



REVISED AGENDA

PRESIDENTS MEETING

Tuesday, February 14, 2012 – 9:00 A.M. (CT)

1. Financial Aid Issues (Dr. Rich Rhoda and Staff)
2. Revisions to TBR Policy 3:02:00:01 -Subject: General Regulations on Student Conduct and Disciplinary Sanctions – (Vice Chancellor Paula Myrick Short) - Attachment
3. Revision to TBR Policy 1:07:00:00 – General Policy on Tobacco and Alcoholic Beverages (Vice Chancellor Paula Myrick Short) - Attachment
4. Revision to TBR Policy 2:01:00:03 - Subject: Principles for Articulation in Vocational/Technical Education (Vice Chancellor Paula Myrick Short) – Attachment
5. Revision to TBR Guideline A-100 - Subject: Learning Support (Vice Chancellor Paula Myrick Short) - Attachment
6. Revisions to TBR Guideline P-080 – Discrimination and Harassment – Complaint and Investigating Procedure (Vice Chancellor Dale Sims) - Attachment
7. Revisions to TBR Policy 4:02:20:00 – Disposal of Surplus Personal Property (Vice Chancellor Dale Sims) - Attachment
8. Facilities Use Policy (Ms. Chris Modisher, General Counsel)

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9. The International PTK Convention (Vice Chancellor Warren Nichols)
10. Legislative and Budget Update (Vice Chancellor David Gregory and Vice Chancellor Dale Sims)
11. Change in General System Charge to Institutions (Vice Chancellor Dale Sims)
- Attachment

Rev. 2/13/2012

PRESIDENTS QUARTERLY MEETING

February 2012

DATE: Presidents Meeting (February 14, 2012)

AGENDA ITEM: Revisions to TBR Policy 3:02:00:01 Subject: General Regulations on Student Conduct and Disciplinary Sanctions

ACTION: Requires Vote

PRESENTER: Vice Chancellor Paula Myrick Short

BACKGROUND INFORMATION: Replaces old TBR Rule with Student Disciplinary Rule approved by the Board in March 2011.

** The language of policy 3:02:00:01 is deleted in its entirety and replaced with the language beginning on page 4 of this document.

Policy 3:02:00:01

Subject: ~~General Regulations on Student Conduct and Disciplinary Sanctions~~

I. Policy Statement

~~Students enrolled in postsecondary educational institutions and schools are citizens of the state, local and national governments, and of the academic community, and are, therefore, expected to conduct themselves as law-abiding members of each community at all times. Admission to an institution or school of postsecondary education carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by non-students. In recognition of the special relationship that exists between the institution or school and the academic community which it seeks to serve, the State Board of Regents has authorized the presidents of the institutions and directors of the area vocational-technical schools under its jurisdiction to take such action as may be necessary to maintain campus conditions and preserve the integrity of the institution or school and its educational environment.~~

~~Pursuant to this authorization and in fulfillment of its duty to provide a secure and stimulating atmosphere in which individual and academic pursuits may flourish, the State Board of Regents has developed the following Regulations which are intended to govern student conduct on the several campuses under its jurisdiction, and which regulations may be expanded or supplemented by each institution and school subject to Board approval. In addition, students are subject to all national, state and local laws and ordinances. If a student's violation of such laws or ordinances also adversely affects the institution's or school's pursuit of its educational objectives, the institutions and schools may enforce their own regulations regardless of any proceedings instituted by other authorities. Conversely, violation of any section of these Regulations may subject a student to disciplinary measures by the institution or school whether or not such conduct is simultaneously violative of state, local or national laws.~~

II. Disciplinary Offenses

~~A. Generally, through appropriate due process procedures, institutional or school disciplinary measures shall be imposed for conduct which adversely affects the institution's or school's pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property or persons on property owned or controlled by an institution or school.~~

~~B. Individual or organizational misconduct which is subject to disciplinary sanction shall include but not be limited to the following examples:~~

- ~~1. Conduct dangerous to others. Any conduct which constitutes a serious danger to any person's health, safety or personal well-being, including any physical abuse or immediate threat of abuse;~~
- ~~2. Hazing. Any act of hazing of any variety by an individual or group;~~
- ~~3. Disorderly conduct. Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs other groups or individuals;~~
- ~~4. Obstruction of or interference with institutional or school activities or facilities. Any intentional interference with or obstruction of any institutional or school activity, program, event, or facilities, including the following:
 - ~~a. Any unauthorized occupancy of facilities owned or controlled by an institution or school or blockage of access to or from such facilities.~~~~

~~b. Interference with the right of any institution or school member or other authorized person to gain access to any activity, program, event or facilities sponsored or controlled by an institution or school.~~

~~c. Any obstruction or delay of a campus security officer, fireman, or any official of an institution or school in the performance of his or her duty.~~

~~5. Misuse of or damage to property. Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to the institution or school including, but not limited to, fire alarms, fire equipment, elevators, telephones, institution or school keys, library materials and/or safety devices; and any such act against a member of the institution or school community or a guest of the institution or school;~~

~~6. Theft, misappropriation, or unauthorized sale. Any act of theft, misappropriation, or unauthorized possession or sale of institution or school property or any such act against a member of the institution or school community or a guest of the institution or school;~~

~~7. Misuse of documents or identification cards. Any forgery, alteration of or unauthorized use of institution or school documents, forms, records or identification cards, including the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment or status in the institution or school;~~

~~8. Firearms and other dangerous weapons. Any unauthorized or illegal possession of or use of firearms or dangerous weapons of any kind.~~

~~9. Explosives, fireworks, and flammable materials. The unauthorized possession, ignition or detonation of any object or article which could cause damage by fire or other means to persons or property or possession of any substance which could be considered to be and used as fireworks;~~

~~10. Alcoholic Beverages. The use and/or possession of alcoholic beverages on institution or school owned or controlled property;~~

~~11. Drugs. The unlawful possession or use of any drug or controlled substance (including any stimulant, depressant, narcotic, or hallucinogenic drug or substance, or marijuana), or sale or distribution of any such drug or controlled substance;~~

~~12. Gambling. Gambling in any form;~~

~~13. Financial irresponsibility. Failure to meet financial responsibilities to the institution or school promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the institution or school or to a member of the institution or school community acting in an official capacity;~~

~~14. Unacceptable conduct in hearings. Any conduct at an institutional or school hearing involving contemptuous, disrespectful, or disorderly behavior, or the giving of false testimony or other evidence at any hearing;~~

~~15. Failure to cooperate with institutional or school officials. Failure to comply with directions of institutional or school officials acting in the performance of their duties;~~

~~16. Violation of general rules and regulations. Any violation of the general rules and regulations of the institution or school as published in an official institutional or school publication, including the intentional failure to perform any required action or the intentional performance of any prohibited action;~~

~~17. Attempts and aiding and abetting the commission of offenses. Any attempt to commit any of the foregoing offenses, or the aiding and abetting of the commission of any of the foregoing offenses (an "attempt" to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission);~~

18. Violations of state or federal laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference.

C. Disciplinary action may be taken against a student for violations of the foregoing Regulations which occur on institutionally or school owned, leased, or otherwise controlled property, or which occur off-campus when the conduct impairs, interferes with or obstructs any institutional or school activity or the missions, processes and functions of the institution or school. In addition, disciplinary action may be taken on the basis of any conduct, on or off campus, which poses a substantial threat to persons or property within the institutional or school community.

D. For the purposes of these Regulations, a "student" shall mean any person who is registered for study in any institution or school governed by the State Board of Regents for any academic period. A person shall be considered a student during any period which follows the end of an academic period which the student has completed until the last day for registration for the next succeeding regular academic period, and during any period while the student is under suspension from the institution or school.

III. Academic and Classroom Misconduct

A. The instructor has the primary responsibility for control over classroom behavior and maintenance of academic integrity, and can order the temporary removal or exclusion from the classroom of any student engaged in disruptive conduct or conduct violative of the general rules and regulations of the institution or school. Extended or permanent exclusion from the classroom or further disciplinary action can be effected only through appropriate procedures of the institution or school.

B. Plagiarism, cheating, and other forms of academic dishonesty are prohibited. Students guilty of academic misconduct, either directly or indirectly through participation or assistance, are immediately responsible to the instructor of the class. In addition to other possible disciplinary sanctions which may be imposed through the regular institutional or school procedures as a result of academic misconduct, the instructor has the authority to assign an F or a zero for the exercise or examination, or to assign an F in the course.

If the student believes that he or she has been erroneously accused of academic misconduct, and if his or her final grade has been lowered as a result, the student may appeal the case through the appropriate institutional or school procedures.

IV. Disciplinary Sanctions

A. Upon a determination that a student or organization has violated any of the rules, regulations or disciplinary offenses set forth in these Regulations, the following disciplinary sanctions may be imposed, either singly or in combination, by the appropriate institution or school officials.

B. Definition of Sanctions

1. Restitution. A student who has committed an offense against property may be required to reimburse the institution or school or other owner for damage to or misappropriation of such property. Any such payment in restitution shall be limited to actual cost of repair or replacement.

2. Warning. The appropriate institutional or school al may notify the student that continuation or repetition of specified conduct may be cause for other disciplinary action.

3. Reprimand. A written reprimand, or censure, may be given any student or organization whose conduct violates any part of these Regulations. Such a reprimand does not restrict the student in any way, but does have important consequences. It signifies to the student that he or she is in effect being given another chance to conduct himself or herself as a proper member of the institution/school community, but that any further violation may result in more serious penalties.

4. ~~Restriction. A restriction upon a student's or organization's privileges for a period of time may be imposed. This restriction may include, for example, denial of the right to represent the institution or school in any way, denial of use of facilities, parking privileges, participation in extracurricular activities or restriction of organizational privileges.~~

5. ~~Probation. Continued enrollment of a student on probation may be conditioned upon adherence to these Regulations. Any student placed on probation will be notified of such in writing and will also be notified of the terms and length of the probation. Probation may include restrictions upon the extracurricular activities of a student. Any conduct in violation of these Regulations while on probationary status may result in the imposition of a more serious disciplinary sanction.~~

6. ~~Suspension. If a student is suspended, he or she is separated from the institution or school for a stated period of time with conditions of readmission stated in the notice of suspension.~~

7. ~~Expulsion. Expulsion entails a permanent separation from the institution or school. The imposition of this sanction is a permanent bar to the student's readmission to the institution or school.~~

8. ~~Interim or summary suspension. Though as a general rule, the status of a student accused of violations of these Regulations should not be altered until a final determination has been made in regard to the charges against him, summary suspension may be imposed upon a finding by the appropriate institutional or school official that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused, or of any other member of the institution or school community or its guests, destruction of property, or substantial disruption of classroom or other campus activities. In any case of immediate suspension, the student shall be given an opportunity at the time of the decision or immediately thereafter to contest the suspension, and if there are disputed issues of fact or cause and effect, the student shall be provided a hearing on the suspension as soon as possible.~~

C. ~~The president of each institution and the director of each area vocational-technical school is authorized, in his or her discretion, to subsequently convert any sanction imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases.~~

~~Source: SBR Meetings, December 2, 1977; March 3, 1978; March 18, 1983; September 30, 1983~~

Following is the new language of Policy 3:02:00:01, which is verbatim in its entirety of the newly approved Rule Chapter 024-02-03: Student Conduct and Disciplinary Sanctions effective January 29, 2012.

Policy 3:02:00:01

Subject: General Regulations on Student Conduct and Disciplinary Sanctions

I. Policy Statement

A. Students enrolled in postsecondary educational institutions are citizens of their civic communities as well as the academic community. As such they are expected to conduct themselves as law-abiding members of each community at all times. Admission to an institution of postsecondary education carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by nonstudents. In recognition of the special relationship that exists between the institution and the academic community which it seeks to serve, the Tennessee Board of Regents ("TBR" or "the Board") has authorized the presidents of the institutions and directors of the technology centers under its jurisdiction to take such action as may be necessary to maintain campus conditions and preserve the integrity of the institution

and its educational environment.

B. Pursuant to this authorization and in fulfillment of its duties to provide a secure and stimulating atmosphere in which individual and academic pursuits may flourish, the State Board of Regents has developed the following regulations, which are intended to govern student conduct on the several campuses under its jurisdiction. Each institution under the jurisdiction of the TBR is directed to implement policies subject to, and consistent with, these regulations. In student discipline policies, each institution may expand on these regulations, subject to Board approval. In addition, students are subject to all federal, state and local laws and ordinances. If a student's violation of such laws or ordinances also adversely affects the institution's pursuit of its educational objectives, the institutions may enforce their own regulations regardless of the status or outcome of any external proceedings instituted by other civil or criminal authorities.

C. For the purpose of these regulations, a "student" shall mean any person who is admitted and/or registered for study at a State Board of Regents institution for any academic period. This shall include any period of time following admission and/or registration, but preceding the start of classes for any academic period. It will also include any period which follows the end of an academic period through the last day for registration for the succeeding academic period, and during any period while the student is under suspension from the institution. Finally, "student" shall also include any person subject to a period of suspension or removal from campus as a sanction which results from a finding of a violation of the regulations governing student conduct. Students are responsible for compliance with the Rules of Student Conduct and with similar institutional policies at all times.

D. Disciplinary action may be taken against a student for violation of the regulations which occur on institutionally owned, leased or otherwise controlled property, while participating in international or distance learning programs, and off campus, when the conduct impairs, interferes with, or obstructs any institutional activity or the mission, processes, and functions of the institution. Institutions may enforce their own regulations regardless of the status or outcome of any external proceedings instituted in any other forum, including any civil or criminal proceeding.

E. These regulations, and related material incorporated herein by reference, are applicable to student organizations as well as individual students. Student organizations are subject to discipline for the conduct and actions of individual members of the organization while acting in their capacity as members of, or while attending or participating in any activity of, the organization.

F. Confidentiality of Discipline Process. Subject to the exceptions provided pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g and/or the Tennessee Open Records Act, T.C.A. § 10-7-504(a)(4), a student's disciplinary files are considered "educational records" and are confidential within the meaning of those Acts.

II. Disciplinary Offenses

A. Institutional disciplinary measures shall be imposed, through appropriate due process procedures, for conduct which adversely affects the institution's pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property or persons on property owned or controlled by an institution.

B. Institutions shall adopt and publish a non-exclusive list, providing notice of offenses for which both individuals and organizations may be subject to disciplinary action. The list may include any appropriate offense given the specific needs of the individual institution, subject to

prior review and approval of the Board. Institutions are pre-authorized to implement any or all of the disciplinary offenses, in the form set forth immediately below, without need for prior review or approval by the Board:

1. **Conduct Dangerous to Self or Others.** Any conduct, or attempted conduct, which constitutes a danger to any person's health, safety, or personal wellbeing, including, but not limited to, the following:
 - a. Physical and/or verbal abuse,
 - b. Threats and/or intimidation,
 - c. Harm inflicted on self.
2. **Hazing.** Hazing, as defined in T.C.A. § 49-7-123(a)(1), means any intentional or reckless act, on or off the property, of any higher education institution by an individual acting alone, or with others, which is directed against any other person(s) that endangers the mental or physical health or safety of that person(s), or which induces or coerces a person(s) to endanger such person(s) mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization;
3. **Disorderly Conduct.** Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs institutional functions, operations, classrooms, other groups or individuals;
4. **Obstruction of or Interference with institutional activities or facilities.** Any intentional interference with or obstruction of any institutional, program, event, or facility including the following:
 - a. Any unauthorized occupancy of facilities owned or controlled by an institution or blockage of access to or from such facilities,
 - b. Interference with the right of any institution member or other authorized person to gain access to any activity, program, event or facilities sponsored or controlled by an institution,
 - c. Any obstruction or delay of a campus security officer, public safety officer, police officer, firefighter, EMT, or any official of an institution, or failure to comply with any emergency directive issued by such person in the performance of his or her duty;
5. **Misuse of or Damage to Property.** Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to another including, but not limited to, any personal property, fire alarms, fire equipment, elevators, telephones, institution keys, library materials and/or safety devices;
6. **Theft, Misappropriation, or Unauthorized Sale of Property;**
7. **Misuse of Documents or Identification Cards.** Any forgery, alteration of or unauthorized use of institutional documents, forms, records or identification cards, including the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment or status in the institution;
8. **Firearms and Other Dangerous Weapons.** Any possession of or use of firearms, dangerous weapons of any kind, or replica/toy guns, e.g. BB guns, pellet guns, paintball guns, water guns, cap guns, toy knives or other items that simulate firearms

or dangerous weapons;

9. Explosives, Fireworks, and Flammable Materials. The unauthorized possession, ignition or detonation of any object or article which would cause damage by fire or other means to persons or property or possession of any substance which could be considered to be and used as fireworks;

10. Alcoholic Beverages. The use and/or possession of alcoholic beverages on institution owned or controlled property. This offense includes the violation of any local ordinance, state, or federal law concerning alcoholic beverages, on or off institution owned or controlled property, where an affiliated group or organization has alcoholic beverages present and available for consumption;

11. Drugs. The unlawful possession or use of any drug or controlled substance (including, but not limited to, any stimulant, depressant, narcotic or hallucinogenic drug, or marijuana), sale or distribution of any such drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession or use of drugs, on or off institution owned or controlled property;

12. Drug Paraphernalia. The use or possession of equipment, products or materials that are used or intended for use in manufacturing, growing, using or distributing any drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession of drug paraphernalia, on or off institution owned or controlled property;

13. Public Intoxication. Appearing on institution owned or controlled property or at an institutional sponsored event while under the influence of a controlled substance or of any other intoxicating substance;

14. Gambling. Unlawful gambling in any form;

15. Financial Irresponsibility. Failure to meet financial responsibilities to the institution promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the institution;

16. Unacceptable Conduct in Disciplinary Proceedings. Any conduct at any stage of an institutional disciplinary proceeding or investigation that is contemptuous, disrespectful, threatening, or disorderly, including false complaints, testimony or other evidence, and attempts to influence the impartiality of a member of a judicial body, verbal or physical harassment or intimidation of a judicial board member, complainant, respondent or witness;

17. Failure to Cooperate with Institutional Officials. Failure to comply with directions of institutional officials acting in the performance of their duties;

18. Violation of General Rules and Regulations. Any violation of the general rules and regulations of the institution as published in an official institutional publication, including the intentional failure to perform any required action or the intentional performance of any prohibited action;

19. Attempts, Aiding and Abetting. Any attempt to commit any of the offenses listed under this section or the aiding or abetting of the commission of any of the offenses listed under this section (an attempt to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission). Being present during the planning or commission of any offense listed under this section will be considered as aiding and abetting. Students who anticipate or observe

an offense must remove themselves from the situation and are required to report the offense to the institution;

20. Violations of State or Federal Laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference;

21. Violation of Imposed Disciplinary Sanctions. Intentional or unintentional violation of a disciplinary sanction officially imposed by an institution official or a constituted body of the institution;

22. Sexual Battery or Rape. Committing any act of sexual battery or rape as defined by state law;

23. Harassment or Retaliation. Any act by an individual or group against another person or group in violation of TBR policies, as well as federal and/or state laws prohibiting discrimination, including, but not limited to, TBR policies 5:01:02:00,(F), 5:01:02:00, 2:02:10:01 and TBR Guideline P-080;

24. Academic Misconduct. Plagiarism, cheating, fabrication. For purposes of this section the following definitions apply:

a. Plagiarism. The adoption or reproduction of ideas, words, statements, images, or works of another person as one's own without proper attribution,

b. Cheating. Using or attempting to use unauthorized materials, information, or aids in any academic exercise or test/examination. The term academic exercise includes all forms of work submitted for credit or hours,

c. Fabrication. Unauthorized falsification or invention of any information or citation in an academic exercise.

25. Unauthorized Duplication or Possession of Keys. Making, causing to be made or the possession of any key for an institutional facility without proper authorization;

26. Litter. Dispersing litter in any form onto the grounds or facilities of the campus;

27. Pornography. Public display of literature, films, pictures or other materials which an average person applying contemporary community standards would find, (1) taken as a whole, appeals to the prurient interest, (2) depicts or describes sexual conduct in a patently offensive way, and (3) taken as a whole, lacks serious literary, artistic, political or scientific value;

28. Abuse of Computer Resources and Facilities. Misusing and/or abusing campus computer resources including, but not limited to the following:

a. Use of another person's identification to gain access to institutional computer resources,

b. Use of institutional computer resources and facilities to violate copyright laws, including, but not limited to, the act of unauthorized distribution of copyrighted materials using institutional information technology systems,

c. Unauthorized access to a computer or network file, including but not limited to, altering, using, reading, copying, or deleting the file,

d. Unauthorized transfer of a computer or network file,

e. Use of computing resources and facilities to send abusive or obscene correspondence,

f. Use of computing resources and facilities in a manner that interferes with normal operation of the institutional computing system,

g. Use of computing resources and facilities to interfere with the work of another

student, faculty member, or institutional official,

h. Violation of any published information technology resources policy,

i. Unauthorized peer-to-peer file sharing;

29. Unauthorized Access to Institutional Facilities and/or Grounds. Any unauthorized access and/or occupancy of institutional facilities and grounds is prohibited, including, but not limited to, gaining access to facilities and grounds that are closed to the public, being present in areas of campus that are open to limited guests only, being present in academic buildings after hours without permission, and being present in buildings when the student has no legitimate reason to be present;

30. Providing False Information. Giving any false information to, or withholding necessary information from, any institutional official acting in the performance of his/her duties in connection with a student's admission, enrollment, or status in the institution;

31. Unauthorized Surveillance. Making or causing to be made unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, and men's or women's restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means;

32. Smoking Violations. Violation of any TBR and/or institutional smoking or other tobacco use rules or policies.

C. Disciplinary action may be taken against a student for violations of the foregoing regulations which occur at or in association with enrollment at an institution governed by the State Board of Regents for any academic period. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree including periods prior to or between semesters. Conduct occurring while a student is registered or enrolled at the institution, but not discovered until after the awarding of a degree is actionable under these provisions and may result in the retroactive application of a disciplinary sanction. Should a student withdraw from the institution with disciplinary action or academic misconduct action pending, the student's record may be encumbered by the appropriate institutional office until the proceedings have been concluded.

III. Academic and Classroom Misconduct

A. The instructor has the primary responsibility for maintenance of academic integrity and controlling classroom behavior, and can order the temporary removal or exclusion from the classroom of any student engaged in disruptive conduct or conduct that violates the general rules and regulations of the institution for each class session during which the conduct occurs. Extended or permanent exclusion from the classroom, beyond the session in which the conduct occurred, or further disciplinary action can be effected only through appropriate procedures of the institution.

B. Plagiarism, cheating, and other forms of academic dishonesty are prohibited. Students guilty of academic misconduct, either directly or indirectly, through participation or assistance, are immediately responsible to the instructor of the class. In addition to other possible disciplinary sanctions which may be imposed through the regular institutional disciplinary procedures, the instructor has the authority to assign an appropriate grade for the exercise or examination, proportional to the nature and extent of academic misconduct. Disciplinary sanctions will be

imposed only through the appropriate institutional student disciplinary processes.

C. Students may appeal a grade assignment associated with a finding of academic misconduct, as distinct from a student disciplinary sanction, through appropriate institutional academic misconduct or grade appeal procedures. Courses may not be dropped pending the final resolution of an allegation of academic misconduct.

D. Disruptive behavior in the classroom may be defined as, but not limited to, behavior that obstructs or disrupts the learning environment (e.g., offensive language, harassment of students and professors, repeated outbursts from a student which disrupt the flow of instruction or prevent concentration on the subject taught, failure to cooperate in maintaining classroom decorum, etc.), text messaging, and the continued use of any electronic or other noise or light emitting device which disturbs others (e.g., disturbing noises from beepers, cell phones, palm pilots, lap-top computers, games, etc.).

IV. Disciplinary Sanctions

A. Institutions shall adopt and publish a policy, providing notice of potential disciplinary sanctions applicable to both individuals and organizations. The policy may include any appropriate sanction, given the specific needs of the individual institution, subject to prior review and approval of the Board. Institutions are preauthorized to implement any or all of the sanctions, in the form set forth in sub-section (2) below, without need for prior review or approval by the Board. Upon a determination that a student or student organization has violated any of the disciplinary offenses set forth in these regulations, institutional disciplinary policies, or the general policies of an institution, disciplinary sanctions may be imposed, either singly or in combination, by the appropriate institution or school officials.

B. Definition of Sanctions:

1. Restitution. Restitution may be required in situations which involve destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or student organization is obligated by the appropriate judicial authority to compensate a party or parties for a loss suffered as a result of disciplinary violation(s). Any such payment in restitution shall be limited to actual cost of repair, replacement or financial loss;

2. Warning. The appropriate institutional official may notify the student or student organization that continuation or repetition of specified conduct may be cause for other disciplinary action;

3. Reprimand. A written or verbal reprimand or censure may be given to any student or student organization whose conduct violates any part of these regulations and provides notice that that any further violation(s) may result in more serious penalties;

4. Service to the Institution or Community. A student, or student organization, may be required to donate a specified number of service hours to the institution performing reasonable tasks for an appropriate institution office, official(s), or the local community. The service required shall be commensurate to the offense (e.g., service for maintenance staff for defacing institutional property);

5. Specified Educational/Counseling Program. A student or student organization may be required to participate in specified educational or counseling program(s) relevant to the offense, or to prepare a project or report concerning a relevant topic;

6. Apology. A student or student organization may be required to apologize to an affected party, either verbally or in writing, for the behavior related to a disciplinary offense;

7. Fines. Penalties in the form of fines may be imposed against a student or student organization whenever the appropriate institutional authority deems appropriate. The sanction of fines may be imposed in addition to other forms of disciplinary sanctions. Failure to pay fines may result in further disciplinary action;
8. Restriction. A restriction upon a student's or student organization's privileges for a period of time may be imposed. This restriction may include, for example, denial of the ability to represent the institution at any event, ability to participate in institution or TBR sponsored travel, use of facilities, parking privileges, participation in extracurricular activities or restriction of organizational privileges;
9. Probation. Continued enrollment of a student or recognition of a student organization on probation may be conditioned upon adherence to these regulations. Any student or organization placed on probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon extracurricular activities, or any other appropriate special condition(s). Any conduct in further violation of these regulations while on probationary status or the failure to comply with the terms of the probationary period may result in the imposition of further disciplinary action;
10. Suspension. Suspension is the separation of a student or student organization from the institution for a specified period of time. Suspension may be accompanied by special conditions for readmission or recognition;
11. Expulsion. Expulsion entails a permanent separation from the institution. The imposition of this sanction is a permanent bar to the student's admission, or a student organization's recognition to the institution. A student or organization that has been expelled may not enter institution property or facilities without obtaining prior approval from an appropriate campus official with knowledge of the expulsion directive;
12. Revocation of Admission, Degree, or Credential;
13. Interim Suspension. As a general rule, the status of a student or student organization accused of violation of these regulations should not be altered until a final determination has been made in regard to the charges. However, interim suspension, pending the completion of disciplinary procedures, may be imposed upon a finding by the appropriate institutional official that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused, any other member of the institution its guests, property, or substantial disruption of classroom or other campus activities. In any case of interim suspension, the student, or student organization, shall be given an opportunity at the time of the decision, or as soon thereafter as reasonably possible, to contest the suspension;
14. Housing Probation. Continued residence in campus or student housing may be conditioned upon adherence to these regulations as well as institutional housing regulations. Any resident placed on housing probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon the activities of the resident, including any other appropriate special condition(s);
15. Housing Suspension and Forfeiture. A resident suspended from housing may not reside, visit, or make any use whatsoever of a housing facility or participate in any housing activity during the period for which the sanction is in effect. A suspended resident shall be required to forfeit housing fees (including any unused portion thereof and the Housing Deposit). A suspended resident must vacate the housing unit. Housing suspension shall remain a part of the student resident's disciplinary record.

C. The president/director of each institution is authorized, at his or her discretion, to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or, subsequently, to convert any sanction imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases.

V. Traffic and Parking

A. General: Institutions governed by the TBR shall adopt institutional policies governing traffic and parking on their respective campuses. The purpose of these regulations shall be to facilitate the orderly and efficient flow of traffic on those campuses, to provide a safe atmosphere for both pedestrians and motor vehicle operators, and to provide order with regard to parking within limited space. Institutional policies enacted in compliance with this rule shall be subject to prior review and approval of the TBR. Once adopted, such policies shall be published, at least annually, and, as appropriate, through signage, traffic/parking handbooks, student/faculty handbooks and institutional websites.

B. Registration of Automobiles/Permits/Decals: TBR institutions shall adopt policies regarding the registration of vehicles and/or the issuance of decals and/or permits on campus, and/or the alternate use of campus access fees in lieu of registration of individual vehicles for the purpose of effective enforcement of campus traffic and/or parking regulations. Reasonable fees/costs may be assessed in association with the vehicle registration, permit, or decal issuance process. Any fees/costs associated with registration of vehicles or the issuance of permits/decals, together with appropriate information sufficient to justify the fee/cost amount, shall be submitted for review and approval by the TBR prior to implementation at any institution, pursuant to the requirement set forth in TBR policy.

C. Parking: TBR institutions shall adopt policies with regard to parking on institution owned, operated, or controlled sites. Those policies shall reflect the physical availability and limitations of parking facilities at institution owned, operated, or controlled sites. TBR institutions are further authorized to adopt appropriate parking zones or designated parking systems for faculty, staff, students, residents of campus housing, visitors, and other appropriate groups. Institutions may also establish a schedule of hours for enforcement for parking regulations at their various campus sites. Reasonable fees/costs may be assessed in association with the issuance of parking decals or passes as set forth in section (2) above. Any fees/costs associated with parking permits/decals, together with appropriate information sufficient to justify the fee/cost amount, shall be submitted for review and approval by the TBR prior to implementation at any institution, pursuant to the requirement set forth in TBR policy.

D. Traffic: TBR institutions shall adopt policies with regard to motor and other vehicular traffic on institution owned, operated, or controlled sites. Those policies shall reflect the nature of traffic patterns, roads, and physical limitations of the particular institution owned or controlled site. TBR institutions are further directed to adopt and publish a traffic code reflecting the traffic rules and offenses for that institution's sites. Such violations may include, but are not limited to, all traffic offenses provided under state, county, or municipal ordinance applicable to the locality of each institutional site. Adoption of such policies shall be subject to prior review and approval by the TBR. Once adopted or amended all traffic and parking regulations shall be affirmatively communicated to the faculty, staff, and students of the institution as well as published in appropriate websites, handbooks, or manuals.

E. Fines/Penalties: TBR institutions shall have the authority to adopt appropriate fines and/or disciplinary sanctions for violations of the traffic and parking regulations established pursuant to sections (3) & (4) above. Fines may be set as determined necessary at each institution, but shall

not exceed the amounts provided for by the higher of state law, county, or municipal ordinance for the same offense. Such fines are subject to the prior review and approval of the TBR, pursuant to the requirement set forth in TBR policy. Proposed fines shall be submitted to the TBR together with information sufficient to justify the fine. Such information shall include consideration of state/county/municipal fines for the same offense, fines for the same offense at similarly situated institutions, association to enforcement costs at the institution, and/or the unique traffic/parking considerations at each institution. Once adopted or amended, all fines shall be affirmatively communicated to the faculty, staff, and students of the institution as well as published in appropriate websites, handbooks, or manuals.

F. Appeals: Institutions shall establish an appropriate system of due process associated with any traffic/parking codes or fines, consistent with the due process requirements set forth in TBR Systemwide Rule 0240-02-03-.06 below, wherein persons cited for violation of institutional traffic/parking regulations may contest their citations. Institutions are authorized to establish alternative or multiple methods/bodies for hearings and/or for the resolution of such matters.

VI. Disciplinary Procedures

A. General: Institutions governed by the TBR, in the implementation of TBR regulations pertaining to discipline and conduct of students, shall insure the constitutional rights of students by affording a system of constitutionally and legally sound procedures which provide the protection of due process of law. In furtherance of this mandate, all TBR institutions shall enact policies setting forth the disciplinary procedures for the institution. All such policies shall be enacted in compliance with this rule, TBR Policy 3:02:01:00, applicable state and federal law. All policies adopted pursuant to this rule shall be subject to prior review and approval by the Board of Regents. Once adopted or amended, all disciplinary procedures shall be affirmatively communicated to the faculty, staff, and students of the institution as well as published in appropriate websites, handbooks, or manuals.

B. TUAPA: All cases which may result in: (a) suspension or expulsion of a student, or student organization, from the institution, for disciplinary reasons or (b) revocation of registration of a student organization, are subject to the contested case provisions of the Tennessee Uniform Administrative Procedures Act (TUAPA), T.C.A. § 9-8-01 et seq., and shall be processed in accord with the Uniform Contested Case procedures adopted by the Board of Regents unless the student or organization, after receiving written notice, waives those procedures and elects to have the case disposed of in accord with institutional procedures or waives all right to contest the case under any procedure. These procedures shall be described in the institution's policy.

C. Institutional Procedures: For matters not subject to the requirements of TUAPA, each institution shall include in its policies a description of the procedures applicable at each level of a student/organizational misconduct, student housing violation or traffic/parking violation proceeding, including procedures for the initiation, investigation, resolution and/or prosecution of a violation applicable at each level, including appeal(s). This policy shall also set forth minimum requirements for advance notice of charges/violations as well as the time, date, and place for any procedure or hearing.

D. Institutional Hearings: For matters not subject to the requirements of TUAPA, institutions shall establish a body or bodies, with authority to hear student/organizational misconduct, student housing violations, or traffic/parking violations. Such body may be constituted as determined by the institution and may consist of one (1) individual or a committee. Authority may be vested in a single entity or in separate bodies.

E. Minimum Requirements of Due Process for Institutional Hearings: Institutional hearing

bodies and procedures governing discipline in cases of student/organizational misconduct, student housing violations and/or traffic/parking violations may be structured in any manner deemed appropriate given the organizational structure of the individual institution, but shall include the following minimal procedural components:

1. The student shall be advised, in writing, of the breach of regulation(s) of which she/he is charged;
2. The student shall be advised of the time, date, and place of the hearing allowing reasonable time for preparation;
3. The student shall be advised of the following rights applicable at the hearing:
 - a. The right to present his or her case,
 - b. The right to be accompanied by an advisor,
 - c. The right to call witnesses in his or her behalf,
 - d. The right to confront witnesses against him or her, and
 - e. The student shall be advised of the method and time limitations for appeal, if any is applicable.

Students subject to any disciplinary sanction are entitled to a due process hearing unless that right is waived by the student after receiving written notice of the available procedures.

F. Interim Suspension Hearings: Hearings conducted with regard to interim suspensions imposed pending the outcome of a disciplinary investigation or proceeding shall be conducted consistent with the minimum requirements of due process applicable to an institutional hearing, taking into account the need for a timely hearing. The evidence presented at the hearing shall be limited to that which is relevant to the basis asserted for imposition of the interim suspension.

G. Alternative Resolution Procedures: Institutions are authorized to establish alternative or multiple methods/bodies for hearings and/or for the resolution of disciplinary matters, with the consent of all relevant parties. Alternative resolution methods may include, but are not limited to, mediation, diversion programs, and/or negotiated resolutions.

H. The president /director of each institution is authorized, at his or her discretion, to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or, subsequently, to convert any finding or sanction imposed to a lesser finding or sanction, or to rescind any previous finding or sanction, in appropriate cases.

Source: SBR Meetings, December 2, 1977; March 3, 1978; March 18, 1983; September 30, 1983; TBR Board Meeting, March 29, 2012

Policy 3:02:00:01

Subject: General Regulations on Student Conduct and Disciplinary Sanctions

I. Policy Statement

A. Students enrolled in postsecondary educational institutions are citizens of their civic communities as well as the academic community. As such they are expected to conduct themselves as law-abiding members of each community at all times. Admission to an institution of postsecondary education carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by nonstudents. In recognition of the special relationship that exists between the institution and the academic community which it seeks to serve, the Tennessee Board of Regents (“TBR” or “the Board”) has authorized the presidents of the institutions and directors of the technology centers under its jurisdiction to take such action as may be necessary to maintain campus conditions and preserve the integrity of the institution and its educational environment.

B. Pursuant to this authorization and in fulfillment of its duties to provide a secure and stimulating atmosphere in which individual and academic pursuits may flourish, the State Board of Regents has developed the following regulations, which are intended to govern student conduct on the several campuses under its jurisdiction. Each institution under the jurisdiction of the TBR is directed to implement policies subject to, and consistent with, these regulations. In student discipline policies, each institution may expand on these regulations, subject to Board approval. In addition, students are subject to all federal, state and local laws and ordinances. If a student’s violation of such laws or ordinances also adversely affects the institution’s pursuit of its educational objectives, the institutions may enforce their own regulations regardless of the status or outcome of any external proceedings instituted by other civil or criminal authorities.

C. For the purpose of these regulations, a “student” shall mean any person who is admitted and/or registered for study at a State Board of Regents institution for any academic period. This shall include any period of time following admission and/or registration, but preceding the start of classes for any academic period. It will also include any period which follows the end of an academic period through the last day for registration for the succeeding academic period, and during any period while the student is under suspension from the institution. Finally, “student” shall also include any person subject to a period of suspension or removal from campus as a sanction which results from a finding of a violation of the regulations governing student conduct. Students are responsible for compliance with the Rules of Student Conduct and with similar institutional policies at all times.

D. Disciplinary action may be taken against a student for violation of the regulations which occur on institutionally owned, leased or otherwise controlled property, while participating in international or distance learning programs, and off campus, when the conduct impairs, interferes with, or obstructs any institutional activity or the mission, processes, and functions of the institution. Institutions may enforce their own regulations regardless of the status or outcome of any external proceedings instituted in any other forum, including any civil or criminal proceeding.

E. These regulations, and related material incorporated herein by reference, are applicable to student organizations as well as individual students. Student organizations are subject to discipline for the conduct and actions of individual members of the organization while acting in their capacity as members of, or while attending or participating in any activity of, the organization.

F. Confidentiality of Discipline Process. Subject to the exceptions provided pursuant to the

Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g and/or the Tennessee Open Records Act, T.C.A. § 10-7-504(a)(4), a student's disciplinary files are considered "educational records" and are confidential within the meaning of those Acts.

II. Disciplinary Offenses

A. Institutional disciplinary measures shall be imposed, through appropriate due process procedures, for conduct which adversely affects the institution's pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property or persons on property owned or controlled by an institution.

B. Institutions shall adopt and publish a non-exclusive list, providing notice of offenses for which both individuals and organizations may be subject to disciplinary action. The list may include any appropriate offense given the specific needs of the individual institution, subject to prior review and approval of the Board. Institutions are pre-authorized to implement any or all of the disciplinary offenses, in the form set forth immediately below, without need for prior review or approval by the Board:

1. Conduct Dangerous to Self or Others. Any conduct, or attempted conduct, which constitutes a danger to any person's health, safety, or personal wellbeing, including, but not limited to, the following:

- a. Physical and/or verbal abuse,
- b. Threats and/or intimidation,
- c. Harm inflicted on self.

2. Hazing. Hazing, as defined in T.C.A. § 49-7-123(a)(1), means any intentional or reckless act, on or off the property, of any higher education institution by an individual acting alone, or with others, which is directed against any other person(s) that endangers the mental or physical health or safety of that person(s), or which induces or coerces a person(s) to endanger such person(s) mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization;

3. Disorderly Conduct. Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs institutional functions, operations, classrooms, other groups or individuals;

4. Obstruction of or Interference with institutional activities or facilities. Any intentional interference with or obstruction of any institutional, program, event, or facility including the following:

- a. Any unauthorized occupancy of facilities owned or controlled by an institution or blockage of access to or from such facilities,
- b. Interference with the right of any institution member or other authorized person to gain access to any activity, program, event or facilities sponsored or controlled by an institution,
- c. Any obstruction or delay of a campus security officer, public safety officer, police officer, firefighter, EMT, or any official of an institution, or failure to comply with any emergency directive issued by such person in the performance of his or her duty;

5. Misuse of or Damage to Property. Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of

property belonging to another including, but not limited to, any personal property, fire alarms, fire equipment, elevators, telephones, institution keys, library materials and/or safety devices;

6. Theft, Misappropriation, or Unauthorized Sale of Property;

7. Misuse of Documents or Identification Cards. Any forgery, alteration of or unauthorized use of institutional documents, forms, records or identification cards, including the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment or status in the institution;

8. Firearms and Other Dangerous Weapons. Any possession of or use of firearms, dangerous weapons of any kind, or replica/toy guns, e.g. BB guns, pellet guns, paintball guns, water guns, cap guns, toy knives or other items that simulate firearms or dangerous weapons;

9. Explosives, Fireworks, and Flammable Materials. The unauthorized possession, ignition or detonation of any object or article which would cause damage by fire or other means to persons or property or possession of any substance which could be considered to be and used as fireworks;

10. Alcoholic Beverages. The use and/or possession of alcoholic beverages on institution owned or controlled property. This offense includes the violation of any local ordinance, state, or federal law concerning alcoholic beverages, on or off institution owned or controlled property, where an affiliated group or organization has alcoholic beverages present and available for consumption;

11. Drugs. The unlawful possession or use of any drug or controlled substance (including, but not limited to, any stimulant, depressant, narcotic or hallucinogenic drug, or marijuana), sale or distribution of any such drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession or use of drugs, on or off institution owned or controlled property;

12. Drug Paraphernalia. The use or possession of equipment, products or materials that are used or intended for use in manufacturing, growing, using or distributing any drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession of drug paraphernalia, on or off institution owned or controlled property;

13. Public Intoxication. Appearing on institution owned or controlled property or at an institutional sponsored event while under the influence of a controlled substance or of any other intoxicating substance;

14. Gambling. Unlawful gambling in any form;

15. Financial Irresponsibility. Failure to meet financial responsibilities to the institution promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the institution;

16. Unacceptable Conduct in Disciplinary Proceedings. Any conduct at any stage of an institutional disciplinary proceeding or investigation that is contemptuous, disrespectful, threatening, or disorderly, including false complaints, testimony or other evidence, and attempts to influence the impartiality of a member of a judicial body, verbal or physical harassment or intimidation of a judicial board member, complainant, respondent or witness;

17. Failure to Cooperate with Institutional Officials. Failure to comply with directions of institutional officials acting in the performance of their duties;
18. Violation of General Rules and Regulations. Any violation of the general rules and regulations of the institution as published in an official institutional publication, including the intentional failure to perform any required action or the intentional performance of any prohibited action;
19. Attempts, Aiding and Abetting. Any attempt to commit any of the offenses listed under this section or the aiding or abetting of the commission of any of the offenses listed under this section (an attempt to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission). Being present during the planning or commission of any offense listed under this section will be considered as aiding and abetting. Students who anticipate or observe an offense must remove themselves from the situation and are required to report the offense to the institution;
20. Violations of State or Federal Laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference;
21. Violation of Imposed Disciplinary Sanctions. Intentional or unintentional violation of a disciplinary sanction officially imposed by an institution official or a constituted body of the institution;
22. Sexual Battery or Rape. Committing any act of sexual battery or rape as defined by state law;
23. Harassment or Retaliation. Any act by an individual or group against another person or group in violation of TBR policies, as well as federal and/or state laws prohibiting discrimination, including, but not limited to, TBR policies 5:01:02:00,(F), 5:01:02:00, 2:02:10:01 and TBR Guideline P-080;
24. Academic Misconduct. Plagiarism, cheating, fabrication. For purposes of this section the following definitions apply:
 - a. Plagiarism. The adoption or reproduction of ideas, words, statements, images, or works of another person as one's own without proper attribution,
 - b. Cheating. Using or attempting to use unauthorized materials, information, or aids in any academic exercise or test/examination. The term academic exercise includes all forms of work submitted for credit or hours,
 - c. Fabrication. Unauthorized falsification or invention of any information or citation in an academic exercise.
25. Unauthorized Duplication or Possession of Keys. Making, causing to be made or the possession of any key for an institutional facility without proper authorization;
26. Litter. Dispersing litter in any form onto the grounds or facilities of the campus;
27. Pornography. Public display of literature, films, pictures or other materials which an average person applying contemporary community standards would find, (1) taken as a whole, appeals to the prurient interest, (2) depicts or describes sexual conduct in a patently offensive way, and (3) taken as a whole, lacks serious literary, artistic, political or scientific value;
28. Abuse of Computer Resources and Facilities. Misusing and/or abusing campus computer resources including, but not limited to the following:
 - a. Use of another person's identification to gain access to institutional computer

resources,

b. Use of institutional computer resources and facilities to violate copyright laws, including, but not limited to, the act of unauthorized distribution of copyrighted materials using institutional information technology systems,

c. Unauthorized access to a computer or network file, including but not limited to, altering, using, reading, copying, or deleting the file,

d. Unauthorized transfer of a computer or network file,

e. Use of computing resources and facilities to send abusive or obscene correspondence,

f. Use of computing resources and facilities in a manner that interferes with normal operation of the institutional computing system,

g. Use of computing resources and facilities to interfere with the work of another student, faculty member, or institutional official,

h. Violation of any published information technology resources policy,

i. Unauthorized peer-to-peer file sharing;

29. Unauthorized Access to Institutional Facilities and/or Grounds. Any unauthorized access and/or occupancy of institutional facilities and grounds is prohibited, including, but not limited to, gaining access to facilities and grounds that are closed to the public, being present in areas of campus that are open to limited guests only, being present in academic buildings after hours without permission, and being present in buildings when the student has no legitimate reason to be present;

30. Providing False Information. Giving any false information to, or withholding necessary information from, any institutional official acting in the performance of his/her duties in connection with a student's admission, enrollment, or status in the institution;

31. Unauthorized Surveillance. Making or causing to be made unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, and men's or women's restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means;

32. Smoking Violations. Violation of any TBR and/or institutional smoking or other tobacco use rules or policies.

C. Disciplinary action may be taken against a student for violations of the foregoing regulations which occur at or in association with enrollment at an institution governed by the State Board of Regents for any academic period. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree including periods prior to or between semesters. Conduct occurring while a student is registered or enrolled at the institution, but not discovered until after the awarding of a degree is actionable under these provisions and may result in the retroactive application of a disciplinary sanction. Should a student withdraw from the institution with disciplinary action or academic misconduct action pending, the student's record may be encumbered by the appropriate institutional office until the proceedings have been concluded.

III. Academic and Classroom Misconduct

A. The instructor has the primary responsibility for maintenance of academic integrity and

controlling classroom behavior, and can order the temporary removal or exclusion from the classroom of any student engaged in disruptive conduct or conduct that violates the general rules and regulations of the institution for each class session during which the conduct occurs.

Extended or permanent exclusion from the classroom, beyond the session in which the conduct occurred, or further disciplinary action can be effected only through appropriate procedures of the institution.

B. Plagiarism, cheating, and other forms of academic dishonesty are prohibited. Students guilty of academic misconduct, either directly or indirectly, through participation or assistance, are immediately responsible to the instructor of the class. In addition to other possible disciplinary sanctions which may be imposed through the regular institutional disciplinary procedures, the instructor has the authority to assign an appropriate grade for the exercise or examination, proportional to the nature and extent of academic misconduct. Disciplinary sanctions will be imposed only through the appropriate institutional student disciplinary processes.

C. Students may appeal a grade assignment associated with a finding of academic misconduct, as distinct from a student disciplinary sanction, through appropriate institutional academic misconduct or grade appeal procedures. Courses may not be dropped pending the final resolution of an allegation of academic misconduct.

D. Disruptive behavior in the classroom may be defined as, but not limited to, behavior that obstructs or disrupts the learning environment (e.g., offensive language, harassment of students and professors, repeated outbursts from a student which disrupt the flow of instruction or prevent concentration on the subject taught, failure to cooperate in maintaining classroom decorum, etc.), text messaging, and the continued use of any electronic or other noise or light emitting device which disturbs others (e.g., disturbing noises from beepers, cell phones, palm pilots, lap-top computers, games, etc.).

IV. Disciplinary Sanctions

A. Institutions shall adopt and publish a policy, providing notice of potential disciplinary sanctions applicable to both individuals and organizations. The policy may include any appropriate sanction, given the specific needs of the individual institution, subject to prior review and approval of the Board. Institutions are preauthorized to implement any or all of the sanctions, in the form set forth in sub-section (2) below, without need for prior review or approval by the Board. Upon a determination that a student or student organization has violated any of the disciplinary offenses set forth in these regulations, institutional disciplinary policies, or the general policies of an institution, disciplinary sanctions may be imposed, either singly or in combination, by the appropriate institution or school officials.

B. Definition of Sanctions:

1. Restitution. Restitution may be required in situations which involve destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or student organization is obligated by the appropriate judicial authority to compensate a party or parties for a loss suffered as a result of disciplinary violation(s). Any such payment in restitution shall be limited to actual cost of repair, replacement or financial loss;

2. Warning. The appropriate institutional official may notify the student or student organization that continuation or repetition of specified conduct may be cause for other disciplinary action;

3. Reprimand. A written or verbal reprimand or censure may be given to any student or student organization whose conduct violates any part of these regulations and provides

- notice that that any further violation(s) may result in more serious penalties;
4. Service to the Institution or Community. A student, or student organization, may be required to donate a specified number of service hours to the institution performing reasonable tasks for an appropriate institution office, official(s), or the local community. The service required shall be commensurate to the offense (e.g., service for maintenance staff for defacing institutional property);
 5. Specified Educational/Counseling Program. A student or student organization may be required to participate in specified educational or counseling program(s) relevant to the offense, or to prepare a project or report concerning a relevant topic;
 6. Apology. A student or student organization may be required to apologize to an affected party, either verbally or in writing, for the behavior related to a disciplinary offense;
 7. Fines. Penalties in the form of fines may be imposed against a student or student organization whenever the appropriate institutional authority deems appropriate. The sanction of fines may be imposed in addition to other forms of disciplinary sanctions. Failure to pay fines may result in further disciplinary action;
 8. Restriction. A restriction upon a student's or student organization's privileges for a period of time may be imposed. This restriction may include, for example, denial of the ability to represent the institution at any event, ability to participate in institution or TBR sponsored travel, use of facilities, parking privileges, participation in extracurricular activities or restriction of organizational privileges;
 9. Probation. Continued enrollment of a student or recognition of a student organization on probation may be conditioned upon adherence to these regulations. Any student or organization placed on probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon extracurricular activities, or any other appropriate special condition(s). Any conduct in further violation of these regulations while on probationary status or the failure to comply with the terms of the probationary period may result in the imposition of further disciplinary action;
 10. Suspension. Suspension is the separation of a student or student organization from the institution for a specified period of time. Suspension may be accompanied by special conditions for readmission or recognition;
 11. Expulsion. Expulsion entails a permanent separation from the institution. The imposition of this sanction is a permanent bar to the student's admission, or a student organization's recognition to the institution. A student or organization that has been expelled may not enter institution property or facilities without obtaining prior approval from an appropriate campus official with knowledge of the expulsion directive;
 12. Revocation of Admission, Degree, or Credential;
 13. Interim Suspension. As a general rule, the status of a student or student organization accused of violation of these regulations should not be altered until a final determination has been made in regard to the charges. However, interim suspension, pending the completion of disciplinary procedures, may be imposed upon a finding by the appropriate institutional official that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused, any other member of the institution its guests, property, or substantial disruption of classroom or other campus activities. In any case of interim suspension, the student, or student organization, shall be given an opportunity at the time of the decision, or as soon thereafter as

reasonably possible, to contest the suspension;

14. Housing Probation. Continued residence in campus or student housing may be conditioned upon adherence to these regulations as well as institutional housing regulations. Any resident placed on housing probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon the activities of the resident, including any other appropriate special condition(s);

15. Housing Suspension and Forfeiture. A resident suspended from housing may not reside, visit, or make any use whatsoever of a housing facility or participate in any housing activity during the period for which the sanction is in effect. A suspended resident shall be required to forfeit housing fees (including any unused portion thereof and the Housing Deposit). A suspended resident must vacate the housing unit. Housing suspension shall remain a part of the student resident's disciplinary record.

C. The president/director of each institution is authorized, at his or her discretion, to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or, subsequently, to convert any sanction imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases.

V. Traffic and Parking

A. General: Institutions governed by the TBR shall adopt institutional policies governing traffic and parking on their respective campuses. The purpose of these regulations shall be to facilitate the orderly and efficient flow of traffic on those campuses, to provide a safe atmosphere for both pedestrians and motor vehicle operators, and to provide order with regard to parking within limited space. Institutional policies enacted in compliance with this rule shall be subject to prior review and approval of the TBR. Once adopted, such policies shall be published, at least annually, and, as appropriate, through signage, traffic/parking handbooks, student/faculty handbooks and institutional websites.

B. Registration of Automobiles/Permits/Decals: TBR institutions shall adopt policies regarding the registration of vehicles and/or the issuance of decals and/or permits on campus, and/or the alternate use of campus access fees in lieu of registration of individual vehicles for the purpose of effective enforcement of campus traffic and/or parking regulations. Reasonable fees/costs may be assessed in association with the vehicle registration, permit, or decal issuance process. Any fees/costs associated with registration of vehicles or the issuance of permits/decals, together with appropriate information sufficient to justify the fee/cost amount, shall be submitted for review and approval by the TBR prior to implementation at any institution, pursuant to the requirement set forth in TBR policy.

C. Parking: TBR institutions shall adopt policies with regard to parking on institution owned, operated, or controlled sites. Those policies shall reflect the physical availability and limitations of parking facilities at institution owned, operated, or controlled sites. TBR institutions are further authorized to adopt appropriate parking zones or designated parking systems for faculty, staff, students, residents of campus housing, visitors, and other appropriate groups. Institutions may also establish a schedule of hours for enforcement for parking regulations at their various campus sites. Reasonable fees/costs may be assessed in association with the issuance of parking decals or passes as set forth in section (2) above. Any fees/costs associated with parking permits/decals, together with appropriate information sufficient to justify the fee/cost amount, shall be submitted for review and approval by the TBR prior to implementation at any institution, pursuant to the requirement set forth in TBR policy.

D. Traffic: TBR institutions shall adopt policies with regard to motor and other vehicular traffic

on institution owned, operated, or controlled sites. Those policies shall reflect the nature of traffic patterns, roads, and physical limitations of the particular institution owned or controlled site. TBR institutions are further directed to adopt and publish a traffic code reflecting the traffic rules and offenses for that institution's sites. Such violations may include, but are not limited to, all traffic offenses provided under state, county, or municipal ordinance applicable to the locality of each institutional site. Adoption of such policies shall be subject to prior review and approval by the TBR. Once adopted or amended all traffic and parking regulations shall be affirmatively communicated to the faculty, staff, and students of the institution as well as published in appropriate websites, handbooks, or manuals.

E. Fines/Penalties: TBR institutions shall have the authority to adopt appropriate fines and/or disciplinary sanctions for violations of the traffic and parking regulations established pursuant to sections (3) & (4) above. Fines may be set as determined necessary at each institution, but shall not exceed the amounts provided for by the higher of state law, county, or municipal ordinance for the same offense. Such fines are subject to the prior review and approval of the TBR, pursuant to the requirement set forth in TBR policy. Proposed fines shall be submitted to the TBR together with information sufficient to justify the fine. Such information shall include consideration of state/county/municipal fines for the same offense, fines for the same offense at similarly situated institutions, association to enforcement costs at the institution, and/or the unique traffic/parking considerations at each institution. Once adopted or amended, all fines shall be affirmatively communicated to the faculty, staff, and students of the institution as well as published in appropriate websites, handbooks, or manuals.

F. Appeals: Institutions shall establish an appropriate system of due process associated with any traffic/parking codes or fines, consistent with the due process requirements set forth in TBR Systemwide Rule 0240-02-03-.06 below, wherein persons cited for violation of institutional traffic/parking regulations may contest their citations. Institutions are authorized to establish alternative or multiple methods/bodies for hearings and/or for the resolution of such matters.

VI. Disciplinary Procedures

A. General: Institutions governed by the TBR, in the implementation of TBR regulations pertaining to discipline and conduct of students, shall insure the constitutional rights of students by affording a system of constitutionally and legally sound procedures which provide the protection of due process of law. In furtherance of this mandate, all TBR institutions shall enact policies setting forth the disciplinary procedures for the institution. All such policies shall be enacted in compliance with this rule, TBR Policy 3:02:01:00, applicable state and federal law. All policies adopted pursuant to this rule shall be subject to prior review and approval by the Board of Regents. Once adopted or amended, all disciplinary procedures shall be affirmatively communicated to the faculty, staff, and students of the institution as well as published in appropriate websites, handbooks, or manuals.

B. TUAPA: All cases which may result in: (a) suspension or expulsion of a student, or student organization, from the institution, for disciplinary reasons or (b) revocation of registration of a student organization, are subject to the contested case provisions of the Tennessee Uniform Administrative Procedures Act (TUAPA), T.C.A. § 9-8-01 et seq., and shall be processed in accord with the Uniform Contested Case procedures adopted by the Board of Regents unless the student or organization, after receiving written notice, waives those procedures and elects to have the case disposed of in accord with institutional procedures or waives all right to contest the case under any procedure. These procedures shall be described in the institution's policy.

C. Institutional Procedures: For matters not subject to the requirements of TUAPA, each

institution shall include in its policies a description of the procedures applicable at each level of a student/organizational misconduct, student housing violation or traffic/parking violation proceeding, including procedures for the initiation, investigation, resolution and/or prosecution of a violation applicable at each level, including appeal(s). This policy shall also set forth minimum requirements for advance notice of charges/violations as well as the time, date, and place for any procedure or hearing.

D. Institutional Hearings: For matters not subject to the requirements of TUAPA, institutions shall establish a body or bodies, with authority to hear student/organizational misconduct, student housing violations, or traffic/parking violations. Such body may be constituted as determined by the institution and may consist of one (1) individual or a committee. Authority may be vested in a single entity or in separate bodies.

E. Minimum Requirements of Due Process for Institutional Hearings: Institutional hearing bodies and procedures governing discipline in cases of student/organizational misconduct, student housing violations and/or traffic/parking violations may be structured in any manner deemed appropriate given the organizational structure of the individual institution, but shall include the following minimal procedural components:

1. The student shall be advised, in writing, of the breach of regulation(s) of which she/he is charged;
2. The student shall be advised of the time, date, and place of the hearing allowing reasonable time for preparation;
3. The student shall be advised of the following rights applicable at the hearing:
 - a. The right to present his or her case,
 - b. The right to be accompanied by an advisor,
 - c. The right to call witnesses in his or her behalf,
 - d. The right to confront witnesses against him or her, and
 - e. The student shall be advised of the method and time limitations for appeal, if any is applicable.

Students subject to any disciplinary sanction are entitled to a due process hearing unless that right is waived by the student after receiving written notice of the available procedures.

F. Interim Suspension Hearings: Hearings conducted with regard to interim suspensions imposed pending the outcome of a disciplinary investigation or proceeding shall be conducted consistent with the minimum requirements of due process applicable to an institutional hearing, taking into account the need for a timely hearing. The evidence presented at the hearing shall be limited to that which is relevant to the basis asserted for imposition of the interim suspension.

G. Alternative Resolution Procedures: Institutions are authorized to establish alternative or multiple methods/bodies for hearings and/or for the resolution of disciplinary matters, with the consent of all relevant parties. Alternative resolution methods may include, but are not limited to, mediation, diversion programs, and/or negotiated resolutions.

H. The president /director of each institution is authorized, at his or her discretion, to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or, subsequently, to convert any finding or sanction imposed to a lesser finding or sanction, or to rescind any previous finding or sanction, in appropriate cases.

Source: SBR Meetings, December 2, 1977; March 3, 1978; March 18, 1983; September 30, 1983; TBR Board Meeting, March 29, 2012

**PRESIDENTS QUARTERLY MEETING
DIRECTORS QUARTERLY MEETING
February 2012**

DATE: Presidents Meeting (February 14, 2012)
Directors Meeting (February 15, 2012)

AGENDA ITEM: Revision to Policy 1:07:00:00 General Policy on Tobacco and
Alcoholic Beverages

ACTION: Requires Approval

PRESENTER: Vice Chancellor Paula Myrick Short

BACKGROUND INFORMATION:

This proposed revision to the tobacco and alcoholic beverage policy would add language to clarify that wine tastings conducted in a manner consistent with standard culinary practice are permitted.

Policy 1:07:00:00

Subject: General Policy on Tobacco and Alcoholic Beverages

A. Tobacco

The sale of any products containing tobacco is prohibited on all property owned or controlled by the Tennessee Board of Regents and its institutions.

B. Alcohol

The President of each four and two-year institution is authorized to, and may from time to time designate a place on property owned or controlled by the institution where alcoholic beverages may be served by alumni and foundation organizations at a function or event sponsored by said organization.

This area shall not be in classrooms, labs, faculty or administrative offices, residence halls, student dining halls, student gathering areas, outdoor public areas, or athletic facilities accessible to the public. Furthermore, under Policy 3:05:01:01 the use and/or possession of alcoholic beverages by students are prohibited on property owned or controlled by the institution.

The sale of alcoholic beverages at the designated place is prohibited. "Sale" means any transfer, trade, exchange, or barter, in any manner or by any means, for consideration, including, but not limited to, requiring fees or the purchase of tickets for admission to the area or event at which alcoholic beverages will be served. State funds may not be used for the purchase of alcoholic beverages.

Notwithstanding the provisions noted above, the sale of alcoholic beverages shall be permitted:

1. At the Kemmons Wilson School of Hospitality and Resort Management hotel and conference facility and the Fogelman Executive Center, both of which facilities are operated in connection with the academic program known as the Kemmons Wilson School of Hospitality and Resort Management.
2. If Property owned by the Tennessee Board of Regents is disposed of by lease, it is permissible for the tenants of the lessee(s) to sell alcoholic beverages subject to approval by the institution of the tenants occupying the leased property.
- 3.

Compliance with all applicable laws and regulations shall be required.

This policy shall not be construed as prohibiting the use of alcoholic beverages as cooking supplies in Hospitality Management/Culinary Arts **academic for credit** coursework where said beverages are not consumed as is, but, in which, the beverages are used solely in the cooking **or wine tasting** process in a manner that is consistent with standard culinary practices.

Source: TBR Meeting June 20, 1997; March 15, 2002; TBR Meeting June 26, 2008; TBR Board Meeting March 26, 2009; TBR Board Meeting September 25, 2009

PRESIDENTS QUARTERLY MEETING

February 2012

DATE: Presidents Meeting

AGENDA ITEM: Revision to TBR Policy 2:01:00:03 Subject: Principles for
Articulation in Vocational/Technical Education

ACTION: Requires Vote

PRESENTER: Vice Chancellor Paula Myrick Short

BACKGROUND INFORMATION: Brings the minimum diploma clock hours required for articulation into the AAS in General Technology in line with Federal requirements. Also changes developmental studies to “Learning Support” within the policy.

Policy 2:01:00:03

Subject: Principles for Articulation in Vocational/Technical Education

Articulation of technical and career education programs may occur through the following venues:

I. Articulation of Diploma Programs in Technology Centers to Associate of Applied Science Degree (A.A.S.) Programs in Community Colleges

Articulation of credits received in diploma programs in technology centers to Associate of Applied Science Degree (A.A.S.) programs in community colleges may occur under the following two provisions:

A. Articulation to General Technology Majors or Equivalent Majors in Community Colleges

A student who has completed a diploma program consisting of at least **1,125** contact hours at a Tennessee Technology Center will receive credit toward the General Technology Major, A.A.S. Degree, at community colleges by meeting the following requirements:

- The student must meet all regular admission requirements of the community college as published in the institutional catalog.
- The student must provide official transcript from the technology center.
- The student who is admitted to degree admission status must meet all applicable requirements of the Developmental Studies Program (DSP), as indicated by the appropriate placement instrument.
- The student is required to complete the general education component (15-17 semester hours) at a community college or university.
- The student must complete fifteen (15) hours of college-level work in the appropriate Concentration or in general education courses before being awarded credit for prior learning at a technology center. During the escrow period, the student should not be prohibited from enrolling in courses in which he/she has completed a pre-requisite course or the first part of a sequence of courses.
- Credit previously awarded for a diploma from a technology center will be posted on the transcript but will not count in the calculation of the student's grade point average. Upon fulfillment of the requirements stated above, the student will receive thirty (30) semester hours credit toward the A.A.S. degree, General Technology Major. Upon successful completion of program requirements, the student will be awarded the Associate of Applied Science Degree.

B. Articulation to Specific Majors in Community Colleges

Community colleges and technology centers may enter into agreements for the articulation of specific programs that lead to the award of the A.A.S. degree in particular majors.

- The institutions involved must agree that the learning outcomes specified in courses and/or programs offered by the technology center satisfy learning outcomes in similar courses offered by the community college. Syllabi of the courses from the institutions involved must be maintained and documented.
- Semester hours credit awarded by the community college in specific articulation programs will be proportionate to the equivalence of credits attained in the technical or career program offered by the technology center. The number of semester hours awarded in specific articulated programs may be up to thirty (30) semester hours.

Student requirements include the following provisions:

- The student must meet all regular admissions requirement of the community college as published in the institutional catalog.
- The student must provide official transcript of work completed at the technology center.
- The student who is admitted to degree admission status must meet all applicable requirements of the ~~Developmental Studies Program (DSP)~~ **Learning Support (LS) Program**. The student is required to complete all ~~developmental studies courses~~ **Learning Support requirements** as indicated by the appropriate placement instrument.

The student is required to complete the general education component (15-17 semester hours) at a community college or university.

C. Articulation from a Community College to Technology Center Certificate and Diploma Programs

- A student may be eligible to receive clock hours toward a diploma or certificate program based upon the evaluation of the college transcript and course syllabi.
- The institutions involved must agree that the learning outcomes specified in courses offered by the community college satisfy learning outcomes in similar courses and/or programs offered by the technology centers. Syllabi of the courses from the institutions involved must be maintained and documented.
- Grades that articulate from the community college must be a C or above.

II. Articulation of Secondary Curricula to Post-Secondary Programs

A. Articulation to the Community Colleges Career and Technical Programs

Community colleges and secondary schools are authorized to enter into agreements for the articulation of specific courses as part of A.A.S. degree programs in specific career and technical majors.

- Each college and high school must establish a process for establishing common learning outcomes for specified courses for articulation. Competency lists and syllabi of the courses from the institutions involved must be maintained and documented.

- Each college is authorized to develop an articulation option which permits the awarding of credit by proficiency assessment. Credit awarded must be for specific courses and must be awarded only on the basis of the petitioning student successfully passing a challenge examination or competency-based assessment procedure for which the standards for proficiency are approved and accepted by the receiving collegiate institution.

Student requirements include the following provisions:

- The student must meet all regular admissions requirement of the community college as published in the institutional catalog.
- The student must provide official transcript of work completed at the high school.
- The student who is admitted to degree admission status must meet all applicable requirements of the ~~Developmental Studies Program (DSP)~~ **Learning Support (LS) program**.
- The student is required to complete all ~~developmental studies courses~~ **Learning Support requirements** as indicated by appropriate placement assessments.

B. Articulation to Technology Center Certificate and Diploma Programs

Technology centers and secondary schools may enter into agreements for the articulation of competencies in certificate and diploma programs.

- The technology center must agree that the learning outcomes specified in courses offered by the secondary school satisfy learning outcomes as expressed in program competencies offered by the technology centers. Competency lists from the institutions involved must be maintained and documented.
- Clock (contact) hours will be awarded to the student upon enrollment in the technology center based upon the student's demonstrated attainment of competencies through technology center recognized checklists or by assessment.

Student requirements include the following provisions:

- The student must meet all regular admissions requirement of the technology center as published in the institutional catalog.
- The student who is admitted to any technology center program must meet all applicable academic requirements of the proposed program of study.

Source: Board Mtg: March 29, 2006;

Policy 2:01:00:03

Subject: Principles for Articulation in Vocational/Technical Education

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I. Articulation of Diploma Programs in Technology Centers to Associate of Applied Science Degree (A.A.S.) Programs in Community Colleges

Articulation of credits received in diploma programs in technology centers to Associate of Applied Science Degree (A.A.S.) programs in community colleges may occur under the following two provisions:

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A student who has completed a diploma program consisting of at least 1,125 contact hours at a Tennessee Technology Center will receive credit toward the General Technology Major, A.A.S. Degree, at community colleges by meeting the following requirements:

- The student must meet all regular admission requirements of the community college as published in the institutional catalog.
- The student must provide official transcript from the technology center.
- The student who is admitted to degree admission status must meet all applicable requirements of the Developmental Studies Program (DSP), as indicated by the appropriate placement instrument.
- The student is required to complete the general education component (15-17 semester hours) at a community college or university.
- The student must complete fifteen (15) hours of college-level work in the appropriate Concentration or in general education courses before being awarded credit for prior learning at a technology center. During the escrow period, the student should not be prohibited from enrolling in courses in which he/she has completed a pre-requisite course or the first part of a sequence of courses.
- Credit previously awarded for a diploma from a technology center will be posted on the transcript but will not count in the calculation of the student's grade point average. Upon fulfillment of the requirements stated above, the student will receive thirty (30) semester hours credit toward the A.A.S. degree, General Technology Major. Upon successful completion of program requirements, the student will be awarded the Associate of Applied Science Degree.

B. Articulation to Specific Majors in Community Colleges

Community colleges and technology centers may enter into agreements for the articulation of specific programs that lead to the award of the A.A.S. degree in particular majors.

- The institutions involved must agree that the learning outcomes specified in courses and/or programs offered by the technology center satisfy learning outcomes in similar courses offered by the community college. Syllabi of the courses from the institutions involved must be maintained and documented.
- Semester hours credit awarded by the community college in specific articulation programs will be proportionate to the equivalence of credits attained in the technical or career program offered by the technology center. The number of semester hours awarded in specific articulated programs may be up to thirty (30) semester hours.

Student requirements include the following provisions:

- The student must meet all regular admissions requirement of the community college as published in the institutional catalog.
- The student must provide official transcript of work completed at the technology center.
- The student who is admitted to degree admission status must meet all applicable requirements of the Learning Support (LS) Program. The student is required to complete all Learning Support requirements as indicated by the appropriate placement instrument.

The student is required to complete the general education component (15-17 semester hours) at a community college or university.

C. Articulation from a Community College to Technology Center Certificate and Diploma Programs

- A student may be eligible to receive clock hours toward a diploma or certificate program based upon the evaluation of the college transcript and course syllabi.
- The institutions involved must agree that the learning outcomes specified in courses offered by the community college satisfy learning outcomes in similar courses and/or programs offered by the technology centers. Syllabi of the courses from the institutions involved must be maintained and documented.
- Grades that articulate from the community college must be a C or above.

II. Articulation of Secondary Curricula to Post-Secondary Programs

A. Articulation to the Community Colleges Career and Technical Programs

Community colleges and secondary schools are authorized to enter into agreements for the articulation of specific courses as part of A.A.S. degree programs in specific career and technical majors.

- Each college and high school must establish a process for establishing common learning outcomes for specified courses for articulation. Competency lists and syllabi of the courses from the institutions involved must be maintained and documented.

- Each college is authorized to develop an articulation option which permits the awarding of credit by proficiency assessment. Credit awarded must be for specific courses and must be awarded only on the basis of the petitioning student successfully passing a challenge examination or competency-based assessment procedure for which the standards for proficiency are approved and accepted by the receiving collegiate institution.

Student requirements include the following provisions:

- The student must meet all regular admissions requirement of the community college as published in the institutional catalog.
- The student must provide official transcript of work completed at the high school.
- The student who is admitted to degree admission status must meet all applicable requirements of the Learning Support (LS) program.
- The student is required to complete all Learning Support requirements as indicated by appropriate placement assessments.

B. Articulation to Technology Center Certificate and Diploma Programs

Technology centers and secondary schools may enter into agreements for the articulation of competencies in certificate and diploma programs.

- The technology center must agree that the learning outcomes specified in courses offered by the secondary school satisfy learning outcomes as expressed in program competencies offered by the technology centers. Competency lists from the institutions involved must be maintained and documented.
- Clock (contact) hours will be awarded to the student upon enrollment in the technology center based upon the student's demonstrated attainment of competencies through technology center recognized checklists or by assessment.

Student requirements include the following provisions:

- The student must meet all regular admissions requirement of the technology center as published in the institutional catalog.
- The student who is admitted to any technology center program must meet all applicable academic requirements of the proposed program of study.

Source: Board Mtg: March 29, 2006;

PRESIDENTS QUARTERLY MEETING

February 2012

DATE: Presidents Meeting

AGENDA ITEM: Revision to TBR Guideline A-100 Subject: Learning Support

ACTION: Requires Vote

PRESENTER: Vice Chancellor Paula Myrick Short

BACKGROUND INFORMATION: Addition of statement in policy to address issues with redesign of learning support and students receiving VA benefits.

Guideline A-100

Subject: Learning Support

The A-100 Guideline reflects the redesign of the former Developmental Studies Program. It demonstrates the commitment of the TBR System and its institutions to enhance students' access to and success in higher education. Learning support in this guideline is defined as academic support needed by a student to be college ready as established by the ACT college readiness benchmarks and standards. Full implementation of this guideline must occur by fall 2013.

I. Assessment - Initial assessment will be required of all students. Institutions will require secondary diagnostic assessment for students who have not met the criteria listed in the table below in order to determine the appropriate learning support.

Degree Seeking First-time Students

- Entering students under 21 years of age must present ACT/SAT scores. However, community college students under the age of 21, who have no ACT or SAT scores, and who will not have an opportunity to take either on a national test date before classes begin, will be given COMPASS or ASSET.
- Entering students 21 years and older who do not have ACT/SAT scores must complete the COMPASS or ASSET.
- Scores used for initial assessment must have been earned within 3 years prior to the first day of the student's entering term.

Degree Seeking Transfer Students

- Students entering without transferable college-level English composition credit will be assessed in writing.
- Students entering without transferable college-level credit from a reading intensive general education course will be assessed in reading. The designation of the reading intensive course will be made by the receiving institution.
- Students entering without transferable college-level mathematics credit will be assessed in mathematics.

Special Students: Non-degree Seeking / Certificate Programs

- Certificate seeking students entering without *transferable* college-level English composition credit will be assessed prior to enrollment in college-level English or in any course with English composition as a prerequisite.

- Certificate seeking students entering without *transferable* college-level credit from a reading intensive general education course will be assessed in reading. The designation of the reading intensive course will be made by the receiving institution.
- Certificate seeking students without *transferable* college-level mathematics credit will be assessed prior to enrollment in college-level mathematics or in any course with mathematics as a prerequisite.
- Students who change to degree-seeking status will be assessed under guidelines for degree seeking students.
- For students desiring to take one or more courses for personal or professional development, the institution will establish a policy to address the need for assessment.

Secondary Diagnostic Test

- Institutions will provide secondary diagnostic assessment for students who are not required to test but request this assessment.
- Students will be assessed diagnostically to determine appropriate learning support if their initial assessment scores fall below:

Proposed ACT/COMPASS/ASSET Minimum College Level *

	ACT	COMPASS	ASSET	SAT
Writing	18	77	43	Critical Reading 450
Reading	19	83	43	Critical Reading 460
Mathematics	19	38	39	Math 460

* Concordant ACT, COMPASS, and ASSET Scores February, 2010. These scores must be implemented for fall 2011.

- Beginning fall 2012, in response to the TN diploma project and Complete College TN Act, TN college readiness benchmark scores will be reviewed biannually. TBR institutions should anticipate revision of assessment scores to parallel ACT recommended college readiness scores. Students will be assessed diagnostically to determine appropriate learning support when assessment scores fall below the ACT or concorded SAT, COMPASS, or ASSET college readiness scores. (2010 ACT College Readiness scores: Writing--18;Reading--21;Mathematics-22)

II. Parameters – The president of each institution will submit to the TBR vice chancellor for academic affairs the institution’s plan. This plan should include the proposed redesign that will demonstrate

compliance with this guideline and the transition of current students to that redesign. A timeframe will be determined by the vice chancellor for academic affairs in consultation with the institution's president. Subsequent annual reports and/or modifications to the institution's plan will be submitted on a timeline to be established by the vice chancellor.

Organizational Structure

- The president of each institution will determine the organizational structure and coordination of learning support services for the institution.
- Each institution will establish criteria for the selection of learning support faculty consistent with professional disciplinary standards and SACS accreditation.
- Institutional policies will apply to faculty and staff whose primary role is learning support.

Learning Support

- Institutions will develop procedures to transition students to the redesign.
- Only learning support at the high school level as defined by Tennessee Department of Education qualifies for federal financial aid. (*Federal Student Aid Handbook, Volume 1 – Student Eligibility 2009-2010*)
- If a student matriculates, the institution's plan must include strategies to address learning support for those students with ACT subject scores 12 or below (or concorded SAT/COMPASS/ASSET scores).
- The plan will focus on adequate preparation to enable successful completion of entry-level college courses. Faculty who teach the college-level courses for which the learning support exists must be involved in the development of the plan and are encouraged to be actively involved in the delivery of learning support.
- The learning support must reflect and not exceed learning outcomes and competencies determined to be appropriate for college readiness.
- Students must attain the appropriate mastery level of learning competencies during their initial semesters of enrollment. Students are expected to enroll in the appropriate college-level course immediately upon completion of the learning support or in the next term to enroll.
- The delivery of learning support must be based on proven methods of integrating technology and learner-centered pedagogy and must address the desired learning competencies.
- The plan must include provision for students to be able to move progressively and consistently through the learning support interventions without having to repeat interventions related to competencies for which mastery learning has been demonstrated.
- Four year institutions will not offer credit that is less than college level for learning support.

- The mathematics learning support curriculum will have a single exit point into entry- college level mathematics courses. Academic programs or certificates that do not require a college level math course may prescribe mathematics learning support competencies as pre-requisites/co-requisites specific to the degree program or certificate.
- The institution will design Learning Support so that full-time students should be able to satisfy pre-college level requirements in one semester. Credit hours assigned to pre-college level Learning Support should be kept to a minimum, not to exceed 15 credit hours.
- If a student attempts the same less than college level learning support requirements twice and does not demonstrate appropriate mastery learning, the student will be placed on a learning support alert. (“Attempt” is defined as being enrolled after the 14th day count as defined in lottery scholarship rules.) The institution will determine a procedure to work with these students.
- “Learning Strategies” will not be offered as a required Learning Support course for less than college level credit. Institutions will determine the delivery of appropriate “learning strategies” at their individual institutions.
- **With Regard to students receiving VA benefits, each institution will ensure that Learning Support is provided in compliance with the eligibility provisions of the rules and regulations of the U.S. Department of Veterans Affairs (38 CFR Ch. 1 §21.4200 et seq.), including requirements for class attendance.**

Student Records

- Students will demonstrate mastery with a grade of C or higher.
- Successful completion of a student’s learning support competencies will be recorded on the student’s academic record with or without the assignment of standard grades.
- Students may not audit any portion of their learning support plans.
- Student progress and completion of learning support competencies will be notated in Banner and posted to the academic record.

Student Transfers

- Student learning support information will be provided upon request. When a transcript is requested, the institution must send placement and enrollment status reports for transferring students that includes student record of progress and completion of learning support competencies.
- Regardless of the strategies and activities used to provide learning support, once mastery learning has been documented by the institution, all TBR institutions must accept that documentation.

- If mastery learning for required competencies has not been documented as satisfied, the receiving institution will have an established plan to reassess, if necessary, in order to provide for the continuation of appropriate academic support.

III. Accountability - Evaluation of the learning support services must be a continuous process. As a component of the approved plan, the institution will establish benchmarks and subsequent annual performance indicators to demonstrate progress of students who are placed in learning support.

Measures of Success

- Success will be measured by student completion of learning support, enrollment and success in college entry-level courses for which students have received learning support, fall to fall retention, and graduation rates.
- Additional data measures may be established and reported by the institution to document and evaluate efforts to increase student success.
- Appropriate data tracking must be established to track the progress of any student with an ACT subject score 12 or below who is enrolled at the institution.
- The institution will submit an annual report of progress to the TBR vice chancellor of academic affairs.
- All TBR institutions will form partnerships with the high school districts' Local Educational Agency (LEA) in order to develop early intervention systems to provide learning support for at-risk students identified through the EXPLORE, PLAN, and ACT assessments taken prior to the senior year of high school.

Source: Approved at Presidents Meeting August 17, 2010 (Revised former guideline A-100, Basic/Developmental Studies Program (DSP) Operational Guidelines)

Guideline A-100

Subject: Learning Support

The A-100 Guideline reflects the redesign of the former Developmental Studies Program. It demonstrates the commitment of the TBR System and its institutions to enhance students' access to and success in higher education. Learning support in this guideline is defined as academic support needed by a student to be college ready as established by the ACT college readiness benchmarks and standards. Full implementation of this guideline must occur by fall 2013.

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II. Parameters – The president of each institution will submit to the TBR vice chancellor for academic affairs the institution’s plan. This plan should include the proposed redesign that will demonstrate

compliance with this guideline and the transition of current students to that redesign. A timeframe will be determined by the vice chancellor for academic affairs in consultation with the institution's president. Subsequent annual reports and/or modifications to the institution's plan will be submitted on a timeline to be established by the vice chancellor.

Organizational Structure

- The president of each institution will determine the organizational structure and coordination of learning support services for the institution.
- Each institution will establish criteria for the selection of learning support faculty consistent with professional disciplinary standards and SACS accreditation.
- Institutional policies will apply to faculty and staff whose primary role is learning support.

Learning Support

- Institutions will develop procedures to transition students to the redesign.
- Only learning support at the high school level as defined by Tennessee Department of Education qualifies for federal financial aid. (*Federal Student Aid Handbook, Volume 1 – Student Eligibility 2009-2010*)
- If a student matriculates, the institution's plan must include strategies to address learning support for those students with ACT subject scores 12 or below (or concorded SAT/COMPASS/ASSET scores).
- The plan will focus on adequate preparation to enable successful completion of entry-level college courses. Faculty who teach the college-level courses for which the learning support exists must be involved in the development of the plan and are encouraged to be actively involved in the delivery of learning support.
- The learning support must reflect and not exceed learning outcomes and competencies determined to be appropriate for college readiness.
- Students must attain the appropriate mastery level of learning competencies during their initial semesters of enrollment. Students are expected to enroll in the appropriate college-level course immediately upon completion of the learning support or in the next term to enroll.
- The delivery of learning support must be based on proven methods of integrating technology and learner-centered pedagogy and must address the desired learning competencies.
- The plan must include provision for students to be able to move progressively and consistently through the learning support interventions without having to repeat interventions related to competencies for which mastery learning has been demonstrated.
- Four year institutions will not offer credit that is less than college level for learning support.

- The mathematics learning support curriculum will have a single exit point into entry- college level mathematics courses. Academic programs or certificates that do not require a college level math course may prescribe mathematics learning support competencies as pre-requisites/co-requisites specific to the degree program or certificate.
- The institution will design Learning Support so that full-time students should be able to satisfy pre-college level requirements in one semester. Credit hours assigned to pre-college level Learning Support should be kept to a minimum, not to exceed 15 credit hours.
- If a student attempts the same less than college level learning support requirements twice and does not demonstrate appropriate mastery learning, the student will be placed on a learning support alert. (“Attempt” is defined as being enrolled after the 14th day count as defined in lottery scholarship rules.) The institution will determine a procedure to work with these students.
- “Learning Strategies” will not be offered as a required Learning Support course for less than college level credit. Institutions will determine the delivery of appropriate “learning strategies” at their individual institutions.
- With Regard to students receiving VA benefits, each institution will ensure that Learning Support is provided in compliance with the eligibility provisions of the rules and regulations of the U.S. Department of Veterans Affairs (38 CFR Ch. 1 §21.4200 et seq.), including requirements for class attendance.

Student Records

- Students will demonstrate mastery with a grade of C or higher.
- Successful completion of a student’s learning support competencies will be recorded on the student’s academic record with or without the assignment of standard grades.
- Students may not audit any portion of their learning support plans.
- Student progress and completion of learning support competencies will be notated in Banner and posted to the academic record.

Student Transfers

- Student learning support information will be provided upon request. When a transcript is requested, the institution must send placement and enrollment status reports for transferring students that includes student record of progress and completion of learning support competencies.
- Regardless of the strategies and activities used to provide learning support, once mastery learning has been documented by the institution, all TBR institutions must accept that documentation.

- If mastery learning for required competencies has not been documented as satisfied, the receiving institution will have an established plan to reassess, if necessary, in order to provide for the continuation of appropriate academic support.

III. Accountability - Evaluation of the learning support services must be a continuous process. As a component of the approved plan, the institution will establish benchmarks and subsequent annual performance indicators to demonstrate progress of students who are placed in learning support.

Measures of Success

- Success will be measured by student completion of learning support, enrollment and success in college entry-level courses for which students have received learning support, fall to fall retention, and graduation rates.
- Additional data measures may be established and reported by the institution to document and evaluate efforts to increase student success.
- Appropriate data tracking must be established to track the progress of any student with an ACT subject score 12 or below who is enrolled at the institution.
- The institution will submit an annual report of progress to the TBR vice chancellor of academic affairs.
- All TBR institutions will form partnerships with the high school districts' Local Educational Agency (LEA) in order to develop early intervention systems to provide learning support for at-risk students identified through the EXPLORE, PLAN, and ACT assessments taken prior to the senior year of high school.

Source: Approved at Presidents Meeting August 17, 2010 (Revised former guideline A-100, Basic/Developmental Studies Program (DSP) Operational Guidelines)

PRESIDENTS QUARTERLY MEETING DIRECTORS QUARTERLY MEETING

DATE: Presidents Meeting (February 14, 2012)
Directors Meeting (February 15, 2012)

AGENDA ITEM: Proposed Revision to TBR Guideline P-080
Discrimination and Harassment – Complaint and Investigation
Procedure

ACTION: Requires Vote

PRESENTER: Vice Chancellor Dale Sims

BACKGROUND INFORMATION:

TBR Guideline P-080, Discrimination, and Harassment – Complaint and Investigation Procedure has been revised to include language regarding the following:

- The addition of creed, sexual orientation/gender identity/expression
- References to the Genetic Information Nondiscrimination Act of 2008
- Sixty calendar days to complete the investigation of any complaints
- Procedure on how to appeal for the complainant and the respondent
- Requesting the complainant specify on the complaint form the reason for the complaint, rather than checking boxes

The proposed revisions were reviewed and are recommended by the Human Resources Officers Committee and the Business Officers Sub-Council.

The suggested revisions below include many unrelated to the Title IX Dear Colleague Letter. The Title IX revisions are marked by comments by user "TA."

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Guideline P-080

SUBJECT: Discrimination and Harassment – Complaint and Investigation Procedure

IMPORTANT: Other Available Complaint Procedures

An aggrieved individual may also have the ability to file complaints with external agencies such as the Equal Employment Opportunity Commission (EEOC), the Tennessee Human Rights Commission (THRC), the Office of Civil Rights (OCR) and the courts. Please note that the deadlines for filing with external agencies or courts may be shorter than the deadline established for filing a complaint under this Guideline. Examples of shorter deadlines include, but are not limited to, 180 days to file a complaint under Title VI & Title IX as well as ~~nd~~ 300 days to file a complaint under Title VII.

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I. Purpose

The purpose of this Guideline is to supplement Board Policies 2:02:10:01 and 5:01:02:00 relative to the orderly resolution of complaints of discrimination or harassment on the basis of race, color, religion, creed, ethnic or national origin, sex, sexual orientation/gender identity/expression, disability, age (40 and over as applicable), ~~or~~ status as a covered veteran, ~~or~~ genetic information, and any other category protected by federal or state civil rights law, and of sexual or racial harassment at related to 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 pursuant to Section IV.B of this Guideline, 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. Using the procedures outlined in Section IV, below, supervisory employees must promptly report to the appropriate institutional contact any complaint or conduct which might constitute harassment

whether the information concerning a complaint is received formally or informally.
Failure to do so may result in disciplinary action up to and including termination.

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All faculty members, students and staff are subject to this Guideline. Any faculty member, student or staff found to have violated this 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.

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.

Because the courts have imposed stricter obligations on employers with regard to ~~discrimination and sexual~~ harassment, institutions must take measures to periodically educate and train employees regarding conduct that could ~~constitute sexual harassment in violation-violate 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 the applicable provisions of federal and state civil rights laws, including but not limited to Executive Order 11246, as amended; the Rehabilitation Act of 1973, as amended; the Americans with Disabilities Act of 1990, as amended; the Vietnam Era Veterans Readjustment Act of 1974, as amended; the Equal Pay Act of 1963, as amended; Titles VI and VII of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments of 1972, as amended; the Age Discrimination in Employment Act of 1967/1975; the Age Discrimination Act of 1975; the Pregnancy Discrimination Act; the Genetic Information Nondiscrimination Act of 2008; and 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, creed, ethnic or national origin, sex, sexual orientation/gender identity/expression, disability, age (40 and

~~overas applicable), or~~ status as a covered veteran, ~~or genetic information-, and any other category protected by federal or state civil rights law.~~

~~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, creed, ethnic or national origin, sex, sexual orientation ~~or~~ gender identity expression, disability, age (40 and overas applicable), ~~or~~ status as a covered veteran, or genetic information, nor will they tolerate harassment on the basis of ~~race or sex~~ these protected categories or any other category protected by federal or state civil rights law.

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, creed, ethnic or national origin, sex, sexual orientation ~~or~~ gender identity expression, disability, age (40 and overas applicable), ~~or~~ status as a covered veteran, ~~or genetic information-, or any other category protected by federal or state civil rights law.~~

A. Discrimination

Discrimination may occur by:

1. Treating ~~members of a protected class~~ individuals less favorably because of their ~~membership in that class. The protected groups classes are based upon~~ race, color, religion, creed, ethnic or national origin, sex, sexual orientation/gender identity expression, disability, age (40 and overas applicable), ~~or~~ status as a covered veteran, ~~or genetic information, or any other category protected by federal or state civil rights law;~~ or,
2. Having a policy or practice that has a disproportionately adverse impact on protected class members.

B. ~~Sexual~~ Harassment

1. Harassment based on a protected class

~~Harassment is conduct that is based on a person's race, color, religion, creed, ethnic or national origin, sex, sexual orientation/gender identity/expression, disability, age (40 and overas applicable), -status as a covered veteran, or genetic information, or any other category protected by federal or state civil rights law, that~~

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- a. Adversely affects a term or condition of an individual's employment, education, participation in an institution's activities or living environment;
- b. Has the purpose or effect of unreasonably interfering with an individual's employment or academic performance or creating an intimidating, hostile, offensive or abusive environment for that individual; or
- c. Is used as a basis for or a factor in decisions that tangibly affect that individual's employment, education, participation in an institution's activities or living environment.

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Examples of such conduct include, but are not limited to verbal or physical conduct relating to an employee's national origin, race, surname, skin color or accent, offensive or derogatory jokes based on a protected category, racial or ethnic slurs, pressure for dates or sexual favors, unwelcome comments about a person's religion or religious garments, offensive graffiti, cartoons or pictures, or offensive remarks about a person's age.

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

2. Examples of sexual harassment

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Examples of sexual harassment include, but are not limited to, the following:

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-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 or only marginally relevant 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; Sexual violence; including rape, sexual assault, sexual battery, and sexual coercion

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

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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.

Please note that ~~sexual assaults~~ incidents of sexual violence may be constitute 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.~~ Complainant must be notified of his/her right to file a criminal complaint.

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:

~~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.~~

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

~~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.x~~

C. Racial Harassment

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 individuals from expressing their opinions in a way which abuses or offends their coworkers.

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, Board policy, and federal law.

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.
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-chooses not~~ 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.

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 discrimination or harassment is against the EEO/AA Officer, 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. When the allegation of harassment is against the President/TTC Director of the institution, the EEO/AA Officer 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. 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.

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. **This investigation shall include interviews with both the Complainant and the Respondent, unless either declines an in-person interview. The investigation shall also include interviews with relevant witnesses named by the Complainant and Respondent.** The purpose of the investigation is to establish whether there has been a violation of the 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 ~~shall~~ ~~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~~ ~~may~~ 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. Either party has the right to end informal processes at any time. Mediation will not be used in cases involving sexual assault. 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, and recommendations regarding disposition of the complaint.

After review and approval by Legal Counsel, the report shall be submitted to the President/Director within ~~sixty (60) calendar~~ ~~thirty (30) working days~~ ~~a reasonable period of time~~ following receipt of the complaint, absent cause for extending the investigation timeline. ~~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 .

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. Any investigation and subsequent discussion should be documented and a report submitted as set forth in this procedure. It should also be noted that conduct which does not rise to the level of legally 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 within a reasonable time 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, absent unusual circumstances and after consultation with Legal Counsel. - provide both the Complainant and the Respondent with a copy of the determination, along with a copy of the Investigator's report.

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15. If the investigation reveals evidence that a violation of the Guideline has occurred, the President/Director must take immediate and appropriate corrective action. Such action may include may-meeting with the Respondent and/or the Complainant and attempting to resolve the problem by agreement, except in the case of sexual assault. Appropriate steps must be taken to ensure that the discrimination or harassment will not reoccur.

~~16. If a violation of this 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.~~

~~16~~7. 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.

~~17~~8. A complaint found to have been intentionally dishonest or maliciously made will subject the Complainant to appropriate disciplinary action.

D. Appeal of Decision

Because TBR institutions are committed to a high quality resolution of every case, each institution must afford the Complainant and Respondent an opportunity to appeal the President's/Director's decision concerning Respondent's responsibility for the alleged conduct. The appeal process shall consist of an opportunity for the parties to provide information to the institution's attention that would change the decision. The appeal process will not be a *de novo* review of decision and the parties will not be allowed to present their appeals in person to the President/Director, unless the President/Director determines, in his/her sole discretion, to allow an in-person appeal.

A. The institution shall provide written notice of the appeal process to the parties at the time that the parties are advised of the outcome of the investigation.

B. Either party may send a written appeal to the President/Director within ten (10) working days, absent good cause, of receipt of the President's/Director's determination. The appealing party(ies) must explain why he or she believes the factual information was incomplete, the analysis of the facts was incorrect, and/or the appropriate legal standard was not applied, and how this would change the determination in the case. Failure to do so may result in the denial of the appeal.

C. The President/Director will issue a written response to the appeal as promptly as possible. This decision will constitute the institution's final decision with respect to President's/Director's determination.

D. Hearing V. Other Applicable Procedures

If the President's/Director's decision includes disciplinary action, the procedures for implementing the decision shall be determined by the applicable policies relating to discipline (e.g., employee grievance/complaint procedure, student disciplinary policies, academic affairs policies).

1. For complaints involving sexual violence the hearing procedures in Policy 2:02:10:01 shall be used.

1.2.

2.3.1. 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.

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

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a. Notice to the Complainant and Respondent (“parties”) 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 parties during the hearing process.

b. The right of the Respondent parties to present his or her their case.

e. The right of the Respondent parties to be accompanied by an advisor who may assist the Respondent them but may not advocate on his or her their behalf.

d. The right of the Respondent parties to call witnesses in his or her their behalf.

e. The right of the Respondent parties to confront and cross-examine question. Though no absolute right to question the witnesses directly.

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4.5.3. 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.

5.6.5. 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.

6.7.6. 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, 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

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.

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; February 13, 2008

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Appendix A

DISCRIMINATION / HARASSMENT COMPLAINT FORM

Date: _____

Complainant:

Address:

Email address: _____

Phone: (home) _____ (work) _____

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

Alleged Discrimination / Harassment Factors:

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.

Why do you think the person(s) treated you this way?

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: _____

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PRESIDENTS QUARTERLY MEETING

DIRECTORS QUARTERLY MEETING

February 2012

DATE: Presidents Meeting (February 14, 2012)
Directors Meeting (February 15, 2012)

AGENDA ITEM: Suggested Revisions to Policy 4:02:20:00 – Disposal of Surplus Personal Property

ACTION: Requires Vote

PRESENTER: Dale Sims

BACKGROUND INFORMATION:

The currently policy regarding disposal of surplus personal property does not include procedures for disposal of livestock. The addition of a new section to the policy is being recommended which outlines the appropriate procedure as follows:

1. The head of the agriculture program is responsible for the sale or other disposition of all livestock.
2. Documentation related to the sale or disposition of livestock (method of sale, advertisements, invitations to bid, bids received, authorization, minimum prices, and price received) is to be maintained by the head of the agriculture program.
3. Methods by which livestock may be sold

Recommended Course of Action:

Approve the proposed revision to the current policy to add a new section outlining the appropriate procedure for the disposal of livestock.

Policy 4:02:20:00

Subject: Disposal of Surplus Personal Property

The following policies and procedures concerning the disposal of surplus personal property shall be followed by all institutions governed by the Tennessee Board of Regents.

1. Definition of Surplus Personal Property

"Surplus personal property" means that personal property which has been determined to be obsolete, outmoded, unusable or no longer usable by the institution, or property for which future needs do not justify the cost of maintenance and/or storage. Such property must be declared "surplus personal property" by the president, director, or designee of the transferring institution; provided however, property need not be declared surplus when disposition is through the trade-in method.

2. General Rules

- a) ~~(a)~~ Surplus personal property is either usable property, which shall be transferred or sold, or unusable property, which may be destroyed, as hereinafter provided:
 1. ~~(1)~~ Surplus personal property which is perishable food may be destroyed without delay or notification.
 2. ~~(2)~~ Surplus mattresses may be destroyed or may be otherwise disposed of only upon compliance with T.C.A. 12-2-403.
 3. ~~(3)~~ Surplus personal property which is determined to be not usable by the institution and of little or no salvage or other economic value may be destroyed by an appropriate method.
 4. ~~(4)~~ The institution shall follow the procedures described in Section 3(c) of this policy, prior to disposal of all other surplus personal property.
- b) ~~(b)~~ Surplus personal property in which the Federal Government or other entity has a legal interest should be transferred to such entity when no longer needed.

- c) ~~(c)~~ It is unlawful for any state official or employee, including System employees, to purchase from the state except by bid at public auction any surplus property during the tenure of his office or employment, or for six (6) months thereafter. A purchaser who violates this provision is guilty of a misdemeanor under T.C.A. 12-2-412.
- d) ~~(d)~~ For all sales to individuals except at public auctions including internet auction, the transferring institution conducting the sale shall obtain from the purchaser a signed disclaimer certifying the purchaser is not a state or System employee and that the purchaser is not buying the property for or on behalf of any state or System employee.
- e) ~~(e)~~ All employees of the Tennessee Board of Regents System and their immediate families, shall be ineligible to bid for or purchase surplus personal property except by bid at public auction.
- f) ~~(f)~~ Possession of surplus personal property sold to the general public under any method prescribed under Section 3(c) of this policy shall not pass until payment is made by cash, or if payment is made by cashiers check or certified check, possession shall not pass until the check is honored by the drawee bank.
- g) ~~(g)~~ Possession shall pass to System institutions, political subdivisions of the state, and other governmental entities upon receipt, by the institution, of purchase vouchers of such institutions, political subdivisions, or other governmental entities. Title to motor vehicles sold as surplus property to political subdivisions and other governmental entities shall be closed as to transferee when title is passed.

3. General Disposal Procedures

- a) ~~(a)~~ The president or director of each institution or their designee shall declare personal property to be surplus personal property prior to disposition as such; provided however, property need not be declared surplus when disposition is through use of the trade-in method.
- b) ~~(b)~~ The president or director or their designee shall designate the department or individual at the institution responsible (hereinafter referred to as "responsible

authority") for the disposal of surplus personal property, and the communications and procedures concerning the disposal of surplus personal property.

c) ~~(e)~~ No article of personal property may be disposed of as surplus except by one of the following methods:

1. ~~€~~ Trade-in, when such is permitted due to the nature of the property or equipment and subject to the provisions of T.C.A. 12-2-403 and the rules of this policy;
2. ~~1.~~ Transfer to other institutions within the Tennessee Board of Regents system;
3. ~~2.~~ Transfer to other state agencies;
4. ~~3.~~ Sale to eligible political subdivisions of the state and other governmental entities;
5. ~~4.~~ Public auction, publicly advertised and held;
6. ~~5.~~ Sale under sealed bids, publicly advertised, opened and recorded;
7. ~~6.~~ Negotiated contract for sale, at arms length; but only in those instances in which the availability of the property is recurring or repetitive in character, such as marketable waste products;
8. ~~7.~~ Disposition through the Department of General Services as provided in the Department Rules and Regulations.
9. ~~8.~~ Donations to a public school or public school system.
10. ~~9.~~ Sale by Internet auction.

d) ~~(d)~~ If the president, director or designee declares the property to be surplus personal property, the method of disposal shall be determined by the responsible

authority from the alternatives set forth in Section 3(c) of this policy. Written documentation for the selection of method of disposal shall be maintained. The trade-in method, when property is of the nature appropriate for trade-in, and transfer to other institutions in the Tennessee Board of Regents System shall be the first and second priority methods, respectively, for disposal of surplus personal property, except for waste products which shall be disposed of as further provided in this policy. In the selection of other methods of disposal, the following criteria shall be considered:

1. The character, utility and functionality of the property;
 2. The economics of disposal in light of all relevant circumstances attendant the proposed disposal, including the condition and climate of the potential market and present estimated market value of the property, transportation costs, and other cost factors associated with disposal; and
 3. Sound fiscal and budgetary policy and practices.
- e) ~~(e)~~The method of disposal selected in the preceding section shall be implemented pursuant to the specific procedures set forth in this policy for such disposition.
- f) ~~(f)~~The responsible authority at the institution shall be responsible for the maintenance of accountability documentation on all items of surplus personal property, and shall ensure that adequate audit and inventory trails on all items of surplus personal property are maintained. Such authority shall make the final determination of the fair market value of surplus personal property for purposes of calculating reimbursements to the transferring institution and to determine whether property may be destroyed pursuant to Section 2(a) (3).
- g) ~~(g)~~Nothing shall prohibit an institution from simultaneously providing notice of an intended disposition of surplus personal property to all System institutions and all state agencies as specified in Section 5(a) and 6(a) below. In such event, if no System institution has requested the property within 30 days of the initial notice, the first state agency which had requested the property within such time shall be entitled to receive the property upon reimbursement as provided in Section 6 below.

4. Trade-In On Replacement

- a) ~~(a)~~ Items that must be replaced may, subject to the requirements of this section, be traded in on replacement property.

- b) ~~(b)~~ The responsible authority of the institution shall perform the following functions in connection with the trade-in method of disposal:
 - 1. Issue invitations to bid asking for bids with trade-in and without trade-in and receive and review bids;

 - 2. Make an evaluation of the condition and fair market value of the property to be disposed of; Through comparisons of bids and the evaluation prepared, make a determination whether it is in the best interests of the institution to dispose of the property by trade-in or by one of the other methods of disposal.

5. Transfer to System Institutions

- a) ~~(a)~~ Except when the trade-in method is utilized or when the property is to be disposed of as a waste product, the responsible authority at the institution shall provide to the president, director, or their designee, or appropriate departments and/or individuals at all other institutions in the System and to the offices of the Tennessee Board of Regents, a notice of intended disposition which shall include the name of the individual to contact for additional information, the location of the property for inspection, a description of the property, the condition of the property and the original cost and fair market value of the property as determined by the responsible authority. The initial notice of available surplus personal property may be made at periodic intervals for the purpose of consolidating notices on numerous items of such property for convenience.

- b) ~~(b)~~ The first institution which makes a written request for the available surplus personal property shall be entitled to receive such property

- c) ~~(e)~~-In the event that no institution requests transfer of available surplus personal property within 7 days of the date of the initial notice, the property may be disposed by means of another appropriate method of disposal.

6. Transfer to Other State Agencies

- a) ~~(a)~~-When transfer to other state agencies is the method of disposal selected, the responsible authority of the institution shall provide notice of the intended disposition to the commissioner or chief executive officer of all state agencies which shall include all information specified in the notice required by Section 5(a).
- b) ~~(b)~~-The first state agency which makes a written request for the available surplus personal property shall be entitled to receive such property.
- c) ~~(e)~~-In the event that no state agency requests transfer of available surplus personal property within 7 days of the date of the initial notice, the property may be disposed by means of another appropriate method of disposal.

7. Sale of Surplus Property to Governmental Entities

- a) ~~(a)~~-Political subdivisions of the state and other eligible governmental entities may purchase surplus personal property by submission of sealed bids for such property to the responsible authority of the institution no later than two (2) days prior to a public auction held for disposal of such property. Such bids shall be opened two (2) days prior to such public auction and the highest bid shall be selected unless the responsible authority decides that the highest bid does not represent the fair market value. The responsible authority may reject such bids and may negotiate with the political subdivisions of the state and other entities which have submitted bids in order to obtain a fair market value. In the event negotiation does not result in a fair market value, such property shall be disposed of by public auction.
- b) ~~(b)~~-Political subdivisions of the state and other governmental entities shall retain possession of surplus property purchased from System institutions for at least one (1) year unless disposal is approved by the Board of Standards. Any profit realized from the resale of such property shall revert to the state or the System as their interests may appear.

- c) ~~(e)~~ Any sale of automobiles by a System institution to a county, municipality or other political subdivision or governmental entity shall become null and void and such property shall revert to the state, or the System as their interests may appear, in the event that such political subdivision or governmental entity does not transfer the registration of title to such automobile to its name within seven (7) days after the sale.

8. Public Auctions and Sales Under Sealed Bids

- a) ~~(a)~~ Public auctions and sales under sealed bids, as provided in this policy, shall be publicly advertised and publicly held. Notice of intended disposal by public auction or sale under sealed bid shall be entered by the responsible authority of the institution in at least one (1) newspaper of general circulation in the county or counties in which the disposal is to be made reasonably describing the property and specifying the date, time, place, manner, and conditions of the disposal. The advertisement shall be entered in the public notice or equivalent section of the newspaper and shall run not less than three (3) days in the case of a daily paper and not less than twice in the case of a weekly. The disposal shall not be held sooner than seven (7) days after the last day of publication nor later than fifteen (15) days after the last day of publication of the required notice, excluding Saturdays, Sundays and holidays. Prominent notice shall also be conspicuously posted for ten (10) days prior to the date of disposal, excluding Saturdays, Sundays and holidays, in at least two (2) public places in the county or counties where the disposal is to be made. Furthermore, notice shall be sent to the county court clerks of the county in which the sale is to be made, and all contiguous counties in Tennessee, except when the fair market value of all the property to be sold is determined in writing by the president or director or his or her designee to be less than \$500.00.
- b) ~~(b)~~ A mailing list shall be developed for mailing to eligible governmental entities and potential buyers of surplus items.
- c) ~~(c)~~ No person, firm or corporation shall be notified of any public auction or sale except as provided by this policy.
- d) ~~(d)~~ Each institution should attempt to include as many items in each sale as is practical and feasible.

- e) ~~(e)~~-All notices of sales of such property shall provide that the property is to be sold "as is" with transportation costs assumed by the purchaser. The notice shall state that the only warranty provided, expressed or implied, is the seller's right, title and interest in the property sold.

- f) ~~(f)~~-All sales by bid or auction shall be with reserve, and when bids received are unreasonably below the fair market value as determined by the responsible authority of the institution or school, all bids shall be rejected and the property shall be thereafter disposed of pursuant to other acceptable methods of disposal.

9. Disposal of Waste Products

- a) ~~(a)~~-Marketable waste products such as paper and paper products, used lumber, bottles and glass, rags, and similar materials of nominal value classified as scrap may be sold directly to dealers at the going market rate without soliciting bids. Each institution shall keep a record of the volume and unit price of such materials sold on the scrap market.

- b) ~~(b)~~-Waste products which are subject to storage and are normally accumulated until such quantities are available to make a sale economically feasible shall be sold under sealed bids as follows:
 - 1. Invitations to bid shall be mailed to known buyers of the particular item;

 - 2. Three firm bids shall be secured when possible;

 - 3. Sealed bids shall be publicly opened and recorded ten (10) days, excluding Saturdays, Sundays, and holidays, after the invitations to bid are mailed;

 - 4. The highest bidder shall be awarded the contract and shall be notified of the date for removal of the property and the method of payment which will be acceptable;

5. A file shall be maintained for each disposal for the purpose documenting the sale and should include all documents and information pertinent to the disposal.
- c) ~~(e)~~ Anything to the contrary notwithstanding, surplus personal property which is determined to be unusable and of little or no salvage or other economic value may be destroyed by an institution or school as provided in Section 2(a) (3).

10. Disposal of Livestock

- a) **The Head of the Agriculture Program is responsible for the administration of sales or other disposition of all livestock. The Head of the Agriculture Program shall also ensure that adequate inventory records are maintained. Exceptions must be approved by the President of the Institution.**
- b) **As applicable for the method of sale, documentation that supports the method of sale, advertisements, invitations to bid, bids received, authorization, minimum prices, and price received should be maintained by the Head of the Agriculture Program.**
- c) **Consistent with the best interest of the institution, as recommended by the Head of the Agriculture Program, livestock may be sold by the following methods:**
 1. **Disposition by Public Auction or Sealed Bid – Unless it is in the best interest of the institution to proceed otherwise, livestock shall be sold by invitation of sealed bids or by public auction (i.e., local livestock auctions).**
 2. **Special Auction/ Private Treaty Sales – These methods are used for superior breeding animals, show animals, pedigreed and/or high quality specialty animals.**
 - a) **Prior to advertisement, a responsible faculty member or farm manager shall submit a list of superior animals to be sold at auction or private treaty and obtain written approval from the Head of the Agriculture Program.**
 - b) **The animal(s) available for sale will be advertised through the departmental website, relevant industry publications, or**

newspaper at least two weeks in advance. A responsible point of contact, who is able to provide information on animal offerings and participate in the selling/bidding process, should be included in the advertisement.

- c) The Agriculture Program will establish minimum sale prices. The farm manager or faculty member in charge of the respective species' research/teaching program shall determine sale prices for each animal. Value shall be based on the genetic, phenotypic, and performance merit of the animal compared to the average of the population.**
 - d) Sale of the animal will be to the highest bidder at or above the minimum established sale price. In cases of tie bids, a random draw will determine the successful bidder.**
- 3. Where the price for "commercial" (non-pedigree/non-specialty) livestock can easily be established, the institution may sell directly to "order-buyers" based on current prices when viewed as being in the best interest and most profitable to the institution.**
- 4. Disposition by Slaughter – Prices for livestock being sold for slaughter, shall be based on the National Yellow Sheet prices. The "Yellow Sheet" publication updates prices daily based on a national average. An acceptable alternative for obtaining slaughter animal prices are current USDA Livestock Market Reports.**

11. ~~10.~~ Sale by Internet

Notice of intended disposal by Internet auction shall be posted on the Internet. Such notice shall specify and reasonably describe the property to be disposed of, the date, time, manner and conditions of disposal, all as previously determined by the responsible authority.

12. ~~11.~~ Exceptions

Surplus personal property may be disposed of by a method other than those listed in Section 3(c) of the policy only upon request by the president or director of the transferring institution or designee and approval by the Chancellor or his or her designee.

Source: TBR Meetings, June 29, 1979; September 30, 1983; March 7, 1997; September 26, 2003; June 29, 2007; June 24, 2011.

PRESIDENTS QUARTERLY MEETING

DIRECTORS QUARTERLY MEETING

February 2012

DATE: Presidents Meeting (February 14, 2012)
Directors Meeting (February 15, 2012)

AGENDA ITEM: Change in General System Charge to Institutions

ACTION: Requires Vote

PRESENTER: Dale Sims

BACKGROUND INFORMATION:

Description of Issue:

Each TBR institution currently is assessed an amount equal to 0.225% of its total unrestricted educational and general revenues to partially fund the expenses of the Central Office. This level of charge has been in place since at least FY 1996-97 when it was reduced from 0.300%. During the last 3 years of state funding reductions, the Central Office has taken steps similar to those taken by institutions to reduce cost. These actions include implementing a buyout plan with limited backfilling of positions, deleting certain vacant positions, delaying the filling of other vacant positions, and general reductions in other types of expenses. Taken together, these steps eliminated the need to adjust the system chargeback to manage state funding reductions and also resulted in increases in Central Office reserve balances.

At the time of the Board's adoption of the 3% system-wide COLA, the Board acted to increase student fees in an amount estimated to fund the institutional cost of both the local share of the state mandated 1.6% increase as well as fully fund the Board approved 1.4% "add-on" COLA. During the June Chairs meeting, Board members were made aware that funding of the added 1.4% COLA for Central Office staff would likely require an increase in the system charge to institutions. As part of considering a change in the system charge, the Board asked staff to minimize the level of any change by reviewing Central Office expenses for potential reductions as well as the level of reserves maintained.

Recommended Course of Action:

As part of the July Proposed Budget, it is our intent to ask the Board to consider the following changes in the system chargeback:

- Recognizing that Central Office reserves have increased, it will be proposed that the system charge for FY 2012-12 be set at 0.105%, thereby effectively refunding collectively to institutions \$2,150,000.
- The system charge for FY 2013-14 would be set at 0.231%, an increase of 0.006% from the current level. This proposed change in the system charge generates the \$102,800 in increased revenues necessary to fund a portion of the 1.4% supplemental COLA. The impact on each institution of this proposal is shown on the attached spreadsheet.

TENNESSEE BOARD OF REGENTS
Forecast of Chargeback: FY 2012-13

INSTITUTION	October Revised E&G Revenues 2011-12	Estimated FY 2011-12 CHARGEBACK .225%	Proposed FY 2012-13			Proposed FY 2013-14		
			Credit From Central Office Reserves = \$ 2,150,000	Chargeback Amount	Rate = 0.105%	COLA Amt. to Recover = \$ 102,800	Rate	Est. 2013-14 CHARGEBACK .231%
APSU	\$ 100,933,100	\$ 227,100	\$ 127,200	\$ 106,000	0.105%	\$ 6,100	0.231%	\$ 233,200
ETSU	\$ 162,986,800	\$ 366,700	\$ 205,400	\$ 171,100	0.105%	\$ 9,800	0.231%	\$ 376,500
ETSU-COM	\$ 51,503,600	\$ 115,900	\$ 64,900	\$ 54,100	0.105%	\$ 3,100	0.231%	\$ 119,000
ETSU-FP	\$ 13,644,800	\$ 30,700	\$ 17,200	\$ 14,300	0.105%	\$ 800	0.231%	\$ 31,500
MTSU	\$ 265,941,600	\$ 598,400	\$ 335,100	\$ 279,300	0.105%	\$ 16,000	0.231%	\$ 614,400
TSU	\$ 106,968,200	\$ 240,700	\$ 134,800	\$ 112,300	0.105%	\$ 6,400	0.231%	\$ 247,100
TTU	\$ 117,165,500	\$ 263,600	\$ 147,700	\$ 123,000	0.105%	\$ 7,100	0.231%	\$ 270,700
UOM	\$ 317,133,500	\$ 713,600	\$ 399,700	\$ 333,000	0.105%	\$ 19,100	0.231%	\$ 732,700
Subtotal	<u>\$ 1,136,277,100</u>	<u>\$ 2,556,700</u>	<u>\$ 1,432,000</u>	<u>\$ 1,193,100</u>		<u>\$ 68,400</u>		<u>\$ 2,625,100</u>
CSTCC	\$ 55,408,000	\$ 124,700	\$ 69,800	\$ 58,200	0.105%	\$ 3,300	0.231%	\$ 128,000
CLSCC	\$ 20,625,600	\$ 46,400	\$ 26,000	\$ 21,600	0.105%	\$ 1,200	0.231%	\$ 47,600
COSCC	\$ 26,623,500	\$ 59,900	\$ 33,500	\$ 28,000	0.105%	\$ 1,600	0.231%	\$ 61,500
DSCC	\$ 16,939,100	\$ 38,100	\$ 21,300	\$ 17,800	0.105%	\$ 1,000	0.231%	\$ 39,100
JSCC	\$ 26,480,500	\$ 59,600	\$ 33,400	\$ 27,800	0.105%	\$ 1,600	0.231%	\$ 61,200
MSCC	\$ 23,239,200	\$ 52,300	\$ 29,300	\$ 24,400	0.105%	\$ 1,400	0.231%	\$ 53,700
NSCC	\$ 41,228,600	\$ 92,800	\$ 52,000	\$ 43,300	0.105%	\$ 2,500	0.231%	\$ 95,300
NSTCC	\$ 31,531,300	\$ 70,900	\$ 39,700	\$ 33,100	0.105%	\$ 1,900	0.231%	\$ 72,800
PSTCC	\$ 56,368,000	\$ 126,800	\$ 71,000	\$ 59,200	0.105%	\$ 3,400	0.231%	\$ 130,200
RSCC	\$ 36,794,200	\$ 82,800	\$ 46,400	\$ 38,600	0.105%	\$ 2,200	0.231%	\$ 85,000
STCC	\$ 75,285,200	\$ 169,400	\$ 94,900	\$ 79,000	0.105%	\$ 4,500	0.231%	\$ 173,900
VSCC	\$ 40,394,900	\$ 90,900	\$ 50,900	\$ 42,400	0.105%	\$ 2,400	0.231%	\$ 93,300
WSCC	\$ 39,472,000	\$ 88,800	\$ 49,700	\$ 41,500	0.105%	\$ 2,400	0.231%	\$ 91,200
Subtotal	<u>\$ 490,390,100</u>	<u>\$ 1,103,400</u>	<u>\$ 617,900</u>	<u>\$ 514,900</u>		<u>\$ 29,400</u>		<u>\$ 1,132,800</u>
TTC	\$ 79,420,600	\$ 178,800	\$ 100,100	\$ 83,500	0.105%	\$ 4,800	0.231%	\$ 183,600
TOTAL	<u>\$ 1,706,087,800</u>	<u>\$ 3,838,900</u>	<u>\$ 2,150,000</u>	<u>\$ 1,791,500</u>		<u>\$ 102,600</u>		<u>\$ 3,941,500</u>
July Proposed Chargeback		<u>\$ 3,786,700</u>						
Growth in Est. Chargeback		<u>\$ 52,200</u>						
Cost of Central Office 1.4% COLA		\$ 155,000						
LESS: Growth in Est. Chargeback		<u>\$ (52,200)</u>						
COLA Amount to Recover		<u>\$ 102,800</u>						