



A G E N D A
PRESIDENTS MEETING
Tuesday, August 19, 2008 – 9:00 A.M. (CT)
TBR Board Room

1. Review of Lottery Implementation (Tim Phelps, Associate Executive Director for Grants and Scholarships at TSAC)
2. A C Wharton Community College Tuition Plan (Chancellor Manning)
3. Report on County Support of Student Tuition (Vice Chancellor David Gregory)
- Attachment
4. International Education (President Allen Edwards)
5. Financial Disclosure Forms (Chris Modisher) - Attachment
6. President Emeritus Hourly Pay (Vice Chancellor Bob Adams)
7. Pay Plans and Academic Credentials (Vice Chancellor Bob Adams)
8. Explanation of Issues on Matching Capital Coming Before the Ad Hoc Committee on Capital Outlay (Vice Chancellor David Gregory)
9. Proposed Revision to TBR Policy 5:02:02:20 – Guidelines on Faculty Promotion Recommendation at TBR Universities (Vice Chancellor Paula Myrick Short) - Attachment
10. Proposed Revisions to TBR Guideline A-015 - Admissions (Vice Chancellor Paula Myrick Short) – Attachment
11. Request by Fiscal Review to Receive Copies of Responses to Audit Weaknesses (Information Item) (Vice Chancellor Bob Adams)

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12. Revisions to Guideline B-010 – Collection of Accounts Receivable (Vice Chancellor Bob Adams) - Attachment
13. Proposed TBR Policy on Telecommuting (Vice Chancellor Adams) - Attachment
14. Revisions to Policies and Guidelines under Human Resources (Vice Chancellor Bob Adams) - Attachment
 - Revision to TBR Policy 5:01:01:10, Holidays
 - Revision to TBR Policy 5:01:01:11, Days of Administrative Closing
 - Revisions to TBR Policy 1:02:03:10, Conflict of Interest
 - Revision to TBR Guideline P-010, Personnel Transactions
 - Revision to TBR Policy 5:01:00:00, General Personnel
 - Revision to TBR Policy 5:01:00:10, Personnel Records
 - Revision to TBR Policy 5:01:01:03, Leave of Absence
 - Proposed TBR Policy 5:01:01:19, Volunteer Firefighter Service Leave
 - Revision to Guideline P-131 Educational Assistance for Spouse and Dependents of TBR Employees
15. Proposal for TBR 403(b) Retirement Plan (Vice Chancellor Bob Adams) - Attachment
16. PII (Personally Identifiable Information) (Tom Danford) - Attachment
17. File Sharing (P2P) Provision of the Higher Ed Reauthorization Act (Tom Danford)
18. Opportunities with Web Based Collaborative Tools (Microsoft Live@edu and Google Apps) (Tom Danford)
19. Revision to the Presentation Process of the Regents Award (Vice Chancellor David Gregory) - Attachment
20. Use of State Property for Political Activities (Chancellor Manning)

PRESIDENTS QUARTERLY MEETING

DATE: August 19, 2008 – Presidents Meeting

AGENDA ITEM: Report on County Support of Student Tuition

ACTION: Information

PRESENTER: Vice Chancellor David Gregory

BACKGROUND INFORMATION: See Attached



MEMORANDUM

To: Community College Presidents
From: Charles W. Manning
Date: August 12, 2008
Re: Local and Foundation Scholarship Programs

Across the state, local governments and some private foundations are beginning to take the initiative to provide scholarships for students to attend postsecondary education in their region. Programs like Educate & Grow which began in Sullivan County, the Ayers Foundation Scholarships (Decatur County and others) and the Dyer County Promise have taken proactive steps to provide new opportunities to traditional and non-traditional students with an eye to meeting the workforce development needs for the coming years. We are in the process of compiling a comprehensive list of similar opportunities available throughout the Board of Regents System. We would like to begin to track the growth of these initiatives as they expand across our state.

Attached is a map and table of several programs currently in operation throughout the state. Please take a moment and complete the attached form and include the information for each county in your service area. We are primarily interested in those programs that are providing opportunities for all students in a given geographic area. (Note: If there are other broad-based scholarships in your service area that might not be available to all students in the region but might be helpful for us to know about please give a description of those on the bottom of the form where indicated. Finally, in reviewing the provided table, please note any additional markers that we should incorporate when tracking the growth and development of these and future programs. Please provide your suggestions and return the completed form to David Gregory (David.Gregory@tbr.edu) by Monday, August 25th.

Attachment

Cc: University Presidents

County Name	Program Name	Public or Private Funding	Fixed or Last Dollar Funding	Statewide or County Specific eligibility	Institution Specific or Open Choice	Merit Based or Need Based or Both	Traditional or Non-traditional Pool
Benton	Ayers Foundation Scholarship	Private	Fixed - \$500	County	UT Martin	HS graduate	Traditional
	Ayers Foundation Scholarship	Private	AFS - 50%, UTM - 25%, Student - 25% (reimbursable after 60hrs)	County	UT Martin	3yr hiatus	Non-traditional
	Ayers Foundation Scholarship	Private	Fixed - \$500	County	UT Martin	HS graduate	Traditional
	Ayers Foundation Scholarship	Private	AFS - 50%, UTM - 25%, Student - 25% (reimbursable after 60hrs)	County	UT Martin	3yr hiatus	Non-traditional
Carter	Educate & Grow	Public	Last Dollar	County	Northeast St. CC	ACT: 19 in all subjects	Traditional
	Ayers Foundation Scholarship	Private	Last Dollar	County	OPEN CHOICE	HS graduate	Traditional
Decatur	Ayers Foundation Scholarship	Private	AFS - 50%, UTM - 25%, Student - 25% (reimbursable after 60hrs)	County	UT Martin	3yr hiatus	Non-traditional
	Dyer Promise Scholarship	Public	Fixed - \$675	County	Dyersburg St. CC	HS graduate (Dyer city)	Traditional
Dyer	Ayers Foundation Scholarship	Private	Fixed - \$500	County	UT Martin	HS graduate	Traditional
	Ayers Foundation Scholarship	Private	AFS - 50%, UTM - 25%, Student - 25% (reimbursable after 60hrs)	County	UT Martin	3yr hiatus	Non-traditional
Hardin	Ayers Foundation Scholarship	Private	Fixed - \$500	County	UT Martin	HS graduate	Traditional
	Ayers Foundation Scholarship	Private	AFS - 50%, UTM - 25%, Student - 25% (reimbursable after 60hrs)	County	UT Martin	3yr hiatus	Non-traditional
Henderson	Ayers Foundation Scholarship	Private	Fixed - \$500	County	UT Martin	HS graduate	Traditional
	Ayers Foundation Scholarship	Private	AFS - 50%, UTM - 25%, Student - 25% (reimbursable after 60hrs)	County	UT Martin	3yr hiatus	Non-traditional
Johnson	Educate & Grow	Public	Last Dollar	County	Northeast St. CC	ACT: 19 in all subjects	Traditional
	Ayers Foundation Scholarship	Private	Fixed - \$500	County	UT Martin	HS graduate	Traditional
Perry	Ayers Foundation Scholarship	Private	AFS - 50%, UTM - 25%, Student - 25% (reimbursable after 60hrs)	County	UT Martin	3yr hiatus	Non-traditional
	Partners in Progress	Public	Last Dollar	County	Walters St. CC	2.7 GPA or 19 ACT Composite	Traditional
Sullivan	Educate & Grow	Public	Last Dollar	County	Northeast St. CC	ACT: 19 in all subjects	Traditional
	Educate & Grow	Public	Last Dollar	County	Northeast St. CC	ACT: 19 in all subjects	Traditional
Unicoi	Educate & Grow	Public	Last Dollar	County	Northeast St. CC	ACT: 19 in all subjects	Traditional
	Educate & Grow	Public	Last Dollar	County	Northeast St. CC	ACT: 19 in all subjects	Traditional
Washington	Ayers Foundation Scholarship	Private	Fixed - \$500	County	UT Martin	HS graduate	Traditional
	Ayers Foundation Scholarship	Private	AFS - 50%, UTM - 25%, Student - 25% (reimbursable after 60hrs)	County	UT Martin	3yr hiatus	Non-traditional
Wayne	Ayers Foundation Scholarship	Private	Fixed - \$500	County	UT Martin	HS graduate	Traditional
	Ayers Foundation Scholarship	Private	AFS - 50%, UTM - 25%, Student - 25% (reimbursable after 60hrs)	County	UT Martin	3yr hiatus	Non-traditional

Local and Foundation Scholarships Form

Institution Name:

County Name	Program Name	Public or Private Funding	Fixed Amount or Last Dollar	Institution Specific or Open Choice	Merit Based or Need Based or Other	Traditional or Non-Traditional Pool
<i>Example: Sullivan</i>	<i>Educate & Grow</i>	<i>Public</i>	<i>Last Dollar</i>	<i>Northeast St. CC</i>	<i>ACT: 19 in all subjects</i>	<i>Traditional</i>

Please provide a summary of any additional programs needing consideration or tracking:

PRESIDENTS/DIRECTORS QUARTERLY MEETINGS

DATE: August 19, 2008 – Presidents Meeting
August 20, 2008 – Directors Meeting

AGENDA ITEM: Financial Disclosure Forms

ACTION: Information Item

PRESENTER: Chris Modisher, General Counsel

BACKGROUND INFORMATION:

Chris Modisher will discuss the attached financial disclosure form with the presidents and directors.



2008 STATEMENT OF DISCLOSURE OF INTERESTS
STATE AND LOCAL OFFICE HOLDERS, CANDIDATES AND APPOINTEES TO SUCH POSITIONS,
NON-GENERAL ASSEMBLY MEMBERS, ETC.

Please see the attached Instructions before completing this form (the failure to timely and properly submit the required disclosure statement can, under T.C.A. §3-6-205, result in the imposition of civil penalties in amounts up to \$10,000).

Please PRINT OR TYPE.

1. NAME OF OFFICIAL OR CANDIDATE

2. PHONE NUMBER

(Home) (Work)

3. HOME ADDRESS

Street or Rural Route City State Zip Code

MAILING ADDRESS (CHECK HERE IF SAME AS HOME ADDRESS)

Street or Rural Route City State Zip Code

4. OFFICE HOLDER or NEW CANDIDATE

COUNTY:

TITLE OF OFFICE HELD OR SOUGHT :

DISTRICT NUMBER OR COUNTY WHERE OFFICE LOCATED:

5. SOURCES OF INCOME

List major source(s) of private income of more than \$1,000 and that of your spouse or minor child residing with you. "Major sources of private income" include, but are not limited to, offices, directorships and salaried employments. No dollar amounts need to be stated. Select as many recipients as necessary.

None

Name of Source

Name of Source lines

Recipients

Filer Spouse Minor Child
Filer Spouse Minor Child
Filer Spouse Minor Child



6. **INVESTMENTS:** List any investment by you, your spouse or minor children residing with you in any corporation or other business organization in excess of ten thousand dollars (\$10,000) or five percent (5%) of the total capital. The name of the corporation or organization must be listed but no dollar amounts or percentages of the investment need be stated.

None

Name of Organization

Held By

Filer Spouse Minor Child

Filer Spouse Minor Child

Filer Spouse Minor Child

7. **LOBBYING:** List any person, firm or organization for whom compensated lobbying is done by any associate, your spouse or minor children residing with you. Also, list any firm in which you, your spouse or minor children residing with you hold any interest for whom compensated lobbying is done. Explain the terms of any such employment, the subject matters lobbied and/or the measures to be supported or opposed.

None

Name of Lobbyist

Terms of Employment

Subject Matter or Measures

Lobbyist Relation to Filer

Filer Spouse Minor Child

Associate of Filer

Filer Spouse Minor Child

Associate of Filer

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

None

Licensed Profession

Clients Interests

Furnished by

Filer Spouse

Filer Spouse

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

None

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

None



11. **LOANS:** List any loan or combination of loans for more than one thousand dollars (\$1,000) from the same source made in the previous calendar year to you, your spouse or minor children residing with you. See the attached Instructions for the list of loans that should not be disclosed on this report.

None

Lender Name

Loan Recipient

Filer Spouse Minor Child

Filer Spouse Minor Child

Filer Spouse Minor Child

12. **TO BE SIGNED BY REPORTING OFFICIAL** (*must be attested to by a witness*)

I certify that the information contained in this disclosure statement is true and that it is a complete and accurate report in accordance with the Conflict of Interest Disclosure Act.

Signature of Official or Candidate

Date

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

(Printed Name of Witness)

Signature of Witness

Date



Instructions to Statement of Disclosure of Interests

The positions listed below are required by the Ethics Reform Act of 2006 to file a Statement of Disclosure of Interests with the Tennessee Ethics Commission. Please make sure you are using the correct form:

Form SS-8004:

- General Assembly Members;
- Governor;
- Governor's Cabinet;
- Cabinet Level Staff;
- Constitutional Officers

Form SS-8005

- Candidates for any elected office;
- Local public officeholders as defined in T.C.A. § 2-10-102 (13)(A) and Newly-appointed local public officeholders (appointed to fill a vacancy in an elected local public office);
- District attorneys general and public defenders for each judicial district and the Executive Director of the District Attorneys General Conference as well as the Attorney General and reporter;
- Each supreme court justice, each judge of the court of criminal appeals, each judge of the court of appeals and the administrative director of the courts;
- Each member of the state election commission, the state election coordinator and members of the registry of election finance;
- Each director of the Tennessee regulatory authority;
- Each delegate to a constitutional convention called to consider a new constitution or amendments to the Constitution of Tennessee;
- Members of the Board of Probation and Parole, members and the Executive Director of the Alcoholic Beverage Commission and Members of the Tennessee Ethics Commission; and
- The Chancellor of the Board of Regents and the president of each college or university governed by the Board of Regents (excluding directors of Tennessee technology centers) and the President of the University of Tennessee and the chancellor of each separate branch or campus of the University of Tennessee.

When Must the Statement Be Filed?:

Form SS-8004:

- Current Officeholders: File with the Commission by no later than **April 15th** of each year;
- Newly-Appointed Officeholders: File within **30 days** of being appointed to office; (in addition, note that the government authority that appoints the newly-elected official must send notice to the Ethics Commission within 3 days of appointing the official);

Form SS-8005:

- Candidates: File within **30 days** of the last day to qualify as a candidate;
- Current Officeholders: File with the Commission by no later than **January 31st**.
- Newly-Appointed Local Officeholders: File within **30 days** of being appointed to office; (in addition, note that the government authority that appoints the newly-elected official must send notice to the Ethics Commission within 3 days of appointing the official);

Where Should the Statement Be Filed?: This disclosure statement must be filed with the Tennessee Ethics Commission, 201



4th Ave N, Suite 1820, Nashville, TN 37243. If you have questions, please feel free to contact the Commission's office at: (615) 253-8634 or e-mail us at ethics.counsel@state.tn.us.

WARNINGS:

- ★ An amended Statement of Disclosure of Interests must be filed whenever reported conditions change due to a termination or an acquisition of any of those interests that you are required to report;
- ★ This report is a public document which may be posted on the internet. Social security numbers, dates of birth, and account numbers are not required and should not be included on your Statement of Disclosure of Interests.

SUPPLEMENTAL INSTRUCTIONS:

➤ **QUESTION 5: INSTRUCTIONS FOR LISTING SOURCES OF INCOME.**

- A. Form SS-8004: "private income" refers to any income you or your spouse receive **in excess of \$200** per annum from a non-governmental source, and any income minor child(ren) residing with you receive **in excess of \$1000** per annum from a non-governmental source.
- B. Form SS-8005: "private income" refers to any income you, your spouse or minor child(ren) residing with you receive **in excess of \$1000** per annum from a non-governmental source.
- C. For the purposes of BOTH Forms:
 - a. If you are employed by the State of Tennessee or a local government do not report your government compensation;
 - b. the term "**Private Income**" includes, but is not limited to:
 - 1. Bank and Bond Interest
 - 2. Business Income
 - 3. Capital Gains
 - 4. Clinical Practice Income
 - 5. Income from Employment
 - 6. Income from Contractual Relationships
 - 7. Directorships
 - 8. Dividends from stocks and securities (but not the principal which is reported in the investment question following)
 - 9. Compensated Fiduciary Positions (Trusteeships, Conservatorships, etc.)
 - 10. Honoraria
 - 11. Lecture Fees
 - 12. Payments from Annuities, Settlements...etc.
 - 13. Rental income
 - 14. Research Grants
 - 15. Research Foundation Income
 - 16. Trust Income (but not the principal which is reported in the investment question)

This list is not exhaustive, but merely exemplary. If you, your spouse or minor child(ren) residing with you have other income that is not listed here but meets the requirements of this section, you are required to list them.

c. The term "**Private Income**" does not include monies received directly by inheritance or gift. The term *does include*, however, the income produced by an investment which has been received by inheritance or gift.

As a general rule, if the receipts are reportable to the IRS as private income, then they must be listed on the form.



➤ **QUESTION 6: INSTRUCTIONS FOR LISTING INVESTMENTS.**

- A. Do not report holdings that are ten thousand dollars (\$10,000) or less in value or five percent (5%) of the total capital. If, however, the holding is ten thousand dollars (\$10,000) or less in value, but is five percent (5%) or more of the total capital, the holding must be reported;
- B. Examples of investments that must be listed if held by you, your spouse or minor child(ren) residing with you (If you have holdings that are not mentioned below, but that do meet the dollar amount requirements, the holdings must be listed in question 6):
1. 401K, 403(b) and 457 plans
 2. Annuities
 3. Bonds
 4. Certificates of Deposit (interest in excess of \$1000 must be reported in the income question above)
 5. College Savings Programs
 6. State Deferred Compensation Plans
 7. Estates
 8. Stocks and securities (dividends in excess of \$1000 must be reported in the income question above)
 9. IRAs
 10. Keogh Plans
 11. Limited Liability Corporations (LLCs)
 12. Mutual Funds in IRAs
 13. Mutual Funds not in IRAs
 14. Notes (investments)
 15. Pensions
 16. Real Estate (But not your primary or secondary residence)
 17. Real Estate Investment Trusts (REITs)
 18. Retirement Plans for States other than Tennessee
 19. TIAA-CREF Supplemental Retirement Plans
 20. Treasury Notes
 21. Blind Trusts
 22. Warrants
 23. Zero Coupon Bonds
- C. If the investment is managed by entities other than yourself, spouse or minor child(ren) residing with you (such as mutual funds or 401Ks), list the entity managing the account and the type of investment, but not the corporations to which the money has been distributed.

➤ **QUESTION 7: INSTRUCTIONS FOR LISTING LOBBYING INTERESTS.**

- A. If you, your spouse, or a minor child(ren) residing with you are associated with a compensated lobbyist, you must provide the name(s) of the entities for which the associate lobbies.
- B. If you, your spouse or minor child(ren) have any interest in any lobbying firm, you must list the name of the entity. Do not report interests in employers of lobbyists, e.g., do not report interests in public corporations or other entities that may engage a lobbyist.

➤ **QUESTION 8: INSTRUCTIONS FOR LISTING PROFESSIONAL SERVICES.**

- A. For the purpose of this question, you must list the general areas of interests of your (or your spouse's) clients if you (or your spouse) engage in any profession licensed by the State of Tennessee. You are not, however, required to list your clients or to otherwise furnish personal information about your clients. These professions include, but are not limited to:
1. Chiropractic
 2. Dentistry



3. Physical Therapy
4. Pharmacology
5. Public Accounting
6. Massage Therapy
7. Midwifery
8. Podiatry
9. Veterinary Medicine
10. Optometry
11. Audiology
12. Nursing
13. Architecture
14. Law

B. This list is not exclusive. If you or your spouse practice a profession that is not listed but that requires a license to practice in the State of Tennessee, you are required to list the general areas of your clients' interests.

QUESTION 11: LOANS

Loans need not be disclosed on this report if they are:

1. From your immediate family (spouse, parent, sibling or child);
2. From a federally insured financial institution or made in accordance with existing law in the ordinary course of doing business of making loans. The loan must bear the usual and customary rate of interest, be made on a basis which assures repayment, evidenced by a written instrument and subject to a due date or amortization schedule;
3. Secured by a recorded security interest in collateral, bearing the usual and customary interest rate of the lender made on a basis which assures repayment; evidenced by a written instrument and subject to a due date or amortization schedule;
4. From a partnership in which you have at least ten percent (10%) partnership interest;
5. From a corporation in which more than fifty percent (50%) of the outstanding voting shares are owned by you or by your immediate family (spouse, parent, sibling or child).



PRESIDENTS QUARTERLY MEETING

DATE: August 19, 2008

AGENDA ITEM: Approval of Proposed Correction to TBR Policy 5:02:02:20—
*Guidelines on Faculty Promotion Recommendations at TBR
Universities Under Academic Affairs*

ACTION: Voice Vote

PRESENTER: Dr. Paula Myrick Short

BACKGROUND INFORMATION:

A proposed correction to TBR Policy TBR Policy 5:02:02:20—*Guidelines on Faculty Promotion Recommendations at TBR Universities* are being presented for approval.

During a recent review of tenure and promotion policies, an inadvertent omission of wording was discovered in Section IV of the University Promotion Policy. Section IV concerns distinguishing criteria among academic ranks. In each rank, except Instructor, the phrase “from an accredited institution” is associated with degree attainment. The community college promotion policy includes “accredited institution” in each description of minimum rank criteria but an oversight left “accredited” institution out of the university policy at the instructor rank. The university policy with the proposed correction is attached for reference (see p.2, IV.A.2).

TBR Policy: 5:02:02:20

Subject: Guidelines for Faculty Promotion Recommendations at Tennessee Board of Regents Universities

I. INTRODUCTION

Promotion in rank is recognition of past achievement of the individual being considered for promotion. In addition, the advancement in rank is recognition of future potential and a sign of confidence that the individual is capable of even greater accomplishments and of assuming greater responsibilities. The policy of the Tennessee Board of Regents is to make promotions strictly on consideration of merit tempered by university and fiscal considerations. The purpose of this policy is to help ensure that promotions are made objectively, equitably, impartially, and as a recognition of merit in line with the following policy guidelines.

The president of each university is responsible for the master staffing plan of the university. In developing such a plan, the president will consider the fiscal impact of each promotion recommended to the Board; i.e., resources allocated and distributed to the university.

II. DEFINITIONS

For the purposes of this policy, research/scholarship/creative activities and service/outreach will be defined as follows.

A. Teaching

Teaching applies to any strategy in which information is imparted so that others may learn, and may include, but is not limited to, a variety of techniques including instruction, student advising and/or mentoring, development of course materials and courseware, and development of innovative approaches to instruction.

B. Research/Scholarship/Creative Activities

Research applies to the studious inquiry, examination, or discovery that contributes to disciplinary and interdisciplinary bodies of knowledge. Research/scholarship/creative activities may include, but are not limited to, disciplinary and interdisciplinary activities that focus on the boundaries of knowledge, field-based scholarship, creative activities (e.g., film-making, performances, or other artistic creations), and the development of cutting-edge teaching approaches.

C. Service/Outreach

Service applies to involvement within the community as defined by the university's role and mission; service to the university; and service within the bounds of the applicant's academic discipline and budgeted assignment.

A more detailed description of these activities and the criteria to be applied in assessing performance in these three areas may be found in Sections IV and VII of Policy No. 5:02:03:60, "Policy on Academic Tenure for the Tennessee Board of Regents Universities."

III. THE EVALUATION PROCESS

The guidelines which follow provide a general plan for documenting the evaluation process for promotion at each university. However, each university must develop specific promotion criteria which all units of that university will follow. The university's policy must, at a minimum, satisfy the criteria established by these general System guidelines, but may also be more rigorous than the criteria stated herein. The policy should be written to distinguish between functional areas of instruction, research/scholarship/creative activities and service/outreach and should contain sections that clearly outline promotional procedures, as well as opportunities for appeal of negative decisions.

Once the university has developed its policy complete with process and appellate procedures, it must be forwarded to the Tennessee Board of Regents for review and approval. The university's promotion policy will be submitted via the Chancellor to the Committee on Personnel of the Board for review and recommended action. From the Committee, the university's policy will be referred to the Board for appropriate action. Upon Board approval, the university policy becomes a part of Board of Regents Policy.

IV. ACADEMIC RANKS

The following are criteria that distinguish between academic ranks.

A. Instructor

1. Demonstrated ability in instruction and/or service, and/or research.
2. Master's degree **from an accredited institution** in the instructional discipline or related area.
3. Evidence of good character, mature attitude, and professional integrity.

B. Assistant Professor

1. Earned doctorate or terminal degree from an accredited institution in the instructional discipline or related area.
2. Evidence of potential ability in instruction, and/or service, and/or research.
3. Evidence of good character, mature attitude, and professional integrity.

C. Associate Professor

1. Earned doctorate or terminal degree from an accredited institution in the instructional discipline or related area.

2. Documented evidence of high quality professional productivity which may lead to national recognition in the academic discipline, and/or consonant with the goals of the university and of the academic unit to which the faculty member belongs.

3. Documented evidence of ability in instruction and/or service and/or research.

4. Evidence of good character, mature attitude, and professional integrity.

D. Professor

1. Earned doctorate or terminal degree from an accredited institution in the instructional discipline or related area.

2. Documented evidence of sustained high quality professional productivity and national recognition in the academic discipline or sustained high quality professional productivity in the academic discipline that is consonant with the goals of the university and of the academic unit to which the faculty member belongs.

3. Documented evidence of teaching excellence and superior contribution to student development or superior scholarly or creative activity will contribute to the positive record of the candidate for advancement to the rank of professor. Since there is no higher rank, promotion to professor is taken with great care and requires a level of achievement beyond that required for associate professor. This rank is not a reward for long service; rather it is recognition of superior achievement within the discipline with every expectation of continuing contribution to the university and the larger academic community.

4. Evidence of good character, mature attitude, and professional integrity, and a high degree of academic maturity and responsibility.

V. EXCEPTIONS TO MINIMUM RANK QUALIFICATIONS

The minimum rank qualifications should be met in every recommendation regarding appointment to academic rank and for promotion in academic rank. Exceptions to the minimum rank qualifications can be recommended by the president of a university; however, such exceptions are not favored and should be granted only upon a showing of a candidate's exceptional merit and/or other extraordinary circumstances, such as an objective need to deviate from these minimum qualifications in filling positions and/or retaining otherwise qualified faculty within certain academic disciplines.

Petitions for exceptions to promotional criteria may include consideration of the appropriateness of the degree or extraordinary qualities that the candidate may possess. The equivalent work experience credit may include relevant teaching experience or other experiences such as experience gained as an administrator, counselor, librarian, journeyman, or the like. When evaluating college level instruction, research/scholarship/creative activities, and service, the university may make its own determination whether or not the number of years of experience from another university is to be accepted in total or discounted in some manner.

VI. TERMINAL DEGREE DESIGNATION

The Board will use national discipline standards to determine which degrees are considered to be "terminal" within each discipline and will provide each university with a list that delineates these degrees. Each university may request blanket exceptions to these standards by classification based upon its mission and hiring practice. Each university may also petition the Board for "equivalent work experience credit" when a candidate has not obtained a terminal degree, but has a record of extraordinary achievement in a given field. The equivalent work experience credit may include relevant teaching experience or other experiences such as experience gained as an administrator, counselor, librarian, journeyman, or the like.

VII. PROMOTION CRITERIA

The academic units of the universities must develop written guidelines with specific criteria for evaluating the faculty in teaching, research and service. The departmental guidelines can not be less rigorous than TBR or university guidelines. These guidelines should be distributed to all new faculty members and should be easily available at all times, preferably via the Web. Whenever the guidelines are revised, the faculty should be notified of the availability of the revised guidelines. Guidelines should use the following general criteria as minimum requirements.

A. Teaching

Evaluation of instruction shall be based on the following criteria with the each unit assigning varying degrees of weight to each criterion. Deficiencies in some criteria may be counterbalanced by superiority in others.

1. Evaluation by department/division chairperson, and appropriate dean.
2. Evaluation of curriculum and/or program development; development of instructional techniques (including development of on-line and computer assisted course development), etc.
3. Promote involvement in student research, scholarship, and creative activities.
4. Evaluation of the individual's performance in the advisement of students.
5. Evaluation of the quality of the individual's performance in graduate and undergraduate student mentoring.
6. Evaluation of published works in the teaching area; documentation of teaching methodology that may be shared with colleagues.
7. Honors and recognition for contributions to teaching.
8. A record that indicates that the individual has remained current in his/her field of specialization and effective in instructional methodology.

9. Evaluation by peers, especially those in the same academic area (as appropriate for the individual university.)

10. Student Evaluation of the teaching performance.

B. Research/Scholarship/Creative Activities

Promotion to associate or full professor requires review of a candidate's record of scholarly activity by qualified peers. Evaluation of research shall be based on the following criteria, with the academic units of the university assigning varying degrees of weight to each criterion. Deficiencies in some criteria should be counterbalanced by superiority in others.

1. The publication of research in refereed journals or refereed online publications is a reliable indication of scholarly ability. Consonant with the goals of the university, documented evidence of national recognition may be considered the most important criterion in evaluating scholarship for promotion to full professor. Consonant with the goals of the university, evidence of potential for national recognition may be considered the most important criterion evaluating scholarship for promotion to associate professor.

2. Books published by reputable firms and articles in refereed journals, reviewed by recognized scholars, are more significant than those that are not subjected to such rigorous examination. It should be emphasized that quality is more important than quantity.

3. Written reviews and evaluations by qualified external peers, either in person or aided by other forms of reports, or both, are appropriate for performances, compositions, and other artistic creations.

4. Professional scholarly papers presented at international, national, or regional meetings may be appropriate.

C. Service/Outreach and Professional Activities

Evaluation of the service component should be based on performance in three areas: public service to the community as defined by the university's role and mission; service to the university; and service within the bounds of the applicant's academic discipline and budgeted assignment. Evaluation should be based on all three areas although it is realized that differences in emphases may exist. The academic units of the university shall have the responsibility for determining the emphasis as well as the responsibility for determining specific criteria based on the individual's aspect of work. Evaluation shall be based on the following criteria, with the academic units of the university to which the faculty member belongs assigning varying degrees of weight to each criterion. These criteria should include: community service programs, public service consultation, university, committee and administrative responsibilities, and active contributions to professional associations. In each case, documentation of the evaluation process and criteria shall be as complete as possible. Specific evaluative criteria may be developed using the following as guidelines:

1. A description of the candidate's position that permits evaluation of performance in relation to assigned and budgeted duties. This should include a statement of the mission or purpose of the position and the objective(s) of the nominee's service unit, as well as the specific assigned tasks and responsibilities of the nominee.

2. An evaluation of the candidate's effectiveness, as judged by his or her impact on individuals, groups, or organizations served. This should include indices of the success of his/her service, in terms of improvement of communities, programs, operating agencies, production processes, or management practices. It should also include indications of client satisfaction with the service provided by the nominee, and of the magnitude and complexity of his/her work (as opposed to perfunctory activity that does not lead to useful results).

3. An appraisal of the candidate's local, regional and national stature. Although the achievement of national stature is sometimes difficult for public service faculty whose activities are primarily directed to groups within the State, the public service professional should take advantage of every opportunity to project his/her accomplishments among peers on a local, regional, and national basis. Service/outreach work is sometimes not publishable. The results may be in the form of direct consultations, planning reports, or instructional time directed largely to the recipients of university service programs. But certain aspects of service work are suitable for publication in professional journals. For example, unique techniques developed to motivate clients, or new approaches to the transfer and application of knowledge, would be of interest to peers in other public service programs across the nation.

D. General Process Guidelines at University Level

So that the decision process can be as objective as possible, each recommendation (forwarded from the department to a higher administrative level in the university) should be accompanied by complete and careful documentation of the candidate's teaching performance, and/or public service contributions, and/or research. Although the areas of instruction, public service, and research are all considered important, certain exceptions may exist where evaluation may occur in one or the other area exclusively. In these cases, as well as in the general case, appropriate supervisory personnel shall clearly and adequately document the facts which justify the individual's promotion. The initiating unit may, if it deems it desirable, include information relative to the candidate's research activities, publication record, exceptional administrative performance, or other types of contributions. Additional procedures may be used by each university with approval of the Tennessee Board of Regents. For example, the university may wish to establish an interdisciplinary, university-level promotion review committee to review the individual unit recommendations.

E. General Process Guidelines at Board Level

A list of promotional recommendations should be forwarded by the president of the university to the Chancellor for his/her review. The Chancellor's recommendation will be forwarded to the Committee on Personnel and their recommendation forwarded to the Board.

Note: Upon adoption of this policy at the December 13, 1974 meeting, implementation of the Board-approved university criteria began on September 1, 1975, and no faculty experienced demotion in rank due to the new policies. Upon extending the policy to the technical institutes at the September 30, 1983 meeting, no technical institute faculty shall be demoted in rank as a result of the new provisions.

Source: TBR Board Meeting April 2, 2004

This policy is a result of a comprehensive revision of former TBR Policy 5:02:02:00, Faculty Promotion. The former policy contained provisions related to faculty promotion for both universities and community colleges. The revision, approved by the Tennessee Board of Regents on April 2, 2004, created separate policies relative to faculty promotion for universities and community colleges. Faculty members appointed prior to July 1, 2004, may elect to be considered for promotion under the provisions of Policy 5:02:02:00 or under the revised policy for a four-year phase-in period. The revised policy will be applicable to all promotion actions taken on or subsequent to July 1, 2008, for faculty whose employment began on or after July 1, 2004.

TBR Policy: 5:02:02:20

Subject: Guidelines for Faculty Promotion Recommendations at Tennessee Board of Regents Universities

I. INTRODUCTION

Promotion in rank is recognition of past achievement of the individual being considered for promotion. In addition, the advancement in rank is recognition of future potential and a sign of confidence that the individual is capable of even greater accomplishments and of assuming greater responsibilities. The policy of the Tennessee Board of Regents is to make promotions strictly on consideration of merit tempered by university and fiscal considerations. The purpose of this policy is to help ensure that promotions are made objectively, equitably, impartially, and as a recognition of merit in line with the following policy guidelines.

The president of each university is responsible for the master staffing plan of the university. In developing such a plan, the president will consider the fiscal impact of each promotion recommended to the Board; i.e., resources allocated and distributed to the university.

II. DEFINITIONS

For the purposes of this policy, research/scholarship/creative activities and service/outreach will be defined as follows.

A. Teaching

Teaching applies to any strategy in which information is imparted so that others may learn, and may include, but is not limited to, a variety of techniques including instruction, student advising and/or mentoring, development of course materials and courseware, and development of innovative approaches to instruction.

B. Research/Scholarship/Creative Activities

Research applies to the studious inquiry, examination, or discovery that contributes to disciplinary and interdisciplinary bodies of knowledge. Research/scholarship/creative activities may include, but are not limited to, disciplinary and interdisciplinary activities that focus on the boundaries of knowledge, field-based scholarship, creative activities (e.g., film-making, performances, or other artistic creations), and the development of cutting-edge teaching approaches.

C. Service/Outreach

Service applies to involvement within the community as defined by the university's role and mission; service to the university; and service within the bounds of the applicant's academic discipline and budgeted assignment.

A more detailed description of these activities and the criteria to be applied in assessing performance in these three areas may be found in Sections IV and VII of Policy No. 5:02:03:60, "Policy on Academic Tenure for the Tennessee Board of Regents Universities."

III. THE EVALUATION PROCESS

The guidelines which follow provide a general plan for documenting the evaluation process for promotion at each university. However, each university must develop specific promotion criteria which all units of that university will follow. The university's policy must, at a minimum, satisfy the criteria established by these general System guidelines, but may also be more rigorous than the criteria stated herein. The policy should be written to distinguish between functional areas of instruction, research/scholarship/creative activities and service/outreach and should contain sections that clearly outline promotional procedures, as well as opportunities for appeal of negative decisions.

Once the university has developed its policy complete with process and appellate procedures, it must be forwarded to the Tennessee Board of Regents for review and approval. The university's promotion policy will be submitted via the Chancellor to the Committee on Personnel of the Board for review and recommended action. From the Committee, the university's policy will be referred to the Board for appropriate action. Upon Board approval, the university policy becomes a part of Board of Regents Policy.

IV. ACADEMIC RANKS

The following are criteria that distinguish between academic ranks.

A. Instructor

1. Demonstrated ability in instruction and/or service, and/or research.
2. Master's degree from an accredited institution in the instructional discipline or related area.
3. Evidence of good character, mature attitude, and professional integrity.

B. Assistant Professor

1. Earned doctorate or terminal degree from an accredited institution in the instructional discipline or related area.
2. Evidence of potential ability in instruction, and/or service, and/or research.
3. Evidence of good character, mature attitude, and professional integrity.

C. Associate Professor

1. Earned doctorate or terminal degree from an accredited institution in the instructional discipline or related area.

2. Documented evidence of high quality professional productivity which may lead to national recognition in the academic discipline, and/or consonant with the goals of the university and of the academic unit to which the faculty member belongs.

3. Documented evidence of ability in instruction and/or service and/or research.

4. Evidence of good character, mature attitude, and professional integrity.

D. Professor

1. Earned doctorate or terminal degree from an accredited institution in the instructional discipline or related area.

2. Documented evidence of sustained high quality professional productivity and national recognition in the academic discipline or sustained high quality professional productivity in the academic discipline that is consonant with the goals of the university and of the academic unit to which the faculty member belongs.

3. Documented evidence of teaching excellence and superior contribution to student development or superior scholarly or creative activity will contribute to the positive record of the candidate for advancement to the rank of professor. Since there is no higher rank, promotion to professor is taken with great care and requires a level of achievement beyond that required for associate professor. This rank is not a reward for long service; rather it is recognition of superior achievement within the discipline with every expectation of continuing contribution to the university and the larger academic community.

4. Evidence of good character, mature attitude, and professional integrity, and a high degree of academic maturity and responsibility.

V. EXCEPTIONS TO MINIMUM RANK QUALIFICATIONS

The minimum rank qualifications should be met in every recommendation regarding appointment to academic rank and for promotion in academic rank. Exceptions to the minimum rank qualifications can be recommended by the president of a university; however, such exceptions are not favored and should be granted only upon a showing of a candidate's exceptional merit and/or other extraordinary circumstances, such as an objective need to deviate from these minimum qualifications in filling positions and/or retaining otherwise qualified faculty within certain academic disciplines.

Petitions for exceptions to promotional criteria may include consideration of the appropriateness of the degree or extraordinary qualities that the candidate may possess. The equivalent work experience credit may include relevant teaching experience or other experiences such as experience gained as an administrator, counselor, librarian, journeyman, or the like. When evaluating college level instruction, research/scholarship/creative activities, and service, the university may make its own determination whether or not the number of years of experience from another university is to be accepted in total or discounted in some manner.

VI. TERMINAL DEGREE DESIGNATION

The Board will use national discipline standards to determine which degrees are considered to be "terminal" within each discipline and will provide each university with a list that delineates these degrees. Each university may request blanket exceptions to these standards by classification based upon its mission and hiring practice. Each university may also petition the Board for "equivalent work experience credit" when a candidate has not obtained a terminal degree, but has a record of extraordinary achievement in a given field. The equivalent work experience credit may include relevant teaching experience or other experiences such as experience gained as an administrator, counselor, librarian, journeyman, or the like.

VII. PROMOTION CRITERIA

The academic units of the universities must develop written guidelines with specific criteria for evaluating the faculty in teaching, research and service. The departmental guidelines can not be less rigorous than TBR or university guidelines. These guidelines should be distributed to all new faculty members and should be easily available at all times, preferably via the Web. Whenever the guidelines are revised, the faculty should be notified of the availability of the revised guidelines. Guidelines should use the following general criteria as minimum requirements.

A. Teaching

Evaluation of instruction shall be based on the following criteria with the each unit assigning varying degrees of weight to each criterion. Deficiencies in some criteria may be counterbalanced by superiority in others.

1. Evaluation by department/division chairperson, and appropriate dean.
2. Evaluation of curriculum and/or program development; development of instructional techniques (including development of on-line and computer assisted course development), etc.
3. Promote involvement in student research, scholarship, and creative activities.
4. Evaluation of the individual's performance in the advisement of students.
5. Evaluation of the quality of the individual's performance in graduate and undergraduate student mentoring.
6. Evaluation of published works in the teaching area; documentation of teaching methodology that may be shared with colleagues.
7. Honors and recognition for contributions to teaching.
8. A record that indicates that the individual has remained current in his/her field of specialization and effective in instructional methodology.

9. Evaluation by peers, especially those in the same academic area (as appropriate for the individual university.)

10. Student Evaluation of the teaching performance.

B. Research/Scholarship/Creative Activities

Promotion to associate or full professor requires review of a candidate's record of scholarly activity by qualified peers. Evaluation of research shall be based on the following criteria, with the academic units of the university assigning varying degrees of weight to each criterion. Deficiencies in some criteria should be counterbalanced by superiority in others.

1. The publication of research in refereed journals or refereed online publications is a reliable indication of scholarly ability. Consonant with the goals of the university, documented evidence of national recognition may be considered the most important criterion in evaluating scholarship for promotion to full professor. Consonant with the goals of the university, evidence of potential for national recognition may be considered the most important criterion evaluating scholarship for promotion to associate professor.
2. Books published by reputable firms and articles in refereed journals, reviewed by recognized scholars, are more significant than those that are not subjected to such rigorous examination. It should be emphasized that quality is more important than quantity.
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Evaluation of the service component should be based on performance in three areas: public service to the community as defined by the university's role and mission; service to the university; and service within the bounds of the applicant's academic discipline and budgeted assignment. Evaluation should be based on all three areas although it is realized that differences in emphases may exist. The academic units of the university shall have the responsibility for determining the emphasis as well as the responsibility for determining specific criteria based on the individual's aspect of work. Evaluation shall be based on the following criteria, with the academic units of the university to which the faculty member belongs assigning varying degrees of weight to each criterion. These criteria should include: community service programs, public service consultation, university, committee and administrative responsibilities, and active contributions to professional associations. In each case, documentation of the evaluation process and criteria shall be as complete as possible. Specific evaluative criteria may be developed using the following as guidelines:

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2. An evaluation of the candidate's effectiveness, as judged by his or her impact on individuals, groups, or organizations served. This should include indices of the success of his/her service, in terms of improvement of communities, programs, operating agencies, production processes, or management practices. It should also include indications of client satisfaction with the service provided by the nominee, and of the magnitude and complexity of his/her work (as opposed to perfunctory activity that does not lead to useful results).

3. An appraisal of the candidate's local, regional and national stature. Although the achievement of national stature is sometimes difficult for public service faculty whose activities are primarily directed to groups within the State, the public service professional should take advantage of every opportunity to project his/her accomplishments among peers on a local, regional, and national basis. Service/outreach work is sometimes not publishable. The results may be in the form of direct consultations, planning reports, or instructional time directed largely to the recipients of university service programs. But certain aspects of service work are suitable for publication in professional journals. For example, unique techniques developed to motivate clients, or new approaches to the transfer and application of knowledge, would be of interest to peers in other public service programs across the nation.

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Source: TBR Board Meeting April 2, 2004

This policy is a result of a comprehensive revision of former TBR Policy 5:02:02:00, Faculty Promotion. The former policy contained provisions related to faculty promotion for both universities and community colleges. The revision, approved by the Tennessee Board of Regents on April 2, 2004, created separate policies relative to faculty promotion for universities and community colleges. Faculty members appointed prior to July 1, 2004, may elect to be considered for promotion under the provisions of Policy 5:02:02:00 or under the revised policy for a four-year phase-in period. The revised policy will be applicable to all promotion actions taken on or subsequent to July 1, 2008, for faculty whose employment began on or after July 1, 2004.

PRESIDENTS QUARTERLY MEETING

DATE: August 19, 2008

AGENDA ITEM: Approval of Proposed Revisions to TBR Guideline A-015—
Admissions Under Academic Affairs

ACTION: Voice Vote

PRESENTER: Dr. Paula Myrick Short

BACKGROUND INFORMATION:

Proposed revisions to foreign language requirements under TBR Guideline A-015—*Admissions* are being presented for approval. The revision to TBR Guideline A-015 reflects university concerns with increased tracking of student records to verify fulfillment of the two units of foreign language required for admission. Other subject deficiencies are now removed through successful completion of general education requirements.

The revision places responsibility on students to document completion of the required two units of foreign language. Absent the documentation, students must complete the foreign language requirement.

The revision also clarifies that students who lack the required foreign language may remove the deficiency through completion of programs of study that include foreign language in the prescribed curriculum.

The Guideline further emphasizes that community college students who plan to transfer to TBR universities should remove deficiencies prior to matriculation. The full text of the policy and the proposed changes appear in the following pages.

TBR Guideline No: A-015

Subject: Admissions

The following guidelines are intended to facilitate the implementation of TBR Policy 2:03:00:00 (Admissions).

I. Undergraduate Degree Admission

A. Minimum High School Unit Requirements

1. **Approved List of High School Courses.** Only specific and approved high school courses may be applied to meeting the minimum unit requirements for admission. Because high school curricula may change from time to time, the TBR staff will periodically, after consultation with the State Department of Education, disseminate the current list to each institution. Institutions may propose for consideration high school courses they consider to have been inappropriately omitted.

2. **Issues of Interpretation.** To ensure consistency of interpretation and practice, institutions should inform the TBR academic staff of questions raised relative to specific high school courses and the appropriateness of any inclusion or exclusion.

B. Removal of Admissions Deficiencies

Institutions will develop procedures whereby students admitted without minimum high school unit requirements fulfilled may remove those admissions deficiencies in a timely manner. Minimally, such procedures must ensure that:

1. Students are notified of how to remove deficiencies.

2. Students may remove deficiencies in social studies, history, visual/performing arts, science, and geometry/advanced mathematics by completing the appropriate blocks of subject categories in the TBR Forty-One Semester Hour General Education Curriculum. Courses taken to remove deficiencies in the affected subjects also apply toward fulfillment of general education requirements.

3. Students who have deficiencies in English or Algebra are subject to applicable provisions governing Developmental Studies. These provisions are identified in Guideline A-100.

4. Students may remove deficiencies of one or two units of a single foreign language through completion of an approved semester course in a single foreign language for each unit deficiency as specified by the collegiate institution or by providing documentation of satisfactory completion of the foreign language requirement through an approved examination or equivalent course work at another institution as specified by the collegiate institution. In university or community college programs that include foreign language as a required component, the deficiency(ies) may be removed through successful completion of the prescribed curriculum. Otherwise, courses used to complete deficiencies in foreign language may be designated as electives and apply toward degree requirements or, in certain courses of study with restricted ranges of electives, will become add-on hours. Community college students who plan to transfer to Tennessee Board of Regents universities are encouraged to remove deficiencies prior to matriculation. Courses used to complete deficiencies in foreign languages may be designated as electives and apply toward fulfillment of graduation

~~requirements; however, in certain courses of study with restricted ranges of electives, these courses may become add-on hours.~~

Students whose primary language is not English will be deemed to have satisfied the minimum unit requirements in foreign language if they demonstrate proficiency in English through achieving satisfactory scores on the TOFEL Examination or other recognized instrument as designated by the collegiate institution.

II. Alternative Admissions

The number or percentage of students that a university may accept in any one year under the Alternative Admissions provisions of TBR Policy 2:03:00:00 (Admissions) is fixed and approved by the TBR for each institution.

A. Approved Number or Percent

The currently approved number or percentage for each institution is as follows:

APSU 10% or 100, whichever is greater; ETSU up to 150; UOM up to 10%; MTSU up to 10%; TSU up to 5% or 100; TTU up to 250.

B. Modifications of Approved Number

Any modification of the approved number or percent must have TBR approval before it may be implemented.

Source: Presidents Meeting of November 1990; Presidents Meeting, November 8, 2006; Presidents Meeting, May 16, 2007

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4. Students may remove deficiencies of one or two units of a single foreign language through completion of an approved semester course in a single foreign language for each unit deficiency as specified by the collegiate institution or by providing documentation of satisfactory completion of the foreign language requirement through an approved examination or equivalent course work at another institution. In university or community college programs that include foreign language as a required component, the deficiency(ies) may be removed through successful completion of the prescribed curriculum. Otherwise, courses used to complete deficiencies in foreign language may be designated as electives and apply toward degree requirements or, in certain courses of study with restricted ranges of electives, will become add-on hours. Community college students who plan to transfer to Tennessee Board of Regents universities are encouraged to remove deficiencies prior to matriculation.

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PRESIDENTS/DIRECTORS QUARTERLY MEETINGS

DATE: August 19, 2008 – Presidents Meeting
August 20, 2008 – Directors Meeting

AGENDA ITEM: Proposed Revisions to Guideline B-010 – Collection of Accounts
Receivable

ACTION: Approval

PRESENTER: Bob Adams

BACKGROUND INFORMATION:

Proposed revisions to Guideline B-010 – Collection of Accounts Receivable is presented for approval.

Guideline B-010

Subject: Collection of Accounts Receivable

1. GENERAL

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

A. 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.

B. Types of Receivables. Accounts and notes receivable may be generated from programs and activities including but not limited to: student loan programs, traffic and parking fines, library fines, bad checks, contracts, property rental, and damage, loss, or liability to the institution/technology center by others.

C. Security Deposits. Institutions and technology centers are authorized to require any person to post a deposit or security bond, or provide appropriate insurance to offset potential obligations to the institution or technology center arising from programs or activities.

D. Statute of Limitations. Pursuant to T.C.A. Section 28-1-113, there is no time limit on the institutions' or technology centers' authority to collect receivables unless otherwise expressly provided by statute.

2. GENERAL COLLECTIONS PROCEDURES

A. Institution and Technology Center Procedure. Each institution and technology center shall establish a systematic process and procedure for collecting receivables from all persons including students and employees. The provisions included in this guideline may be modified by an institution based on sound and responsible management practices. 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. An institution may negotiate alternative payment arrangements with debtors when such arrangements offer the best prospect of collecting the debt.

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. 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. Sending letters by certified mail is optional.

An account becomes delinquent based on the payment criteria established by the institution for the type of debt involved. 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 2.e. below would apply. 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. Receivables of \$100 or more shall be referred to a collection agency if the institution's/technology center's collection efforts are unsuccessful. 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. Referral of accounts under \$100 to a collection agency is not required. No additional collection efforts are required for receivables under \$100 except as provided for under Enrollment and Record Holds (Section 2e) and Employee Receivables (Section 3). See Section 10 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. 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. 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. In addition, pursuant to T.C.A. Section 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 or technology center 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. Additionally, once a petition in bankruptcy has been filed, all holds should be lifted. See Section 9. However, the institution/ technology center has no obligation to provide student grade reports, etc., unless specifically requested to do so.

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/ technology centers shall comply with record maintenance, safekeeping, and retention regulations for federally funded loans.

3. EMPLOYEE RECEIVABLES

A. Procedure for Withholding. Employee receivables (including student employees) may result from, among other things, traffic and parking fines, library fines, institution/technology center services or bad checks. 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, or personally delivered. 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. Subsequent to receiving a

predeprivation 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/technology center 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 TCA Section 4-5-301, et. seq.

If the employee elects an institutional hearing, the employee shall appear on behalf of himself but is entitled to be advised by counsel. 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/Technology Center. The case will be heard before one hearing officer designated to hear all cases on that date. 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. Such hearing should be held within one week of the decision to elect the hearing. 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. If the employee elects a TUAPA hearing, the Office of General Counsel should be notified immediately. If the employee refuses to pay, authorize deduction, or specify or waive a hearing process, a TUAPA hearing must be initiated. The employee's failure to appear at either an institutional or TUAPA hearing will constitute default, and, if a prima facie case is presented that the debt is owed, it will be deemed valid; the appropriate deductions may then be made. Additionally, if a TUAPA hearing, a Default Order must be issued. 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. The maximum amount of disposable earnings of an individual for any work week which is subjected to garnishment may not exceed: (1) Twenty-five percent (25%) of his disposable earnings for that week; (2) or thirty (30) times the federal minimum hourly wage at the time the earnings for any pay period become due and payable, whichever is less. In the case of earnings from any pay period other than a week, an equivalent amount shall be in effect. ("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.) These limits are applicable to retirement funds, but are not applicable to checks for accumulated annual leave. 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 also be utilized to pay off the amount owing.~~ **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.** The same procedural steps outlined in 3.a. for notice and the opportunity for a hearing must be followed. 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.** 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. 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. 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.

If a current employee receives overpayment, the refund may be made in one of the following ways:

1. Repayment by the employee by cash or check; or,
2. 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. 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.

If overpayment is discovered after the employee terminates employment with the state, an account receivable should be established. 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. If the employee has not received his final paycheck, the appropriate deduction from that check can be made. If the final paycheck has been received, negotiations for reimbursement should be initiated. If repayment cannot be negotiated or collected, the account should be turned over to the collection agency. In the event collection is not possible, proper write/off procedures should be followed.

In instances in which the employee has agreed to systematic deduction(s) from his paycheck(s), written authorization from the employee is encouraged. 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.

4. RETURNED CHECKS

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 or technology center. 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 grade reports, transcripts and future registration privileges until such dishonored check is redeemed. Institutions and centers may deny future check writing privileges to students that have paid registration fees with checks that are subsequently dishonored.

A student paying enrollment fees with a check that is dishonored must redeem the check within 10 calendar days from receipt of the notice. Notice should be sent by the institution/technology center to the student no more than three (3) working days from receipt of notice of a bad check from the bank. Notice by certified mail is optional. The institution/technology center will have 5 working days after the expiration of the 10 calendar days to pursue any additional collection efforts deemed necessary. 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. 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.

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 2. 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/technology center. A record of individuals who have written bad checks should be maintained.

5. RENT COLLECTIONS

The terms of the lease should be consulted in the event of failure by the tenant to timely pay rent. 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. Section 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. If the noncompliance is not remedied in fourteen (14) days, the rental agreement shall terminate as provided in the notice. 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. In counties where the Act applies, written notice is required when rent is unpaid unless otherwise specifically waived in a written rental agreement. In counties where the Act does not apply, it will provide guidance concerning landlord/tenant issues. Generally, the length of the notice period equals the rental period, for example, 30 days notice is required where rent is due monthly. In the event the rent remains unpaid at the end of the month, the institution/technology center should proceed with an action to evict the tenant. The Office of General Counsel may be notified to provide any required assistance in the proceedings. Accrued rents which are unpaid shall be treated as accounts receivable of the institution/technology center; refer to Section 2.

6. FEDERAL LOANS

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 a school 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.

The borrower should be provided with a copy of the note and two copies of the repayment schedule. These schedules can be provided either in person or by certified mail. The borrower should promptly sign and return one of the schedules to the institution/~~school~~ technology center. 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.

D. Grace Period Notices. Contact with the borrower should be made during the initial and post-deferment grace periods. For a nine-month grace period, notices are required 90 days, 180 days and 240 days after the grace period begins. For a six-month grace period, notices are required at 90 days and 150 days. The ~~last~~ 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/technology center may postpone loan repayments for a 12 month period if the borrower will be providing services eligible for loan cancellation or deferment. Interest does not accrue and the loan is not considered delinquent when in a deferred status. The borrower must request deferment and cancellation status on an annual basis. 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.

7. COLLECTION AGENCIES

A. General. The Tennessee Board of Regents shall provide, on a system-wide basis, collection services through one or more companies. The service should provide for the referral of all types of delinquent accounts and notes from the institutions and technology centers to the designated company only after campus collection efforts have been exhausted. The terms of the contract and RFP govern all collection actions. Unless otherwise prohibited by law or regulation, any note, contract or lease which may result in accounts receivable to the institution or technology center 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. Institution/technology center 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. Institution/technology center may report all loans when made to a credit bureau. The institution/technology center 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/technology center 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.). No account should be recalled in order for a borrower to re-enroll or obtain a transcript. The borrower should pay the accelerated amount plus collection costs to the collection agency.

8. LITIGATION

A. General. After all other attempts at collection have failed, the institution/technology center 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.

9. BANKRUPTCY

A. General Information - Each institution/technology center shall designate a bankruptcy contact person to serve as a liaison between the institution and the Attorney General's office. Once notice of, or a petition for, bankruptcy is received, all collection efforts against the debtor must cease immediately. If the account is at a collection agency, the file must be returned to the institution/technology center immediately. The institution/technology center should immediately forward the file to the Attorney General's office with a Referral Form and the documentation specified on the Referral Form. The institution/technology center should also provide a copy of this information to the TBR General Counsel's office. The Attorney General's office will advise the institution/technology center when and if collection efforts may resume, depending on the debt's dischargeability.-

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. 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. 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. Collection efforts may continue against an endorser. The institution/technology center shall immediately forward the file to the Attorney General's office with a Referral Form and the documentation specified on the Referral Form. A copy of this information should also be provided to the TBR General Counsel's office.

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. The Attorney General's office will contact the institution/technology center to advise whether the debt is dischargeable. However, if there is an endorser, collection efforts may proceed against him. 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. If the institution/technology center is served with a summons and complaint, the institution/technology center 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 copy of this information should also be provided to the TBR General Counsel's office.

Other debts: The institution/technology center shall immediately forward the file to the Attorney General's office with a Referral Form and the documentation specified on the Referral Form. A copy of this information should also be provided to the TBR General Counsel's office. When the notice states "No assets," unless the institution/technology center 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/technology center with notice of discharge.

C. Chapter 13 (Reorganization)

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. 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.

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. The institution/technology center shall immediately forward the file to the Attorney General's office with a Referral Form and the documentation specified on the Referral Form. A copy of this information should also be provided to the TBR General Counsel's office. The Attorney General's office will advise the

institution/technology center whether the debt is dischargeable and the extent to which collection activities may be reinstated.

If the seven (7) year exception period applies and the debtor serves the institution/technology center with a summons and complaint the institution/technology center 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 copy of this information should also be provided to the TBR General Counsel's office.

Other debts: The institution/technology center shall immediately forward the file to the Attorney General's office with a Referral Form and the documentation specified on the Referral Form. A copy of this information should also be provided to the TBR General Counsel's office. The Attorney General's office will advise the institution/technology center as to the dischargeability of the debt.-

10. WRITE/OFFS

A. Authority. The Tennessee Board of Regents and its institutions/technology centers 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. 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. Receivables submitted for write/off must have been subjected to appropriate collection efforts in accordance with this guideline and institution/technology center procedures. (See Attachment C)

B. Reserve. A reserve for doubtful accounts should be established for activities for which accounts receivable represent a material amount to the activity income. The reserve should be reported in the financial records of the institution/technology center. 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/technology center officials not directly involved in recording and collection of accounts receivable. The institution/technology center president and chief business officer should certify compliance with the prescribed statute and collection guidelines. 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.

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. TBR will send approved write/offs to the institution/technology center for the appropriate accounting.

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

If the debtor is a state employee, the Chief Business Officer of the department employing the debtor should be notified. The department employing the individual will be responsible for taking the appropriate action to collect the debt. If the department is unsuccessful in collecting the debt, written notification will be sent to the institution/technology center. The written notification shall be submitted with the next write/off request for approval.

If the debtor works for another TBR institution/technology center, the Chief Business Officer of the employing institution/technology center should be notified and will be responsible for collecting the debts utilizing the steps in Section 3, Employee Receivables, of this policy. Written notification should be sent to the requesting institution/technology center if collection efforts are unsuccessful. The written notification shall be submitted with the next write/off request for approval. The institution/technology center 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 2.

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.

11. GRAMM-LEACH-BLILEY ACT CONTRACT CLAUSE

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.

"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. The Service Provider shall implement an Information Security Program ('the Program') as required by the FTC Safeguard Rule. Service Provider shall promptly notify the Institution, in writing, of each instance of (i) 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 (ii) unauthorized disclosure, misuse, alteration, destruction or other compromise of that nonpublic financial customer information.

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. 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.

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.

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.

Within thirty (30) days of the termination or expiration of this Agreement, Service Provider shall, at the election of Institution, either: (1) return to the Institution or (2) 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."

Source: 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/DIRECTORS QUARTERLY MEETINGS

DATE: August 19, 2008 – Presidents Meeting
August 20, 2008 – Directors Meeting

AGENDA ITEM: **Proposed TBR Policy 5:01:01:20 Telecommuting**

ACTION: Information Only

PRESENTER: Vice Chancellor Bob Adams

BACKGROUND INFORMATION:

The Committee will review the proposed TBR Policy 5:01:01:20 - Telecommuting.

**PROPOSED POLICY 5:01:01:20
TELECOMMUTING
DRAFT 7-8-08**

I. INTRODUCTION

PURPOSE

The purpose of this policy is to set the standards for a consistent process and treatment of employees regarding telework/telecommuting across the TBR system.

DEFINITIONS

1. Telework/telecommuting: A work arrangement in which supervisors direct or permit employees to perform their usual job duties away from their central workplace in accordance with work agreements.
2. Alternate Work Location: Approved work site other than the employee's central workplace where official state business is performed. Such locations may include, but are not necessarily limited to, employees' homes.
3. Central Workplace: The employer's place of work where employees normally are located.
4. Employee: A person employed by the institution pursuant to the Board of Regents policies.
5. Work Agreement: The written agreement between the institution and the employee that details the terms and conditions of an employee's work away from the central workplace. Work agreements are required for telecommuting.
6. Work Schedule: The employee's hours of work in the central workplace and/or in the alternate work location. (See TBR Guideline P-020 Procedures for Implementing the 37.5 Hour Work Week) As a rule, the work hours will be approximately 7.5 hours per day between 7 a.m. and 5:30 p.m.

II. PRELIMINARY REQUIREMENTS

1. Each institution must establish internal policies and procedures related to telecommuting. These policies should:
 - identify positions that are appropriate (and inappropriate) for telecommuting;
 - establish a process and criteria for evaluating whether a particular employee is suitable for telecommuting;
 - require a work agreement between the institution and the employee;
 - require compliance with applicable laws, policies, and guidelines.
2. Telecommuting is not a universal employee benefit or employee right. No employee is entitled to or guaranteed the opportunity to telecommute. Management is responsible for the affairs and operation of each institution and unit and thus management has the sole discretion to designate positions for telecommuting and approve employees to telecommute.
3. Telecommuting assignments do not change the conditions of employment or required compliance with laws and policies.

III. IDENTIFICATION OF POSITIONS ELIGIBLE FOR TELECOMMUTING

In making decisions about which positions are appropriate to designate or approve for telecommuting, institutions should thoroughly analyze the duties of the positions and how the work is performed. Generally, the following types of positions are appropriate for telecommuting:

- require independent work
- require little face to face interaction
- require concentration
- result in specific, measurable work products
- can be monitored by output, not time spent doing the job
- requires little campus contact or physical presence to perform effectively
- requires security and confidentiality of data, including sensitive information can be adequately assured

IV. DETERMINATION OF EMPLOYEE ELIGIBILITY FOR TELECOMMUTING

In making decisions about which employees are designated or approved for telecommuting, institutions should review the work qualities of particular employees in addition to ensuring that their positions are appropriate for telecommuting.

Generally to be eligible, an employee must:

- be out of probationary status, and have a history of reliable and responsible performance of duties;
- overall performance evaluation ratings are satisfactory or higher;
- have no pending personnel related disciplinary action;
- have a work site suitable for telecommuting;
- be able to work productively on their own, does not require close supervision or constant face to face interaction with co-workers to complete their assignments;
- be self-motivated and flexible
- be knowledgeable about the job;
- have a low need for social interaction;
- be dependable and trustworthy;
- be organized;
- have good communications skills;
- have good time management skills, and
- have satisfied satellite work station requirements including availability of necessary equipment; security of sensitive data and confidentially.

Manager's Requirements:

The manager must be an effective communicator and must be able to clearly define tasks and expectations. The manager must be able to integrate office operations with on-site staff and telecommuting staff.

The manager should be supportive of the concept and willing to work through minor problems or obstacles that may occur as a result of the telework arrangement.

The manager must ensure that high level of public service is maintained and that misuses of this policy do not occur.

V. REQUIREMENT OF WORK AGREEMENT

Institutions and employees must agree to the terms of telecommunicating before an employee may work at an alternate work location.

Institution agreements must be reviewed and approved by the Office of the General Counsel prior to use.

Institutions may want to include the conditions listed below in work agreements (also, see Attachment A for a sample agreement):

- the duration of the agreement;
- the work schedule and how it can be changed; days and hours the employee is expected to work;
- how leave is to be requested and approved by the supervisors;
- status of employees during emergency or weather-related closings affecting the central or alternate workplace;
- how routine communication between the employee, supervisor, co-employees, and others will be handled;
- employee's performance plan/expectations; the focus in telecommuting arrangements must be on results. The supervisor should communicate in advance what assignments or tasks are appropriate to be performed at the telecommuting site, and what assessment techniques will be used to measure success in meeting performance standards;
- the equipment and/or supplies that will be used, and who is responsible for providing and maintaining them;
- any applicable data security procedures;
- safety requirements (see Attachment B for sample checklist);
- a requirement that employees permit supervisor access to the alternate work location during normal work hours as defined by the telecommuting agreement;
- comply with all state and institution rules, policies, practices and instructions;
- use state-provided equipment/supplies only for business purposes, and to notify the institution immediately when equipment malfunctions;
- notify their supervisors immediately of any situation that interferes with their ability to perform their jobs;

- maintain safe work conditions and practice appropriate safety habits;
- certify that the work location is free from hazards;
- notify their supervisors immediately of any injury incurring while working;
- agree to allow supervisors to visit the alternate work location immediately after any accident or injury that occurred while working;
- absolve the institution from liability for damages to real or personal property resulting from participation in the telecommuting program;
- be responsible for the security of information, documents, and records in their possession or used during telecommuting, and not take restricted-access material home without the written consent of their supervisors; and
- ensure dependent care arrangements (children, parents) are maintained and do not interfere with the home office.

VI. GENERAL PROVISIONS

1. Management is responsible for managing the affairs and operations of state government; thus, institutions have sole discretion to:
 - a. designate positions for telecommuting, and
 - b. approve employees to telecommute.

Telecommuting assignments do not change the conditions of employment or required compliance with policies.

2. Compensation and Benefits: An employee's compensation and benefits will not change as a result of telecommuting.
3. Hours of work: The total number of hours that employees are expected to work will not change, regardless of work location. Employees agree to apply themselves to their work hours.

Institutions must ensure that procedures are in place to document the work hours of employees who telecommute, in particular ensuring compliance with the Fair Labor Standards Act.

Telecommuting is not intended to serve as a substitute for child or adult care. If children or adults in need of primary care are in the alternate work location during employees' work hours, some other individual must be present to provide the care.

There are no limits on telework days vs. in-office days; however, it is normally recommended that no more than 3 telework days per week are allowed. Employees need to spend some time in the office, and minimize communication problems. This practice will ensure employees are available for occasional face to face meetings and access to facilities.

4. Attendance at Meetings: Supervisors may require employees to report to a central workplace as needed for work-related meetings or other events or may meet with employees in the alternative work location as needed to discuss work progress or other work related issues.
5. Use of Leave: Telecommuting is not intended to be used in place of sick leave (Policy 5:01:01:07), Family and Medical Leave (Policy 5:01:01:14), Workers Compensation Leave, or other types of leave.

However, institutions may determine whether or not it is appropriate to offer telecommuting as an opportunity for partial or full return to work based on institution policy and the criteria normally applied to decisions regarding the approval of telecommuting.

6. Workers' Compensation Liability: Institutions may be liable for job-related injuries or illnesses that occur during employees' established work hours in their alternative work locations.
7. Equipment and Materials: Normally the state will provide equipment and materials needed by employees to effectively perform their duties. However, where agreements specify, employees may be authorized to use their own equipment.
8. State-Owned Equipment: Authorized Use/Users: State-owned equipment may be used only for legitimate state purposes by authorized employees.

Employees are responsible for protecting state-owned equipment from theft, damage and unauthorized use.
9. Maintenance: State-owned equipment used in the normal course of employment will be maintained, serviced and repaired by the state.
10. Transporting/Installing: Institutions should stipulate who is responsible for transporting and installing equipment and for returning it to the central workplace for repairs or service.
11. Employee-Owned Equipment: When employees are authorized to use their own equipment, institutions will not assume responsibility for its cost of equipment, repair, or service.
12. Costs Associated with Telecommuting: Agencies are not obligated to assume responsibility for operating costs, home maintenance, or additional insurance, or other costs incurred by employees in the use of their homes as telecommuting alternate work locations, except as described below.

Institutions may use appropriated funds to:

- pay for leased telephone lines in employee's alternate work location;
- install and provide basic telephone service in employees' alternate work locations or,

- provide cell phones to employees for business use.

If cell phones are not provided, institutions may reimburse employees for business-related long distance calls made from their personal telephones.

13. State Information: Employees must safeguard institution information used or accessed while telecommuting.

Institution supervisors must grant permission according to TBR and institution procedures for employees to work on restricted-access information or materials at alternate work locations. Employees must agree to follow institution-approved security procedures in order to ensure confidentiality and security of data.

ATTACHMENT A

SAMPLE TELECOMMUTING WORK AGREEMENT

The following constitutes an agreement on the terms and conditions of telecommuting between:

Institution

Date

Employee

Date

1. Employee agrees to participate in telecommuting and to adhere to applicable guidelines. Yes No
2. Employee agrees to participate in telecommuting for an initial period not to extend one year, beginning _____ and ending _____ Yes No

This agreement may be extended beyond the initial one year period, if agreeable to the institution and to the employee. If extended, the terms of this agreement should be reviewed and updated as necessary.

3. Institution concurs with employee participation and agrees to adhere to applicable guidelines and policies Yes No
4. A copy of the Institution/State Telecommuting Policy has been given to the employee. Yes No

WORK LOCATION / SCHEDULE

1. Employee's central workplace is: _____.
2. Employee's alternate work location is: _____.
3. At the central workplace, employee's work hours will normally be from ____ to ____ on the following days: _____.
4. At the alternate work location, employee's work hours will normally be from ____ to ____ on the following days: _____.
5. Employee's time and attendance will be recorded the same as performing official duties at the central workplace. Telecommute days are scheduled _____ and will not be substituted without advance approval of the supervisor.
6. Supervisors will maintain a copy of employee's work schedule and employee's time and attendance will be recorded the same as if performing official duties at the central workplace.

Employee's Initials _____

Employee's Initials _____

WORK STANDARDS/PERFORMANCE

1. Employee will meet with the supervisor to receive assignments and to review completed work as necessary or appropriate. A Work performance expectations agreement will be initiated.
2. Employee will complete all assigned work according to work procedures mutually agree upon by the employee and the supervisor, and according to guidelines and expectations stated in the employee's performance plan.
3. Supervisor will evaluate employee's job performance according to the employee's performance plan (on Employee Work Profile or equivalent agency form.)
4. Employee agrees to limit performance of his/her officially-assigned duties to the central workplace or institution-approved alternate work location. Failure to comply with this provision may result in loss of pay, termination of the telecommuting agreement, and/or appropriate disciplinary action.

COMPENSATION/BENEFITS

1. All salary rates, leave accrual rates, and travel entitlements will remain as if the employee performed all work at the central workplace.
2. Employee will be compensated in accordance with applicable law and state policy for overtime work that has been requested by his/her supervisor and approved in advance.
3. Employee understands that overtime work must be approved in advance by the supervisor. By signing this form, employee agrees that failing to obtain proper approval for overtime work may result in his/her removal from telecommuting and/or appropriate action.
4. Employee must obtain supervisory approval before taking leave in accordance with established office procedures. By signing this form, employee agrees to follow established procedures for requesting and obtaining approval of leave.

EQUIPMENT/EXPENSES

1. Employee who uses institution equipment agrees to protect such equipment in accordance with institution guidelines, and will not allow others to use for purposes other than campus business. If equipment is damaged by non-employee, employee will be held liable for the repair and/or replacement. State-owned equipment will be serviced and maintained by the institution.
2. If employee provides equipment, he/she is responsible for servicing and maintaining it.
3. Neither the institution nor the state will be liable for damages to an employee's personal or real property during the course of performance of official duties or while using state equipment in the employee's residence.
4. Neither the institution nor the state will be responsible for operating costs, home maintenance, or any other incidental costs (e.g. utilities) associated with the use of the employee's residence as an alternate work location.
5. The employee understands that his/her personal vehicle will not be used for campus business unless specifically authorized by supervisor.

Tax/Expense – Any and all tax implications of utilizing a home office deduction are the responsibility of the employee. The campus will not be responsible for operating costs, home maintenance, or any other incidental costs (e.g. utilities) associated with the use of the employee's residence. The employee will be reimbursed for authorized expenses incurred while conducting official duties including business calls, paper and other supplies.

Employee's Initials _____

SAFETY

1. Employee is covered by the appropriate provisions of Tennessee's Workers' Compensation Program and other state and TBR policies, as appropriate if injured while performing official duties at the central workplace or alternate work location. Employee agrees to hold harmless for injury to others at the telecommuting site.
2. Employee agrees to certify that the work location is safe and free from hazards.
3. Employee agrees to bring to the immediate attention of his/her supervisor any accident or injury occurring at the alternate work location while working.
4. Supervisor will investigate all accident and injury reports immediately following notification.

EMERGENCY PREPAREDNESS:

1. Emergency phone numbers are posted at the alternate work site.
2. A first aid kit is easily accessible and replenished as needed.
3. Portable fire extinguishers are easily accessible and serviced as needed.

CONFIDENTIALITY/SECURITY

Employee will apply approved safeguards to protect institution or state records from unauthorized disclosure or damage, and will comply with the privacy requirements set forth in the state law, the Tennessee Board of Regents' Policies and guidelines, or institution policy or procedure.

INITIATION AND TERMINATION OF AGREEMENT

1. Employee agrees to adhere to applicable guidelines and policies.
2. Institution concurs with employee participation and agrees to adhere to applicable policies and procedures.
3. Employee may terminate participation in telecommuting at any time unless it was a condition of employment. Two (2) weeks notice to the employee is recommended when feasible, but is not required.
4. Institution may terminate employee's participation in telecommuting at any time. (Employees may be withdrawn for reason to include, but not limited to, declining performance and organizational benefit). Two (2) weeks notice to the employee is recommended when feasible, but is not required.

Employee's Initials _____

ATTACHMENT A

State-owned or leased equipment has been issued to the employee and has been documented by the institution.

	<u>Issued</u>	<u>Date</u>	<u>Documented</u>	<u>Date</u>
Computer	_____	_____	_____	_____
Modem	_____	_____	_____	_____
Fax machine	_____	_____	_____	_____
Telephone	_____	_____	_____	_____
Desk	_____	_____	_____	_____
Chair	_____	_____	_____	_____
File cabinet	_____	_____	_____	_____
Printer	_____	_____	_____	_____
Scanner	_____	_____	_____	_____
Other (list)	_____	_____	_____	_____
	_____	_____	_____	_____
	_____	_____	_____	_____
	_____	_____	_____	_____

Supervisor

Date

Employee

Date

Institution President (or designee)

Date

ATTACHMENT B

**Safety Checklist
(SAMPLE CHECKLIST AND EMPLOYEE CERTIFICATION FORM)**

EMPLOYEE NAME: _____
INSTITUTION: _____
SUPERVISOR NAME _____
LOCATION: _____
PHONE: _____

The following checklist is designed to assess the overall safety of the alternate work location. Each participant should read and complete the self-certification safety checklist. Upon completion, the checklist should be signed and dated by the participating employee and immediate supervisor.

The alternate work location is located (check one):

___ in home
___ not in home

Describe the designated work area:

To the best of one's knowledge:

1. Is the space free of asbestos-containing materials? ___Yes ___No
2. If asbestos-containing material is present, is it undamaged and in good condition? ___Yes ___No
3. Is the space free of indoor air quality problems? ___Yes ___No
4. Is there adequate ventilation for the desired occupancy? ___Yes ___No
5. Is the space free of noise hazards (noises in excess of 85 decibels)? ___Yes ___No
6. Is there a potable (drinkable) water supply? ___Yes ___No
7. Are lavatories available with hot and cold running water? ___Yes ___No
8. Are all stairs with four or more steps equipped with handrails? ___Yes ___No
9. Are all circuit breakers and/or fuses in the electrical panel labeled as to intended service? ___Yes ___No

10. Do circuit breakers clearly indicate if they are in the open or closed position? _Yes ___ No
11. Is all electrical equipment free of recognized hazards that would cause physical harm (frayed wires, bare conductors, loose wires, flexible wires running through walls, exposed wires fixed to the ceiling)? _Yes ___ No
12. Will the building's electrical system permit the grounding of electrical equipment? _Yes ___ No
13. Are aisles, doorways, and corners free of obstructions to permit visibility and movement? _Yes ___ No
14. Are file cabinets and storage closets arranged so drawers and doors do not open into walkways? _Yes ___ No
15. Do chairs have any loose casters (wheels)? Are the rungs and legs of chairs sturdy? _Yes ___ No
16. Is the work area overly furnished? _Yes ___ No
17. Are the phone lines, electrical cords, and extension wires secured under a desk or alongside a baseboard? _Yes ___ No
18. Is the office space neat, clean and free of excessive amounts of combustibles? _Yes ___ No
19. Are floor surfaces clean, dry, level and free of worn or frayed seams? _Yes ___ No
20. Are carpets well-secured to the floor and free of frayed or worn seams? _Yes ___ No

Ergonomics

Desk, chair, computer and other equipment are of appropriate design and arranged to eliminate strain on all parts of the body.

Employee Signature

Date

Supervisor or Institution Representative

Date

AGREEMENT FOR WORK PERFORMANCE EXPECTATIONS

The following is a list of work performance expectations as part of the identified employee's telecommuting agreement.

(Name) _____ agrees to perform the following work expectations in a satisfactory manner for the period of this telecommuting agreement from the effective date of _____ to the ending date of _____. These work performance expectations shall be attached to and/or incorporated into the employee's job description and shall be used in assessing the employee's job performance for the appropriate review period.

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

_____	_____	_____
Employee Name	Signature	Date

_____	_____	_____
Supervisor's Name	Signature	Date

PRESIDENTS/DIRECTORS QUARTERLY MEETINGS

DATE: August 19, 2008 – Presidents Meeting
August 20, 2008 – Directors Meeting

AGENDA ITEM: **Proposed Revisions for TBR Policies and Guidelines**

ACTION: Requires Vote

PRESENTER: Vice Chancellor Bob Adams

BACKGROUND INFORMATION:

The Committee will review and consider for approval policy and guideline revisions and a proposed policy. The Human Resources Officers Committee and the Business Office Sub-Council recommend for approval the revisions and proposed policies.

- Revisions to Policy 5:01:01:10, Holiday
Revision to Policy 5:01:01:11, Days of Administrative Closing
The proposed revisions to the Holiday Policy include removing Good Friday and adding an administrative closing day bringing Administrative Closing Days to six instead of five. It is also proposed that text be added to the Holiday Policy to clarify what to do when New Year's Day falls on a Saturday causing TBR to observe it on the previous Friday which is still in the previous calendar year. Total holidays and administrative closing days remain at thirteen (13).
- Revisions to Policy 1:02:03:10, Conflict of Interest - The proposed revisions to the Conflict of Interest Policy provide that the Ethics Commission form and instructions be used for all employees required to make annual disclosures.
- Revision to Guideline P-010, Personnel Transactions and Recommended Forms
The proposed revision removes the note stating that the contract does not contain a notice provision on TBR Form – 7 as there is a termination provision in the contract.
- Revision to Policy 5:01:00:00, General Personnel – The proposed revision addresses the Federal Workstudy Guidelines, Section 2:8 indicates that we cannot require participation of the Federal Workstudy Students in the direct deposit program.
- Revision to Policy 5:01:00:10, Personnel Records – The proposed revisions are based on the statutory changes contained in Public Chapter 853.

- Revision to TBR Policy 5:01:01:03, Leave of Absence – The proposed revisions are based on the statutory changes contained in Public Chapter 992.
- Proposed Policy 5:01:01:19, Volunteer Firefighter Service Leave – The proposed policy is in response to the statutory changes contained in Public Chapter 791.
- Revision to Guideline P-131 Educational Assistance for Spouse and Dependents of TBR Employees – The proposed revision is to remove the language referring to medical residents. East Tennessee State University does not use the provision; and, therefore requested the revision. East Tennessee State University is the only institution affected by this revision.

Policy No. 5:01:01:10

Subject: Holidays

The institutions and Tennessee technology centers under the governance of the Tennessee Board of Regents will observe a maximum of seven holidays per year and six additional administrative closing days as specified in Policy 5:01:01:11.

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The following days shall be designated as official holidays:

1. New Year's Day
2. Martin Luther King, Jr. Day

3. Memorial Day

Deleted: 3. Good Friday[¶]
4

4. Independence Day

Deleted: 5

5. Labor Day

Deleted: 6

6. Thanksgiving Day

Deleted: 7

7. Christmas Day

Deleted: 8

When a recognized holiday falls on Saturday, the Friday preceding the holiday shall be substituted. This includes New Year's Day and can result in December 31st of the previous calendar year being substituted. When a recognized Holiday falls on Sunday, the Monday following the holiday shall be substituted. Where work schedules or duties make it necessary for an employee to work on a holiday, a corresponding amount of time off shall be granted.

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All regular full-time and part-time employees in an active pay status will qualify for holiday pay for the days listed above. Regular part-time employees receive the holiday benefit on a pro rata basis. The following provisions apply:

1. Employees who are in an active pay status on the work days immediately preceding and following a holiday will receive payment for the holiday.
2. Any holiday falling within a period of an employee's sick, annual, or other leave with pay shall be considered holiday leave and recorded as such.

Any exceptions to this policy shall be submitted to the Chancellor for approval.

Source: TBR Meetings, October 12, 1973; September 30, 1983; December 14, 1984; December 13, 1985; September 18, 1992; December 7, 2001 (Approved by Finance and Administration February 4, 2002)

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Note: This policy was formerly No. 4:03:04:01, it has been renumbered to be included in the Personnel Section of the Policy Manual, 11/90.

Policy No. 5:01:01:11

Subject: Days of Administrative Closing

I. Administrative Closing Days Declared in Advance

A. Administrative Closing Days With Pay

In addition to the ~~seven~~ holidays granted in TBR Policy 5:01:01:10, ~~six~~ administrative closing days shall be designated as time off from work with pay for regular full-time and part-time employees. Certain days, such as the Friday after Thanksgiving Day and those during the week of Christmas when classes are not in session, may be designated as days of administrative closing each year by the President and school Directors, with the approval of the Chancellor.

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II. Emergency Closing

At times it may be necessary for the President or technology center Director to declare specific hours as emergency closing as the result of inclement weather or other emergency situations. In such cases, regular full-time and part-time employees on the active payroll who are scheduled to work during the declared times of closing will be granted time off from work with pay. Employees who are not scheduled to work will not be paid for the emergency closing.

If an emergency closing has not been declared due to inclement weather and an employee is prevented from reporting to work for his/her normally scheduled working hours, annual leave or leave without pay will be charged; or, the employee may be allowed with institutional approval to make up the time lost.

Regular part-time employees will be affected on a pro rata basis in each of the provisions listed above.

Source: TBR Meeting September 18, 1992; December 7, 2001 (Approved by Finance and Administration February 4, 2002); December 3, 2004 (Approved by Finance and Administration December 21, 2004)

POLICY NO. 1:02:03:10
SUBJECT: Conflict of Interest

Section 1 Objectives of this Policy

Members of the Tennessee Board of Regents and all employees of the TBR and its constituent Institutions all serve the interests of the State of Tennessee and its citizens, and have a duty to avoid activities and situations which, either actually or potentially, put personal interests before the professional obligations which they owe to the State and its citizens. This policy is intended to 1) define the general principles which should guide the actions of members of the Board and of employees, 2) offer illustrations of activities which potentially constitute a conflict of interest, 3) make Board members and employees aware of disclosure requirements related to conflicts of interest, 4) describe the process by which those disclosures shall be evaluated and decisions rendered, and 5) describe the appeals process regarding such decisions.

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

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

Section 2.1 Federal Regulations

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

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

Section 2.2 Tennessee State Law

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 2.3 TBR Policies

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

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

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

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

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

TBR Guideline P: 090, Nepotism

Section 3 Definitions

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

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

“**Family member**” includes the spouse and children (both dependent and non-dependent) of a person covered by this policy.

Section 4 Supplementary Institutional Policies and Regulations

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

Section 5 Applicability

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

Section 6 General Principles

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

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

The mere existence of either a potential or actual conflict of interest does not mean that such conflict must necessarily be eliminated. Where the potential detriment to the TBR and its Institutions is at most minor and inconsequential, and the conflict does not indicate violation of Federal or State law, regulation, or policy, those persons charged with evaluating disclosures should allow the activity to proceed without

interference. For those situations which do not implicate Federal or State law, regulation or policy, the standard by which it should be determined whether a conflict of interest should be managed, reduced, or eliminated is whether that conflict would appear to a reasonable person to call into question the integrity or judgment of the affected Regent or employee.

Section 7 Situations and activities creating a conflict of interest

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

Section 7.1 Self-dealing

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

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

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

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

1. T.C.A. § 12-4-103 declares that it is unlawful for any state official or employee to "bid on, sell, or offer for sale, any merchandise, equipment or material, or similar commodity, to the state of Tennessee" or "to have any interest in the selling of the same to the state" during that person's term of employment and for six months thereafter. Disclosure of any such transaction by an employee or member of the employee's family or by a business in which an employee or member of the employee's family has any significant (more than 4%) ownership interest or for which an employee or employee family member serves as an officer is required by this policy.

2. T.C.A. § 12-3-106(b)(2003) declares that it is a conflict of interest for any person or any company with whom such person is an officer, a director, or an equity owner of greater than 1% interest to bid on any public contract for products or services for a governmental entity if such person or a relative of such person is a member of a board or commission having responsibility for letting or approving such contract. For purposes of this section only, "relative" means spouse, parent, sibling, or child.

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

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

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

Gifts - No employee shall knowingly solicit or accept, directly, or indirectly, on behalf of himself or herself or any member of the employee's household, for personal use or consumption any gift, including but not limited to any gratuity, service, favor, food, entertainment, lodging, transportation, loan, loan guarantee or any other thing of monetary value, from any person or entity that:

- i. Has, or is seeking to obtain, contractual or other business or financial relations with the institution in which the individual is employed; or
- ii. Has interests that may be substantially affected by the performance or nonperformance of the employee.

Section 7.1.e Exceptions

The prohibition on accepting gifts in Section 7.1.d does not apply to:

- i. A gift given by a member of the employee's immediate family or by an individual if the gift is given for a non-business purpose and is motivated by a close personal friendship and not by the position of the employee;
- ii. Informational materials in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.
- iii. Sample merchandise, promotional items, and appreciation tokens, if they are routinely given to customers, suppliers or potential customers or suppliers in the ordinary course of business, including items distributed at tradeshow and professional meetings where vendors display and promote their services and products;
- iv. Food, refreshments, foodstuffs, entertainment, or beverages provided as part of a meal or other event, including tradeshow and professional

meetings, if the value of such items does not exceed fifty dollars (\$50.00) per occasion; provided further, that the value of a gift made pursuant to this subsection may not be reduced below the monetary limit by dividing the cost of the gift among two or more persons or entities identified in Section 7.1.d;

- v. There may be circumstances where refusal or reimbursement of a gift (such as a lunch or dinner) may be awkward and contrary to the larger interests of the institution. In such circumstances, the employee is to use his or her best judgment, and disclose the gift including a description, estimated value, the person or entity providing the gift, and any explanation necessary within fourteen (14) days to their immediate supervisor;
- vi. Food, refreshments, meals, foodstuffs, entertainment, beverages or intrastate travel expenses that are provided in connection with an event where the employee is a speaker or part of a panel discussion at a scheduled meeting of an established or recognized membership organization which has regular meetings;
- vii. Participation in institution or foundation fundraising and public relations activities, i.e. golf tournaments and banquets, where persons or entities identified in Section 7.1.d provide sponsorships; and
- viii. Loans from established financial institutions made in the ordinary course of business on usual and customary terms, so long as there are no guarantees or collateral provided by any person described in 7.1.d.

Section 7.2 Inappropriate use of students or support staff

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

Section 7.3 Inappropriate use of State owned resources

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

Section 7.4 Failure to disclose intellectual property

TBR Policy 5:01:06:00 governs the rights and responsibilities which persons affiliated with the TBR and its Institutions have regarding intellectual property developed

during the term of their affiliation with the TBR. Among the responsibilities enumerated in the policy is that of disclosure of inventions and those copyrightable works which may be reasonably expected to have commercial value which they have jointly or solely developed or created during their affiliation with the TBR and its Institutions.

Section 8 General disclosure requirements

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

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

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

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

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

Section 10 Special disclosure requirements for Regents and certain TBR employees

Members of the Board of Regents, the Chancellor of the TBR, members of the senior staff of the TBR Central Office (all Vice Chancellors and the General Counsel), the Presidents of all TBR Universities and Community Colleges, the Directors of the Tennessee Technology Centers, coaches, assistant coaches and employees of athletic departments who are exempt from the provisions of the Fair Labor Standards Act are required to file a financial disclosure form within one month of their initial appointment and annually thereafter in January. Disclosure of financial interests made pursuant to this Section 10 notwithstanding, such disclosure does not eliminate the responsibility for making disclosures under Section 8, when specific conflict of interest situations arise.

10.1 Members of the Board of Regents shall make their disclosure using a form as indicated in Attachment B submitted to the TBR Office of General Counsel.

10.2 Disclosures from Central Office personnel, Presidents, and Directors shall be made using ~~a form as indicated in Attachment C and submitted to the TBR Office of General Counsel~~ the Tennessee Ethics Commission Form SS-8005.

10.2.1 The Chancellor of the Tennessee Board of Regents system and the President of each college and university governed by the Tennessee Board of Regents are required by Tenn. Code Ann. § 8-50-501(a)(15) to file an online Statement of Disclosure of Interests Form with the Tennessee Ethics Commission. [<http://state.tn.us/sos/tec/forms/SS8005.pdf>]. For the Chancellor and the Presidents this Statement of Disclosure will meet the requirements of this Policy.

10.2.2 Senior staff at the TBR Central Office and the Directors of the Tennessee Technology Centers are required to complete a Statement of Disclosure of Interest Form. That disclosure shall be made using the Tennessee Ethics Commission Form SS8005 and accompanying instructions [<http://state.tn.us/sos/tec/forms/SS8005.pdf>] and submitted to the TBR Office of General Counsel.

~~**10.3** Disclosures from coaches, assistant coaches, and exempt employees of athletic departments shall be made using a form as indicated in Attachment C and submitted to the Institution's Human Resource Officer or other person designated by the Institution's President.~~

10.3 Coaches, assistant coaches, exempt employees of the athletic department and other institutional personnel required to complete a disclosure form shall also use the Tennessee Ethics Commission Form SS8005, Statement of Disclosure of Interest Form and accompanying instructions [<http://state.tn.us/sos.tec/forms/SS8005.pdf>] The form shall be submitted to the institution's Human Resource Officer or other person designated by the institution's President.

Section 11 Review of disclosures

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

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

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

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

Section 12 Sanctions

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

Section 13 Appeals

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

Source: TBR Meeting March 20, 1992; TBR Meeting December 11, 1992; TBR Meeting June 11, 1998; TBR Meeting June 28, 2002; TBR Meeting September 26, 2003; TBR Meeting June 11, 2004.

Attachment A
Financial Conflict of Interest
Disclosure Form

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

Tennessee Board of Regents

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

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

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

"Significant financial interest" means anything of monetary value, including, but not limited to, salary or other payments for services (greater than \$10,000 per year from sources other than the employee's TBR Institution), equity interest (greater than \$10,000 in value or more than 5% of the ownership interest in a single entity), and intellectual property rights.

Project title:

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

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

Investigator:

Printed name

Signature

Date

ATTACHMENT B
TENNESSEE BOARD OF REGENTS
DISCLOSURE FORM

TENNESSEE BOARD OF REGENTS

DISCLOSURE FORM

INSTRUCTIONS: This form must be used by members of the Tennessee Board of Regents to report all interests required to be disclosed under Tennessee Board of Regents Policy 1:02:03:10. Terms used are defined in the Policy. In paragraphs 4, 5, and 6 below please specify which relationships or business affiliations could reasonably constitute a conflict of interest with the TBR system.

Disclosure statements must be filed annually in January with the Secretary of the Board.

The disclosure statement must be signed and the signature attested to by a witness. Attach additional pages as necessary. Please type or print all information legibly.

1. Date of Disclosure _____

2. Name of Board Member _____

3. Street or Rural Route No. City State Zip Code Phone

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

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

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

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

8. Signature (must be attested to by witness).

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

Signature Date

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

Signature of Witness Date

Attachment C

Financial Interests Disclosure Form

Tennessee Board of Regents

Financial Interests Disclosure Form

1. Date of Disclosure -	2. Name of Official -
3. Address and Phone -	
4. Title of Office Held -	
5. Sources of Income. List major sources of your private income of more than \$1,000 and that of your spouse or of dependent children. "Major sources of private income" includes, but is not limited to, offices, directorships, and salaried employments. No dollar amounts need be stated. -	
6. Investments. List any investment by you, your spouse, or minor children in any corporation or other business organization in excess of ten thousand dollars (\$10,000) or five percent (5%) of the total capital. It shall not be necessary to state specific dollar amounts or percentages of such investments. -	
7. Lobbying. List any person, firm, or organization for whom or which compensated lobbying is done by you, your spouse, or dependent children. Also, list any firm in which you, your spouse, or dependent children hold any interest for whom or which compensated lobbying is done. Explain the terms of any such employment and the measures to be supported or opposed. -	
8. Professional Services. List in general terms (by areas of the client's interests) the entities to which professional services, such as those of an attorney, accountant, or architect, are furnished by you or your spouse. -	

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

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

-

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

- ~~1) From spouse, parent, sibling, or child.~~
- ~~2) From a federally insured financial institution or made in accordance with existing law in the ordinary course of doing business of making loans. The loan must bear the usual and customary rate of interest, be made on a basis which assures repayment, evidenced by a written instrument and subject to a due date and amortization schedule.~~
- ~~3) Secured by a recorded security interest in collateral, bearing the usual and customary interest rate of the lender and made on a basis which assures repayment, evidenced by a written instrument and subject to a due date and amortization schedule.~~
- ~~4) From a partnership in which you have at least ten percent (10%) partnership interest.~~
- ~~5) From a corporation in which more than fifty percent (50%) of the outstanding voting shares are owned by you or by your spouse, parent, sibling, or child.~~

-

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

--

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

-

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

-

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

-

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

~~Signature of Official _____ Date~~

~~-~~

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

~~-~~

~~Signature of Witness _____ Date~~

~~-~~

~~-~~

Attachment D C

Template Institutional Policy

Regarding Conflict of Interest

Disclosure Review Committee

[Name of TBR Institution]

Policy Regarding Conflict of Interest

Disclosure Review Committee

1.0 Establishment of a Conflict of Interest Disclosure Review Committee

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

2.0 Number of Members

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

3.0 Selection of Members

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

4.0 Duration of Membership

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

5.0 Meetings

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

6.0 Duties

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

Guideline P-010

Subject: Personnel Transactions and Recommended Forms

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

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

I. Personnel Transactions

Each president and technology center director is expected to follow Board policies, affirmative action plans, and fair employment practices when making appointments. Appointments requiring the Chancellor's approval will be reviewed in light of these expectations. All appointments, regardless of salary, including promotions and transfers, must be reviewed and certified by the institutional Affirmative Action Officer prior to action. Other appointments not requiring approval of the Chancellor will be reviewed periodically by the System Affirmative Action Officer to ensure compliance. Technology center directors are required to receive prior approval from the Vice Chancellor for Technology Centers for any change in personnel classification, compensation, job description or assignments.

A. Appointments Requiring Approval by the Chancellor

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

1. All vice presidents (academic, business, student affairs, etc.) including all interim appointments.
2. Academic deans, academic department and/or division heads, directors, of the centers of emphasis and excellence (including those officers who varying titles

have line responsibility for administration of academic faculty or staff at the academic disciplinary unit level, including interim appointments;

- A. transfers to positions with salaries in excess of \$75,000; and
- B. any other positions which may be designated by the Chancellor.

B. Appointments Not Requiring Approval by the Chancellor

All appointments not listed in I.A. may be approved at the institution by the Director, the President or any properly approved designee. The hiring procedures outlined in the following sections will be followed with the records being maintained at the institution. Records must be maintained as described in Section VI, A.2. of this guideline.

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

C. Minimum Requirements for All Campus and Central Office Appointments

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

1. Establish an Affirmative Action Plan which sets goals for all categories of employment;
2. Develop appropriate recruitment and selection procedures to ensure fairness in employment;
3. Determine in a discussion with the Affirmative Action Officer whether the institution has met the affirmative action goal for the area or department (job group in which the vacant position occurs). Even if the institution has met the overall institutional goal in an employment category, i.e., executive/administrative/managerial; faculty; professional non-faculty; secretarial/clerical/technical and paraprofessionals; skilled crafts;

service/maintenance, there may be a goal for the area or department (job group) in which the vacant position is located which has not been met. For example, the overall institutional faculty goal of 4.5% black representation has been met, but the vacancy is in the job group of Arts and Sciences, Availability data in Arts and Sciences supports the affirmative action plan's goal of 7.0% black representation, which is higher than the overall institutional goal. In this case, the efforts to recruit for the Arts and Sciences position will be directed toward qualified black candidates since the availability data shows the applicant pool should contain some qualified black candidates. A second example relates to the availability of women in the particular job group vacancy. The total institutional faculty goal for women is 40%, but a higher number of women are available in the particular job group category. Therefore, in both examples cited above affirmative action recruitment must occur. In summary, the institution has an obligation to use the availability figures applicable to the particular vacancy to recruit qualified minorities.

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

- a. the proposed job description, which has been reviewed by the institutional Affirmative Action Officer;
- b. method of directing the hire, i.e., individual supervisor or search committee.
- c. composition of the search committee and responsibilities of the members, i.e., direct contacts, references, interviews, etc.;
- d. an advertising plan, which provides the following:
 - i. advertisement of the position on bulletin boards, and/or in appropriate publications, and/or newspapers and/or professional discipline-specific journals and/or the Tennessee Employment Security Office; and/or the internet
 - ii. requests for nominations, from professional organizations, discipline-related groups, and organizations devoted to leadership training for the position;

iii. diverse membership on all search, selection, or advisory committees, when practicable; and,

iv. direct contacts to assure that underrepresented groups are aware of the vacancy and are encouraged to apply.

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

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

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

8. After a candidate has been identified as a possible hire for positions defined in Section I.A., **Form A-2**, Approval of Appointment, must be submitted to the Vice Chancellor for Academic Affairs or the Assistant Vice Chancellor for Human Resource Development as outlined in Section III of this Guideline.

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

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

10. The Tennessee Board of Regents believes that it is important to check references to limit employer liability, verify information and reduce cost of rehiring

and retraining. Checks will produce authenticity of information as it relates to such areas as work history, credential problems and criminal backgrounds.

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

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

II. Budgetary Considerations

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

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

III. Required Forms for Implementation of Procedures for Appointments

Information to support transactions that require the approval of the Chancellor or his/her designee is requested in Forms A-1 and A-2 attached. Approval for appointment recommendation is shown on **Form A-2** and the certification of the search pool for upper level administrative vacancies is shown on **Form A-1**. Where a search committee is formed to search for a University or college administrator at the level of dean of higher, the search committee **MUST** be racially diverse. Where a search committee is formed, candidates for hire must first be screened by the search committee before an offer can be extended. The Chair of the search committee must certify that each candidate considered by the committee meets or exceeds the criteria published in the job description. (See **Form A-1**) Assurance by the Affirmative Action Officer that an approved process has been followed and the qualified other-race applicants have been contacted and fully considered is mandatory. Supporting documentation for **Forms A-1** and **A-2** vice presidents and upper level academic positions must be submitted to the Assistant Vice Chancellor for Human Resource Development.

IV. Central Office Procedure for Processing of **Form A-2** and Portfolios

A. The office of the Assistant Vice Chancellor for Human Resource Development will date stamp and log all recommendation portfolios received. Each office will verify that the portfolio contains the following: (a) all information required on the A-2 form; (b) vitae for: the candidate recommended, all candidates interviewed, and all final candidates from which interviewees were chosen who are from an underutilized group for all institutions; and, (c) all advertisements for the position. If a portfolio is determined to be incomplete, the respective office will communicate with the campus Affirmative Action Officer in the interest of completing it.

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

B. The Vice Chancellor for Academic Affairs or the Assistant Vice Chancellor for Human Resource Development, after reviewing portfolios, will approve, disapprove, or defer decision pending some specified course of action.

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

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

A. Transaction Forms

1. Section V.B. of this guideline provides recommended transaction forms to be used for all personnel transactions, unless alternate forms have been approved by the Chancellor.

2. Institutions and technology centers may develop internal personnel transaction forms for administrative purposes. These forms may relate to management information system and contain fiscal and personnel data deemed necessary by the institution or technology center.

B. Employment Agreements, Contracts and Letters of Agreement_

Pursuant to Section B.2. of the General Personnel Policy (5:01:00:00), the Chancellor must approve employment agreements, contracts, and letters of agreement used in the appointment and employment of campus personnel. Approved provisions for personal, professional, consultant, and dual service agreements are addressed in System Guideline G-030. Each institution and technology center may modify the forms or develop alternative and additional forms; however, any forms with provisions substantially different from the recommended forms should be submitted for review and approval by the Office of the Chancellor. The EEO tagline must be included on all forms. The language concerning the Drug Free Workplace Act must be included on all initial employment contracts. In order to comply T.C.A §49-7-133 the following sentence must be included on all contracts: "It is a Class A misdemeanor to misrepresent academic credentials." Attached are the following personnel transaction forms, which are recommended for the use of institutions and technology centers:

Forms F-1 through F-8 are for use in connection with the employment of faculty; Form G-1 for use in connection with the employment of graduate assistants/graduate instructors; Forms S-1 through S-4 are for use in connection with the employment of all personnel other than faculty; and Form D-1 is for use in requesting approval of a change in personnel status of a TTC employee. Form E-1 is for use in connection with the employment of all personnel.

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

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

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

Form F-3, Notice of Renewal of Tenure-Track Appointment and Amendment of Agreement of Employment for Faculty, should be used to renew a tenure-track appointment where an express amendment to the terms of the initial appointment, Form F-1, is deemed necessary. You may wish to incorporate the content of Form E-1 when issuing this form rather than sending the Notice of Recommended Salary at a later time; if so, you must make any necessary changes. Designate whether an academic or fiscal year appointment.

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

Form F-5, Notice of Non-Renewal of Appointment, is a notice of non-renewal. This notice must be sent prior to the required date for notice of non-renewal, and should be hand delivered or sent certified mail, return receipt requested; consult the institution or technology center policy or practice for the method for which notice will be effected. Also, refer to TBR Policies 5:02:03:10, 5:02:03:60, and 5:02:03:70 concerning when notices should be given.

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

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

Deleted: Note that this contract does not contain a notice provision.

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

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

Form S-1, Notice of Appointment and Agreement of Employment, should be used for all regular staff except faculty. Notices of renewal and non-renewal are not necessary for these appointments, and the appointments are subject to termination at any time by the institution or technology center (see paragraph 4). Designate the salary rate by crossing through the word "month" or "year" as appropriate. Please note the option to add additional language to paragraph 2. Such statements need not be included if the employee is put on notice of this practice through employee orientation or other employee information documents given at the time of initial hiring.

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

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

Form S-4, Notice of Termination, is the form notice of termination for non-faculty personnel and provides no reason for termination whatsoever. Institutions and technology centers may wish to provide notice of the opportunity for an oral statement of the reason similar to that specified in Form F-5 for faculty. It is assumed that employees should be aware of the reasons for termination under

an effective personnel system. Form E-1, Notice of Recommended Salary, should be used to notify all personnel of the recommended salary for the ensuing academic or fiscal year. Notice of the recommended salary is not included in the notices of renewal for faculty since the recommended salary may not be known at the time of such notices. However, you may wish to add the language of this form to Forms F-2 and F-

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

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

Form D-1 is addressed above.

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

VI. Transaction Records and Reports

A. Transaction Records

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

2. As provided in Section H.1. of the General Personnel Policy (5:01:00:00), all transaction records for an employee must be maintained as provided in Guideline G-070, Disposal of Records.

B. Transaction Reports

1. All campus personnel transactions shall be incorporated as part of the institutions' and technology centers' proposed operating budgets and October 31 budget revisions. The Board staff shall determine the appropriate form and medium for the information.

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

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

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

Source: July 2, 1976 and August 19, 1976 TBR staff memoranda; Revised September 16, 1980 TBR staff memorandum; July 1, 1984; August 16, 1984 TTC Sub Council meeting; July 1, 1985; February 16, 1988 Presidents Meeting; May 15, 1990 Presidents Meeting, TBR Meeting September 21, 1990; November 13, 1990 Presidents Meeting; November 11, 1991 Presidents Meeting; November 12, 1996 Presidents Meeting; August 5, 1997 Presidents Meeting; February 16, 2000 Presidents Meeting; Presidents Meeting May 21, 2001; February 13, 2002 Presidents' Meeting; November 5, 2003 Presidents' Meeting ; Presidents' Meeting November 8, 2006; President's Meeting February 13, 2007

Policy No. 5:01:00:00
Subject: General Personnel Policy

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

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

A. Scope of Delegation

1.a. Presidents

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

- 1) All Vice Presidents (academic, business, student affairs, etc.) including all interim appointments;
- 2) Academic deans, academic department and/or division heads, Directors of the Centers of Emphasis and Excellence, (including those officers, who with varying titles, have line responsibility for administration of academic faculty or staff at the academic disciplinary unit level); including interim appointments;
- 3) Appointments, promotions, and/or transfers to positions with salaries in excess of \$75,000; and of non-faculty (the promotion process for faculty is governed by TBR Policies 5:02:02:10, 5:02:02:20, and 5:02:02:30), and/or transfers to positions with salaries in excess of \$75,000 and

- 4) Any other positions which may be designated by the Chancellor.

b. Directors

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

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

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

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

B. Appointments

- 1) The president of a university, community college, or technical institute and the director of a Tennessee technology center are authorized to appoint and employ personnel within the scope of delegation provided in Section A for positions at the institution or center which have been approved by the Board in an operating budget (work program) at a level of compensation which does not exceed the amount specified in the operating budget; provided that new appointments to approved positions may be made at a level of compensation in excess of the amount specified where funds are available, subject to confirmation of the transfer of budgeted funds by the Chancellor.

- 2) No employment agreement, or contract, or letter of agreement shall be used in the appointment or employment of personnel unless the form of agreement, contract, or letter has been approved by the Chancellor.
- 3) New administrative positions shall not be established in an institution's or center's administrative organization, and no major change in the administrative organization of an institution or center shall be made, unless approved by the Chancellor.
- 4) The minimum qualifications for the appointment of faculty at universities, community colleges, and the technical institute shall be the Minimum Rank Criteria for Professional Personnel in Instruction, Public Service, and Research set forth in Board Policy No. 5:02:02:20 and 5:02:02:30, which is incorporated herein by reference. The minimum criteria for tenure-track or tenure appointments at Tennessee technology centers are specified in Board Policy No. 5:02:02:10. All part-time or temporary faculty must be appointed according to the provisions of Board Policy.
- 5) The minimum qualifications for the appointment of all personnel other than faculty shall be determined by the president or director, based upon the duties and responsibilities of the position, and shall be recorded and maintained by the institution or center, subject to any minimum qualifications for personnel positions which may be established by the Board.

C. Nature of Appointments

- 1) Faculty at universities, community colleges, and the technical institute shall be employed pursuant to the types of appointments specified in Board Policy No. 5:02:02:20 and 5:02:02:30, which is incorporated herein by reference. Faculty at Tennessee technology centers shall be employed pursuant to the types of appointment specified in Board Policy No. 5:02:02:10, which is incorporated herein by reference.

- 2) Personnel other than faculty shall be appointed to serve at the pleasure of the president or, at Tennessee technology centers, of the director.
- 3) All full-time personnel, including faculty, shall be required to devote a minimum of 37.5 hours per week to the institution or center, and shall maintain appropriate office hours as determined by the president (or his or her designee) or, at Tennessee technology centers, by the director. Calculation of the 37.5-hour week shall follow such guidelines as promulgated by the Chancellor.
- 4) Within the requirement of a minimum of 37.5 hours per week, faculty at universities, community colleges, or the technical institute shall be required to carry a full teaching load, which shall be fifteen (15) credit hours or the equivalent per term for undergraduate courses, twelve (12) credit hours or the equivalent per term for graduate courses, two hundred and twenty-five (225) non-credit contact hour or the equivalent per term. All equivalent teaching load activities shall be subject to prior review and approval by the president (or his or her designee). Within the requirement of a minimum of 37.5 hours per week, faculty at Tennessee technology centers shall normally be required to carry thirty (30) contact hours per week of teaching.
- 5) In addition to the requirement of Section C-3 above, full-time administrative personnel shall be required to devote sufficient time to complete their assigned duties and responsibilities. When administrative personnel are appointed on an academic year basis, such personnel shall be required to devote sufficient time to fully perform the administrative responsibilities for the academic year, including periods preceding or following the academic year.
- 6) Personnel at universities, community colleges, or the technical institute who are appointed on an academic year basis shall be on duty for not less than nine months, which shall commence from the time designated by the president prior to the institution's registration for the fall term of each year

through the time designated by the president at the end of the spring term, and shall be subject to call for duty during that period regardless of whether classes are in session.

D. Compensation

- 1) The president or director is responsible for compliance with all federal and state laws and regulations, and all Board policies and directives, concerning compensation for employees, and compensation for employees shall be subject to limitations imposed by the Board or the General Assembly.
- 2) All regular full-time salaried personnel, whether on an academic or fiscal year appointment, shall be paid twelve (12) monthly installments each year, provided that exceptions may be made upon termination, or as approved by the Chancellor.
- 3) All full-time and part-time employees are required to participate in the automatic deposit program for the direct deposit of their salaries. Each campus has the option to require student workers to participate in the direct deposit program as long as there is no charge to the student unless exempted by Federal Work Study Guidelines.
- 4) Part-time instructional personnel shall be paid on the basis of the credit or non-credit hours taught, pursuant to such guidelines and/or schedules as may be established by the Board.
- 5) The president or director shall insure that all employees shall be paid equal wages or salaries for equal work in positions the performance of which requires equal skill, effort and responsibility, and which are performed under similar working conditions, except where pay differentials are based upon: (a) market factors, (b) a merit or evaluation system, (c) length of service, or (d) any other proper, non-discriminatory basis. When any of the foregoing bases are relied upon to justify pay differentials for employees in similar positions as described

above, the basis and the attendant circumstances shall be substantiated in writing and maintained by the institution or center.

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

Temporary administrative responsibilities may necessitate the awarding of an administrative stipend in addition to the previously established salary. The stipend amount or any other understanding concerning compensation must be set out in a newly-executed contract. The contract (1) should include a statement that the stipend is awarded as compensation for the additional administrative responsibilities and will be removed at the time the administrative responsibilities end or (2) should otherwise address how compensation would be affected at the end of an administrative appointment.

The awarding of an administrative stipend is an issue separate from that of conversion from an academic year to a fiscal year basis. When the conversion is to take place, the institution should just convert the salary from the academic

year contract by adding 25% and then adding any stipend amount determined necessary.

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

E. Changes of Status and Terminations

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

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

For purposes of this policy, the following definitions apply:

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

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

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

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

Promotion of Faculty - The promotion of faculty shall be subject to Board Policy No. 5:02:02:20 and 5:02:02:30 (for universities, community colleges, and the technical institute) and Board Policy No. 5:02:02:10 (for Tennessee Technology Centers).

Promotion of Non-faculty Promotions of personnel other than faculty should be made pursuant to established and written criteria developed by the institution or center. Promotions and transfers are an acceptable means of filling vacancies. However, such promotions and transfers must be achieved within the parameters of institutional affirmative action plans. In addition, any vacant position created by that promotion must be filled within the provisions of this Policy and applicable guidelines.

Terminations and Transfers The president or director is authorized to terminate and transfer all personnel within the scope of the delegation of authority provided for in Section A, provided that terminations of faculty shall be pursuant to the provisions of Board Policy No. 5:02:03:60 and 5:02:03:70 (for universities, community colleges and technical institutes) or Board Policy No. 5:02:03:10 (for technology centers).

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

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

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

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

Only after specified functions/duties have been identified by unit heads and approved by the president/director does the review of individual personnel begin. Unit heads in consultation with personnel services staff will assess the specified areas and the

employees in those areas in order to make recommendations to the President/Director relative to the specific personnel changes to be made. In making personnel recommendations to the President, the factors used in reaching the recommended decisions may include, but are not limited to:

Length of service in the position and/or length of service at the institution or center, past written performance appraisals, and functional needs of the unit, and qualifications needed to perform remaining duties of the affected units.

Prior to a final decision by the president/director and notification to the employees and in consultation with the staff of General Counsel, the impact of the recommendations shall be considered in light of non-discriminatory requirements listed in Section F of this policy. In the event of one of the above actions, it is permissible to transfer qualified individuals to vacancies at other departments/divisions, institutions or centers within the System. Written notification to the affected employees must be given as far in advance of the effective date as possible. Effective 2004, employees affected by a RIF must receive notification when vacancies occur for like positions at their former campuses within 12 months of the RIF.

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

F. Non-Discrimination Requirements

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

G. Employment Practice Complaints

Upon receipt by an institution or center of any charge or claim alleging violations of state or federal laws or regulations in any area of employment by any state or federal agency, a copy of the notice of the charge or claim shall immediately be transmitted to the Office of the General Counsel. The president or director shall forthwith initiate an investigation of the charge, and shall report to the General Counsel the results of the investigation. The Office of the General Counsel will coordinate and approve all responses to the appropriate agency. The president or director shall transmit to the General Counsel copies of all correspondence from or to the state or federal agency involved. All interactions with the state or federal agency shall be coordinated through the Office of the General Counsel.

Internal complaints, charges, or claims concerning matters of employment shall be handled through the established procedures at the institution or center, subject to approval by the president or director. In any case where the president or director makes a decision which is adverse to the charge or claim of the person, the president or director shall advise the person of any right of appeal provided by Board policy.

H. Academic Credentials to comply with T.C.A §49-7-133

It is a Class A misdemeanor to misrepresent academic credentials. A person commits the offense of misrepresentation of academic credentials who, knowing that the statement is false and with the intent to secure employment at or admission to an institution of higher education in Tennessee, represents, orally or in writing that such person:

Has successfully completed the required course work for and has been awarded one (1) or more degrees or diplomas from an accredited institution of higher education;

Has successfully completed the required course work for and has been awarded one (1) or more degrees for diplomas from a particular institution of higher education; or

Has successfully completed the required course work for and has been awarded one (1) or more degrees or diplomas in a particular field or specialty from an accredited institution of higher education.

I. Records and Reporting Requirements

The president or director shall maintain full and complete records on all personnel, including all appointments, compensation, change of status, and termination as specified in Guideline G-070, Disposal of Records.

J. Moving Expenses

Travel expenses directly associated with a move may include mileage of all owned vehicles and en route lodging. Lodging may be covered for the employee and all immediate family members residing in the household. En route lodging may be provided for one night if the distance of the move is 400 miles or more, plus one additional night for each additional 400 miles. Lodging for one night at the destination may be permitted.

Lodging will be consistent with the Tennessee Board of Regents travel policy rates. Mileage will be reimbursed at the current IRS rate for moving mileage. Travel expenses incurred when moving from another state to Tennessee will be reimbursed at the out-of-state rates.

For the purpose of these regulations, immediate family is defined as any of the following named members of the employee's household at the time he/she reports for duty at his/her new official station: spouse, children (including step-children, adopted children, or foster children) unmarried and under 21 years of age or physically or mentally incapable of supporting themselves regardless of age, or dependent parents of the employee and the employee's spouse.

If two or more members of an immediate family otherwise qualify for reimbursement or allowances under these regulations as Tennessee Board of Regents employees, only one member shall be eligible for employee reimbursement or allowances; the other is eligible for reimbursement as a family member.

Storage of household goods and personal effects may be allowed for a period of 30 consecutive days.

Arranging for Moving and Payment

A. If the total moving expense authorized exceeds \$5,000 and if the institution agrees to pay all of the cost of a commercial mover, the institution must arrange for the mover through normal purchasing procedures. The vendor should be paid directly by the

institution.

B. In all other cases, the institution may require, at its option, that arrangements be made through its purchasing department or the employee may make the arrangements and seek reimbursement.

C. Only arrangements made directly by the institution will be reimbursed directly to vendors by the institution. In other cases the institution should reimburse the employee. Claims for reimbursement must be supported by an invoice.

Other Provisions

A. Moving expenses will be paid or reimbursed only after a contract is executed between the employee and the institution. See **Attachment A**

B. All travel and travel expenses shall be accomplished as soon as possible, but in no event shall the effective date of the move to the completion of travel and transportation exceed twelve (12) months unless written extension is granted by the President/Director of the institution/school. All payments or reimbursements must be made within twelve (12) months of the date employment begins for new employees or relocation occurs for relocated employees.

C. The agreement on the amount of moving expenses to be paid, the type expenses to be paid, responsibility for arranging logistics, etc., should be clearly understood in writing between the employee and the institution.

D. The institution shall assume no liability whatsoever for personal injuries, property damages, or other losses which may be sustained in connection with any moves undertaken pursuant to these regulations.

K. Immigration Expense Allowance

New employees may receive reimbursement for immigration expenses when considered to be in the interest of the institution and when such payment is a part of the employment negotiation with a new employee or the relocation of a current employee from another

employer or institution. Reimbursement/fee allowance for immigration fees must be approved in advance by the Director or President or his/her designee.

This provision applies only to candidates who are required to pay immigration fees to work and live in the U.S. No TBR employee may receive reimbursement more than once.

No payment shall be made unless the employee agrees in writing to remain in the service of the institution for a period of twenty-four (24) months following the effective date his/her employment agreement, unless separated for reasons beyond his/her control and acceptable to the institution. The service agreement statement should be maintained in the employee's personnel file. In case of a violation of such an agreement, any funds expended by the institution for such allowance shall be recoverable from the employee as a debt due the institution in the same manner as educational allowance payments. See **Attachment B**

Reimbursement shall be in the maximum amount of \$4500 and shall not exceed the employee's actual, documented expenses. The allowance cannot be used to defray non-immigration-related costs or any costs not associated with the individual employee's immigration expenses.

Reimbursable fees include: fees charged by a licensed immigration attorney retained in connection with the application, filing, permanent residence fee, fee for any application to enter the U.S., fee for application to remain in the U.S., and associated fees required in the application process, such as medical examinations, fingerprinting, photo identification, postal/courier fees, and costs of evaluating foreign academic credentials or translations of foreign documents.

The employee is responsible for making arrangements for representation, completion of paperwork, assistance in the immigration process, and submission of all bills and/or invoices for which reimbursement is sought. Faculty may submit a claim for reimbursement by sending a request with original receipts to the Chief Academic Officer.

L. Exceptions

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

Source: SBR Meetings: June 25, 1976; March 4, 1977; June 26, 1981; September 18, 1981; September 30, 1983; September 16, 1988; March 17, 1989; September 21, 1990; December 7, 1990; March 19, 1993; September 20, 1996; December 6, 1996; June 20, 1997; June 29, 2001; March 15, 2002; December 5, 2003; September 24, 2004; Board Meeting March 29, 2007; Board Meeting June 29, 2007

Policy 5:01:00:10

Subject: Personnel Records

The following policy of the Tennessee Board of Regents on personnel records shall apply to all employees of the institutions and technology centers governed by the Board.

Under the provisions of T.C.A. §10-7-503, personnel records are considered public records and may be inspected, extracted, or copied by any citizen of Tennessee during normal business hours, in accordance with reasonable rules of the office having custody of such records.

However, T.C.A. §10-7-504(f)(1) treats as confidential the following information:

home telephone and personal cell phone numbers; bank account information; social security number; driver license information except where driving or operating a vehicle is part of the employee's job description or job duties or incidental to the performance of his/her job; residential information, including the street address, city, state, and zip code, for any state employee; and the same information of immediate family members or household members. This information must be redacted wherever possible, but access to otherwise public information shall not be limited or denied because a record contains confidential information. Further, this information is available to law enforcement agencies, courts, or other governmental agencies performing official functions.

Deleted: unpublished

Each institution and technology center shall designate the official custodian of permanent personnel records, provided that more than one official custodian may be designated for different classifications of employee records. The official custodian of permanent personnel records shall be responsible for maintaining the permanent personnel files. The authority of the official custodian may be delegated to such assistants as are provided by the institution or technology center.

Each institution or technology center shall develop a procedure to assure that employees are informed about records maintained about them and to permit them, upon request, to review the material. Pursuant to T.C.A. § 8-50-108, a state employee may inspect his/her own personnel file at any reasonable time. The employee may request copies of any material contained in such file, which copies shall be furnished to the employee upon payment of the cost of such reproduction. A procedure shall also be developed by each institution or school to monitor the release of information contained in personnel files in a manner consistent with individual rights to privacy and institutional or school and external needs for information.

As defined in T.C.A. § 10-7-301(b), public record(s) or state record(s) means all documents, papers, letters, maps, books, photographs, microfilms, electronic

data processing files and output, films, sound recordings, or other material regardless of physical form or characteristics made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency.

Nothing in this policy shall require the maintenance of any record for any period of time in excess of any retention period established by the institution or school, the Board, or State or Federal law.

Source: TBR meetings: June 25, 1976; March 4, 1977; June 26, 1981; September 18, 1981; September 30, 1983; September 16, 1988; March 15, 2002

Policy No. 5:01:01:03
Subject: Leave of Absence

It is the policy of the Tennessee Board of Regents to provide approved, unpaid time off to regular employees due to reasons of illness or injury, or disability of an employee who has insufficient accumulated annual and/or sick leave, leave for educational purposes and leave for justifiable personal reasons. [Refer to 5:01:01:08 for maternity leave policy.] Leave of absence as referred to in this policy shall include any period of administrative leave with pay up to a maximum of 90 days, pending an institutional review or investigation or leave in a non-pay status or athletic competition leave as defined below. Administrative leave with pay must be approved by the President or Director following review by the Office of Human Resources.

Leave of absence without pay, not to exceed one (1) year, may be granted for justifiable absences wherein it is not desirable to terminate the employee. Factors to be considered in determining whether it is desirable to not terminate the employee and to approve leave of absence without pay include whether (a) there are extraordinary circumstances present that justify keeping a position open or vacant and preserving it for that employee, (b) it is, objectively and from a business standpoint, in the institution's best interest to retain the employee because of demonstrated contributions to the department, and (c) the employee performs a unique service or has unique qualifications that are required for the position. Such leave must be approved by the president/director/Chancellor or his/her designee, and any additional leave must be approved by the Chancellor upon the recommendation of the President/Director.

Leave of absence shall be granted for any period (which may exceed one (1) year) when an employee transfers to another TBR institution or school or to the Board's central office and requests to be placed on leave of absence.

Employees who request an unpaid leave of absence due to a Family and Medical Leave Act (FMLA) qualifying event shall have their leaves processed in accordance with the provisions of Family and Medical Leave Policy 5:01:01:14 regarding eligibility, continuation of insurance coverages, maximum leave period for parents who are both State employees, etc.

If an employee is not eligible for FMLA leave or the period of the leave exceeds the FMLA maximum, the remaining balance of the leave shall be processed in accordance with the provisions of this policy.

In addition, an employee who is on an unpaid leave of absence which does not qualify as FMLA leave shall be responsible for paying both the employee and employer portion of insurance premiums.

While on leave of absence for educational purposes or other justifiable personal reasons other than non-qualifying FMLA leave, illness, injury, or disability, an employee retains accumulated annual and sick leave, but does not earn or accrue additional annual or sick leave. An employee who has qualified for Workers' Compensation may retain accumulated annual and sick leave. In addition, an employee on leave of absence is not entitled to compensation for official holidays occurring within the leave period.

In addition to the previously defined leave of absence policy, pursuant to Chapter 52 of the Public Acts of 1989, public employees who qualify as members of a United States team for athletic competition, on the world, Pan-American or Olympic level in a sport contest in either Pan-American or Olympic competitions are eligible to request a leave of absence with or without pay for the purpose of preparing for and engaging in the competitions just described. Team is defined as meaning any group leader, coach, official, or athlete who comprises the official delegation of the United States to World, Pan-American, or Olympic competition. In no event shall the total of all such leave exceed the period of the official training camp and competition combined plus a reasonable amount of travel or 90 calendar days a year whichever is less. The granting of leave under this section shall be discretionary with the public employer. In order to qualify for athletic competition leave, a public employee must: 1) be actively working for the public employer from whom the leave is requested at the time the request is made; 2) request such leave of absence a reasonable period prior to the date the public employee wishes the leave to commence; 3) at the time of the request, the employee shall provide the employer with the actual or anticipated dates of the competition, the dates of the official training camp and specify the total number of leave days that will be necessary in order for the public employee to participate; 4) the public employee must provide satisfactory evidence of qualification and selection for participation.

An employee of a TBR institution who is a member of the United states Air Force Auxiliary Civil Air Patrol who participates in a training program for the civil air patrol, or in emergency and disaster services, shall be entitled to a leave of absence with pay for a period of not more than fifteen (15) days during a calendar year for such purposes if the leave of absence is at the request of the employee's wing commander or the wing commander's designated

representative. Any leave of absence pursuant to this section shall be in addition to any other leave of the employee. All other rights and benefits of the employee, including seniority rights, insurance benefits, health insurance benefits, creditable service and all other such rights and benefits, shall continue.

The employee may be granted leave pursuant to the provisions of this Act with or without pay subject to the complete discretion of the employer. If leave of absence under this Chapter is granted with pay, the employee retains accumulated annual and sick leave and continues to earn or accrue additional annual and sick leave. The employee is also entitled to compensation for official holidays occurring within the leave period. If the leave is granted without pay, an employee retains accumulated annual and sick leave, but does not earn or accrue additional annual or sick leave. The employee on leave of absence without pay is not entitled to compensation for official holidays occurring within the leave period. The president/director of the institution must approve the request.

Source: TBR Meetings, August 15, 1975; June 25, 1976; December 2, 1977; June 30, 1978; June 29, 1979; June 26, 1981; September 18, 1981; September 24, 1982; June 24, 1983; September 30, 1983; June 28, 1985; June 26, 1987; December 4, 1987; September 22, 1989; December 15, 1995; March 15, 2002 (Finance and Administration approved April 11, 2002)

Note: The provisions of this policy adopted at the August 15, 1975 meeting, became effective on January 1, 1976, and changes in eligibility to earn leave or in the amount of leave earned for period of service were prospective only.

PROPOSED Policy No. 5:01:01:19
Subject: Volunteer Firefighter Service Leave

In accordance with TCA § 50-1-309, a regular employee who is an active volunteer firefighter may be permitted to leave work in order to respond to fire calls during such employee's regular hours of employment without loss of pay, vacation time, sick leave, or earned overtime accumulation. Such employee may be permitted to take off the next scheduled work period within twelve (12) hours following such response as an annual leave or sick leave day without loss of pay if the employee assisted in fighting such fire for more than four (4) hours. If the employee is not entitled to an annual leave or sick leave day then such employee may be permitted to take off such work period without pay.

In addition, any employee who is an active volunteer firefighter and who worked for more than four (4) hours the prior day or night as a volunteer firefighter in an emergency may be permitted to take off the next scheduled work period within twelve (12) hours following such emergency as an annual leave or sick leave day without the loss of pay. If the employee is not entitled to an annual leave or sick leave day then such employee may be permitted to take off such work period without pay.

The employer may require the employee to submit a written statement from the chief of the volunteer fire department verifying that such employee responded to a fire or was on-call and specifying the date, time and duration of such response.

Guideline P-131

Subject: Educational Assistance for Spouse and Dependents of TBR Employees

(PERTAINS ONLY TO UNDERGRADUATE COURSES TAKEN BY SPOUSES AND CHILDREN AT TENNESSEE BOARD OF REGENTS AND UNIVERSITY OF TENNESSEE INSTITUTIONS)

Support for Educational Assistance

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

Types of Support for Educational Assistance

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

P-130 – Educational Assistance for TBR Employees

- I. Faculty or Administrative/Professional Staff Grant-in-Aid Program
- II. Faculty or Administrative/Professional Staff Tuition or Maintenance Fee Reimbursement Program
- III. Employee Audit/Non-credit Program

- IV. Clerical and Support Staff Maintenance Fee Payment Program
- V. Fee Waiver for TBR/UT System Employees Program (PC 191)
- P-131 – Educational Assistance for Spouse and Dependents of TBR Employees
 - I. Fee Discount for Spouse and/or Dependent Children Program
- B-061 – Educational Assistance for State Employees and Dependents of State Employees or Public School Teachers
 - I. Public Higher Education Fee Waiver for State Employees Program
 - II. Fee Discount for Dependent Children of Licensed Public School Teachers or State Employees Program
- B-062 – Other Educational Assistance Programs
 - I. Veterans’ Dependents’ Post-Secondary Education Program
 - II. Age 65 or Above Program

Complete eligibility information is contained within each Guideline.

Taxation of Educational Assistance Programs

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

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

The purpose of this policy is to establish the provisions for such fee discounts up to 50% of the undergraduate fee and all mandatory student fees payable at the time of registration for spouses and dependent children of regular full-time and regular part-time employees, and to encourage such qualified students to attend the Tennessee technology centers, TBR and UT institutions. These mandatory student fees include maintenance fees, tuition, debt service fee, student activity fee, general access fee, student government fee, and technology access fee. The mandatory student fees do not include the application fee, off-campus facilities fee, or any special course fees.

A. Eligibility

The following groups will be eligible under this program:

1. Regular full-time employees are eligible for a student fee discount for their spouses and dependent children who have been admitted to any of the institutions in the TBR or UT system as undergraduate students through regular admission procedures. Spouses and dependent children of regular part-time employees who have one or more years of continuous service within either system working a minimum of fifty percent (50%) time shall receive a pro rata discount based on the employee's percentage of employment. (Part-time employees with temporary service immediately preceding regular service shall receive credit for such service if they are eligible for leave accrual adjustments.)

Deleted: and medical residents

2. Spouses of employees having 10 or more years of continuous full-time service within the Tennessee Board of Regents system immediately preceding retirement or death are eligible for the fee discount for 5 years from the date of death or retirement of the employee whichever shall occur first. Dependent children of such employees who are age 26 and under are eligible for the fee discount.

3. Spouses of employees having less than 10 years of full-time continuous service within the Tennessee Board of Regents system immediately preceding retirement or death are eligible for the fee discount for two years from the date of death or retirement of the employee, whichever shall occur first.

Dependent children of employees having less than 10 years of full-time continuous service immediately preceding retirement or death are eligible for the fee discount for 2 years from the date of death or retirement of the employee, whichever comes first. The fee discount is only available for dependent children age 26 and under. However, in accordance with TCA§ 8-50-115, dependents under age 24 at the end of the two-year period become eligible for a 25% discount if the parent:

(1) died while employed full-time (effective May 31, 1997)

or

(2) was killed on the job or in the line of duty while a full-time employee

Example 1: A dependent is 24 years of age when an employee with less than 10 years of service retires/dies. The dependent is eligible for the 50% discount for 2 years or through age 26, whichever comes first. Since he/she is 26 at the end of 2 years, no additional benefit is available under TCA§8-50-115.

Example 2: A dependent is 18 years old when an employee dies with less than 10 years of service. He/she is eligible for a 50% discount for 2 years. Since he/she is 20 when the two-year period expires, the dependent is then eligible for a 25% discount through age 23.

4. Spouses of employees who had 10 or more years of continuous regular part-time service immediately preceding retirement or death are eligible for the fee discount on a pro rata basis for 2 years from the date of death or retirement of the employee.

Dependent children of such employees are eligible for the fee discount for 2 years from the date of death or retirement of the employee.

The pro rata discount will be based on the employee's percentage of employment at the time of retirement or death.

5. Spouses and dependent children must be admitted to the Tennessee Board of Regents or University of Tennessee institutions, or Tennessee Technology centers, through standard admissions procedures.

6. For purposes of this program, dependent children shall be defined as:

- a. The employee's natural children 26 years of age or under;
- b. The employee's stepchildren, provided such children are 26 years of age or under;
- c. The employee's legally adopted children who are 26 years of age or under; or
- d. Any other individuals who are 26 years of age or under and living in a parent/child relationship with the employee, such as children of deceased parents who are being raised by a grandparent who is a TBR system employee.

The institution, at its discretion, may require satisfactory proof of the relationship or criteria qualifying an employee's dependent for eligibility under this program.

7. Benefits provided by the Veterans' Dependents' Post Secondary Education Program are greater than those provided by the Student Fee Discount for Spouse and Dependent Children of Employees Program. Therefore, dependents receiving such benefits are not simultaneously eligible for benefits from this program. (See Program VIII for complete information regarding rules and regulations.)

Example: A female employee has an eighteen (18) year old son whose father died while serving in the U.S. military during a qualifying period of armed conflict as defined in the Veterans' Dependents' Post Secondary Education Program. The dependent has been approved for monetary benefits under that program. As a result, he is no longer eligible for benefits under the Student Fee Discount for Spouse and Dependent Children of Employees Program.

8. The employment status of the employee on the first day of classes for each term in which the spouse and/or dependent enrolls shall be used to determine eligibility and the amount of the student fee discount for his or her spouse and/or dependent children; a change in employee status after the first day of classes shall not affect eligibility for the student fee discount for that term.

9. For employees who meet eligibility requirements after the first day of classes in which the spouse and/or dependent enrolls, the discount will be available at the beginning of the next term.

10. Each institution/technology center/Central Office shall be responsible for certifying employee eligibility for fee discounts under this policy.

11. Employees who are on leave of absence with pay will retain eligibility under this policy; the employee's percentage of employment immediately prior to the effective date of the leave of absence shall determine the amount of the student fee discount.

12. Employees who are on leave of absence without pay are not eligible for the spouse/dependent discount under this policy unless the leave of absence (a) is due to an on-the-job injury, (b) complies with the provisions of the Family and Medical Leave Act of 1993, or (c) is approved by the institution/technology center/Central Office to permit the employees to engage in teaching or other job-related activities intended to increase their efficiency as employees. Examples are activities such as student teaching or internships that are required parts of a degree program being sought.

13. If a regular employee also qualifies under this policy as an employee's spouse or dependent child, other fee waiver and staff development provisions for employees shall take precedence.

14. Employees are responsible for notifying the Office of Human Resources of any changes in eligibility.

B. Fees Paid/Type Course Paid/Number of Hours

1. This program is applicable to undergraduate courses at Tennessee Board of Regents and University of Tennessee institutions up to and including full-time study.

2. Correspondence or non-credit courses are not eligible, except at the Tennessee technology centers. If the spouse or dependent child is receiving Title IV Financial Aid, the employee must notify the Financial Aid Office. The amount remaining after financial aid and the discount rendered under this program may be paid in accordance with the provisions of Deferred Payment Plan Guideline B-070, provided a Deferred Payment Plan has been implemented at the institution the employee's spouse/dependent is attending.

3. Auditing a course is allowed if the course is a credit course.

C. Payback Provisions

Payback provisions do not exist.

D. When the Participant May Attend

Does not apply.

E. Accounting/Budgeting Provisions

1. Discounts of 50% of the undergraduate maintenance fee and mandatory student fees are available for dependents of full-time employees; discounts for dependent children and spouses of eligible part-time employees are prorated based on percentage of time worked.

2. The discount shall not be applicable to other fees, i.e., application for admission fees, applied music fees, lab fees, books and supplies, parking fees, dormitory charges or meal plans. The amount of the discount shall be rounded to the nearest dollar.

3. The request needs to be submitted two weeks prior to enrollment on TBR Request for Fee Discount for Spouse and/or Dependent form. (See Appendix A.)

4. The institution/technology center/Central Office where the person is an employee shall account for the chargeback as an employee benefit to indicate the employer (institution/technology center/

Central Office) is paying the cost for the benefit of the employee. The charged institution/Technology center/Central Office shall remit the tuition fees to the institution providing instruction as maintenance income.

F. Where the Participant May Attend

Spouses and dependent children may enroll in undergraduate courses in either the Tennessee Board of Regents or the University of Tennessee Systems.

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

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PRESIDENTS/DIRECTORS QUARTERLY MEETINGS

DATE: August 19, 2008 – Presidents Meeting
August 20, 2008 – Directors Meeting

AGENDA ITEM: The TBR 403(b) Retirement Plan

ACTION: Information Item

PRESENTER: Vice Chancellor Bob Adams

BACKGROUND INFORMATION:

The Committee will review the proposed changes to the Tennessee Board of Regents 403(b) Retirement Plan. In July of 2007 the Internal Revenue Service and the U.S. Treasury Department released final regulations under Section 403(b) of the Internal Revenue Code. The Tennessee Board of Regents (TBR) 403(b) Retirement Plan requires several administrative and plan design changes to make it compliant with the new regulations by the January 1, 2009 deadline.

The Tennessee Board of Regents 403(b) Retirement Plan: Proposal Summary

In July of 2007 the Internal Revenue Service and the U.S. Treasury Department released final regulations under Section 403(b) of the Internal Revenue Code. The Tennessee Board of Regents (TBR) 403(b) Retirement Plan will need several administrative and plan design changes to make it compliant with the new regulations by the January 1, 2009 deadline.

While most of these are small administrative and perfunctory changes, a few of the changes are quite significant and would be a departure from current practice.

- I. The first major issue that we are faced with is an increase in the administrative responsibilities and monitoring of participant accounts to insure compliance with all regulations. While there are many options available for assistance, we should consider self administration initially.
- II. The next major issue is selection of the approved vendors. With the increase in administrative responsibilities and monitoring we cannot continue to operate the plan with the current 65 active vendors. To facilitate a fair and objective vendor reduction, we should choose only the current Optional Retirement Plan (ORP) vendors as our approved 403(b) vendors to begin the 2009 Plan Year. The three Vendors (AIG-VALIC, TIAA-CREF, and ING) represent 3 of the top 6 vendors currently in the TBR 403(b) Retirement Plan and contain over 63% of the current participants.
- III. The other major issues that require special attention are three plan design issues. In the interest of easing the administrative burden on TBR institutions, we should eliminate three provisions: the Special 403(b) Catch-up Limitation for employees with 15 years of service, Loans, and Hardship Withdrawals from the Plan.

More details and reasoning on the changes and administrative proposals are provided in the original proposal that is available by contacting the Tennessee Board of Regents Office of Human Resources.

PRESIDENTS/DIRECTORS QUARTERLY MEETINGS

DATE: August 19, 2008 – Presidents Meeting
August 20, 2008 – Directors Meeting

AGENDA ITEM: DRAFT – PII (Personally Identifiable Information) Policy

ACTION: Discussion Item

PRESENTER: Tom Danford, CIO

BACKGROUND INFORMATION:

Tom Danford will discuss the attached draft of the PII (Personally Identifiable Information) Policy.

Data and Personally Identifiable Information (PII) Security – (Confidentiality of Administrative Data)

--DRAFT--

Policy Statement

Except as otherwise provided by law or this policy, access to data residing in administrative systems and applications at Tennessee Board of Regents institutions is to be granted only to those individuals who must, in the course of exercising their responsibilities, use the specific information. The copying, downloading, FTP transfer or otherwise duplicating such data on another computer, website, floppy diskette, tape, USB device, laptop/PC or other such mobile storage device for unauthorized purposes is prohibited.

Campuses may adopt and publish policies/guidelines that provide for exceptions to this policy provided that they: (1) require formal approval by the custodian/owner of the data, (2) the data copied to the mobile or other device has technical and/or physical protections such as encryption or resides in securely locked areas, (3) have a “deletion upon completion” component, (4) the individual receiving the data has training in handling PII, (5) an institutional record is kept as to who has been given permission to access and/or duplicate such data and the purpose for access and/or its duplication.

Anyone with access to data residing in administrative systems and applications should on an annual basis receive training on the proper handling and safeguarding of PII.

PRESIDENTS/DIRECTORS QUARTERLY MEETINGS

DATE: August 19, 2008 – Presidents Meeting
August 20, 2008 – Directors Meeting

AGENDA ITEM: Revision to the Presentation Process of the Regents Award

ACTION: Requires Vote

PRESENTER: Vice Chancellor David Gregory

BACKGROUND INFORMATION:

Attached is a proposed revision to the presentation process for the Regents Award for Excellence in Philanthropy. The purpose of the change is to better accommodate the recipients' schedules and to provide for more local participation and media coverage of the event.

In the attached document, Items 2 and 3 listed under "Notification and Recognition of Award Recipients" have been revised and reflect a change in the location of future award presentations. Going forward nominating institutions will coordinate the arrangements for award presentations since the presentations will now take place on your campus rather than during the quarterly board meetings. The board will receive a report on an award presentation at each quarterly meeting and will be invited to participate in presentations that are held in their area.

REGENTS' AWARD FOR EXCELLENCE IN PHILANTHROPY

Procedure for Nomination, Selection, and Recognition of Recipients

Call for Nominations

A call for nominations shall be issued annually each Fall. Institutions wishing to nominate individuals, companies, or organizations for an award should submit the completed nomination materials to the Tennessee Board of Regents.

1. Nominations should be made by the president(s) and/or TTC director(s) of a Regents' institution(s). Signature of the president or TTC director is required on the nomination form. Refer to item 2 below for award criteria.

Selection Process

1. Nominations will be reviewed by a donor recognition committee appointed by the Chancellor. The Committee will be composed of two university representatives, two community college representatives, and two technology center representatives.
2. The Committee will review all application materials in light of the selection criteria and recommend a slate of recipients for the upcoming year. If the initial call for nominations does not yield a sufficient number or quality of applicants for four awards each year, the Committee may issue an additional call for nominations.

Awards will be made on the basis of the following criteria:

- Generous giving of time and resources to TBR institutions.
- Major influence on volunteers to become involved in fund raising.
- Effective example setting; actively promotes importance of supporting higher education.
- Ethical leadership in philanthropy.
- Exceptional civic responsibility and integrity.

Nominees cannot receive a philanthropy award two consecutive years. There must be, at minimum, one year between receiving a Regents' Award and Chancellor's Award.

3. The Committee will recommend a slate of award winners to the Chancellor.

Notification and Recognition of Award Recipients

1. Notification letters are sent to the selected recipients from the chairperson of the TBR Standing Committee on Business, Community and Public Relations. The letter will require the nominating institution to contact the recipient to schedule the award presentation.

2. **Arrangements for the award presentation will be made by the nominating institution in coordination with the schedules of the recipient, local regents from their area, and the chancellor. The presentation may take place on the campus or at a location selected by the nominating institution.**
3. **To better accommodate the recipient and nominating institution, the award presentation will be highlighted at a quarterly board meeting through the use of photos. Recipients are no longer required to travel to the quarterly meeting for an award presentation. The nominating institution must arrange for a photographer to take photos of the award presentation and must email those to appropriate central office staff for future use.**