



A G E N D A

PRESIDENTS MEETING Tuesday, February 12, 2008 – 8:30 A.M. (CT) TBR Board Room

1. Business Continuity Plan (Vice Chancellor Bob Adams)
2. Legislative Update (Vice Chancellor David Gregory)
3. Discussion of Tuition and Fees (Chancellor Manning)
4. Discussion of Adjunct Pay Issues (Vice Chancellor Bob Adams and Vice Chancellor Paula Myrick Short) – *Attachment*
5. Proposed Revisions to Policies and Guidelines under Academic Affairs (Vice Chancellor Paula Myrick Short) – *Attachment*
 - Policy 2:01:00:00 – Undergraduate Degree Requirements
 - Policy 2:01:00:01 – Articulation with Proprietary Colleges
 - Policy 2:01:01:00 – Approval of Academic Programs, Units, and Modifications
 - Deletion of TBR Policy 2:02:00:00 – Associate Degree Programs
 - Policy 2:06:00:00 – Awarding the Honorary Degree
 - Guideline A-010 – Submitting Proposals for New Academic Programs or Units
 - Guideline A-030 – Articulation at Community College and Universities
 - Policy 3:03:01:00 – Student Residence Regulations and Agreements
6. Proposed Guideline on Safety and Security Preparedness (Vice Chancellor Bob Adams) - *Attachment*

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7. Proposed Revisions to Policies and Guidelines under Business Affairs (Vice Chancellor Bob Adams) - *Attachment*
 - Policy 4:02:10:00 – Purchasing Policy and Procedures
 - Policy 4:03:03:00 – General Travel
 - Guideline G-030 - Contracts and Agreements

8. Proposed Revisions to Policies and Guidelines under Human Resources (Vice Chancellor Bob Adams) - *Attachment*
 - Policy 2:02:10:01 - Non-discrimination on the Basis of Sex in Education Programs and Activities
 - Policy 5:01:01:04 - Military Leave
 - Policy 5:01:01:15 - Transfer of Sick Leave Between Employees
 - Policy 5:01:01:17 - Disaster Relief Service Leave
 - Policy 5:01:02:00 - Equal Employment Opportunity, Affirmative Action, Discrimination and Nepotism
 - Policy 5:02:05:00 - Employment of Graduate Assistants
 - Guideline P-080 - Racial and Sexual Harassment
 - Guideline P-110 - Employee Grievance/Complaint
 - Guideline P-111 - Support Staff Grievance
 - Guideline P-061- Formation and Operation of Non-Faculty Sick Leave Banks

9. Proposed TBR Policy (4:01:05:00), Preventing and Reporting Fraud, Waste or Abuse (Tammy Gourley) – *Attachment*

10. Proposed Revisions to Guideline B-080, Reporting and Resolution of Institutional Losses (Tammy Gourley) – *Attachment*

11. Statement on Auditing Standards 113, Omnibus 2006, Statement on Auditing Standards 114, *The Auditor's Communication with Those Charged With Governance* (Tammy Gourley) – *Attachment*

12. Comptroller's Survey of Social Security Numbers and Recommendation for Follow-up (Tom Danford) – *Attachment*

13. Background of Items to be Brought to the ERP Steering Committee on February 20 (Tom Danford)

14. Rotation Cycle of Board Meetings (Chancellor Manning)

PRESIDENTS

DATE: February 4, 2008

AGENDA ITEM: Discussion of Adjunct Pay Issues

ACTION: Information Only

PRESENTER: Bob Adams

BACKGROUND INFORMATION: The attached information regarding adjunct pay will be discussed.

CHECK OFF SHEET

Adjunct Faculty – 15 hrs. fall semester

Institution	<u>Response</u>
APSU	They set them up on full-time one semester only contracts.
ETSU	11
UOM	No
MTSU	Limits adjunct to teach no more than 9 credit hours per semester.
TSU	Only allows adjunct to teach up to 9 hours. If we need them to teach 12 or 15 hours, we offer them a temporary contract.
TTU	Do not allow adjuncts to teach more than 10 hours.
CSTCC	9 in the fall, 2007
CLSCC	One adjunct that taught 15 semester hours due to RODP classes.
COSCC	Typically limit adjuncts to a maximum of 9 hours.
DSCC	No
JSCC	No
MSCC	One adjunct faculty who taught 15 hours Fall, 07 (12 hours in the classroom and 3 hours in the math lab.) This was with the understanding that he would only teach 9 hours in the spring.
NSCC	1 in fall of 2007
NSTCC	No
PSTCC	Seven adjuncts that were on TFT one semester contracts. They teach 15 credit hours. Did not have any other adjuncts that taught 15 hours.
RSCC	16 that taught 15 or more hours this past fall semester
STCC	Limits adjuncts to 9 hours per semester
VSCC	1
WSCC	4

PRESIDENTS QUARTERLY MEETING

DATE: February 12, 2008

AGENDA ITEM: Proposed Revisions to Policies and Guidelines Under Academic Affairs

ACTION: Voice Vote

PRESENTER: Dr. Paula Myrick Short

BACKGROUND INFORMATION:

Proposed revisions to the following TBR policies and guidelines are being presented for approval:

TBR Policy 2:01:00:00—*Undergraduate Degree Requirements*

TBR Policy 2:01:00:01—*Articulation with Proprietary Colleges*

TBR Policy 2:01:01:00—*Approval of Academic Programs, Units, and Modifications*

Deletion of TBR Policy 2:02:00:00—*Associate Degree Programs*

TBR Policy 2:06:00:00—*Awarding the Honorary Degree*

TBR Guideline A-010—*Submitting Proposals for New Academic Programs or Units*

TBR Guideline A-030—*Articulation at Community Colleges and Universities*

TBR Policy 3:03:01:00—*Student Residence Regulations and Agreements*

Policy No. 2:01:00:00

SUBJECT: General Education Requirements and Undergraduate Degree Requirements

Effective Fall Semester 2004, each institution in the State University and Community College System of Tennessee (hereafter identified as the Tennessee Board of Regents System) will subscribe to common general education requirements at the lower-division. These requirements consist of forty-one (41) semester hours in the following subject categories and are required for completion of the Associate of Arts (A.A.), Associate of Science (A.S.), and all baccalaureate degrees.

Communication 9 semester hours*

Humanities and/or Fine Arts 9 semester hours (One course must be in literature.)

Social/Behavioral Sciences 6 semester hours

History 6 semester hours**

Natural Sciences 8 semester hours

Mathematics 3 semester hours

Total 41 semester hours

Courses specified as meeting general education requirements are published in the catalog of each institution and may be viewed on the web site of the Tennessee Board of Regents (www.tbr.edu).

Students pursuing a Bachelor of Arts degree shall be required to demonstrate proficiency in a foreign language equivalent to completion of two years of college-level work. Students pursuing an Associate of Arts degree shall be required to demonstrate proficiency in a foreign language equivalent to completion of one year of college-level work.

*Six (6) semester hours of English composition and three (3) semester hours in English oral presentational communication are required.

**Six (6) semester hours of American History are required at universities and a six-semester hour history sequence is required at community colleges. Community college advisors should recommend that students select history courses in accordance with the requirements of the college or university to which they plan to transfer. If the student plans to transfer to a university within the Tennessee Board of Regents System, American

History should be taken. Three (3) semester hours of Tennessee History may substitute for three (3) semester hours of American History.

Undergraduate Degree Requirements and Provisions

All baccalaureate degrees offered by institutions in the Tennessee Board of Regents System shall require a maximum of 120 semester hours except in certain degree programs in which approval to exceed the maximum has been granted. The programs approved as exceptions to the maximum are identified in institutional catalogs

All associate degrees shall require a maximum of 60 semester hours except in certain degree programs in which approval to exceed the maximum has been granted. The programs approved as exceptions to the maximum are identified in institutional catalogs

Credit hours earned in remedial or developmental courses are institutional credit; they are not applicable to credit hours required for any certificate, associate, or baccalaureate degree.

College courses ~~that are taken as electives~~ to address course deficiencies in high school preparation and ~~that are taken~~ to meet minimum **university** admission requirements effective fall 1989 may be used **concurrently** to satisfy **general education** requirements specified above **with the exception of foreign language. Relative to removing course deficiencies in foreign language, the following provisions apply:**

- 1. Students who pursue programs leading to the Associate of Science or Bachelor of Science degrees may apply foreign language courses taken to remove the deficiencies as electives, if appropriate, or otherwise as add-on hours.**
- 2. Students who pursue programs leading to the Associate of Arts and Bachelor of Arts degrees may apply foreign language courses taken to remove deficiencies toward fulfillment of degree requirements.**

Transfer Provisions of General Education Courses

1. Students who complete the Associate of Arts or Associate of Science degree and transfer to a university within the Tennessee Board of Regents System will have satisfied all lower-division general education requirements.

2. Students who complete blocks of subject categories will have satisfied the general education requirements for the categories of note. For example, if the eight (8) semester hours of natural sciences are completed, then this block of the general education requirement is fulfilled upon transfer to an institution within the Tennessee Board of Regents System. When a subject category is incomplete, a course by-course evaluation

will be conducted, and the student will be subject to specific requirements of the receiving institution.

3. Institutional/departmental requirements of the grade of "C" will be honored. If credit is granted for a course with the grade of "D," any specific requirements for the grade of "C" by the receiving institution will be enforced.

4. In certain majors, specific courses must also be taken in general education. It is important that students and advisors be aware of any major requirements that must be fulfilled under lower-division general education. In cases where specific courses are required as a part of general education for certain majors, the student is responsible for enrolling in the correct courses. Failure to fulfill specific major requirements in lower-division general education may result in the need to complete additional courses.

General Education Requirements for the Associate of Applied Science Degree

The Associate of Applied Science (A.A.S.) degree is not designed to transfer to baccalaureate programs; however, a general education component is required. The following distribution of general education courses is required for the A.A.S. degree in all community colleges within the Tennessee Board of Regents System.

English Composition 3 semester hours

*Humanities and/or Fine Arts 3 semester hours

*Social/Behavioral Sciences 3 semester hours

*Natural Science/Mathematics 3 semester hours

*One additional course from the categories of Communication, Humanities and/or Fine Arts, Social/Behavioral Sciences, or Natural Science/Mathematics 3-4 semester hours

Total 15-17 semester hours

*Specific courses satisfying these requirements must be the same courses that satisfy the general education requirement for the Associate of Arts, Associate of Science, or baccalaureate degrees.

Source: TBR Meetings, June 25, 1976; June 25, 1982; March 20, 1987; June 24, 1988; December 5, 1997; June 29, 2004; September 24, 2004

Policy No. 2:01:00:00

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Students pursuing a Bachelor of Arts degree shall be required to demonstrate proficiency in a foreign language equivalent to completion of two years of college-level work. Students pursuing an Associate of Arts degree shall be required to demonstrate proficiency in a foreign language equivalent to completion of one year of college-level work.

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Credit hours earned in remedial or developmental courses are institutional credit; they are not applicable to credit hours required for any certificate, associate, or baccalaureate degree.

College courses taken to address course deficiencies in high school preparation and to meet minimum university admission requirements effective fall 1989 may be used concurrently to satisfy general education requirements specified above with the exception of foreign language. Relative to removing course deficiencies in foreign language, the following provisions apply:

1. Students who pursue programs leading to the Associate of Science or Bachelor of Science degrees may apply foreign language courses taken to remove the deficiencies as electives, if appropriate, or otherwise as add-on hours.
2. Students who pursue programs leading to the Associate of Arts and Bachelor of Arts degrees may apply foreign language courses taken to remove deficiencies toward fulfillment of degree requirements.

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POLICY 2:01:00:01

SUBJECT: ~~Articulation With Proprietary Colleges~~ Articulation With Non-Regionally Accredited Institutions

~~It is recognized that there are numerous private institutions in the State of Tennessee which are not accredited by the Southern Association of Colleges and Schools and that students from these institutions often desire to transfer course credits to institutions under the governance of the State Board of Regents.~~

~~The State Board of Regents suggests that every institution expeditiously seek accreditation by the Commission on Colleges of the Southern Association of Colleges and Schools, and that during the time such accreditation is being sought, the institutions governed by the State Board of Regents shall consider the acceptance of transfer of credits from private institutions under the following conditions:-~~

- ~~■ That those private institutions offering post-secondary vocational programs have been inspected, evaluated and approved by the Commission on Post-Secondary Vocational Education Institutional Authorization,-~~

~~OR~~

- ~~■ That those private institutions offering post-secondary programs of an academic nature have been evaluated and approved for operation by the Tennessee Higher Education Commission.-~~

~~It is to be emphasized that within the framework of the above conditions, the responsibility for determining if credits shall be accepted, rests with the receiving institution.~~

Awarding of transfer credit from non-regionally accredited institutions is considered on a case-by-case basis. Universities and community colleges must have in place procedures to document the validity of courses requested for transfer from non-regionally accredited institutions, including submission of official transcripts of courses taken, documentation of course content, course level, contact hours, the standards for assessing student work, and certification of the academic credentials of the course instructor. Academic Affairs officials at each institution will review the documentation submitted and coordinate with the Office of Admissions to confirm or deny approval of courses approved for transfer.

Source: TBR Meeting, June 20, 1975.

POLICY 2:01:00:01

SUBJECT: Articulation with Non-Regionally Accredited Institutions

Awarding of transfer credit from non-regionally accredited institutions is considered on a case-by-case basis. Universities and community colleges must have in place procedures to document the validity of courses requested for transfer from non-regionally accredited institutions, including submission of official transcripts of courses taken, documentation of course content, course level, contact hours, the standards for assessing student work, and certification of the academic credentials of the course instructor. Academic Affairs officials at each institution will review the documentation submitted and coordinate with the Office of Admissions to confirm or deny approval of courses approved for transfer.

Source: TBR Meeting, June 20, 1975.

POLICY 2:01:01:00

SUBJECT: Approval of Academic Programs, Units, and Modifications

INTRODUCTION

T.C.A. § 49-8-101 et seq. authorized the establishment of the State University and Community College System of Tennessee. Among the powers given to the Tennessee Board of Regents (TBR) by this Act is the power "to prescribe curricula and requirements for diplomas and degrees."

Institutions have the authority to create new courses. However, if the development cost of a fully online course exceeds \$9,500 for the course, then justification must be submitted to the Office of Academic Affairs for approval. Institutions have the authority to terminate existing courses, determine course content or design, and carry out curriculum revisions less extensive than those the Board has reserved to itself or otherwise delegated. The Tennessee Higher Education Commission (THEC) must approve academic proposals specified in **THEC Policy No. A1:0 and A1:1, *New Program Review Criteria***. This policy should serve as a resource for the development of all academic proposals.

Section I. Process

A. Academic Proposals That Must Be Taken to the Board

Beyond those delegated responsibilities the Board reserves to itself the authority to review and approve all proposed academic actions pertaining to the establishment of new academic degree programs.

B. Academic Proposals Approved by the Board through Delegated Authority

Other than new degree programs, academic proposals may be approved by the Board through delegated authority to the Chancellor. Summaries of these proposals will be reported monthly or as needed, to the Board, with a 30-day period ~~following for Board concerns.~~ for Board review. Board members may contact the Vice Chancellor for Academic Affairs with questions or concerns, and if desired, can require that the proposal be brought Any proposal identified by a Board member during this 30-day period will be brought before the full Board at its next quarterly meeting. Institutions shall provide, to the Vice Chancellor for Academic Affairs, proposals related to the following:

- 1) Establishment of any Certificate of Credit included in the academic inventory or that will be included in the institution's *Catalog* or other recruitment materials and activities. The term "institutional certificate" should apply only to certificates awarding continuing education credit. If college credit is to be awarded and promoted as a certificate, the program of study is subject to Board approval.
- 2) Establishment of concentrations within an existing academic program

- 3) Establishment of a new academic units such as colleges, schools, departments, institutes, centers within existing academic units, bureaus, etc., (see TBR Guideline A-040, and THEC Policy A1.3, New Units and A1.4, Off-Campus Instruction.)
- 4) Revision of any admission, retention, or graduation policy (both institutional and program specific)
- 5) Substantive revision of the curriculum of an existing academic program (Substantive refers to changes impacting 18 or more semester credit hours at the undergraduate level or 9 or more at the graduate level from the last submission to the Board, and includes course rubrics, titles, descriptions, or content.
- 6) Consolidation of existing academic programs
- 7) Extension of an academic degree program to an off-campus site
- 8) Inactivation or termination of academic programs listed in the academic inventory
- 9) Curriculum modifications that increase required hours for a degree to more than 60 for the associate degree, 120 for the baccalaureate degree, 45 for the masters and 60 for the doctorate (post masters) or more than the previously approved exceptions.
- 10) Current on-ground programs that will be converted to a fully online delivery format.

C. Academic Proposals Requiring Only Notification to Vice Chancellor

Changes to *existing* academic programs not listed above, that require no new costs or minimal costs that the campus will fund through reallocation of existing resources or through sources such as grants and gifts, may be approved through an established process by the institution. The Vice Chancellor for Academic Affairs must be informed of such changes prior to implementation and may refer the proposal for Board approval if deemed appropriate due to costs or other potential concerns. Such action includes, but is not limited to, establishment of new minors and changes such as the modification of the title of an academic program. Minors are typically developed by packaging existing courses and do not usually require new resources or additional costs.

Section II. Procedures

A. Institutions wishing to effect academic changes that fall into any of the above categories will, therefore, comply with ~~the following~~ procedures and appropriate forms as well as those contained specified in **TBR Guideline A-010** and found on the TBR Academic Affairs website.

~~A. Letter of Intent~~

~~A Letter of Intent must be submitted for all proposed actions that require THEC authorization prior to implementation. At the outset of the planning process, the President will inform the Vice Chancellor for Academic Affairs by means of a Letter of Intent of the following:~~

- ~~1) the nature, purpose, and scope of the intended action;~~
- ~~2) the expected date upon which the completed proposal will be submitted;~~
- ~~3) the intended implementation date, and~~
- ~~4) a statement of total estimated cost for the first year and anticipated source of funding.~~

~~Once a Letter of Intent is received, the proposed action will be reviewed by TBR and THEC staff, and the results shall be conveyed to the President, who will authorize the development of the proposal.~~

A. Approval Route of Proposals

Proposals for academic actions that require approval by the Board of Regents shall be submitted to the Vice Chancellor for Academic Affairs for review and approval by the Board.

Subsequent to Board action, the Chancellor shall transmit to the Tennessee Higher Education Commission those proposals that require its approval along with the Board's recommendation. The TBR Academic Affairs staff will maintain communication with the Commission's staff relative to the proposal until formal action has been taken and will keep the institutions informed of its status.

B. Schedule for the Submission and Approval of Academic Proposals

The Board will consider academic proposals at each of its quarterly meetings. Proposals must, however, be submitted sufficiently in advance to permit adequate review by the staff. The time required for this review will vary according to the nature of the proposal, the number of proposals already under review, or other workload issues of TBR staff.

C. Review by and Selection of Consultants

TBR staff may engage qualified consultants to assist in the review of all proposals for new degree programs as deemed appropriate by the Vice Chancellor for Academic Affairs for both graduate and undergraduate. ~~Proposals for Master's degree programs will ordinarily be reviewed by one external consultant; proposals for doctoral programs will be reviewed by two external consultants.~~ Consultants will file a written report on the

quality of the proposed program and respond to any other relevant questions or issues addressed to them by TBR. Academic proposals must also comply with THEC policy A1:0 and A1:1. or THEC staff. A site visit is typically required for new graduate degree programs.

While it is the responsibility of the institution to provide and support such consultants, the selection will be made by the TBR ~~and THEC staff~~ and the Vice Chancellor for Academic Affairs, in consultation with the institution. All costs associated with an external review are borne by the institution submitting the proposal.

Section III. General Criteria for Reviewing Academic Proposals

A summary of the major criteria used by the TBR staff in evaluating academic proposals is presented below.

- 1) The proposed action is central to the mission, role, and scope of the institution.
- 2) The need for the proposed program is supported by data documenting student interest, employer demand, societal needs, and administrative effectiveness.
- 3) The proposed action does not constitute unnecessary duplication of academic programs, research projects, or public services available at other public institutions. Partnerships or collaborations should be considered whenever needs might be met with greater efficiency.
- 4) The proposal documents the institution's ability to implement the proposed action in terms of: (a) fiscal resources, (b) library and other support resources, (c) physical facilities, and (d) qualified personnel.
- 5) The proposal includes information about organizational structure and appropriate articulation and/or affiliations.
- 6) The proposal includes information about the online delivery format (if applicable)
- 7) Proposals pertaining to academic programs should include a description of procedures for regular post-approval evaluation of the programs and units, including evaluation of the program's enrollment and productivity.
- 8) Proposals should include information related to accreditation, both SACS and professional, and when applicable, provide a time frame for achieving the appropriate accreditation.

Section IV. Sources of Specific Criteria

Listed below are illustrative sources of specific criteria that serve as bases for staff decisions relative to academic proposals.

- (1) TBR Policy No. 2:01:00:00, Degree Requirements
- (2) TBR Policy No. 2:02:00:00, Associate Degree Programs
- (3) TBR Policy No. 2:01:00:03, Principles for Articulation in Vocational/Technical Education
- (4) TBR Guideline No. A-020, Interinstitutional Relationships and Off-Campus Affairs
- (5) TBR Guideline No. A-040, Evaluation of Bureaus, Centers, and Institutes
- ~~(6) TBR Action (December 1986) endorsing TCGS Criteria as standards for both pre- and post-approved review of Master's programs.~~
- (6) THEC Policy No. A1:0, New Program Review Criteria (November 2002)
- (7) THEC Policy A1:3, New Units

Source: TBR Meeting, December 2, 1988, TBR Meeting, December 13, 2002, March 29, 2006; TBR Meeting, December 8, 2006. _____

POLICY 2:01:01:00

SUBJECT: Approval of Academic Programs, Units, and Modifications

INTRODUCTION

T.C.A. § 49-8-101 et seq. authorized the establishment of the State University and Community College System of Tennessee. Among the powers given to the Tennessee Board of Regents (TBR) by this Act is the power "to prescribe curricula and requirements for diplomas and degrees."

Institutions have the authority to create new courses. However, if the development cost of a fully online course exceeds \$9,500 for the course, then justification must be submitted to the Office of Academic Affairs for approval. Institutions have the authority to terminate existing courses, determine course content or design, and carry out curriculum revisions less extensive than those the Board has reserved to itself or otherwise delegated. The Tennessee Higher Education Commission (THEC) must approve academic proposals specified in **THEC Policy No. A1:0 and A1:1, *New Program Review Criteria***. This policy should serve as a resource for the development of all academic proposals.

Section I. Process

A. Academic Proposals That Must Be Taken to the Board

Beyond those delegated responsibilities the Board reserves to itself the authority to review and approve all proposed academic actions pertaining to the establishment of new academic degree programs.

B. Academic Proposals Approved by the Board through Delegated Authority

Other than new degree programs, academic proposals may be approved by the Board through delegated authority to the Chancellor. Summaries of these proposals will be reported monthly or as needed, to the Board, with a 30-day period for Board review. Board members may contact the Vice Chancellor for Academic Affairs with questions or concerns, and if desired, can require that the proposal be brought before the full Board at its next quarterly meeting. Institutions shall provide, to the Vice Chancellor for Academic Affairs, proposals related to the following:

- 1) Establishment of any Certificate of Credit included in the academic inventory or that will be included in the institution's *Catalog* or other recruitment materials and activities. The term "institutional certificate" should apply only to certificates awarding continuing education credit. If college credit is to be awarded and promoted as a certificate, the program of study is subject to Board approval.
- 2) Establishment of concentrations within an existing academic program

- 3) Establishment of a new academic units such as colleges, schools, departments, institutes, centers within existing academic units, bureaus, etc., (see TBR Guideline A-040, and THEC Policy A1.3, New Units and A1.4, Off-Campus Instruction.)
- 4) Revision of any admission, retention, or graduation policy (both institutional and program specific)
- 5) Substantive revision of the curriculum of an existing academic program (Substantive refers to changes impacting 18 or more semester credit hours at the undergraduate level or 9 or more at the graduate level from the last submission to the Board, and includes course rubrics, titles, descriptions, or content.
- 6) Consolidation of existing academic programs
- 7) Extension of an academic degree program to an off-campus site
- 8) Inactivation or termination of academic programs listed in the academic inventory
- 9) Curriculum modifications that increase required hours for a degree to more than 60 for the associate degree, 120 for the baccalaureate degree, or more than the previously approved exceptions.
- 10) Current on-ground programs that will be converted to a fully online delivery format.

C. Academic Proposals Requiring Only Notification to Vice Chancellor

Changes to *existing* academic programs not listed above, that require no new costs or minimal costs that the campus will fund through reallocation of existing resources or through sources such as grants and gifts, may be approved through an established process by the institution. The Vice Chancellor for Academic Affairs must be informed of such changes prior to implementation and may refer the proposal for Board approval if deemed appropriate due to costs or other potential concerns. Such action includes, but is not limited to, establishment of new minors and changes such as the modification of the title of an academic program. Minors are typically developed by packaging existing courses and do not usually require new resources or additional costs.

Section II. Procedures

A. Institutions wishing to effect academic changes that fall into any of the above categories will, therefore, comply with procedures and appropriate forms specified in **TBR Guideline A-010** and found on the TBR Academic Affairs website.

A. Approval Route of Proposals

Proposals for academic actions that require approval by the Board of Regents shall be submitted to the Vice Chancellor for Academic Affairs for review and approval by the Board.

Subsequent to Board action, the Chancellor shall transmit to the Tennessee Higher Education Commission those proposals that require its approval along with the Board's recommendation. The TBR Academic Affairs staff will maintain communication with the Commission's staff relative to the proposal until formal action has been taken and will keep the institutions informed of its status.

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C. Review by and Selection of Consultants

TBR staff may engage qualified consultants to assist in the review of all proposals for new degree programs as deemed appropriate by the Vice Chancellor for Academic Affairs for both graduate and undergraduate. Consultants will file a written report on the quality of the proposed program and respond to any other relevant questions or issues addressed to them by TBR. Academic proposals must also comply with THEC policy A1:0 and A1:1. A site visit is typically required for new graduate degree programs.

While it is the responsibility of the institution to provide and support such consultants, the selection will be made by the TBR staff and the Vice Chancellor for Academic Affairs, in consultation with the institution. All costs associated with an external review are borne by the institution submitting the proposal.

Section III. General Criteria for Reviewing Academic Proposals

A summary of the major criteria used by the TBR staff in evaluating academic proposals is presented below.

- 1) The proposed action is central to the mission, role, and scope of the institution.
- 2) The need for the proposed program is supported by data documenting student interest, employer demand, societal needs, and administrative effectiveness.
- 3) The proposed action does not constitute unnecessary duplication of academic programs, research projects, or public services available at other public institutions. Partnerships or collaborations should be considered whenever needs might be met with greater efficiency.
- 4) The proposal documents the institution's ability to implement the proposed action in terms of:
(a) fiscal resources, (b) library and other support resources, (c) physical facilities, and (d) qualified personnel.

5) The proposal includes information about organizational structure and appropriate articulation and/or affiliations.

6) The proposal includes information about the online delivery format (if applicable)

7) Proposals pertaining to academic programs should include a description of procedures for regular post-approval evaluation of the programs and units, including evaluation of the program's enrollment and productivity.

8) Proposals should include information related to accreditation, both SACS and professional, and when applicable, provide a time frame for achieving the appropriate accreditation.

Section IV. Sources of Specific Criteria

Listed below are illustrative sources of specific criteria that serve as bases for staff decisions relative to academic proposals.

(1) TBR Policy No. 2:01:00:00, Degree Requirements

(2) TBR Policy No. 2:02:00:00, Associate Degree Programs

(3) TBR Policy No. 2:01:00:03, Principles for Articulation in Vocational/Technical Education

(4) TBR Guideline No. A-020, Interinstitutional Relationships and Off-Campus Affairs

(5) TBR Guideline No. A-040, Evaluation of Bureaus, Centers, and Institutes

(6) THEC Policy No. A1:0, New Program Review Criteria (November 2002)

(7) THEC Policy A1:3, New Units

Source: TBR Meeting, December 2, 1988, TBR Meeting, December 13, 2002, March 29, 2006; TBR Meeting, December 8, 2006 _____

POLICY 2:02:00:00

SUBJECT: Associate Degree Programs

- (1) It is the policy of the State Board of Regents that associate degree programs, especially those designated as career education/vocational education should be delivered by community colleges and technical institutes.
- (2) In cities where there is a community college or technical institute and a university, the community college or technical institute shall be given exclusive rights to offer associate degree programs.
- (3) In areas where there is a defined and documented need for associate degree programs, but no readily accessible community college or technical institute, the university may be given permission to offer the program provided a feasibility study* has demonstrated that it is not economical for the community college or technical institute to offer the program directly or through a cooperative arrangement with the university.
- (4) In each instance where conditions warrant that a university requests approval to offer an associate degree program, the State Board of Regents shall evaluate the request in terms of the standard program criteria used by the Board and the Tennessee Higher Education Commission.
- (5) It is the intent of the State Board of Regents to remain at all times sensitive to the need to preserve the role and scope of each institution as well as to satisfy the needs of the residents of Tennessee.
- (6) This policy does not affect any programs currently offered by an institution.

* Normally the feasibility study will be undertaken by the university desiring to offer the associate degree program and the most convenient community college or technical institute. A member of the Board staff and a staff member from the Tennessee Higher Education Commission may be asked to serve on the study team. Together the two institutions will determine the most economical and suitable way to deliver the desired associate degree program. In every case, the needs of prospective students will be a paramount consideration in the final decision.

Source: TBR Meetings, June 20, 1975; September 30, 1983

TBR Policy No. 2:06:00:00

Awarding the Honorary Degree

1. Purpose of Award

The Tennessee Board of Regents authorizes the awarding of honorary degrees to recognize individuals whose extraordinary achievements have set a standard that distinguishes them and benefits Tennessee Board of Regents' institutions and the communities they serve as well as society.

The purpose for awarding honorary degrees is threefold:

- A. To honor persons whose careers reflect sustained and superlative achievement in the arts and professions, research, scholarship, public service, leadership, volunteerism, and/or cultural affairs as well as new frontiers of human endeavor.
- B. To advance the educational missions, goals, and programs of the Tennessee Board of Regents' institutions by developing associations with persons who embody the same ideals, values, and aspirations.
- C. To inspire students, faculty, staff, administrators, alumni, and members of the local, national, and world communities to emulate such standards of excellence, integrity, and commitment to enhance the public good.

2. Criteria for Selection

An honorary degree is special and is awarded only in exceptional circumstances. Relatively few awards should be given by each institution and no more than two per year. No individual will be allowed to receive more than one honorary degree from the same institution.

Current faculty, staff, and regents are not eligible. Faculty, staff, and regents who have been separated from the Tennessee Board of Regents at least five years are eligible. Currently elected and/or appointed public officials ~~are not eligible.~~ **[and] current candidates and/or nominees for public elective and/or appointed offices [within the state of Tennessee]** are not eligible.

Current or prospective benefactors of the institution are not eligible unless they meet criteria outlined in Section 1.A. of this policy.

The degree awarded will meet the standards of the institution and will be awarded at its highest level, but not at a level which exceeds that awarded by the particular institution.

Each institution may decide what to label the degree (Associate of ..., Master of..., Doctorate of ...). The degree is not to be granted for earned credit such as a PhD.

3. Guidelines

Selection shall be made by a Selection Committee established on each campus by local institutional practices. The Selection Committee shall be comprised of no less than 50% faculty but should include staff and administrators.

Nominations will be solicited from all sources. All deliberations will be confidential. Campus committees should use intense scrutiny of a nominee to ~~insure~~ **[assure]** continued integrity of the award process. The recipient must attend graduation to be awarded the honorary degree.

The president of the institution must approve any nominee for the honorary degree.

4. Authority

Authority to award honorary degrees at all Tennessee Board of Regents universities and community colleges is delegated to the presidents from the Tennessee Board of Regents.

5. Notification

After the Presidents have informed the Chancellor of the selected recipients for Honorary Degrees, the Chancellor will review the recommended candidates for compliance with this policy. Upon approval by the Chancellor, the Presidents will notify recipients of honorary degrees.

6. Policy Review

The Awarding the Honorary Degrees policy will be reviewed every ~~two~~ **[three]** years.

Source: Board Meeting December 3, 2004

Draft Revision Dated January, 2008.

TBR Policy No. 2:06:00:00

Awarding the Honorary Degree

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The purpose for awarding honorary degrees is threefold:

- A. To honor persons whose careers reflect sustained and superlative achievement in the arts and professions, research, scholarship, public service, leadership, volunteerism, and/or cultural affairs as well as new frontiers of human endeavor.
- B. To advance the educational missions, goals, and programs of the Tennessee Board of Regents' institutions by developing associations with persons who embody the same ideals, values, and aspirations.
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Current faculty, staff, and regents are not eligible. Faculty, staff, and regents who have been separated from the Tennessee Board of Regents at least five years are eligible. Currently elected and/or appointed public officials and current candidates and/or nominees for public elective and/or appointed offices within the state of Tennessee are not eligible.

Current or prospective benefactors of the institution are not eligible unless they meet criteria outlined in Section 1.A. of this policy.

The degree awarded will meet the standards of the institution and will be awarded at its highest level, but not at a level which exceeds that awarded by the particular institution.

Each institution may decide what to label the degree (Associate of ..., Master of..., Doctorate of ...). The degree is not to be granted for earned credit such as a PhD.

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5. Notification

After the Presidents have informed the Chancellor of the selected recipients for Honorary Degrees, the Chancellor will review the recommended candidates for compliance with this policy. Upon approval by the Chancellor, the Presidents will notify recipients of honorary degrees.

6. Policy Review

The Awarding the Honorary Degrees policy will be reviewed every three years.

Source: Board Meeting December 3, 2004

Draft Revision Dated January, 2008.

GUIDELINE A-010

ACADEMIC-PROPOSALS

SUBJECT: Submitting Proposals for New Academic Programs or Units, and for Modifications of Existing Academic Programs, Policies, or Units

I. DEVELOPING ACADEMIC PROPOSALS

A. LETTERS OF INTENT: Submitting a Letter of Intent is the first step for any program proposal that requires approval from both TBR and THEC (See THEC policy A1:0 and A1:1). The TBR Vice Chancellor for Academic Affairs should be notified that a Letter of Intent will be forthcoming. The Letter of Intent must be submitted to the TBR Vice Chancellor for Academic Affairs and include the following information:

1. A brief description of the nature, purpose, and scope of the proposed action.
2. The projected date for submission of the full proposal and the target date for Board approval.
3. The projected date for implementation of the proposed program.
4. The **online** delivery mode (if applicable) and,
5. A statement of the total estimated cost for the first year of the program and the anticipated source of funding that will support the program over a long-term period.

~~Once written approval to proceed has been received by the President, the institution can then develop the proposal. A copy of the approval letter can serve as a cover letter for the proposal when it is submitted.~~

Once a Letter of Intent is received, the proposed action will be reviewed by TBR and THEC staff, and the results shall be conveyed to the President by TBR. The President will authorize the development of the proposal and notification to SACS as appropriate. A copy of the approval letter should be submitted to TBR along with the proposal.

While a Letter of Intent is not required for proposals that are not subject to THEC authorization, the Vice Chancellor for Academic Affairs should be informed prior to the development of any proposal anticipated to generate new costs or that may duplicate similar programs offered at other institutions serving the same region or population.

B. PROPOSAL FORMS

The following forms have been developed to assist the institution and to assure that the Board has the information it needs to review a proposal properly. The response should be tailored to meet the particular needs of the action being proposed. If an area is not applicable the response can be "NA." Listed below are the various actions that require approval of the Board ~~or the Chancellor~~ and the ~~particular~~ form that should be used for each.

FORMS IDENTIFICATION

The following forms are available on the TBR Academic Affairs webpage for "Publications and Forms." Since forms may be revised by TBR staff as needed, all proposals should be developed

using forms obtained directly from the website to insure that the most current format has been submitted.

1. COVER – *Required for all proposals.* This provides the President’s signature indicating that the proposal is supported and has been approved through the institution’s curriculum review process or other appropriate committee review.
2. SUM (Summary) – *Required for all proposals.* The summary should be no more than two (2) pages, excluding attachments. Notice that this form specifies documentation must be provided from the appropriate institution, if there is the potential for a TBR institution to be duplicating education or training at another TBR institution in the same service area or region, (i.e., TTCs, community colleges, or universities). Other TBR institutions are not required to approve of the proposed action before it is sent to the Board for approval. However, they must be given the opportunity to voice concerns or objections if there is a possibility of duplicating program offerings.
3. PS (Program Structure)
4. PJ (Performance and Justification)
5. SE (Student Enrollment Projections)
6. FP (Financial Projections)
7. CL (Collaborative Programs)
8. PC (Program Change, Creation of a New Academic Unit, Admission Policy change, etc.)
9. OCS (Extension of an existing degree program to an Off Campus Site)
10. OD (Online delivery) if applicable

PROPOSED ACTION AND REQUIRED FORMS

(Add Form CL for all proposed **collaborative programs.**)

Establish a **New Academic Degree:** COVER, SUM, PS, PJ, SE, FP

Establish a **New Certificate Program:** COVER, SUM, PS, PJ, SE, FP

Establish a **New Concentration:** COVER, SUM, PS, PJ, SE, FP

Consolidate an Existing Academic Program: COVER, SUM, PC

Converting on-ground program to a fully online delivery format: COVER, SUM, OD

Substantive **Curriculum Modification:** COVER, SUM, PC (affecting 18 credit hours or more since the program was originally proposed or last modification approved, or to increase required hours for a degree that results in more than 60/120)

Termination, Inactivation, or Reactivation: COVER, SUM, PC

Revision of admission, retention, and/or graduation policy: COVER, SUM, PC

Extending an Academic Degree to an Off-Campus Site: COVER, SUM, OCS (Also include forms PJ, SE, and FP if new costs are created by the extension.) **NOTE: THEC Policy A1.4 also has specific forms required.**

Revision of Admissions Policy (see Guideline A-015):

Establishment of a new academic unit or reorganization resulting in a **net gain of an** academic unit (i.e., department, school, on campus center, institute, bureau, or college) COVER, SUM, PC (If new costs are anticipated, the FP form must also be submitted.)

C. SUBMITTING THE PROPOSAL

1. Number of copies - Submit one copy of the proposal electronically, and one (1) paper copy with the President's signature, to the Vice Chancellor for Academic Affairs.

2. Binding - Proposals should NOT be bound or stapled. Forms should be separated with one page of colored paper.

3. Review Calendar

The submission of a proposal should be carefully planned in order to assure timely staff review and Board consideration -- and, as may be required, THEC review and consideration. In doing so, the following considerations are relevant:

(a) The TBR considers academic proposals for new degree programs at each of its quarterly meetings; the THEC, on the other hand, considers academic proposals only at its Winter (January) and Summer (July) meetings.

(b) The number of proposals received at any one time may determine whether or not the staff review of a particular proposal is completed in time for submission to the TBR at the desired time. Proposals are generally reviewed on a first-come basis. Should the review of a proposal not be completed in time for the next meeting of the Board, it will be carried over with priority to the subsequent meeting.

(c) The following schedule may serve as a general guide for all proposed academic actions other than for the establishment of new degree programs. For proposed new degree programs, a timeline should be discussed with TBR staff and will be addressed in the letter to the President granting approval to develop the proposal after the Letter of Intent has been submitted. Proposed new graduate degree programs will require considerably more time than undergraduate degree program proposals.

Proposals will be accepted on a continual basis. Proposals (other than degree programs) received by 15th of each month (except December) will typically be reviewed by the end of the month and summaries prepared for consideration by the Board through the 30-day review process. Approval by the Chancellor, through delegated authority, will be given at the end of the 30-day review period unless objections were voiced by the Board. Letters will be sent to the appropriate institution to authorize implementation of the proposed action. If THEC approval is required, the letter will inform the institution of the approval by TBR and ~~state~~ **explain** that the proposal will be sent to THEC for its review.

4. A-010 Status Reports

The staff attempts to keep the institutions apprised of the status of their proposals in a variety of ways including direct conversations and **quarterly bi-annual** A-010 Reports. Actions approved by the Board

will be communicated through the A-010 Report that will be sent electronically to Presidents and Chief Academic Officers.

Source: March 5, 1976 meeting. Revised December 12, 1980 TBR meeting; November 8, 1982, May 29, 1984, February 10, 1987, and February 14, 1989 Presidents Meeting, Presidents Meeting, February, 2003, Presidents Meeting, May 20, 2003, Presidents Meeting, February 7, 2006; Presidents Meeting, November 8, 2006 _____

GUIDELINE A-010

ACADEMIC-PROPOSALS

SUBJECT: Submitting Proposals for New Academic Programs or Units, and for Modifications of Existing Academic Programs, Policies, or Units

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5. A statement of the total estimated cost for the first year of the program and the anticipated source of funding that will support the program over a long-term period.

Once a Letter of Intent is received, the proposed action will be reviewed by TBR and THEC staff, and the results shall be conveyed to the President by TBR. The President will authorize the development of the proposal and notification to SACS as appropriate. A copy of the approval letter should be submitted to TBR along with the proposal.

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PROPOSED ACTION AND REQUIRED FORMS

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Establish a **New Certificate Program:** COVER, SUM, PS, PJ, SE, FP

Establish a **New Concentration:** COVER, SUM, PS, PJ, SE, FP

Consolidate an Existing Academic Program: COVER, SUM, PC

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GUIDELINE A-030

SUBJECT: Articulation ~~Between~~ Among Community Colleges and Universities

The purpose of ~~these guidelines~~ **this guideline** is to provide for collegiate articulation ~~between~~ **among** community colleges and universities in the State Board of Regents System. ~~These guidelines~~ **The provisions in this guideline** are intended to promote the orderly process of students who transfer from the community colleges to baccalaureate degree programs in the universities, while protecting the integrity of the university and community college programs. ~~The provisions of these guidelines are supplemental~~ **guideline supplements** to the provisions for transfer of credits in current policies of the State Board of Regents.

1. Each institution shall develop and maintain counseling services which shall include collecting and disseminating information pertaining to the structure and requirements of degree programs offered by the universities and community colleges in the System. The specific institutional office, or officer, designated to serve as the contact for transfer student advisement and for inter-institutional articulation shall be clearly identified in institutional catalogs and other appropriate publications.
2. Each university shall work cooperatively with appropriate community colleges in developing and maintaining current course-by-course transfer lists and, when feasible, curriculum-by-curriculum transfer outlines. ~~Copies of the documents produced through this process shall be filed with the office of the Vice Chancellor for Academic Affairs and the appropriate community colleges by August 1st of each year. To facilitate the meeting of this deadline, the community colleges shall by April 1st of each year supply to the appropriate universities descriptive information concerning revisions made in their respective curricula during the year. This information should include changes in course titles, numbers, and catalog descriptions, as well as the identification of courses that have been discontinued and the descriptions of courses that have been added.~~
3. Where a transfer student has satisfactorily completed an associate's degree designed for transfer to a university, **all general education requirements will have been fulfilled and not subject to repetition at a university. Further, students who transfer without an associate's degree designed for transfer but who have completed blocks of subject categories within the common forty-one semester-hour general education core distribution will have fulfilled general education requirements in the affected subject categories.** ~~with an area of emphasis which is the same as the degree major to be pursued at the university, the university shall grant credit toward completion of the baccalaureate degree for all courses completed for the associate degree, subject to the provisions of paragraph 8, provided that credit need not be granted for any course which would not be acceptable by the university for its native students. Relative to courses~~ **subject to transfer** other than general education, ~~designed for transfer purposes~~ each university shall accept those level one (freshman and sophomore) courses completed at a community college which have been determined to be equivalent to level one courses offered by the university, as creditable toward completion of relevant requirements for

degree programs at the university, to the same extent that the courses would be creditable toward completion of the degree programs by the university's native students with the same degree major.

The community college programs designed for transfer shall be clearly identified in the catalog of the community college. For career programs the community college shall include the following statement very prominently for each program: "This program is designed for the student who does not intend to transfer to a baccalaureate degree program."

4. Each university and community college shall use one or more of the following criteria to determine the courses to be offered as level one courses:

(a) courses which build upon high school preparation in primary areas of knowledge and academic skills (**eliminate comma**) or courses which provide a next step in the student's formal study beyond high school;

(b) courses which consist of an overview or introduction to a broad or general area of inquiry;

(c) courses with survey content ~~which can be applied in~~ **applicable to** many areas;

(d) courses which provide knowledge and skills ~~which are~~ fundamental and prerequisite for advanced study;

(e) courses which are job oriented or technological in nature and are designed to aid in preparing students for employment at the beginning technician level after a maximum of two years of college study;

(f) courses which are broadly established as traditional level one offerings at colleges;

(g) courses which meet the standards for level one curricular offerings as specified by accrediting agencies.

The credit offerings by community colleges shall be limited to level one courses within the above criteria.

5. Courses classified as level two courses yet normally open to freshmen or sophomores at a university, even though taught at a community college as level one transfer courses, shall be transferable as satisfying that part of the student's requirement in the content area.

6. The universities shall not impose additional admissions requirements upon transfer applicants who:

~~(a) are transferring from a System community college after earning 18 or more transferable quarter hours of credit,~~

~~(b) (a)~~ are not seeking admission to programs with special admissions requirements, and

~~(c) (b)~~ meet the retention standards of the university.

7. During the transfer process, the transcripts from sending institutions must include, or have attached, an explanation of the complete grading system.

8. There shall be no limit to the number of credits transferred from a community college to a university within the System. However, the application of these credits to meet degree requirements will vary according to the degree sought, and the transfer student must meet the requirements for level two work and residency at the university.

9. Transfer students shall have the same privileges of catalog options as native students at the receiving institution, i.e., the option of complying with the catalog for the transfer student's freshman year to the extent that this privilege is provided for native students.

10. The content of student orientation programs shall include information designed specifically for transfer students.

11. Transfer students shall be afforded all the privileges and opportunities of native students at the receiving institution in the areas of awards, honors, housing, financial aid, enrollment in classes of limited size, and appointment to special positions such as editors of the yearbook or college newspaper.

12. All institutions shall cooperate fully with the Board staff in developing research ~~dealing with~~ **concerning** transfer students.

~~13. A standing coordinating committee on articulation shall be established. This committee shall function as a referral body for problems and issues pertaining to articulation which cannot be resolved at the institutional level. It shall be composed of five members appointed annually by the Chancellor as follows:~~

~~one representative from the staff of the Board two representatives from universities two representatives from community colleges~~

~~To achieve continuity, members may be reappointed. The coordinating committee shall make action recommendations to the Vice Chancellor for Academic Affairs.~~

Source: September 6, 1978 TBR presidents meeting. Revised November 13, 1981 and August 23, 1983 presidents meetings; July 1, 1984.

Note: This guideline was adopted initially to be effective for students who sought to enroll in universities through the transfer process for the 1979-1980 academic year and thereafter.

GUIDELINE A-030

SUBJECT: Articulation Among Community Colleges and Universities

The purpose of this guideline is to provide for collegiate articulation among community colleges and universities in the State Board of Regents System. The provisions in this guideline are intended to promote the orderly process of students who transfer from the community colleges to baccalaureate degree programs in the universities, while protecting the integrity of the university and community college programs. The guideline supplements the provisions for transfer of credits in current policies of the State Board of Regents.

1. Each institution shall develop and maintain counseling services which shall include collecting and disseminating information pertaining to the structure and requirements of degree programs offered by the universities and community colleges in the System. The specific institutional office, or officer, designated to serve as the contact for transfer student advisement and for inter-institutional articulation shall be clearly identified in institutional catalogs and other appropriate publications.
2. Each university shall work cooperatively with appropriate community colleges in developing and maintaining current course-by-course transfer lists and, when feasible, curriculum-by-curriculum transfer outlines.
3. Where a transfer student has satisfactorily completed an associate's degree designed for transfer to a university, all general education requirements will have been fulfilled and not subject to repetition at a university. Further, students who transfer without an associate's degree designed for transfer but who have completed blocks of subject categories within the common forty-one semester-hour general education core distribution will have fulfilled general education requirements in the affected subject categories. Relative to courses subject to transfer other than general education, each university shall accept those level one (freshman and sophomore) courses completed at a community college which have been determined to be equivalent to level one courses offered by the university, as creditable toward completion of relevant requirements for degree programs at the university, to the same extent that the courses would be creditable toward completion of the degree programs by the university's native students with the same degree major.

The community college programs designed for transfer shall be clearly identified in the catalog of the community college. For career programs the community college shall include the following statement very prominently for each program: "This program is designed for the student who does not intend to transfer to a baccalaureate degree program."

4. Each university and community college shall use one or more of the following criteria to determine the courses to be offered as level-one courses:

- (a) courses which build upon high school preparation in primary areas of knowledge and academic skills or courses which provide a next step in the student's formal study beyond high school;
- (b) courses which consist of an overview or introduction to a broad or general area of inquiry;
- (c) courses with survey content applicable to many areas;
- (d) courses which provide knowledge and skills fundamental and prerequisite for advanced study;
- (e) courses which are job oriented or technological in nature and are designed to aid in preparing students for employment at the beginning technician level after a maximum of two years of college study;
- (f) courses which are broadly established as traditional level one offerings at colleges;
- (g) courses which meet the standards for level one curricular offerings as specified by accrediting agencies.

The credit offerings by community colleges shall be limited to level one courses within the above criteria.

5. Courses classified as level two courses yet normally open to freshmen or sophomores at a university, even though taught at a community college as level one transfer courses, shall be transferable as satisfying that part of the student's requirement in the content area.
6. The universities shall not impose additional admissions requirements upon transfer applicants who:
 - (a) are not seeking admission to programs with special admissions requirements, and
 - (b) meet the retention standards of the university.
7. During the transfer process, the transcripts from sending institutions must include, or have attached, an explanation of the complete grading system.
8. There shall be no limit to the number of credits transferred from a community college to a university within the System. However, the application of these credits to meet degree requirements will vary according to the degree sought, and the transfer student must meet the requirements for level-two work and residency at the university.

9. Transfer students shall have the same privileges of catalog options as native students at the receiving institution, i.e., the option of complying with the catalog for the transfer student's freshman year to the extent that this privilege is provided for native students.
10. The content of student orientation programs shall include information designed specifically for transfer students.
11. Transfer students shall be afforded all the privileges and opportunities of native students at the receiving institution in the areas of awards, honors, housing, financial aid, enrollment in classes of limited size, and appointment to special positions such as editors of the yearbook or college newspaper.
12. All institutions shall cooperate fully with the Board staff in developing research concerning transfer students. .

Source: September 6, 1978 TBR presidents meeting. Revised November 13, 1981 and August 23, 1983 presidents meetings; July 1, 1984.

Note: This guideline was adopted initially to be effective for students who sought to enroll in universities through the transfer process for the 1979 - 1980 academic year and thereafter.

SUBJECT: STUDENT RESIDENCE REGULATIONS AND AGREEMENTS

The following policy of the Tennessee Board of Regents is hereby adopted to establish certain minimum regulations and provisions which shall be applicable to all universities governed by the Board, and the provisions herein shall be incorporated by reference into all student residence agreements and leases entered into between students and universities. Each university is authorized to establish additional terms and provisions as part of any student residence agreement or lease, provided that all form agreements and leases shall be subject to the approval of the Chancellor of the Tennessee Board of Regents or his or her designee.

General Provisions Applicable to All Student Residence Agreements and Leases

1. All student residence facilities, including dormitories and apartments, shall be limited to occupancy by full-time students and housing staff of the institution, provided that apartments may be occupied by spouses and children of full-time students if so designated by the institution; and provided further that part-time students may be approved for occupancy of student residence facilities in the discretion of the institution. In addition, residence facilities may be occupied by staff of the institution and may be leased to other persons in connection with programs and activities on campus when such facilities are not occupied or needed by students. All students, with the exception of students who are prohibited by federal or state law from residing in student residence facilities for any reason, shall have an equal opportunity to reside in student residence facilities regardless of race, sex, marital status, creed, color, national origin, or handicap, provided that separate housing may be provided on the basis of sex or marital status.

Deleted: such as classification as a registered sex offender whose victim was a minor,

2. No student who is registered as a sex offender pursuant to the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification, and Tracking Act of 2004 and whose victim was a minor shall be eligible to reside in any on-campus student residence facilities, including dormitories and apartments, if (a) the campus includes a public school, private or parochial school, licensed day care center, other child care facility, public park, playground, recreation center or public athletic field available for use by the general public or (b) the campus is within one thousand feet (1000') of a public school, private or parochial school, licensed day care center, other child care facility, public park, playground, recreation center or public athletic field available for use by the general public.

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3. All students who occupy any student residence unit shall maintain the unit in the same condition and repair as accepted at the commencement of the period of occupancy, and upon termination of such occupancy, shall surrender the premises in the same condition and repair, ordinary wear and tear excepted. No student may make any alternations, additions, or improvements to a residence unit without the written consent of the institution.

4. No student shall assign the lease of any residence unit, or sublet the unit, and any attempted assignment or sublease shall be void without the written consent of the institution.

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5. Each student who occupies any residence unit agrees to pay the institution, immediately upon demand, for any and all damages to the unit, including but not limited to damages to exterior or interior walls, ceilings, floors, windows, doors, locks, hardware, plumbing fixtures, cabinets, shrubbery, lawn, appliances, fixtures, and furnishings of the unit and its surrounding premises, if such damage is caused by any act or failure to act by the student, or guests or invitees of the student.

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6. The institution does not maintain insurance on any personal property of students, and all personal property of students on the premises shall be at the risk of the students. The institution shall not be liable for any damages to or theft of personal property of students in residence units.

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7. The institution shall not be liable for any damages or injuries to any student or the occupants of student residence facilities, or to guests or invitees of such occupants, resulting from any act or failure to act by the student or any other occupant of the premises, or from any lack of repair of the facility or any accident occurring in or about the facility, except as authorized by and allowed pursuant to T.C.A. § 9-8-307. Each student who occupies any residence unit agrees to indemnify and hold the institution harmless from and against any and all claims, damages, or causes of action whatsoever, asserted by any person arising out of or in any way connected with the use of the premises by the student.

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8. All student residence facilities shall be used for private residential purposes only. No student shall permit any objectionable noise or odor to escape from the residence unit, permit or create a nuisance, or disturb any other resident of the unit or the facility.

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9. Officials and agents of the institution may enter the residence unit at all reasonable times to examine and inspect the unit, or to render service or repairs, and may remove any signs, fixtures, alterations or other objects not in conformity with this policy, the rules of the institution, or applicable law. Any residence unit may be searched with the consent of the student or any other occupant of the unit, or without such consent upon a finding of probable cause and the issuance of an authorization to search by the appropriate official of the institution or of any court with jurisdiction. Consent by any other occupant of the unit who is not a member of the family of the student under suspicion shall not extend to any personal belongings of, or areas restricted for exclusive use by, the student under suspicion.

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10. Any student residence agreement or lease shall terminate at the discretion of the institution in the event of any of the following: (a) the premises or the unit are destroyed or, in the opinion of the institution, unsuitable for occupancy for any reason; (b) the occupant thereof ceases to remain a student in good standing during any regular academic term within the period of the agreement or lease; (c) the occupant thereof ceases to

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remain eligible to reside in student residence facilities pursuant to federal or state law, (d) the student or other occupant violates any covenant, term or condition of the agreement or lease, including the provisions of this policy and any other rule or regulation incorporated into the agreement or lease by reference; or (e) the institution gives the student or other occupant written notice of termination at least thirty (30) days prior to the date when such termination will be effective.

Deleted: due to classification as a registered sex offender

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11. Refunds of rent paid in advance will be prorated on a weekly calendar basis when the student is forced to withdraw from the premises: (a) because of personal medical reasons confirmed in writing by a licensed physician; or (b) at the request of the institution pursuant to sections 10(a) and 10(e) of this policy. A full refund will be made in the event of the death of the student.

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12. No pets or animals of any nature shall be permitted in any residence unit or in any residence facility; provided that if authorized in writing by the institutions, fish in aquariums of a designated size may be allowed.

13. All students who occupy any residence unit shall be subject to the rules, regulations, policies and procedures of the Board and the institution related to conduct and student housing, including visitation regulations, and the provisions of this policy, and institution's student handbook and residence handbook, shall be incorporated by reference into each student residence agreement or lease.

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14. All student residence agreements and leases shall be limited to maximum term of one year, but may be renewable for additional terms at the election of the institution.

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15. The rental or fee payable for any student residence unit shall be as established by the institution at the beginning of any academic term, and shall be subject to increase during the term of any agreement by the institution at any time upon twenty (20) days notice before the beginning of the next quarter or semester in the event such an increase is approved by the Tennessee Board of Regents.

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16. In the event any student or other occupant of a residence unit fails to comply with any terms or conditions of the residence agreement or lease, including the timely payment of rent, or with any rule, regulation or policy incorporated therein by reference, the institution may declare the lease or agreement terminated, and may enter and take possession of the premises after it has given notice to the student or other occupant to vacate the premises within twenty-four (24) hours.

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17. Any student or other occupant of a residence unit who fails to comply with any terms or conditions of the residence agreement or lease, or with any rule, regulation or policy incorporated therein by reference, or who fails to make timely payment of all rental due or for damages caused to the premises, shall be liable to the institution for all expenses, including collection costs and reasonable attorney's fees, incurred by the institution in the enforcement or collection of the obligation involved.

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18. Each institution is hereby authorized to require a security deposit and/or an application fee for students who apply for residence hall facilities, which deposit or fee may be forfeited by the student in the event he or she fails to enter into a residence agreement or lease, or fails to comply with any other covenant, term or condition of the agreement or lease or incorporated by reference herein.

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Provisions Applicable to Student Dormitories and Residence Halls

19. The term of any student residence agreement or lease for a dormitory or residence hall unit may be for any or all of the regular quarters or semesters within the academic year of the institution, but shall not include any period between quarters or semesters, any holiday or vacation periods, or summer periods unless otherwise designated by the institution.

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20. Rental for student dormitory or residence hall units shall be payable in its entirety in advance of the beginning of the term involved and payment thereof shall be a condition precedent to the student being an enrolled student for the term.

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Notwithstanding the foregoing provision, each institution shall offer an optional payment plan under which a prorated amount of the rental for student dormitory or residence hall units shall be payable monthly in advance during the term. The monthly payment plan shall include the following provisions: (a) Requirement that all federal or state financial aid granted to a student electing the monthly payment plan first be applied to the dormitory or residence hall rental for the full term and to maintenance fees or tuition, board and other assessed fees before any amount is distributed to the student; (b) Assessment of a monthly service charge and a late payment charge established from time to time by the Board of Regents; (c) Requirement that any deposit or application fee paid by a student electing the monthly payment plan be retained until the end of the term and applied against any balance due if necessary; (d) Denial of readmission to any student who has not paid in full any rental and interest thereon, service charges, and late payment charges. Residence hall students can participate in either the deferred payment plan (Guideline B-070) or the optional monthly housing payment plan. They cannot participate in both plans.

21. Students in dormitory or residence hall units may be assessed on a pro-rata basis for damages in corridors, bathrooms, lounges, and other common areas within or around a facility, either by floor or area or by the entire facility, following a hearing before the designated officials or body of the institution.

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22. In the event any occupant of a multiple occupancy dormitory or residence hall unit ceases to reside in the unit for any reason, the institution shall have the right to reassign the remaining occupants to other student residence facility units on campus.

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Provisions Applicable to Student Apartments

23. The term of any student residence agreement or lease for an apartment unit may be for any portion or all of a calendar year, subject to such renewal as may be provided by the institution.

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24. Rental for student apartment units shall be payable monthly in advance, provided that the institution may require advance payment of rental for a period in excess of one month. The first periodic payment shall be payable in advance of the beginning of the quarter or semester involved, and payment thereof shall be a condition precedent to the student being an enrolled student for that quarter or semester. Any monthly or periodic payment which is not paid on or before the tenth day after such payment is due shall be subject to a late payment charge established from time to time by the Tennessee Board of Regents.

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25. In the event any student apartment unit is occupied by two or more students, the unit shall be subject to the same conditions as student dormitory and residence hall units at the institution.

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26. In the event the lease or other agreement for an apartment unit is terminated by the institution pursuant to section 10(d) of this policy, or the student or other occupant vacates the premises prior to the end of the term of the lease or agreement, the student or other occupant shall be liable for any unpaid rent and any remaining rent until the end of the term of the lease or agreement or until the unit is subsequently leased or rented to another student, whichever is first to occur.

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Exceptions

27. Exceptions to the provisions of this policy may be made pursuant to the written terms of a student residence agreement, subject to the approval of the Chancellor of the Tennessee Board of Regents or his or her designee.

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Source: TBR Meetings, September 29, 1978; December 7, 1979; March 18, 1983; September 30, 1983; June 21, 1996

Policy No.: 3:03:01:00

SUBJECT: STUDENT RESIDENCE REGULATIONS AND AGREEMENTS

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2. No student who is registered as a sex offender pursuant to the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification, and Tracking Act of 2004 and whose victim was a minor shall be eligible to reside in any on-campus student residence facilities, including dormitories and apartments if (a) the campus includes a public school, private or parochial school, licensed day care center, other child care facility, public park, playground, recreation center or public athletic field available for use by the general public or (b) the campus is within one thousand feet (1000') of a public school, private or parochial school, licensed day care center, other child care facility, public park, playground, recreation center or public athletic field available for use by the general public.
3. All students who occupy any student residence unit shall maintain the unit in the same condition and repair as accepted at the commencement of the period of occupancy, and upon termination of such occupancy, shall surrender the premises in the same condition and repair, ordinary wear and tear excepted. No student may make any alternations, additions, or improvements to a residence unit without the written consent of the institution.

4. No student shall assign the lease of any residence unit, or sublet the unit, and any attempted assignment or sublease shall be void without the written consent of the institution.
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Exceptions

27. Exceptions to the provisions of this policy may be made pursuant to the written terms of a student residence agreement, subject to the approval of the Chancellor of the Tennessee Board of Regents or his or her designee.

Source: TBR Meetings, September 29, 1978; December 7, 1979; March 18, 1983; September 30, 1983; June 21, 1996

PRESIDENTS/DIRECTORS QUARTERLY

DATE: February 4, 2008

AGENDA ITEM: Proposed Guideline on Safety and Security Preparedness

ACTION: Approval

PRESENTER: Bob Adams

BACKGROUND INFORMATION: A new guideline on safety and security preparedness will be presented for approval.

TENNESSEE BOARD OF REGENTS

**INSTITUTIONAL EMERGENCY
PREPAREDNESS PLAN GUIDELINE**

DRAFT No. 5 – January 14, 2008

**THE TENNESSEE BOARD OF REGENTS
INSTITUTIONAL EMERGENCY PREPAREDNESS PLAN
GUIDELINE**

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I. PURPOSE

This Emergency Preparedness Plan Guideline outlines procedures to improve the protection of lives and property through the effective use of institutional resources at Tennessee Board of Regents institutions. The guideline's purpose is to mitigate the potential effects of the various hazards that might impact a TBR institution, to prepare for the implementation of measures which will preserve life and minimize damage, to respond effectively to the needs of the institution's community during emergencies, and to provide a recovery system to return the institution and its community to a normal status as soon as possible after such emergencies. This guideline defines the roles and responsibilities associated with the mitigation, preparedness, response, and recovery efforts directed at natural disasters, technological accidents, enemy attacks, and other major events that might impact a TBR institution. This plan addresses all types of emergency functions at a Tennessee Board of Regents institution, except those for which the state or federal governments have primary responsibility. These functions include the provision of police services, rescue, warning, communications, engineering, hazardous materials abatement, evacuation, emergency welfare services, emergency transportation services, and all other functions related to the protection of the civil population in preparation for and response to an emergency.

A state of emergency may be declared at any time an emergency reaches such proportions that it cannot be handled by routine measures. Two categories of emergencies which may require such a response are (1) large scale natural or man-made disasters and (2) large scale disorder. Such emergencies may include, but not be limited to: tornados, earthquakes, winter storms, fires, infectious diseases, hazardous chemical spills, transportation accidents, explosions, utility outages, civil disturbances, bombs, hostage situations, or terrorist activities. Since emergencies normally occur without warning, procedures should be designed to provide sufficient flexibility to accommodate contingencies of assorted types and magnitudes. Responsibilities associated with the preparedness for, response to, and recovery from disasters, enemy attack, sabotage, hostile actions, rioting, mob violence, power failures, energy emergencies and/or their threatened occurrences are addressed as prescribed by Tennessee law.

Senior administrators at TBR Institutions are responsible for ensuring that the institution has an institutional emergency preparedness plan to address matters related to preparation for emergencies and response plans in the event of an emergency. The institutional emergency preparedness plan must be reviewed and revised, as necessary, on at least an annual basis by senior administrators in conjunction with the institutional emergency response management team. Additionally, aspects of the plan must be tested in annual training exercises and drills.

II. EMERGENCY DEFINED

The following definitions are provided as guidelines to assist personnel in determining the appropriate response:

- A. MINOR EMERGENCY:** Any potential or actual incident that does not seriously affect the overall functional capacity of the institution. Emergencies in this category will be handled according to the established procedures of those work units responsible for responding to these emergencies. Notifications to senior administrators regarding the incident will be made consistent with the standard protocols of the responding work units.
- B. MAJOR EMERGENCY:** Any potential or actual incident that substantially disrupts a significant portion of the overall operations of the institution. Outside emergency services, as well as major commitment of campus support services, may be required. The institution's Police Department or Local Law Enforcement (in the absence of an institutional police department) will take immediate action to meet the emergency and safeguard persons and property. Major policy considerations will be required from higher levels of campus authority. The Emergency Preparedness Plan may be activated at the direction of the Chancellor, President, Director, or designee in the event of a major emergency.
- C. BUILDING EMERGENCY:** A condition during which a specific building and its occupants are subjected to, or potentially subjected to, special precautions/actions necessary to maintain order and to safeguard institutional personnel and property. Upon determination that conditions exist which could lead to a state of emergency or have the potential of existing in a single building through events restricted to a building (e.g., bomb threat, equipment malfunction, etc.), the designated administrator (e.g., Physical Plant Director) shall be notified immediately. The administrator will immediately inform the President or designee. The appropriate administrators shall implement the necessary procedures and notify appropriate personnel to ensure the safety and protection of the persons and property in the building. The Emergency Management Response Team shall be informed as soon as is possible.
- D. DISASTER:** An event or incident that seriously impairs or halts the operations of the institution. A disaster may result in multiple casualties and severe property damage. A coordinated effort of all campus services will be required. Outside emergency resources will be required. The emergency response plan will be activated by the Chancellor, President, Director, or designee.

III. MINIMUM PROCEDURES OF AN INSTITUTIONAL EMERGENCY RESPONSE PLAN

Pursuant to this Guideline, all TBR institutions are required to have a written institutional Emergency Preparedness Plan that includes, at a minimum, procedures to address the emergency situations presented in this Guideline and its Appendices. The Appendices are

included as template / model documents only. Institutional administrators may elect to customize the attached templates for inclusion in its Emergency Preparedness Plan or they may draft new documents outlining their institutional plan to address the emergency situations presented in the appendices.

1. INITIAL RESPONSE PLAN

Institutions shall create an Initial Response Plan.

An initial response plan may provide that the initial and primary responder to emergencies will normally be the institution's Police Department or, in the absence of an institutional police department, the Local Law Enforcement Authority. Procedures should be in place under which, upon arrival at an emergency scene, the ranking or senior officer on the scene will perform an initial assessment of the situation; request internal and external support resources immediately necessary to prevent further injuries, attend to injured persons, and restore order; take the appropriate action to notify persons in the affected area of imminent danger; and notify the next higher authority in the Police Department chain-of-command.

The initial response plan should specify that the Chief of the Police Department, or in his absence, the highest ranking officer contacted, will take immediate steps to intervene in the emergency and contact the President or Director or designee. If the President or Director or designee cannot be contacted, then a designated alternative administrator should be contacted or a member of the Emergency Response Management Team (ERMT) should be contacted.

2. DECLARATION OF EMERGENCY AND ACTIVATION OF PLAN

Institutions shall designate an employee (or group of employees) who is authorized to Declare an Emergency and activate the Emergency Preparedness Plan.

The institutional Emergency Preparedness Plan must designate an employee (or group of employees) who is authorized to declare an emergency and activate the Emergency Preparedness Plan. The plan may provide that the Chancellor, President, Director or designee with or without consultation from the ERMT, will make a determination of whether activation of the plan is appropriate. If the plan is to be activated, the employee(s) authorizing the declaration will cause ERMT members (as well as others as directed by the Chancellor, President or Director) to be contacted, advise them that the Emergency Preparedness Plan has been activated, and direct them to respond to the Emergency Operations Center (EOC). A systematic calling plan must be established to ensure that all ERMT members receive timely notification of the official declaration of emergency.

The institutional Emergency Response Plan may designate that the Chancellor, President, or Director is the highest institutional authority in any emergency situation. If the Emergency Preparedness Plan is activated by any person other than the Chancellor,

President, or Director, then the person activating the plan will assume the authority of the Chancellor, President, or Director until the arrival of the authority designated above. The plan must establish a clear chain of command outlining institutional employees with authority to act in response to the initial activation of the plan.

3. EMERGENCY OPERATIONS CENTER

Institutions shall designate a campus location that will be an Emergency Operations Center.

The institutional Emergency Response Plan should specifically identify an Emergency Operations Center (EOC) located on the institution's main campus. An EOC should be established at any satellite campus / location that is more than twenty (20) miles away from the main campus. An alternative location should be designated in the event that the primary location is not available. The institution must designate an employee to serve as the individual in charge of the operations of the EOC. Members of the Emergency Response Management Team and others as designated by the President or Director should be present in the EOC during emergencies, to the extent practicable. Institutions should consider having all activities, such as requests for personnel, equipment, and supplies monitored and coordinated from the EOC to ensure a coordinated effort and to insure the best use of the resources needed to handle the emergency situation. A log will be maintained in the EOC which reflects all significant events and actions taken in the EOC. A communications log will also be maintained which reflects the time and date of every significant communication to/from the EOC, whom the communication was received from/sent by, to whom the communication was directed, the nature of the communication, and any EOC action resulting from the communication.

4. COMMAND POST

Institutions should authorize an administrator to establish a Command Post on campus that is near the scene of the emergency.

The Emergency Preparedness Plan must designate an employee, such as the Chief of the Institutional Police Department, Director of Public Safety, or Facilities Director, to establish and manage a command post near the scene of the emergency. The command post may be inside a building or at an outside location dependent upon the circumstances of the emergency. The purpose of the command post is to provide a single on scene location for command and control purposes and damage assessments.

Upper level managers and directors from the institution whose personnel are directly involved in the emergency response will report to the command post, as will commanders from responding agencies external to the institution. Operational decisions relative to the emergency response will be coordinated from the command post. In addition to the primary command post in the vicinity of the emergency, sub-command posts may be established for purposes of directing specific functions (e.g., housing, evacuations, public

safety, medical services, etc.). The command post will maintain contact with the EOC for purposes of instruction, status reports, and requests for support.

5. EMERGENCY RESPONSE MANAGEMENT TEAM

Institutions shall appoint appropriate administrators to the Institutional Emergency Response Management Team (ERMT).

The Emergency Response Management Team should serve in a support role to the President or Director during an emergency. Institutions have the discretion to determine which administrators to appoint to the ERMT and it is advisable that institutions give serious consideration to the inclusion of the personnel listed below.

Appendix A outlines the potential responsibilities of each administrator during a crisis.

1. Chief Academic Affairs Officer
2. Chief Business / Finance and Administration Office
3. Chief Student Affairs Officer
4. Chief Public Relations Officer
5. Chief of Institutional Police Department or Director of Security Department
6. Director of the Institutional Health Clinic
7. Chief Information Officer
8. Housing / Residence Life Director
9. Physical Plant / Facilities Director

Appendix B lists contact telephone numbers for all ERMT personnel.

6. EVACUATIONS AND RELOCATIONS

Institutions shall authorize an appropriate administrator to determine that an evacuation is necessary and issue an evacuation order.

The decision to evacuate an area should be made by the appropriate administrator in consultation with the President or Director and ERMT when it is practicable to consult with the ERMT. The designated administrator may unilaterally determine that an evacuation is necessary in the absence of the ERMT and issue an evacuation order. Notification of evacuation may be accomplished by phone, radio, loudspeaker, or by personal contacts. Institutions may develop a unique siren sound for evacuations and to notify the campus community of such siren.

While the Police Department, Department of Public Safety, or local law enforcement personnel have primary responsibility, institutional employees such as building managers, Housing/Residence Life personnel, and Physical Plant employees may need to assist in the effort. During the evacuation process the persons being evacuated should be advised of the location to report after the evacuation. If the evacuation requires transportation of members of the campus community or visitors, institutional vehicles should be provided by the institution. The institutional Police Department, institutional

Public Safety Department, or appropriate personnel should be responsible for identifying routes of egress/ingress. The institutional Police Department or appropriate personnel should ensure that those routes are open for purposes of evacuation and emergency vehicle response.

Evacuation routes and assembly points should be posted in visible areas near exits, wherever possible.

Institutions with specialized programs and facilities (e.g., child care facilities, police academies, events open to the public such as athletic events, etc.) are advised to include provisions in institution's Emergency Preparedness Plan regarding management of specific emergency evacuation procedures for such programs.

At the beginning of each semester, faculty are encouraged to instruct students as to the location of the emergency evacuation route for their particular room or area and designate an assembly point outside of the building. Universities must have an evacuation procedure for campus residents. Appendix C outlines a suggested university housing evacuation procedure.

7. SHELTERS

Institutions shall designate appropriate locations as “Shelter Locations” at each campus / facility.

Primary shelter locations will be designated at the main campus and all satellite campuses of the institution. After an emergency incident, an appropriate administrator, most likely the Director of the Physical Plant or Chief Law Enforcement Officer, will inspect these facilities to determine their suitability for shelter purposes. If none of these facilities are appropriate due to damage caused by the emergency conditions, campus community members will be evacuated to locations identified as shelter locations by local law enforcement personnel.

Housing/Residence Life and Physical Plant personnel are responsible for maintaining services in the shelters as long as evacuated persons are housed in any institutional facilities. Procedures for a “Shelter in Place” or “Lock Down” are in Appendix D.

8. NEWS MEDIA

Institutions shall have a procedure to manage media inquiries during an emergency situation.

The Emergency Preparedness Plan must include a news media procedure to direct the management of media inquiries during emergencies. If none exists, the institution's Public Relations / Media Office should be responsible for coordinating the institution's response to news media inquiries at all times, including emergency situations. At the Tennessee Technology Centers, the Director, or a direct designee, is the only authorized

administrator to respond to news media inquiries. No institutional employee, other than employees of institution's Public Relations Office or the designated administrator, should release information to news media representatives, unless instructed to do so. All news media requests should be directed to Public Relations / Media Office, the designated administrator, or the EOC.

The news media procedures must designate a location for press conferences during emergency incidents. The procedure must include provisions regarding a process through which the institution's Public Relations / Media Office will notify the TBR Public Relations Office of published press releases related to the emergency situation.

News media personnel should not be allowed into secure areas without an appropriate escort.

Appendix E lists institutional / local media contacts and information regarding the release of student and employee records.

9. VOLUNTEER MANAGEMENT

Institutions shall have a procedure to manage volunteers who respond to an emergency situation.

Volunteers should be directed to the EOC or a central location for registration and assignment. During the registration process volunteers will be required to provide some form of reliable identification. A volunteer log will be maintained which will reflect the name, address, date of birth, driver's license or social security number, any particular skill of each volunteer, the name of the supervisor to whom they are assigned, and the number of the identification card issued to the volunteer. If practical, each volunteer will sign a standard Volunteer Release Form and be issued an identification card that will be affixed to their outer clothing. Volunteers will be assigned to a supervisor involved in the emergency response.

Appendix F is a model Volunteer Statement / Understanding of Agreement (e.g., Volunteer Registration Form) that may be executed by institutions to register volunteers during an emergency response period.

10. PURCHASING GUIDELINES

Institutions should have a procedure to manage purchases during an emergency situation.

All emergency purchases will be handled in the shortest possible time frames. To the greatest extent possible, institutional employees will make purchases using procurement cards. For those purchases which cannot be made by use of procurement cards, Business Affairs personnel will facilitate the timely acquisition of needed resources in a manner consistent with emergency situations. A record of all emergency

related expenditures will be maintained by the work unit making those expenditures. A copy of those records will be forwarded to the EOC and the original purchase documents will be handled consistent with institutional purchasing guidelines.

11. TRANSPORTATION SERVICES

Institutions shall have a plan to transport persons and/or equipment during an emergency.

An appropriate institutional department should be designated to be responsible for providing vehicles for evacuations and other emergency related activities. Distribution of vehicles should be made in such a manner as to maintain accountability while being responsive to the emergency needs of the institution. The Physical Plant or appropriate personnel should be prepared to experience an increase in emergency maintenance to institutional vehicles, to include minor off-site repairs related to such problems as flat tires, dead batteries, etc. Appendix G is a template to outline the type and number of institutional vehicles on campus.

12. LINES OF COMMUNICATION

Institutions shall establish a plan for alternate communication options for use during an emergency response period.

Generally, the primary means of communications during an emergency are telephones, cell phones, satellite phones, and two-way radios. If the institutional phone system has been rendered inoperable or if the emergency incident is a bomb threat, then the EOC, EMRT, and other necessary personnel will use cell phones and radios. Radios will be the primary communications medium if landline phones, satellite phones, and cell phones are inoperable. In the event that phones, cell phones, and radios, become inoperable, consideration should be given to the use of “runners” to transmit messages. Appendix H is a template to outline the type and location of one-way and two-way radios at the institution.

13. DOCUMENTATION OF ACTIVITIES

Institutions shall have a procedure to document activities in response to an emergency.

Each department/office should be instructed to maintain a record of all emergency-related activities performed by the personnel of that work unit. The record will reflect the personnel worker hours (for non-exempt staff), as well the assignments of personnel, and the work performed by each work unit, and other resources expended in response to the emergency.

14. CAMPUS MAPS AND BUILDING PRINTS

Institutions shall ensure that copies of campus maps, site maps and building prints / records are in a central location.

To the extent that doing so does not compromise security of the institution, the institutional Emergency Preparedness Plan shall ensure that accurate copies of main and satellite campus maps / site plans, prints of buildings and record plans of buildings are attached to the plan. If the determination is made that security concerns outweigh the inclusion of such material in the Emergency Preparedness Plan, then the institution must ensure that accurate copies of campus maps and building prints are maintained in a secure location that is readily accessible by law enforcement personnel, the President or Director, and the ERMT.

15. STUDENT ASSISTANCE COORDINATING COMMITTEE (THREAT ASSESSMENT TEAM)

Institutions shall have a Student Assistance Coordinating Committee / Threat Assessment Team that meets regularly to discuss the needs of distressed, disturbed, disruptive, or dangerous students.

Institutions must establish a Student Assistance Coordinating Committee that will meet regularly to evaluate the needs and provide necessary assistance to students who are identified as distressed, disturbed, disruptive, and/or dangerous. Institutions have the sole discretion to determine which administrators to appoint to the Committee; however, it is advisable that institutions give serious consideration to the inclusion of personnel from the following institutional departments, if applicable: Judicial Affairs, Disabled Student Services, Student Health, Counseling Services, Academic Support Services, Housing and Residential Life, and Police Department.

Appendix I is a model document that addresses institutional management of student behavior matters, including release of student records via the Partners in Education Program; student misconduct reports / methods to report students of concern; and student civility codes.

16. FACULTY AND STAFF TRAINING REGARDING STUDENT BEHAVIOR MANAGEMENT

Institutions shall require all faculty and designated staff to complete training regarding the identification and management of distressed, disturbed, disruptive or dangerous students.

Institutions must establish a method to maintain records certifying that all faculty, including adjunct faculty, and designated staff complete annual training regarding the identification and management of distressed students. Institutions have the sole

discretion to determine which staff members must participate in the training; however, it is advisable for institutions to include all personnel who have direct contact with students (e.g., student affairs, financial aid, residence life, etc.)

17. MAINTENANCE OF EMERGENCY PREPAREDNESS PLAN

Institutions shall properly maintain the Emergency Preparedness Plan and review it at least on an annual basis.

Electronic and hard copies of the Emergency Preparedness Plan will be maintained by all members of the Emergency Response Management Team and department/office heads who will have significant roles in responding to emergencies. The plan should also be maintained in the Institutional Police Department or Department of Public Safety, if one exists. Institutions are advised to put a copy of the plan in the library and to post it on the internet. An electronic copy of the plan must be maintained in a manner that will permit access during an emergency (e.g., Acrobat Adobe copy on diskette or memory stick, internet posting, etc.).

Department/office heads should establish appropriate procedures within their work units to facilitate plan implementation.

On an annual basis the President / Director or his/her designee, in consultation with the ERMT will review the plan and update/modify the plan as necessary.

18. EMERGENCY RESPONSE PLAN TRAINING

Institutions shall conduct annual training for all personnel regarding the Emergency Preparedness Plan and the Plan shall be publicly posted.

Members of the ERMT and department/office heads should ensure that they and members of their staff are knowledgeable concerning the contents of the Emergency Preparedness Plan. All employees must have knowledge of the contents and procedures of the institution's plan. On a periodic basis different aspects of the plan should be tested, either through simulated exercises or in-service training, as appropriate. Training should be conducted by supervisors within their own work units or by a Safety Officer. A Safety Committee / Risk Management Committee may be established to assist in these training exercises as necessary.

The Emergency Response Management Team Members may receive training in the (NIMS) National Incident Management System method of handling emergency situations. Institutions may consider adopting NIMS compliance standards for its emergency preparedness plan to facilitate interoperability and compatibility in emergency situations.

The Safety Committee / Risk Management Committee or appropriate personnel may consult the Tennessee Emergency Management Association (TEMA) Training and Education Office to request information regarding special training seminars.

APPENDIX A

EMRT ADMINISTRATORS SPECIFIC RESPONSIBILITIES

This is a list of responsibilities that an institution may designate to the administrators in the following positions:

PRESIDENT / DIRECTOR

1. Activate the Emergency Response Plan and designate an on-scene commander
2. Be responsible for the overall operation and management of the Emergency Response Plan
3. Move to the EOC and manage the Emergency Team and necessary support personnel
4. Notify the Tennessee Board of Regents System Office and other state, local, and federal offices as necessary
5. Contact for National Guard support will be obtained via a request to the Governor through the Chancellor
6. Maintain contacts with TBR Central Office, city, county, state and federal officials
7. De-activate the plan when appropriate

CHIEF ACADEMIC AFFAIRS OFFICER

1. Acquisition of needed scientific expertise from institutional faculty
2. Decide if classes will be suspended or canceled
3. Coordinate the relocation of classes
4. Ensure the integrity of academic records to the greatest extent possible
5. Facilitate support of employees, and families of employees, who are casualties as a result of the emergency
6. Other duties as assigned by the President / Director

CHIEF BUSINESS / FINANCE AND ADMINISTRATION OFFICER

1. Provide assistance in activation of the Emergency Response Plan and ensure that key personnel are notified
2. Ensure that the appropriate building managers have been contacted and advised of current events
3. Acquisition of resources from outside the Institution
4. Work with the Chief Student Affairs Officer to provide alternative housing for students and food services

5. Facilitate and track emergency related external expenditures
6. Assist appropriate personnel in making risk assessments
7. Coordinate the preparation of the University's damage assessment report

CHIEF STUDENT AFFAIRS OFFICER

1. Coordinate all activities related to housing, shelters, evacuation locations, and other matters regarding institutional community members' safety and well being
2. Coordinate activities related to providing food services to the Institutional community
3. Coordinate the use of existing Campus Health Clinic and Nursing Department personnel
4. Coordinate the delivery of psychological attention to trauma victims
5. Establish an information system for inquiries concerning the well being of members of students
6. Other duties as assigned by the President / Director
7. Manage the establishment of an information system in a central location in conjunction with Information Technology and Public Relations to deal with inquiries regarding the well-being of the members of the institutional community.

CHIEF PUBLIC RELATIONS OFFICER

1. Establish a media staging area
2. Schedule the time and location of media briefings
3. Schedule media tours
4. Prepare press releases for approval by the President / Director or TBR Central Office
5. Keep the EMT advised of press inquiries
6. Maintain liaison with news media sources
7. Verify and/or issue media credentials
8. Coordinate donations in conjunction with the Chief Advancement Officer
9. Other duties as assigned by the President / Director

CHIEF LAW ENFORCEMENT OFFICER

1. Identify personnel for support positions in EOC
2. Maintain a log of actions taken by EOC
3. Maintain a log of communications to / from the EOC
4. Maintain a log of external resources used (e.g., local law enforcement, TEMA, Red Cross etc.)
5. Be the primary liaison with the local law enforcement department / local emergency management office
6. Make recommendations concerning areas requiring evacuations and initiate evacuations, as necessary
7. Provide technical assistance pertaining to chemical, biological, and physical hazards

8. Make notifications for activation and implementation of ERP
9. Take immediate action to care for injured persons
10. Take immediate action to reduce the threat of potential casualties and property damage
11. Provide security of emergency area, evacuation routes, and ingress routes
12. Survey emergency area for damages and injuries in order to request additional internal and external support required
13. Establish a command post in the vicinity of the emergency
14. Control criminal activity
15. Serve as the initial commander of the command post
16. Maintain communications with the EOC

DIRECTOR OF THE INSTITUTIONAL HEALTH CLINIC

1. Take immediate action to care for injured persons in conjunction with law enforcement
2. Coordinate medical response of Student Health Clinic, Nursing faculty, if necessary
3. Establish triage area for minor injuries
4. Coordinate with off-campus medical personnel to staff major triage areas
5. Transport medical supplies (e.g., basic first aid material, nebulizer, crutches, splints, medications, stethoscopes, blood pressure cuffs, and suture supplies) to the triage areas, if injured persons are not taken to the health clinic

DIRECTOR OF PHYSICAL PLANT / FACILITIES

1. Render the emergency area safe from utility and physical hazards
2. Provide vehicles and operators necessary for evacuations
3. Provide personnel for maintenance of shelter areas
4. Inspect buildings for signs of structural defects
5. Exercise operational control of outside contractors and utility providers utilized to perform work on campus
6. Provide equipment and personnel as needed for extraction of injured persons
7. Perform clean-up responsibilities at the site of the emergency
8. Provide personnel to assist in traffic control
9. Serve as commander of command post when necessary
10. Ensure that utilities are available for EOC and other essential functions
11. Maintain communications with the EOC

HOUSING/RESIDENCE LIFE

1. Assist in evacuation of emergency area if residential facilities impacted
2. Assist in controlling security of emergency area if residential facilities impacted
3. Provide bedding for shelters and EOC
4. Maintain storage area for property removed from emergency area
5. Provide staff for evacuation and shelter areas

6. Assist in determining status of students

INFORMATION TECHNOLOGY / TELEPHONE SERVICES

1. Maintain communications and coordination with off-campus service providers
2. Provide telephone lines and instruments required to support emergency operations

APPENDIX B

KEY PERSONNEL TELEPHONE NUMBERS

(INSERT OFFICE / BUSINESS TELEPHONE NUMBERS OF KEY PERSONNEL, INCLUDING ALL MEMBERS OF THE ERMT, RESIDENCE LIFE / HOUSING ADMINISTRATORS, and POLICE DISPATCH)

APPENDIX C

GENERAL EVACUATION PROCEDURES

1. Building Evacuation

- All building evacuations will occur when an alarm sounds and/or upon notification by institutional personnel
- When the building evacuation alarm is activated during an emergency, those present are to leave by the emergency evacuation route for the area in which they are located. If the exit is blocked, use the nearest marked exit and alert others to do the same.
- Assist those with disabilities in exiting the building. Do not use the elevators in case of fire and/or potential power loss. Once outside, proceed to a clear area that is at least 1000 feet away from affected building. Keep streets, fire lanes, hydrant areas and walkways clear for emergency vehicles and personnel. Identify an assembly point to congregate once outside.
- An assembly point for evacuations should be established.

DO NOT RETURN to an evacuated building unless instructed to do so by institutional personnel or law enforcement.

2. Campus Evacuation

All persons are to immediately vacate the area in question and move to another part of campus as directed. Persons with disabilities should be given necessary assistance to evacuate.

DEPARTMENT OF HOUSING CATASTROPHIC EMERGENCY EVACUATION PLAN

In the event of an emergency requiring the evacuation of the entire campus, the following plan will be implemented. The plan will cover the following areas:

- Campus Officials to Be Notified
- Relocation of Residents
 - Transportation
 - Temporary Housing and Food Needs
 - Identification of Special Needs Residents
- Dealing With the Media
- Aftercare

Campus Officials to Be Notified

Per a campus emergency response plan, the Chief Student Affairs Administrator is the lead official of any crisis involving the residence halls. At the beginning of any crisis, the following officials are to be notified:

- The Director of Housing and his/her supervisor, if not the Chief Student

Affairs Administrator

- The Assistant Director(s) of Housing for Residence Life
- The Chief of Institutional Police Department
- The Director of University Relations (for media contacts)
- The Director of Counseling Services (for the aftercare)
- The Director of Student Health
- Responsible administrator for the building(s) to be evacuated
- Director of Physical Plant / Facilities
- Local emergency management agency (e.g., Red Cross, law enforcement), if necessary

Relocation of Residents

Once the decision has been reached to evacuate all of the residence halls the Hall Directors in each building will be notified to contact hall staff members to prepare them for the evacuation. If time permits and the incident is a non-life threatening situation, then hall staff will go room to room to inform residents of the evacuation and notifying residents of what personal items may be brought with them. If time does not permit and the incident is an actual or potential life-threatening emergency, then the fire alarm will be immediately pulled and hall staff will proceed through the building clearing the rooms using the standard fire drill procedures. Residents will be directed to a central location for notification and transportation off campus.

The Hall Director or Assistant Hall Director will bring the latest copy of the hall roster with him or her to determine which residents are accounted for. Upon notification, some residents may decide to leave campus on their own. The staff should make effort to note on their rosters the residents who chose to leave campus by means of personal transportation.

Transportation

Upon the decision that residents must be evacuated from the building, transportation will need to be arranged. The three initial contacts for transportation are:

- Institutional Motor Vehicle Operations for vans
- Local Board of Education for school buses
- Tennessee National Guard for trucks

If additional transportation is needed, neighboring school districts as well as charter bus companies can be contacted.

Temporary Housing

Arrangements for the temporary housing of dislocated residents will be of prime importance. If the need to evacuate the halls does not necessitate the need to evacuate campus, residents can be temporarily housed in the _____. If the entire

campus must be evacuated, the following local locations can be used for temporary housing:

Cots and blankets will need to be provided. Agencies such as the American Red Cross and the Tennessee National Guard can be contacted for help.

Food Needs

Once the residents have been relocated, plans for providing food will need to be implemented. If the relocation is on campus or local, Campus Dining Services can be used to facilitate this function. If Campus Dining Services are not in service or unable to operate, local churches and aid agencies such as the American Red Cross can be contacted for assistance.

Aftercare

The Director of the Counseling Center should be contacted to have counselors available at the relocation site should their services be needed by any resident or staff member.

APPENDIX D

SHELTER-IN-PLACE / LOCK DOWN PROCEDURES

Institutions must establish shelter-in-place and lock down procedures. There are a number of emergency situations where an evacuation of a building, residence hall, and/or classroom is not advisable – hostile intruder, hazardous material release, terrorist attack, etc. In such instances, the institution shall have established Lock Down procedures. This document provides guidelines that an institution may include in its Lock Down Procedure.

Communications

- The individual making the discovery of an emergency situation or receiving a report of such should immediately contact the institutional Police Department or Local Law Enforcement Agency and provide as much information as possible about the situation.
- If shelter-in-place is required, an emergency announcement will be made by (describe notification methods – e.g., over a building fire alarm public address system, notifications via email, phone trees, sirens, calls to classroom telephones, etc.)
- During a shelter-in-place event, fire alarms should not be pulled / activated.

Procedures

- Close and lock classroom and other doors
- Close windows and window treatments (e.g., blinds or curtains)
- Remain quiet and do not enter hallways
- If the fire alarm is sounded during a shelter-in-place event, do not evacuate the building unless:
 - o You have first hand knowledge that there is a fire in the building, or
 - o You have been advised by an official to evacuate the building, or
 - o There is imminent danger in the immediate area.
- Stay away from doors and windows
- Those in hallways should seek shelter in the nearest classroom or office
- Those in outdoor areas should immediately take cover in the closest building.

APPENDIX E

CRISIS MEDIA RELATIONS

KEY MEDIA CONTACTS

The following media outlets consistently cover the institution and represent a core media group that generally will be contacted in a crisis. The list is subject to revision.:

(insert list of local news media)

DISSEMINATION OF PUBLIC ALERT NOTICE INFORMATION

Institutions may establish and publish alert notices to update the campus community about the status of an emergency situation. The alert notice may include a brief message regarding the nature of the emergency. If such an alert notice is disseminated, then a procedure must be established to provide timely and accurate updates as the situation progresses. Examples of such alert system include cellular telephone text messaging systems, electronic mail messages, and landline telephone emergency hotlines. It is advisable for the institution to establish a process to ensure that all alert notices are approved by the Public Relations / Media Office or designated administrator(s) prior to distribution.

TYPES OF INFORMATION AVAILABLE

1. Student Information

Student-related information and records are generally protected from public release by federal law. The Family Educational Rights and Privacy Act (FERPA) limits an institution's unilateral release of student information to "directory information," (e.g., name, address, telephone number, date and place of birth, honors and awards, and dates of attendance) as that term is defined in the Act's regulations and by the institution. Therefore, the release of student-related information and records to third parties is limited to instances in which the student provides written authorization of the release; the information is "directory information," and the student did not elect to opt-out of release such information; or when a FERPA exception, such as the release of information to protect the safety and health of the student or others, is applicable.

In Tennessee, the incident or offense report for a crime that is created and maintained by a law enforcement unit (institutional police department or local law enforcement) is available for unilateral release by the institution to third parties, including media. This report does not have to be released to media outside of the state (e.g., to persons not citizens of Tennessee). Information about an investigation cannot be released until the investigation is completed. Every effort will be made to cooperate with law enforcement officials and members of the news media. When appropriate, members of the news media will be directed to the investigating law enforcement agency for additional information.

All requests for students' education records / information must be directed to the Office of the Registrar or Office of Student Affairs. Individual departments and employees are not authorized to release education records.

2. Employee Information

Limited information regarding employees is available through the Office of Human Resources. Any Tennessee citizen may obtain certain personnel information and records by presenting a valid Tennessee driver's license. All requests for personnel records must be directed to the Office of Human Resources. Individual departments and employees are not authorized to release personnel records.

APPENDIX F

VOLUNTEER REGISTRATION FORM

VOLUNTEER STATEMENT OF UNDERSTANDING / AGREEMENT BETWEEN

Institution's Name

AND

Volunteer's Name

1. The volunteer understands that he/she is not to be considered an employee, agent or independent contractor employed by the Institutions for any purpose. The volunteer acknowledges that he/she will neither accept nor claim entitlement to any salary or benefits of employment, including but not limited to insurance, retirement benefits, worker's compensation, travel expenses, or any other form of compensation of any kind.
2. The volunteer understands that he/she has no actual authority to bind or represent the Institution with regard to any third parties. Moreover, the volunteer agrees to avoid giving the impression of having apparent authority to bind or represent the Institution with regard to third parties. Accordingly, the volunteer may not sign or enter into any agreements or contracts on behalf of the Institution.
3. The volunteer understands that Tennessee law (Tennessee Code Annotated § 9-8-307(h) 8-42-101(a)(3)) extends certain protections to individuals who are participants in volunteer programs which are operated under the authorization of a state agency or department. For actions taken in the course of performing volunteer services, which are neither willful, malicious, or criminal, or acts or omissions done for personal gain, an authorized volunteer is immune from suit in the same manner as state employees. Persons injured by the actions of a volunteer are able to file a claim directly against the state.
4. The volunteer acknowledges that the Institution shall have no liability for personal injury or property damage which may be suffered by the volunteer, unless such injury or damage directly results from the negligent act or omissions of state employees or authorized volunteers. Any and all negligence claims shall be expressly limited to claims approved by the Claims Commission.

5. The volunteer acknowledges that he/she may not operate automotive or other state owned equipment of the Institution without specific written authorization of the president or director of the Institution.
6. The volunteer and the Institution agree that no person shall be subjected to discrimination on the basis of race, color, religion, sex, age, handicap, or national origin in the execution or performance of this Agreement.
7. _____ (Institution's name) _____, the Tennessee Board of Regents, the State of Tennessee and their respective employees shall have no liability unless specifically provided for in this Agreement.
8. This Agreement may be terminated at any time upon written notice of the volunteer or the president or director of _____ (Institution's name) _____.

ACKNOWLEDGEMENT

I, _____ (name of volunteer), SSN: _____ - _____ - _____, have read and understand the above statement/agreement and agree to abide by its terms and conditions while I am participating in volunteer activities at _____ (Institution's name) _____. This agreement is effective from _____ (date) through _____ (date).

Signature of Volunteer: _____

Date: _____

Recommendation of Approval of Statement of Understanding/Agreement:

Admin. Supervisor of Volunteer: _____

Date: _____

Approval of Statement of Understanding/Agreement:

President / Director: _____

Date: _____

Copies to: Office of Human Resources
 Volunteer Division/Department File

APPENDIX G

INSTITUTIONAL VEHICLES

At any given time, many of these vehicles are being used for institutional travel. Therefore, all vehicles may not be present on campus at the time of a disaster. These vehicles are maintained at _____ and can be used to move supplies or personnel during an emergency as needed.

<u>NUMBER OF VEHICLES</u>	<u>TYPE OF VEHICLE</u>
00	Police Cars--Marked
00	Police Car--Unmarked
00	Mid-sized Passenger Cars
00	5-Passenger Vans
00	7-Passenger Vans
00	12-Passenger Vans
00	Freight Truck
00	Half-ton Pick-up Trucks
00	Van Trucks
00	Dump Truck
00	Lift Truck
00	Other
00	Other

GASOLINE STORAGE TANKS

The institution maintains a _____ gallon gasoline tank and a _____ gallon diesel storage tank.

APPENDIX H

LOG OF CAMPUS RADIOS / COMMUNICATION DEVICES

In the event of a disaster, communication will become a priority. Landline and cellular telephone service could be disrupted, or non-existent, for an undetermined duration. In addition to and as a back-up to the telephone service, some institutional offices should have hand-held two-way radios and/or satellite telephones for communications. Some offices may have one-way radios in addition to the two-way radios. Cellular and satellite telephones should not be used in bomb threat emergencies. Listed below are offices and numbers and types of radios that are in these offices:

(INSERT CAMPUS RADIO INVENTORY LIST AND FREQUENCY OF ALL RADIOS)

During an emergency recovery, these radios could be used for communication until telephone service is restored. It is necessary to ensure that the frequencies used by the radios that can be monitored by the base unit at the EOC are compatible with the local law enforcement department and local emergency personnel. During a power failure, an emergency generator located at the EOC should be available to provide emergency power to operate the base station and charge hand-held radios. The batteries in the hand-held units should maintain a charge for a sufficient length of time before needing to be recharged.

APPENDIX I

MODEL STUDENT BEHAVIOR INFORMATION

I. Partners in Education Program

Tennessee's Student Information in Higher Education Act of 2005 applies to all public and private four-year colleges and universities located in Tennessee. As of the fall 2007 semester, all such postsecondary institutions are required to have a Partners in Education program which offers a procedure by which a student may designate a family member or guardian to whom certain FERPA protected education records may, upon request, be released. All TBR institutions may implement a Partners in Education program at the discretion of the administration.

Participation in the Partners in Education program is initiated when the student signs the Partners in Education waiver. This form allows students to authorize the release of confidential academic information to a third party, and specifically indicates that releasable information includes confidential academic, financial aid, disciplinary records and any student financial account information, including academic progress reports and grades when available. The waiver specifically notes that access to confidential counseling and health information is not provided through participation in the Partners in Education program. The authorization is valid as long as the student is enrolled at the institution or until cancelled in writing by the student, or until the student reaches the age of 21. Students of any age may participate in the Partners in Education program.

Students and family members are informed of the program during orientation programs and through other appropriate venues. Students will voluntarily register for the program; students and their partners select a Personal Identification Number (PIN) for the purpose of identifying the non-student member when he/she calls to request information. Partners may access information by calling the designated Partners in Education representative, identified on enrollment materials. The coordinating administrator or office is responsible for maintaining records of partner contacts, valid student authorization, and for notifying the PIE partner if the student chooses to withdraw authorization.

II. Student Misconduct Reports

i. Student Misconduct Reports:

Any student who engages in behavior prohibited by the institutional Code of Conduct should be reported to the Office of Judicial Affairs or Office of Student Affairs. Referrals are accepted from the Department of Public Safety, Residence Life, faculty, students, staff, and community members. To make a referral, persons are required to submit written documentation outlining the specific facts about the incident including the names of those students involved. The person submitting the information should also include their contact information in the event that a staff member needs to follow up on the report. Forms are provided at _____ or persons may submit reports in their own format.

Once a report is received, a staff member will review the report as soon as possible. The staff member will determine if it is likely that institutional rules have been violated and decide the level of severity of the case.

If the student described poses an immediate threat to the institutional community, an interim suspension will be issued to the student through established institutional procedures. During an interim suspension, the student shall be denied access to the campus (including class attendance), residence halls, and/or all other institutional activities or privileges for which the student might otherwise be eligible. A preliminary hearing will be held within a reasonable time period after imposition of the interim or summary suspension to determine if the interim suspension should continue until a formal hearing of the charges by an institutional adjudicating body can be held. During this preliminary hearing, the student will be given notice of the allegations against him or her and a summary of the evidence that supports the allegations. The student will be afforded an opportunity to respond to the allegations. If the interim or summary suspension is upheld, the formal hearing concerning suspension or expulsion shall be held within a reasonable amount of time after the beginning of interim suspension. If the interim suspension is lifted, the student's privileges are reinstated while awaiting further resolution of the case.

If the student does not pose an immediate threat to the institutional community, disciplinary charges will be issued via email and a letter sent to the student. An initial meeting will be scheduled for the staff to meet with the student, discuss the judicial process, and discuss the details of the incident. A decision will be made at that time whether or not a formal disciplinary hearing will be needed. The case will be handled administratively unless otherwise determined. Cases in which the institution is seeking suspension or expulsion may go before the appropriate discipline committee or may be adjudicated via the Tennessee Uniform Administrative Procedures Act. Cases may also be referred to the institutional discipline committee when a student refutes the charge of academic misconduct.

Students who are suspended or expelled from the institution are barred from being present on campus during the term of the suspension or permanently in the case of expulsion.

All disciplinary case files are maintained for a minimum period of time prescribed in TBR or institutional policy. Pursuant to TBR policy, cases resulting in suspension or expulsion are maintained permanently or until such time that the institutions receives proof of the student's death. Cases that remain pending are kept indefinitely or until the student chooses to resolve the matter through the disciplinary process.

ii. Record-keeping software:

AdvisorTrac (and/or other student record-keeping software), appropriately deployed across the campus, may assist faculty and staff in reviewing the advising history of students. Programs such as AdvisorTrac permit academic advisors, including faculty and professional staff advisors to maintain a record of all advising contacts with any specific

student. Although confidentiality is protected, advisors that are newly assigned to a student can access the history of that student's contacts with previous advisors in order to review any history of reported difficulties in classes, scheduling or other issues shared in advising meetings. (Note: AdvisorTrac would not be considered appropriate for use by campus mental health counselors.)

iii. Procedure for reporting of student behavior of concern:

Training:

Training regarding the recognition and reporting of distressed, disturbing, disruptive, and/or dangerous student behavior is available to all university faculty and staff, and can be found at _____ . This information should be on an annual basis, at a minimum.

Consultation regarding students of concern:

Information regarding procedures for reporting problematic student behavior is included in these training materials. Faculty and staff are advised to contact the appropriate office to discuss a student of concern and to seek advice about referral and/or intervention.

Disruptive/dangerous students:

If a student is actively disruptive in a classroom and fails to modify his/her behavior at your request, OR if you believe the student poses an immediate threat to yourself, classmates, or him/her self, you should contact the appropriate administrative office (e.g., Student Affairs), Campus Police, or local law enforcement from your classroom telephone or cell phone. If you believe the student poses an immediate threat, call campus or local police immediately.

Violations of the Code of Conduct:

Any student who engages in behavior prohibited by the institutional Code of Conduct should be reported to the appropriate officer. Referral forms are available on-line at _____.

Students with disabilities:

Occasionally a student will tell you s/he has a learning or psychological disability and may request special academic accommodations. In these circumstances a referral to the Disabled Student Services Office is appropriate. The institutional office responsible for verifying documented disabilities will make specific recommendations regarding reasonable academic accommodations that are compliant with federal regulation.

Disturbing class assignments:

As a proactive strategy, class syllabi should include ground rules for assignments and classroom discussion. Faculty will want to state their expectations with regard to how students address one another, how they address the instructor, how class members can disagree without becoming disagreeable, and what topics are or are not acceptable as the basis for assignments. However, a student may still submit a class assignment which includes content that the faculty member finds to be disturbing or threatening. If this

should happen, it is important that faculty members share the concern with others that can help evaluate the situation and help determine a plan of action. Faculty should plan to consult with their department chair, as well as with the Counseling Services or appropriate office to determine the best plan of action based on the specific circumstances of the case. If a specific threat has been made, Campus or Local Police should be contacted immediately.

Early Alert Program:

Faculty are encouraged to file a Student Alert form if they wish to inform an academic advisor of a potential academic performance or personal issue in the life of a student with whom they are working. The form is available at

All Student Alert forms that are received and reviewed by the staff of the appropriate office. Once a contact with the student has been made, staff will send a follow up note to the referring faculty member to confirm that contact with the student has been made and to communicate any other appropriate information. **IMPORTANT:** If you need assistance in working with a student that you believe needs immediate mental health intervention, please do not use this Student Alert form. Instead, call Counseling Services or the appropriate administrator for crisis intervention services.

Student Assistance Coordinating Committee (Threat Assessment Team):

The institutional Student Assistance Coordinating Committee should meet monthly, or more often as necessary, to review and coordinate interventions for students who are exhibiting early signs of serious risk or who are becoming disruptive to the campus community. The committee may be comprised of representatives from Judicial Affairs, Disabled Student Services, Student Health, Counseling Services, Housing and Residential Life, University Police and Academic Support Services. Students may be referred to the committee for further review by contacting the Counseling Services or the appropriate office.

III. Civility Codes

i. Statement of Community Standards and Expectations

The institution is committed to the ideal of developing and nurturing a community of scholars. The choice to associate or affiliate with the institutional community is freely made by students, staff, and faculty; nevertheless, it is assumed that each person who joins the community will accept and practice the following core values and expectations:

Value of Honesty

The notion of personal honesty and academic integrity is central to the existence of the institutional community. Community members will not engage in cheating, plagiarism, or fabrications of any type. All members of the community will strive to achieve and maintain the highest standards of academic achievement.

Respect for Diversity

The institutional community is composed of individuals representing different races, ethnicities, and cultures. The community embraces and celebrates this diversity as a pillar of its strength.

Commitment to the Community.

Citizens of the institutional community will be good stewards of the Institution's resources and will not engage in conduct which damages or exploits the community.

Freedom of Expression.

The institutional community is a marketplace of ideas and opinions. Community members are encouraged to freely communicate their ideas and opinions on issues both within and outside the community.

ii. Student Rights and Responsibilities

Introduction

The following statement of student rights and responsibilities is intended to reflect the philosophical base upon which student behavior is defined and measured. This philosophy identifies the rights and responsibilities that each student bears when they enter the institution. These rights shall not be construed, interpreted, or applied in any manner that would be detrimental to the privileges, purposes, aims, and goals of the institution and the Tennessee Board of Regents.

Article I. Student Rights

1. Students are entitled to all rights granted to him/her by the Constitution of the United States, the Constitution of the State of Tennessee and to the full protection of the law. There shall be no institutional rule or administrative rule that in any way abridges the rights of freedom of speech, expression, petition, and peaceful assembly as set forth in the U.S. Constitution.
2. Each student shall have the right to participate in all areas and activities of the institution, free from any form of discrimination, including harassment, on the basis of race, color, national or ethnic origin, religion, sex, disability, age, sexual orientation, or veteran status in accordance with applicable federal and state laws.
3. Each student shall have the right to pursue his/her educational goals and to enjoy the opportunity to participate in the various educational and extracurricular activities present on campus.
4. Each student shall have limited rights to personal privacy. This privacy includes the maintenance of confidential records except under compulsion by an institutional or civil court, the Tennessee Board of Regents, or as allowed by state and federal law.
5. Each student shall have the right to procedural due process in institutional disciplinary proceedings as described in this publication.

6. Each student shall have the right to be protected from prejudiced academic evaluation not related to a student's academic performance.
7. Each student shall have the right to examine, discuss, and express opinions publicly and privately.
8. Each student shall have the right to participate in self-governance and to be represented in the Student Government Association, student organizations, and on institutional committees whose charge is to review and/or formulate institutional policy regarding academic and student affairs.
9. Each student shall have the right to join and/or participate in recognized student organizations.
10. The student press is to be free of censorship. The editors and managers shall not be arbitrarily suspended because of student, faculty, administration, alumni, or community disapproval of editorial policy or content.
11. All students shall have the right to be secure from having their rights infringed upon by institutional administrators, faculty, support staff, or fellow students.
12. Each student shall have the right to expect:
 - A Drug-Free and Alcohol-Free campus
 - A campus community that is conducive to learning both in and outside of the academic classroom
 - A campus community that respects diversity of race, ethnicity, sexual orientation, culture, and personal beliefs.
 - A campus community that is built on honesty and integrity, both in academic and social pursuits.
 - A campus community that embraces freedom of expression and exchange of ideas.

Article II. Student Responsibilities

Students voluntarily assume certain responsibilities that are necessary for promoting the welfare of the community. Although no definitive list of responsibilities can ever truly be developed, the following represent the main responsibilities students assume by becoming citizens of the institutional community.

1. Each student shall have the responsibility to pursue his/her academics honestly and to attend class regularly and in good faith. Students shall be honest in all interactions with other students, faculty, and staff.
2. Each student shall have the responsibility to respect the rights and property of others, including students, faculty, staff, and university guests and visitors.
3. Each student shall have the responsibility of upholding the community standards and expectations as set forth by the institutional which include honesty, a respect for diversity, commitment to community, and freedom of expression.
4. Each student shall have the responsibility of being fully acquainted with and complying with all published university rules and regulations.
5. Each student is expected to comply with directives of institutional officials who are acting in the performance of institution-related duties.
6. Each student shall be responsible for carrying identification with them at all times that clearly indicates he or she is a student of the institution.

7. Each student shall have the responsibility of recognizing that his or her behavior reflects not only on the individual but also on the entire institutional community.
8. Each student shall have the responsibility of recognizing the responsibility of the institution to insure an educational environment for all students.
9. Each student shall have the responsibility of being a responsible community member and encouraging behaviors in others that are in compliance with institutional rules and regulations.

Each student shall have the responsibility of being good stewards of the institution's resources.

APPENDIX J

FIRE DRILLS

Institutions must establish fire safety and fire drill procedures.

All incidents of unintentional/non control burn fires must be reported to the appropriate personnel (e.g., institutional law enforcement) whether Fire Department response is required or not. All department heads, supervisors, etc., will ensure that their employees are aware of the location of fire extinguishers and fire alarm pull boxes in their work areas.

All employees shall be made aware of emergency evacuation routes for their work area, the location of fire exit windows, etc.. Also, do not use elevators in the event of fire. In addition, the following procedures should be reviewed with employees.

FIRE SAFETY

Although the potential for fire always exists, routine inspections, maintenance, and training are effective elements in reducing bodily injury, loss of life, and damage to property.

All faculty, staff and students should be knowledgeable of those elements which cause fires and of procedures to eliminate them. Everyone should be aware of basic fire safety regulations and conditions that have potential to start a fire, such as the use of extension cords or the improper storage of chemicals, paint, cleaning supplies, rags, paper, etc.

Routine inspections and maintenance of fire extinguishers, sprinkler systems, fire hydrants, smoke alarms, and fire fighting equipment are essential. At the same time, each facility should have posted evacuation plans, illuminated exit signs, functional emergency lights, self-closing doors, and any necessary special fire safety equipment.

Fires present a danger to individuals within a limited area and usually will not require action of the Emergency Operations Center (EOC) unless the fire is out of control and numerous potential or actual casualties are involved. After defining the hazard area, personnel will be evacuated from buildings by activating the fire alarm system and will be moved a safe distance (at least 100 yards) away to the designated areas. The area should then be secured until the fire fighting personnel arrive. Supervisory personnel will make every effort to account for faculty, staff, and students and prevent unauthorized personnel from entering the building.

FIRE ALARM

Fire alarms will consist of (insert alarm signal (e.g., intermittent sound of buzzer, or continuous sonic whistle)).

This alarm will be used when a serious fire is burning or possible explosion is imminent in one of the buildings occupied by students, faculty, and staff.

WHAT TO DO IN CASE OF FIRE

When the fire alarm is sounded, all students, faculty and staff should clear the buildings by the nearest exit and proceed to a designated assembly area as announced.

Any individuals with disabilities should be assisted in exiting the building.

Students, faculty, and staff should stand clear unless called upon to help. Do not return to the building until the all clear is given.

DRILL SUMMARY

After each drill, a review will be conducted to determine the following:

1. Could the alarm be heard in all areas of the building?
2. How long did it take for employees to respond and evacuate the building?
3. Identify those individuals who ignored the alarm and did not evacuate.

RESIDENCE HALLS

(Describe procedures for Fire Drills and Evacuations of residence halls or reference the appropriate residence hall manual containing that information).

APPENDIX K

BOMB THREATS

Institutions must establish procedures to manage bomb threats. If an institution is the recipient of a “bomb threat,” there is the danger that such a threat could be real, and the following procedures will be followed when a bomb threat is received or an actual bomb is discovered.

General Bomb Threat Guidelines

1. Any individual receiving a bomb threat call should do the following:
 - Remain calm and keep the caller on the line as long as possible. Ask the Caller to repeat the message and record every word.
 - If the Caller does not indicate the location of the bomb or the time of detonation, ask for this information.
 - Advise the Caller that the building is occupied and detonation could result in death or serious injury to innocent people.
 - Pay particular attention to background noises, such as motors running, music, or any other noises which may indicate the location from which the call is being made.
 - Listen closely to the voice to determine voice quality, accents, speech impediments, sex, or unusual characteristics, and complete threat data form.
 - If the Caller can be kept talking, ask specific questions as indicated on the attached Bomb Threat Report.
 - It is desirable, but not always practicable, to have more than one person listen in on the bomb threat call.
 - Immediately notify the Campus Police or local law enforcement.

2. Campus Personnel

A bomb threat report will be supplied to the President or Director and Chief of Campus Police or local law enforcement. The person receiving the threat will attempt to:

- Obtain all the information requested on the report.
- Document all information the caller is willing to give.
- Listen and document any background noises, which might be of assistance to investigators.
- Have a co-worker immediately notify the Campus Police or local law enforcement on another extension.

3. Campus Police 911 Dispatcher or Alternate Personnel

- A bomb threat report will be filled out whether receiving the bomb threat directly or indirectly.
- Dispatcher will immediately dispatch an officer to the scene.
- Notify ranking officer on duty.

4. Officer(s) will
 - Respond to the area/building in question.
 - Activate the chain of command by notifying the appropriate personnel.
 - Establish a command post in or close to the threatened area(s). (A command post can be a police car only.)
 - Assign an officer to interview recipient.
 - Request that the institutional official(s) in charge of the threatened building report to the command post.

Procedures for Evacuation Decision

1. Review known facts and decide whether an evacuation is appropriate. Evacuation upon receipt of a threat is not an automatic decision, but depends upon perceived credibility of the threat.
2. When appropriate, the threatened area will be searched without evacuation and with as little disruption as possible. As a threat's credibility increases, a decision to evacuate the affected area may be made by designated officials.
3. Contact an administrator in the threatened building to conduct a preliminary search of the area, utilizing employees in the building. Employees will know what is out of place, what belongs, and what does not. As many officers as possible will assist in the search.
4. Do not operate cell phones or pagers as they could trigger some types of explosives.
5. Insure that everyone knows not to touch anything suspicious.
6. Establish an open telephone line with the dispatcher. Elicit assistance from employees.
7. Relate pertinent information to the chief or senior officer on duty so that he/she may contact the appropriate administrator to determine if the area needs to be evacuated.
8. The decision to evacuate will be made by the institutional or local law enforcement police officer in charge on site in consultation with the building representatives. If the building is a residence hall, then the highest ranking administrator in the Office of Residence Life or designee will be consulted regarding the decision.

Evacuation Procedures

1. Appropriate administrator must be notified so arrangements can be made for the scheduled classes in that area to meet at an alternate location.
2. Appropriate administrator(s) should direct students and faculty to a specific area for accountability.
3. Evacuation should be orderly in fashion with one area at a time exiting.
4. First evacuate any area where a suspect item is found.
5. Then evacuate from the highest floors and work down.
6. Do not empty entire building at once. This could cause panic.

Search Procedures

1. After evacuation, a more thorough search of the area will be completed to insure that no one remains in the building and for further evidence of a possible bomb.
2. If a bomb or suspect package is found, the law enforcement officials on the scene will notify the local bomb squad unit and local law enforcement.
3. Officers will enlarge the outside perimeter to include parking lots or roads close to the buildings.
4. When bomb specialists arrive, they will decide if the fire department and ambulance service should be called.
5. Officers will assist the specialist in any way possible and will remain in the area to secure the perimeter.
6. If no evidence of a bomb is found, the chief or senior officer will contact the appropriate administrator to determine how long the building should remain closed. As a general rule, the building should remain closed until after the reported detonation time.

Special Events

1. The event coordinator on duty will coordinate with the officer(s) working the special event and advise them of the bomb threat.
2. The Dispatcher will notify the Chief and follow his directions for further notifications.
3. If the Chief is not available, the dispatcher is to notify the event coordinator working the event for direction.
4. If the area is to be evacuated, the event coordinator in charge will announce it over the public address system.
5. Personnel will be stationed at each seating area to point out the nearest exit and direct people to leave in an orderly fashion —one row at a time, if possible.

BOMB THREAT REPORT

INSTRUCTIONS: BE CALM. BE COURTEOUS. LISTEN, DO NOT INTERRUPT THE CALLER. NOTIFY YOUR IMMEDIATE SUPERVISOR. TALK TO NO ONE OTHER THAN INSTRUCTED BY YOUR SUPERVISOR.

DATE _____ TIME _____

PHONE NO. DISPLAYED _____

(Note whether caller is on campus line, transferred in, or off campus.)

LOCATION DISPLAYED: _____

EXACT WORDS OF PERSON PLACING CALL: _____

QUESTIONS TO ASK:

When is the bomb going to explode? Where is the bomb right now?

What kind of a bomb is it?

What does the bomb look like? Why was the bomb placed?

Who placed the bomb there?

TRY TO DETERMINE THE FOLLOWING:

Caller's Identity	Male	Female	Adult	Juvenile	Years of Age:			
Voice	Loud	Soft	High Pitch	Deep	Raspy	Pleasant	Intox./ Drugged	
Accent	Local	U.S. Regional	Foreign					
Speech	Fast	Slow	Distinct	Distorted	Nasal	Stutter	Slurred	Lisp
Language	Excellent	Good	Fair	Poor	Foul			
Manner	Calm	Angry	Rational	Irrational	Coherent	Incoherent	Deliberate	
Back-ground noises	Office Machine	Factory Machine	Train or Airplane	Traffic	Music	Quiet	Animal Party Atmosphere	

Person Receiving Call: _____

APPENDIX L

TORNADO PROCEDURES

Severe Weather Preparedness

Institutions must establish methods to ensure safety of students and personnel during severe weather.

General Information

- Tornadoes are most likely to occur in mid-afternoon, generally between 3 and 7 PM. Movement is generally from Southwest to Northeast.
- The length of the path ranges from 4 to 16 miles and the width is generally 300 to 400 yards. Speed ranges from 25 to 40 miles per hour with estimated speeds within the tornado of 500 miles per hour.
- The cloud associated with a tornado is a dark, heavy cumulonimbus (thunderstorm) from which a whirling funnel-shaped pendent extends to or near the ground.
- Precipitation usually occurs preceding the storm first as rain, frequently with hail, and as a heavy downpour immediately to the left of the tornado's path.
- The sound of a tornado has been described as a roaring, rushing noise, like the sound of a train going through a tunnel or over a trestle.

Definitions

Tornado Watch: A tornado warning is issued when the conditions are favorable for the formation of a tornado.

Tornado Warning: A tornado warning is issued when a tornado is actually sighted visually or by radar.

Communications

Communications of Tornado Warning to the campus community may be by (insert notification procedures (e.g., weather warning sirens, telephones, radio and television) and how residents of dorms / campus apartments will be notified).

Protection

1. Personnel and students should immediately seek shelter in the lowest levels of buildings on an interior hallway remaining clear of exterior windows and doors.
2. Immediately evacuate buildings without reinforced construction such as auditoriums, gymnasiums, and large rooms with wide free-span roofs.
3. If caught in open country, move away from the tornado's path at a right angle. If there is no time to escape, lie flat in the nearest depression, such as a ravine or ditch.

APPENDIX M

EARTHQUAKE PROCEDURES

Institutions must establish methods to ensure safety of students and personnel during severe weather, including earthquakes or tremors.

Before an Earthquake Occurs

1. Keep a flashlight and possibly a portable radio, both with fresh batteries, on hand.
2. Place large and heavy objects on lower shelves. Bottled goods, glass and other breakables should also not be stored in high places or left where they can freely slide on shelves.
3. Remove picture frames, mirrors and other heavy objects over the bed or desk.

During an Earthquake

1. First and foremost, stay calm. Think through the consequences of any action taken.
2. If outdoors, stay outdoors: if indoors, stay indoors. Most injuries during quakes occur as people are entering or leaving buildings.
3. If indoors, take cover under a heavy desk or table, in doorways or halls, or against inside walls. Stay away from glass.
4. If outdoors, move away from buildings and utility wires. The greatest danger comes from falling debris just outside of doorways or outer walls. Once in the open, stay there until shaking stops.
5. If in a moving car, stop as soon as possible, but stay in the car. A car may jiggle violently on its springs, but it is a good place to stay until the shaking stops. When driving on, watch for hazards created by the quake. Some of these hazards include fallen or falling objects, downed electrical wires, or broken or undermined roadways.

After an Earthquake

1. Be prepared for additional earthquake shocks called “after shocks.” Although most of these are smaller than the main shock, some may be large enough to cause additional damage.

2. Stay out of severely damaged buildings. After shocks can shake them down.
3. Check for injuries. Don't attempt to move seriously injured persons unless they are in immediate danger of further injury.
4. If water pipes are damaged, shut off the supply at the main valve. Emergency water may be drawn from water heaters, toilet tanks (not bowl) and melted ice.
5. Check to see that sewage lines are intact before using sanitary facilities.
6. If applicable, cut off the gas supply or contact the gas utility company.
7. Report the incident to institutional personnel.
8. Physical Plant will direct the clean up of debris.

APPENDIX N

BIOLOGICAL HAZARDS

Handling of Suspicious Letters/Packages and Chemical Spills

Institutions must establish methods to ensure safety of students and personnel in the event of a biological hazard. Contact 911.

1. Suspicious Letters / Packages

The following procedures constitute institutional response plans in the event of a possible “anthrax” type threat or incident.

THE DISPATCHER WILL:

- Obtain pertinent information about the location and status of the suspected item
- Note the location and ‘pop-up’ number indicated on the dispatch telephone ID display
- Obtain a complete description of the item
- Determine if the item has been opened
- Instruct the caller to refrain from opening or further handling of the item
- Instruct the caller to discuss the situation only with persons on a “need to know” basis
- Instruct the caller to cover the letter/package/powder with paper, article of clothing or trash can (unless the caller has already left the room where the item is)
- Instruct the caller to leave the room where the item is located, close the door, and allow nobody to enter the room until the first officer arrives
- Instruct the caller to limit his/her contacts with other persons to the greatest extent possible
- Advise a supervisor, office-in-charge, or first available officer that a suspicious report has been received and the name of the building where the item is located
- Advise the Chief of Campus Police or Local Law Enforcement Officer

THE FIRST RESPONDING OFFICER WILL:

- Go directly to the building involved and call the 911 dispatcher by phone
- Receive all pertinent information from the 911 dispatcher including whether or not the item has been opened
- Proceed to the area where the item is located, without entering the room if possible
- Ensure that the room/area where the device is located is secure (treat the area as a crime scene)
- Interview the caller to ascertain all pertinent information about the item

Make an initial determination concerning whether or not the item is a questionable, possible, or probable threat.

Questionable Threat

Item is suspicious but no reason to believe it is a biological threat

If the item is a Questionable Threat item:

- Secure the item by triple sealing in sealed evidence bags or trash bags, remove from the building, and transport to Police Department
- Upon arrival of the Police Department, the sealed item will be placed into a designated Questionable Threat container, and the container will be placed into the weapons closet

Possible Threat

If the item is a Possible Threat:

- Evacuate all persons out of the immediate area
- Turn off fans, air ventilators, and HVAC
- Obtain a list of the names of all persons who came into contact with the item or were in the presence of the item
- Allow exposed persons to wash with soap and water
- Await the arrival of a command level supervisor

Probable Threat

If the item is a Probable Threat:

- Evacuate all persons out of the building, establish a perimeter -Turn off fans, air ventilators, and HVAC
- Request response of Local Fire Department
- Keep persons exposed to the item at the scene, in a secure location
- Coordinate decontamination process with fire department personnel
- Two-way radios and cell phones will not be used within 1,500 feet of the suspected device! All personnel cease use of radios.

COMMAND LEVEL PERSONNEL WILL:

- Make a determination of the threat level
- Contact the Director of Public Safety
- Establish a command post if threat is Possible or Probable Threat
- Ensure that personnel decontamination process is completed
- Ensure that no person goes into the perimeter without adequate protection
- Contact the Local Police Department for Hazmat assistance
- Arrange for Transportation of evidence for analysis
- Maintain area until analysis determination is made
- Contact Health Department, TBI, FBI, etc. if analysis reveals biological threat

2. Chemical Spills

Hazardous chemicals are utilized on campus in various locations. Trains, tractor trailers and other vehicles that may be traveling on or near the campus may have hazardous chemicals that could threaten the environment of the campus as well.

The following steps will be followed in the event of a chemical or radiation spill:

- Any spillage of a hazardous material will be immediately reported to the appropriate, designated personnel (e.g., institutional law enforcement or physical plant)
- When reporting, be specific about the material involved and approximate quantities. Personnel will initiate the response of appropriate hazardous material response teams to clean-up the spill effectively.
- The site should be evacuated immediately and seal it off to prevent further contamination of other areas. **AT NO TIME SHOULD ANYONE RE-ENTER THE AREA THAT HAS BEEN EVACUATED.**
- If the evacuation is required, the person on site should activate the building alarm and follow standard evacuation routes that do not cross the area where the spill is located.

APPENDIX O

HOSTILE INTRUDER / VIOLENT PERSON

Gunshots Heard

Institutions must establish methods to manage the circumstances when a hostile intruder is on campus.

- If a Hostile Intruder / Violent Person is discovered on the campus, the individual making the discovery shall immediately contact the institutional police department or local law enforcement agency and provide as much information as possible. Do not approach the intruder or intervene. At a minimum, the individual should provide a description of the intruder and any specific characteristics (height, weight, hair color, race, and type and color of clothing) and type of weapon(s), if any.
- If gunshots are heard within a building, faculty/staff will close and lock or barricade their room doors, turn off the lights, and stay away from doors and windows. Faculty/staff should remain calm and keep students/others as quiet as possible. Faculty/staff will stay in the locked/barricaded room until informed by law enforcement officials that it is safe to leave. Faculty/staff may wish to use their cell phones to notify law enforcement of the situation. If gunshots are heard within a residence hall or student apartment complex, residents should close and lock their room doors, turn off the lights, and stay away from doors and windows.
- Under no circumstances should any attempts be made to evacuate the building, unless in the room or immediate area where the shots are being fired.
- Should the fire alarm sound, do not evacuate the building unless:
 - o First hand knowledge that there is a fire in the building exists,
 - o Law enforcement officials advise evacuation from the building, or
 - o Imminent danger exists.
- Office personnel in the affected building will close and secure their office areas and immediately call the institutional police department or local law enforcement.
- The institutional police department or local law enforcement will be stationed to ensure no one enters the building(s) until the area is determined to be safe.
- Only trained law enforcement personnel should attempt to perform a search of the building or area in which a hostile intruder is located.
- Law Enforcement Officials will provide notice when re-entry can be safely made.

APPENDIX P

TERRORIST ATTACK

Institutions must establish methods to protect the personnel and students in response to terrorist attacks.

Weapon of Mass Destruction – Definition

A weapon of mass destruction includes biological, chemical, incendiary, nuclear or highly explosive material and any combination thereof.

General Guidelines

Emergency action steps will depend upon the type of device and/or agent used and whether it is used on-campus, in a campus building, or off-campus. The institutional or local law enforcement should develop plans to respond to such situations with established lines of communication to appropriate civil authorities to obtain current information.

Action Steps for Initial Responders

1. Notify the institutional Police Department or local law enforcement authority and evacuate the area.
2. Avoid contamination by staying upwind of the hazard, away from the point of the release, and exposed individuals.
3. Do not touch or move any suspicious objects.
4. Minimize the use of cell phones.
5. Physical Plant / Facilities should determine if the use of ventilation systems should be suspended.
6. Affected individuals should quarantine themselves at a safe location, upwind of the hazard.
7. If a hazardous release occurs at the campus perimeter or off-campus, remain indoors until further instruction is given.

APPENDIX Q

FLOOD, SNOW, AND ICE

In addition to procedures that are established specifically for the response to actual or predicted flood, snow, and/or ice, the institution should adhere to the evacuation procedures outlined in its Emergency Response Plan to evacuate campus during a flood, snow, or ice storm, as necessary.

Snow, ice or flooding can make travel to and from campus hazardous. When the potential or conditions develop that would make travel to and from the campus hazardous, the following steps will be followed:

1. Institutional personnel will monitor the National Weather Service broadcasts and local reports and/or contact the Department of Transportation Road Condition Office. Upon receipt of information that would or has the potential to make travel hazardous, the appropriate administrators will initiate the notification of the Director of Public Safety, Chief of Police, or designee.
2. The appropriate administrators will contact the President and other members of the EMRT as directed.
3. The President or designee will determine if institutional operations are to be suspended. If they are to be suspended, the senior staff will be notified.
4. The appropriate notifications to the campus community will be initiated.
5. The appropriate administrators will initiate steps to secure the facilities and grounds, preventing entry to the campus under hazardous conditions.
6. Appropriate personnel will continue to monitor the weather conditions as well as conditions on campus.

APPENDIX R

HOSTAGE

Institutions must establish methods to respond to hostage situations on campus.

If taken hostage or witnessing another person being taken hostage or contained in a specific area:

1. Appear as calm as possible.
2. The initial 45 minutes are often the most dangerous. Follow instructions, be alert, and stay alive. Captors are emotionally disturbed: it is difficult to predict their response to a given situation.
3. Don't speak unless spoken to and then only when necessary. Don't talk down or attempt to rationalize with the captor.
4. Avoid appearing hostile.
5. Maintain eye contact with the captor at all times, if possible, but do not stare.
6. Do not make quick or sudden moves. Ask your captors before going to the bathroom, taking medication, or receiving first aid.
7. Be observant and try to remember as many details about the captors as possible. In the event of release or escape, the personal safety of others may depend on facts remembered about the situation.
8. Displaying some fear may work to one's advantage.
9. Be prepared for action in the event entry by police is made. Often they will shout instructions. Follow them immediately.

If not taken hostage:

1. Immediately evacuate the building, using the established evacuation route. Carefully avoid the attention of those taking hostages.
2. Take no action to intervene.
3. Call the appropriate law enforcement agency at 911. Provide as much accurate information as possible, if it is safe to do so, stay on the line with the dispatcher.

APPENDIX S

PROTESTS / DEMONSTRATIONS

Institutions must establish procedures to manage protests and demonstrations on campus.

Civil Disturbance or Demonstration

Most campus demonstrations such as marches, meetings, picketing and/or rallies will be peaceful and non-obstructive. Demonstrations in a designated “Free Speech” area, if one exists, will not be stopped unless one or more of the following conditions exist:

- a) INTERFERENCE with normal institutional operations,
- b) PREVENTION of access to offices, buildings, or other institutional facilities,
- c) THREAT of physical harm to persons or damage to institutional grounds or facilities.

If any of these conditions exist, immediately contact the institutional law enforcement or local law enforcement. Law Enforcement will make notifications depending on the nature of the demonstration; the appropriate procedures listed below should be followed:

1. Peaceful, Non-obstructive Demonstration

- a. Generally demonstrations of this kind will not be interrupted. The demonstrations will not be obstructed or provoked, and efforts should be made to continue normal operations.
- b. If demonstrators are asked to leave but refuse to leave by regular facility closing time(s):
 - i. Arrangements will be made by law enforcement to monitor the situation during non-business hours or
 - ii. Determination will be made to treat the violation of regular closing hours as a disruptive demonstration

2. Non-violent, Disruptive Demonstrations

In the event that a demonstration blocks access to facilities or interferes with operations:

- a. Demonstrators will be asked to terminate the disruptive activity.
- b. The appropriate administrator will have a photographer/videographer with him or her to document the proceedings.
- c. Key institutional personnel and student leaders may be asked to go to the areas to persuade the demonstrators to desist.
- d. An official will go to the area to ask the demonstrators to leave or to discontinue the disruptive activities.
- e. If the demonstrators persist in the disruptive activity, they will be advised that failure to discontinue within a determined length of time may result in disciplinary action, including suspension or expulsion or possible intervention

by the police. Except in extreme emergencies, the President / Director will be consulted before such actions are taken.

- f. Efforts should be made to secure positive identification, including photographs, of demonstrators in violation for later testimony.
- g. Legal Counsel will be consulted to determine the need for an injunction of civil authorities.
- h. If a court injunction is obtained, the demonstrators will be so informed. Those demonstrators who refuse to comply will be warned of the intention to arrest.

3. **Violent Disruptive Demonstrations**

In the event that a violent demonstration, one in which injury to persons or property occurs or appears imminent, the President / Director will be immediately notified.

a. During Regular Operational Hours

1. The appropriate senior administrator and necessary institutional or local police will be summoned to the scene.
2. Law enforcement will ensure sufficient officers are present to contain the violent/disruptive demonstrators.

b. After Regular Operational Hours (Be consistent with the use of capital letters.)

1. Institutional or local police should be immediately notified of the demonstration,
2. The appropriate official (s) will be notified to determine the following actions (only one is listed) to be taken: (This could be one sentence—The appropriate official(s) will be notified to determine which, if any, institutional official(s) shall respond to the scene.)
 - a. Determine which, if any, institutional official (s) shall respond to the scene.

The institutional police department / security officers should manage a violent protest. Any witnesses to violent, hostile or criminal behavior, should immediately contact the appropriate institutional or local law enforcement agency. In addition,

1. Leave the immediate area, whenever possible, and direct others to do so.
2. If the offender has weapons or is suspected of having weapons, take cover immediately using all available concealment. Close and lock doors, when possible, to separate everyone from any armed offender.

NOTE: Law enforcement will respond to the incident without counsel from others if an immediate response is of paramount importance to the safety and security of persons and/or property.

APPENDIX T

EXPLOSION, TRAIN OR AIRCRAFT CRASH ON OR NEAR CAMPUS

Institutions must implement procedures to respond to an explosion or aircraft crash on or near campus.

In the event an incident occurs involving the explosion or a downed aircraft on campus the following action will be taken:

1. Immediately take cover under tables, desks, and other objects for protection against falling glass or debris that may result from secondary explosions or facility damage.
2. Institutional police or local law enforcement should be notified as soon as possible.
3. If necessary, or when directed to do so, activate the building fire alarm.
CAUTION: THE BUILDING ALARM RINGS ONLY LOCALLY INSIDE THE BUILDING – REPORT THE EMERGENCY TO THE CAMPUS POLICE OR LOCAL POLICE AS SOON AS POSSIBLE.
4. Assist individuals with disabilities in exiting the building. Do not use the elevators in case of fire.
5. Once outside, move to a clear area that is at least 1,000 feet away from the affected area. Keep streets and walkways clear for emergency vehicles and crews.
6. If requested, assist emergency personnel as necessary.
7. Do not return to an affected area unless instructed to do so. Stay clear of the emergency area and/or affected buildings to reduce the chances of interference with responding emergency personnel.

APPENDIX U

EMERGENCY TELEPHONE NUMBERS

(INSERT CAMPUS POLICE / SAFETY DEPARTMENT NUMBER)

(INSERT NECESSARY* CITY EMERGENCY CONTACT NUMBERS)

(INSERT NECESSARY* COUNTY EMERGENCY CONTACT NUMBERS)

(LOCAL HOSPITALS / CLINICS)

(LOCAL RED CROSS OFFICE)

* Fire, police, ambulance / paramedics, animal control, poison control, etc.

TENNESSEE BOARD OF REGENTS

Central Office (615) 366-4400

STATE OF TENNESSEE

Division of Water Control

Central Office-Nashville..... (615) 741-2275

Highway Patrol

Nashville..... (615) 741-2069

Nashville..... (615) 741-0001

1-

800-262-3300

Tennessee Division of Occupational Safety and Health

Nashville..... (615) 741-2793

Southern Poison Control Center..... (800)-288-9999

Tennessee Emergency Management Association..... (615) 741-0640

National Weather Service (Nashville, TN Office).....(615) 754-4633

Tennessee Department of Public Health..... (615) 741-7305

TENNESSEE NATIONAL GUARD

If a determination is made that the Tennessee National Guard is needed on campus during the recovery, the President or Director will initiate their arrival by requesting the Chancellor to ask The Governor of Tennessee for the National Guard to be deployed to institution's campus or campuses.

APPENDIX V

BUILDING CONTACT TELEPHONE NUMBERS

(INSERT THE NAME AND OFFICE TELEPHONE NUMBER OF ANY DESIGNATED INSTITUTIONAL EMERGENCY CONTACT PERSONS FOR CAMPUS BUILDINGS)

APPENDIX W

LOCAL UTILITY COMPANY TELEPHONE NUMBERS

1. **GAS SERVICE** (insert telephone number of local gas service company)

_____ has the responsibility of turning off main gas lines. During an emergency, these gas lines will be closed off as quickly as possible, when necessary, to prevent fire. Disruption of service could be complicated by broken or damaged gas lines, in which case reinstating service would take longer.

2. **WATER SERVICE** (insert telephone number of local water service company)

_____ has the responsibility of turning off main water valves to the campus. Any campus swimming pools or ponds can be used as reserve water sources. It is not advisable to use these water sources for drinking water purposes because of the accumulation of salts and acids in pool water and unknown contaminants in the pond; however, these water sources can be used for bathing, fire fighting or sanitary needs.

3. **ELECTRICITY** (insert telephone number of local electricity service company)

During a power outage there (are or are not) emergency lights located strategically throughout the campus buildings. These battery-operated lights should operate a minimum of _____ two hours before beginning to lose power. _____ Electric System has (underground and/or above ground lines) running through the campus.

4. **SEWER / WASTE REMOVAL** (insert telephone number of local sewer / waste removal company)

APPENDIX X

EMERGENCY RESPONSE CAMPUS RESOURCES

1. FIRE FIGHTING EQUIPMENT

(Describe the location and type of campus fire fighting equipment (e.g, sprinklers, extinguishers, kitchen / cooking facility fire preventative equipment, dorm room sprinklers, etc.))

2. MEDICAL SERVICES

(Describe any on campus health services clinic, including the location, hours, and staff (e.g., nurse, doctor, etc.). Describe local clinics and hospitals. Describe how to access local paramedics.)

3. HOUSING PERSONNEL

(Describe the number of housing personnel (including full-time housing staff and student resident assistants. Describe their roles in emergency response services.)

4. PRINTS AND SITE MAPS OF CAMPUS FACILITIES

The prints of all campus facilities are stored at the _____.
The prints are in (insert the specific location of the blueprints – e.g., file cabinet, safe, etc.).

5. GENERATORS

(Describe all on campus generators and portable generators. Describe the specific location of the generators.)

6. EMERGENCY EQUIPMENT

Listed below are emergency equipment and their locations:

(List all emergency equipment – tents, fork lifts, jack hammers, torches, chainsaws, etc.)

PRESIDENTS/DIRECTORS QUARTERLY

DATE: February 4, 2008

AGENDA ITEM: Proposed Revisions to Policies and Guidelines under Business Affairs

ACTION: Approval

PRESENTER: Bob Adams

BACKGROUND INFORMATION: Proposed revisions to the following guidelines and policies are being presented for approval:

Policy 4:02:10:00 – Purchasing Policy and Procedures
Policy 4:03:03:00 – General Travel
Guideline G-030 – Contracts and Agreements

TENNESSEE BOARD OF REGENTS

Policy No. 4:02:10:00

SUBJECT: Purchasing Policy and Procedures

The following policy and procedures, Minimum General Bid Conditions (Attachment A), and Code of Ethics in Procurement and Contracting (Attachment B) are adopted as minimum standards for exercise by the TBR Central Office, Presidents of the institutions and Directors of the technology centers, governed by the Tennessee Board of Regents, of their delegated authority to purchase materials, supplies, equipment and services. Except as specifically provided in this policy or other TBR policies or guidelines, the authority of the Presidents and Technology Center Directors pursuant to these policies and procedures shall not include the purchase or lease of real property, purchase of data processing equipment over \$249,999.99, the purchase of insurance, or purchases for capital outlay projects from any fund source whatsoever. Goods and services may be procured without competitive bidding only if such purchases are justified in writing and approved by the Chancellor, President, or Director as required by TBR policies and guidelines. In cases where the TBR policies and procedures do not address a specific procedure for purchase of a particular item, the Department of General Services' rules and regulations will govern, if applicable. The Chancellor, President, Director, Chief Business Officer, or Chief Procurement Officer may delegate approval authority as specified in this policy to designees. Time periods specified in this policy shall be calculated by excluding the first day and including the last, unless the last day is a Saturday, a Sunday, or a legal holiday, and then it shall also be excluded.

I. COMPETITIVE BIDDING AND SPECIFICATIONS

All purchases shall be based upon the principle of competitive bidding except as herein provided. Required documentation related to competitive bidding shall be routed through the institution's procurement/contract office, prior to the purchase, to ensure compliance with applicable policies and guidelines. **Unless original signatures are otherwise required (e.g., easements, deeds and other real property documents), electronic procurement is permitted for formal procurements when the required rules and procedures are developed in accordance with TBR Guideline B-095, and TCA §12-3-704, which provides that state agencies shall not require small and minority owned businesses to receive or respond to invitations to bid/request for quotations or request for proposals, or other solicitations electronically.** Whenever possible, all specifications for materials, supplies, equipment and services shall be worded or designed so as to permit open and competitive bidding for the supplying of the article, commodities or services to which they apply. For all RFPs and

RFQs exceeding \$100,000, written certification from the author or committee that the specifications, to the best of their knowledge, are not proprietary shall be documented in the bid file. It is the responsibility of the procurement officer to ensure all competitive bidding is considered fair and open in a bid process. It will be considered open and competitive bidding by utilizing one of the following procurement techniques:

- A. Requests for Quotation (RFQ)/Invitation to Bid (ITB) – a competitive process soliciting bids from possible suppliers for a one-time procurement of product(s) and/or service(s).

Specifications based on brand names and product numbers - reference to brand names, trade names, model numbers or other descriptions peculiar to specific brand products is made to establish a required level of quality and functional capabilities; it is not intended to exclude other products of that level. Comparable products of other manufacturers will be considered if proof of comparability is contained in the bid. Vendors are required to notify the Chief Procurement Officer whenever specifications procedures are not perceived to be fair and open. All suggestions or objections shall be made in writing and received by the Chief Procurement Officer at least three (3) working days prior to the bid opening. It shall be the responsibility of the vendors, including vendors whose product is referenced, to furnish with the bid such specifications, catalog pages, brochures or other data as will provide an adequate basis for determining the quality and functional capabilities of the product offered. Failure to provide this data may be considered valid justification for rejection of a bid;

Specifications based on standard specifications;

Specifications based on qualified products list; or

Specifications based on catalogs, price lists, or price schedules.

For any contract that results from an RFQ or ITB, Institutions are not permitted to change the scope of the service(s) once a contract is awarded. (Department of General Services Purchasing Division, Agency Purchasing Procedures Manual, Revision Twelve, Approved by the Board of Standards, January 30, 2007).

- B. Requests for Proposals (RFP) – a competitive process in which bids are solicited from possible suppliers, with a source or sources of supply established for a specified period of time at agreed upon

unit pricing for goods and/or services.

1. Request for Proposal – Under \$25,000, sealed bid with cost and technical proposal submitted as one document (under \$25,000 does not require sealed bids; can be written, telephone or electronic as provided in Section IV.B).
2. Request for Proposal – \$25,000 and over, sealed bid with separate sealed technical and cost proposals which must be submitted at the same time. Acceptability of technical offers shall be determined by an evaluation team selected by the president or designee. Members of the evaluation team should be adequate and appropriate to the scope and nature of the RFP. All technical offers shall be evaluated based on the criteria of the RFP and other information learned during the technical evaluation process. Any technical offer submitted which contains pricing information shall be rejected. Technical offers not deemed acceptable will not proceed to the pricing phase. Cost proposals shall not be opened if the associated technical proposal has been deemed non-responsive and is rejected by the institution. Technical and cost proposals shall not be made public until the inspection period following the evaluation of the cost proposals; or
3. Additional Procedures for Multi-step Sealed Bidding – the use of a multi-step sealed bidding process is required in the bidding process for the procurement of products and/or services when it is not practical to prepare initially definitive specifications.

Multi-step sealed bidding is a two-phase process consisting of a technical first phase composed of one or more steps in which proposers submit unpriced technical offers to be evaluated and a second phase in which those proposers whose technical offers are determined to be responsive during the first phase have their price proposals considered.

For any contract that results from an RFP, Institutions are not permitted to change the scope of the service(s) once a contract is awarded. (Department of General Services Purchasing Division, Agency Purchasing Procedures Manual, Revision Twelve, Approved by the Board of Standards, January 30, 2007).

VI. ACCEPTANCE OF BIDS / NO RIGHTS CREATED

Notwithstanding any provision contained herein or in any solicitation document, submission of a bid or a proposal shall not create rights, interests or claims of entitlement in any bidder or proposer, including the successful bidder or proposer. Notwithstanding any action or agreement to the contrary, no such right, interest, or claim shall exist unless and until a purchase order has been issued or a contract is fully executed.

For RFPs and applicable RFQs, a notice of intent to award shall be sent to all proposers containing, at a minimum, the content provided by the TBR Central Office.

All bids shall be subject to rejection by the Chancellor, President, or Director. If awarded, the contract for purchase shall be awarded to the lowest qualified and responsible bidder, taking into consideration quantifiable factors including but not limited to the apparent ability of the bidder to perform the proposed contract, the conformity of the articles or services to the specifications, any discount allowed for prompt payment or for any other reason, transportation charges, and the date of delivery specified in the RFP/RFQ.

A bond for the faithful performance of any contract may be required at the discretion of the institution or technology center.

A complete written record on all procedures and justifications shall be maintained on each procurement transaction in order to provide a clear audit trail on the purchase.

Bids must be received in the specified location on or before the date and hour designated for bid opening. All bids received must be date and time stamped to show compliance with the designated opening date and time. Late bids will not be considered in contract award.

All RFQs received shall be publicly opened and examined by a designated institutional representative at the time and place specified in the RFQ. Whenever sealed bidding is utilized, bidders shall have no less than five (5) working days after the opening before a purchase order/contract may be awarded.

All RFQs/RFPs conforming to the RFQ/RFP specifications, together with the name of the bidders, shall be recorded. Only after the completion of evaluation shall the complete procurement files become a matter of public record and open to public inspection.

Each bid should give the full name and business address of the bidder; if the vendor is a corporation, the name shall be stated as it is in the corporate charter. Each bid must be signed in ink by the vendor's authorized agent. Unsigned bids will be rejected. The person signing the bid must show his title, and if requested by the institution or technology center, must furnish satisfactory proof of his or her authority to bind his or her company in contract. Bids must be typewritten or in ink; otherwise they may not be considered. However, institutions may conduct informal procurement electronically, and if the institution requests or permits electronic bidding, no bidder's signature shall be required. TCA § 12-3-704. **Unless original signatures are otherwise required (e.g., easements, deeds and other real property documents), electronic procurement is permitted for formal procurements when the required rules and procedures are developed in accordance with TBR Guideline B-095,. and TCA §12-3-704, which provides that state agencies shall not require small and minority owned businesses to receive or respond to invitations to bid/request for quotations or request for proposals, or other solicitations electronically. A purchase order, if applicable, will be issued to the firm name appearing on the bid.**

When more than one item is specified in the RFQ/RFP, the institution may provide in the RFQ/RFP that the institution shall have the right to determine the low vendor(s) either on the basis of each individual item, a group of items, or the total of all items.

Alternate bids will not be considered unless specifically called for in the bid.

All material, supplies, and equipment offered and furnished must be new unless the RFQ/RFP specifically permits offers of used, remanufactured, or reconditioned items. RFQs/RFPs which specifically permit offers of used, remanufactured, or reconditioned items shall require a warranty; however, the Chancellor, President, or Director shall have the authority to waive this requirement.

SUBJECT: General Travel

The following policy applies to the travel of all employees of the institutions and Tennessee Technology Centers governed by the Tennessee Board of Regents, as well as members of the Board staff, in the performance of their official duties. Provisions of this policy also may apply to individuals other than employees who are authorized to travel at institutional, school, or Board expense. Specific provisions of the policy also address the travel of Board members, pursuant to Tennessee Code Annotated 4-3-1008. Authorization for travel will not be granted and expenses will not be reimbursed unless the travel is made and reimbursement claimed in accordance with this policy and any approved exceptions hereto. Procurement cards may be used for the payment of registration fees and required advance payments for airline or hotel payments. Procurement cards may not be used for expenses incurred during actual travel time **except in instances of team/group travel.**

This policy and specific reimbursement rates for travel expenses allowed under this policy shall be consistent with those of the Comprehensive Travel Regulations of the State of Tennessee. Exceptions which may be deemed necessary and approved by the Board shall be submitted for consideration by appropriate State officials. Current reimbursement rates shall be issued by the Chancellor as an addendum to this policy.

I. Contents

- I. Contents
- II. General Provisions
- III. Authorization of Travel
- IV. Transportation
- V. Lodging
- VI. Meals
- VII. Miscellaneous Expenses
- VIII. Claims
- IX. Travel Advances
- X. Corporate Card
- XI. Exceptions
- Addendum

II. General Provisions

1. No authorization for travel by any employee shall be granted, and no reimbursement for travel expenses shall be made, except in accordance with the provisions of these policies and procedures. Reimbursement for travel expenses shall be limited to expenses incurred upon travel authorized in advance in accordance with Section III.

G-030
Section 1

GENERAL INSTRUCTIONS ON FORM AND EXECUTION OF CONTRACTS

- I. Approval Required. In general, the President of an institution or the Vice Chancellor for the Tennessee Technology Centers or designee is the final approving authority within the system for any contract which is prepared consistent with this guideline; except that the approval of the Chancellor or designee shall be required for i.) contracts, including grant agreements, which do not conform to this guideline, ii.) dual services agreements in which the Tennessee Board of Regents ("TBR") Central Office is the vending or procuring party, iii.) certain real property agreements (as provided in other policies and guidelines), iv.) any agreement required to be approved by the Chancellor under TBR Policy 1:03:02:10 Section 6, v.) the primary operating agreement between an institution and its foundation and any other agreement between the institution and its foundation which does not conform to the requirements of this guideline, vi.) banking and other financial services agreements required by the vendor which do not conform to the requirements of this guideline, and vii) any other agreement, including purchase orders, for more than \$249,999.99 in annual revenue or expense (Renewals of such agreements do not require approval at the Central Office if no substantive changes have been made; in addition, purchase orders issued pursuant to purchase orders and/or contracts which have already received approval by the Central office do not require additional submission to the Central Office); however, grants which conform to the requirements of this guideline do not have to be approved at the Central Office.

Agreements must be processed in compliance with applicable legislative fiscal review requirements, as they may be amended from time to time.

Articulation agreements should be developed in compliance with instructions or guidance from the Central Office, Office of Academic Affairs.

~~The President or Director of the institution must sign contracts required to be submitted to the Central Office. If the President or Director's signature has been omitted from the contracts prepared and delivered to the Central Office, such contracts may be returned to the campus.~~

Generally, it is the responsibility of the institution to negotiate with the other party to bring an agreement into conformity with this guideline

and determine that the terms are acceptable to the vendor before the agreement is sent to the Central Office for approval.

Each institution and technology center shall maintain a written contracts manual (may be in electronic format) which sets forth any procedures of the institution or technology center which are in addition to and necessary to comply with this guideline.

- A. The purpose of a written contract is to embody the complete agreement in writing. Whether the document is called an agreement, contract, memorandum of agreement (or memorandum of understanding), or purchase order (see TBR Policy 4:02:10:00), it is subject to the requirements of this guideline. No relevant terms should be left to an unwritten "understanding" or verbal agreement; no oral representation of any official agent, or employee of either party, either before or after the execution of an agreement is binding on the parties. The document should be explicit and clearly state the rights and duties of each party and clearly identify all parties.
- B. All relevant documents should be incorporated by reference, with the order of interpretation clearly set forth.
- C. Amendments and addenda to existing contracts shall clearly state the additions, deletions and modifications to the contract, including a statement as to whether the new terms are in place of or in addition to terms expressed in the original contract. The Institution shall negotiate the terms, draft the amendments and/or addenda, execute them properly, then forward them to the Central Office for approval, if required, along with a copy of the original agreement and any prior amendment or addendum. If a signature from the Central Office is required before the other party and/or the institution have signed an agreement, the institution should include an explanation on the Contract Summary Sheet.
- D. All necessary signature approval lines should be prepared by the institution, including that for the TBR.
 - 1. If the other party or contractor is a corporation, its name must be stated in the contract exactly as it appears in its charter. The person signing on behalf of the corporation must have legal authority to do so, and his/her title/position should be shown on the signature page. If the other party is a state agency, signature approval lines are necessary for the Department Commissioner or official of equivalent rank.

2. The President/Director or designee must sign all institution contracts that do not require Central Office approval.
3. The President/Director or designee must sign all institution contracts **required to be submitted to the Central Office. If the President/Director or designee's signature has been omitted from contracts prepared and delivered to the Central Office, such contracts may be returned to the institution.**
4. When approval by the Chancellor is not required, that signature blank should be marked "not applicable" or should be deleted.

E. Other Approvals Which May be Required

All inter-agency agreements (with other Tennessee state agencies; does not apply to agreements with other TBR schools or UT), including dual service agreements for over \$1,500.00, with other state agencies must be approved by the Commissioner of the Department of Finance and Administration. Only Dual Service Agreements in which the Central Office is the vending or procuring party or which do not comply with the requirements of this guideline are required to be submitted to the Central Office.

- F. Institutions should prepare a sufficient number of originals of all contracts as desired/required by the parties and an original for the Central Office if Central Office approval is required. Each of the originals of the contract shall bear the original signatures of the parties.

- G. **For contracts which do not require Central Office approval and for which the other party is agreeable to the use of electronic signatures, Institutions may use electronic signatures as permitted under Guideline B-095 and the Institution rules and procedures which have been adopted pursuant to B-095.**

- H. All contracts required to be submitted to the Central Office should be submitted prior to the beginning of the contract's original term or renewal.

All contracts from the technology centers which require Central Office approval shall be first submitted to the Office of the Vice Chancellor for Tennessee Technology Centers.

I. A contract cannot be extended or amended after the original term has expired. Deleted: H

J. A Contract Summary Sheet as well as all relevant attachments must accompany all agreements submitted to the Central Office for review. Contract Summary Sheets must be signed by an institution official verifying purchasing compliance, and a justification of non-competitive purchase form must be completed, if applicable. Deleted: I

K. Agreements containing blank spaces or omitting required contract provisions will be returned to the institution for correction and must be resubmitted to the Central Office for approval. Deleted: J

L. Food and Vending Services Contracts Deleted: K

Section 3 of this guideline and bidding requirements outlined in Guideline B-030 for the Acquisition of Hardware, Software and Related Services should be used, when applicable, for food and vending services contracts.

Note that State law prohibits an institution from establishing a vending contract for new or existing vending facilities, nor may the institution perform these services itself, without first notifying the Division of Blind Services for the State of Tennessee.

M. Telephone Systems Deleted: L

Guideline B-030 for Acquisition of Hardware, Software and related services should be adapted and used when applicable for telephone systems and services contracts.

N. Real property lease agreements are covered by separate procedures found in Guidelines B-025 and B-026. Deleted: M

II. Required Contract Provisions. Whenever possible, one of the form contracts in the following sections of this guideline should be followed in order to assure that an agreement conforms to the requirements of TBR policy and this guideline.

A. Purpose/Duties/**Scope**

Every contract must contain language regarding its purpose and the duties of the parties. **For any contract that results from an RFQ or ITB, Institutions are not permitted to change the scope of the service(s) once a contract is awarded. (Department of General Services Purchasing Division, Agency Purchasing**

Procedures Manual Revision Twelve, Approved by the Board of Standards January 30, 2007.

B. Term of Agreement

“Contract Term - A contract shall be entered into for a period or contract term sufficient to adequately accomplish the state’s procurement objectives, provided that the contract contains appropriate termination provisions for performance failures, funding changes, and state convenience. However, no contract term shall exceed sixty (60) months.” Finance and Administration Regulations, Chapter 0620-3-3 and General Services Regulations, Chapter, 0690-3-1-03.

Section 7
CONTRACTS FOR ACQUISITION OF HARDWARE, SOFTWARE
AND RELATED SERVICES

I. SCOPE

This guideline applies to purchases, rentals, leases, licenses, trades or gifts of computer hardware (equipment) and software or related services for data processing or audio visual purposes and music performance license agreements. Acquisition of computer systems involving the purchase of hardware with the development of application software shall be made in accordance with ~~TBR Guideline B-030, Acquisition of Data Processing Equipment/Software/Services, and Guideline B-035, Procedures for Multi-Step Sealed Bidding~~ **this guideline.**

PRESIDENTS/DIRECTORS QUARTERLY

DATE: February 4, 2008

AGENDA ITEM: **Proposed revisions to TBR HR Policies and Guidelines**

ACTION: Requires Vote

PRESENTER: Vice Chancellor Bob Adams

BACKGROUND INFORMATION:

The proposed revisions have been reviewed and are recommended for approval by the Human Resources Officers Committee and the Business Officers Sub-Council.

Policy 2:02:10:01 Nondiscrimination on the Basis of Sex in Education Programs and Activities

Proposed revision The substantive proposed revision to the policy provides that when employees or students have complaints of unlawful discrimination or harassment, the complaints will be processed as set out in Guideline P-080.

Policy 5:01:01:04 Military Leave

Proposed revision The proposed revision to the policy reflects a statutory provision increase from 15 to 20 days. Also the payroll procedures are referenced in the policy.

Policy 5:01:01:15 Transfer of Sick Leave between Employees

Proposed revision: The proposed revision to the policy will be to remove the word “consecutive” in relationship to the twenty (20) day eligibility. The twenty (20) days have been consistently used on an intermittent basis among the all TBR institutions.

Policy 5:01:01:17 Disaster Relief Service Leave

Proposed revision The proposed revision includes the removal of language from the policy. The following language will be removed: “New employees who are certified with the American Red Cross at the time of hire must register with the Office of Human Resources during the orientation process. Employees who

become certified after employment must register with the Office of Human Resources within 30 days of certification”.

Policy 5:01:02:00 Equal Employment Opportunity, Affirmative Action, Discrimination and Nepotism

Proposed revision The proposed revision to the policy will add references to Guideline P-080 with regard to the handling of complaints of unlawful discrimination or harassment.

Policy 5:02:05:00 Employment of Graduate Assistants

Proposed Revision The proposed revision to the policy reflects a statutory provision. The revision prohibits the hiring of students in victims were minors if the institution’s campus includes or is within 1000 feet of a school, child daycare or similar facility.

Guideline P-080 Racial and Sexual Harassment

Proposed revision The proposed revisions broaden the scope of this guideline to include not just allegations of sexual or racial harassment, but all forms of unlawful discrimination or harassment. The general statement was similarly broadened to reflect this revision. Sexual orientation/gender identity was added as a basis upon which allegations of discrimination or harassment will be investigated. A short definition of discrimination was added. It was made clear that allegations of retaliation would be investigated pursuant to this procedure. If the respondent is found to have violated the guideline and a hearing option is available, a burden of proof which the complainant must meet, a preponderance of the evidence, is specified. But for the investigation of allegations of sexual harassment which must conclude within 20 working days of receipt of the complaint, all other investigations are required to be completed within a reasonable time days of receipt of the complaint. The recommended title change is “Discrimination and Harassment- Complaint and Investigation Procedure.

Guideline P-110 Employee Grievance/Compliant

Proposed revision The primary revision concerns the removal of one of the basis allowed for the filing of a grievance: a violation of state or federal discrimination statutes where the adverse action is based solely on

a protected status. Grievances based on such a violation shall be filed pursuant to the procedure outlined in Guideline P-080. Institutions must still have their own more specific processes and the revisions mandate such things as that the institutional processes require grievances and complaints to be in writing, that a time limit for accepting them be set and that the person or office where such should be filed be specified. A burden of proof which the employee must meet, a preponderance of the evidence, is also specified. The proposed revisions also seek to reformat the guideline to more clearly delineate the grievance process and the complaint process, to correct any typographical errors, and to provide consistency in the use of terminology. The definition of employee is revised to include all categories of employees who receive benefits.

Guideline P-111 Support Staff Grievance

Proposed revision The revision states that the grievance panel and hearing will be governed by the procedures specified in Guideline P-110 and any corresponding institutional policy for the hearing of grievances.

Guideline P-061 Formation and Operation of Non-Faculty Sick Leave Banks

Proposed revision The primary revision is to remove the word “consecutive” as it relates to days of eligibility. The twenty (20) days are allowed to be used intermittently by all TBR institutions.

POLICY 2:02:10:01

SUBJECT: Nondiscrimination on the Basis of Sex in Education Programs and Activities

A. Introduction

It is the intent of the Tennessee Board of Regents that the institutions and Tennessee Technology Centers under its jurisdiction shall fully comply with Title IX of the Education Amendments of 1972, Sections 799A and 845 of the Public Health Service Act and Regulations issued pursuant thereto (45 C.F.R. Parts 83 and 86). The following policy and procedures are adopted by the Board to assist the institutions and technology centers in such compliance.

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B. Policy

It is the policy of the Tennessee Board of Regents that, pursuant to Title IX of the Education Amendments of 1972, Sections 799A and 845 of the Public Health Service Act, and Regulations adopted pursuant thereto, no institution or technology center shall discriminate on the basis of sex in the education programs or activities of the institution or technology center, including health-related training programs. Institutions and technology centers shall ensure that equal opportunity and nondiscrimination exist on the basis of sex for students in all education programs and activities, including but not limited to, the following: (1) recruitment and admission; (2) academic, extracurricular, research, occupational training, health-related training, and other education programs; (3) rules on student life activities; (4) housing; (5) facilities; (6) access to course offerings; (7) counseling; (8) financial assistance; (9) employment assistance; (10) health and insurance benefits and services; (11) rules on marital or parental status; and (12) athletics. In addition, in conjunction with Board Policy No. 5:01:02:00, each institution and technology center shall ensure that no person, on the basis of sex, is excluded from participation in, denied the benefits of, or subjected to discrimination in employment under any education program or activity. Nondiscrimination in employment on the basis of sex shall include, but not be limited to, the following areas: (1) employment criteria; (2) recruitment and hiring; (3) promotion, tenure, demotion, transfer, layoff, termination, nepotism policies, and rehiring; (4) compensation; (5) job assignments, classifications, and descriptions, lines of progression and seniority lists; (6) leave; (7) fringe benefits; and (8) all other terms, conditions, and privileges of employment.

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C. Procedures

1. Designation of Responsible Employee. Each institution and technology center shall designate at least one employee who will coordinate the efforts of the institution or technology center to comply with the Acts and the Regulations. The designated employee or employees should have sufficient time and ability to evaluate the compliance efforts of the institution technology center, coordinate such efforts, and investigate complaints by employees or students arising under the Acts and the Regulations. The names of the

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designated employee or employees of each institution and technology center should be submitted to the Chancellor.

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2. Complaint Procedures. Students and employees shall utilize the complaint and investigation procedure set forth in TBR Guideline P-080 Discrimination and Harassment – Complaint and Investigation Procedure (or the institution’s corresponding policy) when filing complaints arising under the Acts or the Regulations.

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Deleted: Each institution and school shall submit to the Chancellor proposed grievance procedures which will ensure prompt and equitable resolution of student and employee complaints arising under the Acts or the Regulations.

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3. Statement and Dissemination of Policy. (a) Each institution and technology center shall designate a policy statement reaffirming the fact that it does not discriminate on the basis of sex in the educational programs or activities which it operates and that it is required by Title IX of the Educational Amendments of 1972, Sections 799A and 845 of the Public Health Service Act, and 45 C.F.R. Parts 83 and 86 not to discriminate in employment in or admission to education programs or activities. The policy statement shall include the name and address of the employee or employees designated pursuant to Item 1, to whom inquiries concerning the application of the above Acts or the Regulations adopted pursuant thereto may be directed and (b) each institution and technology center shall adopt specific and continuing measures whereby applicants for admission and employment, students, employees, and sources of referral of applicants for admission and employment will be notified of the policy adopted pursuant to section (a) of this item. The policy statement adopted pursuant to section (a) of this item shall be published in the following publications: (1) local newspapers; (2) newspapers and magazines operated by the institution or technology center or by student or alumni groups; and (3) memoranda or written communications to every student and employee of the institution or technology center.

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In addition, each institution and technology center shall include the policy statement in each announcement, bulletin, catalog, and application form which it makes available to any person herein described, or which is used in connection with the recruitment of students or employees.

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4. Self-Evaluation. Each institution and technology center shall submit to the Chancellor a written self-evaluation of its current policies and practices and the effects thereof concerning admission and treatment of students, and employment of academic and non-academic personnel working in connection with the institution's or technology center's education programs and activities. Each institution and technology center shall modify any policies and practices which do not meet the requirements of Title IX, the Public Health Service Act, or the Regulations issued pursuant thereto, shall take appropriate remedial steps to eliminate the effects of any discrimination which resulted from such policies and practices, and shall recommend to the Chancellor amendment of any state legislation which inhibits compliance with Title IX, the Public Health Service Act, and the Regulations issued pursuant thereto.

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D. Sexual Harassment

It is the policy of the Tennessee Board of Regents that pursuant to Title IX of the Education Amendments of 1972 and regulations adopted pursuant thereto, no institution or ~~technology center~~ shall condone sexual harassment of students, applicants for employment or employees and each institution and ~~technology center~~ shall affirmatively address all allegations of sexual harassment. Compliance with this policy shall be effectuated through procedures established in accordance with Section C.2 of this policy and guidelines issued by the Chancellor.

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Source: TBR Meetings, October 17, 1975; September 30, 1983; December 14, 1984

POLICY 5:01:01:04

Military Leave

All employees who are members of any reserve component of the armed forces of the United States or of the Tennessee National Guard shall be entitled to a leave of absence from their duties for all periods of military service during which they are engaged in the performance of duty or training in the service of this State, or of the United States, under competent orders as stipulated in U.S.C. Title 38, § 4311-4318 and T.C.A. § 8-33-101 through 8-33-109 and 58-1-106.

An employee or applicant for employment, who performs, applies to perform, or has an obligation to serve in a uniformed service shall not, on that basis, be denied employment or reemployment or be discriminated or retaliated against for such service or application for service in any manner.

I. Definitions

A. "Military Duty" means (i) training and service performed by an inductee, enlistee, or reservist or any entrant into a temporary component of the armed forces for the United States; and (ii) time spent in reporting for and returning from such training and service, or if a rejection occurs, from the place of reporting for such training and service. "Military Duty" also includes active duty training as a reservist in the armed forces of the United States or as a member of the national guard of the United States when the call is for training only.

II. Military Leave with Pay

A. Each employee who is on military leave shall be paid his or her salary or compensation for a period, or periods, not ~~exceeding twenty fifteen~~ ~~20(15)~~ working days in any one (1) calendar year.

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B. Holidays and scheduled off duty days do not count toward the ~~twenty fifteen (15)~~ ~~20~~ workdays allowed.

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C. During the ~~15~~ ~~20~~ day period the employee continues to earn regular pay, service credit, and applicable annual and/or sick leave accruals. All other rights and benefits continue to which the employee is otherwise entitled.

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D. A regular employee who has exhausted the ~~15~~ ~~20~~ days of paid leave in any one calendar year may elect to use accrued annual leave. In addition, a regular employee may use accrued sick leave if the employee provides proof to the president/director/chancellor or his/her designee that he/she was sick while serving in the armed forces.

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E. An employee on terminal leave is entitled to use his/her ~~twenty fifteen (15)~~ ~~20~~ days of paid military leave with no loss of rights or benefits to which the employee is otherwise

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entitled.

F. Employees must furnish certification from competent military authority of the dates active duty was actually performed.

G. Longevity credit will not be affected.

H. Employees are entitled to additional paid leave if called to active duty pursuant to T.C.A. § 58-1-106

III. Military Leave with Partial Pay

A. Military Leave with Partial Pay shall be granted to all employees who are called to active duty by the President of the United States or under the authority of a Governor as members of the Reserve or National Guard as provided by applicable Tennessee Executive Orders.

B. Partial pay shall be the difference between the employee's regular state salary and the employee's fulltime military salary.

C. Affected employees shall remain state employees while on such active duty for the purpose of (a) accruing sick leave, (b) accruing annual leave, (c) accruing longevity pay which shall continue to be paid to the employee annually, and (d) accruing retirement time. Earnable compensation and retirement benefits shall be not increased or decreased by any partial payment made pursuant to this section. The period of absence while on military duty shall count toward the minimum twelve (12) months and 1,250 hours required that an employee work for eligibility for leave under the Family Medical Leave Act.

Current Executive Orders 4, 9, 12, 17, 20, 26 and 40 relating to Military Leave with Partial Pay can be found at: www.state.tn.us/sos/pub/execorders/index

IV. Military Leave Without Pay

A. Military leave without pay shall be granted to all employees for periods of active duty or training activity with the armed forces of the United States, its reserve components or the Tennessee National Guard for periods beyond the ~~twenty fifteen (15)~~ 20 days of paid leave in a calendar year.

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B. Military leave without pay shall be granted to employees voluntarily entering the regular components of the Armed Forces of the United States.

C. During a period of unpaid military leave, a regular employee retains all accumulated annual and/or sick leave.

D. Longevity credit will not be affected.

V. Reemployment rights

A. With exceptions noted in the regulations, an employee may perform service in the uniformed services for a cumulative period of up to five (5) years and retain reemployment rights. (20 C.F.R. 1002.99 – 1002.103)

B. An employee leaving for military service must give his/her employer advance notice of his/her intent to leave the employment position for uniformed service unless giving such notice is prevented by military necessity or is otherwise impossible or unreasonable under all the circumstances. The notice may be either verbal or written, may be informal, and does not need to follow any particular format. (20 C.F.R. 1002.85 – 1002.86)

C. An employee leaving for military service cannot be required to decide at that time whether he/she intends to return to that employer but may defer that decision until after completing the period of service. An employee who indicates intent not to seek reemployment following military service may change his/her mind and not forfeit reemployment rights. (20 C.F.R. 1002.88)

D. Reemployment must occur promptly, no later than within two weeks of the employee's application for reemployment.

E. An employee on military leave of absence who is relieved or discharged from military duty under circumstances other than dishonorable shall be entitled to reemployment rights as follows:

1. if the employee served **less than 31 days**, or was absent for a period of any length for the purpose of an examination to determine his or her fitness to perform service, the employee must report back to the employer not later than the beginning of the first full regularly-scheduled work period on the first full calendar day following the completion of the period of service, and the expiration of eight (8) hours after a period allowing for safe transportation from the place of that service to the employee's residence. For example, if the employee completes a period of service and travel home, arriving at ten o'clock in the evening, he or she cannot be required to report to the employer until the beginning of the next full regularly-scheduled work period that begins at least eight hours after arriving home, i.e., no earlier than six o'clock the next morning. If it is impossible or unreasonable for the employee to report within such time period through no fault of his or her own, he or she must report to the employer as soon as possible after the expiration of the eight-hour period.

2. if the employee served between **31 and 180 days** and makes an oral or written request for reemployment **no more than 14 days** after completing service.

3. if the employee served **more than 180 days** and makes an oral or written request for reemployment **no more than 90 days** after completing service.

Source: Uniformed Services Employment and Reemployment Rights Act (USERRA) of

1994, amended 1/18/06 (20 C.F.R. 1102.115)

F. An injured employee must comply with the notification procedures determined by the length of service, after the time period required for the person's recovery. The recovery period **may not exceed two (2) years** unless circumstances beyond the person's control make notification within the two-year period impossible or unreasonable. (20 C.F.R. 1002.116)

G. An employee who fails to report or apply for reemployment within the timeframes described above does not automatically forfeit entitlement to reemployment, but will be subject to the System's policy regarding unauthorized absence from work. (20 C.F.R. 1002.117)

H. The president/director/Chancellor or his/her designee may request that employees applying for reemployment submit documentation to substantiate that:

1. the employee's application is timely; and
2. the employee's entitlement to reemployment has not been terminated due to dishonorable or bad conduct discharges
3. the employee has been fully discharged to return to employment

I. If the employee fails to provide requested documentation,

1. it shall not be a basis for denying reemployment if the documentation does not exist or is not readily available at the time requested by the employer;
2. the employer may terminate the employee and any rights or benefits provided under this policy should documentation become available that establishes the employee does not meet one or more of the requirements in Section V.D above.

VI. Reemployment to Position

A. An employee who was released under conditions other than dishonorable shall be eligible for reemployment as follows:

1. As a general rule, the employee is entitled to reemployment in the job position that he or she would have attained with reasonable certainty if not for the absence due to uniformed service. This position is known as the escalator position. (20 C.F.R. 1002.191)
2. Once the escalator position is determined, other factors and elements may have to be considered to determine the appropriate reemployment position. This may include the employee's length of service, qualifications, and disability, if any, as well as seniority, status, and rate of pay that the employee would ordinarily have attained in that position given his or her job history, including prospects for future earnings and advancement. (20 C.F.R. 1002.192-193)
3. If an opportunity for promotion or eligibility for promotion requiring a skills test

was missed, the employee will receive a reasonable amount of time to adjust to the employment position prior to the skills test being administered. (20 C.F.R. 1002.192-193)

4. The USERRA does not prohibit lawful adverse job consequences that result from the employee's restoration on the seniority ladder. (20 C.F.R. 1002.194)
5. If the employee's period of service was **less than 91 days**, the employee is reemployed in the escalator position. If the employee is not qualified for the escalator position, and after reasonable efforts by the employer, remains not qualified, the employee will be employed in the position he or she was employed on the date that the period of service began. If the employee is not qualified to perform either the escalator position or the pre-service position, after reasonable efforts by the employer, the employee will be reemployed in any other position that is the nearest approximation first to the escalator position, and then to the pre-service position. In all instances, the employee must be qualified to perform the duties of this position and the employer must make reasonable efforts to help the employee become qualified to perform the duties of the position (20 C.F.R. 1002.196)
6. If the employee's period of service was **more than 91 days**, the employee is reemployed in the escalator position, or a like position. If the employee is not qualified for the escalator position or the like position, and after reasonable efforts by the employer, remains not qualified, the employee will be employed in the position he or she was employed on the date that the period of service began, or a like position. If the employee is not qualified for any of the above referenced positions, the employee will be reemployed in any other position that is the nearest approximation first to the escalator position, and then to the pre-service position. In all instances, the employee must be qualified to perform the duties of this position and the employer must make reasonable efforts to help the employee become qualified to perform the duties of the position (20 C.F.R. 1002.197)
7. Efforts required of the employer to help the employee become qualified for the reemployment position(s) must be reasonable. TBR is not required to reemploy an employee upon his or her return from service if he or she cannot qualify for the appropriate reemployment position. If the employee cannot become qualified for the escalator position, the employee must be reemployed in a position of equivalent seniority, status and pay that the employee is qualified to perform or could reasonably become qualified to perform. If no such position exists, the employee must be placed in a job that is similar in terms of seniority, status and pay consistent with the employee's circumstances.

(a) "Qualified" means that the employee has the ability to perform the essential tasks of the position. The employee's inability to perform one or more non-essential tasks of a position does not make him or her unqualified.

(b) Whether a task is essential depends on several factors, and these factors include but are not limited to:

- (i) The employer's judgment as to which functions are essential;

- (ii) Written job descriptions developed before the hiring process begins;
- (iii) The amount of time on the job spent performing the function;
- (iv) The consequences of not requiring the individual to perform the function;
- (v) The terms of a collective bargaining agreement;
- (vi) The work experience of past incumbents in the job; and/or
- (vii) The current work experience of incumbents in similar jobs.

(c) Only after the employer makes reasonable efforts, as defined in (20 C.F.R. 1002.5(i)), may it determine that the employee is not qualified for the reemployment position. These reasonable efforts will be made at no cost to the employee. Source: 20 C.F.R. 1002.198

8. Consideration of seniority in re-employment decisions is limited to situations involving re-employment following a period of documented military leave. Although provided for by the state military leave statute, "seniority" is not a factor in employment decisions unrelated to military leave, nor is seniority (apart from longevity) recognized under TBR system or institutional policy.

B. If two or more persons are entitled to reemployment in the same position and more than one of them has reported for reemployment, the person who left the position first shall have the right to the position. The remaining employee (or employees) is entitled to be reemployed in a position similar to that in which the employee would have been employed, according to the rules that normally determine a reemployment position, as set out above. (20 C.F.R. 1002.199)

VII. Retention Rights

If the employee's most recent period of service in the uniformed services was **more than 30 days**, he or she must not be discharged except for cause:

A. for 180 days after the employee's date of reemployment if his or her most recent period of uniformed service was **more than 30 days, but less than 181 days**; or

B. for **one (1) year** after the date of reemployment if the employee's most recent period of uniformed service was **more than 180 days**.(20 C.F.R. 1002.247)

VIII. Continuation of Benefits

A returning employee is entitled to the same rights and benefits he/she would have had if employment had been continuous.

A. Insurance

1. If elected, medical insurance coverage may be continued during a period of military service for the lesser of:

- (a) 24 months following the beginning of the military leave;
- (b) the period beginning on the date on which the employee's absence begins until the day after the date on which the employee fails to report to work or apply for employment as determined in Section IV.A.; or,
- (c) unless state law or Executive Order provides for greater benefits. If coverage is continued, the employee will be required to pay premiums as follows:

(a) 30 or less days of service - employee's portion of the premium only or (b) more than 30 days of service - up to 102%. This includes the employee's and employer's portion of the premium, and 2% for administrative costs. (20 C.F.R. 1002.166) (c) If the employee elects to discontinue insurance coverage, a waiting period may not be imposed for reinstatement of coverage upon reemployment if a waiting period would not have been imposed had coverage not been terminated.

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(d) USERRA allows a health plan to impose an exclusion or waiting period for illnesses or injuries determined by the Secretary of Veterans Affairs to have been incurred in, or aggravated during the performance of military duty. (20 C.F.R. 1002.168)

(e) Continuation of other State insurance plans will be determined by the State Division of Insurance Administration. Continuation of System plans will be in accordance with the provisions of the plan(s).

B. Retirement

For retirement purposes, a returning employee is considered as not having a break in service, except as noted in Section IV.B. Following an employee's return to work, the institution/technology center/central office will make retirement contributions which would have been made if employment had been continuous, not to exceed five (5) years.

- 1. Contributions shall be made at the rate that would have been made if employment had been continuous.

C. Rate of Pay

If the employee is reemployed in the escalator position, the employee must be compensated at the rate of pay associated with the escalator position by taking into

account any pay increases, differentials, step increases, merit increases or periodic increases that the employee would have attained with reasonable certainty had he or she remained continuously employed during the period of service. Any pay adjustments must be made effective as of the date it would have occurred had the employee's employment not been interrupted by uniformed service. (20 C.F.R. 1002.236)

D. Longevity

During a period of military leave, a regular employee continues to earn service credit for longevity pay. Upon reemployment, and in accordance with the employer's payroll procedures, the employee will receive all longevity pay that would have been paid if employment had been continuous. (Refer to Longevity Guideline P-120.) However, pursuant to the current Executive Order, payments must continue to be made annually.

E. Leave Accrual

A returning employee will begin to accrue leave at the rate(s) that would have been in effect if employment had been continuous.

Source: TBR Board 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; June 21, 1996 (Finance and Administration approval November 18, 1996); March 15, 2002 (Finance and Administration approval April 11, 2002); September 29, 2006

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.

Policy No. 5:01:01:15

Subject: Transfer of Sick Leave Between Employees

In accordance with Chapter 755, Public Acts of 1994, which became effective April 12, 1994, this policy establishes guidelines and procedures for transferring sick leave to members of the Sick Leave Bank who experience a continuing disability due to illness or injury.

I. Eligibility Criteria for Receiving Sick Leave

In order to receive sick leave donated by another employee, all of the following criteria must be met. The recipient must (1) be a current member of the institution's sick leave bank, (2) have used all accumulated sick leave, annual leave, compensatory time, and made application through the Sick Leave Bank(s) for each separate illness or recurring diagnosed illness or accident, (3) have a continuing disability resulting from personal illness or injury and be unable to work, and (4) not be receiving any other form of compensation including social security disability benefits, TIAA or Hartford long term disability benefits, Division of Claims Administration benefits, or compensation through the State Retirement Plan or Sick Leave Bank.

Before an employee is eligible to receive donated leave, his or her physician must provide current certification that the employee has a disability resulting from personal illness or injury and is unable to work. Upon receipt of such medical certification, the employee is eligible to receive up to 20 ~~consecutive days~~ of leave for which he/she would otherwise be without pay, including holidays. Eligibility for additional increments of 20 working days may be based on current medical certification of the continuing disability. The maximum amount that may be transferred to an employee is limited to 90 days for which the employee would otherwise not be paid as stated above. Transfer of sick leave to an employee may not be denied if all eligibility criteria are met.

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For regular full-time employees receiving transferred leave, a "day" is defined as 7.5 hours for employees on a 37.5-workweek schedule and 8 hours for employees on a 40-hour workweek schedule. Regular part-time employees shall receive sick leave on a prorated basis equal to the percentage of their employment to full-time employment. Recipients shall continue to accrue leave and service in accordance with the provisions of the appropriate policies and guidelines.

II. Criteria for Donating Leave

A donating employee is not required to be a member of the Sick Leave Bank. If the institution/school has both Faculty and Staff Sick Leave Banks, employees may donate to members of both banks of the home institution. No transfers may be made beyond the home institution.

In order to donate sick leave to a member of the Sick Leave Bank, an employee must have a current minimum balance of 20 sick leave days, based on his/her accrual rate. (Example: 20 x 7.5 hours accrual rate = 150.0 hours.) In addition, the donor must agree to donate a minimum of 5 days of accrued leave. However, in the event the donor's percentage of employment exceeds that of the recipient, the minimum donation will be based on the recipient's accrual rate. Regular part-time employees will donate leave equal to their accrual rate. (Example: 10 days x 3.75 hours accrual rate = 37.50 hours.) The maximum amount of sick leave which an employee may donate during his/her employment at the home institution is the equivalent of 90 accrued days.

An employee may donate more than one time to a single individual. However, the employee may not donate more than one-half of his/her leave balance in effect at the time of the initial transfer. For example, an employee with a leave balance of 200 hours may donate 100 hours to a sick leave bank member. If the recipient only used 75 hours during the first occurrence, the donor could only give that same recipient a total of 25 hours at a later date.

III. Procedural Guidelines

In order to facilitate sick leave transfer between employees, the following procedures should be followed:

- A. The donating employee (donor) must complete a form (see Appendix A) stating the name of the recipient and the amount of leave being donated. This form must be signed and witnessed by two employees of the institution. Upon completion, the donor should send the form to the office responsible for processing leave.
- B. Following verification that (1) the recipient is a member of the Sick Leave Bank, (2) the donating employee has sufficient sick leave to cover the donation, and (3) the amount does not exceed one-half the donor's current balance, the form will be approved by the appropriate official. A copy of the form will be placed in both the donor and recipient's personnel files, and the original will be retained by the office responsible for processing leave.
- C. Donor forms will be date and time stamped in the order received. This will determine the order in which sick leave will be deducted from the donors' sick leave balances where there are multiple donors for a single individual.
- D. The recipient's department will be notified of the amount of leave that has been donated.
- E. Before the initial transfer of leave is completed, the office processing leave will verify that the recipient has provided current certification from his/her health care provider that he/she continues to be unable to work. A current medical form may be required prior to the transfer of sick leave for every subsequent 20 days of donated leave.

F. At the time of transfer, adjustment forms will be completed by the appropriate office. Prior to deducting leave from a donor, this office will verify that the donor has sufficient leave to cover the amount originally donated and also maintain the required balance. If less than the required amount is available, the leave donation is voided.

G. Payment of the donated leave will be based on the recipient's established rate of pay. However, this rate may be changed due to any pay increases which occur during periods of donated leave.

H. Only the amount of leave which has been projected as necessary to cover each pay period will be transferred at any given time. If an employee has donated 10 days and only 4 days are required for the current pay period, only 4 days will be deducted during this pay period. If the disability continues into the next pay period, the remaining days will be deducted at the appropriate time.

NOTE: Sick leave may not be transferred retroactively beyond one pay period. For example, if no one has agreed to donate leave to an employee who has exhausted all of his/her Sick Leave Bank entitlements and has been placed on an approved leave of absence without pay, another employee may later donate sick leave to this employee. Retroactive payment for the value of this leave may not be extended beyond one pay period.

I. Donated sick leave which has not been used by the recipient will be transferred to the Sick Leave Bank.

J. If the donor terminates employment, retires, transfers to another institution or State agency, dies, or has an insufficient leave balance to meet the eligibility criteria, all responsibility to donate this leave is voided.

The decision to donate sick leave to another individual should be a choice made freely by each employee. Any person attempting to unduly influence another employee to donate leave shall be subject to disciplinary action, and any prior agreement made to donate leave under these conditions shall be voided.

Source: TBR Meeting, December 9, 1994; TBR Meeting, March 29, 1996 (Finance and Administration approval November 13, 1996); TBR Meeting, June 19, 1998.

SICK LEAVE DONATION AGREEMENT

Appendix A

I, _____, _____, employed by
Donating Employee's Name Social Security Number

_____ wish to donate _____ days/hours of sick
Institution/Center/Central Office

leave to

_____, _____
Employee To Whom Donating Leave Social Security Number

I understand the following:

(1) I must currently have 20 days of accrued sick leave.*

(Example: 20×7.5 accrual rate = 150.0)

(2) I must agree to donate a minimum of 5 days of accrued sick leave.* (Example: 5×7.5
=37.5)

(3) I may not donate more than one-half of my sick leave balance at the time of transfer.
(Example: $\frac{1}{2} \times 150.0$ hours = 75.0 hours)

(4) I may not donate more than 90 days of accrued sick leave during my employment
with this institution/school.

(5) I agree that any unused sick leave which I have donated to the employee stated above
will be transferred to the Sick Leave Bank.

*The accrual rate is based on my percentage of employment.

I am donating this leave of my own free will and have not been unduly influenced in any
manner to make this contribution.

Donor's Signature

Date

Witness

Date

Witness

Date

FOR OFFICE USE ONLY (Record all data in hours.)

Policy No. 5:01:01:17

SUBJECT: Disaster Relief Service Leave

In accordance with TCA § 8-50-810, a regular employee who is a certified disaster service volunteer of the American Red Cross may be granted leave with pay for up to fifteen (15) work days each calendar year to participate in specialized disaster relief services for the American Red Cross. The request for the employee's services must come from the American Red Cross and is subject to approval by the employee's supervisor. The institution/technology center/Central Office may require the employee to provide verification of service following the disaster period.

Employees who are currently certified as a disaster relief volunteer must register with the Office of Human Resources immediately. ~~New employees who are certified with the American Red Cross at the time of hire must register with the Office of Human Resources during the orientation process. Employees who become certified after employment must register with the Office of Human Resources within 30 days of certification.~~

Source: TBR Meeting, March 27, 1998.

POLICY 5:01:02:00

SUBJECT: Equal Employment Opportunity, Affirmative Action, Discrimination and Nepotism

I. Introduction

It is the intent of the Tennessee Board of Regents that the Board and all of the institutions within the Tennessee Board of Regents System shall fully comply with Executive Order 11246, as amended; the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990; the Vietnam Era Veterans Readjustment Act of 1974, as amended; the Equal Pay Act of 1963, as amended; the Age Discrimination in Employment Act of 1967, as amended the Age Discrimination Act of 1975; the Pregnancy Discrimination Act; applicable state statutes and all regulations promulgated pursuant thereto. The Board of Regents will promote and ensure equal opportunity for all persons without regard to race, color, religion, sex, ethnic or national origin, disability status, age or status as a qualified covered veteran with a disability or veteran of the Vietnam era.

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It is the intent of the Board that each campus of the Board shall be free of harassment on the basis of sex, and race, color, religion, national origin, age or any other protected status and shall fully comply with the anti-harassment provisions of Titles VI and VII of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972, as amended, the federal and state constitutions, and all other applicable federal and state statutes.

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II. Statement of Policy

The Board of Regents hereby reaffirms the policy of the Tennessee Board of Regents System, and all institutions and technology centers included therein, that the System will not discriminate

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against any employee or applicant for employment because of race, color, religion, ethnic or national origin, sex, disability, age or status as a covered veteran.

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Similarly, the System shall not, on the basis of a protected status, subject any student to discrimination under any educational program. No student shall be discriminatorily excluded from participation in nor denied the benefits of any educational program on the basis of a protected status.

The Board of Regents specifically finds that diversity of students, faculty, administrators and staff is a crucial element of the educational process and reaffirms its commitment to enhancing education through affirmative action to increase diversity at all levels.

The System will take affirmative action to ensure that all individuals are treated during the employment process without regard to their race, color, religion, ethnic or national origin, sex, disability, age, or status as a covered veteran. Such action shall include, but not be limited to, actions to:

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- (1) Recruit, hire, train, and promote persons in all job titles, without regard to any of the foregoing prohibited factors;
- (2) Base decisions on employment so as to further the principle of affirmative action and equal employment opportunity;
- (3) Insure that promotion decisions are in accord with principles of equal employment opportunity by imposing only valid requirements for promotional opportunities; and
- (4) Insure that all personnel actions such as compensation, benefits, transfers, layoffs, return from layoff, and institution or school sponsored training, education, tuition assistance, and social and recreation programs, will be administered

without regard to any of the foregoing prohibited factors.

It is and has been the policy of the Tennessee Board of Regents to maintain each campus as a place of work and study for faculty, staff, and students, free of sexual and racial harassment ~~and harassment on the basis of race, color, religion, national origin, age or other protected status.~~ Harassment is a form of discrimination and harassment in the workplace or the educational environment is unacceptable conduct and will not be tolerated.

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III. Administrative Responsibility

A. Duties of the Chancellor and/or System Equal Employment Opportunity and Affirmative Action Program Officer.

The Chancellor shall designate the person on the staff of the Board who shall serve as the Equal Employment Opportunity/Affirmative Action Officer (hereinafter EEO/AA) for the System and also designate an EEO/AA Officer for the Central Office. The Chancellor shall direct the President and/or Director of each institution to appoint an EEO/AA Officer for the institution. The Chancellor shall furthermore ensure participation in Board approved access and diversity initiatives.

The Chancellor shall insure that the following actions occur:

1. Equal Employment and Affirmative Action
 - (a) Equal employment opportunity and affirmative action program plans are to be prepared by each campus EEO/AA Officer at the individual institutions and schools in the System and these plans must be effectively administered by the campus EEO/AA Officer within the requirements of this policy and applicable laws and regulations. The EEO/AA Officer for the Central Office shall prepare the Central Office

affirmative action plan.

- (b) The system EEO/AA Officer will review and evaluate the success of the equal employment opportunity and affirmative action programs in the Central Office and on each campus and make recommendations to the Chancellor concerning desirable changes.
- (c) The institutional EEO/AA Officer and the TBR Central Office EEO/AA Officer will receive, review, and investigate institution and Central Office equal employment opportunity complaints and appeals and make recommendations regarding their disposition to the President in the case of an institutional complaint and to the Chancellor regarding a Central Office complaint.

2. Harassment

Depending on the locus of the complaint, the Chancellor and Presidents/Directors are responsible for the final resolution of a harassment complaint. The Chancellor shall insure the following actions occur:

(a) Investigation of Harassment Complaints

The Chancellor shall designate the Tennessee Board of Regents' General Counsel to supervise the investigation and give legal advice to the institution or Central Office EEO/AA Officer who will receive, review, and investigate all charges of harassment arising from their institution or office. The institution or Central Office EEO/AA Officer will investigate all complaints of **unlawful** harassment as directed by Guideline P-080 and will communicate all facts to the General Counsel for legal advice. It is the intent of this policy that the review and investigation process conducted by

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the campus or Central Office Affirmative Action Office will be under the direct supervision and control of the General Counsel and is intended to be a confidential communication which will result in Counsel giving legal advice.

(b) Resolution of Harassment Complaints

The Chancellor and the Board have designated the institution or Central Office EEO/AA Officer as the coordinator and investigator of all harassment complaints. The process outlined in Guideline P-080 will be followed. The President/Director/Chancellor will assure that the EEO/AA Officer investigates the complaint. The final report on the harassment complaint will go from the EEO/AA Officer to the President/Director/Chancellor for action and the final resolution will be made by that individual.

3. Annual Evaluations

The Chancellor will annually evaluate each president/director on their progress toward the affirmative action plan goals, their progress toward diversity, and their participation in Board approved access and diversity initiatives.

B. Duties of the President/Director

Each institution President and technology center Director shall be responsible for the development and implementation of the equal employment opportunity and affirmative action program on each campus as well as assuring that unlawful harassment is investigated and educational efforts regarding harassment take place. In carrying out this responsibility, the President or Director shall comply with the following:

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1. Appoint an EEO/AA Officer who will be responsible for promoting and assuring compliance with this policy and with all applicable laws and regulations, receiving and

investigating complaints pursuant to the process set forth in TBR Guideline P-080, reviewing the effectiveness of the program and recommending improvements to the President or Director.

2. Insure that affirmative action plans are developed annually and implemented as a means of aggressively pursuing the principles of equal employment opportunity.
3. Develop affirmative action goals and timetables directed toward correcting situations contributing to the under-utilization or inequitable treatment of minority or women employees in the institution or school.
4. Provide positive leadership in the implementation of the affirmative action program on the campus and insure that appropriate attention is devoted to the program in staff and faculty meetings.
5. Inform all management officials and supervisors that their performance evaluation will be partially determined by the effectiveness of their participation in the equal employment opportunity program and in Board approved access and diversity initiatives.
6. Designate a person on the campus to be responsible for gathering and reporting data related to the equal employment opportunity program.
7. Assure policies and procedures are instituted to deal with all forms of harassment, including a procedure for the EEO/AA Officer to receive and investigate complaints and recommend necessary action to the President or Director.
8. Designate the EEO/AA Officer as the staff person

responsible for the development and implementation of educational efforts regarding all types of harassment.

C. Duties of the EEO/AA Officer

1. Equal Employment Opportunity and Affirmative Action Program

The EEO/AA Officer will develop and maintain an EEO/AA program which shall include but not be limited to the following responsibilities:

- (a) The institution/Central Office EEO/AA Officer will receive, review and investigate equal employment opportunity complaints and appeals and make recommendations to the President/Director of Chancellor regarding their disposition.
- (b) Equal employment opportunity or affirmative action complaints made to external agencies, i.e. EEOC or THRC, will be investigated by the institution or Central Office EEO/AA Officer in conjunction with the Office of the General Counsel. All complaints will be forwarded to the Office of the General Counsel and any reports to the external agency will be prepared by the institution and submitted to the Office of the General Counsel for approval and forwarding to the agency. The attorney/client relationship will apply to the investigation and preparation of those reports.
- (c) The EEO/AA Officer will develop and maintain an EEO/AA program which shall include:
 - (1) developing or reaffirming the institution's or school's equal employment opportunity policy in all personnel actions; (2) formal internal and external dissemination of the policy; (3) establishing

responsibilities for implementation of the program; (4) identifying problem areas by organizational units and job classifications; (5) establishing goals and objectives by organizational units and job classifications, with timetables for completion; (6) developing and executing action-oriented programs designed to attain established goals and objectives; (7) assuring compliance of personnel policies with the sex discrimination guidelines; (8) active support of local and national community action and community services programs designed to improve the employment opportunities of minorities and women; (9) internal audit and reporting systems designed to insure compliance and to permit monitoring of the program; and (10) internal complaint procedures designed to expeditiously process and resolve complaints and grievances by employees or applicants for employment.

- (d) Updating the EEO/AA plan annually, and reporting progress in meeting the established goals and objectives, with such report submitted at least annually to the Chancellor as directed by the System EEO/AA Officer. The EEO/AA Officer shall discuss the success of the EEO/AA program with the President and make recommendations regarding desirable changes.

2. Harassment Program

- (a) Each institution and Central Office EEO/AA Officer will be responsible for implementing Guideline P-080 *Discrimination and Harassment – Complaint and Investigation Procedure.*
- (b) The EEO/AA Officer will assure the development of an educational program alerting students and employees to the non-harassment policy and guideline.
- (c) Under the direction and guidance of the TBR General

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Counsel, the institution or Central Office EEO/AA Officer will investigate all harassment complaints. The institution or Central Office EEO/AA Officer will receive, review, and investigate all complaints of harassment based on sex, race, color, religion, ethnic or national origin, or other protected status.

- (d) The EEO/AA Officer will insure that complaints involving discrimination or harassment between students are investigated and resolved by the Student Affairs Office, which resolves all student disciplinary problems.

IV. Nepotism Policy

Pursuant to T.C.A. § 8-31-101, et. seq, the following shall be the nepotism policy for the Tennessee Board of Regents System:

- A. Effective July 1, 1980, no employees of an institution or school who are relatives shall be placed within the same direct line of supervision whereby one relative is responsible for supervising the job performance or work activities of another relative; provided, however, that to the extent possible, this policy shall not be construed to prohibit two or more such relatives from working for the same institution or school. For the purposes of this policy, a "relative" means a parent, parent-in-law, child, spouse, brother, foster brother, sister, foster sister, grandparent, grandchild, son-in-law, brother-in-law, daughter-in-law, sister-in-law, or other family member who resides in the same household.
- B. When employees of an institution or school become in violation of subsection (a) as a result of marriage, the violation shall be resolved by means of transfer within the institution or school, transfer to another institution or school, or resignation as may be necessary to remove the violation.

If transfer alternatives are available, the employees shall be given the opportunity to select among the available alternatives; provided that if the employees are unable to agree upon any such alternative within sixty days, the appointing authority shall take appropriate action to remove the violation.

- C. In the case of employment relationships which would otherwise violate subsection (a) but which were in effect prior to July 1, 1980, the employment of the employees shall not be affected by this policy, provided that the institution or school takes appropriate action to insure that employees neither initiate nor participate in institutional or school decisions involving a direct benefit (retention, promotion, salary, leave, etc.) to a relative.
- D. Each institution and school shall apply the foregoing in a non-discriminating manner, and shall insure that the implementation of this policy does not adversely affect employees of one sex over those of the opposite sex.

Tennessee Board of Regents Guideline P-090 provides further guidance regarding the implementation of the law.

Source: TBR Meetings, August 17, 1973; September 26, 1980; September 30, 1983; December 14, 1984; March 17, 1989; September 21, 1990; June 25, 1992; December 10, 1993; March 30, 2001; December 8, 2006

POLICY 5:02:05:00

SUBJECT: Employment of Graduate Assistants

Institutions of the State University and Community College System of Tennessee may employ graduate assistants according to the following guidelines and descriptions:

I. Workload: Full-time graduate assistants will work:

A. Six (6) contact hours per week in classroom or laboratory instruction;

B. Eight (8) contact hours per week in laboratory supervision;

C. Twenty (20) clock hours per week in supervised activities in the department of their employment; or

D. A combination of the above.

II. Terms of Employment: The specific terms of the employment may be for an academic year, quarter, semester, fiscal year, or based upon a percentage of full-time assistantship.

III. Salary Schedule: Each institution which employs graduate assistant shall have a salary schedule which takes into account the particular needs and priorities of the institution.

IV. Eligibility: A student must be accepted and/or enrolled in the graduate program to be eligible for appointment as a graduate assistant. On campuses that include a public school, private or parochial school, licensed day care center, other child care facility, public park, playground, recreation center or public athletic field available for use by the general public or campuses that are within one thousand feet (1000') of a public school, private or parochial school, licensed day care center, other child care facility, public park, playground, recreation center or public athletic field available for use by the general public, no student who is a registered as a sex offender pursuant to the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification, and Tracking Act of 2004 and whose victim was a minor is eligible to be an institutional employee who is compensated with taxable wages. On such campuses, a student who is a registered sex offender and whose victim was a minor is eligible for an appointment as a graduate assistant only if he or she is not receiving any taxable wages or taxable stipends as compensation, and the monetary compensation for the student is limited to awards of non-taxable scholarship or grant funds.

V. Payment: Salary payments should be made on a monthly basis or at a regularly scheduled time for salary payments to full-time personnel of the institution.

Source: TBR Meetings: August 17, 1973; December 12, 1980; December 2, 1988; June 29, 1990; September 21, 1990.

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Guideline P-080

SUBJECT: Discrimination and Harassment – Complaint and Investigation Procedure

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Purpose

The purpose of this ~~guideline~~ Guideline is to supplement Board ~~policies~~ Policies 2:02:10:01 and 5:01:02:00 relative to the orderly resolution of complaints of discrimination on the basis of race, color, religion, ethnic or national origin, sex, sexual orientation/gender identity, disability, age or status as a covered veteran, and of sexual or racial harassment at the institutions, technology centers, and office of the Tennessee Board of Regents. Fair and prompt consideration shall be given to all complaints in accordance with the procedures set forth below. These procedures may be utilized by any employee, applicant for employment or student who believes he or she has been subjected to discrimination or harassment. Former employees or students may file complaints concerning conduct which took place during the time of employment or enrollment provided the complaint is timely filed, and the conduct has a reasonable connection to the institution.

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All employees, including faculty members, are to be knowledgeable of policies and guidelines concerning discrimination and harassment.

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All faculty members, students and staff are subject to this ~~guideline~~ Guideline. Any faculty member, student or staff found to have violated this ~~guideline~~ Guideline by engaging in behavior constituting discrimination or harassment will be subject to disciplinary action which may include dismissal, expulsion or termination, or other appropriate sanction.

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All faculty and staff members are required to cooperate with investigations of alleged discrimination or harassment. Failure to cooperate may result in disciplinary action being taken up to and including termination. Students are also required to cooperate with these investigations; failure to do so may result in disciplinary action up to and including expulsion.

Deleted: All faculty members, students and staff, particularly management and supervisory personnel, are responsible for taking reasonable and necessary action to prevent and discourage sexual or racial harassment, and are required to promptly report conduct that could be in violation of TBR and institutional policies and guidelines. Such reporting should occur when information concerning a complaint is received formally or informally.¶

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Because the courts have imposed stricter obligations on employers with regard to sexual harassment, institutions must take measures to periodically educate and train employees regarding conduct that could constitute sexual harassment in violation of this Guideline. All employees, including faculty members, are expected to participate in such education and training. Further, while all faculty members, students and staff are responsible for taking reasonable and necessary action to prevent and discourage all types of discrimination and harassment, this is particularly important with regard to sexual harassment. Conduct which might constitute sexual harassment must be promptly reported whether information concerning a complaint is received formally or informally.

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II. General Statement

It is the intent of the Tennessee Board of Regents that the Board and all of the institutions within the Tennessee Board of Regents System shall fully comply with Executive Order 11246, as amended; the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; the Vietnam Era Veterans Readjustment Act of 1974, as amended; the Equal Pay Act of 1963, as amended; the Age Discrimination Act of 1975; the Pregnancy Discrimination Act; applicable state statutes and all regulations promulgated pursuant hereto. The Board of Regents will promote and ensure equal opportunity for all persons without regard to race, color, religion, ethnic or national origin, sex, disability, age, or status as a covered veteran.

It is the intent of the Board that each campus within the system and the Central Office shall be free of discrimination on the basis of sex, race, color, religion, ethnic or national origin, age or any other protected status and shall fully comply with the applicable provisions of Titles VI and VII of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments of 1972, as amended; the federal and state constitutions; and, all other applicable federal and state statutes.

Campuses and the Central Office affirm that they will not tolerate discrimination against any employee or applicant for employment because of race, color, religion, ethnic or national origin, sex, sexual orientation or gender identity, disability, age or status as a covered veteran, nor will they tolerate harassment on the basis of race or sex.

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Similarly, the campuses shall not subject any student to discrimination or harassment under any educational program and no student shall be discriminatorily excluded from participation nor denied the benefits of any educational program on the basis of race, color, religion, ethnic or national origin, sex, sexual orientation or gender identity, disability, age or status as a covered veteran..

A. Discrimination

Discrimination may occur by:

1. Treating members of a protected class less favorably because of their membership in that class. The protected groups are based upon race, color, religion, ethnic or national origin, sex, sexual orientation/gender identity, disability, age or status as a covered veteran; or,
2. Having a policy or practice that has a disproportionately adverse impact on protected class members.

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Deleted: Sexual harassment and racial harassment have been held to constitute forms of discrimination prohibited by Title VI, Title VII of the Civil Rights Act of 1964, as amended and Title IX of the Educational Amendments of 1972. An institution or technology center may be held liable pursuant to Title VI or Title VII and/or lose federal funds pursuant to Title IX for failure to properly investigate and remedy claims of sexual or racial harassment.¶
A. Sexual

B. Sexual Harassment

Generally, sexual harassment may be defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when one of the following criteria is met:

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1. submission to such conduct is made either explicitly or implicitly a term or condition of the individual's employment or of the individual's status in a program, course or activity;
2. submission to or rejection of such conduct by an individual is used as a basis for employment decisions, a criterion for evaluation, or a basis for academic or other decisions affecting such individual; or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or educational experience or creating an intimidating, hostile or offensive work or educational environment.

Sexual harassment can take many forms, but most sexual harassment falls into three categories: verbal, visual, and physical. Some examples of behavior that may constitute sexual harassment are:

- Refusing to hire, promote, or grant or deny certain privileges because of acceptance or rejection of sexual advances.
- Promising a work-related benefit or a grade in return for sexual favors.
- Suggestive or inappropriate communications, e-mail, notes, letters, or other written materials displaying objects or pictures which are sexual in nature that would create hostile or offensive work or living environments.
- Sexual innuendoes, comments, and remarks about a person's clothing, body or activities.
- Suggestive or insulting sounds.
- Whistling in a suggestive manner.
- Humor and jokes about sex that denigrate men or women.
- Sexual propositions, invitations, or pressure for sexual activity.
- Use in the classroom of sexual jokes, stories, remarks or images in no way germane to the subject matter of the class.
- Implied or overt sexual threats.
- Suggestive or obscene gestures.
- Patting, pinching, and other inappropriate touching.
- Unnecessary touching or brushing against the body.

- Attempted or actual kissing or fondling.
- Coerced sexual intercourse.
- Sexual assault.

- Suggestive or inappropriate acts, such as comments, innuendoes, or physical contact based on one's actual or perceived sexual orientation and / or gender identity.

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The examples listed above are not exclusive, but simply represent types of conduct that may constitute sexual harassment. Campus policies may delineate additional examples.

Not every act that might be offensive to an individual or a group will be considered harassment. Whether the alleged conduct constitutes sexual harassment depends upon the record as a whole and the totality of the circumstances, such as the nature of the conduct or the sexual advances in the context within which the alleged incident occurs.

Harassment does not include verbal expressions or written material that is relevant and appropriately related to course subject matter or curriculum.

Please note that sexual assaults may be criminal acts and as such, investigation and processing by the criminal justice system, local police, campus security and crisis intervention centers may supersede or occur in addition to the process developed under this Guideline.

B. C. Racial Harassment

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Generally, racial harassment is defined as any person's conduct which unreasonably interferes with an employee's or student's status or performance by creating an intimidating, hostile, or offensive working or educational environment. Harassment on the basis of race, color, or national origin, includes offensive or demeaning treatment of an individual, where such treatment is based on prejudiced stereotypes of a group to which that individual may belong. It includes, but is not limited to, objectionable epithets, threatened or actual physical harm or abuse, or other intimidating or insulting conduct directed against the individual because of his/her race, color, or national origin. Title VII requires employers to take prompt action to prevent ~~bigots~~ individuals from expressing their opinions in a way which abuses or offends their coworkers.

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III. Consensual Relationships

Intimate relationships between supervisors and their subordinates, and between faculty members and students are strongly discouraged due to the inherent inequality of power in such situations. These relationships could lead to undue favoritism or the perception of undue favoritism, abuse of power, compromised judgment or impaired objectivity.

Engaging in a consensual relationship with a student over whom the faculty member has either grading, supervisory, or other evaluative authority (i.e., member of dissertation committee, thesis director, etc.) constitutes a conflict of interest. The faculty member must take steps to remove the conflict by assigning a different supervisor to the student; resigning from the student's academic committees; or by terminating the relationship at least while the student is in his/her class. Likewise, it is a conflict of interest for a supervisor to engage in a consensual relationship with a subordinate over whom he or she has evaluative or supervisory authority. The supervisor must take action to resolve the conflict of interest by, for example, assigning another individual to supervise and/or evaluate the subordinate.

IV. Procedures

A. General

1. The following procedures are intended to protect the rights of the aggrieved party (hereinafter, "the Complainant") as well as the party against whom a complaint of discrimination or harassment is lodged (hereinafter "the Respondent"), as required by state and federal laws. Each complaint must be properly and promptly investigated and, when warranted, appropriate disciplinary action taken against the Respondent.
2. The Office of General Counsel shall always be consulted prior to investigation. If institutions have on-campus legal counsel, that office must be consulted. Hereinafter, references to "Legal Counsel" shall mean either the Office of General Counsel or on-campus legal counsel, as appropriate.
3. In situations that require immediate action because of safety or other concerns, the institution may take any administrative action which is appropriate, e.g., administrative leave with pay pending the outcome of the investigation. Students may be placed on interim suspension under the appropriate circumstances pending the outcome of the investigation. Legal Counsel should be contacted before any immediate action is taken.
4. Each employee, applicant for employment and student shall be notified of the name, office, and telephone number of the designated EEO/AA, Student Affairs, Title VI or Title IX officer(s) responsible for assuring compliance with this ~~guideline~~ Guideline, Board policy, and federal law.

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B. Filing Complaints

1. Any current or former student, applicant for employment, or current or former employee who believes he or she has been subjected to discrimination or harassment at an institution or technology center or who believes that he/she has observed discrimination or harassment taking place shall present the complaint to the designated EEO/AA, Student Affairs, Title VI or Title IX officer (hereinafter "the Investigator") responsible for compliance with this Guideline.

Deleted: Title VII of the Civil Rights Act of 1964, Title VI, or Title IX of the Education Amendments of 1972.¶

2. Complaints must be brought within 365 days of the last incident of discrimination or harassment. Complaints brought after that time period will not be pursued absent extraordinary circumstances. The determination of whether the complaint was timely or whether extraordinary circumstances exist to extend the complaint period must be made in conjunction with Legal Counsel.

3. Every attempt will be made to get the Complainant to provide the complaint in writing. The complaint shall include the circumstances giving rise to the complaint, the dates of the alleged occurrences, and names of witnesses, if any. Appendix A is a sample complaint form. The complaint shall be signed by the Complainant. However, when the Complainant refuses to provide or sign a written complaint, the matter will still be investigated and appropriate action taken. Complaints made anonymously or by a third party must also be investigated to the extent possible.

4. If the complaint does not rise to the level of discrimination or harassment, the Investigator may determine to dismiss the complaint without further investigation after consultation with Legal Counsel. The Complainant should be informed of other available processes such as the employee grievance/complaint process, or a student non-academic complaint process.

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C. Investigation

1. Legal Counsel shall be notified of the complaint, whether written or verbal, as soon as possible after it is brought to the attention of the Investigator and the investigation will be under the direction of Legal Counsel. All investigatory notes and documents shall be attorney work product. The Investigator shall notify the President/ Director that an investigation is being initiated.

2. When the allegation of harassment is against the EEO/AA, Student Affairs Officer, Title VI or Title IX Officer, the President/Director will identify an individual who has been trained in investigating such complaints to investigate the complaint and carry out the responsibilities assigned pursuant to this ~~guideline~~ Guideline. When the allegation of harassment is against the President/TTC Director of the institution, the EEO/AA shall notify the Office of the General Counsel who will assign an investigator who will make his/her report to the Chancellor.

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3. When the Respondent is a student, the Student Affairs Office will investigate the complaint in compliance with the procedures outlined in this ~~guideline~~ Guideline. If a finding of violation is made, any resulting disciplinary action will be undertaken in compliance with the institution's or technology center's student disciplinary procedures.

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4. When a student is involved as the Complainant, the Respondent or an individual interviewed, all documentation referring to that student shall be subject to the provisions and protections of the Family Educational Records and Privacy Act (FERPA) and Tennessee Code Annotated Section 10-7-504(a) (4) which requires that certain student disciplinary records are subject to disclosure pursuant to a public records request.

5. Investigation of complaints against employees of a Tennessee Technology Center (TTC) shall be initiated by the Vice Chancellor for Tennessee Technology Centers or his/her designee. In certain circumstances, the lead institution for the technology center may be asked to conduct the investigation. Investigations of complaints made against TTC students will be undertaken by TTC Student Services personnel. The TTC Directors are responsible for notifying the Vice Chancellor whenever a verbal or written complaint is made.

6. In consultation with and under the direction of Legal Counsel, the Investigator shall conduct an investigation of the complaint. The purpose of the investigation is to establish whether there has been a violation of the ~~guideline~~ Guideline. In conducting the investigation, the Investigator shall interview the Complainant, the Respondent, and other persons believed to have knowledge related to the investigation. It is the responsibility of the Investigator to weigh the credibility of all individuals interviewed and to determine the weight to be given information received during the course of the investigation.

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7. To the extent possible, the investigation will be conducted in such a manner to protect the confidentiality of both parties. However, the Complainant, Respondent and all individuals interviewed shall be informed that the institution has an obligation to address harassment and that, in order to conduct an effective investigation, complete confidentiality cannot be guaranteed. Information may need to be revealed to the Respondent and to potential witnesses. However, information about the complaint should be shared only with those who have a need to know about it. The Complainant and Respondent shall also be informed that a request to inspect documents made pursuant to the Public Records Act may result in certain documents being released.

A Complainant may be informed that if he or she wants to speak privately and in confidence about discrimination or harassment, he or she may wish to consult with a social worker, counselor, therapist or member of the clergy who is permitted, by law, to assure greater confidentiality.

Additionally, the Complainant may be given assurances that measures will be taken against the Respondent should there be retaliation against him or her. Retaliation is prohibited and should be reported to the investigator immediately. Allegations of retaliation must also be investigated pursuant to the procedure set out in this Guideline.

8. The Investigator shall notify in writing the Respondent within five (5) working days of receipt of the complaint. The Respondent shall respond in writing to the complaint within five (5) working days following the date of receipt of the Investigator's notification.

9. If either the Complainant or the Respondent is a student, the Investigator should communicate the prohibition against disclosure of personally identifiable information with regard to the student, based on FERPA.

10. The Complainant, the Respondent and all individuals interviewed shall be notified that any retaliation engaged in in connection with the complaint or its investigation is strictly prohibited regardless of the outcome of the P-080 investigation and may, in itself, be grounds for disciplinary action.

11. At any time during the course of the investigation, the Investigator may meet with both the Complainant and the Respondent individually for the purpose of resolving the complaint informally. If informal resolution is successful in resolving the complaint, a report of such, having first been reviewed and approved by Legal Counsel, shall be submitted to the President/Director.

12. If informal resolution is unsuccessful, the Investigator shall draft a report summarizing the investigation which shall be sent to Legal Counsel for review. Each report shall outline the basis of the complaint, including the dates of the alleged occurrences, the response of the Respondent, the findings of the Investigator, whether there were any attempts made to resolve the complaint informally, a determination of whether there was a violation of the ~~guideline~~ Guideline, and recommendations regarding disposition of the complaint.

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After review and approval by Legal Counsel, the report shall be submitted to the President/Director within a reasonable period of time following receipt of the complaint. If the investigation concerns allegations of sexual harassment, the report shall be submitted within twenty (20) working days following receipt of the complaint. If the complaint involves a technology center, a copy of the final report should also be sent to the Vice Chancellor for Tennessee Technology Centers. No working papers, statements, etc. generated in the investigation should be attached to the report. In situations where more time is needed to complete the investigation, for reasons such as difficulty in locating a necessary witness, or complexity of the complaint, additional time may be taken, but only following notice to Legal Counsel and written notice to both the Complainant and the Respondent .

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13. If, after investigation, there is insufficient evidence to corroborate the complaint or, in any situation in which the Complainant refuses to cooperate in the investigation, it may be appropriate to discuss the complaint with the Respondent, informing him or her that he or she is not being accused of a P-080 violation, but that the conduct alleged, had it been substantiated, could be found to violate this ~~guideline~~ Guideline. Any investigation and subsequent discussion should be documented and a report submitted as set forth in this

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procedure. It should also be noted that conduct which does not rise to the level of actionable discrimination or harassment may, nevertheless, provide a basis for disciplinary action against the Respondent.

14. The President/Director shall review the Investigator's report, and shall make a final written determination as to whether a violation has occurred and, what the appropriate resolution should be. After the President/Director has made this determination, the Investigator shall provide both the Complainant and the Respondent with a copy of the determination, along with a copy of the Investigator's report.

15. If the investigation reveals evidence that a violation of the ~~guideline~~ Guideline has occurred, the President/Director may meet with the Respondent and/or the Complainant and attempt to resolve the problem by agreement. Appropriate steps must be taken to ensure that the discrimination or harassment will not reoccur.

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16. If a violation of this ~~guideline~~ Guideline is determined to have occurred, the Respondent shall be advised of his/her right to a hearing pursuant to the procedures set forth below. The Respondent must file the request for a hearing within ten (10) working days following receipt of the President's/ Director's determination.

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17. After completion of the investigation and any subsequent disciplinary proceedings, all documentation shall be forwarded to Legal Counsel. However, copies of the President's/ Director's determination, the Investigator's report, the complaint (if it concerns an employee) and documentation of any disciplinary action taken against the Respondent should be placed in a file maintained on campus. This file shall be maintained in a location designated by the President. If such action was taken, copies of documentation establishing disciplinary action taken against the Respondent, whether an employee or student, shall also be maintained in the Respondent's personnel or student record, as appropriate.

Some documents involved in a P-080 matter may be subject to the Public Records Act and thus open to public inspection. Other documents may be protected under FERPA, the attorney/client privilege, or attorney work product and would not be releasable. If a Public Records request is received, Legal Counsel must be consulted prior to the release of any documents.

18. A complaint found to have been intentionally dishonest or maliciously made will subject the Complainant to appropriate disciplinary action.

D. Hearing

1. If the Respondent requests a hearing, he or she shall be advised of the established institutional procedures available for resolution of the matter in question which will generally be the procedure for the hearing of a grievance before a grievance committee.

2. The grievance hearing procedures shall include the following minimal requirements:

- a. Notice to the Respondent of the hearing which must include a summary of the facts that form the basis of the violation; the date, time and place of the hearing; and, the rights afforded the Respondent during the hearing process.
- b. The right of the Respondent to present his or her case.
- c. The right of the Respondent to be accompanied by an advisor who may assist the Respondent but may not advocate on his or her behalf.
- d. The right of the Respondent to call witnesses in his or her behalf.
- e. The right of the Respondent to confront and cross-examine.

3. In the following situations the Respondent must be given the option of either an institutional hearing, or of having the hearing held pursuant to the Tennessee Uniform Administrative Procedures Act (TUAPA):

- a. The Respondent is a support staff employee whom the President/Director has determined should be demoted, suspended without pay or terminated; or,
- b. The Respondent is a student whom the President/ Director has determined should be suspended or expelled.

The election of which hearing process to utilize must be in writing, signed by the Respondent, expressly waiving the TUAPA option.

If the Respondent elects to proceed pursuant to the TUAPA, Legal Counsel should be notified immediately.

5. Under either hearing procedure, the Respondent bears the burden of proof to establish that no violation of this Guideline occurred. The standard of proof in these hearings which the Respondent must meet shall be by a preponderance of the evidence.

6. When an allegation involves a tenured faculty member, the same informal and formal procedures set out above shall be utilized. Tenured faculty members shall have the same right to elect hearing procedures as set out in this section. However, where when the investigation results in a finding that the harassment policy was violated and the President/Director concurs with that finding and determines that procedures pursuant to TBR Policies 5:02:03:10, 5:02:03:60, and 5:02:03:70 should be undertaken in consideration of the termination of a tenured faculty member, the matter will then proceed directly to a hearing under either the institutional policy for termination of tenure or TBR Policies 5:02:03:10, 5:02:03:60, and 5:02:03:70.

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V. Other Available Grievance or Complaint Procedures

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Each institution's policy may wish to reference the availability of the general student and employee complaint and grievances processes, as well as the ability to file complaints with the Equal Employment Opportunity Commission (EEOC), the Tennessee Human Rights Commission (THRC), the Office of Civil Rights (OCR) and the courts.

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Source: November 14, 1984 TBR Presidents Meeting and November 16, 1984 AVTS Sub-Council meeting. Revised: August 16, 1988 Presidents Meeting. Revised: February 14, 1989 - Presidents' Meeting. Revised: November 10, 1992 - Presidents' Meeting. Revised: August 13, 1996 - Presidents' Meeting - February 13, 2001- Presidents' Meeting; Revised: August 16, 2005 – Presidents' Meeting. Revised: November 8, 2005 - Presidents' Meeting;

DISCRIMINATION / HARASSMENT COMPLAINT
FORM

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Date: _____

Complainant:

Address:

Email address: _____

Phone: (home) _____ (work) _____

Name(s) of person(s) accused of wrongdoing: _____

Alleged Discrimination / Harassment Factors:

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Race _____ National Origin

Color _____ Disability

Religion _____ Age

Sex _____ Veteran Status

Sexual Orientation/Gender Identity

Describe all actions of person(s) named above. Be as detailed as possible; include the date, time and place of each event(s) or conduct involved. Attach additional pages, if needed.

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What effect has this had on you? _____

Names of witnesses to the above-described events. Include phone number(s), if known.

Names of anyone with whom you discussed the above-described events. Include phone number, if known.

How would you like this matter resolved? _____

Complainant Signature: _____

Guideline P-110

SUBJECT: Employee Grievance/Complaint Guideline

I. APPLICATION OF GUIDELINE

A. This ~~guideline~~ **Guideline** applies to employees of an institution/center and has been developed to assist universities, community colleges, technical institutes and Tennessee Technology Centers in drafting procedures for addressing **grievances and complaints** filed by institution/center employees. **There shall be two types of procedures, which each institution/center shall address through policies developed pursuant to this Guideline. The two types are: 1) grievances, which are subject to committee review; and, 2) complaints which must be resolved without committee review.**

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B. The following is a minimum which must be incorporated in the institutional/center **grievance and complaint** procedures. The procedures may vary from campus to campus, but may not establish any right to a hearing except as set out herein.

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- Deleted:** grievance/complaint
- Deleted:** , established pursuant to this guideline,

C. This ~~guideline~~ **Guideline** has no application to a termination procedure initiated against a tenured faculty member under TBR policy No. 5:01:03:10 Section III (O), 5:02:03:60 Section V (~~J~~), or 5:02:03:70 Section VI (G)(2). This **Guideline** is not to be used for support staff employees who are demoted, suspended without pay, or terminated. In accordance with Tenn. Code Ann. § 49-8-117, *Support Staff Grievance Procedure*, support staff employees who are demoted, suspended without pay, or terminated must follow the grievance process contained in Guideline P-111.

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D. An employee may choose to utilize the procedure for review by the grievance committee established pursuant to this ~~guideline~~ Guideline in the following situations:

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1. actions relating to the suspension of employees for cause or termination in violation of an employment contract which fall under TBR Policy No. 1:06:00:05 (Cases Subject to TUAPA), or TBR Policy No. 5:02:03:60 Section V (I)(2) or 5:02:03:70 Section VI (G)(2)(b) (suspension of tenured faculty) or TBR Policy No. 5:02:03:10 Section III (O)(2) (suspension of tenured faculty at TTCs); or.

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2. actions involving hearings requested pursuant to TBR Guideline P-080 Section VI (D).

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E. The institution/center may choose to utilize the procedure for review by the grievance committee (established pursuant to this ~~guideline~~ Guideline) when resolving a complaint initiated pursuant to TBR Policy No. 5:02:03:10 (Faculty Promotion at TTCs), 5:02:03:20 (Faculty Promotion at Universities), or 5:02:03:30 (Faculty Promotion at Community Colleges).

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II. DEFINITIONS

A. GRIEVANCE – (Committee review available) – An employee may only grieve those matters defined in 1. – 3. below. If the grievance involves or is based on unlawful discrimination or unlawful harassment, the process set out in Guideline P – 080 must be utilized. A grievance may result from any actions the institution/center has taken against the employee which:

Deleted: A. MATTERS SUBJECT TO THE GRIEVANCE OR COMPLAINT PROCEDURE¶
¶
Section Break (Continuous)
There shall be two types of matters, which each institution/center shall address through the policy developed pursuant to this guideline. The two types are: 1) grievances, which are subject to committee review, and 2) complaints which must be resolved without committee review.¶

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1. violates institution/center or TBR policy, or involves an inconsistent application of these same policies;

Deleted: b. violates state or federal discrimination statutes in that the adverse action is based solely on race, gender, including claims under Title IX, national origin, age, disability, including claims under the ADA, the Rehabilitation Act or §504 or veteran's status; or¶

2. violates any constitutional right. The most likely areas of concern are the First, Fourth or Fourteenth Amendment of the federal constitution when that action hampers free speech, freedom of religion, the right to association, provides for improper search and seizure, or denies constitutionally required notice or procedures, or,

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3. violates a federal or state statute not covered by TBR Guideline P-080.

B. COMPLAINT, – (Committee review not available) – A complaint is a concern which an employee wants to discuss with supervisory personnel in an effort to resolve the matter. Personnel actions such as performance evaluations, rates of pay, position re-classifications, or position terminations due to reduction in force do not fall under the definition of complaint.

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Deleted: All references to the term "employee(s)" contained in this guideline, include only those individuals defined in this paragraph.

C. EMPLOYEE

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For purposes of the grievance and complaint procedures, an employee is defined as an administrator, faculty member (though not including faculty on temporary adjunct contracts), professional, clerical and support staff personnel. Probationary employees are also included in this definition. Student workers and graduate assistants, are not included in the definition of employee.

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III. APPLICABILITY OF PROCEDURES

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¶ The president/director shall determine the details of the committee such as appointment, committee membership, the term of committee members, etc. The committee appointment process shall allow for peer representation taking into account the legal distinctions between tenured faculty and non-faculty. The institution/center may choose to develop a pool of committee members who can receive training about the institutional grievance procedure. The institution/center may then pick a committee from that pool in order to hear an individual grievance. A standing committee of the institution/center may also be utilized. The TTCs may utilize committees developed from a statewide or region-wide pool.¶

A. All employees shall have access to the grievance/complaint procedure, as long as the process was initiated within the time frame set out in the procedure.

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B. All employees are encouraged to discuss any problem with their supervisor or unit head prior to utilizing any grievance/complaint procedure. The institution/center should attempt to resolve each grievance/complaint at the lowest possible level.

Deleted: C. The institution/center shall outline those individuals with who the employee may file a grievance/complaint such as the immediate supervisor, personnel officer, department head, vice-president, or dean.¶

IV. RESPONSIBILITY FOR IMPLEMENTATION

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A. The President/Director of the institution/center has ultimate responsibility for implementation of the grievance, and complaint procedures, and provides the final decision, at the institutional/center level,

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B. Administrative, academic, and supervisory personnel are responsible for insuring that they inform and make available to all employees information concerning their right to file a grievance or complaint and their right to be protected from retaliation.

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C. Retaliation. No employee shall retaliate or discriminate against another employee because of the latter employee's filing of a grievance or complaint. In addition, no employee shall coerce another employee or interfere with the action of another employee in the latter employee's attempt to file a grievance or complaint. Administrative, academic and supervisory personnel should also be informed that they are responsible for ensuring that the employee is free from retaliation, coercion and/or discrimination arising from the employee's filing of or intent to file a grievance or complaint.

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V. COMPLAINT PROCEDURE

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A. The complaint procedure should state a time limit within which a complaint must be presented after the date the employee received notice or becomes aware of the action which forms the basis of the complaint. If the complaint arises from a repeated or continuing occurrence, the time limit begins from the date of the last such occurrence. Any complaint not presented within the time limit is waived and shall not be considered. Once a final determination is made, the employee may not later present the same complaint in an attempt to gain a more favorable outcome.

Deleted: A. GRIEVANCES¶

¶
1. Grievances which cannot be resolved shall, upon request of the grievant, be referred to a grievance committee as set out in II. C. above. See also section VI below. The grievant has the option of choosing committee review where s/he has attempted to resolve the matter without success, or it is apparent that such attempt would be futile.¶

¶
2. Grievances which are processed through the grievance committee are appealable to the Chancellor only where they fall within the parameters set out in TBR Policy No. 1:02:11:00. This generally includes all grievances defined in II.A.1 above, except those where the complaint has filed a lawsuit or appeal with a state or federal administrative body.¶

B. The institution/center policy shall indicate with whom a complaint is to be filed. It should also indicate that a complaint must be submitted in writing.

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C. Resolution of complaints at a minimum require requires the institution/center to: 1) allow the employee to present facts and/or materials; 2) investigate the dispute; and, 3)

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attempt to find a solution. The President/Director or his/her designee shall be the final decision maker. Complaints do not include a right to any type of hearing, adversarial proceeding, nor the right to appeal to the Chancellor.

VI. GRIEVANCE PROCEDURE

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A. The grievance procedure should begin at the lowest appropriate supervisory level.

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B. The grievance procedure should state a time limit within which a grievance must be presented after the date the grievant received notice or becomes aware of the action which forms the basis of the grievance. If the grievance arises from a repeated or continuing occurrence, the time limit begins from the date of the last such occurrence. Any grievance not presented within the time limit is waived and shall not be considered. Once a final determination is made, the grievant may not later present the same grievance again in an attempt to gain a more favorable outcome.

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C. The institution/center shall require written grievances. However, the institution/center may choose to allow the grievant to present his/her grievance orally in the first one or two steps in the procedure.

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D. The institution/center shall specify that written grievances are to be filed with the appropriate decision-maker, or in the alternative, shall specify that all written grievances be filed in a central location with the appropriate decision-maker being notified of the grievance.

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E. The grievance, whether oral or written, should be stated in reasonable and temperate terms.

F. Written grievances should contain, at a minimum, the following information:

1. The grievant's name and job title.

2. The department in which the grievant is employed.

3. Explanation of the grievance citing the specific policies or statute claimed to have been violated or inconsistently applied, or the constitutional right abridged.

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4. Names of persons with whom the grievance has previously been discussed and date on which the grievance was discussed with each.

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5. Corrective action desired.

6. Date the written grievance is filed.

7. Signature of the grievant.

G. Institutions may wish to provide pre-printed forms asking for the desired information.

H. A written grievance may be returned to the grievant for additional information or restatement in clearer terms.

I. The grievant should be informed that s/he is entitled to be accompanied by an advisor at each step of the grievance procedure; however, the advisor may not act as an advocate but may act as an advisor only. Campuses may require the advisor to be an employee of the institution/center.

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J. The person charged with making the decision at each step should be given the responsibility and authority for conducting a thorough and independent investigation. Consideration may be given to information and materials gathered at previous steps.

K. The decision should be based on full and fair consideration of all pertinent ~~fact~~ facts and circumstances.

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L. The procedure should include time limits within which a grievant dissatisfied with a decision must take the grievance to the next highest step. The decision-maker at each step should also be given a time limit for notifying the grievant of the decision. The President/Director should be authorized to grant reasonable extensions of the time limits upon a showing of good cause.

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M. Employees should be given the opportunity to pursue grievances pursuant to this policy during regular business hours. Each institution or school should insure that all parties have access to all persons, places, and official records for information necessary to the determination and processing of a grievance within specified time limits. This access shall not interfere with normal work-flow of the institution.

N. Each institution/center policy should insure that a grievance can be withdrawn in writing at any stage of the process.

VII. GRIEVANCE COMMITTEE

A. The institution/center shall establish a grievance committee to advise the President/Director on those grievances which could not be resolved and which reach the final decision-making level. Grievance committees are convened only at the request of the grievant for review at the next higher level.

B. The President/Director shall determine the details of the grievance committee such as appointment, committee membership, the term of the committee members, etc. The committee appointment process shall allow for peer representation taking into account the distinctions between tenured faculty and non-faculty. The institution/center may choose to develop a pool of committee members who can receive training about the institutional grievance procedure. The President/Director may then pick a committee from that pool in order to hear an individual grievance. A standing committee of the institution/center may also be utilized. Separate committees may be established for faculty and non-faculty grievances. The TTCs may utilize committees developed from a statewide or region-wide pool.

C. A system of selecting members of the committee should seek to make appointments which will ensure that committee members will be disinterested in the outcome. Any committee member selected who has a particular interest in the outcome of the decision should be replaced with an alternate to avoid a biased decision. Every effort should be made to include minorities, i.e. ethnic minorities and women, in the composition of the committee.

Deleted: O. A grievance which is the subject of an action filed with an external body shall not be processed through the institutional/center grievance procedure developed pursuant to this guideline. The term external body includes a court, or Federal or state administrative body such as the Equal employment Opportunity Commission, Office of Civil Rights, or Tennessee Human Right Commission.¶

Deleted: P. A grievance which is the subject of a harassment complaint which is being pursued through the institution/center procedure developed pursuant to P-080 shall not be processed through the grievance procedure developed pursuant to this guideline.¶

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Deleted: Separate committees may be established for faculty and non-faculty grievances. The committee shall include at least one peer representative in accordance with section II. C. above.¶

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D. The number of individuals on the committee should be small enough to be efficient. An odd number is recommended. It is also recommended that a chairperson be selected for each committee.

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E. While the committee may review the material and decisions of previous decision-makers in the process, it should conduct a review of the relevant facts. In order to do so, it should have the power to receive evidence from the grievant, gather evidence from other sources and call witnesses.

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F. The burden of proof necessary to establish the validity of a grievance (a violation of law, policy or constitutional right) is on the grievant and must meet a preponderance of the evidence standard.

F. G. The committee may allow all witnesses to be present at one time; or in the alternative, may allow the committee to hear each witness, including the grievant, separately. In any event, the grievant should be allowed to present any pertinent evident evidence to the committee and to have the committee call those witnesses who have testimony pertinent to the decision.

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G. H. The committee shall make a written report of its recommendation and reasons supporting its recommendation to the President/Director. The President/Director may then adopt the committee's recommendation, in whole or in part, or may make his/her decision independent of the committee's findings.

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H. I. The grievant shall be provided a copy of the Committee's report along with the President's/Director's decision.

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I. J. Grievances which are processed through the grievance committee and upon which the President/Director has made a decision are appealable to the Chancellor only where the grievance falls within the parameters set out in TBR Policy 1:02:11:00.

VII. MAINTENANCE OF RECORDS

Copies of written grievances and complaints, and accompanying responses and documentation should be maintained at a specified location(s) at the institution/center for

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at least three (3) years. If ~~an~~ a finding adverse to the grievant/complainant is made, the finding shall be maintained in the grievant/complainant's personnel file.

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Source: Presidents Meeting, August 18, 1987; Presidents Meeting, May 16, 1989;
Presidents Meeting, August 21, 2001; Presidents Meeting February 13, 2002

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SUBJECT: Support Staff Grievance

The following procedure is to be used for support staff employees who are demoted, suspended without pay, or terminated. Standard grievance forms shall be made available to support staff at each work site, but no grievance may be denied because a standard form has not been used.

A. Definitions:

- (1) "Support staff" means employees who are not faculty, executive, administrative or professional staff.

- (2) "Grievance" means a complaint about one (1) or more of the following matters:
 - (a) Demotion, suspension without pay or termination for cause; or
 - (b) Work assignments or conditions of work which violate statute or policy.

B. Procedure:

- (1) Time for Filing

A grievance must be initiated within fifteen (15) work days after the employee

receives notice or becomes aware of the action which is the basis for the grievance. If

the employee is not satisfied with the decision at any step, he/she must carry the

grievance forward to the next step within fifteen (15) work days after receiving the written decision. If the employee does not carry the grievance forward within fifteen (15)

work days, the grievance procedure shall be terminated and the grievance disposed of in

accordance with the last written decision. For purposes of this procedure, the term

“work days” refers to Monday through Friday.

(2) Testimony, Witnesses and Representation

At every step, the employee may testify and present witnesses and materials in support of his/her position. The testimony of an employee, given either on his/her own behalf or as a witness for another employee, will not subject an employee to retaliatory action. At every step, the employee may be accompanied by an employee representative. At the discretion of the panel chair, additional employees from the unit may be allowed to attend the employee panel hearing conducted as the final step.

(3) Steps of Review

Step 1--Immediate Supervisor:

- a. Within fifteen (15) workdays after the employee receives notice or becomes aware of the action which is the basis for the grievance, the employee completes a Grievance Form (which may be obtained from

Human Resources), submits it to Human Resources and provides a copy to his/her immediate supervisor.

- b. Within fifteen (15) workdays after receipt of the Grievance Form, the immediate supervisor and the employee meet and discuss the grievance in a face-to-face meeting.
- c. The supervisor completes a written decision within fifteen (15) work days after the face-to-face meeting. If the supervisor fails to respond or if the decision is not satisfactory to the employee, the employee may carry the grievance forward to Step 2.

Step 2--Next Higher Level of Management:

- d. Within fifteen (15) workdays after receiving the written decision at Step 1, if the employee is not satisfied with the result of Step 1, the employee must notify Human Resources that he/she wants further review. Within fifteen (15) workdays after receiving notice that the employee wants further review, Human Resources schedules a face-to-face meeting, for the division head/vice president and the employee to discuss the grievance.
- e. Within fifteen (15) workdays after the face-to-face meeting, the division head/vice president issues a written decision that includes specific reasons for the decision.

Step 3--Hearing:

- f. Within fifteen (15) workdays after receiving the written decision at Step 2, if the decision is not satisfactory, the employee can elect to have either a grievance hearing before a panel of employees or a hearing under the Tennessee Uniform Administrative Procedures Act ("TUAPA"). The employee must notify Human Resources in writing whether he/she wants a hearing before an employee panel or a hearing before an administrative judge. For an employee panel, Human Resources selects the panel members, convenes the hearing and arranges for the grievance to be heard. For a hearing before an administrative law judge, the procedure in Paragraph C, below, must be followed.

~~g.~~ The employee grievance panel may include staff non-exempt employees, staff exempt employees, or a combination of both exempt and non-exempt employees. The panel members representing the unit where the grievance originates may not serve on the grievance panel.

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~~h.~~ The grievance panel and the grievance hearing shall be governed by the procedures as set out in TBR Guideline P-110 *Employee Grievance/Complaint Guideline*, and any corresponding institutional policy for the hearing of grievances.

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~~i.~~ The grievance panel shall hear the grievance within fifteen (15) work days after the date on which the employee submits his/her written request to Human Resources. The decision of the institutional panel or commission is subject to review by the President or TTC Director.

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Step 4--Review by the President/ TTC Director

The recommendation of the grievance panel will be forwarded to the President or

TTC Director. Within fifteen (15) work days, the President or TTC Director or a designee will notify the grievant of the final decision.

C. Tennessee Uniform Administrative Procedures Act Hearings

The following shall apply to contested case hearings conducted under Title 4, Chapter 5:

Hearings conducted under Title 4, Chapter 5 shall be heard by (i) a hearing officer or administrative judge employed by the Administrative Division of the Secretary of State's Office, (ii) a hearing officer or judge designated by the institution from the administrative, professional staff; or (iii) a hearing committee appointed by the president or technology center director from the administrative, professional staff and/or appropriate employees. The institution has sole discretion to decide whether to exercise option (i), (ii), or (iii). The hearing officer or panel shall be selected as follows:

- (a) In any case where a hearing pursuant to TUAPA procedures is required, the president or technology center director shall determine, in his or her discretion, whether the hearing shall be held before a hearing officer or a hearing committee.
- (b) Hearing officers shall normally be appointed by the president or center director from the administrative or professional staff of an institution or school. Upon request from the president or center director, the Chancellor may appoint a hearing officer in any case, either from within or without the institution or center. Contested cases may also be conducted by an administrative judge from the Administrative Procedures Division of the Office of the Secretary of State. An institution or center may submit a request for an administrative judge to the Office of General Counsel.
- (c) A hearing committee may be appointed by the president or TTC director from the administrative, professional staff and/or appropriate employees or students at the institution or school. The person appointed as

chairperson of the committee shall be deemed to be the hearing officer for purposes of presiding at the hearing.

All proceedings shall be conducted according to the parameters set forth at T.C.A. § 4-5-301 et seq., and TBR Policy No. 1:06:00:05, *Uniform Procedures for Cases Subject to the Tennessee Uniform Administrative Procedures Act*. Attorneys fees and costs shall not be recoverable by the prevailing party. The complainant/employee shall bear the burden of proof.

D. Other Requirements

- (1) The Board of Regents shall provide an annual report summarizing grievance activities of the previous year to the education oversight committee.

- (2) Each institution shall include information regarding the grievance procedure in employee orientations.

Source: Presidents Meeting February 13, 2002; Presidents Meeting May 21, 2002

[Authority: Tenn. Code Ann. § 49-8-117, Acts 1993, ch. 301, § 1; Tenn. Code Ann. § 4-5-301 et seq.; Tenn. Code Ann. § 9-8-307, TBR Policy 1:06:00:05, Uniform Procedures for Cases Subject to the Tennessee Uniform Administrative Procedures Act.]

GUIDELINE P-061: Formation and Operation of Non-Faculty Sick Leave Banks

- A. **AUTHORIZATION:** Pursuant to T.C.A. § 8-50-926, the following guideline shall be followed in the formation and operation of sick leave banks at all institutions and Tennessee Technology Centers within the State Board of Regents System. This guideline will be implemented in accordance with TBR Policy 5:01:01:00).
- B. **ESTABLISHMENT:** A sick leave bank is established when a group of employees agree to be assessed a specified number of accrued sick leave hours for a common pool. Such assessment of sick leave shall be deducted from the individual's personal accumulated sick leave and shall be nonrefundable. From this pool, the members may withdraw an amount of hours greater than their individual assessments upon request to and approval from the trustees of the sick leave bank. There can be no more than one non-faculty sick leave bank per institution or technology center. To form a sick leave bank, a minimum of 20 employees who are eligible to participate in the bank must petition the president of the institution or technology center director to authorize and direct the establishment of the bank. The petition shall include a declaration that each petitioner intends to participate.
- C. **ELIGIBILITY:** Participation in the sick leave bank will be available to regular full-time and regular part-time, non-faculty, exempt and non-exempt employees whether serving in an academic, fiscal or modified fiscal year appointment (MODFY).

Employees previously enrolled in the Faculty Sick Leave Bank who are appointed to a non-faculty position with no break in service shall be eligible immediately for membership in the Non-Faculty Sick Leave Bank with no additional assessment and waiting period required. In addition, members who are terminated and rehired with a break in service shall also be entitled to transfer membership in accordance with the provisions for accruing leave and longevity credit. An employee who transfers with no break in service from another TBR, University of Tennessee institution or state agency and participated in the previous employer's sick leave bank is immediately eligible for membership in accordance with the receiving institution's sick leave bank by-laws. If membership is requested at the time of the transfer, the employee shall designate the required minimum assessment.

Prior assessments will be transferred to the Non-Faculty Sick Bank when the change in classification becomes effective. Employees who are unable to meet additional assessments charged by the Non-Faculty Sick Leave Bank since its establishment shall lose the right to request bank sick leave, in accordance with Section E, 7. All records regarding prior bank sick leave usage will be made available to the Non-Faculty Sick Leave Bank trustees.

- D. TRUSTEES: The president of the institution or director of the technology center will appoint five (5) sick leave bank trustees upon receipt of the petition. At least three (3) of the appointees shall be clerical and support.

Initially, two (2) of the trustees will be appointed for one (1) year, two (2) trustees for two (2) years, and one (1) trustee for three (3) years. Trustees shall be eligible for reappointment. Any vacancy resulting from expiration of a term, discontinuation of employment, retirement, death, resignation, or removal by the president/director of a trustee from the trustee role shall be filled immediately by appointment by the president or technology center director. All actions by the trustees shall require three (3) affirmative notes.

The trustees shall:

1. Meet and elect a chairperson from the trustees.
2. Be responsible for preparation of the sick leave bank plan for operation. The plan is subject to the president's or director's review to ensure its compliance with these guidelines, Board policy, institution or technology center policy, appropriate recordkeeping and account principles, and statutory provisions.
3. Administer the bank and approve or reject requests for withdrawal of leave from the bank. The request for bank must be submitted to the trustees. The bank member's supervisor shall be informed of any request for bank leave, prior to approval by the trustees.
4. Adopt reasonable rules for the assessment of sick leave hours by participants in order to maintain an adequate reserve of usable days for bank members. This reserve shall only be established through the assessment of bank membership and shall maintain a positive balance at all times. The assessment shall be based upon total membership and projected potential need. All members shall be assessed the same amount of sick leave hours. The trustees shall have sole discretion in determining how many assessments are necessary to maintain the reserve's positive balance.

- E. SICK LEAVE BANK PLAN: The plan of operation prepared by the trustees shall include but not be limited to the following provisions:

1. An employee must have been a member of the bank for thirty (30) calendar days prior to applying for withdrawal of sick leave bank hours.
2. An employee must exhaust all accumulated sick leave and annual leave, if applicable, prior to receiving bank sick leave.

3. Bank sick leave shall not be used for: elective surgery, illness or death of any member of the individual's family or during any period when the individual is receiving disability benefits from social security, a state-sponsored retirement plan or Board of Claims benefits. Approved bank sick leave will run concurrently with FMLA leave for an eligible employee who has not already exhausted the twelve (12) workweek entitlement.
4. A restriction will be established on the number of hours which may be withdrawn by an individual bank member on account of one (1) illness, particularly an illness known at the time he or she elected to join the bank. Initial grants of bank sick leave to individual bank members shall not exceed the hourly equivalent or twenty (20) days for which the applicant would have otherwise lost pay. Subsequent grants of bank sick leave shall not exceed the hourly equivalents of sixty (60) days in any fiscal year, or ninety (90) days for any one illness, or recurring diagnosed illness, or accident. A bank member may be eligible to receive sick leave which has been donated by other employees if s/he has made application for bank sick leave and the necessity for bank leave is substantiated by the trustees. Should bank sick leave be denied, the bank member shall be eligible to receive donations from other employees as provided in TBR Policy 5:01:01:15.
5. When a bank member is physically or mentally unable to apply for bank sick leave, the immediate next-of-kin may make a request for bank sick on his or her behalf. If there is no next-of-kin available, this request may be made by the legally appointed guardian or conservator or an individual acting under valid power of attorney.
6. At any time the trustees may request from a bank member a physician's statement certifying the illness or condition of the bank member requesting bank leave. Refusal to submit the certification will result in denial of the request for bank sick leave.
7. A bank member shall lose the right to request bank sick leave upon termination of employment, retirement, cancellation of bank membership, refusal or inability to honor the trustee's assessments, and going on leave of absence (in a non-pay status) for reasons other than illness, injury, or disability.
8. A bank member may cancel his or her membership at any time upon written notification to the trustees. Assessed sick leave days shall be nonrefundable upon cancellation of membership and nontransferable upon transfer to another TBR institution or technology center, UT or State agency.

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9. Employees who are granted bank sick leave shall continue to accrue sick leave and annual leave, if applicable, and service credit for retirement and longevity purposes, during the time they are on bank sick leave. Also, they will receive credit for any holidays that may occur during the bank sick leave period.
10. Grants of bank sick leave shall not be contingent upon repayment of hours used or waiver of other employment benefits or rights.
11. The trustees will approve or reject all requests for bank sick leave within ten (10) calendar days of receipt of the request. The operation of the non-faculty sick leave bank shall exist separately from the regular sick leave accrued to individuals' personal accounts with respect to approvals and appeals; the decisions of the trustees shall not be appealed beyond that body.
12. All records and official forms of the sick leave bank and minutes of the trustee meetings shall be maintained in the institution's human resources office, and in the appropriate office as determined by the director of the technology center. All records shall be subject to audit by appropriate state officials.
13. An annual enrollment period shall be established by the trustees. The initial enrollment period shall last for a minimum of forty-five (45) calendar days from the date that eligible employees are notified of the bank's establishment. Subsequent annual enrollment periods shall not exceed one (1) calendar month. The trustees shall notify all eligible employees of their eligibility status and the dates of the enrollment period. Enrollment forms and copies of the plan and its regulations shall be made available at this time also.
14. All eligible persons who elect to participate in the bank shall be assessed a number of sick leave hours by the trustees—up to maximum hourly equivalent of three (3) days (22.5)—as the initial enrollment assessment.
15. The following official forms, as attached, will be used to operate the sick leave bank: (a) Official Sick Leave Bank Election Form (Petition), (b) Enrollment form, (c) Request for Bank Sick Leave, and (d) Notice to Sick Leave Bank Member of Assessment of Sick Leave Days. Formal minutes shall be made of the sick leave bank trustees meetings and shall be maintained as a part of the official bank records.

E. SCHEDULE REQUIREMENTS: The following time schedule shall be followed in establishing the sick leave bank, and addressed within the bank plan:

1. Petition Received by the President/Director

Within thirty (30) calendar days of receipt of the petition, the president or director shall appoint the trustees.

2. Trustees Responsibilities

Within ten (10) calendar days of appointment, the trustees shall hold their first meeting and elect a chairperson.

Within sixty (60) calendar days before the effective date of the sick leave bank, the trustees shall notify all eligible employees of the establishment of the bank and its date of effectiveness.

3. Effective Date

The president of director, upon approval of the trustees plan of operation, shall determine the date on which the sick leave bank becomes effective. This date shall be no later than 180 calendar days after the date of receipt of the original petition.

G. DISSOLUTION OF THE BANK: The sick leave bank shall be dissolved if the institution of school is closed or if the bank membership falls below twenty (20) individuals. The total hours on deposit shall be returned to the participating members at the time of the dissolution and credited to their personal sick leave accumulation in proportion to the number of hours each has been assessed.

Source: November 1, 1988, Presidents meeting, August 15, 1989, Presidents Meeting;

November 12, 1996, Presidents Meeting; November 6, 2002, Presidents Meeting

OFFICIAL SICK LEAVE BANK ELECTION FORM

(PETITION)

We, the undersigned, do hereby indicate an interest in the establishment of a sick leave bank at (institution/technology center) and further, we hereby declare our intention of participating as members in said sick leave bank upon its establishment.

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**EACH PETITIONER MUST MEET THE CRITERIA FOR MEMBERSHIP: BE A
REGULAR FULL-TIME EMPLOYEE , OR A REGULAR PART-TIME EMPLOYEE.**

SICK LEAVE BANK ENROLLMENT FORM

(NAME OF INSTITUTION OR TECHNOLOGY CENTER)

NAME _____ SSN _____

RANK _____

TITLE _____

REGULAR FULL-TIME EMPLOYEE

REGULAR PART-TIME EMPLOYEE

A copy of the sick leave bank plan, and regulations have been made available to me. I am aware of the contents and that any assessments made of my accrued sick leave by the trustees of the bank shall be nonrefundable and nontransferable.

Signature

Date

SICK LEAVE BANK
NOTICE OF ASSESSMENT

As a member of the (name of institution or technology center) Sick

Leave Bank, you are hereby notified of an assessment of (number) hours

from your accrued personal sick leave bank balance effective (date). This assessment is made in accordance with the statutory provisions and institutional or technology center regulations governing the sick leave bank and is based upon projected potential need of the bank's membership. Since authorized by you, this assessment of hours is nonrefundable and nontransferable.

Trustee Chairperson Signature

Date

Member Authorization (Signature)

Date

ONCE AUTHORIZED BY MEMBER, THIS NOTICE OF ASSESSMENT MUST BE FORWARDED TO THE HUMAN RESOURCES OFFICE IMMEDIATELY.

SICK LEAVE BANK REQUEST

Member Name:

Department:

<u>No. of Hours Requested</u>	<u>Effective Dates of Leave</u>	
(1 day = 7.5 Hours)	From	To
_____	_____	_____

Reason for Request: _____

Member Signature

Date

Notice to Supervisor

Date

To Be Completed by Human Resources Office:

Accrued Sick Leave Hrs. * _____ Accrued Annual Leave Hrs. * _____

Human Resources Officer: _____

Signature

Date

*Must be equal to zero as of effective date bank leave would begin.

Trustees' Action:

Approved: _____

Chairperson Signature Date

Disapproved: _____

Chairperson Signature Date

PRESIDENTS/DIRECTORS QUARTERLY MEETINGS

DATE: February 12, 2008 (President's Meeting)
February 13, 2008 (Director's Meeting)

AGENDA ITEM: Proposed Policy, Preventing and Reporting Fraud, Waste or Abuse

ACTION: Voice Vote

PRESENTER: Tammy Gourley

BACKGROUND INFORMATION:

A policy on fraud, waste and abuse was developed based upon the request of the Audit Committee Chair. The proposed policy may be considered in relation to the proposed revisions to Guideline B-080, *Reporting and Resolution of Institutional Losses*. Some of the material removed from Guideline B-080 is now included in this policy. Other material from the Fraud, Waste and Abuse brochure is also included in this policy.

The main points included this policy are that management of each institution has the responsibility to:

- promote an ethical work environment,
- establish internal control systems to prevent and detect irregularities, and
- report irregularities to TBR.

Additionally, the policy provides information on reporting known or suspected instances of fraud, waste or abuse and states that investigations will be performed and appropriate actions taken when irregularities are detected.

TBR POLICY: *Proposed Policy*

SUBJECT: Preventing and Reporting Fraud, Waste or Abuse

The Tennessee Board of Regents is committed to the responsible stewardship of its resources. Management of each TBR institution is responsible for maintaining a work environment that promotes ethical and honest behavior. Additionally, it is the responsibility of management of each TBR institution to establish and implement internal control systems and procedures to prevent and detect irregularities, including fraud, waste and abuse. Management at all levels should be aware of the risks and exposures inherent in their areas of responsibility, and should establish and maintain proper internal controls to provide for the security and accountability of all resources entrusted to them.

Terms

Fraud An intentional act to deceive or cheat, ordinarily for the purpose or result of causing a detriment to another and/or bringing about some benefit to oneself or others. Fraudulent activities may include, but are not limited to the following:

- Theft, misappropriation, misapplication, destruction, removal, or concealment of any institutional assets or resources, including but not limited to funds, securities, supplies, equipment, real property, intellectual property or data.
- Improper use or assignment of any institutional assets or resources, including but not limited to personnel, services or property.
- Improper handling or reporting of financial transactions, including use, acquisitions and divestiture of state property, both real and personal.
- Authorization or receipt of compensation for hours not worked.
- Inappropriate or unauthorized use, alteration or manipulation of data, computer files, equipment, software, networks, or systems, including personal or private business use, hacking and software piracy.
- Forgery or unauthorized alteration of documents.
- Falsification of reports to management or external agencies.
- Pursuit of a personal benefit or advantage in violation of the TBR Conflict of Interest Policy.
- Concealment or misrepresentation of events or data.
- Acceptance of bribes, kickbacks or any gift, rebate, money or anything of value whatsoever, or any promise, obligation or contract for future reward, compensation, property or item of value, including intellectual property.

Waste An intentional or unintentional, thoughtless or careless act, resulting in the expenditure, consumption, mismanagement, use, or squandering of institutional assets or resources to the detriment or potential detriment of the institution. Waste may also result from incurring unnecessary expenses due to inefficient or ineffective practices, systems, or controls.

Abuse An intentional or unintentional act using one's position or an institutional resource in a manner that contravenes applicable laws, policies, or generally accepted practices, including the destruction, diversion, manipulation, misapplication, or misuse of assets, information, relationships, or other resources.

Preventing Fraud, Waste or Abuse

Maintaining an Ethical Work Environment

Management is responsible for maintaining a work environment that promotes ethical and honest behavior on the part of all employees, students, contractors, vendors and others. To do so, management at all levels must behave ethically and communicate to employees and others that they are expected to behave ethically. Management must demonstrate through words and actions that unethical behavior will not be tolerated.

Implementing Effective Internal Control Systems

Management of each TBR institution has the responsibility to establish and implement internal control systems and procedures to prevent and detect irregularities, including fraud, waste and abuse. Internal controls are processes performed by management and employees to provide reasonable assurance of:

- safeguards over institutional assets and resources, including but not limited to cash, securities, supplies, equipment, property, records, data or electronic systems;
- effective and efficient operations;
- reliable financial and other types of reports; and
- compliance with laws, regulations, contracts, grants and policies.

To determine whether internal controls are effective, management should perform periodic risk and control assessments, which should include the following activities:

1. Review the operational processes of the unit under consideration.
2. Determine the potential risk of fraud, waste, or abuse inherent in each process.
3. Identify the controls included in the process (or controls that could be included) that result in a reduction in the inherent risk.
4. Assess whether there are internal controls that need to be improved or added to the process under consideration.
5. Implement controls or improve existing controls that are determined to be the most efficient and effective for decreasing the risk of fraud, waste or abuse.

Most managers will find that processes already include a number of internal controls, but these controls should be monitored or reviewed for adequacy and effectiveness on a

regular basis and improved as needed. Typical examples of internal controls may include, but are not limited to:

- Adequate separation of duties among employees.
- Sufficient physical safeguards over cash, supplies, equipment and other resources.
- Appropriate documentation of transactions.
- Independent validation of transactions for accuracy and completeness.
- Documented supervisory review and approval of transactions or other activities.
- Proper supervision of employees, processes, projects or other operational functions.

Reviews of Internal Control Systems

Audits or other independent reviews may be performed on various components of the internal control systems.

Internal Audit – Internal Audit is responsible for assessing the adequacy and effectiveness of internal controls that are implemented by management and will often recommend control improvements as a result of this assessment. During an audit of a department or process, Internal Audit will also perform tests designed to detect fraud, waste or abuse that may have occurred.

External Audits – The Tennessee Department of Audit, Division of State Audit, performs periodic financial audits of Tennessee Board of Regents universities and community colleges. One purpose of this type audit is to evaluate an institution's internal controls, which will often result in recommendations for control improvements. State Audit will also perform tests designed to detect fraud, waste or abuse that may have occurred.

Other Reviews – Various programs may be subject to audits or reviews by federal, state or other outside agencies based on the type of program, function or funding.

Although audits and reviews may include assessments of internal controls, the primary responsibility for prevention and detection of fraud, waste or abuse belongs to management. Therefore, management should take steps to review internal controls whether or not audits are to be performed.

Reporting Fraud, Waste or Abuse

Responsibility for Reporting Fraud, Waste or Abuse

Institutional management, faculty and staff with a reasonable basis for believing that fraud, waste or abuse has occurred must immediately report such incidents. Students,

citizens and others are strongly encouraged to report known or suspected acts of fraud, waste or abuse. Although proof of an improper activity is not required at the time the incident is reported, anyone reporting such actions must have reasonable grounds for doing so. Employees with knowledge of matters constituting fraud, waste or abuse, that fail to report it or employees who knowingly make false accusations may be subject to disciplinary action.

Protection from Retaliation - State law prohibits discrimination or retaliation against employees for reporting allegations of dishonest acts or cooperating with auditors conducting an investigation. The Higher Education Accountability Act of 2004 directs that a person who knowingly and willingly retaliates or takes adverse action of any kind against any person for reporting alleged wrongdoing pursuant to the provisions of this part commits a Class A misdemeanor.

Confidentiality of Reported Information – According to the Higher Education Accountability Act of 2004, detailed information received pursuant to a report of illegal, improper, wasteful or fraudulent activity or any on-going investigation thereof shall be considered working papers of the internal auditor and shall be confidential. Such information may be disclosed, however, upon an order of a court or subpoena.

Methods for Reporting Fraud, Waste or Abuse

Several options are available to employees, students and others for reporting acknowledged or suspected dishonest acts. Incidents should be reported to:

- a supervisor or department head;
- an institutional official;
- the institutional internal auditor;
- the Office of System-wide Internal Audit at 615-366-4407 or reportfraud@tbr.edu; or
- the Tennessee Comptroller of the Treasury's Hotline for fraud, waste and abuse at 1-800-232-5454.

Any employee who becomes aware of known or suspected fraud, waste or abuse must immediately report the incident to an appropriate departmental official. If the incident involves their immediate supervisor, the employee must report the incident to the next highest-level supervisor. Employees should not confront the suspected individual or initiate an investigation on their own since such actions could compromise the investigation. A department official or other supervisor who receives notice of known or suspected fraud, waste or abuse must immediately report the incident to the following:

1. Vice President for Business and Finance (or their designee)
 2. Internal Audit Department
 3. Safety and Security Office/Campus Police
-
1. The president/director or their designee will verbally notify the TBR Vice Chancellor for Business and Finance and the Director of System-wide Internal

Audit regarding the acknowledged or suspected fraud or misconduct. TTC Directors should also report such matters to the Vice Chancellor for Tennessee Technology Centers. The Director of System-wide Internal Audit will notify the Comptroller of the Treasury of instances of fraudulent activity or other misconduct. After verbal notification, each institution should refer to TBR Guideline B-080, *Reporting and Resolution of Institutional Losses*, for additional reporting requirements.

Investigations/Actions

Cooperation of Employees – Individuals involved with suspected fraudulent activity or misconduct must assist with and cooperate in any authorized investigation, including providing complete, factual responses to questions and either providing access to or turning over relevant documentation immediately upon request by any authorized person. Any person refusing to provide such assistance must be notified that such refusal may result in the imposition of discipline, up to and including termination. Failure to provide such notice will not preclude the institution from terminating the employee.

Remedies Available – The Tennessee Board of Regents will evaluate the information provided and make a determination concerning external reporting obligations, if any, and the feasibility of pursuing available legal remedies against persons or entities involved in misconduct or fraudulent acts against the institution. Remedies include, but are not limited to, terminating employment, requiring restitution, and forwarding information regarding the suspected fraud to appropriate external authorities for criminal prosecution. In those cases where disciplinary action is warranted, the Office of Personnel/Human Resources, Office of General Counsel, and other appropriate offices shall be consulted prior to taking such action, and applicable institutional and Board policies related to imposition of employee discipline shall be observed.

Resignation of Suspected Employee – An employee suspected of misconduct may not resign as an alternative to discharge after the investigation has been completed. Exceptions to this requirement can only be made by the institution's President/Director, and require advance consultation with and approval by the Vice Chancellor for Business and Finance. If the employee resigns during the investigation, the employment records must reflect the situation as of the date of the resignation and the outcome of the investigation (*General Personnel Policy*, 5:01:00:00).

Effect on Annual Leave – An employee who is dismissed for gross misconduct or who resigns or retires to avoid dismissal for gross misconduct shall not be entitled to any payment for accrued but unused annual leave at the time of dismissal (*Annual Leave Policy*, 5:01:01:01).

Student Involvement – Students found to have participated in misconduct or fraudulent acts as defined by this guideline will be subject to disciplinary action pursuant to the TBR Policy 3:02:00:01, *General Regulations on Student Conduct and Disciplinary Sanctions*. The Dean of Students and/or the Vice President of Student Affairs will be responsible for

adhering to applicable due process procedures and administering appropriate disciplinary action.

Confidentiality During Investigation – All investigations will be conducted in as strict confidence as possible, with information sharing limited to persons on a “need to know” basis. The identities of persons communicating information or otherwise involved in an investigation or allegation of misconduct or fraudulent activity will not be revealed beyond the institution and staff of the TBR Offices of General Counsel, Business and Finance and System-wide Internal Audit unless necessary to comply with reporting requirements, state law or if legal action is taken.

Management’s Follow-up Responsibility – Administrators at all levels of management must implement, maintain, and evaluate an effective compliance program to prevent and detect fraudulent activities. Once fraud has been reported, the overall resolution should include an assessment of how it occurred, an evaluation of what could prevent recurrences of the same or similar conduct, and implementation of appropriate controls, if needed.

PRESIDENTS/DIRECTORS QUARTERLY MEETINGS

DATE: February 12, 2008 (President's Meeting)
February 13, 2008 (Director's Meeting)

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

ACTION: Voice Vote

PRESENTER: Tammy Gourley

BACKGROUND INFORMATION:

Revisions to Guideline B-080 may be considered in relation to the proposed policy, *Preventing and Reporting Fraud, Waste and Abuse*; some of the material eliminated from this guideline is now included in the proposed policy. The parts remaining in the guideline are procedural matters for reporting losses of institutional assets and other resources due to misfeasance or malfeasance. TCA 8-19-501 requires reporting of such losses to the Comptroller of the Treasury.

TCA 8-19-501. Shortage of state moneys – Unauthorized removal of state property – Duty to report.

It is the duty of any official of any agency of the state having knowledge of shortages of moneys of the state, or unauthorized removal of state property, occasioned either by malfeasance or misfeasance in office of any state employee, to report the same immediately to the comptroller of the treasury.

TBR Guideline No. B-080

SUBJECT: Reporting and Resolution of Institutional Losses

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

Reporting

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

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

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

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

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

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<#>Promote adherence to federal and State law (including, but not limited to, Tenn. Code Ann. §§ 8-19-501, 12-4-101, and 12-4-103). ¶

¶
<#>Promote adherence to federal regulations and state policy. ¶

¶
<#>Establish responsibility for detection, reporting and investigation of suspected fraud, misuse, or misappropriation of state resources. ¶

¶
<#>Increase the awareness of all employees to the possibility of fraud and resource-related misconduct. ¶

¶
<#>Establish consistency with the reporting of allegations of fraud and resource-related misconduct. ¶

¶
<#>Ensure immediate notification to TBR of all authenticated cases of fraud. ¶

¶
<#>Ensure appropriate disposal of surplus property. ¶

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A. Losses Due to Cash Shortages

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

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Deleted: is identified in any area or unit, such should be specifically noted in the report. Furthermore, the investigation unit identified on the "Notification of Loss of Funds and/or Property" report should file a "Case Resolution Report" (see Attachment B) at the conclusion of the investigation. Both reports should be sent to TBR and Internal Audit.

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

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

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Deleted: Individuals involved with suspected fraud activity or misconduct as that term is defined in this policy must assist with and cooperate in any authorized investigation, including providing complete, factual responses to questions and either providing access to or turning over relevant documentation immediately upon request by any authorized person. Any person refusing to provide such assistance must be notified that such refusal may result in the imposition of discipline, up to and including termination. Failure to provide such notice will not preclude the institution from terminating the employee. The procedures outlined below should be followed: ¶

C. Losses of Physical Property – Property Claims Process

Property Records – Institutions maintain property inventory records for capitalized property (property with a cost of \$5,000 or more) and sensitive property (property with a cost of less than \$5,000 but vulnerable to theft or misuse).

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

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

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

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- 1. Vice President of Business and Finance or their designee¶
- 2. Internal Audit Department¶
- 3. Department where loss occurred¶

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

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

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

Actions

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

Source: November 6, 2002, Presidents Meeting.

- Deleted:** against persons or entities involved in misconduct or fraudulent acts against the institution. Remedies include, but are not limited to, terminating employment, requiring restitution, and forwarding information regarding the suspected fraud to appropriate external authorities for criminal prosecution. In those cases where disciplinary action is warranted, the Office of Personnel/Human Resources, Office of General Counsel, and other appropriate offices shall be consulted prior to taking such action, and applicable institutional and Board policies related to imposition of employee discipline shall be observed.¶
- ¶
- An employee suspected of theft of institutional property may not resign as an alternative to discharge after the investigation has been completed. Exceptions to this requirement can only be made by the institution’s President/Director, and require advance consultation with and approval by the Vice Chancellor for Business and Finance. If the employee resigns during the investigation, the employment records must reflect the situation as of the date of the resignation and the outcome of the investigation. ¶
- ¶
- An employee who is dismissed for gross misconduct or who resigns to avoid dismissal for gross misconduct shall not be entitled to any payment for accrued but unused annual leave at the time of dismissal. ¶

ADDENDUM TO B-080

Tennessee Board of Regents
Reporting Matrix for Institutional Losses

Type of Loss		Immediate Verbal Notification to TBR	Att. A Notification of Loss Report	Att. C Property Loss Report	Att. B Case Resolution Report (c)	Report to Comptroller of the Treasury	Report to Office of Risk Management (d)
Cash (a)	< \$250	No	No	-	No	No	-
Cash	≥ \$250	Yes	Yes	-	Yes	Yes	-
Cash	FWA - any amount	Yes	Yes	-	Yes	Yes	-
Physical Property	Capitalized	No	Yes (b)	Yes (b)	No	Yes	Yes
Physical Property	Sensitive	No	Yes (b)	Yes (b)	No	Yes	Yes
Physical Property (a)	Not Capitalized and Not Sensitive	No	No	No	No	No	No
Physical Property	FWA - any value/any property	Yes	Yes	Yes	Yes	Yes	Yes
Other Assets or Resources	FWA - any value	Yes	Yes	No	Yes	Yes	No

FWA - Fraud, Waste or Abuse (Misconduct)

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

(b) For property losses, either Att. A (any loss) or Att. C (property losses) should be submitted. Both reports are not required.

(c) Internal Audit Report may be issued in lieu of Case Resolution Report; for property losses, this report is not required unless FWA is suspected.

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

NOTIFICATION OF LOSS REPORT

Deleted: OF FUNDS AND/OR PROPERTY

(Date)

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

Dear _____:

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

Below is a brief description of the loss:

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

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

Sincerely,

(Name)

(Title)

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Attachment B

Institution
PROPERTY LOSS REPORT
July 2007

<u>Location of Loss</u>	<u>Item Description</u>	<u>Decal #</u>	<u>Serial #</u>	<u>Date of Loss</u>	<u>Cost/Value</u>	<u>Cause of Loss</u>	<u>Item will be replaced (yes/no)</u>

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

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CASE RESOLUTION REPORT

(INSTITUTION NAME) _____

(Date) _____

Department: _____ Unit: _____

1. Date of the loss: _____

2. Reported by: _____

3. Investigation/unit conducted by: _____

4. Description of the loss: _____

5. Total amount of loss: _____

6. Was employee dishonesty discovered? Yes _____ No _____

7. Name(s) of employee(s) involved: _____

8. Action taken: _____

9. Methodology used to determine loss: _____

10. Internal control weaknesses found: _____

11. Actions taken to resolve weaknesses: _____

PRESIDENTS QUARTERLY MEETINGS

DATE: February 12, 2008 (President's Meeting)

AGENDA ITEM: Statement on Auditing Standards 113, *Omnibus 2006*
Statement on Auditing Standards 114, *The Auditor's
Communication With Those Charged With Governance*

ACTION: Information Item

PRESENTER: Tammy Gourley

BACKGROUND INFORMATION:

The following AICPA standards may have some impact on audits conducted by the Comptroller's Office.

SAS 113 – The main impact from this standard is that audit reports may be dated later than the completion of fieldwork (previously used for determining the date of the report) and that management's representation letter will need to be dated the same date as the report. The auditor will notify you of the date to include on the representation letter when it is requested.

SAS 114 – This standard differentiates between *those charged with governance* (noted as those with responsibility for overseeing the strategic direction and obligations related to accountability of the entity) and *management* (those with responsibility for achieving the objectives of the entity and those with authority to establish policies and make decisions by which those objectives are to be pursued). Communications from the auditors and audit reports may include these terms; audit committee members receive copies of engagement letters for state audits and all board members receive copies of audit reports. The standard also requires communication with the appropriate individual of the entity and recognizes that this may vary depending upon the circumstances. It requires communication from the auditor on 1) an overview of the planned scope and timing of the audit and 2) representations the auditor is requesting from management; state auditors do routinely communicate these matters during the audits.

**STATEMENT ON AUDITING STANDARDS No. 113
OMNIBUS 2006**

Issue Date: November 2006

Effective Date: The amendments in paragraphs 1 through 5 of this SAS are effective for audits of financial statements for periods beginning on or after December 15, 2006. Earlier application is permitted.

The amendments in paragraphs 7 through 14 of this SAS are effective for audits of financial statements for periods ending on or after December 15, 2006. Earlier application is permitted.

Product Number: 060708

SUMMARY

The Auditing Standards Board (ASB) has issued Statement on Auditing Standards (SAS) No. 113, *Omnibus 2006*. This SAS amends the following SASs:

- SAS No. 95, *Generally Accepted Auditing Standards*;
- SAS No. 99, *Consideration of Fraud in a Financial Statement Audit*;
- SAS No. 101, *Auditing Fair Value Measurements and Disclosures*;
- SAS No. 59, *The Auditor's Consideration of an Entity's Ability to Continue as a Going Concern*;
- SAS No. 57, *Auditing Accounting Estimates*;
- "Subsequent Events" of SAS No. 1, *Codification of Auditing Standards and Procedures*; and
- SAS No. 85, *Management Representations*.

SAS No. 113:

- Revises the terminology used in the ten standards in SAS No. 95 to reflect the terminology used in SAS No. 102, *Defining Professional Requirements in Statements on Auditing Standards*.
- Adds a footnote to the headings prior to paragraphs 35 and 46 in SAS No. 99 to provide a clear link between the auditor's consideration of fraud and the auditor's assessment of risk and the auditor's procedures in response to those assessed risks.
- Replaces, throughout the SASs, the term "completion of fieldwork" with the term "date of the auditor's report."
- Changes the convention for dating the representation letter by requiring that it be dated as of the date of the auditor's report.

Statement of Auditing Standards No. 114, *The Auditor's Communication With Those Charged With Governance*

Issue Date: December 19, 2006

Effective Date: This SAS is effective for periods beginning on or after December 15, 2006. Early application is permitted.

Product Number: 060709

Executive Summary

Statement on Auditing Standards (SAS) No. 114 supersedes SAS No. 61, *Communication With Audit Committees*, as amended. This SAS establishes standards and provides guidance to an auditor on matters to be communicated with those charged with governance.

In the wake of well-publicized audit failures and emerging best practices in corporate governance, expectations have increased for auditors to communicate openly and candidly with those charged with governance regarding significant findings and issues related to the audit. The Auditing Standards Board (ASB) believes SAS is responsive to the issues and expectations in the U.S. nonissuer community and will improve audit practice and serve the public interest.

In developing this SAS, the ASB considered the communication requirements of the Proposed International Standard on Auditing 260 (Revised), *The Auditor's Communication with Those Charged with Governance*, which was issued by the International Auditing and Assurance Standards Board in March 2005.

SAS No. 61 established communication requirements applicable to entities that either have an audit committee or that have otherwise formally designated oversight of the financial reporting process to a group equivalent to an audit committee. SAS No. 114 broadens the applicability of the SAS to audits of the financial statements of all nonissuers and establishes a requirement for the auditor to communicate with those charged with governance certain significant matters related to the audit.

The SAS uses the term *those charged with governance* to refer to those with responsibility for overseeing the strategic direction of the entity and obligations related to the accountability of the entity, including overseeing the entity's financial reporting process. It uses the term *management* to refer to those who are responsible for achieving the objectives of the enterprise and who have the authority to establish policies and make decisions by which those objectives are to be pursued. Management is responsible for the entity's financial statements.

The SAS identifies specific matters to be communicated, many of which are generally consistent with the requirements in SAS No. 61. However, the SAS includes certain additional matters to be communicated and provides additional guidance on the communication process.

In particular, the SAS:

- Describes the principal purposes of communication with those charged with governance and stresses the importance of effective two-way communication.
- Requires the auditor to determine the appropriate person(s) in the entity's governance structure with whom to communicate particular matters. That person may vary depending on the nature of the matter to be communicated.
- Recognizes the diversity in governance structures among entities (including the existence of audit committees or other subgroups charged with governance) and encourages the use of professional judgment in deciding with whom to communicate particular matters.
- Recognizes the unique considerations for communicating with those charged with governance when all of those charged with governance are involved in managing the entity, which may be the case with some small entities.
- Adds requirements to communicate:
 - An overview of the planned scope and timing of the audit.
 - Representations the auditor is requesting from management.
- Provides additional guidance on the communication process, including the forms and timing of communication. Significant findings from the audit should be in writing when, in the auditor's professional judgment, oral communication would not be adequate. Other communications may be oral or in writing,
- Requires the auditor to evaluate the adequacy of the two-way communication between the auditor and those charged with governance.
- Establishes a requirement to document required communications with those charged with governance.

PRESIDENTS/DIRECTORS QUARTERLY

Presidents Meeting – February 12

Directors Meeting – February 13

DATE: February 4, 2008

AGENDA ITEM: Comptroller's Survey of Social Security Numbers
And Recommendation for Follow-up

ACTION: The Presidents Council endorses the establishment of the SSN and
Data Security Taskforce

PRESENTER: Tom Danford

BACKGROUND INFORMATION:

The Comptroller's survey of social security numbers and a recommendation for follow-up will be discussed at our February quarterly meetings.

Establishment of a Social Security Number (SSN) and Data Security Taskforce

February 12, 2008

BACKGROUND:

In January of 2008 the Comptroller of the Treasury for the State of Tennessee issued a questionnaire to all state agencies designed to review agency policies and practices as they relate to protecting Social Security numbers from disclosure to the public.

Though responses from the TBR campuses clearly indicated that there was a general understanding of the importance of safeguarding social security numbers, upon closer review it became evident that there is no uniformly accepted standard(s) for the protection of SSNs across the TBR or consistently applied practices.

Additionally, the Office of Information Resources, a department under the Commissioner of Finance, recently conducted a survey to determine the potential distribution of confidential data on agency owned computing devices. The survey results indicated that agencies were not able to definitively determine the number of devices that contained confidential data and recommended:

- a) All computing devices containing confidential or protected data be identified
- b) Staff are trained to access their network drives and store confidential data on their secure file server unless there is a compelling business reason to store data on the local device
- c) All computing devices requiring the local storage of confidential information be encrypted

Accordingly it is recommended that the Chancellor appoint a "SSN and Data Security Task Force" that is charged with the following assignment:

TASKFORCE CHARGE:

- Identify and review all pertinent federal & state legislation and TBR policy/procedure that relate to the protection of social security numbers and other protected data.
- Research the policies, procedures and practices of other public institutions of higher education for protecting social security numbers and other protected data.
- Engage the institutions in identifying all workstations containing confidential information, the need to continually place the information on the workstation, and how to protect the data if it must be on a workstation in order to successfully perform work assignments.

- Prepare/update system-wide policies and guideline(s) to ensure they are current with existing legislation and that there are established standards of care for protecting social security numbers and other protected data.
- Prepare a “best practices” handbook for educating staff, faculty, and students in safeguarding protected data such as social security numbers and to ensure that social security numbers and other protected data are safeguarded consistently throughout the TBR system.

TIMELINE:

Given the importance of protecting student confidential data, the taskforce should form no later than the end of February and have preliminary findings and recommendations no later than the end of May 2008 so that implementation planning can commence over the summer with procedures in place for the beginning of the '08 – '09 academic year.

PARTICIPANTS:

The recommendation for representation on the taskforce is to appoint at least one person from across the system from each of the following functional areas.

Business/Payroll Officer
Records Officer
Registrar
Internal Auditor
Financial Aid Officer
Advancement Officer
Student Affairs Officer
Institutional Research Officer
IT Officer
Campus Safety Officer
RODP
TBR Legal
(Other?)

Action Recommended:

The Presidents Council endorses the establishment of the SSN and Data Security Taskforce.