

## **BUSINESS AFFAIRS SUB-COUNCIL**

**October 24, 2007**

### **MINUTES**

The meeting began at 9:00 a.m. in the TBR conference room. Present were Mr. Earl Hunt (NSCC); Dr. Steve Campbell (NSTCC); Mr. Horace Chase (JSCC); Ms. Beth Cooksey (VSCC); Mr. John Cothorn (MTSU); Mr. Danny Gibbs (RSCC); Mr. Mike Gower (MTSU); Mr. Ken Horner (COSCC); Ms. Shirley Eldredge (CLSCC); Dr. Rosemary Jackson (WSCC); Mr. Ron Kesterson (PSTCC); Mr. Mike Posey (MSCC); Mr. Mitch Robinson (APSU); Mr. Tim Hurst (APSU); Ms. Cynthia Brooks (TSU); Dr. Claire Stinson (TTU); Ms. Tammy Swenson (CSTCC); Mr. Ron Parr (SWCC); Mr. Greg Wilgocki (ETSU); Mr. David Zettergren (UOM); Dr. Bob Adams, Ms. Kathy Crisp, Ms. Tammy Gourley, Mr. Blayne Clements, Ms. Angela Gregory, Mr. David Gregory, Ms. Lisa Hall, Ms. Brooke Shelton, Mr. Ron Simmons, Ms. Renee Stewart, Ms. Deanna Hall and Ms. Nancy Washington (TBR).

#### **1. Marsh Resources**

Marsh Resources gave a presentation on Business Continuity Risk Management in Higher Education Institutions. The committee discussed whether there was any interest in having a business continuity plan. After the discussion, it was determined that most of the institutions saw the value in having a business continuity plan. Several private institutions with this plan had been contacted and were very pleased with the product.

It was suggested that the members talk to their president about the interest in developing an RFP for assistance with business continuity planning.

#### **2. Litigation Hold Guideline**

The committee discussed the proposed guideline regarding litigation hold notice procedures for federal litigation. The guideline provides system-wide guidance regarding retention of any electronic information relating to the federal litigation. Each institution should have procedures for retaining electronic information. The records coordinator at each institution would be responsible for this guideline. A list of records coordinators is attached. (Attachment A and B)

The committee approved the guideline and it will go forward to the President's Council.

#### **3. Report of the Committees**

##### **A. Finance Committee**

Renee Stewart highlighted the following issues from the October 10, 2007 Finance Committee meeting.

- TAF Revisions

The committee discussed the TAF revisions that were proposed by the Academic Officers. The committee supported the changes allowing supplies to be purchased with TAF funds and increasing the maximum allowed for lab and course staffing.

The committee did not support the recommendation regarding the regular review of TAF to ensure funding stays consistent with rising costs in the technology marketplace. The committee decided to leave TAF funds as Pool I and Pool II. The committee also discussed the recommendation for the oversight and direction for the expenditure of TAF funds be shared between the chief academic officer/designee and the senior IT (academic) officer/designee. The committee did not support this recommendation.

Subsequent to the BASC meeting, this item was pulled from the President Councils agenda until the Business and Academic recommendations could be reconciled.

- Guideline and Policy

Policy 4:03:02:00 Motor Vehicles

Language was added that prohibits smoking in any motor vehicle that is owned, leased, or operated by the Board or an institution in the System. (Attachment C)

Guideline B-060 Fees, Charges and Refunds

Language was added to include a tuition freeze for military reserve and national guard personnel who are mobilized to active military service within six months of attendance at a TBR institution and whose mobilization lasts more than six months. (Attachment D)

Guideline B-061 Educational Assistance for State Employees and Dependents of State Employees and Public School Teachers

Language was added to waive the RODP course fee for state employees. (Attachment E)

Guideline B-062 Other Educational Assistance Programs

Under the Veterans' Dependents' Post-Secondary Education Program section, the 150 hour requirement was revised to 135 hours.

The "qualifying period of armed conflict" section has been revised to reference the U.S. military campaigns listed in TCA. (Attachment F)

- Findings and Weaknesses

The committee was given all findings and weaknesses published since the last quarterly Finance Committee meeting.

There were no findings to report since the last quarterly meeting. There were weaknesses reported at Jackson State Community College and University of Memphis.

- **Summary of Chancellor and President Expenses**

The committee discussed the presidents travel expenses regarding auto usage. Some institutions are charging the presidents account directly for travel while others are allocating the travel costs. It appears that this difference is due to the object code used.

The institution may either run costs through the motor pool and allocate the charges using the motor vehicle object code or charge costs directly as travel using the travel object code. Both accounting methods are acceptable.

- **Fee by the Hour**

The committee discussed the concept of fee by the hour. The committee was updated on the fee by the hour concept using the 2007-08 rates and enrollment. There was discussion on class shopping that may decline with fee by the hour and a potential decline in revenue for the summer session.

Most of the community colleges are not in favor of the fee by the hour. MTSU is interested in being a pilot school. Since MTSU is a growth school, they will probably not see a drop in enrollment or revenue. Their results as a pilot institution may not mirror the results a non-growth institution would experience.

Following discussion of the issue, it was decided to defer this project for further study and coordination with UT if a change is to be made.

- **Internal Audits**

The committee was made aware that Internal Audits may be posted on the TBR Website. Currently, State Audit reports are posted on the Comptroller's website.

The Finance minutes were approved.

## **B. Council of Buyers**

Ms. Gregory highlighted the following issues from the October 17, 2007 Council of Buyers meeting.

- **U.S. Communities**

U.S. Communities conducted a Power Point presentation detailing of the background of U.S. communities and the contracts available to TBR under their program. U.S. Communities is a non-profit organization and is expanding their representation by the end of 2007. They are currently looking for a higher education representative.

- National IPA

The Council was informed that the TBR is executing an Agreement with the National Interlocal Purchasing Association. TBR will be registering for all institutions collectively so that individual institutions will not have to complete the registration process.

- GODBE Percentage Goals

The final figures and percentages for the 06/07 year was distributed for small, minority, and women-owned businesses. In comparison with the 05/06 information, our percentages had decreased; particular for women-owned businesses. Many felt this could be due to Banner expenditures

- Electronic Signature Draft Guideline

A draft guideline was distributed to the Council to allow for the acceptance of electronic signatures in the Business and Finance area. This guideline permits the acceptance of electronic signatures with specific procedures to be developed at the individual campus level. The BASC approved the guideline. (Attachment G)

- Banner Workflow

Several institutions are interested in using Banner Workflow in conjunction with their purchasing process to improve review/approval time in processing orders. The IT department was unclear if the training was included in the base purchase of the SunGard system. Angie Gregory will follow up with the Central Office IT Department.

- E & I Cooperative

The Council was informed that TBR and the University of Tennessee have entered into a Memo of Understanding with E&I Cooperative through the Interposal Purchasing Act. This would allow institutions that are currently NAEP/E&I members to utilize contracts that E&I had bid through public entities.

- Intellectcard

The TBR Central Office has completed the Amendment with Evisions for Intellectcard, a student visa refund card, which is available to all institutions. Evisions will be attending the January BASC meeting to present the software.

- SunGard Contract-Attachment B

This attachment is still under review by the Central Office. SunGard has been asked to explain, in detail, the new items that were included on the revised Attachment provided to the Central Office.

- **TTC Equipment Purchases**

The Central Office will be assisting the Technology Centers with procuring items with funds made available from the State. For items under \$5,000, the technology centers will be permitted to procure on their own. For items from \$5,000 to \$25,000, the Central Office will be developing a template for the institutions to use in the bidding process. For items totaling over \$25,000, the competitive process will be conducted by the Central Office.

- **Emergency Notification Software**

GTSI, a U.S. Communities vendor, has distributed information for a potential system-wide procurement of emergency notification software.

The Council of Buyers minutes were approved.

### **C. Human Resources**

Debbie Johnson highlighted the following issues from the October 18, 2007 Human Resource Officers Committee meeting.

- **Benefits Administration**

Edison system- The Edison system is a new insurance system for the State of Tennessee. The original go-live date was January 1, 2008, but that has been suspended and they are working on a new go-live date.

Annual Transfer Period- There is a new rule regarding life insurance. Starting January 1, 2008, those who elect not to take health insurance will still be eligible for \$20,000 of basic life and \$40,000 of special accident insurance. It will be at no cost to the employees. The institutions will be responsible for the cost.

- **403B Regulations**

New 403(b) regulations were issued in July and will be effective 1/1/09. Employers who sponsor the plan will have to take a larger fiduciary role in administering the plan. The Benefit and HR committees recommend that we go with one plan designed to centralize administration.

- **Flexible Benefits RFP**

A RFP for administering the flexible benefit plan will be issued at the beginning of 2008 and will include debit cards and family status changes.

- **Mandatory Lump Sum Payment of Annual and Compensatory Leave**

A memo from the State regarding lump sum payment of annual and compensatory leave balances upon separation for reasons other than retirement was reviewed. Separating employees (for reasons other than retirement) will be paid for accrued annual leave and compensatory time balances in a lump sum. The committee recommended to follow the State's policy.

- **Bereavement Leave**

An issue was raised by TTU regarding the pro-ration of bereavement leave for a part-time staff member. After a survey of the institutions, it was determined that most of the institutions pro-rate bereavement leave for part-time employees. General Counsel felt that the intent of our policy states that everyone gets 3 days of bereavement leave regardless of employment status. The Benefit and HR Advisory committee recommended that we add language to our policy to state that bereavement leave be prorated. There were no objections.

- **TCRS Beneficiary**

All HR Officers should have received a mailing from TBR listing faculty and staff at their institutions that are non-contributory members of TCRS with a zero account balance but have multiple beneficiaries, one of which is not a spouse. This limits the death benefit available to them. It is recommended that they make a new election that will not result in a loss of benefits in the event of their death.

- **Temporary Employees**

TBR Policy 5:01:01:00 was reviewed and called special attention to temporary employee assignments and breaks in services. A break in service according to policy is "An employee who has worked for the maximum time of one calendar year must be completely separated and off the payroll for fourteen days before becoming eligible for re-employment in a temporary position. Questions were raised about the complete separation from the campus. One of the institutions has chosen to designate a break from December 14-December 31 to accommodate the complete separation for all temporary employees, while others have limited all contracts to six month periods for temporary employees.

The HR Officers minutes were approved.

#### **D. Internal Audit**

Ms. Gourley highlighted the following issues from the October 17, 2007 Internal

Auditors' meeting.

- Review of Chief Executives' Expense Audits

There was discussion of the recently completed audits. It was discussed that both credit card and purchasing card expenditures, if applicable, should be tested. There was discussion about whether management should provide comments for the report regarding findings and less significant observations; a concern with obtaining comments was the limited time available for the audits. The System-wide Director recommended that management comments be obtained for any audit findings and that management be given the opportunity to respond to any observations; a step regarding this item will be added to the audit program.

- Posting Audit Reports on the TBR Website

The System-wide Director commented to auditors in September that internal audit reports would eventually be posted to the TBR website. The System-wide director discussed the possibility of having a password protected area on the TBR website for these reports.

- TTC Newbern Investigation

The group was updated on the investigation. During the investigation, it was evident that some of the issues included in the report were readily known by some individuals and had been taking place for an extended period but had not been reported. The group was encouraged to take note of any situations at their institutions that may need to be reported and/or investigated and to share information included in their fraud brochures about reporting instances of fraud, waste and abuse with their institution and technology centers

- TTC

It was discussed at a previous auditors' meeting that due to smaller size and scope of the technology centers, the risk assessments could be streamlined to a less extensive process that would still provide a reasonable method for evaluating risks and controls. There will be a new timeline for the TTC risk assessment. It was also discussed that an internal audit position may be dedicated to the TTC's. The service agreement between the lead institution and the TTCs was discussed. The agreement does not address internal audit services.

The Internal Audit Committee minutes were approved.

#### **4. Other**

- International Study Abroad Consortium

The President's Council decided that the source of scholarship funding for study abroad will be a campus decision.

- Washington Center Interns

Each university has four interns to send to Washington. The university will have to award scholarships for tuition and fees.

- NACUBO

NACUBO is asking institutions to help support GASB by contributing \$150. The committee determined that this is not allowable with state funds.

There being no further business, the meeting was adjourned.



**GUIDELINE G-\_\_\_\_\_****SUBJECT: Litigation Hold Notice Procedures for Federal Litigation (Federal Rules of Civil Procedure)**

Federal law requires parties to a lawsuit pending in federal court to preserve electronic data and documents pertaining to the lawsuit in conformance with the *Federal Rules of Civil Procedure*. There is a legal duty to preserve evidence (e.g., documents and things), including electronic documents, when the institution has notice that the evidence is relevant to pending federal litigation. This guideline is issued to aid Tennessee Board of Regents (“TBR”) Institutions in the implementation of a Litigation Hold Notice Procedure to comply with the *Federal Rules of Civil Procedure* provisions regarding preservation of Electronically Stored Information.

**I. DEFINITIONS**

As used in this guideline the following terms shall mean:

- A. Electronically Stored Information (“ESI”) refers to all forms of electronic data and documents including, but not limited to, metadata, electronic mail, word processing documents, calendars, voice messages, videos, digital photographs, information in personal digital assistants (PDA) in any location where data may be stored.
- B. Litigation Hold Procedure is a process whereby an institution, when sued in federal court or when reasonably anticipating federal litigation, issues a litigation hold notice communication suspending the normal operation of paper and electronic document destruction policies for particular records that are relevant to the federal litigation.
- C. Litigation Hold Notice Letter is the communication that is distributed to preserve information and prevent or suspend destruction of paper documents and electronic data that must be retained during a litigation hold (attached as Appendix A).
- D. Records Coordinator refers to the individual at an institution who has been appointed by the President or Director to serve as the institution’s Records Coordinator / Official. The Records Coordinator has the authority and responsibility to dispose of paper and electronic documents in accordance with approved records disposition authorizations under TBR Guideline G-070, *Disposal of Records*. Prior to the destruction of any records, the Records Coordinator must determine if the action should be delayed due to audit or federal litigation hold requirements.
- E. Evidence refers to hard copy and electronic / digital recordings, videotapes, writings, material objects, photographs, drawings, diagrams, testimony, or other things presented to the senses that are offered to prove the existence or nonexistence of a fact.

**II. PURPOSE**

This guideline explains that TBR Institutions must develop a comprehensive written Federal Litigation Hold Notice Procedure (“Litigation Hold Procedure”) to retain Electronically Stored Evidence (“ESI”) evidence that is relevant to a federal lawsuit as required by the *Federal Rules of Civil Procedure*. An institution’s Litigation Hold Procedure must include the components described in this guideline pursuant to which the institution intends to preserve and retain all evidence, including ESI that is relevant to pending federal litigation in order to avoid penalties for non-compliance with the *Federal Rules of Civil Procedure*.

The penalties for non-compliance with the federal law regarding electronic evidence retention in federal litigation are severe and potentially costly. The consequences for an institution could include, but are not limited to, monetary sanctions; payment of the opposing party’s attorneys’ fees and costs; preclusion of the institution’s evidence at trial; dismissal of the institution’s claims and counterclaims; and default judgments against the institution. Each institution is solely responsible for payment of any monetary

sanctions issued by the court resulting from the institution's non-compliance with electronic record retention requirements as required by federal law hence the importance of an institutional litigation hold procedure.

### **III. SCOPE OF LITIGATION HOLD NOTICE**

The Litigation Hold Procedure shall apply to any evidence, paper or electronic documents and data or things, maintained by an institution that is relevant to a federal lawsuit. Such evidence shall be preserved and retained by the institution pursuant to the provisions of the Litigation Hold Notice until the conclusion of both the litigation and the requisite time period after the litigation as outlined in TBR Guideline G-070, *Disposal of Records*. Notwithstanding the records retention and disposition schedule outlined in TBR Guideline G-070, *Disposal of Records*, upon issuance of a Litigation Hold Notice, institutions must suspend routine purging, overwriting, re-using, deleting, or any other destruction of electronic information relevant to a federal law dispute, including electronic information wherever it is stored. This includes, but is not limited to, electronic information at an institution work station, on a laptop, in a personal digital assistant, on a CD-rom, at an employee's home, etc. The retention requirement includes all forms of attorney-client privileged and non attorney-client privileged electronic documents. In the context of federal litigation, although all information must be preserved, no data will be disclosed to the opposing party without first being reviewed to determine legal necessity, relevance, and privilege. Privileged documents (e.g., attorney-client communications) will not be disclosed to the opposing party.

The same preservation requirement exists for paper documents such that institutions must suspend routine or intentional destruction of paper documents that are relevant evidence in a federal lawsuit as outlined in a Litigation Hold Notice.

### **IV. REQUIREMENTS OF A LITIGATION HOLD NOTICE PROCEDURE**

#### **A. PURPOSE OF A LITIGATION HOLD NOTICE**

There will be instances in which an institution must implement a Litigation Hold Notice that requires the retention of certain paper and electronic records for an indefinite period of time due to pending federal litigation. A Litigation Hold Procedure is the process whereby an institution, when sued in federal court, sends a Litigation Hold Notice suspending the normal operation of document destruction policies for particular records that are relevant to the federal litigation. Notwithstanding the applicable records retention schedule, documents that are subject to a particular Litigation Hold Notice must be retained until the hold is removed.

The Records Coordinator, or a designee, at an institution is responsible for implementing the Litigation Hold Procedure upon notice of the need for a Litigation Hold Notice to preserve relevant ESI and paper documents. Identifying instances in which a Litigation Hold Notice is required and its subsequent implementation requires collaboration of multiple individuals at the institution, including the institution's Legal Counsel. The Litigation Hold Notice Procedure that results in the issuance of a Litigation Hold Notice Letter is outlined in this section. The implementation of an institutional Litigation Hold Notice requires adherence to the procedure outlined in this guideline or an alternative process established at an institution that includes the components of the procedure outlined in this guideline.

#### **B. INSTITUTION'S NOTIFICATION OF FEDERAL LITIGATION**

##### **Responsible Party: All Employees**

All employees have an affirmative duty to inform the institution's Records Coordinator when they receive official notification of federal litigation against the institution.

##### **Official Notice Federal Litigation**

Employees are considered to be in receipt of official notice of federal litigation when they receive a complaint, summons, and/or other official documents related to a federal lawsuit.

**C. EMPLOYEE'S NOTIFICATION OF FEDERAL LITIGATION TO RECORDS COORDINATOR**

**Responsible Party: All Employees**

Based on the factors outlined in Section IV. B. of this guideline, employees who have official notice of federal litigation against the institution must inform the institution's Records Coordinator, in writing, of the matter within two (2) business days of their receipt of notification.

**D. RECORDS COORDINATOR'S ISSUANCE OF LITIGATION HOLD NOTICE LETTER**

**Responsible Party: Records Coordinator**

In consultation with and under the direction of Legal Counsel, the institution's Records Coordinator, or designee, will issue an Official Litigation Hold Notice Letter regarding the matter to the appropriate individuals within five (5) business days of receipt of notification of pending federal litigation. The Litigation Hold Notice Letter must state the categories of electronic and paper documents, including ESI, that must be retained until further notice and that electronic information must be preserved in its original electronic form, so that all information contained within it, whether visible or not, is also available for inspection. It is not sufficient to retain only a paper copy of ESI. A Model Litigation Hold Notice Letter is attached to this guideline as Appendix A. Institutions must consult with Legal Counsel prior to issuing a Litigation Hold Notice Letter.

**E. EMPLOYEES' COMPLIANCE WITH THE LITIGATION HOLD NOTICE LETTER**

**Responsible Party: Employee recipients of the litigation hold notice**

In response to an official Litigation Hold Notice Letter issued by the institution's Records Coordinator, or designee, all individuals who receive the notice must compile paper and electronic documents and data (including e-mails, voicemails, videos, etc.) as instructed in the notice letter. Electronic records must be retained in the original electronic format (e.g., burned to disk / CD, saved in a secure folder on the system server that is not subjected to unannounced deletion, etc.). It is not sufficient to print paper copies of electronic records as they must be maintained in their original electronic format. It is the responsibility of individuals to whom the litigation hold notice is issued to retain all records that are responsive to the notice until they receive written notification indicating otherwise.

**V. ASSESSMENT OF THE LITIGATION HOLD NOTICE PROCEDURE**

The Records Coordinator, in conjunction with the appropriate administrators and Legal Counsel, shall assess the effectiveness of the institution's Litigation Hold Notice Procedure on a periodic basis, as deemed necessary by the institution. The Records Coordinator shall make certain that necessary revisions to the Litigation Hold Notice Procedure are made at the time of the review to address any changes in the institutional organization that may affect the implementation and effectiveness of the Procedure.

**VI. PUBLICATION OF THE LITIGATION HOLD NOTICE PROCEDURE**

To promote uniform compliance with the Litigation Hold Procedures by all personnel employed by an institution and to achieve TBR institutions' duty to preserve and retain relevant paper and electronic evidence in federal litigation, institutions shall, at a minimum, display and distribute its Litigation Hold Notice Procedure, or this Guideline in the absence of an institutional Procedure in accordance with the standard distribution methods. The institution's current Litigation Hold Notice Procedure or, in the absence

of an institutional procedure, this Guideline, shall be available upon request for review and copy at all times during normal business hours.

[Standard Litigation Hold Notice Letter]  
[TBR Guideline G- \_\_\_\_ / Appendix A]

To: \_\_\_\_\_

From: \_\_\_\_\_

Date: \_\_\_\_\_

**RE:** LITIGATION HOLD NOTICE LETTER: Notice to Preserve Information and to Prevent Deletion or Destruction of Emails or other Electronic and Paper Files

The Institution has been [sued in federal court] by \_\_\_\_\_. \_\_\_\_\_ can be expected to allege the following wrongful acts by the Institution's employees \_\_\_\_\_.

Pursuant to the rules of court, the Institution is required to take all reasonable steps to identify all hard copy and digitally maintained files (e.g., electronic records) that contain documents that may be relevant to the case. The electronic records that must be maintained include, but are not limited to: electronic mail; electronic files of all types (Microsoft Word, Excel, Adobe, etc.); recordings of telephone calls or meetings; voicemail messages; video tapes, and audio tapes. Failure to do so could result in sanctions being issued by the court that could seriously harm our ability to defend the case.

Therefore, it is imperative that you take all reasonable steps to prevent the automatic, intentional or accidental destruction of this information and data, including attorney-client privileged communication. You should conspicuously label any documents or data that include attorney-client privileged communication. IMMEDIATELY HALT ALL ROUTINE HOUSEKEEPING OR DELETION EFFORTS that could modify or destroy the following files:

1. All electronic records / electronically stored information and hard copy document files involving the following:
  - a.
  - b.
  - c.
  - d.
  - e.
  - f.
  - g.

Be advised that any new hard copy or electronic records created after the date of delivery of this letter that are relevant to this matter are not to be destroyed and you must take the appropriate steps to avoid the destruction of such documents. NEW RECORDS THAT ARE SUBJECT TO THIS NOTICE MUST BE RETAINED UNDER THIS LITIGATION HOLD IN THE SAME MANNER AS EXISTING DOCUMENTS.

PRESERVE ALL ELECTRONIC RECORDS IN THE FORM IN WHICH THEY CURRENTLY EXIST UNTIL FURTHER NOTICE. IT IS IMPERATIVE THAT YOU RETAIN THE DOCUMENTS IN THEIR ORIGINAL ELECTRONIC FORM. IT IS NOT SUFFICIENT TO PRINT ELECTRONIC RECORDS AND RETAIN PAPER COPIES.

Other information may be identified as our investigation of the matter continues. I will follow up with you soon to discuss any information that you may have and how we may go about collecting it.

Please return a signed copy of this notice letter prior to \_\_\_\_\_ indicating that you have received it and understand the instructions that you have received. If you have any questions, please contact me at \_\_\_\_\_. PLEASE ALSO NOTE THAT THE INSTITUTION'S OBLIGATION IS CONTINUING AND YOU SHOULD NOT DELETE OR MODIFY THESE FILES UNTIL YOU RECEIVE WRITTEN NOTICE FROM ME THAT WE ARE NO LONGER UNDER A DUTY IMPOSED BY THE COURT TO PRESERVE THESE RECORDS.

The Institution will exercise all reasonable methods to protect the privacy of the preserved data. The purpose of this litigation hold notice is to comply with federal law. It is not intended to and should not suggest any assessment of the merits of \_\_\_\_\_ claim.

I understand that these requirements may create a burden for you and I am prepared to discuss with you any questions or concerns that you may have. I appreciate your cooperation in this matter.

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I ACKNOWLEDGE RECEIPT OF THIS LITIGATION HOLD NOTICE AND I UNDERSTAND THAT I HAVE AN AFFIRMATIVE OBLIGATION TO COMPLY WITH THE DIRECTIVES SET FORTH HEREIN.

\_\_\_\_\_  
Employee Name (Print)

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_

Date

## Attachment B

Campus	Name	Title	Address	Phone	FAX	Email
TBR Central Office	Sonja Mason	Exec. Assistant to the General Counsel	1415 Murfreesboro Road, Suite 350 Nashville, TN 37217	615-366-3927	615-366-3922	<a href="mailto:Sonja.Mason@tbr.edu">Sonja.Mason@tbr.edu</a>
APSU	Charles Wall	Information Technology Director	Austin Peay State University Box 4606 Clarksville, TN 37044	931-221-7129	931-22-7875	<a href="mailto:wallc@apsu.edu">wallc@apsu.edu</a>
CSTCC	Eva Lewis	Director Institutional Effectiveness	Chattanooga State Technical Community College 4501 Amnicola Highway Chattanooga, TN 37406	423-697-2659	423-697-4796	<a href="mailto:eva.lewis@cstcc.edu">eva.lewis@cstcc.edu</a>
CLSCC	Midge Burnette	Director of Admissions and Records	Cleveland State Community College P. O. Box 3570 Cleveland, TN 37320-3570	423-478-6212	423-478-6255	<a href="mailto:mburnette@clsc.edu">mburnette@clsc.edu</a>
COSCC	David Ogden	Director of Admission and Financial Aid	Columbia State Community College 1665 Hampshire Pike Columbia, TN 38401	931-540-2822		<a href="mailto:dogden@csc.edu">ogden@csc.edu</a>
DSCC	Velma Travis	VP of Finance and Administrative Services	Dyersburg State Community College 1510 Lake Road Dyersburg, TN 38024	731-286-3307	731-288-7512	<a href="mailto:vtravis@dscc.edu">vtravis@dscc.edu</a>
ETSU	Dr. David Collins	VP for Business and Finance	East Tennessee State University P. O. Box 70601 Johnson City, TN 37614	423-439-5884	423-439-4620	<a href="mailto:dcollins@etsu.edu">collins@etsu.edu</a>
JSCC	Frances Edmonson	Registrar	Jackson State Community College 2046 N. Parkway Jackson, TN 38301	731-425-2654	731-425-2653	<a href="mailto:fedmonson@jsc.edu">fedmonson@jsc.edu</a>
MTSU	Teresa Thomas	Director of Records	Middle Tennessee State University 1301 East Main Street Murfreesboro, TN 37132	615-898-2826	615-898-5538	<a href="mailto:tthomas@mtsu.edu">tthomas@mtsu.edu</a>
MSCC	Lauara Jent	Director of Human Resources, Affirmative Action Officer	Motlow State Community College P. O. Box 8500 Lynchburg, TN 37352	931-393-1542	931-393-1761	<a href="mailto:ljent@mscc.edu">ljent@mscc.edu</a>
NaSTCC	Ted Washington	Assoc. VP for Planning and Assessment	Nashville State Technical Community College W-90F, 120 White Bridge Road Nashville, TN 37209	615-353-3228	615-353-3221	<a href="mailto:ted.washington@nstcc.edu">ted.washington@nstcc.edu</a>
NSTCC	Fred Lewis	VP for Information	Northeast State	423-279-7665	423-279-7645	<a href="mailto:fdlewis@nstcc.edu">fdlewis@nstcc.edu</a>

		Technology	Technical Community College P. O. Box 246 Blountville, TN 37617-0246			
NSTCC	Richard Hyland	Business Manager	Northeast State Technical Community College P. O. Box 246 Blountville, TN 37617-0246	423-354-2406	423-323-0237	<a href="#">rghyla</a>
PSTCC	Karen D. Queener	Director of Human Resources and Affirmative Action	Pellissippi State Technical Community College 10915 Hardin Valley Road Knoxville, TN 37933-0990	865-539-7025	865-694-6456	<a href="#">kquee</a>
RSCC	Brenda Rector	Registrar/Director	Roane State Community College 276 Patton Lane Harriman, TN 37748	865-882-4526	865-882-4527	<a href="#">rector</a>
SWTCC	Barbara Wells	Registrar	Southwest Tennessee Community College 5983 Macon Cove Memphis, TN 38134	901-333-4259	901-333-4473	<a href="#">bwells</a>
TSU	John Ray	Asst. to Vice President of Technology and Administrative Services	Tennessee State University 3500 John A. Merritt Blvd., Suite 207 Humanities Building Nashville, TN 37209	615-963-1878	615-963-1371	<a href="#">rayj@</a>
TTU	Yvonne Gribble	Asst. Director Student Records & Registration	Tennessee Tech University P. O. Box 5026 Cookeville, TN 38505	931-372-3307	931-372-6111	<a href="#">ygribb</a>
U of M	Margery Stoever	Director of Business & Finance Technology	University of Memphis 151 Administration Building Memphis, TN 38152	901-678-3958	901-678-5237	<a href="#">mstoe</a>
VSCC	Beth Cooksey	VP for Business & Finance	Volunteer State Community College 1480 Nashville Pike Gallatin, TN 37066	615-230-3560	615-230-2515	<a href="#">beth.c</a>
WSCC	Dr. Debbie Scott	VP of Planning Research and Assessment	Walters State Community College 500 South Davy Crockett Parkway Morristown TN 37813-6899	423-585-6767	423-318-2770	<a href="#">debbie</a>
TTC Athens						
TTC Chattanooga	Same as CSTCC					
TTC Covington	Amanda Heath	Registrar/Student Records	1600 Highway 51 South	901-475-2526		<a href="#">Aman</a>



			Covington TN 38019			
TTC Crossville	Jerry Young	Assistant Director	910 Miller Avenue Crossville, TN 38555	931-484-7502		Jerry.y
TTC Crump	Cherry Johnson		3070 Hwy. 64 W. P. O. Box 89 Crump, TN 38327	731-632-3393 ext. 224		<a href="#">Cjohn</a>
TTC Dickson	Gary Fouts	Student Services Coordinator	740 Highway 46 Dickson, TN 37055	615-441-6220		Gary.f
TTC Elizabethton	Nancy Perkins	Office Manager	P. O. Box 789 Elizabethton, TN 37643	423-543-0070 ext. 302	423-547-2587	<a href="#">Nancy</a>
TTC Harriman	Danice Turpin	Assistant Director	P. O. Box 1109 Harriman, TN 37748	865-882-6703		<a href="#">dturpi</a>
TTC Hartsville	Annette Marshall	Coordinator of Student Services	716 McMurry Boulevard Hartsville, TN 37074	615-374-2147 ext. 15		<a href="#">Annet</a>
TTC Hohenwald	Karen McDougal	Student Service Student Records Assistant	813 West Main Street Hohenwald, TN 38462	931-796-5351, ext. 129		<a href="#">kmcdo</a>
TTC Hohenwald	Kelli Kea-Carroll	Assistant Director	813 West Main Street Hohenwald, TN 38462	931-796-5351, ext. 128		<a href="#">kkeac</a>
TTC Jacksboro	Rita Vannoy	Student Services Coordinator	P. O. Box 419 Jacksboro, TN 37757	423-566-9629 ext. 117		<a href="#">Rita.v</a>
TTC Jackson	Sherry Winberry	Admin. Assistant to the Director	2468 Technology Center Drive Jackson, TN 38301	731-424-0691		<a href="#">Sherry</a>
TTC Knoxville	Carolyn Roach	Assistant Director	1100 Liberty St. Knoxville, TN 37919	865-546-5567		<a href="#">croach</a>
TTC Livingston	Dr. Myra West		P. O. Box 219 740 High Tech Drive Livingston, TN 38570			<a href="#">Myra</a>
TTC McKenzie	Diana Wilkerson	Manager of Student Services	16940 Highland Avenue McKenzie TN 38201	731-352-3264		<a href="#">dwilke</a>
TTC McMinnville	Patricia Eggert	Coordinator Student Information Management System	241 Vo-Tech Drive McMinnville, TN 37110	931-473-5587		<a href="#">Patric</a>
TTC Memphis	Janet Blue	Records Coordinator	550 Alabama Avenue Memphis, TN 38105	901-543-6167		<a href="#">Janet</a>
TTC Morristown	Diane Lester	Administrative Assistant	821 W. Louise Avenue Morristown, TN 37813	423-586-5771 ext. 228		<a href="#">dlester</a>
TTC Murfreesboro	Chris Ayers	Coordinator of Student Services	1303 Old Fort Parkway Murfreesboro, TN 37129	615-898-8010 ext. 147	615-893-4194	<a href="#">cayers</a>
TTC Nashville	Vickey Myatt	Student Records Clerk	100 White Bridge Road Nashville, TN 37209	615-425-5505		vmyatt
TTC Newbern	LaWanda Jowers		340 Washington Street Newbern, TN 38059- 1198	731-627-2511		<a href="#">ljower</a>
TTC Oneida	Misty West		355 Scott High Drive Huntsville, TN 37756	423-663-4900	423-663-4925	<a href="#">mwest</a>

TTC Paris	Willie Huffman	Student Service Coordinator	312 South Wilson Street Paris, TN 38242	731-644-7365 ext. 151		<a href="#">Willie</a>
TTC Pulaski	Nancy Dunnavant	Administrative Assistant	P.O. Box 614 Pulaski TN 38478	931-424-4014	931-424-4017	<a href="#">Nancy</a>
TTC Ripley	Sue McBroom	Supervisor HR & Finance	127 Industrial Drive Ripley TN 38063	731-635-3368		<a href="#">smcbr</a>
TTC Shelbyville	Steve Mallard	IT Manager/COT Instructor	1405 Madison Street Shelbyville, TN 37160	931-685-5013 ext. 149		<a href="#">Steve</a>
TTC Whiteville	Pamela Bruce	Admissions & Records Clerk	P. O. Box 489 Whiteville, TN 38075	731-254-8521		<a href="#">Pamel</a>

**POLICY 4:03:02:00**

**SUBJECT: Motor Vehicles**

The purpose of this policy is to establish the minimum regulations and procedures concerning the maintenance and operation of motor vehicles by institutions and employees of the institutions within the Tennessee Board of Regents System.

**A. Definitions**

1. "State vehicle" or "motor vehicle" - any motor vehicle owned by the Board or an institution ~~or technology center~~ in the System, or purchased or leased from state funds.
2. "Institution" - any university, or community college, or technology center within the Tennessee Board of Regents System, and the offices of the Board of Regents.
3. "Employee" - any person employed full or part-time by an institution or any person serving as an 'official volunteer' at an institution. An 'official volunteer' is defined as a person whom the institution has properly registered with the Tennessee Board of Claims pursuant to Tenn. Code Ann. § 8-42-101(3)(B).

**B. General Provisions**

1. Motor vehicles are maintained at institutions in the System to facilitate the official business of the System. It is the responsibility of all employees who use state vehicles to ensure the efficient and economical utilization of such vehicles.
2. All state vehicles shall be used in accordance with the provisions of this policy.
3. All state vehicles shall be marked in accordance with the current TBR Marking Plan as contained in Attachment A.
4. **Smoking is prohibited in any motor vehicle that is owned, leased, or operated by the Board or an institution in the System.**

**C. Presidents, Chancellor, Vice Chancellors, Legal Counsel, and TTC Directors**

The presidents of the institutions, the Chancellor, Vice Chancellors, Legal Counsel, and TTC Directors may be assigned motor vehicles for use in performing the official functions of their offices.

#### **D. Motor Pools**

1. Each institution is authorized to maintain a central motor pool from which vehicles may be dispatched by employees for official business.

2. When motor pool vehicles are maintained, an employee who needs to use a motor vehicle on state business shall use a pool dispatched vehicle if one is available, unless the employee elects and obtains authorization to use a personally-owned vehicle as provided in the Board's General Travel Policies and Procedures (No. 4:03:03:00).

3. Motor pool vehicles shall be available for either trip assignments or special assignments. Motor pool vehicles available for trip assignments will be centrally controlled by the institution and made available for specific trips and returned to the motor pool upon completion of trips and shall be used only for official business and not for personal use. Special assignment of motor pool vehicles may be made to a division or a person when necessary for use on a regular basis. Motor pool vehicles, including those used for trip assignments and special assignments, may not be used for commuting purposes unless the employee:

(a) is departing upon or returning from an official trip away from his or her headquarters or the employee needs the vehicle to conduct institution business after regular working hours or before his or her usual working hours on the next day; or

(b) has been recommended by the president or director and approved by the Chancellor to be authorized to use the vehicle for commuting purposes.

#### **E. Authorized Operators and Passengers**

1. Only employees of an institution with proper departmental authorization may be authorized to operate a state vehicle for official business. Authorization to use a state vehicle shall be limited to official use within the scope of employment of the employee.

2. All employees must have a valid driver's license prior to being authorized to operate a state vehicle.

3. Passengers in state vehicles shall be limited to the following:

- (a) employees of the institution when within the scope of employment;
- (b) students of the institution engaged in institutional or school sponsored activities; and
- (c) other persons when it is necessary for them to accompany an employee on official business or as guests of the institution.

#### **F. Penalties for Misuse of Vehicles**

1. Employees who misuse vehicles will be subject to disciplinary sanctions, depending upon the magnitude of the misuse and the frequency with which it has occurred. Misuse includes any of the following:

- (a) Utilization of radar detection devices in state vehicles;
- (b) Violations of traffic laws; this includes exceeding posted speed limits, reckless driving, and illegal parking;
- (c) Careless operation that results in damage to the vehicle or injury to persons or property;
- (d) Use of a vehicle for personal business or unauthorized commuting purposes; or
- (e) Use of a vehicle contrary to the provisions of this policy.

2. The president of the institution, director of the TTC, or the Chancellor should determine the penalty appropriate for each violation; and in addition may require the employee to pay for damages to the vehicle caused by misuse.

#### **G. Notice of Liability and Penalties for Misuse**

A notice of liability and penalties for misuse of motor vehicles (Attachment B) shall be posted at the site where vehicles are normally checked out, and be contained in each vehicle for the benefit of drivers.

#### **H. Exceptions**

Any exception to this policy must be approved in writing by the Chancellor.

Source: TBR Meetings, June 29, 1979; June 27, 1980; September 30, 1983; June 29, 1984; June 27, 1986; June 24, 1988; September 21, 1990; March 18, 2005; June 29, 2007.

## MARKING PLAN FOR STATE VEHICLES

The provisions of the marking plan are as follows:

- (1) All institutions will develop and/or affix their own individual decal containing a minimum surface area of sixty square inches to all licensed vehicles.
- (2) The identifying emblem will be displayed on the passenger and driver's door unless otherwise stated. Some vans will be marked on the side at mid-panel height, and some institutions will further identify the vehicle as security, maintenance, etc.
- (3) Vehicles assigned to the chancellor, vice chancellors, legal counsel, presidents, and Tennessee technology center directors will carry regular series license plates and no decal identification.

These provisions will remain in full effect until revoked or altered in writing by the Chancellor of the Tennessee Board of Regents.

Source: Memorandum dated February 28, 1986, from Chancellor Thomas J. Garland to the State Commissioners of Finance and Administration and General Services

## NOTICE OF LIABILITY AND PENALTIES FOR MISUSE OF MOTOR VEHICLES

In the case of accidents involving employees of the institution operating State vehicles, claims may be made against the institution only through the Division of Risk Management. Claims against the State filed with the Division of Risk Management shall operate as a waiver of any cause of action, based on the same act or omission, which the claimant has against any State officer or employee. The waiver shall be void if the Division of Risk Management determines that the act or omission was not within the scope of the officer's or employee's office or employment. State employees are absolutely immune from liability for wrongs which occur within the scope of the officer's or employee's office or employment. In the event an employee misuses a State vehicle, he or she will be subject to one or more of the following penalties: written reprimand or warning, suspension without pay, dismissal, or payment for damages to the vehicle.



**GUIDELINE B-060****SUBJECT: Fees, Charges and Refunds**

The purpose of the following guideline is to outline significant provisions for consistent administration of fees, charges, and refunds at the institutions governed by the Tennessee Board of Regents. These guidelines largely represent a consolidation of existing statements and practices. They are intended to serve as a reference document for institutional staff responsible for implementing and communicating fee-related matters. The guideline contents include general and specific provisions for: maintenance fees; out-of-state tuition; debt service fees; student activity; miscellaneous and incidental fees; deposits; residence hall fees; and refunds.

These guidelines supersede all previous fee and refund guidelines, and may be revised by action of the Tennessee Board of Regents or the Chancellor. Exceptions to the guidelines may be made by the Chancellor upon written request by the president, or technology center director through the Vice Chancellor for Technology Centers.

**I. General Provisions****A. Establishment of Fees and Charges**

1. The Tennessee Board of Regents must establish or approve all institutional and technology center fees and charges unless specific exceptions are provided. The Board has adopted a practice of approving changes in fees and charges one time per year at the Board meeting when the annual operating budgets are considered. This is usually the regular June meeting of the Board.
2. The institution president or technology center director is responsible for the enforcement and collection of all fees and charges. Fees and charges which specifically do not require Board approval must receive formal approval by the president or designee, in the case of the technology centers, the Vice Chancellor for Technology Centers.
3. Institutions should attempt to follow a general format in publishing information on fees and charges, including but not limited to the following:
  - a. All statements which include the fee amount should be complete and specific enough to prevent misunderstanding by readers.
  - b. When a fee is quoted, the refund procedures should be clearly stated. If there are qualifying conditions for refunds, those conditions also should be stated. If there is no refund, it should be labeled as non-refundable.
  - c. Whenever possible, specific dates related to the payment of fees and the refund procedures should be stated.
  - d. It should be made clear that all fee levels and conditions are subject to change at any time.

**B. Approval of Exceptions**

In accordance with these guidelines, the president of an institution or designee has the authority to determine the applicability of certain fees, fines, charges, and refunds, and to approve exceptions in instances of unusual circumstances or for special groups. The Vice Chancellor for Technology Centers shall have this authority for the technology centers. All such actions should be properly documented for auditing purposes.

**C. Appeals Process**

An appeals process should be established by each institution and technology center, and communicated to students, faculty, and staff. The process should provide for final appeal to the president or director. Separate appeals processes may exist for different types of fees, charges, and refunds.

D. Payment of Student Fees

1. As provided in the Tennessee Board of Regents Policy on Payment of Student Fees and Enrollment of Students (No. 4:01:03:00):

An applicant for admission to an institution will be considered and counted as a student when all assessed fees have been paid in cash, when the initial minimum payment due under the deferred payment plan has been paid, or when an acceptable commitment from an agency or organization approved by the institution has been received by the institution. An applicant shall possess an acceptable commitment when he/she has timely submitted an application(s) for financial aid with the reasonable probability of receiving such.

Pursuant to the above condition, institutions with a continuous registration process must require payment of all applicable fees or payment of the initial minimum payment due under the deferred payment plan prior to the regular registration period as defined by each institution. Students who do not prepay all fees or have an acceptable approved financial aid deferment will forfeit pre-registration privileges and must enroll under the normal registration process.

2. A prepayment plan to assist parents and students with planning and budgeting their academic year expenses is authorized. Under the plan, students may choose the expenses they wish to prepay including room, board, tuition, and fees. Expenses can be prepaid over a period of eight months.

II. Maintenance Fees

A. Description of Fees

1. The Maintenance Fee is a charge to students enrolled in credit courses. It is an enrollment or registration fee and is calculated based on the number of Student Credit Hours (SCH's) for universities and two-year institutions or student contact hours for technology centers for which the student enrolls, up to a maximum full-time charge. Fees are established by the Tennessee Board of Regents.
2. The same fee is applicable to courses for which the student is enrolled on an audit basis.

B. Rates

1. Rates are established by the Board and incorporated in a fee schedule that groups specific full-time and part-time fees; by type of institution (two-year institutions; APSU, ETSU, MTSU, TSU, and TTU; and UOM); and by course/program level (undergraduate and graduate). Developmental courses are charged at the two-year institution hourly rate with the maximum not to exceed the home institution's established full-time rate.
2. Part-time rates are applied based on the level of credit for the course (regular or developmental) and the level of credit for the course, regardless of student level. If a student, part-time or full-time, enrolls in both regular and developmental courses, the rates shall be assessed at the part-time hourly rate for each, with the maximum not to exceed the established full-time rate of the home institution. In an instance where a course may be taken for undergraduate or graduate credit, the student shall pay the rate of the level of credit sought. If a student, part-time or full-time, enrolls in both undergraduate and graduate courses, the rates shall be assessed at the course/program level, with the maximum not to exceed the established graduate full-time rate.

3. Maximum fees may not apply to special offerings between terms, for concentrated courses during a term, or at specific off-campus locations when the institution determines that the course(s) should not be included for purposes of determining maximum fees.
4. For institutions with multiple summer sessions, maintenance fees and tuition may be assessed by using the current part-time rate with no maximum amount for total credit hours enrolled.
5. Maintenance fees may not be waived. However, specific exceptions are provided in the following instances:
  - a. Pursuant to TCA 49-7-113, exceptions exist for certain disabled and elderly students, as well as state service retirees. For audit courses, no fee is required for persons with a permanent, total disability, persons 60 years of age or older and domiciled in Tennessee, and persons who have retired from state service with 30 or more years of service, regardless of age. For credit, a fee of \$70 per semester or \$60 per trimester may be charged to persons with a permanent, total disability, and persons who will become 65 years of age or older during the academic quarter or semester in which they begin classes and who are domiciled in Tennessee. (Note: This fee includes maintenance fees, student activity fees, technology access fees, and registration fees; it does not preclude an application fee, late fee, change-of-course fee, parking fee, special course fee, etc.). This only applies to enrollment on a space available basis, which permits registration no earlier than four (4) weeks prior to the first day of classes.
  - b. Pursuant to TCA 49-7-102, certain statutory fee exceptions exist for dependents and spouses of military personnel killed, missing in action, or officially declared a prisoner of war while serving honorably as a member of the armed forces during a period of armed conflict. If these provisions are invoked by a student, the correct applicable law should be determined.
6. **Military reserve and national guard personnel who are mobilized to active military service within six months of attendance at a TBR institution and whose mobilization lasts more than six months shall be charged upon reenrollment at such institution the tuition, maintenance fees, student activity fees and required registration or matriculation fees that were in effect when such student was enrolled prior to mobilization. After reenrollment, no increase in tuition, maintenance fees, student activity fees or required registration or matriculation fees shall be assessed to such student until a period of time equal to one year plus the combined length of all military mobilizations has elapsed. In no event, however, shall a student's tuition and fees be frozen after reenrollment for more than four years.**

**To be eligible for the tuition and fee freeze, the student shall have completed military service under honorable conditions and shall reenroll in a TBR institution within six months of release from active duty.**

**A student eligible for the tuition and fee freeze may transfer from one state institution of higher education to another state institution of higher education one time with such student's tuition and fees calculated at the institution to which the student transfers as if the student had been in attendance at that institution before the mobilization that resulted in the student's tuition and fee freeze at the initial institution.**

C. Accounting Treatment

1. A revenue account for Maintenance Fees is used to record both the revenue assessed and refunds made.
2. As provided in GASB Statements 34 and 35, summer school revenues and expenditures must be accrued at fiscal year-end. Summer school activity will not be allocated to only one fiscal year.

3. In some cases full fees are not assessed to students. These occur when statutes establish separate rates for such groups as the disabled, elderly, and military dependents. The difference between normal fees and special fees is not assessed. Fees not assessed in these cases do not represent revenue. For administrative purposes the fees may be calculated and credited to revenue, then written off against a contra revenue account.
4. Agreements/contracts may be executed with a third party (federal agency, corporation, institution, etc.), but not with the individual student, to deliver routine courses at a fixed rate or for the cost of delivering the course and may provide for fees not to be charged to individual students. Individual student fees will be assessed as usual and charged to the functional category Scholarships and Fellowships. The amount charged to or paid by the third party is credited to the appropriate Grants and Contracts revenue account.
5. In some cases a non-credit course provides an option to grant regular credit. If a separate (or additional) fee is collected because of the credit, that amount is reported as Maintenance Fee revenue.
6. Full-time employees of the Tennessee Board of Regents and the University of Tennessee systems may enroll in one course per term at any public postsecondary institution, with fees waived for the employee. No tuition paying student shall be denied enrollment in a course because of enrollment of TBR and UT employees. Spouses and dependents of employees of the Tennessee Board of Regents system may be eligible for a student fee discount for undergraduate courses at Tennessee Board of Regents institutions (including technology centers) and the University of Tennessee.

Tennessee Board of Regents institutions exchange funds for tuition fees of employees' spouses and dependents who participate in a Tennessee Board of Regents educational assistance program. Effective Fall term 1990, the charging and exchanging of funds for maintenance fee discounts between Tennessee Board of Regents institutions and the University of Tennessee shall begin. To the extent they are not reimbursed by the State, fee waivers for full-time State employees and fee discounts to children of certified public school teachers shall be accounted for as a scholarship.

### III. Out-of-State Tuition

#### A. Description of Fee

1. This is an additional fee charged to students classified as non-residents who are enrolled for credit courses, including audit courses. This fee is in addition to the maintenance fee.
2. Out-of-state tuition fee rates are established by the Tennessee Board of Regents and are incorporated in the annual fee schedule.
3. This fee is the same for graduates and undergraduates at all institutions and includes a rate per student credit hour with a maximum fee. The maximum does not apply to special offerings in the same cases that the maximum maintenance fee does not apply.
4. Applicability of out-of-state tuition is determined pursuant to Tennessee Board of Regents Policy on Regulations for Students In-State and Out-of-State for the Purpose of Paying College or University Fees and Tuition and for Admission Purposes (No. 3:05:01:00). The business office will collect fees based upon student classification as determined by the appropriate authority within the institution.

#### B. Accounting Treatment

1. A revenue account for out-of-state tuition is used for recording both credits for fees and debits for refunds.

2. Other accounting is the same for out-of-state tuition as that outlined under Maintenance Fees except that separate out-of-state accounts are used. In the case of fees not collected from students under grants and contracts, the same expense account under Scholarships and Fellowships may be used.

#### IV. Debt Service Fees

- A. The amount of debt service fees will be approved by the Tennessee Board of Regents. Separate rates are recommended by each institution based on requirements of the institution.
- B. For simplicity of administration and communication, institutions may combine debt service with maintenance fees in quoting fee rates, in fee billings and charges, and in making refunds.
- C. Revenue from debt service fees will be recorded in the unrestricted current fund and then transferred to the retirement of indebtedness fund as either a mandatory transfer or a non-mandatory transfer. The portion of debt service fee revenue used for current-year debt service will be reported as a mandatory transfer. Any additional debt service fee revenue will be transferred to the retirement of indebtedness fund as a non-mandatory transfer.

#### V. Student Fees

- A. A student government activity fee may be established pursuant to T.C.A. § 49-8-109. Any increase in this fee shall be subject to a referendum for student body approval or rejection. The fee will be administered in accordance with the provisions adopted by each institution. These fees will be restricted current funds additions. These fees are refundable on the same basis as maintenance fees or as established by the institution.
- B. Student activity fees (other than student government activity fees) will be approved by the Tennessee Board of Regents. Such fees may be recommended by each institution based on services to be provided which are related to the activity fee. These fees will be unrestricted current funds revenues. These fees are refundable on the same basis as maintenance fees or as established by the institution.

#### VI. Specialized Academic Fees

Certain academic programs require expensive maintenance/updating of equipment and software and the employment of highly qualified staff. The high costs of instruction for these programs can be offset by establishing specialized academic fees, with the Board's approval. To receive approval for a specialized academic fee, a program will be required to meet criteria A, High Cost of Instruction as defined below. Additionally, the program should document meeting criteria B-G, as applicable.

- A. High Cost of Instruction. Programs qualifying for charging specialized academic fees must demonstrate that they are more costly than other programs offered by the institution. If appropriate, the extraordinary cost of the program must be validated including benchmarking with similar programs in the region and nation.
- B. High Demand. The number of students enrolled in the program and the student credit hours generated are sufficient to justify additional fees.
- C. High Cost of Updating/Maintaining Equipment and Software. Programs qualifying for charging specialized academic fees are expected to be those that require extensive maintenance and regular updating of equipment and/or software, all of which are very expensive. An average hardware/software cost per student credit hour serves as the basis for determining the amount of the fee.
- D. Accreditation. Meeting standards of specific accrediting agencies may also qualify a specialized program for charging specialized academic fees. The accrediting standards that justify a fee are those that specify the possession and use of certain equipment and unique software that are extraordinarily costly and/or the employment of faculty with specific credentials that demand high salaries.

- E. High Recognition and Quality. The programs approved for specialized academic fees are expected to be distinctive and with a regional or national reputation. The program must demonstrate that it has achieved exceptional recognition in its particular enterprise.
- F. High Value to Tennessee. The program must demonstrate that it is a good investment for the State of Tennessee to justify charging extra fees to the student. The program should be distinctive and not one duplicated in other TBR institutions and should be of integral value to Tennessee. The graduates' earning potential and the associated benefit to the state economy should be projected, as well as the efforts taken by the institution to aid graduates in finding appropriate employment in Tennessee.
- G. Impact on Affected Students. Through surveys, questionnaires, or other suitable means, the program must demonstrate that the charging of additional fees will not diminish enrollment. The program should demonstrate that enrolled students realize that the potential earning power in the work force justifies their additional investment.

Institution must submit documentation of the above applicable criteria when requesting approval of a specialized academic fee.

VII. Miscellaneous Course Fees

All miscellaneous fees must be approved by TBR. Fees for courses requiring special off-campus facilities or services do not require Board approval but should reflect the cost of the facilities or services.

VIII. Incidental Fees and Charges

A. Uniform Rates and Policies

Institutions

The following fees will be uniformly charged (or, if applicable, to the extent that they remain within the set range) at all institutions both as to the amount and condition of assessment. Charges are subject to approval by the Tennessee Board of Regents.

1. Application Fee: Undergraduate - Not less than \$5.00 nor more than \$25.00. Graduate - Not less than \$5.00 nor more than \$35.00. ETSU College of Medicine and College of Pharmacy – Not less than \$50 or more than \$100. This is a non-refundable fee paid by an individual who applies for admission to the institution. A student is required to pay this fee when he/she applies for admission as a graduate student even if the student attended a TBR institution as an undergraduate student. Additionally, the student is required to pay this fee when he/she applies for admission to a doctoral-level program after receiving a masters-level degree from the institution.

2. Graduation Fee: This fee shall be assessed according to degree level as follows and shall include the cost of the diploma and rental of academic regalia:

Associate Degree	\$25.00
Baccalaureate	30.00
Master and Specialist	35.00
Doctor and Juris Doctor	45.00

The fee is refundable only if the institution has incurred no costs on the student's behalf. Other items may be included in the fee, as determined by the institution. Additional fees may be charged for optional graduation-related activities or services.

3. Late Exam Fee: None

Institutions and Technology Centers

4. Returned Check Fee: \$30.00 per check - nonrefundable. All institutions will charge a returned check fee that is the maximum set by state law. This fee will apply to all returned checks received by the institution, whether from students, faculty, staff, or other parties. The Board will review state statutes each spring to determine any changes.

#### Technology Centers

Each technology center will assess a nonrefundable fee for individual instructional projects pursuant to a schedule approved by the Tennessee Board of Regents.

#### B. Other Fees and Charges Subject to Board Approval

##### Institutions

The following fees may be assessed by all institutions. Specific rate recommendations will be developed separately by each institution for approval by the Tennessee Board of Regents. In review of the recommendations, the Board staff will consider the consistency of fees for comparable services among institutions.

1. Motor Vehicle Registration - nonrefundable. A fee may be levied by each institution per academic year, per fiscal year and/or per academic term for motor vehicle registration, and such fee shall be applicable to each student, faculty and staff member.
2. Campus Access Fee - At institutions where registration of specific vehicles is not necessary and where traffic control is not a significant concern, a campus access fee may be assessed in lieu of a motor vehicle registration fee. It is refundable on the same basis as maintenance fees or as established by the institution.
3. Post Office Box and/or Postal Service Fee - nonrefundable. There may be a charge for the U.S. Post Office box or for any special arrangements for delivery of U.S. mail and it will be applicable to any person who has a U.S. Post Office box or who has made special arrangements through which regular U.S. mail may be received.
4. Traffic Fines - nonrefundable. These fines will apply to all employees and students.
5. Applied Music Fees. This fee is charged for private music lessons or small group training sessions. It is refundable on the same basis as maintenance fees or as established by the institution.
6. Late Registration Fee. A late registration fee up to \$100 will be charged during the entire period of late registration. The effective date of the fee will be determined by each institution.
7. Facilities Fee. This fee will be used to improve facilities and fund expenditures such as replacing carpets in student lounges, remodeling classrooms, etc. The fee would not be used for routine maintenance or new construction, but would be used to make improvements to areas that have an impact on students. The intended projects will be disclosed during the normal budget cycles. The fee is refundable on the same basis as maintenance fees.

##### Institutions and Technology Centers

1. (A) Technology Access Fee - A fee shall be levied by each institution for the purpose of providing student access to computing and similar technologies. It is refundable on the same basis as maintenance fees or as established by the institutions.  
  
(B) A detailed spending plan of the funding generated by the access fee shall be submitted during the July budget process for approval by the Chancellor or his designee. Revisions to approved spending plans that expand existing projects or add new projects must be approved by the Chancellor or the Chancellor's designee. At the end of the fiscal year, a

summary of the actual money generated and actual use of the money shall be submitted during the financial statement process for review by the Chancellor or his designee.

(C) In both the spending plan and the actual expenditure of the technology access fee as indicated in (B) above, institutions shall report designated expenditure accounts and designated revenue accounts for purposes of recording technology access fees and expenditures.

2. Transcript Fee. There will be no charge for transcripts; however, institutions and technology centers shall set a limit on a reasonable number of copies at any one time and may establish a nonrefundable charge for the cost of copying transcripts in excess of that number.

C. Fees and Charges to be Established and Administered by the Institution

The following fees and charges may be established and administered by each institution. No specific approval or notification to the Tennessee Board of Regents will be required unless subject to other Board or State requirements. The institution or technology center will establish appropriate refund policies. Technology center fees and charges in this category must be approved by the Vice Chancellor for Technology Centers.

1. Sales of goods and services of a commercial nature, including bookstores, food services, vending, laundry and similar activities.
2. Rental of non-student housing and facilities.
3. Admissions fees to athletic and other events open to the public, including special events sponsored by campus organizations and activities.
4. Sales and services of educational activities such as clinical services, publications, etc.
5. Registration for conferences, institutes, and non-credit activities (see X.D.).
6. Fees for use of campus facilities for recreational purposes.
7. Parking permits and parking meters for use by guests and visitors.
8. Technology centers may assess a fee for specific school instructional projects to defray incidental costs incurred by the technology center in performing the project.
9. Nonrefundable library fines, which will apply to students, faculty, staff, and other library users.
10. Thesis and dissertation fee - nonrefundable. The fee will be determined based upon cost to the institution.
11. Child Care Fees - Kindergarten, Preschool, Early Childhood, Day Care, or similarly defined activities. The refund policy will be established by the institution.
12. Special Exam Fee - nonrefundable. The fee will be determined based upon cost to the institution.
13. Standardized Test Fees - nonrefundable. The fee will be determined based upon the cost for administering the tests.
14. Identification Card Replacement - nonrefundable. There will be no charge for the original identification card. A fee may be set by each institution to offset the cost of replacing the card. This fee applies only to student ID cards and not to faculty and staff ID's.



15. Change of Course or Section Fee - nonrefundable. If the change is caused by the institution, there will be no charge for the change. If two or more forms are used at one time, they will be treated as one change/form. Institutions may waive the fee for schedule changes.

#### IX. Deposits

- A. Breakage deposits may be recommended by the institution for Board approval for courses in which it can be shown that there is a reasonable chance of loss or damage to items issued to students. The amount of the deposit should be related to the materials issued and subject to a 100% refund.
- B. A deposit may be established by the institution for rent or lease of buildings and facilities or for the issuance of other institutional property or equipment. Deposits should be subject to a 100% refund if no damage or loss occurs. The amount of such deposits should be related to the value of the facilities or equipment subject to loss and the general ability of the institution to secure reimbursement should loss or damage occur.
- C. Pursuant to Tennessee Board of Regents Policy on Student Residence Regulations and Agreements (No. 3:03:01:00), each institution is authorized to require a security deposit for residence hall facilities which may be forfeited by the student for failure to enter into a residence agreement or non-compliance with applicable agreement terms.

#### X. Student Residence Hall and Apartments

All regular and special rental rates for student dormitories and student apartments will be approved by the Tennessee Board of Regents upon the recommendation of the institution. A \$5.00 late payment fee shall be assessed. Each institution may recommend special rates for non-student groups during summer periods, etc.

Pursuant to Tennessee Board of Regents Policies on Student Resident Regulations and Agreements (No. 3:03:01:00) and Payment of Student Fees and Enrollment of Students (No. 4:01:03:00), rental for student dormitory or residence hall units shall be payable in full in advance of the beginning of a term. However, each institution shall offer an optional payment plan under which a prorated amount of the rental shall be payable monthly in advance during the term. Specific provisions for the payment plan must comply with those cited in Policy No. 3:03:01:00. A monthly service charge and a late payment charge may be assessed. Residence Hall students can participate in either the deferred payment plan (Guideline B-070) or the optional monthly housing payment plan. Each institution has the option of allowing students to participate in both the deferred payment plan and the optional monthly housing payment plan.

#### XI. Other Fee and Charge Considerations

Institutions and technology centers may submit for Board of Regents approval fees and charges not specifically covered by those guidelines when the establishment of a fee or charge is justified by the institution.

- A. Fees may be established to control the utilization of facilities and services or to offset the cost of extraordinary requirements as a result of specific programs or activities. [Reference Tennessee Board of Regents Policy on Use of Campus Property and Facilities (No. 3:02:02:00).]
- B. When fees and charges are incorporated in agreements with outside contractors and vendors, specific rates, refunds and conditions must be clearly stated.
- C. Fees for auxiliary services must take into consideration that Auxiliary Enterprises should be a break-even operation with rates and charges generating revenue sufficient to cover all expenses as defined in operating budget guidelines.
- D. Fees established for non-credit courses and activities shall be sufficient to cover the total costs incurred in providing instruction plus a minimum of 25% of the annual instructional salary costs including contractual salary costs or personal services contracts.
- E. Students enrolled for six or more hours are eligible for full-time privileges, i.e., access to social, athletic, and cultural functions, pursuant to T.C.A. § 49-8-109.

## XII. Refunds

Refunds of all fees and charges must be in accordance with the following provisions except as previously stated, or when required by federal law or regulation to be otherwise.

Pursuant to T.C.A. § 49-7-2301 and 49-7-2302, students called to active military or National Guard service during the semester are entitled to a 100% refund or credit of mandatory fees. Housing and meal ticket charges may be prorated based on usage.

### A. Maintenance Fee Refunds

1. Refunds are 100% for courses canceled by the institution.
2. Changes in courses involving the adding and dropping of equal numbers of SCH's for the same term at the same time require no refund or assessment of additional maintenance fees. The change of course fee would be applicable.
3. The basic refund for withdrawals or drops during regular terms (fall and spring) is 75% from the first day of classes through the fourteenth calendar day of classes and then reduced to 25% for a period of time which extended 25% of the length of the term. There is no refund after the 25% period ends.
4. For summer sessions and other short terms, the 75% refund period and the 25% refund period will extend a length of time which is the same proportion of the term as the 75% and 25% periods are of the regular terms.
5. All refund periods will be rounded to whole days and the date on which each refund period ends will be included in publications. In calculating the 75% period for other than the fall and spring and in calculating the 25% length of term in all cases, the number of calendar days during the term will be considered. When the calculation produces a fractional day, rounding will be up or down to the nearest whole day.
6. A full refund (100%) is provided on behalf of a student whose death occurs during the term. Any indebtedness should be offset against the refund.
7. A 100% refund will be provided for students who enroll under an advance registration system but who drop a course or courses prior to the beginning of the first day of class.
8. A 100% refund will be provided to students who are compelled by the institution to withdraw when it is determined that through institutional error they were academically ineligible for enrollment or were not properly admitted to enroll for the course(s) being dropped. An appropriate official must certify in writing that this provision is applicable in each case.
9. When courses are included in a regular term's registration process for administrative convenience, but the course does not begin until later in the term, the 75%/25% refunds will be based on the particular course's beginning and ending dates. This provision does not apply to classes during the fall or spring terms which may meet only once per week. Those courses will follow the same refund dates as other regular courses for the term.
10. The refund percentage is applied to the difference between the per hour rate (or maximum) for the number of credit hours immediately before the drop or withdrawal and the number immediately afterward.

### B. Out-of-State Tuition Refunds

The refund provision for out-of-state tuition is the same as that for maintenance fees. A 75% refund is made for the same period and a 25% refund is made for the same time period. When 100% of

maintenance fees are refunded, 100% of out-of-state tuition also is refunded. Calculation procedures are the same as those specified for maintenance fees.

C. Debt Service Fee Refunds

Debt service fees will be subject to the same refund policy as maintenance fees.

D. Student Residence Hall/Apartment Rent and Deposit Refunds

1. Refund of residence hall rent after registration will be prorated on a weekly calendar basis when the student is forced to withdraw from the residence hall: (1) because of personal medical reasons confirmed in writing by a licensed physician, or (2) at the request of the institution for other than disciplinary reasons. Full refund will be made in the case of the death of the student. Withdrawals for other reasons will be subject to the same 75%/25% amounts and time periods as maintenance fees. No refund will be made other than under the above conditions.
2. Residence hall reservations and breakage deposits will be refunded in full if: (1) the institution is notified by a specific date which it establishes, but which may not be later than 14 calendar days prior to the first official day of registration, (2) the student is prevented from entering the university because of medical reasons confirmed in writing by a licensed physician, or (3) residence hall space is not available. Full refund also will be made in the case of the death of the student.

E. Meal Plan Refunds

Each institution with meal plans should develop appropriate refund procedures.

Source: December 2, 1977 TBR meeting. Revised March 14, 1980 TBR meeting; November 13, 1991 presidents meeting; November 8, 1982 presidents meeting; July 1, 1984; November 1, 1988; May 15, 1990 presidents meeting; August 14, 1990 presidents meeting; November 10, 1992 presidents meeting; August 10, 1993 presidents meeting; November 9, 1993 presidents meeting; August 9, 1994 presidents meeting; May 8, 1995 presidents meeting, August 8, 1995 presidents meeting, November 8, 1995 presidents meeting, February 6, 1996 presidents meeting, May 14, 1996 presidents meeting, November 12, 1996 presidents meeting, May 6, 1997 presidents meeting, July 16, 1997 called Board meeting, November 5, 1997 presidents meeting, February 17, 1998 presidents meeting via conference call, August 25, 1998 presidents meeting, May 9, 2000 presidents meeting, August 8, 2000 presidents meeting, November 8, 2000 presidents meeting, February 13, 2001 presidents meeting, August 21, 2001 presidents meeting, May 21, 2002 presidents meeting, February 11, 2003 presidents meeting, May 20, 2003 presidents meeting, February 10, 2004 presidents meeting, August 17, 2004 presidents meeting, February 8, 2005 presidents meeting, May 17, 2005 presidents meeting, February 8, 2006 presidents meeting, May 16, 2006 presidents meeting, August 16, 2006 presidents meeting, May 15, 2007 presidents meeting.

**EDUCATIONAL ASSISTANCE FOR STATE EMPLOYEES AND DEPENDENTS OF STATE  
EMPLOYEES AND PUBLIC SCHOOL TEACHERS**

**B-061 - Support for Educational Assistance**

The Tennessee Board of Regents is committed to the need for the continued professional growth and development of employees. Support for educational assistance of personnel and their dependents is an important vehicle for addressing that need. The programs for TBR employees and dependents are available subject to funds being budgeted and available within the institution/technology center/Central Office. The Office of Human Resources is responsible for the administration of the various programs with the exception of the program for dependents of veterans (B-061) and two programs offered to general state employees and the dependents of licensed teachers and State employees (B-062). Exceptions to the provisions of the programs for TBR employees can be made upon recommendation of the president/director and approval by the Chancellor.

**Types of Support for Educational Assistance**

The guidelines for Educational Assistance (P-130, P-131, B-061, B-062) contain a total of eleven (11) programs. The Programs in P-130 provide benefits to personnel at TBR institutions, Tennessee Technology Centers and the Central Office to further their formal education. The Program in P-131 provides benefits for dependents of TBR employees. The programs in B-061 provide assistance to dependents of veterans and to state employees 65 years of age and older. The programs in B-062 provide assistance to state employees and dependents of public school teachers. The programs are:

**P-130 – Educational Assistance for TBR Employees**

- I. Faculty or Administrative/Professional Staff Grant-in-Aid Program
- II. Faculty or Administrative/Professional Staff Tuition or Maintenance Fee Reimbursement Program
- III. Employee Audit/Non-credit Program
- IV. Clerical and Support Staff Maintenance Fee Payment Program
- V. Fee Waiver for TBR/UT System Employees Program (PC 191)

**P-131 – Educational Assistance for Spouse and Dependents of TBR Employees**

- I. Fee Discount for Spouse and/or Dependent Children Program

**B-061 – Educational Assistance for State Employees and Dependents of State Employees or Public School Teachers**

- I. Public Higher Education Fee Waiver for State Employees Program
- II. Fee Discount for Dependent Children of Licensed Public School Teachers or State Employees Program

**B-062 – Other Educational Assistance Programs**

- I. Veterans' Dependents' Post-Secondary Education Program
- II. Age 65 or Above Program

Complete eligibility information is contained within each Guideline.

## **Taxation of Educational Assistance Programs**

Undergraduate and graduate course tuition, up to \$5250 per year, paid by the Tennessee Board of Regents institutions and the University of Tennessee System for their employees is eligible for exclusion from the employees' gross annual income, in accordance with Internal Revenue code (IRC) Section 127.

### **I. Public Higher Education Fee Waiver for State Employees Program**

(This fee waiver program is for general state employees exclusive of TBR and UT system employees.)

These rules implement the provisions of the T.C.A. § 8-50-1. The Code enables full-time employees of the State of Tennessee to be eligible for enrollment in one course per term at any State supported college or university or Tennessee technology center without paying tuition charges, maintenance fees, debt service fees, student activity fees, technology access fees, **RODP on-line course fee**, or registration fees. Employees are responsible for special course fees, books and supplies, application fees, applied music fees, lab fees, off-campus facilities fees, parking fees and traffic fines.

Pursuant to T.C.A. § 10-5-101 et seq., employees of the State's regional library system became employees of the Department of State, effective July 1, 1999. As such, they became eligible to participate in the State's educational assistance programs. In addition, effective September 8, 1999, the Tennessee Higher Education Commission determined that Human Resource Agency employees are not State employees as that term is defined in the Commission's rules governing these programs and thus are not eligible for fee waivers.

Course enrollment will be permitted on a "space available" first-come-first served basis. State employees may register no earlier than four (4) weeks prior to the first day of classes. No tuition paying student shall be denied enrollment in a course because of state employee enrollments pursuant to this section.

State employees must receive credit for the course in which they are enrolled. In addition, changes may not be made from credit to audit during the course of the term. Other guidelines and procedures for administration of this program are printed on the reverse side of the Request for Public Higher Education Fee Waiver for Employees of the State of Tennessee form. These forms are available from the Tennessee Higher Education Commission.

### **II. Fee Discount for Dependents of Licensed Public School Teachers or State Employees Program**

These rules implement the provisions of T.C.A. § 49-7-101 et seq. and § 8-50-101 et seq. The Codes enable children under the age of twenty-four (24) to receive a twenty-five percent (25%) discount on tuition at any state operated institution of higher learning if their parent: (1) is employed as a full-time licensed teacher in any public school in Tennessee or as a full-time employee of the state of Tennessee, (2) is a retired employee of the state of Tennessee who retired after a minimum of twenty-five (25) years of full-time creditable service, (3) was killed in the line of duty while a full-time employee of the state of Tennessee, or (4) died while a full-time employee, though not "in the line of duty."

Tuition includes undergraduate maintenance fees, technology center program fees, and technology access fees; it does not include application for admission fees, student activity fees, debt service fees, lab fees, applied music fees, books and supplies, dormitory charges or meal plans.

Other guidelines and procedures for administration of this program are printed on the reverse side of the Request for Public Higher Education Fee Discount for Dependents of Certified Public School Teachers form. These forms are available from the Tennessee Higher Education Commission.

Source: Presidents Meeting, February 7, 2006; Presidents Meeting, November 6, 2006; President Meeting, May 15, 2007.

## **OTHER EDUCATIONAL ASSISTANCE PROGRAMS**

### **B-62 Support for Educational Assistance**

The Tennessee Board of Regents is committed to the need for the continued professional growth and development of employees. Support for educational assistance of personnel and their dependents is an important vehicle for addressing that need. The programs for TBR employees and dependents are available subject to funds being budgeted and available within the institution/technology center/Central Office. The Office of Human Resources is responsible for the administration of the various programs with the exception of the program for dependents of veterans (B-061) and two programs offered to general state employees and the dependents of licensed teachers and State employees (B-062). Exceptions to the provisions of the programs for TBR employees can be made upon recommendation of the president/director and approval by the Chancellor.

### **Types of Support for Educational Assistance**

The guidelines for Educational Assistance (P-130, P-131, B-061, B-062) contain a total of eleven (11) programs. The Programs in P-130 provide benefits to personnel at TBR institutions, Tennessee Technology Centers and the Central Office to further their formal education. The Program in P-131 provides benefits for dependents of TBR employees. The programs in B-061 provide assistance to dependents of veterans and to state employees 65 years of age and older. The programs in B-062 provide assistance to state employees and dependents of public school teachers. The programs are:

### **P-130 – Educational Assistance for TBR Employees**

- I. Faculty or Administrative/Professional Staff Grant-in-Aid Program
- II. Faculty or Administrative/Professional Staff Tuition or Maintenance Fee Reimbursement Program
- III. Employee Audit/Non-credit Program
- IV. Clerical and Support Staff Maintenance Fee Payment Program
- V. Fee Waiver for TBR/UT System Employees Program (PC 191)

**P-131 – Educational Assistance for Spouse and Dependents of TBR Employees**

- I. Fee Discount for Spouse and/or Dependent Children Program

**B-061 – Educational Assistance for State Employees and Dependents of State Employees or Public School Teachers**

- I. Public Higher Education Fee Waiver for State Employees Program
- II. Fee Discount for Dependent Children of Licensed Public School Teachers or State Employees Program

**B-062 – Other Educational Assistance Programs**

- I. Veterans’ Dependents’ Post-Secondary Education Program
- II. Age 65 or Above Program

Complete eligibility information is contained within each Guideline.

**Taxation of Educational Assistance Programs**

Undergraduate and graduate course tuition, up to \$5250 per year, paid by the Tennessee Board of Regents institutions and the University of Tennessee System for their employees is eligible for exclusion from the employees' gross annual income, in accordance with Internal Revenue code (IRC) Section 127.

**I. Veterans’ Dependents’ Post-Secondary Education Program**

Effective July 1, 2000, TCA §49-7-102 was amended to provide that: “every dependent child in this state under the age of twenty-one (21) years, whose parent



(father or mother) was killed, died as a direct result of injuries received, or has been officially reported as being either a prisoner of war or missing in action while serving honorably as a member of the United State armed forces during a qualifying period of armed conflict, or the spouse of such veteran, is entitled to a waiver of tuition, and/or maintenance fees, and/or student activity fees and/or required registration or matriculation fees, and shall be admitted without cost to any institutions of higher education owned, operated and maintained by the state.” Therefore, this program is available to both TBR employees and persons outside of the Tennessee Board of Regents system. TBR employees qualifying as a spouse or dependent for benefits under this program shall use this program first and shall not be simultaneously eligible for benefits under other programs in this guideline. Exceptions: Grant-in-Aid and Desegregation Program recipients.

#### A. Eligibility

The office responsible for veteran’s affairs issues shall be responsible for determining eligibility and providing application forms to those wishing to obtain benefits under this program.

1. To be eligible for educational assistance benefits under this program, a dependent child or spouse shall:
  - a. Present official certification from the United States Department of Veterans Affairs that the parent or spouse veteran was killed or died as a direct result of injuries as stated above *or*
  - b. Present official certification from the U.S. Department of Defense that the parent or spouse service member has been officially reported as being a prisoner of war or missing in action while serving honorably during a qualifying period of armed conflict; *or*
  - c. Present Certificate of Release of Discharge from Active Duty, Department of Defense Form 214, for the veteran or service member from whom the eligibility for the benefits derives.
2. The deceased veteran, prisoner of war or missing in action service member shall have been a citizen of Tennessee at the time of the qualifying event.

3. The dependent child or spouse, prior to receiving benefits under this program, shall have or possess the necessary qualifications required for admission. To maintain eligibility, the recipient shall be in active pursuit of a specific and declared degree or certificate program.
  
4. No dependent child or spouse shall be entitled to receive benefits after the conclusion of any term during which the parent (father or mother) of the dependent child or spouse is officially removed from the status of being a prisoner of war or being a service member missing in action.
  
5. Eligibility of a veteran's spouse for benefits shall terminate ten (10) years after the death of the veteran; however, eligibility shall terminate immediately upon the spouse's remarriage within this period. The spouse's eligibility shall extend to the end of the term in which the ten (10) year period expires. A spouse who has previously earned an undergraduate degree or certificate shall not be eligible for benefits. Otherwise, the spouse shall be eligible for benefits until one of the following occurs:
  - a. Prior to the expiration of benefits, the spouse earns and undergraduate degree or certificate; *or*
  - b. The spouse has accumulated ~~one hundred fifty (150)~~ **one hundred thirty-five (135)** semester hours **excluding required remedial or developmental hours**, or the equivalent; *or*
  - c. The spouse has maintained a full-time enrollment of at least fifteen (15) semester hours, or the equivalent, for ten (10) semesters, or the equivalent.
  
6. A dependent child shall be matriculated as a full-time student at a state institution of higher education prior to attainment of age twenty-one (21). However, the age limitation of dependent children shall not be strictly applied. Once declared eligible, a

dependent child shall remain eligible until one of the following has occurred:

- a. Prior to attaining age 21, the dependent earns an undergraduate degree or certificate; *or*
- b. The dependent has accumulated ~~one hundred fifty (150)~~ **one hundred thirty-five (135)** semester hours **excluding required remedial or developmental hours**, or the equivalent; *or*
- c. The dependent has maintained a full-time enrollment of at least fifteen (15) semester hours, or the equivalent, for ten (10) semesters, or the equivalent.

7. For purposes of this program, the following definitions are provided:

- a. “Dependent Child” means a natural or adopted child of a veteran or service member who is claimed as a dependent for income tax purposes.
- b. “Parent (father or mother)” means the parent of a natural or adopted child whom such parent claims as a dependent for federal income tax purposes.
- c. “Qualifying period of armed conflict” means any hostile military operation for which ~~the following~~ U.S. military campaign medals **as listed in TCA 49-7-102** are authorized.

~~(1) Armed Forces Expeditionary Medal; *or*~~

~~(2) — Southwest Asia Service Medal with at least one (1) bronze star appurtenance for specific military campaign participation by the veteran; *or*~~

~~(3) — Vietnam Service Medal with at least one (1) bronze star appurtenance for specific military campaign participation.~~

- d. “Service member” means a Tennessee resident who is engaged in active U.S. military service.

- e. “Served honorably” means the character of service condition as reported on Certificate of Release or Discharge from Active Duty (Department of Defense Form 214);
- f. “State institution(s) of higher education” means any post secondary institution operated by the Board of Trustees of The University of Tennessee system or the Board of Regents of the state university, community college and area technology center system that offers courses of instruction leading to a certificate or degree; and
- g. “Veteran” means a Tennessee resident who has entered and served honorably in the U.S. armed forces.

**B. Fees Paid/Type Courses Paid/Number of Hours**

- 1. The participant is entitled to a waiver of tuition and/or maintenance fees, and/or student activity fees, and/or required registration or matriculation fees, and shall be admitted without cost to any TBR institution and/or technology center.
- 2. A full-time student load (15 semester hours or equivalent) is required.

**C. Payback Provisions**

None

**D. When the Participant May Attend**

Students may apply for benefits during the next registration or enrollment period for the next complete term after July 1, 2000.

**E. Accounting/Budgeting**

- 1. Any fees waived by statute that are calculated and credited to revenue for administration purposes should be written off against a contra revenue account.

2. No expenditures should be charged to scholarships and fellowships.

**F. Where the Participant May Attend**

Any public institution of higher education in Tennessee

## **II. Employees 65 Years and Above Program**

In accordance with TCA §49-7-113 and TBR Guideline B-060, regular and temporary employees who are or will be age 65 during a quarter or semester and who also reside in Tennessee are eligible to enroll in courses at a reduced rate (See Section IX.B.)

### **A. Eligibility**

Active and retired state employees who are or will be age 65 during the academic term in which they begin classes and who reside in Tennessee are eligible.

### **B. Fees Paid/Type Courses Paid/Number of Hours**

1. A fee of \$75 per semester or \$50 per quarter may be assessed for credit courses. (This fee includes maintenance fees, student activity fees, technology access fees, and registration fees; it does not preclude an application fee, late fee, change-of-course fee, parking fee, etc.)
2. Employees shall enroll in credit courses on a space-available basis.
3. There is no limit on the number of courses that may be taken during a semester.
4. The institution where the employee/retiree is attending classes will provide forms for processing fees waived or assessed.

### **C. Payback Provisions**

None

### **D. When the Participant May Attend**

1. Employees, in counsel with their immediate supervisors, should limit the number of courses so as to maintain an optimum level of job performance.
2. Except for retirees, courses should be scheduled at times other than during regularly scheduled work hours unless annual leave

or flextime, based on the institution's needs, have been approved.

**E. Accounting/Budgeting**

1. Any fees waived by statute that are calculated and credited to revenue for administration purposes should be written off against a contra revenue account.
2. No expenditures should be charged to scholarships and fellowships.

**F. Where the Participant May Attend**

Employees may enroll at any public Tennessee institution.

Source: Presidents Meeting February 7, 2006; Presidents Meeting November 8, 2006

Guideline No. B-\_\_\_\_\_

**SUBJECT: USE OF ELECTRONIC SIGNATURES AND RECORDS**

**I. PURPOSE**

This guideline establishes when an electronic signature may replace a written signature and when an electronic record may replace a paper document in official activities of the Tennessee Board of Regents (TBR) and its institutions.

**II. REFERENCES**

Tennessee Code Annotated § 47-10-101, et.seq. – Tennessee Uniform Electronic Transactions Act

Tennessee Code Annotated § 10-7-101, et.seq. – Tennessee Public Records Act

TBR Guideline G-070 – Disposal of Records-RDA 2161

TBR Policy 1:08:00:00 – Information Technology Resources

**III. SCOPE**

This guideline applies to the TBR Central Office and all TBR Institutions, and applies to all forms of electronic signatures and electronic records used to conduct the official business of the TBR and its institutions. Such business shall include, but not be limited to electronic communications, transactions, procurements, contracts, grant applications and other official purposes.

**IV. DEFINITIONS**

- A. An "electronic signature" is defined as an electronic sound, symbol, or process, attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record. An electronic signature must be attributable (or traceable) to a person who has the intent to sign the record with the use of adequate security and authentication measures that are contained in the method of capturing the electronic transaction (e.g., use of personal identification number or personal log-in identification username and password), and the recipient of the transaction must be able to permanently retain an electronic record of the transaction at the time of receipt.
- B. An "electronic record" is defined as any record created, used, or stored in a medium other than paper, such as: information processing systems, computer equipment and programs, electronic data interchanger, electronic mail, voice mail, text messages, information in PDAs and similar technologies. To the extent that facsimile, telex, and/or telecopying, and/or former hard copy documents are retained in electronic form, through a scanning process, they are also considered electronic records.
- C. A "record" is information that is inscribed in a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form. Financial and other documents or forms are records.
- D. An "electronic transaction" is a transaction conducted or performed, in whole or in part, by electronic means or electronic records.
- E. "Electronic" relates to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.



- F. An “approved electronic signature method” is one that has been approved in accordance with this guideline and applicable state and federal laws, and which specifies the form of the electronic signature, the systems and procedures used with the electronic signature, and the significance of the use of the electronic signature.
- G. A "certificate" is an electronic document used to identify an individual, server, a company, or some other entity and to associate that identity with a public key. A certificate provides generally recognized proof of an entity’s identity.
- H. "Public-key" infrastructure (PKI) is a form of information encryption that uses certificates to prevent individuals from impersonating those who are authorized to electronically sign an electronic document. A "public key" is a value provided by some designated authority as a key that, combined with a "private key" derived from the public key, can be used to effectively encrypt messages and digital signatures.
- I. A "private key" is an encryption/decryption key known only to the party or parties that exchange messages. In traditional private key cryptography, a key is shared by the parties so that each can encrypt and decrypt messages.
- J. “Approval Authority”, for purposes of this guideline, shall mean the Chancellor, the President of an institution or the Vice Chancellor for the Tennessee Technology Centers or designee. An electronic signature created through the use of Public Key Infrastructure (PKI) or any method that permanently encrypts a record must be approved by the TBR Chief Information Officer. The TBR Chief Information Officer shall forward information regarding the PKI signature method to the Office of Information Resources (OIR) for approval.

**V. USE OF AN ELECTRONIC SIGNATURE**

**A. Mutual agreement by the parties**

This guideline applies only to transactions between parties each of which has agreed to conduct transactions by electronic means. Whether the parties agreed to conduct a transaction by electronic means is determined from the context and surrounding circumstances, including the parties’ conduct.

**B. Signature required by TBR or Institutional policy**

- 1. When a TBR or Institutional policy requires that a record have the signature of an authorized person, that requirement is met when the electronic record has associated with it an electronic signature using an approved electronic signature method.
- 2. When a TBR or Institutional policy requires a written signature on a document, that requirement is met when an electronic document has associated with it an electronic signature using an approved electronic signature method.

**C. Signature required by law**

- 1. When there is a legal requirement, in addition to TBR or Institutional guideline, that a record have the signature of an authorized person, that signature requirement is met when the electronic record has associated with it an electronic signature using an approved electronic signature method which complies with applicable TBR/institutional policy, Tennessee law, and federal law.

2. When a legal requirement, in addition to TBR or Institutional policy, requires a written signature on a document, that requirement is met when an electronic document has associated with it an electronic signature using an approved electronic signature method, which complies with applicable TBR/institutional policy, Tennessee law, and federal law.
- D. The signing of a record using an approved electronic signature method does not mean that the record has been signed by a person authorized to sign or approve that record. Appropriate procedures must be used to confirm that the person signing the record has the appropriate authority and intent to sign the record .
  - E. If parties have agreed to conduct a transaction by electronic means and a law requires a person to provide, send, or deliver a signed document to another person, the requirement is satisfied if the information is provided, sent, or delivered, as the case may be, in an electronic record capable of retention by the recipient at the time of receipt. An electronic record is not capable of retention by the recipient if the sender or its information processing system inhibits the ability of the recipient to permanently retain the electronic record containing the signature.

## **VI. APPROVAL OF ELECTRONIC SIGNATURE METHODS BY THE APPROVAL AUTHORITY**

- A. The final approval of any electronic signature method will be by the approval authority. In determining whether to approve an electronic signature method, consideration will be given to the systems and procedures associated with using that electronic signature, and whether the use of the electronic signature is at least as reliable as the existing method being used. This determination will be made after a review of the electronic signature method by the appropriate authorities.
- B. If approved electronic signature methods require the use of encryption technology that uses public or private key infrastructure and/or certificates, the Information Technology Department at the Institution, will be responsible for the administration of such public or private keys and certificates, and information will be provided to TBR's Information Technology Department.
- C. An approved electronic signature method may limit the use of that method to particular electronic records, particular classes of electronic records, or particular TBR or institutional departments. An electronic signature used outside of its defined parameters will not be considered valid by TBR or the Institution.
- D. In the event that it is determined that a previously approved electronic signature method is no longer trustworthy, the approval authority must revoke the approval of that electronic signature method. If there is an on-going need for electronic signatures, which were made by the revoked method, the approval authority will take steps to see that appropriate electronic signatures are obtained by an approved electronic signature method.
- E. An inventory of all approved electronic signature methods shall be maintained by the TBR Office of Information Technology.

## **VII. RULES AND PROCEDURES**

With respect to the use of electronic signatures or electronic transactions, the following requirements pertain to approved electronic signature methods:

- A. Specific transactions that may be conducted by electronic means must be identified;
- B. Specific transactions that may not be conducted by electronic means must be identified;
- C. The manner and format in which electronic records must be created, generated, sent, communicated, received, and stored, and the systems established for those purposes must be specified;
- D. The method must:
  - 1. Comply with any law or regulation that requires electronic records which must be signed by electronic means;
  - 2. Specify the type of electronic signature required, the manner and format in which the electronic signature must be affixed to the electronic record, and the identity of, or criteria that must be met, by any third party used by a person filing a document to facilitate the process;
- E. Control processes and procedures must be developed to ensure adequate preservation, disposition, integrity, security, confidentiality, and auditability of electronic records;
- F. Control processes and procedures must be developed for any other required attributes for electronic records that are specified for corresponding non-electronic records or that are reasonably necessary under the circumstances;
- G. An inventory of all approved electronic signature methods must be maintained; and
- H. Approval of an electronic signature method must be obtained as follows:
  - 1. Conduct an analysis of the nature of a transaction or process to determine the level of protection needed and the level of risk that can be tolerated. The analysis shall include:
    - (a) Analyzing the full range of technological options and follow commercial trends where appropriate
    - (b) Identifying and documenting any potential costs, quantifiable and unquantifiable, direct and indirect, in performing a cost/benefit analysis;
    - (c) Developing a comprehensive plan for converting a traditional process to an electronic one; and
    - (d) Identifying all information relevant to the process.
  - 2. Comply with G-070 for the records produced by electronic processes, including long-term retention where necessary. Consider retaining an electronic document in paper-based form for important or sensitive contexts;
  - 3. Request legal review to verify that the electronic signature method complies with applicable laws governing the creation and use of electronic signatures
  - 4. Outline the steps of the electronic signature method so that you can demonstrate the reliability of your process;
  - 5. Submit to the approval authority;
  - 6. Implement upon approval; and
  - 7. Provide implemented method to the TBR Central Office.

## **VIII. SANCTIONS**

Any individual or party that makes inappropriate or illegal use of electronic signatures, transactions and/or records is subject to sanctions up to and including dismissal, suspension, and criminal prosecution as specified in published TBR and institutional policies, Tennessee and federal laws.

Approved:

Approved: