



AGENDA

PRESIDENTS MEETING TBR Central Office – Boardroom – Suite 366 Tuesday, February 2, 2016 – 9:00 A.M. (CT)

1. Recommended Revisions to TBR Guideline – P-060 – Formation and Operation of Faculty Sick Leave Bank (Vice Chancellor Dale Sims) - *Attachment*
2. Recommended Revisions to TBR Guideline – P-061 – Formation and Operation of Non-Faculty Sick Leave Bank (Vice Chancellor Dale Sims) – *Attachment*
3. Recommended Revisions to TBR Guideline B-060 – Fees, Charges, Refunds and Fee Adjustments (Vice Chancellor Dale Sims) – *Attachment*
4. Recommended Revisions to TBR Policy 4:01:03:00 – Payment of Student Fees and Enrollment (Vice Chancellor Dale Sims) – *Attachment*
5. Recommended Revisions to TBR Guideline B-010 – Collection of Accounts Receivable (Vice Chancellor Dale Sims) – *Attachment*
6. Recommended Revisions to TBR Policy 4:02:10:00 and TBR Guideline B-120 – Purchasing Policy (Vice Chancellor Dale Sims) – *Attachment*
7. Update on Facilities Management Outsourcing (Vice Chancellor Dale Sims)
8. Update on Governor’s Budget (Vice Chancellor Dale Sims)
9. Update on Luminus (Dr. Wade McCamey, President, Walters State Community College)

10. Recommended Revisions to TBR Guideline A-031 – Components of Articulation Agreements (Vice Chancellor Warren Nichols) – *Attachment*
11. Discussion of Default Pathways – (Vice Chancellor Warren Nichols) – *Attachment*
12. Discussion of Full Measure Education and Ellucian Pilot – (Mr. Jeff McCord, Vice President of Economic and Workforce Development, Northeast State Community College) – *Attachment*
13. Update on iPad Initiative – (Mr. Jeff McCord, Vice President of Economic and Workforce Development, Northeast State Community College) – *Attachment*
14. Recommended Revisions to TBR Policy 2:01:00:00 – General Education Requirements and Degree Requirements Policy (Vice Chancellor Tristan Denley) – *Attachment*
15. Recommended Revisions to TBR Policy 2:03:00:00 and TBR Guideline A-015 (Vice Chancellor Tristan Denley) - *Attachment*
16. Update on Academic Affairs (Vice Chancellor Tristan Denley) - *Attachment*
17. Legislative Update – (Ginger Hausser, Director of External Affairs/TBR)

PRESIDENTS QUARTERLY MEETING
DIRECTORS QUARTERLY MEETING *(if applicable)*
February 2 and 3, 2016

DATE: Presidents Meeting (February 2, 2016)
Directors Meeting (February 3, 2016) *(if policy/guideline applicable)*

AGENDA ITEM: TBR Guideline P-060, Formation & Operation of Faculty Sick Leave Bank

ACTION: Requires Vote

PRESENTER: Dale Sims, Vice Chancellor for Business and Finance

BACKGROUND INFORMATION:

The major initiatives in the revisions were: clarification throughout, and that an institution can impose a lifetime maximum of sick leave bank grants.

Formation & Operation of Faculty Sick Leave Banks : P-060

Guideline Area

Personnel Guidelines

Applicable Divisions

TCATs, Community Colleges, Universities, [System Office](#)

Purpose

The purpose of this guideline is to establish the procedure for the formation and operation of faculty sick leave banks at institutions governed by the Tennessee Board of Regents.

Guideline

I. Authorization

- A. Pursuant to T.C.A. § 8-50-925, the following guideline shall be followed in the formation and operation of sick leave banks at all institutions ~~governed by and Tennessee Colleges of Applied Technology within~~ the Tennessee Board of Regents System.
 - 1. This guideline will be implemented in accordance with TBR Policy 5:01:01:00: ~~(Employee Classification)~~.

II. Establishment

- A. A sick leave bank is established when a group of employees agree to be assessed a specified number of accrued sick leave hours for a common pool.
 - 1. Such assessment of sick leave shall be deducted from the individual's personal accumulated sick leave and shall be nonrefundable.
- B. From this pool, the members may withdraw an amount of hours greater than their individual assessments upon request to and approval from the trustees of the sick leave bank.

C. There can be no more than one faculty sick leave bank per institution, ~~or college of applied technology.~~

1. To form a sick leave bank, a minimum of 20 employees who are eligible to participate in the bank must petition the president/director or designee of the institution ~~or college of applied technology director~~ to authorize and direct the establishment of the bank.

a. The petition shall include a declaration that each petitioner intends to participate.

III. Eligibility

A. Participation in the ~~Faculty s~~Sick ~~l~~Leave ~~b~~Bank will be available to regular full-time employees who hold faculty rank, whether serving in an academic or fiscal year appointment. ~~This may include regular full-time temporary and regular and to regular part-time instructional staff, subject to the individual institution's discretion.~~

B. Employees previously enrolled in the ~~Non-Faculty Staff~~ Sick Leave Bank who are appointed to faculty positions with no breaks in service shall be eligible immediately for membership in the Faculty Sick Leave Bank with no additional assessment ~~and or~~ waiting period required. ~~Regarding transfers, no hours will be transferred between the Staff and Faculty Sick Leave Banks.~~

~~C.~~ ~~In addition, m~~Members who are terminated and rehired with a break in service, ~~and within a twelve (12) month period, following their the same enrollment year,~~ shall ~~also~~ be entitled to transfer membership ~~with no additional assessment.~~ Employees rehired after one enrollment year will incur a new ~~enrollment~~ assessment during the annual enrollment period ~~in accordance with the provisions for accruing leave and longevity credit.~~

~~C-D.~~ A faculty member who transfers with no break in service from another TBR ~~institution, the University of Tennessee institution,~~ or state agency, and participated in the previous employer's sick leave bank is immediately eligible for membership in accordance with the ~~receiving institution's sick leave bank plan.~~ If the institutional sick leave bank plan allows, ~~and if membership is requested at the time of the transfer, the faculty member shall donate the required minimum assessment.~~

1. ~~A faculty member who transfers with no break in service from another TBR, University of Tennessee institution or state agency and participated in the previous employer's sick leave bank is immediately eligible for membership in accordance with the receiving institution's sick leave bank by laws.~~

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2. ~~If membership is requested at the time of the transfer, the faculty member shall designate the required minimum assessment.~~

D. ~~Prior assessments will be transferred to the Faculty Sick Leave Bank when the change in classification becomes effective.~~

1. ~~E. Employees who are unable to meet additional assessments charged by the Faculty Sick Leave Bank shall lose the right to request bank sick leave, in accordance with Section V.A.119, since its establishment, shall lose the right to request bank sick leave, in accordance with Section V.A.7.~~

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2.1.F. All records regarding prior usage of bank sick leave ~~will~~ may be made available to the Faculty Sick Leave Bank trustees.

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IV. Trustees

A. The president/~~director or designee~~ of the institution ~~or director of the college of applied technology~~ will appoint five (5) sick leave bank trustees upon receipt of the petition.

1. At least three (3) of the appointees shall be faculty who devote a majority of their time to classroom instruction.
2. The remaining trustees may be members of the ~~institutions or college of applied technology's~~ administrative staff.

B. Initially, two (2) of the trustees will be appointed for one (1) year, two (2) trustees for two (2) years, and one (1) trustee for three (3) years.

1. Trustees shall be eligible for reappointment.

2. Any vacancy resulting from expiration of a term, discontinuation of employment, retirement, death, resignation, or removal by the president/director or designee of a trustee from the trustee role shall be filled immediately by appointment by the president/director or designee of the institution. ~~or college of applied technology director.~~
3. All actions by the trustees shall require three (3) affirmative nyvotes.

C. The trustees shall:

1. Meet and elect a chairperson from the trustees.;
2. In coordination with Human Resources, Bbe responsible for preparation of the sick leave bank plan of fer operation. The plan is subject to the president's/director's or designee's ~~or director's~~ review to ensure its compliance with these guidelines, Bboard policy, ~~institution or college of applied technology policy,~~ appropriate recordkeeping and accounting principles, and statutory provisions.
3. In coordination with Human Resources, aAdminister the bank and approve or reject requests for withdrawal of leave from the bank. The request for bank sick leave must be submitted to the trustees. ~~The~~ The institutional sick leave bank plan of operation may ~~require allow~~ the bank member's supervisor shall to be informed of any request for bank leave, prior to approval by the trustees.
4. Adopt reasonable rules for the assessment and/or reassessment of sick leave hours by participants in order to maintain an adequate reserve of usable days for bank members. This reserve shall only be established through the assessment and/or reassessment of bank membership and shall maintain a positive balance at all times. Any~~The~~ assessments shall be based upon total membership and projected potential need. All members shall be assessed the same amount of sick leave hours upon initial assessment and during any special reassessment. The trustees shall have sole discretion in determining how many assessments and/or reassessments are necessary to maintain the reserve's positive balance.

4.5. Keep all related information confidential.

V. Sick Leave Bank Plan

- A. The plan of operation prepared by the trustees shall include but not be limited to the following provisions:
1. An employee must have been a member of the bank for thirty (30) calendar days prior to applying for withdrawal of sick leave bank hours.
 2. An employee must exhaust all accumulated sick leave and annual leave, if applicable, prior to receiving bank sick leave.
 3. Bank sick leave shall not be used for: elective surgery, illness or death of any member of the individual's family or during any period when the individual is receiving disability benefits from social security, a state-sponsored retirement plan or Board of Claims benefits. Approved bank sick leave will run concurrently with FMLA leave for an eligible employee who has not already exhausted the twelve (12) workweek entitlement.
 4. A restriction ~~will~~ may be established on the number of hours that may be withdrawn by an individual bank member on account of ~~one (1) illness, particularly~~ an illness known at the time he or she elected to join the bank.
 5. Initial grants of bank sick leave to individual bank members shall not exceed the hourly equivalent of ~~of~~ twenty (20) consecutive days for which the applicant would have otherwise lost pay. Subsequent grants of bank sick leave shall not exceed the hourly equivalents of sixty (60) days in any fiscal year, or ninety (90) days for any one illness, or recurring diagnosed illness, or accident.
 6. A member ~~may receive up to~~ is limited up to a maximum of 90 days from the sick leave bank as a result of a personal illness, injury, accident, disability, medical condition, quarantine or a condition related to, resulting from, or recurring from a previously diagnosed condition for which the bank granted sick leave. Grants from the sick leave bank shall not exceed 90 days within a 12 month period. The initial 12 month period starts on the date the member's sick leave grants first begin and extends 12 months forward from that date. A new 12 month period would begin the first time sick bank grants begin again after completion of the previous 12 month period. Grants from the

sick leave bank terminate as of the date the member is released to return to work with or without restrictions.

4. a. The institution's sick -leave bank plan of operation may impose a lifetime maximum of sick leave bank grants.

b. A bank member may be eligible to receive sick leave that has been donated by other employees if s/he has made application for bank sick leave and the necessity for bank leave is substantiated by the trustees. Should bank sick leave be denied, the bank member shall be eligible to receive donations from other employees as provided in TBR Policy 5:01:01:15.(Transfer of Sick Leave Between Employees).

5.7. When a bank member is physically or mentally unable to apply for bank sick leave, the immediate next-of-kin may make a request for bank sick leave on his or her behalf. If there is no next-of-kin available, this request may be made by the legally appointed guardian or conservator or an individual acting under valid power of attorney.

6.8. At any time the trustees may request from a bank member a physician's statement certifying the illness or condition of the bank member requesting leave. Refusal to submit the certification will result in denial of the request for bank sick leave. The institution's sick leave bank plan of operation may require all members to submit supporting documentation when requesting bank sick leave.

7.9. A bank member shall lose the right to request bank sick leave upon termination of employment, retirement, cancellation of bank membership, refusal or inability to honor the trustee's assessments, and going on leave of absence (in a non-pay status) for reasons other than illness, injury, or disability.

8.10. A bank member may cancel his or her membership at any time upon written notification to the trustees. Assessed sick leave days shall be nonrefundable upon cancellation of membership and nontransferable upon transfer to another TBR institution, or college of applied technology, UT or State agency.

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- ~~11.~~ Employees who are granted bank sick leave shall continue to accrue sick leave and annual leave, if applicable, and service credit for retirement and longevity purposes, during the time they are on bank sick leave. Also, they will receive credit for any holidays that may occur during the bank sick leave period.
- ~~9.~~~~12.~~ Grants of bank sick leave shall not be contingent upon repayment of hours used or waiver of other employment benefits or rights.
- ~~10.~~~~13.~~ The trustees will meet either in person, by e-mail, or by conference call, to approve or reject all requests for bank sick leave within ten (10) calendar days of receipt of the request. The number of calendar days to approve or reject sick leave bank requests will be established by the institution's sick leave bank plan of operation. Unless otherwise specified in the institution's sick bank plan of operation, The operation of the fFaculty sSick lLeave bBank shall exist separately from the regular sick leave accrued to individuals' personal accounts with respect to approvals and appeals; the decisions of the trustees shall not be appealed beyond that body.
- ~~11.~~~~14.~~ All records and official forms of the sick leave bank and minutes of the trustee meetings shall be maintained in the institution's human resources office, or and in the appropriate office as determined by the director of the college of applied technology. All records shall be subject to audit by appropriate state officials.
- ~~12.~~~~15.~~ An annual enrollment period shall be established by the trustees. The initial enrollment period shall last for a minimum of forty-five (45) calendar days from the date that eligible employees are notified of the bank's establishment. Subsequent annual enrollment periods shall not exceed one (1) calendar month. The trustees or designee shall notify all eligible employees of their eligibility status and the dates of the enrollment period. Enrollment forms and copies of the plan and its regulations shall be made available at this time also.
- ~~13.~~~~16.~~ All eligible persons who elect to participate in the Faculty Sick Leave bBank shall be assessed a number of sick leave hours determined by the trustees—up to maximum hourly equivalent of three (3) days (22.5)—as the initial enrollment assessment.

14.17. The following official forms, as Exhibits, will be used to operate the sick leave bank:

- a. Official Sick Leave Bank Election Form (Petition): Exhibit 1
- b. Enrollment Form: Exhibit 2
- c. Request for Bank Sick Leave: Exhibit 3
- d. Notice to Sick Leave Bank Member of Assessment of Sick Leave Days: Exhibit 4

15.18. Formal minutes shall be made of the sick leave bank trustees' meetings and shall be maintained as a part of the official bank records.

VI. Schedule Requirements

A. The following time schedule shall be followed in establishing the sick leave bank, and addressed within the institutional sick leave bank plan of operation:

1. Petition Received by the President/Director or designee:

- a. Within thirty (30) calendar days of receipt of the petition, the president/~~or~~ director or designee shall appoint the trustees.

2. Trustees' Responsibilities

- a. Within ten (10) calendar days of appointment, the trustees shall hold their first meeting and elect a chairperson.
- b. Within sixty (60) calendar days before the effective date of the sick leave bank, the trustees shall notify all eligible employees of the establishment of the bank and its date of effectiveness.

3. Effective Date




- a. The president/~~of~~ director or designee, upon approval of the trustees' plan of operation, shall determine the date on which the sick leave bank becomes effective.
- b. This date shall be no later than 180 calendar days after the date of receipt of the original petition.

VII. Dissolution of the Bank

A. The sick leave bank shall be dissolved if the institution or college of applied technology is closed or if the bank membership falls below twenty (20) individuals.

- B. The total hours on deposit shall be returned to the participating members at the time of the dissolution and credited to their personal sick leave accumulation in proportion to the number of hours each has been assessed.

Exhibits

-  Exhibit 1 - Faculty Sick Leave Bank Election Form (pdf /46.38 KB)
-  Exhibit 2 - Faculty Sick Leave Bank Enrollment Form (pdf /45.02 KB)
-  Exhibit 3 - Faculty Sick Leave Bank Notice of Assessment (pdf /36.95 KB)
-  Exhibit 4 - Faculty Sick Leave Bank Request Form (pdf /40.84 KB)

Sources

November 1, 1988, Presidents meeting, August 15, 1989, Presidents Meeting; November 12, 1996, Presidents Meeting; November 6, 2002, Presidents Meeting

Related Policies

- Employment Classification
- Transfer of Sick Leave Between Employees

Contact

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PRESIDENTS QUARTERLY MEETING
DIRECTORS QUARTERLY MEETING *(if applicable)*

February 2 and 3, 2016

DATE: Presidents Meeting (February 2, 2016)
Directors Meeting (February 3, 2016) *(if policy/guideline applicable)*

AGENDA ITEM: TBR Guideline P-061, Formation & Operation of Non-Faculty Sick
Leave Bank

ACTION: Requires Vote

PRESENTER: Dale Sims, Vice Chancellor for Business and Finance

BACKGROUND INFORMATION:

The major initiatives in the revisions were: changing the name of the Guideline from non-faculty to staff, inclusion of the System Office, clarification throughout, and that an institution can impose a lifetime maximum of sick leave bank grants.

Formation & Operation of ~~Non-Faculty Staff~~ Sick Leave Banks: P-061

Guideline Area

Personnel Guidelines

Applicable Divisions

TCATs, Community Colleges, Universities, [System Office](#)

Purpose

The purpose of this guideline is to establish the procedure for the formation and operation of [Staff Sick Leave Banks](#) ~~non-faculty-sick-leave-banks~~ at institutions [or the System Office](#) governed by the Tennessee Board of Regents.

Guideline

I. Authorization

- A. Pursuant to T.C.A. § 8-50-926, the following guideline shall be followed in the formation and operation of sick leave banks at all institutions [or the System Office governed by](#) ~~within the~~ Tennessee Board of Regents System.

[1.](#) This guideline will be implemented in accordance with TBR Policy 5:01:01:00:
([Employee Classification](#)).

[1.2.](#) [For purposes of this policy, the term institution shall include the System Office.](#)

II. Establishment

- A. A sick leave bank is established when a group of employees agree to be assessed a specified number of accrued sick leave hours for a common pool.
1. Such assessment of sick leave shall be deducted from the individual's personal accumulated sick leave and shall be nonrefundable.

B. From this pool, the members may withdraw an amount of hours greater than their individual assessments upon request to and approval from the trustees of the sick leave bank.

C. There can be no more than one Staff Sick Leave Bank ~~non-faculty sick leave bank~~ per institution.

1. To form a sick leave bank, a minimum of 20 employees who are eligible to participate in the bank must petition the president/~~director/chancellor or designee, as appropriate or~~ director of the institution to authorize and direct the establishment of the bank.

a. The petition shall include a declaration that each petitioner intends to participate.

III. Eligibility

A. Participation in the Staff Sick Leave Bank ~~sick leave bank~~ will be available to regular full-time and regular part-time staff, non-faculty, exempt and non-exempt employees whether serving in an academic, fiscal or modified fiscal year appointment (MODFY). ~~This may include regular full-time temporary and regular part-time temporary staff, subject to the individual institution's discretion.~~

B. Employees previously enrolled in the Faculty Sick Leave Bank who are appointed to a staff non-faculty position with no breaks in service shall be eligible immediately to transfer for membership to the Staff Sick Leave Bank in the Non-Faculty Sick Leave Bank with no additional assessment ~~or and~~ waiting period required. Regarding transfers, no hours will be transferred between the Faculty and Staff Sick Leave Banks.

C. ~~In addition, m~~Members who are terminated and rehired with a break in service, ~~and within a twelve (12) month period following their enrollment the same enrollment year,~~ shall also be entitled to transfer membership with no additional assessment, in accordance with the provisions for accruing leave and longevity credit. Employees rehired after one enrollment year will incur a new enrollment assessment during the annual enrollment period.

C-D.

4. An employee who transfers with no break in service from another TBR institution, the University of Tennessee, ~~institution~~ or state agency, and participated in the previous employer's sick leave bank is immediately eligible for membership in accordance with

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the receiving institution's sick leave bank ~~plan by laws. If the institution's sick leave bank plan allows, and if membership is requested at the time of the transfer, the member shall donate the required minimum assessment.~~

~~2. If membership is requested at the time of the transfer, the faculty member shall designate the required minimum assessment.~~

~~D. Prior assessments will be transferred to the Non-Faculty Sick Leave Bank when the change in classification becomes effective.~~

4. ~~E.~~ Employees who are unable to meet additional assessments charged by the ~~Staff Non-Faculty Sick Leave Bank, since its establishment,~~ shall lose the right to request bank sick leave, in accordance with Section V.A. ~~7912.~~

~~2. F.~~ All records regarding prior usage of bank sick leave ~~will may~~ be made available to the ~~Staff Non-Faculty Sick Leave Bank~~ trustees.

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IV. Trustees

A. The president/~~director/chancellor or designee -or director~~ of the institution will appoint five (5) sick leave bank trustees upon receipt of the petition.

~~1.~~ At least three (3) of the appointees shall be clerical and support ~~staff.~~

~~4.2.~~ ~~The remaining trustees may be members of the administrative staff.~~

B. Initially, two (2) of the trustees will be appointed for one (1) year, two (2) trustees for two (2) years, and one (1) trustee for three (3) years.

1. Trustees shall be eligible for reappointment.

2. Any vacancy resulting from expiration of a term, discontinuation of employment, retirement, death, resignation, or removal by the president/~~director/chancellor or designee~~ of a trustee from the trustee role shall be filled immediately by appointment by the president/~~director/chancellor or designee of the institution. -or director.~~

3. All actions by the trustees shall require three (3) affirmative ~~any~~ votes.

C. The trustees shall:

1. Meet and elect a chairperson from the trustees;
2. ~~In coordination with Human Resources, be~~ Be responsible for preparation of the sick leave bank plan ~~of~~for operation. The plan is subject to the president's~~director's/chancellor's or designee's -or director's~~ review to ensure its compliance with these guidelines, ~~B~~board policy, institution policy, appropriate recordkeeping and accounting principles, and statutory provisions.
3. ~~In coordination with Human Resources, A~~administer the bank and approve or reject requests for withdrawal of leave from the bank. The request for ~~bank sick leave bank time~~ must be submitted to the trustees. The ~~institutional sick leave bank plan of operation may require the bank~~ member's supervisor shall be informed of any request for bank leave, prior to approval by the trustees.
4. Adopt reasonable rules for the assessment ~~and/or reassessment~~ of sick leave hours by participants in order to maintain an adequate reserve of usable days for bank members. This reserve shall only be established through the assessment ~~and/or reassessment~~ of bank membership and shall maintain a positive balance at all times. ~~Any The~~ assessments shall be based upon total membership and projected potential need. All members shall be assessed the same amount of sick leave hours ~~upon initial assessment and during any special reassessment~~. The trustees shall have sole discretion in determining how many assessments ~~and/or reassessments~~ are necessary to maintain the reserve's positive balance.

4.5. ~~Keep all related information confidential.~~

V. Sick Leave Bank Plan

A. The plan of operation prepared by the trustees shall include but not be limited to the following provisions:

1. An employee must have been a member of the bank for thirty (30) calendar days prior to applying for withdrawal of sick leave bank hours.
2. An employee must exhaust all accumulated sick leave and annual leave, if applicable, prior to receiving bank sick leave.

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3. Bank sick leave shall not be used for: elective surgery, illness or death of any member of the individual's family or during any period when the individual is receiving disability benefits from social security, a state-sponsored retirement plan or Board of Claims benefits.

Approved bank sick leave will run concurrently with FMLA leave for an eligible employee who has not already exhausted the twelve (12) workweek entitlement.

4. A restriction will may be established on the number of hours that may be withdrawn by an individual bank member on account of ~~one (1) an~~ illness, ~~particularly an illness~~ known at the time he or she elected to join the bank.

5. Initial grants of bank sick leave to individual bank members shall not exceed the hourly equivalent of ~~twenty (20) consecutive days~~ for which the applicant would have otherwise lost pay. Subsequent grants of bank sick leave shall not exceed the hourly equivalents of sixty (60) days in any fiscal year, or up to a maximum of ninety (90) days for any one illness, or recurring diagnosed illness or accident.

6. A member is limited to a maximum of 90 days from the sick leave bank as the result of for any one personal illness, injury, accident, disability, medical condition, quarantine or a condition related to, resulting from, or recurring from a previously diagnosed condition for which the bank granted sick leave. or recurring diagnosed illness, or accident. Grants from the sick leave bank shall not exceed ninety (90) days within a 12 month period. The initial 12 month period starts on the date the member's sick leave grants first begin and extends 12 months forward from that date. A new 12 month period would begin the first time sick bank grants begin again after completion of the previous 12 month period. Grants from the sick leave bank terminate as of the date the member is released to return to work with or without restrictions.

a. The institution's sick leave bank plan of operation may impose a lifetime maximum of sick leave bank grants.

~~a-b.~~ A bank member may be eligible to receive sick leave that has been donated by other employees if s/he has made application for bank sick leave and the necessity for bank leave is substantiated by the trustees. Should bank sick leave

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be denied, the bank member shall be eligible to receive donations from other employees as provided in TBR Policy 5:01:01:15 ([Transfer of Sick Leave Between Employees](#)).

4.7. When a bank member is physically or mentally unable to apply for bank sick leave, the immediate next-of-kin may make a request for bank sick [leave](#) on his or her behalf. If there is no next-of-kin available, this request may be made by the legally appointed guardian or conservator or an individual acting under valid power of attorney.

5.8. At any time the trustees may request from a bank member a physician's statement certifying the illness or condition of the bank member requesting leave. Refusal to submit the certification will result in denial of the request for bank sick leave. [The institution's sick leave bank plan of operation may require all members to submit supporting documentation when requesting bank sick leave.](#)

6.9. A bank member shall lose the right to request bank sick leave upon termination of employment, retirement, cancellation of bank membership, refusal or inability to honor the trustee's assessments, and going on leave of absence (in a non-pay status) for reasons other than illness, injury, or disability.

7.10. A bank member may cancel his or her membership at any time upon written notification to the trustees. Assessed sick leave days shall be nonrefundable upon cancellation of membership and nontransferable upon transfer to another TBR institution, UT or State agency.

11. Employees who are granted bank sick leave shall continue to accrue sick leave and annual leave, if applicable, and service credit for retirement and longevity purposes, during the time they are on bank sick leave. Also, they will receive credit for any holidays that may occur during the bank sick leave period.

8.12. Grants of bank sick leave shall not be contingent upon repayment of hours used or waiver of other employment benefits or rights.

2.13. The trustees will [meet either in person, by e-mail, or by conference call, to](#) approve or reject all requests for bank sick leave within ten (10) calendar days ~~of receipt~~ [of receipt](#) of

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the request. The number of calendar days to approve or reject sick leave bank requests will be established by the institution's sick leave bank plan of operation. Unless otherwise specified in the sick bank plan of operation, the operation of the Staff non-faculty sSick lLeave bBank shall exist separately from the regular sick leave accrued to individuals' personal accounts with respect to approvals and appeals.; The decisions of the trustees shall not be appealed beyond that body.

9.14. All records and official forms of the sick leave bank and minutes of the trustee meetings shall be maintained in the institution's human resources office or and in the appropriate office as determined by the director of the college of applied technology. All records shall be subject to audit by appropriate state officials.

10.15. An annual enrollment period shall be established by the trustees. The initial enrollment period shall last for a minimum of forty-five (45) calendar days from the date that eligible employees are notified of the bank's establishment. Subsequent annual enrollment periods shall not exceed one (1) calendar month. The trustees or designee shall notify all eligible employees of their eligibility status and the dates of the enrollment period. Enrollment forms and copies of the plan and its regulations shall be made available at this time also.

11.16. All eligible persons who elect to participate in the Staff Sick Leave Bank bank shall be assessed a number of sick leave hours determined by the trustees—up to maximum hourly equivalent of three (3) days (22.5)—as the initial enrollment assessment.

3.17. The following official forms, as Exhibits, will be used to operate the sick leave bank:

- a. Official Sick Leave Bank Election Form (Petition): Exhibit 1
- b. Enrollment Form: Exhibit 2
- c. Request for Bank Sick Leave: Exhibit 3
- d. Notice to Sick Leave Bank Member of Assessment of Sick Leave Days: Exhibit 4

4.18. Formal minutes shall be made of the sick leave bank trustees' meetings and shall be maintained as a part of the official bank records.

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VI. Schedule Requirements

- A. The following time schedule shall be followed in establishing the sick leave bank, and addressed within the [sick leave bank plan of operation](#):
 1. Petition Received by the [President/Director/chancellor or designee](#):
 - a. Within thirty (30) calendar days of receipt of the petition, the [president/or director/chancellor or designee](#) shall appoint the trustees.
 2. Trustees' Responsibilities
 - a. Within ten (10) calendar days of appointment, the trustees shall hold their first meeting and elect a chairperson.
 - b. Within sixty (60) calendar days before the effective date of the sick leave bank, the trustees shall notify all eligible employees of the establishment of the bank and its date of effectiveness.
 3. Effective Date
 - a. The [president/or director/chancellor or designee](#), upon approval of the trustees' plan of operation, shall determine the date on which the sick leave bank becomes effective.
 - b. This date shall be no later than 180 calendar days after the date of receipt of the original petition.

VII. Dissolution of the Bank

- A. The sick leave bank shall be dissolved if the institution is closed or if the bank membership falls below twenty (20) individuals.
- B. The total hours on deposit shall be returned to the participating members at the time of the dissolution and credited to their personal sick leave accumulation in proportion to the number of hours each has been assessed.

Exhibits

-  Exhibit 1 -- [Staff Non-Faculty Sick Leave Bank Election Form](#) (pdf /46.96 KB)
-  Exhibit 2 -- [Staff Non-Faculty Sick Leave Bank Enrollment Form](#) (pdf /48.65 KB)
-  Exhibit 3 -- [Staff Non-Faculty Sick Leave Bank Notice of Assessment](#) (pdf /40.08 KB)

-  Exhibit 4 – [Staff Non-Faculty Sick Leave Bank Request Form](#) (pdf /41.71 KB)

Sources

Presidents Meeting: November 1, 1988; August 15, 1989; November 12, 1996; November 6, 2002; February 13, 2008.

Related Policies

- Employment Classification
- Transfer of Sick Leave Between Employees

Contact

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PRESIDENTS QUARTERLY MEETING

DIRECTORS QUARTERLY MEETING

February 2 and 3, 2016

DATE: Presidents Meeting (February 2, 2016)
Directors Meeting (February 3, 2016)

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

ACTION: Requires Vote

PRESENTER: Dale Sims

BACKGROUND INFORMATION:

Under Section V, eRate, the revision specifies that out-of-state students refers to geographic location and does not include undocumented students living in Tennessee.

V.eRate

1. Description of Fee

1. The eRate is available to students who enroll at TBR institutions, who are classified as non-residents of Tennessee, and who are enrolled exclusively in online courses.
2. The eRate is 150% of the institution's approved undergraduate or graduate maintenance fee.
3. The hourly rate will not be discounted for students receiving the eRate and enrolling in greater than 12 undergraduate hours or 10 graduate hours.
4. To qualify for an eRate, students must:
 1. Meet all institution admission requirements and must
 2. Be verified as an online out-of-state student enrolled exclusively in courses delivered online by a procedure documented by the institution.
 3. **Out-of-state students in item 2. above refers to geographic location and does not include undocumented students living in Tennessee.**
5. Students enrolled in any type courses other than online (on-ground, telecourse, distance education, etc.) will not be eligible for the eRate specified in this guideline and will instead incur traditional non-resident fees and charges.
 1. Students who enroll in both online courses and other type courses and subsequently drop the other type courses will not then become eligible for the eRate.
6. Institutions enrolling eRate students as defined in this guideline must provide a method to mitigate any negative impact on the opportunity for Tennessee student enrollment in online courses.

2. Accounting Treatment

1. The eRate is comprised of the maintenance fee and a 50% markup that represents the out-of-state tuition portion.

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

PRESIDENTS QUARTERLY MEETING

DIRECTORS QUARTERLY MEETING

February 2 and 3, 2016

DATE: Presidents Meeting (February 2, 2016)
Directors Meeting (February 3, 2016)

AGENDA ITEM: Recommended Revisions to Policy 4:01:03:00 – Payment of Student Fees and Enrollment

ACTION: Requires Vote

PRESENTER: Dale Sims

BACKGROUND INFORMATION:

Policy 4:01:03:00 – Payment of Student Fees and Enrollment was reorganized and rewritten for better clarity.

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

~~Policy/Guideline Area~~

Business and Finance Policies

~~Applicable Divisions~~

TCATs, Community Colleges, Universities

~~Purpose~~

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

~~Policy/Guideline~~

I. ~~Student Fees and Enrollment~~

A. ~~An applicant for admission to an institution governed by the Tennessee Board of Regents will be considered and counted as a student when;~~

1. ~~All assessed fees have been paid in cash; or~~

2. ~~When the initial minimum payment due under the deferred payment plan has been paid; or~~

3. ~~When an acceptable commitment from an agency or organization approved by the institution has been received by the institution.~~

B. ~~An applicant shall possess an acceptable commitment when he/she has timely submitted an application(s) for financial aid with the reasonable probability of receiving such.~~

C. ~~When an applicant tenders payment of fees by means of a personal check, the applicant may be considered and counted as a student. When the check is subsequently dishonored and returned, unless the student then pays the fees in cash, the institution has the option to not consider that student as enrolled for the term.~~

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

2. ~~Pursuant to T.C.A. § 49-9-108, diplomas, certificates of credit, and grade reports cannot be withheld for debts that are both less than \$25 and more than 10 years in age.~~

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

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

5. ~~Additionally, institutions have the discretion to allow enrollment in the following semester when the outstanding obligation is \$200 or less.~~

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

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

- ~~D. An acceptable commitment from an agency or organization shall be limited to a commitment which identifies the applicant and promises to pay all unpaid assessed fees for such applicant.~~
- ~~E. Agencies or organizations which may be approved by the institution for purposes of making acceptable commitments for applicants shall be limited to agencies of the federal or state governments authorized to provide financial aid, established financial institutions within the state, established in-state and out-of-state corporations which employ the applicant, foreign embassies and foreign corporations, and other organizations within the state which have previously demonstrated the ability to pay the commitment.~~
- ~~1. No commitments from individuals will be accepted on behalf of applicants.~~
- ~~F. This policy shall not affect enrollment of students receiving financial assistance from any federal or state financial aid program(s).~~
- ~~1. All state financial aid granted to a student shall be applied to pay maintenance fees or tuition, student dormitory or residence hall rental, board, and other assessed fees before any excess may be distributed to the student.~~
- ~~G. All assessed fees shall include maintenance fees, tuition, debt service fees, service charges, and any other incidental fees assessed at the time of registration, and shall include any and all assessed fees outstanding from prior enrollment at the institution by an applicant.~~
- ~~1. All fees shall be assessed and payable at the time of registration to the extent determinable.~~
- ~~2. Assessed fees shall include rental and board fees where such fees are payable in full at the time of registration.~~

~~3. Otherwise, assessed fees shall include the first periodic payment of rental and board fees in advance.~~

~~H. Assessed fees for student dormitory and residence hall units may be payable on a monthly basis in advance in accordance with the provisions of an optional monthly payment plan which shall be established by each institution in accordance with the provisions of the policy on student residence regulations and agreements.~~

~~I. No applicant will be considered for admission as a student until all due and payable outstanding fees and charges from prior terms, of whatever nature, have been paid by the applicant.~~

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

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

~~3. All outstanding debts must be fully satisfied by the 14th day purge of the semester in which enrollment with outstanding debt was allowed.~~

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

~~K. In accordance with these guidelines, the president of an institution has the authority to determine the applicability of certain fees, fines, charges, and refunds, and to approve exceptions in instances of unusual circumstances.~~

~~L. The Vice Chancellor for Colleges of Applied Technology shall have this authority for the Tennessee Colleges of Applied Technology.~~

M. ~~———— All such actions should be properly documented for auditing purposes.~~

Sources

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

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

Policy/Guideline Area

Business and Finance Policies

Applicable Divisions

TCATs, Community Colleges, Universities

Purpose

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

Policy/Guideline

- II. Student Fees and Enrollment
 - A. All assessed fees by an institution governed by the Tennessee Board of Regents are due and payable at the time of registration.
 - 1. An institution may implement deferred payment plans as may be allowed under a TBR guideline and as authorized for the student.
 - B. An applicant for admission to a TBR institution will be considered enrolled and counted as a student when:
 - 1. all assessed fees have been paid in cash; or
 - 2. All assessed fees have been paid by a personal check or credit card; or
 - 3. the initial minimum payment due under any deferred payment plans has been paid; or

4. an acceptable commitment from an agency or organization approved by the institution has been received by the institution.
- C. An applicant will not be considered for admission as a student until all past due debts and obligations to the institution incurred in prior academic terms, of whatever nature, have been paid.
1. Institutions have the discretion to allow enrollment when the outstanding obligation is \$200 or less.
 2. Institutions will continue to withhold diplomas, transcripts, certificates of credit or grade reports until the student involved has satisfied all debts or obligations or the debts or obligations meet the criteria established in T.C.A. § 49-9-108. See TBR Guideline B-010, Collection of Accounts Receivable.
 3. All outstanding debts and obligations must be fully satisfied by the 14th day purge of the semester in which enrollment with outstanding debt was allowed.
- D. An applicant shall possess an acceptable commitment when an application(s) for financial aid has been timely submitted with the reasonable probability of receiving such.
1. All state financial aid granted to a student shall be applied to pay maintenance fees or tuition, student dormitory or residence hall rental, board, and other assessed fees before any excess may be distributed to the student.
- E. Agencies or organizations which may be approved by the institution for purposes of making acceptable commitments for applicants shall be limited to agencies of the federal or state governments authorized to provide financial aid, established financial institutions within the state, established in-state and out-of-state corporations which employ the applicant, foreign embassies and foreign corporations, and other organizations within the state which have previously demonstrated the ability to pay the commitment.

1. An acceptable commitment from an agency or organization shall be limited to a commitment which identifies the applicant and promises to pay all unpaid assessed fees for such applicant.
 2. No commitments from individuals will be accepted on behalf of applicants.
- F. When an applicant tenders payment of fees by means of a personal check or credit card, the applicant may be considered and counted as a student. If the payment is subsequently dishonored by the financial institution, and the payment is not redeemed in cash, the institution has the option to not consider that student as enrolled for the term.
1. At the discretion of the institution, the student may be considered enrolled and will be assessed the applicable returned payment fee, the applicable late registration fee, and will be denied grade reports, transcripts and future registration privileges until such dishonored payment is redeemed.
 2. Pursuant to T.C.A. § 49-9-108, diplomas, transcripts, certificates of credit, and grade reports cannot be withheld for debts that are both less than \$25 and more than 10 years in age.
 3. Institutions may deny future check writing privileges to students that have paid registration fees with checks that are subsequently dishonored.
 4. While institutions have discretion in how these situations will be handled, all students must be treated the same at that institution.
 5. Institutions have the discretion to allow enrollment in the following semester when the outstanding obligation is \$200 or less.
 6. Institutions will continue to withhold diplomas, transcripts, certificates of credit or grade reports until the student involved has satisfied all debts or obligations or such meet the criteria established in T.C.A. § 49-9-108.

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

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

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

Sources

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

PRESIDENTS QUARTERLY MEETING

DIRECTORS QUARTERLY MEETING

February 2 and 3, 2016

DATE: Presidents Meeting (February 2, 2016)
Directors Meeting (February 3, 2016)

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

ACTION: Requires Vote

PRESENTER: Dale Sims

BACKGROUND INFORMATION:

Several sections of Guideline B-010 were revised for better clarity and to be consistent with Policy 4:01:03:00 – Payment of Student Fees and Enrollment.

Collection of Accounts Receivable: B-010

Policy/Guideline Area

Business and Finance Guidelines

Applicable Divisions

TCATs, Community Colleges, Universities, System Office

Purpose

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

Definitions

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

Policy/Guideline

I. General

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

1. TBR Policy on the Payment of Fees. Policy No. 4:01:03:00 requires (with limited exceptions) that all assessed fees be paid in advance by a student before he or she is considered enrolled for any academic term.
2. Types of Receivables. Accounts and notes receivable may be generated from programs and activities including but not limited to:

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

g-h. Financial aid adjustments

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

II. General Collection Procedures

- A. Institution Procedure. Each institution shall establish a written systematic process and procedure for collecting receivables from all persons including students and employees.
 - 1. The provisions included in this guideline may be modified by an institution based on sound and responsible management practices.

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2. Any modifications should result in more cost-effective procedures or provide better or more convenient service to debtors of the institution without compromise to collection.

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

1. An institution may negotiate alternative payment arrangements with debtors when such arrangements offer the best prospect of collecting the debt.

2. An account becomes delinquent based on payment criteria established by the institution for the type of debt involved. An institution shall include a schedule defining delinquent periods.

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

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

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

1. For debts greater than \$100, the third letter should indicate that the account will be referred to a collection agency if payment is not made within a specified date.

2. Sending letters by certified mail is optional.

3. ~~An account becomes delinquent based on the payment criteria established by the institution for the type of debt involved.~~

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

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

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

1. Receivables of \$100 or more shall be referred to a collection agency if the institution's collection efforts are unsuccessful.

2. The accounts should be submitted to the agency within a reasonable time after the final collection letter is sent if the debtor has not responded.

3. Referral of accounts under \$100 to a collection agency is not required.

a. No additional collection efforts are required for receivables under \$100 except as provided for under Enrollment and Record Holds (Section II.E) and Employee Receivables (Section III.).

b. See Section X. for write/off procedures.

E. ~~Enrollment and Record Holds. A student must pay any past due debts and obligations incurred in prior academic terms before being permitted to register.~~ Record Holds. Pursuant to T.C.A. 49-9-108, diplomas, transcripts, certificates of credit or grade reports will not be issued until the student involved has satisfied all debts or obligations owed to the university, community college or college of applied technology.

1. ~~Additionally, all known debts and obligations incurred during the current term must be paid prior to a student being allowed to pre-register for any future terms.~~ 1. This statutory limitation shall not apply to debts or obligations;

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a. ~~Institutions have the discretion to allow enrollment when the outstanding obligation is \$200 or less.~~ a. Of less than twenty-five dollars(\$25.00) that are more than ten(10) years old.

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b. ~~Institutions will continue to withhold certificates of credit, diplomas, grade reports, and transcripts for these accounts until they are paid in full or meet the criteria established in T.C.A. § 49-9-108.~~ b. Evidenced by notes or other written contracts providing for future payment, such as, but not limited to, loans authorized under federal or state education or student assistance acts.

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

3. ~~A notice stating the specific amount due should be sent to each such student prior to completion of registration.~~ 3. Once a petition in bankruptcy has been filed, all holds should be lifted, but the institution has no obligation to provide student diplomas, transcripts, certificated of credit or grade reports unless specifically requested to do so. See Section IX for additional information regarding bankruptcy.

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

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

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

7. ~~T.C.A. § 49-9-108 further provides that the withholding of grade reports, certificates of credit, and diplomas does not apply to debts that are both less than \$25 and more than 40 years old.~~

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

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

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

b. Institutions will continue to withhold diplomas, transcripts, certificates of credit or grade reports until the student involved has satisfied all debts or obligations or such meet the criteria established in T.C.A. 49-9-108, as state in E.1 and E.2. above.

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

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

III. Employee Receivables

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

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

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- a. The notice should inform the employee of the amount alleged to be owed and should specify that he may elect to pay the debt in full, authorize deductions from his paycheck or, if the employee is terminating, the check for accrued but unused annual leave, or contest the intent to withhold through an institutional or TUAPA hearing.
 - b. Subsequent to receiving a pre-deprivation notice of the debt owing, the employee, within 15 calendar days of receipt of such notice, must:
 - (1) Pay the debt in full;
 - (2) Authorize the institution to withhold a designated amount from each subsequent paycheck or, if the employee is terminating, from the accrued but unused annual leave until the debt is paid in full;
 - (3) Elect to contest the intent to withhold through an institutional hearing; or,
 - (4) Elect to contest the intent to withhold through a contested case hearing held pursuant to T.C.A. § 4-5-301, et seq.
2. If the employee elects an institutional hearing, the employee shall appear on behalf of himself but is entitled to be advised by counsel.
- a. The Chief Business Officer of a campus or unit or his/her representative, or a representative of the department involved in the debt, shall be present to represent the institution.
 - b. The case will be heard before one hearing officer designated to hear all cases on that date.
 - c. The hearing officer must be an individual who is not so closely connected with the collection of the debt that he/she cannot render an unbiased and objective decision on the validity of the debt.

- d. Such hearing should be held within one week of the decision to elect the hearing.
- e. The hearing officer shall render his/her decision on the validity of the debt. If the debt is ruled valid, the debt shall be deducted from the employee's payroll check beginning at the end of the next appropriate pay period in accordance with deduction schedules.
- f. If the employee elects a TUAPA hearing, the Office of General Counsel should be notified immediately.
- g. If the employee refuses to pay, authorize deduction, or specify or waive a hearing process, a TUAPA hearing must be initiated.
- h. The employee's failure to appear at either an institutional or TUAPA hearing will constitute default, or, if a prima facie case is presented that the debt is owed, it will be deemed valid; the appropriate deductions may then be made.
- i. Additionally, if a TUAPA hearing, a Default Order must be issued.
- j. If the employee does not appeal the Default Order, funds may be deducted as specified.

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

- 1. The maximum amount of disposable earnings of an individual for any work week which is subjected to garnishment may not exceed:
 - a. Twenty-five percent (25%) of his disposable earnings for that week; or
 - b. Thirty (30) times the federal minimum hourly wage at the time the earnings for any pay period become due and payable, whichever is less.

2. In the case of earnings from any pay period other than a week, an equivalent amount shall be in effect.
3. These limits are applicable to retirement funds, but are not applicable to checks for accumulated annual leave.
4. Additionally, the above limits do not apply to employee overpayments.

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

1. The same procedural steps outlined in III.A. for notice and the opportunity for a hearing must be followed.
2. Accumulated retirement contributions of a former employee terminated for any reason and for which he has made application, or monthly benefits of a retired employee are subject to withholding to the extent permitted by Tennessee law.
3. A copy of the final order resulting from an institutional or TUAPA hearing, or a signed waiver of hearing and written agreement of the former employee authorizing deductions should be sent to the director of the retirement system along with a written request to withhold, specifying the reason for the claim and the total amount involved.

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

1. The institution is obligated, however, to attempt to recoup the funds. The institution should advise the employee in writing of the overpayment and the institution's proposed actions to correct the overpayment.
2. The method of repayment will depend upon the amount of the overpayment, the time which has elapsed between the overpayment and its discovery, the hardship which

immediate repayment might cause the employee because of amount of current salary and personal expenses, the culpability of the employees in not reporting the overpayment, and the longevity as well as the expectation that the employee will remain in state government until the repayment is completed.

3. If a current employee receives overpayment, the refund may be made in one of the following ways:
 - a. Repayment by the employee by cash or check; or,
 - b. Adjustment of deductions to be made automatically from the employee's paycheck, either with a single deduction or a series of deductions made from each paycheck until the full amount is recovered.
 - c. The amount of partial payments recovered by the latter method should be reasonable and systematic so that full recovery will be completed within the shortest period possible.
4. If overpayment is discovered after the employee terminates employment with the state, an account receivable should be established.
 - a. The former employee should be notified of the overpayment, the circumstances of the overpayment and a request that the employee contact the appropriate campus official.
 - b. If the employee has not received his final paycheck, the appropriate deduction from that check can be made.
 - c. If the final paycheck has been received, negotiations for reimbursement should be initiated.
 - d. If repayment cannot be negotiated or collected, the account should be turned over to the collection agency.

- e. In the event collection is not possible, proper write/off procedures should be followed.
- 5. In instances in which the employee has agreed to systematic deduction(s) from his paycheck(s), written authorization from the employee is encouraged.
- 6. Each campus shall draft forms to document overpayments, the steps taken to recoup same, any negotiated repayment plan, the amounts received, and any write/off of the overpayment.

IV. Returned Checks, Dishonored Payments

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

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- 1. At the discretion of the institution, the student may be considered enrolled and will be assessed the applicable returned check fee, the late registration fee, and will be denied grade reports, transcripts and future registration privileges until such dishonored check is redeemed.
- 2. Institutions have the discretion to allow enrollment when the outstanding obligation is \$200 or less.
- 3. Institutions may deny future check writing privileges to students that have paid registration fees with checks that are subsequently dishonored.

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

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

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a. Notice should be sent by the institution to the student no more than three (3) working days from receipt of notice of a bad check from the bank.

b. Notice by certified mail is optional.

c. The institution will have 5 working days after the expiration of the 10-5 calendar days to pursue any additional collection efforts deemed necessary.

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d. Immediately after the 5 working days, the student will be deleted if the check has not been redeemed in full if that option is selected by the institution.

e. Enrollment fees including returned check fees for students de-enrolled for bad checks should be reversed.

B. Non-Student or Non-Employee. Any person other than a student or employee who tenders a check for payment for goods or services which is subsequently dishonored shall be given the opportunity to redeem the check and pay the amount due in cash. The person shall be given notice of the dishonored check, ~~sent certified mail,~~ demanding payment within ~~ten (10)~~ 5 days.

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

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

V. Rent Collections

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

- B. In counties with populations more than 200,000 according to the 1970 federal census, the Tennessee Residential Landlord and Tenant Act (the ACT) applies and provides, at T.C.A. § 66-28-505, that upon noncompliance with the rental agreement, the landlord shall deliver a written notice to the tenant specifying the noncompliance and stating that the rental agreement will terminate upon a date not less than thirty (30) days after receipt of the notice.
 - 1. If the noncompliance is not remedied in fourteen (14) days, the rental agreement shall terminate as provided in the notice.
 - 2. If the tenant remits the rental but subsequently again fails to pay rent within a 6 month period, the rental agreement may be terminated upon at least fourteen (14) days written notice specifying the noncompliance and the date of termination of the rental agreement.
 - 3. In counties where the Act applies, written notice is required when rent is unpaid unless otherwise specifically waived in a written rental agreement.
 - 4. In counties where the Act does not apply, it will provide guidance concerning landlord/tenant issues.
 - a. Generally, the length of the notice period equals the rental period, for example, 30 days' notice is required where rent is due monthly.
 - b. In the event the rent remains unpaid at the end of the month, the institution should proceed with an action to evict the tenant.
 - c. The Office of General Counsel may be notified to provide any required assistance in the proceedings.

- d. Accrued rents which are unpaid shall be treated as accounts receivable of the institution; refer to Section II.

VI. Federal Loans

- A. Federal Regulations. Collection officers should be certain that they are consulting the most recent legal authorities concerning Federal loans. These authorities include interpretative materials, issues letters, manuals, Congressional Enactments and Federal Department of Education Regulations.
- B. Pre-Loan Counseling. Federal regulations require an institution to conduct entrance counseling to stress the importance of repayment, describe the consequences of default and emphasize the terms of repayment. An individual with Federal Regulations expertise should be available during and after the session to answer questions.
- C. Exit Interview. An individual or group exit interview must be conducted to discuss the borrower's financial responsibilities and to obtain updated information. Exit interview materials may be sent by certified mail to borrowers who do not attend the exit interview.
 - 1. The borrower should be provided with a copy of the note and two copies of the repayment schedule.
 - a. These schedules can be provided either in person or by certified mail.
 - b. The borrower should promptly sign and return one of the schedules to the institution.
 - c. A minimum payment of \$30 per month should be required for Perkins Loans made prior to October 1, 1992, \$40 per month for Perkins Loans made after October 1, 1992, and \$15 per month for Health Professions Student Loan (HPSL) and Nursing Student Loan (NSL) programs.
- D. Grace Period Notices. Contact with the borrower should be made during the initial and post-deferment grace periods.

1. For a nine-month grace period, notices are required 90 days, 180 days and 240 days after the grace period begins.
 2. For a six-month grace period, notices are required at 90 days and 150 days.
 3. The last contact should coincide with the first billing notice.
- E. Billings. A written notice and statement of account should be sent at least 30 days before the first payment is due. If a coupon system is used, coupons should be sent instead of statements. Future statements should be sent at least 15 days before each payment is due.
- F. Late Payments or Delinquent. Three past due notices should be sent beginning when the debt is fifteen days past due. The second notice is sent 30 days from the first notice. A final demand letter should be sent within 15 days of the second past due notice. If all past-due follow-up procedures have failed to elicit a response, a telephone call is required within 30 days of the final demand letter.
- G. Cancellations or Deferments. An institution may postpone loan repayments for a 12 month period if the borrower will be providing services eligible for loan cancellation or deferment.
1. Interest does not accrue and the loan is not considered delinquent when in a deferred status.
 2. The borrower must request deferment and cancellation status on an annual basis.
 3. If, at the end of the postponement period, the borrower does not qualify for cancellation or deferment, the postponed payments are due.
- H. Acceleration. The borrower must be given written notice of intent to accelerate at least 30 days in advance. This can be included in the final demand letter.
- I. Federal Loans Not Written Off. Annual collection efforts should be pursued for Federal loans that are not able to be written off or turned over to the U.S. Department of Education.

J. Perkins Loans. The IRS/ED skip-tracing service should be used for Perkins Loans.

VII. Collection Agencies

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

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

B. Billing Services. Institutions may use an outside billing service to collect payments on accounts receivable. The service should be familiar with all provisions of loan programs and provide prompt, clear and accurate bills.

C. Credit Bureaus. Institutions may report all loans when made to a credit bureau. The institution must obtain the borrower's consent to report loans not in default by including a statement in the promissory note or some other document that is signed by the borrower at the time the loan is made.

D. Collection Agency. Accounts that are still delinquent 30 days after the final collection letter should be turned over to a collection agency. Receivables less than \$100 are not required to be turned over to a collection agency.

- E. Reporting Requirements. The collection agency should be required to report the status of delinquent loans periodically to each institution and to the Tennessee Board of Regents.
- F. Revised Repayment Plan. A revised repayment plan agreement should be signed by the borrower if the borrower returns to repayment status.
- G. Recalling Accounts from Collection Agency. No account should be recalled from a collection agency other than debts eligible for deferment, postponement, cancellation, bankruptcy, death, disability or some other mitigating circumstance (institutional error, etc.).
 - 1. No account should be recalled in order for a borrower to re-enroll or obtain a transcript.
 - 2. The borrower should pay the accelerated amount plus collection costs to the collection agency.

VIII. Litigation

- A. General. After all other attempts at collection have failed, the institution must authorize litigation of accounts of \$2,000 or more providing litigation costs do not exceed the amount which can be recovered. Generally the collection services contract will provide for litigation when appropriate.
- B. Federal Loans. If a Federal loan cannot be litigated for any of the following reasons, it should be assigned to the U.S. Department of Education:
 - 1. Borrower has no assets;
 - 2. Address unknown;
 - 3. Debtor is incarcerated;
 - 4. Debtor is on Public Assistance;
 - 5. Unable to serve borrower with court papers;

6. Litigation is in process and debtor skips;
7. Expected cost of litigation exceeds amount to be recovered from borrower.

IX. Bankruptcy

- A. General Information - Each institution shall designate a bankruptcy contact person to serve as a liaison between the institution and the Attorney General's office.
 1. Once notice of, or a petition for, bankruptcy is received, all collection efforts against the debtor must cease immediately.
 2. If the account is at a collection agency, the file must be returned to the institution immediately.
 3. The institution should immediately forward the file to the Attorney General's office with a Referral Form and the documentation specified on the Referral Form.
 4. The institution should also provide a copy of this information to the TBR General Counsel's office.
 5. The Attorney General's office will advise the institution when and if collection efforts may resume, depending on the debt's dischargeability.
 - a. NOTE: Effective for actions filed on or after 5/28/91, the period during which an educational loan may not generally be discharged will increase from five (5) years to seven (7) years.
 - b. This period is calculated from the date the loan first came due to the date the bankruptcy action was filed, exclusive of periods during which repayment obligations are suspended.

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

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

1. Collection efforts may continue against an endorser.
2. The institution shall immediately forward the file to the Attorney General's office with a Referral Form and the documentation specified on the Referral Form.
3. A copy of this information should also be provided to the TBR General Counsel's office.
4. Educational loans: If the date of bankruptcy filing is after the expiration of the exception period, the loan should be written off once the notice of discharge is received unless there is some other basis upon which to challenge dischargeability.
 - a. The Attorney General's office will contact the institution to advise whether the debt is dischargeable.
 - b. However, if there is an endorser, collection efforts may proceed against him.
 - c. If the date of bankruptcy filing is before the expiration of the exception period, collection activity may be reinstated once the notice of discharge is received due to the self/executing nature of the exception unless the debtor has been able to establish dischargeability of the debt through an adversary proceeding.
 - d. If the institution is served with a summons and complaint, the institution shall immediately fax to the Attorney General's bankruptcy unit a copy of the Summons

and Complaint, the debt payoff amount, the date the note went into repayment, and any deferment and/or forbearance history.

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

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

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

b. When the notice states "No assets," unless the institution is a secured creditor (in which case a proof of claim would have been filed), the debt must be written off once the Attorney General's office provides the institution with notice of discharge.

C. Chapter 13 (Reorganization)

1. NOTE: For petitions filed on or after 11/5/90, an educational loan is non-dischargeable if the loan first became due within five years calculated from the date the loan first came due to the date the bankruptcy action was filed, exclusive of periods during which repayment obligations are suspended.

2. Effective for bankruptcies filed on or after 5/28/91, that same five (5) year period was increased to seven (7) years. See NOTE above for further details.

3. Regardless of the date of filing or the nature of the debt owing, upon receiving any notice of the filing of a petition, all collection efforts against the debtor and endorser must cease immediately.

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

- b. A copy of this information should also be provided to the TBR General Counsel's office.
 - c. The Attorney General's office will advise the institution whether the debt is dischargeable and the extent to which collection activities may be reinstated.
4. If the seven (7) year exception period applies and the debtor serves the institution with a summons and complaint the institution shall immediately fax to the Attorney General's bankruptcy unit a copy of the Summons and Complaint, the debt payoff amount, the date the note went into repayment, and any deferment and/or forbearance history.
- a. A copy of this information should also be provided to the TBR General Counsel's office.
5. Other debts: The institution shall immediately forward the file to the Attorney General's office with a Referral Form and the documentation specified on the Referral Form.
- a. A copy of this information should also be provided to the TBR General Counsel's office.
 - b. The Attorney General's office will advise the institution as to the dischargeability of the debt.

X. Write Offs

- A. Authority. The Tennessee Board of Regents and its institutions are authorized to write off uncollectible receivables pursuant to policies outlined in Chapter 0620-1-9 of the rules of the Department of Finance and Administration.
1. This includes the write off of any account of five thousand dollars (\$5,000) or greater and/or accounts aggregating twenty-five thousand dollars (\$25,000) or more.

2. Receivables submitted for write off must have been subjected to appropriate collection efforts in accordance with this guideline and institution procedures.
- B. Reserve. A reserve for doubtful accounts should be established for activities for which accounts receivable represent a material amount to the activity income.
1. The reserve should be reported in the financial records of the institution.
 2. Receivables which prove to be uncollectible after prescribed collection efforts have been exhausted should be written off by a charge to the reserve for doubtful accounts after appropriate approvals are obtained.
- C. Approval. The proposed write offs must be approved by institution officials not directly involved in recording and collection of accounts receivable.
1. The institution president or director and chief business officer should certify compliance with the prescribed statute and collection guidelines.
 2. The accounts submitted for write off should be single accounts of \$5,000 or more and/or accounts aggregating \$25,000 or more. The write off request summary and certification, along with a detailed list of the accounts, should be submitted to the Vice Chancellor for Business and Finance's office for approval.
 3. The write off request must be approved by the Chancellor or designee and General Counsel and forwarded by TBR for approval by the Commissioner of Finance and Administration and the Comptroller of the Treasury.
 - a. TBR will send approved write offs to the institution for the appropriate accounting.
 4. Requests for the write off of single accounts of less than \$5,000 and/or accounts aggregating less than \$25,000 shall be approved at the institution level by the appropriate officials.

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

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

1. Information on the employing institution or agency will be returned to the institution for additional collection efforts.
2. If the debtor is a state employee, the Chief Business Officer of the department employing the debtor should be notified.
3. The department employing the individual will be responsible for taking the appropriate action to collect the debt.
4. If the department is unsuccessful in collecting the debt, written notification will be sent to the institution.
 - a. The written notification shall be submitted with the next write off request for approval.
5. If the debtor works for another TBR institution, the Chief Business Officer of the employing institution should be notified and will be responsible for collecting the debts utilizing the steps in Section III, Employee Receivables, of this policy.
 - a. Written notification should be sent to the requesting institution if collection efforts are unsuccessful.
 - b. The written notification shall be submitted with the next write off request for approval.
 - c. The institution may agree to payment through payroll deductions if the employee signs a payroll deduction authorization.

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

- F. Holds on Written Off Receivables. A hold on transcripts and future registration will continue until the debt is cleared for former students whose receivables were written off if the debt was twenty-five (25) dollars or more.
 - 1. Institutions have the discretion to allow enrollment when the outstanding obligation is \$200 or less.
 - 2. Institutions will continue to withhold certificates of credit, diplomas, grade reports, and transcripts for these accounts until they are paid in full or meet the criteria established in T.C.A. § 49-9-108.

XI. Gramm-Leach-Bliley Act Contract Clause

- A. Include the standard language printed below in all future contracts with third party service providers that have access to the institution's customers' non-public financial information.
 - 1. "Throughout the term of this Agreement, Service Provider shall implement and maintain 'appropriate safeguards,' as that term is used in § 314.4(d) of the FTC Safeguard Rule, 16 C.F.R. § 314, for all 'customer information,' as that term is defined in § 314.2(b) of the FTC Safeguard Rule, delivered to Service Provider by Institution pursuant to this Agreement.
 - 2. The Service Provider shall implement an Information Security Program ('the Program') as required by the FTC Safeguard Rule.
 - 3. Service Provider shall promptly notify the Institution, in writing, of each instance of;
 - a. Unauthorized access to or use of that nonpublic financial customer information that could result in substantial harm or inconvenience to a customer of the Institution; or

- b. Unauthorized disclosure, misuse, alteration, destruction or other compromise of that nonpublic financial customer information.
4. Service Provider shall forever defend and hold Institution harmless from all claims, liabilities, damages, or judgments involving a third party, including Institution's costs and attorney fees, which arise as a result of Service Provider's failure to meet any of its obligations under this provision.
5. Service Provider shall further agree to reimburse the Institution for its direct damages (e.g., costs to reconstruct lost or altered information) resulting from any security breach, loss, or alteration of nonpublic financial customer information caused by the Service Provider or its subcontractors or agents.
6. Service Provider grants Institution the right to conduct on-site audits, as deemed necessary by the Institution, of the Service Provider's Program to ensure the integrity of the Service Provider's safeguarding of the Institution's customers' nonpublic financial information.
7. Institution retains the right to unilaterally terminate the Agreement, without prior notice, if Service Provider has allowed a material breach of its Program in violation of its obligations under the GLBA, if Service Provider has lost or materially altered nonpublic financial customer information, or if the Institution reasonably determines that Service Provider's Program is inadequate.
8. Within thirty (30) days of the termination or expiration of this Agreement, Service Provider shall, at the election of Institution, either:
 - a. Return to the Institution; or
 - b. Destroy (and shall cause each of its agents to destroy) all records, electronic or otherwise, in its or its agent's possession that contain such nonpublic financial

customer information and shall deliver to the Institution a written certification of the destruction.”

Sources

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

Related Policies

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

PRESIDENTS QUARTERLY MEETING

DIRECTORS QUARTERLY MEETING

February 2 and 3, 2016

DATE: Presidents Meeting (February 2, 2016)
Directors Meeting (February 3, 2016)

AGENDA ITEM: Revision of Purchasing Policy and Newly Development Procurement
Guideline

ACTION: Requires Approval and Vote

PRESENTER: Dale Sims

BACKGROUND INFORMATION:

The System Office has engaged a small working group from the System to update the purchasing policy. The policy was shortened, with the processes/procedures removed and incorporated into a new procurement guideline. Part of the intent was to alleviate Board review when minor guidance was changed.

Members of each institutions' procurement office, as well as each institutions' business officers, have reviewed and provided feedback to these final draft documents for your review and approval.

4= Business & Finance Policies

4:02:10:00

Purchasing Policy

Purpose

To ensure efficiency, fairness, transparency and maximum level of competition in the procurement of goods and services for the Tennessee Board of Regents System.

Applies to

All Institutions governed by the Tennessee Board of Regents.

Definitions

Institution – means any of the universities, community colleges, colleges of applied technology and System Office departments within the Tennessee Board of Regents.

System Office – the administrative offices of the Tennessee Board of Regents.

Policy/Guideline

I. Authority

The authority to approve procurements of goods and services is delineated in TBR Policy 1-03-02-10.

II. General Procurement Policies

A. Procurement Generally

1. Procurements of goods or services shall be in compliance with all applicable federal and state requirements and TBR Policies and Guidelines.
2. All procurement of goods and services shall be based upon the principle of competitive bidding except when an alternate procurement method is justified in writing and approved by the appropriate authority, as required by TBR Policy 1-03-02-10.
3. A complete record shall be maintained of each procurement transaction to provide a clear audit trail.

B. Procurement Guideline

The Office of Business and Finance and the Office of General Counsel in conjunction with the Council of Buyers shall maintain a procurement guideline, which may be in electronic format, setting forth all processes and procedures for the procurement of goods and services to ensure that all procurements are in compliance with federal and state laws, regulations, and all applicable TBR Policies and Guidelines. All Institutional procurements shall be in compliance with the procurement guideline. Each Institution shall maintain a procurement guideline, which may be in electronic format, setting forth any procedures of the Institution in addition to or necessary to comply with this Policy.

III. Council of Buyers

- A. The Chancellor has established a Council of Buyers that shall be chaired by the Chief Procurement Officer for the TBR System Office and shall be comprised of at least one (1) procurement representative from each university and community college and three (3) regional representatives from the Tennessee Colleges of Applied Technology who shall be appointed by the Chancellor or designee.
- B. The Council should meet quarterly, or at minimum semi-annually, or upon request of the Chancellor or designee.
- C. The Council of Buyers shall develop procurement initiatives, procedures and recommendations which shall be submitted to the Chancellor or designee, related to the following
 - 1. Development of uniform procedures, forms, and general conditions governing procurements which may be feasible and practicable for use by all Institutions.
 - 2. Strategic sourcing initiatives to foster cooperation and cost savings efficiencies.
 - 3. Consideration of the feasibility and advantages of term contracts for the System and of designation of certain Institutions as responsible procurement agents for specific materials, supplies, equipment, and/or services for the System.
 - 4. Formulation of a uniform code of ethics for governing the professional conduct of employees responsible for procurement.
 - 5. Any other matters referred to the Council by the Chancellor or designee.

IV. Exceptions

The Chancellor or designee may approve exceptions to the requirements of this Policy in appropriate cases.

PURCHASING GUIDELINE: B-120

Topics

- | | |
|--|--|
| I. Introduction | XI. Receiving |
| II. Code of Ethics | XII. Contract Monitoring |
| III. Conflict of Interest | XIII. Surplus Property |
| IV. Purchasing Authority | XIV. Accessibility |
| V. Procurements Generally | XV. Fiscal Review |
| VI. Procurement Methods | XVI. Bonds |
| VII. Procurement Processes | XVII. Strategic Sourcing Group |
| VIII. Protested Bids | XVIII. Prohibited Transactions |
| IX. Reports | XIX. Procurement Guideline |
| X. Vendors | XX. Exceptions |

Guideline Area

General Guidelines

Applicable Divisions

TCATs, Community Colleges, Universities, System Office

Definitions

As used in this Guideline, unless the context otherwise requires:

- “Aggrieved Respondent” means a respondent, who was not awarded a contract and claims his or her rights were infringed in connection with a solicitation or award by the Institution.
- “Calendar Day” means all days in a month, including weekends and holidays. In the event a final calendar day falls on a weekend, holiday or other day where offices are closed, the next business day becomes the final calendar day.
- “Central Procurement Office” means the State office established and empowered by T.C.A § 4-56-104.
- “Chief Procurement Officer” means an official of the State as defined by T.C.A. § 4-56-104, the Assistant Vice Chancellor of Procurement and Contracts of the System Office, or the senior procurement official of an Institution, as applicable.
- “Commodity Codes/Classes” means The National Institute of Government Purchasing (NIGP) codes and The United Nations Standard Products and Services Code (UNSPSC) are the standard item codes utilized by the TBR System Office and its Institutions.
- “Contracting Party/Contractor” means a person or legal entity with the independent legal capacity to contract or sue and be sued that has been awarded a contract through proper authority.

- “Cooperative Purchasing Agreement” means a written contract procured for the benefit of two or more governmental entities to make purchases of goods or services.
- “Debarment” means excluding a vendor from participation in procurements or contracts.
- “Emergency Purchase” means a purchase made during an actual emergency arising from unforeseen causes without the issuance of a competitive solicitation.
- “Evaluation Team” means the committee comprised of persons who will evaluate responses to a RFP, RFI or ITB/RFQ. All persons serving on an evaluation committee shall be adequate to the scope and nature of the procurement.
- “Fully Executed Contract” means a signed contract that has been duly approved by all necessary State signatories as required by policies, guidelines, and laws.
- “General Services Administration” means the procuring agency of the U.S. Federal Government.
- “Gift” means a voluntary transfer of goods or services to the Institution made gratuitously and without consideration.
- “Grant” means any grant of money awarded to the Institution, for the furnishing by the Institution of assistance, whether financial or otherwise, to any person or entity to support a program authorized by law. The term “Grant” does not include an award with the primary purpose of procuring an end product, whether in the form of supplies, services, or construction, or any contract resulting from such an award that should otherwise be provided on a competitive basis.
- “Immediate Family” means a spouse, parent, sibling or child.
- “Institution” means the TBR System Office and/or any Institution governed by the Tennessee Board of Regents.
- “Invitation to Bid (ITB)/Request for Quotation (RFQ)” means a procurement method where a contract is awarded to one or more bidders based on the lowest Responsive and Responsible bid which meets the required specifications, taking into consideration quantifiable factors including but not limited to the conformity of the goods and/or services to the specifications, any discount allowed for prompt payment or other reason(s), transportation charges, and the date of delivery specified in the solicitation..
- “Notice of Intent to Award” means an Institution’s written notice to a bidder/proposer of a solicitation that the evaluation is complete, that names the respondent who is considered for award, and states that the procurement file is open for public inspection.
- “Non-responsive” means failure of a bidder/proposer who submits a response to a solicitation to conform in all material respects to the solicitation’s requirements.
- “Proposal” means a Proposer’s response to an Institution’s solicitation for goods and/or services.

- "Proposer" means any person or legal entity with the legal capacity to enter into contracts and sue and be sued who responds to a written solicitation for goods or services issued by the Institution.
- "Proprietary Purchase" means the procurement of a good or service that is protected under trade secret, patent, trademark, or copyright law by a vendor having exclusive legal right to provide, manufacture, or sell the good or service.
- "Protest" means a written complaint filed by an Aggrieved Respondent in connection with a solicitation or award of a contract by the Institution.
- "Purchase Order" means a written or electronic document issued by the Institution's Procurement Office to a supplier authorizing a purchase.
- "Registered Vendors List" means a list of potential bidders who have successfully completed the Institution's vendor registration process.
- "Request for Information" means a solicitation sent to a broad base of potential suppliers for the purpose of developing strategy, building a database, or preparing for a Request for Proposals or a Request for Quotation.
- "Request for Proposals (RFP)" means a written solicitation for written proposals to provide goods or services to the Institution.
- "Respondent" means a person providing a written response to a solicitation.
- "Response" means a respondent's written response to a solicitation.
- "Responsible Bidder/Proposer" means a vendor who has the capacity in all material respects to perform fully the contract requirements, and the integrity and reliability that will assure good faith performance.
- "Responsive Bidder/Proposer" means a person who has submitted a proposal which conforms in all material respects, to the terms of a solicitation.
- "Small Dollar Purchases" means the procurements of goods or services totaling less than the amount required for competitive bids.
- "Sole Source Purchase" means procurement of a good or service from a single uniquely qualified vendor.
- "Solicitation" means a written document that facilitates the award of a contract to Contracting Parties for goods or services. Examples of solicitations include, but are not limited to, an Invitation to Bid/Request for Quotation, a Request for Information, and a Request for Proposal.
- "Solicitation Coordinator" means the Institution's procurement professional who acts as the primary point of contact and manages the procurement.
- "State" means the State of Tennessee, including its departments, agencies, and entities that fall under its purview.
- "State Agency" means the departments, agencies, and entities of the State of Tennessee.

- “Statewide Contract” means a contract for goods or services established by the Central Procurement Office that all State Agencies must utilize and that may be used by local governments, higher education and not-for-profit entities.
- “Supplier” means a person or legal entity who has the legal capacity to enter into contracts and who supplies goods or services to the Institution through a contract or a purchase order. A “supplier” includes all persons or legal entities referenced as “vendors” in this Guideline.
- “TBR System Office” means the central administrative offices of the Tennessee Board of Regents.
- “Term Contract” means a contract for goods or services in which a source or sources of supply are established for a specified period of time at an agreed upon price or prices.

Purpose

The purpose of this guideline is to establish the criteria and process for procurements conducted by Institutions governed by the Tennessee Board of Regents. It is not intended to cover all Tennessee Board of Regents policies and guidelines or all possible issues that may arise in the procurement process; rather, it is intended to provide a general guideline for how to address procurement issues. Institutions are responsible for complying with all other relevant policies. This Guideline is subject to regular update, revision and improvement.

Guideline

I. Introduction

A. The purpose of this Procurement Guideline (“Guideline”) is to provide guidance and detailed procedures concerning procurement methods, administration, award and management. This Guideline applies to the Tennessee Board of Regents (TBR) System. For procurements that result in contract documents, the Contract Policy No. 1:10:00:00 and Contracts Guideline G-030 shall apply.

II. Code of Ethics

- A. This Code of Ethics shall be applicable to all employees in the Tennessee Board of Regents System who are primarily responsible for the purchase of goods and/or services.
- B. Employees must discharge their duties and responsibilities fairly and impartially.
- C. Employees shall grant competitive bidders equal consideration, regard each transaction on its own merits, and foster and promote fair, ethical and legal trade practices.
- D. It shall be a breach of ethical standards for any employee who is involved in procurement to become or be, while such an employee, the employee of any party contracting with the particular governmental body by which the employee is employed.

III. Conflict of Interest

A. It shall be a conflict of interest for any employee, in the performance of his or her official duties, to participate directly or indirectly in any proceeding or application, request for ruling or other determination, claim or controversy, or other particular

matter pertaining to any contract, or subcontract, and any solicitation or proposal thereof, in which to his or her knowledge:

1. he or she or any member of his or her Immediate Family has a substantial financial interest; or
 2. a business or organization in which he or she or any member of his or her Immediate Family has a substantial financial interest as an officer, director, trustee, partner or employee, is a party; or
 3. any other person, business, or organization with whom he or she or a member of his or her Immediate Family is negotiating or has an agreement concerning prospective employment is a party.
- B. The determination of whether a substantial financial interest exists shall be based upon the criteria identified in Section VI.A.1.b.(2) of TBR Policy No. 1:02:03:10, Conflict of Interest.
- C. Direct or indirect participation shall include, but not be limited to, involvement through decision-making, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or purchase standard, rendering of advice, investigation, auditing or in any other advisory capacity.

IV. Purchasing Authority

- A. Procurement of goods and services made in accordance with the guidance provided herein may be approved by Presidents and Directors of Institutions, with the following exceptions.
- B. Except as provided in TBR Policy 1:03:02:10, the authority of the Presidents and Directors shall not include:

1. the purchase or lease of real property;
2. any purchase totaling more than \$249,999.99 annually;
3. the purchase of insurance; or
4. purchases for capital outlay projects from any fund source whatsoever.

Purchases as noted above, which are not within the authority of the President or Director, require additional approval(s) by the TBR System Office, Fiscal Review, or the State Building Commission (SBC), etc.as appropriate. See Exhibit 1 for submittal documentation required for procurements and contracts that require TBR System Office and/or Fiscal Review approval.

C. Purchase orders issued pursuant to purchase orders and/or contracts which have already received approval by the TBR System Office do not require additional submission to the TBR System Office when the purchase orders clearly specify the goods and services of the contracts or any approved amendments thereto. This exception does not include purchase orders issued from University of Tennessee, State of Tennessee, General Services Administration (GSA) or Cooperative contracts, unless notified otherwise by the TBR System Office.

D. In any instance in this Guideline in which the Chancellor, President, Director, Chief Business Officer, or Chief Procurement Officer is specified to have approval authority, such officer may delegate the approval authority, as specified in TBR Policy 1:03:02:10 to designees.

V. Procurements Generally

A. The procedures set forth in this section shall apply to all procurements of goods or services.

1. In cases where TBR policies and procedures do not address a specific procedure for purchase of a particular item, federal and state requirements will govern, as applicable.
2. All purchases shall be based upon the principle of competitive bidding except as may be otherwise provided herein. It is the responsibility of the Chief Procurement Officer to ensure that the competitive bid process is fair and open. Required documentation related to competitive bidding shall be routed through the Institution's procurement/contracts office, prior to the purchase, to ensure compliance with applicable policies and guidelines.
3. No procurement shall be divided or split to circumvent the proper procurement process. For example, if seven items totaling \$12,000 are needed for a particular

project or purpose and can be obtained from a single source of supply, these items should be obtained via a competitive process instead of multiple Small Dollar Purchases. Similarly, if purchases that fall within the Small Dollar Purchase authority are of a recurring nature and the aggregate total is expected to exceed the amount allowable for Small Dollar Purchases, the procurement is presumed to exceed the Small Dollar Purchase authority and a competitive procurement method must be used (e.g., RFQ, ITB or informal quotes). If an estimate of total expenditures cannot be determined, but may exceed the bid threshold, a competitive process should be followed.

B. Purchases from Small/Minority/Women/Service Disabled Veteran-Owned Businesses:

1. All Institutions, in accordance with state and federal law, shall actively promote and encourage diversity participation with small, minority, women and service disabled veteran-owned businesses as further defined in Exhibit 2 to this policy.
2. Institutions shall encourage business to seek certification by the Governor's Office of Diversity Business Enterprise (GoDBE), as applicable.

C. Limitations of Liability

1. The Chancellor, President, and the Vice Chancellor for the Colleges of Applied Technology or their respective designee(s) may authorize the procurement of goods and services with a limitation of a contractor's liability.
2. Unless authorized by the Chancellor or the Chancellor's designee, no contract shall limit a contractor's liability to an Institution in an amount less than two (2) times the maximum liability, estimated liability, or maximum revenue of a contract.
3. A limitation of liability in a contract with an Institution shall not be permitted for the following:
 - a. Liability for intellectual property or to any other liability, including, without limitation, indemnification obligations for infringement of third-party intellectual property rights;
 - b. Claims covered by any specific provision in a contract with the Institution providing for liquidated damages; or
 - c. Claims for intentional torts, criminal acts, fraudulent conduct, or acts or omissions that result in personal injuries or death.

- D. A limitation of liability included in a contract with an Institution shall not waive or limit the Institution's legal rights, sovereign immunity, or any other immunity from suit provided by law.
- E. Notwithstanding the above, the Chancellor, President, and the Vice Chancellor for the Colleges of Applied Technology or their respective designee(s) may authorize:
1. The acquisition of software for use restricted solely to academic teaching or research upon terms that may limit the contractor's liability or warranties in an amount less than two (2) times the maximum liability; provided, that in no event, shall the liability of the contractor be limited for intentional torts, criminal acts or fraudulent conduct; and
 2. The acquisition of software or services, materials, supplies and equipment for free or at nominal cost upon terms that may limit the contractor's liability or warranties in an amount less than two (2) times the maximum liability; provided, that in no event, shall the liability of the contractor be limited for intentional torts, criminal acts or fraudulent conduct. T.C.A § 12-3-1210
- F. The provisions of this Section V.E, are not required to be followed for contracts of adhesion; for such contracts, the provisions of G-030, Contracts of Adhesion, may be applied.

VI. Procurement Methods

A. The following methods may be used to procure goods and/or services:

1. Small Dollar Purchases. Institutions may make non-recurring purchases totaling less than \$10,000, cumulatively in expense or revenue, without documenting any quotes or proposals from multiple vendors. Purchasers should take appropriate steps, e.g. conducting price comparisons, processing appropriate agreement documents, etc., to ensure that such Small Dollar Purchases are made based upon terms, conditions and pricing that are in the best interest of the Institution.
2. Informal Solicitations. Except as provided in Section 1 above, Institutions may make purchases totaling less than \$50,000 in expense or revenue based upon written, telephone or electronic bids. For purchases totaling \$10,000 - \$49,999.99, bids must be solicited from at least three (3) Responsive/Responsible Bidders/Proposers. Informal bids do not require an original signature, and bids may be written, electronically transmitted or telephoned. Complete file documentation shall be maintained.
3. Formal Solicitations. A formal solicitation process shall be used when the estimated aggregate total of the expense or revenue is \$50,000 or more, including renewal terms of multi-year awards. Written sealed bids must be solicited from fifteen (15) vendors or the number of vendors on the Registered Vendors List--whichever is less, and to all that request the specific ITB/RFQ/RFP. The Chief Procurement Officer must approve the use of less than fifteen (15) vendors. In addition, if the annual estimated aggregate total of the purchase is \$100,000 or more, solicitations must be sent in a manner that verifies proof of delivery.

a. The types of formal solicitations are provided below.

(1) Request for Information (RFI). An RFI may be used to gather information regarding the capabilities, including technical aspects and services offered, by various Suppliers/vendors for particular goods or services. The information resulting from the RFI shall typically be followed by a competitive process for the actual procurement.

(2) Invitation to Bid (ITB)/Request for Quotation (RFQ)

(a) Goods, materials, and supplies (cumulatively called "goods") should be awarded to the lowest Responsive and Responsible Bidder pursuant to an ITB/RFQ.

(b) An ITB/RFQ may be used to procure services, if the specifications for delivery of such services are defined to a level of detail such that award is made to the lowest Responsive and Responsible Bidder.

i. Examples of this type of services may include, but are not limited to:

- (i) pest control;
- (ii) security services;
- (iii) moving and hauling;
- (iv) refuse collections;
- (v) charter services;
- (vi) printing services, and
- (vii) maintenance services.

(c) At a minimum, Institutions shall use the attached ITB/RFQ Terms and Conditions, Exhibit 3.

(3) Request for Proposals (RFP).

(a) For competitive procurements of goods and/or services, where cost is not the only determining factor for award, a Request for Proposal using the Standard RFP Template (See Exhibit 4) should be used.

(b) An RFP shall specify all steps and evaluation criteria as necessary to finalize selection of the successful proposer.

(c) A multi-step RFP process should be used when additional steps are necessary to qualify and/or demonstrate the goods and/or services proposed.

(4) Determining Type of Solicitation.

(a) For competitive procurement of goods, an ITB/RFQ is appropriate, and in general, a purchase order may be used to finalize the purchase.

(b) Except as permitted under Section VI.A.3.(2)(b), for competitive procurement of services, an RFP is more appropriate, and a purchase order is generally not sufficient to serve as the written contract for the services.

(c) For procurement of services which will require TBR System Office approval, the Standard RFP Format shall be used.

4. Reverse Auction. A reverse auction process allows for specified goods or services to be made electronically during a specified time period. When conditions are favorable, Institutions may elect to use a reverse auction procurement method to achieve maximum competition among qualified Respondents, and to obtain the highest level of quality at the lowest price for goods or services. An award shall be made to the lowest Responsive and Responsible bidder.
5. Procurements Under Another State Entity's Bid Process. Institutions may purchase goods or services using the competitive procurement process of another state entity. The process of the other state entity, except for the Central Procurement Office, must have specified that other Institutions would be permitted to purchase under the process. Institutions may purchase goods or services using the competitive procurement process of the Central Procurement Office which do not so specify. Institutions are strongly encouraged to include language in their competitive processes to allow extension of their process for use by other TBR and/or UT institutions as well as state departments. This Section does not preclude Institutions from using a Statewide Contract as a bid in accordance with its competitive bidding process.
6. General Services Administration (GSA) Contracts. When a vendor maintains a General Services Administration (GSA) agreement with the United States of America, or any agency thereof, the Institution's procurement office may directly negotiate with that vendor for the commodity/services provided for in the GSA agreement. The price shall not be higher than that contained in the contract between the General Services Administration and the vendor affected.
7. State Manufactured Goods and Services. Institutions are required to purchase goods and services from other State agencies, e.g. Department of Correction, Tennessee Rehabilitative Initiative in Correction (TRICOR), Tennessee Business Enterprises, and Community Rehabilitation Agencies (CMRA) / TRUST in Tennessee, whenever such items or services are available therefrom and meet the desired conditions and standards. Such contracts may be based upon non-competitive negotiation.
8. Procurements under Cooperatives. Pursuant to the Tennessee Interlocal Cooperation Act, T.C.A. § 12-9-101, Institutions may purchase goods and services through TBR System Office approved Cooperative Purchasing Agreements. The current approved list of TBR contracted cooperatives may be found at:
<https://www.tbr.edu/purchasing/cooperatives>
9. Emergency Purchases. Institutions may make purchases of goods or services, without utilizing formal solicitation procedures, to meet bona fide emergencies arising from any unforeseen cause. Bona fide emergency purchases must be approved by the Chancellor, President, Director or their designee, and file

documentation of the circumstances of any such emergency shall be maintained. Emergency purchases must be made on a competitive basis and processed by the Institution's procurement office, if practicable.

10. Competitive Negotiation/Alternative Competitive Procurement Method.

- a. A competitive negotiation process may be used only in cases when the Institution is unable to obtain needed goods and/or services by a traditional competitive bid process. Reasons to use a competitive negotiation process include:
 - (1) Public need will not permit the delay incident to the RFP process;
 - (2) No acceptable proposals have been received after the RFP process;
 - (3) Rates payable for the services are regulated by law;
 - (4) Other circumstances as approved by the TBR System Office.
- b. The requesting party shall work with the Institution's procurement office to define the process to ensure the safeguarding of the information and provide fairness to the vendors in the process.
- c. Use of the competitive negotiation process requires prior approval of the Chancellor, President, Director or their designee.
- d. File documentation specific to each use of competitive negotiation shall be maintained.

11. Non-Competitive Procurements

- a. Contracting with Another State/Governmental Entity. Personal, professional and consultant service contracts may be obtained by non-competitive negotiation when the contractor is a State Agency, a political subdivision of the state, or any other public entity in Tennessee, or an entity of the federal government.
- b. Sole Source and Proprietary Purchases.
 - (1) Whenever specifications are not so worded or designed to provide for competitive bidding, a Sole Source or Proprietary Purchase may be allowed. A Sole Source Purchase is available only from a single Supplier; a Proprietary Purchase allows for a competitive procurement process to be used that specifies a particular good or service.

(2) Written justification for Sole Source or Proprietary Purchases must be submitted in writing for approval by the Chancellor, President, Director, or their designee. The TBR Justification for Non-Competitive Purchases and Contracts Form (See Exhibit 5) must be completed and approved by the TBR System Office (when applicable).

(3) In addition to the Justification for Non-Competitive Purchases and Contracts Form, the following additional documentation may also be required as a part of the request:

(a) A letter from the Supplier, which details the basis for non-competitive procurement, based upon the factors listed in Section b. (4) below.

(b) Letter(s) from business and industry which supports the purchase of a particular good or service as industry or business standard.

(c) A letter from the manufacturer specifying their distribution practices, i.e. available only directly or through distributors.

(Note: All letters mentioned in this section are to be provided on the originator's company letterhead and must be signed by an authorized official of the company.)

(4) Factors to be considered in determining Sole Source and Proprietary Purchases include the following:

(a) Whether the vendor possesses exclusive and/or predominant capabilities or the items contain a patented or copyrighted feature providing superior utility not obtainable from similar products;

(b) Whether the product or service is unique and easily established as one of a kind;

(c) Whether the program requirements can be modified so that competitive products or services may be used;

(d) Whether the product is available from only one source and not merchandised through wholesalers, jobbers, and retailers;

(e) Whether items must be interchangeable or compatible with in-place items;

- (f) Whether the cost of conversion, including but not limited to disruption, retraining, and replacement precludes bidding competitively;
- (g) Whether the product is to be used in an instructional setting and the intent is to provide instruction on the specific product or diversity of products;
- (h) For personal, professional and consultant services, whether the use of non-competitive negotiation is in the best interest of the Institution;
- (i) Other justification(s) as approved by the Chancellor, President, Director or their designee.

c. Purchases for Resale in Auxiliary Enterprises. Certain items for resale for which customers have expressed a preference, and/or promotional items procured under accepted retail merchandising practices, may be purchased without adherence to requirements for minimum notice and number of bids. Appropriate documentation shall be maintained which supports the action taken.

12. Special Purchase Categories

a. Purchases for Libraries:

- (1) Each Institution shall be responsible for developing procurement policies and procedures for its library.
- (2) Purchases of books, electronic or hard copy, are capital expenditures and can be made without formal bids or quotations.
- (3) Purchases of electronic journals, subscriptions, and databases for libraries shall be procured through the Institution's procurement or contract office in instances when a competitive process can be used or when Fiscal Review Committee is required.
- (4) In addition, any required electronic or written agreements to license journals, subscriptions, or databases shall be routed through the Institution's procurement or contracts office for review and approval prior to use.
- (5) Appropriate documentation must be maintained for purchases to support Sole Source or Proprietary Purchase.
- (6) Library purchases of electronic media may be subject to Accessibility Standards. (See Section XIV.)

b. Grant Purchases

- (1) Purchases utilizing grant funding shall comply with the conditions of the grant and applicable state and federal guidelines.
- (2) State grant purchases for goods or services shall not be made from vendors on the State of Tennessee Debarred Vendors List, <http://www.tn.gov/assets/entities/generalservices/cpo/attachments/DebarredVendors.pdf>.
- (3) Federal grant purchases for goods or services shall not be made from vendors on the List of Parties Excluded from Federal Procurement and Non-Procurement Programs, available at www.sam.gov.

c. Utility Contracts

- (1) Institutions shall purchase or contract for all telephone, telegraph, electric light, gas, power, postal and other services for which a rate for the use thereof has been established by a public authority in such manner as the Institution deems to be in the best interest of the State of Tennessee.
 - (2) Each such purchase or contract shall be made on a competitive basis, whenever possible unless it has been determined that such purchase is single source. If such purchase has been determined to be single source, the purchase shall then be made pursuant to the section above related to Non-Competitive Negotiation.
13. Gifts. Gifts do not require a procurement process subject to this Guideline. See TBR Policy 4:01:04:00 Solicitation and Acceptance of Gifts.
14. Outsourcing. Institutions are encouraged to determine whether some services can be delivered more economically by the private rather than the public sector. The following process is hereby permitted and encouraged:
- a. The state's cost of the service may be ascertained and kept confidential as part of the evaluation process. This cost must be finally determined and provided to the Chancellor, President, or Director, as appropriate, in a sealed envelope prior to bid/proposal due date.
 - b. The service may be the subject of an ITB/RFQ/RFP, as appropriate, which approximately describes the services provided by the TBR/Institution.
 - c. The ITB/RFQ/RFP may require that if the proposer's/bidder's price exceeds the state's confidential cost, the proposal/bid may be rejected.

VII. Procurement Processes

A. Initiating a Purchase

1. A purchase requisition or other appropriate documentation may be used by an Institutional department to request that the Procurement Office procure a good and/or service. All purchase requisitions/requests require sufficient detail, as specified by the Institution's Procurement Office, to allow proper acquisition of the good and/or service (e.g. quantity, description, vendor, delivery instructions, etc.).
2. Purchase requisitions/requests will result in one of the following:
 - a. Purchase Order
 - b. Contract
 - c. Procurement Card Purchase
 - d. Competitive Solicitation

B. Purchase Order

1. A Purchase Order is a written or electronic document issued by the Institution's Procurement Office to a Supplier authorizing a purchase. Sending a Purchase Order to a Supplier constitutes a legal offer to buy products and/or services. Acceptance of a Purchase Order by a Supplier forms a contract between the TBR Institution and Supplier. Delivery by the Supplier constitutes acceptance of the Purchase Order. See Exhibit 6 for the Purchase Order (PO) Terms and Conditions.

C. Contract

1. A contract is a written agreement which conforms to TBR Guideline No. G-030, Contracts and Agreements, <https://policies.tbr.edu/guidelines/contracts-and-agreements>

D. Procurement Card Purchase

1. A procurement card purchase is an acquisition of goods and/or services using a payment method whereby purchasers are empowered to deal directly with Suppliers for purchases using a credit card issued by a bank or major credit card provider. Generally a pre-established credit limit is established for each card issued. Procurement card purchases are subject to the requirements of Institution/TBR policies and applicable state laws.

E. Competitive Solicitations

1. Whenever a purchase necessitates a competitive solicitation, the solicitation may be a formal or informal process and may take the form of a Request for Quotation /

Invitation for Bid (RFQ/ITB) or Request for Proposal (RFP), which may involve a multi-step process in order to determine the successful proposer. The steps and components defined below are required in a competitive solicitation, regardless of its form.

- a. Planning the Solicitation. Proper and sufficient planning should be performed to ensure the successful acquisition of the goods/services. Such planning may include, but not be limited to, the following:
 - (1) Determine appropriate method of procurement, i.e., ITB/RFQ/RFP, based upon nature and scope of deliverables being purchased;
 - (2) Estimate expected total expenditure or revenue;
 - (3) Confirm availability of funds for expenditure;
 - (4) Evaluate historical spending trends for the same or similar items;
 - (5) Draft open specifications using available information sources;
 - (6) For all ITB/RFQ/RFPs exceeding \$100,000, written certification from the author or committee that the specifications, to the best of their knowledge, are not proprietary shall be documented in the bid file. (See Exhibit 7)
 - (7) Identify existing equipment, if any, as trade-ins;
 - (8) Define timeline for receipt of deliverables;
 - (9) Determine evaluation criteria, i.e. how an award will be made, i.e. lowest total cost, lowest cost per item or groups of items, best overall evaluated bidder, etc.
 - (10) Identify prospective vendors.
- b. Scope of Work and Specifications. Whenever possible, the scope of work and procurement specifications for goods and services shall be worded or designed to permit open and competitive solicitation.
 - (1) The scope of work is a detailed description of what is required of the vendor to satisfactorily perform or deliver what is required under the contract. The scope of work should provide a clear and concise description of the desired goods and/or services.
 - (2) Specifications used for competitive bidding shall be functional or performance specifications, when practicable, and must be clear, unambiguous and written to promote open and fair competition. Specifications may take the following forms:

(a) *Descriptive Specifications.* A descriptive format consists of a conventional listing or paragraph text description of specification data and should, if practicable:

- i. Identify the product using generic terminology in the description;
- ii. List any characteristics that determine performance capability and identify those characteristics that are essential in order to meet performance requirements; and
- iii. Detail the minimum or maximum acceptable performance requirements for each characteristic with as much tolerance and flexibility as practicable.

(b) *Specifications Based on Brand Name.*

- i. Brand and model numbers used for the purchase of goods must be those in current production and available in the market. The use of brand and model names alone will not be permitted as a substitute for performance or functional specifications, unless providing performance or functional specifications is impracticable. When an item is specified by the use of brand names, the words "or equal" should be included.
- ii. Reference to brand names, trade names, model numbers, or other descriptions peculiar to specific brand goods, is made to establish a required level of quality and functional capabilities. It is not intended to exclude other goods of comparable quality or functionality. Comparable goods of other manufacturers will be considered if proof of comparability is contained in the response.
- iii. It shall be the responsibility of the vendors, including vendors whose product is referenced, to furnish with the bid such specifications, catalog pages, brochures or other data as will provide an adequate basis for determining the quality and functional capabilities of the product offered. Failure to provide this data may be considered valid justification for rejection of a bid.

(c) *Specifications Based on Standard Specifications and Scopes of Work.*

Institutions may develop standard specifications and scopes of work for the procurement of goods and/or services which fit, insofar as possible, the requirements of the majority of its departments that use the same.

(d) *Specifications Based on Catalogs, Price List, or Price Schedules.*

Specifications may require vendors to respond to a solicitation using a plus (+) percentage (%), minus (-) percentage (%), or net cost offered as a discount or surcharge applying to the goods listed in the catalog, price list,

or price schedule described within the solicitation. Solicitations of this type shall include a specific list of items for competitive analysis.

- (e) *Specifications Based on Qualified Goods List.* Specifications may include a list of pre-approved brands and model numbers that meet the requirements. Whenever such pre-approved items are listed, the solicitation shall provide an opportunity for the submittal of additional items for consideration by the Institution for inclusion in the approved brands/model numbers. If additional items are approved for bidding, notification shall be provided to all bidders. The decision to approve additional brands/models for bidding shall be at the sole discretion of the Institution.

- (f) *Life Cycle Costing.* The life cycle costs of commodities as developed and disseminated by the federal government shall be used as feasible. In determining life cycle costs, the following factors may be considered in the bid evaluation:
 - i. the acquisition cost of the product;

 - ii. the energy consumption and the projected energy cost of energy over the useful life of the product; and

 - iii. the anticipated resale or salvage value of the product.

- (g) *Energy Efficiency Standards.* Energy Star is a joint program of the U.S. Environmental Protection Agency and the U.S. Department of Energy that has established energy efficiency standards utilized by the federal government in its contracting for major energy-consuming goods. The Energy Star website, <http://www.energystar.gov/>, provides a qualified list of goods meeting Energy Star's minimum energy specifications, life cycle costing calculations, life cycle cost formula information, and qualified goods that meet Energy Star's rating for using less energy and helping to protect the environment. Institutions may use goods listed on the Energy Star website's list of qualified goods as "acceptable brands and models" on bid documents. Office equipment, appliances, lighting, and heating and cooling products and systems purchased by Institutions shall be Energy Star qualified; provided, that such Energy Star qualified products and systems are commercially available.

- (h) *Specifications to Permit Remanufactured/Recycled/Re-Refined/ Used Goods.* All goods offered and furnished must be new unless the ITB/RFQ/RFP specifically permits offers of used, remanufactured, or reconditioned. ITBs/RFQs/RFPs which specifically permit offers of used, remanufactured, or reconditioned goods shall require a warranty; however, the Chancellor, President, Director or designee shall have the authority to waive this requirement. For applicable procurements, whenever an

Institution deems such to be advantageous, specifications may be worded or designed so as to permit bidding of remanufactured/recycled/re-refined/used goods. Such specifications shall be comparable in use and quality to new materials, supplies and equipment.

(i) *Specifications for Purchases of Chemical Products.* Specifications for purchases of chemical products shall require the vendor to provide a material safety data sheet (MSDS) for such chemical products as listed on the national MSDSSEARCH repository. A site, operated by or on behalf of the manufacturer or a relevant trade association shall be acceptable so long as the information is freely accessible to the public.

c. *Drafting the Solicitation.* The Institution's procurement office will prepare a solicitation document using the information developed during solicitation planning. The solicitation document shall include sufficient information to permit a complete and accurate bid/proposal and shall, at a minimum, contain the following information:

- (1) The required sole point of contact from the Institution;
- (2) The time and place that bids will be received and opened;
- (3) Information describing the purpose of the procurement, technical requirements, bidder qualifications, and any other information considered relevant to the goods or services being acquired;
- (4) The quantity of goods or services required;
- (5) If the estimated expenditure or revenue exceeds \$100,000 annually, the solicitation document shall specify at least one question/answer period and/or pre-bid conference, with a written record of questions and responses provided to all prospective bidders;
- (6) Expected time of delivery;
- (7) Amount of insurance, bid or performance bond, if any;
- (8) Pro-forma contract, if applicable, containing the terms and conditions required by the Institution;
- (9) Description of the criteria used to evaluate bids/proposals;
- (10) Date bids/proposals will be available for public inspection;
- (11) An inquiry to bidder regarding whether other TBR/UT institutions and/or state agencies may purchase from the contract; and if so, the period of time

during which the contract terms and pricing will be available to other institutions; and

(12) Standard terms and conditions applicable to the solicitation.

d. Minimum Notice and Number of Bids. The minimum required notice and number of bids for competitive solicitations shall be as follows:

- (1) If the estimated amount of the purchase (or revenue) is \$10,000 but less than \$50,000, written, telephone or electronic bids must be solicited from at least three (3) qualified vendors. When telephone bids are solicited, a record of the bidders and amounts bid shall be maintained.
- (2) If the estimated amount of the purchase (or revenue) is \$50,000 or more, written sealed bids must be solicited from fifteen (15) vendors or the number of vendors on the Registered Vendors List--whichever is less and to all that request the specific Solicitation. The Institution's Chief Procurement Officer must approve the solicitation of less than 15 bids.
- (3) If the annual estimated amount of the purchase is \$100,000 or more, solicitations must be sent in a manner that verifies proof of delivery.
- (4) An ITB/RFQ for goods and services must be sent at least fourteen (14) days (ten (10) days when all vendors are local vendors) before the date that the bids are scheduled to be opened. The Chief Procurement Officer may approve a shorter number of days for Guideline or electronic informal bids, as applicable.
- (5) For RFPs and applicable ITB/RFQs, e.g. an ITB/RFQ having requirements in addition to or other than the purchase of goods, a minimum of four (4) to six (6) weeks should be allowed for vendors to adequately prepare a competitive proposal based on the method of RFP or ITB/RFQ delivery, bid specifications and pre-bid/proposal questions, comments, and responses. Examples of solicitation processes which would need to allow at least six (6) weeks include, but are not limited to:
 - (a) Banking and other financial services;
 - (b) Bookstore and food services operations;
 - (c) Custom software and or IT system services;
 - (d) Advertising management services, and
 - (e) Any other bid for which the additional time is appropriate.
- (6) A vendor's general or standing request for notice for all Solicitations of a given type shall not suffice as a request for a specific Solicitation and shall create no obligation on the Institution.

e. Communication with Bidders/Proposers. When specified in the solicitation document, all bidders shall communicate only with the procurement sole point of contact. Failure of the bidder to communicate with the procurement sole point of

contact may result in disqualification. Amendment and/or modifications to the requirements shall be in writing and provided to all prospective Respondents. No solicitation may be orally modified or amended.

- f. Pre-Bid/Proposal Conference/Question and Answer Period. If appropriate, a pre-bid/proposal conference and/or a question and answer period shall be included in the solicitation process. The purpose of the pre-bid/proposal conference and question and answer period is to provide prospective bidders/proposers the opportunity to submit questions/comments regarding the solicitation. A written record of all questions/comments submitted along with the Institution's official responses is to be prepared and made available to all prospective bidders, as an addendum to the solicitation document. Bids/proposals shall take into consideration any and all amendments to the solicitation document, and responses shall reflect any changes made to the solicitation. Should extensive changes to a solicitation document be required, the Institution may elect to cancel the solicitation and reissue it based upon a revised solicitation document.
- g. Delivery of Bids/Proposals. Bids/Proposals must be received at the specified location on or before the date and hour designated for bid opening. All bids received shall be date and time stamped to show compliance with the designated opening date and time. Late bids will be rejected and may be retained unopened in the bid file or returned to the bidder/proposer upon their request. Whenever an unopened bid is returned to a vendor, a written record shall be maintained.
- h. Vendor's Information on Bid. Each bid should include the full name and business address of the bidder. If the vendor is a corporation, the name shall be stated as it appears in its corporate charter. Any resulting contract or purchase order will be issued to the business name specified in the bid.
- i. Bid Format and Signature. Bids must be in the form specified by the Institution. All formal bids must bear a signature. The signatory on the bid must have authority to bind his or her company in the contract.
- j. Bid Withdrawal, Revision, and Rejection.
 - (1) Bid Withdrawal.
 - (a) Before bid opening, a vendor may be permitted to withdraw a bid entirely and/or submit a substitute bid. The vendor making such a request must submit suitable identification.
 - (b) After bid opening, a vendor will be permitted to withdraw a bid only where there is obvious clerical error in the bid such as a misplaced decimal point, or when enforcement of the bid would impose unconscionable hardship due to an error in the bid resulting in a quotation substantially below the other bids received. Withdrawal of a bid after bid opening will be considered only

upon written request from the vendor. In cases of errors in the extension of prices in the bid, the unit price will govern.

(2) Bid Revision.

(a) A bid may not be revised after bid opening, however, after evaluation is completed and the successful bidder/proposer is selected, the Institution may initiate negotiations which serve to alter the bid/proposal in a way favorable to the Institution. For example, prices may be reduced, time requirements may be revised, the bid/proposal may be revised to supply omitted contract terms, etc.

(b) In no event shall negotiations increase the cost or amend the proposal such that the apparent successful proposer no longer offers the best proposal.

(3) Bid Rejection.

(a) All bids shall be subject to rejection by the Chancellor or designee, President or designee, Vice Chancellor for Colleges of Applied Technology or Director.

(b) Any proposal that restricts the rights of the Institution or otherwise qualifies or limits the bid/proposal may be considered to be Non-Responsive, and the bid/proposal may be rejected.

(c) If the Institution determines that a bidder/proposer has provided information which the proposer knew or should have known was materially incorrect, or was not submitted independently without collusion, the subject bid/proposal may be determined Non-Responsive and may be rejected, and the bidder/proposer may be excluded from the solicitation opportunities.

(d) Action to reject all bids shall be taken only for unreasonably high prices, errors in the ITB/RFQ/RFP, cessation of need, unavailability of funds, failure of all proposals to meet technical specifications, lack of competition, a determination that the goods/services can be more economically delivered pursuant to an agreement with another TBR institution or other State Agency, or a determination that proceeding with the procurement would be detrimental to the best interests of the Institution, the reason for which must be documented and approved by the Chancellor, President, TCAT Director or their respective designees.

(e) When it becomes necessary to reject all bids, in a formal solicitation process, the reason for such rejection must be set out in complete detail and made available to all bidders who submitted a bid.

(f) If another solicitation document is to be issued, all prior bids/ proposals shall remain closed to inspection by the public until the evaluation of the re-bid is complete.

k. Acceptance of Bids/No Rights Created.

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

l. Evaluation of Bids Received in Response to an ITB/RFQ.

- (1) When more than one item is specified in the bid, the Institution may specify in the bid document that it shall have the right to determine the low vendor(s) either on the basis of each individual item, a group of items, or the total of all items.
- (2) The contract for purchase shall be awarded to the lowest Responsive and Responsible Bidder which meets the required specifications, taking into consideration quantifiable factors including but not limited to the conformity of the goods and/or services to the specifications, any discount allowed for prompt payment or other reason(s), transportation charges, and the date of delivery specified in the solicitation.

m. Evaluation of Bids Received in Response to an RFP.

- (1) An RFP includes subjective as well as objective evaluation criteria. Evaluation of proposals submitted in response to an RFP is based upon a points system, whereby a contract for purchase of goods or services is made to the best evaluated proposer and not necessarily the lowest cost proposer.
- (2) The RFP requires that a proposal contain separately sealed technical and cost proposals. The goal is to permit the evaluation of a proposal's technical capabilities by a selected group of evaluators without considering the cost factor.
- (3) Compliance with the mandatory RFP requirements shall be determined by the Solicitation Coordinator in consultation with the Chief Business Officer or designee.
- (4) Evaluation of technical offers shall be determined by an Evaluation Team. Members of the Evaluation Team should be adequate and appropriate to the

scope and nature of the RFP. Members of the Evaluation Team must complete the Evaluator Conflict of Interest/Confidentiality Form (See Exhibit 8).

- (5) Procurement department representatives shall review the proposals to ensure procurement procedures were followed and shall offer guidance to the Evaluation Team, but shall not serve on the Evaluation Team, and shall not score technical proposals received, except in instances where the RFP is directly related to a good/service needed by the procurement department.
- (6) Any technical offers shall be evaluated based on the criteria of the RFP and other information learned during the technical evaluation process.
- (7) Technical offers not deemed acceptable will not proceed to the pricing phase. Cost proposals shall not be opened if the associated technical proposal has been deemed Non-Responsive and is rejected by the Institution.
- (8) Technical proposals must not include any cost proposal information. Inclusion of cost proposal information in a technical proposal will result in automatic disqualification of the proposal without further consideration.
- (9) Technical proposals are opened and scored separately prior to cost proposals being opened/evaluated. Once technical scores are finalized, the Solicitation Coordinator will open and score the cost proposals based upon the criteria as set out in the RFP, with the lowest cost bidder receiving the highest score and remaining proposers receiving a pro-rated score thereafter.

n. Site Visits and Presentations.

- (1) A solicitation may provide for site visits to bidder/proposer locations by evaluators and/or presentations by bidders/proposers as part of the evaluation process. In such event, any scores resulting from these activities will be applied prior to the opening of the cost proposal.

o. Tied Responses – Resolution.

- (1) A tie exists when two or more bidders offer goods or services that meet all specifications, terms and conditions at identical prices including cash discount offered for prompt payment. A tie will be broken by considering the following factors, in descending order:
 - (a) First preference shall be given to a “Tennessee Bidder”. Pursuant to T.C.A. § 12-4-121(c)(2), a “Tennessee Bidder” means a business that is:
 - i. Incorporated in this State;
 - ii. Has its principal place of business in this State; or
 - iii. Has an established physical presence in this State.

- (b) Second preference shall be given to certified Disadvantaged Business Enterprise (DBE) bidder.
- (c) Third preference shall be given to the bidder who was the low bidder on other items being bid for the same requisition.
- (d) Fourth preference shall be given to the bidder who offers the best delivery.
- (e) If a tie remains, it shall be broken by lot or coin toss.

p. Notice of Intent to Award.

- (1) For RFPs and applicable ITB/RFQs, a Notice of Intent to Award shall be sent to all Responsive and Responsible Bidder/Proposers containing, at a minimum, the content provided by the TBR System Office.

q. Alternate Bids/Proposals.

- (1) Alternate bids/proposals will not be considered unless specifically called for in the ITB/RFQ/RFP.

r. The scope of the good(s)/service(s), as defined in the solicitation, shall form the basis of the resulting contract and cannot be expanded beyond the scope of the final solicitation document.

s. In order to provide a clear audit trail, the ITB/RFQ/RFP file (hard-copy or electronic) shall contain, at a minimum, the following:

- (1) Documentation from the requesting department
- (2) A copy of the ITB/RFQ/RFP issued (including specifications),
- (3) A list of vendors for the solicitation, including the date vendors were sent the ITB/RFQ/RFP and bidders actions,
- (4) For RFPs and applicable ITBs/RFQs, any pre-bid questions/responses or addendums to the ITB/RFQ/RFP,
- (5) Any vendor correspondence (i.e. intent to propose letters, questions, etc.),
- (6) For RFPs and applicable ITB/RFQs, all documentation relating to the composition of the Evaluation Team and the evaluation documentation used to make the award,
- (7) As applicable, any documentation that warrants a re-bid of the ITBs/RFQ/RFP,
- (8) Any informal bid complaints and the respective responses/actions,
- (9) Any formal bid protests,
- (10) As applicable, copies of intent to award letters,
- (11) Purchase order and/or contract or respective reference information, and
- (12) And any other documentation applicable to the procurement.

F. Exemptions

1. Certain procurements/payments, as specified by the Institution, may be exempted from these processes/procedures. These include but are not limited to the following:
 - a. Telephone bills
 - b. Utility bills, including connection fees
 - c. Internet Connection Fees
 - d. Freight charges
 - e. Postage charges
 - f. Notary public fees
 - g. Fees in connection with titles or title searches
 - h. Vehicle rental while on approved travel
 - i. Tuition, fees, and supplies for state employees
 - j. Emergency medical expenses

VIII. Protested Bids

A. Right to Protest.

1. Protest procedures shall be included, or a link thereto, in all ITBs/RFQs/RFPs.
2. An Aggrieved Respondent may protest, in writing, to the Chief Procurement Officer within seven (7) Calendar Days from the date of notice to award. Protests must be received by the Institution's Procurement Office no later than the close of business on the seventh Calendar Day.
3. The following are the sole grounds for a protest:
 - a. The contract award was arbitrary, capricious, an abuse of discretion, or exceeded the authority of the awarding entity;
 - b. The procurement process violated a constitutional, statutory, or regulatory provision;
 - c. The awarding entity failed to adhere to the rules of the procurement as set forth in the solicitation and this failure materially affected the contract award;
 - d. The procurement process involved responses that were collusive, submitted in bad faith, or not arrived at independently through open competition; and
 - e. The contract award resulted from a technical or mathematical error during the evaluation process.

4. Any issues not raised by the protesting party during the seven (7) Calendar Day period shall not be considered as part of the protest.
5. Protests shall include the required bond, as specified in Section VIII.C, below. Protests received which do not include the required bond shall not be considered. See Exhibit 9 for sample protest bond.

B. Signature on Protest Constitutes Certificate.

1. A protest must be signed by an authorized company representative, who certifies that he/she has read such document, that to the best of his/her knowledge, it is well grounded in fact and that it is not submitted for any improper purpose, such as to harass, limit competition, or to cause unnecessary delay or needless increase in the cost of the procurement or of the litigation.
2. If the protest is submitted in violation of any provisions of this Section VIII.B, appropriate sanctions, which may include removal from future bid opportunities and forfeiture of the protest bond, may be imposed.

C. Protest Bond

1. The protesting party shall post, with the Chief Procurement Officer of the Institution, at the time of filing a notice of protest, a bond payable to the Institution in the amount of five percent (5%) of the lowest cost proposal evaluated or five percent (5%) of the highest revenue proposal evaluated. Calculation of the value of the bond shall be made based on the total value of the procurement, including any renewals thereof. Such protest bond shall be in form and substance acceptable to the Institution and shall be immediately payable to the Institution conditioned upon a decision by the Chief Financial Officer or designee that:
 - a. A violation of Section VIII.B.;
 - b. The protest has been brought or pursued in bad faith; or
 - c. The protest does not state on its face a valid basis for protest.
2. The Institution shall hold such protest bond for at least eleven (11) Calendar Days after the date of the final determination by the Chief Financial Officer.
3. At the time of filing notice of a protest of a procurement in which the lowest evaluated cost proposal is less than one million dollars (\$1,000,000), or in which the highest evaluated revenue proposal is less than one hundred thousand dollars (\$100,000), a minority, women, small or service disabled veteran-owned business protesting party may submit a written petition to the Chief Financial Officer for exemption from the protest bond requirement.

- a. Such a petition must include clear evidence of business classification which shall be validated with the ethnicity information supplied with the solicitation. The petition shall be submitted to the Chief Financial Officer who has seven (7) Calendar Days in which to make a determination.
 - b. If an exemption from the protest bond requirement is granted, the protest shall proceed as though the bond were posted.
 - c. Should the Chief Financial Officer deny an exemption from the requirement, the protesting party shall post the bond with the Chief Procurement Officer of the Institution as required in Section VIII.C.1 within five (5) Calendar Days of the determination.
4. Authority to Resolve Protest.
- a. The Institution's Chief Procurement Officer has the authority to resolve the protest. If deemed necessary, the Institution's Chief Procurement Officer may request a meeting with the protesting party to seek clarification of the protest issues.
 - b. The final determination of the Institution's Chief Procurement Officer shall be given in writing and submitted to the protesting party.
 - c. The protesting party may request that the final determination of the Institution's Chief Procurement Officer be considered by the Institution's Chief Financial Officer. The request for consideration shall be made in writing to, and received by, the Institution's Chief Financial Officer within seven (7) Calendar Days from the date of the final determination by the Institution's Chief Procurement Officer.
 - d. The Institution's Chief Financial Officer has the authority to review and resolve the protest. If deemed necessary, the Institution's Chief Financial Officer may request a meeting with the protesting party to seek clarification of the protest issues. The final determination of the Institution's Chief Financial Officer shall be given in writing and submitted to the protesting party.
 - e. The protesting party may request that the final determination of the Institution's Chief Financial Officer be considered by the Chief Executive Officer, President or Director of the Institution. The request for consideration shall be made in writing to, and received by, the Chief Executive Officer President or Director within seven (7) Calendar Days from the date of the final determination by the Institution's Chief Financial Officer.

- f. The Institution shall have no longer than sixty (60) Calendar Days from receipt of the protest to resolve the protest.
- g. The protesting party may request that the final determination of the President/Director be considered by the Chancellor. The request for consideration shall be made in writing to, and received by, the Chancellor within seven (7) Calendar Days from the date of the final determination by the President/Director.
- h. The determination of the Chancellor or designee is final and shall be given in writing and submitted to the protestor.
- i. Should the Institution fail to acknowledge receipt of a protest within fifteen (15) Calendar Days and to resolve the protest within sixty (60) Calendar Days, the protesting party may request that the Chancellor consider the protest. Such request shall be in writing and received by the Chancellor within seven (7) Calendar Days from the expiration of the sixty (60) day period.

5. Stay of Award

- a. Prior to the award of a contract, a proposer who has protested may submit to the Institution's Chief Procurement Officer a written petition for stay of award. Such stay shall become effective upon receipt by the Institution's Chief Procurement Officer.
- b. The Institution's Chief Procurement Officer shall not proceed further with the solicitation process or the award until the protest has been resolved in accordance with this section, unless the Institution's Chief Financial Officer makes a written determination that continuation of the solicitation process or the award without delay is necessary to protect substantial interests of the Institution.

IX. Reports

A. Reports shall be submitted to the TBR System Office as follows:

- 1. Small/Minority/Women/Veteran-Owned Business Report. This quarterly report, required by T.C.A. § 12-3-1107, consists of transactions with minority-owned, women-owned, small, service disabled veteran-owned businesses shall be reported to the TBR System Purchasing and Contracts Office on a quarterly basis (January-March, April- June, July-September, and October-December). A comprehensive report is submitted to the Governor's Office of Diversity Business Enterprise (GoDBE).

2. **Contracts Report.** This quarterly report consists of contracts for all personal, professional, and consulting contracts exceeding \$5,000. This report shall also include a separate listing of non-competitive contracts with a value of \$50,000 and greater. This report shall be reported to the TBR System Purchasing and Contracts Office. A comprehensive report is then submitted to the State's Fiscal Review Committee.
3. **ITB/RFQ/RFP Diversity Report.** This quarterly report consists of contracts/purchase orders issued from request for quotations and request for proposals for goods and/or services pursuant to T.C.A. § 12-3-1107 and shall be reported to the TBR System Purchasing and Contracts Office. A comprehensive report is then submitted to the Governor's Office of Diversity Business Enterprise (GoDBE).
4. **Senate, Finance, Ways and Means Report.** This annual report consists of a list of all contracts (both goods and services) with a value of \$50,000 or greater (both revenue and expenditure contracts). This request includes all contracts currently active as of the report date. This report shall be submitted to the TBR System Business and Finance Office. A comprehensive report is then submitted to the Senate Finance, Ways and Means Committee.

X. Vendors

- A. **Vendor Registration.** Each Institution shall maintain a process by which prospective vendors may register to conduct business with the Institution.
 1. The Institution's registration system shall enable the Institution to generate a list of vendors who have registered to provide specific commodity classes.
 2. The Institution may require the vendor to submit information (other than the vendor application) which demonstrates its ability to provide certain goods or services prior to inclusion on the list of vendors.
- B. **Tennessee Statutory Vendor Requirements/Registration**
 1. **Illegal Immigrants**
 - a. No person may enter into a contract to supply goods or services to the Institution without first attesting in writing that the person will not knowingly utilize the services of illegal immigrants in the performance of the contract, and will not knowingly utilize the services of any subcontractor who will utilize the services of illegal immigrants in the performance of the contract. T.C.A. § 50-1-103.
 2. **Sales and Use Tax**

a. No person may enter into a contract to supply goods or services to an entity without first registering or receiving an exemption from the Department of Revenue for the collection of Tennessee sales and use tax. T.C.A. § 67-6-601-608.

3. Pursuant to T.C.A § 62-6-101 et seq., construction bids with an estimated total of \$25,000 or greater may require bidders to provide its TN contractor's licensure information, including classification and date of expiration with its bid response.

C. Removal from Vendors List

1. Vendors who fail to provide adequate goods and/or services may be removed from the vendors list.

2. Reported failure to comply with bids, awards, and/or orders, etc. shall be documented and maintained.

3. Examples of failure to comply include but are not limited to:

- a. Over, under and/or late shipments;
- b. Failure to ship;
- c. Damaged and/or defective products;
- d. Shipments not in conformance with specifications;
- e. Unauthorized substitutions.

4. Other principal causes for removal from the vendor list are:

- a. Billing Errors;
- b. Service Deficiencies;
- c. Unethical Practices;
- d. Misrepresentation of Merchandise;
- e. Unwillingness to amend impermissible clauses;
- f. State or federal debarment status.

5. Failure of a vendor to perform satisfactorily in any of the above areas may result in a vendor's liability for damages to the Institution.

XI. Receiving

A. Freight, Shipping, Receipt, Storage and Inspection of Goods.

1. Freight and Shipping. There are two (2) types of shipping: FOB Destination and FOB Origin.

- a. Free On Board (FOB). "FOB" is an acronym for "free on board" when used in a sales contract. The seller agrees to deliver merchandise, free of all transportation expense, to the place specified by the contract.
- (1) FOB Destination. Under "FOB Destination," title and risk remain with the seller until it has delivered the goods to the location specified in the contract. FOB Destination is the standard method for institutional shipments.
 - (2) FOB Origin. "FOB Origin" means that title and risk pass to the buyer at the moment the seller delivers the goods to the carrier. The parties may agree to have title and risk pass at a different time or to allocate shipping charges by a written agreement. In order to agree to FOB Origin, the Supplier or Institution must provide shipment protection for the Institution's interest.
- b. Receipt. Upon receipt of supplies, materials, and equipment, the receiving Institution shall promptly make a written certification that the items received were equal in quality and quantity to those purchased by entering verification on the receipt documents (hard-copy or eProcurement). The Institution's copy of the Purchase Order may be used to verify goods or services received.
- c. Shipping Documents. Upon delivery, the Institution shall:
- (1) Verify that the shipping documentation names the Institution as the actual consignee and that the number of cartons, crates, etc., listed is the same as the amount received.
 - (2) Examine containers for signs of external damage or pilferage. If signs of damage or pilferage are obvious or suspected, it must be noted on each copy of the freight bill and signed (not initialed) by the delivering driver.
 - (3) Sign the freight bill and retain a copy for Institution's records. The notation "SUBJECT TO FURTHER INSPECTION" may accompany the Institution or central receiving's signature.
 - (4) Count and inspect the internal contents of all boxes, crates or cartons to determine that the material received matches the description listed on the packing slip, receiving documents, and/or purchase order, in regard to quantity, quality, size, color, model number, specifications, etc. and record in the Institution's eProcurement system.
 - (5) If any discrepancies (i.e. wrong item(s), overages, shortages, damages) exist, they must be noted on the packing slip, receiving report, and/or purchase order. Appropriate corrective action shall be taken for all discrepancies.
 - (6) All receiving records should indicate the quantity and date received and any other information pertinent to the receiving process.

- (7) The material received must be retained or sent to the proper department. Damaged goods deemed unacceptable are to be retained for further disposition.

XII. Contract Monitoring

A. Service Contracts. All service contracts shall contain a provision that states that the contractor's activities shall be subject to monitoring by the Institution and/or state officials. These contract types include, but are not limited to:

1. Personal Service
2. Professional Service
3. Software Related Agreements
4. Grants, including subcontracts
5. Memorandums of Understanding

B. Monitoring Plan. Institutions shall maintain a monitoring plan (See Exhibit 10) for all service contracts to ensure the following:

1. Contract performance in terms of progress and compliance with contract provisions;
2. Communication with Contractor to ensure maximum performance and intended results;
3. Financial obligations of the Institution do not exceed the contract pricing;
4. Deliverables are received;
5. Appropriate approval and remittance of payments for acceptable work are in accordance with contract provisions and applicable law;
6. Maintenance of records for each contract that documents activities such as procurement, management, and subrecipient monitoring, if applicable; and
7. Evaluation of contract results in terms of the achievement of organizational objectives.

C. Goods, Materials and Supplies. Procurement of goods, materials, and supplies under this policy shall not require a monitoring plan, but shall comply with TBR and Institution internal controls and audit procedures.

XIII. Surplus Property

A. Surplus property is personal property which has been determined 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.

- B. Disposal of such property must be in accordance with TBR Policy No. 4:02:20:00, Disposal of Surplus Personal Property.

XIV. Accessibility

- A. Institutions shall seek to afford persons with disabilities the opportunity to use informational/instructional technologies to acquire the same information, engage in the same interactions, and enjoy the same services as a person without a disability in an equally effective and equally integrated manner, with substantially equivalent ease of use.
- B. Institutions shall include language in applicable procurements that the products/services, including any updates, provided to the Institution will meet the accessibility standards set forth in WCAG 2.0 AA (also known as ISO standard, ISO/IEC 40500:2012), EPub 3 and Section 508 of the Vocational Rehabilitation Act.
- C. When signature is required by the Institution, to demonstrate that the vendor's product complies with the aforementioned accessibility standards, the vendor shall verify accessibility by completing the Vendor Product Accessibility Statement and Documentation Form (See Exhibit 11). If the vendor is not compliant with the aforementioned accessibility standards, the vendor shall describe by using the Accessibility Conformance and Remediation Form its plan for product/service compliance.

XV. Fiscal Review

- A. Certain procurements/contracts must be also filed with and reviewed by the State's Fiscal Review Committee. This includes procurements/contracts that meet all of the following criteria:
 - 1. Contracts that are non-competitive; and
 - 2. Contracts that have the potential of being for a period of more than one year; and
 - 3. Contracts that exceed \$250,000 in total value (including all potential renewals)
- B. For all procurements/contracts that meet these criteria, the Institution shall work with the TBR System Office to produce/coordinate the documentation required for Committee submittal/review.

XVI. Bonds

A. Performance Bonds

1. The Institution may require a bond to secure a Contracting Party's performance of a contract.
2. When required, the amount of the bond shall be stated as a percentage of the contract price (but may not exceed 100 percent (100%) of the total contract price), and the amount may be reduced proportionately after contract award or performance under the contract moves forward successfully.
3. All bonds must be filed with the Institution within fourteen (14) Calendar Days after receipt of request. Personal checks shall not be acceptable in the place of performance bonds. However, bank cashier's checks shall be accepted.
4. An irrevocable letter of credit or a certificate of deposit, which shall be held by the Institution from a State or national bank or a State or federal savings and loan association having a physical presence in Tennessee may be accepted by the Institution in lieu of a performance bond, subject to approval of the terms and conditions of said irrevocable letter of credit or certificate of deposit.

B. Bid bonds.

1. A bid bond is a surety bond issued by an insurance company, bank, or other financial institution, to ensure that the winning proposer will enter into a contract.
2. All bid bond amounts shall be stated as a set amount or as a percentage of the contract value. In no event shall the bid bond amount exceed five percent (5%) of the estimated value of the contract.
3. Bid bonds submitted by unsuccessful Respondents shall be returned upon contract award.
4. Personal checks shall not be accepted in the place of bid bonds.
5. Other forms of security to guarantee a bid bond may include an irrevocable letter of credit or a certificate of deposit or cashier's check from a state or national bank or a state or federal savings and loan association or other financial institution having a physical presence in Tennessee.

6. The terms and conditions of all forms of security to guarantee a bid bond shall be approved by the Institution before they are accepted as security for the Respondent's performance.
7. In addition to any applicable requirement of T.C.A. § 12-4-201, no contract for the services of a construction manager shall be awarded for any public work in this state by any city, county or state authority or any board of education unless there is posted at the time of the submittal of a bid for services by a construction manager a bid bond equal to ten percent (10%) of the value of the services proposed and the value of the work to be managed or may at the time of contracting provide payment and performance bonds in amounts equal to the combined monetary value of the services of the construction manager and the value of the work to be so managed. T.C.A. § 62-6-129.

C. Payment Bonds

1. A payment bond is a good and solvent bond to ensure that the contractor will pay for all the labor and materials used by the contractor, or any subcontractor under the contractor, in such contract.
2. No institution shall award any contract in excess of \$100,000.00 for public work until a payment bond of twenty-five percent (25%) of the contract price is provided by the contractor to the Institution.
3. Where advertisement is made, the solicitation shall include the bond requirement. T.C.A. § 12-4-201.

D. Protest Bond - Refer to Section VIII. C., above.

XVII. Strategic Sourcing Group

- A. The Strategic Sourcing Group, primarily a subset of the Council of Buyers, shall seek opportunities to improve system-wide efficiencies by leveraging purchasing and sourcing resources across the TBR system. The Group shall seek advice and input from key functional areas in which procurement and sourcing needs are often common and substantial.
- B. The Group's activities shall include, but not be limited to:

1. Developing a framework of shared governance and accountability to ensure the System's approach to strategic sourcing is effective, responsive, and sustainable;
2. Establishing new collective agreements and enhancing existing agreements to ensure that procurements are in the best interest of the System.
3. Serving in an advisory capacity for system-wide agreements

XVIII. Prohibited Transactions

- A. No personal items shall be purchased through the Institution or from funds of the Institution for any employee of the Institution or any Immediate Family of any employee.
- B. No employee of an Institution responsible for initiating or approving requisitions shall accept or receive, directly or indirectly, from any person, firm or corporation to whom any contract may be awarded, by rebate, gift or otherwise, any money, or any promise, obligation or contract for future awards or compensation.
- C. Whenever any contract is awarded contrary to the provisions of TBR Purchasing Policy 4:02:10:00 or this Guideline, the contract may be void and of no effect, and if the violation was intentional, the employee responsible for the purchase may result in disciplinary proceedings under TBR and Institutional policy. TBR Policy 1:02:03:10, Conflict of Interest.

XIX. Procurement Guideline

- A. Each institution shall maintain a written procurement Guideline (may be in electronic format) which sets forth any procedures of the Institution which are in addition to and necessary to comply with this Guideline.

XX. Exceptions

- A. Any exceptions to the procedures outlined in this Guideline shall be subject to the approval of the Chancellor or designee and shall be requested in writing by the President or Director or his/her designee. Exceptions shall be made on a case-by-case basis. If an exception is made, a written determination signed by the Chancellor or designee shall be included in the procurement file.

Exhibits:

Exhibit 1 – Contract Submittal Checklist

- Exhibit 2 – Minority/Ethnicity Form and Information
- Exhibit 3 – Invitation to Bid (ITB)/Request for Quotation (RFQ) Terms and Conditions
- Exhibit 4 – Standard Request for Proposal (RFP) Format
- Exhibit 5 – Non-Competitive Justification Form
- Exhibit 6 – Purchase Order Terms and Conditions
- Exhibit 7 – Written Bid Certification Form
- Exhibit 8 – Conflict of Interest/Confidentiality Form
- Exhibit 9 – Sample Protest Bond
- Exhibit 10 – Contract Monitoring Plan Form
- Exhibit 11 – Vendor Product Accessibility Statement and Documentation Form

Links:

Policies –

- Approval of Agreements (1:03:02:10)
- Conflict of Interest (1:02:03:10)
- Disposal of Surplus Personal Property (4:02:20:00)
- Procurement Cards (to be added)

Guidelines –

- Contracts and Agreements (G-030)
- Use of Electronic Signatures and Records (B-095)
- Fixed Assets and Sensitive Minor Equipment (B-110)

PRESIDENTS QUARTERLY MEETING

DIRECTORS QUARTERLY MEETING

February 2 and 3, 2016

DATE: Presidents Meeting (February 2, 2016)
Directors Meeting (February 3, 2016)

AGENDA ITEM: Components of Articulation Agreements: A-031

ACTION: Requires Vote

PRESENTER: Vice Chancellor Warren Nichols

BACKGROUND INFORMATION:

With the approval of the revision of Policy 2:01:00:03, Principles for Articulation in Vocational/Technical Education, at the September 2015 Board of Regents meeting in Jackson, Tennessee, the related Guidelines to the policy were reviewed. Guideline A-031: Components of Articulation Agreements, was found to need revision to better align with the change in policy. The alignment of the Guideline includes:

- a. Moves the Guideline to the inclusion of universities, as does the policy for extra-institutional credit, 2:01:00:04, upon which articulations are now based for the colleges and universities.
- b. Expands the possible number of credit hours that may be transferred to the receiving institution, in line with SACSCOC Guidelines.
- c. Formalizes the move away from escrow credit to the application of extra-institutional credit upon the acceptance and enrollment of the student; thus aiding in the advisement of incoming students in deference of not duplicating previous learning.

Attachments (2)

Components of Articulation Agreements : A-031

Guideline Area

Academic Guidelines

Applicable Divisions

TCATs, Community Colleges, Universities

Purpose

The purpose of this guideline is to establish the criteria and process for articulation agreements involving career-technical education by institutions governed by the Tennessee Board of Regents.

Guideline

1. Compliance with Accrediting Agencies
 1. All articulation agreements with community colleges and universities should be in compliance with the Commission on Colleges of the Southern Association of Colleges and Schools' Principles of Accreditation on Programs (reference 3.4), the Commission's Position Statement on the "Transfer of Academic Credit," and its policy on "The Transfer or Transcribing of Academic Credit."
 2. Specific articulation agreements between secondary education and the Tennessee Colleges of Applied Technology must comply with the Council on Occupational Education's Handbook of Accreditation and its Policies and Rules.
 3. Specific articulation agreements between the Tennessee Colleges of Applied Technology, the community colleges and/or the universities will comply with those policies and guidelines set forth by the Commission on Colleges of the Southern Association of Colleges and Schools' Principles of Accreditation and other relevant documents.
 4. Articulation agreements must be in compliance with all applicable program accrediting agencies.

2. Articulation Agreements

1. Articulation agreements must demonstrate compliance with the TBR Policy

2:01:00:04. Articulation agreements should ensure that students are not required by university, college or TCAT procedure or regulation to pursue educational/training experiences that duplicate competencies skills the individual already possesses for the individual to acquire a credential.

2. Each articulation agreement should include:

1. Competencies that indicate that the learning outcomes specified in courses offered by the lower-level institution satisfy learning outcomes in similar courses offered by the upper-level institution. Syllabi and competency lists of the courses from the institutions involved must be maintained in the appropriate offices of both institutions.
2. Details of the working articulation procedure;
3. Descriptions of required proficiency levels and criteria for measurement;
4. The evaluation plan and process; and
5. A renewal date for the agreement (Note: Because technology changes so rapidly it is suggested that the period of review be no more than every three years).

3. Articulation and Challenge Assessments

1. If the receiving institution develops an option which permits the awarding of credit by assessment, the following requirements should be met:

1. Award by assessment may be for up to seventy-five percent of the semester credit hours required for the degree in accordance with SACSCOC/COE guidelines, unless the program's professional accreditation agency designates in policy a lower transfer percentage.
2. Credit awarded must be for specific courses.
3. The credit must be awarded only on the basis of successfully passing a challenge examination or competency-based assessment procedure for which the standards for proficiency are approved and accepted by the receiving department and institution.

4. If the receiving institution's faculty develops the challenge examination or competency-based assessment, and the content is equivalent to the regular on-site course's competency-based assessment the institution has the option of awarding a letter grade, rather than a non-quality grade of "pass/fail," and therefore count toward calculation of the grade point average. The award of a letter grade must be in accordance with the policies, regulations and guidelines of the institution's accrediting agency.
4. IV. General Requirements
 1. Students are required to conform to all institutional requirements for admission, testing and placement.
 2. Upon enrollment in the TCAT, college or university, extra-institutional credit will be transcribed in a manner as to facilitate timely and adequate advising such that a student does not duplicate skill/competency attainment realized in the previous institution, i.e. is not required to repeat a course.

Sources

President's Meeting, February 13, 2007; revised December 11, 2015

Related Policies

2:01:00:04	Awarding of Credits Earned Through Extra-Institutional Learning to Community Colleges and Universities
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Components of Articulation Agreements : A-031

Guideline Area

Academic Guidelines

Applicable Divisions

TCATs, Community Colleges, Universities

Purpose

The purpose of this guideline is to establish the criteria and process for articulation agreements involving vocational career-technical education by institutions governed by the Tennessee Board of Regents.

Guideline

1. Compliance with Accrediting Agencies
 1. All specific articulation agreements with community colleges and universities should be in compliance with the Commission on Colleges of the Southern Association of Colleges and Schools' Principles of Accreditation on Programs (reference 3.4), the Commission's Position Statement on the "Transfer of Academic Credit," and its policy on "The Transfer or Transcribing of Academic Credit."
 2. Specific articulation agreements between secondary education and the Tennessee Colleges of Applied Technology must comply with the Council on Occupational Education's Handbook of Accreditation and its Policies and Rules.
 3. Specific articulation agreements between the Tennessee Colleges of Applied Technology, and the community colleges and/or the universities will comply with those policies and guidelines set forth by the Commission on Colleges of the Southern Association of Colleges and Schools' Principles of Accreditation and other relevant documents.
 4. Articulation agreements must be in compliance with all applicable program accrediting agencies.

2. Articulation Agreements

1. Articulation agreements must demonstrate compliance with the TBR Policy 2:01:00:03
04. Articulation agreements should ensure that students are not forced required by university, college ~~for~~ TCAT procedure or regulation to pursue educational/training experiences that duplicate competencies skills the individual already possesses for the individual to acquire a credential.
2. Each specific articulation agreement should include:
 1. Competencies that indicate that the learning outcomes specified in courses offered by the lower-level institution satisfy learning outcomes in similar courses offered by the upper-level institution. Syllabi and competency lists of the courses from the institutions involved must be maintained in the appropriate offices of both institutions.
 2. Details of the working articulation procedure;
 3. Descriptions of required proficiency levels and criteria for measurement;
 4. The evaluation plan and process; and
 5. A renewal date for the agreement (Note: Because technology changes so rapidly it is suggested that the period of review be no more than every three years).

3. Articulation and Challenge Assessments

1. If the upper-level receiving institution develops an option which permits the awarding of credit by examination assessment, the following requirements should be met:
 1. Award by assessment may be for up to ~~one-half~~ seventy-five percent of the semester credit hours required for the ~~associate~~ degree in accordance with SACSCOC/COE guidelines [SC 3.5.2], unless the program's professional accreditation agency designates in policy a lower transfer percentage.
 2. Credit awarded must be for specific courses.
 3. The credit must be awarded only on the basis of successfully passing a challenge examination or competency-based assessment procedure for which the standards for proficiency are approved and accepted by the receiving department and institution.

4. If the **upper-level receiving** institution's faculty develops the challenge examination or competency-based assessment, and the content is equivalent to the regular on-site course's competency-based assessment the institution has the option of awarding a letter grade, rather than a non-quality grade of "pass/fail," and therefore count toward calculation of the grade point average. The award of a letter grade must be in accordance with the policies, regulations and guidelines of the institution's accrediting agency.
4. IV. General Requirements for Students
1. Students are required to conform to all institutional requirements for admission, testing and placement.
 2. ~~It is at the option of the awarding institution whether articulated credit will be held in escrow until such deficiencies are erased or to grant direct transcription of the credit.~~

~~Upon enrollment in the TCAT, college or university, extra-institutional credit will be transcribed in a manner as to facilitate timely and adequate advising such that a student does not duplicate skill/competency attainment realized in the previous institution, i.e. is not required to repeat a course.~~

Sources

President's Meeting, February 13, 2007.

Related Policies

- ~~Principles for Articulation in Vocational/Technical Education~~

2:01:00:04	Awarding of Credits Earned Through Extra-Institutional Learning to Community Colleges and Universities
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PRESIDENTS QUARTERLY MEETING

DATE: February 2, 2016

AGENDA ITEM: Default Pathways

ACTION: Information Item

PRESENTER: Vice Chancellor Warren Nichols

BACKGROUND INFORMATION:

The Complete College Tennessee Act of 2010 calls for the colleges to develop “fixed course offerings that meet the requirements of the degree being offered on a pre-determined schedule” [CCTA 2010, § 8 (c) (4)]. The concept of the default pathway includes the concept that students choose coherent academic programs, not random, individual courses. Therefore, a clear path to on-time completion is presented to the student, with each semester course plans set forth for the full-time student.

The “default pathway” is an extension of the individual institution’s curriculum map, but requires the institution to set forth a delimited set of courses that establishes a pathway most conducive to the student graduating within two years [i.e. on-time for the particular award], and is most conducive to giving the student assistance in gaining the knowledge and skill sets that are most apt to make the individual employable within the field, in the local region.

Attachment

Administrative Statement on Default Pathways

[A curricular advisement tool based upon A.A.S. aligned curriculum]

January 2016

Background:

The Complete College Tennessee Act of 2010 calls for the colleges to develop “fixed course offerings that meet the requirements of the degree being offered on a pre-determined schedule” [CCTA 2010, § 8 (c) (4)]. The concept of the default pathway includes the concept that students choose coherent academic programs, not random, individual courses. Therefore, a clear path to on-time completion is presented to the student, with each semester course plans set forth for the full-time student.

The “default pathway” is an extension of the individual institution’s curriculum map, but requires the institution to set forth a delimited set of courses that establishes a pathway most conducive to the student graduating within two years [i.e. on-time for the particular award], and is most conducive to giving the student assistance in gaining the knowledge and skill sets that are most apt to make the individual employable within the field, in the local region.

Elements of a default pathway:

Following the aligned common curriculum template, the default pathway must include the requisite number of general education courses, the common major courses, and select courses for the concentration from the common library.

TBR Policy 2:01:00:00, requires the following **general education** areas to be reflected within the AAS program of study; English Composition: 3 semester hours; Humanities and/or Fine Arts: 3 semester hours; Social/Behavioral Sciences: 3 semester hours; Natural Science/Mathematics: 3 semester hours; and one additional course from the categories of Communication, Humanities and/or Fine Arts, Social/Behavioral Sciences, or Natural Science/Mathematics, 3-4 semester hours, for a total of 15-17 semester hours.

The faculty, based upon their knowledge of their field, will be asked to delimit for the purpose of initial advising, general education courses to about two or three in each general education field that would best support the particular program of study. For example, a criminal justice faculty members in consultation with behavioral science faculty may indicate that psychology or sociology would probably best serve a criminal justice student better than economics or geography in the behavioral sciences. Therefore the local faculty will delimit the local curriculum default pathway to those two or three general education behavioral science courses for the purpose of advisement. Examples in other areas, such as advanced manufacturing, might indicate that statistics or finite math might serve the student better than college algebra since most manufacturing and quality control is based upon statistics and finite mathematics. Another campus might say, though, we want to include algebra because of our

professional accreditation. The selection of which one to three courses in each of the defined general education areas is the responsibility of the faculty of the individual institution.

The faculty across the campuses have indicated common courses that constitute the **major** on all campuses. Therefore, these particular courses will be incorporated into the default pathway.

Relevant to the courses to delineate the **concentration** the faculty need to be discerning as to which courses within the statewide common library meet the particular need of the local program in relation to the local job market. Therefore, certain particular courses shall define the concentration for the local default pathway. Where elective hours are possible within the program, no more than two to three course choices should be given.

Intrusive Advisement:

The delimitation of courses that the majority of students should be taking assists in the recognition of students in danger of either straying away from the program of study, and subsequently graduating on time; or in attaining grades in critical milestone courses that would allow the student to progress successfully in their chosen program of study.

Each institution should provide initial advisement to the student to introduce the program of study. Each student should be assigned a faculty advisor, if possible, within their program of study. As the student progresses within their default pathway, the institution should have in place a means of effectively monitoring the progress of the student.

Intrusive advising requires the institution to develop an early warning systems to track student performance in required courses and target interventions when they are most needed. Institutions should utilize identified “milestone courses” and “benchmark grades” that provide realistic assessments of student progress and give students early signals about their prospects for success in a given field of study. A program such as TBR’s trajectory predictive analytics should be utilized as part of the advisement process.

In no way is the development of default pathways intended to limit a student from making other choices or to sublimate the role of the faculty in the identification of curriculum. The choice to deviate from the default pathway by the student, though, should be based upon conscious decisions that include intrusive advisement by the institution. A default pathway as an advisement tool better allows a campus, and its faculty, to have opportunity to be aware of a student’s progress toward the technical certificate or A.A.S. degree. The student may opt out at any time on the program, or on any course, but in doing so will need to be advised by the institution, and its faculty, that variance from the default pathway may delay the individual’s graduation date and/or their employment goals.

College Guarantee:

The published “default pathway” for a program of study provides a pledge to the student by the college to provide the courses in the sequence indicated. By following the default pathway, the

student can be audited at any time to be assured that s/he is on-time to obtaining the chosen academic award, i.e. technical certificate or degree, which will ultimately assist in the search for self-sustaining employment.

Administration:

The default pathway allows the college to look at their scheduling and teaching loads in a more consistent manner. Subsequently, the college should be able to better project the faculty load requirements in each affected department.

The development of the default pathway allows the opportunity for the institution to meet the legislative requirements of the Complete College Tennessee Act, including “the use of block scheduling and cohort programming.”

Sample Default Pathway:

CIT Networking					
Fall Year 1		SCH	Spring Year 1		SCH
Student Success		3			
INFS 1010 Software Applications		3	CITC 1303 Database Concepts		3
CITC 1301 Intro to Programming		3	CITC 1322 A+ Software		3
CITC 1302 Intro to Networking		3	CITC 1323 CCNA I		3
CITC 1321 A+ Hardware		3	CITC 1351 Principles of Information Assurance		3
ENGL 1010 English Composition I		3	Speech 1010 - Fund of Speech		3
Sem. Total		18	Sem. Total		15

Fall Year 2		SCH	Spring Year 2		SCH
CITC 1300 Beginning HTML and CSS		3	<i>CITC Elective</i> [Choose One]; CITC 1325 - Applied Networking Fund. or CITC 1327 - Network Infrastructure Cabling; or CITC 2391 - Special Topics in CIT		3
CITC 1324 CCNA II		3	CITC 2199 Co-op/Internship I		3
CITC 2326 Network Security		3	CITC 1332 Unix/Linux Operating Systems		3
Math 1530 - Statistics or Math 1630 - Finite Math [Choose One]		3	CITC 2320 Windows Server Administration		3
HUM 1010 - Intro to Humanities I, or Phil 2110 - Intro to Ethics; or Art 1030 - Art Appreciation [Choose One]		3	ECON 2020 – Microeconomics, or SOCI 1010 - Intro to Sociology; or PSYC 1030 - General Psychology [Choose One]		3
Sem. Total		15	Sem. Total		15
			Program Total Sem. Hrs.		63

SAMPLE Default Pathway

PRESIDENTS QUARTERLY MEETING

DATE: February 2, 2016

AGENDA ITEM: Full Measure Education and Ellucian Pilot

ACTION: Information Item

PRESENTER: Jeff McCord (attending on Janice Gilliam's behalf)

BACKGROUND INFORMATION:

We are considering implementation of a comprehensive mobile technology system to make it easier for students to do business with us.

September retreat—Full Measure Education presentation
Northeast State has hosted several meetings, some via webinar/conference call. We recently had FME present to students and faculty and administration to share the details of their system on January 13, 2016

Ellucian Pilot will be provided a similar demonstration at the end of January to the same group of students, faculty, and administrators.

In talking with Mike Krause, he is proposing a \$1M grant that would require an RFP to request funds to support TN Promise, similar to last year. Colleges could apply for this grant and possibly use to assist in this effort.

PRESIDENTS QUARTERLY MEETING

DATE: February 2, 2016

AGENDA ITEM: Update on iPad Initiative

ACTION: Information Item

PRESENTER: Jeff McCord (attending on Janice Gilliam's behalf)
Dr. Robbie Melton

BACKGROUND INFORMATION:

iNortheast Initiative (sent out PPT to presidents January 18, 2016) included 2 components

1. iPad Initiative—1800 iPad Mini 2's available for distribution
2. Requiring all freshmen degree seeking students to take computer proficiency exam to test out of Intro to Computers or appropriate substitute (requirement of ETSU, they graciously provided the exam for us to adopt/administer

Spring 2015—Spring Convocation

Dr. Robbie Melton, Apple representatives, WSCC faculty provided workshops on mobilization efforts

Initiated iPad pilot; developed a team to meet weekly for implementation

Partnered with Apple, Cisco for wireless lease, Griffin Technologies, CDW to

Provided protective cases at reduced cost

Walters State provided leadership, data, and professional development

Dr. Robbie Melton helped with strategic planning/professional development

Fall 2015--Distributed iPad Mini 2's to freshmen students; collecting data from fall semester

PRESIDENTS QUARTERLY MEETING

DIRECTORS QUARTERLY MEETING

February 2 and 3, 2016

DATE: Presidents Meeting (February 2, 2016)
Directors Meeting (February 3, 2016)

AGENDA ITEM: General Education Requirements and Degree Requirements Policy:
2:01:00:00

ACTION: Voice Vote

PRESENTER: Vice Chancellor Tristan Denley

BACKGROUND INFORMATION:

Vice Chancellor Denley will present revisions to the General Education Requirements and Degree Requirements Policy: 2:01:00:00.

General Education Requirements and Degree Requirements: 2:01:00:00

Policy Area

Academic Policies

Applicable Divisions

Community Colleges, Universities

Purpose

The purpose of this policy is to specify the common general education requirements at the lower-division, for institutions governed by the Tennessee Board of Regents.

Policy

I. General Education Requirements

- A. Effective Fall Semester 2004, each institution in the State University and Community College System of Tennessee (hereafter identified as the Tennessee Board of Regents System) will subscribe to common general education requirements at the lower-division.
- B. These requirements consist of forty-one (41) semester hours in the following subject categories and are required for completion of the Associate of Arts (A.A.), Associate of Science (A.S.), Associate of Science in Teaching (A.S.T.), and all baccalaureate degrees.
 1. Communication: 9 semester hours
 - a. Six (6) semester hours of English composition and three (3) semester hours in English oral presentational communication are required.
 2. Humanities and/or Fine Arts: 9 semester hours
 - a. One course must be in literature.
 3. Social/Behavioral Sciences: 6 semester hours
 4. History: 6 semester hours
 - a. Students who lack the required one unit (one year) of American history from high school as an admissions requirement must complete six (6) semester hours of American History or three (3) semester hours of American History and three (3) semester hours of Tennessee History to fulfill the history requirement in general education. Otherwise, students may choose from among the history courses approved at a particular institution to fulfill the six-semester hour requirement in history.
 5. Natural Sciences: 8 semester hours
 6. Mathematics: 3 semester hours
- C. Total 41 semester hours.
- D. Courses specified as meeting general education requirements are published in the catalog of each institution and may be viewed at the following TBR link. <https://www.tbr.edu/academics/transfer-and-articulation>
- E. Students pursuing a Bachelor of Arts degree shall be required to demonstrate proficiency in a foreign language equivalent to completion of two years of college-level work.

General Education Requirements and Degree Requirements: 2:01:00:00

- F. Students pursuing an Associate of Arts degree shall be required to demonstrate proficiency in a foreign language equivalent to completion of one year of college-level work.
 - G. Students pursuing an Associates of Fine Arts degree in Music as a Tennessee Transfer Pathway will complete all of the required General Education hours in section B above except for six hours of the humanities requirement, including one course in literature, which must be completed at a university upon transfer. Total 35 hours.
- II. Undergraduate Degree Requirements and Provisions
- A. All baccalaureate degrees offered by institutions in the Tennessee Board of Regents System shall require a maximum of 120 semester hours except in certain degree programs in which approval to exceed the maximum has been granted. The programs approved as exceptions to the maximum are identified in institutional catalogs.
 - B. All associate of arts and associate of science degrees offered by institutions in the Tennessee Board of Regents System shall be designated on the THEC Academic Program inventory as University Parallel degrees and require a maximum of 60 semester hours except in certain degree programs in which approval to exceed the maximum has been granted. The programs approved as exceptions to the maximum are identified in institutional catalogs. For students who complete a Tennessee Transfer Pathway, the corresponding associate of arts or associate of science or Associate of Fine Arts degree shall include the title of the pathway in the catalog and on the diploma. For example, the Associate of Arts in English or the Associates of Science in Biology or the Associate of Fine Arts in Music.
 - C. Credit hours earned in remedial or developmental courses are institutional credit; they are not applicable to credit hours required for any certificate, associate, or baccalaureate degree.
 - D. College courses taken to address course deficiencies in high school preparation and to meet minimum university admission requirements effective fall 1989 may be used concurrently to satisfy general education requirements specified above with the exception of foreign language.
 - E. Relative to removing course deficiencies in foreign language, the following provisions apply:
 - 1. Students who pursue programs leading to the Associate of Science or Bachelor of Science degrees may apply foreign language courses taken to remove the deficiencies as electives, if appropriate, or otherwise as add-on hours.
 - 2. Students who pursue programs leading to the Associate of Arts and Bachelor of Arts degrees may apply foreign language courses taken to remove deficiencies toward fulfillment of degree requirements.
- III. Transfer Provisions of General Education and Tennessee Transfer Pathway Courses
- A. Students who complete the Associate of Arts or Associate of Science or Associate of Science in Teaching degree and transfer to a university within the Tennessee Board of Regents System will have satisfied all lower-division general education requirements.

General Education Requirements and Degree Requirements: 2:01:00:00

- B. University to university transfer students and community college students who **do not complete the Associate of Arts or Associate of Science or Associate of Science in Teaching or Associate of Fine Arts degree and transfer to a university within the Tennessee Board of Regents System but who** complete blocks of subject categories will have satisfied the general education requirements for the categories of note.
1. For example, if the eight (8) semester hours of natural sciences are completed, then this block of the general education requirement is fulfilled upon transfer to an institution within the Tennessee Board of Regents System.
 2. When a subject category is incomplete, a course by-course evaluation will be conducted, and the student will be subject to specific requirements of the receiving institution.
 3. **If a student is following a Tennessee Transfer Pathway, all courses contained within the curriculum of that pathway completed by the student prior to transfer shall be accepted by the university and be applied either to the general education requirement or area of emphasis requirement as listed in that Tennessee Transfer Pathway.**
- C. Institutional/departmental requirements of the grade of "C" will be honored.
1. If credit is granted for a course with the grade of "D," any specific requirements for the grade of "C" by the receiving institution will be enforced, except as provided in Section B of Calculation of Grade Point Averages (GPAs) for Courses Transferred and Related Applications.
- D. In certain majors, specific courses must also be taken in general education.
1. It is important that students and advisors be aware of any major requirements that must be fulfilled under lower-division general education.
 2. In cases where specific courses are required as a part of general education for certain majors, the student is responsible for enrolling in the correct courses.
 3. Failure to fulfill specific major requirements in lower-division general education may result in the need to complete additional courses.
- IV. Calculation of Grade Point Averages (GPAs) for all Courses Transferred and Related Applications
- A. Upon receiving courses for transfer, the receiving institution will exclude grades in the calculation of Grade Point Averages (GPAs).
1. Credit will be given for all courses in which passing grades are achieved, including the grade of D.
 2. All grades, including F's, W's, etc., must be included on the transfer record.
 3. The entire record of transfer students will be considered for eligibility of admission into programs that require attainment of specific grade point averages or where external entities stipulate consideration of the entire student record.
- B. Specific application regarding the grade of D pertains as follows:
1. Community college students who complete approved Tennessee Transfer Pathways (TTPs) **or parts thereof**, the grade of D will be honored and affected courses will

General Education Requirements and Degree Requirements: 2:01:00:00

not be subject to repetition, except in certain cases where requirements stipulate specific courses must be achieved with a grade of C (2.0) or higher.

2. In routes of transfer outside the TTPs, institutional practices regarding the applicability of the grade of D will be honored.
 - C. Institutions will follow prescribed state practices in evaluating continuing eligibility for the Tennessee Lottery Scholarship Program, which requires inclusion of calculating the cumulative GPA on all courses taken after graduation from high school.
 - D. Institutions have the prerogative to develop criteria for honors designations.
 - E. In cases where a student repeats a course at another institution, the receiving institution should utilize its own repeat policy to exclude the grade/credit originally earned.
 - F. The provisions noted above will be effective for course work presented for transfer to enroll in summer 2015 and thereafter.
- V. General Education Requirements for the Associate of Applied Science Degree
- A. The Associate of Applied Science (A.A.S.) degree is not designed to transfer to baccalaureate programs; however, a general education component is required.
 - B. The following distribution of general education courses is required for the A.A.S. degree in all community colleges within the Tennessee Board of Regents System.
 1. English Composition: 3 semester hours
 2. *Humanities and/or Fine Arts: 3 semester hours
 3. *Social/Behavioral Sciences: 3 semester hours
 4. *Natural Science/Mathematics: 3 semester hours
 - a. One additional course from the categories of Communication, Humanities and/or Fine Arts, Social/Behavioral Sciences, or Natural Science/Mathematics 3-4 semester hours
 - C. Total 15-17 semester hours
 - D. *Specific courses satisfying these requirements must be the same courses that satisfy the general education requirement for the Associate of Arts, Associate of Science, or baccalaureate degrees.
- VI. Graduate
- A. Graduate Degree Requirements and Provisions
 1. Graduate degree requirements vary by discipline and level. Generally, master and doctoral programs require a 3.0 GPA or higher for graduation as stated by the institution.
 - B. Transfer Provision for Graduate Courses
 1. Transfer credit provisions are set by the institutions in keeping with best practice guidelines. As such, transfer of graduate credit is limited in a number of areas.
 - a. For example,
 1. the number of hours that may be transferred,
 2. in equivalency of requirements,
 3. the procedures for acceptance of graduate transfer credits,
 4. the period in which courses may be taken and time limits on graduate work varies by institution,
 5. department and academic program.

General Education Requirements and Degree Requirements: 2:01:00:00

2. In general, courses are eligible for transfer if the grade earned is a "B" or better.

Sources

TBR Meetings, June 25, 1976; June 25, 1982; March 20, 1987; June 24, 1988; December 5, 1997; June 29, 2004; September 24, 2004; March 27, 2008; TBR Board Meeting September 25, 2009. TBR Board Meeting, December 2, 2010; September 21, 2012

General Education Requirements and Degree Requirements: 2:01:00:00

Policy Area

Academic Policies

Applicable Divisions

Community Colleges, Universities

Purpose

The purpose of this policy is to specify the common general education requirements at the lower-division, for institutions governed by the Tennessee Board of Regents.

Policy

I. General Education Requirements

- A. Effective Fall Semester 2004, each institution in the State University and Community College System of Tennessee (hereafter identified as the Tennessee Board of Regents System) will subscribe to common general education requirements at the lower-division.
- B. These requirements consist of forty-one (41) semester hours in the following subject categories and are required for completion of the Associate of Arts (A.A.), Associate of Science (A.S.), Associate of Science in Teaching (A.S.T.), and all baccalaureate degrees.
 1. Communication: 9 semester hours
 - a. Six (6) semester hours of English composition and three (3) semester hours in English oral presentational communication are required.
 2. Humanities and/or Fine Arts: 9 semester hours
 - a. One course must be in literature.
 3. Social/Behavioral Sciences: 6 semester hours
 4. History: 6 semester hours
 - a. Students who lack the required one unit (one year) of American history from high school as an admissions requirement must complete six (6) semester hours of American History or three (3) semester hours of American History and three (3) semester hours of Tennessee History to fulfill the history requirement in general education. Otherwise, students may choose from among the history courses approved at a particular institution to fulfill the six-semester hour requirement in history.
 5. Natural Sciences: 8 semester hours
 6. Mathematics: 3 semester hours
- C. Total 41 semester hours.
- D. Courses specified as meeting general education requirements are published in the catalog of each institution and may be viewed at the following TBR link. <https://www.tbr.edu/academics/transfer-and-articulation>
- E. Students pursuing a Bachelor of Arts degree shall be required to demonstrate proficiency in a foreign language equivalent to completion of two years of college-level work.

General Education Requirements and Degree Requirements: 2:01:00:00

- F. Students pursuing an Associate of Arts degree shall be required to demonstrate proficiency in a foreign language equivalent to completion of one year of college-level work.
 - G. Students pursuing an Associates of Fine Arts degree in Music as a Tennessee Transfer Pathway will complete all of the required General Education hours in section B above except for six hours of the humanities requirement, including one course in literature, which must be completed at a university upon transfer. Total 35 hours.
- II. Undergraduate Degree Requirements and Provisions
- A. All baccalaureate degrees offered by institutions in the Tennessee Board of Regents System shall require a maximum of 120 semester hours except in certain degree programs in which approval to exceed the maximum has been granted. The programs approved as exceptions to the maximum are identified in institutional catalogs.
 - B. All associate of arts and associate of science degrees offered by institutions in the Tennessee Board of Regents System shall be designated on the THEC Academic Program inventory as University Parallel degrees and require a maximum of 60 semester hours except in certain degree programs in which approval to exceed the maximum has been granted. The programs approved as exceptions to the maximum are identified in institutional catalogs. For students who complete a Tennessee Transfer Pathway, the corresponding associate of arts or associate of science or Associate of Fine Arts degree shall include the title of the pathway in the catalog and on the diploma. For example, the Associate of Arts in English or the Associates of Science in Biology or the Associate of Fine Arts in Music.
 - C. Credit hours earned in remedial or developmental courses are institutional credit; they are not applicable to credit hours required for any certificate, associate, or baccalaureate degree.
 - D. College courses taken to address course deficiencies in high school preparation and to meet minimum university admission requirements effective fall 1989 may be used concurrently to satisfy general education requirements specified above with the exception of foreign language.
 - E. Relative to removing course deficiencies in foreign language, the following provisions apply:
 - 1. Students who pursue programs leading to the Associate of Science or Bachelor of Science degrees may apply foreign language courses taken to remove the deficiencies as electives, if appropriate, or otherwise as add-on hours.
 - 2. Students who pursue programs leading to the Associate of Arts and Bachelor of Arts degrees may apply foreign language courses taken to remove deficiencies toward fulfillment of degree requirements.
- III. Transfer Provisions of General Education and Tennessee Transfer Pathway Courses
- A. Students who complete the Associate of Arts or Associate of Science or Associate of Science in Teaching degree and transfer to a university within the Tennessee Board of Regents System will have satisfied all lower-division general education requirements.
 - B. University to university transfer students and community college students who do not complete the Associate of Arts or Associate of Science or Associate of Science in

General Education Requirements and Degree Requirements: 2:01:00:00

Teaching or Associate of Fine Arts degree and transfer to a university within the Tennessee Board of Regents System but who complete blocks of subject categories will have satisfied the general education requirements for the categories of note.

1. For example, if the eight (8) semester hours of natural sciences are completed, then this block of the general education requirement is fulfilled upon transfer to an institution within the Tennessee Board of Regents System.
 2. When a subject category is incomplete, a course by-course evaluation will be conducted, and the student will be subject to specific requirements of the receiving institution.
 3. If a student is following a Tennessee Transfer Pathway, all courses contained within the curriculum of that pathway completed by the student prior to transfer shall be accepted by the university and be applied either to the general education requirement or area of emphasis requirement as listed in that Tennessee Transfer Pathway.
- C. Institutional/departmental requirements of the grade of "C" will be honored.
1. If credit is granted for a course with the grade of "D," any specific requirements for the grade of "C" by the receiving institution will be enforced, except as provided in Section B of Calculation of Grade Point Averages (GPAs) for Courses Transferred and Related Applications.
- D. In certain majors, specific courses must also be taken in general education.
1. It is important that students and advisors be aware of any major requirements that must be fulfilled under lower-division general education.
 2. In cases where specific courses are required as a part of general education for certain majors, the student is responsible for enrolling in the correct courses.
 3. Failure to fulfill specific major requirements in lower-division general education may result in the need to complete additional courses.
- IV. Calculation of Grade Point Averages (GPAs) for all Courses Transferred and Related Applications
- A. Upon receiving courses for transfer, the receiving institution will exclude grades in the calculation of Grade Point Averages (GPAs).
1. Credit will be given for all courses in which passing grades are achieved, including the grade of D.
 2. All grades, including F's, W's, etc., must be included on the transfer record.
 3. The entire record of transfer students will be considered for eligibility of admission into programs that require attainment of specific grade point averages or where external entities stipulate consideration of the entire student record.
- B. Specific application regarding the grade of D pertains as follows:
1. Community college students who complete approved Tennessee Transfer Pathways (TTPs) or parts thereof, the grade of D will be honored and affected courses will not be subject to repetition, except in certain cases where requirements stipulate specific courses must be achieved with a grade of C (2.0) or higher.
 2. In routes of transfer outside the TTPs, institutional practices regarding the applicability of the grade of D will be honored.

General Education Requirements and Degree Requirements: 2:01:00:00

- C. Institutions will follow prescribed state practices in evaluating continuing eligibility for the Tennessee Lottery Scholarship Program, which requires inclusion of calculating the cumulative GPA on all courses taken after graduation from high school.
 - D. Institutions have the prerogative to develop criteria for honors designations.
 - E. In cases where a student repeats a course at another institution, the receiving institution should utilize its own repeat policy to exclude the grade/credit originally earned.
 - F. The provisions noted above will be effective for course work presented for transfer to enroll in summer 2015 and thereafter.
- V. General Education Requirements for the Associate of Applied Science Degree
- A. The Associate of Applied Science (A.A.S.) degree is not designed to transfer to baccalaureate programs; however, a general education component is required.
 - B. The following distribution of general education courses is required for the A.A.S. degree in all community colleges within the Tennessee Board of Regents System.
 - 1. English Composition: 3 semester hours
 - 2. *Humanities and/or Fine Arts: 3 semester hours
 - 3. *Social/Behavioral Sciences: 3 semester hours
 - 4. *Natural Science/Mathematics: 3 semester hours
 - a. One additional course from the categories of Communication, Humanities and/or Fine Arts, Social/Behavioral Sciences, or Natural Science/Mathematics 3-4 semester hours
 - C. Total 15-17 semester hours
 - D. *Specific courses satisfying these requirements must be the same courses that satisfy the general education requirement for the Associate of Arts, Associate of Science, or baccalaureate degrees.
- VI. Graduate
- A. Graduate Degree Requirements and Provisions
 - 1. Graduate degree requirements vary by discipline and level. Generally, master and doctoral programs require a 3.0 GPA or higher for graduation as stated by the institution.
 - B. Transfer Provision for Graduate Courses
 - 1. Transfer credit provisions are set by the institutions in keeping with best practice guidelines. As such, transfer of graduate credit is limited in a number of areas.
 - a. For example,
 - 1. the number of hours that may be transferred,
 - 2. in equivalency of requirements,
 - 3. the procedures for acceptance of graduate transfer credits,
 - 4. the period in which courses may be taken and time limits on graduate work varies by institution,
 - 5. department and academic program.
 - 2. In general, courses are eligible for transfer if the grade earned is a "B" or better.

Sources

General Education Requirements and Degree Requirements: 2:01:00:00

TBR Meetings, June 25, 1976; June 25, 1982; March 20, 1987; June 24, 1988; December 5, 1997; June 29, 2004; September 24, 2004; March 27, 2008; TBR Board Meeting September 25, 2009. TBR Board Meeting, December 2, 2010; September 21, 2012

PRESIDENTS QUARTERLY MEETING

DIRECTORS QUARTERLY MEETING

February 2 and 3, 2016

DATE: Presidents Meeting (February 2, 2016)
Directors Meeting (February 3, 2016)

AGENDA ITEM: Admissions Policy: 2:03:00:00 and Guideline A-015

ACTION: Voice Vote

PRESENTER: Vice Chancellor Tristan Denley

BACKGROUND INFORMATION:

Vice Chancellor Denley will present revisions to the Admissions Policy: 2:03:00:00 and Guideline A-015.

Admissions: 2:03:00:00

Policy Area

Academic Policies

Applicable Divisions

TCATs, Community Colleges, Universities

Purpose

The following policy and procedures are adopted as consistent admission policy throughout the Tennessee Board of Regents system. Each university and community college shall develop policy and procedures consistent with this policy for the admission of students to undergraduate degree programs.

Definitions

- Adequate coverage - adequate coverage shall mean that the student's coverage meets or exceeds the level of coverage provided to participants in the TBR's Student/Scholar Health & Accident Insurance Plan.
- Dual enrollment - is the enrollment of a high school student in one or more specified college course(s) for which the student will be awarded both high school and college credit.
- Joint enrollment - is the enrollment of a high school student in one or more college course for which the student will earn only college credit.

Policy

- I. Provisions for all Institutions
 - A. Policy Development
 1. Each institution governed by the Tennessee Board of Regents shall develop an admission policy consistent with the provisions of this policy and Section 504 of the Rehabilitation Act of 1973 (Non-discrimination on the Basis of Handicap) and the Americans with Disabilities Act of 1990 and submit it to the Tennessee Board of Regents for approval.

2. Each institution shall include its approved admission policy in its catalog or other appropriate publications.

B. Policy Revision

1. Any subsequent change to an approved admission policy shall, prior to implementation, be submitted to the Tennessee Board of Regents for review and approval.

C. Medical or Health Information

1. Each institution shall require all applicants for admission to provide health information that, at a minimum, establishes the applicant's compliance with Rules promulgated by the Tennessee Department of Health regarding requirements for immunization against certain diseases.
2. P-prior to full-time attendance at a higher education institution, the student must provide documentation that illustrates receipt of the required immunizations.
3. New, incoming students who live in on-campus student housing must comply with and, compliance with the latest standards for immunization for meningococcal disease as set forth by the recommended immunization schedule issued by the Center for Disease Control Advisory Committee on Immunization Practices.
- 4.4. Once a student is enrolled full-time at any Tennessee Board of Regents institution, the student shall be deemed as satisfying the requirement for immunizations, and upon transfer to any other Tennessee Board of Regents institution, will have the requirement for documentation of immunizations waived.

II. Provisions for Universities and Community Colleges

A. General Provisions

1. Admission of Non-Tennessee Residents
 - a. Each university and community college may establish minimum criteria for the admission of residents of states other than Tennessee which exceed the minimum criteria established for residents of the state.
2. Residency Classification

- a. Each university and community college shall, in the admission or readmission process, assign each student a residency classification using TBR Policy No. 3:05:01:00 Regulations for Classifying Students In-State and Out-of-State for the Purposes of Paying College or University Fees and Tuition and for Admission Purposes.

3. Admission of International~~Foreign~~ Non-Immigrant Applicants

- a. Each university and community college will establish policies and procedures for the admission of international~~foreign~~ non-immigrant applicants in accordance with the following criteria:

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- (1) Educational Level. The educational level attained must be comparable

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to that

- 1. required of U.S. applicants.

(2) Proof of English Language Proficiency for Non-Native English Language

- 2. ~~Speakers~~ Test of English as a Foreign Language (TOEFL). In order to determine an applicant's level of proficiency in the English language, each university and community college shall require that applicants whose native language is not English submit scores earned on the Test of English Language Proficiency (TOEFL), the academic version of the International English Language Testing System (IELTS), or one of the other recognized comparable standardized examinations or through a standardized examination developed at the individual institution. Courses completed at another U. S. institution may be used in lieu of standardized examination scores.

- (3) Financial Statement. In order to determine the international student's ability to

pay registration fees, non-resident fees, living and other expenses, each institution shall require international applicant to supply evidence of financial ~~3.~~ capability.

(4) Immigration Service Regulations. Institutions must adhere to all U. S. Citizenship and Immigration Service regulations in the admission, enrollment,

4. and readmission of ~~international~~foreign non-immigrant applicants.

(5) Certification of Freedom from Tuberculosis. All ~~international~~foreign non-immigrant

students applying for admission pursuant to a student visa shall submit within thirty (30) days from the first day of classes a certificate from a licensed physician or other qualified medical authority verifying freedom from tuberculosis. Failure to submit such certification shall result in denial of admission or continued enrollment. In the event that a student has tuberculosis or has potential tuberculosis requiring medical treatment, continued enrollment will be conditioned upon the determination by a licensed physician that further enrollment is not a risk to others and upon the student's compliance with any prescribed medical treatment program.

~~5.~~(6) Medical and Hospitalization Insurance. Each institution must require that

~~international~~foreign non-immigrant applicants with J, F, or M visas have and maintain medical and hospitalization insurance as a condition of admission and

continued enrollment at the institution. Applicants with J visas must also carry adequate medical and hospitalization insurance for spouses and dependents.

Institutions may require similar insurance coverage of all other ~~b.~~ international foreign non-immigrant applicants.

~~4.~~ b. Institutions shall establish this requirement in policy and shall establish a process for:

(1) Informing applicants for admission of the coverage required and of its approximate

~~2.~~ cost of coverage and options for accessing insurance;

(2) Informing applicants of the documents that will be acceptable as proof of medical

~~3.~~ and hospitalization coverage; and

(3) Automatically enrolling in the TBR recommended insurance plan those Student/Scholar Health & Accident Insurance Plan those foreign

~~4.~~ international non-immigrant students who do not otherwise have adequate coverage. Enrollment shall take place not later than at the time of class registration, and the cost of the coverage shall be added to the student's registration fees.

~~c.~~ 4. Admission to Specialized or Limited-Enrollment Programs

a. Each university and community college shall develop specific policy and procedures

d. —for admission of students to programs or courses with enrollment limitations and/or specialized curricula.

b. Such limitations should be based upon selective criteria appropriate to the program or

III. course which apply equally to all prospective students, provided that preference for admission be given to residents of the State of Tennessee. (Incorporates former TBR Policy No. 2:03:00:05 - see TBR Meeting September 30, 1983)

IV. c. A number of factors such as accreditation and professional certification standards,

V. limited clinical and classroom space, faculty availability, and a concern for appropriate student progress influence the selective admissions process to certain undergraduate programs.

(1) Students must meet the application criteria, be reviewed and accepted for

VI. admission, and make satisfactory progress to be admitted and continue in these academic programs.

VII. (2) Institutions may vary in their admission requirements based on their analysis of

student success characteristics.

(3) Admission and progression policies related to selective programs should

reflect the likelihood of being admitted to the major at the earliest possible

point and contain information on grade point average, standardized test

scores, and grade expectations in specified high school courses indicative of

success in the field.

d. Admission and progression policies should be clearly displayed in all materials to prospective applicants.

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a. 5. Admission to Medical, Nursing, and Allied Health Programs

a. Each university and community college that offers medical, nursing, or allied health

4. programs shall require that all persons admitted to such programs:

~~2.~~(1) Provide evidence through a health verification form, that at a minimum, establish the applicants compliance with the Rules promulgated by the Tennessee Department of Health regarding requirements for immunization against certain diseases, including the Hepatitis B vaccine, and other communicable diseases, which documents information that they are in good health and free from communicable diseases.

(2) Be, with reasonable accommodation, physically and mentally capable of performing the essential functions of the program as defined in writing by the institution.

6. Advanced Standing and Placement

a. Each university and community college may develop policies and procedures for granting admission with advanced placement or standing based on examination, experiential learning, and active duty in the armed services, credit earned in armed services schools, and credit earned through non-collegiate sponsored instruction consistent with TBR Policy 2:01:00:04 Awarding of Credits Earned Through Extra-Institutional Learning to Community Colleges and Universities.

b. Institutions may develop criteria for accelerated undergraduate to graduate degrees but not compromise the quality of program at either level in the process.

7. Readmission

a. Each university and community college shall develop policies and procedures for the readmission of students. These policies and procedures shall be consistent with TBR Policy No. 2:03:01:01 (Undergraduate Academic Retention Standards).

8. Application Fee

a. Each university and community college may, with prior approval of the Board, charge a one-time non-refundable application fee.

B. Undergraduate Degree Admission

1. Admission of First-Time Freshmen

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a. Applicants for degree admission as first-time freshmen shall be admitted using the following four (4) criteria:

(1) High School Graduation

(a) Except as provided for below in Section II.B.1.a, applicants for degree admission as first-time freshmen must provide an official transcript showing graduation from high school. The transcript of graduates of Tennessee public high schools must include a notation indicating that the student passed the required Proficiency Examination.

(2) Tennessee High School Diploma or Equivalency (HSE) Diploma

(a) Effective 1 January 2014, Applicants for degree admission as first-time freshmen may present a ~~Tennessee High School Equivalency (HSE) Diploma~~ either the 2014 GED® test or the HiSET™ in lieu of a high school diploma provided that their GED® test or the HiSET™ HSE score meets or exceeds the minimum score set by the institution.

(3) Standardized Examination Scores

- (a) Applicants for admission as first-time freshmen who are 20 years of age or younger must present ~~Enhanced~~-ACT or SAT scores.
- (b) Universities will use the scores for admission in keeping with recommended best practices, advisement, and as a component in the placement decision. Community colleges and technical institutes will not use the scores for admission purposes, but may use them for advisement purposes as well as a component in the placement decision.

(4) High School Course Requirements

(a) Effective January 1, 2014, the TBR agreed to accept the curriculum requirements as set by the Tennessee

4. Department of Education with the implementation of the Tennessee Diploma project of 2009. Admission will be granted to freshmen applicants who hold a recognized high school diploma that includes a distribution of college preparatory

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courses, such as those required in the core elements of the Tennessee High School Diploma. These courses include the following:

2. (1a) 4 Credits Units of English

3. (1b) 42 Credits Units of Math, including Algebra (Algebra I and II, Geometry and a fourth higher level math class)

4. 1 Unit of Geometry or Higher

5. 4-Additional Unit of M(1c) 3 Credits Units of Natural Science, including Biology, Chemistry or Physics, and a third lab

6. Course

7. (1d) 13 Credits of Social Studies, including Unit of United States History* and Geography,

World History and Geography, U.S. Government and Civics, and Economics

*Required by T.C.A. § 49-7-110. Students deficient in the completion of United States History are required to complete six semester hours of United States History or three semester hours of United States History and three semester hours of Tennessee History.

*T.C.A. § 47-7-110 requires the completion of six semester credit hours of American History by any individual in any non-exempted area of study to be granted a baccalaureate from any kind from any institution of higher learning or community college supported or maintained by the state. Persons in exempted fields of study need not fulfil this requirement if they successfully completed a course in American history in high school. Any student has the option, at the student's request, to substitute three semester hours of Tennessee history for the American History requirement.

8. 1 Unit of European History, World History, or World Geography(1e) 1.5 Credits of Physical Education and Wellness

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9. (1f) 2 CreditsUnits of a Single Foreign
40. Language

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(1g) 0.5 Credits of Personal Finance

41.

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(1h) 1 CreditsUnit of ~~Visual or Performing~~ of Fine Arts

(1i) 3 Credits of Electives consisting of Math and Science, Career and Technical Education, Fine Arts, Humanities, Advanced Placement (AP) or International

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42. Baccalaureate (IB).

3. Handicapped Applicants

1. ~~The qualifications and needs of applicants who volunteer information about a handicapping condition will be assessed on an individual basis. Assessment will include an evaluation of the applicant's potential for success in college and the determination of any exceptions which may be warranted to the provisions of Section II.B.1.a.(4) of this policy.~~

(2) Applicants who graduated prior to the adoption of the Tennessee Diploma Project curriculum by the TBR who hold a high school diploma are exempt from the diploma requirements with the exception of those in *T.C.A. § 47-7-110 as described in Section II.B.4.a (1d).

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5. Out-of-State Applicants

- a. Applicants who are residents of states other than Tennessee are subject to the same admission requirements as in-state applicants.

6. Early Admission of First-Time Freshmen

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- a. Each university and community college may develop procedures for the admission of applicants who have completed their junior year in high school.
- b. The minimum requirements for admission of applicants in this category shall be the following:

(1) High School GPA

- (a) Applicants must have completed the 9th, 10th, and 11th grades with a minimum

grade point average of 3.2 based on a 4.0 scale or the equivalent.

(2) Standardized Examination Score

(a) Applicants must have an Enhanced-ACT composite score of at least 22 or a comparable ACT Compass scores-

(3) Prescribed Courses

(a) Applicants must provide a written statement from their high school principal specifying the college courses that will be substituted for the remaining high school courses needed for high school graduation.

(4) Endorsements

(a) Applicants shall provide written endorsements from their high school counselors and from their parents or guardians.

7. Admission of Transfer Students

a. Each university and community college shall establish policy and procedures for the admission of transfer students that are consistent with the TBR Policy General Education & Degree Requirements 2:01:00:00 Sections II and III and with following criteria:

(1) The applicant must provide official transcripts of credits attempted from all institutions of higher education previously attended.

(2) The applicant's grade point average on transferable courses must be at least equal to that which the institution requires for the readmission of its own students. Applicants who do not meet the institution's standards may be admitted on scholastic probation or other appropriate condition.

(a) Calculation of grade point average will be calculated and applied as outlined in TBR Policy 1:01:00:00 General Education and Degree Requirements Sections III- IV.

(3) Institutions must develop policy and publish criteria regarding the awarding of transfer credit from collegiate and non-collegiate institutions, credit by examination, military and other formal training, and experiential learning, and academic fresh start. Such policies and procedures must, at a minimum, be consistent with national

standards of good practice and the requirements of appropriate accrediting bodies and consistent with TBR Policy 2:01:00:04 Awarding of Credits Earned Through Extra-Institutional Learning to Community Colleges and Universities and TBR Policy 2:03:01:01 Undergraduate Academic Retention Standards.

(a) Institutions may determine a subset if grade point average to determine admission to selective programs.

2. 8. Admission of Non-Degree Students with International Baccalaureate (IB) Diplomas
or

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Certificates to Degree Admission Status

a. The International Baccalaureate (IB) Organization awards either a diploma or certificates

for individual IB exams. Institutions should establish scores on the Higher Level Examination for which IB credit is acceptable to be applied toward their institutional degrees and designate which graduation requirements for specific subjects are acceptable, and the maximum number of credits which may be applied to the major and/or for general education requirements as determined by each institution.

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b. Information on how subject credit may be granted should appear in the individual institutional catalog.

c. Students should be aware that while IB credit may be awarded credit some courses taken at an institution may duplicate the IB credited course, course credit will be awarded only once for any specific course.

9. Admission of Non-Degree Students to Degree Admission Status

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B. a. Each university and community college may develop policy and procedures for granting degree admission to non-degree students.

C. b. To be eligible for Degree Admission status, non-degree students, as defined in Section

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II.D. below, must meet all the applicable provisions of Section II.B.1.a.(1)-(4) above.

1. Admission to Nursing Programs
- a. Accreditation and professional certification standards, limited clinical and classroom space, faculty availability, and a concern for appropriate student progress influence the selective admissions process to TBR nursing programs.
- b. Students must meet the application criteria, be reviewed and accepted for admission, and make satisfactory progress to be continued in nursing programs.
- c. Institutions may vary in their requirements based on their analysis of student success characteristics.
- d. Admission is based on an institution's requirements and the available spaces in a program.
- e. All TBR nursing programs have adopted the following core performance standards proposed by the Southern Council on Collegiate Education for Nursing (1993).
- f. Admission to and progression in nursing programs is not based on these standards; instead, they will be used to assist each student in determining whether accommodations or modifications are necessary.
- g. Each of these standards is reflected in nursing course objectives and provides an objective measure for students and advisors to make informed decisions regarding whether the student is "qualified" to meet requirements.
- h. Copies of these standards will be available to every applicant and student.
- i. If a student believes that he or she cannot meet one or more of the standards without accommodations or modifications, the nursing program will determine, on an individual basis, whether or not the necessary accommodations or modifications can be made reasonably.
- j. Each program has written procedures by which students who identify potential difficulties with meeting the standards can receive appropriate assistance and guidance.
- k. Core Performance Standards for Admission and Progression:
 1. Critical thinking ability sufficient for clinical judgment.
 2. Interpersonal abilities sufficient to interact with individuals, families, and groups from a variety of social, emotional, cultural, and intellectual backgrounds.

- 3. Communication abilities sufficient for interaction with others in verbal and written form.
- 4. Physical abilities sufficient to move from room to room and maneuver in small spaces.
- 5. Gross and fine motor abilities sufficient to provide safe and effective nursing care.
- 6. Auditory abilities sufficient to monitor and assess health needs.
- 7. Visual ability sufficient for observation and assessment necessary in nursing care.
- 8. Tactile ability sufficient for physical assessment.

C. Graduate and Professional Degree Admission

1. Universities shall develop policy, procedures, and specific criteria for admitting applicants to graduate and professional degree programs. Such policies and procedures must, as a minimum, be consistent with national standards of good practice and the requirements of appropriate accrediting bodies.

2. Admission

a. Generally, graduate administrative units set a minimum undergraduate grade point average (GPA) that an applicant should have earned in order to be considered for admission.

(1) Departments may set higher minimum standards for admission.

(2) Departments may also stipulate the minimum GPA to be achieved in the desired major during the final year or two of the undergraduate studies.

b. Individual institutions may determine to offer varying degrees of admission, i.e., full conditional or provisional.

c. Official Transcripts

(1) Institutions may require official transcripts (undergraduate and graduate) issued directly by all institutions attended to be submitted either upon application or acceptance.

(2) The individual institution may determine whether or not to accept three year undergraduate degrees in keeping with the international education reform, i.e., Bologna process or to make exception for students seeking political or social asylum prior to the completion of the undergraduate work.

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d. Standardized Examination Scores

(1) The institution may request dates and scores for one or more assessment tests such as the GRE, GMAT, the MAT, the IELTS and/or TOEFL.

(2) Scores should be submitted directly from the testing organization and not the student within the time limitations of use set by the testing organizations.

e. Proof of English Competency

(1) All students for whom English is not the first language, with the possible exception of individuals who have completed a prior degree at an accredited institution in an English speaking nation, must provide proof of English proficiency.

(2) Institutions may administer additional assessments for oral and written competencies for applicants and accepted students for whom English is not the first language if they have been offered graduate assistantships where they will be required to teach.

(3) Institutions must provide assistance to those students awarded assistantships to improve their English language proficiency if the assessment shows deficiencies prior to placing those applicants or students in the classroom.

3. Admission of Undergraduates to Graduate Courses

a. Institutions may grant permission to undergraduate students with exceptional academic backgrounds to graduate coursework as part of their undergraduate experience.

4. Admission of Transfer Graduate Students

a. Students applying for transfer from one graduate institution to another should submit the same admission materials as the typical first time graduate applicant. If granted admission, the student should be informed of the number of hours which will be transferrable.

b. Each university shall establish policy and procedures for the admission of transfer graduate students that are consistent with the following criteria:

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(1) The applicant must provide transcripts of credits attempted from all institutions of higher learning previously attended, if required by the graduate institution.

(2) The applicant's grade point average (GPA) on transferrable courses must be at least equal to that which the institution required for the readmission of its own students. Applicants who do not meet the institution's standards may be admitted on scholastic probation or other appropriate conditions.

(3) Institutions must develop policy and publish criteria regarding the awarding of transfer credit from other universities or colleges, credit by examination, military and other formal training, and experiential learning as well as policies for Academic Fresh Start. Such policies and procedures must, as a minimum, be consistent with national standards of good practice and the requirements of appropriate accrediting bodies.

A.

D. Non-Degree Admission for Undergraduate and Graduate Applicants

1. Each university and community college shall develop policy and procedures for admitting
4. undergraduate and graduate applicants who wish to take credit courses, but who either do not qualify for or do not wish to apply for degree admission.

2. Policies shall include any conditions of enrollment and any term or overall credit-hour limitations.

2- 3. Applicants who are eligible for non-degree admission include:

(a) Persons Not Previously Enrolled in College

(1) High School Graduates

(2) Persons 21 years of age or older who have not earned a high school diploma and are not currently enrolled in high school.

(3) Persons 18 years of age or older who have not earned a high school diploma or are not currently enrolled in high school and wish to enroll in HSE preparatory courses only.

(4) High school students who meet the following criteria as specified in T.C.A. § 49-6-

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4. (b) Academically talented/gifted students enrolled in grades 9, 10, 11, or 12 in public or

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2. private high schools in Tennessee may, with the recommendation and approval of the high school principal and appropriate higher education institution personnel, enroll in and receive regular college degree credit from a Tennessee postsecondary institution if such a student has a grade point average equivalent to 3.2 on a 4.0 maximum basis and if such placement is a part of the student's planned Individual Education Program (IEP) as established by the multi-disciplinary team process.

2. (c) High school students who are in their freshman year of high school. Such students

3. may be admitted for either joint enrollment or dual enrollment or both. For the 4. purposes of this policy, the terms joint and dual enrollment are defined in the "Definitions" section. Dual Enrollment students must meet the following eligibility criteria:

(1) The student must be enrolled as a 9th, 10th, 11th, or 12th grade student in a Tennessee public or nonpublic secondary school, or in a home education 4. ____ program.

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2. (2) The student may enroll in a specific course based on the course's specific placement requirements as determined by the campus.

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(3) The student must enroll in dual enrollment courses in the general education 3. core, Tennessee Pathways leading to a degree, Career and Technical Program of study leading to an academic award, or middle college or equivalent program.

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4. (4) The student must provide secondary institution permission/approval.

-Additionally, a minor (under 18 years of age) must provide parental/guardian permission/approval.

(5) Upon admission to an institution after high school graduation, students admitted with credits earned through prior dual enrollment while in high school should not be classified as a transfer student for financial aid or scholarship considerations but rather they should be considered a first time freshman.

b. 4. Persons with College Credit but Not a Degree

a. Persons who earned credits but not a degree at another college and are eligible

1. ___ for readmission to the last institution attended.

b. Those who do not meet the readmission standards of the last institution

attended

___ may be admitted on scholastic probation or other established condition.

e. 5. Persons with a College Degree or Certificate

a. Persons who have a degree or certificate equivalent to the highest degree or certificate offered by the institution in a particular field but who wish to take additional

courses.

b. Persons who do not qualify for or do not wish to apply for graduate degree

d. admission.

6. Senior Citizens and Disabled Persons

1. a. Totally and permanently disabled persons and persons 65 years of age or older.

b. No fees other than a service fee in the amount authorized by the Tennessee Board of Regents may be charged.

c. In the case of disabled persons, the institution may require an affidavit or certificate of disability from a physician or from the agency compensating the disabled person.

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d. Admission under this provision may, however, be limited or denied based on the availability of space in the individual classroom.

B. E. Audit and No-Credit Admission

4. 1. Each university and community college shall develop policy and procedures for the admission

of persons wishing only to audit courses or to take credit courses on a no-credit basis. The following provisions shall apply:

a. a. Space Available Basis

Admission may be limited or denied based on the availability of space in the individual classroom.

b. b. Senior Citizens

1. Senior citizens age 60 or older may audit courses or take credit courses on a no-credit basis free of any charge.

2. c. Disabled Persons

3. (1) Totally and permanently disabled persons may audit courses or take credit courses on a no-credit basis free of any charge.

4. (2) Institutions may, however, require an affidavit or certificate of disability from a physician or from the agency compensating the disabled person.

F. Admission of Non-Degree Students to Degree Admission Status

5. 1. Each institution should develop policy and procedures for granting degree seeking admission

status to non-degree students at both the undergraduate and graduate levels.

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G. Continuous Enrollment and Residency Requirements Upon Admission for Graduate Programs

1. Each University must develop policy and procedures for the continuous enrollment within select or all graduate programs.

2. Each university must develop policy and procedures for a period of required residency

not less than two continuous semesters for students seeking admission and enrolling in graduate programs.

6. (a) Residency requirements should be clearly described in application materials and on the institutional program website.

H. Admission to Select Graduate Programs

1. Accreditation and professional certification standards, limited clinical and classroom space, faculty availability, and a concern for appropriate student progress influence the selective admission process to the TBR graduate programs.

7. 2. Students must meet the application criteria, be reviewed and accepted for admission, and make satisfactory progress to be continued in all graduate programs.

3. Institutions may vary in the defined requirements for satisfactory progress as based on their analysis of student success characteristics.

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C.III. Provisions for Tennessee Colleges of Applied Technology

1. A. All Tennessee Colleges of Applied Technology shall admit applicants on a "first-come, first-serve" basis, and the following minimum criteria shall apply:

a. 1. Applicants Not Enrolled in High School

a. Applicants not enrolled in high school are eligible for admission provided that:

1. (1) They are at least eighteen (18) years of age or have a high school diploma or equivalent.

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2. (2) They declare an occupational objective or demonstrate through testing or counseling

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reasonable potential for achieving that objective.

2. 2. Applicants Enrolled in High School

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a. Applicants enrolled in high school are eligible for admission provided that:

(1) An agreement authorizing such admission is concluded between the local Board of

2. Education and the Tennessee College of Applied Technology. Such agreements

are subject to the approval of the Chancellor or his designee.

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3. (2) Enrollment is limited to one (1) occupational area.

3. 3. Admission of ~~International~~ Foreign Non-Immigrants

a. International Foreign non-immigrant applicants are eligible for admission if they meet the

same conditions required for other applicants as well as the requirements of the U. S. Bureau of Naturalization and Immigration.

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4. 4. Use of Standardized Tests

a. Tennessee Colleges of Applied Technology may require applicants for admission to be tested.

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b. The test results will be used by the school to assist the applicant in selecting a suitable program.

5. Admission to Practical Nursing Program

a. Admission to the Practical Nursing program is not automatic even though the applicant may be otherwise academically qualified and recommended by the Nursing Advisory Committee.

b. Applicants seeking admission to the Practical Nursing program must:

- (1) Make application for admission to the College of Applied Technology.
- (2) Submit evidence of high school graduation or HSE equivalency.
- (3) Have attained a passing score on an appropriate admission test. The admission

test and minimum score shall be determined by the Executive Sub-Council of the Tennessee Colleges of Applied Technology Directors.

(4) Submit evidence of a recent physical examination by a licensed physician or nurse practitioner.

(5) Submit written references.

(6) Report for enrollment upon notification of acceptance.

The Nursing Advisory Committee may review all applications for admission to the Practical Nursing program and recommend qualified applicants for acceptance. Qualified applicants not accepted into the class for which they applied may be considered for admission to a subsequent class.

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Sources

TBR Meeting, August 16, 1974; September 29, 1978; June 27, 1980, September 30, 1983; December 16, 1983; June 27, 1986; September 16, 1988; December 2, 1988; June 30, 1989; December 7, 1990; March 20, 1992; March 19, 1993; September 17, 1993; June 23, 1994;

December 8, 1994; December 15, 1995; March 7, 1997; June 19, 1998; September 22, 2000;
April 2, 2004; December 8, 2006; June 28, 2007; June 24, 2010; Revised December 11, 2014

The admission policy was revised in its entirety on September 30, 1983, superseding the
previous policy and all amendments thereto. Revised Jan. 1, 2014 per Tennessee Alternative
Diploma Act to reflect change from General Educational Development (GED) Certificate to
Tennessee High School Equivalency (HSE) Diploma.

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PRESIDENTS QUARTERLY MEETING

DIRECTORS QUARTERLY MEETING

February 2 and 3, 2016

DATE: Presidents Meeting (February 2, 2016)
Directors Meeting (February 3, 2016)

AGENDA ITEM: Update on Academic Affairs Initiatives

ACTION: Information Item

PRESENTER: Vice Chancellor Tristan Denley

BACKGROUND INFORMATION:

Vice Chancellor Denley will provide a brief update on current Academic Affairs Initiatives including: Accessibility; Beyond Financial Aid Convening; and Academic Mindset Summit.