

**Presidents Meeting Agenda**  
**Tuesday, August 6, 2019 – 9:00 a.m. CT to 2:30 p.m. CT**  
**(East, Middle and West Regional Meetings)**

**Opening Remarks :** Chancellor Flora Tydings  
Commissioner Jeff McCord

**Business Items:**

*General Counsel Policies:*

1. 1:02:03:10 Conflict of Interest
2. 1:03:10:00 Student & Faculty Participation in Development of Campus Policies & Programs

*Academic Affairs Policies:*

3. 5:02:02:10 Faculty Rank & Promotion at Technical Colleges
4. 5:02:03:10 – Academic Freedom, Responsibility, & Tenure at the Tennessee Colleges of Applied Technology
5. 5:02:03:30 Academic Freedom and Responsibility
6. 5:02:06:00 Financial Exigency
7. 2:01:02:00 Vocational Program Review and Approval
8. 2:01:01:01 Permanent or Semi-Permanent Off-Campus Instructional Facilities Policy (Recommended Dissolution)
9. 5:02:03:70 Academic Tenure for Community Colleges Policy
10. 5:02:07:00 Faculty Appointments at Community Colleges Policy
11. 2:04:00:00 Academic Calendar and Student Registration (Formerly Guideline A-019)
12. 2:02:00:00 Associate Degree Programs
13. 2:07:00:00 Cost of Textbooks

**Regional Workforce Development**

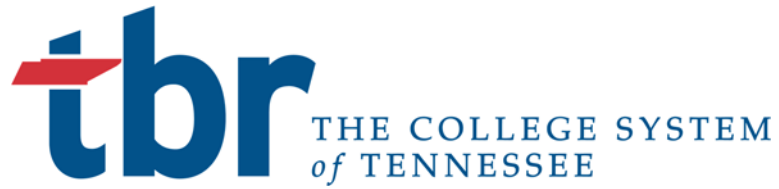
**Open Conversation**

**11:30 CT/12:30 ET to 12:30 CT/1:30 ET - Presidents and Legislators Lunch (hard start and stop)**

**Articulation and Transfer**

**Regional Approaches to Marketing**

**TCAT Enrollment Management & Shared Services (TCAT Presidents Only)**



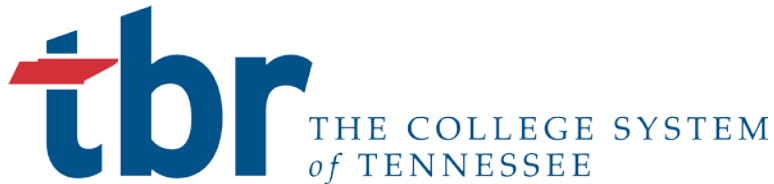
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(East, Middle and West Regional Meetings)**

*Lead Moderators:*

*East/TCAT Knoxville – Vice Chancellor Wendy Thompson*

*Middle/TBR Office – Executive Vice Chancellor Russ Deaton*

*West/Jackson State – Vice Chancellor Kim McCormick*



**Presidents Quarterly Meeting  
Tuesday, August 6, 2019**

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**SUBJECT:** Revisions to TBR Policy 1.02.03.10, Conflict of Interest

**PRESENTER:** Mary G. Moody, General Counsel

**ACTION REQUIRED:** Requires Vote

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**Summary:**

The proposed revisions to TBR Policy 1.02.03.10, Conflict of Interest, are intended to make the policy easier to understand and follow by eliminating unnecessary and duplicative statutory references and definitions. The revisions also remove references to members of the Board of Regents as covered individuals. Provisions pertaining to Regents are being moved to a policy specific to Regents.

Staff recommends approval of the proposed revisions.

**Attachments:**

TBR Policy 1.02.03.10, Conflict of Interest, revisions redlined

TBR Policy 1.02.03.10, Conflict of Interest, clean copy reflecting proposed revisions

Exhibit to Policy, State Laws on Conflict of Interest

# Conflict of Interest: 1:02:03:10

## Policy Area

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Governance, Organization, and General Policies

## Applicable Divisions

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TCATs, Community Colleges, System Office,

## Purpose

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All employees of the TBR and its constituent Institutions serve the interests of the State of Tennessee and its citizens and have a duty to avoid activities and situations that, either actually or potentially, put personal interests before the professional obligations that they owe to the State and its citizens. This policy is intended to establish standards of integrity and objectivity that should guide the actions of all employees of the Tennessee Board of Regents System. The requirements of this policy are in addition to all applicable state and federal laws.

## Definitions

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- Conflict of interest - occurs when the personal interests, financial or otherwise, of a person who owes a duty to the Tennessee Board of Regents and its constituent institutions actually or potentially diverge with the person's professional obligations to and the best interests of the TBR and its institutions.
- Conflict of commitment - occurs when the personal or other non-work related activities of an employee of the TBR and its constituent institutions impair the ability of that employee to meet their commitments of time and energy to the TBR and its institutions.
- Immediate family – for purposes of this policy means spouse or minor child living with the employee

## Policy

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### I. [Applicability](#)

This policy shall apply to all persons employed by the Tennessee Board of Regents and its constituent institutions, including full-time, part-time, and temporary employees.

### II. [General Principles](#)

- A. Conflict of Commitment. Employees of the Tennessee Board of Regents should avoid external commitments that significantly interfere with the employee's duties to the TBR

and its constituent institutions. Disclosures of outside employment shall be made as required under Policy 5:01:05:00 and evaluated as indicated in that policy.

- B. Conflict of Interest. Employees should avoid situations where the self-interests of the employee diverge from the best interests of the TBR and its institutions.
- C. Management of Conflict of Interest. The mere existence of either a potential or actual conflict of interest does not mean that such conflict must necessarily be eliminated.
  - 1. Where the potential detriment to the TBR and its Institutions is at most minor and inconsequential, and the conflict does not indicate violation of Federal or State law, regulation, or policy, those persons charged with evaluating disclosures should allow the activity to proceed without interference after documenting the evaluation process.
  - 2. For those situations which do not implicate federal or state law, regulation or policy, the standard for determination of whether a conflict of interest should be managed, reduced, or eliminated is whether that conflict would appear to a reasonable person to call into question the integrity or judgment of the affected employee.

### III. **Situations and Activities Creating a Conflict of Interest**

- A. In the following situations and activities, there is at least the appearance, and possibly the actuality, of an employee allowing his or her personal interests, and not the best interests of the TBR and its constituent Institutions, to affect that employee's judgments. This list is illustrative, and not exhaustive.
  - 1. Self-dealing.
    - a. Situations in which an employee can appear to influence or actually influence an Institutionally-related decision from which that person or a member of that person's immediate family stands to realize a personal financial benefit is self-dealing, and a conflict of interest.
    - b. Examples of self-dealing activities include the following.
      - 1. Purchase of State-owned property by an employee absent fair and open bidding.

2. Institutional purchases from businesses in which an employee or family member has a financial interest.
3. Use of Educational Materials from Which a Faculty Member Derives Financial Benefit in That Faculty Member's Teaching Activities.
  1. Any faculty member who wishes to use in his or her teaching activities educational materials (e.g. a textbook) which he or she has authored, or in which he or she otherwise stands to benefit financially from such use, a conflict of interest disclosure shall be made per Section VII of this policy.
  2. Whether the use of such materials shall be permitted shall be evaluated either under the terms of Institutional policy, or in the absence of such policy, by the Review Committee established under Section X of this policy.
  3. Such evaluation shall include consideration of suitable substitute materials and ensure that the needs of students are best served by use of the materials in which the faculty member has an interest.
4. Acceptance of Gifts, Gratuities, or Favors
  1. Gifts. No employee shall knowingly solicit or accept, directly, or indirectly, on behalf of himself or herself or any member of the employee's household, for personal use or consumption any gift, including but not limited to any gratuity, service, favor, food, entertainment, lodging, transportation, loan, loan guarantee or any other thing of monetary value, from any person or entity that:
    1. Has, or is seeking to obtain, contractual or other business or financial relations with the institution in which the individual is employed; or
    2. Has interests that may be substantially affected by the performance or nonperformance of the employee.

5. Exceptions

1. The prohibition on accepting gifts in Section (4)(a) above, does not apply to:
  1. A gift given by a member of the employee's immediate family, or by an individual, if the gift is given for a non-business purpose and is motivated by a close personal friendship and not by the position of the employee;
  2. Informational materials in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.
  3. Sample merchandise, promotional items, and appreciation tokens, if they are routinely given to customers, suppliers or potential customers or suppliers in the ordinary course of business, including items distributed at tradeshow and professional meetings where vendors display and promote their services and products;
  4. Food, refreshments, foodstuffs, entertainment, or beverages provided as part of a meal or other event, including tradeshow and professional meetings, if the value of such items does not exceed fifty dollars (\$50.00) per occasion; provided further, that the value of a gift made pursuant to this subsection may not be reduced below the monetary limit by dividing the cost of the gift among two or more persons or entities identified in Section VI.A.1.b.(4).
  5. There may be circumstances where refusal or reimbursement of a gift (such as a lunch or dinner) may be awkward and contrary to the larger interests of the institution. In such circumstances, the employee is to use his or her best judgment, and disclose the gift including a description, estimated value, the person or entity

providing the gift, and any explanation necessary within fourteen (14) days to their immediate supervisor;

6. Food, refreshments, meals, foodstuffs, entertainment, beverages or intrastate travel expenses that are provided in connection with an event where the employee is a speaker or part of a panel discussion at a scheduled meeting of an established or recognized membership organization which has regular meetings;
7. Participation in institution or foundation fundraising and public relations activities, i.e. golf tournaments and banquets, where conflicting parties provide sponsorships; and
8. Loans from established financial institutions made in the ordinary course of business on usual and customary terms, so long as there are no guarantees or collateral provided by any person described in Section VI.A.1.b.(4)

2. Inappropriate use of students or support staff

- a. Employees shall ensure that the activities of students or support staff are not exploited for the benefit of any external activity of the employee.
- b. Prior to assigning any such non-institutionally related task that is more than incidental or *de minimus* in nature to a student or member of the support staff, an employee shall disclose such proposed activities and obtain approval from the institution's director of human resources or the chief academic officer, as applicable.

3. Inappropriate use of State owned resources

- a. Employees may not make significant use of State owned facilities, equipment, materials or other resources not otherwise available to the public in the course of activities that are not related to the institution and that are intended for personal benefit, without prior disclosure and approval of the institution's chief financial officer.



4. Failure to disclose intellectual property
  - a. TBR Policy 5:01:06:00 governs the rights and responsibilities which persons affiliated with the TBR and its Institutions have regarding intellectual property developed during the term of their affiliation with the TBR.
  - b. Among the responsibilities enumerated in the policy is that of disclosure of inventions and those copyrightable works which may be reasonably expected to have commercial value which they have jointly or solely developed or created during their affiliation with the TBR and its Institutions.

#### IV. General Disclosure Requirements

- A. Persons to whom this policy applies who believe that a conflict of interest may exist either personally or with respect to another person covered by this policy shall make a written disclosure of the facts and circumstances surrounding the situation.
- B. No particular format is required, but the disclosure should adequately describe the pertinent facts and circumstances.
- C. Employees of the System Office shall make disclosure to either their immediate supervisor or to the General Counsel.
- D. At the colleges, disclosures shall be submitted to the employee's immediate supervisor or other person designated by the President to receive such disclosures.
- E. Disclosures made by a President shall be submitted online to the Tennessee Ethics Commission.

#### V. Special Disclosure Requirements for Researchers Applying For or Receiving NSF or PHS Funding

- A. Under the policies and regulations indicated under Section 2.1 herein, investigators seeking funding from either the National Science Foundation or the Public Health Service are required to disclose to the investigator's employer all significant financial interests of the investigator;
  1. That would reasonably appear to be affected by the research or educational activities funded or proposed for funding by the NSF or PHS; or

2. In entities whose financial interests would reasonably appear to be affected by such activities.
  - a. Such disclosures must be submitted prior to the time the proposal is submitted to the Federal agency.
  - b. Further, such disclosures must be updated during the period of the award; either annually or as new reportable financial interests arise.
  - c. The Institution is responsible for eliminating or managing such conflicts prior to receipt of the award.
  - d. To facilitate such disclosures, the accompanying disclosure form (Exhibit 1) is available.
3. Each Institution is responsible for determining if a grant, services, or other contract with Federal agencies other than the Public Health Service or the National Science Foundation requires disclosure and / or management of conflicts of interest, and for ensuring that any such requirements are met.
4. Disclosure of financial interests made pursuant to this Section VIII notwithstanding, such disclosure does not eliminate the responsibility for making disclosures under Section VII, when specific conflict of interest situations arise.

#### VI. **Special Disclosure Requirements for Certain TBR Employees**

- A. The Chancellor, all Executive Vice Chancellors, Vice Chancellors and the General Counsel, the Presidents of all TBR institutions, coaches, assistant coaches and employees of athletic departments who are exempt from the provisions of the Fair Labor Standards Act are required to file a financial disclosure form within one month of their initial appointment and annually thereafter in January.
- B. Disclosure of financial interests made pursuant to this section notwithstanding, such disclosure does not eliminate the responsibility for making disclosures when specific conflict of interest situations arises.
  1. The Chancellor of the Tennessee Board of Regents system and the President of each college by the Tennessee Board of Regents are required by Tenn. Code Ann.

§ 8-50-501(a)(15) to file an online Statement of Disclosure of Interests Form with the Tennessee Ethics Commission at <https://apps.tn.gov/conflict/>, Form ss-8005 (State Officials). For the Chancellor and the Presidents this Statement of Disclosure will meet the requirements of this Policy.

2. Senior staff at the TBR System Office are required to complete a Statement of Disclosure of Interest Form. That disclosure shall be made using the Tennessee Ethics Commission Form ss-8005 (Exhibit 3) and submitted to the TBR Office of General Counsel.
3. Coaches, assistant coaches, exempt employees of the athletic department and other institutional personnel required to complete a disclosure form shall also use the Tennessee Ethics Commission Form ss-8005, Statement of Disclosure of Interest Form and accompanying instructions. The form shall be submitted to the employing institution's Human Resource Officer or other person designated by the institution's President.

## VII. **Review of Disclosures**

- A. Disclosures made under Section VI of this policy by the Chancellor or by a President shall be evaluated by the Board or a duly appointed committee thereof. A member of the Board making a disclosure shall not be entitled to vote regarding disposition of the disclosure.
- B. Disclosures made under Section VI of this policy by a person employed by the TBR System Office shall be evaluated by a committee composed of the General Counsel, the Executive Vice Chancellor and the Vice Chancellor for Business and Finance. If the disclosure is made by one of those three persons, that person shall not be entitled to vote regarding disposition of the disclosure.
- C. Each college shall establish at least one Review Committee comprised of no fewer than three persons to receive and evaluate disclosures generated by employees of the college. Policies and procedures regarding such matters as selection of members,

duration of membership, frequency of meetings, etc. shall be adopted by each institution.

1. A template institutional policy is included herein as (Exhibit 4).
  2. An Institution which fails to explicitly adopt a policy shall be expected to follow the terms of the template policy.
  3. Following evaluation of the disclosure, the Committee shall render a decision regarding the issue(s) presented by the disclosure.
  4. Any disclosure which indicates an actual violation of law shall be forwarded to the President of the Institution along with the Committee's findings.
- D. Persons potentially committing a conflict of interest violation under consideration by a conflict of interest review Committee shall receive notice of the Committee's evaluation, and be given an opportunity to appear before that Committee.

#### VIII. [Sanctions](#)





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

#### IX. [Appeals](#)

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

### **Exhibits**

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-  [Exhibit 1 - Disclosure Form](#) (docx /30.49 KB)
-  [Exhibit 2 - Board Member Disclosure Form](#) (pdf /10.07 KB)
-  [Exhibit 3 - Staff Disclosure Form](#) (docx /168.6 KB)
-  [Exhibit 4 - Institutional Policy Template](#) (docx /16.38 KB)

## Sources

### Authority

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T.C.A. § 49-8-203; All State and Federal statutes, codes, and/or rules referenced in this policy.

### History

TBR Meeting March 20, 1992; TBR Meeting December 11, 1992; TBR Meeting June 11, 1998; TBR Meeting June 28, 2002; TBR Meeting September 26, 2003; TBR Meeting June 11, 2004; TBR Meeting September 25, 2008; August 20, 2014; ministerial revisions -Changed reference from T.C.A. 12-3-106 to 12-4-106 and made corrections to definitions changing relative to immediate family and corresponding different definitions to comply with change in statutes of 2013.

### Related Policies

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- [Purchasing Policy](#)
- [Disposal of Surplus Personal Property](#)
- [Outside Employment and Extra Compensation](#)
- [Intellectual Property](#)
- [Nepotism](#)

# Conflict of Interest: 1:02:03:10

## Policy Area

Governance, Organization, and General Policies

## Applicable Divisions

TCATs, Community Colleges, System Office, ~~Board Members~~

## Purpose

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

## Definitions

- Conflict of interest - occurs when the personal interests, financial or otherwise, of a person who owes a duty to the Tennessee Board of Regents and its constituent Institutions ~~(Regents and all employees)~~ actually or potentially diverge with the person's professional obligations to and the best interests of the TBR and its Institutions.
- Conflict of commitment - occurs when the personal or other non-work related activities of an employee of the TBR and its constituent Institutions impair the ability of that employee to meet their commitments of time and energy to the TBR and its Institutions.
- Conflicting Party – A person or entity that has or is seeking to obtain contractual or other business or financial relations with the institution in which the individual is employed or has interests that may be substantially affected by the performance or nonperformance of the employee.
- ~~Family member~~ – ~~includes the spouse and children (both dependent and non-dependent) of a person covered by this policy.~~

- Immediate family – for purposes of ~~Section VI.A.1.b.(2)(e);~~ this policy means spouse or minor child living with the employee, ~~dependent children or stepchildren, or relatives related by blood or marriage.~~

## Policy

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### I. ~~Objectives of the Conflicts of Interest Policy~~

~~A. — Members of the Tennessee Board of Regents and all employees of the TBR and its constituent Institutions all serve the interests of the State of Tennessee and its citizens, and have a duty to avoid activities and situations which, either actually or potentially, put personal interests before the professional obligations which they owe to the State and its citizens.~~

### II. ~~Pertinent Federal Regulations, State Laws, and TBR Policies~~

~~A. — The following lists are intended to indicate sources of information which may provide additional guidance regarding conflict of interest situations.~~

~~B. — This policy is intended to be consistent with all pertinent Federal and State laws, regulations, and policies, as well as with other TBR policies.~~

~~C. — To the extent that conflicts arise, Federal and State laws, regulations, and policies shall take precedence.~~

~~D. — The lists are not intended to be exhaustive and additional laws, regulations, and policies may be implicated in a given conflict of interest situation.~~

#### 1. ~~Federal Regulations~~

~~a. — The National Science Foundation (NSF) and the Department of Health and Human Services (HHS), acting through the Public Health Service (PHS) (which includes the National Institutes of Health (NIH)), have promulgated policies and regulations regarding conflicts of interest and disclosure of financial interests by investigators who receive funding from these Federal agencies.~~

~~b. — The NSF policy regarding researcher conflicts of interest is contained in Section 510 of NSF Publication 95-26, the Grant Policy Manual. The PHS regulations,~~

upon which the NSF policy is modeled, are contained in the Code of Federal Regulations at 42 CFR 50.601 et seq. and 45 CFR 94.1 et seq.

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

## 2. ~~Tennessee State Law~~

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

1. ~~T.C.A. § 8-50-501, Disclosure statements of conflict of interests by certain public officials~~
2. ~~T.C.A. § 12-2-208, Purchase by officer unlawful—penalty for violation~~
3. ~~T.C.A. § 12-2-415, State surplus property disposition regulation~~
4. ~~T.C.A. § 12-2-416, Violation of § 12-2-415~~
5. ~~T.C.A. § 12-2-417, State employee violation—punishment~~
6. ~~T.C.A. § 12-4-106, Prohibition against receiving rebates, gifts, money or anything of value—Conflict of interest~~
7. ~~T.C.A. § 12-4-101, Personal interest of officers prohibited~~
8. ~~T.C.A. § 12-4-102, Penalty for unlawful interest~~
9. ~~T.C.A. § 12-4-103, Bidding by state employees prohibited~~
10. ~~T.C.A. § 12-4-104, Penalty for unlawful transactions~~
11. ~~T.C.A. § 49-8-203(d), Powers and duties (of the Board of Regents)~~

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

## 3. ~~TBR Policies~~

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

1. ~~TBR Policy 4:02:10:00, Purchasing Policy and Procedures~~



~~2.—TBR Policy 4:02:20:00, Disposal of Surplus Personal Property~~

~~3.—TBR Policy 5:01:05:00, Outside Employment~~

~~4.—TBR Policy 5:01:06:00, Intellectual Property~~

~~5.—TBR Guideline P:090, Nepotism~~

### ~~III.—Supplementary Institutional Policies and Regulations~~

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

### IV.II. Applicability

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

### V.III. General Principles

- A. Conflict of Commitment. ~~It is the policy of the Tennessee Board of Regents that~~ employees of the Tennessee Board of Regents should avoid external commitments ~~which that~~ significantly interfere with the employee's duties to the TBR and its constituent Institutions ~~(conflicts of commitment). See also TBR Policy 5:01:05:00, Outside Employment.~~ Disclosures of conflicts of commitment outside employment shall be made as required under Policy 5:01:05:00 and evaluated as indicated in that policy.
- B. Conflict of Interest. ~~It is the further policy of the Tennessee Board of Regents that both Regents and e~~mployees should avoid situations where the self-interests of the Regent or employee diverge from the best interests of the TBR and its Institutions ~~(conflict of interest).~~
- C. Management of Conflict of Interest. The mere existence of either a potential or actual conflict of interest does not mean that such conflict must necessarily be eliminated.

1. Where the potential detriment to the TBR and its Institutions is at most minor and inconsequential, and the conflict does not indicate violation of Federal or State law, regulation, or policy, those persons charged with evaluating disclosures should allow the activity to proceed without interference after documenting the evaluation process.
2. For those situations which do not implicate Federal or State law, regulation or policy, the standard ~~by which it should be determined~~ for determination of whether a conflict of interest should be managed, reduced, or eliminated is whether that conflict would appear to a reasonable person to call into question the integrity or judgment of the affected ~~Regent or~~ employee.

#### VI-IV. Situations and Activities Creating a Conflict of Interest

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

1. Self-dealing.
  - a. Situations in which ~~a Regent or an~~ employee can appear to influence or actually influence an Institutionally-related decision from which that person or a member of that person's immediate family stands to realize a personal financial benefit is self-dealing, and a conflict of interest.
  - b. Examples of self-dealing activities ~~are numerous, and include those listed below~~ the following.
    1. Purchase of State-owned property by an employee absent fair and open bidding.
      - ~~1. It is unlawful for any state employee to purchase surplus state-owned property absent a fair and open bidding process (see T.C.A. § 12-2-208 and T.C.A. § 12-2-417).~~
      - 2.1. Such purchases are also prohibited under TBR Policy 4:02:20:00.

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

~~1.—T.C.A. § 12-4-103 declares that it is unlawful for any state official or employee to “bid on, sell, or offer for sale, any merchandise, equipment or material, or similar commodity, to the state of Tennessee” or “to have any interest in the selling of the same to the state” during that person’s term of employment and for six months thereafter.~~

~~2.—Disclosure of any such transaction by an employee or member of the employee’s family or by a business in which an employee or member of the employee’s family has any significant (more than 4%) ownership interest or for which an employee or employee family member serves as an officer is required by this policy.~~

~~3.—T.C.A. § 12-4-106(b)(2013) declares that it is a conflict of interest for any person or any company with whom such person is an officer, a director, or an equity owner of greater than 1% interest to bid on any public contract for products or services for a governmental entity if such person or “immediate family” of such person is a member of a board or commission having responsibility for letting or approving such contract.~~

~~4.—For purposes of this section only, “immediate family” means spouse, dependent children or stepchildren, or relatives related by blood or marriage.~~

3. Use of Educational Materials from Which a Faculty Member Derives Financial Benefit in That Faculty Member’s Teaching Activities.

1. Any faculty member who wishes to use in his or her teaching activities educational materials (e.g. a textbook) which he or she has authored, or in which he or she otherwise stands to benefit financially from such use, a conflict of interest disclosure shall be made per Section VII of this policy.

2. Whether the use of such materials shall be permitted shall be evaluated either under the terms of Institutional policy, or in the absence of such policy, by the Review Committee established under Section X of this policy.
3. Such evaluation shall include consideration of suitable substitute materials and ensure that the needs of students are best served by use of the materials in which the faculty member has an interest.
4. Acceptance of Gifts, Gratuities, or Favors
  1. Gifts. No employee shall knowingly solicit or accept, directly, or indirectly, on behalf of himself or herself or any member of the employee's household, for personal use or consumption any gift, including but not limited to any gratuity, service, favor, food, entertainment, lodging, transportation, loan, loan guarantee or any other thing of monetary value, from any person or entity that:
    1. Has, or is seeking to obtain, contractual or other business or financial relations with the institution in which the individual is employed; or
    2. Has interests that may be substantially affected by the performance or nonperformance of the employee.
5. Exceptions
  1. The prohibition on accepting gifts in Section (4)(a) above, does not apply to:
    1. A gift given by a member of the employee's immediate family, or by an individual, if the gift is given for a non-business purpose and is motivated by a close personal friendship and not by the position of the employee;
    2. Informational materials in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.

3. Sample merchandise, promotional items, and appreciation tokens, if they are routinely given to customers, suppliers or potential customers or suppliers in the ordinary course of business, including items distributed at tradeshow and professional meetings where vendors display and promote their services and products;
4. Food, refreshments, foodstuffs, entertainment, or beverages provided as part of a meal or other event, including tradeshow and professional meetings, if the value of such items does not exceed fifty dollars (\$50.00) per occasion; provided further, that the value of a gift made pursuant to this subsection may not be reduced below the monetary limit by dividing the cost of the gift among two or more persons or entities identified in Section VI.A.1.b.(4).
5. There may be circumstances where refusal or reimbursement of a gift (such as a lunch or dinner) may be awkward and contrary to the larger interests of the institution. In such circumstances, the employee is to use his or her best judgment, and disclose the gift including a description, estimated value, the person or entity providing the gift, and any explanation necessary within fourteen (14) days to their immediate supervisor;
6. Food, refreshments, meals, foodstuffs, entertainment, beverages or intrastate travel expenses that are provided in connection with an event where the employee is a speaker or part of a panel discussion at a scheduled meeting of an established or recognized membership organization which has regular meetings;
7. Participation in institution or foundation fundraising and public relations activities, i.e. golf tournaments and banquets, where ~~persons or entities identified in Section VI.A.1.b.(4)~~ conflicting parties provide sponsorships; and

8. Loans from established financial institutions made in the ordinary course of business on usual and customary terms, so long as there are no guarantees or collateral provided by any person described in Section VI.A.1.b.(4)
2. Inappropriate use of students or support staff
  - a. Employees shall ensure that the activities of students or support staff are not exploited for the benefit of any external activity of the ~~faculty member~~employee.
  - b. Prior to assigning any such non-~~i~~institutionally related task (~~which that~~ is more than incidental or de minimus in nature) to a student or member of the support staff, an employee shall disclose such proposed activities and obtain approval from the institution's director of human resources or chief academic officer, as applicable.
3. Inappropriate use of State owned resources
  - a. Employees may not make significant use of State owned facilities, equipment, materials or other resources, not otherwise available to the public, in the course of activities which are not related to the Institution and which are intended for personal benefit, without prior disclosure and approval of the institution's chief financial officer.
4. Failure to disclose intellectual property
  - a. TBR Policy 5:01:06:00 governs the rights and responsibilities which persons affiliated with the TBR and its Institutions have regarding intellectual property developed during the term of their affiliation with the TBR.
  - b. Among the responsibilities enumerated in the policy is that of disclosure of inventions and those copyrightable works which may be reasonably expected to have commercial value which they have jointly or solely developed or created during their affiliation with the TBR and its Institutions.

#### VII.V. General Disclosure Requirements

- A. Persons to whom this policy applies who believe that a conflict of interest may exist either personally or with respect to another person covered by this policy shall make a written disclosure of the facts and circumstances surrounding the situation.
- B. No particular format is required, but the disclosure should adequately describe the pertinent facts and circumstances.
- C. For members of the Board, disclosure shall be made to the General Counsel.
- D. Employees of the System Office shall make disclosure to either their immediate supervisor or to the General Counsel.
- E. At the colleges, disclosures shall be submitted to the employee's immediate supervisor or other person designated by the President to receive such disclosures.
- F. Disclosures made by a President shall be submitted online to the Tennessee Ethics Commission.

~~VIII.VI.~~ **Special Disclosure Requirements for Researchers Applying For or Receiving NSF or PHS Funding**

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

- d. To facilitate such disclosures, the accompanying disclosure form (Exhibit 1) is available.
3. Each Institution is responsible for determining if a grant, services, or other contract with Federal agencies other than the Public Health Service or the National Science Foundation requires disclosure and / or management of conflicts of interest, and for ensuring that any such requirements are met.
4. Disclosure of financial interests made pursuant to this Section VIII notwithstanding, such disclosure does not eliminate the responsibility for making disclosures under Section VII, when specific conflict of interest situations arise.

#### ~~IX.VII.~~ Special Disclosure Requirements for ~~Regents and~~ Certain TBR Employees

- A. ~~Members of the Board of Regents, t~~he Chancellor ~~of the TBR, members of the senior staff of the TBR System Office (all~~ Executive Vice Chancellors, Vice Chancellors and the General Counsel), the Presidents of all TBR institutions, coaches, assistant coaches and employees of athletic departments who are exempt from the provisions of the Fair Labor Standards Act are required to file a financial disclosure form within one month of their initial appointment and annually thereafter in January.
- B. Disclosure of financial interests made pursuant to this Section IX notwithstanding, such disclosure does not eliminate the responsibility for making disclosures under Section VII, when specific conflict of interest situations arises.

~~1. Members of the Board of Regents shall make their disclosure using a form as indicated in (Exhibit 2) submitted to the TBR Office of General Counsel.~~

2.1. The Chancellor of the Tennessee Board of Regents system and the President of each college by the Tennessee Board of Regents are required by Tenn. Code Ann. § 8-50-501(a)(15) to file an online Statement of Disclosure of Interests Form with the Tennessee Ethics Commission at <https://apps.tn.gov/conflict/>, Form ss-8005 (State Officials). For the Chancellor and the Presidents this Statement of Disclosure will meet the requirements of this Policy.



3.2. Senior staff at the TBR System Office are required to complete a Statement of Disclosure of Interest Form. That disclosure shall be made using the Tennessee Ethics Commission Form ss-8005 (Exhibit 3) ~~and accompanying instructions~~ and submitted to the TBR Office of General Counsel.

4.3. Coaches, assistant coaches, exempt employees of the athletic department and other institutional personnel required to complete a disclosure form shall also use the Tennessee Ethics Commission Form ss-8005, Statement of Disclosure of Interest Form and accompanying instructions. The form shall be submitted to the employing institution's Human Resource Officer or other person designated by the institution's President.

#### X.VIII. Review of Disclosures

- A. Disclosures made under Section VII of this policy by a member of the Board of Regents, the Chancellor, or by a President shall be evaluated by the Board or a duly appointed committee thereof. A member of the Board making a disclosure shall not be entitled to vote regarding disposition of the disclosure.
- B. Disclosures made under Section VII of this policy by a person employed by the TBR System Office shall be evaluated by a committee composed of the General Counsel, the Vice Chancellor for External Affairs, and the Vice Chancellor for Business and Finance. If the disclosure is made by one of those three persons, that person shall not be entitled to vote regarding disposition of the disclosure.
- C. Each TBR Institution shall establish at least one Review Committee comprised of no fewer than three persons to receive and evaluate disclosures generated under Sections VII and VIII herein by employees of the Universities, Community Colleges, and Colleges of Applied Technology. Policies and procedures regarding such matters as selection of members, duration of membership, frequency of meetings, etc. shall be adopted by each Institution.
  1. A template Institutional policy is included herein as (Exhibit 4).

2. An Institution which fails to explicitly adopt a policy shall be expected to follow the terms of the template policy.
  3. Following evaluation of the disclosure, the Committee shall render a decision regarding the issue(s) presented by the disclosure.
  4. Any disclosure which indicates an actual violation of law shall be forwarded to the President of the Institution along with the Committee's findings.
- D. Persons potentially committing a conflict of interest violation under consideration by a conflict of interest review Committee shall receive notice of the Committee's evaluation, and be given an opportunity to appear before that Committee.

#### XI.IX. Sanctions





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

#### XII.X. Appeals

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

### **Exhibits**

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-  [Exhibit 1 - Disclosure Form](#) (docx /30.49 KB)
-  [Exhibit 2 - Board Member Disclosure Form](#) (pdf /10.07 KB)
-  [Exhibit 3 - Staff Disclosure Form](#) (docx /168.6 KB)
-  [Exhibit 4 - Institutional Policy Template](#) (docx /16.38 KB)

### **Sources**

#### **Authority**

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T.C.A. § 49-8-203; All State and Federal statutes, codes, and/or rules referenced in this policy.

## History

TBR Meeting March 20, 1992; TBR Meeting December 11, 1992; TBR Meeting June 11, 1998; TBR Meeting June 28, 2002; TBR Meeting September 26, 2003; TBR Meeting June 11, 2004; TBR Meeting September 25, 2008; August 20, 2014; ministerial revisions -Changed reference from T.C.A. 12-3-106 to 12-4-106 and made corrections to definitions changing relative to immediate family and corresponding different definitions to comply with change in statutes of 2013.

## Related Policies

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- [Purchasing Policy](#)
- [Disposal of Surplus Personal Property](#)
- [Outside Employment and Extra Compensation](#)
- [Intellectual Property](#)
- [Nepotism](#)

## STATE LAWS ON CONFLICTS OF INTEREST

1. **Accepting rebates, gifts, or other things of value.** *Tennessee Code Annotated* section 12-3-106 prohibits employees who are responsible for initiating requisitions from directly or indirectly accepting or receiving any rebate, gift, money, or other thing of value from any person, firm, or corporation to whom a contract for the purchase of materials, supplies, or equipment may be awarded. This statute also prohibits accepting or receiving any promise, obligation, or contract for future rewards of compensation from a contractor.
  
2. **Having a personal interest in any contract in which the University is or may be interested.** *Tennessee Code Annotated* section 12-4-101 prohibits employees who are in a position to select a contractor, to oversee work under a contract, or in any manner to superintend a contract in which the University is or may be interested from being directly interested in the contract. An employee is directly interested if the contract is with:
  - The employee,
  - A business in which the employee is the sole proprietor,
  - A business in which the employee is a partner, or
  - A business in which the employee has a **controlling interest**, i.e., owns or controls the largest number of outstanding shares owned by any single individual or corporation.

Violation of this statute carries a civil penalty requiring forfeiture of all pay and compensation received under the contract, dismissal from the employee's position, and ineligibility for the same or a similar position for ten years.

### *Exceptions:*

- Any interest that does not fall within the definition of a direct interest is an **indirect interest** and is also prohibited unless it is publicly acknowledged at the time of contracting.
  - If the employee, proprietorship, partnership, or corporation is the sole supplier of required goods or services in the county, the employee's interest will not violate this statute if it is publicly acknowledged at the time of contracting.
3. **Selling goods to the University or any other State agency.** *Tennessee Code Annotated* section 12-4-103 prohibits all University employees from bidding on, selling, or offering to sell any merchandise, equipment or material, or similar commodity to the University or any other State agency. This prohibition applies to sales by:
    - The employee,
    - A business in which the employee is the sole proprietor,
    - A business in which the employee is a partner, or
    - A business in which the employee has a controlling interest (see 2, above).

## STATE LAWS ON CONFLICTS OF INTERESTS

This prohibition continues for six months after employment with the University terminates.

Violation of this statute carries both civil and criminal penalties:

- **Civil.** The employee must refund to the University or the State all amounts paid for the goods, plus 8 percent interest.
- **Criminal.** Violation of section 12-4-103 is a Class E felony.

### *Exceptions:*

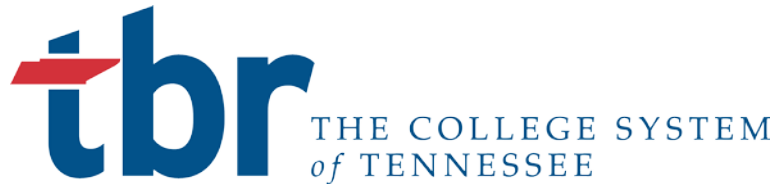
- Sales by a business in which an employee owns less than a controlling interest are also prohibited unless the employee's interest is publicly acknowledged at the time of the sale.
- If the employee, proprietorship, partnership, or corporation is the sole supplier of required goods in the county, the sale will not violate this statute if the employee's interest is publicly acknowledge at the time of the sale.

4. **Providing personal, professional, or consultant services to the University or any other State agency.** *Tennessee Code Annotated* section 12-4-109 requires that all personal, professional, and consultant services to the University and other State agencies be procured as prescribed by the regulations of the State Department of Finance and Administration. Under those regulations, all employees are prohibited from contracting with the University or another State agency to provide personal, professional, or consultant services. The prohibition applies to contracts with:

- The employee,
- A business in which the employee is the sole proprietor,
- A business in which the employee is a partner, or
- A business in which the employee has a controlling interest (see 2, above).

This prohibition continues for six months after employment with the University terminates.

5. **Interests of spouse or minor child.** For the purpose of applying every statute and regulation described above, the interest of a spouse or minor child with whom the employee commingles asset is treated as the employee's interest.
6. **Nepotism.** *Tennessee Code Annotated* section 8-31-103 prohibits employees who are relatives from working within the same direct line of supervision whereby one relative is responsible for supervising the job performance or work activities of the other. "Relative" means a parent, foster parent, parent-in-law, child, spouse, brother, foster brother, sister, foster sister, grandparent, grandchild, son-in-law, brother-in-law, daughter-in-law, sister-in-law, or any other family member who resides in the same household.



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**Presidents Quarterly Meeting  
Tuesday, August 6, 2019**

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**SUBJECT:** Revisions to TBR Policy 1.03.10.00  
Student & Faculty Participation in Development of Campus  
Policies & Programs

**PRESENTER:** Mary G. Moody, General Counsel

**ACTION REQUIRED:** Requires Vote

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The proposed revisions to TBR Policy 1.03.10.00, Student & Faculty Participation in Development of Campus Policies & Programs, are intended to clarify the roles of students and faculty in the development of policies and programs at TBR institutions and to provide for opportunities for their input in the process while emphasizing that the responsibility and authority for decision-making rests solely with the administration.

Staff recommends approval of the proposed revisions.

Attachments;

TBR Policy 1.03.10.00, Student & Faculty Participation in Development of Campus Policies & Programs-Proposed Revisions Redlined

TBR Policy 1.03.10.00, Student & Faculty Participation in Development of Campus Policies & Programs-Clean Copy Reflecting Revisions

# Student & Faculty Participation in Development of Campus Policies & Programs: 1:03:10:00

## Policy Area

Governance, Organization, and General Policies

## Applicable Divisions

TCATs, Community Colleges

## Purpose

To provide for shared governance at TBR institutions by establishing effective means whereby students and faculty can ~~participate in and make recommendations concerning the formation~~ have input into the development of policies and programs relating to student and academic affairs, while recognizing that the responsibility and authority for decision-making rests solely with the administration.

## Policy

### I. General Principles Student and Faculty Participation in Development of Campus Policies and Programs

A. \_\_\_\_\_ The Tennessee Board of Regents recognizes that students and faculty are vital components of the campus community which ~~must~~ should effectively contribute to the progress and general welfare of the institutions governed by the Board. While recognizing the value of input from the students and faculty of an institution on issues of common interest, the Tennessee Board of Regents has delegated to the presidents of its institutions the responsibility and authority to make decisions regarding the operation of the institution, subject to TBR policies and procedures and applicable laws

Students should have a primary interest in matters of student life, including discipline ~~and housing~~, and faculty should have a primary interest in academic affairs, including curriculum, program changes and development, and admission and graduation requirements. Furthermore, both students and faculty have a direct interest in both student and academic affairs.

B. \_\_\_\_\_

A. II. Institutional Policies

~~C.~~ ~~Therefore, it is the policy of the Board that e~~Each institution shall establish effective means whereby students and faculty can participate in and make recommendations concerning the ~~formation~~ development of policies and programs relating to student and academic affairs, such as the establishment of a student government association and a faculty senate.

~~D.B.~~ Due to differences in sizes of the various institutions, and existing methods at some institutions which may effectively provide for faculty and student participation, each institution shall determine and make known, through policy, the method and degree of student and faculty involvement in specific areas of institutional decision-making, subject to the approval of the Chancellor. If an institution adopts a policy establishing a student governing body and/or a faculty governing body, that policy must require that the body adopt by-laws to be approved by the institution's president. If an institution policy provides for a chief student officer, such as a student government president, that officer must be elected by a general vote open to all students eligible to vote as defined by that Institution's policy. If an institution provides for a chief faculty officer, such as a faculty senate president, that officer must be elected by a general vote open to all faculty members eligible to vote as defined by that institution's policy.

## Sources

### Authority

T.C.A. § 49-8-203

### History

TBR Meetings, June 20, 1975; September 30, 1983; June 19, 1998



# Student & Faculty Participation in Development of Campus Policies & Programs: 1:03:10:00

## Policy Area

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Governance, Organization, and General Policies

## Applicable Divisions

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TCATs, Community Colleges

## Purpose

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To provide for shared governance at TBR institutions by establishing effective means whereby students and faculty can have input into the development of policies and programs relating to student and academic affairs, while recognizing that the responsibility and authority for decision-making rests solely with the administration.

## Policy

### I. General Principles

The Tennessee Board of Regents recognizes that students and faculty are vital components of the campus community which should effectively contribute to the progress and general welfare of the institutions governed by the Board. While recognizing the value of input from the students and faculty of an institution on issues of common interest, the Tennessee Board of Regents has delegated to the presidents of its institutions the responsibility and authority to make decisions regarding the operation of the institution, subject to TBR policies and procedures and applicable laws. Students should have a primary interest in matters of student life, including discipline, and faculty should have a primary interest in academic affairs, including curriculum, program changes and development, and admission and graduation requirements. Furthermore, both students and faculty have a direct interest in both student and academic affairs.

## **II. Institutional Policies**

Each institution shall establish effective means whereby students and faculty can participate in and make recommendations concerning the development of policies and programs relating to student and academic affairs, such as the establishment of a student government association and a faculty senate. Due to differences in sizes of the various institutions, and existing methods at some institutions which may effectively provide for faculty and student participation, each institution shall determine and make known, through policy, the method and degree of student and faculty involvement in specific areas of institutional decision-making, subject to the approval of the Chancellor. If an institution adopts a policy establishing a student governing body and/or a faculty governing body, that policy must require that the body adopt by-laws to be approved by the institution's president. If an institution policy provides for a chief student officer, such as a student government president, that officer must be elected by a general vote open to all students eligible to vote as defined by that institution's policy. If an institution provides for a chief faculty officer, such as a faculty senate president, that officer must be elected by a general vote open to all faculty members eligible to vote as defined by that institution's policy.

### **Sources**

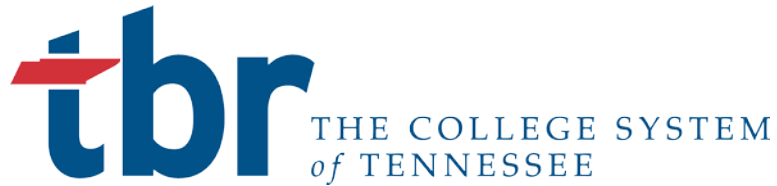
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#### **Authority**

T.C.A. § 49-8-203

#### **History**

TBR Meetings, June 20, 1975; September 30, 1983; June 19, 1998



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**Presidents Quarterly Meeting  
August 6, 2019**

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**SUBJECT:** Policy Revision 5:02:02:10  
Rank and Promotion at Tennessee Colleges of Applied  
Technology

**PRESENTER:** Randolph Schulte, Ed.D.  
Vice Chancellor, Academic Affairs

**ACTION REQUIRED:** Vote

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**Summary:**

The proposed policy revision, only applicable to the TCATs, adds rank and promotion consideration for all faculty (nine-months, ten-months, and full fiscal).

## 5-Personnel Policies

5:02:02:10

Name: Faculty Rank & Promotion at Technical Colleges TCATs

### Purpose

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The purpose of this policy is to establish the criteria and process regarding faculty rank and promotion at Tennessee Colleges of Applied Technology governed by the Tennessee Board of Regents.

### Applies to Colleges of Applied Technology

### Policy

The policy of Tennessee Board of Regents is to grant advancement on the basis of merit tempered by college and fiscal considerations. In accord with this policy, promotions are to be made equitably, impartially, and in keeping with the following procedures guidelines. Each academic rank represents specific qualifications, professional competencies, and a history of productivity together with the promise of continued growth. Promotion to higher rank is neither an unqualified right nor an automatic occurrence. Having completed a given period of service or performed routine duties should be considered an affirmative factor in appraising a faculty member's qualifications for promotion, though they are insufficient in and of themselves to warrant promotion.

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### Procedures

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#### I. Introduction

- A. Initial appointment to a faculty rank reflects an assessment of credentials in light of various criteria, which define each rank.
- B. Promotion in rank is recognition of past achievement of the individual being considered for promotion. In addition, the advancement in rank is usually recognition of future potential and a sign of confidence that the individual is capable of greater accomplishments and assuming greater responsibilities.
- C. Faculty members who are employed full-time to teach only dual-enrollment students or special industry classes are included in this policy. These faculty members must be on a nine-month, a ten-month, or a full fiscal year contract.

~~D.~~

#### II. Minimum Criteria for Initial Rank Appointment and for Promotion in Rank

- A. Full-time faculty appointed in the tenure track or appointed to a one-year contract, a nine-month contract, a ten-month academic year contract, or full fiscal year contract for

those faculty members identified in Section I. C., must be assigned one of the following five (5) ranks:

1. Associate Instructor
  2. Instructor
  3. Senior Instructor
  4. Master Instructor
  5. Master Instructor II
- B. The following criteria for initial appointment in rank also serve as criteria for promotion in rank:
1. Associate Instructor
    - a. Evidence of good ability in instruction (as reflected by performance evaluations).
    - b. Evidence of potential ability in instruction.
    - c. Evidence of good character, mature attitude, and stable personality.
    - d. Credential indicating high school graduation or equivalent.
    - e. Three (3) years of employment experience in the occupation to be taught and appropriate occupational certification.
    - f. Indication of a willingness to remain current in the occupation to be taught.
    - g. Indication of a willingness to establish and maintain positive relationships with business, industry and government.
    - h. A three year average of 70% for completion and 80% for placement is required for promotion, if applicable.
  2. Instructor
    - a. Evidence of good ability in instruction (as reflected by performance evaluations).
    - b. Evidence of demonstrated ability in instruction.
    - c. Evidence of good character, mature attitude, and stable personality.
    - d. Evidence of study in the instructional or related discipline aimed toward an associate degree or higher from an accredited institution (such evidence would include acquiring a minimum of 30 semester hours of academic credit of which 18 semester hours should be in technical education courses designed for technical educators.) or evidence of a college of applied technology diploma consisting of at least 900 contact hours and completion of 15 hours of college-level work in the appropriate concentration, general education, or technical education courses designed for technical educators.
    - e. Three (3) years of teaching experience in the occupational discipline and three (3) years of employment experience in the occupation to be taught.
    - f. Evidence that the instructional program and being taught by the instructor are certified or accredited, if applicable.
    - g. Evidence of a developed plan to remain current in the occupation to be taught.
    - h. Evidence of maintaining positive relationships with business, industry and government.
    - i. A three year average of 70% completion and 80% placement is required for promotion, if applicable.
  3. Senior Instructor

- a. Evidence of good ability in instruction (as reflected by performance evaluations).
  - b. Evidence of good character, mature attitude, and stable personality.
  - c. Credential from an accredited institution indicating an associate degree or 60 credit hours toward a bachelor's degree in the occupational area or a related area.
  - d. Six (6) years of teaching experience in the occupational discipline and three (3) years employment experience in the occupation.
  - e. Evidence of having carried out a planned program to remain current in the occupation to be taught.
  - f. Evidence of maintaining positive relationships with business, industry and government.
  - g. A three year average of 70% completion and 80% for placement is required for promotion, if applicable.
4. Master Instructor
- a. Evidence of excellent ability in instruction (as reflected by performance evaluations).
  - b. Evidence of good character, mature attitude, and stable personality.
  - c. Credential from an accredited institution indicating a bachelor's degree (or above) in the occupational area instructional discipline or a related area.
  - d. Nine (9) years of teaching experience in the occupation and three years employment experience in the occupation.
  - e. Evidence of a well-conceived on-going plan and program to remain current in the occupation to be taught.
  - f. Evidence of maintaining positive relationships with business, industry and government.
  - g. A three year average of 70% for completion and 80% for placement is required for promotion, if applicable.
5. ~~5.~~ Master Instructor II
- a. Evidence of excellent ability in instruction (as reflected by performance evaluations).
  - b. Evidence of good character, mature attitude, and stable personality.
  - c. Credential from an accredited institution indicating a bachelor's degree (or above) in the occupational area instructional discipline or a related area.
  - d. Fifteen (15) years of teaching experience in the occupation and three years employment experience in the occupation.
  - e. This level will recognize faculty members who reached the Master Instructor level and have continued to do an outstanding job including a three year history of leadership activities plus a three year average of 70% for completion and 80% for placement, if applicable.
  - f. Evidence of a well-conceived on-going plan and program to remain current in the occupation and documented by a leadership portfolio.
  - g. Evidence of maintaining positive relationships with business, industry, and government.

### III. Initial Rank Appointment

- A. It is the responsibility of the President to ensure that all positions are filled in compliance with Board policy and any special directions from the Chancellor.
- ~~B. —When full-time faculty are appointed in the tenure track, it is also the responsibility of the President to ensure that such appointments reflect clearly the criteria for ranks described in II (above).~~

IV. Promotion in Rank

- A. It is the responsibility of the President to recommend at a time stipulated by the Chancellor or his or her designee only those individuals who warrant promotion in light of the criteria for ranks described in II (above). A letter of promotion recommendation from the President of the Tennessee College of Applied Technology shall be forwarded to the Chancellor for his or her review. That letter should be accompanied by an attached “School Promotion Report.”
- B. The Chancellor’s recommendation for promotion will be forwarded to the Board Committee on Personnel and subsequently to the Tennessee Board of Regents. ~~Promotions in rank for tenured or tenured-track faculty may not become effective until they have received positive action by the Tennessee Board of Regents.~~

V. Exceptions

- A. If the President wishes to make an appointment or a promotion that does not reflect adherence to the criteria described in II (above), he or she must appeal to the Chancellor for an exception prior to making any commitment to the candidate.
  - ~~1. —Faculty members identified in Section 1.C. are not evaluated for compliance with COE Standard 2 requirements for Completion Rates, Placement Rates, and Licensure Exam Pass rates. Notwithstanding other relevant TBR policies, Presidents are authorized to recommend these faculty members for promotion by exception.~~
- B. Board staff will review the exception and supporting documentation during the regular promotion recommendation cycle.
  - ~~1. —If exceptional instructors are identified, up to two exceptions per institution per academic year may be sent to the Chancellor's Office for TBR Board recommendation.~~

VI. Distribution of Information to Faculty

- A. This policy of the Tennessee Board of Regents on faculty and promotion at Tennessee Colleges of Applied Technology is applicable to all Colleges of Applied Technology governed by the Board. It should be incorporated in those personnel policy manuals by which each school normally communicates with its faculty.

**Source**

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T.C.A. § 49-8-203

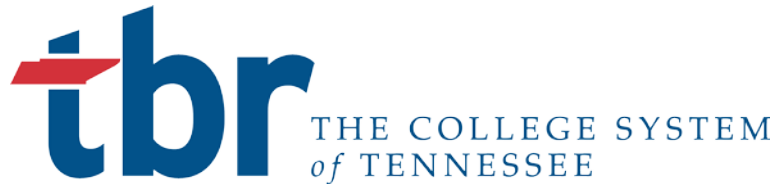
TBR Meeting, September 30, 1993; December 9, 1994; Revise: TBR Meeting, September 30, 2005; December 3, 2009; TBR Meeting June 23, 2016.

**Exhibits**

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**Related Policies**





**Presidents Quarterly Meeting  
August 6, 2019**

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**SUBJECT:** Policy Revision 5:02:03:10  
Tenure at Tennessee Colleges of Applied Technology

**PRESENTER:** Randolph Schulte, Ed.D.  
Vice Chancellor, Academic Affairs

**ACTION REQUIRED:** Vote

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**Summary:**

The proposed policy revision, only applicable to the TCATs, removes all language regarding academic freedom and responsibility. The language will be added to TBR Policy 5:02:03:30- Academic Freedom and Responsibility and will apply to both TCATs and community colleges. Additionally, the proposed revision dissolves the tenure and tenure-track option for faculty hired after October 1, 2019.

# ~~Academic Freedom, Responsibility, & Tenure at the Tennessee Technical Colleges of Applied Technology: 5:02:03:10~~

## **Policy Area**

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Personnel Policies

## **Applicable Divisions**

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TCATs

## **Purpose**

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The purpose of this policy is to establish the principles of academic freedom and responsibility at Tennessee Colleges of Applied Technology governed by the Tennessee Board of Regents as well to establish the criteria and process regarding tenure at those colleges.

## **Definitions**

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The following are general definitions of words and terms used in this policy which are not hereinafter specifically defined; however, the words and terms are subject to further qualification and definition in the subsequent sections of this policy.

- Academic Tenure - a personnel status in a college of applied technology pursuant to which the appointments of full- time faculty who have been awarded tenure are continued at a college until the expiration or relinquishment of that status, subject to termination for adequate cause, for financial exigency, or for curricular reasons.
- Adequate Cause - a basis upon which a faculty member, either with academic tenure or on a tenure-track or temporary appointment prior to the end of the specified term of the appointment, may be dismissed or terminated. The specific grounds which constitute adequate cause are set forth in Section N.

- ~~Financial Exigency – the formal declaration by the Tennessee Board of Regents that colleges of applied technology face an imminent financial crisis, that there is a current or projected absence of sufficient funds (appropriated or non-appropriated) for the colleges as a whole to maintain current programs and activities at a level sufficient to fulfill their educational goals and priorities, and that the budget can only be balanced by extraordinary means which include the termination of existing and continuing academic and non-academic appointments.~~
- Faculty Member - a full-time employee who holds academic rank as Associate Instructor, Instructor, Senior Instructor, or Master Instructor; and, for purposes of this policy, who meets the minimum requirements for tenure in Section C and whose responsibilities primarily include instruction.
- Probationary Employment - a period of full-time professional service by a faculty member for whom an appointment letter denotes a tenure-track appointment in which ~~he/shethey doesdo~~ not have tenure and in which ~~he/shethey isare~~ evaluated by the college for the purpose of determining ~~his/hertheir~~ satisfaction of the criteria for a recommendation for tenure.
- Temporary Appointment, Tenure-track Appointment, Tenure Appointment and Term Appointment - these four types of faculty appointments are defined in Section III.D. of this policy.

## Policy

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### I. Introduction

- A. ~~This e following policy of the Tennessee Board of Regents on academic freedom, responsibility, and tenure~~ is applicable to all colleges of applied technology governed by the Board. It should be incorporated in those personnel policy manuals by which each college normally communicates policies to its faculty.

### ~~II. Academic Freedom and Responsibility~~

A.—~~The Board recognizes the principle of academic freedom, pursuant to which:~~

- ~~1.—The faculty member is entitled to freedom in the classroom in discussing his/her the subject being taught, being careful not to introduce into the teaching controversial matter which has no relation to the subject;~~
- ~~2.—The faculty member is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of his/her their other academic duties; but research for pecuniary gain must be based upon an understanding written agreement with the authorities of the college; and~~
- ~~3.—The faculty member is a citizen, a member of a learned profession, and an officer of an educational institution. When the faculty member speaks or writes as a citizen, he/she they should be free from institutional censorship or discipline, but his/her their special position in the community imposes special obligations. As a man or woman of learning and an educational officer, he/she they should remember that the public may judge the profession and the college by the faculty member's utterances. Hence, a faculty member should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that he/she they does do not speak for the college.~~

B.—~~Academic freedom is essential to fulfill the ultimate objectives of an educational institution—the free search for and exposition of truth—and applies to both teaching and research.~~

C.—~~Freedom in research is fundamental to the advancement of truth, and academic freedom in teaching is fundamental for the protection of the rights of the faculty member in teaching and of the student to freedom in learning.~~

D.—~~Implicit in the principle of academic freedom are the corollary responsibilities of the faculty who enjoy that freedom.~~

- ~~1.—Incompetence, indolence, intellectual dishonesty, serious moral dereliction, arbitrary and capricious disregard of standards of professional conduct—~~

~~these and other grounds as set forth in Section III.N. may constitute adequate cause for dismissal or other disciplinary sanctions against faculty members subject to the provisions of Article III.~~

~~E.—The right to academic freedom imposes upon the faculty an equal obligation to take appropriate professional action against faculty members who are derelict in discharging their professional responsibilities.~~

~~F.—Thus, academic freedom and academic responsibility are interdependent, and academic tenure is adopted as a means to protect the former while promoting the latter. While academic tenure is essential for the protection of academic freedom, aAll faculty members, tenured or non-tenured, have an equal right to academic freedom and bear the same academic responsibilities implicit in that freedom.~~

### III.II. Policy on Academic Tenure

#### A. Academic Tenure

1. Tenure is a personnel status pursuant to which faculty appointments in a college of applied technology are continued until retirement for age or physical or mental disability, subject to dismissal for adequate cause or unavoidable termination on account of financial exigency or curricular reasons. Faculty members hired after October 1, 2019 shall not be eligible for tenure.
2. Tenure is awarded only by positive action by the Board, pursuant to the requirements and procedures of this policy, at a specific college.
3. The awarding of tenure is recognition of the merit of a faculty member and of the assumption that he/shethey would meet the long-term staffing needs of the college. It is only awarded to those members of the faculty who have exhibited professional excellence and outstanding abilities sufficient to demonstrate that their future services and performances justify the degree of permanence afforded by academic tenure.

- B. The Tennessee Board of Regents does not award tenure in non-faculty positions.
1. Notwithstanding the above, this section shall not be interpreted as diminishing the rights of non-faculty employees previously awarded tenure in positions at the state technical institutes or colleges of applied technology by the Board of Education, whose rights are governed by TBR Policy on Tenure in Non-Faculty Positions (5:02:03:20).
- C. Minimum Eligibility Requirements for Consideration for Academic Tenure
1. The following statements clarify minimum eligibility requirements for consideration for academic tenure:
    - a. Academic tenure may only be awarded to full-time faculty members who;
      1. Hold academic rank as Instructor, Senior Instructor, or Master Instructor;
      2. Have been employed pursuant to tenure-track appointments and have completed not less than the minimum probationary period of service; and
      3. Have been determined by the college of applied technology to meet the criteria for recommendation for tenure and have been so recommended pursuant to this policy.
  2. A faculty member holding the rank of Associate Instructor is not eligible to be awarded tenure.
    - a. If an Associate Instructor is not promoted prior to the end of the probationary period, he/shethey will not be reviewed for tenure. All regulations concerning maximum probationary period will apply (see III.E.1).
  3. Faculty holding temporary appointments or term appointments are not eligible for tenure.

4. Faculty members supported in whole or in part by funds available to the college on a short-term basis, such as grants, contracts, or foundation sponsored projects, shall not be eligible for tenure unless continuing support for such members can be clearly identified in the regular budget of the college upon the recommendation of tenure to the Board.
5. No faculty member shall be eligible for tenure in an administrative position; provided that where a faculty member with tenure is appointed to an administrative position, he/shethey will retain tenure in a former faculty position only; and provided further that a faculty member otherwise eligible for tenure who also holds an administrative position may be awarded tenure in the faculty position only, subject to the requirements of this policy.

D. Types of Appointments

1. There are four types of faculty appointments: temporary appointments, tenure-track appointments, tenure appointments and term appointments.
  - a. Temporary appointments are appointments for a specific purpose for a time appropriate to that purpose or for an unspecified period, which appointments may be terminated according to the terms of the appointments.
    1. Temporary appointments that are full-time should be called Interim Instructor; others should be designated Part-time Instructor.
    2. Temporary appointments ordinarily should be used to replace regular faculty on leave of absence, and faculty employed pursuant to grants or for projects funded in whole or in part by non-appropriated funds.
    3. In addition, temporary appointments may be used for faculty employed on the basis of state appropriated funds in areas where the permanent and continued need for the position has not been established, provided that such appointments shall not be in excess of three academic years.

b. Tenure-track appointments are appointments for regular full-time faculty with academic rank. They are for faculty who are employed in a probationary period of employment preliminary to consideration for tenure.

1. Tenure-track appointments shall not include any right to permanent or continuous employment, shall not create any manner of legal right, interest or expectancy of renewal or any other type of appointment, and shall be subject to annual renewal by the college.

4.2. New tenure-track appointments shall not be made after October 1, 2019.

c. Tenure appointments are appointments of full-time faculty who have been awarded tenure by the Board pursuant to the provisions of this policy.

1. Tenure appointments include the assurance of continued employment for the academic year for an indefinite period, subject to expiration, relinquishment or termination of tenure as hereinafter provided.

2. Tenure appointments do not include assurance of continued employment at any specific salary or position.

d. Term appointments are provided only for faculty at colleges of applied technology. They are non-tenure appointments in a traditional rank (e.g., associate instructor, instructor, etc.) for a fixed period of no more than one (1) year and may be renewed with no presumed maximum number of re-appointments.

#### E. Probationary Employment

1. Untenured faculty may be employed on annual tenure-track appointments for a maximum probationary period which may not exceed seven years. A recommendation for tenure of a faculty member following a probationary period of not less than five years may be made by the ~~director~~president of a college; provided that exceptions to the minimum probationary period may be



made under special circumstances upon recommendation by the ~~director~~president and the Chancellor and approval by the Board. No new tenure track appointments shall be made after October 1, 2019.

2. The minimum probationary period of five years may include credit for prior service when agreed to by the ~~director~~president and subject to the maximum permissible credit for prior service, pursuant to Section III.G.
3. Employment in part-time positions or during periods of leaves of absence (except in the circumstance described in 4 below) shall not be credited toward satisfying the probationary period.
4. Only full-time continuous service at a college will be included in determining completion of the probationary period, except where a break in service was pursuant to an approved leave of absence.
  - a. The period of approved leave of absence shall be excluded from the requisite period for completion of the probationary period unless the ~~director~~president of the college specifies in writing prior to the leave of absence that it shall be included in the probationary period.
  - b. In no case may more than one year of approved absence be included in determining completion of the probationary period.
5. Where a faculty member is appointed to an administrative position prior to being awarded tenure at the college, if ~~he/she~~they maintains/maintain a significant involvement in teaching, the time or a prorated portion of the time spent in the administrative position may be credited toward completion of the probationary period. The ~~director~~president has final responsibility for determining what constitutes "significant involvement in teaching."

#### F. Non-Renewal of Non-Tenured Faculty

1. When the tenure-track appointment of a faculty member is not to be renewed for a subsequent year, the faculty member shall receive notice of ~~his/her~~their non-retention for the ensuing year by April 15. Notice of non-renewal shall be

effective upon personal delivery of the notice to the faculty member, or upon the date the notice is mailed, postage prepaid, to the faculty member at his/her/their current home address of record at the institution.

2. When a faculty member on a tenure-track appointment completes the sixth year of the probationary period, the faculty member will either be recommended for tenure by the director/president or will be given notice of non-renewal of the appointment following the seventh year of service. Such notice of non-renewal will be given not later than June 30 of the sixth academic year. The faculty member's right in an instance where timely notice is not given is described in Section I.
3. Faculty members on tenure-track appointments shall not be terminated during the annual specified term of the appointment except for reasons which would be sufficient for the termination of tenured faculty.
4. The non-renewal or non-reappointment of any faculty member on a tenure-track appointment does not necessarily carry an implication that his/her/their work or conduct has been unsatisfactory. A faculty member whose tenure-track appointment is not renewed shall be given an oral statement of the reason(s) for the non-renewal by the director/president or his/her/their designated representative(s).
5. The institution shall provide the non-renewed faculty member an opportunity to discuss his/her/their case. Responsibility for providing that opportunity resides with the director/president (or his/her/their designee).

G. Credit for Prior Service

1. Credit toward completion of the probationary period may, in the discretion of the director/president, be given for a maximum of three years of previous full-time service at other colleges of applied technology or similar teaching assignments, provided that the prior service is relevant to the college's own needs and criteria.

- a. Any credit for prior service which is recognized and agreed to must be confirmed in writing at the time of the initial appointment.
  2. Credit toward completion of the probationary period may, in the discretion of the director/president, be given for a maximum of three years of previous full-time service in a temporary faculty appointment or term appointment at the same college (see Type of Appointments, Section III.D1) or in an earlier tenure-track appointment at the same college which has been followed by a break in service.
    - a. Any credit for prior service in a temporary full-time faculty appointment at the same college or in an earlier tenure-track appointment (at the same college) which has been followed by a break in service must be recognized and confirmed in writing in the appointment letter to a tenure-track position.
- H. Criteria to be Considered in Tenure Recommendations
1. The tenure-track faculty member being considered for tenure must be assessed with respect to the following criteria:
    - a. Evidence of teaching effectiveness in the occupation being taught.
    - b. Evidence of an on-going commitment to remaining current in the occupation being taught.
    - c. Evidence of service to the college and the community in furthering the goals of the college of applied technology.
    - d. Demonstrated potential for continuous professional growth.
    - e. Participation in professional activities, including membership and leadership in professional organizations supportive of the goals of vocational-technical education.
    - f. Projected staffing needs in the teaching area and in the college as a whole.
    - g. Ability to set and achieve clear objectives that are shared by the college.

I. Tenure Appointments: Authority to Grant

1. No faculty member shall be entitled to or acquire any interest in a tenure appointment at a college without a recommendation for tenure by the ~~director~~president of the college and an affirmative award of tenure by the Board of Regents.
2. No other person shall have any authority to make any representation concerning tenure to any faculty member; and failure to give timely notice of non-renewal of a contract shall not result in the acquisition of a tenure appointment, but shall result in the right of the faculty member to another year of service at the college.

J. Expiration of Tenure

1. Tenure status shall expire upon retirement of the faculty member.
2. Tenure shall also expire upon the event of permanent physical or mental inability of a faculty member, as established by an appropriate medical authority, to continue to perform ~~his/her~~their essential functions.

K. Relinquishment of Tenure

1. A faculty member shall relinquish or waive ~~his/her~~their right to tenure upon resignation from the college or upon willful failure to report for service at the designated date of the beginning of any academic term, which shall be deemed to be a resignation unless, in the opinion of the ~~director~~president, the faculty member has shown good cause for such failure to report.
2. Tenure shall not be relinquished during periods of approved leaves of absence or during periods of service in administrative positions at the college.

~~L. Termination of Tenure for Reasons of Financial Exigency~~

- ~~1. A tenured faculty member may be terminated as a result of financial exigency subject to Board declaration that such financial conditions exist.~~

- ~~2. Personnel decisions (including those pertaining to tenured faculty) that result from a declaration of financial exigency at colleges of applied technology will comply with the provisions here stated.
  - ~~a. The definition of financial exigency that applies to colleges of applied technology appears in Definitions.~~~~
- ~~3. Financial exigency results from an imminent fiscal crisis characterizing the colleges of applied technology in the Tennessee Board of Regents System; thus, the condition of financial exigency may not be declared at a level below that of the aggregate colleges of applied technology (e.g., it may not be declared at the level of an individual college of applied technology).
  - ~~a. In light of the gravity of consequences resulting from a declaration of financial exigency, the process leading to recommendation to the Tennessee Board of Regents that financial exigency be declared must be cautious, fair, well informed, and as responsive as possible to the interests of various segments of the colleges.~~~~
- ~~4. The responsibility for initiating the proposal for declaration of financial exigency resides with the Chancellor.
  - ~~a. Since recommending the declaration of financial exigency is an extreme measure, that responsibility requires the Chancellor to provide all appropriate assurances and documentation that available and reasonable procedures to reduce the expenditure levels of the colleges are exhausted and that no efforts have been spared to enhance revenues.~~~~
- ~~5. If his/her review supports the conclusion that conditions warrant a declaration of financial exigency, the Chancellor shall so recommend to the Tennessee Board of Regents.
  - ~~a. That review should include significant participation by the directors of the individual college of applied technology.~~~~

- ~~b. In addition to providing the Tennessee Board of Regents with a recommendation to declare financial exigency, the Chancellor shall also submit a statement of findings and conclusions which shall include at least the following:~~
- ~~1. A description of the current fiscal condition of the colleges, including the projected amount of deficit that would result from failure to declare financial exigency.~~
  - ~~2. A projection of the fiscal condition that would result, in the opinion of the Chancellor, from general types of action anticipated to be taken subsequent to a declaration of financial exigency.~~
  - ~~3. An analysis of the reason for the current imminent fiscal crisis characterizing the institutions, specifying with appropriate documentation those identifiable factors contributing to the crisis.~~
  - ~~4. A statement of assurance, with supporting evidence, that available and reasonable procedures to reduce expenditure levels of the colleges are exhausted, that further retrenchment within existing policies is not compatible with the objective of assuring maximum protection for the academic programs of the colleges and the educational needs of students, and that efforts to enhance revenues have been carried out in a responsible manner.~~
  - ~~5. A transmittal of any advice, alternatives, or information submitted in writing by individual directors from colleges of applied technology.~~
- ~~6. Should the Tennessee Board of Regents formally declare a state of financial exigency, the Chancellor shall in a reasonable time and with appropriate documentation initiate a proposed plan to allocate necessary funding reductions among the individual colleges of applied technology. The following procedures shall be followed:~~

- a. ~~The Chancellor shall convene a Financial Exigency Committee, the composition of which shall be broadly representative of all personnel constituencies in colleges of applied technology.~~
  - b. ~~The Chancellor's proposed plan for allocating necessary funding reductions to individual colleges of applied technology shall be reviewed by the Financial Exigency Committee. The Committee shall review the amounts of proposed reductions and evaluate proposed reductions in the light of college priorities. It shall also consider the magnitude of proposed reductions in the light of factors prescribed by applicable state or federal laws regarding fair employment practices.~~
    1. ~~The Chancellor shall consider any alternatives recommended by the Committee and – within thirty days – shall indicate to the Committee a final decision relative to the internal allocation of necessary funding reductions. This final plan should be communicated broadly to all personnel constituencies.~~
  - c. ~~The Chancellor shall submit the plan – together with any analysis he/she may deem appropriate – to the Tennessee Board of Regents as information. He/she shall also submit to the Board any written response to the plan from the Financial Exigency Committee.~~
7. ~~Following declaration by the Tennessee Board of Regents that a condition of financial exigency exists, the directors are authorized to carry out those actions, including reduction-in-force, which are included in the Chancellor's plan. Reduction-in-force under this policy may include any personnel classification, including tenured faculty members or probationary faculty members prior to the end of their terms of appointment.~~
- a. ~~The procedures for termination described in this Section of the policy are in force only during a period in which the Tennessee Board of Regents has declared a condition of financial exigency.~~

- ~~b. — An individual selected for termination shall receive prompt written notification from the director. That notification shall include the following:~~
- ~~1. — A statement of the basis on which the individual was selected for termination;~~
  - ~~2. — An indication of the data or reasons supporting the choice if it is not a clearly defined factor such as rank or tenure status;~~
  - ~~3. — A statement of the date on which the termination is to become effective; and~~
  - ~~4. — A copy of the declaration of financial exigency adopted by the Tennessee Board of Regents.~~
- ~~c. — An individual who receives notice of termination may appeal the decision under the conditions indicated in this Section. That appeal will be directed to a Hearing Committee, which shall be appointed by the Chancellor to represent broadly personnel constituencies at colleges of applied technology.~~
- ~~d. — The Hearing Committee shall ensure prompt hearings that are thorough and fair but need not be judicial in nature. Strict rules of procedure (e.g., confrontation, cross-examination, and formal rules of evidence) need not be required.~~
- ~~e. — The following conditions constitute grounds for appeal by an individual of notice of termination:~~
- ~~1. — That established college procedures or provisions of this policy were not followed.~~
  - ~~2. — That appropriate criteria were not applied, including but not limited to the allegation that his/her selection constituted a violation of the individual's academic freedom or that unfounded or arbitrary assumptions of fact were made.~~



- ~~f. The Hearing Committees shall not review the decision concerning the declaration of financial exigency or the Chancellor's plan for the amount of reduction to be assumed by colleges of applied technology.~~
  - ~~g. A recommendation will be sent from the Hearing Committee to the Chancellor recommending that he/she uphold or reverse the action of termination, and the Chancellor will inform the Hearing Committee and the individual of his/her final decision on the recommendation.~~
  - ~~h. The final decision of the Chancellor may be appealed to the Tennessee Board of Regents.~~
- ~~8. No vacancy caused by a termination under conditions of financial exigency shall be filled for a period of three years from the time of notice of termination without first offering the position to the person terminated (faculty or non-faculty), provided that the person terminated keeps the college informed of his/her current mailing address. If the person previously terminated is offered the position and accepts, he/she will be returned in the same rank and tenure status.~~
- ~~9. If the financial health of the colleges improves sufficiently, the Chancellor shall initiate a proposal for the termination of a declared state of financial exigency. The policies and procedures established by this policy shall continue in effect during the period of a state of financial exigency. At the termination of a declared state, that action by the Tennessee Board of Regents shall cause all policies, procedures, and bodies created in this policy for the sole purpose of making and implementing exigency decisions to cease to exist.~~

M.L. Termination of Tenure for Curricular Reasons

1. The employment of a tenured faculty member may be terminated because;
  - a. A program is deleted from the curriculum;

- b. ~~Because of~~ There has been substantial and continued reduction of student enrollment in a field program; or
- c. ~~Because s~~Staff reduction is warranted as a result of reorganization or consolidation of courses or curricula within a college ~~being reorganized or consolidated.~~

~~2.2.~~ The president is responsible for determining that termination of a faculty member is warranted for curricular reasons, subject to the approval of the Chancellor.

~~1. Responsibility for determining that one of these conditions exists resides with the director/president, but the Chancellor must be informed and so acknowledged before termination proceedings for curricular reasons are initiated.~~

~~2.3.~~ Upon determining that termination of one or more tenured faculty members is required for one or more of the three curricular reasons cited above, the director/president shall furnish each the faculty member to be terminated a written statement of the reasons for the termination.

- a. ~~Those reasons shall address fully the curricular circumstances that warranted the termination and shall indicate the manner and the information upon which the decision of which faculty members were to be terminated was reached.~~
- b. ~~The director's written statement shall also indicate that the faculty member has the opportunity to respond in writing stating any objections to the decision.~~

~~3. If the faculty member(s) to be terminated indicate objections to the director's written statement(s) and request(s) a review, the director may appoint a~~

~~faculty committee consisting of a minimum of five tenured faculty members;  
that committee shall conduct a hearing on the proposed termination(s).~~

~~a. —The committee shall report its findings and recommendations to the  
director, who shall in a reasonable time inform in writing the faculty  
member(s) proposed for termination either that the decision for  
termination stands or that it has been altered.~~

4. ~~The director's decision to terminate a tenured faculty member for curricular reasons is subject to appeal to the Chancellor and the Board as provided in the policy on appeals to the Board (Policy No. 1:02:11:00).~~
5. When a tenured faculty member is terminated for curricular reasons, the position will not be filled by a new appointee with the same areas of specialization as the terminated faculty member within a period of three (3) years unless the terminated faculty member has been offered, in writing, reappointment to the position at his/her/their previous rank and salary (with the addition of an appropriate increase which, in the opinion of the ~~director~~president, would constitute the raise that would have been awarded during the period that he/she/they was not employed).
6. Upon determining that termination of one or more tenured faculty members is warranted for curricular reasons, the ~~director~~president should base his/her/their decision about which faculty member(s) should be terminated upon his/her/their assessment as to what action would least seriously compromise the educational programs in a department or a division.
  - a. Termination for curricular reasons presumes a staffing pattern in a college of applied technology which cannot be warranted either by comparison with general load practices within the college or by comparison with faculty loads in comparable colleges.
  - b. In that light, the ~~director~~president shall also, in his/her/their discretion, base his/her/their decision on a careful assessment of the impact of the

curricular reason on staffing requirements in the college of applied technology as compared to overall patterns in the college and to other colleges similar enough to warrant assessment.

7. When a tenured faculty member is to be terminated for curricular reasons, the ~~director~~president will make every possible effort to relocate the tenured faculty member in another existing vacant position for which ~~he/she~~they ~~is~~are qualified. The final decision on relocation is within the discretion of the ~~director~~president.

#### N.M. Termination for Adequate Cause

1. A faculty member with tenure or a faculty member on a tenure-track appointment prior to the end of the term appointment may be terminated for adequate cause, which includes the following:
  - a. Incompetence or dishonesty in teaching or research.
  - b. Willful failure to perform the duties and responsibilities, for which the faculty member was employed, or refusal or continued failure to comply with the policies of the Board, the college or the department, or to carry out specific assignments, when such policies or assignments are reasonable and non- discriminatory.
  - c. Conviction of a felony or a crime involving moral turpitude.
  - d. Improper use of narcotics or intoxicants, which substantially impairs the faculty member's fulfillment of ~~his/her~~their departmental and college duties and responsibilities.
  - e. Capricious disregard of accepted standards of professional conduct.
  - f. Falsification of information on an employment application or other information concerning qualifications for a position.
  - g. Failure to maintain the level of professional excellence and ability demonstrated by other members of the faculty in the department or division of the college.

O.N. Procedures for Termination for Adequate Cause

1. Termination of a faculty member with a tenure appointment, ~~or with a tenure-track or temporary appointment prior to the annual specified term of the appointment,~~ shall be subject to the following procedures:
  - a. No termination shall be effective until steps 4 through 10 below have been completed.
2. Suspensions pending termination shall be governed by the following procedure.
  - a. Except in cases involving allegations of sexual assault or harassment, which will be governed by TBR Guideline P-80, Aa faculty member may not be suspended pending completion of steps 4 through 10, unless it is determined by the institution that the faculty member's presence poses a danger to persons or property or a threat of destruction to the academic or operational processes of the institution. Reassignment of responsibilities is not considered suspension; however, the faculty member must be reassigned responsibilities for which ~~he/she~~they ~~is~~are qualified.
  - b. In any case of suspension, the faculty member shall be given an opportunity at the time of the decision or immediately thereafter to contest the suspension; and, if there are disputed issues of fact or cause and effect, the faculty member shall be provided the opportunity for a hearing on the suspension as soon as possible at which time the faculty member may cross-examine ~~his/her~~their accuser, present witnesses on ~~his/her~~their behalf and be represented by an attorney. Thereafter, whether the suspension is upheld or revoked, the matter shall proceed pursuant to these procedures.
3. Except for such simple announcements as may be required concerning the time of proceedings and similar matters, public statements and publicity

about these proceedings by either the faculty member or administrative officers will be avoided so far as possible until the proceedings have been completed, including consideration by the Board.

4. Upon a recommendation by the ~~director~~president or upon a decision by the ~~director~~president that these procedures should be undertaken in consideration of the termination of a tenured faculty member, one or more appropriate administrators shall meet privately with the faculty member for purposes of attempting to reach a mutually acceptable resolution of the problems giving rise to the proposed termination proceedings.
5. If a mutual resolution is not reached under step 4, the ~~director~~president shall appoint a faculty committee consisting of tenured faculty members, whose appointments should be, but are not required to be, agreed to by the faculty member. The faculty committee shall conduct an informal inquiry of the facts giving rise to the proposed termination and seek a mutually acceptable resolution. Should no such resolution be reached, the committee shall recommend to the ~~director~~president whether in its opinion further proceedings should be taken in pursuit of the termination. The recommendation shall be in writing and shall be accompanied by reasons for the recommendation. The committee's recommendation shall not be binding on the ~~director~~president.
6. If no mutually acceptable resolution is reached through step 5 and/or if after consideration of the faculty committee's recommendation the ~~director~~president determines that further proceedings are warranted to consider termination, the following steps shall be taken.
  - a. The faculty member shall be provided with a written statement of the specific charges alleged by the institution which constitute grounds for termination and a notice of hearing specifying the time, date, and place of the hearing. The statement and notice must be provided at least twenty

(20) days prior to the date of the hearing. The faculty member shall respond to the charges in writing at least five (5) days prior to the hearing. The faculty member may waive the hearing by execution of a written waiver.

- b. A committee consisting of members of faculty or faculty and administration shall be appointed to hear the case and to determine if adequate cause for termination exists according to the procedure hereinafter described. The committee shall be appointed by the director/president and the officially recognized faculty senate, assembly or advisory committee, with each appointing the number of members designated by the policy of the institution. The committee may not include any member of the faculty committee referred to in 5 above. Members deeming themselves disqualified for bias or interest shall remove themselves from the case, either at the request of a party or on their own initiative. Members of the committee shall not discuss the case outside committee deliberations and shall report any ex-parte communication pertaining to the hearing to the director/president who shall notify all parties of the communication.
7. The hearing committee shall elect a chairperson who shall direct the proceedings and rule on procedural matters, including the granting of reasonable extensions of time at the request of any party and upon the showing of good cause for the extension.
8. The chairman of the hearing committee may in his/her/their discretion require a joint pre-hearing conference with the parties which may be held in person or by a conference telephone call. The pre-hearing conference may be for purposes which may include but is not limited to one or more of the following:
  - a. Notification as to procedure for conduct of the hearing.
  - b. Exchange of witness lists; documentary evidence; and affidavits.

- c. Define and clarify issues.
  - d. Effect stipulations of fact.
    - 1. A written memorandum of the pre-hearing conference should be prepared and provided to each party.
9. A hearing shall be conducted before the hearing committee to determine whether adequate cause for termination of the faculty member exists. The hearing shall be conducted according to the procedures below.
- a. During the hearing, the faculty member will be permitted to have an academic advisor present and may be represented by legal counsel of his/her/their choice.
  - b. A verbatim record of the hearing will be taken and a typewritten copy will be made available to the faculty member, upon request, at the faculty member's expense.
  - c. The burden of proof that adequate cause exists rests with the institution and shall be satisfied only by clear and convincing evidence and the record considered as a whole.
  - d. The faculty member will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The administration will cooperate with the committee in securing witnesses and making available documentary and other evidence.
  - e. The faculty member and the administration will have the right to confront and cross-examine all witnesses. Where the witnesses cannot or will not appear, but the committee determines that the interests of justice require admission of their statements, the committee will identify the witnesses, disclose their statements, and if possible, provide for interrogatories.
    - 1. An affidavit may be submitted in lieu of the personal appearance of a witness if the party offering the affidavit has provided a copy to the opposing party at least ten (10) days prior to the hearing and the



opposing party has not objected to the admission of the affidavit in writing within (7) days after delivery of the affidavit or if the hearing officer determines that the admission of the affidavit is necessary to insure a just and fair decision.

- f. In a hearing on charges of incompetence, the testimony shall include that of qualified faculty members from the institution or other institutions of higher education.
  - g. The hearing committee will not be bound by strict rules of legal evidence and may admit any evidence which is of probative value in determining the issues involved. Every possible effort will be made to obtain the most reliable evidence available.
  - h. The findings of fact and the report will be based solely on the hearing record.
  - i. The ~~director~~president and the faculty member will be provided a copy of the written committee report. The committee's written report shall specify findings of fact and shall state whether the committee has determined that adequate cause for termination exists and, if so, the specific grounds for termination found. In addition, the committee may recommend action less than dismissal. The report shall also specify any applicable policy the committee considered.
10. After consideration of the committee's report and the record, the ~~director~~president shall notify the faculty member of ~~his/her~~their decision, which, if contrary to the committee's recommendation, shall be accompanied by a statement of the reasons.
- a. If the faculty member is terminated or suspended as a result of the ~~director~~president's decision, the faculty member may appeal the ~~director~~president's action to the Chancellor as provided in the policy on appeals (TBR Policy 1:02:11:00).

- b. Review of the appeal shall be based upon the record of hearing.
- c. If upon review of the record, the Chancellor notes objections regarding the termination and/or its proceedings, the matter will be returned to the [director/president](#) for reconsideration, taking into account the stated objections, and, in the discretion of the [director/president](#), the case may be returned to the hearing committee for further proceedings.

## Sources

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TBR Meeting, September 30, 1983; September 18, 1987; December 4, 1987; June 25, 1993; December 8, 2006; December 3, 2009.

## Related Policies

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- [Tenure in Non-Faculty Positions](#)
- [Appeals and Appearances Before the Board](#)
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**Presidents Quarterly Meeting**  
**August 6, 2019**

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**SUBJECT:** Policy Revision: 5:02:03:30  
Academic Freedom and Responsibility

**PRESENTER:** Randolph Schulte, Ed.D.  
Vice Chancellor, Academic Affairs

**ACTION REQUIRED:** Vote

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**Summary:**

The purpose of this policy is to establish the criteria and process regarding academic freedom and responsibility at community colleges and technical colleges governed by the Tennessee Board of Regents. The policy requires that each college in the System be required to develop a policy on academic freedom and responsibility. As a minimum, institutional policies must cite, comply with, and incorporate all the procedures outlined in Policy 5:02:03:30. Once the institution has developed its policy, it must be forwarded to TBR System Office for review and approval by the Chancellor or the Chancellor's designee.

This policy now includes the Tennessee Colleges of Applied Technology and thus replaces the sections on academic freedom and responsibility previously contained by Policy 5:02:03:10 Academic Freedom, Responsibility, & Tenure at the Tennessee Colleges of Applied Technology. Going forward, Policy 5:02:03:10 will address only tenure at the TCAT.

This policy states and approves the definitions for Academic Freedom and Academic Responsibility as approved by the Board in 2013. The definition for Academic Freedom has been augmented by the phrase, "and faculty participation in institutional governance" in keeping with the definition stated in Part II.D. of the policy. The definition of Academic Responsibility has been augmented by the phrase, "development and" to clarify the faculty's responsibility to both develop and deliver educational programs and services. The only other content change in this policy is to replace the phrase, "a man or woman of learning" with the term, "scholars". This policy has also been revised to conform with the new TBR policy format. This policy has been reviewed and approved by the Human Resources Advisory Group, the Academic Affairs Subcouncil and the Faculty Subcouncil.

*Attachments:* TBR Policy 5:02:03:30 Academic Freedom and Responsibility

**Policy Category:** 5 – Personnel Policies

**Policy Number:** 5:02:03:30

**Policy Name:** Academic Freedom and Responsibility

**Purpose**

The purpose of this policy is to establish the criteria and process regarding academic freedom and responsibility at community colleges and technical colleges governed by the Tennessee Board of Regents.

**Applies To:** Community Colleges and Tennessee Colleges of Applied Technology

**Definitions:**

**Academic Freedom** - freedom in the classroom in discussing his or her subject, being careful not to introduce into the teaching unrelated subject matter, and freedom in research and in the publication of the results, and faculty participation in institutional governance.

**Academic Responsibility** - responsibility for the development and delivery of educational programs and services to students, obligation to participate in tenure and promotion review of colleagues as specified in policy, and obligation to take appropriate professional action against faculty members who are derelict in discharging their professional responsibilities.

**Policy Statement**

Each community college in the System is required to develop a policy on academic freedom and responsibility. As a minimum, institutional policies must cite, be in compliance with, and incorporate all the procedures outlined in Board Policy 5:02:03:30. Once the institution has developed its policy, it must be forwarded to TBR System Office for review and approval by the Chancellor or the Chancellor’s designee.

**Source**

T.C.A. 49-8-203

**History**

TBR meetings April 2, 2004; December 13, 2012; September 20, 2013

**Exhibit(s)**

Academic Tenure for Community Colleges: 5:02:03:70

## Procedures

- I. ~~Introduction~~ Minimum institutional policy requirements
  - A. The following policy of the Tennessee Board of Regents on academic freedom and responsibility is applicable to all ~~community~~ colleges within the System. The statement in Article II on academic freedom and responsibility may be adopted by each ~~community~~ college, or a ~~community~~ college may adopt an alternative statement, provided that the statement is consistent with the ~~policies~~ procedures set forth herein.
  - B. ~~Community~~ college policies on academic freedom and responsibility must cite and specifically acknowledge compliance with the Board Policy on Academic Freedom and Responsibility (5:02:03:30). Likewise, ~~community~~ college policies must embody and communicate clearly as a minimum all provisions, definitions, and stipulations of the Board policy.
- II. Academic Freedom and Responsibility
  - A. The faculty member is entitled to freedom in the classroom in discussing his or her subject, being careful not to introduce into the teaching unrelated subject matter.
  - B. The faculty member is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties, including and consistent with any and all policies pertaining to clinical and research practices. Research for financial gain must be based upon an understanding with the authorities of the institution, which is documented ~~reduced to writing~~ and signed by the faculty member and the appropriate academic officer(s).
  - C. The faculty member is a citizen, a member of a learned profession, and an officer of an educational institution. When the faculty member speaks or writes as a citizen, they should be free from ~~community~~ college censorship or discipline, but their special position in the community imposes special obligations. As ~~a man or woman~~ **person of learning and scholars and** educational officers, they should remember that the public may judge the profession and the ~~community~~ college by the faculty member's utterances. Hence, a faculty member should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they do not speak for the ~~community~~ college.
  - D. Academic freedom is essential to fulfill the ultimate objectives of an educational institution - the free search for and exposition of truth - and applies to teaching, research, and faculty participation in institutional governance. Freedom in research is fundamental to the advancement of truth, and academic freedom in teaching is fundamental for the protection of the rights of the faculty member in teaching and of the student to freedom in learning. Faculty participation in institutional governance is fundamental to the development and maintenance of effective academic policies, national and regional accreditation, and shared

responsibility for the delivery of educational programs and services to students.

1. Implicit in the principle of academic freedom are the corollary responsibilities of the faculty who enjoy that freedom. Incompetence, indolence, intellectual dishonesty, failure to carry out assigned duties, serious moral dereliction, arbitrary and capricious disregard of standards of professional conduct - these and other grounds as set forth in TBR Policy 5:02:03:70 may constitute adequate cause for dismissal or other disciplinary sanctions against faculty members.
- E. The right to academic freedom imposes upon the faculty an equal obligation to take appropriate professional action against faculty members who are derelict in discharging their professional responsibilities. The faculty member has an obligation to participate in tenure and promotion review of colleagues as specified in policy. Thus, academic freedom and academic responsibility are interdependent, and academic tenure is adopted as a means to protect the former while promoting the latter.
- F. While academic tenure is essential for the protection of academic freedom, the full benefits and responsibilities of academic freedom extend to all individuals teaching in the TBR System, whether or not they are eligible for tenure.

**Presidents Quarterly Meeting**  
**August 6, 2019**

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**SUBJECT:** Policy Revision: 5:02:06:00  
Financial Exigency

**PRESENTER:** Randolph Schulte, Ed.D.  
Vice Chancellor, Academic Affairs

**ACTION REQUIRED:** Vote

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**Summary:**

The purpose of this policy is to establish the criteria and process regarding financial exigency at institutions governed by the Tennessee Board of Regents. The policy requires that each college in the System be required to develop a policy and operational practices designed to provide emergency procedures should it experience a condition of financial exigency. As a minimum, institutional policies must cite, comply with, and incorporate all the procedures outlined in Policy 5:02:06:00. Once the institution has developed its policy, it must be forwarded to TBR System Office for review and approval.

This policy has been revised to conform with the new TBR policy format. There are no substantive changes to this policy. This policy has been reviewed and approved by the Human Resources Advisory Group, the Academic Affairs Subcouncil and the Faculty Subcouncil.

*Attachments:* TBR Policy 5:02:06:00 Financial Exigency

**Policy Category:** 5 – Personnel Policies

**Policy Number:** 5-02-06-00

**Policy Name:** Financial Exigency

**Applies to:** TCATs, Community Colleges

**Purpose**

The purpose of this policy is to establish the criteria and process regarding financial exigency at institutions governed by the Tennessee Board of Regents

**Definitions**

- Financial Exigency - is the formal declaration by the Tennessee Board of Regents that one of its institutions faces an imminent financial crisis, that there is a current or projected absence of sufficient funds (appropriated or non-appropriated) for the campus as a whole to maintain current programs and activities at a level sufficient to fulfill its educational goals and priorities, and that the budget can only be balanced by extraordinary means which include the termination of existing and continuing academic and non-academic appointments.
- Reduction-in-force - the termination of employment of faculty or staff resulting from a budgetary crisis reflected in a declared state of financial exigency.
- Entire institution - any one of the institutions of the Tennessee Board of Regents System for which funds are separately appropriated by the Tennessee General Assembly.
- Academic or administrative unit - an academic department or other similar account-level unit.
- Representative faculty body - the major faculty organization devoted to governance (as implied in Board Policy 1:03:10:00).
- Primary budgetary sub-unit - a major budgetary area of an institution (e.g., academic affairs, student affairs, fiscal affairs) usually headed by an administrator reporting directly to the president.

**Policy Statement**

Each institution in the System is required to develop policies and operational practices designed to provide emergency procedures, including reduction-in-force, should it experience a condition of financial exigency. As a minimum, institutional policies must cite, be in compliance with, and incorporate all the procedures outlined in of Board Policy 5:02:06:00. Once the institution has developed its policy, it must be forwarded to TBR for review and approval.

**Sources**

T.C.A. § 49-8-203



## History

TBR Meeting, September 30, 1983.

## Exhibits

## Procedures

### ~~I. Introduction~~ Minimum institutional policy requirements

- A. ~~It is the intent of the Tennessee Board of Regents (TBR) that each institution in the System should be required to develop policies and operational practices designed to provide emergency procedures, including reduction in force, should it experience a condition of financial exigency.~~ As a minimum, institutional policies must cite, be in compliance with, and incorporate all the provisions of Board Policy 5:02:06:00.
1. Those provisions are:
    - a. A definition of financial exigency (see Definitions);
    - b. A process section describing actions required prior to the declaration of financial exigency (included in Section II);
    - c. A process section describing actions required subsequent to the declaration of financial exigency (included in Section III.), including the appointment and composition of a Financial Exigency Committee;
    - d. A statement of procedures for termination of personnel under conditions of financial exigency (included in Section IV.);
    - e. A statement of continuing rights of persons terminated under conditions of financial exigency (included in Section V.);
    - f. A description of procedures for terminating a declaration of financial exigency (included in Section VI.); and
    - g. A glossary of terms (included in Section VII.).
  - B. Institutional policies must include specific plans and process sections which define anticipated operational practices in the event of financial exigency, and they must assure maximum protection for the academic programs of the institutions and the educational needs of students.
  - C. Once the institution has developed its policy, it must be forwarded to TBR for review and approval.

### II. Actions Required Prior to the Declaration of Financial Exigency

- A. Financial exigency results from an imminent fiscal crisis characterizing an entire institution; thus, the condition of financial exigency may not be declared at a level below

that of the institution (i.e., it may not be declared at the level of an academic or administrative unit such as a ~~school~~ **program**, department, or similar account-level unit).

- B. In light of the gravity of consequences resulting from a declaration of financial exigency, the process leading to an institutional recommendation to TBR that financial exigency be declared must be cautious, fair, well informed, and as responsive as possible to the interests of various segments of the institution.
1. The responsibility for initiating the proposal for declaration of financial exigency resides with the president of the institution. Since recommending the declaration of financial exigency is an extreme measure, that responsibility requires the president to provide all appropriate assurances and documentation that available and reasonable procedures to reduce the expenditure levels of the institution are exhausted and that no efforts have been spared to enhance revenues.
  2. Prior to proposing the declaration of financial exigency, the president shall share with the entire faculty or its representative body and with representatives of other campus personnel constituencies all pertinent analysis and documentation that, ~~in their opinion~~, demonstrate an imminent fiscal crisis for the entire institution that would warrant a declaration of financial exigency. That analysis and documentation should be shared promptly and with sufficient notice to all personnel constituencies (including the representative faculty body); and opportunities should be provided for discussions with and advice from those bodies, answers to appropriate questions, and general deliberations befitting an educational institution.
  3. After discussion and review of any advice from various personnel constituencies, the president shall - if they remain convinced that conditions warrant a recommendation for declaration of financial exigency - present the recommendation with full documentation to the Chancellor.
  4. If the **president's** review supports the conclusion that conditions warrant a declaration of financial exigency, the Chancellor shall so recommend to TBR. In addition to providing TBR with a recommendation to declare financial exigency, the Chancellor in consultation with the ~~campus~~ **college** president shall also submit a statement of findings and conclusions which shall include at least the following:
    - a. A description of the current fiscal condition of the institution, including the projected amount of deficit that would result from failure to declare financial exigency.
    - b. A projection of the fiscal condition that would result, in the opinion of the president and the Chancellor, from general types of action anticipated to be taken subsequent to a declaration of financial exigency.

- c. An analysis of the reason for the current imminent fiscal crisis characterizing the entire institution, specifying with appropriate documentation those identifiable factors contributing to the crisis.
- d. A statement of assurance, with supporting evidence, that available and reasonable procedures to reduce expenditure levels of the institution are exhausted, that further retrenchment within existing policies is not compatible with the objective of assuring maximum protection for the academic programs of the institution and the educational needs of students, and that efforts to enhance revenues have been carried out in a responsible manner.
- e. A transmittal of any advice, alternatives, or information in writing by any institutional personnel constituencies (including the representative faculty body).

III. Actions Required Subsequent to the Declaration of Financial Exigency

- A. Should TBR formally declare a state of financial exigency at one of its institutions, the president shall in a reasonable time and with appropriate documentation initiate a proposed plan to allocate necessary funding reductions among the primary budgetary sub-units (e.g., academic affairs, student affairs, fiscal affairs, etc.) within the institution.
- B. The following procedures shall be followed:
  - 1. The president shall convene the institution's Financial Exigency Committee, the composition of which shall be broadly representative of all personnel constituencies (including the representative faculty body) and shall be defined in the institution's Policy on Financial Exigency.
  - 2. The president's proposed plan for allocating necessary funding reductions to primary budgetary sub-units shall be reviewed by the Financial Exigency Committee.
    - a. The Committee shall review the amounts of proposed reductions, evaluate proposed reductions in the light of institutional priorities, and consider administrative organization and academic priorities.
    - b. It shall also consider the magnitude of proposed reductions in each primary budgetary sub-unit in the light of factors prescribed by applicable state or federal laws regarding fair employment practices.
    - c. The Committee shall submit in writing within thirty days to the president its response to the president's plan, which shall include either an endorsement or a recommendation of alternatives.
      - 1. The president shall consider any alternatives recommended by the Committee and - within thirty days - shall indicate to the

Committee a final decision relative to the internal allocation of necessary funding reductions.

2. This final plan ~~should~~ **shall** be communicated broadly to all personnel constituencies (including the representative faculty body) **as well as to the Chancellor.**
  3. Heads of primary budgetary sub-units, with broad and clearly defined faculty and staff consultation, shall recommend to the president plans for effecting their designated budget reductions. Those recommendations from heads of primary budgetary sub-units shall include proposed reductions in programs or personnel, shall achieve the designated reductions, and shall respond to any inquiries the president or the Financial Exigency Committee may direct.
  4. As a primary component of his or her review of plans submitted by heads of primary budgetary sub-units, the president shall - prior to accepting them - submit the plans for review by the Financial Exigency Committee.
- C. Institutional financial exigency policies shall indicate general principles that the Committee will consider in reviewing plans submitted by heads of primary budgetary sub-units.
1. While policies may include other principles, the Committee must consider at least the following general principles:
    - a. Retrenchment other than reduction-in-force should reflect as its major priority maximum protection for the academic programs of the institution and the educational needs of students.
    - b. When an academic or administrative unit undergoes reduction-in-force, the principal consideration in determining which persons to retain and which to terminate should be the maintenance of viable academic or support programs within that unit.
    - c. Personnel of affected academic or administrative units should have clearly defined advisory involvement relative to determining specific persons and minimal personnel needs or areas of specialization essential to a unit's viability.
    - d. To avoid the possibility of compromising the quality of highly productive programs within the institution and to recognize the best interests of continued academic excellence, reduction-in-force cannot normally be accomplished on a strictly across-the-board basis.
    - e. Affirmative action plans should be carefully considered in all personnel decisions.
    - f. Unless an exception is made to maintain a viable academic or support program (see b. above) or for reasons of affirmative action (see e.

above), decisions as to the order of personnel terminations in academic or administrative units should be made in light of factors clearly defined in institutional policies.

- g. Each institutional policy on financial exigency should specify clearly and in rank order the role of defined factors in determining order of personnel terminations in academic or administrative units under conditions of financial exigency.

- 1. Those factors shall include - but are not limited to - tenure status, rank, seniority within rank, local seniority within rank, length of service, and performance evaluations.
- 2. The Financial Exigency Committee shall submit in writing to the president its response to the plans for recommended reductions submitted by heads of primary budgetary sub-units.
  - a. That response shall include either an endorsement or a recommendation of alternatives.
  - b. After appropriate review of response by the Financial Exigency Committee, the president shall indicate acceptance, rejection, or amendments to reduction plans submitted by heads of primary budgetary sub-units.
- 3. The president shall communicate the composite plan for reducing expenditures to the entire campus community.
- 4. The president shall submit for approval by the Chancellor, the composite plan for effecting budgetary reductions as required by the fiscal condition of the institution.
  - a. That transmittal must include the written response by the Financial Exigency Committee to both;
    - 1. The president's plan for allocating necessary funding reductions to primary budgetary sub-units; and
    - 2. Plans for the primary budgetary sub-units for effecting their designated budget reductions.
- 5. If the Chancellor approves the plan for implementation, they shall submit it as information - together with any analysis deemed appropriate - at the next meeting of the Board of Regents.

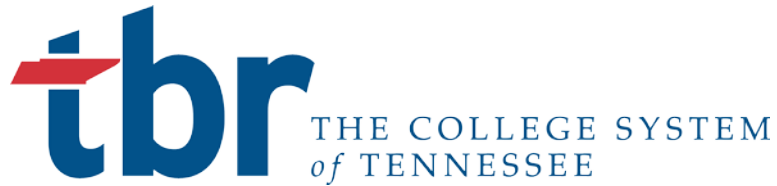
#### IV. Procedures for Termination of Personnel under Conditions of Financial Exigency

- A. Following declaration by TBR that a condition of financial exigency exists at one of its institutions, the president of that institution - having complied with those actions required subsequent to the declaration of financial exigency (see Section III. above) - is

authorized to carry out those actions, including reduction-in-force, which are included in the plan approved by the Chancellor.

- B. Reduction-in-force under this policy may include any personnel classification, including tenured faculty members or probationary faculty members prior to the end of their terms of appointment.
- C. The procedures for termination described in Section IV. of this policy are in force only during a period in which TBR has declared that one of its institutions is in a condition of financial exigency.
- D. An individual selected for termination shall receive prompt written notification from the president. That notification shall include the following:
  - 1. A statement of the basis on which the individual was selected for termination (see Section III.C.1.b. and e. and f. - if one or more of the three is appropriate);
  - 2. An indication of the data or reasons supporting the choice if it is not a clearly defined factor such as rank or tenure status;
  - 3. A statement of the date on which the termination is to become effective;
  - 4. A copy of the declaration of financial exigency adopted by the Board; and
  - 5. Such other information as the president may deem appropriate.
- E. An individual who receives notice of termination, as described in Section b above, may appeal the decision under the conditions indicated in this section.
- F. Each institution shall provide in its policy on Financial Exigency procedural provisions for a Faculty Hearing Committee and for a Staff Hearing Committee. The Faculty Hearing Committee and the Staff Hearing Committee shall ensure prompt hearings that are thorough and fair but need not be judicial in nature. Strict rules of procedure (e.g., confrontation, cross-examination, and formal rules of evidence) need not be required.
- G. The following conditions constitute grounds for appeal by an individual of notice of termination:
  - 1. That established institutional procedures or provisions of Board Policy 5:02:06:00 were not followed.
  - 2. That appropriate criteria were not applied, including but not limited to the allegation that their selection constituted a violation of the individual's academic freedom or that unfounded or arbitrary assumptions of fact were made.
- H. The Hearing Committees shall not review the decision concerning the declaration of financial exigency or the president's plan for the amount of reduction to be assumed by each primary budgetary sub-unit.

- I. A recommendation will be sent from the Faculty or Staff Hearing Committee to the president recommending that they uphold or reverse the action of termination, and the president will inform the appropriate Hearing Committee and the individual of the final decision.
  - J. The final decision of the president may be appealed to the Chancellor and, after the Chancellor has made a decision, to the Board.
- V. Continuing Rights of Persons Terminated Under Conditions of Financial Exigency
- A. No vacancy caused by a termination under conditions of financial exigency shall be filled for a period of three years from the time of notice of termination without first offering the position to the person terminated (academic or non-academic), provided that the person terminated keeps the institution informed of their current mailing address.
  - B. If the person previously terminated is offered the position and accepts, they will be returned in the same rank and tenure status.
- VI. Termination of Declaration of Financial Exigency
- A. If the financial health of the institution improves sufficiently, the president shall initiate a proposal for the termination of a declared state of financial exigency.
  - B. The policies and procedures established by this policy shall continue in effect during the period of a state of financial exigency.
  - C. At the termination of a declared state, that action by TBR shall cause all policies, procedures, and bodies created in this policy for the sole purpose of making and implementing exigency decisions to cease to exist.



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**Presidents Quarterly Meeting  
Tuesday, August 6, 2019**

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**SUBJECT:** Policy Revision 2:01:02:00  
Technical College Program Review and Approval

**PRESENTER:** Randolph Schulte, Ed.D.  
Vice Chancellor, Academic Affairs

**ACTION REQUIRED:** Vote

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**Summary:**

The proposed policy revision clarifies TCAT academic awards and types of procedures.

*Attachments (remove if not applicable)*



# Technical College ~~Vocational~~ Program Review and Approval

## Purpose

The Tennessee Board of Regents will provide the Tennessee Colleges of Applied Technology with the requirements for academic actions submitted in accordance with TBR Policy, which align with institutional accreditation and Council on Occupational Education standards.

## Applies to:

Tennessee Colleges of Applied Technology

## Definitions

1. Academic action includes any programmatic planned or unplanned substantive change as prescribed by the Council on Occupational Education.
2. Council on Occupational Education (COE) is the national accrediting agency for the technical colleges.
3. Establishment of a New ~~Career~~-Technical Program - a new ~~career~~-technical program that differs ~~in designation~~ from currently approved programs in the institution's program inventory.
4. Diploma- awarded to students who have demonstrated the competencies required for a program and whose total program length is have completed at least 900 clock hours.
5. ~~Proficiency~~-Certificate- awarded to students who have demonstrated the competencies required for a program and whose total program length is have completed at less than 900 clock hours.
6. Supplemental Certificate- are non-~~preparatory credit~~ awards, typically<sup>[1]</sup> related to a special industry or special courses that do not lead to a ~~D~~iploma or ~~proficiency C~~ertificate
7. Curriculog- an online, interactive curriculum workflow system into which all technical college new programs and program modifications are cataloged.

## Policy

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### I. Introduction

- A. T.C.A. § 49-8-101 et seq. authorized the establishment of the College System of Tennessee.
- B.A. Among the powers given to the Tennessee Board of Regents (TBR) by this Act is the power "to prescribe curricula and requirements for diplomas and degrees."
- C.B. Technical college curriculum groups led by designated curriculum chairs leaders and program faculty determine course content or design and carry out curriculum revisions less extensive than those that the Board has reserved to itself or otherwise delegated.
- D.C. ~~Per COE, institutions planning an academic action must submit an application through Curriculog and program development and implementation are contingent upon the academic action to include, but not limited to, new programs to the institution, new programs to the system, program modifications, and program duplication for approval no later than 90 days prior to the change being implemented. All proposed academic actions submitted to TBR must factor in the COE timeline.~~
- E.D. This policy addresses:
1. TCAT Program Proposals That Must Be Taken to the Board
  2. TCAT Program Proposals Approved by Board through Delegated Authority
  3. Academic Proposals Requiring Only Notification to the Vice Chancellor for Academic Affairs

### II. Types of Procedures Area

- A. TCAT Program Proposals That Must Be Taken to the Board
1. Beyond those delegated responsibilities, the Board reserves to itself the authority to review and approve all proposed actions pertaining to establishment of ~~career-technical~~ Diploma and Certificate programs.
  2. Establishment of a new ~~career-technical program is defined as a new career-technical program~~ that differs in curriculum, delivery format and/or location designation from currently approved Diploma programs or proficiency Certificates in the institution's program inventory.
- B. TCAT Program Proposals Approved by Board through Delegated Authority
1. ~~Programs new to the institution may be approved by the Board through delegated authority to the Chancellor.~~
  2. ~~Summaries of these proposals will be reported to the Board, with a 14-day period following for Board concerns.~~

- ~~3. Any proposal questioned by a Board member during this 14-day period will be brought before the full Board at its next quarterly meeting.~~
- 4.1. Institutions shall request a program modification provide, to the Vice Chancellor for Academic Affairs through Curriculog the online curriculum portal, proposals related to the following:
- a. Establishment of Program ~~Options~~ Exit Points - A exit points program option may be established within an ongoing full-time program when the basic portion of the new option is the same as the ongoing program but with the addition of specialized units of instruction that result in an additional diploma level job title. Other examples include moving a program to an off-campus site, adding or deleting exit points, etc.
  - b. Consolidation of Existing ~~career~~-technical programs — consolidation is when two or more programs are consolidated into one program to meet industry demands. For example, the pipefitting program and the plumbing program is consolidated into the Pipefitting and Plumbing program.
  - c. Inactivation of a ~~career~~-technical program - inactivation of a program may be requested when enrollment and placement factors indicate the program operation is not presently needed but it is the opinion of institution personnel that reactivation will be needed within a three-year period of time.
  - d. Termination of a career-technical program - termination of a program may be requested when enrollment and placement factors indicate the program is no longer needed in the institution's service area and it is the opinion of institution personnel that reactivation of the program is not expected in the foreseeable future.
  - d.e. Duplicated programs offered in same location in different timeframe
  - ~~e. Current on-ground programs that will be converted to a fully online delivery format or vice versa~~
- 5.2. Revision of the Curriculum of eExisting common program curriculum Programs, ~~impacting other technical college and deviating from the standard curriculum, should~~ must be submitted through the Exhibit 14 form. The revision of existing common program curriculum does not apply to supplemental courses and special industry training.

- C. Academic Proposals Requiring Only Notification to Vice Chancellor
1. Changes to existing academic programs not listed above, that require no new costs or minimal costs that the campus will fund through reallocation of existing resources or through sources such as grants and gifts, may be approved through an established process by the institution.
  2. The Vice Chancellor for y Academic Affairs must be informed of such changes prior to implementation.
  3. Such action includes, but is not limited to, establishment of new credentials/exit points and changes such as the modification of the title of a program that does not affect another technical college program curriculum.

3-4. Dual credit and dual enrollment agreements in compliance with TBR Policy 2:01:00:05.

III.II. Procedures

A. Institutions wishing to effect changes that fall into any of the above categories will, therefore, comply with the following procedures.

~~A. Institutions wishing to effect program changes that fall into any of the above categories must submit through the online curriculum portal, Curriculog.~~

1. Regional nNotification of new programs must be sent through email to all community college presidents, chief academic officers, and presidents and vice-presidents of technical colleges. The notifications must include:
  - a. Title of the proposed program
  - b. Anticipated date for submission to the Board for approval
  - ~~b.c.~~ c. Location of program delivery
  - ~~e.d.~~ d. Anticipated date of implementation
  - ~~d.e.~~ e. Clock hours/program length
  - ~~e.f.~~ f. Brief program description
2. Approval Route of Academic Proposals
  - a. Proposals for all new programs and other academic actions must be submitted through the TBR Curriculog system for review by the Vice Chancellor for Academic Affairs.
  - b. At the conclusion of the review, the Vice Chancellor for Academic Affairs will transmit the proposal along with the recommendation to the Tennessee Board of Regents.
3. Schedule for the Submission and Approval of ~~career-technical~~ Proposals
  - a. The Board will consider ~~career-technical~~ proposals at each of its quarterly meetings.
  - b. Proposals must, however, be submitted by the date established by the Office of Academic Affairs at which Board consideration is desired in order to permit adequate review by the staff.
  - c. The time required for this review will vary according to the nature of the proposal.
- B. Finally, the Board reserves the authority to review either directly or through the Chancellor all other actions affecting the technical college programs of its institutions.
- C. The Board shall ~~It shall, moreover,~~ receive from the Chancellor periodic reports on the status of technical college programs as well as on matters pertaining to student access and to quality.
- D. For this purpose, institutions shall provide to the Chancellor or the Chancellor's designee the following and any other information specifically requested:
  1. Articulation Agreements: Articulation agreements between institutions or between distinct levels of programming (TBR Policy 2:01:00:03) at the same institution, if and when available;
  2. Accreditation Activities: Notice of scheduled self-studies, site visits, and other activities relative to institutional or programmatic accreditation and

reaffirmation as well as a copy of the formal notice of accreditation or reaffirmation.

3. Dual Enrollment agreements must be submitted through letter of notification and DocuSign. the online paperless workflow process prior to any secondary student enrollment at the technical college.

~~E.A. Institutions wishing to effect changes that fall into any of the above categories will, therefore, comply with the following procedures.~~

#### IV-III. Criteria for Reviewing Technical College Program Proposals

- A. A summary of the major criteria used by the TBR staff in evaluation of technical college proposals is presented below.
  1. The proposed action is appropriate to the mission, role, and scope of the institution.
  2. Need for the proposed action is evident from the supporting data on student interest, employer demand, and societal needs. Need must also be reflected in the projected level of student enrollment and the anticipated number of graduates.
  3. The proposed action does not constitute unnecessary duplication of technical programs available at other public institutions within the region. Partnerships or collaborations should be considered whenever needs might be met with greater efficiency.
  - 3-4. The proposed action should delineate a final award to be earned by the student. This shall be a Diploma if the program length is greater than 900 clock hours. This shall be a Certificate if the program length is less than 900 clock hours. The Chancellor must approve any exceptions.
  - 4-5. The proposed action reflects appropriately innovative design and the best available pertinent knowledge.
  - 5-6. The proposal documents the institution's ability to implement the proposed action in terms of:
    - a. fiscal resources,
    - b. support resources,
    - c. physical facilities, and
    - d. qualified personnel.
  - 6-7. When the proposed action is supported in whole or in part by articulation with another institution or by affiliation with other agencies for the provision of clinical or internship experiences, such articulation or affiliation should be acknowledged in the program design and copies of the articulation or affiliation agreements should be appended to the proposal.
  - 7-8. The proposed action is consistent with the achievement of the institution's goals.
  - 8-9. The proposal includes information about the online delivery format (if applicable).
  - 9-10. Proposals pertaining to programs should include a description of procedures for regular evaluation of the programs and units, including evaluation of the program's enrollment and productivity.

40.11. Proposals should include information related to accreditation, both COE and professional, and when applicable, provide a time frame for achieving the appropriate accreditation and approval certification from authorizing agencies.

V.IV. Sources of Specific Criteria

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

1. TBR Policy No. 2:01:00:03, Principles for Articulation in Vocational/ Technical Education
2. TBR Policy No. 2:03:00:00, Admissions
3. TBR Policy No. 2:03:01:05, Academic Retention and Readmission at the Tennessee Colleges of Applied Technology

## **Exhibits**

TCAT Curriculum Revision Exhibit 14

## **Sources**

March 17, 1989 State Board of Regents' Meeting; June 29, 2007 Quarterly Board Meeting.

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## **Related Policies**

- Principles for Articulation in Vocational/Technical Education
- Academic Retention and Readmission at the Tennessee Colleges of Applied Technology
- TCAT Programs, Changes, and Modifications
- Admissions

## Policy 2:01:02:00

### Exhibit 1

#### INSTRUCTIONS SHEET FOR Revision of Curriculum of Existing Programs TBR Technical Colleges

**PURPOSE:** To establish a methodology for ensuring academic quality and consistency of program curriculum for each TCAT program.

**DESCRIPTION/PROCESS:** This is an official document initiated, completed, and submitted by the TCAT Curriculum Chair/Co-Chair to the Academic Affairs office documenting recommendations for curriculum revision(s).

Program faculty should meet as a statewide program curriculum committee led by the Curriculum Chair at least once each academic year to review and/or consider revisions to the curriculum. The Chair would compile all proposed revisions from these program curriculum committee meeting(s) and submit along with this completed form to the Office of Academic Affairs.

The Office of Academic Affairs reviews the form, proposed curriculum revisions to certify completion, and then prepares for transmittal to TCAT Presidents.

Upon TCAT President approval, curriculum revisions are transmitted to Vice Chancellor of Academic Affairs for final approval signature.

**PROPOSED REVISION FORMAT:** Strike through the deleted courses, clock hours, or wording within the curriculum description. Underline new courses, clock hours or edited version of the curriculum description.

The following curriculum components are *required* in an Excel Spreadsheet format:

- Program Name
- Trimester
- Course Code
- Short Description
- Long Description
- Clock Hours
- Award
- Total Hours
- Delivery Schools

Please attach the version of the Common Curriculum containing all requested revisions in excel spreadsheet format AND send an email with an electronic copy of the requested revisions.

**Revision of Curriculum of Existing Programs**  
**TBR Technical Colleges**  
**(This includes additions, deletions, and changes)**

Curriculum Chair/Co-Chair for this proposal:

Date:

Program name: Click or tap here to enter text.

**(See below to determine whether this change can go through expedited process)**

**(Please select one of the boxes below)**

**Expedited Process includes, but is not limited to:**

- Change impacts two or fewer colleges
- Administrative oversight
- Curriculum change
- Other minor changes

**Non- Expedited Process includes, but is not limited to:**

- Changing the required number of clock hours for completion of a program
- Curriculum change (when this impacts another unit outside the college)
- Addition or deletion of program curriculum (course(s), exit point, certificate, diploma, etc.).

**Effective term for requested action:** \_\_\_\_\_ **Term- Year-**

***Please see TBR Policy on Technical College Program Review and Approval 2:01:02:00***

<https://policies.tbr.edu/policies/vocational-program-review-and-approval>

**Impact/Justification for the revision:** Click or tap here to enter text.

**Proposed revision format (see instructions):** Click or tap here to enter text.

**FROM:** **(CURRENT** common curriculum structure  
(program name, trimester, course code, short description, long  
description, hours, award, total hours)

**TO:** **(PROPOSED** program name, trimester, course code,  
short description, long description, hours, award, total hours



As the Curriculum Chair/Co-Chair, I have solicited input from all faculty members that these curriculum changes affect. Faculty members were informed of all curriculum changes that will be reviewed.

\_\_\_\_\_  
**Curriculum Chair/Co-Chair** **Date**

\_\_\_\_\_  
**Reviewed by Assistant Vice Chancellor of Academic Affairs** **Date**

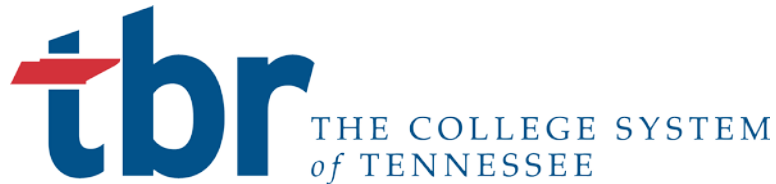
\_\_\_\_\_  
**Approved by Vice Chancellor of Academic Affairs** **Date**

**THIS COMPLETED FORM SHOULD BE SENT FROM CURRICULUM CHAIR TO OFFICE OF ACADEMIC AFFAIRS**

**For Office Use**

Date approved by TCAT Presidents committee: \_\_\_\_\_

Date approved by Board of Regents (if needed): \_\_\_\_\_



**Presidents Quarterly Meeting  
Tuesday, August 6, 2019**

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**SUBJECT:** Policy Revision 2:01:01:01  
Permanent or Semi-Permanent Off-Campus  
Instructional Facilities

**PRESENTER:** Randy Schulte, Ed.D.  
Vice Chancellor, Academic Affairs

**ACTION REQUIRED:** Vote

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**Summary:**

TBR staff members from the Office of Academic Affairs, the Office of Business and Finance, and the Office of Facilities Development have reviewed TBR Policy 2:01:01:01, *Permanent or Semi-Permanent Off-Campus Instructional Facilities*, and recommend dissolution of the policy. The requirements of the policy are neither applicable nor relevant to the current operations of the system or the State.

Policies of the Tennessee Higher Education Commission provide the criteria and procedure for establishing Permanent or Semi-Permanent Off-Campus Instructional Facilities and have final approval for all teaching locations. Existing TBR policies that address facilities development and acquisition will be revised to include a reference to the appropriate THEC policies. It is through those existing TBR policies that the Board will review and approve new facilities in accordance with THEC and State regulations.

*Attachments: Marked Policy 2:01:01:01 Permanent or Semi-Permanent Off-Campus Instructional Facilities*

# Permanent or Semi-Permanent Off-Campus Instructional Facilities: 2:01:01:01

## Topics

### Policy Area

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Academic Policies

### Applicable Divisions

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TCATs, Community Colleges

### Purpose

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The establishment of standards and procedures for the Tennessee Board of Regents' institutions to seek every means of facilitating student access and fostering their participation in the programs that the institutions provide.

### Definitions

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- Semi-Permanent Off-Campus Instructional Facilities - A semi-permanent off-campus instructional facility is one leased by the institution with prior approval of the *Board for multi-year use*.
- Permanent Off-Campus Instructional Facilities - A permanent off-campus instructional facility is one owned by the Tennessee Board of Regents for use by one or more of its institutions. Ownership of such facilities may be inherent or derived.
- Inherent Ownership - facility is approved, built or purchased, and maintained, in whole or in part, through the use of state funds appropriated for that specific purpose.
- Derived Ownership - the facility is donated to and accepted by the Tennessee Board of Regents and is maintained through the use of state funds appropriated for that specific purpose.

### Policy

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#### I. Introduction

- A. The Tennessee Board of Regents recognizes and strongly supports Tennessee's long-standing public policy of providing access for Tennesseans to public higher education.

## DISSOLUTION RECOMMENDED

- B. By the adoption into law of the Tennessee Challenge 2000 goals (T.C.A. § 49-5-5024), Tennessee formally recognizes the fundamental role of higher education in improving the quality of life of its citizens and in nurturing and sustaining the economic life of their communities and the State.
- C. Counties with limited access and low participation rates are invariably among the poorest in the state.
- D. In support of this public policy, therefore, the Tennessee Board of Regents directs its institutions to seek every means of facilitating student access and fostering their participation in the programs that the institutions provide.
- E. In so doing, the Board takes special note of the many citizens who, because of economic, family, work conditions, and geographic location, may find participation in post-secondary education difficult if not impossible.
- F. The Board encourages its institutions to reach out to these citizens by providing them both off-campus and technologically-delivered instruction as well as support services such as day-care, evening, week-end, and compressed scheduling of classes, sponsored scholarships, and financial aid.

### II. [Quality and Efficiency Standards](#)

- A. In carrying out this charge, however, quality and efficiency are and must be the controlling factors.
- B. Institutions must in all circumstances ensure that the quality of instruction meets or exceeds the national standards of good practice and is comparable in quality and results to the instruction provided on the main campus.

### III. [Selection of Off-Campus Instructional Facilities](#)

- A. These standards of quality and efficiency extend to the selection of off-campus instructional sites. Off-campus instructional facilities must be both conducive to learning and efficient in their operation.
- B. As a norm, institutions will seek to offer instruction in schools, community buildings, industrial training centers, and other such facilities where suitable space is provided at little or no cost to the institution and the state.

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- C. Approval of these temporary instructional sites is subject to the provisions of TBR Guideline A-020, Inter-institutional Relationships & Off-Campus Offerings.

### IV. Establishment of Semi-Permanent or Permanent Off-Campus Instructional Facilities

- A. The Board recognizes, however, that under certain conditions and circumstances, a semi-permanent or permanent off-campus instructional facility designed to serve the needs of one or more institutions may be warranted or necessary and cost-effective.
- B. In such instances, institutions or the Board itself may initiate the process for the establishment of a semi-permanent or permanent off-campus teaching facility.
- C. Recognition of need for such a facility will generally grow out of the institutions or the Board's own strategic planning process. In every case, however, the establishment of a semi-permanent or permanent off-campus instructional facility must be thoroughly planned in advance and involve the Board and its staff throughout the planning process.
- D. To facilitate this planning, the Board, therefore, establishes the following rules governing the development of semi-permanent or permanent off-campus instructional facilities.

#### 1. Process for Establishing Semi-Permanent or Permanent Off-Campus Facilities

- a. The establishment of semi-permanent or permanent off-campus facilities constitutes a major investment on the part of the institution and the state and, therefore, requires proper planning and prior approval by the Board.
- b. The institution shall initiate the approval process in the following manner:
  - 1. Preliminary Assessment. The institution shall assess current access and participation conditions in the targeted area and the needs of its instructional program in that area. This assessment shall be strictly an internal process and shall not include assessment of the external support, possible funding sources, or the level of local and private interest. The focus, instead, shall be on the instructional needs of students in that area and on the facilities necessary for delivering the needed instruction. The assessment must, as a minimum, address the following considerations:

## DISSOLUTION RECOMMENDED

1. A description of the geographic area under consideration;
  2. Distance from and the quality of access to the main campus, other off-campus facilities, and other public or private post-secondary institutions;
  3. The level of educational achievement in the area as denoted in U.S. Census data and other sources;
  4. The number of students from the area who currently participate in post-secondary education and the institutions at which they are enrolled;
  5. The programs and courses currently offered in the area by the proposing institution and other public or private institutions;
  6. Historical enrollments of local residents in courses provided locally by the proposing institution or by other institutions;
  7. The number of temporary instructional facilities currently in use, the quality and suitability of those facilities, and total square footage in use;
  8. Current costs for rent, delivery of support services, maintenance, etc. associated with the use of each temporary instructional facility;
  9. The programs and courses needed but which cannot be delivered because of space or quality of space limitations;
  10. The ability of delivering the needed programs and services by Distance Education technologies; and
  11. The availability of additional space in the area suitable for the delivery of the needed programs and courses and the estimated cost of that space.
2. Letter of Intent. Upon determination of probable need, the president or director shall notify the Chancellor by Letter of Intent that conditions in the given locale or region are such that a semi-permanent or permanent

## DISSOLUTION RECOMMENDED

instructional facility may be necessary and warranted. A copy of the outcomes of the Preliminary Assessment should be attached.

3. Economic Impact Analysis. Upon receipt of the institution's Letter of Intent and its Preliminary Assessment, the Chancellor shall direct the staff to conduct a thorough study to determine the economic viability that will accrue to the region and the residents thereof by the development of the instructional facility. This study will, among other things, include an analysis of the region's current economy and a forecast of the long-term impact that the proposed facility will have on the economy of the targeted region.
4. Authorization to Proceed. After thorough staff review of the Preliminary assessment outcomes, the Chancellor shall notify the president or director that either:
  1. The conditions described in the Preliminary Assessment warrant further consideration and that the institution is authorized to proceed with a full-scale Feasibility Study or
  2. The present conditions as described in the Preliminary Assessment do not warrant further consideration at the moment.
    1. Prior to receiving the Letter of Authorization, the institution must not discuss the facility publically nor seek to enlist public or private support for its establishment.
    2. The use of any funds, public or private, raised or committed prior to the receipt of the Letter of Authorization will be subject to review by the Chancellor and the Board.
5. Feasibility Study. Upon receipt of the Letter of Authorization to Proceed, the institution shall organize and conduct a feasibility study. The study should accomplish the following objectives:
  1. Define and document the extent and level of need;

## DISSOLUTION RECOMMENDED

2. Define the type (lecture rooms, labs, etc.), quality, and amount of space needed;
  3. Determine whether or not the space needed may be currently available through lease or purchase;
  4. Determine the approximate cost of leasing, purchasing, or constructing the semi-permanent or permanent instructional facility;
  5. Determine and document the level of private and local financial support that will be made available; and
  6. Determine the amount of appropriated funding that would be required to purchase or build a permanent facility or to lease a semi-permanent facility.
6. Determination of Feasibility. Upon completion of the Feasibility Study, the president or director shall determine whether or not a positive recommendation to the Board is warranted. If a positive recommendation is warranted, the president or director shall communicate the recommendation by letter to the Chancellor. The recommendation must be accompanied by a full copy of the Feasibility Study.
  7. Staff Review and Chancellor's Response. Upon receipt of the president's or director's recommendation, the staff will conduct a thorough review of the Feasibility Study and may, as needed, request additional information and clarification from the institution. At the conclusion of the review, the Chancellor shall inform the president of the outcomes of the staff's review.
  8. Board Review and Action. If the staff review has been positive, the Chancellor shall communicate the staff's findings to the Board along with a recommendation for approval and authorization to plan.
  9. Planning and Implementation. Upon approval by the Board, the institution will, in consultation with the TBR Facilities Office, proceed to formal planning of the facility, ensuring that all the requirements of Board policy, Building Commission, and other state agencies are strictly followed.



DISSOLUTION RECOMMENDED

## Sources

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### Authority

T.C.A. §§ 49-8-203, 49-5-5024

### History

TBR Meetings: June 19, 1998

## Related Policies

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- [Inter-Institutional Relationships & Off-Campus Offerings](#)

**Presidents Quarterly Meeting  
Tuesday, August 6, 2019**

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SUBJECT: Policy Revision 5:02:03:70  
Academic Tenure for Community Colleges Policy

PRESENTER: Randy Schulte, Ed.D.  
Vice Chancellor, Academic Affairs

ACTION REQUIRED: Vote

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Summary:

*This policy has undergone significant revision. This policy has been reviewed by Academic Affairs, General Council, and Human Resources staff. Additionally, the Human Resources, Academic Affairs and Faculty sub councils have reviewed and provided recommendations.*

*Recommended revisions are marked by **yellow highlight**. Deletions are marked with a strike out  
xxxxx*

The minor revisions for clarity include:

- All pages: Removal of reference to University.
- Page 5 Paragraph II.A.2.b. AND Page 16 Paragraph V.B.1 : *The word division was recommend to be replaced with the phrase academic program unit for clarity.*
- Page 11 Paragraph III.C.1.B.2. : *The phrase ability to motivate and stimulate creativity in students was recommended to be replaced with the phrase strategies to motivate and stimulate student learning for clarity.*
- Page 16 Paragraph V.A.6 : The word employee in two places was recommended to be replaced with the word faculty for clarity.

Major revisions included integrating all directly relate guidelines and procedures into the policy. All of Paragraph V, pages 14-16, was revised with added guidelines and procedures to specifically cover the non-renewal of tenure track contracts.

TBR Staff have reviewed each recommendation and recommend approval.

*Attachments: Marked Policy 5:02:03:70 Academic Tenure for Community Colleges*

# Academic Tenure for Community Colleges:

## 5:02:03:70

### Policy Area

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Personnel Policies

### Applicable Divisions

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Community Colleges

### Purpose

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The purpose of this policy is to establish the criteria and process regarding academic tenure at community colleges governed by the Tennessee Board of Regents.

### Definitions

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The following are general definitions of terms used in this policy. They are further defined in the subsequent sections of this policy.

- Academic Tenure – a personnel status in an academic department or academic program unit pursuant to which the academic or fiscal year appointments of full-time faculty who have been awarded tenure are continued at a community college until the expiration or relinquishment of that status, subject to termination for adequate cause, for financial exigency, or for curricular reasons.
- Adequate Cause – a basis upon which a faculty member--either with academic tenure or on a tenure-track, term, or temporary appointment--prior to the end of the specified term of the appointment may be dismissed or terminated. The specific grounds which constitute adequate cause are set forth in Section V. G herein.
- Financial Exigency – the formal declaration by TBR that one or more of its community colleges faces an imminent financial crisis, that there is a current or projected lack of sufficient funds (appropriated or non-appropriated) for the campus as a whole to maintain current programs and activities at a level sufficient to fulfill educational goals and priorities, and that the budget can only be balanced by

extraordinary means that include termination of existing and continuing academic and non-academic appointments.

- Faculty Member – a full-time employee who holds academic rank as instructor, assistant professor, associate professor, or professor. Further definition can be found in Section 05:02:01:00 of TBR policy.
- Probationary Employment – period of full-time professional service by a faculty member for whom an appointment letter denotes a tenure-track appointment in which he/she does not have tenure and in which he/she is evaluated by the college for the purpose of determining his/her satisfaction of the criteria for a recommendation for tenure. Probationary employment provides an opportunity for the individual to assess his/her own commitment to the college and for the college to determine whether the individual meets its perception of quality and projected need.

Note: Faculty appointments are defined in a separate TBR policy.

## **Policy**

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### I. Introduction

- A. Tenure is awarded only by positive action by the Tennessee Board of Regents (TBR), pursuant to the requirements and procedures of this policy, at a specific college.
- B. The award of tenure is recognition of the merit of a faculty member and of the assumption that he/she would meet the long-term staffing needs of the department or academic program unit and the college. The continued professional growth and development of faculty is necessary for institutions of higher education to continue to provide educational programs in accordance with the college's mission, goals, and changing needs of the institution.
- C. Tenure is awarded only to those members of the faculty who have exhibited professional excellence and outstanding abilities sufficient to demonstrate that

their future services and performances justify the degree of permanence afforded by academic tenure.

- D. The quality of the faculty of any community college is maintained primarily through the appraisal, by faculty and administrative officers, of each candidate for tenure. Tenure at a TBR community college provides eligible full-time faculty with the assurance of continued employment during the academic year until retirement or dismissal for adequate cause, financial exigency, or curricular reasons, as further discussed herein.
- E. TBR does not award tenure in non-faculty positions.
- F. The following TBR policy on tenure is applicable to all community colleges within the system. These are minimum provisions and should be implemented in a manner appropriate to the individual missions, traditions, and needs of the colleges.
- G. Each college may establish additional requirements for the eligibility of faculty for consideration for tenure. College policies on tenure must cite and specifically acknowledge compliance with TBR Policy on Academic Tenure. Likewise, policies must embody and communicate clearly all provisions, definitions, and stipulations of the TBR policy.

## II. Consideration for Tenure

- A. Community college policies must include specifically identifiable sections that define minimum eligibility requirements for consideration of tenure.

### 1. Tenure Process

- a. Each college policy must contain:

- 1) A defined probationary period;
- 2) Provisions for a tenure-track faculty member to be guided through the tenure process. Guidance may include provision of a mentor, pre-tenure review, portfolio development workshops, etc.;
- 3) A process that defines the levels of review to include peer review;

- 4) Procedures associated with review by each level, with a clear description of materials that each level will review;
  - 5) A calendar or schedule of the review process; and
  - 6) The types and frequency of evaluation of probationary faculty members in the areas of teaching, service/outreach, and scholarship/creative activities/research.
- b. Colleges may request tenure upon appointment for candidates with extraordinary credentials. The exception shall be requested when the faculty member is employed.
  - c. College procedures shall ensure that peer committees have confidentiality of individual tenure votes unless there is evidence that casts doubt upon the integrity of the peer committee. This policy shall be interpreted in a manner consistent with the Tennessee Public Records Act, codified in T.C.A. §§ 10-7-503 and 504.
  - d. Annual evaluations conducted by the candidate's department chair or other appropriate head of an academic program unit are an important aspect of the criteria for tenure at colleges; therefore, college policies must include a clear statement as to the role and methodology of evaluation in measuring those criteria relevant to assessing the merit of the probationary candidate.
  - e. These evaluation criteria may include provisions for providing a tenured faculty mentor who can conscientiously address deficiencies in the candidate's progress towards tenure and provide feedback to the candidate.
  - f. In addition, the candidate, in consultation with his/her faculty mentor, may request a preliminary review by an ad-hoc tenure review committee prior to application for tenure as a mechanism to assess the progress of the candidate for tenure.

- g. This committee shall be composed of the faculty mentor, from within the candidate's academic unit who will act as chair of the committee, one tenured faculty from outside the academic unit, and the chair or dean of the academic unit where tenure will be granted.

## 2. Tenure Appointments

- a. Recommendations for or against tenure shall originate from the department or academic program unit in which the faculty member is assigned. Procedures of review will be determined by each institution in keeping with the statements included in II.A.1.a.(1)-(6) above.
  - 1) The review shall include appropriate participation in the recommendation by tenured faculty in the department or academic program unit.
  - 2) Although it can be difficult to establish evidence of teaching excellence, each department must develop a procedure to ensure that factual information relative to the candidate's teaching is available at the time he/she is considered for tenure.
- b. The recommendation for tenure must be made by the president to the chancellor and by the chancellor to the Board of Regents. In the event that the tenure is awarded by TBR, the president shall furnish to the faculty member written confirmation of the award. The locus of tenure is awarded as appropriate in the department or ~~division~~ **academic program unit** of the faculty member depending upon the organizational structure of the college.
- c. No other person shall have any authority to make any representation concerning tenure to any faculty member.
- d. Failure to give timely notice of non-renewal of a contract shall not result in the acquisition of a tenure appointment, but shall result in the right of the

faculty member to another year of service at the college, provided that no tenure appeals remain outstanding due to lack of cooperation and/or appropriate action on the part of the candidate in completing the appeal process.

### 3. Minimum Eligibility Requirements

#### a. Employment Status. Tenure may be awarded only to:

##### 1) Regular Full-time faculty members who:

- a) Hold academic rank as instructor, assistant professor, associate professor, or professor and meet the minimum criteria as specified in a separate TBR policy.
- b) Have been employed in a tenure-track appointment and have completed the minimum probationary period of service as stated in the college's policy and/or as agreed upon in writing and signed by the president or his/her designee.
- c) Have been determined by the college to meet the criteria for tenure and have been so recommended.

##### 2) Special Contract Faculty.

Faculty members supported in whole or in part by funds available to the college on a short-term basis, such as grants, contracts, or foundation-sponsored projects, may be eligible for tenure if continuing support for such members can be clearly identified in the regular budget of the college.

### 4. Length of Probationary Employment

- a. Probationary faculty may be employed on annual tenure-track appointments for a probationary period which may not exceed six (6) years.



- b. The faculty member may apply for tenure following a probationary period of not less than five years, provided that exceptions to the minimum probationary period may be made under special circumstances upon recommendation by the president and approval by the Chancellor.
  - c. Upon approval of such an exception by the Chancellor, the faculty member's recommendation for tenure will go forward to the Board as meeting the requirements for the probationary period.
5. Calculating the Probationary Period
- a. Only full-time continuous service at a college will be included in determining completion of the probationary period, unless a break in service is approved.
  - b. Employment during summer terms and in part-time positions shall not be credited toward satisfying the probationary period.
    - 1) Credit for Prior Service

The minimum probationary period of five years may include credit for prior service when agreed to by the president, and subject to the maximum permissible credit for prior service as noted below:

- a) Credit toward completion of the probationary period may at the discretion of the president be given for a maximum of three years of previous full-time service at other colleges, universities, or institutes provided that the prior service is relevant to the institution's own needs and criteria. Any credit for prior service that is recognized and agreed to must be confirmed in writing at the time of the initial appointment.
- b) Credit toward completion of the probation period may, at the discretion of the president, be given for a maximum of three years or previous full-time service in a temporary faculty appointment or

term appointment at the same institution (see Types of Appointments, Section 1) or in an earlier tenure-track appointment at the same institution that has been followed by a break in service. Any credit for prior service in a temporary full-time faculty appointment at the same institution or in an earlier tenure-track appointment (at the same institution) that has been followed by a break in service must be recognized and confirmed in writing in the appointment letter to a tenure-track position.

2) Leave of Absence.

- a) The period of approved leave of absence shall be excluded from the required probationary period.
- b) A faculty member may apply for a maximum of two, non-consecutive one-year leave increments.
- c) Exceptions may be granted by the president of the college in writing prior to the leave of absence.
- d) Exceptions may include:
  - 1) crediting the leave periods to the probationary period and/or
  - 2) granting more than two, non-consecutive one-year increments.Exception (ii), per TBR policy, requires approval of the Chancellor of TBR.

3) "Stopping the Tenure Clock."

- a) A faculty member may request to "stop the tenure clock" during his/her probationary period when circumstances exist that interrupt the faculty member's normal progress toward qualifying for tenure.

- b) In such cases, the faculty member may request to “stop the tenure clock” for one-year if he/she demonstrates that circumstances reasonably warrant the interruption.
  - c) Reasons will typically be related to a personal or family situation requiring attention and commitment that consumes the time and energy normally addressed to faculty duties and professional development.
  - d) Examples may include childbirth or adoption, care of dependents, medical conditions or obligations, physical disasters or disruptions, military deployment, or similar circumstances.
- 4) Administrative Appointment.
- a) A faculty member appointed to an administrative position may remain eligible for tenure consideration.
  - b) The faculty member must:
    - 1) qualify for tenure under the college’s guidelines, and
    - 2) maintain a significant involvement in academic pursuits including teaching, service/outreach, and scholarship/creative activities/research.
  - c) The time (or prorated portion of time) spent in the administrative position may be credited toward completion of the probationary period.
- 5) Transfer to Another Department or Unit.
- a) When a faculty member is serving a probationary period in a department or academic program unit and is subsequently

transferred to another department or unit, the faculty member may – with the approval of the president – elect to begin a new probationary period on the date the transfer occurs.

- b) If he/she does not so elect (and confirm this in writing to the president), time spent in the first appointment shall count toward establishing the minimum and maximum probationary period.

### III. Criteria to be considered in Tenure Recommendations

- A. The criteria for a recommendation of tenure depend upon the nature, mission, and goals of the college in which tenure may be awarded and of the department and academic program unit in which a faculty member is employed.
  - 1. The faculty member must demonstrate willingness and ability to work effectively with colleagues and in a professional manner to support the mission of the institution and the common goals of both the institution and of the academic organizational unit.
  - 2. Moreover, criteria for tenure relate to the college's three traditional and often inter-related missions: teaching, service/outreach, and scholarship/creative activities/research.
- B. Community college policies must include sections that identify criteria to be considered in tenure recommendations and specify in broad terms their relative importance.

Those sections must clearly distinguish between:

- 1. Criteria relevant to assessing the merit of the probationary candidate; and
- 2. Criteria relevant to assessing the long-term staffing needs of the college and of the department or academic program unit to which the candidate is assigned.

C. Criteria for tenure relate to the college's three traditional missions: teaching, service/outreach, and scholarship/creative activities/research. In the community college setting, effective teaching is of paramount importance.

1. Teaching

- a. Effective teaching is an essential qualification for tenure, and tenure should be granted only with clear and documented evidence of a candidate's teaching ability and potential for continued development.
- b. Each of the items listed below must be submitted as evidence of effective teaching and be included in the teaching portfolio.
  - 1) Evidence of ability to organize and present subject matter in a logical and meaningful way,
  - 2) Evidence of effective **strategies to motivate and stimulate student learning**, ~~ability to motivate and stimulate creativity in students,~~
  - 3) Statement of teaching philosophy,
  - 4) Course materials (i.e., course syllabi, handouts, exams/evaluation instruments, instructional materials), and
  - 5) Results of student evaluations for every course evaluated during the probationary period.
- c. Additional types of documentation may also include:
  - 1) Open-ended or other student input,
  - 2) Student products,
  - 3) Teaching recognition/awards,
  - 4) Evidence of professional development in teaching.
  - 5) Evidence of disciplinary or interdisciplinary program or curricular development,
  - 6) Alumni surveys,
  - 7) Student exit interviews,

- 8) Evidence of supervision of student projects and other forms of student mentorships, and
- 9) Other evidence of excellence in teaching or mentoring, or both.

2. Service/Outreach

- a. Service and/or outreach encompass a faculty member's activities in college service, outreach or public service, and professional service.
- b. Evidence of performance in one or more of the following activities should be submitted. Weight and magnitude of importance will be directed by the college's policies and guidelines.
  - 1) College service refers to activities other than teaching and scholarship performed at the department or college level. It is expected of every faculty member; indeed, colleges could hardly function without conscientious faculty who perform committee work and other administrative responsibilities. College service includes, but is not limited to, serving on departmental committees, advising students, and participating in college activities and on college committees. More extensive citizenship functions such as membership on a specially appointed task force, serving as advisor to a college-wide student organization, and membership on a college search committee should be taken into account in consideration for tenure.
  - 2) The outreach or public service function is the college's outreach to the community and society at large, with major emphasis on the application of knowledge for the solution of problems with which society is confronted. Outreach primarily involves sharing professional expertise and should directly support the goals and mission of the college. A vital component of the college's mission, public service must be performed at the same high levels of quality that characterize the teaching and research programs.

- c. Professional service refers to the work done for organizations related to the faculty member's discipline or to the teaching profession generally. Service to the profession includes activities such as service on statewide or TBR committees, guest lecturing on other campuses, and other appropriate activities.
3. Scholarship/Creative Activities/Research
- a. Candidates for tenure must present documented evidence of their scholarship, creative activities, and/or research.
  - b. While each item listed as required under "Teaching" must be included, the weight and magnitude of evidence required for activities in scholarship or creative activities or research will be directed by the college policy and guidelines.
  - c. Such evidence should cite typical professional development activities such as presentations at a professional meeting, journal editorship, article and grant proposal review, performances, exhibitions, creative activities, as well as completing books, journal articles, or monographs, and other appropriate activities.
  - d. The scholarship of teaching is a valid measure of research capability. It goes beyond doing a good job in the classroom; creative teachers should organize, record, and document their efforts in such a way that their colleagues may share their contributions to the art of teaching. Authoring appropriate textbooks or chapters within a book, writing educational articles, making presentations, and using innovative contributions to teaching, constitute scholarship of teaching.
  - e. Performances, compositions, and other artistic creations are examples of appropriate creative activities. Documentation of such activities might include written reviews and evaluations by qualified peers.

- f. Publications in journals or media of similar quality are considered indicators of professional and/or scholarly activity.
- g. Publications that are reviewed by peers are more significant than those that are not subjected to such rigorous examination. It should be emphasized that quality is more important than quantity.

#### IV. Exceptions to Minimum Rank Qualifications

The minimum rank qualifications should be met in every recommendation regarding appointment to academic rank and for promotion in academic rank.

#### V. Changes in Tenure and Tenure-track Status

##### A. Non-renewal of Probationary, Tenure-track Faculty

1. When tenure-track appointments of faculty are not to be renewed, the faculty member shall receive notice of the non-renewal for the ensuing academic year as follows:

a. In the first academic year of service:

1) For appointments expiring at the end of the academic year, notice must be given no later than April 1 of that academic year.

2) For appointments expiring at the end of the current calendar year, notice must be given no later than November 1 of that year.

3) For appointments expiring during an academic year, notice must be given at least sixty (60) days prior to the expiration date.

b. In the second academic year of service:

1) For appointments expiring at the end of the current academic year, notice must be given no later than January 1 of that academic year.

2) For appointments expiring at the end of the current calendar year, notice must no later than August 1 of that year.



3) For appointments expiring during academic year, notice must be given at least one hundred fifty (150) days prior to its termination.

c. In the third or subsequent academic year of service:

1) For appointments expiring at the end of the academic year, notice must be given no later than the last day of the preceding academic year. ~~preceding the third or subsequent year of service,~~

2) For appointments expiring at the end of a calendar year, notice of non-renewal must be given no later than December 31 of the preceding year.

3) For appointments that terminate during an academic year, notice of non-renewal must be given at least three hundred and sixty-five (365) days prior to the date of termination. The above stated dates are the latest dates for notice of non-renewal of faculty on tenure-track appointments. Each college may adopt annual dates that provide for longer notice of non-renewal.

2. Notice of non-renewal shall be effective upon hand delivery of the notice to the faculty member, or upon the date the notice is mailed, certified mail, return receipt requested, postage prepaid, to the faculty member at his/her current home address of record with the college.

3. Applicable time periods for notice of non-renewal are based upon actual years of service at the college at which the faculty member is currently employed and are in no way affected by any credit for prior service that may have been awarded

4. In computing time for notice of non-renewal, exclude the day the notice is served; count every day thereafter, including intermediate Saturdays, Sundays, and legal holidays; and include the last day, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the next day that is not a Saturday, Sunday or legal holiday.

5. When a faculty member in a tenure-track appointment completes his/her probationary period, the faculty member will be given notice of non-renewal of the appointment during the spring term following application for such status. Such notice of non-renewal should be given not later than the final day of the academic year. The faculty member's right in an instance where timely notice is not given is described in TBR policy.
6. Faculty members on tenure-track appointments may have their employment terminated for any reason that would justify termination of a non-tenure-track employee faculty. The tenure-track employee faculty is entitled to the same process regarding termination that would be applicable to a non-tenure-track employee.
7. The non-renewal or non-reappointment of any faculty member on a tenure-track appointment does not necessarily carry an implication that his/her work or conduct has been unsatisfactory.
8. Neither non-renewal of a tenure-track faculty appointment during the first five years of the probationary period nor denial of tenure unaccompanied by notice of termination in the sixth year of the probationary period are appealable to the Chancellor, unless there has been a violation of state or federal law

## B. Transfer of Tenure

1. Where a faculty member is tenured in an academic program unit he/she may be transferred to another academic program unit. In such cases, the transfer will be made with tenure; moreover, the tenure appointment will be transferred to the new academic program unit. In no instance may the faculty member be compelled to relinquish tenure as a condition for effecting the transfer.

2. When a faculty member with tenure is appointed to an administrative position, he/she will retain tenure in the former faculty position only; and a faculty member otherwise eligible for tenure who also holds a non-faculty position may be awarded tenure in the faculty position only, subject to the requirements of this policy.

#### B. Expiration of Tenure

Tenure status shall expire upon retirement of the faculty member. Tenure shall also expire in the event of permanent physical or mental inability of a faculty member, as established by an appropriate medical authority, to continue to perform his/her assigned duties.

#### C. Relinquishment of Tenure

A faculty member shall relinquish or waive his/her right to tenure upon resignation from the college or upon failure to report for service at the designated date of the beginning of any academic term, which shall be deemed to be a resignation unless, in the opinion of the president, the faculty member has shown good cause for such failure to report.

#### D. Termination of Tenure for Reason of Financial Exigency

The employment of a tenured faculty member may be terminated as a result of financial exigency at a college subject to TBR declaration that such financial conditions exist. See TBR Policy on Financial Exigency (5:02:06:00).

#### E. Termination of Tenure for Curricular Reasons

1. The employment of a tenured faculty member may be terminated because:
  - a. An academic program is deleted from the curriculum; or

- b. Because of substantial and continued reduction of student enrollment in a field or discipline.
2. Before declaring that curricular reasons exist, the president will ensure meaningful participation by the college's representative faculty body in identifying the specific curricular reasons, evaluating the long-term effect on the college's curriculum and its strategic planning goals, and judging the advisability of initiating further action.
3. Prior to initiating the process described below, the president will present—either verbally or in writing—a description of curricular reasons that may warrant the termination of a tenured faculty member's employment.
4. Each college policy will describe procedures whereby this presentation will be made to a representative faculty body, and that body will have the opportunity to respond in writing to the president before action described below is initiated.
5. Each of these reasons for termination of tenure for curricular reasons must denote shifts in staffing needs that warrant greater reductions than those which are accommodated annually in light of shifting positions from one department to another or among colleges to handle changing enrollment patterns (see Definitions, below).

#### F. Process for Termination of Tenure

1. Upon determining that termination of employment of one or more tenured faculty members is required for one or more of the two reasons cited above, the president shall furnish each faculty member whose employment is to be terminated a written statement of the reasons for the termination.
  - a. Those reasons shall address fully the curricular circumstances that warranted the termination and shall indicate the manner and the information upon which the decision was reached regarding which faculty members' employment would be terminated.

- b. The president's written statement shall also indicate that the faculty member has the opportunity to respond in writing stating any objections to the decision.
2. If the faculty member(s) whose employment is to be terminated indicate(s) objections to the president's written statement(s) and request(s) a review, the president will appoint a faculty committee consisting of a minimum of five tenured faculty members from a slate of ten tenured faculty members proposed by the representative faculty body.
  - a. The committee shall conduct a hearing on the proposed termination(s).
  - b. The committee shall report its findings and recommendations to the president, who shall in a reasonable time inform the faculty member(s) whose employment is proposed for termination in writing either that the decision for termination stands or that it has been altered.
3. The president's decision to terminate a tenured faculty member's employment for curricular reasons is subject to appeal to the Chancellor and TBR as provided in TBR Policy 1:02:11:00).
4. When a tenured faculty member's employment is terminated for curricular reasons, the position will not be filled by a new appointee with the same areas of specialization as the terminated faculty member within a period of three years unless the terminated faculty member has been offered, in writing, reappointment to the position at his/her previous rank, tenure, and salary (with the addition of an appropriate increase which, in the opinion of the president, would constitute the raise(s) that would have been awarded during the period that he/she was not employed).
5. Upon determining that termination of employment of one or more tenured faculty members is warranted for curricular reasons, the president shall base his/her decision about which faculty member(s) employment should be

terminated upon his/her assessment as to what action would least seriously compromise the educational programs in a department or division.

6. Termination for curricular reasons presumes a staffing pattern in a department or academic program unit that cannot be warranted either by comparison with general load practices within the college or by comparison with faculty loads in comparable departments or academic program units at similar colleges. In that light, the president shall also, at his/her discretion, base his/her decision on a careful assessment of the impact of the curricular reason on staffing requirements in the department or academic program unit as compared to overall patterns in the college and to comparable departments or academic program units.
7. Unless the president demonstrates that an exception should be made to minimize qualitative compromise of an educational program, the following considerations should guide the president in determining the order of faculty reductions in a department or academic program unit where termination of tenured faculty is proposed for curricular reasons. These considerations should not be construed as being mandatory:
  - a. Part-time faculty appointments should not be renewed if tenured faculty positions are terminated.
  - b. Temporary faculty or tenure-track faculty appointments in the probationary period should not be renewed if tenured faculty positions are terminated.
  - c. Among tenured faculty, those with higher rank should have priority over those with lower rank.
  - d. Among tenured faculty with comparable rank, those with appropriate higher academic degrees should have priority over those with lower degrees.

- e. Among tenured faculty with comparable rank and comparable degrees, those with greater seniority in rank should normally have priority over those with less seniority.
- 8. The president of each college will have the discretion to deviate from this policy if he/she can demonstrate that the quality of the college's programs will be negatively impacted by strict adherence to this seniority preference.
- 9. When a tenured faculty member's employment is to be terminated for curricular reasons, the president will make every possible effort to relocate the tenured faculty member in another existing vacant position for which he/she is qualified. In instances where, in the opinion of the president, relocation within the college is a viable alternative, the college has an obligation to make significant effort to relocate the faculty member, including the bearing of reasonable retraining costs. The final decision on relocation is within the discretion of the president.

#### G. Definitions

- 1. "Program is deleted from the curriculum" means that TBR takes formal action to terminate a degree major, concentration, or other curricular component and that such termination eliminates or reduces need for faculty qualified in that discipline or area of specialization.
- 2. "Substantive and continued reduction of student enrollment in a field" means that over a period of at least three (3) years, student enrollment in a field has decreased at a rate in considerable excess of that of the college as a whole and that such reduction has resulted in faculty-student ratios that, in the opinion of the president, cannot be warranted either by comparison with equivalent faculty load practices within the college or by comparisons with faculty loads in comparable departments or academic program units at similar colleges which the president would deem to be appropriate for comparison.

## H. Termination for Adequate Cause

### 1. Reasons for Termination

a. A faculty member with tenure or a faculty member on a tenure-track appointment or temporary appointment prior to the end of the term of appointment may be terminated for adequate cause, which includes the following:

- 1) Incompetence or dishonesty in teaching or research.
- 2) Willful failure to perform the duties and responsibilities for which the faculty member was employed; or refusal or continued failure to comply with the policies of the Board of Regents, the college, or the department; or to carry out specific assignments, when such policies or assignments are reasonable and non-discriminatory.
- 3) Conviction of a felony or a crime involving moral turpitude.
- 4) Improper use of narcotics or intoxicants, which substantially impairs the faculty member's fulfillment of his/her departmental and college duties and responsibilities.
- 5) Capricious disregard of accepted standards of professional conduct.
- 6) Falsification of information on an employment application or other information concerning qualifications for a position.
- 7) Failure to maintain the level of professional excellence and ability demonstrated by other members of the faculty in the department or academic program unit of the college.

### 2. Procedures for Termination

- a. Termination of a faculty member with a tenure appointment, or with a tenure-track or temporary appointment prior to the annual specified term of the appointment, shall be subject to the following procedures.
- b. No termination shall be effective until steps (4) through (10) below have been completed.



- 1) A faculty member may not be suspended pending completion of steps (4) through (10) unless it is determined by the college that the faculty member's presence poses a danger to persons or property or a threat of destruction to the academic or operational processes of the college. Reassignment of responsibilities is not considered suspension; however, the faculty member must be reassigned responsibilities for which he/she is qualified.
- 2) In any case of suspension, the faculty member shall be given an opportunity at the time of the decision or immediately thereafter to contest the suspension; and, if there are disputed issues of fact or cause and effect, the faculty member shall be provided the opportunity for a hearing on the suspension as soon as possible, at which time the faculty member may cross-examine his/her accuser, present witnesses on his/her behalf, and be represented by an attorney. Thereafter, whether the suspension is upheld or revoked, the matter shall proceed pursuant to these procedures.
- 3) Except for such simple announcements as may be required concerning the time of proceedings and similar matters, public statements and publicity about these proceedings by either the faculty member or administrative officers will be avoided so far as possible until the proceedings have been completed, including consideration by the Board of Regents.
- 4) Upon a recommendation by the chief academic officer of the college to the president or upon a decision by the president that these procedures should be undertaken in consideration of the termination of a tenured faculty member, one or more appropriate administrators shall meet privately with the faculty member for purposes of

attempting to reach a mutually acceptable resolution of the problems giving rise to the proposed termination proceedings.

- 5) If a mutual resolution is not reached under step d. the president shall appoint a faculty committee consisting of tenured faculty members, whose appointments should be, but are not required to be, agreed to by the faculty member. The faculty committee shall conduct an informal inquiry of the facts giving rise to the proposed termination and seek a mutually acceptable resolution. Should no such resolution be reached, the committee shall recommend to the president whether in its opinion further proceedings should be taken in pursuit of the termination. The recommendation shall be in writing and shall be accompanied by reasons for the recommendation. The committee's recommendation shall not be binding on the president.
- 6) If no mutually acceptable resolution is reached through step (5) and/or if after consideration of the faculty committee's recommendation the president determines that further proceedings are warranted to consider termination, the following steps shall be taken.
  - i. The faculty member shall be provided with a written statement of the specific charges alleged by the college which constitute grounds for termination and a notice of hearing specifying the time, date, and place of the hearing. The statement and notice must be provided at least twenty (20) days prior to the hearing. The faculty member shall respond to the charges in writing at least five (5) days prior to the hearing. The faculty member may waive the hearing by execution of a written waiver.
  - ii. A committee consisting of members of faculty or faculty and administration shall be appointed to hear the case and to determine if adequate cause for termination exists according to

the procedure hereinafter described. The committee shall be appointed by the president and the officially recognized faculty senate, assembly or advisory committee, with each appointing the number of members designated by the policy of the college. The committee may not include any member of the faculty committee referred to in e above. Members deeming themselves disqualified for bias or interest shall remove themselves from the case, either at the request of a party or on their own initiative. Members of the committee shall not discuss the case outside committee deliberations and shall report any ex parte communication pertaining to the hearing to the committee chairman, who shall notify all parties of the communication.

- iii. The hearing committee shall elect a chairperson who shall direct the proceedings and rule on procedural matters, including the granting of reasonable extensions of time at the request of any party and upon the showing of good cause for the extension.
- iv. The chairperson of the hearing committee may in his/her discretion require a joint pre-hearing conference with the parties that may be held in person or by a conference telephone call. A written memorandum of the pre-hearing conference should be prepared and provided to each party. The purpose of the pre-hearing conference should include but is not limited to one or more of the following:
  - a) Notification as to procedure for conduct of the hearing.
  - b) Exchange of witness lists, documentary evidence, and affidavits.
  - c) Define and clarify issues.
  - d) Effect stipulations of fact.

- 7) A hearing shall be conducted by the hearing committee to determine whether adequate cause for termination of the faculty member exists. The hearing shall be conducted according to the procedures below.
- i. During the hearing, the faculty member will be permitted to have an academic advisor present and may be represented by legal counsel of his/her choice.
  - ii. A verbatim record of the hearing will be taken and a copy will be made available to the faculty member, upon request, at the faculty member's expense.
  - iii. The burden of proof that adequate cause exists rests with the college and shall be satisfied only by clear and convincing evidence in the record considered as a whole.
  - iv. The faculty member will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The administration will cooperate with the committee in securing witnesses and making available documentary and other evidence.
  - v. The faculty member and the administration will have the right to confront and cross-examine all witnesses. Where the witnesses cannot or will not appear, but the committee determines that the interests of justice require admission of their statements, the committee will identify the witnesses, disclose their statements, and, if possible, provide for interrogatories. An affidavit may be submitted in lieu of the personal appearance of a witness if the party offering the affidavit has provided a copy to the opposing party at least ten (10) days prior to the hearing and the opposing party has not objected to the admission of the affidavit in writing within (7) seven days after delivery of the affidavit, or if the

committee chairperson determines that the admission of the affidavit is necessary to ensure a just and fair decision.

- vi. In a hearing on charges of incompetence, the testimony shall include that of qualified faculty members from the college or other universities of higher education.
- vii. The hearing committee will not be bound by strict rules of legal evidence and may admit any evidence which is of probative value in determining the issues involved. Every possible effort will be made to obtain the most reliable evidence available.
- viii. The findings of fact and the report will be based solely on the hearing record.
- ix. The president and the faculty member will be provided a copy of the written committee report. The committee's written report shall specify findings of fact and shall state whether the committee has determined that adequate cause for termination exists and, if so, the specific grounds for termination found. In addition, the committee may recommend action less than dismissal. The report shall also specify any applicable policy the committee considered. After consideration of the committee's report and the record, the president may in his/her discretion consult with the faculty member prior to reaching a final decision regarding termination. Following his/her review, the president shall notify the faculty member of his/her decision, which, if contrary to the committee's recommendation shall be accompanied by a statement of the reasons. If the faculty member is terminated or suspended as a result of the president's decision, the faculty member may appeal the president's action to the chancellor pursuant to TBR Policy 1:02:11:00.

- c. Review of the appeal shall be based upon the record of hearing. If upon review of the record, the chancellor notes objections regarding the termination and/or its proceedings, the matter will be returned to the president for reconsideration, taking into account the stated objections, and, at the discretion of the president, the case may be returned to the hearing committee for further proceedings.

## Sources

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TBR Meeting April 2, 2004.

This policy is a result of a comprehensive revision of former TBR Policy 5:02:03:00, Academic Freedom, Responsibility and Tenure. The former policy included provisions related to academic freedom and responsibility and tenure in both universities and community colleges. The revision, approved by the Tennessee Board of Regents on April 2, 2004, created a separate policy on academic freedom and responsibility pertinent to both universities and community colleges, established separate policies relative to tenure for universities and community colleges, and instituted separate policies on faculty appointments for universities and community colleges. Faculty members appointed prior to July 1, 2004, may elect to be considered for tenure under the provisions of Policy 5:02:03:00 or under the revised policy for a four-year phase-in period. The revised policy will be applicable to all tenure action taken on or subsequent to July 1, 2008, for faculty whose employment began on or after July 1, 2004.

NOTE: This policy became effective on July 1, 1976, as to all faculty then or thereafter employed in the Tennessee Board of Regents' System. The minimum qualifications and requirements for eligibility for an award of tenure applied to all faculty who had not previously been expressly awarded tenure by the Board, and the previous probationary period for such faculty was extended to a maximum of seven years. Faculty who had

previously been awarded tenure retained their tenured status under this policy, subject to its terms and conditions.

The definition of academic tenure shall become effective January 1, 1984. That definition shall only apply to faculty tenured subsequent to the effective date. For faculty members tenured previous to January 1, 1984, the applicable definition of tenure shall be: “a status pursuant to which the academic year appointments of full-time faculty who have been awarded tenure are continued at a college until the expiration or relinquishment of that status, subject to termination for adequate cause for financial exigency or curricular reasons (see policy adopted June 25, 1976).”

### **Related Policies**

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- [Appeals and Appearances Before the Board](#)
- [Definition of Faculty](#)
- [Faculty Promotion at Community Colleges](#)
- [Financial Exigency](#)

**Presidents Quarterly Meeting  
Tuesday, August 6, 2019**

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**SUBJECT:** Policy Revision 5:02:07:00  
Faculty Appointments at Community Colleges

**PRESENTER:** Randy Schulte, Ed.D.  
Vice Chancellor, Academic Affairs

**ACTION REQUIRED:** Vote

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**Summary:**

*This policy has undergone significant revision. This policy has been reviewed by Academic Affairs, General Council, and Human Resources staff. Additionally, the Human Resources, Academic Affairs and Faculty sub councils have reviewed and provided recommendations.*

*Recommended revisions are marked by **yellow highlight**. Deletions are marked with a strike out  
xxxxxx*

The minor revisions for clarity include:

- Page 2 Paragraph II.A.8. : *The word Other was recommended to be changed to All for clarification.*
- Page 3 Paragraph II.B.2.a: *The word should was recommended to be changed to shall for clarification.*
- Page 4 Paragraph III.C.: *The phrase in residence was recommended to be deleted as a misleading redundant term.*

Major revisions included integrating all directly relate guidelines and procedures into the policy. Specifically, an attempt was made at clarifying four different faculty appointments and possible conversions of Temporary, Term and Tenure Track and Tenure contracts:

- Page 3 Paragraph II.B.2.b. states that a term appoint holder may be considered for a tenure track appointment IF the term position has been replaced with a tenure track position. The holder must apply to be considered for hire in the position.
- Page 4 Paragraph III.B requires that each community college must define the conversion of a term position to a tenure track appointment in its institutional policy.

TBR Staff have reviewed each recommendation and recommend approval.

*Attachments: Marked Policy 5:02:07:00 Faculty Appointments at Community Colleges*



# Faculty Appointments at Community Colleges: 5:02:07:00

## Policy Area

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Personnel Policies

## Applicable Divisions

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Community Colleges

## Purpose

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The purpose of this policy is to establish the criteria and process regarding faculty appointments at community colleges governed by the Tennessee Board of Regents.

## Policy

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### I. Introduction

A. The following faculty appointments may be made in Tennessee Board of Regents' community colleges:

1. Temporary,
2. Term,
3. Tenure-track, and
4. Tenure appointments.

### II. Types of Appointments

A. Temporary Appointments cannot carry tenure. Temporary Appointments are appointments for a specific purpose for a time appropriate to that purpose or for an unspecified period.

1. Temporary appointments may be terminated according to the terms of the contract of employment or appointment.
  2. Temporary appointments should ordinarily only be used to replace regular faculty on leave of absence, to employ faculty pursuant to grants, or for projects funded in whole or in part by non-appropriated funds.
  3. In addition, temporary appointments may be used for faculty employed on the basis of state appropriated funds in departments, divisions, or other academic units where a permanent and continued need for the position has not been established, provided that such appointments normally should not exceed three academic years.
  4. Faculty in temporary appointments are appointed in rank but are not eligible for promotion in rank.
  5. Temporary appointments may not be converted to term, tenure-track, or tenure appointments.
  6. Appointments of faculty members supported more than fifty percent (50%) by grant funds, or other soft money sources, may be approved by the community college presidents for periods in excess of three academic years.
  7. temporary instructional faculty at instructor rank may be appointed to a three-year contract. Such a contract may be renewed after any satisfactory performance review.
  8. **Other All** extensions of temporary appointments for periods in excess of three academic years require the approval of the Chancellor.
- B. Term Appointments cannot carry tenure. Term Appointments are appointments in a traditional rank (e.g., instructor, assistant professor) for a fixed period of no more than one year that may be renewed with no presumed maximum number of re-appointments.
1. Faculty should be placed on term appointments only when one or more of the following employment conditions is present:

- a. As a means for addressing staffing needs when a projected need is more than temporary but less than long term;
  - b. To staff programs projected to phase out in a fixed period; or
  - c. When the size of a staffing cohort is projected to extend beyond the normal period for a temporary appointment but is not of sufficient length to warrant a tenure-track or tenured appointment.
2. Since it is not intended that term appointments be used to meet long-term staffing needs, a faculty member should not remain in a term appointment for more than six years.
- a. If it is determined that a position is warranted beyond the maximum six-year period, a new tenure-track position ~~should~~ **shall** be sought to replace it.
  - b. The holder of the term appointment may apply and be considered for the tenure-track appointment, and the institution may award up to three years' credit for prior service.**
  - c. Other term appointment holders may also apply for the new position and receive service credit.
  - d. The amount of credit awarded is left to the discretion of the president and is determined based upon the recommendation of the chief academic officer.
  - e. Exceptions to the six-year maximum may be granted annually if it is:
    1. Requested by the affected faculty member and his/her supervisor;
    2. Recommended by the appropriate dean and chief academic officer;and
    3. Approved by the college president.
3. Faculty in term appointments are eligible for promotion.
- C. Tenure-track Appointments are appointments for full-time faculty with academic rank and may be for the academic or fiscal year.

1. Tenure-track appointments are for faculty who are employed in a probationary period of employment preliminary to consideration for tenure.
  2. Tenure-track appointments shall not include any right to permanent or continuous employment, shall not create any manner of legal right, interest, or expectancy of renewal or any other type of appointment and shall be subject to annual renewal by the institution.
  3. A tenure-track appointment may not be converted to a term appointment as a means for continuing employment of tenure-track faculty when a negative tenure decision has been made.
- D. Tenure Appointments are appointments of full-time faculty who have been awarded tenure by the Board pursuant to the provisions of this policy.
1. Tenure appointments include the assurance of continued employment for the academic or fiscal year for an indefinite period, subject to expiration, relinquishment, or termination of tenure as provided in TBR policy.
  2. Such appointments do not include assurance of continued employment at any specified salary or position or employment during summer sessions or inter-sessions.

### III. Conversion of Appointments

- A. A temporary appointment may not be converted to a tenure-track appointment.
- B. **The conversion of a term appointment to a tenure-track appointment is allowed, and each college should define the process in its institutional policy** in keeping with TBR guideline P-010.
- C. The holder of the term appointment converted to a tenure-track appointment may be awarded up to three years credit for prior service **in residence.**

### Sources

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April 2, 2004 TBR Board Meeting; Board Meeting June 20, 2014.

### Related Policies

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- Personnel Transactions & Recommended Forms

**Presidents Quarterly Meeting  
Tuesday, August 6, 2019**

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**SUBJECT:** Policy Revision 2:04:00:00 (previously Guideline A-019)  
Academic and Registration Calendar

**PRESENTER:** Randy Schulte, Ed.D.  
Vice Chancellor, Academic Affairs

**ACTION REQUIRED:** Vote

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**Summary:**

Approval is requested for the revision of Guideline A-019 to become TBR Policy 2:04:00:00, *Academic and Registration Calendar*. The policy requires that “each community college will establish and publish in the institution’s *Catalog*, a minimum of one full year Academic Calendar that includes fall, spring, and summer semester, and any other academic timeframe(s) provided as options for enrolling in and completion of courses during the 12-month academic year, in accordance with the parameters and framework defined in the procedure.”

The following describes the significant changes from requirements previously defined by Guideline A-019:

1. All reference to requirements for TN eCampus were removed because calendars and all courses belong to the institution and not to TN eCampus.
2. Instead of mandating that spring and fall break must take place beginning week 8, this becomes a recommendation with the colleges having the option to schedule the semester break to align with Local Education Agencies (LEAs), providing that no other requirement of the common academic calendar template is altered.
3. Late registration shall not exceed seven calendar days from the first day of class in either fall, spring, or summer semesters.
4. Exceptions to this policy must be approved, in advance, by the Vice Chancellor for Academic Affairs and the Chancellor.

*Attachments: Marked Policy 2:04:00:00 Academic and Registration Calendar*

<https://policies.tbr.edu/guidelines/academic-calendar-and-student-registration>

**Key to changes:**

- strike outs and **red font** = initial revisions for first release
  - **yellow highlight** = changes based upon feedback after initial release
  - **blue highlight** = changes recommended by Faculty Sub-Council after approval of **Academic and Student Affairs Sub-Councils**
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**Policy Area**

Academic

Number – **2:04:00:00**; previously Guideline A-019

Name: ~~Academic Calendar and Student Registration~~

**Academic and Registration Calendar**

**Purpose**

The purpose of this policy is to provide a common academic calendar among community colleges to: 1) facilitate student enrollment at more than one institution and in collaborative programs, 2) enable institutions to share resources, including courses, faculty, and physical facilities, 3) encourage and support the formation of consortia and partnerships, 4) permit greater efficiency in system-wide information technology resources, and 5) support data collection for compliance and accountability.

**Applies To**

Community Colleges

**Definitions**

**NA**

## Policy

~~Each TBR community college will establish and publish in the institution's Catalog, a minimum of two Academic Calendars (12 months for each calendar) in accordance with the parameters and framework outlined in the procedure below.~~

Each community college will establish and publish in the institution's Catalog, a minimum of one full year Academic Calendar that includes fall, spring, and summer semester, and any other academic timeframe(s) provided as options for enrolling in and completion of courses during the 12-month academic year, in accordance with the parameters and framework defined in the procedure.

## Procedure

### I. Academic Calendar

All TBR community colleges will offer fall and spring terms that follow the Academic Calendar Template described in this procedure.

- A. Institutions may offer terms of alternate length in addition to the 15-week fall and spring semesters, but should be mindful of calendar conflicts and federal financial aid requirements.
- B. Institutions may develop the summer semester with the flexibility to optimize educational opportunities to best serve students, the community, and workforce needs. It is the responsibility of the institution to address potential calendar conflicts, federal financial aid requirements, and deadlines for data reporting that will be provided by TBR for the summer semester.



- C. Each semester, the 14th day of class must be identified as the last date a student can drop a class (withdraw) without a grade designation, including a “W,” appearing on the transcript. When providing alternate class formats, the institution is responsible for documenting equivalence in terms of student outcomes and competencies.

## II. Template

### A. Fall Semester, Full Term

- 1. Week 1 of Fall Semester begins with the first day of class.
  - (a) Classes begin the fourth Monday in August.
  - (b) Labor Day Holiday (1st Monday in September)
  - (c) It is recommended that Fall break for community colleges must be scheduled for Monday and Tuesday of week 8 or may be scheduled for the Monday and Tuesday of Thanksgiving week. However, community colleges may schedule Fall Break to align with Local Education Agencies (LEAs), providing that no other requirement of the common academic calendar template for fall semester is altered.

~~TN eCampus will follow the schedule of the community colleges.~~

2. Thanksgiving Break (Wednesday, Thursday, Friday, Saturday, and Sunday)
  - (a) Monday and Tuesday of Thanksgiving week may also be included if the fall break option described above is used. Wednesday is an extension of a break period where no classes will be held.
  - (b) Administrative close days are not impacted.
3. Classes End
  - (a) Flexibility is provided at the end of the semester to allow institutions to address concerns with the number of class sessions, lab availability, etc.
  - (b) All grades must be submitted no later than the Monday of Week 17 ~~except TN eCampus grades which will be delivered to the appropriate "home" institution no later than 4:30 p.m. on Friday of Week 16.~~
  - (c) Each TBR institution must establish and publish an end-of-term schedule for the last day of class and final exams. Appropriate time for completion of end of course assignments and preparation for final exams must be included in the schedule.
  - (d) The institution assumes responsibility for communicating any variations in breaks or end of term schedules to students and faculty engaged in collaborative programs.
4. Spring Semester, Full Term
  - a) Week 1 of Spring Semester begins with the first day of class.
  - b) Classes must begin on Tuesday after MLK holiday with the exception of when MLK is on the 21st of January, when classes will begin on the Monday before MLK holiday.
  - c) Martin Luther King Holiday (3rd Monday in January)
  - d) It is recommended that Spring break begin on Monday of week 8. However, community colleges may schedule Spring Break to align with Local Education Agencies (LEAs), providing that no other requirement of the common academic calendar template for spring semester is altered. ~~Spring break must take place beginning Monday of week 8 at all community colleges. TN eCampus will follow the schedule of the community colleges.~~

~~e) Friday before Easter Holiday may be used to provide additional flexibility. Institutions have the option of requesting an exception to the TBR Policy from the Chancellor to take to use the Good Friday Holiday on the Friday of spring vacation break rather than the Friday prior to Easter. This will provide an additional Friday for instruction. This provides an additional Friday for instruction.~~

5. Classes End

- a) Flexibility is provided at the end of the semester to allow institutions to address concerns with the number of class sessions, lab availability, etc.
- b) All grades must be submitted no later than the Monday of Week 17. ~~except TN eCampus grades which will be delivered to the appropriate "home" institution no later than 4:30 p.m. on Friday of Week 16.~~
- c) Each TBR institution must establish and publish an end-of-term schedule for the last day of class and final exams. Appropriate time for completion of end of course assignments and preparation for final exams must be included in the schedule.
- d) The institution assumes responsibility for communicating any variations in breaks or end of term schedules to students and faculty engaged in collaborative programs.

B. Registration

- 1. The published registration schedule for each institution must designate specific registration deadlines for each phase of registration.
- 2. Late registration ~~may be permitted shall not exceed through the seventh~~ calendar days ~~from the first day of class~~, for regular fall and spring ~~semester~~ courses. ~~with late registration period proportionally adjusted for summer and alternate length courses.~~ Late registration may be established by the institution for summer semester and alternate timeframes, but ~~may~~ shall not exceed seven calendar days from the first day of class.

C. Exceptions

1. Exceptions to ~~this policy the common calendar~~ for specialized programs may be approved by the President, with notification to the Vice Chancellor for Academic Affairs.
2. Other exceptions to the calendar and registration guideline must be approved, in advance, by the Vice Chancellor for Academic Affairs and the Chancellor.

**Source**

**Authority**

T.C.A. § 49-8-203

**History**

Presidents Meeting February 10, 1987; Presidents Meeting May 21, 2001; Presidents meeting August 13, 2002; Presidents meeting November 8, 2006; Presidents meeting November 7, 2012; TBR Board Meeting \_\_\_\_\_, 2019

**Exhibits**

None

## **Policy Area**

Academic

Number: 2:04:00:00 (previously Guideline A-019)

Name: ***Academic and Registration Calendar***

## **Purpose**

The purpose of this policy is to provide a common academic calendar among community colleges to: 1) facilitate student enrollment at more than one institution and in collaborative programs, 2) enable institutions to share resources, including courses, faculty, and physical facilities, 3) encourage and support the formation of consortia and partnerships, 4) permit greater efficiency in system-wide information technology resources, and 5) support data collection for compliance and accountability.

## **Applies To**

Community Colleges

## **Definitions**

NA

## **Policy**

Each community college will establish and publish in the institution's *Catalog*, a minimum of one, full year Academic Calendar that includes fall, spring, and summer semester, and any other academic timeframe(s) provided as options for enrolling in and completion of courses during the 12-month academic year, in accordance with the parameters and framework defined in the procedure.

## **Procedure**

### I. Academic Calendar

All TBR community colleges will offer fall and spring terms that follow the Academic Calendar Template described in this procedure.

- A. Institutions may offer terms of alternate length in addition to the 15-week fall and spring semesters, but should be mindful of calendar conflicts and federal financial aid requirements.

- B. Institutions may develop the summer semester with the flexibility to optimize educational opportunities to best serve students, the community, and workforce needs. It is the responsibility of the institution to address potential calendar conflicts, federal financial aid requirements, and deadlines for data reporting that will be provided by TBR for the summer semester.
  
- C. Each semester, the 14th day of class must be identified as the last date a student can drop a class (withdraw) without a grade designation, including a “W,” appearing on the transcript. When providing alternate class formats, the institution is responsible for documenting equivalence in terms of student outcomes and competencies.

## II. Template

- A. Fall Semester, Full Term
  - 1. Week 1 of Fall Semester begins with the first day of class.
    - (a) Classes begin the fourth Monday in August.
    - (b) Labor Day Holiday (1st Monday in September)
    - (c) It is recommended that Fall break for community colleges ~~must~~ be scheduled for Monday and Tuesday of week 8 or may be scheduled for the Monday and Tuesday of Thanksgiving week. However, community colleges may schedule Fall Break to align with Local Education Agencies (LEAs), providing that no other requirement of the common academic calendar template for fall semester is altered.
  
  - 2. Thanksgiving Break (Wednesday, Thursday, Friday, Saturday, and Sunday)
    - (a) Monday and Tuesday of Thanksgiving week may also be included if the fall break option described above is used. Wednesday is an extension of a break period where no classes will be held.
    - (b) Administrative close days are not impacted.

3. Classes End
  - (a) Flexibility is provided at the end of the semester to allow institutions to address concerns with the number of class sessions, lab availability, etc.
  - (b) All grades must be submitted no later than Monday of week 17.
  - (c) Each TBR institution must establish and publish an end-of-term schedule for the last day of class and final exams. Appropriate time for completion of end of course assignments and preparation for final exams must be included in the schedule.
  - (d) The institution assumes responsibility for communicating any variations in breaks or end of term schedules to students and faculty engaged in collaborative programs.
  
4. Spring Semester, Full Term
  - (a) Week 1 of Spring Semester begins with the first day of class.
  - (b) Classes must begin on Tuesday after MLK holiday with the exception of when MLK is on the 21<sup>st</sup> of January, when classes will begin on the Monday before MLK holiday.
  - (c) Martin Luther King Holiday (3<sup>rd</sup> Monday in January)
  - (d) It is recommended that Spring break begin on Monday of week 8. However, community colleges may schedule Spring Break to align with Local Education Agencies (LEAs), providing that no other requirement of the common academic calendar template for spring semester is altered.
  
5. Classes End
  - (a) Flexibility is provided at the end of the semester to allow institutions to address concerns with the number of class sessions, lab availability, etc.

- (b) All grades must be submitted no later than the Monday of Week 17.
- (c) Each TBR institution must establish and publish an end-of-term schedule for the last day of class and final exams. Appropriate time for completion of end of course assignments and preparation for final exams must be included in the schedule.
- (d) The institution assumes responsibility for communicating any variations in breaks or end of term schedules to students and faculty engaged in collaborative programs.

**B. Registration**

- 1. The published registration schedule for each institution must designate specific registration deadlines for each phase of registration.
- 2. Late registration shall not exceed seven calendar days from the first day of class, for regular fall and spring semester courses. Late registration may be established by the institution for summer semester and alternate timeframes, but shall not exceed seven calendar days from the first day of class.

**C. Exceptions**

- 1. Exceptions to this policy for specialized programs may be approved by the President, with notification to the Vice Chancellor for Academic Affairs.
- 2. Other exceptions to the calendar and registration guideline must be approved, in advance, by the Vice Chancellor for Academic Affairs and the Chancellor.

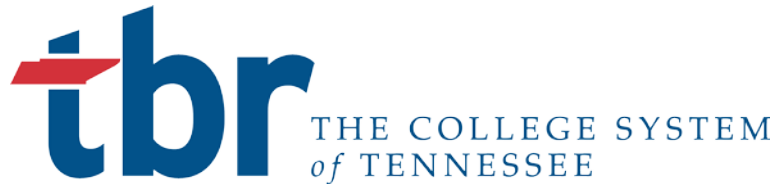
**Source**

**Authority** T.C.A. § 49-8-203

**History**

Presidents Meeting February 10, 1987; Presidents Meeting May 21, 2001; Presidents meeting August 13, 2002; Presidents meeting November 8, 2006; Presidents meeting November 7, 2012; **TBR Board Meeting \_\_\_\_\_, 2019**





**Presidents Quarterly Meeting  
Tuesday, August 6, 2019**

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**SUBJECT:** Policy Dissolution 2:02:00:00  
Associate Degree Programs

**PRESENTER:** Randy Schulte, Ed.D.  
Vice Chancellor, Academic Affairs

**ACTION REQUIRED:** Vote

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**Summary:**

Policy 2:02:00:00 Associate Degree Programs establishes the community colleges' priority to award the associate degree over the universities.

Whereas the Tennessee Board of Regents no longer governs any universities, the policy is inert and is recommended for dissolution.

This recommendation is supported by the Academic Affairs, Student Affairs, and Faculty Sub-Councils.

*Attachments:* Policy 2:02:00:00 Associate Degree Programs

## **2 – Academic Policies (recommending dissolution)**

**2:02:00:00**

**Name: Associate Degree Programs**

**Applies to: Community Colleges, Universities**

### **Purpose**

The purpose of this policy is to establish Tennessee Board of Regent policy regarding the awarding of Associate Degrees.

### **Policy**

### **Procedures**

- A. It is the policy of the State Board of Regents that associate degree programs, especially those designated as career education/vocational education, should be delivered by community colleges.
- B. In cities where there is a community college and a university, the community college shall be given exclusive rights to offer associate degree programs.
- C. In areas where there is a defined and documented need for associate degree programs, but no readily accessible community college, the university maybe given permission to offer the program provided a feasibility study has demonstrated that it is not economical for the community college to offer the program directly or through a cooperative arrangement with the university.
  1. Normally the feasibility study will be undertaken by the university desiring to offer the associate degree program and the most convenient community college.
  2. A member of the Board staff and a staff member from the Tennessee Higher Education Commission may be asked to serve on the study team.
  3. Together the two institutions will determine the most economical and suitable way to deliver the desired associate degree program.
  4. In every case, the needs of prospective students will be a paramount consideration in the final decision.
- D. In each instance where conditions warrant that a university requests approval to offer an associate degree program, the State Board of Regents shall evaluate the request in terms

of the standard program criteria used by the Board and the Tennessee Higher Education Commission.

- E. It is the intent of the State Board of Regents to remain at all times sensitive to the need to preserve the role and scope of each institution as well as to satisfy the needs of the residents of Tennessee.
- F. This policy does not affect any programs currently offered by an institution.

**Sources**

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

**Related Policies**

**Exhibits**

**Approvals**

**Presidents Quarterly Meeting  
Tuesday, August 6, 2019**

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**SUBJECT:** Policy Revision 2:07:00:00  
Cost of Textbooks

**PRESENTER:** Randy Schulte, Ed.D.  
Vice Chancellor, Academic Affairs

**ACTION REQUIRED:** Vote

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**Summary:**

The proposed policy revision has been informed by the recent Digital Engagement Initiative pilot and associated research. Substantive changes include:

1. Addition of Definition of Terms
2. Encouraging transition to a digital campus culture
3. Reinforcing faculty academic freedom

This recommendation is supported by the Academic Affairs, Student Affairs, and Faculty Sub-Councils.

## 2 – Academic Policies

2:07:00:00

**Name: Cost of Textbooks**

### **Purpose**

Tennessee Code Annotated (T.C.A.), Title 49, Chapter 7, Part 1 specifies that the Tennessee Board of Regents develop policies for minimizing the cost of textbooks and ancillary course materials at its higher education institutions, while maintaining quality of education and academic freedom.

**Applies to: TCATs, Community Colleges**

### **Definitions**

- An *E-textbook*, or electronic textbook, is an educational or instructional book in digital form.
- *Open Educational Resources (OER)* are freely accessible, openly licensed text, media, and other digital assets that are useful for teaching, learning, and assessing as well as for research purposes.
- *Inclusive Access (IA)* is a subscription-based model whereby students can gain immediate and complete access to digital course materials at substantially reduced cost. This usually includes a direct billing to students' accounts for the cost of the digital materials.
- *Bundled materials* comprise a group of objects joined together by packaging or required to be purchased as an indivisible unit).

### **Policy**

#### Policy Provisions

- A. The Tennessee Board of Regents seeks to address the student success barrier and equity issues caused by continuously increasing textbook costs. Each institution governed by the Tennessee Board of Regents shall develop policies for minimizing the cost of textbooks and ancillary course materials.
- B. No provision in this policy shall have the effect of diminishing the academic freedom faculty possess in selecting materials for their courses.

### **Procedures**

- A. Students must have access to information regarding required and supplementary course materials through viable channels, including the institution's website, before courses begin. This information must include, but is not limited to, the International Standard Book Number (ISBN).
- B. Faculty members should consider practices that reduce the cost of course materials, such as adopting the least expensive option from the available products that meet the requirements of the course. ~~Institutions should consider bundled materials only if they deliver cost savings to the students.~~
- C. Any on-campus bookstore selling textbooks to students as part of a bundled package also provide students the option of purchasing the textbooks and other study products separately from each other, if possible.
- D. Digital materials, including e-textbooks, courseware, and supplemental course activities (exercises, quizzes, readings, lab workbooks) should be considered if those options are available for the titles chosen by the faculty for his/her courses.
  - 1. Mechanisms for digital delivery include Open Educational Resources (OER), Inclusive Access (IA) through the campus bookstore operator, and traditional transactional process whereby students purchase access codes from the bookstore or online directly from the publisher.
  - 2. If institutions implement an inclusive access model, students must be able to opt out of such program.
- E. Campus policies should not restrict the options for students to rent or purchase new or used textbooks from the vendor of their choice.

## **Sources**

Tennessee Board of Regents meeting, September 27, 2007

TBR. (2018). Providing students with the tools for success: A systemic digital approach. [White paper].

Tennessee Code Annotated (T.C.A.), Title 49, Chapter 7, Part 1

## **Related Policies**

## **Exhibits**

## **Approvals**