



## AGENDA

### **PRESIDENTS MEETING**

**TBR Central Office – Boardroom – Suite 366  
Tuesday, November 10, 2015 – 9:00 A.M. (CT)**

1. Recommended Revisions to TBR Guideline B-026 – Lease Procedures and Guidelines  
*(Mr. Dick Tracy)*
2. Recommended Revisions to TBR Guideline B-060 – Fees, Charges, Refunds and Fee Adjustments  
*(Vice Chancellor Dale Sims)*
3. Update on Academic Affairs Initiatives  
*(Vice Chancellor Tristan Denley)*
4. Maintenance Fee Structure Modification  
*(Vice Chancellor Tristan Denley and Vice Chancellor Dale Sims)*
5. Update on Legislative Initiatives  
*(Vice Chancellor David Gregory)*

**PRESIDENTS QUARTERLY MEETING**  
**DIRECTORS QUARTERLY MEETING *(if applicable)***  
**November 10 and 11, 2015**

DATE:                   Presidents Meeting (November 10, 2015)  
                              Directors Meeting (November 11, 2015) *(if policy/guideline applicable)*

AGENDA ITEM:       Lease Procedures and Guidelines: B-026

ACTION:               Vote Approval

PRESENTER:         Dick Tracy

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**BACKGROUND INFORMATION:**

The Lease Procedures and Guidelines: B-026 document has been modified to include the revisions of the State Building Commission's Policies and Procedures.

This will be on the Directors' meeting agenda for your approval.

# Lease Procedures and Guidelines: B-026

## Policy/Guideline Area

Business and Finance Guidelines

## Applicable Divisions

TCATs, Community Colleges, Universities

## Purpose

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

## Policy/Guideline

### I. Approvals Required

#### A. Institution as Lessee and Lessor

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

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

3. Signatures required include:

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

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

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

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

c. Chancellor or his/her designee.

d. State Building Commission with signatures by:

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

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

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

~~B. Institution as Lessor~~

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

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

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

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

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1. All lease proposals involving a consideration of more than \$50,000 per year or a term longer than five (5) years, upon approval of the Department of Finance and Administration and the Tennessee Higher Education Commission shall be presented, with appropriate comment or recommendation, to the State Building Commission Executive Sub-Committee for approval prior to any leasing action.

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

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

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

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

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

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

2. Signatures required include:

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

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

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

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

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

(2) ~~State Attorney General~~

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

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

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1. President of the institution

2. Vice Chancellor for Colleges of Applied Technology

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

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

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II. Non-Discrimination

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

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

III. Recording of Leases

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

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IV. Advertising for Leased Space

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

1. Where the annual rent does not exceed ~~\$8,500~~ \$50,000 or where the term of the lease is one (1) year or less.

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2. Where property is owned by a governmental agency and leased to another governmental agency.

3. Where a supplemental agreement is made to an existing lease for additional space at a negotiated price without modifying the original lease term (Reference T.C.A. § 12-2-114).

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

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V. Special and Unique Space

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

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

VI. Forms and Documentation Required

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

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

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

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

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

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

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

3. Statement of Financial Interest for Leased Property

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

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4. Conflict of Interest

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

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

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

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

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

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6.7. Certification of Funds Available

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

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

**7.8. Summary of Analysis of Lease Proposals Received**

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

**8.9. Enrollment Projections and Program Documentation**

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

**VI.VII. State Statutes on State Leases & Disposals of Real Property**

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

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

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

~~VII.~~VIII. Lease Policies of the State Building Commission

- A. Item 7, Leases of Real Property as published in By-Laws, Policy and Procedure of the State Building Commission of Tennessee, compiled ~~January~~ ~~February, 1994~~ 2014 is referenced for your information. Copies are available from the Office of Facilities upon request.

**Sources**

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

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**PRESIDENTS QUARTERLY MEETING**

**DIRECTORS QUARTERLY MEETING**

**November 10 and 11, 2015**

DATE: Presidents Meeting (November 10, 2015)  
Directors Meeting (November 11, 2015)

AGENDA ITEM: Recommended Revisions to Guideline B-060 – Fees, Charges, Refunds  
and Fee Adjustments

ACTION: Vote

PRESENTER: Dale Sims

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**BACKGROUND INFORMATION:**

The following revisions are recommended to Guideline B-060 – Fees, Charges, Refunds and Fee Adjustments:

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

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

## Guideline

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

**B. Accounting Treatment**

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

V. eRate

**PRESIDENTS QUARTERLY MEETING**

**DIRECTORS QUARTERLY MEETING**

**November 10 and 11, 2015**

DATE: Presidents Meeting (November 10, 2015)  
Directors Meeting (November 11, 2015)

AGENDA ITEM: Update on Academic Affairs Initiatives

ACTION: Information Item

PRESENTER: Vice Chancellor Tristan Denley

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**BACKGROUND INFORMATION:**

Vice Chancellor Denley will provide a brief update on current Academic Affairs Initiatives including: Institutional Review Board, Mindset Summit, Gates Foundation Grant, and Course Revitalization Grant.

## **TBR System Level Institutional Review Board (IRB)**

### **I. Need**

- A. The need for an Institutional Review Board (IRB) is recognized as essential for the TBR System Central Office as well as the TBR System institutions where human participants' research is being conducted and the TBR System Central Office or any TBR institution receives federal or state money, such as research grants. Researchers must be professional and adhere to their disciplinary ethical codes and those codes that govern research in general, i.e., the principles set forth in the *Belmont Report: Ethical Principles and Guidelines for the Protection of Human Subjects of Research* (National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, 1979) and the US DHHS Federal Regulations for Human subjects (45 CFR 46).
  
- B. The TBR System Central Office IRB will be used solely for the purpose of research involving human participants in educational and social science based research conducted by the TBR System Central Office.
  
- C. The TBR System Central Office IRB will not review proposals for dissertation, research from outside entities or faculty researchers seeking blanket approval across System institutions. In each of these events, approval from individual TBR Institutional IBRs must be sought.

### **II. Human Subjects Research at the System Level**

- A. In keeping with the Department of Health and Human Services (HHS) definitions in Title 45, Code of Federal Regulations (CRF) Part 46, 46 CFR 46.111, for the purposes of this policy:
  - 1. “*Research* means a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge. Activities which meet this definition constitute research..., whether or not they are conducted or supported under a program which is considered research for other purposes”.
  - 2. “*Human subject* means a living individual about whom an investigator (whether professional or student) conducting research obtains
    - (a) Data through intervention or interaction with the individual, or
    - (b) Identifiable private information.
  
- B. The HHS regulations at 45 CFR 46.103(b) (4) and (5) require that institutions, in this case the TBR



System Central Office, have written IRB procedures for each of the following:

1. The procedures which the TBR System Central Office IRB will follow for conducting its initial review of research;
2. The procedures which the TBR System Central Office IRB will follow for conducting its continuing review of research;
3. The procedures which the TBR System Central Office IRB will follow for reporting its findings and actions to investigators and the TBR System Central Office;
4. The procedures which the TBR System Central Office IRB will follow for determining which projects require review more often than annually;
5. The procedures which the TBR System Central Office IRB will follow for determining which projects need verification from sources other than the investigators that no material changes have occurred since previous TBR System Central Office IRB review;
6. The procedures which the TBR System Central Office IRB will follow for ensuring prompt reporting to the TBR System Central Office IRB of proposed changes in a research activity, and for ensuring that such changes in approved research, during the period for which TBR System Central Office IRB approval has already been given, may not be initiated without the TBR System Central Office IRB review and approval except when necessary to eliminate apparent immediate hazards to the subject; and
7. The procedures for ensuring prompt reporting to the IRB, appropriate TBR Chancellor and/or designate, any Department or Agency head, and OHRP of:
  - a. Any unanticipated problems involving risks to subjects or others (hereinafter referred to as *unanticipated problems*);
  - b. Any serious or continuing noncompliance with 45 CFR Part 46 or the requirements or determinations of the IRB; and
  - c. Any suspension or termination of IRB approval.

### **III. Regulations**

Title 45, Code of Federal Regulations (CRF) Part 46, Subpart A (also known as the Common Rule, 45 CFR 46).

### **IV. Federal Wide Assurance (FWA) Requirement**

The Office of Academic Affairs will maintain a Federal Wide Assurance (FWA) to let federal agencies know if its intention to comply with regulations for the protection of human participants.

## **V. Structure of System Level IRB**

A. The TBR System Office IRB is a board tasked by the System Chancellor with rendering decisions, rather than recommendations about permission to conduct research projects within the TBR System institutions by TBR System Central Office personnel and to review and conduct the periodic monitoring of System Central Office research involving human subjects. The TBR System Office IRB assumes the responsibility for protecting the rights of human subjects.

### **B. Composition of the TBR System Office IRB**

1. Based on the current 45 CFR 46.107, the TBR System Office IRB will:

- a. have at least five members with varying backgrounds to promote complete and adequate review of the research activities commonly conducted by the TBR System Office (one member is designated to chair the committee);
- b. make every nondiscriminatory effort to ensure that the membership is not composed of entirely men or entirely women;
- c. include at least one member whose primary concerns are in scientific areas and at least one member whose primary concerns are in nonscientific areas;
- d. include at least one member who is not otherwise affiliated with the TBR System Office and who is not part of the immediate family of a person who is affiliated with the TBR System Office; and
- e. not allow any member to participate in the initial or continuing review of any project in which the member has a conflicting interest, except to provide information requested by the TBR System Office IRB.
- f. The TBR System Office IRB may, in its discretion, invite individuals with competence in special areas to assist in the review of issues which require expertise beyond or in addition to that available on the TBR System Office IRB. These individuals may not vote with the TBR System Office IRB.

## **VI. TBR System Level Institutional Review Board (IRB) Requirements**

### **A. Research Review Materials**

1. **Initial Review Materials.** The DHHS regulations at 45 CFR 46.111 set forth the criteria that must be satisfied in order for the System Office IRB to approve research. These criteria include, among other things, determinations by the System Office IRB regarding risks, potential

benefits, informed consent, and safeguards for human subjects. In conducting the initial review of proposed research, the System Office IRB must obtain information in sufficient detail to make the determinations required under DHHS regulations at 45 CFR 46.111. Materials include the full protocol, a proposed informed consent document, any relevant grant application(s), the investigator's brochure (if one exists), and any recruitment materials, including advertisements intended to be seen or heard by potential subjects. All members of the System IRB must receive a copy of the complete documentation not later than the 15<sup>th</sup> of the month prior to the System Office IRB meeting date to allow review of this material.

**Continuing Review Materials.** Investigators are responsible for fulfilling requirements associated with continuing review in time for the System Office IRB to carry out continuing review prior to the expiration date of the current IRB approval. In particular, investigators are responsible for submitting sufficient materials and information for the System Office IRB to meet its regulatory obligations, and should follow the System Office's policies and procedures for continuing IRB review of research that are required by 45 CFR 46.103(b)(4) and referenced in the System Office's OHRP-approved Federalwide Assurance.

## 2. **Initial and Continuing Expedited Review.**

a. The System Office IRB chairperson is responsible for maintaining documentation for initial and continuing reviews as well as any action taken by System Office IRB chairperson and any findings required under the DHHS regulations regarding research conducted under an expedited review procedure.

b. Based on 63 FR 60364-60367 ( [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=1998\\_register&docid=98-29749-filed](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=1998_register&docid=98-29749-filed)), some research activities submitted to the TBR System Office IRB may be eligible for an expedited review, i.e. a review of the research by the System Office IRB chairperson and one or more experienced reviewers designated by the chairperson from among members of the System Office IRB. Human subjects research conducted through the System Office IRB which may be considered expedited review include research activities that present no more than minimal risk to human subjects, and involves only those activities authorized by 45 CFR 46.110 and 21 CFR 56.110.

c. Research conducted through the TBR System Office is limited in nature to studies related to education and educational practices. Research categories eligible for expedited review through

the TBR System Office IRB include only the following activities authorized by 45 CFR 46.110 and 21 CFR 56.110, mentioned within this document:

- 1a. Research involving materials (data, documents or records) that have been collected, or will be collected solely for non-research purposes which are not exempt from the HHS regulations for the protection of human subjects in [45 CFR 46.101\(b\) \(4\)](#).
  - 2a. Collection of data from voice, video, digital, or image recordings made for research purposes.
  - 3a. Research on individual or group characteristics or behavior (including, but not limited to, research on perception, cognition, motivation, identity, language, communication, cultural beliefs or practices, and social behavior) or research employing survey, interview, oral history, focus group, program evaluation, human factors evaluation, or quality assurance methodologies which are not exempt from the HHS regulations for the protection of human subjects in [45 CFR 46.101\(b\) \(2\)](#) and (b) (3).
  - 4a. Continuing review of research previously approved by the convened TBR System Office IRB as follows: where (i) the research is permanently closed to the enrollment of new subjects; (ii) all subjects have completed all research-related interventions; and (iii) the research remains active only for long-term follow-up of subjects; or where no subjects have been enrolled and no additional risks have been identified; or where the remaining research activities are limited to data analysis.
- d. Children are defined in the HHS regulations as "persons who have not attained the legal age for consent to treatments or procedures involved in the research, under the applicable law of the jurisdiction in which the research will be conducted." [45 CFR 46.402\(a\)](#). Research proposed to the TBR System Office IRB which involves students or faculty who have not reached legal majority will require parent or guardian consent in keeping with the laws of Tennessee prior to participation.

## **VII. Procedures for System Office IRB**

A. Members of the TBR System Office IRB will determine the level of IRB review required for submitted research proposals (e.g., "exempt", "expedited" or "full" IRB review).

1. Studies which meet the definition of research and that involve human participants require a

“full” IRB review with attendance of a quorum of IRB-appointed members when the research is defined as

- a. A systematic investigation including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge (38 CFR 16. 102d)
  - b. That involves human subjects (i.e. a living person about whom a researcher collects either identifiable private information OR data through an intervention or an interaction) and
  - c. involves greater than minimal risk to those human subjects.
2. “Expedited” TBR System Office IRB review is selected when the research meets the first two criterion noted above but involves no more than minimal risk to participants OR is being reviewed strictly for minor changes to previously approved research protocols in the research project. An expedited review procedure may be conducted by a subset of reviewers designated by the TBR System Office IRB chairperson from members of the TBR System Office IRB.
- a. Research activities that (1) present no more than minimal risk to human subjects, and (2) involve only procedures listed in one or more of the following categories, may be reviewed by the TBR System Office IRB through the expedited review procedure authorized by 45 CFR 46.110 and 21 CFR 56.110. The activities listed should not be deemed to be of minimal risk simply because they are included on this list. Inclusion on this list merely means that the activity is eligible for review through the expedited review procedure when the specific circumstances of the proposed research involve no more than minimal risk to human subjects.
    - 1a. The categories in this list apply regardless of the age of subjects, except as noted.
    - 2a. The expedited review procedure may not be used where identification of the subjects and/or their responses would reasonably place them at risk of criminal or civil liability or be damaging to the subjects, financial standing, employability, insurability, reputation, or be stigmatizing, unless reasonable and appropriate protections will be implemented so that risks related to invasion of privacy and breach of confidentiality are no greater than minimal.
    - 3a. The standard requirements for informed consent (or its waiver, alteration, or exception) apply regardless of the type of review--expedited or convened—utilized by the TBR System Office IRB.

3. An “exempt” TBR System Office IRB review is selected when the research falls into one of the six categorized of exempt research (45 CFR 46.101[b]) AND is not applicable to research in a covered research category (e.g. FDA regulation 21 CFR 50.20). The exemption and its corresponding category are documents in the TBR System Office IRB records and communicated to the researcher. The chair of the TBR System Office IRB or a subcommittee may make the determination of exemption.
- B. The TBR System Office IRB will meet quarterly in March, June, October and December unless there is need to meet more frequently per the determination of the Chair based on the volume of research proposals submitted for review. Research Studies should be submitted for TBR System Office IRB review for action two months prior to the close of the quarter. Studies in the expedited category and on-going research lasting more than 12 months will be reviewed at the close of each 12 month period.
  - C. The TBR System Office IRB Chair may solicit additional assistance in the case of complexity of problems and risk to participants for which the Chair or members of the TBR System Office IRB itself deem in need of additional expertise to make a determination of acceptance or denial of the request for approval by the IRB.

### **VIII. Researcher Responsibilities in System Office Research**

- A. Approved research lasting longer than 12 months from the initial date of approval by the TBR System Office IRB must be resubmitted for TBR System Office IRB approval.
- B. Changes in the research protocol must be forwarded to the TBR System Office IRB chair who will review to determine if the changes are substantive requiring a new review.
- C. Unanticipated problems that poses subsequent risk to human subjects are to be reported by the researcher to the TBR System Office IRB Chair and the TBR Vice Chancellor for Academic Affairs immediately. The TBR Vice Chancellor for Academic Affairs is to inform the System Chancellor of any unanticipated problems.
- D. Researchers should affirm that they have read *The Belmont Report*, the federal regulations for the protection of research subjects, and the history and ethics of research with human participants, if no

more extensive training is available. Researchers must complete training in the ethical conduct of research and compliance. Programs completed at all universities within the System or at professional meetings may be acceptable. Verification of current training should be submitted with any IRB submitted. The Chairperson of the TBR System Office IRB will make the final determination for educational compliance.

- E. The researcher acknowledges that her/his primary responsibility is to safeguard the rights and welfare of each research subject, and that the subject's rights and welfare must take precedence over the goals and requirements of society and the research.
- F. The researcher will obtain, document and maintain records of informed consent from each subject or participant as required by the DHHU and stipulated in the TBR System Office IRB.
- G. The researcher will not enroll subjects in research prior to the review and approval of the TBR System Office IRB.

#### **IX. Record Keeping**

- A. The TBR Office of Academic Affairs will house electronic records for the TBR System Office IRB for a period of not less than 3 years after the research is completed.
- B. Records will consist of proposals, sample consent forms, updates from researchers, documentation of unanticipated problems as documents by the OHRP (<http://www.hhs.gov/ohrp/humansubjects/guidance/45cfr46.html#46.115>).
- C. Minutes of the TBR System Office IRB meetings that document who attended; a record of voting; a rationale for accepting, rejecting or requiring changes to research proposals; and where there are conflicts of opinion among the TBR System Office IRB members, a summary of the issues and resolution.
- D. Copies of communication between the TBR System Office IRB and researchers including emails.
- E. List of the TBR System Office IRB members, including degrees, areas they represent, relevant experience and association with the TBR System Office.

F. The TBR System Office IRB procedures and forms, and evidence of training completed.



**PRESIDENTS QUARTERLY MEETING**

**DIRECTORS QUARTERLY MEETING**

**November 10 and 11, 2015**

DATE: Presidents Meeting (November 10, 2015)  
Directors Meeting (November 11, 2015)

AGENDA ITEM: Maintenance Fee Structure Modification

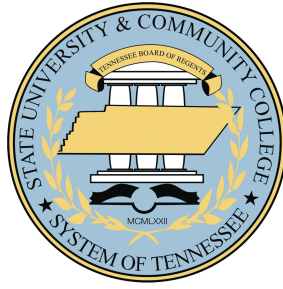
ACTION: Information Item

PRESENTER: Vice Chancellor Denley and Vice Chancellor Sims

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**BACKGROUND INFORMATION:**

Vice Chancellor Denley and Vice Chancellor Sims will provide a presentation on a proposed maintenance fee structure modification.



## **TENNESSEE BOARD OF REGENTS**

### *Office of Academic Affairs*

*1415 Murfreesboro Road, Suite 324 | Nashville, TN 37217-2833 | Phone 615 366 4482*

## **Proposed Modification to Maintenance Fee Structure**

After examining both system data and the corpus of national research we believe that there is a compelling case that student success is improved by enabling more students to take a fuller time schedule of study. In light of this, we propose to adjust the maintenance fee structure for universities and community colleges in a manner that is revenue neutral for institutions, and entails no additional student cost for hours 13, 14 and 15, whilst introducing only a small increase in tuition for other enrollment hours.