owned furniture and fixtures.~~
3. The ~~Board and~~ institutions will finance any major renovations and expansions of these buildings, subject to their being approved by ~~the president, the appropriate vice chancellor, and~~ the Chancellor, ~~and the Board of Regents if necessary.~~
4. The ~~Board and the~~ institutions will purchase and replace furniture and furnishings used in public and/or official entertainment areas in these residencies. Staff members will provide furniture used in private or family areas. Carpets or rugs and wall and window coverings will be purchased through normal institutional purchasing procedures and will be in a cost range in keeping with the quality of the residencies and for long wear and service.
5. Staff members occupying these residencies will be expected to purchase any furniture or furnishings which are for their own personal convenience and may take them when ~~and if~~ they or their heirs ~~ever~~ leave the residency.

6. The Board and institutions will provide the necessary grounds keeping and custodial personnel to maintain the grounds and residencies at an acceptable level of cleanliness and attractiveness along with required cleaning and grounds keeping supplies and equipment ~~since these residencies are system-owned property and should meet general institutional standards in this respect.~~

7. Staff members occupying these residencies are expected to use appropriate judgment and discretion in the expenditures of money for operation, maintenance, repairs, and furnishings ~~to stay within the framework of what prevails generally on the campuses.~~

Source: Approved by Chairman of SBR Committee on Finance and Business Operations, September 1, 1975

Attachment IV

Guideline G-050

Computer Services Support of Institutional Public Service

Guideline G-050

SUBJECT: Computer Services Support of Institutional Public Service

The following guidelines apply to the institutions and area vocational-technical schools in the State Board of Regents System.

Public service, along with instruction and research, is a fundamental function of an educational institution or school. The computer services organization, being an integral part of the institution or school, should have the availability and capacity to support the public service objectives of the institution or school. Just as the faculty and staff of an institution/school assist governmental agencies and businesses in many ways, as well as direct instruction, the computer services organization may provide public service consistent with the institution's or school's role in public service.

For the purpose of this statement, public service as it relates to institution/school computer services is defined as follows:

Public service is providing access to computer facilities, services and staff by individuals and organizations outside of the institution or school. Primary public service of the computer center generally includes processing for other education institutions or schools, non-profit organizations, state/city agencies, community/charitable organizations, and possible commercial applications. It also includes training courses and orientation which are available to the public. Public service of a secondary nature also may be provided; for

example, data maintained for a specific institution or school user also might be made available to a public organization external to the institution or school.

Benefits derived from the provision of public service by the computer services organization include the following:

A Source of Funds - Although generally a small part of the total revenue and usually a fraction of the computer services budget, revenue derived from public service may be an important ingredient in the maintenance of an efficient, well-staffed computer services function.

Goodwill - The effective support of public service activities can promote goodwill for the institution or school.

Recruiting - Providing public service support to local schools and student and community organizations provides an excellent means to attract future students to the institution or school. **Graduate Placement** - Providing public service to organizations the surrounding community often presents opportunities for the placement of graduates from career programs.

Several constraints or negative factors which are encountered in the performance of public service are as follows:

Over-emphasis of Public Service - The attractiveness of the revenue and community exposure gained through the support of public service may cause an institution or school to place too much emphasis on support of public service to the detriment of internal institutional/school programs.

Legal Ramifications - Expansion of the public service function in the computer service area increases the exposure of the institution or school to the external environment and thus increases the possibility of legal problems.

Competition - Public resources will not be used to provide services in competition with available commercial services.

Loss of Equipment Discounts - Although not as prevalent a problem as in the past because of changes in pricing strategy, educational computing facilities have been known to lose educational discounts because of public service involvement.

Security - Extending services to a wider group of users, especially contractual arrangements which involve hands-on operation, can adversely affect security of internal user data.

In consideration of these observations, the involvement of computer services in public service activities should be supported, providing the following conditions are met:

1. The institution or school will insure that all requests for computer services from non-institution/school users and plans for involvement of computer services in public service activities are consistent with the current stated goals and objectives of the institution or school in the area of public service.
2. The role of computer services in public service should in no way displace or adversely affect (1) the service to the academic programs utilizing the computer or (2) support provided for the institution's or school's administrative functions.
3. The commitment to or support of public service projects should not be used to directly support or justify enhancements of computer equipment. Computer support of public service activities should be considered on a time/resource available basis only.
4. Institutions and schools will generally provide services to governmental and non-profit organizations only. Services may be provided to profit-making organizations where it is ascertained that the institution or school is the only reasonably available source. In such instances, the institution or school will request and maintain on file a letter from the user organization which states that no computer services are reasonably available other than the institution's computer services.

The institution/school will develop and maintain methods for costing computer services provided to non-institution/non-school users. These methods for costing should be broad in scope such that they can be consistently and equitably applied to the various non-institution/non-school users who request services. The costing methods developed by the institution/school will encompass the following concepts:

1. For government and non-profit organizations, the institution/school will develop a costing procedure which can be consistently applied to non-institution/non-school users. The method of costing for services supplied to government and non-profit organizations will incorporate all direct cost and will include some representative portion of the indirect or overhead cost of the computer operation.

The institution/school may wish to differentiate between non-profit and governmental organizations and therefore maintain costing methods for three basic categories of non-institution/non-school users - government, non-profit, and profit-making organizations.

2. In costing services provided to profit-making organizations, all costs, both direct and indirect and including a reasonable cost for hardware usage, will be considered in determining a reasonable price for any prospective activity. Indirect costs such as costs of utilities and physical facilities maintenance are not normally included in the cost center budget but should be taken into consideration. The inclusion of hardware costs will compensate for the appropriation dollars in equipment acquisitions, and a more realistic cost will be the result. The institutions/schools must insure that the provision of service to a profit-making firm does not constitute a competitive advantage to the firm.

Each institution and school will develop and maintain a statement of goals and objectives in providing computer services to non-institution/non-school users. This statement should

be developed in consideration of and be consistent with the goals and objectives of the institution/school in the area of public services. The computer services goals and objectives statement will be part of the institution's/school's annually revised computer services plan.

The Board staff will be kept informed of all services provided by the computer center to non-institution/non-school users. This information will be submitted on an annual basis for the fiscal year as part of the annual computer planning process.

Source: May 25, 1977 SBR presidents meeting. Revised July 1, 1984.

Attachment V

Guideline G-060

Forms for Use With the Uniform Procedures of Cases Subject to the Tennessee Uniform Administrative Procedures Act

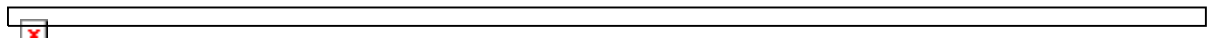
Guideline G-060

SUBJECT: Forms for Use With the Uniform Procedures of Cases Subject to the Tennessee Uniform Administrative Procedures Act

The attached forms are provided for the use of institutions and area vocational-technical schools of the State Board of Regents System in implementing the Board policy on uniform procedures for cases subject to the Tennessee Uniform Administrative Procedures Act (No. 1:06:00:05).

Each institution and school may reprint the forms using the name of the institution or school where appropriate.

Source: SBR policy no. 1:06:00:05. Guidelines issued July 24, 1978. Revised July 1, 1984. __Revised May 21, 1987.



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WAIVER AND ELECTION OF HEARING PROCEDURES

I, _____, being a(n) _____ (employee, student, organization or other person) of _____, and having been charged by said institution/area vocational-technical school with the following violations of policies: do hereby knowingly and voluntarily waive my right to a hearing pursuant to the Tennessee Administrative Procedures Act, TCA Sections 4-507 - 4-527, being fully aware of my rights under said Act, on the above charges. In addition, I hereby elect to have the above stated charges heard and determined by the _____, subject to the procedures of the institution/school, and subject to possible judicial review in accordance with TCA Section 4-523. Date: _____
_____ Signature

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WAIVER OF HEARING

I, _____, being a(n) _____ (employee, student, organization or other person) of _____, and having been charged by said institution/area vocational-technical school with the following violations of policies: do hereby knowingly and voluntarily waive my right to a hearing pursuant to the Tennessee Administrative Procedures Act, TCA Sections 4-507 - 4-527, and pursuant to any other law or constitutional provision, being fully aware of my rights to a hearing under said Act and under law. In addition, I hereby accept the following action as a result of my violations of the above policies:

My acceptance of the foregoing action is based upon my acknowledgement of having committed the above stated violations.

Date: _____
Signature _____

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(Name of Institution/Area Vocational-Technical School)

COMPLAINT

AND

NOTICE OF HEARING

IN THE MATTER OF PROPOSED ACTION

AGAINST _____
File (Name of Employee, Student, or other Person)

No. _____

TO THE ABOVE NAMED PERSON:

You are hereby notified of your opportunity for a hearing on the charges hereinafter set forth, which hearing has been set for _____ o'clock __.m., on the _____ day of _____, 19____, to be held in _____,

_____ (Room and Building) (Name of Institution/School)

_____. (Address)

The hearing will be held before _____, (Name of Hearing Officer or Committee) and the purpose of the hearing will be to determine whether you have violated policies, rules or regulations of the Institution/School and, if a violation is found, to determine the appropriate action to be taken against you. The hearing will be held pursuant to the procedures attached to this Notice, and you have the right to be represented by an attorney at the hearing.

You have been charged with violation(s) of the following policy of the institution/school: _____

_____ The foregoing charge(s) is based upon the following alleged facts: _____

_____.

You are required to serve upon _____, (Hearing Director) _____, a written response to this (Address)

Complaint within five (5) days after service of this Complaint and Notice of Hearing upon you. If you fail to do so, judgment by default may be taken against you on the charges set forth herein, and the appropriate action taken against you.

Date: _____ (Hearing Director)

RETURN OF SERVICE

If service is made by return receipt mail, fill out the following: I hereby certify that on the ____ day of _____, 19____, I mailed this Complaint and Notice of Hearing together with the attached

procedures to _____,
(Name of Employee, Student or other Person)

_____, via United States Mail, postage prepaid, (Address)

certified (registered) mail No.

(Attach a copy of the signed Receipt when returned.)

If service is made by personal service, fill out the following: I hereby certify that on the ____ day of _____, 19____, I personally served this Complaint and Notice of Hearing together with the attached procedures upon

(Name of Employee, Student, or other Person)

Subscribed and sworn to before me, a notary public, this ____ day of _____, 19____.

I, _____,

(Name of Employee, Student, or other Person) do hereby acknowledge receipt of a copy of this Complaint and Notice of Hearing, together with the attached procedures, this ____ day of _____, 19____.

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(Name of Institution/Area Vocational-Technical School)

SUBPOENA

IN THE MATTER OF PROPOSED ACTION

AGAINST _____ FILE (Name of Employee, Student or other Person)

NO. _____ TO _____

_____ You are hereby summoned to be present before _____ in _____, _____ (Room and Building)

_____, _____ (name of Institution/School) (Address)

on the ____ day of _____, 19____, at _____ o'clock __.m., to give testimony on behalf of _____ in the above styled cause.

You are further commanded to bring with you the following:

Date: _____ (Hearing Officer)

This subpoena issued pursuant to the request of _____. Note: If subpoena is issued pursuant to request of party other than the Institution/School, the party must tender to the witness (or other person who is to serve the subpoena) an amount sufficient to pay the fees of the witness, including the fee for one day's attendance and the mileage allowed by law.

RETURN OF SERVICE

If service is made by return receipt mail, fill out the following: I hereby certify that on the ____ day of _____, 19____, I mailed this subpoena together with the fee for one day's attendance and the mileage allowed by law to

_____, (Name of Employee, Student or other person)

_____, via United (Address)

States Mail, postage prepaid, certified mail No. _____.

_____ (Attach a copy of the signed Receipt when returned.)

RETURN OF SERVICE

If service is made by personal service, fill out the following: I hereby certify that I served this subpoena on _____ by personally delivering a copy to him/her and by tendering to him/her the fee for one day's attendance and the mileage allowed by law, this ____ day of _____, 19____.

Witness Fees Travel _____ \$ _____ (Miles)

Services _____ \$ _____ (Days)

Total \$ _____

Subscribed and sworn to before me, a notary public, this _____ day of _____, 19__.

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_____ (Name of Institution/Area Vocational-Technical School)

IN THE MATTER OF PROPOSED ACTION

AGAINST _____ FILE NO. _____

FINAL DECISION

This cause came on to be heard before _____ (Name of Hearing Officer)

(the below signed hearing officer) of or Hearing Committee)

_____, at _____ o'clock __.m. on (Name of Institution/School)

the _____ day of _____, 19__, upon the Complaint and

subsequent pleadings of the parties, the testimony of witnesses, the arguments of the parties or their counsel, and all other evidence in the proceeding, upon consideration of which this (Committee) (Officer) makes the following findings of fact:

On the basis of the foregoing findings of fact, this (Committee) (Officer) makes the following conclusions as to the effects of the findings of fact upon the charge(s): _____

It is, therefore, the decision of this (Committee) (Officer) that the Party Charged, _____, did (not) violate policies of the Institution/School as charged in the Complaint and Notice of Hearing (, in that the Party Charged _____

Furthermore, it is the decision of this (Committee) (Office) that the Party Charged be, and _____ hereby is, subjected to the following action:

_____ This decision entered this _____ day of _____, 19__.

_____ (Name Chairperson of Committee or Hearing Officer or President/Area School Director)

The Party Charged is hereby notified that, if the above decision is adverse to _____, _____ may file a petition for review in the Chancery Court of _____ County, Tennessee, within sixty (60) days of the date of this decision, pursuant to TCA Section 4-523.

Attachment VI

Guideline G-080

Memberships and Subscriptions

GUIDELINE G-080

SUBJECT: Memberships and Subscriptions

I. General Statement

The following guidelines implement the State Board of Standards policy on membership dues and subscriptions ~~that was adopted at the Board's December 9, 1981 meeting (copy attached)~~ paid for from State funds. Memberships and subscriptions purchased with restricted gift, grant, or contract funds are not subject to these guidelines. The guidelines apply to all ~~SBR- TBR~~ institutions (Universities, Community Colleges, and Technology Centers), ~~area vocational technical schools~~, and units except campus libraries, which are exempt from the guidelines in their entirety. Each president and ~~area school~~ director is responsible for enforcement of the provisions below ~~and for prohibiting renewal of memberships and subscriptions disapproved by the State Membership Dues and Subscriptions Committee, as communicated by the Office of the Chancellor.~~

II. Definitions

For purposes of these guidelines, the terms below are defined as follows:

- A. "Membership Dues or Subscriptions" are any expenditure from state funds by an institution or school which entitle subscription of material or membership, associate membership, or participation in activities of an organization.
- B. "Organization" is a group (public or private), association, or society whose purpose is to promote common interests and share information.
- ~~C. "Professional library" is a collection of periodicals, books, publications, or reference materials maintained by a department, institution, or school for the use of faculty, staff, and students.~~
- D. "Publication directly related to the mission" means a publication without which the mission of the institution ~~or school~~ would be impossible or difficult to perform.

III. Approval

Each institution ~~and school~~ shall develop, make known, and enforce a process for approval of memberships and subscriptions. The president/~~area school~~ or director or designee(s) shall approve all memberships and subscriptions except as provided below.

IV. Criteria

- A. An institution/~~school~~ may be a member of an organization or maintain subscriptions if the membership or subscription is directly related to the goals and mission of the institution/~~school~~.

B. An institution/~~school~~ may not pay the membership dues or subscription of an individual. An exception may be granted in ~~rare~~ instances where an organization does not permit institutional/~~school~~ membership or where an individual membership (in the name of an institutional/~~school~~ representative) is less expensive than an institutional/~~school~~ membership. However, memberships necessary to maintain or enhance an employee's professional status (e.g. American Institute of Certified Professional Accountants or Bar membership dues) should be considered the responsibility of the employee and the association dues considered a personal expense.

C. Duplicate memberships and subscriptions should be evaluated with the intention of providing only one membership/subscription per institution/~~school~~.

D. Membership dues and subscriptions costing in excess of \$1,000 per year must be approved initially by the Chancellor. A written request for approvals must be submitted by the president or ~~area school~~ director and include an explanation of the specific benefit the institution ~~or school~~ expects to derive. ~~A listing of other institutions/schools which maintain the membership or subscription may be requested.~~ In subsequent years, provided that the annual cost of the membership or subscription has not increased by more than ten percent, approval of the president or director, but not of the Chancellor, shall be required.

E. Where membership dues are included as part or all of the expense of an organization meeting for which the institution/~~school~~ pays the expense of an employee to attend, the appropriate expenses shall be considered membership dues under these guidelines and should be subject to the established membership approval process.

F. Faculty and staff membership in civic organizations is encouraged; however, state funds may not be used to pay for memberships.

G. No institution may subscribe to political publications for other than instructional purposes.

~~H. Professional libraries may include subscriptions related to their function or purpose. Institutions and schools are encouraged to maintain professional libraries in central locations so that faculty, staff and students may benefit from the periodicals.~~

I. An institution ~~or school~~ may subscribe to newspapers within its service area for public information and instructional-related purposes only. The only exceptions to the above are that the athletic department may subscribe to newspapers outside the institution's service area, and that subscriptions to newspapers with national distribution may be held for instructional purposes.

~~J. Subscriptions to airline flight guides must be approved by the Chancellor, pursuant to the following:~~

~~1. There is only one subscription maintained per institution/school.~~

~~2. Institutional/school personnel engage in large amount of airline travel.~~

~~3. There is no other institution/school or agency which could, as a practical matter, share the subscription with the requesting institution/school.~~

K. Newspaper clipping services must be approved by the Chancellor. The need for the service shall be clearly set forth in writing. The written justification should address the following points:

1. The subjects to be clipped.
2. The type of clipping service requested. (For example, ~~statewide~~, all ~~statewide~~ daily newspapers.)
3. The use of information provided by the service.
 - a. Who the clippings are circulated to in the institution/~~school~~.
 - b. How the clippings benefit the institution/~~school~~.
4. A statement that the clipping service is the most economical means of fulfilling the institution's/~~school's~~ need.

V. Exceptions

Exceptions to these guidelines may be approved by the Chancellor.

Source: May 25, 1982 SBR presidents meeting. Revised July 1, 1984.

Attachment VII

Guideline G-090

Letterhead Stationery

GUIDELINE G-090

SUBJECT: Letterhead Stationery

The following guidelines set forth considerations for the printing and use of letterhead stationery for all units of the Tennessee Board of Regents System. They are in accordance with the general rules and regulations of the Higher Education Publications Committee. Each institution ~~and area vocational technical school~~ shall develop implementing procedures consistent with these guidelines. Exceptions to the guidelines are subject to prior approval by the Chancellor.

1. Each president and ~~area school~~ director shall designate an individual, office, or committee to approve the printing and purchase of all letterhead stationery bearing the name of the institution/~~school~~ and be responsible for enforcement of the institution's/~~school's~~ guidelines.

2. Different types of letterhead on each campus shall be kept to a minimum.

3. The following shall apply to all stationery printed or purchased with institutional/~~school~~ funds:

Letterhead

(a) All letterhead shall be printed on 8 1/2" x 11" or smaller standard size, 20 or 24-pound white or colored paper with a bond, wove or laid finish, No. 4 grade, with or without watermark, with 25% or less cotton fiber.

(b) All letterhead shall be printed in one or two-color ink.

(c) The institution/~~area school~~ name shall appear at the top or bottom of the page.

(d) Names of offices or individual titles, addresses, and phone numbers may be printed on letterhead; however, no individual names may be printed on letterhead.

(e) All letterhead shall be offset printed, whether by the institution/~~school~~, the State, or commercial printer, without benefit of any engraving, thermographic printing, or any form of raised letter printing.

Envelopes

All stationery envelopes shall be printed in one or two-color ink on 24-pound white or colored wove or laid paper, in standard sizes, with the name and address of the institution/school printed in the upper left corner in accordance with postal regulations.

4. As an alternative to letterhead stationery, less expensive inter-office memoranda should be used for on-campus or informal correspondence. All inter-office memoranda, regardless of overall size shall be printed without individuals' names.

Source: November 8, 1982 SBR presidents meeting. Revised July 1, 1984

Attachment VIII

Guideline G-100

Management by Objectives Implementation

GUIDELINE G-100

SUBJECT: Management by Objectives Implementation

Introduction

Since 1976 presidents of institutions within the State Board of Regents System have been developing and refining management by objectives systems. The purpose of the MBO system is to provide a means for effective management of the institutions -- by determining department, division, and institution objectives, by identifying activities to achieve the various objectives, by allocating resources through the budgetary process to priority objectives, and by serving as a management tool for evaluating performance of faculty, staff, and the institutions themselves. Implementation of the MBO system was initiated by the Chancellor and staff of the State Board of Regents in general terms; specific guidelines and formats were intentionally not prescribed in order to allow institutional flexibility in the objective-setting, implementation, and evaluation processes.

This guideline was developed in consideration of the institutions' experiences with MBO systems. It incorporates the strengths of the better established campus systems.

The guideline provides an administrative requirement for implementation of a management by objectives system, or its facsimile, in all institutions governed by the State Board of Regents. The guideline is in three parts: (1) specific requirements to be incorporated in each institutional system; (2) suggestions for basic elements of a system; and (3) an example of a step-by-step implementation process.

I. Specific Requirements

Because there are many variations of the management by objectives concept described in the literature and in current practice, each president has the prerogative to adopt a management system that will best support the mission of the institution and various management styles. All systems must, however, include the following:

A. The MBO system will define and outline a process of managing the institution with focuses on achieving specified outcomes to be evaluated annually;

B. The process must include faculty and staff participation;

C. The system must include provisions for evaluating each faculty and staff member annually. The president will be required to certify each year that every faculty and staff member has been evaluated;

D. The annual objectives must relate clearly to the annual operating budget of the institution; and

E. The annual objectives must relate to the planning processes of the institution.

II. Suggestions for Basic Elements of Management by Objectives System

A management by objectives system, to be formulated and reviewed on an annual basis, should include but not be limited to the following elements:

A. A mission statement or statement of purpose.

B. A statement of institutional goals.

C. Objectives or action plans for each major unit and sub-unit within the institution.

D. Specific objectives of individual employees.

E. Established timetables with periodic reviews and adjustments.

F. Final evaluation of institutional and individual progress.

G. Record of accomplishments and disposition of objectives not achieved.

Suggestions for Development of Goals and Objectives

Procedures for the development of goals and objectives should provide for maximum participation of the faculty and staff as well as the administrators of an institution. The goals should be consistent with the institution's mission statement; the objectives or action plans should be keyed to the goals. Both the goals and action plans should relate to institutional planning documents. This process must be developed on an annual basis as part of the operating budget process and should be prepared, at a minimum, for each major unit. This procedure is consistent with System-wide planning efforts.

III. An Example of a Step-By-Step Process of Management by Objectives System

Presented below is an illustrative step-by-step process for implementing a management by objectives system on an annual basis. The process relates to the evaluation of employee effectiveness as well as the development and evaluation of institutional goals and objectives.

Step 1: (November-January) - Review and Reaffirmation of Institutional Goals

Reviews of the institutional five-year plan by the various divisions and sub-units of the institution are held, with particular attention being given to the mission statement and institutional goals. The goals are reaffirmed or additions and deletions are made according to a consensus of those involved with final determinations being made by the president.

Step 2: (February 15-28) - Evaluation of Current Year's Annual Objectives, Activities, and Overall Employee Effectiveness and Formulation of Current Year's Accomplishments

The extent to which institutional, divisional, and personal objectives have been achieved is determined periodically during the year; final determinations are made relative to the extent each objective was achieved as part of the evaluation process. Also, the evaluation process is such that each employee is formally evaluated by his/her immediate supervisor and appropriate administrator with final consideration being made by the president. The evaluation process entails a comprehensive review of each employee's annual objectives and other characteristics which relate to the employee's effectiveness. Also, feedback loops designed to give the supervisors and administrators input from those working under them are part of the evaluation process. Completed evaluation forms on each employee are reviewed at each level; and after final determinations have been made regarding next year's employment status (salary, promotion, tenure, etc), the forms are placed in each individual's personnel file. As part of the comprehensive evaluation process, institutional accomplishments for the current year are formulated.

Step 3: (March 1-15) - Development of Next Year's Annual Objectives

Discussions of next year's objectives take place within each division or sub-unit of the institution with each faculty and staff member participating; each major unit and sub-unit within the institution develops annual objectives which are consistent with institutional goals and five-year plan.

Step 4: (March 1-15) - Submission of Draft of Next Year's Annual Objectives as Part of Budget Review Process

Divisional or sub-unit objectives are submitted as part of a budget review; these objectives should support budgetary requests.

Step 5: (March 1-15) - Budget Reviews and Discussion of Next Year's Annual Objectives

Discussion occurs at budget review between budget managers (appropriate administrators), business manager, president, and other members of the budget committee relative not only to the objectives that relate directly to budgetary expenditures but also to "general" institutional goals and objectives as well. A general consensus is reached between all appropriate staff and the president as to the broad areas of concern where institutional and divisional or sub-unit objectives need to be finalized. Also, the current year's accomplishments are discussed at the budget review.

Step 6: (March 15-30) - Final Reviews of Employee Evaluations and Notification of Employee's Next Year's Employment Status (Tenure Track, Promotions, Etc.)

A final review of each employee's evaluation is made by his/her supervisor and appropriate administrator(s) and subsequently presented for each individual or in summary form to the president. The president makes final determinations relative to each individual's employment status for the coming year and officially notifies employees of his determination utilizing the designated channels and forms of communication.

Step 7: (March 15-30) - Synthesis of Next Year's Annual Objectives by Major Unit Category and Development of President's Personal Objectives

Deans, business manager, and other administrators of major units within the institution receive and synthesize the objectives of the various divisions, departments, and other sub-units; a synthesis of all institutional objectives is presented to the president for each of the major units within the institution. President develops personal objectives for next year.

Step 8: (March 15-30) - Final Review of Next Year's Annual Objectives by President and Each Key Administrator and Final Writings of Objectives and Accomplishments

Institutional objectives submitted by each key administrator (those reporting directly to president) are reviewed by the president in terms of how they relate to pre-established institutional goals. A discussion of the objectives is held between the president and the key administrative officer of each major unit and final determinations are made regarding the institutional objectives; a final writing of the institutional objectives for each major unit and sub-unit is completed and submitted to the president as part of the institutional budget. Also, each key administrator submits current year's accomplishments for his area of supervision.

Step 9: (April 1-15) - Completion of Document "FY 198- to 198- Goals and Objectives for the Institution"

Objectives for each major unit are added to the institutional goals and to the personal objectives of the president to comprise the document "FY 198- to 8- Goals and Objectives"; this document is submitted in support of the institutional budget to the Chancellor as well as being retained in appropriate offices on campus as a reference guide for the year's program of work.

Step 10: (June-July) - Development of Next Year's Personal Objectives by Employees on Fiscal Year Appointments

Subsequent to the development of the budget document, which includes the institutional goals and annual objectives, each individual staff member develops and submits personal objectives for next year to his/her immediate supervisor. The personal objectives relate to the overall goals, institutional, and sub-unit objectives.

Step 11: (September 1-15) - Development of Academic Year's Personal Objectives by Nine-Month Faculty and Staff Employees on MODIFY Appointments

Each individual faculty member is given the opportunity to develop personal objectives above and beyond the routine objectives which have been defined for all faculty members; a faculty member's personal objectives are filed with his/her division chairman. Also, staff members on MODIFY appointments are required to develop personal objectives with approval of their supervisor.

Step 12: (October 1-15) - Mid-Year Review of Institutional and Personal Objectives

Mid-year review of institutional objectives between the president and administrators of major units of the institution is conducted in conjunction with the development of the revised budget; also, at this time a comparative analysis is made between the goals and objectives of the State Board of Regents and the institution to ensure consistency. Administrators of major units review objectives with heads of sub-units and faculty and staff as deemed appropriate. Mid-year evaluations and adjustments to institutional objectives are made.

Cycle returns to Step 1 and procedures are repeated.

Source: February 21, 1984 SBR presidents meeting.

Attachment IX

Guideline G-140

Publications

GUIDELINE G-140

SUBJECT: Publications

This guideline describes a system for campus-based approval and numbering of publications of universities, community colleges, ~~technical institutes and area vocational-technical schools~~ and technology centers, as required by Tennessee Code Annotated, Sections 12-7-106--108, and rules of the Higher Education Publications Committee. The cited authorities set forth criteria against which each campus will review the appropriateness of each publication, require that descriptive information be maintained in a central location and provide for affixing an identifying number to each covered publication.

A. Definition of Covered Publications

1. "Publications" is defined as any printed matter which is produced for general distribution outside the campus. Examples of "publications" which require a publication number are:

Undergraduate and graduate catalogs Admissions applications (unless part of a catalog) Housing applications Financial aid applications Brochures, posters, calendars, pamphlets, fliers, programs, etc., promoting cultural or athletic events Alumni and development solicitation materials Seminar and workshop registration forms, brochures Research project reports (if generally distributed) Agricultural brochures, pamphlets, etc. Treasurer's reports and other "outside" financial reports Campus telephone directories Employee benefits booklets, posters, etc. Purchasing requests for bids Purchase order forms Employment applications Placement forms Athletic ticket applications

2. Other publications which must have a publication number, but usually are not produced for general public distribution:

Campus, college and department newsletters Faculty and student handbooks Employee training manuals

3. Certain printed materials which are intended solely for internal use may be excluded from the requirement that a publication number be affixed, e.g.:

Work processing forms for internal use, e.g., work orders, requisitions, transfer vouchers, voucher authorizations, vehicle requests, personnel action forms and similar documents Research project reports not generally distributed Research survey instruments, classroom test instruments Instructional material (even if sold at campus bookstore) Personnel and fiscal policy manuals Grade reports Tickets for athletic and cultural events Student newspapers and yearbooks Meal tickets Traffic citations

B. Campus Review of Publication Requests

Each President and Director shall designate a person or committee to review and approve publications by the following criteria specified in the rules of the Higher Education Publications Committee:

1. All publications should be justified and be within funding abilities of a campus or unit. Criteria for review of publications should include, but not be limited to, the most economical method for producing the publications consistent with the goals and projected audiences of the publications. Other criteria to be considered should include number of copies needed to meet the publication's goals and to reach its projected audience; type of paper to be selected; use of photographs and color; typography; method of printing; page size; and method of typesetting.

2. When considering requests for approval of new publications or when reviewing existing publications, the person or persons responsible for such review and approval

should continually consider alternatives to existing or traditional methods of printing and distribution so as to achieve maximum economics while maintaining the integrity of the publications. Participating campuses should inform the person or persons responsible for review and approval of publications about available technical assistance for writing specifications for bids, when taking bids is appropriate, and when publications are being printed off the campus. Consideration should be given to the most economical method of distributing publications.

3. All publications must comply with state and federal laws and regulations.
4. All publications should be produced on the campus when economically feasible.
5. All publications approved for off-campus printing must comply with system and institutional purchasing procedures.
6. No publication citing or reproducing a rule issued under the Uniform Administrative Procedures Act shall be approved prior to receiving written assurance from the Secretary of State that the rule is in effect. (Such requests shall be coordinated through the ~~SBR~~ TBR Office of General Counsel.)
7. One-time approval of a periodic publication is permissible if subsequent issues conform substantially to the original approved design.

C. Recording of Information

Pertinent information on institutional publications must be recorded in one location for each campus and must be maintained on a continuous basis for submitting to the Higher Education Publications Committee on call. When such reports are requested, each President and Director shall submit a letter certifying that each report listed in the report has been found justified under the campus procedure. As specified in statutes, each institution shall maintain centrally the following information on each approved publication:

Name of publication
Department producing publication
Purpose and brief description of publication's contents
Number of copies authorized to be printed
A general list of distribution
Estimated cost of printing and distribution
Name and address of private printer
Publication number assigned

D. Numbering of Publications

Each publication whose approval is required under this guideline shall have a discrete identifying number assigned which shall be affixed adjacent to the identification of the institution. (For example, the system being used at the Board office includes a number "~~SBR TBR~~ AA-001-89," indicating a publication of Academic Affairs which is the first of calendar year 1989 for the Board office.)

E. Private Printing

Any publication not printed at facilities operated by the state or a public higher education institution shall include the printer's name and address and the number of copies printed.

F. Distribution

No automatic distribution of reports or publications shall be made, except as specified for public reports in Title 12, Chapter 6, Tennessee Code Annotated, unless so provided in other statutes or policies of the Board or requested by the recipient.

G. Procedures

All campuses shall have written procedures for approving publications.

SOURCE: February 14, 1989 Presidents Meeting _____

This guideline reiterates practices already in effect, as reflected in the statutes and rules cited and in Board staff memoranda to the Presidents dated June 9, 1982, and October 4, 1988.

Attachment X

Recommended modifications to P-010, including intellectual property clause

Current Intellectual Property clause:

Pursuant to the policies of the Tennessee Board of Regents and of this Institution / Technology Center, I agree to promptly disclose to this Institution / Technology Center all Intellectual Property (including inventions, copyrightable works, computer software, technical know-how and trademarks) conceived, invented, authored, or reduced to practice (“developed”) by me, either solely or jointly with others, during the term of my employment with this Institution / Technology Center. I acknowledge and agree that all Intellectual Property developed by me in the scope of my employment with this Institution / Technology Center is to be considered a work for hire, and shall be the sole and exclusive property of this Institution / Technology


Center. I further agree to assign all rights in Intellectual Property developed by me to this Institution / Technology Center as required under the policies of Tennessee Board of Regents and this Institution / Technology Center and to execute and deliver all necessary documents and otherwise provide proper assistance to enable the Institution / Technology Center to obtain, maintain and enforce its rights in the Intellectual Property.

Proposed clause:

I agree to abide by the policies of the Tennessee Board of Regents and of this Institution / Technology Center regarding Intellectual Property, and hereby acknowledge my responsibilities under those policies to disclose and possibly assign (as required under policy) Intellectual Property developed by me, either solely or jointly with others, during the term of my employment, and to otherwise assist the Institution / Technology Center as required by policy in protecting rights it may have in that Intellectual Property.

TENNESSEE BOARD OF REGENTS P-010

SUBJECT: Personnel Transactions and Recommended Forms

The purpose of this guideline is to supplement provisions of the Tennessee Board of Regents General Personnel Policy (No. 5:01:00:00), as it relates to personnel transactions, procedures for campus appointments, budgetary and position considerations, required forms for implementation procedures, processing of forms by Central Office, employment agreements, contracts, letters of agreement, records and reports. The guideline  attachments are applicable to all institutions and technology centers governed by the Board. For purposes of this guideline, all technology center director responsibilities shall be coordinated through the Vice Chancellor for ~~Vocational Technical Education~~ the Tennessee Technology Centers.

Consistent with the general personnel policy, any exceptions to this guideline are subject to approval by the Chancellor.

I. Personnel Transactions

Each president and technology center director is expected to follow Board policies, affirmative action plans, and fair employment practices when making appointments. Appointments requiring the Chancellor's approval will be reviewed in light of these

expectations. All appointments, regardless of salary, including promotions and transfers, must be reviewed and certified by the institutional Affirmative Action Officer prior to action. Other appointments not requiring approval of the Chancellor will be reviewed periodically by the System Affirmative Action Officer to ensure compliance.

Technology center directors are required to receive prior approval from the Vice Chancellor for ~~Vocational Technical Education~~ Technology Centers for any change in personnel classification, compensation, job description or assignments.

A. Appointments Requiring Approval by the Chancellor

No offer of employment can be made for positions requiring the Chancellor's approval until the appointment form has actually been signed by the Chancellor or his/her designee and the monitor, where required.

All institutions must submit to the Chancellor the following positions for approval:

~~1. Pursuant to Section B.1. of Board Policy No. 5:01:00:00, an employee whose salary will exceed \$50,000 per year regardless of the position~~

1. All vice presidents (academic, business, student affairs, etc.) including all interim appointments

2. Academic deans, academic department and/or division heads, directors of the centers of emphasis and excellence (including those officers who with varying titles, have line responsibility for administration of academic faculty or staff at the academic disciplinary unit level);

all interim appointments (except those for less than four months and the appointees are not applicants)

3. Appointments, promotions, and/or transfers to positions with salaries in excess of \$75,000 and

4. Any other positions which may be designated by the chancellor.

~~2. Vice presidents, chief business officers/managers, academic and administrative deans require approval. These appointments are considered to be the chief officers of the institution or the president's council. Academic department and/or division heads, and Directors of the Centers of Emphasis and Excellence (including those officers who, with varying titles, have line responsibility for administration of academic faculty or staff at the academic disciplinary unit level), must also be submitted for review and approval. TTC Directors also require approval and should be reviewed with the Vice Chancellor for Tennessee Technology Centers.~~

~~3. All interim appointments to positions specified in paragraphs 1 and 2 above, except that an interim appointment for less than 4 months of a person who is not an applicant for the job may be made without the approval of the Chancellor;~~

~~4. Promotion or transfer from within the TBR System for which the employee's salary will exceed \$50,000 or which is one of the positions listed in paragraphs 2 and 3. Promotions and transfers are an acceptable means of filling vacancies; however, such promotions and transfers must be achieved within the parameters of institutional affirmative action plans. A promotion~~

~~resulting in a salary exceeding \$50,000 must be approved by the Chancellor even if the employee's current salary exceeds \$50,000 per year. In addition, any vacant position created by that promotion must be filled within the provisions of this Guideline.~~

B. Appointments Not Requiring Approval by the Chancellor

All appointments not listed in I.A. may be approved at the institution by the Director, the President or any properly approved designee. The hiring procedures outlined in the following sections will be followed with the records being maintained at the institution. Records must be maintained as described in Guideline G-070, Disposal of Records.

1. The director or president shall be responsible for assuring compliance with the guideline.
2. The institutional Affirmative Action Officer shall be responsible for monitoring the recruiting and employment process to assure compliance with the guideline and the institution's Affirmative Action program and objectives.
3. For Affirmative Action purposes, institutional records will be reviewed periodically by the System Affirmative Action Officer.
4. All promotions and transfers not requiring approval of the Chancellor must be approved by the president/director and reviewed and certified by the institutional Affirmative Action Officer in compliance with TBR Policy 5:01:00:00, General Personnel Policy.

C. Minimum Requirements for All Campus and Central Office Appointments

The following actions or procedures are mandatory at all institutions, to

1. Establish an Affirmative Action Plan which sets goals for all categories of employment;
2. Develop appropriate recruitment and selection procedures to ensure fairness in employment;
3. Determine in a discussion with the Affirmative Action Officer whether the institution has met the affirmative action goal for the area or department (job group in which the vacant position occurs). Even if the institution has met the overall institutional goal in an employment category, i.e., executive/administrative/managerial; faculty; professional non-faculty; secretarial/clerical/technical and paraprofessionals; skilled crafts; service/maintenance, there may be a goal for the area or department (job group) in which the vacant position is located which has not been met. For example, the overall institutional faculty goal of 4.5% black representation has been met, but the vacancy is in the job group of Arts and Sciences, Availability data in Arts and Sciences supports the affirmative action plan's goal of 7.0% black representation, which is higher than the overall institutional goal. In this case, the efforts to recruit for the Arts and Sciences position will be directed toward qualified black candidates since the availability data shows the applicant pool should contain some qualified black candidates. A second example relates to the availability of women in the particular job group vacancy. The total institutional faculty goal for women is 40%, but a higher number of women are available in the particular job group category. Therefore, in both examples cited above affirmative action recruitment must occur. In summary,

the institution has an obligation to use the availability figures applicable to the particular vacancy to recruit qualified minorities.

4. Prior to taking any recruitment action, the person directing the hire and/or the search committee must submit to the Affirmative Action Officer a written recruitment plan. There may be a standard plan for any EEO category which has been approved in advance. EEO categories 4, 5, 6, and 7 may be more easily standardized. There may be a need for occasional modification to this standard plan, depending on the nature of the position and the availability data. The plan includes, but is not limited to:

a. the proposed job description, which has been reviewed by the institutional Affirmative Action Officer;

b. method of directing the hire, i.e., individual supervisor or search committee.

c. composition of the search committee and responsibilities of the members, i.e., direct contacts, references, interviews, etc.;

d. an advertising plan, which provides the following:

i. advertisement of the position on bulletin boards, and/or in appropriate publications, and/or newspapers and/or professional discipline-specific journals and/or the Tennessee Employment Security Office; and/or the internet

ii. requests for nominations, including other race, from professional organizations, discipline-related groups, and organizations devoted to leadership training for the position;

iii. participation by other-race and/or minority members on all search, selection, or advisory committees, when practicable; and,

iv. direct contacts to assure that qualified minorities are aware of the vacancy and are encouraged to apply.

5. Approval of the recruitment plan must be granted by the Affirmative Action Officer prior to the commencement of the recruitment process.

6. The applicant pool must generally reflect the availability data for the defined vacancy in that discipline or field as determined by the appropriate job group in the institutional affirmative action plan. Direct contacts will be required to assure the diversity of protected groups in the applicant pool.

7. The Affirmative Action Officer must review all applicant pools and approve their composition prior to the scheduling of interviews. Upper level hires as defined in Section I.A.2, require the submission of Form A-1, Certification of the Search Pool, to the Vice Chancellor for Academic Affairs or the Assistant Vice Chancellor for Human Resource Development as outlined in Section III of this Guideline.

8. After a candidate has been identified as a possible hire for positions defined in Section I.A., Form A-2, Approval of Appointment, must be submitted to the Vice Chancellor for Academic

Affairs or the Assistant Vice Chancellor for Human Resource Development as outlined in Section III of this Guideline.

9. In the case of appointments of adjunct faculty, equal employment opportunity efforts must include advertisement to establish and build diverse pools from which adjunct employees are chosen.

IMPORTANT: IF AN INSTITUTION HAS MET ITS AFFIRMATIVE ACTION GOALS, EQUAL EMPLOYMENT OPPORTUNITY IS REQUIRED. RACE OR SEX CANNOT BE USED AS A PLUS FACTOR IN HIRING. HOWEVER, AFFIRMATIVE ACTION EFFORTS ARE APPROPRIATE IN THE RECRUITMENT PROCESS TO ASSURE A REPRESENTATIVE POOL. DISCRIMINATION ON THE BASIS OF RACE, RELIGION, COLOR, NATIONAL ORIGIN, AGE, HANDICAPPED STATUS, VETERAN STATUS, OR OTHER ILLEGAL BASIS IS A VIOLATION OF LAW.

10. The Tennessee Board of Regents believes that it is important to check references to limit employer liability, verify information and reduce cost of rehiring and retraining. Checks will produce authenticity of information as it relates to such areas as work history, credential problems and criminal backgrounds.

Each campus shall conduct appropriate and timely checks in conjunction with each employment offer. As an option, a campus may choose to participate in a system-wide contract with a third party vendor who conducts background screening and checks. Campuses shall develop procedures which will include the specific types of checks and specific positions included. The procedures will be forwarded to the central office for review and approval prior to implementation of the program.

When using the third party vendor, the campus shall notify the applicant that a background check will be conducted prior to conducting the background check.

D. Additional Efforts Required by Institutions Covered by the 2001 Geier Consent Decree. The 2001 Geier Consent Decree requires compliance with employment goals set in the institutional Affirmative Action Plans. Certain additional efforts to recruit and hire other-race individuals must be demonstrated. Other-race is identified as black at all institutions except TSU where other-race is defined as white. In order to recruit and hire other-race individuals, the institutions must follow the minimum requirements outlined above in Section C., plus make these additional efforts:

1. Where a search committee is formed to search for a University or college administrator at the level of dean of higher, the search committee **MUST** be racially diverse.
2. Where a search committee is formed, candidates for hire must first be screened by the search committee before an offer can be extended.
3. The Chair of the search committee must certify that each candidate considered by the committee meets or exceeds the criteria published in the job description. (See Form A-3)

4. Assurance by the Affirmative Action Officer that an approved process has been followed and that qualified other-race applicants have been contacted and fully considered is mandatory;

~~1. Provide documented evidence that direct contact (telephone conversations, meeting, correspondence, etc. with potential applicants) has been made with qualified other race individuals to encourage their applications for the vacancy.~~

E. Direct Hires in All Institutions Covered by the 2001 Geier Consent Decree

If a Geier institution has not met the employment objectives for the EEO category in which a vacancy occurs, it may identify, recruit, and hire a qualified other-race individual without meeting the minimum requirements in Sections I.C and I.D. This will apply only to positions covered by the 2001 Geier Consent Decree i.e. EEO 1, EEO 2, EEO 3. Since the direct hire methodology for appointment is an exception to standard recruitment and hiring practices, it is required that the procedure for direct hire include consultation with the institutional Human Resources Officer and Affirmative Action Officer.

II. Budgetary Considerations

A. Pursuant to Section B.1. of the General Personnel Policy (5:01:00:00), where a transfer of funds is necessary for appointments with compensation in excess of funds available, the transfer is subject to confirmation by the Chancellor. No approval is necessary unless the transfer of funds is from one functional area to another; adjustments of line item salary amounts within a functional area may be made by the president or technology center director if sufficient funds are available, subject to applicable guidelines and limitations. Where a transfer of funds between functional areas is necessary, the president or technology center director should submit a letter of recommendation to the Chancellor identifying the amount and source of transfer.

B. Pursuant to Section B.3. of the General Personnel Policy (5:01:00:00), any new administrative positions and major changes in administrative organization must be approved by the Chancellor. If the proposed position or organizational change is submitted as part of the proposed operating budget or October 31 revision, it should be identified, justified, and documented, but separate approval is not required. If the proposed position or organizational change does not coincide with the budget cycle, it should be recommended by the president or technology center director in the form of a letter to the Chancellor which includes a full description, justification, fiscal implications, and other pertinent information. The technology centers follow the same basic procedure as outlined above; however, the director shall submit the recommended change and justification on TBR TTC Form D-1 to the Vice Chancellor for Vocational Technical Education. Technology Centers.

III. Required Forms for Implementation of Procedures for Appointments

Information to support transactions that require the approval of the Chancellor or his/her designee is requested in Forms A-1, A-2, and A-3 attached. Approval for appointment recommendation is shown on Form A-2 and the certification of the search pool for upper level administrative vacancies is shown on Form A-1. Form A-3 is requested to comply with approval by the monitor in Provision C.I.C. of the 2001 Geier Consent Decree. (Only upper level academic positions). Supporting documentation for Forms A-1 and A-2 Vice presidents and upper level academic positions ~~faculty, academic, administration, and professional non faculty~~

~~in the academic area must be submitted to the Vice Chancellor for Academic Affairs. Supporting documentation on all other appointments must be submitted to the Assistant Vice Chancellor for Human Resource Development —~~ must be submitted to the Assistant Vice Chancellor for Human Resource Development.

IV. Central Office Procedure for Processing of Forms A-2, A-3 and Portfolios

A. The office of the ~~Vice Chancellor for Academic Affairs or the~~ Assistant Vice Chancellor for Human Resource Development will date stamp and log all recommendation forms received. Each office will verify that the package contains the following: (a) all information required on the A-2 form; (b) vitae for: the candidate recommended, all candidates interviewed, and all final candidates from which interviewees were chosen who are Black, [from all institutions except TSU, White from TSU,] or other minority for all institutions; and, (c) all advertisements for the position. For Geier institutions, if an other-race candidate is recommended for appointment the institution is required to provide a vita only of the candidate recommended. If a portfolio is determined to be incomplete, the respective office will communicate with the campus Affirmative Action Officer in the interest of completing it.

For all appointments, if warranted because of significant omission in the portfolio, the Vice Chancellor for Academic Affairs or the Assistant Vice Chancellor for Human Resource Development will secure information from the campus to certify completeness of the portfolio. No action to approve the recommendation will be taken by TBR staff until the portfolio is complete.

B. The Vice Chancellor for Academic Affairs or the Assistant Vice Chancellor for Human Resource Development, after reviewing portfolios, will approve, disapprove, or defer decision pending some specified course of action. ~~Final recommendations for internal auditors must also be processed through the Vice Chancellor for Business and Finance for approval of credentials.~~ For Upper level Academic Administrative positions, Form A-3 will be sent to the court monitor for approval pursuant to the 2001 Geier Consent Decree. Action by the Vice Chancellor for Academic Affairs or the Assistant Vice Chancellor for Human Resource Development, as approved by the court monitor will be provided by letter to the President and by FAX (to facilitate timeliness) to the institution Affirmative Action Officer.

C. Once final action has been taken on the recommendation portfolio, the complete document and record of action will be transmitted for filing to the Assistant Vice Chancellor for Human Resource Development.

V. Transaction Forms, Employment Agreements, Contracts and Letters of Agreement

A. Transaction Forms

1. Section V.B. of this guideline provides recommended transaction forms to be used for all personnel transactions, unless alternate forms have been approved by the Chancellor.
2. Institutions and technology centers may develop internal personnel transaction forms for administrative purposes. These forms may relate to management information system and contain fiscal and personnel data deemed necessary by the institution or technology center.

B. Employment Agreements, Contracts and Letters of Agreement

Pursuant to Section B.2. of the General Personnel Policy (5:01:00:00), the Chancellor must approve employment agreements, contracts, and letters of agreement used in the appointment

and employment of campus personnel. Approved provisions for personal, professional, consultant, and dual service agreements are addressed in System Guideline G-030. Each institution and technology center may modify the forms or develop alternative and additional forms; however, any forms with provisions substantially different from the recommended forms should be submitted for review and approval by the Office of the Chancellor. The EEO tagline must be included on all forms. The language concerning the Drug Free Workplace Act must be included on all initial employment contracts. Attached are the following personnel transaction forms which are recommended for the use of institutions and technology centers: Forms F-1 through F-8 are for use in connection with the employment of faculty; Form G-1 for use in connection with the employment of graduate assistants/graduate instructors; Forms S-1 through S-4 are for use in connection with the employment of all personnel other than faculty; and Form D-1 is for use in requesting approval of a change in personnel status of a TTC employee. Form E-1 is for use in connection with the employment of all personnel.

Following are explanatory notes concerning the use of the recommended forms:

Forms F-1, Notice of Tenure-Track Appointment and Agreement of Employment for Faculty, is recommended for the initial employment of any faculty member in a tenure-track appointment. Designate the salary rate by crossing through the word "monthly" or "annual" as appropriate, and designate whether an academic or fiscal year appointment. Also, designate the appropriate beginning and ending months for the pay period as found in paragraph 2. Paragraph 8 should include any special conditions concerning the appointment, such as the policy requirement for separate contracts or agreements with regard to patents or copyrights, or such as any credit for prior service which is agreed to by the institution or technology center [not to exceed three (3) years]. The same form may be used for the re-employment of probationary faculty who are re-appointed in tenure-track appointments following a break in service. In this situation, execution of the forms should be timed in conformance with the institution's or technology center's policy on notice of non-renewal, and specification of the number of years creditable service should be included in paragraph 8.

Form F-2, Notice of Renewal of Tenure-Track Appointment for Faculty, should be sent to all faculty on tenure-track appointments whose appointments will be renewed and where no new special conditions concerning the appointment are necessary. Even though renewal occurs automatically in the event a tenure-track appointee does not receive notice of renewal by the proper date, it's required that renewal occur by affirmative action rather than default, and that this notice be sent no later than the institution's or technology center's last date for notice of non-renewal. A signature line for the faculty member has been added which must be signed and returned to be valid and binding. You may wish to incorporate the content of Form E-1 when issuing this form rather than sending the Notice of Recommended Salary at a later time; if so, you must make any necessary changes. Designate whether an academic or fiscal year appointment.

Form F-3, Notice of Renewal of Tenure-Track Appointment and Amendment of Agreement of Employment for Faculty, should be used to renew a tenure-track appointment where an express amendment to the terms of the initial appointment, Form F-1, is deemed necessary. You may wish to incorporate the content of Form E-1 when issuing this form rather than sending the

Notice of Recommended Salary at a later time; if so, you must make any necessary changes. Designate whether an academic or fiscal year appointment.

Form F-4, Notice of Award of Tenure, is used to notify an employee that tenure has been awarded. A notice of tenure must be given, and Form F-4 is a model of one you may use. As indicated, you should note in which department, division, or academic organizational unit the person is awarded tenure. You may wish to develop a letter to be used in lieu of this notice without TBR approval.

Form F-5, Notice of Non-Renewal of Appointment, is a notice of non-renewal. This notice must be sent prior to the required date for notice of non-renewal, and should be hand delivered or sent certified mail, return receipt requested; consult the institution or technology center policy or practice for the method for which notice will be effected. Also, refer to TBR Policy 5:02:03:00 concerning when notices should be given.

Form F-6, Notice of Temporary Employment and Employment Agreement for Faculty, should be used for the employment of all full-time non-tenure track faculty on temporary appointments (Form F-8 should be used for employment of adjunct faculty and faculty for the summer term). Regular part-time faculty percentage (60% appointment) may be listed as a condition in paragraph 9. Designate the salary rate by crossing through the word "monthly" or "annual" as appropriate. Renewal or non-renewal of these appointments will not be subject to the same conditions as for tenure-track appointments, and the form expressly provides that any renewal is subject to a subsequent written agreement. The same form would be used each year for employment of temporary full-time faculty for more than one year, not to exceed three years. Note that this form contains a 30-day notice provision in paragraph 8.

Form F-7, Notice of Term Appointment and Agreement of Employment for Faculty, is a term appointment for full-time non-tenured faculty and applies only to the community colleges, technical institutes and technology centers. This form was devised to help meet the special problems of career/vocational programs where markets are volatile and changing - examples: computer programming, legal assistant program, some allied health programs. In order to decide whether to use a temporary agreement, F-6, or a term agreement, F-7, look at the projected need for the program. The term agreement is to be used when the projected need is beyond three years, but not for a sufficient time to create a tenure-track position. Designate the salary rate by crossing through the word "monthly" or "annual" as appropriate. Note that this contract does not contain a notice provision.

Form F-8, Notice of Employment of Adjunct Faculty, will be used for the hiring of adjunct faculty and summer term faculty. Adjunct faculty are temporary appointments based on demand each semester, may be full or part-time and are not eligible for employment benefits. The method of salary payment should be specified. No notice provision has been included. For regular faculty, the institution should cross out paragraph 4 and have the parties to the agreement initial. For tenured faculty teaching during the summer, the institution should cross out paragraphs 4 and 6 and have the parties initial.

Form G-1, Notice of Agreement of Employment for Graduate Assistant/Instructor, will be used for the hiring of graduate assistants/graduate instructors on a temporary basis. The method of payment, length of the appointment, and whether full- or part-time should be specified.

Form S-1, Notice of Appointment and Agreement of Employment, should be used for all regular staff except faculty. Notices of renewal and non-renewal are not necessary for these appointments, and the appointments are subject to termination at any time by the institution or technology center (see paragraph 4). Designate the salary rate by crossing through the word "month" or "year" as appropriate. Please note the option to add additional language to paragraph

2. Such statements need not be included if the employee is put on notice of this practice through employee orientation or other employee information documents given at the time of initial hiring.

Form S-2, Notice of Modified Fiscal Year Appointment and Agreement of Employment, should be used to appoint regular administrative, clerical and support staff to modified fiscal year appointments. Fill in the blank in paragraph 3 as appropriate. Designate the salary rate by crossing through the word "month" or "year" as appropriate.

Form S-3, Notice of Temporary Employment and Agreement for Non-Faculty Administrative/Professional and Clerical/Support, will be used for the hiring of non-faculty on a temporary basis for employees who will work longer than 60 days and who do not work on an "as needed" basis. The method of salary payment should be specified.

Form S-4, Notice of Termination, is the form notice of termination for non-faculty personnel and provides no reason for termination whatsoever. Institutions and technology centers may wish to provide notice of the opportunity for an oral statement of the reason similar to that specified in Form F-5 for faculty. It is assumed that employees should be aware of the reasons for termination under an effective personnel system. Form E-1, Notice of Recommended Salary, should be used to notify all personnel of the recommended salary for the ensuing academic or fiscal year. Notice of the recommended salary is not included in the notices of renewal for faculty since the recommended salary may not be known at the time of such notices. However, you may wish to add the language of this form to Forms F-2 and F-

3. Designate the salary rate by crossing through the word "monthly" or "annual" as appropriate and whether for an academic or fiscal year. This form should be used and should not be replaced with a Personnel Action Request Form (PARF) or a budget memorandum.

FormV-1, Statement of Understanding/Agreement Between Institution and Volunteer, will be used for volunteer workers. In order for a volunteer worker in an institution supported program to be eligible for reimbursement of the costs of defense in the event of a claim arising out of their actions, the institution is required by TCA 8-42-101(3)(B) to register the name of the volunteer with the Tennessee Board of Claims. (See attachment to Form V-9.) If the institution fails to register the volunteer and the state pays attorney fees or a judgment based on the volunteer's actions, cost and awards will be funded through the institution's budget. In addition, if the volunteer is a medical professional providing direct health care as a volunteer, he/she is only

considered a "state employee" under the defense reimbursement provisions for purposes of medical malpractice.

Form D-1 is addressed above.

Institutions and technology centers are advised to exercise extreme caution in connection with employment letters to personnel and any cover letters which are used to transmit personnel transaction forms, to ensure against inconsistent statements or commitments. Moreover, all personnel transactions at the institutions and technology centers shall comply with the principles and provisions of the Board policy on equal employment opportunity and affirmative action (5:01:02:00).

VI. Transaction Records and Reports

A. Transaction Records

1. Institutions and technology centers shall develop and maintain adequate records to document all personnel transactions, including transactions which do not require the approval of the Chancellor.

2. As provided in Section H.1. of the General Personnel Policy (5:01:00:00), all transaction records for an employee must be maintained ~~for a minimum of seven (7) years following the employee's separation from the institution or technology center. After seven years, hard copy may be destroyed when microfilmed and verified.~~ as provided in Guideline G-070, Disposal of Records

B. Transaction Reports

1. ~~Pursuant to Section H.2. of the General Personnel Policy (5:01:00:00).~~ All campus personnel transactions shall be incorporated as part of the institutions' and technology centers' proposed operating budgets and October 31 budget revisions. The Board staff shall determine the appropriate form and medium for the information.

2. Current personnel information may be reported periodically to the staff by institutions and technology centers for administrative purposes relative to the maintenance and operation of management information systems.

3. Current personnel reports may be requested from the institutions and technology centers at any time in response to requests for information for the Board staff, Board, Legislature, etc.

Affirmative action compliance audit reports may be requested on an annual basis.

Source: July 2, 1976 and August 19, 1976 TBR staff memoranda; Revised September 16, 1980 TBR staff memorandum; July 1, 1984; August 16, 1984 TTC Sub Council meeting; July 1, 1985; February 16, 1988 Presidents Meeting; May 15, 1990 Presidents Meeting, TBR Meeting September 21, 1990; November 13, 1990 Presidents Meeting; November 11, 1991 Presidents Meeting; November 12, 1996 Presidents Meeting; August 5, 1997 Presidents Meeting; February 16, 2000 Presidents Meeting; Presidents Meeting May 21, 2001

~~Note: This guideline represents a revision and combination of two former guidelines, the sources of which are noted above.~~

Attachment XI

Memorandum Sent to Campuses Soliciting Comments on the Proposed Revision to TBR Policy 1:02:03:10, Conflicts of Interest

Memorandum

To: TBR Presidents
TBR Directors

c: Christine Modisher

From: Kerry Goodwin

Re: Proposed revision to TBR Policy 1:02:03:10, Conflict of Interest

Date: November 20, 2001

As was mentioned in the Presidents' Council meeting on November 7 and in the Directors' Sub-Council meeting on November 8, the Office of the General Counsel has undertaken the task of revising TBR Policy 1:02:03:10, Conflict of Interest. The purpose of this memorandum is to solicit comments on this proposed revision prior to its submission to the Sub-Council and Council review process. Specifically, the OGC respectfully suggests that you may wish to identify a person or group of persons on your campus to review the proposed revision, and provide comments.

Accompanying this memorandum are four attachments: a copy of the existing policy (Attachment 1), a copy of the existing disclosure form (Attachment 2), an annotated version of the existing policy, with comments directed toward what the OGC perceives to be deficiencies of the existing policy (Attachment 3), and a copy of the proposed revised version of the policy (Attachment 4), which includes a copy of the proposed Financial Interests Disclosure Form.

For those Institutions with sponsored research activities (especially those with such activities sponsored by the Federal Government), you may wish to include the Institution's principle administrator for research activities in this review process, as the policy does implicate, among other conflicts, those conflicts of interest arising in the context of sponsored research.

Our current intention is that the proposed revision will be submitted to the policy review process beginning in January, in anticipation of submitting the revision to the Board at its March, 2002 meeting. Therefore, comments will need to be returned to the OGC by close of business on Friday, January 4, 2002. If your Institution intends to provide comments, please let me know if you anticipate any difficulties in meeting this schedule. The alternative would be to delay submission of the revision to the second quarter meeting cycle.

I am available at 615-366-3909 or kgoodwin@tbr.state.tn.us to address any questions you or personnel on your campus may have. Thank you for your assistance.

Attachment 1
Current TBR Policy 1:02:03:10
Conflict of Interest

POLICY NO. 1:02:03:10

SUBJECT: Conflict of Interest

1. Public Interest.

All members of the Tennessee Board of Regents (hereinafter Board members) and all employees serve a public interest role and thus have a clear obligation to conduct all affairs of the TBR in a manner consistent with this concept. All decisions of the Board and TBR administrators are to be based on promoting the best interests of the system and the public good.

2. Scope

A. This policy applies to all persons employed by TBR and all Board members. Employees shall report any activity which constitutes a potential conflict of interest to the senior level administrator over the area in which the employee works. Board members shall report activities which constitute a potential conflict of interest to the Secretary of the Board.

B. In addition, formal disclosure statements must be filed, as set out in paragraph six below, by all Board members, the Chancellor, Vice Chancellors, General Counsel, coaches, assistant coaches and employees of athletic departments who are exempt from the provisions of the Fair Labor Standards Act, Presidents, TTC Directors, and those employees who report directly to the President or TTC Director, deans and administrative department heads.

3. General Policy Statement.

In addition to the specific circumstances prohibited by state law, a conflict of interest exists and must be eliminated in the following situations:

- A. when a Board member or "immediate family" member has a direct or indirect financial interest in a contract or transaction involving vendor services with the TBR System;
- B. when the actions of a Board member involve the obtaining of personal gain or advantage;
- C. when an adverse effect or impact on the System's interest occurs for the personal gain of a Board member or "immediate family" member; and
- D. when a Board member obtains or assists in obtaining for a third party improper gain from, or unfair advantage of the System.

The term "immediate family" means parent, spouse, sibling or child of an employee or Board member. Disclosure of any situation in doubt should be made in order to protect the Board member, employee and the System.

4. Disclosure.

A. This policy requires a Board member or an employee to disclose instances where he/she must consider any transaction for the System which also involves:

- (1) a member of the Board or any employee or a member of his or her immediate family, or
- (2) an organization with which a member of the Board or any officer of the System is affiliated,

At the first knowledge of the transaction, the Board member or employee shall disclose fully the precise nature of the interest or involvement.

B. Disclosure is further required of those individuals listed in 2 B above of all relationships and business affiliations that reasonably could give rise to a conflict of interest involving the System. The responsibility to disclose is continuous. For the purpose of this policy, affiliation is understood to exist if the Board member, employee or member of the "immediate family":

- (1) is an officer, director, trustee, partner, employee or agent of such organization; or
- (2) is either the actual or beneficial owner of more than four percent (4%) of the voting stock or controlling interest of such an organization; or
- (3) has any other direct or indirect dealings with such organization from which he or she knowingly materially benefits (e.g., through receipt directly or indirectly of cash or other property in excess of \$4,000 a year, exclusive of dividends or interest.)

C. Disclosure of all conflicts described in 4A and 4B above concerning Board members shall be reported to the Secretary of the Board, those concerning Board staff to the Chancellor; those concerning staff (listed in 2B above) of a university, community college or technical institute to the president or TTC Director.

5. Restraint on Participation.

Board members who have declared or have been found to have a conflict of interest in any matter pending before the Board shall refrain from participating in consideration of the matter. The Board may request information or interpretation from the person or persons involved in the conflict. The Board member involved in the conflict shall not vote on such matters.

Any Board member who is uncertain about a possible conflict of interest in any matter may request the Board to make a determination; the Board shall resolve the question by majority vote. When possible, the question of a potential conflict should be referred to the General Counsel for an opinion prior to the Board's vote.

6. Financial Reporting.

Board members and employees listed in Section 2B above shall, within one month of initial appointment and annually in January, file a financial disclosure form issued by the Chancellor. This form shall be similar to the form prescribed by the Registry of Election Finance for use by State officials under T.C.A. 8-50-501 et seq. The disclosure form shall be filed with the Secretary of the Board, Chancellor, President or TTC Director as outlined in section 4C above.

Source: TBR Meeting March 20, 1992; TBR Meeting December 11, 1992; TBR Meeting June 19, 1998

Attachment 2

Current Disclosure Form

TENNESSEE BOARD OF REGENTS

DISCLOSURE FORM REQUIRED BY

POLICY 1:02:03:10

INSTRUCTIONS: This form must be used to report all interests required to be disclosed under Tennessee Board of Regents Policy 1:02:03:10.

Disclosure statements must be filed annually in January. New employees covered under the policy must file this form within one month of initial

employment. For the purposes of filling out this form, the term "immediate family" shall mean parent, spouse, sibling or child of an employee or Board member.

Board members shall file this disclosure statement with the Secretary of the Board. The Chancellor's staff and presidents required to file shall file this form with the Chancellor. Institutional employees, i.e. the deans administrative department heads, coaches, assistant coaches, employees of athletic departments and

employees who report directly to the presidents or AVTS directors shall file this form with the CEO of the institution (i.e. the president or AVTS director). The disclosure statement must be signed and the signature attested to by a witness. Attach additional pages as necessary. Please type or print all information in black ink.

1. Date of Disclosure 2. Name of Boardmember/Employee

3. Address and Phone (Street or R.R., City, State, Zip, Phone)

4. Please list all relationships or business affiliations where you or a member of your immediate family is an officer, trustee, partner, employee or agent of such organization.

5. Please list all relationships or business affiliations where you are or a member of your immediate family is the actual or beneficial owner of more than 4% of the voting stock or controlling interest of such organization.

6. Please list all relationships or business affiliations where you have or a member of your family has any direct or indirect dealings with such organization (other than those listed in # 4 and # 5 above) from which you knowingly materially benefit (e.g. through receipt directly or indirectly of cash or other property in excess of \$4,000 per year exclusive of dividends or interest).

7. ADDITIONAL INFORMATION: List any additional information you wish to disclose.

8. Signature (must be attested to by witness)

I certify that the information contained in this disclosure is true and that it is a complete and accurate report of all matters that I am required to disclose by the TBR Policy 1:02:03:10.

Signature Date

I, the undersigned, so hereby witness the above signature which was signed in my presence.

Signature of Witness Date

** This disclosure form shall be filed with the President after being reviewed by the employee's line supervisors.

Attachment 3
Annotated Version of Current
TBR Policy 1:02:03:10
Conflict of Interest

POLICY NO. 1:02:03:10

SUBJECT: Conflict of Interest

1. Public Interest.

All members of the Tennessee Board of Regents (hereinafter Board members) and all employees serve a public interest role and thus have a clear obligation to conduct all affairs of the TBR in a manner consistent with this concept. All decisions of the Board and TBR administrators are to be based on promoting the best interests of the system and the public good.

2. Scope

A. This policy applies to all persons employed by TBR and all Board members. Employees shall report any activity which constitutes a potential conflict of interest to the senior level administrator over the area in which the employee works. Board members shall report activities which constitute a potential conflict of interest to the Secretary of the Board.

(“Conflict of interest” is not defined.)

B. In addition, formal disclosure statements must be filed, as set out in paragraph six below, by all Board members, the Chancellor, Vice Chancellors, General Counsel, coaches, assistant coaches and employees of athletic departments who are exempt from the provisions of the Fair Labor Standards Act, Presidents, TTC Directors, and those employees who report directly to the President or TTC Director, deans and administrative department heads.

(We believe that the policy could be clearer in separating those general conflicts to be disclosed on a case-by-case basis and the obligation under state law for some employees to file annual financial disclosure statements. We further believe that this list of persons required to file financial disclosure statements is excessive. The proposed policy revision therefore limits this statutory disclosure to the Regents, the Central Office Senior Staff, the Presidents, and the Directors.)

3. General Policy Statement.

In addition to the specific circumstances prohibited by state law, a conflict of interest exists and must be eliminated in the following situations:

(well, to say a priori that “a conflict of interest exists” is conclusory. The OGC believes that a better approach (and that taken by the vast majority of other institutions of higher learning) is to allow the facts of a given situation to be evaluated on a case-by-case basis, and judgments specific to those facts to be made.)

A. when a Board member or "immediate family" member has a direct or indirect financial interest in a contract or transaction involving vendor services with the TBR System;

(well, this is rather broad and imprecise language. What is “an indirect financial interest”? If an employee owns stock in Microsoft, is that an indirect financial interest, and does it mean that the TBR can’t purchase software from Microsoft? Or is the intent here that an employee who owns stock in Microsoft cannot be involved in approving the contract to purchase Microsoft software?)

B. when the actions of a Board member involve the obtaining of personal gain or advantage;

(well, arguably, showing up for work and earning one’s pay involves obtaining personal gain. Again, clearer language is needed.)

C. when an adverse effect or impact on the System's interest occurs for the personal gain of a Board member or "immediate family" member; and

D. when a Board member obtains or assists in obtaining for a third party improper gain from, or unfair advantage of the System.

The term "immediate family" means parent, spouse, sibling or child of an employee or Board member. Disclosure of any situation in doubt should be made in order to protect the Board member, employee and the System.

(most comparable policies for higher education institutions would not include parents, siblings, or emancipated children in “immediate family”. The OGC would agree with the proposition that the standard contained in the current policy is overly expansive, and the proposed revision limits “immediate family” to one’s spouse and dependent children.)

4. Disclosure.

A. This policy requires a Board member or an employee to disclose instances where he/she must consider any transaction for the System which also involves:

(1) a member of the Board or any employee or a member of his or her immediate family, or

(Definition of “consider”? If I am an employee of the University of Memphis purchasing department, and my brother works for Wal-Mart, and the University wants to purchase some “Old Roy” dog food from Wal-Mart (let’s assume that the University has purchased a live tiger as a mascot, a la LSU, and the tiger has a great affinity for Old Roy dog food), then I must disclose that relationship to the University. Seems a bit excessive.)

- (2) an organization with which a member of the Board or any officer of the System is affiliated,

At the first knowledge of the transaction, the Board member or employee shall disclose fully the precise nature of the interest or involvement.

B. Disclosure is further required of those individuals listed in 2 B above of all relationships and business affiliations that reasonably could give rise to a conflict of interest involving the System. The responsibility to disclose is continuous. For the purpose of this policy, affiliation is understood to exist if the Board member, employee or member of the "immediate family":

- (1) is an officer, director, trustee, partner, employee or agent of such organization; or
- (2) is either the actual or beneficial owner of more than four percent (4%) of the voting stock or controlling interest of such an organization; or
- (3) has any other direct or indirect dealings with such organization from which he or she knowingly materially benefits (e.g., through receipt directly or indirectly of cash or other property in excess of \$4,000 a year, exclusive of dividends or interest.)

C. Disclosure of all conflicts described in 4A and 4B above concerning Board members shall be reported to the Secretary of the Board, those concerning Board staff to the Chancellor; those concerning staff (listed in 2B above) of a university, community college or technical institute to the president or TTC Director.

(well, how does 4.C comport with 2.A? Rather confusing.)

5. Restraint on Participation.

Board members who have declared or have been found to have a conflict of interest in any matter pending before the Board shall refrain from participating in consideration of the matter. The Board may request information or interpretation from the person or persons involved in the conflict. The Board member involved in the conflict shall not vote on such matters.

Any Board member who is uncertain about a possible conflict of interest in any matter may request the Board to make a determination; the Board shall resolve the question by majority vote. When possible, the question of a potential conflict should be referred to the General Counsel for an opinion prior to the Board's vote.

(“may request”? is the intent here “shall request”?)

6. Financial Reporting.

Board members and employees listed in Section 2B above shall, within one month of initial appointment and annually in January, file a financial disclosure form issued by the Chancellor. This form shall be similar to the form prescribed by the Registry of Election Finance for use by State officials under T.C.A. 8-50-501 et seq. The disclosure form shall be filed with the Secretary of the Board, Chancellor, President or TTC Director as outlined in section 4C above.

(Note that while the policy language here is correct and consistent with statutory requirements, the actual form which is used is not compliant with T.C.A. § 8-50-501 *et seq.* The form shown in the proposed revision draft is copied (with a few de minimus changes) from the form used and promulgated by the State.)

Source: TBR Meeting March 20, 1992; TBR Meeting December 11, 1992; TBR Meeting June 19, 1998

General comments:

1. The OGC believes that it would be helpful to provide an illustrative list of specific federal regulations, state laws, and other TBR policies which may be implicated in a conflict of interest situation.
2. We further believe that a discussion in the policy of specific situations which illustrate existence of a potential conflict of interest is desirable.
3. We believe that including a discussion in the policy of disclosure requirements which may exist for federally funded research is appropriate.
4. We believe that a more disciplined discussion of the disclosure review process, as well as the appeal process, is needed.

Attachment 4

Draft of Proposed Revision to

TBR Policy 1:02:03:10

A) Conflict of Interest

TENNESSEE BOARD OF REGENTS

Subject: Conflict of Interest

Section 1 Objectives of this Policy

Members of the Tennessee Board of Regents and all employees of the TBR and its constituent Institutions all serve the interests of the State of Tennessee and its citizens, and have a duty to avoid activities and situations which, either actually or potentially, put personal interests before the professional obligations which they owe to the State and its citizens. This

policy is intended to 1) define the general principles which should guide the actions of members of the Board and of employees, 2) offer illustrations of activities which potentially constitute a conflict of interest, 3) make Board members and employees aware of disclosure requirements related to conflicts of interest, 4) describe the process by which those disclosures shall be evaluated and decisions rendered, and 5) describe the appeals process regarding such decisions.

Section 2 Pertinent Federal Regulations, State Laws, and TBR Policies

The following lists are intended to indicate sources of information which may provide additional guidance regarding conflict of interest situations. This policy is intended to be consistent with all pertinent Federal and State laws, regulations, and policies, as well as with other TBR policies. To the extent that conflicts arise, Federal and State laws, regulations, and policies shall take precedence. The lists are not intended to be exhaustive, and additional laws, regulations, and policies may be implicated in a given conflict of interest situation.

Section 2.1 Federal Regulations

The National Science Foundation (NSF) and the Department of Health and Human Services (HHS), acting through the Public Health Service (PHS) (which includes the National Institutes of Health (NIH)), have promulgated policies and regulations regarding conflicts of interest and disclosure of financial interests by investigators who receive funding from these Federal agencies. The NSF policy regarding researcher conflicts of interest is contained in Section 510 of NSF Publication 95-26, the Grant Policy Manual. The PHS regulations, upon which the NSF policy is modeled, are contained in the Code of Federal Regulations at 42 CFR 50.601 *et seq.* and 45 CFR 94.1 *et seq.*

Other Federal agencies (e.g., the Veterans' Administration or the Food and Drug Administration) may require as a condition to a contract disclosure and management of conflicts of interest (see, for example, Veterans' Administration Acquisition Regulation 852.209-70).

Section 2.2 Tennessee State Law

Various statutes contained in the Tennessee Code Annotated (T.C.A.) (2001) are pertinent to the issue of conflicts of interest within the TBR System, including:

T.C.A. § 8-50-501, Disclosure statements of conflict of interests by certain public officials

T.C.A. § 12-2-208, Purchase by officer unlawful – penalty for violation

T.C.A. § 12-2-415, State surplus property disposition regulation

T.C.A. § 12-2-416, Violation of § 12-2-415

T.C.A. § 12-2-417, State employee violation -- punishment

T.C.A. § 12-3-106, Conflict of interest – Rebates, gifts, etc., from contractors

T.C.A. § 12-4-101, Personal interest of officers prohibited

T.C.A. § 12-4-102, Penalty for unlawful interest

T.C.A. § 12-4-103, Bidding by state employees prohibited

T.C.A. § 12-4-104, Penalty for unlawful transactions

T.C.A. § 49-8-203(d), Powers and duties (of the Board of Regents)

It is significant to note that violation of some of these statutes may lead to criminal penalties (e.g., violation of T.C.A. § 12-4-103 is a Class E felony).

Section 2.3 TBR Policies

The following TBR policies and guideline deal with issues which implicate conflict of interest situations:

TBR Policy 4:02:10:00, Purchasing Policy and Procedures

TBR Policy 4:02:20:00, Disposal of Surplus Personal Property

TBR Policy 5:01:05:00, Outside Employment

TBR Policy 5:01:06:00, Intellectual Property

Section 3 Definitions

A **“conflict of interest”** occurs when the personal interests, financial or otherwise, of a person who owes a duty to the Tennessee Board of Regents and its constituent Institutions (Regents and all employees) actually or potentially diverge with the person’s professional obligations to and the best interests of the TBR and its Institutions.

A **“conflict of commitment”** occurs when the personal or other non-work related activities of an employee of the TBR and its constituent Institutions impair the ability of that employee to meet their commitments of time and energy to the TBR and its Institutions.

“Immediate family” includes the spouse and dependent children of a person covered by this policy.

“Family member” includes immediate family as well as non-dependent children of a person covered by this policy.

Section 4 Supplementary Institutional Policies and Regulations

As each Institution may deem necessary and appropriate, TBR Institutions are authorized to develop additional Institution-specific policies, regulations, and procedures relating to conflicts of interest and conflicts of commitment, provided such policies and regulations are consistent with Federal and State law and with this and other policies of the Tennessee Board of Regents.

Section 5 Applicability

This policy shall apply to all persons serving as members of the Board of Regents and to all persons employed (either as full-time, part-time or temporary employees) by the Tennessee Board of Regents and its constituent Institutions.

Section 6 General Principles

It is the policy of the Tennessee Board of Regents that employees should avoid external commitments which significantly interfere with the employee’s duties to the TBR and its constituent Institutions (conflicts of commitment). See also TBR Policy 5:01:05:00, Outside Employment. Disclosures of conflicts of commitment shall be made as required

under Policy 5:01:05:00 and evaluated as indicated in that policy.

It is the further policy of the Tennessee Board of Regents that both Regents and employees should avoid situations where the self interests of the Regent or employee diverge from the best interests of the TBR and its Institutions (conflict of interest).

The mere existence of either a potential or actual conflict of interest does not mean that such conflict must necessarily be eliminated. **Where the potential detriment to the TBR and its Institutions is at most minor and inconsequential, and the conflict does not indicate violation of Federal or State law, regulation, or policy, those persons charged with evaluating disclosures should allow the activity to proceed without interference. For those situations which do not implicate Federal or State law, regulation or policy, the standard by which it should be determined whether a conflict of interest should be managed, reduced, or eliminated is whether that conflict would appear to a reasonable person to call into question the integrity or judgment of the affected Regent or employee.**

Section 7 Situations and activities creating a conflict of interest

In the following situations and activities, there is at least the appearance, and possibly the actuality, of an employee allowing his or her personal interests, and not the best interests of the TBR and its constituent Institutions, to affect that employee's judgments. This list is illustrative, and not exhaustive.

Section 7.1 Self-dealing

Situations in which a Regent or employee can appear to influence or actually influence an Institutionally-related decision from which that person or a member of that person's family stands to realize a personal financial benefit is self-dealing, and a conflict of interest. Examples of self-dealing activities are numerous, and include those listed below.

Section 7.1.a Purchase of State-owned property by an employee absent fair and open bidding

It is unlawful for any state employee to purchase surplus state-owned property absent a fair and open bidding process (see T.C.A. § 12-2-208 and T.C.A. § 12-2-417). Such purchases are also prohibited under TBR Policy 4:02:20:00.

Section 7.1.b Institutional purchases from businesses in which an employee or family member has a financial interest

T.C.A. § 12-4-103 declares that it is unlawful for any state official or employee to "bid on, sell, or offer for sale, any merchandise, equipment or material, or similar commodity, to the state of Tennessee" or "to have any interest in the selling of the same to

the state” during that person’s term of employment and for six months thereafter.

Disclosure of any such transaction by an employee or member of the employee’s family or by a business in which an employee or member of the employee’s family has any significant (more than 4%) ownership interest or for which an employee or employee family member serves as an officer is required by this policy.

Section 7.1.c Use of educational materials from which a faculty member derives financial benefit in that faculty member’s teaching activities

Any faculty member who wishes to use in his or her teaching activities educational materials (e.g. a textbook) which he or she has authored, or in which he or she otherwise stands to benefit financially from such use, a conflict of interest disclosure shall be made per Section 8 of this policy. Whether the use of such materials shall be permitted shall be evaluated either under the terms of Institutional policy, or in the absence of such policy, by the Review Committee established under Section 11 of this policy. Such evaluation shall include consideration of suitable substitute materials and ensure that the needs of students are best served by use of the materials in which the faculty member has an interest.

Section 7.1.d Acceptance of gifts, gratuities, or favors

Under the terms of T.C.A. § 12-3-106, no employee or member of the TBR or employee of any TBR Institution, charged with responsibility or authority for initiating requisitions or selecting the vendor from which any purchase of goods or services will be made, shall accept or receive, directly or indirectly, from any person, firm, vendor or corporation to whom any contract for the purchase of materials, goods, supplies, equipment or services for the State of Tennessee may be awarded, by rebate, gifts, or otherwise, any money or anything of value whatsoever, or any promise, obligation, or contract for future rewards or compensation. By virtue of this policy, the prohibitions of T.C.A. § 12-3-106 are extended to persons with contract oversight responsibility.

Under this policy, no person to whom this policy applies shall solicit or accept anything of value whatsoever for services performed within the scope of his or her job duties, other than that compensation, reimbursement of expenses or other remuneration paid or approved by the TBR and its constituent Institutions. Nor shall any employee accept anything of value whatsoever from a party or entity other than the TBR and its constituent Institutions intended to influence that employee’s discharge of his or her job duties.

Section 7.2 Inappropriate use of students or support staff

Employees shall ensure that the activities of students or support staff are not exploited for the benefit of any external activity of the faculty member. Prior to assigning any such non-Institutionally related task (which is more than incidental or de minimus in nature) to a student or member of the support staff, an employee shall disclose such proposed activities and obtain approval.

Section 7.3 Inappropriate use of State owned resources

Employees may not make significant use of State owned facilities, equipment, materials or other resources, not otherwise available to the public, in the course of activities which are not related to the Institution and which are intended for personal benefit, without prior disclosure and approval.

Section 7.4 Failure to disclose intellectual property

TBR Policy 5:01:06:00 governs the rights and responsibilities which persons affiliated with the TBR and its Institutions have regarding intellectual property developed during the term of their affiliation with the TBR. Among the responsibilities enumerated in the policy is that of disclosure of inventions and those copyrightable works which may be reasonably expected to have commercial value which they have jointly or solely developed or created during their affiliation with the TBR and its Institutions.

Section 8 General disclosure requirements

Persons to whom this policy applies who believe that a conflict of interest may exist either personally or with respect to another person covered by this policy shall make a written disclosure of the facts and circumstances surrounding the situation. No particular format is required, but the disclosure should adequately describe the pertinent facts and circumstances. For members of the Board, disclosure shall be made to the General Counsel. Employees of the Central Office shall make disclosure to either their immediate supervisor or to the General Counsel. At the Universities and Community Colleges, disclosures shall be submitted to the employee's immediate supervisor or other person designated by the President to receive such disclosures. At the Technology Centers, disclosures shall be submitted to the Center Director. Disclosures made by a President or Director shall be submitted to the General Counsel.

Section 9 Special disclosure requirements for researchers applying for or receiving NSF or PHS funding

Under the policies and regulations indicated under Section 2.1 herein, investigators seeking funding from either the National Science Foundation or the Public Health Service are required to disclose to the investigator's employer all significant financial interests of the investigator 1) that would reasonably appear to be affected by the research or educational activities funded or proposed for funding by the NSF or PHS or 2) in entities whose financial interests would reasonably appear to be affected by such activities. Such disclosures must be submitted prior to the time the proposal is submitted to the Federal agency. Further, such disclosures must be updated during the period of the award, either annually or as new reportable financial interests arise. The Institution is responsible for eliminating or managing such conflicts prior to receipt of the award. To facilitate such disclosures, the accompanying disclosure form (Attachment A) is available.

Each Institution is responsible for determining if a grant, services, or other contract with Federal agencies other than the Public Health Service or the National Science Foundation requires disclosure and / or management of conflicts of interest, and for ensuring that any such requirements are met.

Disclosure of financial interests made pursuant to this Section 9 notwithstanding, such disclosure does not eliminate the responsibility for making disclosures under Section 8, when specific conflict of interest situations arise.

Section 10 Special disclosure requirements for Regents and certain TBR employees

Members of the Board of Regents, the Chancellor of the TBR, members of the senior staff of the TBR Central Office (all Vice Chancellors and the General Counsel), the Presidents of all TBR Universities and Community Colleges, the Directors of the Tennessee Technology Centers, coaches, assistant coaches, and employees of athletic departments who are exempt from the provisions of the Fair Labor Standards Act are required to file a financial disclosure form within one month of their initial appointment and annually thereafter in January. Such disclosure shall be made to the Office of the General Counsel of the Board of Regents using a form as indicated in Attachment B.

Disclosure of financial interests made pursuant to this Section 10 notwithstanding, such disclosure does not eliminate the responsibility for making disclosures under Section 8, when specific conflict of interest situations arise.

Section 11 Review of disclosures

Disclosures made under Section 8 of this policy by a member of the Board of Regents, the Chancellor, or by a President or Director shall be evaluated by the Board or a duly appointed committee thereof. A member of the Board making a disclosure shall not be entitled to vote regarding disposition of the disclosure.

Disclosures made under Section 8 of this policy by a person employed by the TBR Central Office shall be evaluated by a committee composed of the General Counsel, the Vice Chancellor for Administration, and the Vice Chancellor for Business and Finance. If the disclosure is made by one of those three persons, that person shall not be entitled to vote regarding disposition of the disclosure.

Each TBR Institution shall establish at least one Review Committee comprised of no fewer than three persons to receive and evaluate disclosures generated under Sections 8 and 9 herein by employees of the Universities, Community Colleges, and Technology Centers. Policies and procedures regarding such matters as selection of members, duration of membership, frequency of meetings, etc. shall be adopted by each Institution. A template Institutional policy is included herein as Attachment C. An Institution which fails to explicitly adopt a policy shall be expected to follow the terms of the template policy provided as Attachment C. Following evaluation of the disclosure, the Committee shall render a decision regarding the issue(s) presented by the disclosure. Any disclosure which indicates an actual violation of law shall be forwarded to the President or Director of the Institution along with the Committee's findings.

Persons potentially committing a conflict of interest violation under consideration by a conflict of interest review Committee shall receive notice of the Committee's evaluation, and be given an opportunity to appear before that Committee.

Section 12 Sanctions

Failure to observe restrictions imposed as a result of review of a conflict of interest disclosure or a knowing failure to disclose a conflict of interest may result in disciplinary proceedings under TBR and Institutional policy.

Section 13 Appeals

Decisions made by the Board of Regents may not be appealed. Decisions made by the Central Office Review Committee may be appealed to the Chancellor. Decisions of the Chancellor shall be final and binding. Decisions made by an Institutional Review Committee may be appealed to the President or Director of the Institution. Decisions of the President or Director shall be final and binding.

Attachment A

Financial Conflict of Interest

Disclosure Form

For Proposals to the Public Health Service (including National Institutes of Health) or to the National Science Foundation

Tennessee Board of Regents

Financial Conflict of Interest Disclosure Form for Proposals made to the Public Health Service (including the National Institutes of Health) or to the National Science Foundation

Disclosure by each investigator of all significant financial interests (including those of the investigator's spouse and dependent children) which a) reasonably appear to be affected by the research or educational activities funded or proposed for funding, or b) exist in entities whose financial interests would reasonably appear to be affected by such activities.

“Investigator” means the principal investigator, co-principal investigators, and any other person at a TBR institution who is responsible for the design, conduct, or reporting of research or educational activities funded or proposed for funding.

“Significant financial interest” means anything of monetary value, including, but not limited to, salary or other payments for services (greater than \$10,000 per year from sources other than the

employee's TBR Institution), equity interest (greater than \$10,000 in value or more than 5% of the ownership interest in a single entity), and intellectual property rights.

Project title:

I certify that I do not have any significant financial interests associated with the aforementioned proposal / project.

I do have a significant financial interest associated with the aforementioned proposal / project. I have disclosed this interest in accordance with TBR System and Institutional policy.

Investigator:

Printed name

Signature

Date

Attachment B

Financial Interests Disclosure Form

Tennessee Board of Regents
Financial Interests Disclosure Form

INSTRUCTIONS: This form must be used to report all interests required to be disclosed under the Conflict of Interest Disclosure Act (T.C.A. § 8-50-501 *et seq.*) and under TBR Policy 1:02:03:10. Disclosure statements must be filed annually by January 31 by those persons holding offices for which such statements are required by State law or TBR Policy. This statement must also be filed by persons newly appointed to such offices. Reports shall be filed with the Office of the General Counsel of the Tennessee Board of Regents, 1415 Murfreesboro Road, Suite 336, Nashville, TN 37217, phone number 615-366-4438, fax number 615-366-3910. Current officeholders (not new appointees) may complete items 1 through 4 and skip to item 14 if there has been no change in condition since the last report. The statement must be signed by a witness, but need not be notarized. Attach additional sheets as necessary. Please type or print all information in black or dark blue ink.

1. Date of Disclosure	2. Name of Official
3. Address and Phone	
4. Title of Office Held	
5. Sources of Income. List major sources of your private income of more than \$1,000 and that of your spouse or of dependent children. "Major sources of private income" includes, but is not limited to, offices, directorships, and salaried employments. No dollar amounts need be stated.	
6. Investments. List any investment by you, your spouse, or dependent children in any corporation or other business organization in excess of five thousand dollars (\$5,000) or five percent (5%) of the total capital. It shall be sufficient to identify the industry. No firm or organization need be named nor dollar amounts or percentages stated.	
7. Lobbying. List any person, firm, or organization for whom or which compensated lobbying is done by you, your spouse, or dependent children. Also, list any firm in which you, your spouse, or dependent children hold any interest for whom or which compensated lobbying is done. Explain the terms of any such employment and the measures to be supported or opposed.	

8. Professional Services. List in general terms (by areas of the client's interests) the entities to which professional services, such as those of an attorney, accountant, or architect, are furnished by you or your spouse.

9. Retainer Fees. List any retainer fee you receive from any person, firm, or organization who is in the practice of promoting or opposing, influencing, or attempting to influence directly or indirectly, the passage or defeat of any legislation before the Tennessee General Assembly, the legislative committees, or the members thereof.

10. Bankruptcy. List any adjudication of bankruptcy or discharge received in any United States district court within five (5) years of the date of this report.

11. Loans. List any loan or combination of loans for more than one thousand dollars (\$1,000) from the same source made in the previous calendar year to you, your spouse, or dependent children. Loans need not be disclosed on this report if they are:

- 1) From spouse, parent, sibling, or child.
- 2) From a federally insured financial institution or made in accordance with existing law in the ordinary course of doing business of making loans. The loan must bear the usual and customary rate of interest, be made on a basis which assures repayment, evidenced by a written instrument and subject to a due date and amortization schedule.
- 3) Secured by a recorded security interest in collateral, bearing the usual and customary interest rate of the lender and made on a basis which assures repayment, evidenced by a written instrument and subject to a due date and amortization schedule.

- 4) From a partnership in which you have at least ten percent (10%) partnership interest.
- 5) From a corporation in which more than fifty percent (50%) of the outstanding voting shares are owned by you or by your spouse, parent, sibling, or child.

12. Additional Information. List any additional information you wish to disclose.

13. No Changes Option (only for officeholders who have previously filed a disclosure report).

There has been no change in conditions since my previous report.

14. To be signed by the reporting Official (must be attested to by a witness):

I certify that the information contained in this disclosure statement is true and that it is a complete and accurate report of all matters that I am required to disclose under the Conflict of Interest Act and / or Tennessee Board of Regents Policy.

Signature of Official

Date

I, the undersigned, do hereby witness the above signature which was signed in my presence.

Signature of Witness

Date

Attachment C

Template Institutional Policy

Regarding Conflict of Interest

Disclosure Review Committee

[Name of TBR Institution]

Policy Regarding Conflict of Interest

Disclosure Review Committee

1.0 Establishment of a Conflict of Interest Disclosure Review Committee

A Committee shall be formed from Institution faculty and staff, pursuant to TBR Policy 1:02:03:10. The general responsibilities of this Committee are defined in TBR Policy 1:02:03:10. Additional details associated with the Committee are defined herein.

2.0 Number of Members

The Committee shall consist of three members, with at least one member selected from the faculty and at least one member selected from administrative or support staff personnel.

3.0 Selection of Members

Members of the Committee shall be selected by the Institution President or Director.

4.0 Duration of Membership

Members of the Committee shall serve two year terms. Members may serve multiple, consecutive terms.

5.0 Meetings

The Advisory Committee shall meet as frequently as necessary to conduct its business, but no less than once per semester.

6.0 Duties

As described in TBR Policy 1:02:03:10, the committee shall evaluate conflict of interest disclosures and make determinations regarding what actions may be required to manage, reduce or eliminate conflicts of interest.

Attachment XII

Proposed revision to Policy 5:01:00:00, General Personnel Policy

Policy No. 5:01:00:00

SUBJECT: General Personnel Policy

The following General Personnel Policy of the Tennessee Board of Regents is hereby adopted to delegate to the presidents of universities, community colleges, and technical institute, the authority and responsibility hereinafter specified concerning personnel, which the Board finds to be necessary and appropriate for the efficient administration of the institutions, and to establish standards, guidelines, and reporting requirements for the exercise of the delegated authority.

The policy also cites specified authority and responsibility concerning personnel assigned to directors of the Tennessee technology centers.

A. Scope of Delegation

1.a. Presidents

The appointments and terminations which require the prior approval of the president and the Chancellor include:

(1) All Vice Presidents (academic, business, student affairs, etc.) including all interim appointments;

(2) ~~Academic and administrative~~ deans, academic department and/or division heads, Directors of the Centers of Emphasis and Excellence, (including those officers, who with varying titles, have line responsibility for administration of academic faculty or staff at the academic disciplinary unit level);

~~(4) All interim appointments (except those for less than four months and the appointees are not applicants);~~

~~(5)~~(3) Appointments, promotions, and/or transfers to positions with salaries in excess of \$50,000 ~~\$75,000~~; and

~~(6)~~ (4) Any other positions which may be designated by the Chancellor.

The changes of status, compensation, and terminations of: (a) vice presidents, associate vice presidents, assistants to the president, business managers, deans, and internal auditors; (b) persons in positions of equivalent level to any of the foregoing specified positions within the institution; and (c) any other positions which may be designated by the Chancellor, shall be subject to the prior approval of the Chancellor.

b. Directors

The appointments, changes of status, compensation, and termination of the TTC assistant directors shall be subject to the prior approval of the ~~Chancellor~~. Vice Chancellor for Technology Centers.

2. The president of a university, community college, or technical institute and the director of a Tennessee technology center are authorized to appoint, determine the compensation and change of status of, and terminate all other employees at the institution or center subject to the provisions of this and other relevant Board policies and procedures and the Board approved Compensation Plan Guideline.

The president may delegate the foregoing authority to a designated person or persons at the institution provided that all appointments and compensation of faculty and administrative personnel shall be subject to the approval of the president. Subsequent references to the president of an institution include the president or his or her appropriate ~~delegates~~ designee.

The director of a Tennessee technology center may not delegate the foregoing authority.

B. Appointments

1. The president of a university, community college, or technical institute and the director of a Tennessee technology center are authorized to appoint and employ personnel within the scope of delegation provided in Section A for positions at the institution or center which have been approved by the Board in an operating budget (work program) at a level of compensation which does not exceed the amount specified in the operating budget; provided that new appointments to approved positions may be made at a level of compensation in excess of the amount specified where funds are available, subject to confirmation of the transfer of budgeted funds by the Chancellor; ~~and provided further that no employee shall be appointed or employed at an amount of compensation in excess of \$50,000 per contract period without the prior approval of the Chancellor.~~
2. No employment agreement, or contract, or letter of agreement shall be used in the appointment or employment of personnel unless the form of agreement, contract, or letter has been approved by the Chancellor.
3. New administrative positions shall not be established in an institution's or center's administrative organization, and no major change in the administrative organization of an institution or center shall be made, unless approved by the Chancellor.
4. The minimum qualifications for the appointment of faculty at universities, community colleges, and the technical institute shall be the Minimum Rank Criteria for Professional Personnel in Instruction, Public Service, and Research set forth in Board Policy No. 5:02:02:00, which is incorporated herein by reference. The minimum criteria for tenure-track or tenure appointments at Tennessee technology centers are specified in Board Policy No. 5:02:02:10. All part-time or temporary faculty must be appointed according to the provisions of Board Policy.
5. The minimum qualifications for the appointment of all personnel other than faculty shall be determined by the president or director, based upon the duties and responsibilities of the position, and shall be recorded and maintained by the institution or center, subject to any minimum qualifications for personnel positions which may be established by the Board.

C. Nature of Appointments

1. Faculty at universities, community colleges, and the technical institute shall be employed pursuant to the types of appointments specified in Board Policy No. 5:02:02:00, which is incorporated herein by reference.

Faculty at Tennessee technology centers shall be employed pursuant to the types of appointment specified in Board Policy No. 5:02:02:10, which is incorporated herein by reference.

2. Personnel other than faculty shall be appointed to serve at the pleasure of the president or, at Tennessee technology centers, of the director.
3. All full-time personnel, including faculty, shall be required to devote a minimum of 37.5 hours per week to the institution or center, and shall maintain appropriate office hours as determined by the president (or his or her designee) or, at Tennessee technology centers, by the director. Calculation of the 37.5-hour week shall follow such guidelines as promulgated by the Chancellor.
4. Within the requirement of a minimum of 37.5 hours per week, faculty at universities, community colleges, or the technical institute shall be required to carry a full teaching load, which shall be fifteen (15) credit hours or the equivalent per term for undergraduate courses, twelve (12) credit hours or the equivalent per term for graduate courses, or one hundred and fifty (150) non-credit contact hours (two hundred and twenty-five (225) in semester institutions) or the equivalent per term. All equivalent teaching load activities shall be subject to prior review and approval by the president (or his or her designee).

Within the requirement of a minimum of 37.5 hours per week, faculty at Tennessee technology centers shall normally be required to carry thirty (30) contact hours per week of teaching.

5. In addition to the requirement of Section C-3 above, full-time administrative personnel shall be required to devote sufficient time to complete their assigned duties and responsibilities. When administrative personnel are appointed on an academic year basis, such personnel shall be required to devote sufficient time to fully perform the administrative responsibilities for the academic year, including periods preceding or following the academic year.
6. Personnel at universities, community colleges, or the technical institute who are appointed on an academic year basis shall be on duty for not less than nine months, which shall commence from the time designated by the president prior to the institution's registration for the fall term of each year through the time designated by the president at the end of the spring term, and shall be subject to call for duty during that period regardless of whether classes are in session.

D. Compensation

1. The president or director is responsible for compliance with all federal and state laws and regulations, and all Board policies and directives, concerning compensation for employees, and compensation for employees shall be subject to limitations imposed by the Board or the General Assembly.
2. All regular full-time salaried personnel, whether on an academic or fiscal year appointment, shall be paid twelve (12) monthly installments each year, provided that exceptions may be made upon termination, or as approved by the Chancellor.

3. Part-time instructional personnel shall be paid on the basis of the credit or non-credit hours taught, pursuant to such guidelines and/or schedules as may be established by the Board.

4. The president or director shall insure that all employees shall be paid equal wages or salaries for equal work in positions the performance of which requires equal skill, effort and responsibility, and which are performed under similar working conditions, except where pay differentials are based upon: (a) market factors, (b) a merit or evaluation system, (c) length of service, or (d) any other proper, non-discriminatory basis. When any of the foregoing bases are relied upon to justify pay differentials for employees in similar positions as described above, the basis and the attendant circumstances shall be substantiated in writing and maintained by the institution or center.

5. Overtime payments and compensatory time are available to ~~clerical and support employees only~~ employees not exempt from the FLSA. The Chancellor is authorized to issue guidelines relative to the use of compensatory time and payment of overtime and the rates pertinent to each.
6. Each institution and technology center shall develop policies and procedures for the administration of the compensation system at the institution or center subject to the approval of the Chancellor, and subject to ~~any compensation schedules or guidelines~~ the Compensation Plan Guideline promulgated by the Board. This includes reclassifications and degree changes.
7. Faculty members may be asked to temporarily assume administrative responsibilities which entail moving from an academic year to a fiscal year contract with the assignment of additional duties. This temporary appointment may be on a long-term or short-term basis but is still considered a temporary appointment subject to this policy. ~~e.g. as opposed to the situation when~~ This does not apply when a faculty member is hired into a permanent administrative position such as a deanship which requires a twelve-month contract.

Temporary administrative responsibilities may necessitate the awarding of an administrative stipend in addition to the previously established salary. The stipend amount or any other understanding concerning compensation must be set out in a newly-executed contract. The contract (1) should

include a statement that the stipend is awarded as compensation for the additional administrative responsibilities and will be removed at the time the administrative responsibilities end or (2) should otherwise address how compensation would be affected at the end of an administrative appointment.

The awarding of an administrative stipend is an issue separate from that of conversion from an academic year to a fiscal year basis. When the conversion is to take place, the institution should just convert the salary from the academic year contract by adding 25% and then adding any stipend amount determined necessary.

The following illustrates the procedure defined above. A faculty member making \$20,000 on an academic contract is converted to a fiscal year contract at a salary of \$25,000. In addition, a \$1,500 administrative stipend is added and so indicated because of additional duties. The total amount of salary is then \$26,500. At the time the faculty member serving as administrator returns to a faculty position on an academic year basis, the administrative stipend will end. Then the base faculty salary is reduced to an academic year contract at a rate no less than 80% of the fiscal year contract. The institution may choose to exceed the 80% number on the basis of comparable faculty salaries, including rank, merit, length of service, experience, degrees and yearly percentage increase in salary.

E. Changes of Status and Terminations

1. The president or director is authorized to approve changes of status (i.e., transfers, promotions, demotions, or other changes in duties or responsibilities) of personnel within the scope of the delegation provided for in Section A, provided that when a change of status would cause the employee to be within the scope of positions subject to approval of the Chancellor, the change of status will be subject to the Chancellor's approval. The president/director of each TBR institution/center may establish procedures for accomplishing promotions, demotions, and transfers between institutions/centers within the Tennessee Board of Regents System, in such manner as to ensure fair and equitable treatment to all personnel, and in accordance with established TBR policies. Any such action must be taken within the parameters of the institution's or central office's Affirmative Action Plan, ~~the Geier employment objectives~~ and must be reviewed and certified by the institutional Affirmative Action Officer.

Inter-institutional promotions, demotions, and transfers must be discussed and approved by the appointing authorities of the two institutions/centers concerned ~~as well as the central office~~ prior to any discussion with the candidate. Any candidate promoted must meet all established minimum qualifications as determined by the appointing authority.

Employees may apply for a transfer by contacting the institution/center/Central Office Human Resources officer. Transfer applicants must meet the minimum requirements of the requested position to be eligible for referral. The goals of the Affirmative Action Plan and the Geier employment objectives must take priority in consideration of any such action. In addition, a current application may be required for the employee to be considered for the position.

For purposes of this policy, the following definitions apply:

A promotion is defined as an increase in position or rank brought about by means of assuming the duties of a vacant position of higher classification, or assuming duties which warrant a reclassification of present position to one at a higher level.

A demotion is defined as a decrease in position or rank brought about by means of assuming the duties of a vacant position of lower classification, the realignment of duties presently performed which warrant a reclassification of present position to one at a lower level, or the assignment of a position at a lower classification subsequent to the disciplinary procedure or disqualification from present duties as a result of mental or physical incapacity to perform the required work.

A reclassification occurs when an employee's duties and responsibilities evolved to the extent that another classification is more appropriate.

A lateral transfer is defined as the assumption of duties of another position at the same level.

2. Promotion of Faculty - The promotion of faculty shall be subject to Board Policy No. 5:02:02:00 (for universities, community colleges, and the technical institute) and Board Policy No. 5:02:02:10 (for Tennessee technology centers).
3. Promotion of non-faculty Promotions of personnel other than faculty should be made pursuant to established and written criteria developed by the institution or center. Promotions and transfers are an acceptable means of filling vacancies. However, such promotions and transfers must be achieved within the parameters of institutional affirmative action plans. In addition, any vacant position created by that promotion must be filed within the provisions of this Policy and applicable guidelines.
4. Terminations and Transfers The president or director is authorized to terminate and transfer all personnel within the scope of the delegation of authority provided for in Section A, provided that terminations of faculty shall be pursuant to the provisions of Board Policy No. 5:02:03:00 (for universities, community colleges and technical institutes) or Board Policy No. 5:02:03:10 (for technology centers).

5. Termination for Gross Misconduct Gross misconduct may include, but is not necessarily limited to: any act or omission which may seriously disrupt or disturb the normal operation of the institution/center/Central Office; any work-related conduct which would subject the employee to criminal conviction; theft or dishonesty; gross insubordination; destruction of institution/center/Central Office property; falsification of records; acts of moral turpitude; reporting for duty under the influence of intoxicants; the illegal use, manufacture, possession, distribution, or dispensing of controlled substances or alcohol; disorderly conduct; provoking a fight; and/or such other similar acts involving intolerable behavior by the employee. In determining eligibility for unemployment compensation benefits, the definition of gross misconduct utilized by the Tennessee Department of Employment Security is not affected by the definition outlined in this paragraph.

~~In the case of gross misconduct, immediate disciplinary action up to and including termination should be taken. An employee suspected of theft of institutional property may not resign as an alternative to discharge after the investigation has been completed. Any exceptions to this requirement must be made by the institution's President or Center's Director after consultation with the Vice Chancellor for Business and Finance. If the employee resigns during the investigation, the employment records must reflect the situation at the date of resignation and the outcome of the investigation.~~

Refer to Annual Leave Policy 5:01:01:01 and Sick Leave Policy 5:01:01:07 regarding the loss of unused leave if termination of employment is due to gross misconduct.

- 5 6. Reduction in Force- Each institution or center shall develop a consistent and equitable method of notifying and terminating faculty and non-faculty employees in the event that a reduction in force, reorganization or elimination of any occupational classification within a unit becomes necessary. The method should include a review of the institution's or center's operations, identification of the functional area(s) affected, a review of the budgetary implications involved, and development of the specific written criteria to be used in identifying the duties that will be reassigned and/or eliminated in the event of a reduction.

Only after specified functions/duties have been identified by unit heads and approved by the president/director does the review of individual personnel begin. Unit heads in consultation with personnel services staff will assess the specified areas and the employees in those areas in order to make recommendations to the President/Director relative to the specific personnel changes to be made. In making personnel recommendations to the President, the factors used in reaching the recommended decisions may include, but are not limited to:

Length of service in the position and/or length of service at the institution or center, past written performance appraisals, and functional needs of the unit.

~~Prior to a final decision by the president/director and notification to the employees and in consultation with the staff of General Counsel, the impact of the recommendations shall be considered in light of non-discriminatory requirements listed in Section F of this policy. In the event of one of the above actions, it is permissible to transfer qualified individuals to vacancies at other departments/divisions, institutions or centers within the System.~~

6. 7. Absence from Duty An employee who is absent from duty for more than three (3) consecutive business days without giving notice to the appointing authority or appropriate manager concerning the reason for such absence and without securing permission to be on leave or who fails to report for duty or to the immediate supervisor or the appointing authority within two (2) business days after the expiration of any authorized leave of absence, absent unusual circumstances causing the employee's absence or preventing the employee's return, is considered as having resigned not in good standing.

F. Non-Discrimination Requirements

The president or director shall insure that all appointments, changes of status, compensation, and terminations are all in compliance with Board Policy No. 5:01:02:00 (EEO Affirmative Action) which is incorporated herein by reference and that no person is discriminated against on the basis of race, sex, religion, age, color, or national origin in any area of employment. An annual compliance audit will be conducted by the System Affirmative Action Officer.

G. Employment Practice Complaints

1. Upon receipt by an institution or center of any charge or claim alleging violations of state or federal laws or regulations in any area of employment by any state or federal agency, a copy of the notice of the charge or claim shall immediately be transmitted to the Office of the General Counsel. The president or director shall forthwith initiate an investigation of the charge, and shall report to the General Counsel the results of the investigation. The Office of the General Counsel will coordinate and approve all responses to the appropriate agency. The president or director shall transmit to the General Counsel copies of all correspondence from or to the state or federal agency involved. All interactions with the state or federal agency shall be coordinated through the Office of the General Counsel.
2. Internal complaints, charges, or claims concerning matters of employment shall be handled through the established procedures at the institution or center, subject to approval by the president or director. In any case where

the president or director makes a decision which is adverse to the charge or claim of the person, the president or director shall advise the person of any right of appeal provided by Board policy.

H. Records and Reporting Requirements

1. The president or director shall maintain full and complete records on all personnel, including all appointments, compensation, change of status, and termination ~~for at least seven (7) years following separation of employees. After seven (7) years, hard copy may be destroyed when microfilmed and verified. Microfilm is to be maintained for seventy five (75) years.~~ As specified in Guideline G-070, Disposal of Records.

I. Exceptions

The Chancellor is authorized to approve exceptions to the provisions of this policy, or to suspend the provisions of this policy as to any or all institutions or centers when necessary to ensure proper compliance with Board policies, guidelines, and procedures.

Source: SBR Meetings: June 25, 1976; March 4, 1977; June 26, 1981; September 18, 1981; September 30, 1983; September 16, 1988; March 17, 1989; September 21, 1990; December 7, 1990; March 19, 1993; September 20, 1996; December 6, 1996; June 20, 1997; June 29, 2001.