

BUSINESS AFFAIRS SUB-COUNCIL

October 29, 2015

MINUTES

The meeting began at 9:00 a.m. in the Genesco Training Center. Present were Ms. Cynthia Brooks (TSU); Steve Campbell (NESCC); Horace Chase (JSCC); Dr. David Collins (ETSU); Ms. Beth Cooksey (VSCC); Ms. Mary Cross (NaSCC); Alisa Fox (CLSCC); Mr. Danny Gibbs (RSCC); Mr. Lowell Hoffman (DSCC); Mr. Ken Horner (CoSCC); Bud Hoffman (DSCC); Mr. Bob Hughes (TSU); Mr. Tim Hurst (APSU); Dr. Rosemary Jackson (WSCC); Renee Moore (PSCC); Mr. Mitch Robinson (APSU); Ms. Jeannie Smith (UOM); Dr. Claire Stinson (TTU); Ms. Tammy Swenson (CHSCC); Mr. Alan Thomas (MTSU); Ms. Hilda Tunstill (MSCC); Mr. Greg Wilgocki (ETSU); Mr. Jeff Young (TTU); Ms. Tammy Birchett, Mr. Tom Danford, Ms. Angela Flynn, Ms. Deanna Hall, Ms. Pat Massey, Ms. April Preston, Mr. Wayne Pugh, Ms. Brooke Shelton, Mr. Dale Sims, Ms. Renee Stewart, and Mr. Bob Wallace (TBR).

1. D2L/Degree Compass Presentation

The 2.0 version of D2L's Degree Compass will be released in 2016. Heather Colley from D2L was present at the meeting and gave a presentation of the 2.0 release of D2L's Degree Compass. Several upgrades have been made to the program making it easier for students to manage the courses they take for their degree. The past history of student courses is retained in Degree Compass which provides suggestions for courses for the students to consider. It has been very valuable for advisors when helping students choose courses toward completion of their degree. Degree Compass is cloud based and will integrate with the student information systems on campuses. The IT directors have been briefed about the technology requirements.

Dale Sims informed the committee that all sub councils have been briefed about Degree Compass. He asked that any institution that was interested in adopting Degree Compass contact him.

2. Maintenance Fee Adjustment Pool

Dr. Denley discussed a proposal to eliminate the fee for enrolled hours 13 to 15. There has been research done that examines both system data and national data that proves that student success is improved by enabling more students to take a fuller schedule of study. The proposal adjusts the maintenance fee structure for universities and community colleges in a manner that is revenue neutral for institutions.

Dr. Denley presented information for both the community colleges and universities that showed how revenue will be affected with this proposal. This proposal will be taken to the December Presidents Council.

3. Incentive Program

Rodney Escobar from the Division of Risk Management and Claims Administration at Treasury discussed the Return to Work Incentive program. The Board of Claims voted for the Return to Work incentive program which will be implemented in July 2016. Treasury looked at workers compensation and ways to reduce claims and save money by looking at the industry. Several changes were switching to a third party administrator, letting department manage claims and increasing the number of claims adjusters. If a department/agency does not return an injured employee after their physician released them back to work with medical restrictions or limitations, the department/agency will be responsible for 50% of the TTD (temporary total disability) payments for that specific claim.

The other incentive program is the Lag Time Reporting Program. An institution will have five days to complete the First Notice of Loss (FNOL) and submit the required information to CorVel. If the department fails to complete the FNOL within five days of being notified of the issue through CorVel, the department will be assessed a fine of \$1,000 per claim. (Attachment A)

4. Report of the Committees

A. Human Resources

There were no items no discuss from the October 7, 2015 Human Resources Meeting minutes.

The Human Resource Officers minutes were approved.

B. Finance Committee

Dr. Collins highlighted the following issues from the October 6, 2015 Finance Committee meeting:

- Guideline B-026 Lease Procedures (Attachment B)

The committee was updated on revisions to the lease procedures guideline from TBR Facilities. The lease threshold has changed from \$15,000 to \$150,000 for many procedures. These changes are reflected in the revisions. There have also been changes to advertising for leased space and these revisions are reflected too.

- Erate Eligibility

The committee discussed eRate eligibility for undocumented students in Tennessee. The committee discussed that the eRate was presented to the Board as a lesser rate because these students would not be coming on campus to use the facilities such as the library and computer labs. The geographical location was a factor in how the eRate was set. There was no anticipation that people living in Tennessee would be allowed to use the eRate.

Because of the confusion with the guideline, this issue will be discussed further and additional information will be provided at a later date.

- Student Groups

The committee discussed student groups on campus and clarification of the legal status as it relates to institutions. Most institutions have considered them separate from the institutions and have been setting up an agency fund for the group's funds to flow.

It was determined that Wayne Pugh will discuss student groups and their legal status with the TBR Legal office. Also, the TBR Student Affairs office will be contacted and involved with the clarification of student groups.

- Policy 4-01-03-00 Payment of Student Fees & Enrollment (Attachment C)

This policy was rewritten by Tammy Birchett and distributed at the BASC meeting. The policy was revised to streamline it with B-010 Collection of Accounts Receivable. However, the committee did not have time to review the revisions and there was no discussion of the revisions. The revisions were approved anyway but were not sent to next President's meeting. Subsequent to the BASC meeting, the revisions were sent to the business officers for comments and will be an agenda item at the next Finance committee meeting.

- B-010 Collection of Accounts Receivable (Attachment D)

Section I.A.2.

Add financial aid adjustments to list of accounts receivables.

Section II. A.

Add "written" to the systematic process and procedures.

Section II. B.

Adding language from the delinquent section (3, 4, and 5) to this billing section.

Section II C.

Moving language from the delinquent section 3, 4, and 5 and adding to the billing section.

Also adding that an institution shall include a schedule defining delinquent periods.

Section III. A.1.

Adding “email” as another form of personal delivery for employee receivables.

Section IV.

Change section from Returned Checks to Dishonored Payments.

Revisions to this guideline were made by Tammy Birchett and distributed at the BASC meeting. Several sections of the guideline were rewritten to streamline it with Policy 4-01-03-00 Payment of Student Fees & Enrollment. However, the committee did not have time to review the revisions and there was no discussion of the revisions. The revisions were approved anyway but were not sent to next President’s meeting. Subsequent to the BASC meeting, the revisions were sent to the business officers for comments and will be an agenda item at the next Finance committee meeting. The proposed revisions are in Attachment E.

- B-060 Fees, Charges, refunds and Fee Adjustments (Attachment F)

Section IV will be added titled Recruitment Focus Area Plan and describes the plan available to admitted students who graduate from a high school located in a county within a 250 mile radius of the city in which the main campus of a university is located.

The Finance Committee minutes, with the policy and guideline changes, were approved.

C. Council of Buyers

Ms. Flynn highlighted the following issues from the September 22, 2015 Council of Buyers meeting:

- OMB-81 Update

Ms. Flynn updated the committee on OMB-81. She informed the committee that the new procurement requirements have been further postponed until July 1, 2017.

This is a direct result to reconsider the micro purchase threshold of \$3,000 and increase the limit to \$10,000 which is the limit for many higher education institutions where a competitive process is required.

- Docu-Sign

Ms. Flynn informed the committee that a group of System Office staff has been discussing/working on a revised electronic signature guideline/policy. Discussions are still taking place between the System Office and Docu-Sign.

- Purchasing Policy/Manual

Ms. Flynn updated the committee on the draft Purchasing Policy and draft Procurement Manual. Two proposed additions/changes were presented to the Buyer's Council. The first proposal allows institutions to directly negotiate with that vendor for the commodity/services provided for in a General Services Administration (GSA) Contract. The second proposal will allow an Institution to issue purchase orders off a previously approved TBR contract without reporting System Office approval of the purchase order when the order exceeds the \$250,000 System Office threshold. This will apply to TBR contracts that have received System Office approval.

- Huron Recommendations Update

Ms. Flynn gave a Huron update. There will be Strategic Sourcing Group meeting that Huron will be participating in to discuss how to guide TBR to move to a one streamlined way of doing business. Also, pursuant to the Huron report, a consolidated bookstore contract for community colleges was recommended. This topic was discussed at the Presidents meeting and but there are two 2 contracts expiring in 2016. These contracts will most likely be extended by Purchasing policy exceptions to align efforts for a group RFP in the future.

- RFP for International Travel

Ms. Flynn discussed that there is an upcoming RFP for international group travel that will be released 12/31/2015.

The Council of Buyers minutes were approved.

D. Internal Audit

Ms. Birchett highlighted the following issues from the October 7, 2015 Internal Auditors meeting:

- Rental cars vs. Motor Pool

Internal Auditors discussed recent changes where ETSU was using a State contract with Enterprise for employees' business use rather than motor pool vehicles. The group was asked whether they were aware of insurance and liability requirements under this agreement. After the meeting, information was requested from the TBR Office of General Counsel and Office of Procurement. The TBR Procurement Officer responded to the inquiry that campus staff using the Enterprise contract should work through their procurement officer to obtain information about insurance.

The Internal Audit minutes were approved.

5. Results of the Berry Dunn Study on ERP Options

Tom Danford gave an update on the Berry Dunn study which identifies our options for ERP. It seems that providers of higher education ERP's are going to a cloud based system. Even though we are still early in the ERP process, institutions need to be aware of this.

6. Update on Facilities Management Outsourcing Project

Dale Sims gave an update on the Facilities Management Outsourcing Project. Prior to the end of the year, TBR will be asking institutions for data regarding facilities maintenance costs. TBR will be meeting with UT, THEC and state officials in the next week. The goal of the meeting is to determine what criteria to use when considering whether to outsource facilities management.

7. Changes to the THEC Formula

THEC had sent request for institutions to validate data for the THEC formula. Dale Sims wanted to make sure the committee had received this request. There being no further business, the meeting was adjourned.

STATE OF TENNESSEE



DAVID H. LILLARD, JR.
STATE TREASURER

TREASURY DEPARTMENT
STATE CAPITOL
NASHVILLE, TENNESSEE 37243-0225

615.741.2956
David.Lillard@tn.gov

RECEIVED SEP - 2 2015

August 31, 2015

Dale Sims, Vice Chancellor of Business and Finance
Tennessee Board of Regents
1415 Murfreesboro Road, Suite 346
Nashville, TN 37217

Dear Chancellor Sims,

In May of 2010, through the authority of Public Chapter 946, the General Assembly enacted and amended T.C.A. Section §9-8-108 by authorizing the Board of Claims to establish incentive programs for State departments, agencies, and institutions for the purpose of reducing financial liabilities to the risk management fund.

In 2013, the Tennessee Treasury Department's Division of Risk Management and Claims Administration was tasked by my office to develop and implement a statewide return-to-work program for the purpose of improving customer service, recovery time of injured employees, management of indemnity claims, and safety for employees who have experienced a work related injury. For the past two years, the Treasury Department has partnered with the Tennessee Department of Correction (TDOC) and the Tennessee Department of Human Resources (TDOHR) that has led to the development of a return-to-work policy and pilot program. During the past six months the TDOC has shown significant results (approximately 25% reduction in indemnity costs) with improving recovery time for correctional employees and reducing the indemnity payments for their department. This return-to-work policy and program will assist all State departments and agencies, the University of Tennessee, and the Tennessee Board of Regents with structuring a return-to-work program that can be tailored to fit the needs of each specific department, agency, college, or university (please see attached TDOC return-to-work policy).

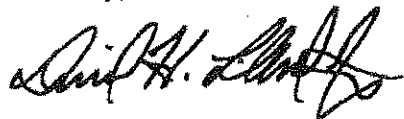
Dale Sims
August 31, 2015
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On June 2, 2015, the Board of Claims unanimously voted for two incentive programs to be established by General State Government, Tennessee Board of Regents, and the University of Tennessee. They are the return-to-work program and lag time reporting program, to be effective July 1, 2016. The return-to-work program mandates returning an injured employee who has a doctor's release to return-to-work with medical restrictions. This fiscal year (FY 15-16) will involve department and institutional education and program monitoring by the Treasury Department. Beginning July 1, 2016, departments, agencies, and institutions that implement the return-to-work program will receive 100% of their temporary total disability payments (TTD) from the Risk Management Fund. Departments, agencies, and institutions that choose to not participate in the program will be required to fund 50% of their TTD payments.

The lag time incentive program will require departments, agencies, and institutions to complete the First Notice of Loss (FNOL) within five days of receiving the injury notice from the employee and supervisor. During this fiscal year, the Treasury Department and the State's Workers' Compensation Third Party Administrator will educate and monitor lag time for departments and institutions and will submit monthly progress reports during year one implementation of the program. Beginning July 1, 2016, departments, agencies, and institutions that do not complete a FNOL within the five-day incentive period will be required to pay \$1,000 per claim to the Risk Management Fund.

The key to any successful program starts with top leadership as these two programs are vital for the financial improvement of the State's Workers' Compensation Program and, most importantly, the recovery process for our employees who have had the unfortunate experience of being injured while performing their daily work responsibilities for the State of Tennessee. For any questions regarding these new incentive programs, please contact the Division of Risk Management and Claims Administration at 615-741-2734.

Sincerely,

A handwritten signature in black ink, appearing to read "David H. Lillard, Jr.", with a stylized flourish at the end.

David H. Lillard, Jr.
Tennessee State Treasurer



ADMINISTRATIVE POLICIES
AND PROCEDURES
State of Tennessee
Department of Correction

Index #: 303.05

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Effective Date: September 1, 2014

Distribution: A

Supersedes: N/A

Approved by: Derrick D. Schofield

Subject: RETURN TO WORK/TEMPORARY TRANSITIONAL DUTY

- I. AUTHORITY: TCA 4-3-603, TCA 4-3-606, and TCA 4-3-609.
- II. PURPOSE: The purpose of this policy is to establish a Return-to-Work (RTW) policy and process to be utilized by the Tennessee Department of Correction.
- III. APPLICATION: The Tennessee Department of Correction employees and the Tennessee Department of Correction (TDOC) Director of Human Resources.
- IV. DEFINITIONS:
 - A. Division of Risk Management and Claims Administration (DRMCA): An administrative unit of the Office of the Treasurer established to promulgate rules and regulations to ensure orderly filing, investigation, hearing, and disposition of claims brought before it by or on behalf of an employee or against the state.
 - B. Family Medical Leave Act: A federal law requiring covered employers to provide employees job-protected and unpaid leave for qualified medical and family reasons.
 - C. Restricted or Light Duty: A modification of work assignment to conform to temporary limitations and/or restrictions as defined by the employee's treating physician/medical provider.
 - D. Return to Work: A short-term or temporary modification of an employee's work schedule and/or job duties, or temporary transitional job tasks in order to accommodate restrictions imposed by the employee's treating physician, medical provider, mental health provider, and/or Tennessee Correction Academy (TCA) psychologist. This return-to-work program is not reinstatement or reemployment.
 - E. Return to Work Employment Action Plan: An agreement in writing drawn up between the employee and the TDOC, with input from the treating physician, to include details for restricted, light, or modified duty and should be written to get the employee back to full potential as soon as possible. A copy of the return to work action plan will be placed in the employee's confidential volume of the Human Resources file in the section with the appropriate type of leave, See Policy #306.01, Access to Employee Records.

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- F. Safety Management Team: A team comprised of a safety officer, HR staff, Worker's Compensation Coordinator/Return to Work Coordinator or any other individual in a leadership position within the TDOC to evaluate limitations and restrictions imposed by an employee's treating healthcare provider to determine feasibility of a temporary transitional duty assignment.
- G. Temporary or Transitional Work Assignment: A temporary modification of an employee's work schedule and/or job duties, or temporary transitional job tasks in order to accommodate restrictions imposed by the employee's treating physician, medical provider, mental health provider, and/or TCA psychologist.
- H. Third Party Administrator (TPA): The company contracted by the Division of Claims Administration to handle verification, approval/denial, and payment of compensable claims (medical bills and lost time pay).
- I. TDOC Safety Coordinator: The employee at each TDOC Facility, Field Services District Office, or TDOC Central Office assigned to coordinate fire, building, and other safety concerns.
- J. Worker's Compensation/Return to Work Coordinator (WC/RTW): The individual designated at each TDOC facility, Field Services District, TCA and TDOC Central Office to coordinate employees' case management activity in relation to their Worker's Compensation Claim and in accordance with the Return to Work program.
- V. POLICY: It is the policy of the Tennessee Department of Correction (TDOC) to return TDOC employees to their jobs, as quickly as possible, following a work-related or non-work-related personal injury or illness; and to place TDOC employees who are unable to return to their normal duties into a temporary transitional duty assignment.
- VI. PROCEDURES:
- A. The return to work program is an employee benefit for all TDOC employees who are injured while performing their work-related responsibilities, and may be available for employees whose injury or illness is non-work related:
1. This policy shall be a part of annual training and communicated to all staff.
 2. Additional annual training sessions shall be provided for supervisors and HR personnel and conducted by the WC/RTW Coordinator.
 3. This policy shall be included in new employee orientation.
 4. Posters shall be displayed throughout the institution, Field Services offices, and Central Office denoting the return to work policy statement and shall be accessible to all employees.
 5. All employees shall have access to return to work procedures and statement of employee responsibilities.

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- B. In the case of a work related injury or illness if the employee believes they are unable to return-to-work during or after their authorized time away from work has expired, the employee shall immediately notify their supervisor beforehand or the day that the employee is scheduled to return to full duty. In these cases, the supervisor shall notify the WC/RTW Coordinator. The Coordinator shall notify the TPA to schedule a re-evaluation with the initial treating physician.
- C. In the case of a work related injury or illness the WC/RTW Coordinator in each facility, district office, and Central Office will contact the injured employee within 24 hours or the next business day of the accident and at least once a month until the employee returns to work.
- D. For work-related or non work-related injury or illness if the approved treating physician or mental health provider believes the employee can return-to-work with certain defined restrictions, the employee shall immediately forward the defined restrictions to their WC/RTW Coordinator. Before the reissuance of a firearm to an employee who has previously been authorized to carry one, the TCA physician or psychologist shall certify that the employee may be reissued the firearm. If the supervisor receives the defined restrictions they shall immediately forward it the same day to the WC/RTW Coordinator and shall not retain a copy.
- E. The WC/RTW Coordinator will then schedule a return-to-work meeting with the Safety Management Team and the supervisor and/or command staff person to review the medical restrictions for the purpose of designing the WC/RTW Employee Action Plan that will outline modified/temporary transitional work assignment for the employee.
- F. Temporary Work Assignments: In all assignment options listed below, the following shall apply:
 - 1. The employee remains in his/her regular position and job classification, and continues to receive regular wages and accrued benefits as usual.
 - 2. Wage and benefits are pro-rated, based upon actual hours worked.
 - 3. Assignments are temporary. They are offered when there is documentation that the employee cannot perform his/her regular job duties, but is expected to recover from the injury or illness within a reasonable period of time. The temporary assignment shall be limited to 180 days in most cases.
 - 4. In the case of a work related injury or illness the employee shall be required to communicate to and coordinate all activities (i.e., medical care, psychological care, physical therapy, restricted duty, return to work, medical status, doctor, mental health provider appointments) with their WC/RTW Coordinator, human resources department, and the State's third party administrator. In the case of a non-work related injury or illness the employee shall be required to communicate to their WC/RTW Coordinator all medical and/or mental health provider appointments, restricted duty, and return to work status. All employees shall follow standard procedures to communicate return to work status with their supervisor. Failure to follow proper procedure may result in disciplinary action.

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- a. Temporary Modified Work Assignment: An employee remains assigned to his/her regular job with some key tasks or functions temporarily altered or suspended or hours temporarily reduced. If the employee is performing at least 51% of the essential functions of their position there will not be a classification issue and this modified duty will not necessarily need to be limited to 180 days as is required with the other options. Temporary modified assignments will be reviewed every thirty days. Clarification shall be requested from the medical/mental health provider if:

1. The injured employee has not been released for regular duties; and,
2. No measureable progress towards release has been noted; or,
3. No specific prognosis relative to recovery and return to full duty has been provided.

If the medical/mental health provider will not provide that information, the TDOC's claim adjuster shall be contacted immediately for assistance. If the injured employee is making satisfactory progress towards recovery or a release for full duty is anticipated within a reasonable period of time, the agency may consider extending the modified assignment for another 30 days. If there is not progress or no clarification from the medical/mental health provider, TDOC may end the modified assignment. If the prognosis indicates long-term limitations or permanent restrictions, TDOC shall consider other options.

- b. Temporary Transitional Work Assignment: Defined restrictions prevent the employee from performing significant portions of the regular job tasks. Supplemental tasks not usually done by the employee, but within defined restrictions are identified. Supplemental tasks are assigned to fill employee's allowed work time, and shall be meaningful in nature that contributes to the operational functions of the department.
- c. Temporary Transitional Work Assignment: Employee's defined restrictions prevent employee from accomplishing most of their regular job duties. A series of supplemental tasks are assembled and combined to fill employee's allowed work time. If the injured employee's department or facility cannot accommodate temporary modified/transitional work assignment an appropriate temporary position may be identified with the assistance of DOHR staff. The employee works temporarily in a vacant position for which they meet the minimum qualifications, volunteer positions, or special project for a maximum of 180 days, located within the TDOC or other state agencies.

G. The special assignments described in Section VI.(G)(4)(a-c) above will terminate when one of the following occurs:

1. One hundred and eighty consecutive calendar days have elapsed from the day the employee accepts the assignment or the worker's compensation/return-to-work coordinator, the Warden/designee, District Director/designee, or TDOC HR Director/designee has determined based on the progress of the recovery of the employee is unable to perform the work assigned due to his/her medical condition.

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2. An option to extend the 180 days is to temporarily reclassify the employee's position. This can be utilized if the disability is projected to continue for an extended period of time and the reclassification does not pose a hardship for the Department.
 - a. The employee is released to regular full duty.
 - b. Permanent, defined restrictions that prevent the employee from performing the essential functions of their regular position and for which reasonable accommodations cannot be made, is documented. These restrictions may also apply to any staff who has received state-issued firearms.
 - c. The temporary assignment is no longer available or other conditions require the facility or other State department to stop the temporary assignment.
- H. Changes in modified/transitional work assignments as described in Section VI.(G) above are based on the treating physician's/mental health provider's documented restrictions. The employee must provide an updated restrictions form to the worker's compensation/return-to-work coordinator after each appointment to evaluate the possibility of changes or increase in duties.
- I. If an employee is not released for work by a treating physician or mental health provider, or modified/transitional work is not available, or the physician or mental health provider has delayed in providing information on restrictions the following should be applied:
 1. Employee must maintain weekly contact with their agency. Contact may be by phone, in person, or other pre-arranged method.
 2. In the case of work related injury or illness, the worker's compensation/return-to-work coordinator shall contact the TPA for the purpose of assisting the Department with obtaining information from treating physicians or mental health providers. If there continues to be difficulty getting information or finding modified/transitional work, please contact TDOC Human Resources Central Office for assistance.
 3. Consider cross-agency placement if there is absolutely no modified/transitional work within the agency/department. TDOC Human Resources Central Office may contact the Division of Risk Management and Claims Administration for assistance.
 4. While absent from work, the employee should provide an updated physician's or mental health provider's report at least monthly.
- J. In the event of a permanent disability that prevents an employee from performing the essential functions of his/her regular position and for which reasonable accommodations cannot be made, Human Resources staff shall assist the employee to ensure compliance with the American with Disabilities Act (ADA) and FMLA federal requirements.

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- K. An injured employee may engage in secondary employment while on light duty, only if approved by the Safety Management Team and in compliance with TDOC Policy #302.14 (Additional Employment). Documentation of this approval shall be maintained by TDOC Human Resources. Prior approval for outside employment is revoked during an employee's temporary total disability or limited duty status. Strict adherence to this rule is required or employee will be subject to disciplinary action, which may include termination. If you have a question about this policy, contact the TDOC Director of Human Resources or designee.
- L. The responsibilities of the WC/RTW Coordinator shall include, but not be limited to, the following:
1. Facilitating all case management activity
 2. Preparing the required forms as defined in Policy #303.04 (Worker's Compensation).
 3. Informing the injured worker of the State of Tennessee's workers' compensation process and the return to work program
 4. Maintaining contact with TPA Adjusters/nurses, human resources, supervisors, and injured employees
 5. Seek assistance from the TPA with scheduling medical appointments.
 6. Maintaining a thorough knowledge of workers' compensation laws
 7. Conduct annual RTW training for all TDOC staff
- M. If an employee hesitates to return or report to a modified or transitional duty:
1. Supervisors should contact their WC/RTW coordinator for immediate assistance.
 2. The employee shall not return to work until written releases are signed and approved. The initial contact can be made in person or by phone. This contact must be followed by written documentation. Copies must be submitted to the State of Tennessee TPA, the facilities human resources office, and TDOC HR Central Office.
 3. In order to ensure compliance with changes in the Workers' Compensation Law, supervisors must notify TDOC HR Central Office if they have any questions regarding this process. If an employee has received defined restrictions from the approved treating workers' compensation physician and the employee refuses modified/transitional employment the WC/RTW coordinator shall notify the State of Tennessee's TPA to schedule another evaluation with the treating physician or mental health provider.
 4. The WC/RTW coordinator shall submit the Return to Work Employment Action Plan (needs form developed) to the TPA, physician, or mental health provider for review. The treating physician should review the modified/transitional assignment to determine if the restrictions need to be changed. This process can repeat itself until the employee returns to full duty.

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5. The RTW process can also be exhausted if the physician, medical provider, or mental health provider determines that the injured employee should not return to work by providing a medical statement that does not allow the employee to perform a modified or temporary transitional assignment during the employee's recovery.

N. In the case of a work related injury or illness if the employee's work performance is unacceptable due to reasons that are NOT related to their work restrictions (attendance, cooperation, etc.); then the employee may not be eligible to receive temporary total disability benefits.

O. The supervisor should monitor the employee's work performance to determine if the modified/transitional work assignment is meaningful and the employee is contributing successfully to the operational functions of the Department. If the supervisor determines the employee's work performance is deficient, and the deficiency is NOT the causation of their work related condition, then the employee may receive progressive discipline, which includes termination of employment.

VII. ACA STANDARDS: None

VIII. EXPIRATION DATE: September 1, 2017.

Attachment C

Payment of Student Fees & Enrollment: 4:01:03:00

Policy/Guideline Area

Business and Finance Policies

Applicable Divisions

TCATs, Community Colleges, Universities

Purpose

The purpose of this policy is the establishment of Tennessee Board of Regents policy regarding the payment of student fees and enrollment of students.

Policy/Guideline

I. Student Fees and Enrollment

A. All assessed fees by an institution governed by the Tennessee Board of Regents are due and payable at the time of registration.

1. An institution may implement deferred payment plans as may be allowed under a TBR guideline and as authorized for the student.

B. An applicant for admission to a TBR institution will be considered enrolled and counted as a student when:

1. all assessed fees have been paid in cash; or

2. all assessed fees have been paid by a personal check or credit card; or

3. the initial minimum payment due under any deferred payment plans has been paid; or

4. an acceptable commitment from an agency or organization approved by the institution has been received by the institution.

C. An applicant will not be considered for admission as a student until all past due debts and obligations to the institution incurred in prior academic terms, of whatever nature, have been paid.

1. Institutions have the discretion to allow enrollment when the outstanding obligation is \$200 or less.
2. Institutions will continue to withhold diplomas, transcripts, certificates of credit or grade reports until the student involved has satisfied all debts or obligations or the debts or obligations meet the criteria established in T.C.A. § 49-9-108. See TBR Guideline B-010, Collection of Accounts Receivable.
3. All outstanding debts and obligations must be fully satisfied by the 14th day purge of the semester in which enrollment with outstanding debt was allowed.

D. An applicant shall possess an acceptable commitment when an application(s) for financial aid has been timely submitted with the reasonable probability of receiving such.

1. All state financial aid granted to a student shall be applied to pay maintenance fees or tuition, student dormitory or residence hall rental, board, and other assessed fees before any excess may be distributed to the student.

E. Agencies or organizations which may be approved by the institution for purposes of making acceptable commitments for applicants shall be limited to agencies of the federal or state governments authorized to provide financial aid, established financial institutions within the state, established in-state and out-of-state corporations which employ the applicant, foreign embassies and foreign corporations, and other organizations within the state which have previously demonstrated the ability to pay the commitment.

1. An acceptable commitment from an agency or organization shall be limited to a commitment which identifies the applicant and promises to pay all unpaid assessed fees for such applicant.

2. No commitments from individuals will be accepted on behalf of applicants.

F. When an applicant tenders payment of fees by means of a personal check or credit card, the applicant may be considered and counted as a student. If the payment is subsequently dishonored by the financial institution, and the payment is not redeemed in cash, the institution has the option to not consider that student as enrolled for the term.

1. At the discretion of the institution, the student may be considered enrolled and will be assessed the applicable returned payment fee, the applicable late registration fee, and will be denied grade reports, transcripts and future registration privileges until such dishonored payment is redeemed.
2. Pursuant to T.C.A. § 49-9-108, diplomas, transcripts, certificates of credit, and grade reports cannot be withheld for debts that are both less than \$25 and more than 10 years in age.
3. Institutions may deny future check writing privileges to students that have paid registration fees with checks that are subsequently dishonored.
4. While institutions have discretion in how these situations will be handled, all students must be treated the same at that institution.
5. *Institutions have the discretion to allow enrollment in the following semester when the outstanding obligation is \$200 or less.*
6. *Institutions will continue to withhold diplomas, transcripts, certificates of credit or grade reports until the student involved has satisfied all debts or obligations or such meet the criteria established in T.C.A. § 49-9-108.*

7. *All outstanding debts must be fully satisfied by the 14th day purge of the semester in which enrollment with outstanding debt was allowed.*

G. The institutions are authorized, subject to approval by the Board, to establish charges for late registration and/or payments which are returned dishonored, and such charges shall become assessed fees for purposes of admission.

H. In accordance with these guidelines, the president of an institution has the authority to determine the applicability of certain fees (as defined in Guideline B-060, Fees, Charges, Refunds and Fee Adjustments), fines, charges, and refunds, and to approve exceptions in instances of unusual circumstances. The Vice Chancellor for Colleges of Applied Technology shall have this authority for the Tennessee Colleges of Applied Technology. All such actions should be properly documented for auditing purposes.

Sources

TBR Meetings, June 20, 1975; September 30, 1983; June 24, 1988; June 29, 1990; June 21, 1996; December 8, 2006; December 4, 2008; June 21, 2013.

Attachment D

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Collection of Accounts Receivable: B-010

Policy/Guideline Area

Business and Finance Guidelines

Applicable Divisions

TCATs, Community Colleges, Universities, System Office

Purpose

The purpose of this guideline is to establish the process regarding collection of accounts receivable at the System Office and institutions governed by the Tennessee Board of Regents.

Definitions

- Disposable earnings - means that part of the earnings of an individual remaining after the deduction from those earnings of any amounts required by law to be withheld.

Policy/Guideline

I. General

- A. This guideline applies to the collection of all accounts and notes receivable by institutions in the Tennessee Board of Regents System. Institutions shall, to the maximum extent practicable, require payment in advance for all services and goods to avoid the creation of receivables.

1. TBR Policy on the Payment of Fees. Policy No. 4:01:03:00 requires (with limited exceptions) that all assessed fees be paid in advance by a student before he or she is considered enrolled for any academic term.

2. Types of Receivables. Accounts and notes receivable may be generated from programs and activities including but not limited to:

- a. Student loan programs;
- b. Traffic and parking fines;
- c. Library fines;
- d. Bad checks;
- e. Contracts;
- f. Property rental; and
- g. Damage, loss, or liability to the institution by others.

g-h. Financial aid adjustments

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- 3. Security Deposits. Institutions are authorized to require any person to post a deposit or security bond, or provide appropriate insurance to offset potential obligations to the institution arising from programs or activities.
- 4. Statute of Limitations. Pursuant to T.C.A. § 28-1-113, there is no time limit on the institutions' authority to collect receivables unless otherwise expressly provided by statute.

II. General Collection Procedures

- A. Institution Procedure. Each institution shall establish a written systematic process and procedure for collecting receivables from all persons including students and employees.

1. The provisions included in this guideline may be modified by an institution based on sound and responsible management practices.
2. Any modifications should result in more cost-effective procedures or provide better or more convenient service to debtors of the institution without compromise to collection.

B. Billing. Collection efforts should begin no later than thirty days after the obligation has been incurred or other fixed due date.

1. An institution may negotiate alternative payment arrangements with debtors when such arrangements offer the best prospect of collecting the debt.
2. An account becomes delinquent based on payment criteria established by the institution for the type of debt involved. An institution shall include a schedule defining delinquent periods.
3. For example, debts from students may not be classified as delinquent until a student fails to enroll in a subsequent fall or spring semester where the provisions of the "Enrollment and Record Holds" in II.E. below would apply

4. 4. On the other hand, rent for an apartment may become delinquent when rent is not paid by the tenth day after the due date.

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C. Delinquent Accounts. A minimum of three billings or letters of contact shall be sent by the institution at thirty-day intervals once an account becomes delinquent.

1. For debts greater than \$100, the third letter should indicate that the account will be referred to a collection agency if payment is not made within a specified date.
2. Sending letters by certified mail is optional.
3. ~~An account becomes delinquent based on the payment criteria established by the institution for the type of debt involved.~~

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4. For example, debts from students may not be classified as delinquent until a student fails to enroll in a subsequent fall or spring semester where the provisions of the "Enrollment and Record Holds" in II.E. below would apply.

5. On the other hand, rent for an apartment may become delinquent when rent is not paid by the tenth day after the due date.

D. Defaulted Accounts. Accounts are classified as defaulted when the institution's established collection efforts for the type of debt have failed to produce payment.

1. Receivables of \$100 or more shall be referred to a collection agency if the institution's collection efforts are unsuccessful.
2. The accounts should be submitted to the agency within a reasonable time after the final collection letter is sent if the debtor has not responded.
3. Referral of accounts under \$100 to a collection agency is not required.

- a. No additional collection efforts are required for receivables under \$100 except as provided for under Enrollment and Record Holds (Section II.E) and Employee Receivables (Section III.).
- b. See Section X. for write/off procedures.

E. Enrollment and Record Holds. A student must pay any past due debts and obligations incurred in prior academic terms before being permitted to register.

1. Additionally, all known debts and obligations incurred during the current term must be paid prior to a student being allowed to pre-register for any future terms.

- a. Institutions have the discretion to allow enrollment when the outstanding obligation is \$200 or less.

b. Institutions will continue to withhold certificates of credit, diplomas, grade reports, and transcripts for these accounts until they are paid in full or meet the criteria established in T.C.A. § 49-9-108.

2. An amount owed under the institution's installment payment plan for enrollment fees which is not yet due shall not cause a hold to be applied.

3. A notice stating the specific amount due should be sent to each such student prior to completion of registration.

4. Pursuant to T.C.A. § 49-9-108, no grade reports, certificates of credit, diplomas or transcripts will be issued to any student with any unpaid or delinquent debt or obligation owed to the institution unless such debt or obligation is evidenced by notes or other written contracts providing for future payment, such as, but not limited to, loans authorized under federal or state education or student assistance acts.

5. Additionally, once a petition in bankruptcy has been filed, all holds should be lifted. See Section IX.

6. However, the institution has no obligation to provide student grade reports, etc., unless specifically requested to do so.

7. T.C.A. § 49-9-108 further provides that the withholding of grade reports, certificates of credit, and diplomas does not apply to debts that are both less than \$25 and more than 10 years old.

Commented [TGB1]: There is a similar statement in Policy 4:01:03:00 about future commitments, but it provides more information. Should it be referenced or reiterated here?

Commented [TGB2]: Including this explanatory comment at the beginning of the section would seem to provide better guidance since the citation is listed above but without explanation.

F. Aging. All receivables should be aged at least annually.

G. Documentation. Accurate records of correspondence, telephone calls, and personal contacts with borrowers shall be maintained. Institutions shall comply with record maintenance, safekeeping, and retention regulations for federally funded loans.

III. Employee Receivables

A. Procedure for Withholding. Employee receivables (including student employees) may result from, among other things, traffic and parking fines, library fines, institution services or bad checks.

1. In order to recoup the amount owed from the employee's paycheck, notice of intent to withhold must be sent to the employee by registered or certified mail, email, or personally delivered.

a. The notice should inform the employee of the amount alleged to be owed and should specify that he may elect to pay the debt in full, authorize deductions from his paycheck or, if the employee is terminating, the check for accrued but unused annual leave, or contest the intent to withhold through an institutional or TUAPA hearing.

b. Subsequent to receiving a pre-deprivation notice of the debt owing, the employee, within 15 calendar days of receipt of such notice, must:

(1) Pay the debt in full;

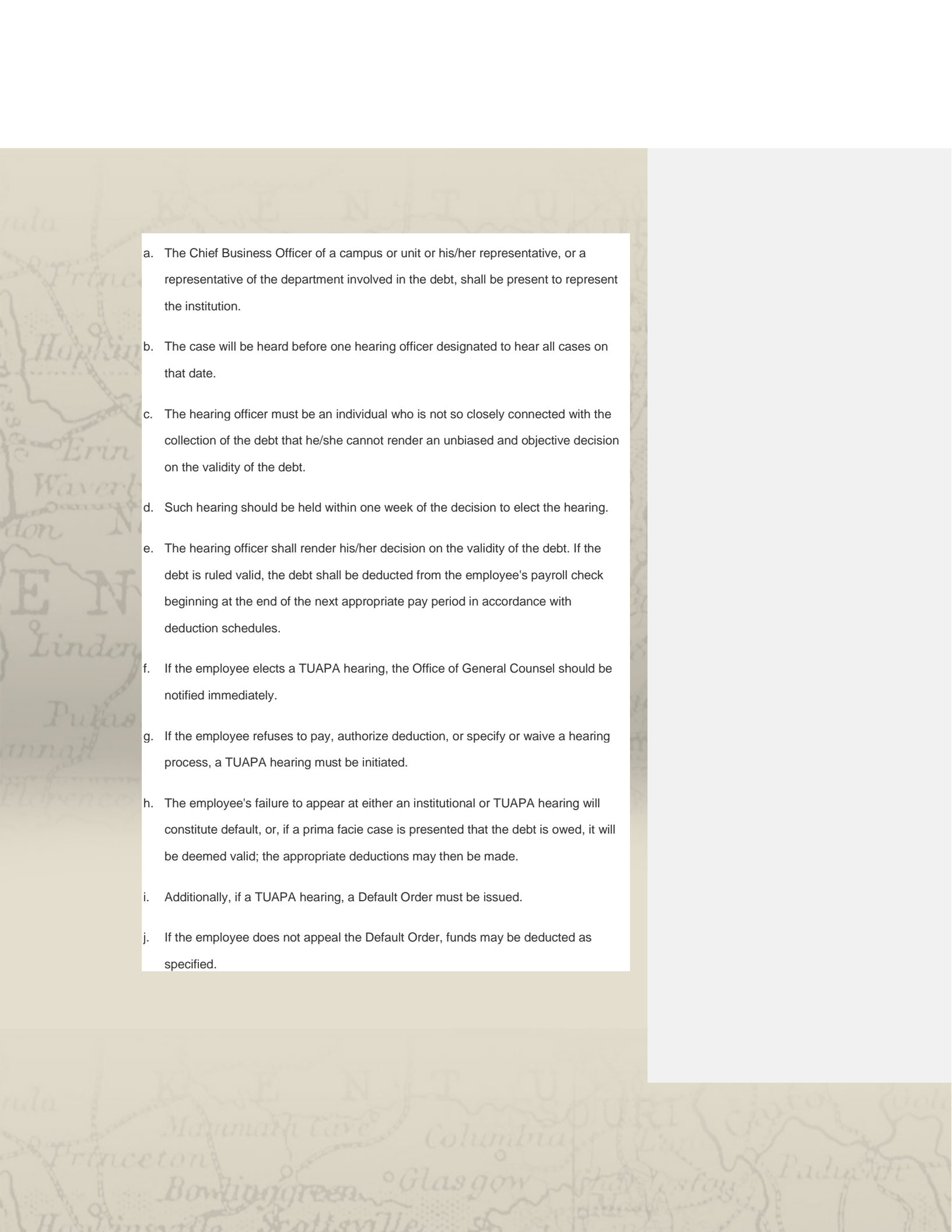
(2) Authorize the institution to withhold a designated amount from each subsequent paycheck or, if the employee is terminating, from the accrued but unused annual leave until the debt is paid in full;

(3) Elect to contest the intent to withhold through an institutional hearing; or,

(4) Elect to contest the intent to withhold through a contested case hearing held pursuant to T.C.A. § 4-5-301, et seq.

2. If the employee elects an institutional hearing, the employee shall appear on behalf of himself but is entitled to be advised by counsel.

Commented [BS3]: We request that it be stated that failure to receive a response within the 15 calendar days gives the Institution permission to initiate payroll deduction.(UOM)

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- a. The Chief Business Officer of a campus or unit or his/her representative, or a representative of the department involved in the debt, shall be present to represent the institution.
 - b. The case will be heard before one hearing officer designated to hear all cases on that date.
 - c. The hearing officer must be an individual who is not so closely connected with the collection of the debt that he/she cannot render an unbiased and objective decision on the validity of the debt.
 - d. Such hearing should be held within one week of the decision to elect the hearing.
 - e. The hearing officer shall render his/her decision on the validity of the debt. If the debt is ruled valid, the debt shall be deducted from the employee's payroll check beginning at the end of the next appropriate pay period in accordance with deduction schedules.
 - f. If the employee elects a TUAPA hearing, the Office of General Counsel should be notified immediately.
 - g. If the employee refuses to pay, authorize deduction, or specify or waive a hearing process, a TUAPA hearing must be initiated.
 - h. The employee's failure to appear at either an institutional or TUAPA hearing will constitute default, or, if a prima facie case is presented that the debt is owed, it will be deemed valid; the appropriate deductions may then be made.
 - i. Additionally, if a TUAPA hearing, a Default Order must be issued.
 - j. If the employee does not appeal the Default Order, funds may be deducted as specified.

B. Limitations on Amounts to be Withheld. The deduction from any check shall not exceed the maximum deductible under state garnishment laws.

1. The maximum amount of disposable earnings of an individual for any work week which is subjected to garnishment may not exceed:

- a. Twenty-five percent (25%) of his disposable earnings for that week; or
- b. Thirty (30) times the federal minimum hourly wage at the time the earnings for any pay period become due and payable, whichever is less.

2. In the case of earnings from any pay period other than a week, an equivalent amount shall be in effect.

3. These limits are applicable to retirement funds, but are not applicable to checks for accumulated annual leave.

4. Additionally, the above limits do not apply to employee overpayments.

C. Retirement Funds. If a former employee is found to owe a debt to the state, retirement funds may be utilized to pay off the amount owing to the extent permitted by Tennessee law.

1. The same procedural steps outlined in III.A. for notice and the opportunity for a hearing must be followed.

2. Accumulated retirement contributions of a former employee terminated for any reason and for which he has made application, or monthly benefits of a retired employee are subject to withholding to the extent permitted by Tennessee law.

3. A copy of the final order resulting from an institutional or TUAPA hearing, or a signed waiver of hearing and written agreement of the former employee authorizing deductions should be sent to the director of the retirement system along with a written request to withhold, specifying the reason for the claim and the total amount involved.

D. Recovery of Overpayments to Employees. Unlike cases in which the employee owes the institution money, in instances of overpayments to employees there is no obligation to provide a hearing.

1. The institution is obligated, however, to attempt to recoup the funds. The institution should advise the employee in writing of the overpayment and the institution's proposed actions to correct the overpayment.
2. The method of repayment will depend upon the amount of the overpayment, the time which has elapsed between the overpayment and its discovery, the hardship which immediate repayment might cause the employee because of amount of current salary and personal expenses, the culpability of the employees in not reporting the overpayment, and the longevity as well as the expectation that the employee will remain in state government until the repayment is completed.
3. If a current employee receives overpayment, the refund may be made in one of the following ways:
 - a. Repayment by the employee by cash or check; or,
 - b. Adjustment of deductions to be made automatically from the employee's paycheck, either with a single deduction or a series of deductions made from each paycheck until the full amount is recovered.
 - c. The amount of partial payments recovered by the latter method should be reasonable and systematic so that full recovery will be completed within the shortest period possible.
4. If overpayment is discovered after the employee terminates employment with the state, an account receivable should be established.

- a. The former employee should be notified of the overpayment, the circumstances of the overpayment and a request that the employee contact the appropriate campus official.
- b. If the employee has not received his final paycheck, the appropriate deduction from that check can be made.
- c. If the final paycheck has been received, negotiations for reimbursement should be initiated.
- d. If repayment cannot be negotiated or collected, the account should be turned over to the collection agency.
- e. In the event collection is not possible, proper write/off procedures should be followed.

5. In instances in which the employee has agreed to systematic deduction(s) from his paycheck(s), written authorization from the employee is encouraged.
6. Each campus shall draft forms to document overpayments, the steps taken to recoup same, any negotiated repayment plan, the amounts received, and any write/off of the overpayment.

IV. Returned Checks, Dishonored Payments

A. Enrollment Fees. Pursuant to the Board Policy on the Payment of Fees and Enrollment of Students (4:01:03:00), if any student tenders payment of fees by a check that is subsequently dishonored by the bank, and the check is not redeemed within the time period specified below, the institution has the option to not consider that student enrolled at the institution.

1. At the discretion of the institution, the student may be considered enrolled and will be assessed the applicable returned check fee, the late registration fee, and will be denied

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grade reports, transcripts and future registration privileges until such dishonored check is redeemed.

2. Institutions have the discretion to allow enrollment when the outstanding obligation is \$200 or less.
3. Institutions may deny future check writing privileges to students that have paid registration fees with checks that are subsequently dishonored.
4. A student paying enrollment fees with a check that is dishonored must redeem the check within 10 calendar days from receipt of the notice.

- a. Notice should be sent by the institution to the student no more than three (3) working days from receipt of notice of a bad check from the bank.
- b. Notice by certified mail is optional.
- c. The institution will have 5 working days after the expiration of the 10 calendar days to pursue any additional collection efforts deemed necessary.
- d. Immediately after the 5 working days, the student will be deleted if the check has not been redeemed in full if that option is selected by the institution.
- e. Enrollment fees including returned check fees for students de-enrolled for bad checks should be reversed.

- B. ~~Non-Student or Non-Employee.~~ Any person other than a student or employee who tenders a check for payment for goods or services which is subsequently dishonored shall be given the opportunity to redeem the check and pay the amount due in cash. The person shall be given notice of the dishonored check, sent certified mail, demanding payment within ten (10) days.

Commented [BS5]: We request this be changed to say within 5 calendar days from receipt of notice. This offers a reasonable time for repayment while providing a better opportunity for the University to finalize deletions and clear up outstanding issues. (UOM)

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Commented [BS6]: We recommend that the returned check fee stay on the student's account. We must pay this fee to the bank, so it should be charged to the student, who will pay it in order to register for future terms. (UOM)

Commented [BS7]: We would like the requirement of certified mail in this section to be optional. (UOM)

C. Collection of Dishonored Checks. A check presented for payment of any goods or services which is subsequently dishonored shall be treated as an account receivable under Section II. Any transactions that have been processed should be reversed when possible and appropriate.

D. Future Check-Writing. Receipt of one or more bad checks from any person may result in that person becoming ineligible to make payments by check thereafter, or to have any check cashed by the institution. A record of individuals who have written bad checks should be maintained.

V. Rent Collections

A. The terms of the lease should be consulted in the event of failure by the tenant to timely pay rent.

B. In counties with populations more than 200,000 according to the 1970 federal census, the Tennessee Residential Landlord and Tenant Act (the ACT) applies and provides, at T.C.A. § 66-28-505, that upon noncompliance with the rental agreement, the landlord shall deliver a written notice to the tenant specifying the noncompliance and stating that the rental agreement will terminate upon a date not less than thirty (30) days after receipt of the notice.

1. If the noncompliance is not remedied in fourteen (14) days, the rental agreement shall terminate as provided in the notice.
2. If the tenant remits the rental but subsequently again fails to pay rent within a 6 month period, the rental agreement may be terminated upon at least fourteen (14) days written notice specifying the noncompliance and the date of termination of the rental agreement.
3. In counties where the Act applies, written notice is required when rent is unpaid unless otherwise specifically waived in a written rental agreement.

Commented [TGB8]: Does this section apply to students paying monthly rent in university housing or only to non-student renters?

4. In counties where the Act does not apply, it will provide guidance concerning landlord/tenant issues.

- a. Generally, the length of the notice period equals the rental period, for example, 30 days' notice is required where rent is due monthly.
- b. In the event the rent remains unpaid at the end of the month, the institution should proceed with an action to evict the tenant.
- c. The Office of General Counsel may be notified to provide any required assistance in the proceedings.
- d. Accrued rents which are unpaid shall be treated as accounts receivable of the institution; refer to Section II.

VI. Federal Loans

Commented [TGB9]: This and the following sections may need review by Legal Counsel to ensure they include current information.

- A. Federal Regulations. Collection officers should be certain that they are consulting the most recent legal authorities concerning Federal loans. These authorities include interpretative materials, issues letters, manuals, Congressional Enactments and Federal Department of Education Regulations.
- B. Pre-Loan Counseling. Federal regulations require an institution to conduct entrance counseling to stress the importance of repayment, describe the consequences of default and emphasize the terms of repayment. An individual with Federal Regulations expertise should be available during and after the session to answer questions.
- C. Exit Interview. An individual or group exit interview must be conducted to discuss the borrower's financial responsibilities and to obtain updated information. Exit interview materials may be sent by certified mail to borrowers who do not attend the exit interview.

1. The borrower should be provided with a copy of the note and two copies of the repayment schedule.

- a. These schedules can be provided either in person or by certified mail.
- b. The borrower should promptly sign and return one of the schedules to the institution.
- c. A minimum payment of \$30 per month should be required for Perkins Loans made prior to October 1, 1992, \$40 per month for Perkins Loans made after October 1, 1992, and \$15 per month for Health Professions Student Loan (HPSL) and Nursing Student Loan (NSL) programs.

Commented [TGB10]: Based on a limited web search, minimum amounts appear to be based on a number of factors and not set, but additional review should be done.

D. Grace Period Notices. Contact with the borrower should be made during the initial and post-deferment grace periods.

1. For a nine-month grace period, notices are required 90 days, 180 days and 240 days after the grace period begins.
2. For a six-month grace period, notices are required at 90 days and 150 days.
3. The last contact should coincide with the first billing notice.

E. Billings. A written notice and statement of account should be sent at least 30 days before the first payment is due. If a coupon system is used, coupons should be sent instead of statements. Future statements should be sent at least 15 days before each payment is due.

F. Late Payments or Delinquent. Three past due notices should be sent beginning when the debt is fifteen days past due. The second notice is sent 30 days from the first notice. A final demand letter should be sent within 15 days of the second past due notice. If all past-due follow-up procedures have failed to elicit a response, a telephone call is required within 30 days of the final demand letter.

G. Cancellations or Deferments. An institution may postpone loan repayments for a 12 month period if the borrower will be providing services eligible for loan cancellation or deferment.

1. Interest does not accrue and the loan is not considered delinquent when in a deferred status.
2. The borrower must request deferment and cancellation status on an annual basis.
3. If, at the end of the postponement period, the borrower does not qualify for cancellation or deferment, the postponed payments are due.

- H. Acceleration. The borrower must be given written notice of intent to accelerate at least 30 days in advance. This can be included in the final demand letter.
- I. Federal Loans Not Written Off. Annual collection efforts should be pursued for Federal loans that are not able to be written off or turned over to the U.S. Department of Education.
- J. Perkins Loans. The IRS/ED skip-tracing service should be used for Perkins Loans.

VII. Collection Agencies

- A. General. The Tennessee Board of Regents shall provide, on a system-wide basis, collection services through one or more companies.

1. The service should provide for the referral of all types of delinquent accounts and notes from the institutions to the designated company only after campus collection efforts have been exhausted.
2. The terms of the contract and RFP govern all collection actions.
3. Unless otherwise prohibited by law or regulation, any note, contract or lease which may result in accounts receivable to the institution should contain a provision pursuant to which the person will be responsible for the costs of collection and reasonable attorneys' fees in the event of default, and should further provide for the assignment of the account or note to the proper agency.

- B. Billing Services. Institutions may use an outside billing service to collect payments on accounts receivable. The service should be familiar with all provisions of loan programs and provide prompt, clear and accurate bills.
- C. Credit Bureaus. Institutions may report all loans when made to a credit bureau. The institution must obtain the borrower's consent to report loans not in default by including a statement in the promissory note or some other document that is signed by the borrower at the time the loan is made.
- D. Collection Agency. Accounts that are still delinquent 30 days after the final collection letter should be turned over to a collection agency. Receivables less than \$100 are not required to be turned over to a collection agency.
- E. Reporting Requirements. The collection agency should be required to report the status of delinquent loans periodically to each institution and to the Tennessee Board of Regents.
- F. Revised Repayment Plan. A revised repayment plan agreement should be signed by the borrower if the borrower returns to repayment status.
- G. Recalling Accounts from Collection Agency. No account should be recalled from a collection agency other than debts eligible for deferment, postponement, cancellation, bankruptcy, death, disability or some other mitigating circumstance (institutional error, etc.).

1. No account should be recalled in order for a borrower to re-enroll or obtain a transcript.
2. The borrower should pay the accelerated amount plus collection costs to the collection agency.

VIII. Litigation

- A. General. After all other attempts at collection have failed, the institution must authorize litigation of accounts of \$2,000 or more providing litigation costs do not exceed the amount

which can be recovered. Generally the collection services contract will provide for litigation when appropriate.

B. Federal Loans. If a Federal loan cannot be litigated for any of the following reasons, it should be assigned to the U.S. Department of Education:

1. Borrower has no assets;
2. Address unknown;
3. Debtor is incarcerated;
4. Debtor is on Public Assistance;
5. Unable to serve borrower with court papers;
6. Litigation is in process and debtor skips;
7. Expected cost of litigation exceeds amount to be recovered from borrower.

IX. Bankruptcy

A. General Information - Each institution shall designate a bankruptcy contact person to serve as a liaison between the institution and the Attorney General's office.

1. Once notice of, or a petition for, bankruptcy is received, all collection efforts against the debtor must cease immediately.
2. If the account is at a collection agency, the file must be returned to the institution immediately.
3. The institution should immediately forward the file to the Attorney General's office with a Referral Form and the documentation specified on the Referral Form.

4. The institution should also provide a copy of this information to the TBR General Counsel's office.

5. The Attorney General's office will advise the institution when and if collection efforts may resume, depending on the debt's dischargeability.

a. NOTE: Effective for actions filed on or after 5/28/91, the period during which an educational loan may not generally be discharged will increase from five (5) years to seven (7) years.

b. This period is calculated from the date the loan first came due to the date the bankruptcy action was filed, exclusive of periods during which repayment obligations are suspended.

c. Additionally, obligations to repay an "overpayment" of, or any other obligation to repay an "educational benefit" provided by a governmental unit or under a program funded by a government unit or non-profit institution will be excepted from discharge during the same seven year period under either Chapter 7 or 13 unless the borrower establishes that repayment constitutes undue hardship.

B. Chapter 7 (Liquidation) Upon receiving any notice of the filing of a petition, all collection efforts against the debtor must be suspended immediately until the bankruptcy has been discharged.

1. Collection efforts may continue against an endorser.

2. The institution shall immediately forward the file to the Attorney General's office with a Referral Form and the documentation specified on the Referral Form.

3. A copy of this information should also be provided to the TBR General Counsel's office.

4. Educational loans: If the date of bankruptcy filing is after the expiration of the exception period, the loan should be written off once the notice of discharge is received unless there is some other basis upon which to challenge dischargeability.

- a. The Attorney General's office will contact the institution to advise whether the debt is dischargeable.
- b. However, if there is an endorser, collection efforts may proceed against him.
- c. If the date of bankruptcy filing is before the expiration of the exception period, collection activity may be reinstated once the notice of discharge is received due to the self/executing nature of the exception unless the debtor has been able to establish dischargeability of the debt through an adversary proceeding.
- d. If the institution is served with a summons and complaint, the institution shall immediately fax to the Attorney General's bankruptcy unit a copy of the Summons and Complaint, the debt payoff amount, the date the note went into repayment, and any deferment and/or forbearance history.
- e. A copy of this information should also be provided to the TBR General Counsel's office.

5. Other debts: The institution shall immediately forward the file to the Attorney General's office with a Referral Form and the documentation specified on the Referral Form.

- a. A copy of this information should also be provided to the TBR General Counsel's office.
- b. When the notice states "No assets," unless the institution is a secured creditor (in which case a proof of claim would have been filed), the debt must be written off once the Attorney General's office provides the institution with notice of discharge.

C. Chapter 13 (Reorganization)

1. NOTE: For petitions filed on or after 11/5/90, an educational loan is non-dischargeable if the loan first became due within five years calculated from the date the loan first came due to the date the bankruptcy action was filed, exclusive of periods during which repayment obligations are suspended.
2. Effective for bankruptcies filed on or after 5/28/91, that same five (5) year period was increased to seven (7) years. See NOTE above for further details.
3. Regardless of the date of filing or the nature of the debt owing, upon receiving any notice of the filing of a petition, all collection efforts against the debtor and endorser must cease immediately.

- a. The institution shall immediately forward the file to the Attorney General's office with a Referral Form and the documentation specified on the Referral Form.
- b. A copy of this information should also be provided to the TBR General Counsel's office.
- c. The Attorney General's office will advise the institution whether the debt is dischargeable and the extent to which collection activities may be reinstated.

4. If the seven (7) year exception period applies and the debtor serves the institution with a summons and complaint the institution shall immediately fax to the Attorney General's bankruptcy unit a copy of the Summons and Complaint, the debt payoff amount, the date the note went into repayment, and any deferment and/or forbearance history.

- a. A copy of this information should also be provided to the TBR General Counsel's office.

5. Other debts: The institution shall immediately forward the file to the Attorney General's office with a Referral Form and the documentation specified on the Referral Form.

- a. A copy of this information should also be provided to the TBR General Counsel's office.
- b. The Attorney General's office will advise the institution as to the dischargeability of the debt.

X. Write Offs

A. Authority. The Tennessee Board of Regents and its institutions are authorized to write off uncollectible receivables pursuant to policies outlined in Chapter 0620-1-9 of the rules of the Department of Finance and Administration.

1. This includes the write off of any account of five thousand dollars (\$5,000) or greater and/or accounts aggregating twenty-five thousand dollars (\$25,000) or more.
2. Receivables submitted for write off must have been subjected to appropriate collection efforts in accordance with this guideline and institution procedures.

B. Reserve. A reserve for doubtful accounts should be established for activities for which accounts receivable represent a material amount to the activity income.

1. The reserve should be reported in the financial records of the institution.
2. Receivables which prove to be uncollectible after prescribed collection efforts have been exhausted should be written off by a charge to the reserve for doubtful accounts after appropriate approvals are obtained.

C. Approval. The proposed write offs must be approved by institution officials not directly involved in recording and collection of accounts receivable.

1. The institution president or director and chief business officer should certify compliance with the prescribed statute and collection guidelines.

2. The accounts submitted for write off should be single accounts of \$5,000 or more and/or accounts aggregating \$25,000 or more. The write off request summary and certification, along with a detailed list of the accounts, should be submitted to the Vice Chancellor for Business and Finance's office for approval.

3. The write off request must be approved by the Chancellor or designee and General Counsel and forwarded by TBR for approval by the Commissioner of Finance and Administration and the Comptroller of the Treasury.

a. TBR will send approved write offs to the institution for the appropriate accounting.

4. Requests for the write off of single accounts of less than \$5,000 and/or accounts aggregating less than \$25,000 shall be approved at the institution level by the appropriate officials.

a. These requests do not require additional approval by the Tennessee Board of Regents office or State Departments.

D. State/TBR Employees. Any debtors identified by the TBR or State as employees with debts \$50 and above will not be approved for write off.

1. Information on the employing institution or agency will be returned to the institution for additional collection efforts.

2. If the debtor is a state employee, the Chief Business Officer of the department employing the debtor should be notified.

3. The department employing the individual will be responsible for taking the appropriate action to collect the debt.

4. If the department is unsuccessful in collecting the debt, written notification will be sent to the institution.

a. The written notification shall be submitted with the next write off request for approval.

5. If the debtor works for another TBR institution, the Chief Business Officer of the employing institution should be notified and will be responsible for collecting the debts utilizing the steps in Section III, Employee Receivables, of this policy.

a. Written notification should be sent to the requesting institution if collection efforts are unsuccessful.

b. The written notification shall be submitted with the next write off request for approval.

c. The institution may agree to payment through payroll deductions if the employee signs a payroll deduction authorization.

E. Former TBR Employees. If a debt or obligation was incurred while a TBR employee, the debt constitutes an account receivable; refer to Section II.

F. Holds on Written Off Receivables. A hold on transcripts and future registration will continue until the debt is cleared for former students whose receivables were written off if the debt was twenty-five (25) dollars or more.

1. Institutions have the discretion to allow enrollment when the outstanding obligation is \$200 or less.

2. Institutions will continue to withhold certificates of credit, diplomas, grade reports, and transcripts for these accounts until they are paid in full or meet the criteria established in T.C.A. § 49-9-108.

XI. Gramm-Leach-Bliley Act Contract Clause

A. Include the standard language printed below in all future contracts with third party service providers that have access to the institution's customers' non-public financial information.

1. "Throughout the term of this Agreement, Service Provider shall implement and maintain 'appropriate safeguards,' as that term is used in § 314.4(d) of the FTC Safeguard Rule, 16 C.F.R. § 314, for all 'customer information,' as that term is defined in § 314.2(b) of the FTC Safeguard Rule, delivered to Service Provider by Institution pursuant to this Agreement.
2. The Service Provider shall implement an Information Security Program ('the Program') as required by the FTC Safeguard Rule.
3. Service Provider shall promptly notify the Institution, in writing, of each instance of;
 - a. Unauthorized access to or use of that nonpublic financial customer information that could result in substantial harm or inconvenience to a customer of the Institution; or
 - b. Unauthorized disclosure, misuse, alteration, destruction or other compromise of that nonpublic financial customer information.
4. Service Provider shall forever defend and hold Institution harmless from all claims, liabilities, damages, or judgments involving a third party, including Institution's costs and attorney fees, which arise as a result of Service Provider's failure to meet any of its obligations under this provision.
5. Service Provider shall further agree to reimburse the Institution for its direct damages (e.g., costs to reconstruct lost or altered information) resulting from any security breach, loss, or alteration of nonpublic financial customer information caused by the Service Provider or its subcontractors or agents.
6. Service Provider grants Institution the right to conduct on-site audits, as deemed necessary by the Institution, of the Service Provider's Program to ensure the integrity of

the Service Provider's safeguarding of the Institution's customers' nonpublic financial information.

7. Institution retains the right to unilaterally terminate the Agreement, without prior notice, if Service Provider has allowed a material breach of its Program in violation of its obligations under the GLBA, if Service Provider has lost or materially altered nonpublic financial customer information, or if the Institution reasonably determines that Service Provider's Program is inadequate.
8. Within thirty (30) days of the termination or expiration of this Agreement, Service Provider shall, at the election of Institution, either:

- a. Return to the Institution; or
- b. Destroy (and shall cause each of its agents to destroy) all records, electronic or otherwise, in its or its agent's possession that contain such nonpublic financial customer information and shall deliver to the Institution a written certification of the destruction."

Sources

November 16, 1977, TBR presidents meeting. Revised July 1, 1984. Revised May 17, 1988. Revised May 12, 1992. Revised August 9, 1994, TBR presidents meeting. Revised November 9, 1994, TBR presidents meeting. Revised May 14, 1996, presidents meeting. Revised August 25, 1998, presidents meeting. Revised May 11, 1999, presidents meeting. Revised May 21, 2001 presidents meeting. Revised May 16, 2006 presidents meeting. Revised November 8, 2006 presidents meeting; Presidents Meeting August 19, 2008; Presidents Meeting November 5, 2008; Presidents Meeting, May 21, 2013

Related Policies

- [Payment of Student Fees & Enrollment](#)

Proposed Revision to B-010, Collection of Accounts Receivable
Section II, Items E – G & Section IV

E. Record Holds. Pursuant to T.C.A. § 49-9-108, no diplomas, transcripts, certificates of credit or grade reports will be issued until the student involved has satisfied all debts or obligations owed to the university, community college or college of applied technology.

1. This statutory limitation shall not apply to debts or obligations:

- a. of less than twenty-five dollars (\$25.00) that are more than ten (10) years old.
- b. evidenced by notes or other written contracts providing for future payment, such as, but not limited to, loans authorized under federal or state education or student assistance acts.

2. An amount owed under the institution's installment payment plan for enrollment fees which is not yet due shall not cause a hold to be applied. A notice stating the specific amount due should be sent to each such student prior to completion of registration.

3. Once a petition in bankruptcy has been filed, all holds should be lifted, but the institution has no obligation to provide student diplomas, transcripts, certificates of credit or grade reports unless specifically requested to do so. See Section IX for additional information regarding bankruptcy.

F. Enrollment and Outstanding Debts or Obligations. A student must pay any past due debts and obligations incurred in prior academic terms before being permitted to register.

- 1. Additionally, all known debts and obligations incurred during the current term must be paid prior to a student being allowed to pre-register for any future terms.
 - a. Institutions have the discretion to allow enrollment when the outstanding obligation is \$200 or less.
 - b. Institutions will continue to withhold diplomas, transcripts, certificates of credit or grade reports until the student involved has satisfied all debts or obligations or such meet the criteria established in T.C.A. § 49-9-108, as stated in E.1 and E.2 above.

**Proposed Revision to B-010, Collection of Accounts Receivable
Section II, Items E – G & Section IV**

G. Aging. All receivables should be aged at least annually.

H. Documentation. Accurate records of correspondence, telephone calls, and personal contacts with borrowers shall be maintained. Institutions shall comply with record maintenance, safekeeping, and retention regulations for federally funded loans.

IV. Dishonored Payments

E. Enrollment Fees. Pursuant to the Board Policy on the Payment of Fees and Enrollment of Students (4:01:03:00), if any student tenders payment of fees by a check or credit card that is subsequently dishonored by the financial institution, and the payment is not redeemed in cash within the time period specified below, the institution has the option to not consider that student enrolled for the term.

1. At the discretion of the institution, the student may be considered enrolled and will be assessed the applicable returned payment fee, the applicable late registration fee, and will be denied grade reports, transcripts and future registration privileges until such dishonored payment is redeemed.

2. Institutions have the discretion to allow enrollment when the outstanding obligation is \$200 or less.

3. Institutions may deny future check writing privileges to students that have paid registration fees with checks that are subsequently dishonored.

4. While institutions have discretion in how these situations will be handled, all students must be treated the same at that institution.

5. A student paying enrollment fees with a check or credit card that is dishonored must redeem the payment within 10 calendar days from receipt of the notice.

Commented [BS1]: We request this be changed to say within 5 calendar days from receipt of notice. This offers a reasonable time for repayment while providing a better opportunity for the University to finalize deletions and clear up outstanding issues. (UOM)

Proposed Revision to B-010, Collection of Accounts Receivable
Section II, Items E – G & Section IV

- a. Notice should be sent by the institution to the student no more than three (3) working days from receipt of notice of a bad check from the bank.
 - b. Notice by certified mail is optional.
 - c. The institution will have 5 working days after the expiration of the 10 calendar days to pursue any additional collection efforts deemed necessary.
 - d. Immediately after the 5 working days, the student will be deleted if the check has not been redeemed in full if that option is selected by the institution.
 - e. Enrollment fees including returned check fees for students de-enrolled for bad checks should be reversed.
- F. ~~Non-Student or Non-Employee.~~ Any person other than a student or employee who tenders a check for payment for goods or services which is subsequently dishonored shall be given the opportunity to redeem the check and pay the amount due in cash. The person shall be given notice of the dishonored check, sent certified mail, demanding payment within ten (10) days.
- G. Collection of Dishonored Checks. A check presented for payment of any goods or services which is subsequently dishonored shall be treated as an account receivable under Section II. Any transactions that have been processed should be reversed when possible and appropriate.
- H. Future Check-Writing. Receipt of one or more bad checks from any person may result in that person becoming ineligible to make payments by check thereafter, or to have any check cashed by the institution. A record of individuals who have written bad checks should be maintained.

Commented [BS2]: We recommend that the returned check fee stay on the student's account. We must pay this fee to the bank, so it should be charged to the student, who will pay it in order to register for future terms. (UOM)

Commented [BS3]: We would like the requirement of certified mail in this section to be optional. (UOM)

Attachment F

Fees, Charges, Refunds, and Fee Adjustments : B-060

Guideline

- I. General Provisions
- II. Maintenance Fees
- III. Out-of-State Tuition
- IV. Recruitment Focus Area Plan
 - A. Description of Plan
 1. The Recruitment Focus Area Plan has been made available to TBR universities on an “opt-in” basis. Institutions who wish to opt-in must file a request with the System Office. Unless otherwise delegated, approval of a request to adopt the Plan would rest with the Board.
 2. The Plan applies to admitted students (both undergraduate and graduate) who graduate from a high school located in a county within a 250 mile radius of the city in which the main campus of a university is located.
 3. The out-of-tuition rate charged to students eligible for the Plan rate will equal the institution’s state subsidy per full-time equivalent student for the prior fiscal year. This rate would be capped at 12 hours for undergraduate students and 10 hours for graduate students.
 4. The Recruitment Focus area rate does not impact students who otherwise qualify for border county classification or other in-state residency classification.

5. Participating institutions must adopt a process that ~~permits~~ permits reporting to the System Office on the effect of the Plan.

B. Accounting Treatment

1. The maintenance fee and the out-of-state tuition should each be recorded as outlined in sections II and III above.

V. eRate

Attachment B

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Lease Procedures and Guidelines: B-026

Policy/Guideline Area

Business and Finance Guidelines

Applicable Divisions

TCATs, Community Colleges, Universities

Purpose

These guidelines set forth the leasing procedures for all institutions governed by the Tennessee Board of Regents.

Policy/Guideline

Approvals Required

Commented [BS1]: Guideline needs to be in conformity with TCA 12-2-15 which has changed approvals needed and the dollar amount to more than \$150,000. TBR Facilities will determine which language to delete and what language to be added.

Commented [TGB2]: Guideline needs clarity on approvals required, when advance approvals are needed and forms to use. In this section, information overlaps, making it difficult to understand what is really intended/needed. (IA)

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A. Institution as Lessee and Lessor

1. All agreements involving or related to the lease of real property for a term of more than five (5) years or a consideration of more than ~~\$15,000~~ \$150,000 per year shall be approved by the Chancellor, including any amendment or cancellation (TBR Policy No. 1:03:02:10).

2. Documents for all leases and lease amendments with consideration of more than \$150,000 per year or a term longer than five (5) years shall be approved by the State Building Commission in accordance with T.C.A § 12-2-115 and the Tennessee Higher Education Commission.

3. Signatures required include:

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a. The Lessor (signature shall be acknowledged by a notary public).

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b. President of the Institution or Vice Chancellor for Colleges of Applied Technology
(signature shall be acknowledged by a notary public).

c. Chancellor or his/her designee.

d. State Building Commission with signatures by:

(1) State Attorney General and Reporter in compliance with TCA § 12-2-115.

(2) Commissioner of General Services if procured by STREAM.

4. (3) Governor (this signature is required for lease-outs).

B. Institution as Lessor

1. All agreements involving or related to the leasing of Tennessee Board of Regents or institutional property for a term of more than five (5) years or a consideration more than \$15,000 per year shall be approved by the Chancellor, including any amendment or cancellation (TBR Policy No. 1:03:02:10).

G. B. Leases for more than \$15,000 \$150,000 per year or for more than five (5) years.

1. All proposed leasing actions for real property with consideration more than \$15,000 \$150,000 per year or for a term of more than five (5) years shall be submitted to the Department of Finance and Administration State Building Commission and the Tennessee Higher Education Commission by the Office of Facilities Development, Tennessee Board of Regents for review and analysis prior to taking action by the institution.

D. Leases for more than \$50,000 per year or for more than 5 years

1. All lease proposals involving a consideration of more than \$50,000 per year or a term longer than five (5) years, upon approval of the Department of Finance and

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Administration and the Tennessee Higher Education Commission shall be presented, with appropriate comment or recommendation, to the State Building Commission Executive Sub-Committee for approval prior to any leasing action.

2. Leases approved during the annual budget review process will not require prior approval of the State Building Commission Executive Sub-Committee (SBC Policy).

E. ~~Leases for more than \$15,000 per year and not more than \$50,000~~

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1. ~~All lease proposals with a consideration of more than \$15,000 per year and not more than \$50,000 shall be submitted to the Department of Finance and Administration and the Tennessee Higher Education Commission prior to any leasing action but shall not require prior approval of the State Building Commission Executive Sub-Committee prior to advertising.~~

2. ~~After~~^{3. After} review and analysis, the ~~Department of Finance and Administration~~ ^{State Building Commission} and the Tennessee Higher Education Commission shall provide comments to the Tennessee Board of Regents (SBC Policy).

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F. ~~C. Leases for more than \$40,000~~ ~~\$150,000~~ per year or for more than ~~five (5)~~ years

1. ~~Documents for all leases and lease amendments with consideration of more than \$40,000~~ ~~\$150,000~~ per year or a term longer than five (5) years shall be approved by the State Building Commission in accordance with T.C.A. § 12-2-115 and the Tennessee Higher Education Commission.

2. ~~Signatures required include:~~

a. ~~The Lessor (signature shall be acknowledged by a notary public).~~

b. ~~President of the Institution or Vice Chancellor for Colleges of Applied Technology (signature shall be acknowledged by a notary public)~~

c. ~~Chancellor or his/her designee.~~

d. ~~State Building Commission with signatures by:~~

(1) ~~Commissioner of Finance and Administration~~ General Services

(2) ~~State Attorney General~~

(3) ~~Governor (this signature is required for lease-outs)~~

G. C. Leases for ~~\$15,000~~ \$150,000 or less per year and for five (5) years or less where the institution is the Lessee or Lessor, using one of the following approved forms: the Tennessee Board of Regents Standard Lease Agreement, Mutual Use Agreement, Transient Use Agreement, or Tenant Use Agreement, shall be approved by:

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1. President of the institution

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2. Vice Chancellor for Colleges of Applied Technology

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H. D. Leases for which operating funds will be requested or for more than five (5) years,

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1. Any lease which is for a term longer than five (5) years or in which the total of the consideration, maintenance costs, utility costs and/or custodial costs are estimated to exceed ~~\$15,000~~ \$150,000 per year, and funding for same is requested through state appropriations, shall be approved by the Tennessee Higher Education Commission (THEC Policy).

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II. I. Non-Discrimination

A. Institutions engaging in a real estate transaction, including sale, rental or lease, shall not discriminate on the basis of race, color, creed, religion, sex or national origin. See T.C.A. § 4-21-601.

B. No state employee or agent shall enter into a commercial agreement on behalf of the state with a club which denies to a person entry, use of facilities or membership or unreasonably prevents the full enjoyment of such club on the basis of sex, race, creed, color, religion, ancestry, national origin or disability. See T.C.A. § 4-21-803.

III. II. Recording of Leases

A. Leases in which the institution is the Lessee which require State Building Commission approval shall be recorded by the Commissioner of ~~Finance and Administration~~ General Services in the county or counties where the property is located (per T.C.A. § 12-2-105).

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IV. III. Advertising for Leased Space

A. Where the institution is the lessee, advertising shall be required in all transactions involving new, succeeding, superseding leases or lease renewals except:

1. Where the annual rent does not exceed ~~\$8,500~~ \$50,000 or where the term of the lease is one (1) year or less.
2. Where property is owned by a governmental agency and leased to another governmental agency.
3. Where a supplemental agreement is made to an existing lease for additional space at a negotiated price without modifying the original lease term (Reference T.C.A. § 12-2-114).

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3.4. Where the space required by the entity has special and unique requirements as determined by the Commission.

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IV Special and Unique Space

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1. The space to be leased has characteristics, such as location, size, or quality which can only be satisfied by one landowner, as determined by a reasonable survey, and will have an annual rent of less than \$50,000.

2. The space to be leased will be let for less than 30 days; will have a total cost of \$50,000 or less; and is for an auditorium, hearing room, conference or related space.

IV. Forms and Documentation Required

A.B. Submit to the Chancellor ~~four (4)~~ one (1) copies copy each of the following forms at the appropriate times described above. Copies of all forms are available from the Office of Facilities Development upon request.

1. Space Action Request Form ~~(green)~~

a. ~~Four~~ One (1) green copies copy required with initial submittal of request for leased space.

2. State University and Community College System of Tennessee (Tennessee Board of Regents) ~~Standard~~ standard Lease Agreement Form

a. Minimum of ~~five (5)~~ three (3) copies required after approval has been given to enter into a lease agreement.

b. Use the Tennessee Board of Regents standard ~~form of agreement~~ Lease Agreement Form unless prior approval has been obtained to use any other form.

c. There should be no changes or additions to the standard ~~form~~ Lease Agreement Form without prior approval.

3. Statement of Financial Interest for Leased Property

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- a. For all leases subject to the State Building Commission approval, when the institution is the Lessee, the Lessor shall identify persons with a financial interest in the leased property on the Statement of Financial Interest for Leased Property when submitting the lease agreement.

4. Conflict of Interest

- a. No individual, company, or other entity involved in the evaluation or negotiation of proposals should have a financial interest or have the appearance of a conflict of interest unless disclosed and addressed in accordance with SBC Policy Item 12.
- b. A written conflict of interest disclosure documenting the independence of each person involved must be completed and retained as part of the procurement file.

4.5 Space Action Request, Office Space Requirements Analysis, Finance and Administration Form RSM-1A

- a. Document space needs on this form, adapting as necessary to include classroom and class laboratory space needs and submit with initial submittal of request for leased space.

5.6 Supplemental Data Questionnaire, Finance and Administration Form RSM-1B

- a. Document space needs on this form and submit with initial submittal of request for leased space.

6.7 Certification of Funds Available

- a. For all leases subject to State Building Commission approval, a letter signed by the President of the institution or Vice Chancellor for Colleges of Applied Technology certifying that funds are available must accompany the lease proposal.

- b. Institution Certification of Funds shall be acknowledged and certified by Vice Chancellor for Business and Finance.

7.8. Summary of Analysis of Lease Proposals Received

- a. If advertising and receipt of lease proposals is performed by the institution, a summary of analysis of lease proposals must accompany the lease proposals including cost analysis.

8.9. Enrollment Projections and Program Documentation

- a. Provide historical enrollments and enrollment projections and documentation of programs to be offered at the site of the proposed leased facility shall accompany the lease proposal as justification for the need to lease space.

VI.V. State Statutes on State Leases & Disposals of Real Property

A. The following State Statutes on State leases and disposals of real property are referenced for your information. Copies are available from the Office of Facilities upon request.

1. T.C.A. § 4-15-102 - State Building Commission - Powers and Duties
2. ~~T.C.A. § 4-21-601 - Discriminatory Housing Practices Generally~~
3. ~~T.C.A. § 4-21-803 - Commercial Agreements with the State - Prohibition - Required Statement~~
4. T.C.A. § 12-2-112 - Disposal of Surplus Interests in Real Property and Energy Resources
5. T.C.A. § 12-2-114 - State Leases - Procedure
6. T.C.A. § 12-2-115 - Approval of Lease Instrument where State is Lessee or Lessor

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7. 7. T.C.A. § 49-8-111 - Powers Regarding Property

VII.VI. Lease Policies of the State Building Commission

- A. Item 7, Leases of Real Property as published in By-Laws, Policy and Procedure of the State Building Commission of Tennessee, compiled ~~January~~ ~~February~~, 1991 ~~2014~~ is referenced for your information. Copies are available from the Office of Facilities upon request.

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Sources

Presidents Meeting, May 14, 1991; Presidents Meeting November 5, 1997; Presidents Meeting February 13, 2007.