



**TENNESSEE BOARD OF REGENTS**  
**Statewide Outstanding Achievement and Recognition Event (SOAR)**  
**And**  
**Quarterly Board Meeting**  
**Thursday, March 25, 2021**

**8:30 AM Central – SOAR Event**

**9:00 AM Central – Announcement of the College of the Year**

**9:05 AM Central – Quarterly Board Meeting Convenes**

- I. Minutes
  - A. December 10, 2020 Regular Session
- II. Report of Interim Action
- III. Report of the Committees
  - A. Approval of the Minutes from the March 9, 2021 Meeting of the Audit Committee
- IV. New Business
  - A. Consent Agenda
    - 1. Review and Approve Revisions to TBR Policy 2.03.00.00 - Admissions at the Community Colleges
    - 2. Review and Consider 2020-21 Faculty Emeritus Recommendations for Community Colleges
  - B. Informational Reporting
    - 1. External Affairs Update (*McCormick*)
      - Legislative Update
    - 2. State Budget Update (*Gibbs*)
    - 3. Center for Workforce Development Update (*Puryear*)
    - 4. Strategic Plan Update (*Deaton*)
    - 5. Student Access, Retention and Success (*Deaton*)
  - C. Discussion
    - 1. Draft Rulemaking (*Lapps*)
      - a. Contested Case Procedures Under the Uniform Administrative Procedures Act (New)
      - b. Parking and Traffic (New)
      - c. Student Conduct and Disciplinary Procedures (Amended)
      - d. Title IX Compliance/Sexual Misconduct (New)

D. Action Items

1. Receive and Consider a Recommendation for the President of TCAT McKenzie and Paris (*Chancellor*)
2. Review and Consider Resolution of Appreciation for President Brad White (*Duckett*)
3. Review and Consider Proposed Criteria for the President of Volunteer State Community College (*Chancellor*)
4. Review and Consider Proposed Criteria for the President of TCAT McMinnville (*Chancellor*)
5. Multiple Measures for Learning Support Pilot (*Deaton*)
6. Proposed Program Implementations at the Colleges of Applied Technology (*Hollins*)
7. Review and Consider New TBR Policy 7.04.00.00 - Programs for Minors on Campus (*Lapps*)
8. Review and Consider Proposed Changes to the Bylaws (*Lapps*)
9. Review and Consider Standing Resolution Delegating Authority for Rulemaking Hearings (*Lapps*)



**TENNESSEE BOARD OF REGENTS**  
**Quarterly Board Meeting**  
**March 25, 2021**

**EXECUTIVE SUMMARY**

8:30 AM Central – SOAR Event

9:00 AM Central – Announcement of the College of the Year

9:05 AM Central – Quarterly Board Meeting Convenes

**I. Minutes**

The Board will consider approving minutes from the December 10, 2020 regular quarterly meeting.

**II. Report of Interim Action**

This report serves as a record of business transacted by the Office of the Chancellor since the previous meeting of the Board. A copy of the report is enclosed.

**III. Report of the Committees**

The Board will consider approving the minutes of the Audit Committee meeting on March 9, 2021.

**VI. New Business – Consent Agenda**

**1. Review and Approve Revisions to TBR Policy 2.03.00.00 – Admissions at the Community Colleges**

It is the intent of this suggested amendment to TBR Policy to ensure consistent compliance with Tennessee law by setting a maximum threshold for which an institution may require proof of high school graduation for admission purposes. It is not the intent to prevent an institution from setting a lower threshold for waiving proof of high school graduation for transfer applicants. This amendment in no way impacts the admission requirements specified in 2.03.00.00 Section II.B.

The policy has previously been reviewed by the admissions and records working group members. It was approved by the President's Council on March 3, 2021.

**2. Review and Consider 2020-21 Faculty Emeritus Recommendations for Community Colleges**

The Board requested a review and update to Policy on Faculty Emeritus: 5.02.01.10. This update was completed and approved by the Board March 19<sup>th</sup>, 2019.

The policy now requires a central office staff review of recommendations from Community College Presidents to the Chancellor and Vice Chancellor of Academic Affairs prior to Board approval granting faculty emeritus status.

## **Executive Summary – March 2021 Quarterly Meeting**

---

Faculty having served an institution governed by the Tennessee Board of Regents for a sufficient length of time to be eligible for state retirement benefits are eligible for emeritus faculty status upon retirement from the institution.

Emeritus faculty shall be entitled to such privileges and benefits, other than monetary compensation, as their institution designates insofar as such privileges and benefits are within the limits of the institution's discretionary authority.

The Board will be asked to approve recommendations for faculty emeritus of nominated faculty having served at Motlow and Nashville State Community Colleges.

The following materials presents the five recommendations by institution for this quarter.

The nominations have been reviewed by TBR Staff and approval is recommended for all five nominees. Information on the five nominees may be found inside the board materials.

### **Motlow State Community College**

- Patricia Hendrix, MS, BSN, RN.: Service Date 1996-2021
- Fred Rascoe, MS, BS Engineering, TN & NC Registered Professional Engineer: Motlow Service Date 2009-2021 Tennessee and Southeast US Professional Service 1979-2021

### **Nashville State Community College**

- Tammy Ruff : Service Date 1988-2020
- Annette McCreedy, Ed.D. : Service Date 1992-2019
- Lynn Lozier: Service Date 2000-2020

## **VI. New Business - Informational Reporting**

### **A. External Affairs Update – Legislative (*McCormick*)**

Vice Chancellor McCormick will provide an External Affairs update that will include a summary of the legislation being tracked by TBR Government Relations with an overview of possible legislation that could impact TBR and higher education. The 112<sup>th</sup> Tennessee General Assembly Legislative session reconvened on January 12, 2021.

### **B. State Budget Update (*Gibbs*)**

The Board will hear a report from Vice Chancellor Gibbs regarding the governor's budget recommendations.

### **C. Center for Workforce Development (*Puryear*)**

TCAT Murfreesboro President Carol Puryear will review current workforce development projects and activities, including:

- Update on State ECD projects including apprenticeships, correctional workforce, the Electric Vehicle Task Force, and campus success stories.

## Executive Summary – March 2021 Quarterly Meeting

---

- Update on the April TNTrained “New Energy, New Year, New Workforce” Virtual Conference.

### D. Strategic Plan Update (*Deaton*)

The Tennessee Board of Regents (TBR) began initial work on potential revisions to the 2015-2025 Strategic Plan in December 2019, though work was paused at the outbreak of the COVID19 pandemic. In October 2020, TBR restarted its work with Steering Committee meetings and subsequent conversations with key partners and constituencies around the state. As part of an effort to keep the Board updated at each TBR meeting, as well as to gather feedback, staff will present a Strategic Plan update. This will include a review of recent Steering Committee meetings, Board member workshops and other conversations, as well as the potential themes for the Strategic Plan review. Staff will also present a draft version of an interactive infographic that can serve as the vehicle for presenting the Strategic Plan.

### E. Student Access, Retention and Success (*Deaton*)

The effects of COVID19 on TBR student access, retention, and success have been profound. At fall 2020 census enrollment, community colleges experienced a 12 percent enrollment decline, while TCATs had more modest decreases at approximately two percent. The conclusion of the fall semester provides the opportunity to see the full effects of enrollment via an end of semester analysis, that includes shorter term courses throughout the fall semester that were not part of the initial census analysis, as well as course grade distributions. Both will provide a more complete picture of enrollment in the fall 2020 semester.

Final fall 2020 enrollment data indicates that institutions were able to enroll roughly 1,400 additional students beyond the 14<sup>th</sup> day census date. While this has helped to close the enrollment deficit, fall 2020 headcount was still 10 percent lower than fall 2019 headcount.

Preliminary spring 2021 enrollment data provides another opportunity to examine census enrollment, which indicates that headcount and full-time equivalent enrollment continue to be lower than in prior years. In addition, the analysis will include preliminary fall-to-spring retention rates for the 2020 first time freshman class, as well as updated graduation rates through fall 2020. Finally, staff will present preliminary enrollment demographic patterns for spring 2021, including trends in dual enrollment, adult learners, and the enrollment of recent high school graduates.

## VI. New Business – Discussion

### A. Draft Rulemaking (*Lapps*)

At the Committee Chairs Meeting on March 9, 2021, the Board Members received information relating to Rulemaking and an explanation of the rules under consideration. The following information was provided prior to the Committee Chairs meeting and is reproduced for the Board’s convenience. This matter is being presented for further discussion with no action requested at this time. We anticipate requesting approval of the draft rules discussed below at the June, 2021 Board meeting.

# Executive Summary – March 2021 Quarterly Meeting

---

## Background for Rulemaking

The Uniform Administrative Procedures Act contemplates that state agencies, including the Board of Regents, issue rules when implementing standards of “general applicability.” TBR most commonly makes rules for matters related to students and the general public. The General Assembly has made statutory changes that require increased rulemaking for TBR.

The rulemaking process includes the following steps.

- (1) The Subcouncils and the Presidents Council review and comment.
- (2) The Board is asked for review and input (Committee Chairs Meeting on March 3, 2021 and Board of Regents Meeting on March 25, 2021).
- (3) The Attorney General’s Office is asked to review the draft rules for legality.
- (4) Drafts are sent to the Joint Government Operations Committee Chairs and select members for review and comment so that they have a chance to comment prior to Step 11.
- (5) A Notice of Rulemaking Hearing (including a solicitation of written comments) must be posted with Secretary of State at least 52 days prior to the Rulemaking Hearing.
- (6) A Rulemaking Hearing is held (either by Board or designee) to receive comments.
- (7) TBR administration provides a written response to the comments.
- (8) The Board considers any comments and votes on whether to adopt the rules. This must be done in a meeting separate from the Rulemaking Hearing.
- (9) The rules are filed with the Secretary of State and become effective 90 days after filing.
- (10) After filing, but prior to becoming effective, the Attorney General must approve rules for legality.
- (11) After filing (usually 45-60 days), the Joint Government Operations Committee holds a hearing.
- (12) The rules go into effect.

## Draft Rules

TBR is in the process of drafting four rules. These new and revised rules are driven, in large part, by statutory changes that require TBR to adapt the manner in which the TBR System has historically balanced rules and policies. Whereas TBR’s rules, especially with respect to student conduct issues, provide that campuses shall issue policies that may be different from the rules, the statutory structure no longer permits campus policies to take precedence over rules. Campuses will still have policies, but they will track the rules.

### *1. Procedures for Conducting Hearings in Accordance with the Contested Case Provisions of the Uniform Administrative Procedures Act, Chapter 0240-01-05.*

“Contested case” hearings under the Uniform Administrative Procedures Act (“UAPA”) are offered when the government seeks to take away a “property interest” and in certain other circumstances. Students who are being suspended or dismissed for disciplinary reasons typically have an option of a contested case hearing. Contested case hearings are more limited for employees. Contested case hearings are not as formal as court proceedings, but there are similarities, which include prehearing discovery, a hearing with a judge, live testimony under oath, direct and cross examination, and a written decision. These are rare at TBR. Nevertheless, OGC believes that TBR needs to have a rule to replace existing TBR Policy 1.06.00.05.

## **Executive Summary – March 2021 Quarterly Meeting**

---

Although TBR may create its own processes for contested case hearings, as at least two universities have done or are doing, TBR is proposing to use the formal processes and procedures of the Administrative Procedures Division (“APD”) in the Secretary of State’s Office. TBR will typically use administrative judges from APD to preside over contested cases, but because APD is not legally required to accept TBR cases, the draft rule provides other options as permitted by statute.

### *2. Parking and Traffic, Chapter 0240-01-06.*

This is a new chapter. The current parking and traffic rules are contained in Chapter 0240-02-03, Student Conduct and Disciplinary Procedures. Because the proposed rules apply to the general public, and not just students, TBR seeks to create a new chapter of general applicability. These proposed rules provide more detail and specificity than the current rules, but similar to what the University of Memphis has enacted, they do not provide as much procedural detail as the student conduct and disciplinary procedures rules. They contemplate each campus, after getting approval from the Chancellor, to set its own level of fines. Each campus would have its own appeal procedures, too.

### *3. Student Conduct and Disciplinary Procedures, Chapter 0240-02-03.*

These rules explain who meets the definition of a student, in what circumstances the rules apply, conduct for which disciplinary action may be imposed, the potential sanctions, the procedures for implementing disciplinary action, and the means of appealing decisions.

The attached chapter contains both a “clean” version and also a “tracked changes” version at the end of the document. The proposed revisions introduce more detail and specificity, both substantively and procedurally, into the current rules. The proposed rules also remove the ability for institutions to make substantive alterations or additions to the rules.

### *4. Title IX Compliance, Chapter 0240-02-1.*

This is a new chapter. The rule is based on the TBR Sexual Misconduct policy and is designed to require as few changes as possible to that policy. Although the rule looks very different than the policy, that is largely due to formatting requirements. Minimal changes to the Sexual Misconduct Policy will be needed, as demonstrated by the tracked changes version of the policy, which is included in these materials. (The Board will not be asked to vote on changes to the Sexual Misconduct Policy until it votes on the rule.)

The rule, like the Sexual Misconduct policy, is based on federal Title IX regulations and implements the requirements of those regulations.

## **VI. New Business – Action Items**

### **A. Receive and Consider a Recommendation for the President of TCAT McKenzie and Paris (Chancellor)**

Last fall, President Brad White gave his retirement notice effective March 31, 2021. On December 10, 2020, the Board approved the search criteria and recruitment for a new president. The 21

## **Executive Summary – March 2021 Quarterly Meeting**

---

member search committee is comprised of faculty, staff, alum, students, and community members from both towns, as well as Board members.

The committee met for the first time on January 26 and had 22 applicants to review with experiences all across the country. Virtual interviews took place on March 1 with five applicants. Two participated in virtual campus and open forum interviews on March 11.

The Board will receive and consider a recommendation for the next president of TCAT Paris and McKenzie at its meeting on Thursday, March 25, 2021.

### **B. Review and Consider a Resolution of Appreciation for President Brad White**

The Board will review and consider a resolution of appreciation for President Brad White, President of TCAT Paris and McKenzie for his years of service in the System.

### **C. Review and Consider Proposed Criteria for the President of Volunteer State Community College (*Chancellor*)**

President Jerry Faulkner has announced his plans to retire effective August 31, 2021. The Board will be asked to approve criteria for the next president of Volunteer State Community College. After the Board's approval, the selection criteria will be used to advertise the president's position in a nationwide search. Enclosed are the proposed criteria.

### **D. Review and Consider Proposed Criteria for the President of TCAT McMinnville (*Chancellor*)**

Due to the retirement of Warren Laux last year, Nathan Garrett graciously stepped up to serve as interim president of TCAT McMinnville. Search criteria is attached for your approval to recruit for a new president. Upon approval, the position will be posted and the recruitment process will begin to find the next president of TCAT McMinnville.

### **E. Multiple Measures for Learning Support Pilot (*Deaton*)**

TBR Learning Support policy 2.03.00.02 establishes methods to determine a student's readiness for college-level coursework in writing, reading, and math. According to this policy, students can be placed into or out of a remedial learning support course through one of four assessment metrics: the ACT, SAT, ACCUPLACER, or by completing SAILS competencies. A student must satisfy cut scores in at least one of these placement methods to bypass learning support courses.

In March 2020, Chancellor Flora Tydings approved a pilot effort to allow the addition of high school GPA as an assessment method for placement, alongside other measures included in TBR policy 2.03.00.02. Due to the COVID-19 pandemic, placement testing was limited in 2020, and some students were unable to take tests that traditionally determined placement. Additionally, the use of multiple measures for placement, including high school GPA, is recognized nationally as an innovative best practice.

In summer and fall 2020, entering TBR community college students with a high school GPA of 3.6 or higher were able to bypass learning support courses, regardless of their test scores. At three

## Executive Summary – March 2021 Quarterly Meeting

---

colleges, students were able to provisionally bypass learning support if their high school GPA was between 2.8 and 3.6. Early outcomes for these students show that success rates in gateway math, English, and reading courses remained high for students in the multiple measures pilot.

The purpose of this agenda item is to consider the extension of the multiple measures pilot through the 2021-2022 academic year. The staff recommends that the Board approve extension of the pilot in order to allow students' learning support placement to be determined by high school GPA alongside traditional measures. The extension of this pilot will allow for further research into outcomes for students whose placement was determined based on their high school GPA.

If approved, the learning support cut scores for summer 2021, fall 2021, and spring 2022 would include the current assessments as outlined in TBR Learning Support policy 2.03.00.02, Exhibit 2 as well as high school GPA.

### F. Proposed Program Implementations at the Colleges of Applied Technology (*Hollins*)

#### **Program Proposals requiring Board approval:**

Fourteen (14) program proposals are being presented for the Committee's review and approval. These proposals will allow the Technical Colleges to be more responsive to the needs of students, businesses, and industries. Please see corresponding implementation proposals for each program following the list below. The proposals are:

1. TCAT Athens is proposing to implement Pre- Practical Nursing-dual enrollment program at the main campus.
2. TCAT Elizabethton is proposing to implement Building Construction Technology program at the ETSU at Kingsport Campus (23).
3. TCAT Harriman is proposing to implement Computer Operating Systems and Network Technology- dual enrollment program at the main campus.
4. TCAT Harriman is proposing to implement Pre- Practical Nursing-dual enrollment program at the main campus.
5. TCAT Harriman is proposing to implement Transportation, Distribution, and Logistics program at the Three-Star Extension Campus (2M) campus.
6. TCAT Hohenwald is proposing to implement Power Sports Technology program at the main campus.
7. TCAT Knoxville is proposing to implement Pre-Practical Nursing- dual enrollment program at Alcoa High School (2J).
8. TCAT Livingston is proposing to implement Pre- Practical Nursing-dual enrollment program at Cookeville High School (2C).
9. TCAT Livingston is proposing to implement Farming Operations Technology-dual enrollment program at Monterey High School (2H).
10. TCAT Newbern is proposing to relocate the Diesel-Powered Equipment Technology program from the TCAT Newbern Transportation Campus (2D) to the main campus.
11. TCAT Newbern is proposing to relocate the Truck Driving program from the TCAT Newbern Transportation Campus (2D) to the main campus.
12. TCAT Newbern is proposing to relocate the Welding Technology program from the TCAT Newbern Transportation Campus (2D) to the main campus.
13. TCAT Ripley is proposing to implement Barbering program at the main campus.

## Executive Summary – March 2021 Quarterly Meeting

---

14. TCAT Shelbyville is proposing to implement Pre- Practical Nursing-dual enrollment program at the main campus.

### **Hybrid Delivery:**

One-hundred, forty-seven (147) program proposals are being presented for the Committee's review and approval. These proposals seek to add a hybrid delivery mode to their existing program inventory to address delivery modality in a post-pandemic world. In essence, several schools are proposing to add hybrid delivery to traditional instruction permanently. Recently, COE informed schools of the option to have programs approved as traditional and hybrid instruction. The hybrid modality does not impact fiscal resources, personnel, space, or equipment. A hybrid program makes available less than 50% of its required instructional hours via distance education. The COE temporary waiver for distance education instruction expires on June 30, 2021. The following proposals seek to add hybrid delivery:

1. Administrative Office Technology diploma program at TCAT Covington
2. Computer Information Technology diploma program at TCAT Covington
3. Digital Agronomy diploma program at TCAT Covington
4. Dental Assisting Technology diploma program at TCAT Covington
5. Machine Tool Technology diploma program at TCAT Covington
6. Pharmacy Technology certificate program at TCAT Covington
7. Welding Technology diploma program at TCAT Covington
8. Administrative Office Technology diploma program at TCAT Crossville
9. Computer Information Technology diploma program at TCAT Crossville
10. Administrative Office Technology diploma program at TCAT Crump
11. Collision Repair Technology diploma program at TCAT Crump
12. Computer Information Technology diploma program at TCAT Crump
13. Diesel-Powered Equipment Technology diploma program at TCAT Crump
14. Digital Graphic Design Technology diploma program at TCAT Crump
15. Electrical & Plumbing Construction Technology diploma program at TCAT Crump
16. Farming Operations Technology diploma program at TCAT Crump
17. Heating, Ventilation, Air Conditioning/ Refrigeration diploma program at TCAT Crump
18. Industrial Maintenance (IMT) diploma program at TCAT Crump
19. Industrial Electricity diploma program at TCAT Crump
20. Machine Tool Technology diploma program at TCAT Crump
21. Welding Technology diploma program at TCAT Crump
22. Automotive Technology diploma program at TCAT Dickson main campus and Clarksville Extension Campus (AA)
23. Heating, Ventilation, Air Conditioning/Refrigeration Program diploma program at TCAT Dickson and Clarksville Extension Campus (AA)
24. Pharmacy Technology diploma program at TCAT Dickson
25. Medical Office Assistant diploma program at TCAT Harriman
26. Administrative Office Technology diploma program at TCAT Hartsville
27. Advanced Manufacturing Technology diploma program at TCAT Hartsville- Wilson County Campus (ZM)
28. Automotive diploma program at TCAT Hartsville

## Executive Summary – March 2021 Quarterly Meeting

---

29. Computer Information Technology diploma program at TCAT Hartsville- Wilson County Campus (ZM)
30. Heating, Ventilation, Air Conditioning/Refrigeration diploma program at TCAT Hartsville- Wilson County Campus (ZM)
31. Industrial Maintenance/Mechatronics diploma program at TCAT Hartsville
32. Machine Tool Technology diploma program at TCAT Hartsville -Wilson County Campus (ZM)
33. Nursing Aide certificate program at TCAT Hartsville- Wilson County Campus (ZM)
34. Patient Care Technology/Medical Assisting diploma program at TCAT Hartsville- Wilson County Campus (ZM)
35. Practical Nursing diploma program at TCAT Hartsville- Wilson County Campus (ZM)
36. Welding Technology diploma program at TCAT Hartsville- Wilson County Campus (ZM)
37. Administrative Office Technology diploma program at TCAT Hohenwald.
38. Aesthetic Technology certificate program at TCAT Hohenwald
39. Automotive Technology diploma program at TCAT Hohenwald main campus and the Columbia Central High School (2H)
40. Building Construction Technology diploma program at TCAT Hohenwald main campus and the Columbia Central High School (2H)
41. Cosmetology diploma program at TCAT Hohenwald
42. Cosmetology Instructor certificate program at TCAT Hohenwald
43. Digital Graphic Design Technology diploma program at TCAT Hohenwald
44. Computer Aided Design Technology diploma program at TCAT Hohenwald
45. Electronic Systems diploma program TCAT Hohenwald
46. Electro-Mechanical Technology diploma program at TCAT Hohenwald
47. Emergency Medical Technology diploma program at TCAT Hohenwald's Perry County Instructional Service Center
48. Industrial Maintenance Technology (IMT) diploma program at TCAT Hohenwald main campus, Lawrence County Instructional Service Center (2C), Maury County Instructional Service Center (2D), Perry County Instructional Service Center (2E), and Wayne County Instructional Service Center (2B)
49. Information Technology diploma program at TCAT Hohenwald
50. Machine Tool Technology diploma program at TCAT Hohenwald
51. Manicuring diploma program at TCAT Hohenwald
52. Patient Care Technology diploma program at TCAT Hohenwald
53. Practical Nursing diploma program at TCAT Hohenwald, Wayne Medical Instructional Service Center (2F) and Columbia Central High School (2H)
54. Surgical Technology diploma program at TCAT Hohenwald
55. Telecommunications Technology diploma program at TCAT Hohenwald
56. Welding Technology diploma program at TCAT Hohenwald main campus and Perry County Instructional Service Center (2E)
57. Collision Repair Technology diploma program at TCAT Knoxville
58. Cosmetology diploma program at TCAT Knoxville
59. Dental Assisting diploma program at TCAT Knoxville
60. Diesel-Powered Equipment Technology diploma program at TCAT Knoxville
61. Heating, Ventilation, Air-Conditioning, and Refrigeration diploma program at TCAT Knoxville main campus and Pellissippi State Community College- Strawberry Plains Instructional Service Center (2G)
62. Industrial Maintenance-Mechatronics diploma program at TCAT Knoxville- Pellissippi State Community College- Strawberry Plains Instructional Service Center (2G)

## Executive Summary – March 2021 Quarterly Meeting

---

63. Machine Tool Technology diploma program at TCAT Knoxville main campus and Anderson County Extension Campus (2F)
64. Medical Assisting diploma program at TCAT Knoxville
65. Nursing Aide certificate program at TCAT Knoxville and Blount Memorial Hospital Instructional Service Center (2T)
66. Pipefitting and Plumbing Technology diploma program at TCAT Knoxville
67. Practical Nursing diploma program at TCAT Knoxville main campus and Blount Memorial Hospital Instructional Service Center (2T)
68. Surgical Technology diploma program at TCAT Knoxville
69. Truck Driving certificate program at TCAT Knoxville
70. Welding Technology diploma program at TCAT Knoxville main campus, Oak Ridge High School Instructional Service Center (2C), and Anderson County Extension Campus (2F)
71. Administrative Office Technology diploma program at TCAT Livingston
72. Advanced Manufacturing Education diploma program at TCAT Livingston- Cookeville Higher Education Campus (2F)
73. Automotive Technology Program diploma program at TCAT Livingston
74. Building and Electrical Technology diploma program at TCAT Livingston
75. Building Construction Technology diploma program at TCAT Livingston
76. Collision Repair Technology diploma program at TCAT Livingston
77. Cosmetology diploma program at TCAT Livingston
78. Cosmetology Instructor Training certificate program at TCAT Livingston
79. Add hybrid delivery to Diesel Technology diploma program at TCAT Livingston- Fitzgerald Collision and Repair Center Rickman (2G)
80. Emergency Medical Technology certificate program at TCAT Livingston main campus and Jackson County Instructional Service Center (2D)
81. Heating, Ventilation, Air-Conditioning/ Refrigeration diploma at TCAT Livingston- Jackson County Instructional Service Center (2D)
82. Industrial Maintenance diploma program at TCAT Livingston main campus and Cookeville Higher Education Campus (2F)
83. Information Technology diploma program at TCAT Livingston main campus and Jackson County Instructional Service Center (2D).
84. Machine Tool Technology diploma program at TCAT Livingston
85. Manicuring certificate program at TCAT Livingston
86. Nursing Aide certificate program at TCAT Livingston main campus and Cookeville Higher Education Campus (2F)
87. Patient Care Technology/Medical Assisting diploma program at TCAT Livingston-Cookeville Higher Education Campus (2F)
88. Pharmacy Technology diploma program at TCAT Livingston
89. Power Line Construction and Maintenance Technology certificate program at TCAT Livingston- Jackson County Instructional Service Center (2D)
90. Practical Nursing diploma program at TCAT Livingston main campus and Cookeville Higher Education Campus (2F)
91. Transportation, Distribution, Warehousing, and Logistics diploma program at TCAT Livingston main campus and Cookeville Higher Education Campus (2F)
92. Welding Technology diploma program at TCAT Livingston main campus and Cookeville Higher Education Campus (2F)
93. Automotive Technology diploma program at TCAT McMinnville
94. Computer Information Technology diploma program at TCAT McMinnville

## Executive Summary – March 2021 Quarterly Meeting

---

95. Cosmetology diploma program at TCAT McMinnville
96. Culinary Arts diploma program at TCAT McMinnville
97. Industrial Electricity diploma program at TCAT McMinnville
98. Industrial Maintenance diploma program at TCAT McMinnville main campus and VIAM Manufacturing Co (2B)
99. Machine Tool Technology diploma program at TCAT McMinnville
100. Welding Technology diploma program at TCAT McMinnville
101. Administrative Office Technology diploma program at TCAT Memphis
102. Assistant Animal Laboratory Technology diploma program at TCAT Memphis
103. Automotive Technology diploma program at TCAT Memphis
104. Aviation Maintenance diploma program at TCAT Memphis- Aviation Extension Campus (GA)
105. Avionics Maintenance Technology diploma program at TCAT Memphis- Aviation Extension Campus (GA)
106. Barbering diploma program at TCAT Memphis
107. Building Construction Technology diploma program at TCAT Memphis
108. Collision Repair Technology diploma program at TCAT Memphis
109. Computer Aided Design Technology diploma at TCAT Memphis
110. Computer Information Technology diploma at TCAT Memphis
111. Cosmetology diploma program at TCAT Memphis
112. Dental Assisting diploma program at TCAT Memphis
113. Dental Laboratory Technology diploma program at TCAT Memphis
114. Diesel-Powered Equipment diploma program at TCAT Memphis
115. Digital Graphic Design diploma program at TCAT Memphis
116. Electronics Technology diploma program at TCAT Memphis
117. Heating, Ventilation, Air Conditioning & Refrigeration diploma program at TCAT Memphis
118. Industrial Maintenance Repair diploma program at TCAT Memphis
119. Machine Tool Technology diploma program at TCAT Memphis main campus and Bartlett Instructional Service Center (2A)
120. Pharmacy Technology diploma program at TCAT Memphis
121. Practical Nursing diploma program at TCAT Memphis
122. Truck Driving certificate program at TCAT Memphis
123. Welding Technology diploma program at TCAT Memphis
124. Automotive Technology diploma program at TCAT Murfreesboro- Smyrna Campus (2A)
125. Building and Electrical Technology diploma program at TCAT Murfreesboro
126. Central Sterile Processing Technology diploma program at TCAT Murfreesboro
127. Collision Repair Technology diploma program at TCAT Murfreesboro- Smyrna Campus (2A)
128. Cosmetology diploma program at TCAT Murfreesboro
129. Digital Graphic Design diploma program at TCAT Murfreesboro
130. Pharmacy Technology diploma program at TCAT Murfreesboro
131. Practical Nursing diploma program at TCAT Murfreesboro
132. Welding Technology diploma program at TCAT Murfreesboro- Smyrna Campus (2A)
133. Administrative Office Technology diploma program at TCAT Nashville main campus and Portland Campus (2C)
134. Computer Information Technology diploma program at TCAT Nashville main campus and Portland Campus (2C)

## Executive Summary – March 2021 Quarterly Meeting

---

- 135.Dental Assisting diploma program at TCAT Nashville
- 136.Dental Laboratory diploma program at TCAT Nashville
- 137.Automotive Technology diploma program at TCAT Newbern
- 138.Computer Aided Design Technology diploma program at TCAT Newbern
- 139.Computer Information Technology diploma program at TCAT Newbern
- 140.Cosmetology diploma program at TCAT Newbern
- 141.Diesel-Powered Equipment Technology diploma program at TCAT Newbern-Transportation Extension Campus (2D)
- 142.Injection Molding/Robotics Program diploma program at TCAT Newbern- Bells Extension Campus (2E)
- 143.Computer Information Technology diploma program at TCAT Ripley
- 144.Cosmetology diploma program at TCAT Ripley
- 145.Health Information Management Technology diploma program at TCAT Ripley
- 146.Industrial Electricity diploma program at TCAT Ripley
- 147.Manufacturing Technology diploma program at TCAT Ripley

### **Academic Actions for March 2021 Requiring Only Notification to Vice Chancellor:**

Six (6) academic actions were submitted by a TCAT to the Vice Chancellor for approval based on section C of the TBR Policy: 2:01:02:00, requiring only notification to the Vice Chancellor. Appropriate documentation to support needs was provided. The proposals are as follows:

College	Summary of Proposal	New Costs/Funding Source	Approval/Implementation Date
Crump	TCAT Crump is proposing to terminate the Administrative Office Technology program at the Henderson-Chester County Instructional Service Center (2B) location. This proposal is due to low program enrollment. No additional personnel or fiscal resources are required for this proposed change.	None	Summer 2021

## Executive Summary – March 2021 Quarterly Meeting

Crump	TCAT Crump is proposing to terminate the Computer Information Systems program at the Henderson-Chester County Instructional Service Center (2B) location. This proposal is due to low program enrollment. No additional personnel or fiscal resources are required for this proposed change.	None	Summer 2021
Dickson	TCAT Dickson is proposing to terminate the Administrative Office Technology-Medical Coding program. The Medical Coding Specialist exit point from this program will be added to the existing Administrative Office Technology program. No additional personnel or fiscal resources are required for this proposed change.	None	Summer 2021
Dickson	TCAT Dickson is proposing to add the Medical Coding Specialist exit point the Administrative Office Technology program.	None	Summer 2021
Jacksboro	TCAT Jackson is proposing to terminate the Administrative Office Technology-online program. TCAT Jacksboro is seeking to make this change due to low student enrollment. No additional personnel, equipment, space, nor fiscal resources are required for this proposed change.	None	Fall 2021
Jacksboro	TCAT Jackson is proposing to terminate the Industrial Electricity program. TCAT Jacksboro implemented the Residential, Commercial, Industrial Electricity program to better meet the needs of regional employers. All students enrolled in the Industrial Electricity program have now completed the program. No additional personnel, equipment, space, nor fiscal resources are required for this proposed change.	None	Summer 2021

### G. Review and Consider New TBR Policy 7.04.00.00 – Programs for Minors on Campus (Lapps)

As discussed at the Committee Chairs Meeting on March 9, 2021, the Programs for Minors on Campus policy is an attempt to increase the safety of minors participating in college programs by requiring background checks, training, and monitoring of employees and volunteers who interact with minors. This type of policy has become common in recent years. It is geared toward college-

## **Executive Summary – March 2021 Quarterly Meeting**

---

sponsored programs and events for the general public (as opposed to members of the public coming onto campus for public events). Please note that it does not apply to dual enrollment, middle college, or other students enrolled in the college courses. Major features include:

1. College-wide coordinator is responsible for ensuring compliance by programs;
2. Structure to conduct background checks;
3. Training for covered adults;
4. Exceptions if authorized by the President (and still subject to some protections);
5. Reporting requirements; and
6. Parameters on minors accompanying students and employees to campus, and requirements for supervising such minors.

Approval effective September 1, 2021 is recommended to give the colleges time to implement the policy and because there are relatively few programs for minors taking place due to the pandemic.

### **H. Review and Consider Proposed Changes to the Bylaws (*Lapps*)**

Notice of proposed changes to the Bylaws was provided to the Board at its meeting on December 10, 2020 in accordance with Article VII of the Board's Bylaws. The Board will be asked to consider the proposed changes at its quarterly meeting on March 25, 2021.

The proposed changes are:

- (1)to change the name of the Economic and Community Development Committee to Workforce Development Committee; and
- (2)to refer to the newly revised 12<sup>th</sup> Edition of Robert's Rules of Order instead of the previous version.

A copy of the proposed changes to the Bylaws is attached for your consideration.

### **I. Review and Consider Standing Resolution Delegating Authority for Rulemaking Hearings (*Lapps*)**

At the Committee Chairs Meeting on March 9, 2021, the Board Members received information related to Rulemaking Hearings and the ability to delegate those hearings to the General Counsel (or another attorney in the Office of General Counsel). We explained that The University of Tennessee and some Locally Governed Institutions have adopted delegations of authority similar to the attached Standing Resolution Delegating Authority for Rulemaking Hearings.

Reasons for proposing the delegation include:

- (1) Rulemaking Hearings typically are routine functions. Rules are summarized and comments requested. Historically, Tennessee institutions of higher education have received few if any, public comments. Although dialogue with commenters is permitted, it is not required. The primary purpose of a Rulemaking Hearing is to receive comments.
- (2) The Board will have a chance to consider comments after a Rulemaking Hearing when deciding whether to adopt a rule.
- (3) The Board will retain authority whether to approve all rules.

**MINUTES**  
**TENNESSEE BOARD OF REGENTS**  
**REGULAR SESSION**

December 10, 2020

The Tennessee Board of Regents met virtually via Microsoft Teams in regular session on Thursday, December 10, 2020. Vice Chair Emily Reynolds, presiding, called the meeting to order.

Vice Chair Reynolds introduced and welcomed newly appointed Regents Nisha Powers representing the 8<sup>th</sup> congressional district and Mark George serving as the West Tennessee At-Large representative.

At the instruction of Vice Chair Reynolds, Board Secretary Sonja Mason called the roll. In accordance with TCA 8-44-108(c) 3, members were asked two questions when calling the roll. First, could the Regent simultaneously hear and speak with others participating in the meeting? Second, were there any other people present in the room with the Regent? The following members were present and all responded yes to the first question and no to the second question.

Dr. MaryLou Apple  
Mr. Miles Burdine  
Mr. Greg Duckett  
Mr. Mark George  
Mr. Mark Gill  
Dr. Kenneth Goldsmith  
Ms. Yolanda Greene  
Mr. Joey Hatch  
Commissioner Charles Hatcher  
Mr. William McElyea  
Ms. Nisha Powers  
Ms. Wanda Reid  
Ms. Emily Reynolds  
Commissioner Penny Schwinn  
Ms. Danni Varlan  
Mr. Weston Wamp  
Mr. Tom White

A quorum was present. Members not available to attend the meeting were Governor Bill Lee and THEC Executive Director Mike Krause.

Vice Chair Reynolds explained the meeting was being held in recognition of the need to limit personal contact during the COVID-19 pandemic and in keeping with executive orders related to the pandemic. The matters to be considered require timely action that is required prior to the ability for a quorum to meet in person safely.

Vice Chair Reynolds called for a motion to declare the necessity to meet electronically. Regent Hatch provided the motion with Regent White providing a second. Motion carried by roll call vote.

## I. MINUTES

Minutes of the September 23, 2020, regular session Board meeting were provided to all Board members for review prior to the quarterly Board meeting. Regent Burdine moved to adopt the minutes. Regent Greene provided a second. The motion carried by roll call vote.

## II. REPORT OF INTERIM ACTION

Vice Chair Reynolds called upon Chancellor Tydings, who presented the Report of Interim Action for the Board's approval. The report serves as a record of business transacted by the Office of the Chancellor since the previous meeting of the Board. Regent Burdine moved to accept the report. Regent Varlan provided a second to the motion. The motion passed by roll call vote. A copy of the Report is attached to the official copy of the Minutes as Appendix A.

## III. REPORT OF THE COMMITTEES

The Board considered approval of the October 14, 2020 minutes of the special called meeting of the Audit Committee and the November 17, 2020 meeting of the Audit Committee. Regent Hatch moved to adopt the minutes. Regent Apple provided a second. The motion passed by roll call vote. A copy of the minutes from the Audit Committee and background materials are attached to the official copy of the Minutes as Appendix B.

## IV. REPORT OF THE CHANCELLOR

### Fall 2020 Faculty Survey

Assistant Vice Chancellor Amy Moreland presented the findings of the Fall 2020 Faculty Survey, which contained questions about the COVID-19 pandemic's effect on instruction. Dr. Moreland reported more than 1,500 faculty participated in the November 2020 survey. She provided the following key findings from the survey:

- Many faculty shared concerns about student engagement during fall 2020. Concerns about student engagement were especially prevalent among faculty who taught fully online courses.
- Two-thirds of faculty said student technology issues were a challenge. These challenges were especially common in Southeast and West Tennessee.
- Faculty in technical programs continue to express concerns about how to provide hands-on training in online or remote courses.
- Most faculty believe students felt safe in the classroom, even if faculty worried about their students' health and well-being.

### **Fall Term Update**

Chancellor Tydings reported as COVID-19 cases fluctuate across the state, TBR has monitored the case numbers, and the campuses have adjusted their fall program delivery systems as needed. Most community colleges adopted the hybrid delivery method for the fall term. However, Northeast State ended its fall trimester at the Thanksgiving break. Motlow State and Southwest Tennessee are entirely online. The TCATs have been mostly on a hybrid delivery method, except for Memphis, which is fully online. TBR will continue to keep a close eye on the spring term. Currently the community colleges and TCATs are leaning towards a hybrid delivery method. Dr. Tydings will keep the Board posted on the delivery method for the spring term as it develops.

### **COE Recognition**

Chancellor Tydings congratulated TCATs Murfreesboro and Whiteville for being recognized at the Council on Occupational Education's (COE) annual meeting in November for 40 years of accreditation with COE.

### **Governor's Budget Hearing**

Chancellor Tydings reported that on November 9, 2020, Governor Lee held the Higher Education Budget Hearing. Governor Lee and his finance team acknowledged and expressed thanks for the work that all the colleges had done to meet the enormous challenges presented by the pandemic. He expressed his gratitude by saying, "No one knew what would be coming and no one could imagine the challenges that we would face -- and our students and your students have been burdened – but you have worked really hard to lessen the burden and to accommodate the challenges they have, and we are very grateful for that. The future of our state is dependent upon education. It is the most important component to Tennessee's future, both K-12 and Higher Ed."

### **Reconnect to Workforce**

Dr. Tydings reported *Reconnect to Workforce* is Governor Lee's initiative to help unemployed individuals participate in the Reconnect program to fulfill one of the requirements for receiving unemployment benefits while earning a college degree or a career and technical certificate. *Reconnect to Workforce* has an additional requirement the original Tennessee Reconnect does not: the student must be enrolled full-time. TBR's Student Success Office and Marketing Team are working together to inform and prepare our colleges for students applying for *Reconnect to Workforce* eligibility. TBR is committed to helping our fellow Tennesseans who have lost jobs due to the pandemic acquire skills needed to begin a new career and obtain employment.

### **Chancellor's Commendation for Military Veterans**

Chancellor Tydings reported on TBR's first system-level, system-wide commemoration of Veterans Day for the many veterans across the state at the TBR campus communities, whether they be students, alumni, faculty or staff. She noted the individual colleges have had their own Veterans Day ceremonies and activities honoring veterans in their campus communities.

Dr. Robert Denn, Associate Vice Chancellor in the Office of Academic Affairs, was appointed to serve as the Veterans Services Coordinator for the TBR System in 2019. In late summer 2020, Dr. Denn, who is a proud United States Marine, suggested establishing a system-level, system-wide honor for our veterans – in addition to the campus-level activities already being conducted. The college presidents were asked to submit suggestions on how best to honor these veterans. After voting on the 14 different ideas that were submitted, the presidents chose the creation of the Chancellor's Commendation for Military Veterans that would be commemorated in the form of a Challenge Coin. Challenge Coins are a proud tradition in the military. They are meant to instill unit pride, improve esprit de corps and reward hard work, excellence and achievement.

Working with Dr. Denn, Matthew Gann and his staff created a beautiful Challenge Coin, featuring the Chancellor's Commendation wording on one side and the insignia of all branches of military service on the other.

The Presidents submitted one nominee from each of their institutions – a veteran from each campus – either a student – an alumnus or alumna – a staff member – or a faculty member. They submitted their rationale for their nominees. Chancellor Tydings proudly announced all nominations were approved.

Due to the pandemic environment, the System Office asked each college to work presentation of the Commendations and Challenge Coins into whatever safe and socially distanced Veterans Day ceremonies they were already planning.

Chancellor Tydings reported Regents MaryLou Apple, Miles Burdine and Mike Krause would also be receiving the inaugural Chancellor's Commendations for Military Veterans for their service.

Dr. Apple is a proud retired veteran of the United States Air Force who served in the Tennessee Air National Guard. She earned the rank of Lt. Colonel and served as Chief Nurse and Flight Nurse for the 118th Aeromedical Evacuation Squadron. She completed the Military Medical Service Officer course in San Antonio, Texas, Flight School at the Aerospace School of Medicine, and the Battlefield Nursing course. Apple received the Air Force Commendation Award and the Achievement Award.

Regent Miles Burdine is a proud retired veteran of the United States Marine Corps and the Marine Corps Reserves. Having served 30 years and now retired at the rank of Colonel, he has extensive training and experience in tactics, security, civil affairs and the challenges faced in the Middle East. He has led, trained and served with units from countries such as Kenya, Iraq, France, Italy, Saudi Arabia, Spain, Turkey, Israel, Lebanon and England. Three of his deployments have been to combat environments -- one as a commander of security task force in Beirut, Lebanon in 1983; another in 1991 as the commanding officer of L Company 3rd Battalion 24th Marines in Saudi Arabia's Operation Desert Storm -- and finally in 2005 and 2006 as Governance Support Team commander of the 6th Civil Affairs Group during operation Iraqi Freedom.

Regent Mike Krause, a proud veteran of the United States Army, served eight years in the U.S. Army and Tennessee Army National Guard where he completed three combat tours with the Screaming

Eagles of the magnificent 101st Airborne Division based in Clarksville. Regent Krause was awarded the Bronze Star Medal during Operation Iraqi Freedom.

On behalf of herself and the Board, Chancellor Tydings expressed gratitude and thanks for the selfless service given in defense of our country.

## **V. UNFINISHED BUSINESS**

There was no unfinished business brought before the Board at this meeting.

## **VI. NEW BUSINESS – INFORMATIONAL REPORTING**

### **A. Workforce Development Update**

President Carol Puryear gave the Board an update on correctional workforce training programs that are part of the Governor's Correctional Education Initiative. She then summarized Workforce contact hour reporting for 2019-2020 that is used in the state's Funding Formula for community colleges.

President Puryear provided an update on current State ECD news and workforce projects including Project Hawk, Project Geranium, Project Sunshine, Project Austria, Project Orion, and a Dollywood apprenticeship program with Walters State. An update was also provided on a project the Center for Workforce Development is working on with Tennessee ECD, the Tennessee Department of Labor, and the Tennessee Higher Education Commission for electric vehicle training opportunities.

### **B. Financial Report Overview**

Vice Chancellor Danny Gibbs provided information regarding the annual consolidated financial report, including management's discussion and analysis for 2019-20. The state requires that our consolidated financial report include the financial information from the six locally governed institutions. Therefore, the LGI's information is included in this report. A copy of the observations for the system is attached to the official copy of the Minutes as Appendix C.

### **C. Employer and Alumni Survey Report for the Tennessee Colleges of Applied Technology**

The results of the employer and alumni survey report for the Tennessee Colleges of Applied Technology for the 2018-19 academic year were included the materials sent to the Board members.

For the 2018-19 survey cohort, alumni rated program preparation for employment "Satisfactory" or above in 97% of the weighted responses. Employers rated student performance "Satisfactory" or above in 97% of the weighted responses. There were approximately 6,929 graduates during the 2018-19 academic year available for job placement.

A total of 6,143 graduates were placed in employment for an overall placement rate of 89%, which is the same as the previous year.

A copy of the report is attached to the official copy of the Minutes as Appendix D.

#### **D. External Affairs Update**

Vice Chancellor Kim McCormick gave an overview of TBR's 2021 Legislative Priorities, which included: (1) Pursue critical and equitable formula, capital outlay, and equipment and program funding requests; (2) Support efforts to expand college access and affordability to all Tennesseans; (3) Further enhance the safety and campus security of the System's faculty, staff, and 110,000+ students; (4) Advocate for and pursue resources and technological advancements that improve our ability to deliver curriculum wherever and however necessary; (5) Ensure that system institutions are afforded the flexibility and resources to be nimble in response to the continually evolving academic and personal needs required for student success; (6) Encourage systems of faculty recruitment and retention to see our students instructed by and exposed to individuals with intense professional understanding and real-world knowledge. These priorities were developed with input from TBR System Leadership and TBR Presidents.

Dr. McCormick reported the elections brought 12 new members to the Tennessee General Assembly – two (2) Senators and ten (10) Representatives. She noted these new government officials' biographies were shared with TBR Presidents and Board members.

Vice Chancellor McCormick called on Assistant Vice Chancellor Cris Perkins to provide highlights from the 2019-20 College System of Tennessee Fundraising and Grants Report. A copy of the report is attached to the official copy of the Minutes as Appendix E. He also gave a brief update on TBR Advancement activities.

#### **E. Strategic Plan Update**

Executive Vice Chancellor Russ Deaton was called upon for this report. The Tennessee Board of Regents (TBR) began initial work on potential revisions to the 2015-2025 Strategic Plan in December 2019, though work was paused at the outbreak of the COVID-19 pandemic. In October 2020, TBR restarted its work with a Steering Committee meeting and subsequent conversations with key partners and constituencies around the state. The next meeting of the steering committee was scheduled for December 11, 2020.

Dr. Deaton stated TBR was conducting a mid-point review of the 2015-2025 strategic plan to assess current progress towards the educational attainment and degree production goals and to reassess and consider potential revisions to the plan given changes in environment and structure since 2015.

Dr. Deaton noted the 2015-2025 TBR Strategic Plan can be found at the following website link: <https://www.tbr.edu/academics/strategic-planning-academic-affairs>.

The Drive to 55 foundation and the five existing priorities still form the essence of TBR's strategic plan. As the Steering Committee continues its work, the themes that emerge as recommendations will be fleshed out, with strategies and metrics for future Board consideration.

## F. Student Access and Success Data

Executive Vice Chancellor Russ Deaton gave a report on Student Access and Success Data for the following research projects:

- **The Impact of COVID-19 on Low-Income Students**
  - This fall, enrollment by low-income students declined more sharply than enrollments by other students.
  - Enrollment by low-income students declined 17%.
  - Enrollment declines among low-income students were especially pronounced at some colleges.
    - Enrollment by low-income students at Southwest declined 25% from fall 2019 to fall 2020.
    - Enrollment by students with an EFC of \$0 declined 27% at Southwest.
  - Enrollment by Black low-income students declined 22% from 2019 to 2020.
  - Enrollment by low-income first-generation college students declined 17% from 2019 to 2020.
  - Enrollment by academically underprepared low-income students declined by 22% from 2019 to 2020.
- **Rethinking Remediation & Placement**
  - More than half of first-time students at community colleges require additional learning support.
    - In fall 2019, 59% of first-time, full-time students at Tennessee community colleges required learning support in at least one subject area.
    - 81% of first-time, full-time Black students were placed into learning support in fall 2019, along with 64% of Hispanic students.
    - Research shows that students' learning support needs may be more accurately identified through multiple measures of readiness (like ACT score plus high school GPA).
    - The multiple measures pilot allows students to be placed out of remediation based on high school GPA.

- The pilot adds high school GPA as a method for placement (alongside traditional measures like ACT scores).
- Students with a high school GPA of 3.6 or higher can bypass remediation, regardless of their test scores.
- At three colleges, students can provisionally place out of remediation if their high school GPA is between 2.8-3.6.
- More than 2,700 students have potentially placed out of remediation through the multiple measures pilot.
- **New Strategies for Supporting Adult Students**
  - In fall 2020, 21,600 adult students enrolled at community colleges, a decline of 13% compared to last fall.
    - From 2011 to 2017, adult enrollment declined 43%, representing a decrease of 15,600 students.
    - Tennessee Reconnect launched in 2018 and helped adults attend community colleges free of tuition and fees. Adult enrollment increased 18% from 2017 to 2018.
    - In fall 2020, adult enrollment declined to pre-Reconnect levels.
  - Tennessee Reconnect helped drive increases in adults, but retention rates show room for improvement.
    - In 2018-19, more than 17,000 students at community colleges participated in Tennessee Reconnect.
      - Only 52% of these students returned to community colleges the following year as Reconnect students (or graduated in the meantime).
      - Student focus groups helped us understand the challenges faced by Reconnect students.
      - Support from Lumina Foundation and partnership with the University of Virginia Nudge4 Lab helped colleges identify strategies to support these students.
    - Colleges are piloting new strategies to ensure adult students remain enrolled and Reconnect-eligible.
      - Direct outreach through targeted “nudges.”
      - Faculty outreach through class time dedicated to Reconnect.
      - Peer outreach from mentors to new Reconnect students.
- **Early Data on Fall 2020 Outcomes**
  - Course withdrawal rates have increased slightly at some colleges, but total student withdrawals have not changed significantly.

Dr. Deaton shared the following key findings from these research projects:

- New data on fall 2020 enrollment tells the story of COVID-19's impact on low-income students with enrollment of these students at community colleges declining 17% compared to last fall.
- Through a pilot project, colleges are using multiple measures to identify who needs additional learning support. As many as 2,700 students were affected by the pilot this fall.
- Colleges are testing new strategies to support and retain Reconnect students through faculty outreach, peer mentorship, and other “nudges.”
- Early data on fall 2020 outcomes shows the positive impact of colleges’ efforts this fall. Although some colleges saw slight upticks in course withdrawals, student withdrawal rates are not increasing at most community colleges.

#### **G. Board Assessment Report**

Vice Chair Reynolds thanked Board members for their participation in the Board Assessment Survey and called on Board Secretary Sonja Mason to give the 2020 Board Assessment Report. Ms. Mason noted the Board assessment is a requirement by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) for governing boards for member institutions to “define and regularly evaluate its responsibilities and expectations” as part of the SACSCOC accreditation process. As part of this accreditation process, community colleges and the TBR System must provide evidence that the Board conducts a periodic review.

The Bylaws were changed in 2018 to reflect the SACSCOC requirement of a board self-assessment every two years. The first assessment was conducted and reviewed at the December 13, 2018 quarterly board meeting. The 2020 Board Assessment forms were sent to all members with a completion due date of Friday, October 21, 2020 for a full report to be presented to the Board at its December 2020 quarterly meeting.

The Board Assessment was produced by Vice Chair Reynolds and Board Secretary Mason with the assistance of Dr. Amy Moreland, Assistant Vice Chancellor of Policy and Strategy. The assessment included general questions about the Board, questions about Board meetings including virtual meetings held due to the COVID-19 pandemic, committee structure, strengths of the Board, areas for improvement, orientation/onboarding, and an area for general comment. All Board members participated in the survey except for one ex-officio member. Ms. Mason briefly reviewed the results of the survey. A copy of the full report is attached to the official copy of the Minutes as Appendix F.

#### **H. Notice of Proposed Changes to the Bylaws**

General Counsel Brian Lapps reported in accordance with Article VII of the Board's Bylaws, notice of the following proposed changes to the Bylaws is provided to the Board for review and a vote at the quarterly meeting in March 2021:

- Change the name of the Economic and Community Development Committee to Workforce Development Committee; and
- Refer to newly revised 12<sup>th</sup> Edition of Robert's Rules of Order instead of the previous version.

A copy of the proposed Bylaw changes is attached to the official copy of the Minutes as Appendix G.

#### **NEW BUSINESS – ACTION ITEMS**

##### **A. FY 2020-21 October Revised Budget**

Vice Chancellor Danny Gibbs presented the October revised budget for fiscal year 2020-21 for the Board's review and approval. The original budgets for FY 2020-21 were developed by institutions in the Spring of 2020 and were submitted to the Board office in May 2020. As such, these budgets included a variety of estimates. These institutional budget submissions were the basis for the Board's June 2020 approval of the initial FY 2020-21 operating budgets (the "Proposed Budget"). The October Revised Budget is based on more recent information, including recognition of the impact of fall enrollment, and includes the effect of revisions from the approved Proposed Budget.

Regent Hatch moved approval of the October Revised Budget with Regent Duckett providing a second. The motion passed unanimously with a roll call vote. A copy of the revised budget is attached to the official copy of the Minutes as Appendix H.

##### **B. Proposed Revisions to TBR Policy 1.03.03.00 – Selection and Retention of Presidents**

General Counsel Brian Lapps presented proposed revisions to TBR Policy 1.03.03.00 – Selection and Retention of Presidents for the Board's consideration and approval. Recommended changes include:

- Removes requirement to advertise in specific venues
- Substitutes requirement to advertise through "multiple sites and means designed to obtain a qualified, diverse applicant pool."

Regent Duckett moved approval of the proposed revisions, and Regent Apple provided a second. Motion passed by roll call vote. A copy of the revised policy is attached to the official copy of the Minutes as Appendix I.

**C. Review and Consider Criteria for the President of TCAT Paris and McKenzie**

Chancellor Tydings reported TCAT Paris and McKenzie President Brad White would be retiring effective March 31, 2021. She presented search criteria for the President of TCAT Paris and McKenzie for the Board's consideration and approval. Regent Burdine moved approval of the proposed revisions, and Regent Gill provided a second. Motion passed by roll call vote. A copy of the criteria is attached to the official copy of the Minutes as Appendix J.

**D. Approval of Proposed Program Terminations, Modifications, and New Technical Program Implementations for the Tennessee Colleges of Applied Technology**

Assistant Vice Chancellor Tachaka Hollins noted the following program proposals were included in the Board materials for review and approval:

1. Implementation of a hybrid Automotive Technology program at TCAT Chattanooga
2. Implementation of a hybrid Barbering program at TCAT Chattanooga
3. Implementation of a Building Construction Technology program at TCAT Chattanooga-Howard High School (A8)
4. Implementation of a hybrid Computer Numeric Control program at TCAT Chattanooga
5. Implementation of a hybrid Collision Repair Technology program at TCAT Chattanooga
6. Implementation of a hybrid Cosmetology program at TCAT Chattanooga
7. Implementation of a hybrid Cosmetology Instructor Training program at TCAT Chattanooga
8. Implementation of a hybrid Machine Tool Technology program at TCAT Chattanooga
9. Implementation of a hybrid Medical Assisting program at TCAT Chattanooga
10. Implementation of a hybrid Administrative Office Professional program at TCAT Chattanooga
11. Implementation of a hybrid Diesel Equipment Technology program at TCAT Chattanooga
12. Implementation of a hybrid Road Building Equipment Service Technician program at TCAT Chattanooga
13. Implementation of a hybrid Barbering Instructor Training program at TCAT Chattanooga

14. Implementation of a hybrid Massage Therapy program at TCAT Chattanooga
15. Implementation of a hybrid Mental Health Technician program at TCAT Chattanooga
16. Implementation of a hybrid Advanced Aesthetics program at TCAT Chattanooga
17. Implementation of a hybrid HVACR Technician program at TCAT Chattanooga
18. Implementation of a hybrid Drone Technology- Unmanned Aerial Vehicles program at TCAT Chattanooga
19. Implementation of a hybrid Practical Nursing program at TCAT Chattanooga
20. Implementation of a hybrid Surgical Technology program at TCAT Chattanooga
21. Implementation of a hybrid Welding Technology program at TCAT Chattanooga
22. Implementation of a hybrid Administrative Office Technology program at TCAT Dickson
23. Implementation of a hybrid Computer Information Technology program at TCAT Dickson
24. Implementation of a hybrid Digital Graphic Design program at TCAT Dickson
25. Implementation of a hybrid Administrative Office Technology- Medical Coding program at TCAT Dickson
26. Implementation of a hybrid Administrative Office Technology program at TCAT Harriman
27. Implementation of an Industrial Maintenance Repair program at TCAT Harriman
28. Implementation of a hybrid Administrative Office Technology program at TCAT Jackson
29. Implementation of a hybrid Automotive Technology program at TCAT Jackson
30. Implementation of a hybrid Collision Repair Technology program at TCAT Jackson
31. Implementation of a hybrid Computer Aided Design Technology program at TCAT Jackson
32. Implementation of a hybrid Computer Information Systems program at TCAT Jackson

33. Implementation of a hybrid Computer Information Technology program at TCAT Jackson
34. Implementation of a hybrid Electrician Apprenticeship Training program at TCAT Jackson
35. Implementation of a hybrid Health Information Technology program at TCAT Jackson
36. Implementation of a hybrid Heating, Ventilation, Air Conditioning, and Refrigeration program at TCAT Jackson
37. Implementation of a hybrid Industrial Electricity program at TCAT Jackson
38. Implementation of a hybrid Industrial Maintenance Integrated Automation program at TCAT Jackson
39. Implementation of a hybrid Machine Tool Technology program at TCAT Jackson
40. Implementation of a hybrid Practical Nursing program at TCAT Jackson
41. Implementation of a hybrid Retail, Hospitality, and Tourism Technology program at TCAT Jackson
42. Implementation of a hybrid Surgical Technology program at TCAT Jackson
43. Implementation of a hybrid Tool and Die Machining program at TCAT Jackson
44. Implementation of a hybrid Truck Driving program at TCAT Jackson
45. Implementation of a hybrid Welding Technology program at TCAT Jackson
46. Duplicate an existing Emergency Medical Technology program at TCAT Livingston-Jackson Instructional Service Center (2D)
47. Relocation of the existing Heating, Ventilation, Air Conditioning, and Refrigeration program from TCAT Morristown- Greene Technology Center (2A) to the Thomas Howard McNeese Education Center
48. Relocation of the existing Cosmetology program from TCAT Morristown- Greene Technology Center (2A) to the Thomas Howard McNeese Education Center
49. Relocation of the existing Practical Nursing program from the TCAT Morristown-Sevierville Instructional Service Center (2B) to the Ben W. Hooper Career & Technical Education Center

50. Relocation of the existing Industrial Electricity program TCAT Morristown- Greene Technology Center (2A) to the Thomas Howard McNeese Education Center
51. Implementation of a hybrid Administrative Office Technology program at TCAT Oneida
52. Implementation of a hybrid Computer Information Technology program at TCAT Oneida
53. Implementation of an Aviation Maintenance Technology program at the TCAT Shelbyville- Winchester Municipal Airport Instructional Service Center
54. Implementation of a hybrid Computer Information Technology program at TCAT Whiteville
55. Implementation of a hybrid Health Information Management Technology program at TCAT Whiteville
56. Implementation of a hybrid Automotive Technology program at TCAT Whiteville
57. Implementation of a hybrid Heating, Ventilation, Air Conditioning, and Refrigeration (HVA) program at TCAT Whiteville
58. Implementation of a hybrid Patient Care Technology/ Medical Assisting program at TCAT Whiteville
59. Implementation of a hybrid Practical Nursing program at TCAT Whiteville
60. Implementation of a hybrid Welding Technology program at TCAT Whiteville

Dr. Hollins noted proposal #53 (TCAT Shelbyville) was being tabled for consideration at a future board meeting. She also requested the effective date for proposals #28-45 (TCAT Jackson) and #54-60 (TCAT Whiteville) be changed from Summer 2021 to Fall 2021.

Regent Greene moved to approve the program proposals with the changes requested by Dr. Hollins. Regent Burdine seconded the motion. The motion carried by roll call vote. A copy of the revised program proposals as approved is attached to the official copy of the Minutes as Appendix K.

**E. Resolution of Appreciation for Regent Barbara Prescott**

Vice Chair Reynolds called on Regent Greene to present the resolution of appreciation for the service of Regent Barbara Prescott to the Tennessee Board of Regents. A copy of the resolution is attached to the official copy of the Minutes as Appendix L.

**F. Resolution of Appreciation for Regent Leigh Shockey**

Vice Chair Reynolds called on Regent Duckett to present the resolution of appreciation for the service of Regent Leigh Shockey to the Tennessee Board of Regents. A copy of the resolution is attached to the official copy of the Minutes as Appendix M.

Regent Powers moved adoption of both resolutions, and Regent George provided a second. Motion passed by roll call vote.

**VII. ADJOURNMENT OF THE MEETING**

Vice Chairman Reynolds noted the next meeting would be March 25, 2021. The meeting format would be determined at a later date.

There being no further business to come before the Board, the meeting was adjourned.

Respectfully submitted,



---

Sonja F. Mason  
Sonja F. Mason, Board Secretary

---

Flora W. Tydings, Chancellor

---

Emily J. Reynolds, Vice Chair



THE COLLEGE SYSTEM  
of TENNESSEE

Office of the Chancellor

1 Bridgestone Park, Third Floor  
Nashville, Tennessee 37214  
615-366-4403 OFFICE 615-366-3922 FAX

[tbr.edu](http://tbr.edu)

TO: Members of the Tennessee Board of Regents  
FROM: Flora W. Tydings  
DATE: March 25, 2021  
SUBJECT: Interim Action Report –First Quarter

---

The following constitutes a record of business transacted by the Office of the Chancellor since the previous regular quarterly meeting of the Board of Regents under the authority of Article VIII of the Bylaws, which grants to the Chancellor interim authority to act on behalf of the Board. Pending any questions, the actions are recommended for Board consideration and confirmation.

### I. Personnel Actions – Tennessee Board of Regents Staff

#### Appointments:

- Amanda Byrd, Sr. Enterprise Developer, IT, Effective 12/14/2020
- Michael Johnson, Student Associate, Service Center; Effective 12/15/2020
- Charles (Chuck) Lopez, Assistant Vice Chancellor, Academic Affairs, Effective 1/4/2021
- Cara Suhr, Financial Aid Manager, Shared Services-Student, Effective 3/1/2021
- Lisa Allen, Accounts Payable Associate; Effective 3/15/2021
- Komal Soni, Database Administrator; Effective 3/22/2021
- Sarina Babb, Financial Aid Associate; Effective 4/1/2021
- Andrea Cooper, Financial Aid Associate; Effective 4/1/2021
- Johanna Dillard, Financial Aid Associate; Effective 4/1/2021
- Kayla Love, Financial Aid Associate; Effective 4/1/2021
- Karen Gomez, Financial Aid Associate; Effective 4/1/2021
- Haley Greenway, Financial Aid Associate; Effective 4/1/2021
- Nicholas Johnston, Financial Aid Associate; Effective 4/1/2021
- Katie Nixon-Thomas, Financial Aid Associate; Effective 4/1/2021
- Tyler Wilson, Financial Aid Associate; Effective 4/1/2021

#### Reclassifications:

- Johnathan Button, Assistant Vice Chancellor to Associate Vice Chancellor; Effective 1/1/2021

Memo to the Members of the Board  
Interim Action Report - First Quarter  
Page 2

Promotions:

- Janet Chandler, SAILS Director of Operations-East to SAILS Director of Curriculum Development, Effective 2/1/2021
- Lance Hamilton, SAILS Field Coordinator to SAILS Director of Operations-East; Effective 2/15/21

Retirement:

- Gerri Helms, Accounts Payables Associate; Effective 2/26/2021

Separations:

- Doreen Allen, Database Technician, Information Technology; Effective 1/22/2021
- Valda Barksdale; Nursing and Allied Health Specialist; Effective 1/4/2021
- Kathy Martin, Executive Director; Effective 1/29/2021
- John MBA, Database Administrator, Information Technology; Effective 2/5/2021
- Kathleen Jernigan, Administrative Assistant; Effective 1/29/2021
- Render “Tee” Mitchell, AVC Student Success; Effective 3/29/2021

Salary Adjustments: Vice President and Other Executives: Attachment A

Appointments: Vice President and Other Executives: Attachment B

**II. ACCEPTANCE OF GIFTS AND GRANTS**

**III. CONSTRUCTION PROJECTS:**

- State Building Commission Activities: Attachment C .
- Summary of Construction Contracts: Attachment D

**IV. APPROVAL OF CONTRACTS AND AGREEMENTS:** Attachment E

**TBR System-wide**  
**Vice Presidents and Executive Level Increases**

Institution	Name	Position	Effective Date	Type of Increase	Increase	New Salary
DSCC	Dr. Jan Reid-Bunch	Vice President for the College	1/1/2021	Equity	\$9,800.00	\$144,800.00
TCAT Crossville	Stacy Johnson	Vice President	2/1/2021	Equity	\$7,326.00	\$80,000.00

Attachment B

**TBR System-wide**  
**Vice Presidents and Executive Level Appointments**

Institution	Name	Position	Salary	Effective Date
ChSCC	John Squires	Executive Director of IRE	\$88,200.00	1/4/2021
DSCC	Dr. Sharron Burnett	Vice President – Finance	\$135,000.00	1/1/2021
JSCC	Chrystal Pittman	Interim Director to Director of Internal Audit	\$66,259.00	1/1/2021
JSCC	Dr. Fitzpatrick Anyanwu	Director of Institutional Research and Accountability	\$73,458.00	2/1/2021
JSCC	Kyle Barron	Vice President for Student Services	\$98,742.00	3/1/2021
NaSCC	Carol Rothstein	Vice President for Academic Affairs	\$128,800.00	1/4/2021
NaSCC	Jennifer Rector	Vice President for Business and Finance	\$130,940.00	3/1/2021
STCC	Sherry Green	Interim Vice President for Finance and Administration	\$109,209.00	4/1/2021
TCAT Newbern	Jacquene Rainey	Interim Vice President	\$1,200.00 Stipend	2/16/2021

Tennessee Board of Regents  
Summary of State Building Commission Executive Subcommittee  
December 18, 2020 - February 22, 2021

**December 18, 2020 Executive Subcommittee Meeting**

WSCC SBC #166/023-02-2016	Revision in Funding	Approved a revision in project funding (Reduce MACC and increase Moveable Equipment)	OFD/Campus to coordinate transaction
------------------------------	---------------------	--	--------------------------------------

Statewide SBC #166/000-03-2017	Designer Selection	Approved selection of PDS America as designer for the project	OFD prepares Designer Agreement and continues with project
-----------------------------------	--------------------	---	--

Statewide SBC #166/000-03-2017	Designer Selection	Approved selection of Dollar & Ewers Architecture, Inc. as designer for the project.	OFD prepares Designer Agreement and continues with project
-----------------------------------	--------------------	--	--

Statewide SBC #166/000-03-2017	Designer Selection	Approved selection of Richard C. Rinks & Associates, Inc. as designer for the project.	OFD prepares Designer Agreement and continues with project
-----------------------------------	--------------------	--	--

TTU SBC #166/011-01-2020	Designer Selection	Approved selection of Earl Swensson Associates, Inc. as designer for the project.	OFD prepares Designer Agreement and continues with project
-----------------------------	--------------------	---	--

WSCC  
Transaction No. 21-11-004

Acquisition  
Approved acquisition in fee with waiver of  
advertisement and appraisals

OFD/STREAM to coordinate transaction

**January 25, 2021 Executive Subcommittee Meeting**

DSCC  
SBC #166/017-02-2020

Designer Selection

Approved selection of McGehee Nicholson Burke  
Architects, P.C. as designer for the project.

DSCC  
SBC #166/017-03-2020

Designer Selection

Approved selection of McGehee Nicholson Burke  
Architects, P.C. as designer for the project.

**February 22, 2021 Executive Subcommittee Meeting**

RSCC  
SBC #166/027-02-2018

Revision in Budget and  
Funding

Approved a revision in project budget and funding  
(increase budget \$14,900)

OFD prepares Designer Agreement and  
continues with project

OFD prepares Designer Agreement and  
continues with project

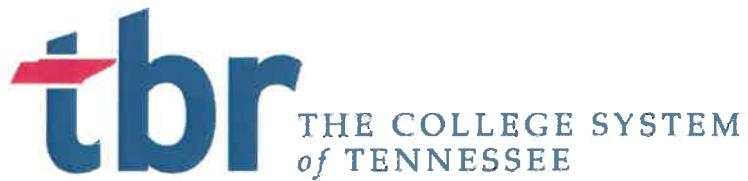
OFD/Campus to coordinate transaction

Tennessee Board of Regents  
 Summary of State Building Commission Actions  
 December 10, 2020 - February 11, 2021

Date	SBC Number	Institution	Project	Value	SBC Action
<b>12/10/2020</b>					
	166/001-01-2019	TSU	ADA Compliance	190,000	Approved a revision in project funding (increase MACC to award a bid)
	166/013-01-2018	CISCC	Campus Revitalization	25,000,000	Approved a revision in project funding (increase MACC to allow CM/GC to coordinate equipment purchases)
	166/011-01-2017	TTU	Tennessee Center for Poultry Science	2,116,000	Approved a revision in project budget and funding in order to award a contract
	166/011-01-2020	TTU	Innovation Center Residence Hall	29,500,000	Approved project and to select a designer, and utilizing CM/GC alternative delivery method
<b>1/14/2021</b>					Executive Director Dick Tracy congratulated Speaker Sexton and welcomed Comptroller Mumpower. Mr. Tracy stated that Chancellor Tydings sent her regards. Commissioner Eley stated that he visited the TSU campus the day of the tornado and toured damage of this facility. He stated that he appreciates the work everyone has done to get this moving and that it is much needed as a number of structures were totally destroyed. At a roll call vote all members voted aye and approved a revision in project funding and using a previously selected CM/GC
	166/001-01-2020	TSU	Tornado Repairs and Replacement	5,644,713	Approved issuing an RFQ for statewide commissioning services
	166/000-01-2021	Statewide	Commissioning Services		
	166/084-01-2018	TCAT-Crump	Parsons Campus	2,726,183	Approved a revision in project budget and funding
<b>2/11/2021</b>					
	166/000-02-2017	TCAT-Hohenwald	TCAT Roof Repairs/Replacement	35,718	Rec'vd report C.O. #4 @ 19.35%
	166/000-04-2013	TCAT-Dickson	Auto/HVACR	16,783	Rec'vd report C.O. #9 @ 1.54%
	166/000-04-2013	TCAT-Dickson	Auto/HVACR	25,489	Rec'vd report C.O. #10 @ 2.33%
	166/013-01-2018	CISCC	Campus Revitalization	645,846	Rec'vd report C.O. #20 @ 3.31%
	166/025-01-2021	VSCC	Parking Lot Repairs	180,000	Approved project and to select a designer
	166/001-12-2018	TSU	Agriculture Food Science Research Facility	10,850,000	Approved a revision in project budget and funding

**CONSTRUCTION CONTRACTS AWARDED 12/01/2020 - 03/15/2021**  
**Contracts totaling \$8,567,631.38**

<b><u>Designer</u></b>	<b><u>Contractor</u></b>	<b><u>Contract Sum</u></b>	<b><u>Awarded</u></b>	<b><u>Project Number</u></b>	<b><u>Institution/ Project Name</u></b>
I.C. Thomasson Associates, Inc.	John Bouchard & Sons Company	437,209.00	12/01/2020	166/074-01-2020	TCAT Murfreesboro Lighting and HVAC Upgrades
Vreeland Engineers Inc.	Lakeland Electric, Inc.	314,000.00	12/01/2020	166/011-02-2003G	TTU Fire Alarm System Update
Studio Four Design, Inc.	Monolith Construction, LLC	1,099,690.00	12/15/2020	166/027-04-2018	Roane SCC Baseball and Softball Complex Improvements
Campbell & Associates, Inc.	M3 Technology Group, Inc.	172,430.00	12/15/2020	166/000-01-2017E3	TCAT Harriman Building System Updates
McFarlin Huitt Panvini, Inc.	W & O Construction Company, Inc.	1,767,835.00	12/21/2020	166/011-01-2017	TTU Tennessee Center for Poultry Science
Adkisson & Associates Architects, Inc.	Turner Roofing Company	293,000.00	12/21/2020	166/000-02-2017N3	TCAT Crossville TCAT Crossville Roof Replacement
Cleveland Salmon Architect	SOS-Retail Services, LLC	153,199.00	12/22/2020	166/001-01-2019	TSU ADA Compliance
OGCB, Inc.	Barnes & Brower, Inc.	3,796,980.00	01/06/2021	166/007-05-2017C	UoM HVAC Updates
Campbell & Associates, Inc.	M3 Technology Group, Inc.	106,767.00	01/13/2021	166/000-01-2017E5	TCAT McMinnville Security Updates
Goodwyn, Mills and Cawood, Inc.	Synergy Business Environments (Nashville)	426,521.38	01/26/2021	166/040-01-2018F	TCAT Athens Furniture



---

**BOARD TRANSMITTAL**

---

MEETING: March 2021 Quarterly Board Meeting

SUBJECT: Interim Action Contracts Report

DATE: March 12, 2021

PRESENTER: Chancellor Flora W. Tydings

PRESENTATION REQUIREMENTS: None

ACTION REQUIRED: Roll Call Vote

STAFF'S

RECOMMENDATION: N/A

---

The Interim Action Contracts Report provides a listing of the contracts approved beginning November 16, 2020 and ending February 28, 2021. In addition to the contract listing, a summary of the approved contracts for this reporting period in 2020 is also provided.

During the reporting period, a total of 173 contracts were approved at the System Office. An overview is provided below:

	Contract Amendments	Clinical Affiliations	Dual Services	Professional Services	Service Agreements	Other
2020-2021	39	19	31	8	14	62

**Tennessee Board of Regents**  
 Contracts Approved November 16, 2020 - February 28, 2021

<u>Contract ID</u>	<u>Contract Type</u>	<u>Contractor</u>	<u>Department/Institution</u>	<u>Commodity</u>	<u>Yearly Amt.</u>	<u>System-Wide</u>	<u>Start Date</u>	<u>CurrYrEndDate</u>
108797	Dual Service	University of Memphis	Academics	Other - Services	\$2,000.00		8/15/2020	1/31/2021
108815	Dual Service	University of Memphis	Academics	Other - Services	\$2,000.00		8/15/2020	1/31/2021
109081	Academic Articulation Agreement	Tennessee Department of Corrections	Academics	Other	\$0.00		11/6/2020	11/5/2023
109118	Dual Service	Volunteer State Community College	Academics	Other - Services	\$3,412.50		12/12/2020	2/28/2021
109119	Dual Service	Chattanooga State Community College	Academics	Other - Services	\$3,412.50		12/12/2020	2/28/2021
109120	Dual Service	Jackson State Community College	Academics	Other - Services	\$3,412.50		12/12/2020	2/28/2021
109121	Dual Service	Northeast State Community College	Academics	Other - Services	\$3,465.00		12/12/2020	2/28/2021
109122	Dual Service	Northeast State Community College	Academics	Other - Services	\$3,465.00		12/12/2020	2/28/2021
109123	Dual Service	Pellissippi State Community College	Academics	Other - Services	\$3,465.00		12/12/2020	2/28/2021
109124	Dual Service	Pellissippi State Community College	Academics	Other - Services	\$3,465.00		12/12/2020	2/28/2021
109125	Dual Service	Tennessee Technology University	Academics	Other - Services	\$3,465.00		12/12/2020	2/28/2021
109126	Dual Service	Nashville State Community College	Academics	Other - Services	\$1,972.50		12/12/2020	2/28/2021
109127	Dual Service	University of Tennessee, Knoxville	Academics	Other - Services	\$1,972.50		12/12/2020	2/28/2021
109128	Dual Service	Jackson State Community College	Academics	Other - Services	\$2,000.00		12/12/2020	2/28/2021
109130	Dual Service	Cleveland State Community College	Academics	Other - Services	\$2,000.00		12/12/2020	2/28/2021
109131	Dual Service	Southwest TN Community College	Academics	Other - Services	\$2,000.00		12/12/2020	2/28/2021
109132	Dual Service	Jackson State Community College	Academics	Other - Services	\$3,412.50		12/12/2020	2/28/2021
109149	Dual Service	Walters State Community College	Academics	Other - Services	\$1,972.50		12/14/2020	2/28/2021
109227	License Agreement	Digital Architecture, Inc.	Academics	Computer Software	\$29,753.00	yes	1/4/2021	1/3/2022
107974	Amendment to Existing Contract	Rhea County Schools	CLSCC	Dual Enrollment Agreement	\$0.00		8/1/2019	6/30/2021
107975	Amendment to Existing Contract	Bradley County Schools	CLSCC	Dual Enrollment Agreement	\$0.00		8/1/2019	6/30/2021
109108	Service Agreement	Volkswagen Group of America Chattanooga Operations	CSCC	Other - Services	\$0.00		1/1/2021	12/31/2021
107930	Amendment to Existing Contract	Tennessee Higher Education Commission	Economic & Community Development	Grant	\$(1,175,000.00)		9/16/2019	7/30/2022
108325	Amendment to Existing Contract	TCAT Dickson	Economic & Community Development	Grant Subcontract	\$ (262,186.29)		10/15/2019	7/30/2022
108327	Amendment to Existing Contract	TCAT Oneida	Economic & Community Development	Grant Subcontract	\$ (362,729.66)		10/15/2019	7/30/2022
109100	Dual Service	TCAT Shelbyville	Economic & Community Development	Other - Services	\$ 6,394.00		9/20/2020	11/24/2020
109188	Cooperative Education Offerings	TCAT Crossville	Economic & Community Development	Memo of Understanding	\$50,000.00		7/1/2020	7/30/2022
109084	Service Agreement	Media Prefs	External Affairs	Other - Services	\$0.00		11/16/2020	12/31/2021
109099	Software License	Wrike, Inc.	External Affairs	Other - Services	\$2,834.40		11/23/2020	11/22/2021
109214	Dual Service	Roane State Community College	External Affairs	Other - Services	\$10,741.92		11/1/2020	9/30/2021
109242	Service Agreement	Jason Lee Denton	External Affairs	Other - Services	\$2,500.00		3/1/2021	3/26/2021
109177	Lease Agreement	NeSCC Foundation	Facilities	Lease of Space	\$15,000.00		11/1/2020	10/31/2024
109171	Dual Credit Agreement	Hollow Rock Bruceton Central High School	JSCC	Dual Enrollment Agreement	\$0.00		8/20/2020	6/30/2021
109181	Dual Credit Agreement	Peabody High School	JSCC	Dual Enrollment Agreement	\$0.00		1/5/2021	6/30/2021
108943	Academic Articulation Agreement	Athens State University	MSCC	Dual Enrollment Agreement	\$0.00		9/15/2020	9/14/2029
109030	Dual Credit Agreement	Dekalb County Schools	MSCC	Dual Enrollment Agreement	\$0.00		8/1/2020	6/1/2021
109032	Academic Articulation Agreement	Middle Tennessee State University	MSCC	Dual Enrollment Agreement	\$0.00		10/15/2020	10/14/2030
109097	Dual Enrollment Agreement	Bedford County Schools	MSCC	Dual Enrollment Agreement	\$0.00		8/1/2020	6/1/2021
109116	Dual Credit Agreement	Tennessee State University	MSCC	Memo of Understanding	\$0.00		12/11/2020	12/10/2030
109229	Dual Credit Agreement	Cannon County High School	MSCC	Dual Enrollment Agreement	\$0.00		1/1/2021	5/31/2021
109034	Grant Agreement	Tennessee State University	NSCC	Grant Subcontract	\$ (55,000.00)		10/1/2020	9/30/2021
106791	Amendment to Existing Contract	Kaplan Inc, DBA i-Human Patients	Nursing/AH	Other - Services	\$1,500.00		4/10/2018	4/9/2023
109070	Software License	QuestionPro Inc.	OE	Computer Software	\$6,000.00		12/1/2020	11/30/2021
109213	Service Agreement	Achieving the Dream, Inc	OE	Consulting	\$158,000.00		7/1/2020	6/30/2021
109249	Professional Service	Vanderbilt University	Policy & Strategy	Grant Subcontract	\$45,000.00		10/15/2020	9/30/2021
109085	Academic Articulation Agreement	King University	PSCC	Dual Enrollment Agreement	\$0.00		12/8/2020	12/7/2025
109086	Banking Services	U.S. Bank	PSCC	Banking Services	\$200,000.00		11/1/2020	10/31/2021
109141	Academic Articulation Agreement	Embry-Riddle Aeronautical University	PSCC	Dual Enrollment Agreement	\$0.00		12/8/2020	12/7/2025
109194	Service Agreement	Proctorio, Inc.	PSCC	Other - Services	\$110,000.00		1/19/2021	1/18/2022
108525	Amendment to Existing Contract	Holston Gases, Inc	PURCH	Other - Services	\$300,000.00	yes	1/10/2020	12/31/2021
109180	Banking Services	U.S. Bank	RSCC	Banking Services	\$0.00		12/1/2020	11/30/2021

109200 Professional Service	Roane State Community College	RSCC	Consulting	\$40,000.00	1/1/2021	9/30/2021
105324 Amendment to Existing Contract	Alternative Communication Services	Student Success	Other - Services	\$50,000.00	1/1/2021	4/20/2021
105377 Amendment to Existing Contract	Accessible Information Management LLC	Student Success	Computer Software	\$200,000.00	yes	2/29/2020
105948 Amendment to Existing Contract	Onix Networking Corporation	Student Success	Computer Software License	\$150,000.00	yes	11/1/2018
106997 Amendment to Existing Contract	DPC, Inc.	Student Success	Maintenance Agreement	\$165,750.00	yes	11/1/2020
108124 Amendment to Existing Contract	Paradigm, Inc.	Student Success	Other - Services	\$67,500.00	10/1/2019	12/31/2021
108293 Amendment to Existing Contract	Cloud Range Cyber	Student Success	Other - Services	\$60,000.00	1/21/2020	4/19/2021
108763 Amendment to Existing Contract	Catharsis Productions, LLC	Student Success	Computer Software	\$28,000.00	yes	8/1/2020
109104 Professional Service	Austin Davenport	Student Success	Other - Services	\$500.00	12/1/2020	1/5/2021
109111 Grant Agreement	Jackson State Community College	Student Success	Grant Subcontract	(300,000.00)	3/1/2020	12/31/2020
109112 Grant Agreement	Nashville State Community College	Student Success	Grant Subcontract	(300,000.00)	3/1/2020	12/31/2020
109113 Grant Agreement	Pellissippi State Community College	Student Success	Grant Subcontract	(300,000.00)	3/1/2020	12/31/2020
109114 Grant Agreement	Roane State Community College	Student Success	Grant Subcontract	(300,000.00)	3/1/2020	12/31/2020
109115 Grant Agreement	Southwest TN Community College	Student Success	Grant Subcontract	(300,000.00)	3/1/2020	12/31/2020
109145 Dual Service	Nashville State Community College	Student Success	Other - Services	5,000.00	12/15/2020	12/14/2021
109146 Dual Service	Southwest TN Community College	Student Success	Other - Services	5,000.00	12/15/2020	12/14/2021
109156 Dual Service	Chattanooga State Community College	Student Success	Other - Services	4,617.75	1/1/2021	6/30/2021
109158 Grant Agreement	Chattanooga State Community College	Student Success	Grant	(3,000.00)	1/1/2021	7/1/2021
109160 Grant Agreement	Columbia State Community College	Student Success	Grant	(3,000.00)	1/1/2021	7/1/2021
109161 Grant Agreement	Dyersburg State Community College	Student Success	Grant	(3,000.00)	1/1/2021	7/1/2021
109162 Grant Agreement	Jackson State Community College	Student Success	Grant	(3,000.00)	1/1/2021	7/1/2021
109163 Grant Agreement	Motlow State Community College	Student Success	Grant	(3,000.00)	1/1/2021	7/1/2021
109164 Grant Agreement	Northeast State Community College	Student Success	Grant	(3,000.00)	1/1/2021	7/1/2021
109165 Grant Agreement	Nashville State Community College	Student Success	Grant	(3,000.00)	1/1/2021	7/1/2021
109166 Grant Agreement	Pellissippi State Community College	Student Success	Grant	(3,000.00)	1/1/2021	7/1/2021
109167 Grant Agreement	Roane State Community College	Student Success	Grant	(3,000.00)	1/1/2021	7/1/2021
109168 Grant Agreement	Southwest TN Community College	Student Success	Grant	(3,000.00)	1/1/2021	7/1/2021
109169 Grant Agreement	Volunteer State Community College	Student Success	Grant	(3,000.00)	1/1/2021	7/1/2021
109170 Grant Agreement	Walters State Community College	Student Success	Grant	(3,000.00)	1/1/2021	7/1/2021
109208 Professional Service	Worldwide Instructional Design System	Student Success	Speaker	5,000.00	2/1/2021	5/1/2021
109209 Professional Service	Dr. Michelle Bartlett	Student Success	Speaker	500.00	2/23/2021	4/30/2021
109234 Grant Agreement	Motlow State Community College	Student Success	Grant Subcontract	(2,000.00)	2/1/2021	6/15/2021
109251 Professional Service	Marina G. Smitherman	Student Success	Speaker	500.00	2/23/2021	5/1/2021
104643 Amendment to Existing Contract	SunTrust Bank	SWCC	Banking Services	125,000.00	1/1/2020	1/31/2022
109244 Purchase Agreement	Kronos Saashr, Inc.	SWCC	Other	60,750.00	1/1/2021	12/31/2021
106016 Amendment to Existing Contract	Elavon, Inc.	TBR	Credit Card Services	-	1/9/2017	1/8/2023
106375 Amendment to Existing Contract	SciQuest dba Jaggaer	TBR	Computer Software License	889,531.00	yes	11/1/2017
106465 Amendment to Existing Contract	Adobe Systems, Inc.	TBR	Computer Software License	574,440.00	yes	11/22/2017
106590 Amendment to Existing Contract	Follett Higher Education Group, Inc.	TBR	Other - Services	(2,700,000.00)	7/1/2018	6/30/2025
108315 Amendment to Existing Contract	Chattanooga State Community College	TBR	Other - Services	72,000.00	1/1/2020	12/31/2021
108356 Amendment to Existing Contract	nexAir	TBR	Other - Goods	300,000.00	yes	1/1/2020
108551 Amendment to Existing Contract	A-L Compressed Gases, INC.	TBR	Other - Services	300,000.00	yes	1/1/2020
108596 Amendment to Existing Contract	Insight Public Sector, Inc.	TBR	Computer Hardware and Peripherals	750,000.00	yes	5/1/2020
108662 Amendment to Existing Contract	Airgas USA, LLC	TBR	Other - Goods	300,000.00	1/1/2020	12/31/2021
109179 License Agreement	DocuSign, Inc.	TBR	Computer Software License	115,000.00	yes	11/1/2020
109220 License Agreement	Adobe, Inc.	TBR	Computer Software License	-	yes	3/28/2021
109226 Service Agreement	WorkHands, Inc.	TBR	Other - Services	6,000.00	yes	1/1/2021
109175 Purchase Agreement	Information Solutions	TCAT Athens	Other - Goods	19,824.00	1/1/2021	12/31/2021
109224 Clinical Affiliation	Artistic Smiles	TCAT Covington	Clinical Experience	-	2/3/2021	2/2/2026
109091 Dual Services Extra Compensation	TN Department of Corrections	TCAT Crossville	Other - Services	15,000.00	11/15/2020	11/14/2021
109142 Dual Enrollment Agreement	Van Buren County Board of Education	TCAT Crossville	Dual Enrollment Agreement	-	1/1/2021	12/30/2022
109157 Professional Service	All Bright Janitorial Services	TCAT Crossville	Other - Services	17,518.00	1/1/2021	12/31/2021
109174 Service Agreement	TLD Logistics, Inc.	TCAT Crossville	Other - Services	88,800.00	7/1/2020	6/30/2021
107188 Amendment to Existing Contract	The Sheltering Tree Ranch	TCAT Crump	Clinical Experience	-	1/1/2020	12/31/2020
107212 Amendment to Existing Contract	Harbert Hills Academy Nursing Home	TCAT Crump	Clinical Experience	-	2/23/2020	12/31/2021
108366 Amendment to Existing Contract	Davita Selmer Dialysis	TCAT Crump	Clinical Experience	-	2/24/2020	12/1/2021
108967 Dual Enrollment Agreement	Lexington High School	TCAT Crump	Dual Enrollment Agreement	-	8/1/2020	5/31/2021

109117 Clinical Affiliation	AHC Savannah	TCAT Crump	Clinical Experience	-	1/1/2021	12/31/2021
109144 Service Agreement	Truflo Services and Consulting	TCAT Crump	Other - Services	9,745.00	11/24/2020	1/31/2021
108684 Amendment to Existing Contract	Dillard Dental Services	TCAT Dickson	Clinical Experience	-	7/1/2020	12/31/2021
108829 Amendment to Existing Contract	Clarksville Montgomery County School System	TCAT Dickson	Lease Agreement	-	8/1/2020	6/30/2021
108869 Service Agreement	Southeastern Sound Inc.	TCAT Dickson	Other - Services	2,581.00	9/1/2020	8/31/2021
109093 Professional Service	American Marketing and Publishing	TCAT Dickson	Other - Services	3,450.00	11/18/2020	11/19/2020
109197 Clinical Affiliation	Foundations Primary Care	TCAT Dickson	Clinical Experience	-	2/7/2021	2/6/2026
109198 Clinical Affiliation	Pennyroyal Hospice	TCAT Dickson	Clinical Experience	-	1/19/2021	1/18/2026
109210 Special Industry Agreement	Stanley Engineered Fastening	TCAT Dickson	Training	(3,610.00)	1/13/2021	6/30/2021
109058 Dual Services Extra Compensation	Tennessee Department of Corrections	TCAT Elizabethhton	Other - Services	15,000.00	10/15/2020	10/14/2021
109201 Dual Services Extra Compensation	TCAT Whiteville	TCAT Jackson	Other - Services	3,996.25	1/8/2021	6/15/2021
107732 Dual Enrollment Agreement	Blount County Schools	TCAT Knoxville	Cooperative Educational Offerrings	-	7/1/2019	6/30/2021
107734 Amendment to Existing Contract	Knox County Schools	TCAT Knoxville	Cooperative Educational Offerrings	-	7/1/2019	6/30/2020
107735 Amendment to Existing Contract	Alcoa City Schools	TCAT Knoxville	Cooperative Educational Offerrings	-	7/1/2019	6/30/2021
107819 Amendment to Existing Contract	Union County Public Schools	TCAT Knoxville	Cooperative Educational Offerrings	-	7/1/2019	6/30/2021
108766 Clinical Affiliation	Mabry, Akhrass, and McCary Dentistry	TCAT Knoxville	Clinical Experience	-	6/2/2020	6/1/2021
108846 Dual Enrollment Agreement	Anderson County Schools	TCAT Knoxville	Dual Enrollment Agreement	-	7/1/2020	6/30/2021
108856 Clinical Affiliation	Christy Moore, DDS (Moore Smiles)	TCAT Knoxville	Clinical Experience	-	6/4/2020	6/3/2025
108865 Academic Articulation Agreement	FCA/Performance Institute	TCAT Knoxville	Other	-	2/14/2020	2/13/2025
109110 Clinical Affiliation	Asbury Place Maryville	TCAT Knoxville	Clinical Experience	-	2/14/2021	12/13/2026
109143 Service Agreement	FCA US LLC	TCAT Knoxville	Other - Services	-	9/1/2020	8/11/2025
109172 Service Agreement	TLD Logistics, Inc.	TCAT Knoxville	Other - Services	124,800.00	12/1/2020	2/28/2021
109178 Clinical Affiliation	NHC Healthcare FT. Sanders	TCAT Knoxville	Clinical Experience	-	1/18/2021	1/17/2023
109089 Dual Services Extra Compensation	TN Department of Environment and Conservation	TCAT Livingston	Other - Services	1,918.20	9/10/2020	2/4/2021
109205 Clinical Affiliation	Overton County Health and Rehabilitation Center	TCAT Livingston	Clinical Experience	-	2/1/2021	1/31/2026
109211 Clinical Affiliation	Livingston Regional Hospital - Highpoint Health Sy	TCAT Livingston	Clinical Experience	-	2/1/2021	1/31/2026
109240 Clinical Affiliation	Cedar Hills Senior Living	TCAT Livingston	Clinical Experience	-	2/9/2021	2/9/2026
109243 Special Industry Agreement	Hutchinson	TCAT Livingston	Training	600.00	2/9/2021	2/9/2021
109094 Lease Agreement	Pitney Bowes Inc	TCAT McKenzie	Office Supplies	1,715.76	12/1/2020	11/30/2021
109193 Lease Agreement	Monroe Retail Group, LLC	TCAT McMinnville	Lease Agreement	600.00	1/1/2021	12/31/2021
109046 Clinical Affiliation	Tazewell Drug and Express Care	TCAT Morristown	Clinical Experience	-	10/16/2020	10/15/2025
109047 Clinical Affiliation	Maynardville Express Care	TCAT Morristown	Clinical Experience	-	10/16/2020	10/15/2025
109255 Lease Agreement	Pitney Bowes	TCAT Morristown	Lease Agreement	682.92	3/16/2021	3/15/2021
109073 Clinical Affiliation	Middle Tennessee Ambulatory Surgery Center	TCAT Murfreesboro	Clinical Experience	-	11/9/2020	11/8/2025
109088 Clinical Affiliation	Tennessee Valley Healthcare System	TCAT Murfreesboro	Clinical Experience	-	1/1/2021	12/31/2026
109148 Clinical Affiliation	Primary Care & Hope Clinic	TCAT Murfreesboro	Clinical Experience	-	1/4/2021	1/3/2026
109253 Dual Services Extra Compensation	TCAT Shelbyville	TCAT Murfreesboro	Other - Services	3,000.00	2/1/2021	6/30/2021
109105 Clinical Affiliation	Commonwealth Health Corporation	TCAT Nashville	Clinical Experience	-	1/1/2021	12/31/2022
109155 Service Agreement	Chem-Aqua	TCAT Newbern	Other - Services	4,500.00	12/1/2020	11/30/2021
109028 Service Agreement	Howard Technology Solutions	TCAT Oneida	Other - Services	82,187.95	10/7/2020	12/31/2020
109071 Lease Agreement	East Tennessee Human Resource Agency	TCAT Oneida	Lease Agreement	18,240.96	1/1/2021	12/31/2021
109106 Lease Agreement	Morgan County Schools	TCAT Oneida	Lease of Space	-	1/1/2021	12/31/2021
109153 Grant Agreement	East Tennessee Development District	TCAT Oneida	Grant	(669,568.00)	2/1/2020	1/31/2023
109199 Use of Facilities	Alvin C. York Agricultural Institute	TCAT Oneida	Use Agreement	-	1/1/2021	12/31/2024
109212 Purchase Agreement	Clean Air America, Inc.	TCAT Oneida	Other	44,552.00	12/9/2020	6/30/2021
109207 Dual Enrollment Agreement	Huntingdon Special School District	TCAT Paris	Dual Enrollment Agreement	-	1/19/2021	5/28/2021
109206 Clinical Affiliation	Columbia Surgical Partners	TCAT Pulaski	Clinical Experience	-	1/22/2021	1/21/2026
108974 Dual Credit Agreement	Moore County School District	TCAT Shelbyville	Dual Enrollment Agreement	-	9/21/2020	8/31/2021
109176 Service Agreement	Classic Cleaning	TCAT Shelbyville	Other - Services	13,187.12	1/1/2021	12/31/2021
109187 Clinical Affiliation	Advanced Family Medical Center	TCAT Whiteville	Clinical Experience	-	1/11/2021	1/10/2026
107094 Amendment to Existing Contract	National Coalition of Certification Centers	TCATS	Memo of Understanding	27,000.00	yes	12/17/2020
105441 Amendment to Existing Contract	D2L Ltd.	TNeCampus	Computer Software License	3,241,125.00	yes	1/1/2020
106546 Amendment to Existing Contract	EBSco Publishing	TNeCampus	Computer Software License	166,401.00	yes	1/1/2019
107095 Amendment to Existing Contract	Turnitin LLC	TNeCampus	Computer Software	387,168.52	yes	11/29/2019
108291 Amendment to Existing Contract	Examity	TNeCampus	Other - Services	250,000.00	yes	1/1/2020
108371 Amendment to Existing Contract	EBSCO Information Services	TNeCampus	Other - Services	128,400.73	yes	2/1/2020
108715 Amendment to Existing Contract	ProctorU, Inc.	TNeCampus	Other - Services	250,000.00	yes	1/1/2021
						5/15/2021

109103 License Agreement	Simple Systems Group, LLC	TNeCampus	Computer Software License	9,803.00	12/1/2020	11/30/2021
108741 Dual Services Extra Compensation	University of Memphis	UOM	Memo of Understanding	1,058.85	7/1/2020	7/24/2020
108873 Dual Services Extra Compensation	University of Memphis	UOM	Other - Services	2,638.61	8/24/2020	12/9/2020
108874 Dual Services Extra Compensation	University of Memphis	UOM	Other - Services	3,548.32	8/24/2020	12/9/2020
108889 Dual Enrollment Agreement	Greeneville High School	WSCC	Dual Enrollment Agreement	-	8/1/2020	7/31/2025
108899 Dual Enrollment Agreement	Union County High School	WSCC	Dual Enrollment Agreement	-	8/1/2020	7/31/2025
108900 Dual Enrollment Agreement	Grainger County High School	WSCC	Dual Enrollment Agreement	-	8/1/2020	7/31/2025
109005 Dual Services Extra Compensation	Tennessee Board of Regents	WSCC	Other - Services	2,258.36	8/24/2020	12/9/2020

## **REPORT OF THE COMMITTEE ON AUDIT**

**March 9, 2021**

The Committee on Audit met in regular session on March 9, 2021 at 10:30 a.m. (Central) via Microsoft Teams. The necessity of the electronic meeting was confirmed due to the prevalence of COVID-19 in the Nashville area. The roll was called by Secretary Sonja Mason. The roll call confirmed that a quorum was present; all Committee members and the Board's Vice Chair confirmed that they could simultaneously hear and speak to other participants; and that no other people were present in the room with each Regent. In attendance were system office and institutional staff; Comptroller's Office staff; the Board's Vice Chair, Regent Emily Reynolds; and other Board members, including the following Audit Committee members:

Regent Joey Hatch, Audit Committee Chair  
Regent MaryLou Apple  
Regent Miles Burdine  
Regent Gregory Duckett  
Regent Yolanda Greene

Regent Hatch opened the meeting by thanking everyone for being present.

Item I, Informational Reporting, included five topics for discussion.

Item I.a., Highlights of Audit Findings and Recommendations, consisted of Mike Batson discussing the following topics: Comptroller's Audit Reports including: details of the TBR System Office FY 19 & 18 report, Jackson State Community College FY 18 & 17, Nashville State Community College FY 19 & 18, and Southwest Tennessee Community College FY 19 & 18; Miscellaneous External Audit Reports including: Tennessee Small Business Development Center Financial Reviews of Chattanooga State Community College and Roane State Community College; Internal Audit Reports including: President's Expense Audits for TCAT Athens, TCAT Hartsville, and Pellissippi State Community College, and an internal audit quality assessment by Pellissippi State Community College. Recommendations and Findings Logs were also discussed in this section. This item was for informational purposes and required no action.

Item I.b., Audit Reports and Reviews, consisted of informing the committee that a summary of the Comptroller's Office Audit Reports, Miscellaneous Reviews, and Internal Audit Reports for the second quarter are included in the meeting materials. A listing of the Internal Audit Reports is included as Attachment A to these minutes. This item was for informational purposes and required no action.

Item I.c., System-Wide Internal Audit Updates, consisted of Mike Batson providing information on the following items: A update on the TBR System Office Performance Review currently being performed by state audit; the process and reasoning for Management's Risk Assessments for Community Colleges was presented and the reports will be discussed in Executive Session; System-wide Internal Audits for the remainder of the 2020/2021 fiscal year; and a congratulations to Erica Smith, Director of Internal Audit at Columbia State Community College for completing her Certified Internal Audit (CIA) certification. This item was for informational purposes and required no action.

Item I.d., University Updates, consisted of Mike Batson providing information on the following items: Tennessee Technological University Comptroller's Office Financial and Compliance Audit Report; and Performance Audit Reports completed at the six locally governed universities. Mr. Batson also explained the basis for reporting Comptroller's Office audits of the locally governed universities. This item was for informational purposes and required no action.

Item II, Consent Agenda, included one topic for approval. Item II.a., Review of Revisions to Fiscal Year 2021 Internal Audit Plans, were presented to the Committee. Most revisions to the plans were needed because of changes in audit priorities, including the addition of unscheduled investigations. A motion was made by Regent Duckett and seconded by Regent Greene to approve the revised audit plans in a roll-call vote. The Committee voted to approve the audit plans as presented. The revised audit plans are included as Attachment B to these minutes.

There being no further business to come before the Committee on Audit, the meeting was adjourned.

Respectfully submitted,

Committee on Audit

---

Joey Hatch, Committee Chair

**Attachment A**  
**Summary of Internal Audit Reports and Investigations**  
**Issued During the Quarter**

**Internal Audit Reports for Informational Purposes- Financial Management**

ChSCC	NACHA Security Audit
CISCC	Audit of Travel Procedures
PSCC	President's Expense Audit FY 2020
TCAT	President's Expense Audit FY 2019
Athens	
TCAT	President's Expense Audit FY 2019
Hartsville	

**Internal Audit Reports for Informational Purposes- Institutional Support**

PSCC	Quality Self-Assessment Review FY 2020
STCC	Safety and Security

**Internal Audit Reports for Informational Purposes- Instruction & Academic Support**

TCAT	Audit of Transportation Repair Technology Client
Chattanooga	Services and Inventory

**Internal Audit Reports for Informational Purposes- Follow-up**

CoSCC	Follow-up to the Internal Audit Engagement Outcomes Economic and Workforce Development Controls Review
DSCC	Follow-up to the Foundation Audit
JSCC	Follow-up to the Access and Diversity Report
STCC	Follow-up to the Review of Time Card Preparation

**Attachment B**  
**Approved Revised Audit Plans for the**  
**Fiscal Year Ended June 30, 2021**

**Chattanooga State Community College  
Internal Audit Plan  
Fiscal Year Ending June 30, 2021  
Revised January 2021**

							Revised to Original		Planned to Actual				
Area	Type	Audit	Risk Factor	Estimated Audit Start Date	Original Hours Planned	Revised Plan	Change in Hours	Change in Percentage	FN	Actual Hours	Variance	Completion Date	Current Status
IS	C	Management Advisory Services	5.0	Jul-20	120.0	95.0	-25.0	-21%	1	54.0	41.0		In Progress
FM	F	State Audit Assist/Follow-up	5.0	Jul-20	40.0	40.0	0.0	0%		2.0	38.0		In Progress
IS	F	Follow up Reviews	5.0	Jul-20	75.0	75.0	0.0	0%		23.5	51.5		In Progress
IS	I	Unscheduled Investigations	5.0	Jul-20	100.0	75.0	-25.0	-25%	2	0.0	75.0		Scheduled
IS	I	Developing Investigations-Assist TBR	5.0	Jul-20	15.0	15.0	0.0	0%		4.5	10.5		In Progress
IS	I	INV-2020-02	5.0	Jan-20	60.0	60.0	0.0	0%		23.5	36.5		In Progress
IS	I	INV-2020-03	5.0	Apr-20	40.0	40.0	0.0	0%		41.0	-1.0	Jul-20	Completed
IS	P	QAR Self Assessment	5.0	Apr-21	60.0	60.0	0.0	0%		0.0	60.0		Scheduled
FM	S	YE Procedures FYE 2020	5.0	Jun-21	10.0	10.0	0.0	0%		10.0	0.0	Jul-20	Completed
FM	S	YE Procedures FYE 2021	5.0	Jun-20	15.0	15.0	0.0	0%		0.0	15.0		Scheduled
IS	M	Enterprise Risk Assessment	5.0	Nov-20	35.0	35.0	0.0	0%		10.0	25.0		In Progress
SS	R	Workforce Training Hours	5.0	Feb-21	100.0	50.0	-50.0	-50%	2	0.0	50.0		Scheduled
IA	S	TCAT Auto Client Services	5.0	Nov-19	40.0	40.0	0.0	0%		44.0	-4.0	Dec-20	Completed
IS	R	Campus Safety	5.0	May-20	40.0	40.0	0.0	0%		43.0	-3.0	Jul-20	Completed
IS	S	Campus Safety Task Force Recommendations	5.0	Jul-20	40.0	40.0	0.0	0%		39.0	1.0	Sep-20	Completed
IA	S	Faculty Credentials	5.0	Oct-20	100.0	100.0	0.0	0%		82.0	18.0		In Progress
IT	S	IAR-NACHA-2020	5.0	Sep-20	60.0	60.0	0.0	0%		59.0	1.0	Dec-20	Completed
FM	A	Procurement Card Purchases	3.4	Mar-21	100.0	100.0	0.0	0%		0.0	100.0		Scheduled
IA	M	Barbering Program Inventory	5.0	Sep-20	0.0	25.0	25.0	100%	1	25.0	0.0	Sep-20	Completed
FM	R	CARES Act Funding	5.0	May-21	0.0	75.0	75.0	100%	2	0.0	75.0		Scheduled
<b>Total Planned Audit Hours:</b>					<b>1050.0</b>	<b>1050.0</b>	<b>0.0</b>			<b>460.5</b>	<b>589.5</b>		

**Estimated Available Audit Hours = 1050.0**

#### **Functional Areas:**

AD - Advancement  
AT - Athletics  
AX - Auxiliary  
FM - Financial Management  
IA - Instruction & Academic Support  
IS - Institutional Support  
IT - Information Technology  
MC - Marketing and Campus Activities  
PP - Physical Plant  
RS - Research  
SS - Student Services

#### **Audit Types:**

R - Required  
A - Risk-Based (Assessed)  
S - Special Request  
I - Investigation  
P - Project (Ongoing or Recurring)  
M - Management's Risk Assessment  
C - Consultation  
F - Follow-up Review  
O - Other

**Status:**

Scheduled  
In Progress  
Completed  
Removed

FN1 - Added request from TCAT Management and reduced hours for management advisory services.  
FN2 - Added request for CARES Act and reduced others to facilitate project.

Cleveland State Community College Internal Audit Plan Fiscal Year Ending June 30, 2021 Revised January 2021													
Area	Type	Audit	Risk Factor				Revised to Original		FN	Planned to Actual			
				Estimated Audit Start Date	Original Hours Planned	Revised Plan	Change in Hours	Change in Percentage		Actual Hours	Variance	Completion Date	Current Status
IS	C	Manger Advisory Services	5.0	Jul-20	50.0	50.0	0.0	0%		10.0	40.0		In Progress
IS	F	State Audit/Assist Follow-up	5.0	Jul-20	75.0	75.0	0.0	0%			75.0		Scheduled
IS	I	Unscheduled Investigations	5.0	Jul-20	50.0	50.0	0.0	0%			50.0		Scheduled
IS	F	Follow-up Reviews	5.0	Jul-20	75.0	75.0	0.0	0%		5.5	69.5		In Progress
FM	S	YE Procedures FYE 2021	5.0	Jun-21	10.0	10.0	0.0	0%			10.0		Scheduled
FM	S	NACHA 2021	5.0	May-21	75.0	75.0	0.0	0%			75.0		Scheduled
IS	M	Enterprise Risk Assesment	5.0	Nov-20	35.0	35.0	0.0	0%		1.0	34.0		In Progress
IA	R	Work Force Training Hours	5.0	Dec-20	120.0	120.0	0.0	0%			120.0		Scheduled
FM	R	CaresAct	5.0	Mar-20	175.0	175.0	0.0	0%			175.0		Scheduled
FM	R	Presidents Audit Columbia	5.0	Aug-20	120.0	120.0	0.0	0%		118.5	1.5	Oct-20	Complete
FM	A	Travel	IT	Oct-20	125.0	125.0	0.0	0%		70.5	54.5	Nov-20	Complete
FM	R	Campus Safety and Physical Security	5.0	Jul-20	15.0	15.0	0.0	0%		12.0	3.0	Jul-20	Complete
FM	A	Technology Access Fee	IT	Jan-21	120.0	120.0	0.0	0%		18.0	102.0		In Progress
<b>Total Planned Audit Hours:</b>					<b>1045.0</b>	<b>1045.0</b>	<b>0.0</b>			<b>235.5</b>	<b>809.5</b>		
Estimated Available Audit Hours = 1045.0													
<b>Functional Areas:</b>				<b>Audit Types:</b>				<b>Status:</b>					
AD - Advancement				R - Required				Scheduled					
AT - Athletics				A - Risk-Based (Assessed)				In Progress					
AX - Auxiliary				S - Special Request				Completed					
FM - Financial Management				I - Investigation				Removed					
IA - Instruction & Academic Support				P - Project (Ongoing or Recurring)									
IS - Institutional Support				M - Management's Risk Assessment									
IT - Information Technology				C - Consultation									
MC - Marketing and Campus Activities				F - Follow-up Review									
PP - Physical Plant				O - Other									
RS - Research													
SS - Student Services													

Columbia State Community College Internal Audit Plan														
Fiscal Year Ending June 30, 2021														
Revised January 2021														
							Revised to Original		Planned to Actual					
Area	Type	Audit	Risk Factor	Estimated Audit Start Date	Original Hours Planned	Revised Plan	Change in Hours	Change in Percentage	FN	Actual Hours	Variance	Completion Date	Current Status	
FM	R	State Audit Year End Work	5.0	May-21	22.5	22.5	0.0	0%			22.5			
PP	R	Campus Safety & Security	5.0	Jul-20	37.5	36.0	-1.5	-4%	2	35.8	0.3	November 2020	Completed	
FM	S	President's Expense - CISCC	5.0	Oct-20	75.0	66.0	-9.0	-12%	2	66.1	0.0	October 2020	Completed	
IA	R	CCTA-Progression	5.0	Jan-21	52.5	130.5	78.0	149%	3	2.8	127.8			
FM	R	CARES Act Review	5.0	Apr-21	150.0	120.0	-30.0	-20%	2		120.0			
IS	F	Engagement Follow-up/Monitoring	5.0	Aug-20	60.0	22.5	-37.5	-63%	5	9.1	13.4		In Progress	
IT	F	SWIA LOU Follow-up	5.0	Jul-20	52.5	75.0	22.5	43%	2	50.0	25.0		In Progress	
IA	F	WF/CE IA Engagement Follow-up	5.0	Jul-20	22.5	35.0	12.5	56%	2	34.2	0.9	November 2020	Completed	
SS	F	Financial Aid (3rd Party Risk Mgmt) IA Engagement FU	5.0	Dec-20	22.5	15.0	-7.5	-33%	2		15.0		In Progress	
IS	F	Policy Review Engagement FU	5.0	Jul-20	15.0	27.5	12.5	83%		24.4	3.2		In Progress	
IS	F	Conflict of Interest FU	5.0	Jul-20	0.0	4.0	4.0	100%	4	3.25	0.8		In Progress	
AD	F	Foundation Engagement Follow-up	5.0	Jul-20	7.5	1.6	-5.9	-79%	2	1.6	0.0	July 2020	Completed	
FM	F	State Audit Findings FU	5.0	Jun-20	0.0	1.6	1.6	100%		1.60	0.0	July 2020	Completed	
FM	M	Review Management's Risk Assessment	5.0	Jan-21	22.5	15.0	-7.5	-33%	2	8.8	6.3		In Progress	
AT	C	Title IX Gender Equity Assessment	3.5	Aug-20	75.0	52.5	-22.5	-30%	2	13.4	39.2		In Progress	
IS	C	Informal Consulting		Jul-19	75.0	52.5	-22.5	-30%	2	48.9	3.6		In Progress	
IS	P	Data Analytics - QAIIP		Nov-20	202.5	74.0	-128.5	-63%	2		74.0			
IS	P	Awareness & Education		Dec-20	105.0	10.0	-95.0	-90%	2		10.0		In Progress	
IS	P	Quality Assurance Review - 3yr		Aug-20	52.5	46.3	-6.2	-12%	2	22.25	24.1		In Progress	
IS	C	Complaint Processing		Aug-20	0.0	0.5	0.5	100%	2	0.50	0.0	August 2020	Completed	
IS	P	COVID Value-Added Services		Aug-20	0.0	242.0	242.0	100%	1	185.45	56.6		In Progress	
Total Planned Audit Hours:					1050.0	1050.0	0.0			507.8	542.2			

Estimated Available Audit Hours = 1050

**Functional Areas:**

AD - Advancement

AX - Auxiliar

FM - Financial

IA - Instruction & Academic Support

## IS - Institutional Support

IT - Information Technolo

## MC - Marketing and

PP - Physical PI

RS - Research

**Audit Types:**  
R - Required

R - Required  
A - Risk-Based

A - Risk Based (Assessed)  
S - Special Request

#### I - Investigation

### P - Project (Ong)

## M - Management's Risk Assessment

## C - Consultation

## F - Follow-up Review

O - Other

**Status:**  
Schedu

Scheduled  
In Progress

In Progress  
Completed

Removed

FN1 - Value-added services during COVID-19

FN1 - Value-added services during COVID-19  
FN2 - Adjustments to meet needs of engagements

FN3 - Audit Renamed - SWIA changed focus from WFD to Progression; inc

FN4 - Separated from Policy Review FU

FN5 - Adjusted Follo

3

Dyersburg State Community College Internal Audit Plan Fiscal Year Ending June 30, 2021 Revised January 2021													
							Revised to Original				Planned to Actual		
Area	Type	Audit	Risk Factor	Estimated Audit Start Date	Original Hours Planned	Revised Plan	Change in Hours	Change in Percentage	FN	Actual Hours	Variance	Completion Date	Current Status
PP	R	Physical Security/Campus Safety		Jun-20	20.0	38.0	18.0	90%		38.0	0.0	Aug-20	Completed
AD	R	Workforce Development Contact Hours		Dec-20	38.0	38.0	0.0	0%		0.0	38.0		Scheduled
IS	P	PII Review		Aug-20	60.0	60.0	0.0	0%		53.0	7.0		In Progress
IS	C	General Consultation		Jul-20	100.0	75.0	-25.0	-25%		49.0	26.0		In Progress
IS	A	Human Resources		Nov-20	65.0	90.0	25.0	38%		52.0	38.0		In Progress
FM	A	Cash Handling		Dec-20	45.0	45.0	0.0	0%		0.0	45.0		Scheduled
AT	A	Athletics Eligibility		Jul-20	25.0	40.0	15.0	60%		35.0	5.0		In Progress
AT	A	Athletics, Camps, Clinics & Fundraising		Jan-21	65.0	65.0	0.0	0%		0.0	65.0		Scheduled
IS	R	Risk Assessment		Oct-20	80.0	65.0	-15.0	-19%		65.0	0.0	Dec-20	Completed
IS	R	Follow-up Audits		Jul-20	100.0	87.0	-13.0	-13%		32.0	55.0		In Progress
FM	A	Records Management and Retention		Apr-21	95.0	80.0	-15.0	-16%		0.0	80.0		Scheduled
IS	I	Unscheduled Investigations		Jul-20	80.0	100.0	20.0	25%		48.0	52.0		In Progress
IS	P	QAR Self Assessment		Nov-20	60.0	75.0	15.0	25%		29.0	46.0		In Progress
SS	R	CARES Act		May-21	120.0	110.0	-10.0	-8%		0.0	110.0		Scheduled
PP	R	Building Security and Keys Audit		Jun-21	110.0	95.0	-15.0	-14%		0.0	95.0		Scheduled
FM	R	Year End Bank Confirmations		Jun-21	30.0	30.0	0.0	0%		0.0	30.0		Scheduled
<b>Total Planned Audit Hours:</b>					<b>1093.0</b>	<b>1093.0</b>	<b>0.0</b>			<b>401.0</b>	<b>692.0</b>		
Estimated Available Audit Hours = 1093.0													
<b>Functional Areas:</b>				<b>Audit Types:</b>				<b>Status:</b>					
AD - Advancement				R - Required				Scheduled					
AT - Athletics				A - Risk-Based (Assessed)				In Progress					
AX - Auxiliary				S - Special Request				Completed					
FM - Financial Management				I - Investigation				Removed					
IA - Instruction & Academic Support				P - Project (Ongoing or Recurring)									
IS - Institutional Support				M - Management's Risk Assessment									
IT - Information Technology				C - Consultation									
MC - Marketing and Campus Activities				F - Follow-up Review									
PP - Physical Plant				O - Other									
RS - Research													
SS - Student Services													

**Jackson State Community College  
Internal Audit Plan  
Fiscal Year Ending June 30, 2021  
Revised January 2021**

							Revised to Original			Planned to Actual			
Area	Type	Audit	Risk Factor	Estimated Audit Start Date	Original Hours Planned	Revised Plan	Change in Hours	Change in Percentage	FN	Actual Hours	Variance	Completion Date	Current Status
IA	R	CCTA Element Audit		Apr-21	150.0	150.0	0.0	0%		150.0			Scheduled
SS	S	Veterans Affairs Student Records		Jan-21	125.0	125.0	0.0	0%		74.0	51.0		In Progress
IS	R	CARES Act		Mar-21	200.0	200.0	0.0	0%		200.0			Scheduled
FM	F	Access and Diversity Follow up		Sep-20	125.0	125.0	0.0	0%		109.5	15.5	Oct-20	Completed
FM	F	Payroll Follow up		In Progress	100.0	115.5	15.5	16%		115.5	0.0	Aug-20	Completed
IS	F	Conflict of Interest Follow up		Mar-21	125.0	31.5	-93.5	-75%		31.5	0.0	Sep-20	Completed
IA	F	Workforce Development Follow up		Apr-21	75.0	75.0	0.0	0%		4.0	71.0		In Progress
SS	F	Inv 18-03 Follow up		Sep-20	140.0	140.0	0.0	0%		16.0	124.0		In Progress
AT	F	Inv 19-01 Follow up		Oct-20	140.0	140.0	0.0	0%		24.0	116.0		In Progress
AD	F	Foundation Follow up		Nov-20	140.0	140.0	0.0	0%		48.0	92.0		In Progress
IS	M	Risk Assessment		Dec-20	40.0	40.0	0.0	0%		21.5	18.5		In Progress
FM	R	Year-end Procedures		Jul-20	40.0	40.0	0.0	0%		40.0			Scheduled
IS	C	General Consultation		As needed	150.0	150.0	0.0	0%		92.0	58.0		Scheduled
IS	F	EMP Follow-up		prior year	0.0	20.0	20.0		1	20.0	0.0	Jun-20	Completed
IS	P	Quality Assurance Review - Year 3		Jun-21	0.0	50.0	50.0			50.0			Scheduled
IS	I	Unscheduled Investigations and Special Requests		As needed	100.0	108.0	8.0	8%		108.0			Scheduled
<b>Total Planned Audit Hours:</b>					<b>1650.0</b>	<b>1650.0</b>	<b>0.0</b>			<b>556.0</b>	<b>1094.0</b>		

Estimated Available Audit Hours = 1650.0

#### **Functional Areas:**

AD - Advancement  
AT - Athletics  
AX - Auxiliary  
FM - Financial Management  
IA - Instruction & Academic Support  
IS - Institutional Support  
IT - Information Technology  
MC - Marketing and Campus Activities  
PP - Physical Plant  
RS - Research  
SS - Student Services

#### **Audit Types:**

- R - Required
- A - Risk-Based (Assessed)
- S - Special Request
- I - Investigation
- P - Project (Ongoing or Recurring)
- M - Management's Risk Assessment
- C - Consultation
- F - Follow-up Review
- O - Other

**Status:**

Scheduled  
In Progress  
Completed  
Removed

FN1: Audit completed in prior fiscal year with time spent on work paper documentation in the current year.

**Motlow State Community College  
Internal Audit Plan  
Fiscal Year Ending June 30, 2021  
Revised January 2021**

							Revised to Original			Planned to Actual			
Area	Type	Audit	Risk Factor	Estimated Audit Start Date	Original Hours Planned	Revised Plan	Change in Hours	Change in Percentage	FN	Actual Hours	Variance	Completion Date	Current Status
AD	R	Workforce Development and Follow Up		Dec-20	80.0	40.0	-40.0	-50%		8.0	32.0		In Progress
PP	R	Security - Physical Observation - Supplemental		Apr-21	75.0	0.0	-75.0	-100%	FN 3	2.0	-2.0		Removed
FM	R	CARES Funding		Apr-21	125.0	125.0	0.0	0%		0.0	125.0		Scheduled
IA	A	Faculty Credentials	5.0	Jul-20	100.0	100.0	0.0	0%		24.5	75.5		In Progress
FM	S	President's Expense Review (Special Request)		Apr-21	75.0	60.0	-15.0	-20%		0.0	60.0		Scheduled
IA	M	Risk Assessment		Nov-20	30.0	25.0	-5.0	-17%		14.0	11.0		In Progress
IT	A	Information Technology - Follow Up		Sep-20	20.0	15.0	-5.0	-25%		7.4	7.6		In Progress
AT	F	Follow Up INV 1604		Jul-20	30.0	30.0	0.0	0%		1.0	29.0		In Progress
SS	F	Follow Up INV 1801		Jul-20	30.0	80.0	50.0	167%	FN 2	65.1	14.9		In Progress
AT	F	Follow Up INV 1802		Jul-20	30.0	20.0	-10.0	-33%		12.9	7.1		In Progress
SS	F	Follow Up Access and Diversity #2		Jul-20	40.0	85.0	45.0	113%	FN 1	84.9	0.1	Oct-20	Completed
SS	F	Follow Up Access and Diversity #3		Feb-21	40.0	50.0	10.0	25%		10.8	39.2		Scheduled
AD	F	Follow Up Foundation		Aug-20	40.0	30.0	-10.0	-25%		9.0	21.0		In Progress
AD	I	INV 20-03		Jul-20	50.0	25.0	-25.0	-50%		15.0	10.0		In Progress
FM	C	General Consultation		Jul-20	50.0	100.0	50.0	100%		70.9	29.1		In Progress
IS	P	IIA Quality Assurance Self-Assessment		Mar-21	20.0	40.0	20.0	100%		0.0	40.0		Scheduled
FM	R	State Audit Assistance - Yr End		Jul-20	20.0	10.0	-10.0	-50%		0.0	10.0		Scheduled
IS	I	Unscheduled Investigations		Jul-20	50.0	150.0	100.0	200%		135.1	14.9		In Progress
FM	P	Data Analytics Project		Dec-20	75.0	75.0	0.0	0%		7.5	67.5		In Progress
SS	A	Admissions & Records	5.0	May-21	80.0	80.0	0.0	0%		0.0	80.0		Scheduled
IS	A	Compliance - Trainings and Disclosures	4.9	Jun-21	80.0	0.0	-80.0	-100%	FN 3	0.0	0.0		Removed

**Total Planned Audit Hours:**

Estimated Available Audit Hours = 1140.0

## **Functional Areas:**

## AD - Advancement

## AT - Athletics

## AX - Auxiliary

FM - Financial Management

IA - Instruction & Academic Support

#### IS - Institutional Support

IT - Information Tech

MC - Marketing and C

PP - Physical Plant

## Audit Types:

## R - Required

#### A - Risk-Based (Assessed)

**S - Special Request**

## I - Investigation

P - Project (Ongoing or Recurring)

M - Management

#### **C - Consultation**

C - Consultation  
F - Follow-up Review

Q - Other

### O - Other

**Status:**

## Scheduled

In Progress

### Completed

Removed

FN1 Access and Diversity Follow Up #2 actual hours exceeded budgeted hours.

FN2 Follow Up on INV 1801 has exceeded budgeted hours and is ongoing.

FN3 Planned audit removed due to limited hours. Audit will be reconsidered for next audit year.

Nashville State Community College Internal Audit Plan Fiscal Year Ending June 30, 2021 Revised January 2021													
							Revised to Original			Planned to Actual			
Area	Type	Audit	Risk Factor	Estimated Audit Start Date	Original Hours Planned	Revised Plan	Change in Hours	Change in Percentage	FN	Actual Hours	Variance	Completion Date	Current Status
IS	F	Physical Security / Campus Safety Follow Up	4.3	5/1/2021	100.0	100.0	0.0	0%		0.0	100.0		Scheduled
FM	R	CARES Act	3.7	3/1/2021	112.5	112.5	0.0	0%		0.0	112.5		Scheduled
IA	R	CCTA Element (Workforce Development)	3.7	4/1/2021	112.5	112.5	0.0	0%		0.0	112.5		Scheduled
FM	F	State Audit Follow Up	3.6	1/4/2021	37.5	37.5	0.0	0%		0.0	37.5		Scheduled
IS	A	Police Department	3.4	2/1/2021	100.0	100.0	0.0	0%		0.0	100.0		Scheduled
IS	A	Disaster Recovery/Continuity of Operations Plan (COOP)	4.2	9/8/2020	75.0	75.0	0.0	0%		30.0	45.0		Scheduled
FM	A	Travel	3.4	8/10/2020	75.0	75.0	0.0	0%		52.5	22.5		In Progress
FM	A	Purchase Card / Procurement	3.4	10/1/2020	112.5	112.5	0.0	0%		15.0	97.5		In Progress
FM	A	Cash Collection	3.3	4/1/2021	100.0	100.0	0.0	0%		0.0	100.0		Scheduled
FM	A	Payroll/ Time and Leave	3.4	12/1/2020	75.0	75.0	0.0	0%		7.5	67.5		In Progress
IS	C	Consulting Activities	3.0	As needed	37.5	37.5	0.0	0%		15.0	22.5		In Progress
IT	A	Personal Identifiable Information / Data Security	3.9	11/2/2020	112.5	112.5	0.0	0%		100.0	12.5		In Progress
<b>Total Planned Audit Hours:</b>				<b>1050.0</b>	<b>1050.0</b>	<b>0.0</b>				<b>220.0</b>	<b>830.0</b>		
Estimated Available Audit Hours = 1050													
<b>Functional Areas:</b>				<b>Audit Types:</b>					<b>Status:</b>				
AD - Advancement				R - Required					Scheduled				
AT - Athletics				A - Risk-Based (Assessed)					In Progress				
AX - Auxiliary				S - Special Request					Completed				
FM - Financial Management				I - Investigation					Removed				
IA - Instruction & Academic Support				P - Project (Ongoing or Recurring)									
IS - Institutional Support				M - Management's Risk Assessment									
IT - Information Technology				C - Consultation									
MC - Marketing and Campus Activities				F - Follow-up Review									
PP - Physical Plant				O - Other									
RS - Research													
SS - Student Services													

Northeast State Community College Internal Audit Plan													
Fiscal Year Ending June 30, 2021													
Revised January 2021													
							Revised to Original		Planned to Actual				
Area	Type	Audit	Risk Factor	Estimated Audit Start Date	Original Hours Planned	Revised Plan	Change in Hours	Change in Percentage	FN	Actual Hours	Variance	Completion Date	Current Status
SS	R	Workforce Development Training Hours	5.0	Oct-20	75.0	2.0	-73.0	-97%	1	2.0	0.0		Removed
FM	R	CARES Act Funding Audit	5.0	Mar-21	150.0	150.0	0.0	0%		0.0	150.0		Scheduled
FM	R	State Audit Follow-Up	5.0	Nov-20	60.0	60.0	0.0	0%		6.0	54.0		In Progress
IS	R	Campus Safety	5.0	Apr-20	50.0	50.0	0.0	0%		53.5	-3.5	Sep-20	Completed
IS	S	Gramm Leach Bliley Act Program	5.0	Jul-20	100.0	100.0	0.0	0%		53.5	46.5		In Progress
IS	C	QAR Self-Study	5.0	Nov-20	75.0	75.0	0.0	0%		41.0	34.0		In Progress
IT	S	Access Termination	5.0	Oct-19	35.0	83.0	48.0	137%	1	69.0	14.0	Jan-21	Completed
FM	A	NorCard Procurement Cards	5.0	Sep-20	75.0	100.0	25.0	33%	1	67.0	33.0		In Progress
IS	I	Unscheduled Investigations	5.0	Jul-20	100.0	100.0	0.0	0%		0.0	100.0		Scheduled
FM	R	State Audit Assistance - Year End	5.0	Jul-20	30.0	30.0	0.0	0%		2.5	27.5		In Progress
IS	S	Special Requests and Projects	5.0	Jul-20	100.0	100.0	0.0	0%		99.5	0.5		In Progress
IS	F	Other Audit Follow-Up	5.0	Jul-20	50.0	50.0	0.0	0%		28.0	22.0		In Progress
IS	M	Risk Assessment	5.0	Oct-20	50.0	50.0	0.0	0%		45.0	5.0	Jan-21	Completed
IS	C	Management Advisory Services	5.0	Jul-20	100.0	100.0	0.0	0%		68.0	32.0		In Progress
<b>Total Planned Audit Hours:</b>					<b>1050.0</b>	<b>1050.0</b>	<b>0.0</b>			<b>535.0</b>	<b>515.0</b>		
Estimated Available Audit Hours = 1050.0													
<b>Functional Areas:</b>				<b>Audit Types:</b>					<b>Status:</b>				
AD - Advancement				R - Required					Scheduled				
AT - Athletics				A - Risk-Based (Assessed)					In Progress				
AX - Auxiliary				S - Special Request					Completed				
FM - Financial Management				I - Investigation					Removed				
IA - Instruction & Academic Support				P - Project (Ongoing or Recurring)									
IS - Institutional Support				M - Management's Risk Assessment									
IT - Information Technology				C - Consultation									
MC - Marketing and Campus Activities				F - Follow-up Review									
PP - Physical Plant				O - Other									
RS - Research													
SS - Student Services													

**Pellissippi State Community College  
Internal Audit Plan  
Fiscal Year Ending June 30, 2021  
Revised January 2021**

Project Overview							Revised to Original			Planned to Actual			
Area	Type	Audit	Risk Factor	Estimated Audit Start Date	Original Hours Planned	Revised Plan	Change in Hours	Change in Percentage	FN	Actual Hours	Variance	Completion Date	Current Status
IS	R	Cares Act Funding	5.0	Apr-21	200.0	200.0	0.0	0%		0.0	200.0		Scheduled
FM	R	Year End Inventory & Cash Counts	5.0	Jul-20	15.0	15.0	0.0	0%		0.0	15.0		Scheduled
IS	R	Funding Formula - Workforce Development or Completion	5.0	Mar-21	75.0	75.0	0.0	0%		0.0	75.0		Scheduled
IS	R	QAR Self Assessment	5.0	Aug-20	75.0	75.0	0.0	0%		62.0	13.0	Nov-20	Completed
FM	F	Audit Follow-Ups	5.0	Dec-20	15.0	15.0	0.0	0%		0.0	15.0		Scheduled
IS	M	Risk Assessment	5.0	Dec-20	22.5	22.5	0.0	0%		16.0	6.5		In Progress
IA	S	Faculty Credentials	5.0	Nov-20	105.0	105.0	0.0	0%		38.5	66.5		In Progress
IA	S	Review of Compliance Assist	5.0	Feb-21	37.5	37.5	0.0	0%		0.0	37.5		Scheduled
IT	S	Vulnerability Assessment - Electronic Key System	5.0	Oct-20	187.5	187.5	0.0	0%		160.0	27.5	Dec-20	Completed
AD	C	Advancement Management Advisory Services, Consultation, etc.	5.0	Jul-20	52.5	52.5	0.0	0%		19.0	33.5		In Progress
FM	C	Finance Management Advisory Services, Consultation, etc.	5.0	Jul-20	37.5	37.5	0.0	0%		20.5	17.0		In Progress
IS	C	Institutional Support Management Advisory Services, Consultation, etc. (includes Covid-19 MAS)	5.0	Jul-20	445.0	445.0	0.0	0%		215.5	229.5		In Progress
IS	I	Unauthorized Change to Bank Routing and ACH Information	5.0	Aug-20	30.0	150.0	120.0	400%	1	142.5	7.5	Nov-20	Completed
IT	C	IT Audit Management Advisory Service - Building Security Review	5.0	Jul-20	52.5	45.0	-7.5	-14%		0.0	45.0		Scheduled
IT	C	IT Audit Management Advisory Service - General Security Review	5.0	Jul-20	165.0	165.0	0.0	0%		116.5	48.5		In Progress
IT	C	IT Audit Management Advisory Service - PCI & ACH Review	5.0	Jul-20	150.0	100.0	-50.0	-33%	3	48.5	51.5		In Progress
IT	A	Computer Center - Disaster Recovery	3.6	Dec-20	112.5	0.0	-112.5	-100%	2	0.0	0.0		Removed
IT	A	Computer Center - Physical Security	3.5	Apr-21	202.5	202.5	0.0	0%		0.0	202.5		Scheduled
IT	A	Vulnerability Assessment - Print Servers	3.5	Aug-20	187.5	210.0	22.5	12%		211.0	-1.0	Oct-20	Completed
IT	A	Vulnerability Assessment - BDMS (scanned documents from Finance, HR and Student)	3.5	Jan-21	187.5	187.5	0.0	0%		0.0	187.5		In Progress
IT	A	Vulnerability Assessment - PSDB (store degree works data and Luminus Information)	3.4	Mar-21	187.5	187.5	0.0	0%		0.0	187.5		Scheduled
Total Planned Audit Hours:					2542.5	2515.0	-27.5			1050.0	1465.0		

**Total Planned Audit Hours:**

#### **Functional Areas:**

AD - Advancement  
AT - Athletics  
AX - Auxiliary  
FM - Financial Management  
IA - Instruction & Academic Support  
IS - Institutional Support  
IT - Information Technology  
MC - Marketing and Campus Activities  
PP - Physical Plant  
RS - Research  
SS - Student Services

#### **Audit Types:**

R - Required  
A - Risk-Based (Assessed)  
S - Special Request  
I - Investigation  
P - Project (Ongoing or Recurring)  
M - Management's Risk Assessment  
C - Consultation  
F - Follow-up Review  
O - Other

### Status:

Scheduled  
In Progress  
Completed  
Removed

**FN1** - Item was originally place holder for unplanned investigation. Item listed occurred in August of 2020 and was joint investigation with the Information Services Division of the College. College policy requires that Chief Information Officer be the lead investigator on this type of review therefore an internal audit report on this will not be issued.

**FN2** - This audit was removed from the audit plan because of the amount of time spent reviewing unauthorized changes made to payroll bank routing and ACH information.

**FN3** - Planned hours were reduced because office has received fewer request for assistance from Bursars office than in the past.

**Roane State Community College  
Internal Audit Plan  
Fiscal Year Ending June 30, 2021  
Revised January 2021**

Audit Details							Revised to Original			Planned to Actual			
Area	Type	Audit	Risk Factor	Estimated Audit Start Date	Original Hours Planned	Revised Plan	Change in Hours	Change in Percentage	FN	Actual Hours	Variance	Completion Date	Current Status
SS	R	Workforce Development	5.0	Jul-20	75.0	37.5	-37.5	-50%		5.0	32.5		In Progress
FM	R	Year End Cash Counts	5.0	Jul-20	45.0	45.0	0.0	0%		2.0	43.0		In Progress
IA	A	International Education	3.4	Oct-20	60.0	0.0	-60.0	-100%			0.0		Removed
IS	M	Enterprise Risk Assessment	5.0	Nov-20	75.0	75.0	0.0	0%		40.0	35.0	Jan-21	Completed
FM	A	Grants	3.4	Dec-20	75.0	75.0	0.0	0%		22.0	53.0		In Progress
IA	S	Healthcare Programs Admissions	4.0	Oct-20	105.0	0.0	-105.0	-100%	1	0.0	0.0		Removed
FM	R	CARES Act	5.0	Feb-20	75.0	75.0	0.0	0%		0.0	75.0		Scheduled
IS	A	Sick Leave Bank	3.5	Mar-20	22.5	22.5	0.0	0%		7.5	15.0		In Progress
FM	F	State Audit Follow-up	5.0	Jul-20	52.5	52.5	0.0	0%		7.5	45.0		In Progress
FM	F	IAR Audit Follow-up	5.0	Jul-20	70.0	70.0	0.0	0%		30.0	40.0		In Progress
FM	I	Unscheduled Investigations	5.0	Jul-20	90.0	90.0	0.0	0%		0.0	90.0		In Progress
IS	C	Management Advisory Services	5.0	Jul-20	142.5	142.5	0.0	0%		60.0	82.5		In Progress
AX	S	Foundation - Restricted Funds	4.1	Jul-20	80.0	80.0	0.0	0%		30.0	50.0		In Progress
FM	R	President's Expense - PSTCC	5.0	Aug-20	60.0	60.0	0.0	0%		60.0	0.0	Nov-20	Completed
IS	R	QAR - Self-Review	5.0	May-20	22.5	22.5	0.0	0%			22.5		Scheduled
IS	R	Campus Safety & Security	5.0	Jul-20	0.0	22.5	22.5	100%		12.5	10.0		In Progress
AX	S	Foundation - Data Security Consulting	5.0	Jul-20	0.0	75	75.0	100%		60.0	15.0		In Progress
IA	S	Nursing Program Review	5.0	Jan-21	0.0	105.0	105.0	100%	1		105.0		In Progress
Total Planned Audit Hours:				1050.0	1050.0	0.0				336.5	713.5		

Estimated Available Audit Hours = 1050.0

#### **Functional Areas:**

AD - Advancement  
AT - Athletics  
AX - Auxiliary  
FM - Financial Management  
IA - Instruction & Academic Support  
IS - Institutional Support  
IT - Information Technology  
MC - Marketing and Campus Activities  
PP - Physical Plant  
RS - Research  
SS - Student Services

#### **Audit Types:**

R - Required  
A - Risk-Based (Assessed)  
S - Special Request  
I - Investigation  
P - Project (Ongoing or Recurring)  
M - Management's Risk Assessment  
C - Consultation  
F - Follow-up Review  
O - Other

**Status:**

Scheduled  
In Progress  
Completed  
Removed

FN1: Added Nursing Program Review at Management's Request and removed Healthcare Admissions.

**Southwest Tennessee Community College  
Internal Audit Plan  
Fiscal Year Ending June 30, 2021  
Revised January 2021**

Audit Details							Revised to Original		Planned to Actual				
Area	Type	Audit	Risk Factor	Estimated Audit Start Date	Original Hours Planned	Revised Plan	Change in Hours	Change in Percentage	FN	Actual Hours	Variance	Completion Date	Current Status
FM	A	IAR-Cash Count		Jun-20	37.5	37.5	0.0	0%		37.5		Scheduled	
SS	S	Out of State Tuition		Jul-20	97.5	62.5	-35.0	-36%		62.5		In Progress	
FU	R	FU-Foundation Audit		Sep-20	22.5	17.5	-5.0	-22%		5.5	12.0	In Progress	
FM	S	Review of Accounts Payable Vendors		Aug-20	97.5	70.0	-27.5	-28%		70.0		In Progress	
FU	S	FU-Time Sheet Preparation		Oct-20	22.5	54.5	32.0	142%	53.5	1.0	Dec-20	Completed	
IS	R	Campus Safety Audit		Jul-20	97.5	171.0	73.5	75%		170.0	1.0	Dec-20	Completed
SS	R	Workforce Development Audit		Nov-20	97.5	0.0	-97.5	-100%	1	2.0	-2.0		Removed
FM	F	FU-State Audit		Dec-20	90.0	80.0	-10.0	-11%		80.0		Scheduled	
FM	S	Review of Driver License		Jan-21	97.5	53.0	-44.5	-46%		53.0		Scheduled	
FM	F	FU-Whitehaven Federal Work Study		Oct-20	45.0	25.0	-20.0	-44%		2.5	22.5		Scheduled
FM	S	Review of Ghost Employees		Feb-21	87.5	70.0	-17.5	-20%		70.0		In Progress	
FM	I	INV-20-03-Investigation of Clubs		Mar-21	45.5	76.5	31.0	68%		2.5	74.0		In Progress
FM	F	FU-IT Audit		Apr-21	20.0	36.0	16.0	80%	35.0	1.0	Dec-20	Completed	
IS	A	IAR Risk Assessment		May-21	34.5	10.0	-24.5	-71%		9.0	1.0	Jan-21	Completed
IS	F	FU-Internal Audit Follow Up		Jul-20	15.0	15.0	0.0	0%		15.0		In Progress	
SS	C	IAR-General Consultant		Jul-20	82.5	64.5	-18.0	-22%	49.5	15.0		In Progress	
FM	I	Unscheduled Investigation		Jul-20	62.5	0.0	-62.5	-100%		0.0		In Progress	
FM	P	ACM-Audit Software		Jul-20	60.0	60.0	0.0	0%	41.5	18.5		In Progress	
FM	I	INV-20-04-Investigation of Cafeteria		May-21	35.0	19.0	-16.0	-46%		19.0		Scheduled	
FM	R	IAR-President Audit		Sep-20	0.0	83.0	83.0	N/A		80.5	2.5	Oct-20	Completed
IA	I	INV-21-01 Abuse of Power		Sep-20	0.0	49.0	49.0	N/A		48.0	1.0	Sep-20	Completed
FM	R	Cares Act		May-21	0.0	70.0	70.0	N/A	1			Scheduled	
IA	I	INV 21-02 Digital Learning Guidelines		Sep-20	0.0	23.5	23.5	N/A		22.5	1.0	Sep-20	Completed
Total Planned Audit Hours					1147.5	1147.5	0.0			522.0	555.5		

**Total Planned Audit Hours:**

#### **Functional Areas:**

AD - Advancement  
AT - Athletics  
AX - Auxiliary  
FM - Financial Management  
IA - Instruction & Academic Support  
IS - Institutional Support  
IT - Information Technology  
MC - Marketing and Campus Activities  
PP - Physical Plant  
RS - Research  
SS - Student Services

#### Audit Types:

- R - Required
- A - Risk-Based (Assessed)
- S - Special Request
- I - Investigation
- P - Project (Ongoing or Recurring)
- M - Management's Risk Assessment
- C - Consultation
- F - Follow-up Review
- O - Other

Status:

Scheduled  
In Progress  
Completed  
Reviewed

FN1: Workforce Development was removed from the audit plan and the Care Act was scheduled for audit,





**TCAT**  
**Internal Audit Plan**  
**Fiscal Year Ending June 30, 2021**  
**Revised January 2021**

							Revised to Original		Planned to Actual				
Area	Type	Audit	Risk Factor	Estimated Audit Start Date	Original Hours Planned	Revised Plan	Change in Hours	Change in Percentage	FN	Actual Hours	Variance	Completion Date	Current Status
FM	A	FY 20 Perkins Audit	NA	Jan-21	100.0	75.0	-25.0	-25%		0.0	75.0		In Progress
FM	C	FY 20 TCAT Consultation	NA	Jul-20	200.0	200.0	0.0	0%		125.0	75.0		In Progress
FM	R	FY 20 TCAT Risk Assessment	NA	Oct-20	75.0	75.0	0.0	0%		6.0	69.0		In Progress
FM	C	FY 20 TCAT Audit Program	NA	Jul-20	75.0	75.0	0.0	0%	FN3	103.5	-28.5		In Progress
FM	C	FY 20 TCAT Year End Procedures	NA	Jun-21	50.0	50.0	0.0	0%		13.5	36.5		FN1
FM	R	FY 20 TCAT Foundation	NA	Jul-20	37.5	37.5	0.0	0%		0.0	37.5		In Progress
FM	A	FY 21 TCAT Memphis Controls Review	5.0	Jan-21	37.5	37.5	0.0	0%		0.0	37.5		FN1
FM	A	FY 21 TCAT McMinnville Controls Review	5.0	Jan-21	15.0	15.0	0.0	0%		0.0	15.0		FN1
FM	R	FY 20 TCAT Knoxville President's Expense	4.7	Jul-20	37.5	37.5	0.0	0%		19.5	18.0		In Progress
FM	R	FY 19 TCAT Elizabethton President's Expense	4.7	Jul-20	37.5	37.5	0.0	0%		18.5	19.0		In Progress
FM	R	FY 19 TCAT Murfreesboro President's Expense	4.7	Jul-20	37.5	37.5	0.0	0%		19.5	18.0		In Progress
FM	R	FY 19 TCAT Nashville President's Expense	4.6	Jul-20	37.5	37.5	0.0	0%		24.0	13.5		In Progress
FM	A	FY 20 Nashville-IAR-Equipment/Security Review	4.6	Nov-20	15.0	15.0	0.0	0%		0.0	15.0		FN1
FM	R	FY 20 TCAT Livingston President's Expense	3.9	Sep-20	37.5	37.5	0.0	0%		19.0	18.5		In Progress
FM	R	FY 19 TCAT Jackson/Whiteville President's Expense	3.7	Aug-20	37.5	37.5	0.0	0%		35.0	2.5		In Progress
FM	R	FY 20 TCAT Hohenwald President's Expense	3.2	Oct-20	37.5	37.5	0.0	0%		23.5	14.0		In Progress
FM	R	FY 19 TCAT Morristown President's Expense	3.2	Jul-20	15.0	15.0	0.0	0%	FN2	28.5	-13.5	8/10/2020	Completed
FM	R	FY 20 TCAT Crossville President's Expense	3.1	Aug-20	37.5	37.5	0.0	0%		18.0	19.5		In Progress
FM	R	FY 20 TCAT Ripley President's Expense	2.7	Mar-21	22.5	22.5	0.0	0%		19.0	3.5		In Progress
FM	R	FY 20 TCAT Pulaski President's Expnese	2.7	Apr-21	37.5	62.5	25.0	67%	FN4	45.5	17.0		In Progress
FM	R	FY 20 TCAT Shelbyville President's Expense	2.6	Feb-21	22.5	22.5	0.0	0%		14.0	8.5		In Progress
FM	R	FY 20 TCAT Newbern President's Expense	2.6	Mar-21	37.5	37.5	0.0	0%		19.0	18.5		In Progress
FM	R	FY 20 TCAT Oneida President's Expense	2.6	Feb-21	22.5	22.5	0.0	0%		19.5	3.0		In Progress
FM	R	FY 20 TCAT Crump President's Expense	2.6	May-21	37.5	37.5	0.0	0%		13.5	24.0		In Progress
FM	A	FY 20 TCAT Dickson SFA Review	2.5	May-21	22.5	22.5	0.0	0%		0.0	22.5		Scheduled
FM	R	FY 20 TCAT Jacksonboro President's Expense	2.1	Mar-21	22.5	22.5	0.0	0%		12.5	10.0		In Progress
FM	R	FY 19 TCAT Hartsville President's Expense	1.7	Aug-21	22.5	22.5	0.0	0%		37.5	-15.0	11/4/2020	Completed
FM	R	FY 19 TCAT Athens President's Expense	1.6	Nov-21	22.5	22.5	0.0	0%		37.5	-15.0	12/7/2020	Completed
FM	R	FY 20 TCAT Chattanooga President's Expense	1.3	Apr-21	22.5	22.5	0.0	0%		0.0	22.5		FN1
FM	A	FY 19 TCAT Harriman Security Review		Mar-20	0.0	0.0	0.0	0%	FN2	12.5	-12.5	9/10/2020	Completed
<b>Total Planned Audit Hours:</b>					1212.5	<b>1212.5</b>	<b>0.0</b>			<b>684.0</b>	<b>528.5</b>		

Estimated Available Audit Hours = 1,212.5

**Functional Areas:**

AD - Advancement  
 AT - Athletics  
 AX - Auxiliary  
 FM - Financial Management  
 IA - Instruction & Academic Support  
 IS - Institutional Support  
 IT - Information Technology  
 MC - Marketing and Campus Activities  
 PP - Physical Plant  
 RS - Research  
 SS - Student Services

**Audit Types:**

R - Required  
 A - Risk-Based (Assessed)  
 S - Special Request  
 I - Investigation  
 P - Project (Ongoing or Recurring)  
 M - Management's Risk Assessment  
 C - Consultation  
 F - Follow-up Review  
 O - Other

**Status:**

Scheduled  
 In Progress  
 Completed  
 Removed

**FN1:** Audit not yet started or scheduled.

**FN2:** Audit was originally scheduled as part of the President's audit, so no hours were scheduled for a separate audit.

**FN3:** Review of the CARES Act and preparing the audit program was not originally scheduled.

**FN4:** The TCAT had 2 Presidents and 2 interim Presidents during this time period, extending hours for audit.

**Tennessee Board of Regents - Investigations  
Internal Audit Plan  
Fiscal Year Ending June 30, 2021  
Revised January 2021**

Audit Details							Revised to Original			Planned to Actual			
Area	Type	Audit	Risk Factor	Estimated Audit Start Date	Original Hours Planned	Revised Plan	Change in Hours	Change in Percentage	FN	Actual Hours	Variance	Completion Date	Current Status
IS	C	Consultation with Campus Auditors		Jul-20	200.0	100.0	-100.0	-50%		50.0	50.0		In Progress
IS	PR	Investigation Management		Jul-20	200.0	300.0	100.0	50%		279.5	20.5		In Progress
IS	I	State Audit Follow-up for TBR		Jul-20	75.0	75.0	0.0	0%			75.0		
FM	I	Unscheduled Investigations		Jul-20	347.5	196.0	-151.5	-44%			196.0		
FM	I	INV TBR 21-01		Sep-20	0.0	187.5	187.5	100%		183.0	4.5		In Progress
IS	I	INV TBR 20-03		Mar-20	75.0	41.5	-33.5	-45%		41.5	0.0	20-Sep	Completed
IS	I	INV TBR 20-04		Jun-20	75.0	21.0	-54.0	-72%		21.0	0.0	20-Sep	Completed
SS	I	INV TBR 19-03		Apr-19	37.5	5.0	-32.5	-87%	1	5.0	0.0	Feb-21	Removed
FM	I	INV TBR 19-06		Jul-19	20.0	2.0	-18.0	-90%	1	2.0	0.0	Feb-21	Removed
IS	I	INV TBR 19-07		May-19	20.0	2.0	-18.0	-90%	1	2.0	0.0	Feb-21	Removed
IS	O	INV TBR 21-02		Nov-20	0.0	75.0	75.0	100%		75.0	0.0	20-Dec	Completed
AT	S	INV TBR 21-03		Jan-21	0.0	45.0	45.0	100%		15.0	30.0		In Progress

**Total Planned Audit Hours:**

#### **Functional Areas:**

AD - Advancement  
AT - Athletics  
AX - Auxiliary  
FM - Financial Management  
IA - Instruction & Academic Support  
IS - Institutional Support  
IT - Information Technology  
MC - Marketing and Campus Activities  
PP - Physical Plant  
RS - Research  
SS - Student Services

#### **Audit Types:**

- R - Required
- A - Risk-Based (Assessed)
- S - Special Request
- I - Investigation
- P - Project (Ongoing or Recurring)
- M - Management's Risk Assessment
- C - Consultation
- F - Follow-up Review
- O - Other

### Status:

Scheduled  
In Progress  
Completed  
Pending

FN1- After additional review, deemed not Fraud, Waste, or Abuse and no additional work necessary.

**Tennessee Board of Regents - Information Security  
Internal Audit Plan  
Fiscal Year Ending June 30, 2021**

<b>Risk</b>	<b>Audit</b>	<b>Area</b>	<b>Type</b>	<b>Hours Planned</b>	<b>Audit Start Date</b>
5.0	MSCC Information Security	IT	R	150.0	Jan-21
5.0	NaSCC Information Security	IT	R	150.0	Feb-21
5.0	VSCC Information Security	IT	R	150.0	Mar-21
5.0	WSCC Information Security	IT	R	150.0	Apr-21
5.0	CISCC Information Security	IT	R	150.0	Apr-21
5.0	RSCC Information Security	IT	R	150.0	May-21
5.0	PSCC Information Security	IT	R	150.0	Jun-21
<b>Total:</b>		<b>1050.0</b>			

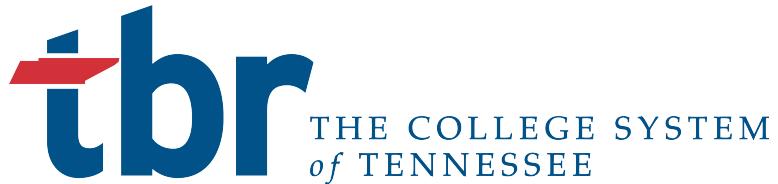
Estimated Available Hours For Audits = **1050.0**

**Functional Areas:**

AD - Advancement  
 AT - Athletics  
 AX - Auxiliary  
 FM - Financial Management  
 IA - Instruction & Academic Support  
 IS - Institutional Support  
 IT - Information Technology  
 MC - Marketing and Campus Activities  
 PP - Physical Plant  
 RS - Research  
 SS - Student Services

**Audit Types:**

R - Required  
 A - Risk-Based (Assessed)  
 S - Special Request  
 I - Investigation  
 P - Project (Ongoing or Recurring)  
 M - Management's Risk Assessment  
 C - Consultation  
 F - Follow-up Review  
 O - Other



---

## BOARD TRANSMITTAL

---

MEETING: March 2021 Quarterly Board Meeting

SUBJECT: Review and Approve Revisions to  
TBR Policy 2.03.00.00 – Admissions at the  
Community Colleges

DATE: March 25, 2021

PRESENTER: Heidi Leming, Vice Chancellor

PRESENTATION REQUIREMENT: 1 – 3 Minutes

ACTION REQUIRED: ROLL CALL VOTE

STAFF'S  
RECOMMENDATION: Approve

---

It is the intent of this suggested amendment to TBR Policy to ensure consistent compliance with Tennessee law by setting a maximum threshold for which an institution may require proof of high school graduation for admission purposes. It is not the intent to prevent an institution from setting a lower threshold for waiving proof of high school graduation for transfer applicants. This amendment in no way impacts the admission requirements specified in 2.03.00.00 Section II.B

The policy has previously been reviewed by the admissions and records working group members. It was approved by the President's Council on March 3, 2021.

# **Admission at the Community Colleges: 2.03.00.00**

## **Policy/Guideline Area**

---

Academic Policies

## **Applicable Divisions**

---

Community Colleges

## **Purpose**

---

This policy establishes admissions standards for community colleges governed by the Tennessee Board of Regents (TBR). This policy establishes admissions standards for community colleges governed by the Tennessee Board of Regents (TBR).

## **Definitions**

---

- Adequate coverage - adequate coverage shall mean that the student's coverage meets or exceeds the level of coverage provided to participants in the TBR's Student/Scholar Health & Accident Insurance Plan.
- Ability to Benefit (ATB)- The Department of Education established criteria, through a provision of the Higher Education Act, that must be met by a person who does not have either a regular high school diploma, General Education Diploma (GED), or High School Equivalency Test (HiSET) Exam to receive federal financial aid.

## **Policy/Guideline**

---

### **I. Provisions for Community Colleges**

#### **A. Policy Development**

1. The Tennessee Board of Regents requires that all community colleges shall develop an admission policy consistent with the provisions of this policy and Section 504 of the Rehabilitation Act of 1973 (Non-discrimination on the Basis of Handicap) and the Americans with Disabilities Act of 1990 and submit it to the Tennessee Board of Regents for approval.

2. Each institution shall include its approved admission policy in its catalog or other appropriate publications.
3. Dual Enrollment admissions policies shall be developed in compliance with TBR Policy Early Postsecondary Opportunities 2.01.00.05 and T.C.A. § 49-6-3111.

B. Policy Revision

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

C. Medical or Health Information

1. Each institution shall comply with Rules promulgated by the Board of Regents regarding requirements for immunization against certain diseases prior to attendance at a system institution.
2. A copy of Board of Regents promulgated rules is Exhibit 1 to this policy.

## Procedures

---

### I. General Provisions

A. Admission of Non-Tennessee Residents

1. Each community college may establish minimum criteria for the admission of residents of states other than Tennessee, which exceed the minimum criteria established for residents of the State.

B. Residency Classification

1. Each community college shall, in the admission or readmission process, assign each student a residency classification using TBR Policy No. 3.05.01.00 Regulations for Classifying Students In-State and Out-of-State for the Purposes of Paying College.

C. Admission of International Non-Immigrant Applicants

1. Each community college must establish policies and procedures for the admission of international non-immigrant applicants in accordance with the following criteria:
  - a. Educational Level. The educational level attained must be comparable to that required of U.S. applicants.
  - b. Proof of English Language Proficiency for Non-Native English Language Speakers. In order to determine an applicant's level of proficiency in the English language, each community college shall require that applicants whose native language is not English submit scores earned on the Test of English Language Proficiency (TOEFL), the academic version of the International English Language Testing System (IELTS), or one of the other recognized comparable standardized examinations or through a standardized examination developed at the individual institution. Courses completed at another U.S. institution may be used in lieu of standardized examination scores.
  - c. Financial Statement. In order to determine the international student's ability to pay registration fees, non-resident fees, living and other expenses, each institution shall require international applicant to supply evidence of financial capability.
  - d. Immigration Service Regulations. Institutions must adhere to all U.S. Citizenship and Immigration Service regulations in the admission, enrollment, and readmission of international non-immigrant applicants.
  - e. Certification of Freedom from Tuberculosis. All international non-immigrant students applying for admission pursuant to a student visa shall submit within thirty (30) days from the first day of classes a certificate from a licensed physician or other qualified medical authority verifying freedom from tuberculosis. Failure to submit such certification shall result in denial of admission or continued enrollment. In the event

that a student has tuberculosis or has potential tuberculosis requiring medical treatment, continued enrollment will be conditioned upon the determination by a licensed physician that further enrollment is not a risk to others and upon the student's compliance with any prescribed medical treatment program.

- f. Medical and Hospitalization Insurance. Each institution must require that international non-immigrant applicants with J, F, or M visas have and maintain medical and hospitalization insurance as a condition of admission and continued enrollment at the institution. Applicants with J visas must also carry adequate medical and hospitalization insurance for spouses and dependents. Institutions may require similar insurance coverage of all other international non-immigrant applicants.
  2. Institutions shall establish this requirement in policy and shall establish a process for:
    - a. Informing applicants for admission of the coverage required and of its approximate cost of coverage and options for accessing insurance;
    - b. Informing applicants of the documents that will be acceptable as proof of medical and hospitalization coverage; and
    - c. Automatically enrolling in the TBR recommended insurance plan those international non-immigrant students who do not otherwise have adequate coverage. Enrollment shall take place not later than at the time of class registration, and the cost of the coverage shall be added to the student's registration fees.
- D. Admission to Specialized or Limited-Enrollment Programs
1. Each community college shall develop specific policy and procedures for admission of students to programs or courses with enrollment limitations and/or specialized curricula.

2. Such limitations should be based upon selective criteria appropriate to the program or course which apply equally to all prospective students, provided that preference for admission be given to residents of the State of Tennessee. (Incorporates former TBR Policy No. 2.03.00.05 - see TBR Meeting September 30, 1983)
  3. A number of factors such as accreditation and professional certification standards, limited clinical and classroom space, faculty availability, and a concern for appropriate student progress influence the selective admissions process to certain undergraduate programs.
    - a. Students must meet the application criteria, be reviewed and accepted for admission, and make satisfactory progress to be admitted and continue in these academic programs.
    - b. Institutions may vary in their admission requirements based on their analysis of student success characteristics.
    - c. Admission and progression policies related to selective programs should reflect the likelihood of being admitted to the academic program at the earliest possible point and contain information on grade point average, standardized test scores, and grade expectations in specified high school courses indicative of success in the field.
  4. Admission and progression policies should be clearly displayed in all materials to prospective applicants.
- E. Admission under Ability to Benefit (ATB)
1. For institutions wishing to participate in the ATB option under Title IV, students must meet the minimum criteria as outlined by the U.S. Department of Education.
  2. ATB allows students to apply for Federal Financial Aid by proving their "ability to benefit" from college, either by taking a test or completing six college credits before placement on ATB.

- 
- 
3. Institutions which have established ATB processes and procedures must maintain documentation that the programs in which students enroll are Title IV eligible and must offer students on ATB the opportunity to also earn a high school credential.

F. Admission to Medical, Nursing, and Allied Health Programs

1. Each community college that offers medical, nursing, or allied health programs shall require that all persons admitted to such programs:
  - a. Provide evidence through a health verification form, that at a minimum, establish the applicant's compliance with the Rules promulgated by the Tennessee Department of Health regarding requirements for immunization against certain diseases, including the Hepatitis B vaccine, and other communicable diseases.
  - b. Be, with reasonable accommodation, physically and mentally capable of performing the essential functions of the program as defined in writing by the institution.

G. Readmission

1. Each community college shall develop policies and procedures for the readmission of students.
2. Readmission policies and procedures for students not in good academic standing shall be consistent with TBR Policy No. 2.03.01.01 (Undergraduate Academic Retention Standards).

H. Application Fee

1. TBR institutions are prohibited from charging an application fee.

**II. Community College Degree Admission**

A. Admission of First-Time Freshmen

1. Applicants for degree admission as first-time freshmen must be admitted using the following criteria:

- a. High School Graduation. Applicants for degree admission as first-time freshmen must provide an official transcript showing graduation from high school unless otherwise exempted.
- b. High School Diploma, other State Recognized Equivalency
  - 1. Effective January 1, 2014, applicants for degree admission as first-time freshmen may present either the 2014 GED ® test or the HiSET® in lieu of a high school diploma provided that their GED ® test or the HiSET® score meets or exceeds the minimum score set by the institution.
- c. Standardized Examination Scores
  - 1. Community colleges will not use standardized scores for admission purposes, but may use them for advisement purposes as well as a component in the placement decision in accordance with TBR Learning Support Policy No. 2.03.00.02.
- d. High School Course Requirements
  - 1. Admission will be granted to freshmen applicants who hold a recognized high school diploma that includes a distribution of college preparatory courses, such as those required in the core elements of the Tennessee High School Diploma.
  - 2. Applicants who graduated prior to the adoption of the Tennessee Diploma Project curriculum by the TBR who hold a high school diploma are exempt from the diploma requirements with the exception of those in T.C.A. § 49-7-110.
  - 3. Admission will be granted for students who submit a high school diploma from a church-related school or home school as defined by T.C.A. § 49-50-801 and T.C.A. § 49-6-3050.
    - 1. Church-Related or Home School students who do not present valid ACT, SAT, or other approved assessment scores at time of

admissions may be subject to program assessments to determine program eligibility consistent with TBR Learning Support Policy No. 2.03.00.02.

e. Out-of-State Applicants

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

B. Admission of Transfer Students

1. Each community college shall establish policy and procedures for the admission of transfer students that are consistent with the TBR Policy 2.01.00.00 General Education & Degree Requirements, Sections II and III, TBR Learning Support Policy No. 2.03.00.02. and with the following criteria:
  - a. The applicant must provide official transcripts of credits attempted from all institutions of higher education previously attended.
  - b. If the student has earned an associate degree or higher from a postsecondary institution accredited by an agency recognized by the U.S. Department of Education, Community Colleges shall not require an applicant to provide the institution with a copy of the applicant's high school transcript, or HiSET/GED certificate showing proof of a passing score, as a part of the institution's admission process.
  - c. The applicant's grade point average on transferable courses must be at least equal to that which the institution requires for the readmission of its own students. Applicants who do not meet the institution's standards may be admitted on scholastic probation or other appropriate condition.
  - d. Institutions must develop policy and publish criteria regarding the awarding of transfer consistent with TBR Policy 2.01.00.04 Awarding of Credits Earned Through Extra-Institutional Learning to Community Colleges and Universities and TBR Policy 2.03.01.01 Undergraduate Academic Retention Standards.

1. Institutions may determine a subset if grade point average is used to determine admission to selective programs.
- C. Non-Degree Admission for Community College Applicants
  1. Each community college shall develop policy and procedures for admitting applicants who wish to take credit courses, but who either do not qualify for or do not wish to apply for degree admission.
  2. Policies shall include any conditions of enrollment and any term or overall credit-hour limitations.
- D. Audit and No-Credit Admission
  1. Each community college shall develop policy and procedures for the admission of persons wishing only to audit courses or to take credit courses on a no-credit basis. The following provisions shall apply:
    - a. Admission may be limited or denied based on the availability of space in the individual classroom.

# **Admission at the Community Colleges: 2.03.00.00**

## **Policy/Guideline Area**

---

Academic Policies

## **Applicable Divisions**

---

Community Colleges

## **Purpose**

---

This policy establishes admissions standards for community colleges governed by the Tennessee Board of Regents (TBR). This policy establishes admissions standards for community colleges governed by the Tennessee Board of Regents (TBR).

## **Definitions**

---

- Adequate coverage - adequate coverage shall mean that the student's coverage meets or exceeds the level of coverage provided to participants in the TBR's Student/Scholar Health & Accident Insurance Plan.
- Ability to Benefit (ATB)- The Department of Education established criteria, through a provision of the Higher Education Act, that must be met by a person who does not have either a regular high school diploma, General Education Diploma (GED), or High School Equivalency Test (HiSET) Exam to receive federal financial aid.

## **Policy/Guideline**

---

### **I. Provisions for Community Colleges**

#### **A. Policy Development**

1. The Tennessee Board of Regents requires that all community colleges shall develop an admission policy consistent with the provisions of this policy and Section 504 of the Rehabilitation Act of 1973 (Non-discrimination on the Basis of Handicap) and the Americans with Disabilities Act of 1990 and submit it to the Tennessee Board of Regents for approval.

2. Each institution shall include its approved admission policy in its catalog or other appropriate publications.
3. Dual Enrollment admissions policies shall be developed in compliance with TBR Policy Early Postsecondary Opportunities 2.01.00.05 and T.C.A. § 49-6-3111.

B. Policy Revision

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

C. Medical or Health Information

1. Each institution shall comply with Rules promulgated by the Board of Regents regarding requirements for immunization against certain diseases prior to attendance at a system institution.
2. A copy of Board of Regents promulgated rules is Exhibit 1 to this policy.

## Procedures

---

I. General Provisions

A. Admission of Non-Tennessee Residents

1. Each community college may establish minimum criteria for the admission of residents of states other than Tennessee, which exceed the minimum criteria established for residents of the State.

B. Residency Classification

1. Each community college shall, in the admission or readmission process, assign each student a residency classification using TBR Policy No. 3.05.01.00 Regulations for Classifying Students In-State and Out-of-State for the Purposes of Paying College.

C. Admission of International Non-Immigrant Applicants

1. Each community college must establish policies and procedures for the admission of international non-immigrant applicants in accordance with the following criteria:
  - a. Educational Level. The educational level attained must be comparable to that required of U.S. applicants.
  - b. Proof of English Language Proficiency for Non-Native English Language Speakers. In order to determine an applicant's level of proficiency in the English language, each community college shall require that applicants whose native language is not English submit scores earned on the Test of English Language Proficiency (TOEFL), the academic version of the International English Language Testing System (IELTS), or one of the other recognized comparable standardized examinations or through a standardized examination developed at the individual institution. Courses completed at another U.S. institution may be used in lieu of standardized examination scores.
  - c. Financial Statement. In order to determine the international student's ability to pay registration fees, non-resident fees, living and other expenses, each institution shall require international applicant to supply evidence of financial capability.
  - d. Immigration Service Regulations. Institutions must adhere to all U.S. Citizenship and Immigration Service regulations in the admission, enrollment, and readmission of international non-immigrant applicants.
  - e. Certification of Freedom from Tuberculosis. All international non-immigrant students applying for admission pursuant to a student visa shall submit within thirty (30) days from the first day of classes a certificate from a licensed physician or other qualified medical authority verifying freedom from tuberculosis. Failure to submit such certification shall result in denial of admission or continued enrollment. In the event

that a student has tuberculosis or has potential tuberculosis requiring medical treatment, continued enrollment will be conditioned upon the determination by a licensed physician that further enrollment is not a risk to others and upon the student's compliance with any prescribed medical treatment program.

- f. Medical and Hospitalization Insurance. Each institution must require that international non-immigrant applicants with J, F, or M visas have and maintain medical and hospitalization insurance as a condition of admission and continued enrollment at the institution. Applicants with J visas must also carry adequate medical and hospitalization insurance for spouses and dependents. Institutions may require similar insurance coverage of all other international non-immigrant applicants.
  2. Institutions shall establish this requirement in policy and shall establish a process for:
    - a. Informing applicants for admission of the coverage required and of its approximate cost of coverage and options for accessing insurance;
    - b. Informing applicants of the documents that will be acceptable as proof of medical and hospitalization coverage; and
    - c. Automatically enrolling in the TBR recommended insurance plan those international non-immigrant students who do not otherwise have adequate coverage. Enrollment shall take place not later than at the time of class registration, and the cost of the coverage shall be added to the student's registration fees.
- D. Admission to Specialized or Limited-Enrollment Programs
1. Each community college shall develop specific policy and procedures for admission of students to programs or courses with enrollment limitations and/or specialized curricula.

2. Such limitations should be based upon selective criteria appropriate to the program or course which apply equally to all prospective students, provided that preference for admission be given to residents of the State of Tennessee.  
(Incorporates former TBR Policy No. 2.03.00.05 - see TBR Meeting September 30, 1983)
  3. A number of factors such as accreditation and professional certification standards, limited clinical and classroom space, faculty availability, and a concern for appropriate student progress influence the selective admissions process to certain undergraduate programs.
    - a. Students must meet the application criteria, be reviewed and accepted for admission, and make satisfactory progress to be admitted and continue in these academic programs.
    - b. Institutions may vary in their admission requirements based on their analysis of student success characteristics.
    - c. Admission and progression policies related to selective programs should reflect the likelihood of being admitted to the academic program at the earliest possible point and contain information on grade point average, standardized test scores, and grade expectations in specified high school courses indicative of success in the field.
  4. Admission and progression policies should be clearly displayed in all materials to prospective applicants.
- E. Admission under Ability to Benefit (ATB)
1. For institutions wishing to participate in the ATB option under Title IV, students must meet the minimum criteria as outlined by the U.S. Department of Education.
  2. ATB allows students to apply for Federal Financial Aid by proving their "ability to benefit" from college, either by taking a test or completing six college credits before placement on ATB.

3. Institutions which have established ATB processes and procedures must maintain documentation that the programs in which students enroll are Title IV eligible and must offer students on ATB the opportunity to also earn a high school credential.

F. Admission to Medical, Nursing, and Allied Health Programs

1. Each community college that offers medical, nursing, or allied health programs shall require that all persons admitted to such programs:
  - a. Provide evidence through a health verification form, that at a minimum, establish the applicant's compliance with the Rules promulgated by the Tennessee Department of Health regarding requirements for immunization against certain diseases, including the Hepatitis B vaccine, and other communicable diseases.
  - b. Be, with reasonable accommodation, physically and mentally capable of performing the essential functions of the program as defined in writing by the institution.

G. Readmission

1. Each community college shall develop policies and procedures for the readmission of students.
2. Readmission policies and procedures for students not in good academic standing shall be consistent with TBR Policy No. 2.03.01.01 (Undergraduate Academic Retention Standards).

H. Application Fee

1. TBR institutions are prohibited from charging an application fee.

**II. Community College Degree Admission**

A. Admission of First-Time Freshmen

1. Applicants for degree admission as first-time freshmen must be admitted using the following criteria:

- a. High School Graduation. Applicants for degree admission as first-time freshmen must provide an official transcript showing graduation from high school unless otherwise exempted.
- b. High School Diploma, other State Recognized Equivalency
  - 1. Effective January 1, 2014, applicants for degree admission as first-time freshmen may present either the 2014 GED ® test or the HiSET® in lieu of a high school diploma provided that their GED ® test or the HiSET® score meets or exceeds the minimum score set by the institution.
- c. Standardized Examination Scores
  - 1. Community colleges will not use standardized scores for admission purposes, but may use them for advisement purposes as well as a component in the placement decision in accordance with TBR Learning Support Policy No. 2.03.00.02.
- d. High School Course Requirements
  - 1. Admission will be granted to freshmen applicants who hold a recognized high school diploma that includes a distribution of college preparatory courses, such as those required in the core elements of the Tennessee High School Diploma.
  - 2. Applicants who graduated prior to the adoption of the Tennessee Diploma Project curriculum by the TBR who hold a high school diploma are exempt from the diploma requirements with the exception of those in T.C.A. § 49-7-110.
  - 3. Admission will be granted for students who submit a high school diploma from a church-related school or home school as defined by T.C.A. § 49-50-801 and T.C.A. § 49-6-3050.
    - 1. Church-Related or Home School students who do not present valid ACT, SAT, or other approved assessment scores at time of

**Deleted:** Except for those that are exempt per  
T.C.A. § 49-7-110 (2) a

admissions may be subject to program assessments to determine program eligibility consistent with TBR Learning Support Policy No. 2.03.00.02.

e. Out-of-State Applicants

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

B. Admission of Transfer Students

1. Each community college shall establish policy and procedures for the admission of transfer students that are consistent with the TBR Policy 2.01.00.00 General Education & Degree Requirements, Sections II and III, TBR Learning Support Policy No. 2.03.00.02. and with the following criteria:
  - a. The applicant must provide official transcripts of credits attempted from all institutions of higher education previously attended.
  - b. **If the student has earned an associate degree or higher from a postsecondary institution accredited by an agency recognized by the U.S. Department of Education, Community Colleges shall not require an applicant to provide the institution with a copy of the applicant's high school transcript, or HiSET/GED certificate showing proof of a passing score, as a part of the institution's admission process.**
  - c. The applicant's grade point average on transferable courses must be at least equal to that which the institution requires for the readmission of its own students. Applicants who do not meet the institution's standards may be admitted on scholastic probation or other appropriate condition.
  - d. Institutions must develop policy and publish criteria regarding the awarding of transfer consistent with TBR Policy 2.01.00.04 Awarding of Credits Earned Through Extra-Institutional Learning to Community

Colleges and Universities and TBR Policy 2.03.01.01 Undergraduate Academic Retention Standards.

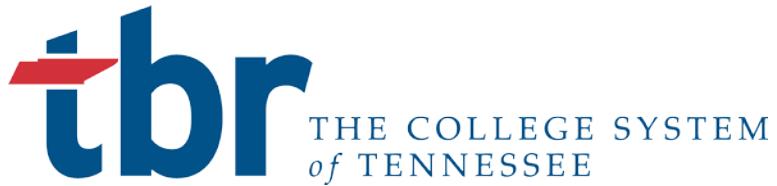
1. Institutions may determine a subset if grade point average is used to determine admission to selective programs.

C. Non-Degree Admission for Community College Applicants

1. Each community college shall develop policy and procedures for admitting applicants who wish to take credit courses, but who either do not qualify for or do not wish to apply for degree admission.
2. Policies shall include any conditions of enrollment and any term or overall credit-hour limitations.

D. Audit and No-Credit Admission

1. Each community college shall develop policy and procedures for the admission of persons wishing only to audit courses or to take credit courses on a no-credit basis. The following provisions shall apply:
  - a. Admission may be limited or denied based on the availability of space in the individual classroom.



---

## BOARD TRANSMITTAL

---

MEETING: March 2020 Quarterly Board Meeting

SUBJECT: Review and Approve 2020 – 21 Faculty Emeritus Recommendations for Community College Faculty

DATE: March 25, 2021

PRESENTER: Dr. Russ Deaton, Executive Vice Chancellor

PRESENTATION REQUIREMENT: 15 minutes with discussion

ACTION REQUIRED: Roll Call Vote

STAFF'S  
RECOMMENDATION: Approve

---

The Board requested a review and update to Policy on Faculty Emeritus: 5.02.01.10. This update was completed and approved by the Board March 19<sup>th</sup>, 2019.

The policy now requires a central office staff review of recommendations from Community College Presidents to the Chancellor and Vice Chancellor of Academic Affairs prior to Board approval granting faculty emeritus status.

Faculty having served an institution governed by the Tennessee Board of Regents for a sufficient length of time to be eligible for state retirement benefits are eligible for emeritus faculty status upon retirement from the institution.

Emeritus faculty shall be entitled to such privileges and benefits, other than monetary compensation, as their institution designates insofar as such privileges and benefits are within the limits of the institution's discretionary authority.

The Board will be asked to approve recommendations for faculty emeritus of nominated faculty having served at Motlow and Nashville State Community Colleges.

The following materials presents the five recommendations by institution for this quarter. The nominations have been reviewed by TBR Staff and approval is recommended for all five nominees.

## **Motlow State Community College**

### **Patricia Hendrix, MS, BSN, RN:** Service Date 1996-2021

Professor and Nurse Hendrix served twenty-five plus years in Allied Health most recently holding the leadership position of Dean of Allied Health at Motlow State as well as cochair of the Motlow Pandemic Emergency Management Team. Utilizing her medical background, she has been a key in keeping the campuses of Motlow State the safest place on the planet during the current world pandemic. Further her dedication to teaching and students has provided middle Tennessee with qualified medical professionals fighting the battle against COVID 19.

Professor Hendrix dedicated her career to the difficult beginning years of educating health professionals maintaining lecture responsibilities in core first year courses. She also served in clinical teaching with first-year students in health care facilities.

She developed an international module on "Family" content which is part of the internationalization of curriculum required by the college's accreditation requirements. As part of this effort she brought her classes to Belize to begin development of an international learning opportunity through TnCIS.

Pat has furthered the impact of medical education by designing, implementing and teaching online nursing curriculum including an LPN-RN program, a Maternal-Infant course and a LPN Transition program.

### **Fred Rascoe, MS, BS Engineering, TN & NC Registered Professional Engineer:**

Motlow Service Date 2009-2021

Tennessee and Southeast US Professional Service 1979-2021

*The Faculty and administration of Motlow Community College are requesting consideration for Mr. Rascoe honored as Faculty Emeritus Posthumously. Dean Rascoe was discussing retirement with the Chief Academic Officer beginning at the conclusion of the academic year before his untimely passing in January 2021. Motlow's President Torrence has nominated professor Rascoe for this high honor. Both the President and the Chief Academic Officer have received correspondence from Motlow and other TBR & University faculty suggesting the nomination be completed. The original nomination follows.*

Professor Rascoe has served the State of Tennessee in furthering the field of advanced manufacturing and specifically mechatronics. He led in implementation of the practice at Tennessee firms Calsonic, Nissan, Bridgestone and several more original automotive equipment manufacturers located in Tennessee and the Southeast United States since 1979.

In addition to establishing the mechatronics curriculum at Motlow State Community College he served as principal consultant for mechatronics curriculum and program development at four other TBR community colleges, several Tennessee Colleges of Applied Technology, Middle Tennessee State University, Tennessee Technological University (Tennessee Tech) and two middle Tennessee high schools.

Fred was always willing to participate in on-going development of this program at these institutions and served on THEC/TBR academic audits of similar programs in far West and East Tennessee institutions of higher learning.

### **Nashville State Community College**

#### **Tammy Ruff** : Service Date 1988-2020

Professor Ruff is a champion for academic excellence, focusing on student engagement and success. She was an advisor and staunch mentor for our students, including following up on their academic and career progress, post-graduation.

Tammy was hired as the first full-time instructor of Psychology. Student evaluations are consistently high. There have been a variety of instruments utilized through the years and she has maintained strong scores throughout.

Professor Ruff has regularly strived to exceed the minimum and reach for excellence. Her classes required critical thinking {before it was trendy}, making a commitment to writing across the curriculum, and assigning exercises that have practical application to her students' lives. In addition, for the last 20 years, she required students to complete a Service-Learning Project. Each semester students choose a local organization and they design a volunteer project. There are academic components, but the emphasis is to understand the self in relation to the community. This one assignment has impacted hundreds of lives throughout her 30 years of service.

Tammy, as the Coordinator of Social Sciences established benchmarks for consistency across the curricula as well as recruited a strong pool of adjunct faculty. She was the lead for General Psychology and Psychology of Adjustment. She was been instrumental in meeting Quality Matters standards, creating Master Shells in D2L, and maintaining web course sections. She spent the last several years involved in the implementation of My Psych Lab that included hours of training and support for faculty.

Her dedication to the future of Tennessee Students includes serving as a mentor for new faculty members within and outside of her discipline. She has twice received the Outstanding Faculty Award from her peers.

#### **Annette McCreedy, Ed.D.** : Service Date 1992-2019

Dr. McCreedy served a 27½-year career in multiple divisions teaching all manners of remedial/developmental/Learning Support English from DSPW 700, DSPW 800, standalone ENGL 0810, to co-requisite ENGL 0815; both levels of English composition; most of the English literature classes we offer; SPAN 1010 and SPAN 1020; and DSPS 700 and DSPS 800, study skills courses for developmental students.

Working with her colleagues, Dr. McCreedy spearheaded the increase of higher-level English course offerings, helping to grow enrollment. She was the point person on learning support and coordinated the beginning of the semester testing for all sections. The Southeast Campus has a very robust English as a Second language program (ESOL), and Dr. McCreedy collaborated with her colleagues to develop ESL sections of learning support and college level classes.

Dr. McCreedy's influence continued throughout the TBR community. She worked with Volunteer State Community College and Columbia State Community College to create their own student success classes. She collaborated with Volunteer State Community College to create a video for Spanish courses that highlighted students' cultures.

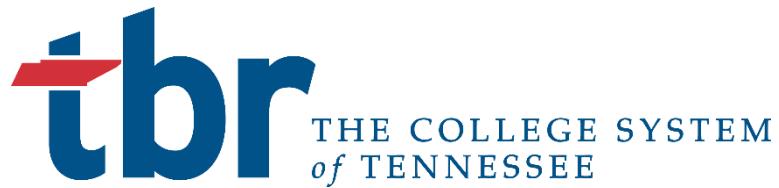
Her success in working with learning support students and her deep understanding of what is necessary for students to succeed in college led her to be tapped to create NSCC 1000, a college success course open to all students.

**Lynn Lozier:** Service Date 2000-2020

Professor Lozier's career at NSCC was spent focusing on helping students who were underprepared for college to have the tools, skills, and knowledge to be successful.

Lynn served as an advisor at NSCC and built relationships with high school counselors to help students successfully transition between area high schools and NSCC. Beyond advising and serving as a teacher, Lynn's involvement included serving on promotion and tenure committees, curriculum committees, hiring committees, numerous redesign committees, and more. Lynn's commitment to advising led to being involved in advising and retention committees throughout her tenure.

Lynn Lozier is recognized as a leader in her division as her influence impacted how her colleagues engaged with each other and in the classroom. Lynn Lozier inspired them to be better teachers by focusing on ensuring that the foundation is built for students to be able to learn and succeed.



---

## BOARD TRANSMITTAL

---

MEETING: Quarterly Board Meeting

SUBJECT: External Affairs Update

DATE: March 25, 2021

PRESENTER: Vice Chancellor Kim McCormick

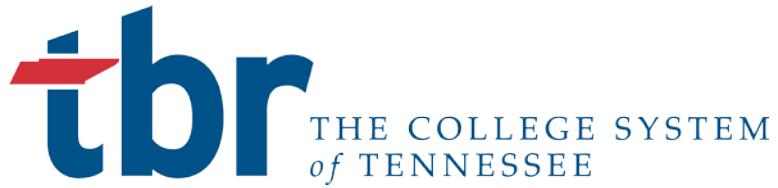
PRESENTATION REQUIREMENTS: 15 minutes with discussion

ACTION REQUIRED: Informational Purposes

STAFF RECOMMENDATION: Not Applicable

---

Vice Chancellor McCormick will provide an External Affairs update that will include a summary of the legislation being tracked by TBR Government Relations with an overview of possible legislation that could impact TBR and higher education. The 112<sup>th</sup> Tennessee General Assembly Legislative session reconvened on January 12, 2021.



---

**BOARD TRANSMITTAL**

---

MEETING: March 2021 Quarterly Board Meeting

SUBJECT: State Budget Update

DATE: March 25, 2021

PRESENTER: Danny Gibbs, Vice Chancellor

PRESENTATION REQUIREMENT: 15 minutes with discussion

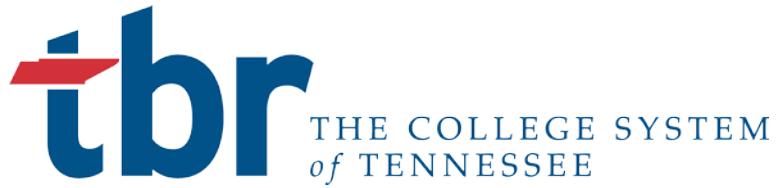
ACTION REQUIRED: ROLL CALL VOTE

STAFF'S

RECOMMENDATION: Approve

---

The Board will hear a report from Vice Chancellor Gibbs regarding the governor's budget recommendations.



---

## BOARD TRANSMITTAL

---

MEETING: March 2021 Quarterly Board Meeting

SUBJECT: Center for Workforce Development

DATE: Update March 25, 2021

PRESENTER: President Carol G. Puryear

PRESENTATION REQUIREMENTS: 10 minutes

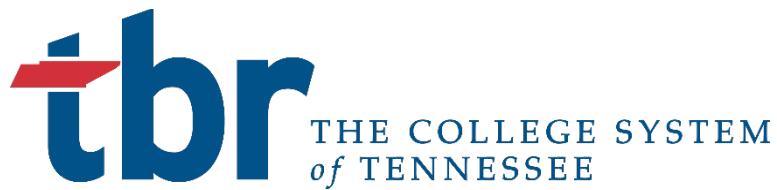
ACTION REQUIRED: None; Information Only

STAFF'S RECOMMENDATION: N/A

---

TCAT Murfreesboro President Carol Puryear will review current workforce development projects and activities, including:

- Update on State ECD projects including apprenticeships, correctional workforce, the Electric Vehicle Task Force, and campus success stories.
- Update on the April TNTrained “New Energy, New Year, New Workforce” Virtual Conference.



---

## BOARD TRANSMITTAL

---

MEETING: March 2021 Quarterly Board Meeting

SUBJECT: Tennessee Board of Regents Strategic Plan

DATE: March 25, 2021

PRESENTER: Executive Vice Chancellor Russ Deaton

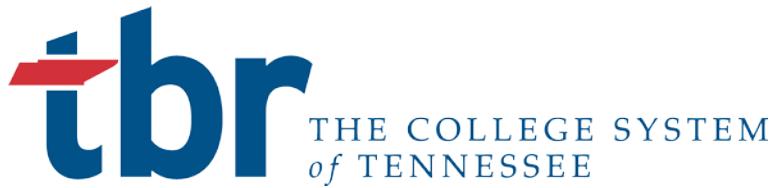
PRESENTATION REQUIREMENTS: 10 minutes with discussion

ACTION REQUIRED: None

STAFF'S RECOMMENDATION:

---

The Tennessee Board of Regents (TBR) began initial work on potential revisions to the 2015-2025 Strategic Plan in December 2019, though work was paused at the outbreak of the COVID19 pandemic. In October 2020, TBR restarted its work with Steering Committee meetings and subsequent conversations with key partners and constituencies around the state. As part of an effort to keep the Board updated at each TBR meeting, as well as to gather feedback, staff will present a Strategic Plan update. This will include a review of recent Steering Committee meetings, Board member workshops and other conversations, as well as the potential themes for the Strategic Plan review. Staff will also present a draft version of an interactive infographic that can serve as the vehicle for presenting the Strategic Plan.



---

## BOARD TRANSMITTAL

---

MEETING: March 2021 Quarterly Board Meeting

SUBJECT: Student Access, Retention, and Success

DATE: March 25, 2021

PRESENTER: Executive Vice Chancellor Russ Deaton

PRESENTATION REQUIREMENT: 10 minutes with discussion

ACTION REQUIRED: None. Information Only.

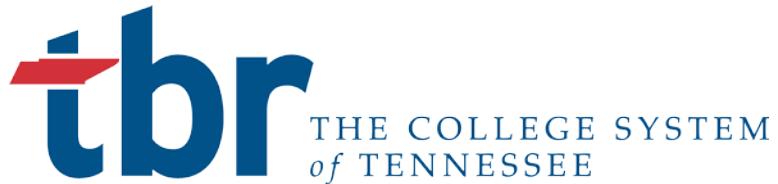
STAFF'S  
RECOMMENDATION: N/A

---

The effects of COVID19 on TBR student access, retention, and success have been profound. At fall 2020 census enrollment, community colleges experienced a 12 percent enrollment decline, while TCATs had more modest decreases at approximately two percent. The conclusion of the fall semester provides the opportunity to see the full effects of enrollment via an end of semester analysis, that includes shorter term courses throughout the fall semester that were not part of the initial census analysis, as well as course grade distributions. Both will provide a more complete picture of enrollment in the fall 2020 semester.

Final fall 2020 enrollment data indicates that institutions were able to enroll roughly 1,400 additional students beyond the 14<sup>th</sup> day census date. While this has helped to close the enrollment deficit, fall 2020 headcount was still 10 percent lower than fall 2019 headcount.

Preliminary spring 2021 enrollment data provides another opportunity to examine census enrollment, which indicates that headcount and full-time equivalent enrollment continue to be lower than in prior years. In addition, the analysis will include preliminary fall-to-spring retention rates for the 2020 first time freshman class, as well as updated graduation rates through fall 2020. Finally, staff will present preliminary enrollment demographic patterns for spring 2021, including trends in dual enrollment, adult learners, and the enrollment of recent high school graduates.



---

## BOARD TRANSMITTAL

---

MEETING: Board of Regents Meeting

SUBJECT: Draft Rules Under Consideration

DATE: March 25, 2021

PRESENTER: Brian Lapps, General Counsel

PRESENTATION REQUIREMENT: 10 minutes with discussion

ACTION REQUIRED: None at this time

STAFF'S

RECOMMENDATION: Not Applicable

---

At the Committee Chairs Meeting on March 9, 2021, the Board Members received information relating to Rulemaking and an explanation of the rules under consideration. The following information was provided prior to the Committee Chairs meeting and is reproduced for the Board's convenience. This matter is being presented for further discussion with no action requested at this time. We anticipate requesting approval of the draft rules discussed below at the June, 2021 Board meeting.

### Background for Rulemaking

The Uniform Administrative Procedures Act contemplates that state agencies, including the Board of Regents, issue rules when implementing standards of "general applicability." TBR most commonly makes rules for matters related to students and the general public. The General Assembly has made statutory changes that require increased rulemaking for TBR.

The rulemaking process includes the following steps.

- (1) The Subcouncils and the Presidents Council review and comment.
- (2) The Board is asked for review and input (Committee Chairs Meeting on March 3, 2021 and Board of Regents Meeting on March 25, 2021).
- (3) The Attorney General's Office is asked to review the draft rules for legality.
- (4) Drafts are sent to the Joint Government Operations Committee Chairs and select members for review and comment so that they have a chance to comment prior to Step 11.

- (5) A Notice of Rulemaking Hearing (including a solicitation of written comments) must be posted with Secretary of State at least 52 days prior to the Rulemaking Hearing.
- (6) A Rulemaking Hearing is held (either by Board or designee) to receive comments.
- (7) TBR administration provides a written response to the comments.
- (8) The Board considers any comments and votes on whether to adopt the rules. This must be done in a meeting separate from the Rulemaking Hearing.
- (9) The rules are filed with the Secretary of State and become effective 90 days after filing.
- (10) After filing, but prior to becoming effective, the Attorney General must approve rules for legality.
- (11) After filing (usually 45-60 days), the Joint Government Operations Committee holds a hearing.
- (12) The rules go into effect.

### Draft Rules

TBR is in the process of drafting four rules. These new and revised rules are driven, in large part, by statutory changes that require TBR to adapt the manner in which the TBR System has historically balanced rules and policies. Whereas TBR's rules, especially with respect to student conduct issues, provide that campuses shall issue policies that may be different from the rules, the statutory structure no longer permits campus policies to take precedence over rules. Campuses will still have policies, but they will track the rules.

#### *1. Procedures for Conducting Hearings in Accordance with the Contested Case Provisions of the Uniform Administrative Procedures Act, Chapter 0240-01-05.*

“Contested case” hearings under the Uniform Administrative Procedures Act (“UAPA”) are offered when the government seeks to take away a “property interest” and in certain other circumstances. Students who are being suspended or dismissed for disciplinary reasons typically have an option of a contested case hearing. Contested case hearings are more limited for employees. Contested case hearings are not as formal as court proceedings, but there are similarities, which include prehearing discovery, a hearing with a judge, live testimony under oath, direct and cross examination, and a written decision. These are rare at TBR. Nevertheless, OGC believes that TBR needs to have a rule to replace existing TBR Policy 1.06.00.05.

Although TBR may create its own processes for contested case hearings, as at least two universities have done or are doing, TBR is proposing to use the formal processes and procedures of the Administrative Procedures Division (“APD”) in the Secretary of State’s Office. TBR will typically use administrative judges from APD to preside over contested cases, but because APD is not legally required to accept TBR cases, the draft rule provides other options as permitted by statute.

#### *2. Parking and Traffic, Chapter 0240-01-06.*

This is a new chapter. The current parking and traffic rules are contained in Chapter 0240-02-03, Student Conduct and Disciplinary Procedures. Because the proposed rules apply to the general public, and not just students, TBR seeks to

create a new chapter of general applicability. These proposed rules provide more detail and specificity than the current rules, but similar to what the University of Memphis has enacted, they do not provide as much procedural detail as the student conduct and disciplinary procedures rules. They contemplate each campus, after getting approval from the Chancellor, to set its own level of fines. Each campus would have its own appeal procedures, too.

3. *Student Conduct and Disciplinary Procedures, Chapter 0240-02-03.*

These rules explain who meets the definition of a student, in what circumstances the rules apply, conduct for which disciplinary action may be imposed, the potential sanctions, the procedures for implementing disciplinary action, and the means of appealing decisions.

The attached chapter contains both a “clean” version and also a “tracked changes” version at the end of the document. The proposed revisions introduce more detail and specificity, both substantively and procedurally, into the current rules. The proposed rules also remove the ability for institutions to make substantive alterations or additions to the rules.

4. *Title IX Compliance, Chapter 0240-02-1.*

This is a new chapter. The rule is based on the TBR Sexual Misconduct policy and is designed to require as few changes as possible to that policy. Although the rule looks very different than the policy, that is largely due to formatting requirements. Minimal changes to the Sexual Misconduct Policy will be needed, as demonstrated by the tracked changes version of the policy, which is included in these materials. (The Board will not be asked to vote on changes to the Sexual Misconduct Policy until it votes on the rule.)

The rule, like the Sexual Misconduct policy, is based on federal Title IX regulations and implements the requirements of those regulations.

attachments

**Department of State**  
**Division of Publications**  
312 Rosa L. Parks Ave., 8th Floor, Snodgrass/TN Tower  
Nashville, TN 37243  
Phone: 615-741-2650  
Email: [publications.information@tn.gov](mailto:publications.information@tn.gov)

**For Department of State Use Only**  
Sequence Number: \_\_\_\_\_  
Notice ID(s): \_\_\_\_\_  
File Date: \_\_\_\_\_

# Notice of Rulemaking Hearing

*Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.*

<b>Agency/Board/Commission:</b>	Tennessee Board of Regents
<b>Division:</b>	
<b>Contact Person:</b>	Brian A. Lapps, Jr. General Counsel
<b>Address:</b>	1 Bridgestone Park, 3 <sup>rd</sup> Floor Nashville, TN 37214
<b>Phone:</b>	615-366-4438
<b>Email:</b>	<a href="mailto:Brian.lapps@tbr.edu">Brian.lapps@tbr.edu</a>

*Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:*

<b>ADA Contact:</b>	
<b>Address:</b>	
<b>Phone:</b>	
<b>Email:</b>	

**Hearing Location(s)** (for additional locations, copy and paste table)

Address 1:	
Address 2:	
City:	
Zip:	
Hearing Date:	mm/dd/yyyy
Hearing Time:	<input type="checkbox"/> CST/CDT <input type="checkbox"/> EST/EDT

#### Additional Hearing Information:

Oral and written comments on the proposed rulemaking will be received at the public hearing on \_\_\_\_\_ at \_\_\_\_\_ CST. In addition, interested parties may submit written comments on or before \_\_\_\_\_ by mail or email to:

Brian A. Lapps, Jr., General Counsel  
Tennessee Board of Regents  
1 Bridgestone Park, 3<sup>rd</sup> Floor  
Nashville, TN 37214

615-366-4438

#### Revision Type (check all that apply):

- Amendment  
 New  
 Repeal

**Rule(s) (ALL** chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0240-02-05	Statement of Nondiscrimination on the Basis of Sex
Rule Number	Rule Title
0240-02-05-01	Contested Case Procedures

Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to  
<https://sos.tn.gov/products/division-publications/rulemaking-guidelines>.

### New Chapter

Table of Contents is added to Chapter 0240-01-05 and shall read as follows:

0240-01-05-01 Contested Case Procedures

0240-01-05-01 is added to Chapter 0240-01-05 and shall read as follows:

0240-01-05-01 Contested Case Procedures

- (1) This Chapter outlines the procedures that the Tennessee Board of Regents (the TBR) and institutions under the authority of the TBR shall use to conduct hearings in contested cases under the Uniform Administrative Procedures Act, Tennessee Code Annotated §§ 4-5-101 et seq (the UAPA). Contested cases are proceedings in which the legal rights, duties, or privileges of a student, employee, or other individual are required by any statute or constitutional provision to be determined only after that individual or entity has been provided an opportunity for a hearing.
- (2) Applicability – TBR will apply the contested case provisions of the UAPA to:
  - (a) The suspension or expulsion of students who elect and properly request to pursue a UAPA hearing instead of another hearing option provided by TBR rules; and
  - (b) Any case where a contested case hearing is properly requested and required by law.
- (3) Administrative Judges and Hearing Officers
  - (a) In any case where a UAPA contested case hearing is elected and properly requested, the president (or chancellor for cases arising out of the TBR System Office) or designee may make a request to the office of the secretary of state to have the contested case heard by an administrative judge or hearing officer employed in the office of the secretary of state.
  - (b) In lieu of asking the secretary of state to have the contested case heard by an administrative judge or hearing officer employed in the office of the secretary of state, the president (or chancellor for cases arising out of the TBR System Office) or designee may determine, in his or her sole discretion, whether the hearing shall be held before:
    - 1. A person who is licensed to practice law and who is not employed as an attorney for a TBR institution;
    - 2. A former state, county, or municipal judge or a former federal judge or magistrate;
    - 3. An employee of the institution who has been trained to conduct contested cases, but who

**DRAFT DATED 2-19-21**

does not provide legal representation to the institution; or

4. An employee of another public institution who has been trained to conduct contested cases.
  - (c) Any administrative judge or hearing officer who hears a case involving sexual harassment, sexual assault, domestic violence, dating violence, or stalking shall receive training as required by federal and/or state law.
- (4) Procedures - The Tennessee Department of State's Uniform Rules of Procedures for Hearing Contested Cases before State Administrative Agencies, Tennessee Department of State Rule Chapter 1360-04-01, shall be used for contested case hearings under this rule.

Authority: T.C.A §§ 49-8-203 and 49-7-167.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name of Officer: Brian A. Lapps, Jr. \_\_\_\_\_

Title of Officer: General Counsel \_\_\_\_\_

**Department of State Use Only**

Filed with the Department of State on: \_\_\_\_\_

\_\_\_\_\_  
Tre Hargett  
Secretary of State

**Department of State**  
**Division of Publications**  
312 Rosa L. Parks Ave., 8th Floor, Snodgrass/TN Tower  
Nashville, TN 37243  
Phone: 615-741-2650  
Email: [publications.information@tn.gov](mailto:publications.information@tn.gov)

**For Department of State Use Only**

Sequence Number: \_\_\_\_\_  
Notice ID(s): \_\_\_\_\_  
File Date: \_\_\_\_\_

# Notice of Rulemaking Hearing

*Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.*

<b>Agency/Board/Commission:</b>	Tennessee Board of Regents
<b>Division:</b>	
<b>Contact Person:</b>	Brian A. Lapps, Jr. General Counsel
<b>Address:</b>	1 Bridgestone Park, 3 <sup>rd</sup> Floor Nashville, TN 37214
<b>Phone:</b>	615-366-4438
<b>Email:</b>	<a href="mailto:Brian.lapps@tbr.edu">Brian.lapps@tbr.edu</a>

*Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:*

<b>ADA Contact:</b>	
<b>Address:</b>	
<b>Phone:</b>	
<b>Email:</b>	

## Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	
Address 2:	
City:	
Zip:	
Hearing Date:	mm/dd/yyyy
Hearing Time:	<input type="checkbox"/> CST/CDT <input type="checkbox"/> EST/EDT

## Additional Hearing Information:

Oral and written comments on the proposed rulemaking will be received at the public hearing on \_\_\_\_\_ at \_\_\_\_\_ CST. In addition, interested parties may submit written comments on or before \_\_\_\_\_ by mail or email to:

Brian A. Lapps, Jr., General Counsel  
Tennessee Board of Regents  
1 Bridgestone Park, 3<sup>rd</sup> Floor  
Nashville, TN 37214  
615-366-4438  
[Brian.lapps@tbr.edu](mailto:Brian.lapps@tbr.edu)

## Revision Type (check all that apply):

Amendment

New

---

---

Repeal

**Rule(s) (ALL** chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0240-02-06	Parking and Traffic Rules
Rule Number	Rule Title
0240-02-06-01	Definitions
0240-02-06-02	General Provisions
0240-02-06-03	Registration
0240-02-06-04	Parking Zones
0240-02-06-05	Motor Vehicle Operation
0240-02-06-06	Violations
0240-02-06-07	Fines
0240-02-06-08	Enforcement
0240-02-06-09	Appeals

Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <https://sos.tn.gov/products/division-publications/rulemaking-guidelines>.

#### New Chapter

Table of Contents is added to Chapter 0240-01-06 and shall read as follows:

0240-01-06-01 Definitions  
 0240-01-06-02 General Provisions  
 0240-01-06-03 Registration  
 0240-01-06-04 Parking Zones  
 0240-01-06-05 Motor Vehicle Operation  
 0240-01-06-06 Violations  
 0240-01-06-07 Fines  
 0240-01-06-08 Enforcement  
 0240-01-06-09 Appeals

0240-01-06-01 Definitions is added to Chapter 0240-01-06 and shall read as follows:

0240-01-06-01 Definitions

- (1) The term "motor vehicle" means any self-propelled vehicle that is capable of exceeding twenty-five (25) miles per hour.

Authority: T.C.A. § 49-8-203(a)(1)(D).

0240-01-06-02 General Provisions is added to Chapter 0240-01-06 and shall read as follows:

0240-01-06-02 General Provisions

- (1) The purpose of these rules is to facilitate and regulate the safety and orderly operation of institutions under the control of the Tennessee Board of Regents (the TBR) and to provide parking facilities for their operation within the limits of available space.
- (2) Institutions shall identify an administrative unit or administrator responsible for implementation and enforcement of these rules.
- (3) Any person operating a motor vehicle on the property of a TBR institution is required to obey these rules as a condition of parking or operating a motor vehicle on campus.

- (4) The issuance of a parking permit does not guarantee a parking space. The inability to locate a marked parking space does not diminish the responsibility to park in accordance with these rules.
- (5) The absence of "no parking" signs or painted curbs/lines does not imply that parking is allowed. Parking in designated lots is restricted to marked spaces only. Motor vehicles parked outside of marked spaces are subject to citation and towing, and the owner/operator may be subject to disciplinary or administrative action.
- (6) The institution shall have no responsibility for theft or damage to any motor vehicle or its contents operated or parked on institutional property.
- (7) These rules are enforceable seven (7) days a week, twenty-four (24) hours a day, including holidays and breaks.

Authority: T.C.A. § 49-8-203(a)(1)(D).

0240-01-06-.03 Registration is added to Chapter 0240-01-06 and shall read as follows:

0240-01-06-.03 Registration

- (1) Institutions may require students, employees, and visitors to register motor vehicles and/or obtain parking permits in order to park on campus. Reasonable costs/fees may be assessed in association with the motor vehicle registration or permit process. Any fees or costs associated with registration of motor vehicles, together with appropriate information sufficient to justify the fee/cost amount, shall be submitted for review and approval by the RTBR prior to implementation at any institution.
- (2) Institutions choosing to utilize parking permits shall identify locations where parking permits are available for pickup and purchase by students, visitors, and employees. Lost or stolen parking permits must be reported to the institution.
- (3) If the institution utilizes parking permits, only motor vehicles properly displaying a parking permit, visitor pass, or those motor vehicles legally parked where no permit is required may be parked on institutional property.
- (4) Parking permit holders are only eligible for one (1) parking permit at a time. Permits may be moved from one motor vehicle to another. Parking permits may not be transferred.

Authority: T.C.A. § 49-8-203(a)(1)(D).

0240-01-06-.04 Parking Zones is added to Chapter 0240-01-06 and shall read as follows:

0240-01-06-.04 Parking Zones

- (1) Institutions shall clearly designate lots for which parking permits are required and the types of permits required for such lots.
- (2) Persons utilizing disabled parking spaces must have a state-issued disability license plate or disability placard. All students, faculty, and staff who have a state-issued placard or license plate should be registered with the institution to ensure access to the appropriate disabled parking spaces on campus.
- (3) Motorcycles, motor bikes, and motor scooters must display a motorcycle permit (if issued by the institution) and are only permitted to park in spaces designated as "motorcycle parking" or in other regularly marked parking spaces. Operating these motor vehicles on any surface other than designated streets or parking areas is prohibited.

Authority: T.C.A. § 49-8-203(a)(1)(D).

0240-01-06-.05 Motor Vehicle Operation is added to Chapter 0240-01-06 and shall read as follows:

## 0240-01-06-05 Motor Vehicle Operation

- (1) Operators of motor vehicles on campus property or in the campus area, which includes city streets running through campus, must obey all traffic rules, regulations, postings, and directions of law enforcement, regardless of whether the rule, regulation, posting, or direction is included in these rules, and all applicable traffic rules, regulations, postings, or directions.
- (2) Violations of posted speed limits, the reckless operation of a motor vehicle on campus, including but not limited to, squealing tires or sliding the motor vehicle.
- (3) All persons operating motor vehicles are responsible for maintaining proper control of the motor vehicle, safe operation, and observance of traffic control signs, barriers and devices.
- (4) Operating a motor vehicle in any area other than a street or a roadway intended for motor vehicles is prohibited.
- (5) Pedestrians have the right of way at established pedestrian crossings, except where regulated by traffic control lights or police officers.
- (6) Individuals riding bicycles must comply with all applicable traffic rules, regulations, postings, or directions.

Authority: T.C.A. § 49-8-203(a)(1)(D).

0240-01-06-06 Violations is added to Chapter 0240-01-06 and shall read as follows:

0240-01-06-06 Violations. The following are non-exclusive examples of violations of these rules.

- (1) Registration
  - (a) Unauthorized possession of a parking permit;
  - (b) Falsification of registration information; and
  - (c) Illegal use, unauthorized use, reproduction or alteration of a parking permit or temporary parking permit.
- (2) Parking
  - (a) In a no parking zone;
  - (b) No permit or visitor pass;
  - (c) Improper display of permit or visitor pass;
  - (d) Parked outside of lines or appropriately marked space;
  - (e) In such a manner as to block or obstruct traffic, street, sidewalk, driveway, fire hydrant, building entrance or exit, or another motor vehicle;
  - (f) In a fire lane;
  - (g) Parked overtime in a metered space;
  - (h) Illegal entry/exit in an access-controlled or gated parking facility, which includes, but is not limited to, tailgating another motor vehicle;
  - (i) Non-operative vehicle parked on campus for longer than seven (7) days without permission from the institution;
  - (j) Breaking the gate in an access-controlled gated parking facility; and

- (k) Disability parking violation, as defined by State law (including, but not limited to, unauthorized use of a disabled parking space, ramp, plate, or placard; parking a motor vehicle so that a portion of the motor vehicle encroaches into a disabled space in a manner that restricts, or reasonably could restrict, a person confined to a wheelchair from exiting or entering a motor vehicle properly parked within a disabled parking space). Fines for violating the disabled parking laws cannot be suspended or waived where prohibited by T.C.A. § 55-21-108.
- (3) Campus police officers may issue citations for violations of these rules, city county ordinances, and/or state laws. Individuals who receive a citation for violations of city or county ordinances and/or state laws must appear in court on the court date listed on the citation or pay the citation fine if appearance in court is not required.

Authority: T.C.A. § 49-8-203(a)(1)(D).

0240-01-06-.07 Fines is added to Chapter 0240-01-06 and shall read as follows:

#### 0240-01-06-.07 Fines

- (1) Fines may be set as determined by each institution but shall not exceed the amounts set by any state law, or any county or municipal ordinance in the institution's jurisdiction for the same offense. Such fines must receive prior review and approval by the Chancellor. Proposed fines shall be submitted to the Chancellor together with information sufficient to justify the fine. Such information shall include consideration of state/county/municipal fines for the same offense, fines for the same offense at similarly situated institutions, association to enforcement costs at the institution, and/or the unique parking and traffic considerations at each institution. Once adopted or amended, all fines shall be affirmatively communicated to the faculty, staff, and students of the institution through its website.

Authority: T.C.A. § 49-8-203(a)(1)(D).

0240-01-06-.08 Enforcement is added to Chapter 0240-01-06 and shall read as follows:

#### 0240-01-06-.08 Enforcement

- (1) Any student, employee, or visitor who has received a campus-issued citation may appeal the citation within fifteen (15) business days of the date of issuance. Citations issued by the institution and not appealed must be paid within fifteen (15) business days of the issuance date of the citation.
- (2) An institution, without advance notice, may tow, boot, or remove to a place of storage at the owner's expense any motor vehicle that is parked in a fire lane, designated disabled parking space, spaces reserved for designated motor vehicles, or motor vehicles parked in such a manner as to impede the flow of traffic or disrupt the orderly affairs of the institution.
- (3) An institution may tow, boot, or remove to a place of storage at the owner's expense any motor vehicle that has unpaid parking citations as long as advance notice and an opportunity to contest has been given. Windshield notices and/or other methods of notification will be used to provide the operator of the motor vehicle with advance notice of the intent to tow and the operator's right to a contest.
- (4) An institution may revoke parking privileges for repeated and/or deliberate parking or moving violations.
- (5) Students with outstanding citations may not be permitted to receive grades, transcripts, or diplomas.
- (6) Any student who receives \$100.00 or more in traffic and/or parking violations on institutional property during any semester may be subject to disciplinary action in accordance with applicable rules.
- (7) Parking permits, if utilized, are issued to persons, not motor vehicles, and are required to be affixed to a motor vehicle. Permit holders are responsible for citations incurred with their permit. Persons will also be held liable for a violation incurred by a motor vehicle without a permit when that motor vehicle is reasonably shown to be associated with the person.

Authority: T.C.A. § 49-8-203(a)(1)(D).

0240-01-06-.09 Appeals is added to Chapter 0240-01-06 and shall read as follows:

0240-01-06-.09 Appeals

- (1) Any student who has received a campus-issued citation may appeal the citation to the committee responsible for hearing student appeals within fifteen (15) days of the issuance date of the citation. Each institution shall provide instructions for appeals on its website. Appeals may be filed in person or online. All decisions by the committee responsible for student appeals are final.
- (2) Any employee who has received a campus-issued citation may appeal the citation to the committee responsible for hearing employee appeals within fifteen (15) days of the issuance date of the citation. Each institution shall provide instructions for appeals on its website. Appeals may be filed in person or online. All decisions by the committee responsible for employee appeals are final.
- (3) Any person not affiliated with the institution who has received a campus-issued citation may appeal the citation within fifteen (15) days of the issuance date of the citation. Each institution shall provide instructions on its website for appeals and the name of the administrator responsible for resolving appeals. Appeals may be filed in person or online. All decisions by the administrator responsible for appeals by unaffiliated individuals are final.

Authority: T.C.A. § 49-8-203(a)(1)(D).

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name of Officer: Brian A. Lapps, Jr. \_\_\_\_\_

Title of Officer: General Counsel \_\_\_\_\_

**Department of State Use Only**

Filed with the Department of State on: \_\_\_\_\_

\_\_\_\_\_  
Tre Hargett  
Secretary of State

**Department of State**  
**Division of Publications**  
312 Rosa L. Parks Ave., 8th Floor, Snodgrass/TN Tower  
Nashville, TN 37243  
Phone: 615-741-2650  
Email: [publications.information@tn.gov](mailto:publications.information@tn.gov)

**For Department of State Use Only**

Sequence Number: \_\_\_\_\_  
Notice ID(s): \_\_\_\_\_  
File Date: \_\_\_\_\_

# Notice of Rulemaking Hearing

*Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.*

<b>Agency/Board/Commission:</b>	Tennessee Board of Regents
<b>Division:</b>	
<b>Contact Person:</b>	Brian A. Lapps, Jr. General Counsel
<b>Address:</b>	1 Bridgestone Park, 3 <sup>rd</sup> Floor Nashville, TN 37214
<b>Phone:</b>	615-366-4438
<b>Email:</b>	<a href="mailto:Brian.lapps@tbr.edu">Brian.lapps@tbr.edu</a>

*Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:*

<b>ADA Contact:</b>	
<b>Address:</b>	
<b>Phone:</b>	
<b>Email:</b>	

**Hearing Location(s)** (for additional locations, copy and paste table)

Address 1:	
Address 2:	
City:	
Zip:	
Hearing Date:	mm/dd/yyyy
Hearing Time:	<input checked="" type="checkbox"/> CST/CDT <input type="checkbox"/> EST/EDT

## Additional Hearing Information:

Oral and written comments on the proposed rulemaking will be received at the public hearing on \_\_\_\_\_ at \_\_\_\_\_ CST. In addition, interested parties may submit written comments on or before \_\_\_\_\_ by mail or email to:

Brian A. Lapps, Jr., General Counsel  
Tennessee Board of Regents  
1 Bridgestone Park, 3<sup>rd</sup> Floor  
Nashville, TN 37214  
615-366-4438  
[Brian.lapps@tbr.edu](mailto:Brian.lapps@tbr.edu)

## Revision Type (check all that apply):

Amendment  
 New

---

Repeal

**Rule(s) (ALL** chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0240-02-03	Student Conduct and Disciplinary Sanctions
Rule Number	Rule Title
0240-02-03-01	Institutional Restatement of Rules
0240-02-03-02	Disciplinary Offenses
0240-02-03-03	Classroom and Academic Misconduct
0240-02-03-04	Disciplinary Sanctions
0240-02-03-05	Repealed
0240-02-03-06	Disciplinary Procedures

Chapter Number	Chapter Title
Rule Number	Rule Title

Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to

<https://sos.tn.gov/products/division-publications/rulemaking-guidelines>.

Amend the table of contents for Chapter 0240-02-03 by amending paragraphs (.01) and (.03) to reflect revised headings, and deleting paragraph (.05), so that as amended it shall read as follows:

#### Table of Contents

0240-02-03-01 Institutional Restatement of Rules  
 0240-02-03-02 Disciplinary Offenses  
 0240-02-03-03 Classroom and Academic Misconduct  
 0240-02-03-04 Disciplinary Sanctions  
 0240-02-03-05 Repealed  
 0240-02-03-06 Disciplinary Procedures

Amend Rule 0240-02-03-01 by revising the chapter heading; by revising paragraph (1) by adding and deleting language to reflect that colleges of applied technology have presidents and not directors, and by adding “consistent with these rules;” by adding and deleting language to paragraph (2), including to preclude institutions from supplementing these rules through institutional policy; by adding and deleting language to paragraph (3) to revise the definition of “student;” by adding and deleting language to paragraph (4) to clarify the locations, times, and circumstances under which these rules apply; by adding and deleting language to paragraph (5) to explain the circumstances under which these rules apply to student organizations; by adding and deleting language to paragraph (6) to clarify that TBR will comply with all confidentiality statutes and regulations; and by adding paragraph (7), so that as amended it shall read:

0240-02-03-01      Institutional Restatement of Rules

- (1) Students enrolled in postsecondary educational institutions are citizens of their civic communities as well as the academic community. As such, they are expected to conduct themselves as law-abiding members of each community at all times. Admission to an institution of postsecondary education carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by non-students. In recognition of the special relationship that exists between the institution and the academic

community which it seeks to serve, the Tennessee Board of Regents ("TBR" or "the Board") has authorized the presidents of the institutions under its jurisdiction to take such action, consistent with these rules and the institution's restatement of these rules, as may be necessary to maintain campus conditions and preserve the integrity of the institution and its educational environment.

- (2) Pursuant to this authorization and in fulfillment of its duties to provide a secure and stimulating atmosphere in which individual and academic pursuits may flourish, the TBR has developed the following rules to govern student conduct on the campuses under its jurisdiction. Each institution under the jurisdiction of the TBR is directed to publish an institutional restatement of these rules to students. In addition, students are subject to all federal, state, and local laws and ordinances. Institutions may enforce these rules regardless of the status or outcome of any external proceedings instituted by other civil or criminal authorities. Students are responsible for compliance with these rules.
- (3) For the purpose of these rules, a "student" shall mean any person:
  - (a) who is admitted, enrolled, and/or registered for study (including for non-credit classes) at a TBR institution for any academic period. This shall include any period of time following admission and/or registration, but preceding the start of classes for any academic period, following the end of an academic period through the last day for registration for the succeeding academic period, and during any period while the student is under suspension from the institution;
  - (b) subject to a period of suspension or removal from campus resulting from a finding of a violation of these rules;
  - (c) who engaged in academic misconduct as part of the application process; and/or
  - (d) who previously attended a TBR institution and who was found to have violated these rules during the time of enrollment.
  - (e) Unless explicitly provided otherwise in these rules, the term "student" shall also refer to a student organization.
- (4) Disciplinary action may be taken against a student for violation of these rules that occurs on institutionally owned, leased or otherwise controlled property (including all streets, alleys, sidewalks, and public ways abutting such property), while participating in international or distance learning programs, and off campus when the conduct impairs, interferes with, or obstructs any institutional activity or the mission, processes, and functions of the institution. In the case of violations that occur off institutionally owned, leased, or controlled property, the institution will take into account whether the violation impairs, interferes with, or obstructs any institutional activity, or the mission, processes, and function of the institution, including, but not limited to, conduct that:
  - (a) occurs in connection with any institutional activity, including but not limited to, international, distance, online, or remote learning programs, athletics events and other extracurricular activities, clinical, internship, practicum, and similar activities;
  - (b) occurs while using institutional resources, such as computers and network systems;
  - (c) involves or affects another member of the TBR community; or
  - (d) poses a credible, serious threat to the health and safety of the TBR community.
- (5) These rules are applicable to student organizations as well as individual students. Whether a student organization will be held responsible for a violation of these rules by one or more of its members will be based on the following considerations:
  - (a) the violation is endorsed by the student organization or any of its officers. "Endorsed by" includes, but is not limited to, active or passive consent or support, having prior knowledge that the conduct was likely to occur, or helping to plan, advertise, or promote the conduct;

- (b) the violation took place during the course of an activity paid for by the student organization or by members of the student organization to support the activity in question;
  - (c) the prohibited conduct occurred on property owned, controlled, rented, leased, or used by the student organization or any of its members for an organizational event;
  - (d) the prohibited conduct was related to initiation, admission into, affiliation with, or as a condition for continued membership in the student organization; and
  - (e) one or more officers of the student organization had prior knowledge or reasonably should have known the prohibited conduct would likely take place.
- (6) Confidentiality of Discipline Process. Subject to the exceptions provided pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g, the Tennessee Public Records Act, T.C.A. § 10-7-501 et seq. , and/or other state and federal law, a student's disciplinary records and files are considered "education records" and are confidential in accordance with those acts.
- (7) Matters within the scope of Title IX of the Education Amendments of 1972 shall proceed in accordance with TBR Rule 240-02-10 and not these rules.

Authority: T.C.A. §§ 4-5-101 et seq. and 49-8-203.

Amend Rule 0240-02-03-02 by adding and deleting language to paragraph (1), including to specify that the evidentiary standard shall be the same as contained in the rules for the Uniform Administrative Procedures Act (preponderance of the evidence), by clarifying that these rules shall not be used to violate rights guaranteed under the state or federal constitution, and deleting language relating to the locations and circumstances under which these rules apply; by adding and deleting language to paragraph (2) to preclude institutions from supplementing these rules through institutional policy, deleting former subparagraph (r) and re-lettering accordingly; by adding subparagraphs (b) Disruptive Conduct, (x) Discrimination, and (hh) Maintenance of Ethical and Professional Standards and re-lettering accordingly; by adding and/or deleting language to subparagraphs (a) Threatening Conduct, (d) Disorderly Conduct, (e) Obstruction of or Interference with Institutional Activities or Facilities, (f) Misuse of or Damage to Property, (i) Weapons, (j) Explosives, Fireworks, Flammable and Hazardous Materials, (k) Alcoholic Beverages and Alcohol-Related Conduct, (l) Drugs, (m) Drug Paraphernalia, (n) Public Intoxication, (q) Unacceptable Conduct Related to Disciplinary Proceedings, (r) Failure to Cooperate with Institutional Officials, (s) Attempts, Aiding, and Abetting, (t) Violation of State or Federal Law, (u) Violation of Imposed Disciplinary Sanctions, (v) Sexual Misconduct, (w) Harassment, Stalking, or Retaliation, (y) Academic Misconduct, (cc) Abuse of Computer Resources and Facilities, (ff) Observation Without Consent, and (gg) Smoking Violations; by deleting former paragraph (3) and replacing it with a new paragraph (3); and adding paragraph (4), so that as amended it shall read:

#### 0240-02-03-02 Disciplinary Offenses

- (1) Disciplinary measures shall be imposed according to these rules and the institution's restatement of these rules, procedures, and processes implementing these rules. Institutions shall use the standard of evidence contained in the Tennessee Uniform Administrative Procedures Act, T.C.A. § 4-5-101 et seq. (UAPA) and Department of State Rule 1360-04-01. These rules shall not be used to violate rights guaranteed under the constitution of the State of Tennessee or the constitution of the United States.
- (2) Both students and student organizations may be subject to disciplinary action for the following disciplinary offenses identified in these rules:
  - (a) Threatening Conduct. Any conduct, threatened conduct, or attempted conduct that poses a threat to a person's safety, health, or personal well-being, including, but not limited to, endangering the health, safety, or welfare of any person; engaging in conduct that causes a reasonable person to fear harm to his or her health, safety or welfare; or making an oral or written statement that an objectively reasonable person hearing or reading the statement would interpret as a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals;

- (b) Disruptive Conduct. Any conduct, threatened conduct, or attempted conduct that is disruptive to the institution's learning environment, including, but not limited to, engaging in any action that interferes with the ability of the instructor to teach or other students to learn. Disruptive conduct in the classroom includes, but is not limited to, behavior that obstructs or disrupts the learning environment (e.g., offensive language, harassment of students and instructors, repeated outbursts from a student that disrupt the flow of instruction or prevent concentration, failure to cooperate in maintaining classroom decorum, etc.), text messaging, and the continued use of any electronic or other noise or light emitting device which disturbs others;
- (c) Hazing. Hazing, as defined in T.C.A. § 49-7-123(a) (1), means any intentional or reckless act, on or off the property, of any higher education institution by an individual acting alone, or with others, which is directed against any other person(s) that endangers the mental or physical health or safety of that person(s), or which induces or coerces a person(s) to endanger such person(s) mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization;
- (d) Disorderly Conduct. Any individual or group behavior which is abusive, obscene, lewd, indecent, (including, without limitation, public exposure of one's sex organs, public urinating, and public sexual acts), violent, excessively noisy, disorderly, or which unreasonably disturbs institutional functions, operations, classrooms, other groups or individuals;
- (e) Obstruction of or Interference with Institutional Activities or Facilities. Any intentional interference with or obstruction of any institutional program, event, or facility including the following:
  - 1. Any unauthorized occupancy of facilities owned or controlled by an institution or blockage of access to or from such facilities;
  - 2. Interference with the right of any institution member or other authorized person to gain access to any activity, program, event or facilities sponsored or controlled by an institution;
  - 3. Any obstruction or delay of a security officer, public safety officer, police officer, firefighter, EMT, or any official of an institution, or failure to comply with any emergency directive issued by such person in the performance of his or her duty;
  - 4. Participation in a demonstration that substantially impedes institutional operations; or
  - 5. Obstruction of the free flow of pedestrian or vehicular traffic on property owned, leased or controlled by an institution or at an institutional activity.
- (f) Misuse of or Damage to Property. Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to the institution or a member of the TBR community including, but not limited to, any personal property, fire alarms, fire equipment, elevators, telephones, institution keys, library materials and/or safety devices;
- (g) Theft, Misappropriation, or Unauthorized Sale of Property;
- (h) Misuse of Documents or Identification Cards. Any forgery, alteration of or unauthorized use of institutional documents, forms, records or identification cards, including the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment or status in the institution;
- (i) Weapons. Possessing, carrying, using, storing, or manufacturing any weapon on institution controlled property or in connection with an institution affiliated activity, unless federal or state law provides a student with an affirmative right to possess or carry a weapon on institution controlled property or in connection with an institution-affiliated activity;

- (j) Explosives, Fireworks, Flammable and Hazardous Materials. The unauthorized possession, ignition, or detonation of any object or article that represents a potential danger to the TBR community, including, but not limited to, explosives, fireworks, flammable materials, ammunition, hazardous liquids, chemicals, or hazardous materials;
- (k) Alcoholic Beverages and Alcohol-Related Conduct. The use, possession, distribution, or sale of alcoholic beverages on institution owned or controlled property or in connection with any institutional activity unless expressly permitted by the institution;
- (l) Drugs. The unlawful possession, use, distribution, sale, or manufacture of any drug or controlled substance (including, but not limited to, any stimulant, depressant, narcotic or hallucinogenic drug, or marijuana). This offense includes using or possessing a prescription drug if the prescription was not issued to the student, as well as the violation of any local ordinance, state, or federal law concerning the unlawful possession or use of drugs;
- (m) Drug Paraphernalia. The use, possession, distribution, sale, or manufacture of equipment, products or materials that are used or intended for use in manufacturing, growing, using or distributing any drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession of drug paraphernalia;
- (n) Public Intoxication. Appearing on institution owned or controlled property or at an institutional sponsored event while under the influence of alcohol, a controlled substance or of any other intoxicating substance;
- (o) Gambling. Unlawful gambling in any form;
- (p) Financial Irresponsibility. Failure to meet financial responsibilities to the institution promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the institution;
- (q) Unacceptable Conduct Related to Disciplinary Proceedings. Any conduct at any stage of an institutional disciplinary proceeding or investigation that is contemptuous, disrespectful, threatening, retaliatory, or disorderly, including false complaints, false testimony or other falsification of evidence, and attempts to influence the impartiality of a member of an adjudicatory body, verbal or physical harassment or intimidation of an institutional official, hearing panel member, complainant, respondent, or witness;
- (r) Failure to Cooperate with Institutional Officials. Failure to comply with reasonable directions of institutional officials acting in the performance of their duties. This includes, but is not limited to, failing to respond to a request to report to an institutional administrative office, failing to cooperate in an institutional investigation, failing to appear at an institutional hearing, including, without limitation, a disciplinary hearing;
- (s) Attempts, Aiding, and Abetting. Any attempt to commit any of the offenses listed under this section or the aiding or abetting of the commission of any of the offenses listed under this section (an attempt to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission). Being present during the planning or commission of any, offense listed under this section without having made an immediate report to the institution prior to the commission of the planned offense will be considered as aiding and abetting. Students who anticipate or observe an offense must remove themselves from the situation and are required to report the offense to the institution;
- (t) Violation of State or Federal Laws. Any violation of state or federal laws, rules, or regulations prohibiting conduct or establishing offenses;
- (u) Violation of Imposed Disciplinary Sanctions. Intentional or unintentional violation of a disciplinary sanction imposed through an institutional disciplinary proceeding;

- (v) Sexual Misconduct. Committing any act of sexual assault, rape, sexual battery, domestic violence, or dating violence as defined by state or federal law;
- (w) Harassment, Stalking, or Retaliation. Any conduct that falls within T.C.A. § 39-17-308 (Harassment) or T.C.A. § 39-17-315 (Stalking) or “student-on-student harassment,” which means unwelcome conduct directed toward a person that is discriminatory on a basis prohibited by federal, state, or local law, and that is so severe, pervasive, and objectively offensive that it effectively bars the victim’s access to educational opportunity or benefit. Engaging in “retaliation,” which is an act or omission committed by a student because of another person’s participation in a protected activity that would discourage a reasonable person from engaging in protected activity. Retaliation violates these standards regardless of whether the underlying allegation of a violation of a rule is ultimately found to have merit. Retaliation can include, without limitation: an act or omission committed against a person’s family, friends, advisors, and or other persons reasonably expected to provide information in connection with an institutional investigation or hearing, and an act or omission committed by a student through a third party;
- (x) Discrimination. Any conduct prohibited by any federal or state law, rule, or regulation related to discrimination, harassment, or retaliation;
- (y) Academic Misconduct. Any action or attempted action designed to provide an unfair academic advantage or disadvantage for oneself or others. Academic misconduct includes a wide variety of behaviors such as plagiarism, cheating, fabrication, and other academic dishonesty. For purposes of these rules the following definitions apply:
  - 1. Plagiarism. The adoption or reproduction of ideas, words, statements, images, or works of another person as one’s own without proper attribution. Examples include copying of passages from works of others into one’s own work without acknowledgment; summarizing or paraphrasing ideas from another source without proper attribution, unless such information is recognized as common knowledge; and using facts, statistics graphs, representations or phrases without proper attribution;
  - 2. Cheating. Using or attempting to use unauthorized materials, information, or aids in any academic exercise or test/examination. Examples include copying another’s work; obtaining or giving unauthorized assistance; unauthorized collaboration or collusion with another person; having another person take a test for a student; and the use of unauthorized materials or devices. The term academic exercise includes all forms of work submitted for credit or hours; and
  - 3. Fabrication. Falsifying, fabricating, or misrepresenting data, research results, citations or other information in connection with an academic assignment. Unauthorized falsification or invention of any information or citation in an academic exercise.
- (z) Unauthorized Duplication or Possession of Keys. Making, causing to be made or the possession of, with the intent to use or make available for use by others, any key for an institutional facility without proper authorization;
- (aa) Litter. Dispersing litter in any form onto the grounds or facilities of the campus;
- (bb) Pornography. Public display of literature, films, pictures or other materials which an average person applying contemporary community standards would find, (1) taken as a whole, appeals to the prurient interest, (2) depicts or describes sexual conduct in a patently offensive way, and (3) taken as a whole, lacks serious literary, artistic, political or scientific value;
- (cc) Abuse of Computer Resources and Facilities. Misusing and/or abusing campus computer resources including, but not limited to the following:
  - 1. Use of another person’s identification to gain access to institutional computer resources;
  - 2. Use of institutional computer resources and facilities to violate copyright laws, including,

but not limited to, the act of unauthorized distribution of copyrighted materials using institutional information technology systems;

- 3. Unauthorized access to a computer or network file, including but not limited to, altering, using, reading, copying, or deleting the file;
  - 4. Unauthorized transfer of a computer or network file;
  - 5. Use of computing resources and facilities to send abusive or obscene correspondence;
  - 6. Use of computing resources and facilities in a manner that interferes with normal operation of the institutional computing system;
  - 7. Use of computing resources and facilities to interfere with the work of another student, faculty member, or institutional official; or
  - 8. Unauthorized peer-to-peer file sharing.
- (dd) Unauthorized Access to Institutional Facilities and/or Grounds. Any unauthorized access and/or occupancy of institutional facilities and grounds is prohibited, including, but not limited to, gaining access to facilities and grounds that are closed to the public, being present in areas of campus that are open to limited guests only, being present in academic buildings after hours without permission, and being present in buildings when the student has no legitimate reason to be present;
- (ee) Providing False Information. Giving any false information to, or withholding necessary information from, any institutional official acting in the performance of his/her duties in connection with a student's admission, enrollment, or status in the institution;
- (ff) Observation Without Consent. Knowingly spying upon, observing, or otherwise viewing an individual, regardless of whether a photo, video, or recording is made, when the individual is in a place where there is reasonable expectation of privacy, without the prior effective consent of the individual, if the viewing would offend or embarrass an ordinary person if the person knew the person was being viewed. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, living quarters, and restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means;
- (gg) Smoking Violations. Smoking or tobacco use in any campus building or facility, in any state-owned vehicle, or on any campus grounds or property, unless in a designated smoking or tobacco use area. For the purposes of these rules, "tobacco use" includes, but is not limited to, the personal use of any tobacco product, whether intended to be lit or not, which includes smoking tobacco or other substances that are lit and smoked, as well as the use of an electronic cigarette or any other device intended to simulate smoking, and the use of smokeless tobacco, including snuff; chewing tobacco; smokeless pouches; any form of loose-leaf, smokeless tobacco; and the use of unlit cigarettes, cigars, and pipe tobacco;
- (hh) Maintenance of Ethical and Professional Standards. Failure to maintain the high ethical and professional standards of the various disciplines of the health professions may subject a student to suspension from a program, dismissal from a program, or other appropriate remedial action.
- 1. A student enrolled in a program leading to a degree or certificate in a health profession is subject to disciplinary action up to and including suspension and dismissal from a program for engaging in the following acts of misconduct, regardless of location:
    - (i) Commission of an offense classified as a felony by Tennessee or federal criminal statutes;
    - (ii) Unlawful use, possession, or sale of drugs or narcotics, whether or not felonious;

**DRAFT 2-22-21**

- (iii) Other unprofessional or unethical conduct that would bring disrepute and disgrace upon both the student and profession and that would tend to substantially reduce or eliminate the student's ability to effectively practice the profession in which discipline he or she is enrolled; or
- (iv) Conduct that is in violation of either a relevant Tennessee statute establishing professional standards or a rule or regulation of a Tennessee regulatory board or other body responsible for the establishment and enforcement of professional standards.
2. A person applying for admission to a health profession program may be denied admission to the program on the basis of his or her violation of the aforementioned ethical and professional standards;
- (3) Disciplinary holds
- (a) An institution may place a hold on a student record when the student has:
1. Withdrawn from the institution while a disciplinary meeting and/or proceeding is pending;
  2. Not responded to an institutional official's request for a meeting or hearing; or
  3. Been suspended or expelled.
- (b) A disciplinary hold may remain on a student's record until final resolution of a disciplinary meeting and/or disciplinary hearing.
- (c) An institution will not confer a degree when a student record has been placed on hold, or when a student has a pending disciplinary meeting and/or disciplinary proceeding.
- (4) Except for cases involving Academic Misconduct, an institution will not revoke a degree or credential based on conduct occurring while a person was a student, but not discovered until after the awarding of a degree or credential.

Authority: T.C.A. §§ 4-5-101 et seq., 49-7-123(a) (1) and 49-8-203.

Amend Rule 0240-02-03-.03 by revising the chapter heading; by adding and deleting language to paragraph (1) to clarify behavior that qualifies as Classroom Misconduct; by adding and deleting language to paragraph (2) to clarify behavior that qualifies as Academic Misconduct, including by adding and deleting language to subparagraph (a) and by adding subparagraphs (b) – (l); and by deleting paragraphs (3) and (4), so that as amended it shall read:

**0240-02-03-.03 Classroom and Academic Misconduct**

- (1) Classroom Misconduct
- (a) The instructor has the primary responsibility for controlling classroom behavior and responding to disruptive conduct.
- (b) The instructor may order the temporary removal or exclusion from the classroom of any student engaged in disruptive conduct or other conduct that violates these rules for each class session during which the conduct occurs. Extended or permanent exclusion from the classroom beyond the session in which the conduct occurred or further disciplinary action can be effected only through appropriate procedures set forth in these rules.
- (2) Academic Misconduct
- (a) Academic misconduct is prohibited. Students guilty of academic misconduct, either directly or indirectly, through participation or assistance, are immediately responsible to the instructor of the

class. In addition to other possible disciplinary sanctions that may be imposed in accordance with these rules and institutional restatement of these rules, the instructor has the authority to take academic discipline consistent with these rules and institutional restatement of these rules, procedures, and processes.

- (b) An instructor who determines that a student has engaged in academic misconduct may choose to exercise academic discipline by lowering to any extent, including to a grade of "F" or "zero," a student's grade in the course, assignment, or examination affected by the alleged academic misconduct.
- (c) An instructor who initiates academic discipline shall inform the appropriate Chair and Dean (or other individual(s) identified by the institution) in writing of the finding of academic misconduct, the basis therefor, the academic discipline imposed, and the appeals process within five (5) days of the imposition of academic discipline.
- (d) A student may not withdraw from a course pending final resolution of an allegation of academic misconduct. Students are permitted and encouraged to continue attending class until the academic disciplinary decision, including all appeals, is final.
- (e) A student charged with academic misconduct has the option of either accepting the academic discipline imposed by the instructor or initiating the appeals process to challenge the allegation of academic misconduct or the severity of the academic discipline. If the student does not respond in writing within five (5) days by either accepting or appealing the academic discipline to the institutional academic misconduct appeals committee, the student waives the right to contest the academic discipline, at which time it becomes final.
- (f) An institutional academic misconduct appeals committee shall consist of at least three (3) individuals and include at least one student. The chief academic officer or other administrator identified by the institution will assemble the committee and coordinate the hearing but will not participate on the committee. Any individual who has an interest in the incident, a conflict of interest, or a bias is not permitted to serve on the committee. An institution may maintain standing pools from which individuals may appointed and/or appoint ad hoc academic misconduct appeals committees. At a technical college, the president has the authority to appoint a single administrator to perform the functions of the academic misconduct appeals committee and to effectuate the processes identified in this rule.
- (g) The academic misconduct appeals committee will set a hearing date that is within fifteen (15) business days of receipt of date of the student's appeal. The student must receive at least seven (7) calendar days' notice of the date, time, and location of the hearing. A student will be notified of the due process protections provided for in TBR Rule 0240-02-03-.06.
- (h) The academic misconduct appeals committee will conduct the appeal hearing, consider the evidence presented, and make a decision based on a simple majority vote using a preponderance of the evidence standard. The committee can either uphold, overturn, or lessen the academic discipline. The results of the committee's decision will be conveyed to the student in writing, through the chief academic officer or other individual identified by the institution, within ten (10) business days of the hearing.
- (i) If the academic misconduct appeals committee upholds or lessens the academic discipline, the student may appeal in writing to the president within five (5) business days following receipt of the decision of the committee. The president will make a decision within ten (10) business days. The president's decision is final.
- (j) The institution's chief academic officer, president, or other administrator identified by the institution has the ability to extend any deadline in this section for good cause and upon written notice to the student.
- (k) In addition to academic discipline, a student who is found responsible for academic misconduct, either one or more times, may be subject to disciplinary sanctions in accordance with these rules.

- (I) The institution shall maintain permanently all submissions by the student and all decisions of institutional officials and committees relating to academic misconduct.

Authority: T.C.A. §§ 4-5-101 et seq. and 49-8-203.

Amend Rule 0240-02-03-.04 by adding and deleting language to paragraph (1), including to clarify when and how disciplinary sanctions may be imposed and to preclude institutions from supplementing these rules through institutional policy; by amending paragraph (2) by changing the heading of the paragraph, by deleting subparagraphs (f) Apology, (g) Fines, (n) Housing Probation, and (o) Housing Suspension and Forfeiture and re-lettering accordingly; and by adding and/or deleting language to subparagraphs (a) Restitution, (b) Reprimand, (g) Probation, (i) Expulsion, (j) Revocation and Withholding of Admission, Degree or Credential, and (k) Interim Involuntary Withdrawal or Suspension, so that as amended it shall read:

0240-02-03-.04 Disciplinary Sanctions

- (1) Institutions shall publish these rules and provide notice of potential disciplinary sanctions applicable to both students and student organizations. Disciplinary sanctions may be imposed only after a violation of these rules has been established. Disciplinary sanctions may be imposed, either singly or in combination.
- (2) Types of Sanctions:
- (a) Restitution. Restitution may be required in situations, which involve theft, destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or student organization is obligated by the appropriate institutional authority to compensate a party or parties for a loss suffered as a result of disciplinary violation(s). This action may take the form of appropriate service, monetary compensation, or material replacement. Any monetary payment in restitution shall be limited to actual cost of repair, replacement or financial loss;
  - (b) Warning. The appropriate institutional official may notify orally or in writing the student or student organization that continuation or repetition of specified conduct may be cause for other disciplinary action;
  - (c) Reprimand. A written or verbal reprimand or censure may be given to any student or student organization whose conduct violates any part of these rules and provides notice that any further violation(s) may result in more serious penalties;
  - (d) Service to the Institution or Community. A student or student organization may be required to donate a specified number of service hours to the institution performing reasonable tasks for an appropriate institution office, official(s), or the local community. The service required shall be commensurate to the offense (e.g., service for maintenance staff for defacing institutional property);
  - (e) Specified Educational/Counseling Program. A student or student organization may be required to participate in specified educational or counseling program(s) relevant to the offense, or to prepare a project or report concerning a relevant topic;
  - (f) Restriction. A restriction upon a student's or student organization's privileges for a period of time may be imposed. This restriction may include, for example, denial of the ability to represent the institution at any event, ability to participate in institution or TBR sponsored travel, use of facilities, parking privileges, participation in extracurricular activities or restriction of organizational privileges;
  - (g) Probation. Continued enrollment of a student or recognition of a student organization on probation may be conditioned upon adherence to these rules. Any student or organization placed on probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon extracurricular activities, or any other appropriate special condition(s).

Any conduct in further violation of these rules while on probationary status or the failure to comply with the terms of the probationary period may result in the imposition of further disciplinary action;

- (h) Suspension. Suspension is the separation of a student or student organization from the institution for a specified period of time. Suspension may be accompanied by special conditions for readmission or recognition;
  - (i) Expulsion. Expulsion entails a permanent separation from the institution. The imposition of this sanction is a permanent bar to the student's admission, or a student organization's recognition by the institution. A student or organization that has been expelled may not enter institution property or facilities without obtaining prior approval from an appropriate campus official with knowledge of the expulsion directive;
  - (j) Revocation and Withholding of Admission, Degree, or Credential; and
  - (k) Interim Involuntary Withdrawal or Suspension. As a general rule, the status of a student or student organization accused of violation of these rules should not be altered until a final determination has been made in regard to the charges. However, interim or involuntary withdrawal or suspension, pending the completion of disciplinary procedures, may be imposed upon a finding that the conduct, or attempted conduct of the student poses a direct threat to the safety of any other member of the institution, its guests, property, or the student's behavior is materially and substantially disruptive of the institution's learning environment, or other campus activities. In any case of interim or involuntary withdrawal or suspension, the student, or student organization, shall be given an opportunity at the time of the decision, or as soon thereafter as reasonably possible, to contest the suspension in accordance with these rules.
- (3) The president is authorized, either personally or through a designee, to negotiate a mutually acceptable resolution to any disciplinary proceeding or to rescind or convert any sanction imposed to a lesser sanction.

Authority: T.C.A. §§ 4-5-101 et seq. and 49-8-203.

Amend Rule 0240-02-03-.05 by repealing chapter (.05) (and by creating a separate chapter related to traffic and parking).

0240-02-03-.05 Repealed

Authority: T.C.A. §§ 4-5-101 et seq. and 49-8-203.

Amend Rule 0240-02-03-.06 by amending paragraph (1) by adding and deleting language to subparagraph (a) and adding subparagraphs (b) - (f); by deleting former paragraphs (2) and (3) and replacing them with new paragraphs (2) and (3); by adding and deleting language to paragraph (4) to explain disciplinary options for students, including by adding and deleting language to subparagraph (a) and adding subparagraphs (b) – (d); and by adding and deleting language to paragraphs (5) and (6), so that as amended it shall read:

0240-02-03-.06 Disciplinary Procedures

- (1) General
  - (a) Institutions shall provide students with a system of constitutionally and legally sound procedures that provide the protection of due process of law in accordance with these rules, institutional restatement of these rules, and applicable state and federal law. The institution's restatement of rules, processes, and procedures shall be published on the institution's website and communicated to students.
  - (b) At community colleges, the Vice President of Student Affairs or other administrator designated by the institution is responsible for matters within the scope of these rules, except that the Chief Academic Officer is responsible for matters related to academic misconduct. In situations where the conduct could fall within both areas of responsibility, the two offices will confer and decide which rules will apply and advise the student or student organization in writing of the decision. At colleges of applied technology, the president or designee has responsibility.

- (c) Complaints related to discrimination, harassment, and retaliation that are not subject to another rule will be investigated and resolved in accordance with these rules and the institution's restatement of these rules, procedures, and processes.
1. In determining whether the evidence establishes a violation of these rules, the institution shall use the standard of evidence for contested cases under the UAPA and Department of State Rule 1360-04-01. At all times the burden of obtaining evidence and establishing a violation shall be on the institution.
  2. In the event of bias or conflict of interest by an institutional official, the institution may appoint a substitute, who may or may not be employed by the institution.
  3. The investigator shall conduct an appropriate investigation, which may include interviews of the parties and witnesses, as well as review of documents and other information. The purpose of the investigation is to determine whether the evidence establishes a violation of these rules. The parties are encouraged, but not required, to provide information that they want the investigator to consider.
  4. The investigator shall provide written notice of receipt of a written complaint or the decision to initiate an investigation.
  5. The investigator shall notify students that the institution will comply with FERPA and only disclose information in accordance with FERPA and other applicable law.
  6. The investigator shall prepare a report summarizing the investigation. The report shall include, but not be limited to, the dates of the alleged occurrences, the response of the respondent, the findings of the investigator, and recommendations regarding disposition of the complaint.
  7. The report shall be submitted to the institution's president within sixty (60) calendar days following receipt of the complaint, absent cause for extending the investigation timeline. In situations where more time is needed to complete the investigation, written notice shall be provided to the parties explaining the reasons.
  8. The president shall review the investigator's report and shall make a written determination as to whether these rules have been violated and the appropriate disciplinary sanction, if any. The president's determination and the investigator's report shall be provided to the parties, unless prohibited by law.
  9. Either party may send a written request to reconsider to the president within ten (10) working days, absent good cause, of receipt of the president's determination.
    - (i) The request to reconsider process shall consist of an opportunity for the parties to provide information to the president's attention that would change the determination and/or disciplinary sanction. A party must explain why the factual information was incomplete, the analysis of the facts was incorrect, the determination was affected by bias or a conflict of interest, procedural irregularity, and/or the appropriate standard was not applied, and how this would affect the determination. Failure to do so may result in denial of the request to reconsider.
    - (ii) The parties will not be allowed to present their request to reconsider in person unless the president determines, in his or her sole discretion, to allow an in-person appearance.
    - (iii) The president shall issue a written response to the request to reconsider as promptly as possible. The decision will constitute the institution's final decision.
    - (iv) The institution shall provide written notice of the ability to contest the

determination and/or disciplinary sanctions, including where applicable, the ability to request a contested case hearing pursuant to the UAPA, to the parties at the time the parties are advised of the determination and upon the resolution of any request to reconsider or appeal.

- (d) Students and student organizations subject to any disciplinary sanction are entitled to a due process hearing in accordance with these rules and standards established by the constitutions of the State of Tennessee and the United States unless that right is waived after receiving written notice of the available procedures.
- (e) All proceedings under these rules will be held in closed session and not open to the public. Formal rules of evidence shall not be applicable. The administrator or committee chair may exclude evidence, which in their judgment is immaterial, irrelevant, or unduly repetitious. Evidence in contested case hearings will be considered in accordance with TBR Rule 0240-01-05 and Department of State Rule 1360-04-01.
- (f) Written notice to a student or student organization is accomplished either by handing a copy to the student; sending documents via email to the student's or student organization's institutional email account; email account of record on file with the institution; or by sending a copy via certified mail, registered mail, return receipt requested mail, or a nationally recognized delivery service that tracks delivery to the student's residence of record or the student organization's address of record.

(2) Initiation of Charges

- (a) An institution may initiate the disciplinary process on the basis of written allegations received from any source, including any member of the college community. Complaints should be directed to the Vice President of Student Affairs or other administrator identified by the institution, except that complaints relating to discrimination, harassment, and retaliation should be referred to the administrator identified by the institution so that such complaints can be handled in accordance with these rules. The institution may also initiate disciplinary procedures without written allegations if it becomes aware of potential violations of these rules through other means.
- (b) When the allegations, if proven, may warrant the imposition of a disciplinary sanction, the institution shall inform the student of the allegations and proceed to gather information concerning the matter, including, but not limited to, interviewing relevant witnesses and reviewing relevant documents and evidence. Students who may be the subject of disciplinary sanctions will be provided the minimum due process protections identified in these rules.
- (c) After reviewing the evidence, the administrator with responsibility for the matter shall decide whether sufficient evidence exists to charge the student, and if so, the appropriate disciplinary sanction. Notice of the charges and disciplinary sanction, if any, shall be provided in writing to the student. If there is insufficient evidence to continue the disciplinary process, the matter will be closed, and written notice will be provided to the student.

(3) Minimum Due Process Protections. Institutions shall provide the following minimal procedural due process protection components in disciplinary matters:

- (a) The student shall be advised, in writing, of the breach of the rule(s) of which he or she is charged;
- (b) The student shall be advised of the time, date, and place of the hearing allowing reasonable time for preparation; and
- (c) The student shall be advised of the following rights applicable at the hearing:
  - 1. The right to present his or her case;
  - 2. The right to be accompanied by an advisor of his or her choice. The advisor's participation shall be limited to advising the student, and not include advocating on behalf

of the student, speaking on behalf of the student, or otherwise actively representing the student. An advisor is not permitted to interfere with the hearing;

3. The right to call witnesses in his or her behalf;
  4. The right to confront witnesses against him or her; and
  5. The method and time limitations for appeal, if any is applicable.
- (4) Options for Students. Four potential processes exist for adjudication of disciplinary matters. The student will be informed in writing of each available option and the due process rights associated with each option. A student will have five (5) business days following written notification to select an option. If a student fails to return the election of a procedure in a timely manner, the student will be deemed to have waived the right to contest the disciplinary sanction. Selection of one option constitutes waiver of all other options.
- (a) Contested Case Hearing. All cases which may result in either suspension or expulsion of a student from the institution for disciplinary reasons, or revocation of registration of a student organization, are subject to the contested case provisions of the Uniform Administrative Procedures Act (UAPA), T.C.A. §§ 4-5-301 et seq., and TBR Rule 0240-01-05, unless the student or student organization, after receiving written notice, waives those procedures.
  - (b) A student at a community college may elect an institutional panel hearing. A student at a college of applied technology may elect a formal hearing in front of a single administrator appointed by the president.
    1. Institutional Panel Hearing (Community Colleges)
      - (i) An institutional panel hearing committee at a community college shall consist of at least three (3) individuals and include at least one student. The dean of students or other administrator identified by the institution will assemble the committee and coordinate the hearing but will not vote as to the committee's decision. An individual who has an interest in the incident, a conflict of interest, or a bias is not permitted to serve on the committee. The institution may appoint individuals from standing pools and/or appoint ad hoc committees.
      - (ii) The committee will set a hearing date that is within fifteen (15) business days of receipt of the student's appeal. The student must be notified of the date, time, and location of the hearing as soon as possible, but given at least seven (7) calendar days' notice. A student will be notified of the due process protections provided for in these rules.
      - (iii) The committee will conduct the appeal hearing, consider the relevant evidence presented, and make a decision based on a simple majority vote. The committee can either uphold, overturn, or lessen the disciplinary finding and/or sanction. The results of the decision will be conveyed to the student in writing, through the dean of students or other administrator identified by the institution, within ten (10) business days of the hearing.
      - (iv) If the committee upholds or lessens the disciplinary finding and/or sanction, the student may appeal in writing to the president within five (5) business days following receipt of the decision of the committee. The president will make a decision within ten (10) business days. The president's decision is final.
      - (v) The president, dean of students or other administrator identified by the institution has the ability to extend deadlines for good cause and upon written notice to the student.
      - (vi) The institution shall maintain all submissions by the student and all decisions of institutional officials and committees permanently.

## 2. Formal Administrative Hearing (Colleges of Applied Technology)

- (i) The president of a college of applied technology shall appoint an administrator who will set a hearing date that is within fifteen (15) business days of receipt of the student's appeal. The student must be given at least seven (7) calendar days' notice of the hearing. A student will be notified of the due process protections provided for in these rules.
  - (ii) The administrator will conduct a hearing, consider the relevant evidence presented, and make a decision either upholding, overturning, or lessening the disciplinary finding and/or sanction. The results of the decision will be conveyed to the student within ten (10) business days of the hearing.
  - (iii) If the administrator upholds or lessens the disciplinary finding and/or sanction, the student may appeal in writing to the president within five (5) business days following receipt of the decision of the committee. The president will make a decision within ten (10) business days. The president's decision is final.
  - (iv) The president has the ability to extend deadlines for good cause and upon written notice to the student.
- (c) Administrative Resolution. An administrative resolution involves the student meeting with a single administrator appointed by (i) for community college students, the dean of students or other administrator identified by the institution or (ii) for college of applied technology students, the president. There is no appeal. The decision of the administrator is final.
  - (d) A student may elect not to contest the disciplinary action, which serves as a waiver of the right to contest the disciplinary action.
- (5) Procedures Related to Interim Involuntary Withdrawal or Suspension Hearings
- (a) When the Vice President for Student Affairs or other administrator identified by the institution determines that an interim suspension or other interim measure is required for the health and safety of the institutional community and/or property, or to prevent an ongoing imminent threat of disruption to or interference with the normal operations of the institution, the student will receive an opportunity for an informal hearing with the Vice President of Student Affairs or other administrator identified by the institution to contest the interim measure.
  - (b) The informal hearing will be held within five (5) calendar days, absent good cause.
  - (c) The evidence presented at the hearing shall be limited to that which is relevant to the basis asserted for imposition of the interim suspension or other interim measure.
  - (d) The student will be entitled to a formal hearing in accordance with the due process protections described in these rules before a permanent disciplinary sanction is imposed.
- (6) Alternative Resolution Procedures: An institution, with the consent of all relevant parties, may use an alternative resolution method including, but not limited to, an apology, mediation or a negotiated resolution.

Authority: T.C.A. §§ 4-5-101 et seq. and 49-8-203.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name of Officer: Brian A. Lapps, Jr. \_\_\_\_\_

Title of Officer: General Counsel \_\_\_\_\_

**Department of State Use Only**

Filed with the Department of State on: \_\_\_\_\_

Tre Hargett  
Secretary of State

Amend the table of contents for Chapter 0240-02-03 by amending paragraphs (.01) and (.03) to reflect revised headings, and deleting paragraph (.05), so that as amended it shall read as follows:

Table of Contents0240-02-03-01 Institutional Restatement of Rules

0240-02-03-02 Disciplinary Offenses

0240-02-03-03 Classroom and Academic Misconduct

0240-02-03-04 Disciplinary Sanctions

0240-02-03-05 Repealed0240-02-03-06 Disciplinary Procedures

Amend Rule 0240-02-03-01 by revising the chapter heading; by revising paragraph (1) by adding and deleting language to reflect that colleges of applied technology have presidents and not directors, and by adding "consistent with these rules;" by adding and deleting language to paragraph (2), including to preclude institutions from supplementing these rules through institutional policy; by adding and deleting language to paragraph (3) to revise the definition of "student;" by adding and deleting language to paragraph (4) to clarify the locations, times, and circumstances under which these rules apply; by adding and deleting language to paragraph (5) to explain the circumstances under which these rules apply to student organizations; by adding and deleting language to paragraph (6) to clarify that TBR will comply with all confidentiality statutes and regulations; and by adding paragraph (7), so that as amended it shall read:

0240-02-03-01 Institutional Restatement of Rules~~INSTITUTION POLICY STATEMENT~~

(bb)(8) Students enrolled in postsecondary educational institutions are citizens of their civic communities as well as the academic community. As such they are expected to conduct themselves as law-abiding members of each community at all times. Admission to an institution of postsecondary education carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by non-students. In recognition of the special relationship that exists between the institution and the academic community which it seeks to serve, the Tennessee Board of Regents ("TBR" or "the Board") has authorized the presidents of the institutions ~~and directors of the colleges of applied technology~~ under its jurisdiction to take such action, consistent with these rules and the institution's restatement of these rules, as may be necessary to maintain campus conditions and preserve the integrity of the institution and its educational environment.

(cc)(9) Pursuant to this authorization and in fulfillment of its duties to provide a secure and stimulating atmosphere in which individual and academic pursuits may flourish, the TBR has developed the following rules regulations, which are intended to govern student conduct on the ~~several~~ campuses under its jurisdiction. ~~Each institution under the jurisdiction of the TBR is directed to publish an institutional restatement of these rules to students, to implement policies subject to, and consistent with, these regulations. In student discipline policies, each institution may supplement these regulations, subject to~~

~~prior review and approval by the TBR Offices of General Counsel and Academic Affairs.~~ In addition, students are subject to all federal, state, and local laws and ordinances. ~~If a student's violation of such laws or ordinances also adversely affects the institution's pursuit of its educational objectives, the institutions may enforce their own policies these rules~~ regardless of the status or outcome of any external proceedings instituted by other civil or criminal authorities. Students are responsible for compliance with these rules.

(10) For the purpose of these rulesregulations, a "student" shall mean any person:

(f) who is admitted, enrolled, and/or registered for study (including for non-credit classes) at a TBR institution for any academic period. This shall include ~~-any period of time following admission and/or registration, but preceding the start of classes for any academic period.~~ ~~It will also include any period which follows~~ the end of an academic period through the last day for registration for the succeeding academic period, and during any period while the student is under suspension from the institution;

(g) "Student" shall also include any person subject to a period of suspension or removal from campus ~~as a sanction which results from a finding of a violation of these rules, policies and regulations governing student conduct.~~

(h) who engaged in academic misconduct as part of the application process; and/or

(i) who previously attended a TBR institution and who was found to have violated these rules during the time of enrollment.

(j) Unless explicitly provided otherwise in these rules, the term "student" shall also refer to a student organization.

(dd) Students are responsible for compliance with the Rules of Student Conduct and with similar institutional policies at all times.

(ee)(11) Disciplinary action may be taken against a student for violation of these rules, policies and regulations which ~~that occurs~~ on institutionally owned, leased or otherwise controlled property (including all streets, alleys, sidewalks, and public ways abutting such property), while participating in international or distance learning programs, and off campus when the conduct impairs, interferes with, or obstructs any institutional activity or the mission, processes, and functions of the institution. In the case of violations that occur off institutionally owned, leased, or controlled property, the institution will take into account whether the violation impairs, interferes with, or obstructs any institutional activity, or the mission, processes, and function of the institution, including, but not limited to, conduct that:

(e) occurs in connection with any institutional activity, including but not limited to, international, distance, online, or remote learning programs, athletics events and other extracurricular activities, clinical, internship, practicum, and similar activities;

(f) occurs while using institutional resources, such as computers and network systems;

(g) involves or affects another member of the TBR community; or

(ff)(h) poses a credible, serious threat to the health and safety of the TBR community.

(12) These rulesregulations, and related material incorporated herein by reference, are applicable to student organizations as well as individual students. ~~Whether a student organization will be held responsible for a violation of these rules by one or more of its members will be based on the following considerations: Student organizations are subject to discipline for the conduct and actions of individual members of the organization while acting in their capacity as members of, or while attending or participating in any activity of, the organization.~~

(f) the violation is endorsed by the student organization or any of its officers. "Endorsed by" includes, but is not limited to, active or passive consent or support, having prior knowledge that the conduct was likely to occur, or helping to plan, advertise, or promote the conduct;

- (g) the violation took place during the course of an activity paid for by the student organization or by members of the student organization to support the activity in question;
- (h) the prohibited conduct occurred on property owned, controlled, rented, leased, or used by the student organization or any of its members for an organizational event;
- (i) the prohibited conduct was related to initiation, admission into, affiliation with, or as a condition for continued membership in the student organization; and
- (gg)(i) one or more officers of the student organization had prior knowledge or reasonably should have known the prohibited conduct would likely take place.

(13) Confidentiality of Discipline Process. Subject to the exceptions provided pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g, and/or the Tennessee Open Public Records Act, T.C.A. § 10-7-501 et seq. 50\_4(a)(4), and/or other state and federal law, a student's disciplinary records and files are considered "educational records" and are confidential in accordance with the meaning of those Acts.

(14) Matters within the scope of Title IX of the Education Amendments of 1972 shall proceed in accordance with TBR Rule 240-02-10 and not these rules.

(hh)

Authority: T.C.A. §§ 4-5-101 et seq. and 49-8-203. Administrative History: Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed August 28, 1984; effective November 13, 1984. Amendment filed November 12, 2008; effective March 30, 2009. Repeal and new rule filed August 10, 2011; effective January 29, 2012. Amendment filed August 18, 2015; effective November 15, 2015.

Amend Rule 0240-02-03-02 by adding and deleting language to paragraph (1), including to specify that the evidentiary standard shall be the same as contained in the rules for the Uniform Administrative Procedures Act (preponderance of the evidence), by clarifying that these rules shall not be used to violate rights guaranteed under the state or federal constitution, and deleting language relating to the locations and circumstances under which these rules apply; by adding and deleting language to paragraph (2) to preclude institutions from supplementing these rules through institutional policy, deleting former subparagraph (r) and re-lettering accordingly; by adding subparagraphs (b) Disruptive Conduct, (x) Discrimination, and (hh) Maintenance of Ethical and Professional Standards and re-lettering accordingly; by adding and/or deleting language to subparagraphs (a) Threatening Conduct, (d) Disorderly Conduct, (e) Obstruction of or Interference with Institutional Activities or Facilities, (f) Misuse of or Damage to Property, (i) Weapons, (j) Explosives, Fireworks, Flammable and Hazardous Materials, (k) Alcoholic Beverages and Alcohol-Related Conduct, (l) Drugs, (m) Drug Paraphernalia, (n) Public Intoxication, (q) Unacceptable Conduct Related to Disciplinary Proceedings, (r) Failure to Cooperate with Institutional Officials, (s) Attempts, Aiding, and Abetting, (t) Violation of State or Federal Law, (u) Violation of Imposed Disciplinary Sanctions, (v) Sexual Misconduct, (w) Harassment, Stalking, or Retaliation, (y) Academic Misconduct, (cc) Abuse of Computer Resources and Facilities, (ff) Observation Without Consent, and (gg) Smoking Violations; by deleting former paragraph (3) and replacing it with a new paragraph (3); and adding paragraph (4), so that as amended it shall read:

0240-02-03-02    Disciplinary Offenses

(5) Institutional disciplinary measures shall be imposed, through appropriate due process procedures, according to these rules and the institution's restatement of these rules, procedures, and processes implementing these rules. Institutions shall use the standard of evidence contained in the Tennessee Uniform Administrative Procedures Act, T.C.A. § 4-5-101 et seq. (UAPA) and Department of State Rule 1360-04-01. These rules shall not be used to violate rights guaranteed under the constitution of the State of Tennessee or the constitution of the United States for conduct which adversely affects the institution's pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property or persons on property owned or controlled by an institution.

- (6) ~~Institutions shall adopt and publish a non-exclusive list, providing notice of offenses for which both students and student organizations may be subject to disciplinary action for the following disciplinary offenses identified in these rules. The list may include any appropriate offense given the specific needs of the individual institution, subject to prior review and approval by the TBR Offices of General Counsel and Academic Affairs. Institutions are pre-authorized to implement any or all of the disciplinary offenses, in the form set forth immediately below, without need for prior review or approval by the TBR Offices of General Counsel and Academic Affairs:~~

~~(bb) Threatening or Disruptive Conduct. Any conduct, threatened conduct, or attempted conduct that poses a threat to a person's safety, health, or personal well-being, including, but not limited to, endangering the health, safety, or welfare of any person; engaging in conduct that causes a reasonable person to fear harm to his or her health, safety or welfare; or making an oral or written statement that an objectively reasonable person hearing or reading the statement would interpret as a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals; of others or where the student's behavior is disruptive of the institution's learning environment;~~

~~a.(cc) Disruptive Conduct. Any conduct, threatened conduct, or attempted conduct that is disruptive to the institution's learning environment, including, but not limited to, engaging in any action that interferes with the ability of the instructor to teach or other students to learn. Disruptive conduct in the classroom includes, but is not limited to, behavior that obstructs or disrupts the learning environment (e.g., offensive language, harassment of students and instructors, repeated outbursts from a student that disrupt the flow of instruction or prevent concentration, failure to cooperate in maintaining classroom decorum, etc.), text messaging, and the continued use of any electronic or other noise or light emitting device which disturbs others;~~

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

~~e.(ee) Disorderly Conduct. Any individual or group behavior which is abusive, obscene, lewd, indecent, (including, without limitation, public exposure of one's sex organs, public urinating, and public sexual acts), violent, excessively noisy, disorderly, or which unreasonably disturbs institutional functions, operations, classrooms, other groups or individuals;~~

~~e.(ff) Obstruction of or Interference with Institutional Activities or Facilities. Any intentional interference with or obstruction of any institutional program, event, or facility including the following:~~

- ~~i.6. Any unauthorized occupancy of facilities owned or controlled by an institution or blockage of access to or from such facilities;~~
- ~~ii.7. Interference with the right of any institution member or other authorized person to gain access to any activity, program, event or facilities sponsored or controlled by an institution;~~
- ~~8. Any obstruction or delay of a campus security officer, public safety officer, police officer, firefighter, EMT, or any official of an institution, or failure to comply with any emergency directive issued by such person in the performance of his or her duty;~~
- ~~9. Participation in a demonstration that substantially impedes institutional operations; or~~
- ~~iii.10. Obstruction of the free flow of pedestrian or vehicular traffic on property owned, leased or controlled by an institution or at an institutional activity.~~

e.(gg) Misuse of or Damage to Property. Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to the institution or a member of the TBR community another including, but not limited to, any personal property, fire alarms, fire equipment, elevators, telephones, institution keys, library materials and/or safety devices;

f.(hh) Theft, Misappropriation, or Unauthorized Sale of Property;

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

h.(jj) Firearms and Other Dangerous Weapons. Possessing, carrying, using, storing, or manufacturing any weapon on institution controlled property or in connection with an institution affiliated activity, unless federal or state law provides a student with an affirmative right to possess or carry a weapon on institution controlled property or in connection with an institution-affiliated activity; Any possession of or use of firearms, dangerous weapons of any kind, or replica/toy guns, e.g. BB guns, pellet guns, paintball guns, water guns, cap guns, toy knives or other items that simulate firearms or dangerous weapons;

i.(kk) Explosives, Fireworks, and Flammable and Hazardous Materials. The unauthorized possession, ignition, or detonation of any object or article which that represents a potential danger to the TBR community, including, but not limited to, explosives, fireworks, flammable materials, ammunition, hazardous liquids, chemicals, or hazardous materials; would cause damage by fire or other means to persons or property or possession of any substance which could be considered to be and used as fireworks;

j.(ll) Alcoholic Beverages and Alcohol-Related Conduct. The use, and/or possession, distribution, or sale of alcoholic beverages on institution owned or controlled property or in connection with any institutional activity unless expressly permitted by the institution; This offense includes the violation of any local ordinance, state, or federal law concerning alcoholic beverages, on or off institution owned or controlled property, where an affiliated group or organization has alcoholic beverages present and available for consumption;

k.(mm) Drugs. The unlawful possession, or use, distribution, sale, or manufacture of any drug or controlled substance (including, but not limited to, any stimulant, depressant, narcotic or hallucinogenic drug, or marijuana), sale or distribution of any such drug or controlled substance. This offense includes using or possessing a prescription drug if the prescription was not issued to the student, as well as the violation of any local ordinance, state, or federal law concerning the unlawful possession or use of drugs, on or off institution owned or controlled property;

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

m.(oo) Public Intoxication. Appearing on institution owned or controlled property or at an institutional sponsored event while under the influence of alcohol, a controlled substance or of any other intoxicating substance;

n.(pp) Gambling. Unlawful gambling in any form;

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

p.(rr) Unacceptable Conduct Related to Disciplinary Proceedings. Any conduct at any stage of an institutional disciplinary proceeding or investigation that is contemptuous, disrespectful, threatening, retaliatory, or disorderly, including false complaints, false testimony or other falsification of evidence, and attempts to influence the impartiality of a member of an adjudicatory judicial body, verbal or physical harassment or intimidation of an institutional official, hearing panel judicial board member, complainant, respondent, or witness;

q.(ss) Failure to Cooperate with Institutional Officials. Failure to comply with reasonable directions of institutional officials acting in the performance of their duties; This includes, but is not limited to, failing to respond to a request to report to an institutional administrative office, failing to cooperate in an institutional investigation, failing to appear at an institutional hearing, including, without limitation, a disciplinary hearing;

r. Violation of General Policies. Any violation of the general policies of the institution as published in an official institutional publication, including the intentional failure to perform any required action or the intentional performance of any prohibited action;

s.(tt) Attempts, Aiding, and Abetting. Any attempt to commit any of the offenses listed under this section or the aiding or abetting of the commission of any of the offenses listed under this section (an attempt to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission). Being present during the planning or commission of any offense listed under this section without having made an immediate report to the institution prior to the commission of the planned offense will be considered as aiding and abetting. Students who anticipate or observe an offense must remove themselves from the situation and are required to report the offense to the institution;

t.(uu) Violations of State or Federal Laws. Any violation of state or federal laws, rules, or regulations prohibiting proscribing conduct or establishing offenses, if a student's violation of such laws or regulations also adversely affects the institution's pursuit of its educational objectives;

u.(vv) Violation of Imposed Disciplinary Sanctions. Intentional or unintentional violation of a disciplinary sanction officially imposed through an institutional disciplinary proceeding by an institution official or a constituted body of the institution;

v.(ww) Sexual Misconduct. Committing any act of sexual assault, rape, sexual battery, domestic violence, or dating violence as defined by state or federal law; sexual misconduct as defined by TBR Policy 6:03:00:00;

(xx) Harassment, Stalking, or Retaliation. Any conduct that falls within T.C.A. § 39-17-308 (Harassment) or T.C.A. § 39-17-315 (Stalking) or "student-on-student harassment," which means unwelcome conduct directed toward a person that is discriminatory on a basis prohibited by federal, state, or local law, and that is so severe, pervasive, and objectively offensive that it effectively bars the victim's access to educational opportunity or benefit. Engaging in "retaliation," which is an act or omission committed by a student because of another person's participation in a protected activity that would discourage a reasonable person from engaging in protected activity. Retaliation violates these standards regardless of whether the underlying allegation of a violation of a rule is ultimately found to have merit. Retaliation can include, without limitation: an act or omission committed against a person's family, friends, advisors, and or other persons reasonably expected to provide information in connection with an institutional investigation or hearing, and an act or omission committed by a student through a third party. Any act by an individual or group against another person or group in violation of TBR policies, as well as federal and/or state laws prohibiting discrimination, including, but not limited to, TBR policies 5:01:02:00,(F), 6:01:00:00, 6:02:00:00, and TBR Guideline P-080;

w.(yy) Discrimination. Any conduct prohibited by any federal or state law, rule, or regulation related to discrimination, harassment, or retaliation;

x.(zz) Academic Misconduct. Any action or attempted action designed to provide an unfair academic advantage or disadvantage for oneself or others. Academic misconduct includes a wide variety of behaviors such as Plagiarism, cheating, fabrication, and other academic dishonesty. For purposes

of these rules is section the following definitions apply:

**i.4.** Plagiarism. The adoption or reproduction of ideas, words, statements, images, or works of another person as one's own without proper attribution. Examples include copying of passages from works of others into one's own work without acknowledgment; summarizing or paraphrasing ideas from another source without proper attribution, unless such information is recognized as common knowledge; and using facts, statistics graphs, representations or phrases without proper attribution;

**ii.5.** Cheating. Using or attempting to use unauthorized materials, information, or aids in any academic exercise or test/examination. Examples include copying another's work; obtaining or giving unauthorized assistance; unauthorized collaboration or collusion with another person; having another person take a test for a student; and the use of unauthorized materials or devices. The term academic exercise includes all forms of work submitted for credit or hours; and

**iii.6.** Fabrication. Falsifying, fabricating, or misrepresenting data, research results, citations or other information in connection with an academic assignment. Unauthorized falsification or invention of any information or citation in an academic exercise.

**y.(aaa)** Unauthorized Duplication or Possession of Keys. Making, causing to be made or the possession of, with the intent to use or make available for use by others, any key for an institutional facility without proper authorization;

**z.(bbb)** Litter. Dispersing litter in any form onto the grounds or facilities of the campus;

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

**bb.** **(cc)** Abuse of Computer Resources and Facilities. Misusing and/or abusing campus- computer resources including, but not limited to the following:

**i.9.** Use of another person's identification to gain access to institutional computer resources;

**ii.10.** Use of institutional computer resources and facilities to violate copyright laws, including, but not limited to, the act of unauthorized distribution of copyrighted materials using institutional information technology systems;

**iii.11.** Unauthorized access to a computer or network file, including but not limited to, altering, using, reading, copying, or deleting the file;

**iv.12.** Unauthorized transfer of a computer or network file;

**v.13.** Use of computing resources and facilities to send abusive or obscene correspondence;

**vi.14.** Use of computing resources and facilities in a manner that interferes with normal operation of the institutional computing system;

**vii.15.** Use of computing resources and facilities to interfere with the work of another student, faculty member, or institutional official; and/or

**viii.** Violation of any published information technology resources policy;

**ix.16.** Unauthorized peer-to-peer file sharing;

**ee.** **(dd)** Unauthorized Access to Institutional Facilities and/or Grounds. Any unauthorized access and/or occupancy of institutional facilities and grounds is prohibited, including, but not limited to, gaining access to

facilities and grounds that are closed to the public, being present in areas of campus that are open to limited guests only, being present in academic buildings after hours without permission, and being present in buildings when the student has no legitimate reason to be present;

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

ee. (ff) Observation Without Consent Unauthorized Surveillance. Knowingly spying upon, observing, or otherwise viewing an individual, regardless of whether a photo, video, or recording is made, when the individual is in a place where there is reasonable expectation of privacy, without the prior effective consent of the individual, if the viewing would offend or embarrass an ordinary person if the person knew the person was being viewed. Making or causing to be made unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, living quarters~~residence hall rooms~~, and men's or women's~~restrooms~~, and storing, sharing, and/or distributing of such unauthorized images by any means;

ff. (gg) Smoking Violations. Violation of any TBR and/or institutional smoking or other tobacco use rules or policies. Smoking or tobacco use in any campus building or facility, in any state-owned vehicle, or on any campus grounds or property, unless in a designated smoking or tobacco use area. For the purposes of these rules, "tobacco use" includes, but is not limited to, the personal use of any tobacco product, whether intended to be lit or not, which includes smoking tobacco or other substances that are lit and smoked, as well as the use of an electronic cigarette or any other device intended to simulate smoking, and the use of smokeless tobacco, including snuff; chewing tobacco; smokeless pouches; any form of loose-leaf, smokeless tobacco; and the use of unlit cigarettes, cigars, and pipe tobacco:

(hh) Maintenance of Ethical and Professional Standards. Failure to maintain the high ethical and professional standards of the various disciplines of the health professions may subject a student to suspension from a program, dismissal from a program, or other appropriate remedial action.

3. A student enrolled in a program leading to a degree or certificate in a health profession is subject to disciplinary action up to and including suspension and dismissal from a program for engaging in the following acts of misconduct, regardless of location:

(v) Commission of an offense classified as a felony by Tennessee or federal criminal statutes;

(vi) Unlawful use, possession, or sale of drugs or narcotics, whether or not felonious;

(vii) Other unprofessional or unethical conduct that would bring disrepute and disgrace upon both the student and profession and that would tend to substantially reduce or eliminate the student's ability to effectively practice the profession in which discipline he or she is enrolled; or

(viii) Conduct that is in violation of either a relevant Tennessee statute establishing professional standards or a rule or regulation of a Tennessee regulatory board or other body responsible for the establishment and enforcement of professional standards.

4. A person applying for admission to a health profession program may be denied admission to the program on the basis of his or her violation of the aforementioned ethical and professional standards.

(7) Disciplinary action may be taken against a student for violations of the foregoing regulations or institutional policies which occur at or in association with enrollment at an institution governed by the TBR for any academic period. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree including periods prior to or between semesters. Conduct occurring while a student is registered or enrolled at the institution, but not discovered until after the student leaves the institution, including after the awarding of a degree is

~~actionable under these provisions and may result in the retroactive application of a disciplinary sanction. Should a student withdraw from the institution with disciplinary action or academic misconduct action pending, the student's record may be encumbered by the appropriate institutional office until the proceedings have been concluded.~~

(8)(7) Disciplinary holds.

(d) (a) An institution may place a hold on a student record when the student has:

1.4. Withdrawn from the institution while a disciplinary meeting and/or proceeding is pending;

2.5. Not responded to an institutional official's request for a meeting or hearing; or

6. Been suspended or expelled.

(e) (b) A disciplinary hold may remain on a student's record until final resolution of a disciplinary meeting and/or disciplinary hearing.

(f) (c)-An institution will not confer a degree when a student record has been placed on hold, or when a student has a pending disciplinary meeting and/or disciplinary proceeding.

(8) Except for cases involving Academic Misconduct, an institution will not revoke a degree or credential based on conduct occurring while a person was a student, but not discovered until after the awarding of a degree or credential.

(9)

~~Authority: T.C.A. §§ 4-5-101 et seq., 49-7-123(a)(1) and 49-8-203. Administrative History: Repeal of all rules by the Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed August 28, 1984; effective November 13, 1984. Amendment filed May 13, 1991; effective August 28, 1991. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed November 20, 1996; effective March 28, 1997. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed August 11, 2004; effective December 29, 2004. Amendments filed November 12, 2008; effective March 30, 2009. Repeal and new rule filed August 10, 2011; effective January 29, 2012. Emergency rule filed August 18, 2015; effective through February 14, 2016. Amendment filed August 18, 2015; effective November 15, 2015.~~

~~Amend Rule 0240-02-03-.03 by revising the chapter heading; by adding and deleting language to paragraph (1) to clarify behavior that qualifies as Classroom Misconduct; by adding and deleting language to paragraph (2) to clarify behavior that qualifies as Academic Misconduct, including by adding and deleting language to subparagraph (a) and by adding subparagraphs (b) – (l); and by deleting paragraphs (3) and (4), so that as amended it shall read:~~

0240-02-03-03 ~~ACADEMIC AND CLASSROOM~~Classroom and Academic Misconduct MISCONDUCT.

(3) Classroom Misconduct

(c) ~~The instructor has the primary responsibility for maintenance of academic integrity and controlling classroom behavior and responding to disruptive conduct.~~

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

~~(f)(d) (b)-The instructor and can may order the temporary removal or exclusion from the classroom of any student engaged in disruptive conduct or other conduct that violates these rules, or policies of the institution, for each class session during which the conduct occurs. Extended or permanent exclusion from the classroom, beyond the session in which the conduct occurred, or further disciplinary action can be effected only through appropriate procedures set forth in these rules of the institution.~~

(4) Academic Misconduct

(g)(m) (a) ~~Plagiarism, cheating, and other forms of Academic misconduct is dishonesty are prohibited.~~ Students guilty of academic misconduct, either directly or indirectly, through participation or assistance, are immediately responsible to the instructor of the class. In addition to other possible disciplinary sanctions ~~that may be imposed in accordance with these rules and institutional restatement of these rules, which may be imposed through the regular institutional disciplinary procedures,~~ the instructor has the authority to ~~take academic discipline consistent with these rules and institutional restatement of these rules, procedures, and processes. assign an appropriate grade for the exercise or examination, proportional to the nature and extent of academic misconduct. Disciplinary sanctions will be imposed only through the appropriate institutional student disciplinary processes.~~

- (n) ~~An instructor who determines that a student has engaged in academic misconduct may choose to exercise academic discipline by lowering to any extent, including to a grade of "F" or "zero," a student's grade in the course, assignment, or examination affected by the alleged academic misconduct.~~
- (o) ~~An instructor who initiates academic discipline shall inform the appropriate Chair and Dean (or other individual(s) identified by the institution) in writing of the finding of academic misconduct, the basis therefor, the academic discipline imposed, and the appeals process within five (5) days of the imposition of academic discipline.~~
- (p) ~~A student may not withdraw from a course pending final resolution of an allegation of academic misconduct. Students are permitted and encouraged to continue attending class until the academic disciplinary decision, including all appeals, is final.~~

(3)(q) ~~A student charged with academic misconduct has the option of either accepting the academic discipline imposed by the instructor or initiating the appeals process to challenge the allegation of academic misconduct or the severity of the academic discipline. If the student does not respond in writing within five (5) days by either accepting or appealing the academic discipline to the institutional academic misconduct appeals committee, the student waives the right to contest the academic discipline, at which time it becomes final.~~

- (r) ~~An institutional academic misconduct appeals committee shall consist of at least three (3) individuals and include at least one student. The chief academic officer or other administrator identified by the institution will assemble the committee and coordinate the hearing but will not participate on the committee. Any individual who has an interest in the incident, a conflict of interest, or a bias is not permitted to serve on the committee. An institution may maintain standing pools from which individuals may appointed and/or appoint ad hoc academic misconduct appeals committees. At a technical college the president has the authority to appoint a single administrator to perform the functions of the academic misconduct appeals committee and to effectuate the processes identified in this rule.~~
- (s) ~~The academic misconduct appeals committee will set a hearing date that is within fifteen (15) business days of receipt of date of the student's appeal. The student must receive at least seven (7) calendar days' notice of the date, time, and location of the hearing. A student will be notified of the due process protections provided for in TBR Rule 0240-02-03-06.~~
- (t) ~~The academic misconduct appeals committee will conduct the appeal hearing, consider the evidence presented, and make a decision based on a simple majority vote using a preponderance of the evidence standard. The committee can either uphold, overturn, or lessen the academic discipline. The results of the committee's decision will be conveyed to the student in writing, through the chief academic officer or other individual identified by the institution, within ten (10) business days of the hearing.~~
- (u) ~~If the academic misconduct appeals committee upholds or lessens the academic discipline, the student may appeal in writing to the president within five (5) business days following receipt of the decision of the committee. The president will make a decision within ten (10) business days. The president's decision is final.~~

- (v) The institution's chief academic officer, president, or other administrator identified by the institution has the ability to extend any deadline in this section for good cause and upon written notice to the student.
- (w) In addition to academic discipline, a student who is found responsible for academic misconduct, either one or more times, may be subject to disciplinary sanctions in accordance with these rules.
- (x) The institution shall maintain permanently all submissions by the student and all decisions of institutional officials and committees relating to academic misconduct.
- (1) Students may appeal a grade assignment associated with a finding of academic misconduct, as distinct from a student disciplinary sanction, through appropriate institutional academic misconduct or grade appeal procedures. Courses may not be dropped pending the final resolution of an allegation of academic misconduct.
- (2) Disruptive behavior in the classroom may be defined as, but not limited to, behavior that obstructs or disrupts the learning environment (e.g., offensive language, harassment of students and professors, repeated outbursts from a student which disrupt the flow of instruction or prevent concentration on the subject taught, failure to cooperate in maintaining classroom decorum, etc.), text messaging, and the continued use of any electronic or other noise or light emitting device which disturbs others.

~~Authority: T.C.A. §§ 4-5-101 et seq. and 49-8-203. Administrative History: Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed August 28, 1984; effective November 13, 1984. Amendment filed August 11, 2004; effective December 29, 2004. Repeal and new rule filed August 10, 2011; effective January 29, 2012. Amendment filed August 18, 2015; effective November 15, 2015.~~

Amend Rule 0240-02-03-04 by adding and deleting language to paragraph (1), including to clarify when and how disciplinary sanctions may be imposed and to preclude institutions from supplementing these rules through institutional policy; by amending paragraph (2) by changing the heading of the paragraph, by deleting subparagraphs (f) Apology, (g) Fines, (n) Housing Probation, and (o) Housing Suspension and Forfeiture and re-lettering accordingly; and by adding and/or deleting language to subparagraphs (a) Restitution, (b) Reprimand, (g) Probation, (i) Expulsion, (j) Revocation and Withholding of Admission, Degree or Credential, and (k) Interim Involuntary Withdrawal or Suspension, so that as amended it shall read:

#### 0240-02-03-04 Disciplinary Sanctions~~DISCIPLINARY SANCTIONS~~.

~~(e)(4) Institutions shall adopt and publish a policy these rules and, providing notice of potential disciplinary sanctions applicable to both students individuals and student organizations. Disciplinary sanctions may be imposed only after a violation of these rules has been established. The policy may include any appropriate sanction, given the specific needs of the individual institution, subject to prior review and approval by the TBR Offices of General Counsel and Academic Affairs. Institutions are pre-authorized to implement any or all of the sanctions, in the form set forth in sub-section (2) below, without need for prior review or approval. Upon a determination that a student or student organization has violated any of the disciplinary offenses set forth in these regulations, institutional disciplinary policies, or the general policies of an institution, disciplinary sanctions may be imposed, either singly or in combination, by the appropriate institution or school officials.~~

~~(f)(5) Types~~Definition of Sanctions:

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

~~b.(m) Warning. The appropriate institutional official may notify orally or in writing the student or student~~

organization that continuation or repetition of specified conduct may be cause for other disciplinary action;

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

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

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

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

g. ~~Fines. Penalties in the form of fines may be imposed against a student or student organization whenever the appropriate institutional authority deems appropriate. The sanction of fines may be imposed in addition to other forms of disciplinary sanctions. Failure to pay fines may result in further disciplinary action;~~

h.(g) Restriction. A restriction upon a student's or student organization's privileges for a period of time may be imposed. This restriction may include, for example, denial of the ability to represent the institution at any event, ability to participate in institution or TBR sponsored travel, use of facilities, parking privileges, participation in extracurricular activities or restriction of organizational privileges;

i.(r) Probation. Continued enrollment of a student or recognition of a student organization- on probation may be conditioned upon adherence to these rulesregulations. Any student or organization placed on probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon extracurricular activities, or any- other appropriate special condition(s). Any conduct in further violation of these rulesregulations while on probationary status or the failure to comply with the terms of the probationary period may result in the imposition of further disciplinary action;

j.(s) Suspension. Suspension is the separation of a student or student organization from the institution for a specified period of time. Suspension may be accompanied by special conditions for readmission or recognition;

k.(t) Expulsion. Expulsion entails a permanent separation from the institution. The -imposition of this sanction is a permanent bar to the student's admission, or a student organization's recognition by~~to~~ the institution. A student or organization that has been expelled may not enter institution property or facilities without obtaining prior approval from an appropriate campus official with knowledge of the expulsion directive;

l.(u) Revocation and Withholding of Admission, Degree, or Credential; and

m.(v) Interim Involuntary Withdrawal or Suspension. As a general rule, the status of- a student or student organization accused of violation of these rulesregulations or institutional policies should not be altered until a final determination has been made in regard to the charges. However, interim or involuntary withdrawal or suspension, pending the completion of disciplinary procedures, may be imposed upon a finding by the appropriate institutional official that the conduct, or attempted conduct of the student poses a direct threat to the safety of any other member of the institution, its guests, property, or the student's behavior is materially and substantially disruptive of the institution's learning environment, or other campus activities. In any case of interim or involuntary withdrawal or suspension, the student, or student organization, shall be given an opportunity at the time of the decision, or as soon thereafter as reasonably possible, to contest the suspension in accordance with these rules.

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

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

e.(6) (3) The president is authorized, either personally or through a designee, to negotiate a mutually acceptable resolution to any disciplinary proceeding or to rescind or convert any sanction imposed to a lesser sanction.

~~Authority: T.C.A. §§ 4-5-101 et seq. and 49-8-203. Administrative History: Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed August 28, 1984; effective November 13, 1984. Amendment filed August 11, 2004; effective December 29, 2004. Amendments filed November 12, 2008; effective March 30, 2009. Repeal and new rule filed August 10, 2011; effective January 29, 2012. Emergency rule filed August 18, 2015; effective through February 14, 2016. Amendment filed August 18, 2015; effective November 15, 2015~~

~~Amend Rule 0240-02-03-.05 by repealing chapter (.05) (and by creating a separate chapter related to traffic and parking).~~

#### 0240-02-03-05 TRAFFIC AND PARKING.Repealed

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

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

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

(4) ~~Traffic: TBR institutions shall adopt policies with regard to motor and other vehicular traffic on institution owned, operated, or controlled sites. Those policies shall reflect the nature of traffic patterns, roads, and physical limitations of the particular institution owned or controlled site. TBR institutions are further directed to adopt and~~

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

~~(5) Fines/Penalties: TBR institutions shall have the authority to adopt appropriate fines and/or disciplinary sanctions for violations of the traffic and parking regulations established pursuant to sections (3) & (4) above. Fines may be set as determined necessary at each institution, but shall not exceed the amounts provided for by the higher of state law, county, or municipal ordinance for the same offense. Such fines are subject to the prior review and approval of the TBR, pursuant to the requirement set forth in TBR policy. Proposed fines shall be submitted to the TBR together with information sufficient to justify the fine. Such information shall include consideration of state/county/municipal fines for the same offense, fines for the same offense at similarly situated institutions, association to enforcement costs at the institution, and/or the unique traffic/parking considerations at each institution. Once adopted or amended, all fines shall be affirmatively communicated to the faculty, staff, and students of the institution as well as published in appropriate websites, handbooks, or manuals.~~

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

~~Authority: T.C.A. §§ 4-5-101 et seq. and 49-8-203. Administrative History: Original rule filed August 10, 2011; effective January 29, 2012. Amendment filed August 18, 2015; effective November 15, 2015.~~

Amend Rule 0240-02-03-06 by amending paragraph (1) by adding and deleting language to subparagraph (a) and adding subparagraphs (b) - (f); by deleting former paragraphs (2) and (3) and replacing them with new paragraphs (2) and (3); by adding and deleting language to paragraph (4) to explain disciplinary options for students, including by adding and deleting language to subparagraph (a) and adding subparagraphs (b) – (d); and by adding and deleting language to paragraphs (5) and (6), so that as amended it shall read:

#### 0240-02-03-06 Disciplinary Procedures DISCIPLINARY PROCEDURES

##### (7) General:

(g) Institutions governed by the TBR, in the implementation of TBR policies pertaining to discipline and conduct of students, shall provide insure the constitutional rights of students with by affording a system of constitutionally and legally sound procedures that which provide the protection of due process of law. In furtherance of this mandate, all TBR institutions shall enact policies setting forth the disciplinary procedures for the institution. All such policies shall be enacted in accordance compliance with these rules, institutional restatement of these rules, is rule, TBR Policy 3-02-01-00, and applicable state and federal law. All policies adopted pursuant to this rule shall be subject to prior review and approval. Once adopted or amended, all The institution's restatement of rules, processes, and disciplinary procedures shall be affirmatively communicated to the faculty, staff, and students of the institution as well as published on the institution's # appropriate website and communicated to studentss, handbooks, or manuals.

(h) At community colleges, the Vice President of Student Affairs or other administrator designated by the institution is responsible for matters within the scope of these rules, except that the Chief Academic Officer is responsible for matters related to academic misconduct. In situations where the conduct could fall within both areas of responsibility, the two offices will confer and decide which rules will apply and advise the student or student organization in writing of the decision. At colleges of applied technology, the president or designee has responsibility.

(i) Complaints related to discrimination, harassment, and retaliation that are not subject to another rule will be investigated and resolved in accordance with these rules and the institution's restatement of these rules, procedures, and processes.

10. In determining whether the evidence establishes a violation of these rules, the institution shall use the standard of evidence for contested cases under the UAPA and Department of State Rule 1360-04-01. At all times the burden of obtaining evidence and establishing a violation shall be on the institution.
- (3)11. In the event of bias or conflict of interest by an institutional official, the institution may appoint a substitute, who may or may not be employed by the institution.
- (4)12. The investigator shall conduct an appropriate investigation, which may include interviews of the parties and witnesses, as well as review of documents and other information. The purpose of the investigation is to determine whether the evidence establishes a violation of these rules. The parties are encouraged, but not required, to provide information that they want the investigator to consider.
- (5)13. The investigator shall provide written notice of receipt of a written complaint or the decision to initiate an investigation.
- (6)14. The investigator shall notify students that the institution will comply with FERPA and only disclose information in accordance with FERPA and other applicable law.
- (7)15. The investigator shall prepare a report summarizing the investigation. The report shall include, but not be limited to, the dates of the alleged occurrences, the response of the respondent, the findings of the investigator, and recommendations regarding disposition of the complaint.
- (8)16. The report shall be submitted to the institution's president within sixty (60) calendar days following receipt of the complaint, absent cause for extending the investigation timeline. In situations where more time is needed to complete the investigation, written notice shall be provided to the parties explaining the reasons.
- (9)17. The president shall review the investigator's report and shall make a written determination as to whether these rules have been violated and the appropriate disciplinary sanction, if any. The president's determination and the investigator's report shall be provided to the parties, unless prohibited by law.
18. Either party may send a written request to reconsider to the president within ten (10) working days, absent good cause, of receipt of the president's determination.
- (1)
- (v) The request to reconsider process shall consist of an opportunity for the parties to provide information to the president's attention that would change the determination and/or disciplinary sanction. A party must explain why the factual information was incomplete, the analysis of the facts was incorrect, the determination was affected by bias or a conflict of interest, procedural irregularity, and/or the appropriate standard was not applied, and how this would affect the determination. Failure to do so may result in denial of the request to reconsider.
- (vi) The parties will not be allowed to present their request to reconsider in person unless the president determines, in his or her sole discretion, to allow an in-person appearance.
- (vii) The president shall issue a written response to the request to reconsider as promptly as possible. The decision will constitute the institution's final decision.
- (viii) The institution shall provide written notice of the ability to contest the determination and/or disciplinary sanctions, including where applicable, the ability to request a contested case hearing pursuant to the UAPA, to the parties at the time the parties are advised of the determination and upon the resolution of any request to reconsider or appeal.

- (j) Students and student organizations subject to any disciplinary sanction are entitled to a due process hearing in accordance with these rules and standards established by the constitutions of the State of Tennessee and the United States unless that right is waived by the student after receiving written notice of the available procedures.
- (k) All proceedings under these rules will be held in closed session and not open to the public. Formal rules of evidence shall not be applicable. The administrator or committee chair may exclude evidence which in their judgment is immaterial, irrelevant, or unduly repetitious. Evidence in contested case hearings will be considered in accordance with TBR Rule 0240-01-05 and Department of State Rule 1360-04-01.
- (8)(I) Written notice to a student or student organization is accomplished either by handing a copy to the student; sending documents via email to the student's or student organization's institutional email account; email account of record on file with the institution; or by sending a copy via certified mail, registered mail, return receipt requested mail, or a nationally recognized delivery service that tracks delivery to the student's residence of record or the student organization's address of record.

(8) Initiation of Charges

- (d) An institution may initiate the disciplinary process on the basis of written allegations received from any source, including any member of the college community. Complaints should be directed to the Vice President of Student Affairs or other administrator identified by the institution, except that complaints relating to discrimination, harassment, and retaliation should be referred to the administrator identified by the institution so that such complaints can be handled in accordance with these rules. The institution may also initiate disciplinary procedures without written allegations if it becomes aware of potential violations of these rules through other means.
- (e) When the allegations, if proven, may warrant the imposition of a disciplinary sanction, the institution shall inform the student of the allegations and proceed to gather information concerning the matter, including, but not limited to, interviewing relevant witnesses and reviewing relevant documents and evidence. Students who may be the subject of disciplinary sanctions will be provided the minimum due process protections identified in these rules.
- (f) After reviewing the evidence, the administrator with responsibility for the matter shall decide whether sufficient evidence exists to charge the student, and if so, the appropriate disciplinary sanction. Notice of the charges and disciplinary sanction, if any, shall be provided in writing to the student. If there is insufficient evidence to continue the disciplinary process, the matter will be closed, and written notice will be provided to the student.

(9) Minimum Due Process Protections. Institutions shall provide the following minimal procedural due process protection components in disciplinary matters:

- (d) The student shall be advised, in writing, of the breach of the rule(s) of which he or she is charged;
- (e) The student shall be advised of the time, date, and place of the hearing allowing reasonable time for preparation; and
- (f) The student shall be advised of the following rights applicable at the hearing:
6. The right to present his or her case;
  7. The right to be accompanied by an advisor of his or her choice. The advisor's participation shall be limited to advising the student, and not include advocating on behalf of the student, speaking on behalf of the student, or otherwise actively representing the student. An advisor is not permitted to interfere with the hearing;
  8. The right to call witnesses in his or her behalf;
  9. The right to confront witnesses against him or her; and

10. The method and time limitations for appeal, if any is applicable.

(10) Options for Students. Four potential processes exist for adjudication of disciplinary matters. The student will be informed in writing of each available option and the due process rights associated with each option. A student will have five (5) business days following written notification to select an option. If a student fails to return the election of a procedure in a timely manner, the student will be deemed to have waived the right to contest the disciplinary sanction. Selection of one option constitutes waiver of all other options.

- (e) Contested Case Hearing Procedure: All cases which may result in either : (a) suspension or expulsion of a student from the institution for disciplinary reasons, or (b) revocation of registration of a student organization, are subject to the contested case provisions of the Uniform Administrative Procedures Act (UAPA), T.C.A. §§ 4-5-301 et seq., and shall be processed in accord with TBR Rule 0240-01-05, the Uniform Contested Case procedures adopted by the Board of Regents, unless the student or student organization, after receiving written notice, waives those procedures.
- (f) A student at a community college may elect an institutional panel hearing. A student at a college of applied technology may elect a formal hearing in front of a single administrator appointed by the president.

3. Institutional Panel Hearing (Community Colleges)

- (vii) An institutional panel hearing committee at a community college shall consist of at least three (3) individuals and include at least one student. The dean of students or other administrator identified by the institution will assemble the committee and coordinate the hearing but will not vote as to the committee's decision. An individual who has an interest in the incident, a conflict of interest, or a bias is not permitted to serve on the committee. The institution may appoint individuals from standing pools and/or appoint ad hoc committees.
- (viii) The committee will set a hearing date that is within fifteen (15) business days of receipt of the student's appeal. The student must be notified of the date, time, and location of the hearing as soon as possible, but given at least seven (7) calendar days' notice. A student will be notified of the due process protections provided for in these rules.
- (ix) The committee will conduct the appeal hearing, consider the relevant evidence presented, and make a decision based on a simple majority vote. The committee can either uphold, overturn, or lessen the disciplinary finding and/or sanction. The results of the decision will be conveyed to the student in writing, through the dean of students or other administrator identified by the institution, within ten (10) business days of the hearing.
- (x) If the committee upholds or lessens the disciplinary finding and/or sanction, the student may appeal in writing to the president within five (5) business days following receipt of the decision of the committee. The president will make a decision within ten (10) business days. The president's decision is final.
- (xi) The president, dean of students or other administrator identified by the institution has the ability to extend deadlines for good cause and upon written notice to the student.
- (xii) The institution shall maintain all submissions by the student and all decisions of institutional officials and committees permanently.

4. Formal Administrative Hearing (Colleges of Applied Technology)

- (v) The president of a college of applied technology shall appoint an administrator who will set a hearing date that is within fifteen (15) business days of receipt of the student's appeal. The student must be given at least seven (7) calendar days' notice of the hearing. A student will be notified of the due process protections provided for in these rules.
- (vi) The administrator will conduct a hearing, consider the relevant evidence presented, and

make a decision either upholding, overturning, or lessening the disciplinary finding and/or sanction. The results of the decision will be conveyed to the student within ten (10) business days of the hearing.

(vii) If the administrator upholds or lessens the disciplinary finding and/or sanction, the student may appeal in writing to the president within five (5) business days following receipt of the decision of the committee. The president will make a decision within ten (10) business days. The president's decision is final.

(viii) The president has the ability to extend deadlines for good cause and upon written notice to the student.

(g) Administrative Resolution. An administrative resolution involves the student meeting with a single administrator appointed by (i) for community college students, the dean of students or other administrator identified by the institution or (ii) for college of applied technology students, the president. There is no appeal. The decision of the administrator is final.

(h) A student may elect not to contest the disciplinary action, which serves as a waiver of the right to contest the disciplinary action.

(9) to have the case disposed of in accord with institutional procedures or waives all right to contest the case under any procedure. These procedures shall be described in the institution's policy.

a. For cases which may result in Interim Involuntary Withdrawal or Suspension, the institution must incorporate the guidelines set forth herein at (6) in its decision-making processes.

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

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

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

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

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

(11)(5) Procedures Related to Interim Involuntary Withdrawal or Suspension Hearings

(e) When the Vice President for Student Affairs or other administrator identified by the institution determines that an interim suspension or other interim measure is required for the health and safety of the institutional community and/or property, or to prevent an ongoing imminent threat of disruption to or interference with the normal operations of the institution, the student will receive an opportunity for an informal hearing with the Vice President of Student Affairs or other administrator identified by the institution to contest the interim measure.

(d)

(f) The informal hearing will be held within five (5) calendar days, absent good cause.

(e)

(g) The evidence presented at the hearing shall be limited to that which is relevant to the basis asserted for imposition of the interim suspension or other interim measure.

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

~~1. In determining whether a student should be involuntarily withdrawn or suspended for threatening or disruptive conduct, the institution shall consider the nature, duration, severity, and probability of the threat posed and/or the disruption caused by a student, relying on the best available objective evidence and, if applicable and obtainable, the most current medical evidence.~~

~~2. The institution shall also determine whether reasonable modifications of its policies, practices, or procedures could sufficiently mitigate the risk.~~

~~3. Absent exigent circumstances creating an imminent risk of harm, the assessment will be made prior to a decision to involuntarily withdraw or suspend based on the threat he or she poses to others.~~

4.(h) (d) The student will be entitled to a formal hearing in accordance with the due process protections described in these rules before a permanent disciplinary sanction is imposed. If exigent circumstances warrant the immediate removal of a student from the institution, the student will receive, at a minimum, notice and an initial opportunity to present evidence immediately after being placed on involuntary withdrawal and the opportunity to initiate full due process within thirty (30) days of the removal.

~~vii.(12) (67) Alternative Resolution Procedures: An institution is authorized to establish alternative or multiple methods/bodies for hearings and/or for the resolution of disciplinary matters, with the consent of all relevant parties, may use an . Alternative resolution methods may include, but are not limited to, an apology, mediation or, diversion programs, and/or a negotiated resolutions.~~

~~Authority: T.C.A. §§ 4-5-101 et seq. and 49-8-203. Administrative History: Original rule filed August 10, 2011; effective January 29, 2012. Emergency rules filed August 18, 2015; effective through February 14, 2016. Amendment filed August 18, 2015; effective November 15, 2015.~~

**Department of State**  
**Division of Publications**  
312 Rosa L. Parks Ave., 8th Floor, Snodgrass/TN Tower  
Nashville, TN 37243  
Phone: 615-741-2650  
Email: [publications.information@tn.gov](mailto:publications.information@tn.gov)

**For Department of State Use Only**  
Sequence Number: \_\_\_\_\_  
Notice ID(s): \_\_\_\_\_  
File Date: \_\_\_\_\_

# Notice of Rulemaking Hearing

*Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.*

<b>Agency/Board/Commission:</b>	Tennessee Board of Regents
<b>Division:</b>	
<b>Contact Person:</b>	Brian A. Lapps, Jr. General Counsel
<b>Address:</b>	1 Bridgestone Park, 3 <sup>rd</sup> Floor Nashville, TN 37214
<b>Phone:</b>	615-366-4438
<b>Email:</b>	<a href="mailto:Brian.lapps@tbr.edu">Brian.lapps@tbr.edu</a>

*Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:*

<b>ADA Contact:</b>	
<b>Address:</b>	
<b>Phone:</b>	
<b>Email:</b>	

**Hearing Location(s)** (for additional locations, copy and paste table)

Address 1:	
Address 2:	
City:	
Zip:	
Hearing Date:	mm/dd/yyyy
Hearing Time:	<input type="checkbox"/> CST/CDT <input type="checkbox"/> EST/EDT

#### Additional Hearing Information:

Oral and written comments on the proposed rulemaking will be received at the public hearing on \_\_\_\_\_ at \_\_\_\_\_ CST. In addition, interested parties may submit written comments on or before \_\_\_\_\_ by mail or email to:

Brian A. Lapps, Jr., General Counsel  
Tennessee Board of Regents  
1 Bridgestone Park, 3<sup>rd</sup> Floor  
Nashville, TN 37214  
615-366-4438

#### Revision Type (check all that apply):

- Amendment  
 New  
 Repeal

**Rule(s) (ALL** chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0240-02-10	Title IX Compliance
Rule Number	Rule Title
0240-02-10-01	Statement of Nondiscrimination on the Basis of Sex
0240-02-10-02	Definitions
0240-02-10-03	Equitable Treatment
0240-02-10-04	Reporting Sexual Harassment
0240-02-10-05	Investigations and Outcome
0240-02-10-06	Severability

Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to  
<https://sos.tn.gov/products/division-publications/rulemaking-guidelines>.

#### New Chapter

Table of Contents is added to Chapter 0240-02-10 and shall read as follows:

0240-02-10-01 Statement of Nondiscrimination on the Basis of Sex  
 0240-02-10-02 Definitions  
 0240-02-10-03 Equitable Treatment  
 0240-02-10-04 Reporting Sexual Harassment  
 0240-02-10-05 Investigations and Outcome  
 0240-02-10-06 Severability

0240-01-10-01 Statement of Nondiscrimination on the Basis of Sex is added to Chapter 0240-01-10 and shall read as follows:

0240-02-10-01 Statement of Nondiscrimination on the Basis of Sex. The Tennessee Board of Regents (the TBR) and institutions under its jurisdiction, as explained in institutional restatements of these rules, will comply with Title IX of the Education Amendments of 1972, §485(f) of the Higher Education Act, as amended by § 304 of the Violence Against Women Reauthorization Act of 2013, the regulations implementing these Acts found at 34 CFR §668.41, §668.46, and Appendix A to Subpart D of Part 668.

Authority: T.C.A. §§ 4-5-101 et seq. and 49-8-203.

0240-02-10-02 Definitions is added to Chapter 0240-01-10 and shall read as follows:

0240-02-10-02 Definitions

- (1) Complainant – a person who is alleged to be the victim of conduct that could constitute Sexual Harassment. A complainant may also be referred to as a Party.
- (2) Consent - an active agreement to participate in a sexual act. An active agreement is words and/or actions that indicate a willingness to participate in a sexual act. Consent cannot be given by an individual who is asleep; unconscious; or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason; or is under duress, threat, coercion, or force. Past consent does not imply future consent. Silence or an absence of resistance does not imply consent. Consent can be withdrawn at any time.
- (3) Education program or activity - education programs and activities include locations, events, or circumstances over which the TBR or a TBR institution exercises substantial control over both the

**DRAFT DATED 2-19-21**

respondent and the context in which the alleged sexual harassment occurred. Relevant factors include whether the alleged conduct took place (i) on or off premises owned or controlled by TBR or a TBR institution, (ii) during school or work hours, (iii) as part of an institution-sponsored social activity, and (iv) as part of an activity that advances an educational purpose. Education programs or activities also include any building owned or controlled by an officially-recognized student organization. Whether the respondent is an institutional employee, and if so, the nature of the respondent's employment may be relevant. No single factor is determinative, including whether the alleged harassment took place on premises owned or controlled by a TBR institution. The Title IX Coordinator will make a fact-specific decision whether, if proven, the allegations arise out of an education program or activity.

- (4) Force/Forced - words and/or conduct that, viewed from the perspective of a reasonable person, substantially impair(s) a person's ability to voluntarily choose whether to take an action or participate in an activity. Examples of force include, without limitation: physical force (e.g., hitting, punching, slapping, kicking, restraining, choking, kidnapping, using a weapon, blocking access to an exit);
- (a) Words and/or conduct that would cause a reasonable person to fear:
1. Physical force or other harm to the person's health, safety, or property, or a third person's health, safety, or property;
  2. Loss or impairment of an academic benefit, employment benefit, or money;
  3. Disclosure of sensitive personal information or information that would harm a person's reputation;
  4. Disclosure of video, audio, or an image that depicts the person's nudity or depicts the person engaging in sexual act(s); or
  5. Other immediate or future physical, emotional, reputational, financial, or other harm to the person or a third person.
- (5) Formal Complaint - a document filed by a complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a respondent and requesting that the institution investigate the allegation. At the time of filing a formal complaint, a complainant either must be participating in or attempting to participate in the institution's education program or activity implicated by the formal complaint.
- (6) "Incapacitation" means that a person lacks the ability to actively agree to a sexual act because the person is asleep, unconscious, under the influence of an anesthetizing or intoxicating substance such that the person does not have control over their body, is otherwise unaware that a sexual act is occurring, or their mental, physical, or developmental abilities renders them incapable of making a rational informed judgment. Incapacitation is not the same as legal intoxication.
- (7) Respondent - a person who has been alleged to be a perpetrator of conduct that could constitute sexual harassment. A respondent may also be referred to as a party.
- (8) "Retaliation" for purposes of these rules means to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by these rules or by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing. Intimidation, threats, coercion, or discrimination, including charges against an individual that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by these rules constitutes retaliation. Retaliation is a violation of these rules regardless of whether the underlying allegation is ultimately found to have merit.
- (a.) The exercise of rights protected under the First Amendment does not constitute retaliation.
- (b.) Charging an individual with a violation of these rules or other rules for making a materially false statement in bad faith in the course of a grievance proceeding under these rules does not constitute retaliation.

- (9) Sexual Harassment - conduct on the basis of sex that satisfies one or more of the following:
- (a) An employee of TBR or a TBR institution conditioning provision of an aid, benefit, or service of an institution on an individual's participation in unwelcome sexual conduct (quid pro quo);
  - (b) Unwelcome conduct of a sexual nature determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the institution's education program or activity. "Reasonable person" means a reasonable person under similar circumstances as and with similar identities to the Complainant. A TBR institution will consider the totality of the circumstances, including without limitation, the context in which the conduct and/or words occurred, and the frequency, nature, and severity of the words and/or conduct. In no event shall sexual harassment be construed to prohibit speech protected by the First Amendment to the United States Constitution (e.g., merely offensive or insulting speech); or
  - (c) Domestic violence as defined by federal law, domestic violence as defined by state or federal law, or stalking as defined by federal law.

Authority: T.C.A. §§ 4-5-101 et seq. and 49-8-203.

0240-02-10-.03 Equitable Treatment is added to Chapter 0240-01-10 and shall read as follows:

0240-02-10-.03 Equitable Treatment

- (1) No Title IX Coordinator, investigator, decision-maker, person designated to facilitate an informal resolution process, or anyone deciding an appeal shall have a conflict of interest or bias for or against complainants or respondents generally, or against an individual complainant or respondent.
- (2) The Title IX Coordinator is responsible for appointing investigators, decision-makers, and appellate reviewers, and may appoint someone from another TBR institution or someone not employed by a TBR institution in order to avoid potential bias, a potential conflict of interest, or for other reasons. In the event of a conflict of interest or potential bias of the Title IX Coordinator, or if the Title IX Coordinator believes that another person should serve in that role for other reasons, the TBR Central Office shall be responsible for appointing someone to serve the functions of the Title IX Coordinator.
- (3) Each institution will provide a prompt, fair, and impartial investigation, adjudication, and, if applicable, disciplinary process. Institutions will treat complainants and respondents equitably, which includes an objective evaluation of all relevant evidence, including both evidence that tends to prove or disprove the allegations.
- (4) Credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.
- (5) The investigation shall proceed with a presumption that a respondent is not responsible for the alleged conduct unless and until a determination of responsibility for a violation is made at the conclusion of the decision-making process. It is the institution's responsibility to establish sexual harassment and not any party's responsibility to prove or disprove sexual harassment.
- (6) The institution shall provide simultaneous written notification to the parties of:
  - (a) Any initial, interim, or final decision by an official authorized to resolve disciplinary matters;
  - (b) Any available appeal procedures for that decision;
  - (c) Any change to that decision; and
  - (d) When that decision becomes final.
- (7) The parties will receive timely and equal access to information.
- (8) A TBR institution will not restrict any rights protected from government action by the First Amendment to the U.S. Constitution, deprive a person of any rights that would otherwise be protected from government action under the Due Process Clauses of the Fifth and Fourteenth Amendments to the

**DRAFT DATED 2-19-21**

U.S. Constitution, or restrict any other rights guaranteed against government action by the U.S. Constitution or State of Tennessee Constitution.

Authority: T.C.A. §§ 4-5-101 et seq. and 49-8-203.

0240-02-10-.04 Reporting Sexual Harassment is added to Chapter 0240-01-10 and shall read as follows:

**0240-02-10-.04 Reporting Sexual Harassment**

(1) **Applicability**

- (a) Allegations of sexual discrimination or harassment that do not meet the definition of sexual harassment or otherwise do not meet the criteria for filing a formal complaint will be handled in accordance with TBR's Rules for Student Conduct and Disciplinary Sanctions, Chapter 0240-02-03.
- (b) Upon receiving and assessing a report of sexual harassment and/or other sexual discrimination or harassment, the Title IX Coordinator will decide whether the criteria for proceeding under these rules, procedures, and processes are met and whether additional rules, procedures and processes may apply.
- (c) These rules apply to conduct by third parties, such as vendors with whom the institution contracts to provide services, and campus visitors.

(2) **Reporting to Title IX Coordinator**

- (a) Any person may report sexual harassment to the Title IX Coordinator at any time, including during non-business hours, by using the telephone number or electronic mail address, or office mail address listed for the Title IX Coordinator.
- (b) Although reports and complaints of sexual harassment may be made at any time, reports should be made as soon as possible so that the institution is best able to address the allegation.
- (c) An institution shall publish its Title IX Coordinator's name and contact information (mailing address, phone number, email address, etc.) in institutional materials and on its website.

(3) **Supportive and Interim Measures**

- (a) After receiving a report of potential sexual harassment, whether or not the report is a formal complaint, the Title IX Coordinator will contact the complainant to discuss the availability of interim/supportive measures, inform the complainant of their availability, and consider the complainant's wishes with respect to potential interim/supportive measures. The Title IX Coordinator will also explain the process for filing a formal complaint.
- (b) The Title IX Coordinator, in conjunction with the appropriate department, may implement interim, supportive, or protective measures while assessing, investigating, and resolving the report. These interim/supportive measures are non-disciplinary, non-punitive, individualized services and are offered without fee or charge to the complainant or respondent before or after the filing of a formal complaint or where no formal complaint has been filed.
- (c) Interim/supportive measures are designed to restore or preserve equal access to the institution's programs or activities without unreasonably burdening the other party and may include measures designed to protect the safety of all parties or the institution's educational environment or deter sexual harassment.
- (d) These measures may include, but are not limited to: mutual no-contact directives; access to counseling services and assistance in setting up an initial appointment; changing schedules, assignments, or job/study locations to lessen or minimize contact; extensions of deadlines and

**DRAFT DATED 2-19-21**

course-related adjustments; limiting or barring an individual's or organization's access to certain institutional facilities or activities; providing an escort to ensure safe movement on campus; providing academic support services, such as tutoring; arranging for a party to re-take a course or withdraw from a class without penalty; administrative leave; leave of absence; institution-imposed leave or physical separation from individuals or locations.

- (e) The institution will attempt to maintain the confidentiality of such interim/supportive measures, to the extent that it can do so without impairing its ability to effectuate the interim/supportive measures or to investigate and adjudicate the complaint.

**(4) Formal Complaint**

- (a) Any person alleging to be a victim of sexual harassment that took place within an education program or activity of a TBR institution in the United States may file a formal complaint.
- (b) A complainant who wants a TBR institution to conduct an investigation and take action in accordance with these rules must file a formal complaint alleging sexual harassment.
- (c) A complainant must submit a written formal complaint in person, by mail, or via electronic mail to the Title IX Coordinator. The document must contain the complainant's physical signature or a "digital signature." (A digital signature is information transmitted electronically that enables the Title IX Coordinator to determine that the complainant is the person submitting the complaint, including, but not limited to, an email from a TBR institutional account or a typed version of the complainant's name. A digital signature need not reproduce a written signature.) A formal complaint cannot be submitted anonymously. Only the Title IX Coordinator can submit a formal complaint on behalf of another person.
- (d) Although TBR institutions will attempt to consider the wishes of complainants, including that no investigation be conducted, TBR institutions will also consider their obligations under TBR rules and applicable law. Thus, when the Title IX Coordinator receives a report of sexual harassment, the Title IX Coordinator may decide to investigate the matter, even if the complainant does not want the report investigated. If the Title IX Coordinator decides to file a formal complaint, the Title IX Coordinator is not a "party" to any investigation, determination or hearing process.
- (e) Complainants should provide as much of the following information as possible: what happened, where, and when; names of all people involved, including witnesses (if any); supporting documentation (if any); and contact information. TBR encourages reporting of sexual harassment even if some or all information is unavailable or cannot be provided. The Title IX Coordinator will explain their role, the options for reporting an incident, potential available interim/supportive measures, and the available resources for assistance.

**(5) Confidential Resources (who will not share information with Title IX Coordinator)**

- (a) TBR encourages students who have experienced Sexual Harassment to talk to someone about what happened, whether they want their report to be investigated or not. Institutions should offer complainants someone to talk to confidentially so that they can get the support they need. Institutions shall explain that some resources are confidential and should be considered if the complainant does not want the institution to investigate the matter.
- (b) If the institution employs or contracts with such individuals, confidential resources include licensed professional counselors/mental health providers when acting in that role; pastoral counselors acting in that capacity; and medical professionals when acting in a clinical role. These resources do not report any information about an incident to the Title IX Coordinator without a complainant's permission. Institutions shall identify and provide contact information for any confidential reporting options within the institution.
- (c) Counselors and health care providers not affiliated with the institution will generally maintain confidentiality and not share information with the institution unless the complainant requests the disclosure and signs a consent or waiver form. However, these resources may have reporting obligations under state or federal law. For example, healthcare providers and certain other individuals are required to notify law enforcement when a person seeks treatment for injuries related to a violent crime, including injuries resulting from sexual harassment or abuse

of a minor.

(6) No Retaliation

- (a) Retaliating against a person who makes a report or files a complaint, participates or assists in an investigation, encourages another to file a complaint, or opposes sexual harassment (or any other form of unlawful discrimination or harassment) is prohibited. Students are not permitted to interfere with an investigation. Retaliation or interference will result in disciplinary sanctions consistent with these rules and other rules.
- (b) In order to help prevent retaliation, institutions should keep confidential the identity of anyone who has made a report or complaint of sex discrimination, including anyone who has filed a formal complaint of sexual harassment, any complainant, any respondent, and any witness except as is required to carry out an institution's responsibilities under these rules and other rules, as required or permitted by required by state or federal law.

(7) Complainant Services

- (a) Each institution shall provide notice of available assistance and services to complainants. The statement shall include, at a minimum, the following:
  1. The identity and contact information for any trained on-and off-campus advocates and counselors who can provide an immediate confidential response in a crisis situation;
  2. Emergency number for on- and off-campus safety, law enforcement, and other first responders, including the Title IX Coordinator;
  3. A list of health care options, both on- and off-campus, including options to seek treatment for injuries, preventative treatment for sexually transmitted diseases, and where and how to get a rape kit or find a Sexual Assault Nurse Examiner (SANE);
  4. A statement that it is very important for the complainant to be screened for sexually transmitted diseases/pregnancy/drugs that may have been used to incapacitate, obtain emergency contraception, and receive treatment for any injuries. Valuable physical evidence can be obtained from the complainant and the complainant's clothing. Even those who are unsure whether to make a police report or take action may wish to have a forensic examination, which will facilitate the identification and preservation and physical evidence;
  5. A statement that to help preserve evidence in the event of a sexual assault, it is important for the complainant not to change clothes or bedding and not take a shower, douche, use the toilet, brush their teeth or clean up until police have had a chance to gather evidence. However, if a complainant has already changed clothes or cleaned up/showered, evidence may still be collected. The complainant should leave any clothes or bedding unfolded and undisturbed, if possible. If clothing or bedding must be moved, items should be kept separate to prevent transfer of body fluids or other trace evidence. Parties should not delete or destroy any text messages, social media, emails, voicemails, written notes, or any other documents that may be relevant;
  6. A list of locations, including contact information, for any available advocate (e.g. a local rape crisis center, on-campus advocacy program) who can accompany a person to the hospital or health provider; and
  7. A statement that these services are available whether or not a complainant chooses to make an official report, file a formal complaint, or participate in the institutional disciplinary or criminal process.

(8) Reporting Pursuant to Nottingham Act

- (a) Unless the victim of a rape does not consent to the reporting of an offense, the chief security

**DRAFT DATED 2-19-21**

office or chief law enforcement officer of the institution shall immediately notify the local law enforcement agency with territorial jurisdiction over the institution if the officer is in receipt of a report from victim alleging that any degree of rape has occurred on the property of the institution. The chief security officer or chief law enforcement officer shall designate one or more persons who shall have the authority and duty to notify the appropriate law enforcement officer. In the case of an alleged rape, the institution's law enforcement agency shall lead the investigation. After notifying the local law enforcement agency, the institution shall cooperate in every respect with the investigation conducted by the law enforcement agency.

- (b) If the victim does not consent to the reporting, the chief security officer or chief law enforcement office of each institution shall not report the offense to the local law enforcement agency.

Authority: T.C.A. §§ 4-5-101 et seq. and 49-8-203; 49-7-2207; 49-7-129.

0240-02-10-05 Investigations and Outcomes is added to Chapter 0240-01-10 and shall read as follows:

**0240-02-10-05 Investigations and Outcomes**

**(1) Intake and Assessment of Formal Complaints**

- (a) The Title IX Coordinator will assess the nature of reports and formal complaints, including whether one or more allegations meet the criteria for the filing of a formal complaint. Formal complaints that include some allegations that, if proved, constitute sexual harassment and some that do not meet that definition will be investigated pursuant to these and other applicable rules, procedures, and processes and adjudicated in accordance with these and other applicable rules, procedures, and processes. As appropriate, the Title IX Coordinator may initiate proceedings under these rules, refer the matter to another department, and/or inform the complainant about the availability of other methods to address the allegations.
- (b) As part of the assessment, the Title IX Coordinator or designee may contact the complainant and ask for information about the allegations. Supporting documents, such as emails, photos, text messages, and any other evidence should be preserved. If witnesses were present or have relevant knowledge, it is important to identify them, state what they may know, and inform the investigator how they can be contacted.
- (c) Where formal complaints involving more than one complainant and/or more than one respondent arise out of the same facts and circumstances, the Title IX Coordinator may consolidate formal complaints.
- (d) If it appears, based on an allegation of sexual harassment, that a student may constitute an immediate and direct threat to the physical health or safety of another individual, the institution will conduct an individualized inquiry and risk analysis and may place the student on interim suspension on an emergency basis. If the institution implements an interim suspension, the student shall be given the opportunity at the time of the decision, or as soon thereafter as reasonably possible, to contest the interim suspension. Institutions shall follow the procedures set forth in TBR's Rules for Student Conduct and Disciplinary Sanctions, Chapter 0240-02-03, related to interim suspensions.
- (e) Participation in the formal complaint process by a complainant, respondent, institution, or other person does not waive applicable privileges, including attorney-client privilege, doctor-patient privilege, the peer review/quality improvement privilege, etc. The holder of a privilege may waive it in certain circumstances.
- (f) There shall be no separate procedure for investigating and resolving complaints of sexual harassment involving student-athletes or any other subgroup of students.

**(2) Notice of Allegations**

- (a) Upon receipt of a formal complaint, the Title IX Coordinator will provide written notice to known

**DRAFT DATED 2-19-21**

parties. A notice of allegations will be provided even if the formal complaint is dismissed at the same time or shortly after the notice of allegations issues (e.g., the allegations if proven do not meet the definition of sexual harassment). The notice of allegations will enable both parties to appeal the dismissal or to proceed under another rule. The notice of allegations shall contain:

1. An explanation of the investigation and grievance process;
  2. The availability of an informal resolution process;
  3. Explanation of the allegations potentially constituting sexual harassment in sufficient detail and with sufficient time to prepare a response before any initial interview. A respondent will have at least three (3) business days after issuance of a notice of allegations prior to an initial interview, but depending on the nature of the allegations, additional time may be offered or requested;
  4. The identity of the parties involved in the incident, if known, and the date and location of the alleged incident;
  5. A statement that the respondent is presumed not responsible for the alleged conduct unless and until a determination of responsibility has been issued;
  6. A statement that the parties may have an advisor of their choice at meetings they are permitted to attend. The advisor may be, but is not required to be, an attorney. (Parties may hire their own attorneys. At a live hearing only, TBR institutions will provide advisors to parties who do not have their own advisor);
  7. Any prohibitions against knowingly making false statements or knowingly submitting false information; and
  8. A statement that retaliation against a person who makes a report or files a complaint, participates or assists in an investigation, encourages another to file a complaint, or opposes sexual harassment is prohibited and will result in disciplinary sanctions, up to and including dismissal.
- (b) If, during the course of an investigation, the institution decides to investigate allegations about the complainant or respondent that are not included in the notice of allegations, the institution will provide additional written notice of allegations to known parties.
- (3) Dismissal of Formal Complaints
- (a) If the Title IX Coordinator concludes that the Complainant was not participating in or attempting to participate in an institutional education program or activity at the time of the formal complaint or that the conduct alleged in a formal complaint would not constitute Sexual Harassment even if proved, did not occur in an institution's education program or activity, or did not occur against a person while in the United States, the Title IX Coordinator shall dismiss the formal complaint.
  - (b) The Title IX Coordinator has discretion to dismiss a formal complaint or any allegations in it, if at any time during the investigation or hearing a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations in it; the respondent is no longer enrolled by, employed by, or associated with a TBR institution; or specific circumstances prevent the TBR institution from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
  - (c) The Title IX Coordinator may decide to dismiss a formal complaint of sexual harassment and refer the matter for disposition pursuant to a different rule when an allegation of sexual harassment is dismissed or when a formal complaint ceases to include an allegation of sexual harassment.
  - (d) Upon dismissal of a formal complaint for any reason, the Title IX Coordinator will promptly send written notice explaining the reasons for dismissal to the parties. The dismissal notice will also explain whether the TBR institution will investigate or respond to the allegations under another

rule.

(4) Informal Resolutions

- (a) Because a full investigation and adjudication process may not be in the best interests of all concerned, the Title IX Coordinator may decide to offer an informal resolution process. The informal resolution process is designed to provide flexibility in creating a resolution to a formal complaint that meets the needs of the parties and the institution. Informal resolutions may include meetings facilitated by the TBR institution or third parties, resolutions facilitated by the Title IX Coordinator without formal meetings, mediations, and/or restorative justice concepts. Disciplinary action may or may not be part of any informal resolution. The parties must agree in writing to participate in any informal resolution process that the Title IX Coordinator may offer.
- (b) An informal resolution process is only available after the filing of a formal complaint and prior to a determination regarding responsibility. If the Title IX Coordinator believes an informal resolution may be appropriate, the Title IX Coordinator will propose an informal resolution process in either the initial notice of allegations or a subsequent written document. The Title IX Coordinator may discuss with the parties the details of how the process will work. The written notice will contain the allegations or refer to the notice of allegations, set out the informal resolution process, explain that at any time prior to agreeing to a resolution, the complainant, respondent, or the institution may withdraw from the informal resolution process and resume the investigation and adjudication process, and identify any records that will be maintained or shared related to the process.
- (c) The Title IX Coordinator shall not offer or facilitate an informal resolution process to resolve allegations that an employee engaged in sexual harassment against a student.

(5) Investigation of Formal Complaints

- (a) The TBR institution will investigate all formal complaints, unless dismissed or resolved.
  - 1. The institution will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional acting in the professional's capacity and made or maintained in connection with the treatment to the party, unless the party voluntarily consents in writing.
  - 2. The investigator will conduct an investigation that is appropriate under the circumstances. The investigation will include a review of documents and physical evidence, as well as interviews with the parties and other witnesses, unless they decline to be interviewed. The investigator may request access to premises, records, and documents deemed relevant. As the investigation progresses, the investigator may seek clarification, including during a subsequent interview, from any person participating in the investigation regarding the incident or their statement. A party who learns or remembers any additional information should notify the investigator immediately. The parties will have an equal opportunity to provide evidence and to identify witnesses, including fact and expert witnesses. Parties are encouraged to provide, as soon as possible, any evidence that the party believes to be relevant and wants the investigator to consider. If at all possible, all evidence should be provided in time for the investigator to make it available for inspection and review.
  - 3. Although the parties are encouraged to provide the institution with information and evidence related to the allegations, the institution is ultimately responsible for gathering evidence sufficient to reach a determination regarding responsibility.
  - 4. The institution will not restrict the parties from discussing the allegations under investigation or from gathering and presenting relevant evidence. Any restrictions on the ability of the parties to discuss matters related to the proceeding but which are not under investigation will be explained in the notice of allegations.
  - 5. Each party will have the opportunity to obtain and to be accompanied to a meeting or

**DRAFT DATED 2-19-21**

proceeding by an advisor of their choice, who may, but is not required to be, an attorney.

6. When a party is invited or expected to participate in a meeting, the institution will provide written notice of the date, time, location, participants, and purpose of the meeting, interview, or hearing, with sufficient time for the party to prepare to participate.
7. Both parties will have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including evidence that is directly related to the allegations but upon which the institution does not intend to rely in reaching a determination regarding responsibility. The institution will include both evidence that tends to prove and disprove the allegations, whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation.
8. Prior to the completion of an investigation report, the institution will send to each party the evidence subject to inspection and review. Unless a party requests that the institution not do so, the institution will also send the evidence to each party's advisor who has been identified. An institution may decide to provide access to evidence through electronic means that is not available for download. In such case, the parties and their advisors are prohibited from, directly or indirectly, photographing or reproducing such evidence (unless the party has access to the evidence independent of the portal, e.g., documents submitted by the party or publicly available information).
9. The institution will provide at least ten (10) calendar days for the parties to respond to the evidence provided for inspection and review. The investigator will share any written response with the other party and will consider any written response prior to completing the investigative report.

(6) Written Report

- (a) At the conclusion of the investigation, the investigator will prepare written report. The report shall:
  1. Identify the allegations;
  2. Identify relevant rules;
  3. Explain the procedural steps taken between receipt of the formal complaint and the conclusion of the investigation, including all notifications to the parties, interviews with the parties, interviews with other witnesses, dates of all interviews, any site visits, and the methods used to gather evidence; and
  4. Fairly summarize the relevant evidence.
- (b) The written report shall not make findings of fact or conclusions regarding the application of facts to these rules.
- (c) At least ten (10) calendar days prior to a hearing, the investigator will send to each party the investigation report for review and written response. Unless a party requests that the institution not do so, the institution will also send the investigation report to an advisor whom the party has been identified.
- (d) The parties should provide any written response as soon as possible. The investigator may issue an amended investigation report if the investigator deems appropriate and if a party provides comments in sufficient time for the investigator to do so. The parties' written responses and any amended investigation report will be sent to the decision-maker.

(7) Advisors

- (a) Both the complainant and the respondent will be permitted to have an advisor of their choosing present during meetings where their attendance is permitted or expected. Nothing in these

**DRAFT DATED 2-19-21**

rules shall be read to require that an institution allow a party to attend an interview of the other party or of a witness.

- (b) The advisor may accompany and confer privately with a party, but the advisor may not interrupt, speak on behalf of a party, or otherwise actively participate in any meeting, except for conducting cross-examination at a live hearing.
- (c) An advisor's failure to comply may result in the termination of the meeting or the advisor no longer being permitted to be present.
- (d) TBR and institutional personnel employed in the offices responsible for the disciplinary proceedings described in these rules, along with those in the chain of command, personnel employed by the Office of General Counsel, and others whose participation could create a conflict of interest with their duties are not eligible to serve as advisors. The institution shall not otherwise limit the choice of an advisor.
- (e) If there is a question or concern about a possible advisor, the Title IX Coordinator should be consulted. A party choosing to have an attorney present as an advisor must provide advance notice so that an attorney representing the institution can attend any meeting at which an attorney will be present.

(8) Recordings

- (a) Parties are not permitted to record any meeting conducted pursuant to these rules.
- (b) When a live hearing is conducted, the institution will create an audio recording, audiovisual recording, or transcript and make it available to the parties for inspection and review.

(9) Past Relationships and Conduct

- (a) Previous sexual relationships of the complainant and respondent with third parties generally are irrelevant.
- (b) A past sexual relationship between the complainant and respondent may or may not be relevant. For example, past sexual encounters may provide insight on communication patterns for purposes of determining whether consent was present.
- (c) Questions and evidence about a complainant's sexual predisposition or prior sexual behavior are not relevant unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to respondent and are offered to prove consent.

(10) Standard of Evidence

- (a) In evaluating whether sexual harassment occurred, institutions shall use the preponderance of the evidence standard. A "preponderance of the evidence" means the greater weight of the evidence or that, according to the evidence, the conclusion sought by the party with the burden of proof is the more probable conclusion.
- (b) The burden of proof will remain with the institution through the determination.

(11) Timeline

- (a) Formal complaints typically will be resolved (exclusive of any appeals) within ninety (90) calendar days of filing.
- (b) Appeals will be resolved within fifteen (15) calendar days of the filing of an appeal.
- (c) Given the many variables and factors that may arise in such cases, additional time may be needed in some cases. Any departure from these time frames will be for good cause and communicated in writing or by email to both the complainant and the respondent simultaneously, along with a new timeline and explanation of the reasons. Good cause to extend the deadlines includes, but is not limited to, the absence of a party, a party's advisor, or

**DRAFT DATED 2-19-21**

witness; concurrent law enforcement activity; or the need for language assistance or the accommodation of disabilities.

- (d) Incompletion of the process within such time frames is not cause for dismissal of a formal complaint.
- (12) Parallel Investigations with Law Enforcement
  - (a) The filing of a police report or the pendency of civil or criminal proceedings does not preclude the institution from proceeding with its investigation and determination.
  - (b) The investigation and determination may be delayed until law enforcement has finished gathering evidence and indicated that the institution may proceed with an investigation, but the institution generally will not wait for the conclusion of any criminal proceeding.
  - (c) Civil or criminal proceedings are separate and distinct from internal institutional proceedings, and they may or may not run parallel to one another. However, the institution may be required by law to provide information in civil or criminal proceedings.
- (13) Live Hearings
  - (a) The institution will conduct a live hearing of formal complaints not dismissed in order to make a determination whether these rules have been violated. The decision-maker appointed by the Title IX Coordinator has the authority to maintain order at the hearing and make all decisions necessary for the fair, orderly, and expeditious conduct of the hearing. The decision-maker shall be the final decider concerning all aspects of the hearing, including prehearing matters and at the hearing, how evidence is examined and the order of witnesses.
  - (b) At the request of either party, the institution will provide for the live hearing to be conducted with the parties located in separate rooms with technology enabling the decision-maker and parties to simultaneously see and hear the party or the witness answering questions.
  - (c) In cases involving more than one respondent, any party may request separate hearings by submitting a request at least five (5) business days before the hearing. The Title IX Coordinator will decide whether to grant the request.
  - (d) Live hearings may be conducted with all parties physically present in the same geographic location or, at the institution's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.
  - (e) At least ten (10) business days prior to a live hearing, the institution will provide both parties with written notice of the following:
    1. The time, place, date of the hearing, and electronic access information, if applicable;
    2. The name of each witness the institution expects to present or be present at the hearing and those the institution may present if the need arises;
    3. The right to request a copy of the investigative file (other than portions that are protected by law or privilege), which includes all of the evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint;
    4. The right to request copies of all documents, copies of electronically stored information, and access to tangible evidence that the institution has in its possession, custody, or control and may use to support claims or defenses;
    5. The right to have an advisor of the party's choice, who may be, but is not required to be an attorney, and that if the party does not have an advisor present at the hearing, the institution will provide an advisor of the institution's choice, without fee or charge, to ask the other party and any witnesses all relevant questions and follow-up questions on behalf of that party;
    6. Any party in need of an institution-provided advisor must inform the Title IX Coordinator at least five (5) business days before the hearing;

**DRAFT DATED 2-19-21**

7. Any cross-examination of any other party or witness must be conducted by the advisor; and
  8. Additional information may be included in the notice of hearing.
- (f) When notice is sent by U.S. mail or courier service, the notice is effective on the date the notice is mailed or delivered to the courier service. When notice is hand delivered by the institution, notice is effective on the date that the notice is delivered to a party. When notice is sent by email, the notice is effective on the date that the email is sent to the parties' institution-provided email account.
- (g) The decision-maker may conduct a pre-hearing meeting or conference with the parties and their advisors to discuss pre-hearing issues, including any technology to be used at the hearing and the general rules governing the hearing.
- (h) The decision-maker may allow a temporary delay of the process or the limited extension of time frames for good cause with written notice to the parties of the delay or extension and the reasons for the action. Good cause may include, but is not limited to, considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.
- (i) If a party fails to attend a hearing, the decision-maker may proceed without that party's participation.
- (j) During the hearing, the decision-maker will make evidence subject to review and inspection during the investigation phase available to give each party equal opportunity to refer to that evidence, including for purposes of cross-examination.
- (k) Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to provide that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
- (l) Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or question from someone other than the decision-maker, the decision-maker will first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
- (m) The decision-maker will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding the privilege has waived the privilege.
- (n) The decision-maker will permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing will be conducted directly, orally, and in real time by the party's advisor and never by a party personally. Conducting cross-examination will be the advisor's only opportunity to speak. Advisors will not engage in other presentation of arguments or evidence, including opening statements, closing arguments, or direct examinations.
- (o) If a party does not have an advisor at the live hearing, the institution will provide without fee or charge to that party an advisor. The institution will choose the advisor.
- (p) If a party or witness does not submit to cross-examination at the live hearing, the decision-maker will not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided however, that the decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross examination or other questions.
- (q) For good cause shown, a decision-maker may permit the participation of witnesses who were not identified by the party to the investigator, or the inclusion of evidence not provided by the party to the investigator.

**DRAFT DATED 2-19-21**

- (r) The institution will create an audio or audiovisual recording, or transcript, of a live hearing and make it available to the parties for inspection and review.
  - (s) The decision-maker may dismiss the formal complaint or any allegations therein, if at any time during the hearing a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw a formal complaint or any allegations therein, the respondent is no longer enrolled or employed by the institution, or specific circumstances prevent the institution from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
  - (t) If the decision maker dismisses the formal complaint during the grievance process, the decision-maker will promptly notify the Title IX Coordinator, who will promptly send written notice of the dismissal and reasons therefor simultaneously to the parties.
- (14) Written Determination
- (a) Within fifteen (15) business days of the hearing, the decision-maker will issue a written determination that will be provided to the parties simultaneously.
  - (b) The determination becomes final either on the date that the institution provides the parties with a written result of an appeal, or if an appeal is available but not filed, the day after the deadline to appeal.
  - (c) The determination will include:
    1. Identification of the allegations potentially constituting sexual harassment, as well as identification of any additional allegations that are being resolved but which do not constitute sexual harassment;
    2. A description of the procedural steps taken between receipt of the formal complaint and the determination, including all notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and any hearings held;
    3. Findings of fact supporting the determination;
    4. Conclusions regarding the application of these rules, as well as any other relevant rules, procedures, or processes to the facts;
    5. A statement of, and rationale for, the result as to each allegation before the decision-maker, including a determination regarding responsibility;
    6. Any disciplinary action that the decision-maker imposes on the respondent, including referral to another process, such as tenure termination proceedings;
    7. Any remedies that the institution will provide designed to restore or preserve equal access to the complainant; and
    8. The permissible bases and procedures, including timelines, for appeals by the parties.
- (15) Remedies and Disciplinary Action Following Determination of Violation
- (a) The institution will provide remedies where a determination of responsibility for sexual harassment has been made. The institution will follow these and other applicable rules before the imposition of any disciplinary sanctions for sexual harassment that are not supportive/interim measures.
  - (b) Remedies will be designed to restore or preserve equal access to education programs and activities and will include one or more sanctions identified in TBR's Rules for Student Conduct and Disciplinary Sanctions, Chapter 0240-02-03.
  - (c) Remedies may also consider improvements to the campus-wide environment. Institutions should consider the impact of an incident of sexual harassment on the campus as a whole or specific groups or areas of campus. For example, specific training may be needed for a student group.

**DRAFT DATED 2-19-21**

- (d) The Title IX Coordinator is responsible for ensuring effective implementation of the remedies.
- (16) Appeals/Post-Determination Procedures
- (a) Parties are permitted to appeal to the institution's President (or other person appointed by the Title IX Coordinator) from a determination regarding responsibility (or no responsibility) and from a dismissal of a formal complaint or of any allegations in a formal complaint on the basis of:
1. Procedural irregularity that affected the outcome of the matter;
  2. New evidence that was not reasonably available at the time the determination or dismissal was made, but only if that new evidence could affect the outcome of the matter; or
  3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome.
- (b) A party wishing to appeal a determination regarding responsibility or the dismissal of a formal complaint or any allegations therein must file a written appeal with the Title IX Coordinator within seven (7) business days of the date of the determination or the dismissal. The written appeal must identify the reasons for the appeal.
- (c) As to all appeals, the Title IX Coordinator will:
1. Notify the other party in writing when an appeal is filed;
  2. Implement appeal procedures equally for both parties;
  3. Ensure that the decision-maker(s) for the appeal is not the same person as the investigator, the decision-maker, or Title IX Coordinator; and
  4. Provide each party five (5)-business days to provide a written statement in support of, or challenging, the determination.
- (d) The decider of the appeal will issue a written decision describing the result of the appeal and the rationale for the result, and will provide the written decision simultaneously to the parties.

Authority: T.C.A. §§ 4-5-101 et seq. and 49-8-203.

0240-02-10-.06 Severability is added to Chapter 0240-01-10 and shall read as follows:

**0240-02-10-.06 Severability**

- (1) If any provision of the Title IX regulations on which these rules are based is enjoined or held invalid as it applies to the TBR institution or the Title IX regulations' application to any person, act, or practice is enjoined or held invalid as it applies to the TBR institution, the remainder of these rules or the application of its provisions to any person, act, or practice shall not be affected thereby.
- (2) For conduct that occurs across revisions of these rules or other standards, complaints of sexual harassment will be addressed utilizing the procedures outlined in the rules in effect as of the date of the notice of allegations. The "Definitions" in effect as of the date of the alleged incident will be used. Complaints and reports of conduct spanning revisions of rules will be addressed using the "Definitions" in the rules in effect at the time of the most recent alleged incident.

Authority: T.C.A. §§ 4-5-101 et seq. and 49-8-203.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

**DRAFT DATED 2-19-21**

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name of Officer: Brian A. Lapps, Jr.

Title of Officer: General Counsel

**Department of State Use Only**

Filed with the Department of State on: \_\_\_\_\_

\_\_\_\_\_  
Tre Hargett  
Secretary of State

# **Sexual Misconduct : 6.03.00.00**

## **Policy/Guideline Area**

---

Sexual Discrimination/Harassment/Misconduct

### **Applicable Divisions**

---

TCATs, Community Colleges, System Office

### **Purpose**

---

It is the intent of the Tennessee Board of Regents that the institutions under its jurisdiction shall fully comply with Title IX of the Education Amendments of 1972, §485(f) of the HEA, as amended by § 304 of the Violence Against Women Reauthorization Act of 2013, the regulations implementing these Acts found at 34 CFR §668.41, §668.46, and Appendix A to Subpart D of Part 668. This policy addresses the offenses defined herein as "Sexual Misconduct." Sexual Misconduct is a subset of a broader category of sexual harassment. Allegations of sexual harassment that do not meet the definition of Sexual Misconduct will be handled in accordance with TBR Guideline P-080 and applicable institutional policy.

The Tennessee Board of Regents intends for each institution to provide a single, easily accessible and user-friendly document to advise students, employees, and others affected by Ssexual Mmisconduct of each institution's rules and procedures. Institutions under the Tennessee Board of Regents system shall ensure that the sexual misconduct policy is in a format or formats that make it readily available. The following policy and procedures are adopted by the Board to assist the institutions in such compliance.

### **Definitions**

---

For the purpose of this policy, the following definitions shall apply:

- Complainant – a person who is alleged to be the victim of conduct that could constitute Sexual Misconduct. A Complainant may also be referred to as a Party.
- Consent - an active agreement to participate in a sexual act. An active agreement is words and/or actions that indicate a willingness to participate in a sexual act. Consent cannot be

given by an individual who is asleep; unconscious; or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason; or, is under duress, threat, coercion, or force. Past consent does not imply future consent. Silence or an absence of resistance does not imply consent. Consent can be withdrawn at any time.

- Dating violence - violence against a person when the accuser and accused are dating, or who have dated, or who have or had a sexual relationship. "Dating" and "dated" do not include fraternization between two individuals solely in a business or non-romantic social context. Violence includes, but is not necessarily limited to,
  - inflicting, or attempting to inflict, physical injury on the accuser by other than accidental means;
  - placing the accuser in fear of physical harm;
  - physical restraint;
  - malicious damage to the personal property of the accuser, including inflicting, or attempting to inflict, physical injury on any animal owned, possessed, leased, kept, or held by the accuser; or,
  - placing a victim in fear of physical harm to any animal owned, possessed, leased, kept, or held by the accuser.
- Domestic violence – includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime occurs, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime occurs. In cases involving allegations of mutual acts or threats of acts of violence, the investigator will, when appropriate, identify the primary aggressor in the situation based on the totality of the information gathered, including without limitation: the history of violence between the Parties; the relative severity of the injuries inflicted on each person; information gathered from the

persons involved in the situation and witnesses to the situation; and whether the acts or threats were done in self-defense. The primary aggressor will be considered the Respondent for purposes of evaluating Domestic Violence.

- Education program or activity - education programs and activities include locations, events, or circumstances over which the TBR or a TBR institution exercises substantial control over both the Respondent and the context in which the alleged Sexual Misconduct occurred. Relevant factors include whether the alleged conduct took place (i) on or off premises owned or controlled by TBR, (ii) during school or work hours, (iii) as part of an institution-sponsored social activity, and (iv) as part of an activity that advances an educational purpose. Education programs or activities also include any building owned or controlled by a student organization that is officially recognized by a TBR institution. Whether Respondent is an institutional employee, and if so, the nature of the Respondent's employment may be relevant. No single factor is determinative, including whether or not the alleged harassment took place on premises owned or controlled by a TBR institution. The Title IX Coordinator, after consulting with the Office of General Counsel, will make a fact-specific decision Determination-whether, if proven, the allegations arise out of an education program or activity. Where some alleged Sexual Misconduct took place within a TBR education program or activity and some took place outside of it, the Title IX Coordinator will determine whether to investigate and adjudicate-all of the allegations in accordance with this policy. The decision-maker will also make a Determination whether the TBR institution has established by a preponderance of the evidence that Sexual Misconduct took place in an institutional education program or activity.
- Force/Forced - words and/or conduct that, viewed from the perspective of a reasonable person, substantially impair(s) a person's ability to voluntarily choose whether to take an action or participate in an activity. Examples of Force include, without limitation:
  - Physical force (e.g., hitting, punching, slapping, kicking, restraining, choking, kidnapping, using a weapon, blocking access to an exit);
  - Words and/or conduct that would cause a reasonable person to fear:

- Physical force or other harm to the person's health, safety, or property, or a third person's health, safety, or property;
  - Loss or impairment of an academic benefit, employment benefit, or money;
  - Disclosure of sensitive personal information or information that would harm a person's reputation;
  - Disclosure of video, audio, or an image that depicts the person's nudity or depicts the person engaging in a sexual act(s); or
  - Other immediate or future physical, emotional, reputational, financial, or other harm to the person or a third person.
- Formal Complaint - a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Misconduct against a Respondent and requesting that the institution investigate the allegation. At the time of filing a Formal Complaint, a Complainant either must be participating in or attempting to participate in the institution's education program or activity implicated by the Formal Complaint.
  - "Incapacitation" means that a person lacks the ability to actively agree to a sexual act because the person is asleep, unconscious, under the influence of an anesthetizing or intoxicating substance such that the person does not have control over their body, is otherwise unaware that a sexual act is occurring, or their mental, physical, or developmental abilities renders them incapable of making a rational informed judgment. Incapacitation is not the same as legal intoxication. See Clarifications for more information.
  - Respondent – a person who has been alleged to be a perpetrator of conduct that could constitute Sexual Misconduct. A Respondent may also be referred to as a Party.
  - "Retaliation" means to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the

same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by this policy constitutes retaliation. Retaliation is a violation of this policy regardless of whether the underlying allegation of a violation of this policy is ultimately found to have merit.

- The exercise of rights protected under the First Amendment does not constitute retaliation.
- Charging an individual with a policy or code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy does not constitute retaliation.
- “Sexual Assault” is an umbrella term that includes rape, fondling, incest, and statutory rape.
  - “Rape” means the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
  - “Fondling” means the touching of the private body Party of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental incapacity.
  - “Incest” means sexual intercourse between persons who are related to each other within degrees where marriage is prohibited by law.
  - “Statutory rape” means sexual intercourse with a person who is under the statutory age of consent.
- Title IX Sexual Harassment – conduct on the basis of sex that satisfies either of the following:
  - an employee of an institution conditioning provision of an aid, benefit, or service of an institution on an individual’s participation in unwelcome sexual conduct (quid pro quo);
  - (2) unwelcome conduct of a sexual nature determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the institution’s education program or activity. “Reasonable person” means a

reasonable person under similar circumstances as and with similar identities to the Complainant. TBR institutions will consider the totality of the circumstances, including without limitation, the context in which the conduct and/or words occurred, and the frequency, nature, and severity of the words and/or conduct. In no event shall Title IX sexual harassment be construed to prohibit speech protected by the First Amendment to the United States Constitution (e.g., merely offensive or insulting speech). (With respect to conduct by employees, TBR institutions also prohibit sexual harassment in accordance with TBR Guideline P-080 and institutional policy.) See Clarifications for more information.

- Stalking – engaging in a course of conduct directed at a specific person that would cause a reasonable person to either (a) fear for his or her safety or the safety of others or (b) suffer substantial emotional distress. “Course of conduct” means two or more acts, including, but not limited to, acts in which a person directly, indirectly, or through third Parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates with or about another person, or interferes with another person’s property. “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. For the definition of Stalking, “reasonable person” means a reasonable person under similar circumstances and with similar identities to the Complainant.

## Policy/Guideline

---

- I. Prohibition of Sexual Misconduct and General Information
  - A. Sexual Misconduct is a form of sex discrimination prohibited by Title IX. TBR is committed to helping its institutions rid their campuses of any and all acts of Sexual Misconduct. As set forth in this policy, Sexual Misconduct includes Title IX Sexual Harassment, Dating Violence, Domestic Violence, Stalking, and Sexual Assault. TBR and its institutions strictly prohibit these offenses. Each institution shall adopt its own policy that is consistent with this policy.

1. Because Sexual Misconduct is a subset of the broader category of sexual harassment, not all sexual harassment allegations will be handled according to this policy. Allegations of sexual harassment that do not fall within the more limited definition of Sexual Misconduct or otherwise do not meet the criteria for filing a Formal Complaint will be handled in accordance with TBR Guideline P- 080 and institutional policy.

2. With respect to allegations of Sexual Misconduct against faculty and staff in which a student is not the Complainant, additional laws and policies apply, most notably Title VII and anti-discrimination policies. In such situations and absent unusual circumstances, the Complainant may file a Formal Complaint pursuant to this policy or proceed pursuant to TBR Guideline P-080 and the appropriate institutional policy.

3. With respect to allegations of Sexual Misconduct in which a student is either a Complainant or Respondent and meets the criteria for filing a Formal Complaint, absent unusual circumstances, pursuing a Formal Complaint pursuant to this policy will be the appropriate method of addressing the allegations.

4. Upon receiving and assessing a report of Sexual Misconduct and/or sexual harassment, the Title IX Coordinator will decide whether the criteria for proceeding under this policy are met and whether another policy may apply. If there is a possibility of proceeding pursuant to TBR Guideline P-080 and another institutional policy, the Title IX Coordinator will explain the options.

5. This policy applies to conduct by third parties. An example of a third party is a vendor with whom the institution contracts to provide services.

6. This policy applies to all students and employees, regardless of sexual orientation or gender identity.

B. Title IX Coordinators

1. Each institution shall clearly identify its Title IX Coordinator's name and contact information (mailing address, phone number, email address, etc.) in its institutional policy and on its website.

2. To view a list of Title IX Coordinators by Institution, follow this link:<https://www.tbr.edu/oesi/office-organizational-effectiveness>

C. Lack of Bias and Equitable Treatment

1. Neither the Title IX Coordinator, any investigator, any decision-maker, any person designated to facilitate an informal resolution process, nor anyone deciding an appeal will have a conflict of interest or bias for or against complainants or respondents generally, or against an individual Complainant or Respondent.

2. The Title IX Coordinator is responsible for appointing investigators, decision-makers, and appellate reviewers, and may appoint someone from another institution or someone not employed by a TBR institution in order to avoid potential bias or for other reasons. In the event of potential bias of the Title IX Coordinator, or if the Title IX Coordinator believes that another person should serve in that role for other reasons, the Title IX Coordinator should report the matter to TBR Central Office.

3. Institutions will provide a prompt, fair, and impartial investigation, adjudication, and, if applicable, disciplinary process. Institutions will treat Complainants and Respondents equitably, which includes an objective evaluation of all relevant evidence, including both evidence that tends to prove or disprove the allegations.

4. Credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.

5. The investigation will proceed with a presumption that the Respondent is not responsible for the alleged conduct unless and until a Determination of responsibility for a violation of this policy is made at the conclusion of the decision-

making process. It is the institution's responsibility to establish Sexual Misconduct by a preponderance of the evidence.

6. The institution shall provide simultaneous written notification to the Parties of (1) any initial, interim, or final decision by an official authorized to resolve disciplinary matters, (2) any available appeal procedures for that decision, (3) any change to that decision, and (4) when that decision becomes final. The Parties will receive timely and equal access to information.

## II. How to Report Sexual Misconduct

A. TBR institutions take seriously all complaints of sexual discrimination, sexual harassment, and Sexual Misconduct. This section explains the various reporting, complaint, and confidential disclosure options available to enable individuals to make informed choices about where to turn should they experience sexual discrimination, sexual harassment, or Sexual Misconduct.

1. TBR institutional policy shall explain how to report Sexual Misconduct to the Title IX Coordinator. Such a report can be made at any time, including during non-business hours, by using the telephone number or electronic mail address, or office mail address listed for the Title IX Coordinator.

2. TBR recommends that reports and complaints of all Sexual Misconduct be made to the Title IX Coordinator so that the institution can respond appropriately. Although reports and complaints of Sexual Misconduct may be made at any time, reports should be made as soon as possible so that the institution is best able to address the allegation.

3. TBR encourages anyone who witnesses, experiences, or has information about possible Sexual Misconduct to take reasonable actions to prevent or stop such actions. This may include speaking up while the behavior is taking place or immediately afterwards, reporting the behavior (in accordance with the reporting options outlined in this policy), directly intervening when it is safe and reasonable to do so, contacting law enforcement, or other means. A person who has been

subjected to any type of Sexual Misconduct need not confront the other Party. The appropriate process to address the conduct is through this or other applicable policy.

B. Supportive and Interim Measures

1. After receiving a report of potential Sexual Misconduct, whether or not the report is a Formal Complaint, the Title IX Coordinator will contact the Complainant to discuss the availability of Interim/Supportive Measures, inform the Complainant of their availability, and consider the Complainant's wishes with respect to potential Interim/Supportive Measures. The Title IX Coordinator will also explain the process for filing a Formal Complaint.

2. The Title IX Coordinator, in conjunction with the appropriate department, may implement interim, supportive, or protective measures while assessing, investigating, and resolving the report. These Interim/Supportive Measures are non-disciplinary, non-punitive, individualized services and are offered without fee or charge to the Complainant or Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed.

3. They are designed to restore or preserve equal access to the institution's programs or activities without unreasonably burdening the other Party and may include measures designed to protect the safety of all Parties or the institution's educational environment or deter Sexual Misconduct.

4. These measures may include, but are not limited to: mutual no-contact directives; access to counseling services and assistance in setting up an initial appointment; changing schedules, assignments, or job/study locations to lessen or minimize contact; extensions of deadlines and course-related adjustments; limiting or barring an individual's or organization's access to certain institutional facilities or activities; providing an escort to ensure safe movement on campus; providing academic support services, such as tutoring; arranging for a Party to re-take a course or withdraw from a class without penalty; administrative leave; leave of

absence; institution-imposed leave or physical separation from individuals or locations.

5. The institution will attempt to maintain the confidentiality of such Interim/Supportive Measures, to the extent that it can do so without impairing its ability to effectuate the Interim/Supportive Measures or to investigate and adjudicate the complaint.

C. Formal Complaint

1. Any person alleging to be who has been a victim of Sexual Misconduct that took place within an education program or activity of a TBR institution in the United States may file a Formal Complaint under this policy.

2. A Complainant who wants a TBR institution to conduct an investigation and take action in accordance with this policy must file a Formal Complaint alleging Sexual Misconduct.

3. A Complainant must submit a written Formal Complaint in person, by mail, or via electronic mail to the Title IX Coordinator. The document must contain the Complainant's physical signature or a "digital signature." (A digital signature is information transmitted electronically that enables the Title IX Coordinator to determine that the Complainant is the person submitting the complaint, including, but not limited to, an email from a TBR institutional account or a typed version of the Complainant's name. A digital signature need not reproduce a written signature.) A Formal Complaint cannot be submitted anonymously. Only the Title IX Coordinator can submit a Formal Complaint on behalf of another person.

4. Although TBR institutions will attempt to consider the wishes of Complainants, including that no investigation be conducted, TBR institutions will also consider their obligations under both TBR policy and applicable law, including Title VII of the Civil Rights Act of 1964. Thus, when the Title IX Coordinator receives a report of Sexual Misconduct, and especially when the complaint involves an employee, the Title IX Coordinator may decide to investigate the matter

pursuant to Guideline P-080 and institutional policy, even if the Complainant does not want the report investigated. If the Title IX Coordinator decides to file a Formal Complaint, the Title IX Coordinator is not a “Party” to any investigation, Determination or hearing process.

5. Complainants should provide as much of the following information as possible: what happened, where, and when; names of all people involved, including witnesses (if any); supporting documentation (if any); and contact information. TBR encourages reporting of Sexual Misconduct even if some or all information is unavailable or cannot be provided. The Title IX Coordinator will explain their role, the options for reporting an incident, potential available Interim/Supportive Measures, and the available resources for assistance.

D. Confidential Resources (who will not share information with Title IX Coordinator)

1. TBR encourages victims of Sexual Misconduct to talk to someone about what happened, whether they want their report to be investigated or not. Institutions should offer Complainants someone to talk to confidentially, so that they can get the support they need. Institutional policy shall explain that some resources are confidential and should be considered if the Complainant does not want the institution to investigate the matter.

2. If the institution employs or contracts with such individuals, confidential resources include licensed professional counselors/mental health providers when acting in that role; pastoral counselors acting in that capacity; and medical professionals when acting in a clinical role. These resources do not report any information about an incident to the Title IX Coordinator without a Complainant's permission. Institutional policies shall identify and provide contact information for any confidential reporting options within the institution.

3. Counselors and health care providers not affiliated with the institution will generally maintain confidentiality and not share information with the institution unless the Complainant requests the disclosure and signs a consent or waiver

form. However, these resources may have reporting obligations under state or federal law. For example, healthcare providers and certain other individuals are required to notify law enforcement when a person seeks treatment for injuries related to a violent crime, including injuries resulting from Sexual Misconduct or abuse of a minor.

E. Reporting by Employees

1. Institutional policy shall provide that:
  - a All employees who learn of Sexual Misconduct (or any form of sexual harassment or sex discrimination, or retaliation) are encouraged to report such matters to the Title IX Coordinator.
  - b Supervisors and managers who learn of Sexual Misconduct (or any form of sexual harassment or sex discrimination, or retaliation must immediately report such concerns to the Title IX Coordinator.

F. Anonymous and Third-Party/Bystander Reporting

1. Institutional policy shall encourage third parties to report incidents of Sexual Misconduct to the Title IX Coordinator. The institution may not be able to move forward with third-party reports if the Complainant does not wish to file a Formal Complaint or cooperate with an investigation.
2. After providing a report, third parties are not entitled to information about the institution's investigation and response due to privacy concerns and applicable federal and state laws.

G. Abuse of Minors

1. Institutional policy shall include a statement that Tennessee law mandates reporting by any person who has knowledge of physical or mental harm to a child if:
  - (1) the nature of the harm reasonably indicates it was caused by brutality, abuse, or neglect; or (2) on the basis of available information, the harm reasonably appears to have been caused by brutality, abuse, or neglect. Tennessee law also mandates reporting by any person who knows or has reasonable cause to suspect that a child

has been sexually abused, regardless of whether the child has sustained any apparent injury as a result of the abuse.

2. In the event of a life-threatening emergency, a report of child abuse or child sexual abuse should be made by calling 911. In other cases, a report of child abuse or child sexual abuse must be made immediately to one of the following authorities:

- a The Tennessee Department of Children's Services (the Central Intake Child Abuse Hotline is 1-877-237-0004);
- b The sheriff of the county where the child resides;
- c The chief law enforcement official of the city where the child resides; or
- d A judge having juvenile jurisdiction over the child.

3. In addition, institutional employees shall make a report of child abuse or child sexual abuse in connection with an institutional program or activity to the Title IX Coordinator. Note that a report to an institutional law enforcement or security agency is not sufficient to comply with state law.

H. Law Enforcement

1. The following law enforcement agencies listed in this policy are available for emergency response, facilitating medical transport, investigating incidents of a criminal nature, referrals, and preserving evidence. Law enforcement may be required to report potential violations of this policy to the Title IX Coordinator and to report incidents of sexual assault and other criminal acts of a serious nature to other law enforcement authorities.

2. TBR institutions shall list applicable local law enforcement agencies.

I. Reporting Pursuant to the Nottingham Act.

1. Unless the victim of a rape does not consent to the reporting of an offense, the chief security officer or chief law enforcement officer of each institution shall immediately notify the local law enforcement agency with territorial jurisdiction over the institution if the officer is in receipt of a report from the victim alleging that any

degree of rape has occurred on the property of the institution. The chief security officer or chief law enforcement officer shall designate one (1) or more persons who shall have the authority and duty to notify the appropriate law enforcement agency in the absence of the chief security officer or chief law enforcement officer. In the case of an alleged rape, the institution's law enforcement agency shall lead the investigation. After notifying the local law enforcement agency, the institution shall cooperate in every respect with the investigation conducted by the law enforcement agency. T.C.A. § 49-7-129.

2. If the victim does not consent to the reporting, the chief security officer or chief law enforcement officer of each institution shall not report the offense to the local law enforcement agency. T.C.A. § 49-7-2207; T.C.A. § 49-7-129.

### **III. Additional Information**

#### **A. No Retaliation**

1. Retaliation against a person who makes a report or files a complaint, participates or assists in an investigation, encourages another to file a complaint, or opposes Sexual Misconduct (or any other form of discrimination prohibited by institutional policy) is prohibited. Individuals must not interfere with an investigation. Retaliation will result in disciplinary measures, up to and including termination or expulsion.

2. In order to help prevent retaliation, institutional policy is to keep confidential the identity of anyone who has made a report or complaint of sex discrimination, including anyone who has filed a Formal Complaint of Sexual Misconduct, any Complainant, any Respondent, and any witness except as is required to carry out an institution's responsibilities under this policy, as permitted by FERPA, or as required by law.

3. Anyone who wishes to file a complaint of retaliation should contact the Title IX Coordinator.

#### **B. Emergency Removal/Administrative Leave**

1. If it appears, based on an allegation of Sexual Misconduct, that a student may constitute an immediate and direct threat to the physical health or safety of another individual, the institution will conduct an individualized inquiry and risk analysis and may place the student on interim suspension on an emergency basis. If the institution implements an interim suspension, the student shall be given the opportunity at the time of the decision, or as soon thereafter as reasonably possible, to contest the interim suspension. Institutions shall follow the procedures set forth in TBR Policy 3.02.00.01-General Regulations on Student Conduct & Disciplinary Sanctions (and applicable institutional policies) before placing any student on interim suspension.
2. The institution may place employees on administrative leave or similar action while addressing allegations of Sexual Misconduct.
3. Visitors, vendors, and other third Parties may be removed from the premises consistent with applicable policies and procedures.

C. Court Orders

1. Individuals may seek orders of protection, restraining orders, or other similar orders from a court of law.

D. Institutions shall not create a separate procedure for investigating and resolving complaints of Sexual Misconduct involving athletes or any other subgroup of students.

E. Participation in the Formal Complaint process by a Complainant, Respondent, institution, or other person does not waive applicable privileges, including attorney-client privilege, doctor-patient privilege, the peer review/quality improvement privilege, etc. The holder of a privilege may waive it in certain circumstances.

IV. Investigation and Outcomes

A. The Office of General Counsel shall always be consulted prior to investigation.

B. Intake and Assessment of Formal Complaints

1. The Title IX Coordinator will assess the nature of reports and Formal Complaints, including whether one or more allegations meet the criteria for the filing

of a Formal Complaint (e.g., whether the allegations include conduct that, if proven, took place in the United States and will constitute Sexual Misconduct in an education program or activity by a participant or someone attempting to participate in the education program or activity). If a Formal Complaints ~~that~~ includes some allegations that, if proved, constitute Sexual Misconduct and some that do not meet that definition, the Title IX Coordinator will decide whether be all allegations will be investigated handled pursuant to this policy or whether the allegations will be investigated separately. As appropriate, the Title IX Coordinator may initiate proceedings under another policy, refer the matter to another department, and/or inform the Complainant about the availability of other methods to address the allegations.

2. As part of the assessment, the Title IX Coordinator or designee may contact the Complainant and ask for information about the allegations. Supporting documents, such as emails, photos, text messages, and any other evidence should be preserved. If witnesses were present or have relevant knowledge, it is important to identify them, state what they may know, and inform the investigator how they can be contacted.
3. Where Formal Complaints involving more than one Complainant and/or more than one Respondent arise out of the same facts and circumstances, the Title IX Coordinator may consolidate Formal Complaints.

#### C. Notice of Allegations

1. Upon receipt of a Formal Complaint, the Title IX Coordinator will provide written notice to known Parties. (A Notice of Allegations will be provided even if the Formal Complaint is dismissed at the same time or shortly after the Notice of Allegations issues (e.g., the allegations if proven do not meet the definition of Sexual Misconduct)). The Notice of Allegations will enable both Parties to appeal the dismissal or to proceed under another policy.) The Notice of Allegations shall contain:

- a an explanation of the investigation and grievance process, including a copy of or link to institutional policy, as well as any other applicable policies;
  - b the availability of an informal resolution process;
  - c explanation of the allegations potentially constituting Sexual Misconduct in sufficient detail and with sufficient time to prepare a response before any initial interview. A Respondent will have at least three (3) business days after issuance of a Notice of Allegations prior to an initial interview, but depending on the nature of the allegations, additional time may be offered or requested;
  - d the identity of the Parties involved in the incident, if known, and the date and location of the alleged incident;
  - e a statement that the Respondent is presumed not responsible for the alleged conduct unless and until a Determination of responsibility has been issued;
  - f a statement that the Parties may have an advisor of their choice at meetings they are permitted to attend. The advisor may be, but is not required to be, an attorney. (Parties may hire their own attorneys. At a live hearing only, TBR institutions will provide advisors to Parties who do not have their own);
  - g any statements in TBR institutional policies, procedures, or guidelines that prohibit knowingly making false statements or knowingly submitting false information during the process; and
  - h a statement that retaliation against a person who makes a report or files a complaint, participates or assists in an investigation, encourages another to file a complaint, or opposes Sexual Misconduct is prohibited and will result in disciplinary measures, up to and including termination or dismissal.
2. If, during the course of an investigation, the institution decides to investigate allegations about the Complainant or Respondent that are not included in the

Notice of Allegations, the institution will provide additional written Notice of Allegations to known Parties.

D. Dismissal of Formal Complaints

1. The Title IX Coordinator shall obtain advice from the Office of General Counsel before dismissing a Formal Complaint.
2. If the Title IX Coordinator concludes that the Complainant was not participating in or attempting to participate in an institutional education program or activity at the time of the Formal Complaint or that the conduct alleged in a Formal Complaint would not constitute Sexual Misconduct even if proved, did not occur in an institution's education program or activity, or did not occur against a person while in the United States, the Title IX Coordinator shall dismiss the Formal Complaint.
3. The Title IX Coordinator has discretion to dismiss a Formal Complaint or any allegations in it, if at any time during the investigation or hearing a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations in it; the Respondent is no longer enrolled by, employed by, or associated with a TBR institution; or specific circumstances prevent the TBR institution from gathering evidence sufficient to reach a Determination as to the Formal Complaint or allegations therein.
4. The Title IX Coordinator may decide to dismiss a Formal Complaint of Sexual Misconduct and refer the matter for disposition pursuant to a different policy, guideline, or process when an allegation of Sexual Misconduct is dismissed or when a Formal Complaint ceases to include an allegation of Sexual Misconduct.
5. Upon dismissal of a Formal Complaint for any reason, the Title IX Coordinator will promptly send written notice explaining the reasons for dismissal to the Parties. The dismissal notice will also explain whether the TBR institution will investigate or respond to the allegations under another policy, guideline, or process and the availability of other methods to address the allegations.

E. Informal Resolution

1. Because a full investigation and adjudication process may not be in the best interests of all concerned, the Title IX Coordinator may decide to offer an informal resolution process. The informal resolution process is designed to provide flexibility in crafting a resolution to a Formal Complaint that meets the needs of the Parties and the institution. Informal resolutions may include meetings facilitated by the TBR institution or third parties, resolutions facilitated by the Title IX Coordinator without formal meetings, mediations, and/or restorative justice concepts. Disciplinary action may or may not be part of any informal resolution. Both Parties must agree in writing to participate in any informal resolution process that the Title IX Coordinator may offer.
2. An informal resolution process is only available after the filing of a Formal Complaint and prior to a Determination regarding responsibility. If the Title IX Coordinator believes an informal resolution may be appropriate, the Title IX Coordinator will propose an informal resolution process in either the initial Notice of Allegations or a subsequent written document. The Title IX Coordinator may discuss with the Parties the details of how the process will work. The written notice will contain the allegations or refer to the Notice of Allegations, set out the informal resolution process, explain that at any time prior to agreeing to a resolution, the Complainant, Respondent, or the institution may withdraw from the informal resolution process and resume the investigation and adjudication process under this policy, and identify any records that will be maintained or shared related to the process.
3. The Title IX Coordinator will not offer or facilitate an informal resolution process to resolve allegations that an employee engaged in Sexual Misconduct against a student.

F. Investigation of Formal Complaints

REVISIONS DATED 1-29-2021 TO CONFORM TO DRAFT RULE

1. The TBR institution will investigate all Formal Complaints, unless dismissed or resolved ~~through an informal resolution~~. During the investigation:
  - a The institution will not access, consider, disclose, or otherwise use a Party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional acting in the professional's capacity and made or maintained in connection with the treatment to the Party, unless the Party voluntarily consents in writing;
  - b The investigator will conduct an investigation that is appropriate under the circumstances. The investigation will include a review of documents and physical evidence, as well as interviews with the Parties and other witnesses, unless they decline to be interviewed. The investigator may request access to premises, records, and documents deemed relevant. As the investigation progresses, the investigator may seek clarification, including during a subsequent interview, from any person participating in the investigation regarding the incident or their statement. A Party who learns or remembers any additional information should notify the investigator immediately. The Parties will have an equal opportunity to provide evidence and to identify witnesses, including fact and expert witnesses. Parties are encouraged to provide, as soon as possible, any evidence that the Party believes to be relevant and wants the investigator to consider. If at all possible, all evidence should be provided in time for the investigator to make it available for inspection and review;
  - c Although the Parties are encouraged to provide the institution with information and evidence related to the allegations, the institution is ultimately responsible for gathering evidence sufficient to reach a Determination regarding responsibility;
  - d The institution will not restrict the Parties from discussing the allegations under investigation or from gathering and presenting relevant

evidence. Any restrictions on the ability of the Parties to discuss matters related to the proceeding but which are not under investigation will be explained in the Notice of Allegations;

e        Each Party will have the opportunity to obtain and to be accompanied to a meeting or proceeding by an advisor of their choice, who may, but is not required to be, an attorney, in accordance with Section IV.H. below;

f When a Party is invited or expected to participate in a meeting, the institution will provide written notice of the date, time, location, participants, and purpose of the meeting, interview, or hearing, with sufficient time for the Party to prepare to participate;

g        Both Parties will have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including evidence that is directly related to the allegations but upon which the institution does not intend to rely in reaching a Determination regarding responsibility. The institution will include both evidence that tends to prove and disprove the allegations, whether obtained from a Party or other source, so that each Party can meaningfully respond to the evidence prior to the conclusion of the investigation;

h        Prior to the completion of an investigation~~onve~~ report, the institution will send to each Party the evidence subject to inspection and review. Unless a Party requests that the institution not do so, the institution will also send the evidence to each advisor who has been identified. An institution may decide to provide access to evidence through electronic means that is not available for download. In such case, the Parties and their advisors are prohibited from, directly or indirectly, photographing or reproducing such evidence (unless the Party has ~~independent~~ access to the evidence independent of the portal, e.g., documents submitted by the Party or publicly available information); and

i The institution will provide at least ten (10) calendar days for the Parties to respond to the evidence provided for inspection and review. The investigator will share any written response with the other Party and will consider any written response prior to completing the investigative report.

G. Investigation Report

1. At the conclusion of the investigation, the investigator will prepare written report. The report shall:

- a identify the allegations;
- b identify relevant policies, guidelines, and other standards;
- c explain the procedural steps taken between receipt of the Formal Complaint and the conclusion of the investigation, including all notifications to the Parties, interviews with the Parties, interviews with other witnesses, dates of all interviews, any site visits, and the methods used to gather evidence; and
- d fairly summarize the relevant evidence.

2. The written report shall not make findings of fact or conclusions regarding the application of facts to this policy.

3. At least ~~{ten}~~ (10) calendar days prior to a hearing, the investigator will send to each Party the investigation report in either electronic or hard copy, for ~~their~~ review and written response. Unless a Party requests that the institution not do so, the institution will also send the investigation report to an advisor whom the Party has been identified.

4. The Parties should provide any written response as soon as possible, as the investigator may issue an amended investigation report if the investigator deems appropriate and if a Party provides comments in sufficient time for the investigator to do so. The Parties' written responses and any amended investigation report will be sent to the decision-maker.

H. Advisors

REVISIONS DATED 1-29-2021 TO CONFORM TO DRAFT RULE

1. Both the Complainant and the Respondent will be permitted to have an advisor of their choosing present during meetings where their attendance is permitted or expected. Nothing in this policy shall be read to require that an institution allow a Party to attend an interview of the other Party or of a witness.

2. The advisor may accompany and confer privately with a Party, but the advisor may not interrupt, speak on behalf of a Party, or otherwise actively participate in any meeting, except for conducting cross-examination at a live hearing.

3. An advisor's failure to comply ~~with these guidelines~~ may result in the termination of the meeting or the advisor no longer being permitted to be present.

4. TBR and institutional personnel employed in the offices responsible for the disciplinary proceedings described in this policy, along with those in the chain of command, personnel employed by OGC, and others whose participation could create a conflict of interest with their duties are not eligible to serve as advisors.

The institution shall not otherwise limit the choice of an advisor.

5. If there is a question or concern about a possible advisor, the Title IX Coordinator should be consulted. A Party choosing to have an attorney present as an advisor must provide advance notice so that a member of OGC can attend any meeting at which an attorney will be present.

I. Recordings

1. Parties are not permitted to record any meeting conducted pursuant to this policy.

2. When a live hearing is conducted, the institution will create an audio recording, audiovisual recording, or transcript and make it available to the Parties for inspection and review.

J. Past Relationships and Conduct

1. Previous sexual relationships of the Complainant and Respondent with third parties generally are irrelevant.

2. A past sexual relationship between the Complainant and Respondent may or may not be relevant. For example, past sexual encounters may provide insight on communication patterns for purposes of determining whether consent was present.
3. Questions and evidence about a Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to Respondent and are offered to prove consent.

K. Standard of Evidence

1. In determining whether Respondent engaged in Sexual Misconduct, TBR institutions use the preponderance of the evidence standard of evidence in evaluating whether Sexual Misconduct occurred. A "preponderance of the evidence" means the greater weight of the evidence or that, according to the evidence, the conclusion sought by the party with the burden of proof is the more probable conclusion. This standard looks at whether it is "more likely than not" that this policy was violated.

2. The burden of proof will remain with the institution through the Determination.

L. Timeline

1. Formal Complaints typically will be resolved (exclusive of any appeals) within 90 calendar days of filing.
2. Appeals will be resolved within fifteen (15) calendar days of the filing of an appeal.
3. Given the many variables and factors that may arise in such cases, additional time may be needed in some cases. Any departure from these time frames will be for good cause and communicated in writing or by email to both the Complainant and the Respondent simultaneously, along with a new timeline and explanation of the reasons. Good cause to extend the deadlines includes, but is not limited to, the

absence of a Party, a Party's advisor, or witness; concurrent law enforcement activity; or the need for language assistance or the accommodation of disabilities.

4. Incompletion of the process within such time frames is not cause for dismissal of a Formal Complaint.

M. Parallel Investigations with Law Enforcement

1. The filing of a police report or the pendency of civil or criminal proceedings does not preclude the institution from proceeding with its investigation and Determination.

2. The investigation and Determination may be delayed until law enforcement has finished gathering evidence and indicated that the institution may proceed with an investigation, but the institution generally will not wait for the conclusion of any criminal proceeding.

3. Civil or criminal proceedings are separate and distinct from internal institutional proceedings, and they may or may not run parallel to one another. However, the institution may be required by law to provide information in civil or criminal proceedings.

4. Institutional policies shall set forth parameters and clarify what information may and may not be shared during a parallel investigation with law enforcement (e.g., via a memorandum of understanding with local law enforcement).

N. Live Hearings

1. The institution will conduct a live hearing of Formal Complaints not dismissed pursuant to this policy in order to make a Determination whether this policy has been violated. The decision-maker appointed by the Title IX Coordinator has the authority to maintain order at the hearing and make all decisions necessary for the fair, orderly, and expeditious conduct of the hearing. The decision-maker shall be the final decider concerning all aspects of the hearing, including prehearing matters and at the hearing, how evidence is examined and the order of witnesses.

2. At the request of either Party, the institution will provide for the live hearing to be conducted with the Parties located in separate rooms with technology enabling the decision-maker and Parties to simultaneously see and hear the Party or the witness answering questions.
3. In cases involving more than one Respondent, any Party may request separate hearings by submitting a request at least five (5) business days before the hearing. The Title IX Coordinator will decide whether to grant the request.
4. Live hearings may be conducted with all Parties physically present in the same geographic location or, at the institution's discretion, any or all Parties, witnesses and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.
5. At least ten (10) business days prior to a live hearing, the institution will provide both Parties with written notice of the following:
  - a The time, place, date of the hearing, and electronic access information, if applicable;
  - b The name of each witness the institution expects to present or be present at the hearing and those the institution may present if the need arises;
  - c The right to request a copy of the investigative file (other than portions that are protected by law or privilege), which includes all of the evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint;
  - d The right to request copies of all documents, copies of electronically stored information, and access to tangible evidence that the institution has in its possession, custody, or control and may use to support claims or defenses;
  - e The right to have an advisor of the Party's choice, who may be, but is not required to be an attorney, and that if the Party does not have an advisor present at the hearing, the institution will provide an advisor of the institutions'

choice, without fee or charge, to ask the other Party and any witnesses all relevant questions and follow-up questions on behalf of that Party;

f Any Party in need of an institution-provided advisor must inform the Title IX Coordinator at least five (5) business days before the hearing;

g Any cross-examination of any other Party or witness must be conducted by the advisor; and

h Additional Other information may be included in the notice of hearing.

6. When notice is sent by U.S. mail or courier service, the notice is effective on the date the notice is mailed or delivered to the courier service. When notice is hand delivered by the institution, notice is effective on the date that the notice is delivered to a Party~~the Parties~~. When notice is sent by email, the notice is effective on the date that the email is sent to the Parties' institution-provided email account.

7. The decision-maker may conduct a pre-hearing meeting or conference with the Parties and their advisors to discuss pre-hearing issues, including any technology to be used at the hearing and the general rules governing the hearing.

8. The decision-maker may allow a temporary delay of the process or the limited extension of time frames for good cause with written notice to the Parties of the delay or extension and the reasons for the action. Good cause may include, but is not limited to, considerations such as the absence of a Party, a Party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

9. If a Party fails to attend a hearing, the decision-maker may proceed without that Party's participation.

10. During the hearing, the decision-maker will make evidence subject to review and inspection during the investigation phase available to give each Party equal opportunity to refer to that evidence, including for purposes of cross-examination.

11. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about

the Complainant's prior sexual behavior are offered to provide that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

12. Only relevant cross-examination and other questions may be asked of a Party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or question from someone other than the decision-maker, the decision-maker will first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

13. The decision-maker will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding the privilege has waived the privilege.

14. The decision-maker will permit each Party's advisor to ask the other Party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing will be conducted directly, orally, and in real time by the Party's advisor and never by a Party personally. Conducting cross-examination will be the advisor's only opportunity to speak. Advisors will not engage in other presentation of arguments or evidence, including opening statements, closing arguments, or direct examinations.

15. If a Party does not have an advisor at the live hearing, the institution will provide without fee or charge to that Party an advisor. The institution will choose the advisor.

16. If a Party or witness does not submit to cross-examination at the live hearing, the decision-maker will not rely on any statement of that Party or witness in reaching a Determination regarding responsibility; provided however, that the decision-maker cannot draw an inference about the Determination regarding

responsibility based solely on a Party's or witness's absence from the live hearing or refusal to answer cross examination or other questions.

17. For good cause shown, a decision-maker may permit the participation of witnesses who were not identified by the Party to the investigator, or the inclusion of evidence not provided by the Party to the investigator.

18. The institution will create an audio or audiovisual recording, or transcript, of a live hearing and make it available to the Parties for inspection and review.

19. The decision-maker may dismiss the Formal Complaint or any allegations therein, if at any time during the hearing a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw a Formal Complaint or any allegations therein, the Respondent is no longer enrolled or employed by the institution, or specific circumstances prevent the institution from gathering evidence sufficient to reach a Determination as to the Formal Complaint or allegations therein.

20. If the decision maker dismisses the Formal Complaint during the grievance process, the decision-maker will promptly notify the Title IX Coordinator, who will promptly send written notice of the dismissal and reasons therefor simultaneously to the Parties.

#### O. Written Determination

1. Within fifteen (15) business days of the hearing, the decision-maker will issue a written Determination whether Respondent engaged in Sexual Misconduct, based on a preponderance of the evidence standard, which will be provided to the Parties simultaneously.

2. The Determination becomes final either on the date that the institution provides the Parties with a written result of an appeal, or if an appeal is available but not filed, the day after the deadline to appeal.

3. The Determination will include:

- a Identification of the allegations potentially constituting Sexual Misconduct, as well as identification of any additional allegations that are being resolved but which do not constitute Sexual Misconduct;
- b A description of the procedural steps taken between receipt of the Formal Complaint and the Determination, including all notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence, and any hearings held;
- c Findings of fact supporting the Determination;
- d Conclusions regarding the application of this policy, as well as any other relevant policy, guidelines, or code, to the facts;
- e A statement of, and rationale for, the result as to each allegation before the decision-maker, including a Determination regarding responsibility;
- f Any disciplinary action that the decision-maker imposes on the Respondent, including referral to another process, such as tenure termination proceedings;
- g Any remedies that the institution will provide designed to restore or preserve equal access to the Complainant; and
- h The permissible bases and procedures, including timelines, for appeals by the Parties.

P. Remedies and Disciplinary Action Following Determinations of Violations

1. The institution will provide remedies where a Determination of responsibility for Sexual Misconduct has been made. The institution will follow this policy before the imposition of any disciplinary sanctions for Sexual Misconduct that are not supportive/interim measures.
2. Remedies will be designed to restore or preserve equal access to education programs and activities and will include discipline under the applicable policies and procedures. Remedies may include verbal warnings, written warnings, final written warnings, suspension, termination of employment, non-renewal of appointment, or

dismissal from the institution. Faculty may be subject to proceedings under TBR Policies 5.02.03.10 and 5.02.03.30.

3. Remedies should also consider improvements to the campus-wide environment. It is the intent of TBR that institutions consider the impact of an incident of Sexual Misconduct on the campus as a whole or specific groups or areas of campus. For example, specific training may be needed for a student group.

4. The Title IX Coordinator is responsible for ensuring effective implementation of the remedies.

Q. Appeals/Post-Determination Procedures

1. Parties are permitted to appeal to the institution's President (or other person appointed by the Title IX Coordinator) from a Determination regarding responsibility (or no responsibility) and from a dismissal of a Formal Complaint or of any allegations in a Formal Complaint on the basis of:

- a procedural irregularity that affected the outcome of the matter;
- b new evidence that was not reasonably available at the time the Determination or dismissal was made, but only if that new evidence could affect the outcome of the matter;
- c The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome.

2. A Party wishing to appeal a Determination regarding responsibility or the dismissal of a Formal Complaint or any allegations therein must file a written appeal with the Title IX Coordinator within seven (7) business days of the date of the Determination or the dismissal. The written appeal must identify the reasons for the appeal.

3. As to all appeals, the Title IX Coordinator will:

- a Notify the other Party in writing when an appeal is filed;
- b Implement appeal procedures equally for both Parties;
- c Ensure that the decision-maker(s) for the appeal is not the same person as the investigator, the decision-maker, or Title IX Coordinator;
- d Provide each Party five (5) business days to provide a written statement in support of, or challenging, the Determination.

4. The decider of the appeal will issue a written decision describing the result of the appeal and the rationale for the result, and will provide the written decision simultaneously to the Parties.

V. **Victim Services**

A. TBR intends for each institution to provide resources and assistance to victims of Sexual Misconduct.

1. Institutions Without On-Campus Services

- a For institutions without medical, counseling, or law enforcement services on their campuses, these institutions should partner with local community organizations that may be able to provide these services for victims of Sexual Misconduct.
- b Any such partnership shall be clearly communicated to students, faculty, and staff.
- c Any victim presenting to an institution without on-campus resources shall be informed about the agreement and encouraged to seek services from the partnering community organizations.

2. Victim Services Policy

- a Each institution shall adopt a policy describing the assistance and services it provides to victims. Each policy shall include, at a minimum, the following:

- (1) The identity and contact information for any trained on- and off-campus advocates and counselors who can provide an immediate confidential response in a crisis situation;
- (2) Emergency numbers for on- and off-campus safety, law enforcement, and other first responders, including the Title IX Coordinator;
- (3) A list of health care options, both on- and off-campus, including options to seek treatment for injuries, preventative treatment for sexually transmitted diseases, and where and how to get a rape kit or find a Sexual Assault Nurse Examiner (SANE);
- (4) A statement that it is very important for the Complainant to seek medical attention immediately so that the Complainant can be screened for sexually transmitted diseases/pregnancy/drugs that may have been used to incapacitate, obtain emergency contraception, and receive treatment for any injuries. Valuable physical evidence can be obtained from the Complainant and the Complainant's clothing. Even those who are unsure whether to make a police report or take action may wish to have a forensic examination, which will facilitate the identification and preservation of physical evidence;
- (5) A statement that to help preserve evidence in the event of a sexual assault, it is important for the Complainant not to change clothes or bedding and not take a shower, douche, use the toilet, brush their teeth, or clean up until police have had a chance to gather evidence. However, if a Complainant has already changed clothes or cleaned up/showered, evidence may still be collected. The Complainant should leave any clothes or bedding unfolded and undisturbed, if possible. If clothing or bedding must be moved, items should be kept separate to prevent transfer of body fluids or other trace evidence. Parties should not delete

or destroy any text messages, social media, emails, voicemails, written notes, or any other documents that may be relevant.

(6) A list of locations, including contact information, for any available advocate (e.g., a local rape crisis center, on- campus advocacy program) who can accompany a victim to the hospital or health provider;

(7) A statement that these services are available for victims of Sexual Misconduct whether or not a victim chooses to make an official report or participate in the institutional disciplinary or criminal process.

VI. **Education, Training, and Awareness**

A. It is the intent of TBR that its institutions will offer educational programming and training to their students, faculty, and staff that are intended to end Sexual Misconduct.

B. TBR institutions are encouraged to provide user friendly materials to explain the policy and how victims can get help, and provide those materials online and through other strategies appropriate for the campus. Institutional education related to Sexual Misconduct should be provided to incoming students. Institutions should promote awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking. Education should also include information on how to prevent sexual assault, such as information on bystander intervention, as well as how to recognize abusive behavior and avoid potential abusive relationships. Students shall be trained on the procedures for filing a report, as well as procedures for institutional disciplinary action in cases of alleged sexual violence. Institutional education will also inform students of the sanctions and protective measures that the institution may impose once a report of sexual violence has been made.

C. Institutions shall establish procedures for regularly reviewing, evaluating, and updating the policy. Institutional training may provide training to all employees likely to witness or receive reports of sexual harassment, including faculty, school law enforcement, school administrators, school counselors, athletic coaches, and health personnel. Training should ensure that employees with the authority to address sexual

harassment know how to appropriately respond to reports of sexual harassment, that employees know whether they are obligated to report sexual harassment the Title IX Coordinator or other designated official, and that all employees understand how to respond to reports of sexual harassment. Training should also ensure that professional counselors, pastoral counselors, and non-professional counselors or advocates also understand the extent to which they may keep a report confidential.

D. Title IX Coordinators, investigators, decision-makers, institution-provided advisors, any person designated to facilitate an informal resolution process, and any person designated to resolve an appeal will receive training on the definition of Sexual Misconduct, the scope of TBR and institutional education programs and activities, how to conduct an investigation and grievance process, including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Such individuals will receive training on issues of relevance related to creating and/or reviewing an investigative report that fairly summarizes relevant evidence. Training will not rely on sex stereotypes and will promote impartial investigations and adjudications of Formal Complaints.

E. Institutions will notify applicants for admission and employment, students and employees, that it does not discriminate on the basis of sex in its education programs and activities and will provide the name, title, office address, electronic mail address, and telephone number of the Title IX Coordinator in that notification.

VII. **Effective Date**

- A. This policy is effective August 14, 2020.
- B. If any provision of the Title IX regulations on which this policy is based is enjoined or held invalid as it applies to the TBR institution or the Title IX regulations' application to any person, act, or practice is enjoined or held invalid as it applies to the TBR institution, the remainder of this policy or the application of its provisions to any person, act, or practice shall not be affected thereby.

C. For conduct that occurs across multiple versions of this policy, complaints of Sexual Misconduct will be addressed utilizing the procedures outlined in the version of this policy in effect as of the date of the Notice of Allegations. The “Definitions” and “Clarifications” sections of the policy in effect as of the date of the alleged incident will be used. Complaints and reports of conduct spanning more than one version of the policy will be addressed using the “Definitions” and “Clarifications” sections in the version of the policy in effect at the time of the most recent alleged incident.

## VIII. Clarifications

### A. Consent

1. Consent means an active agreement to participate in sexual activity. An active agreement is words and/or conduct that communicate a person’s willingness to participate. The following individuals cannot give valid Consent:

- a A person who is Incapacitated, if either the person claiming to have obtained Consent knows that the other person is Incapacitated or a reasonable person would know that the other person is Incapacitated;
- b A person who is Forced; or
- c A person who is under the age of eighteen (18), unless the person giving Consent is at least the age of thirteen (13) and the other person is less than four (4) years older than the person giving Consent.

2. During a sexual encounter, each person has responsibility for obtaining Consent from the other person. During an investigation, the institution has the burden of obtaining evidence whether Sexual Misconduct occurred without Consent. During any hearing, the institution has the burden of proving that Sexual Misconduct occurred without Consent. (In other words, it is not a Respondent’s burden to prove Consent during an investigation or hearing). Whether a person has communicated Consent generally is evaluated from the perspective of what a reasonable person who perceived the individual’s words and/or nonverbal conduct would have understood; however, in the context of a relationship that has involved

sexual activity and a pattern of communicating Consent, whether Consent has been communicated may be evaluated based on a subjective standard (i.e., what did the specific person who initiated the sexual activity conclude based on the pattern of communication?).

3. A verbal “no” (or words equivalent to “no”) or the nonverbal communication of “no,” even if it sounds or appears insincere or indecisive, means that Consent has not been communicated, or if previously communicated, has been withdrawn. The absence of a verbal “no” or the absence of a nonverbal communication of “no” does not necessarily mean that Consent has been communicated.

4. Consent must exist from the beginning to the end of each sexual encounter and for each sexual act that occurs during a sexual encounter. A person has a right to change their mind; thus, Consent may be withdrawn at any time. A withdrawal of Consent is communicated through clear words and/or conduct that indicate that a person no longer agrees to participate in sexual activity. Once a person’s withdrawal of Consent has been communicated, the other person must cease the sexual act for which Consent was withdrawn and must obtain Consent before reinitiating that sexual act. Consent is automatically withdrawn when a person becomes incapacitated or is forced to participate in sexual activity.

5. Consent to one type of sexual activity (e.g., oral sex) does not constitute or imply Consent for another type of sexual activity (e.g., vaginal intercourse), whether during a sexual encounter or based on a previous sexual encounter.

6. The following do not communicate a person’s willingness to participate in sexual activity:

- a Silence, unless accompanied by non-verbal conduct conveying a willingness to participate in sexual activity;
- b Consent communicated by the person on a previous occasion;
- c Consent communicated to a third person;

- d The person's failure to resist physical force (however, for purposes of the Policy, the person's resistance to physical force will be viewed as a clear demonstration that the person has not communicated Consent);
- e A current or previous dating, romantic, intimate, or sexual relationship with the other person;
- f Currently or previously cohabitating with the other person;
- g The person's attire, reputation, giving or acceptance of gifts, sexual arousal, or extension or acceptance of an invitation to go to a private residence, room, or other location.
- h One's own use of alcohol, drugs, or other substances does not diminish one's responsibility to obtain Consent from the other person. Another person's use of alcohol, drugs, or other substances does not diminish one's responsibility to obtain Consent from that person.

B. Force

- 1. Force includes physical force (such as pushing, hitting, pinning down), threats (direct or indirect expressions of intent to inflict harm to self or others), intimidation (implied or indirect threats), and/or other forms of coercion. To coerce is to attempt to cause another person to act or think in a certain way by use of force, pressure, threats, or intimidation; to compel is to coerce.

C. Incapacitation

- 1. A person violates this policy when they engage in sexual activity with another person who is incapacitated under circumstances in which a reasonable person would have known the other person to be Incapacitated. For evaluating Incapacitation, a "reasonable person" means a sober, objectively reasonable person in the same situation, with ordinary sensitivities, and with similar identities as the Respondent.
- 2. Incapacitation can be voluntary or involuntary. Signs of Incapacitation may include, without limitation: sleep; total or intermittent unconsciousness; lack of

control over physical movements (e.g., inability to dress/undress without assistance; inability to walk without assistance); lack of awareness of circumstances or surroundings; emotional volatility; combativeness; vomiting; incontinence; unresponsiveness; and inability to communicate coherently.

Incapacitation is an individualized determination based on the totality of the circumstances.

3. Blacking out is an amnesia-like state that may be brought on by drugs, heavy drinking, or intoxication; blacking out is not necessarily incompatible with the ability to engage in simple or even complex behavior. After blacking out, a person has no recollection of all or part of the events that occurred during the blackout. There is a distinction between passing out (falling asleep or becoming unconscious) due to drug or alcohol use and blacking out in that a person in a blackout remains conscious and operative.

4. Incapacitation or Incapacitated means a person's inability, temporarily or permanently, to communicate a willingness to participate in an activity (e.g., sexual activity) because of mental or physical helplessness, sleep, unconsciousness, or other lack of awareness that the activity is taking place. Incapacitation can be voluntary or involuntary. Signs of Incapacitation may include, without limitation: sleep; total or intermittent unconsciousness; lack of control over physical movements (e.g., inability to dress/undress without assistance; inability to walk without assistance); lack of awareness of circumstances or surroundings; emotional volatility; combativeness; vomiting; incontinence; unresponsiveness; and inability to communicate coherently. Incapacitation is an individualized determination based on the totality of the circumstances. Alcohol and drugs (including "date rape" drugs) are common causes of Incapacitation. When alcohol or drugs are involved, Incapacitation is a state beyond mere drunkenness or intoxication.

D. Severe and Pervasive

## REVISIONS DATED 1-29-2021 TO CONFORM TO DRAFT RULE

1. Severe and Pervasive. Severe means behavior that is more than antagonistic, non-consensual, and crass, even where the behavior is based on differences in sex or gender. Pervasive means systemic or widespread, and it necessarily involves more than one incident of sexual harassment. Sources: Kollaritsch v. Michigan State Board of Trustees, 944 F.3d 613, 620-21 (6th Cir. 2019) (citing Davis v. Monroe County Board of Educ., 526 U.S. 629, 651-53 (1999)); Doe v. Univ. of Kentucky, 959 F.3d 246, 250 (6th Cir. 2020).

## Sources

---

### Authority

T.C.A. § 49-8-203; All State and Federal Statutes, Acts, Codes, Rules and Regulations referenced in this policy.

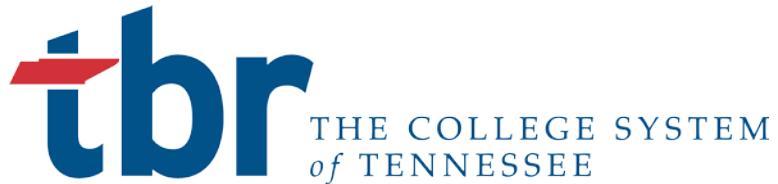
### History

NEW Policy approved at Board Meeting, September 26, 2014; Revisions approved at August 12, 2020 Special Called Board Meeting; Revised 2021 Board Meeting.

## Related Policies

---

- [Sex Discrimination, Sexual Harassment or Sexual Misconduct](#)
- [Discrimination & Harassment - Complaint & Investigation Procedure](#)
- [Equal Employment Opportunity and Affirmative Action](#)
- [General Policy on Student Conduct & Disciplinary Sanctions](#)



---

## BOARD TRANSMITTAL

---

MEETING: March 25, 2021 Board Meeting

SUBJECT: President Recommendation for TCATs Paris & McKenzie

DATE: March 25, 2021

PRESENTER: Flora W. Tydings, Chancellor

PRESENTATION REQUIREMENT: 5 minutes with discussion

ACTION REQUIRED: Roll Call Vote

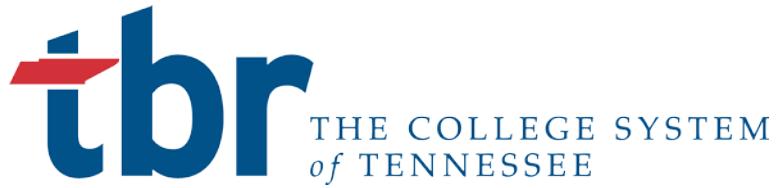
STAFF'S  
RECOMMENDATION: Approve

---

Last fall, President Brad White gave his retirement notice effective March 31, 2021. On December 10, 2020, the Board approved the search criteria and recruitment for a new president. The 21 member search committee is comprised of faculty, staff, alum, students, and community members from both towns, as well as Board members.

The committee met for the first time on January 26 and had 22 applicants to review with experiences all across the country. Virtual interviews took place on March 1 with five applicants. Two participated in virtual campus and open forum interviews on March 11.

The Board will receive and consider a recommendation for the next president of TCAT Paris and McKenzie at its meeting on Thursday, March 25, 2021.



---

## BOARD TRANSMITTAL

---

MEETING: March 2021 Quarterly Board Meeting

SUBJECT: Review and Approve the Criteria for the President at Volunteer State Community College

DATE: March 25, 2021

PRESENTER: Chancellor Flora W. Tydings

PRESENTATION REQUIREMENT: 1 – 5 Minutes

ACTION REQUIRED: ROLL CALL VOTE

---

STAFF'S  
RECOMMENDATION: Approval

---

President Jerry Faulkner has announced his plans to retire effective August 31, 2021. The Board will be asked to approve criteria for the next president of Volunteer State Community College. After the Board's approval, the selection criteria will be used to advertise the president's position in a nationwide search. Attached are the proposed criteria.

**President**  
**Volunteer State Community College**

The Tennessee Board of Regents invites applications and nominations for the position of President of Volunteer State Community College. Volunteer State is one of Tennessee's 13 community colleges in the Community College System of Tennessee, governed by the Tennessee Board of Regents. The President is the chief executive officer of the College and reports to the Tennessee Board of Regents through the Chancellor.

Volunteer State Community College (VSCC) is a comprehensive, two-year postsecondary institution located in Gallatin, Tennessee. As an Achieving the Dream college committed to student success, VSCC meets the educational needs of the people it serves in 11 counties in middle Tennessee, enrolling approximately 9,000 credit students and over 700 non-credit students. The college employs over 450 full-time employees, including over 180 full-time faculty members, and operates on a budget of over \$90 million.

VSCC awards Associate of Arts (AA), Associate of Science (AS), Associate of Applied Science (AAS) degrees, Associate of Science in Teaching (AST), Associate of Fine Arts (AFA), as well as technical and institutional certificates. VSCC provides roughly 35 academic programs of study. Currently, 24% of VSCC students are non-white, 25% percent of all credential-seeking students are enrolled in career preparation programs, while 75% of credential-seeking students are in programs intended for transfer. About 49% of VSCC students are enrolled full-time, and students aged 25 or older represent 28% of the population. During fall semester 2020, 20% of the students were dual enrollment students.

In addition to the main campus located in Gallatin, VSCC delivers programming at campuses in Cookeville, Livingston, Springfield, and selected teaching sites throughout the college's area of responsibility.

Additional information can be found at the college's website: <http://www.vsc.edu/>

Volunteer State is fully accredited by the Commission on Colleges and Schools of the Southern Association of Colleges and Schools. It has been recognized as an innovative and entrepreneurial college and is looking for a President to continue to move the college forward as a leader in higher education reform nationwide.

Preferred criteria for selection include, but are not limited to the following:

- Qualifications and experience
  - An earned doctorate from an accredited institution (preferred).
  - A distinguished record of teaching and experience in public higher education (preferred);
  - A minimum of five years successful campus administrative experience at a level with significant decision-making responsibilities affecting an entire campus or as head of a major academic or administrative unit in an academic environment (preferred);
  - A distinguished record of extensive senior level administrative experience in a complex business, industry, or government enterprise

Expected criteria for selection include:

- A demonstrated commitment to serving students, faculty and staff
  - An understanding of and commitment to the principles of academic freedom, tenure, and shared governance;

- A commitment to attracting traditional and non-traditional students into transfer programs as well as workforce programs (AAS/certificates/diplomas) and promoting approaches to enhance their opportunities for success;
- An understanding of and commitment to enhancing student success through focused efforts on retention, persistence and completion;
- A demonstrated commitment to diversity and inclusion as core values that enhance the educational process;
- A demonstrated commitment to affirmative action, and equal opportunity;
- A demonstrated strength in human relations, communications, planning, financial management, budgeting, and organizational skills to lead and inspire internal and external constituencies of the college;
- Demonstrated ability of being able to lead an institution that is comprised of diverse campuses that meet specific needs in the communities served, recognizing the educational requirements in each community and aligning resources and support to achieve those needs;
- A demonstrated background with and understanding of and commitment to private fundraising;
- An understanding of regional workforce education and training needs and how to strategically position Volunteer State in a highly competitive post-secondary education marketplace;
- An understanding of and commitment to the role of Volunteer State as a part of a higher education system;
- An understanding of the needs and concerns of the public and private constituencies of the college, as well as of the college community, including students, faculty and staff, alumni, and other college supporters;

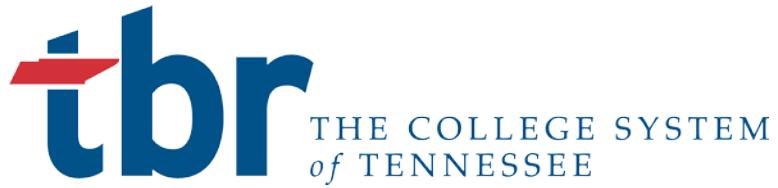
The Tennessee Board of Regents is committed to building and sustaining an inclusive and diverse educational environment and encourages applications from interested candidates who can contribute to, promote, and enhance this effort.

The Community College System of Tennessee is an Equal Opportunity/Affirmative Action employer. Under state law, applicants may request that their application and related materials be confidential and not open for public inspection until such time the candidate is selected as a finalist for the position. The Tennessee Open Meetings Act requires meetings of the Board of Regents to be open to the public.

Initial screening of applicants will begin April 20, 2021 and it is anticipated that the President will be selected prior to August 1, 2021.

Applications and letters of nomination should be submitted to:

Betty Turner Asher, Partner  
Ashley Hice, Senior Executive Search Consultant  
Greenwood/Asher & Associates, Inc.  
42 Business Centre Drive, Suite 206  
Miramar Beach, Florida 32550  
Phone: 850-650-2277/ Fax: 850-650-2272  
Email: [bettyasher@greenwoodsearch.com](mailto:bettyasher@greenwoodsearch.com)  
Email: [ashleyhice@greenwoodsearch.com](mailto:ashleyhice@greenwoodsearch.com)



---

## BOARD TRANSMITTAL

---

MEETING: Board Meeting

SUBJECT: Criteria for President of TCAT McMinnville

DATE: March 25, 2021

PRESENTER: Chancellor Tydings

PRESENTATION REQUIREMENT: 5 minutes with discussion

ACTION REQUIRED: Roll Call Vote

STAFF'S  
RECOMMENDATION: Approve

---

Due to the retirement of Warren Laux last year, Nathan Garrett graciously stepped up to serve as interim president of TCAT McMinnville. Search criteria is attached for your approval to recruit for a new president. Upon approval, the position will be posted and the recruitment process will begin to find the next president of TCAT McMinnville.

# **President**

## **Tennessee College of Applied Technology – McMinnville**

The Tennessee Board of Regents invites applications and nominations for the position of President of the Tennessee College of Applied Technology (TCAT) – McMinnville. The Tennessee College of Applied Technology – McMinnville is one of the 27 Tennessee's post-secondary technical colleges and institutions of the College System of Tennessee, governed by the Tennessee Board of Regents. The President is the chief executive officer of the College and reports to the Tennessee Board of Regents through the Chancellor.

The President exercises broad delegated authority with responsibility for all aspects of campus administration. The successful candidate will be a dynamic, innovative and energetic leader with the experience, vision, skills and integrity required to guide this quality college to higher levels of achievement.

TCAT-McMinnville served over 360 students in FY 2019-20. Additionally there were approximately 60 dual enrolled students at the college. TCAT-McMinnville has 9 distinct program offerings, which include Automotive Technology, Computer Information Technology, Cosmetology, Hybrid Practical Nursing, Industrial Electricity, Industrial Maintenance, Machine Tool Technology, Practical Nursing, and Welding.

TCAT McMinnville employs 27 full-time employees and has an annual operating budget of approximately \$2.6 million. TCAT McMinnville is accredited by the Council on Occupational Education. Additional information about the colleges can be found at <https://tcatmcminnville.edu/>.

Required criteria for selection include the following:

- A master's degree from an accredited institution.

Preferred criteria for selection include, but are not limited to, the following:

- A distinguished record of teaching experience in public higher education or technical education program planning experience.
- A minimum of five years of successful leadership and management experience at the executive level with significant decision-making responsibility for supervision/management, budgets, personnel, and/or programs in a post-secondary and/or technical educational environment.
- A distinguished record of extensive senior level administrative experience in a complex business, industry, or government enterprise.
- Experience in the planning, facilitating, opening and operating new higher education sites.

Expected criteria for selection to include:

- A demonstrated commitment to serving students, faculty and staff of a post-secondary technical college;
- A demonstration of experience with engaging various constituencies and building partnerships;
- Capable of establishing strong community college and K-12 partnerships and relationships;
- A commitment to attracting traditional and non-traditional students into workforce programs (certificates /diplomas) and promoting approaches to enhance their opportunity for success;
- An understanding of and commitment to enhancing student success through focused efforts on retention, persistence and completion;
- A demonstrated commitment to diversity and inclusion as core values that enhance the educational process;
- A demonstrated commitment to affirmative action and equal opportunity;
- A demonstrated strength in human relations and communication, planning, financial management, budgeting and organizational skills to lead and inspire internal and external constituencies of the college;

- A demonstrated background and understanding of and commitment to private fundraising;
- Demonstrated ability to lead an institution that is comprised of multiple campuses that meet specific needs in the communities served;
- A demonstrated understanding of institutional accreditation processes;
- An understanding of regional workforce education and training needs and how to strategically position TCAT-McMinnville in a highly competitive post-secondary education marketplace; and
- An understanding of and commitment to the role of TCAT-McMinnville as part of a higher education system.

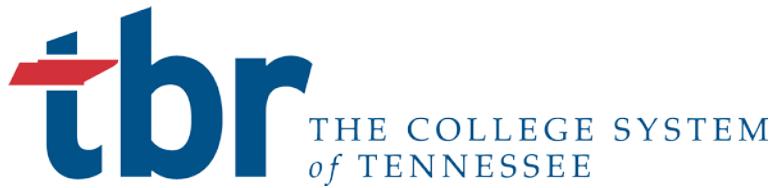
The Tennessee Board of Regents is committed to building and sustaining an inclusive and diverse educational environment and encourages applications from interested candidates who can contribute to promote, and enhance this effort.

The College System of Tennessee is an Equal Opportunity/Affirmative Action employer. Under state law, applicants may request that their application and related materials be confidential and not open for public inspection until such time the candidate is selected as a finalist for the position. The Tennessee Open Meetings Act requires meetings of the Board of Regents to be open to the public.

Please submit application materials by April 30, 2021 and limit application materials to 20 pages. It is anticipated that the President will be selected prior to August 1, 2021.

Resume/vita and cover letter should be submitted through the TBR Applicant Tracking System at <https://www.tbr.edu/hr/executivesearches>. The cover letter should include at a minimum the following:

- Largest budget you have managed;
- Largest number of full-time and part-time direct report employees;
- Largest donation that you personally cultivated, solicited, and made “the ask”; and
- Description of three major accomplishments of which you are most proud.



---

## BOARD TRANSMITTAL

---

MEETING: March 2021 Quarterly Board Meeting

SUBJECT: Multiple Measures for Learning Support Pilot

DATE: March 25, 2021

PRESENTER: Executive Vice Chancellor Russ Deaton

PRESENTATION REQUIREMENT: 10 minutes

ACTION REQUIRED: Roll Call Vote

STAFF'S

RECOMMENDATION: Approve

---

TBR Learning Support policy 2.03.00.02 establishes methods to determine a student's readiness for college-level coursework in writing, reading, and math. According to this policy, students can be placed into or out of a remedial learning support course through one of four assessment metrics: the ACT, SAT, ACCUPLACER, or by completing SAILS competencies. A student must satisfy cut scores in at least one of these placement methods to bypass learning support courses.

In March 2020, Chancellor Flora Tydings approved a pilot effort to allow the addition of high school GPA as an assessment method for placement, alongside other measures included in TBR policy 2.03.00.02. Due to the COVID-19 pandemic, placement testing was limited in 2020, and some students were unable to take tests that traditionally determined placement. Additionally, the use of *multiple measures* for placement, including high school GPA, is recognized nationally as an innovative best practice.

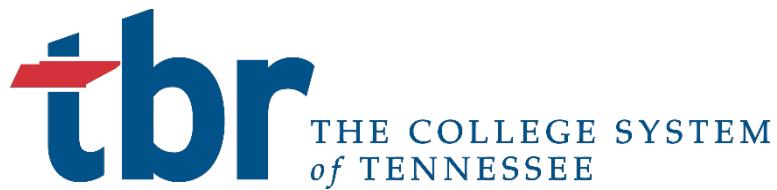
In summer and fall 2020, entering TBR community college students with a high school GPA of 3.6 or higher were able to bypass learning support courses, regardless of their test scores. At three colleges, students were able to provisionally bypass learning support if their high school GPA was between 2.8 and 3.6. Early outcomes for these students show that success rates in gateway math, English, and reading courses remained high for students in the multiple measures pilot.

The purpose of this agenda item is to consider the extension of the multiple measures pilot through the 2021-2022 academic year. The staff recommends that the Board approve extension of the pilot in order to allow students' learning support placement to be determined by high school GPA alongside traditional measures. The extension of this pilot will allow for further research into outcomes for students whose placement was determined based on their high school GPA.

If approved, the learning support cut scores for summer 2021, fall 2021, and spring 2022 would include the current assessments as outlined in TBR Learning Support policy 2.03.00.02, Exhibit 2 as well as high school GPA.

Subject Area	ACT	SAT	ACCUPLACER	SAILS	High School GPA Pilot
Writing	18	490	250	Completing SAILS competencies	3.60 or higher*
Reading	19	500	250	Completing SAILS competencies	3.60 or higher*
Math	19	500	250	Completing SAILS competencies	3.60 or higher*

\*At three colleges, students with high school GPAs from 2.8 to 3.59 were able to provisionally place out of learning support. These colleges were required to develop and implement a monitoring plan for students admitted into college-level coursework without learning support courses.



---

## BOARD TRANSMITTAL

---

MEETING: March 2021 Quarterly Board Meeting

SUBJECT: Proposed Program Terminations,  
Modifications, and New Technical  
Program Implementations

DATE: March 25, 2021

PRESENTER: Assistant Vice Chancellor Tachaka Hollins

PRESENTATION REQUIREMENTS: 10 minutes with discussion

ACTION REQUIRED: Roll Call Vote

STAFF'S RECOMMENDATION: Approve

---

**Program Proposals requiring Board approval:**

Fourteen (14) program proposals are being presented for the Committee's review and approval. These proposals will allow the Technical Colleges to be more responsive to the needs of students, businesses, and industries. Please see corresponding implementation proposals for each program following the list below. The proposals are:

1. TCAT Athens is proposing to implement Pre- Practical Nursing-dual enrollment program at the main campus.
2. TCAT Elizabethton is proposing to implement Building Construction Technology program at the ETSU at Kingsport Campus (23).
3. TCAT Harriman is proposing to implement Computer Operating Systems and Network Technology- dual enrollment program at the main campus.
4. TCAT Harriman is proposing to implement Pre- Practical Nursing-dual enrollment program at the main campus.
5. TCAT Harriman is proposing to implement Transportation, Distribution, and Logistics program at the Three-Star Extension Campus (2M) campus.

6. TCAT Hohenwald is proposing to implement Power Sports Technology program at the main campus.
7. TCAT Knoxville is proposing to implement Pre-Practical Nursing- dual enrollment program at Alcoa High School (2J).
8. TCAT Livingston is proposing to implement Pre- Practical Nursing-dual enrollment program at Cookeville High School (2C).
9. TCAT Livingston is proposing to implement Farming Operations Technology-dual enrollment program at Monterey High School (2H).
10. TCAT Newbern is proposing to relocate the Diesel-Powered Equipment Technology program from the TCAT Newbern Transportation Campus (2D) to the main campus.
11. TCAT Newbern is proposing to relocate the Truck Driving program from the TCAT Newbern Transportation Campus (2D) to the main campus.
12. TCAT Newbern is proposing to relocate the Welding Technology program from the TCAT Newbern Transportation Campus (2D) to the main campus.
13. TCAT Ripley is proposing to implement Barbering program at the main campus.
14. TCAT Shelbyville is proposing to implement Pre- Practical Nursing-dual enrollment program at the main campus.

**Hybrid Delivery:**

One-hundred, forty-seven (147) program proposals are being presented for the Committee's review and approval. These proposals seek to add a hybrid delivery mode to their existing program inventory to address delivery modality in a post-pandemic world. In essence, several schools are proposing to add hybrid delivery to traditional instruction permanently. Recently, COE informed schools of the option to have programs approved as traditional and hybrid instruction. The hybrid modality does not impact fiscal resources, personnel, space, or equipment. A hybrid program makes available less than 50% of its required instructional hours via distance education. The COE temporary waiver for distance education instruction expires on June 30, 2021. The following proposals seek to add hybrid delivery:

1. Administrative Office Technology diploma program at TCAT Covington
2. Computer Information Technology diploma program at TCAT Covington
3. Digital Agronomy diploma program at TCAT Covington
4. Dental Assisting Technology diploma program at TCAT Covington
5. Machine Tool Technology diploma program at TCAT Covington
6. Pharmacy Technology certificate program at TCAT Covington
7. Welding Technology diploma program at TCAT Covington
8. Administrative Office Technology diploma program at TCAT Crossville
9. Computer Information Technology diploma program at TCAT Crossville
10. Administrative Office Technology diploma program at TCAT Crump
11. Collision Repair Technology diploma program at TCAT Crump
12. Computer Information Technology diploma program at TCAT Crump
13. Diesel-Powered Equipment Technology diploma program at TCAT Crump

14. Digital Graphic Design Technology diploma program at TCAT Crump
15. Electrical & Plumbing Construction Technology diploma program at TCAT Crump
16. Farming Operations Technology diploma program at TCAT Crump
17. Heating, Ventilation, Air Conditioning/ Refrigeration diploma program at TCAT Crump
18. Industrial Maintenance (IMT) diploma program at TCAT Crump
19. Industrial Electricity diploma program at TCAT Crump
20. Machine Tool Technology diploma program at TCAT Crump
21. Welding Technology diploma program at TCAT Crump
22. Automotive Technology diploma program at TCAT Dickson main campus and Clarksville Extension Campus (AA)
23. Heating, Ventilation, Air Conditioning/Refrigeration Program diploma program at TCAT Dickson and Clarksville Extension Campus (AA)
24. Pharmacy Technology diploma program at TCAT Dickson
25. Medical Office Assistant diploma program at TCAT Harriman
26. Administrative Office Technology diploma program at TCAT Hartsville
27. Advanced Manufacturing Technology diploma program at TCAT Hartsville- Wilson County Campus (ZM)
28. Automotive diploma program at TCAT Hartsville
29. Computer Information Technology diploma program at TCAT Hartsville- Wilson County Campus (ZM)
30. Heating, Ventilation, Air Conditioning/Refrigeration diploma program at TCAT Hartsville- Wilson County Campus (ZM)
31. Industrial Maintenance/Mechatronics diploma program at TCAT Hartsville
32. Machine Tool Technology diploma program at TCAT Hartsville -Wilson County Campus (ZM)
33. Nursing Aide certificate program at TCAT Hartsville- Wilson County Campus (ZM)
34. Patient Care Technology/Medical Assisting diploma program at TCAT Hartsville- Wilson County Campus (ZM)
35. Practical Nursing diploma program at TCAT Hartsville- Wilson County Campus (ZM)
36. Welding Technology diploma program at TCAT Hartsville- Wilson County Campus (ZM)
37. Administrative Office Technology diploma program at TCAT Hohenwald.
38. Aesthetic Technology certificate program at TCAT Hohenwald
39. Automotive Technology diploma program at TCAT Hohenwald main campus and the Columbia Central High School (2H)
40. Building Construction Technology diploma program at TCAT Hohenwald main campus and the Columbia Central High School (2H)
41. Cosmetology diploma program at TCAT Hohenwald
42. Cosmetology Instructor certificate program at TCAT Hohenwald
43. Digital Graphic Design Technology diploma program at TCAT Hohenwald
44. Computer Aided Design Technology diploma program at TCAT Hohenwald
45. Electronic Systems diploma program TCAT Hohenwald

46. Electro-Mechanical Technology diploma program at TCAT Hohenwald
47. Emergency Medical Technology diploma program at TCAT Hohenwald's Perry County Instructional Service Center
48. Industrial Maintenance Technology (IMT) diploma program at TCAT Hohenwald main campus, Lawrence County Instructional Service Center (2C), Maury County Instructional Service Center (2D), Perry County Instructional Service Center (2E), and Wayne County Instructional Service Center (2B)
49. Information Technology diploma program at TCAT Hohenwald
50. Machine Tool Technology diploma program at TCAT Hohenwald
51. Manicuring diploma program at TCAT Hohenwald
52. Patient Care Technology diploma program at TCAT Hohenwald
53. Practical Nursing diploma program at TCAT Hohenwald, Wayne Medical Instructional Service Center (2F) and Columbia Central High School (2H)
54. Surgical Technology diploma program at TCAT Hohenwald
55. Telecommunications Technology diploma program at TCAT Hohenwald
56. Welding Technology diploma program at TCAT Hohenwald main campus and Perry County Instructional Service Center (2E)
57. Collision Repair Technology diploma program at TCAT Knoxville
58. Cosmetology diploma program at TCAT Knoxville
59. Dental Assisting diploma program at TCAT Knoxville
60. Diesel-Powered Equipment Technology diploma program at TCAT Knoxville
61. Heating, Ventilation, Air-Conditioning, and Refrigeration diploma program at TCAT Knoxville main campus and Pellissippi State Community College- Strawberry Plains Instructional Service Center (2G)
62. Industrial Maintenance-Mechatronics diploma program at TCAT Knoxville- Pellissippi State Community College- Strawberry Plains Instructional Service Center (2G)
63. Machine Tool Technology diploma program at TCAT Knoxville main campus and Anderson County Extension Campus (2F)
64. Medical Assisting diploma program at TCAT Knoxville
65. Nursing Aide certificate program at TCAT Knoxville and Blount Memorial Hospital Instructional Service Center (2T)
66. Pipefitting and Plumbing Technology diploma program at TCAT Knoxville
67. Practical Nursing diploma program at TCAT Knoxville main campus and Blount Memorial Hospital Instructional Service Center (2T)
68. Surgical Technology diploma program at TCAT Knoxville
69. Truck Driving certificate program at TCAT Knoxville
70. Welding Technology diploma program at TCAT Knoxville main campus, Oak Ridge High School Instructional Service Center (2C), and Anderson County Extension Campus (2F)
71. Administrative Office Technology diploma program at TCAT Livingston

72. Advanced Manufacturing Education diploma program at TCAT Livingston- Cookeville Higher Education Campus (2F)
73. Automotive Technology Program diploma program at TCAT Livingston
74. Building and Electrical Technology diploma program at TCAT Livingston
75. Building Construction Technology diploma program at TCAT Livingston
76. Collision Repair Technology diploma program at TCAT Livingston
77. Cosmetology diploma program at TCAT Livingston
78. Cosmetology Instructor Training certificate program at TCAT Livingston
79. Add hybrid delivery to Diesel Technology diploma program at TCAT Livingston- Fitzgerald Collision and Repair Center Rickman (2G)
80. Emergency Medical Technology certificate program at TCAT Livingston main campus and Jackson County Instructional Service Center (2D)
81. Heating, Ventilation, Air-Conditioning/ Refrigeration diploma at TCAT Livingston- Jackson County Instructional Service Center (2D)
82. Industrial Maintenance diploma program at TCAT Livingston main campus and Cookeville Higher Education Campus (2F)
83. Information Technology diploma program at TCAT Livingston main campus and Jackson County Instructional Service Center (2D).
84. Machine Tool Technology diploma program at TCAT Livingston
85. Manicuring certificate program at TCAT Livingston
86. Nursing Aide certificate program at TCAT Livingston main campus and Cookeville Higher Education Campus (2F)
87. Patient Care Technology/Medical Assisting diploma program at TCAT Livingston- Cookeville Higher Education Campus (2F)
88. Pharmacy Technology diploma program at TCAT Livingston
89. Power Line Construction and Maintenance Technology certificate program at TCAT Livingston- Jackson County Instructional Service Center (2D)
90. Practical Nursing diploma program at TCAT Livingston main campus and Cookeville Higher Education Campus (2F)
91. Transportation, Distribution, Warehousing, and Logistics diploma program at TCAT Livingston main campus and Cookeville Higher Education Campus (2F)
92. Welding Technology diploma program at TCAT Livingston main campus and Cookeville Higher Education Campus (2F)
93. Automotive Technology diploma program at TCAT McMinnville
94. Computer Information Technology diploma program at TCAT McMinnville
95. Cosmetology diploma program at TCAT McMinnville
96. Culinary Arts diploma program at TCAT McMinnville
97. Industrial Electricity diploma program at TCAT McMinnville
98. Industrial Maintenance diploma program at TCAT McMinnville main campus and VIAM Manufacturing Co (2B)

99. Machine Tool Technology diploma program at TCAT McMinnville
100. Welding Technology diploma program at TCAT McMinnville
101. Administrative Office Technology diploma program at TCAT Memphis
102. Assistant Animal Laboratory Technology diploma program at TCAT Memphis
103. Automotive Technology diploma program at TCAT Memphis
104. Aviation Maintenance diploma program at TCAT Memphis- Aviation Extension Campus (GA)
105. Avionics Maintenance Technology diploma program at TCAT Memphis- Aviation Extension Campus (GA)
106. Barbering diploma program at TCAT Memphis
107. Building Construction Technology diploma program at TCAT Memphis
108. Collision Repair Technology diploma program at TCAT Memphis
109. Computer Aided Design Technology diploma at TCAT Memphis
110. Computer Information Technology diploma at TCAT Memphis
111. Cosmetology diploma program at TCAT Memphis
112. Dental Assisting diploma program at TCAT Memphis
113. Dental Laboratory Technology diploma program at TCAT Memphis
114. Diesel-Powered Equipment diploma program at TCAT Memphis
115. Digital Graphic Design diploma program at TCAT Memphis
116. Electronics Technology diploma program at TCAT Memphis
117. Heating, Ventilation, Air Conditioning & Refrigeration diploma program at TCAT Memphis
118. Industrial Maintenance Repair diploma program at TCAT Memphis
119. Machine Tool Technology diploma program at TCAT Memphis main campus and Bartlett Instructional Service Center (2A)
120. Pharmacy Technology diploma program at TCAT Memphis
121. Practical Nursing diploma program at TCAT Memphis
122. Truck Driving certificate program at TCAT Memphis
123. Welding Technology diploma program at TCAT Memphis
124. Automotive Technology diploma program at TCAT Murfreesboro- Smyrna Campus (2A)
125. Building and Electrical Technology diploma program at TCAT Murfreesboro
126. Central Sterile Processing Technology diploma program at TCAT Murfreesboro
127. Collision Repair Technology diploma program at TCAT Murfreesboro- Smyrna Campus (2A)
128. Cosmetology diploma program at TCAT Murfreesboro
129. Digital Graphic Design diploma program at TCAT Murfreesboro
130. Pharmacy Technology diploma program at TCAT Murfreesboro
131. Practical Nursing diploma program at TCAT Murfreesboro
132. Welding Technology diploma program at TCAT Murfreesboro- Smyrna Campus (2A)
133. Administrative Office Technology diploma program at TCAT Nashville main campus

- and Portland Campus (2C)
- 134. Computer Information Technology diploma program at TCAT Nashville main campus and Portland Campus (2C)
  - 135. Dental Assisting diploma program at TCAT Nashville
  - 136. Dental Laboratory diploma program at TCAT Nashville
  - 137. Automotive Technology diploma program at TCAT Newbern
  - 138. Computer Aided Design Technology diploma program at TCAT Newbern
  - 139. Computer Information Technology diploma program at TCAT Newbern
  - 140. Cosmetology diploma program at TCAT Newbern
  - 141. Diesel-Powered Equipment Technology diploma program at TCAT Newbern- Transportation Extension Campus (2D)
  - 142. Injection Molding/Robotics Program diploma program at TCAT Newbern- Bells Extension Campus (2E)
  - 143. Computer Information Technology diploma program at TCAT Ripley
  - 144. Cosmetology diploma program at TCAT Ripley
  - 145. Health Information Management Technology diploma program at TCAT Ripley
  - 146. Industrial Electricity diploma program at TCAT Ripley
  - 147. Manufacturing Technology diploma program at TCAT Ripley

**Academic Actions for March 2021 Requiring Only Notification to Vice Chancellor:**

Six (6) academic actions were submitted by a TCAT to the Vice Chancellor for approval based on section C of the TBR Policy: 2:01:02:00, requiring only notification to the Vice Chancellor. Appropriate documentation to support needs was provided. The proposals are as follows:

<b>College</b>	<b>Summary of Proposal</b>	<b>New Costs/Funding Source</b>	<b>Approval/Implementation Date</b>
Crump	TCAT Crump is proposing to terminate the Administrative Office Technology program at the Henderson-Chester County Instructional Service Center (2B) location. This proposal is due to low program enrollment. No additional personnel or fiscal resources are required for this proposed change.	None	Summer 2021
Crump	TCAT Crump is proposing to terminate the Computer Information Systems program at the Henderson-Chester County Instructional Service Center (2B) location. This proposal is due to low program enrollment. No additional personnel or fiscal resources are required for this proposed change.	None	Summer 2021
Dickson	TCAT Dickson is proposing to terminate the Administrative Office Technology-Medical Coding program. The Medical Coding Specialist exit point from this program will be added to the existing Administrative Office Technology program. No additional personnel or fiscal resources are required for this proposed change.	None	Summer 2021
Dickson	TCAT Dickson is proposing to add the Medical Coding Specialist exit point the Administrative Office Technology program.	None	Summer 2021
Jacksboro	TCAT Jackson is proposing to terminate the Administrative Office Technology-online program. TCAT Jacksboro is seeking to make this change due to low student enrollment. No additional personnel, equipment, space, nor fiscal resources are required for this proposed change.	None	Fall 2021
Jacksboro	TCAT Jackson is proposing to terminate the Industrial Electricity program. TCAT Jacksboro implemented the Residential, Commercial, Industrial Electricity program	None	Summer 2021

<p>to better meet the needs of regional employers. All students enrolled in the Industrial Electricity program have now completed the program. No additional personnel, equipment, space, nor fiscal resources are required for this proposed change.</p>			
---	--	--	--

## **PROGRAM IMPLEMENTATION PROPOSAL-1**

INSTITUTION:	Tennessee College of Applied Technology-Athens		
PROPOSED PROGRAM TITLE:	Pre-Practical Nursing		
PROPOSAL:	<p>TCAT Athens is proposing to implement Pre-Practical Nursing-dual enrollment program at the main campus, which will allow high school students to dual enroll and receive college hours toward a post-secondary credential leading to earlier employment opportunities. This program is 432 clock hours and awards a Nurse Aide certificate.</p>		
PROGRAM ACCREDITATOR:	Tennessee Board of Nursing		
EFFECTIVE DATE:	Fall 2020		
OBJECTIVES:	<p>This program will offer industry training to meet the demand of the local economy to post-secondary students in our service area. This program will allow students the opportunity to gain the knowledge needed to obtain salable skills.</p>		
NEED:	<p>This occupation is included in jobs4tn.gov website as an in-demand occupation.</p>		
PROJECTED ENROLLMENT:	YEAR	ENROLLMENT	COMPLETERS
	1	12	12
	2	12	12
	3	12	12
PROJECTED COSTS:	No new projected costs.		
NEW FACULTY NEEDED:	No new faculty will be hired.		
FISCAL RESOURCES:	Any new and existing expenses will be covered by dual enrollment grant dollars.		
FACILITIES:	No additional facilities will be needed for this proposed change.		
ACTION REQUIRED:	Staff recommends approval		

## **PROGRAM IMPLEMENTATION PROPOSAL-2**

INSTITUTION: Tennessee College of Applied Technology-  
Elizabethton

PROPOSED PROGRAM TITLE: Building Construction Technology

PROPOSAL: TCAT Elizabethton is proposing to implement Building Construction Technology program at the ETSU at Kingsport Campus (23). This program is 2160 clock hours and awards an Electrician Helper and General Construction diploma.

PROGRAM ACCREDITATOR: NCCER

EFFECTIVE DATE: Fall 2021

OBJECTIVES: The objectives of this program are to teach basic construction trades skills to the students. These skills include carpentry, masonry, basic plumbing, and basic electrical.

NEED: A Building Construction Trades program has been our most requested program in the past two years. TCAT Elizabethton has been planning to start this program, but we have not been able to do so due to lack of space. The need for this skill has prompted the City of Kingsport to provide the space if we would agree to start the program. The skills taught in this program would include areas of carpentry, masonry, plumbing, finish carpentry and electrical. According to JOBS4TN website all of these areas have a bright outlook in the state and on a national level. The website projects over 1,000 jobs annually in the state in these fields over the next few years. Many of these openings go unreported by smaller construction companies which would cause the number to be much higher. TCAT Elizabethton has attended meetings in Sullivan and Washington counties organized by the Home Builder's Association that have echoed these needs.

PROJECTED ENROLLMENT:	YEAR	ENROLLMENT	COMPLETERS
	1	20	0
	2	24	10
	3	24	24

<b>PROJECTED COSTS:</b>	<b>YEAR</b>	<b>COST</b>	
	1st Year:	\$150,000	
	2nd Year:	\$50,000	
	3rd Year:	\$50,000	
<b>NEW FACULTY NEEDED:</b>	<b>YEAR</b>	<b>NUMBER</b>	<b>COST</b>
	1st Year:	1	\$50,000
	2nd Year:	0	\$50,000
	3rd Year:	0	\$50,000
<b>FISCAL RESOURCES:</b>	Start-up funds for tools and equipment will be covered by ARC Grant which has already been approved. Consumables and salary will be covered by state appropriations and student tuition and fees generated by the students fees.		
<b>FACILITIES:</b>	Facility will be provided by City of Kingsport.		
<b>ACTION REQUIRED:</b>	Staff recommends approval		

## **PROGRAM IMPLEMENTATION PROPOSAL-3**

INSTITUTION:	Tennessee College of Applied Technology-Harriman
PROPOSED PROGRAM TITLE:	Computer Operation Systems and Network Technology
PROPOSAL:	TCAT Harriman is seeking to implement traditional and hybrid delivery option for the Computer Operations and Network Technology program at TCAT-Harriman main campus. This program is 1296 clock hours and awards a Computer Operating Systems & Network Technology diploma.
PROGRAM ACCREDITATOR:	N/A
EFFECTIVE DATE:	Fall 2021
OBJECTIVES:	The program is intended to provide the theoretical and mechanical skills needed to perform successfully in specifying, assembling, and installing new systems, diagnosing and correcting system failure, and maintaining and upgrading existing systems.
NEED:	This program is targeted to help student enter the workforce as a network technician and not compete with the cyber security career fields focused on by the Roane State Community College Curriculum. Hopefully student graduates from this program will look at the RSCC program of cyber security as a pathway for continued education in the future. According to Jobs4TN, Computer Networking Support Specialist which is a direct career outcome for a graduate from the Computer Operating Systems and Network Technology program still has a bright outlook statewide. It seems like recent job outlook data is not as strong since the close of the 2020 year maybe due to the COVID pandemic. However, 55 positions are currently available in East Tennessee. The candidate pool in East Tennessee for this career field is about 1.24. The outlook is still stable, and this career field still categorizes as high demand. Over half of the job

availability for this field is in Anderson County  
which is in TCAT-Harriman's service area  
approximately 20-30 minutes from the main campus

PROJECTED ENROLLMENT:	YEAR	ENROLLMENT	COMPLETERS
	1	15	12
	2	20	16
	3	20	16

PROJECTED COSTS:	YEAR	COST
	1st Year:	\$50,000
	2nd Year:	\$25,000
	3rd Year:	\$10,000

NEW FACULTY NEEDED:	YEAR	NUMBER	COST
	1st Year:	1	\$65,000
	2nd Year:	1	\$65,000
	3rd Year:	1	\$65,000

FISCAL RESOURCES:  
TCAT-Harriman is working with local industry to develop partnerships they may lead to equipment donations to help offset program set-up costs. The new salary position will be offset by increased tuition revenue due to students enrolling in the program.

FACILITIES:  
A TCAT-Harriman renovation supported by the college allowed a large lab to be divided into two classrooms/ labs which gave the campus the ability to add one smaller program that traditionally would be restricted to computer lab space not a shop with overhead doors. This gave TCAT-Harriman the ability to bring back computer training with an emphasis on networking which has been part of the strategic planning process and requested by k-12 and industry in the service area. Therefore, no additional facilities cost will be needed.

ACTION REQUIRED:  
Staff recommends approval

## **PROGRAM IMPLEMENTATION PROPOSAL-4**

INSTITUTION:	Tennessee College of Applied Technology-Harriman												
PROPOSED PROGRAM TITLE:	Pre-Practical Nursing												
PROPOSAL:	TCAT Harriman is proposing to implement Pre-Practical Nursing-dual enrollment program at the main campus. This program is 432 clock hours and awards a Nurse Aide certificate.												
PROGRAM ACCREDITATOR:	Tennessee Board of Nursing												
EFFECTIVE DATE:	Fall 2020												
OBJECTIVES:	This program will offer industry training to meet the demand of the local economy to post-secondary students in our service area. This program will allow students the opportunity to gain the knowledge needed to obtain salable skills.												
NEED:	This occupation is included in jobs4tn.gov website as an in-demand occupation.												
PROJECTED ENROLLMENT:	<table><thead><tr><th>YEAR</th><th>ENROLLMENT</th><th>COMPLETERS</th></tr></thead><tbody><tr><td>1</td><td>20</td><td>15</td></tr><tr><td>2</td><td>20</td><td>15</td></tr><tr><td>3</td><td>20</td><td>15</td></tr></tbody></table>	YEAR	ENROLLMENT	COMPLETERS	1	20	15	2	20	15	3	20	15
YEAR	ENROLLMENT	COMPLETERS											
1	20	15											
2	20	15											
3	20	15											
PROJECTED COSTS:	No new projected costs.												
NEW FACULTY NEEDED:	No new faculty will be hired.												
FISCAL RESOURCES:	Any new and existing expenses will be covered by TBR SERS grant and dual enrollment grant dollars.												
FACILITIES:	No additional facilities will be needed for this proposed change.												
ACTION REQUIRED:	Staff recommends approval												

## **PROGRAM IMPLEMENTATION PROPOSAL-5**

<b>INSTITUTION:</b>	Tennessee College of Applied Technology-Harriman
<b>PROPOSED PROGRAM TITLE:</b>	Transportation, Distribution, and Logistics
<b>PROPOSAL:</b>	TCAT Harriman is seeking to implement a traditional and hybrid delivery option for the Transportation, Distribution, and Logistics program at the Three-Star Extension Campus (2M). This program will be 864 clock hours and award a Supply Chain and Logistics Specialist certificate.
<b>PROGRAM ACCREDITATOR:</b>	N/A
<b>EFFECTIVE DATE:</b>	Fall 2021
<b>OBJECTIVES:</b>	The student will complete the curriculum and demonstrate all safety practices and communication skills pertaining to TDW environment. The student will complete the curriculum and demonstrate the proper performance of the pre-safety checklist, proper operation of TDW equipment. The student will complete the curriculum and demonstrate the use of TDW associated computer software. The student will complete the curriculum and demonstrate the knowledge of all aspects of the TDW program.
<b>NEED:</b>	The closest TCAT offering the same program of study is TCAT-Livingston which is 1.5 hours northeast of TCAT-Harriman. No business or industry competition or saturation of job opportunities should exist by establishment of this program. The first certificate of this program which would produce job ready packager, packers, and handlers has a high demand with a strong outlook. However, the median wages which are \$24,562.00 are not considered high. However, the second certificate for this program which would prepare the graduate for a position in transportation or logistics management has high median wages but has low demand at this time. It is the forecast for East Tennessee that more distribution companies are looking to open in this area. The I-75 /I-40 corridor

only minutes from the ThreeStar Extension Campus is drawing attention to such companies. Although there seems to be plenty of candidates available for job openings in the management/ supervisory side of transportation and logistics at this time, over the next few years East Tennessee could see the same boom in the distribution labor market as Middle Tennessee recently did. It is the projection that his proposal is base from that plenty of entry level work is currently available for opportunity for growth in higher level jobs in the same field in the near future.

PROJECTED ENROLLMENT:	YEAR	ENROLLMENT	COMPLETERS
	1	15	12
	2	20	16
	3	20	16

PROJECTED COSTS:	YEAR	COST
	1st Year:	\$85,000
	2nd Year:	\$15,000
	3rd Year:	\$10,000

NEW FACULTY NEEDED:	YEAR	NUMBER	COST
	1st Year:	1	\$65,000
	2nd Year:	1	\$65,000
	3rd Year:	1	\$65,000

**FISCAL RESOURCES:** Resources to help with the electrical upgrades for the building may be available through business and community partnerships. There was a local Chamber of Commerce grant that helped with the first-year lease of the building and a local business assisted TCAT with the initial electrical upgrades.

The salary for the instructor should be covered by increased revenue generated by the enrollment for the program.

Electrical upgrades may be needed for forklift charging systems. Upgrades should not exceed more \$10,000.

**FACILITIES:** The Three-Star Extension Campus is a leased building that has been established to help TCAT-Harriman stand up the first of 4 programs proposed in the TCAT Master Plan for a

program and campus expansion. The building is built in a way that would allow the addition of 1 additional program such as Transportation, Distribution, and Logistics. This location would be temporary with the long-range plan to move the program to the new building location just off the I-40/I-75 corridor. The facilities cost to open the program at the Three-Star extension program would be minimal because the space exists. Electrical upgrades may be needed.

ACTION REQUIRED: Staff recommends approval

## **PROGRAM IMPLEMENTATION PROPOSAL-6**

INSTITUTION:	Tennessee College of Applied Technology-Hohenwald		
PROPOSED PROGRAM TITLE:	Power Sports Technology		
PROPOSAL:	TCAT Hohenwald is seeking to implement a Power Sports Technology program. This program is 1296 clock hours and awards a Power Sports Technician diploma.		
PROGRAM ACCREDITATOR:	N/A		
EFFECTIVE DATE:	Fall 2021		
OBJECTIVES:	<p>The mission of the Power Sports Program is to prepare the student for entry into the vital repair and service aspect of this growing power sports industry. It is designed to meet the needs of both the trainee and their potential employer by equipping the student with the skills, knowledge, and confidence to enter the ATV/ UTV, motorcycle and marine repair field.</p>		
NEED:	<p>There is currently no existing Power Sports Technology program in TCAT Hohenwald's service area. There is demand in Lewis county among the 12,035 residents for Power Sports Technology training. TCAT Hohenwald provides training needs for these residents, as well as the residents in the six counties that surround Lewis County. The residents in Lewis and surrounding counties totals almost 200,000 residents combined.</p>		
PROJECTED ENROLLMENT:	YEAR	ENROLLMENT	COMPLETERS
	1	20	18
	2	20	18
	3	20	18
PROJECTED COSTS:	YEAR	COST	
	1st Year:	\$75,000	
	2nd Year:	\$65,000	
	3rd Year:	\$65,000	

NEW FACULTY NEEDED:	YEAR	NUMBER	COST
	1st Year:	1	\$45,000
	2nd Year:	1	\$45,000
	3rd Year:	1	\$45,000
FISCAL RESOURCES:	Program costs and instructor salary are allocated in the institution's annual budget.		
FACILITIES:	No additional facilities will be needed for this proposed change.		
ACTION REQUIRED:	Staff recommends approval		

## **PPROGRAM IMPLEMENTATION PROPOSAL-7**

INSTITUTION:	Tennessee College of Applied Technology-Knoxville		
PROPOSED PROGRAM TITLE:	Pre-Practical Nursing		
PROPOSAL:	TCAT Knoxville is seeking to implement a Pre-Practical Nursing-dual enrollment program at Alcoa High School (2J). This program is 432 clock hours and awards a Nurse Aide certificate.		
PROGRAM ACCREDITATOR:	Tennessee Board of Nursing		
EFFECTIVE DATE:	Fall 2021		
OBJECTIVES:	This program will offer industry training to meet the demand of the local economy to post-secondary students in our service area. This program will allow students the opportunity to gain the knowledge needed to obtain salable skills.		
NEED:	The 2019 COE Annual Report, completion, placement, and licensure information is included in the attachment CPL Summary 2019 that includes a 66% total completion, 91% job placement and a 100% licensure rate for students in the Knoxville main campus Practical Nursing program. This occupation is also included in jobs4tn.gov website as an in-demand occupation.		
PROJECTED ENROLLMENT:	YEAR	ENROLLMENT	COMPLETERS
	1	20	15
	2	20	15
	3	20	15
PROJECTED COSTS:	YEAR	COST	
	1st Year:	\$0	
	2nd Year:	\$0	
	3rd Year:	\$0	
NEW FACULTY NEEDED:	YEAR	NUMBER	COST
	1st Year:	1	\$15,000
	2nd Year:	0	\$15,000
	3rd Year:	0	\$15,000

**FISCAL RESOURCES:** Program costs and instructor salary are allocated in the institution's annual budget.

**FACILITIES:** No additional facilities will be needed for this proposed change.

**ACTION REQUIRED:** Staff recommends approval

## **PROGRAM IMPLEMENTATION PROPOSAL-8**

INSTITUTION:	Tennessee College of Applied Technology-Livingston		
PROPOSED PROGRAM TITLE:	Pre-Practical Nursing		
PROPOSAL:	TCAT Livingston is seeking to implement a Pre-Nursing- dual enrollment program at Cookeville High School (2C). The program is 432 clock hours and awards a Nurse Aide certificate.		
PROGRAM ACCREDITATOR:	Tennessee Board of Nursing		
EFFECTIVE DATE:	Fall 2021		
OBJECTIVES:	The Pre-Practical Nursing (Pre-PN) Pathway is an articulated pathway from high school into the TCAT Practical Nursing program through this early post-secondary opportunity (EPSO) for the purpose of providing eligible high school students the opportunity to earn both college and high school graduation credits simultaneously upon successful completion of qualified courses/program.		
NEED:	This occupation is included in jobs4tn.gov website as an in-demand occupation.		
PROJECTED ENROLLMENT:	YEAR 1 2 3	ENROLLMENT 12 12 12	COMPLETERS 8 8 8
PROJECTED COSTS:	YEAR 1st Year: 2nd Year: 3rd Year:	COST \$75,000 \$75,000 \$75,000	
NEW FACULTY NEEDED:	YEAR 1st Year: 2nd Year: 3rd Year:	NUMBER 1 1 1	COST \$50,000 \$50,000 \$50,000
FISCAL RESOURCES:	The school will use dual enrollment lottery funds and local school system dollars to fund program and faculty expenses.		

FACILITIES: Cookeville High School will provide classroom and lab space for the program.

ACTION REQUIRED: Staff recommends approval

## **PROGRAM IMPLEMENTATION PROPOSAL-9**

INSTITUTION:	Tennessee College of Applied Technology-Livingston		
PROPOSED PROGRAM TITLE:	Farming Operations Technology		
PROPOSAL:	TCAT Livingston is seeking to implement a traditional and hybrid delivery option for the Farming Operations Technology-dual enrollment program at Monterey High School (2H). The program length is 1728 clock hours and awards a Precision Production Technology diploma.		
PROGRAM ACCREDITATOR:	N/A		
EFFECTIVE DATE:	Fall 2021		
OBJECTIVES:	The program will follow the statewide curriculum and program objectives in the statewide curriculum.		
NEED:	Jobs4TN website projects the Agriculture, Forestry, Fishing and Hunting Industry to increase by 1,508 from 34,414 estimated employment in 2018 to a projected employment of 35,922 in 2028. Overall employment of agricultural workers is projected to grow 1 percent from 2019 to 2029. Employment of agricultural equipment operators is projected to increase by 11 percent from 2019 to 2029, much faster than the average for all occupations and faster than any other type of agricultural worker. Increased use of mechanization on farms is expected to lead to more jobs for agricultural equipment operators relative to farmworkers and laborers.		
PROJECTED ENROLLMENT:	YEAR	ENROLLMENT	COMPLETERS
	1	20	12
	2	20	12
	3	20	12
PROJECTED COSTS:	YEAR	COST	
	1st Year:	\$40,000	
	2nd Year:	\$40,000	
	3rd Year:	\$40,000	
NEW FACULTY NEEDED:	YEAR	NUMBER	COST
	1st Year:	1	\$20,000

2nd Year:	1	\$20,000
3rd Year:	1	\$20,000

**FISCAL RESOURCES:** The school will use dual enrollment lottery funds and local school system dollars to fund program and faculty expenses.

**FACILITIES:** Monterey High School provide the facilities for the program.

**ACTION REQUIRED:** Staff recommends approval

## **PROGRAM IMPLEMENTATION PROPOSAL-10**

INSTITUTION:

Tennessee College of Applied Technology-  
Newbern

PROPOSED PROGRAM TITLE:

Diesel-Powered Equipment Technology

PROPOSAL:

TCAT Newbern is proposing to relocate the Diesel-Powered Equipment Technology program from the TCAT Newbern Transportation Campus (2D) to the main campus. The program is 2160 clock hours and awards a Diesel Technician diploma.

PROGRAM ACCREDITATOR:

EFFECTIVE DATE:

Summer 2021

OBJECTIVES:

The Diesel-Powered Equipment Technology program provides practical experience in the repair and maintenance of engines, fuel systems, electrical systems, clutch and transmissions, hydraulics, drivelines and axles, frame and suspension systems, steering systems, brake systems, and heating, ventilation, and air conditioning systems.

NEED:

The Diesel-Powered Equipment Technology program is not offered at any other TCATs in the service delivery area. TCAT Memphis currently offers this program, however the institution is not in close proximity or within the same service delivery area as TCAT Memphis. There is no potential for duplication.

According to data from the Bureau of Labor Statistics, employment of diesel service technicians and mechanics is projected to grow 3 percent from 2019 to 2029, about as fast as the average for all occupations. Job prospects should be best for those who have completed postsecondary training in diesel engine repair. The Diesel-Powered Equipment Technology program continues to thrive at TCAT Newbern with steady and increased enrollment.

PROJECTED ENROLLMENT:	YEAR	ENROLLMENT	COMPLETERS
	1	20	0
	2	20	15
	3	20	15

PROJECTED COSTS:	YEAR	COST
	1st Year:	\$25,000
	2nd Year:	\$25,000
	3rd Year:	\$25,000

NEW FACULTY NEEDED: No new faculty needed.

FISCAL RESOURCES: TCAT Newbern will continue to utilize the budget for the existing instructor and program costs.

FACILITIES: TCAT Newbern has built a separate location on the TCAT Newbern main campus to house the Diesel-Powered Equipment Technology and Truck Driving programs. This construction project is scheduled to be complete April 26, 2021.

ACTION REQUIRED: Staff recommends approval

## **PROGRAM IMPLEMENTATION PROPOSAL-11**

INSTITUTION:	Tennessee College of Applied Technology-Newbern		
PROPOSED PROGRAM TITLE:	Truck Driving		
PROPOSAL:	TCAT Newbern is proposing to relocate the Truck Driving program from the TCAT Newbern Transportation Campus (2D) to the main campus. The program is 222 clock hours and awards a Truck Driving certificate.		
PROGRAM ACCREDITATOR:	Tennessee Department of Safety & Homeland Security		
EFFECTIVE DATE:	Summer 2021		
OBJECTIVES:	The Truck Driving Program prepares individuals to build skills in safety practices, operation, vehicle maintenance, and non-vehicle activities associated with truck driving.		
NEED:	The Truck Driving program is an existing program offered at the TCAT Newbern Transportation Campus. This program is currently offered at TCAT Jackson and TCAT Memphis. However, the institution is not in close proximity or within the same service delivery area. There is no potential for duplication.		
	Employment of heavy and tractor-trailer truck drivers is projected to grow 2 percent from 2019 to 2029, slower than the average for all occupations. As the demand for goods increases, more truck drivers will be needed to keep supply chains moving.		
PROJECTED ENROLLMENT:	YEAR	ENROLLMENT	COMPLETERS
	1	20	15
	2	20	15
	3	20	15
PROJECTED COSTS:	YEAR	COST	
	1st Year:	\$25,000	
	2nd Year:	\$25,000	

	3rd Year:	\$25,000
NEW FACULTY NEEDED:	No new faculty needed.	
FISCAL RESOURCES:	TCAT Newbern will continue to utilize the budget for the existing instructors and program costs.	
FACILITIES:	TCAT Newbern has built a separate location on the TCAT Newbern main campus to house the Diesel-Powered Equipment Technology and Truck Driving programs. This construction project is scheduled to be complete April 26, 2021.	
ACTION REQUIRED:	Staff recommends approval	

## **PROGRAM IMPLEMENTATION PROPOSAL-12**

INSTITUTION:	Tennessee College of Applied Technology-Newbern		
PROPOSED PROGRAM TITLE:	Welding Technology		
PROPOSAL:	<p>TCAT Newbern is proposing to relocate the Welding Technology program from the TCAT Newbern Transportation Campus (2D) to the main campus. The program is 1296 clock hours and awards a Combination Welder diploma.</p>		
PROGRAM ACCREDITATOR:			
EFFECTIVE DATE:	Summer 2021		
OBJECTIVES:	<p>Students will learn to perform entry level proficiency in shielded metal arc, gas metal arc, flux core arc and gas tungsten arc welding. Materials to be joined include carbon steel, stainless steel and aluminum.</p>		
NEED:	<p>The Welding Technology program is not offered at any other TCATs in the primary service delivery area. TCAT Covington and TCAT Jackson currently offer this program, however the institution is not in close proximity or within the same service delivery area. There is no potential for duplication.</p>		
	<p>Employment of welders, cutters, solderers, and brazers is projected to grow 3 percent from 2019 to 2029, about as fast as the average for all occupations. The nation's aging infrastructure will require the expertise of welders, cutters, solderers, and brazers to help rebuild bridges, highways, and buildings.</p>		
PROJECTED ENROLLMENT:	YEAR	ENROLLMENT	COMPLETERS
	1	20	15
	2	20	15
	3	20	15
PROJECTED COSTS:	YEAR	COST	
	1st Year:	\$25,000	
	2nd Year:	\$25,000	
	3rd Year:	\$25,000	

**NEW FACULTY NEEDED:** No new faculty needed.

**FISCAL RESOURCES:** TCAT Newbern will continue to utilize the budget for the existing instructor and program costs.

**FACILITIES:** TCAT Newbern will utilize current unused space for the Welding shop area and classroom.

**ACTION REQUIRED:** Staff recommends approval

## **PROGRAM IMPLEMENTATION PROPOSAL-13**

<b>INSTITUTION:</b>	Tennessee College of Applied Technology-Ripley
<b>PROPOSED PROGRAM TITLE:</b>	Barbering
<b>PROPOSAL:</b>	TCAT Ripley is seeking to implement a traditional and hybrid delivery option for the Barbering program. The program is 1500 clock hours and awards a Master Barber diploma.
<b>PROGRAM ACCREDITATOR:</b>	Tennessee Board of Cosmetology and Barber Examiners
<b>EFFECTIVE DATE:</b>	Fall 2021
<b>OBJECTIVES:</b>	The Barbering program provides students with the necessary skills needed to pass the Tennessee Board of Cosmetology and Barber's practical and written examinations. Students who are interested in pursuing a career in barbering, will receive instruction in personal and shop safety rules and state regulations, sanitation and sterilization standards, and the proper use of equipment and implements commonly found in a barbershop. Additionally, students receive instruction in the anatomy and physiology of hair and scalp, the psychology of sales and first aid.
<b>NEED:</b>	There are currently no other TCAT Barbering Programs offered in primary service area. TCAT Memphis currently offers this program, however the institution is not in close proximity or within the same service delivery area as TCAT Ripley. There is no potential for duplication.
	According to data provided by Jobs4tn.gov, the Barbering occupation group is projected to grow by 10 percent nationwide between 2014 and 2024. Job opportunities are strongest in urban and suburban areas of Tennessee. The job outlook for this program of study in Tennessee is as follows: 38.6 percent increase for skincare specialists, 21.3 percent increase for manicurists and pedicurists, and a 17.4 percent increase for hairdressers, hairstylists, and cosmetologists by 2024. Occupations with the

greatest number of annual average openings include hairdressers, hairstylists, and cosmetologists.

According to the Bureau of Labor and Statistics, overall job opportunities are expected to be good. A large number of job openings will stem from the need to replace workers who transfer to other occupations, retire, or leave the occupation for other reasons. However, workers should expect strong competition for jobs and clients at higher paying salons, of which there are relatively few and for which applicants must compete with a large pool of experienced hairstylists and cosmetologists.

The need for barbers will stem primarily from an increasing population, which will lead to greater demand for basic hair care services. In addition, demand for hair coloring, hair straightening, and other advanced hair treatments has risen in recent years, a trend that is expected to continue over the coming decade.

PROJECTED ENROLLMENT:	YEAR	ENROLLMENT	COMPLETERS
	1	20	0
	2	20	15
	3	20	15

PROJECTED COSTS:	YEAR	COST
	1st Year:	\$25,000
	2nd Year:	\$25,000
	3rd Year:	\$25,000

NEW FACULTY NEEDED:	YEAR	NUMBER	COST
	1st Year:	1	\$70,000
	2nd Year:	1	\$70,000
	3rd Year:	1	\$70,000

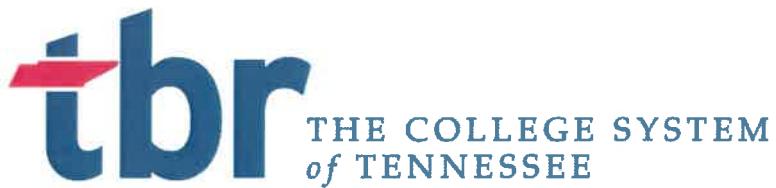
FISCAL RESOURCES: Start-up funds will be requested. Current Cosmetology classroom and training salon will be utilized during the evening.

FACILITIES: The Barbering program will share existing Cosmetology classroom and salon space. The Barbering program will be offered in the evening.

ACTION REQUIRED: Staff recommends approval

## **PROGRAM IMPLEMENTATION PROPOSAL-14**

INSTITUTION:	Tennessee College of Applied Technology-Shelbyville												
PROPOSED PROGRAM TITLE:	Pre-Practical Nursing												
PROPOSAL:	TCAT Shelbyville is proposing to implement Pre-Practical Nursing-dual enrollment coursework at the main campus. Students would enrollment in the pre-requisite coursework, which include Dosage Calculations for Nurses and Anatomy and Physiology courses. This program is 120 clock hours.												
PROGRAM ACCREDITATOR:	Tennessee Board of Nursing												
EFFECTIVE DATE:	Fall 2020												
OBJECTIVES:	This program will offer industry training to meet the demand of the local economy to post-secondary students in our service area. This program will allow students the opportunity to gain the knowledge needed to obtain salable skills.												
NEED:	This occupation is included in jobs4tn.gov website as an in-demand occupation.												
PROJECTED ENROLLMENT:	<table><thead><tr><th>YEAR</th><th>ENROLLMENT</th><th>COMPLETERS</th></tr></thead><tbody><tr><td>1</td><td>20</td><td>15</td></tr><tr><td>2</td><td>20</td><td>15</td></tr><tr><td>3</td><td>20</td><td>15</td></tr></tbody></table>	YEAR	ENROLLMENT	COMPLETERS	1	20	15	2	20	15	3	20	15
YEAR	ENROLLMENT	COMPLETERS											
1	20	15											
2	20	15											
3	20	15											
PROJECTED COSTS:	No new projected costs.												
NEW FACULTY NEEDED:	No new faculty will be hired.												
FISCAL RESOURCES:	Any new and existing expenses will be covered by dual enrollment grant dollars.												
FACILITIES:	No additional facilities will be needed for this proposed change.												
ACTION REQUIRED:	Staff recommends approval												



---

## BOARD TRANSMITTAL

---

MEETING: Board of Regents Meeting

SUBJECT: Programs for Minors on Campus, TBR Policy 7.04.00.00

DATE: March 25, 2021

PRESENTER: Brian Lapps, General Counsel

PRESENTATION REQUIREMENT: 5 minutes with discussion

ACTION REQUIRED: Roll Call Vote

STAFF'S  
RECOMMENDATION: Recommend Approval Effective September 1, 2021

As discussed at the Committee Chairs Meeting on March 9, 2021, the Programs for Minors on Campus policy is an attempt to increase the safety of minors participating in college programs by requiring background checks, training, and monitoring of employees and volunteers who interact with minors. This type of policy has become common in recent years. It is geared toward college-sponsored programs and events for the general public (as opposed to members of the public coming onto campus for public events). Please note that it does not apply to dual enrollment, middle college, or other students enrolled in the college courses. Major features include:

1. College-wide coordinator is responsible for ensuring compliance by programs;
2. Structure to conduct background checks;
3. Training for covered adults;
4. Exceptions if authorized by the President (and still subject to some protections);
5. Reporting requirements; and
6. Parameters on minors accompanying students and employees to campus, and requirements for supervising such minors.

Approval effective September 1, 2021 is recommended to give the colleges time to implement the policy and because there are relatively few programs for minors taking place due to the pandemic.

Attachment

## **Programs for Minors on Campus: 7.04.00.00**

### **Policy/Guideline Area**

Safety and Security

### **Applicable Divisions**

TCATs, Community Colleges

### **Purpose**

Institutions must promote a safe environment for children who participate in on-campus programs and activities as well as off-campus programs and activities sponsored by a college, including online programs. The purpose of this policy is to foster a culture that is committed to preventing, recognizing, reporting, and addressing child abuse and child sexual abuse.

### **Definitions**

- **Acceptable Visitation** means:
  - Employee or student is a minor and is enrolled in a credit/non-credit course;
  - Employee or student bringing an infant or small child for a brief social visit;
  - With supervisor or instructor permission and under certain limited and unforeseen circumstances (such as school closings), an employee or student bringing a minor child to a class or to work with the following restrictions:
    - Minor child cannot be ill
    - Minor child cannot be disruptive
    - Minor child must be supervised by the parent/guardian
    - Minor child cannot be left unattended while the employee/student is in class
    - Minor child cannot be left with a fellow student or co-worker
- **Covered Adult** means a person:
  - Who is eighteen (18) years of age or older; and
  - Who is an employee (whether faculty or staff, regular, term appointment, student, full-time, or part-time) of, or a person in a contractual or volunteer position with the college; and
  - Whom the Program Director reasonably anticipates will have direct contact with a minor in a Covered Program, by reason of the person's employment, contractual, or volunteer status with the institution.
- **Covered Program** means:
  - A program or activity in which minors may participate that is sponsored (whether in person or online) by the college; or
  - A program or activity in which minors may participate that is sponsored by an entity other than the college and involves use of college owned or controlled facilities.

Examples of Covered Programs include, but are not limited to, athletic camps, academic camps, lessons, workshops, competitions, and clinics.

Covered Program does not include:

- A program or activity at which it is required or expected that a minor be accompanied by a parent or guardian;
- A program or activity designed primarily for enrolled college or high school students, including dual enrollment, middle college, credit courses, and community service projects organized by the college;
- A program or activity open to the general public;
- A program or activity using the college's facilities that is conducted by other educational institutions, including but not limited to local K-12 schools, such as science fairs or Destination Imagination;
- Orientation and campus tour/visitation programs;
- Field trips supervised by a minor participant's school or organization and not sponsored by the college;
- Social functions that may be attended by minors accompanied by a parent or guardian; or
- Student teaching practicums.

Questions regarding whether a program/activity is subject to this policy should be addressed to the Programs for Minors Coordinator or other person designated by the President.

- **Minor or Child** means a person who is under eighteen (18) years of age or is reasonably presumed to be under eighteen (18) years of age.
- **Program Director** means the person primarily responsible for the management and oversight of a Covered Program, including identifying all Covered Adults and ensuring the Covered Program's compliance with this policy. With respect to a Covered Program not sponsored by the college, the Program Director is the college employee who serves as the primary college contact with the third party who is sponsoring the Covered Program.
- **Programs for Minors Coordinator** means the person appointed by the President to be responsible for the college's compliance with this policy and for oversight of Covered Programs and Program Directors.

## POLICY/GUIDELINE

### I. Prevention of Child Abuse

#### A. Training

1. The Programs for Minors Coordinator shall provide training programs designed to teach how to prevent, recognize, and address child abuse.
2. Program Directors and Covered Adults are required to take training prior to participation in a Covered Program. Retraining for Program Directors and Covered Adults is required every other year.
3. At a minimum, the training must address the following topics:
  - a. Definition of child abuse;
  - b. Signs, symptoms, and effects of child abuse;
  - c. Response to suspected child abuse, including but not limited to reporting suspected child abuse under Tennessee law and this policy; and
  - d. Child abuse prevention strategies.

#### B. Background Checks

1. The Programs for Minors Coordinator is responsible for ensuring that background

checks for Covered Programs sponsored by the college are conducted on all Covered Adults prior to initial participation in a Covered Program and then no less frequently than every four (4) years. The criminal background check should be the same as used for employees who are subject to background checks.

2. For Covered Programs not sponsored by the institution, background checks are required only when the Covered Program is sponsored or operated by an employee of the institution (whether faculty or staff, full-time or part-time). E.g., certain athletics camps and clinics operated by a coach outside of the coach's institutional capacity. In such situations, the Covered Program shall conduct background checks on adults whom the Program for Minors Coordinator reasonably anticipates will have direct contact with a minor in the Covered Program.
3. Program Directors are responsible for notifying the Programs for Minors Coordinator of Covered Adults who plan to participate in a Covered Program in sufficient time for Covered Adults to undergo a background check and to receive training.
4. Student volunteers who are actively enrolled in the college are not required to submit to a criminal background check, but a National Sex Offender public website and the Tennessee Department of Health's online abuse registry must be checked prior to participation in the Covered Program prior to the event.
5. If a person's criminal background check indicates a conviction of any sexual offense; any offense against children; battery or assault; drug distribution offense or felony drug possession; homicide; kidnapping; or any felony or crime involving moral turpitude, the Programs for Minors Coordinator shall determine appropriate action in consultation with the Office of General Counsel and the President.
6. The Programs for Minors Coordinator shall ensure that restrictions on participation are timely conveyed to Covered Adult and the Program Director.

C. Exceptions to Background Checks

1. If it is not feasible to conduct full criminal background checks due to volume, timing, or for other reasons, the Programs for Minors Coordinator, following consultation with the President, may permit preventive measures as outlined below in lieu of criminal background checks and training.
2. If the Programs for Minors Coordinator grants an exception, the Program Director is responsible for ensuring that:
  - a. All Covered Adults are checked and cleared using the National Sex Offender Registry's public website, Tennessee Felony Offender registry, and the Tennessee Department of Health's (TDOH) online abuse registry prior to participating in the Covered Program.
  - b. All Covered Adults work in a public place during the Covered Program, are supervised by a Covered Adult who has undergone a criminal background check, and present photo identification prior to the participation in the Covered Program.
  - c. All Covered Adults sign a statement verifying their understanding of, and agreement to comply with, Tennessee's law on the mandatory reporting of child abuse and child sex abuse.
  - d. The required documentation is provided to the Programs for Minors Coordinator.
3. For Covered Programs not sponsored by the college, the Program Director shall require the sponsor of the Covered Program to sign an agreement to indemnify and hold harmless the college for the acts or omissions of the program participants or the sponsor's employees or agents. The college may require the sponsor to provide proof of insurance satisfactory to the college. A copy of the completed agreement shall be forwarded to the Programs for Minors Coordinator. This requirement does not apply to

a governmental entity that is prohibited by law from signing an indemnification agreement.

## **II. Reporting Requirements**

### **A. External Reporting**

1. Tennessee law mandates reporting by any person who has knowledge of physical or mental harm to a child if: (a) the nature of the harm reasonably indicates it was caused by brutality, abuse, or neglect; or (b) on the basis of available information, the harm reasonably appears to have been caused by brutality, abuse, or neglect. Tennessee law also mandates reporting by any person who knows or has reasonable cause to suspect that a child has been sexually abused, regardless of whether the child has sustained an apparent injury as a result of the abuse.
2. The Tennessee mandatory reporting laws apply to all college employees, contractors, and volunteers, even if they are not Covered Adults, and even if the child abuse or child sexual abuse *did not* occur in connection with a Covered Program.
3. A report of child abuse or child sexual abuse must be made immediately to the Tennessee Department of Children's Services at the Central Intake Child Abuse Hotline at 1-877- 542-2873 or 1-877-237-0004. In the event of a life-threatening emergency, 911 should be contacted first.
4. Tennessee law provides immunity from civil and criminal liability for any person who makes a good faith report of suspected child abuse or child sexual abuse. In addition, no person making a good faith report of suspected child abuse or child sexual abuse, or participating in an investigation, shall be subject to retaliation by the college.

### **B. Internal Reporting**

1. Reporting to college Police/Security, a supervisor, or any other college official or employee does not satisfy the legal duty for individuals to report child abuse and child sex abuse.
2. After reporting child abuse or child sexual abuse to the Tennessee Department of Children's Services, a college employee shall also provide notice of the report to their supervisor and the Programs for Minors Coordinator or other person identified by the President.
3. Upon receiving such a report, the employee's supervisor and the Programs for Minors Coordinator shall ensure that the Tennessee mandatory reporting statute has been followed and report the matter to the President or other person identified by the President.
4. The college shall ensure Clery Act compliance, evaluate whether there is also a legal duty to report the incident as a crime statistic, and whether to issue a timely warning notice.

## **III. Standards of Conduct Related to Covered Programs and Covered Adults**

### **A. Covered Adults shall not:**

1. Be alone in a vehicle with a minor, regardless of parent/guardian express or implied permission.
2. Utilize college facilities and resources to interact with minors outside of the scheduled time of the Covered Program.
3. Be alone with a minor away from other people. If one-one interaction is required, the Covered Adult should obtain advance approval from the Program Director and meet in

- open spaces observable by others.
4. Have physical contact or communication (either in person or electronically) with minors, except as appropriate to the nature of the Covered Program.
  5. Meet a minor off of the site of the Covered Program or after the hours of the Program, even if another Covered Adult is present.
  6. Strike, shake, slap, administer corporal punishment to, or touch in an inappropriate or illegal manner, any minor.
  7. Humiliate, ridicule, threaten, or degrade a minor.
  8. Sleep in the same room or other enclosed space (such as a tent) as a minor, unless the Covered Adult is a parent, guardian, or relative of said minor.
  9. Shower or bathe with a minor or in the presence of a minor, unless the Covered Adult is a parent, guardian, or relative of said minor.
  10. Dress or undress in the presence of a minor, unless the Covered Adult is a parent, guardian, or relative of said minor.
  11. Use any language that encourages a minor to keep a secret from a parent/guardian, such as "this is between the two of us."
  12. Invade the privacy of minors by intruding in situations such as changing clothes and taking showers, unless required for health and safety reasons.
  13. Wear inappropriate clothing (immodest, contains inappropriate advertising, etc.), as determined by the Program Director, when interacting with minors.
  14. Possess or engage in the use of alcohol or illegal drugs, or be under the influence of alcohol or illegal drugs, during the Covered Program.
  15. Provide alcohol, illegal drugs, prescription drugs, or any other medication to a minor.
  16. Take a photograph or video of a minor or post information about a minor on the Internet or social media without the written permission of the minor's parent or guardian.
  17. Give a personal gift to a minor.
  18. View pornography during the Program, or make any form of pornography available to a minor participating in the Program, or assist a minor in any way in gaining access to any form of pornography.
  19. Permit minor children in spaces where inherent dangers exist such as, but not limited to, biology/chemistry labs, some art labs, the welding lab, etc.

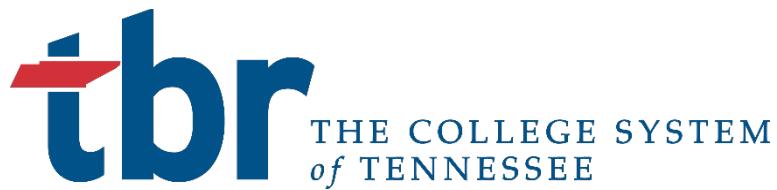
#### **IV. Acceptable Visitation by Minors**

- A. There may be times when a student requests to bring a child to class in order not to miss class or an employee requests to bring a child to work in order not to miss work.
- B. Acceptable Visitation is for limited, non-recurring events and may be permitted by the instructor or the supervisor. Acceptable Visitation is not a routine or regular event, and under no circumstance should a sick child be brought to the college.
- C. If Acceptable Visitation is permitted, the parent/guardian must have the child stay with them; not ask another student or co-worker to watch the child; not leave the child unattended in a classroom, common area, car, or office; and remove the child if the child causes a disruption.
- D. The student or parent assumes full and complete responsibility for the child while on campus and for ensuring that the child does not engage in any behavior that could reasonably be found to be distracting, loud, boisterous, or inappropriate for a working or learning environment.
- E. Enforcement of Acceptable Visitation standards is the responsibility of the instructor if the person is a student or the supervisor if the person is an employee. Where it is not clear who the instructor or supervisor is, enforcement will lie with the administrator addressing the disruption.
- F. The Police Department should be contacted when minor children are found to be unattended.

**Authority**

T.C.A. § 49-8-203

**History** New policy approved March 25, 2021 to be effective September 1, 2021.



---

## BOARD TRANSMITTAL

---

MEETING: March 25, 2021 Quarterly Board Meeting

SUBJECT: Review and Consider Proposed Changes to the Bylaws

DATE: March 25, 2021

PRESENTER: General Counsel Brian Lapps

PRESENTATION REQUIREMENTS: 1 - 5 minutes

ACTION REQUIRED: ROLL CALL VOTE

STAFF'S RECOMMENDATION: N/A

---

Notice of proposed changes to the Bylaws was provided to the Board at its meeting on December 10, 2020 in accordance with Article VII of the Board's Bylaws. The Board will be asked to consider the proposed changes at its quarterly meeting on March 25, 2021.

The proposed changes are:

- (1) to change the name of the Economic and Community Development Committee to Workforce Development Committee; and
- (2) to refer to the newly revised 12<sup>th</sup> Edition of Robert's Rules of Order instead of the previous version.

A copy of the proposed changes to the Bylaws is attached for your consideration.

# **TBR Bylaws: 2**

## **Policy/Guideline Area**

Resource Documents

## **Applicable Divisions**

TCATs, Community Colleges, System Office, Board Members

## **Policy/Guideline**

### **Article I: Purpose**

The purpose of the Tennessee Board of Regents is to govern, manage and control the state community colleges and state colleges of applied technology established by the General Assembly of the State of Tennessee in T. C. A. § 49-8-101(a), exercising the powers and fulfilling the duties vested in it by the General Assembly.

### **Article II: The Board**

#### **Section 1. Powers**

A. The Board of Regents is vested by law with all the powers and authority to govern effectively and set policy for the state community colleges and colleges of applied technology in accordance with the laws of Tennessee and the policies of the Tennessee Higher Education Commission.

B. With respect to the locally governed universities in the System, the Board of Regents has the authority to review and give final approval to the operating budget of each university for the purpose of ensuring the ability to satisfy obligations to the Tennessee State School Bond Authority and its bondholders.

#### **Section 2. Members**

The composition of the membership of the Board, the terms of office, and the conditions of membership are as provided in T.C.A. § 49-8-201, including all future amendments thereto.

#### **Section 3. Rights of Members**

A. Except as provided otherwise by law, individual members of the Board enjoy these rights equally with all other members:

1. the right to vote,
2. the right to participate fully in all considerations before the Board,
3. the right to enter motions and to submit recommendations, and
4. all rights and privileges afforded the Board by law and regulation when sitting in deliberative session.

- B. When not participating in meetings of the Board or any of its duly constituted committees, members, as individuals, enjoy the same rights and privileges of any citizen of the State of Tennessee as pertains to the governance, control, and management of institutions under the Board.
- C. As individuals, members shall not speak for the Board unless specifically authorized to do so by the Board.

#### **Section 4. Responsibilities of Members**

- A. When participating in meetings of the Board or its duly constituted committees, members are responsible for the entire System, without regard for any congressional district or area of the State or for any individual institution within the State.
- B. Members are enjoined from espousing the cause of any one institution over the interests of others or the System.

#### **Section 5. Expenses of Members**

Board business-related and travel expenses, including lodging and meals encountered about meetings of the Board or duly constituted committees thereof shall be reimbursable at rates established by Board policy in accordance with Tennessee State Regulations for Travel.

#### **Section 6. Minority Views**

Upon announcement of any vote of a meeting of the Board or one of its duly constituted committees, a member holding a minority view may request his or her view be made a matter of record. Such minority view shall be submitted in writing to the Secretary.

#### **Section 7. Meetings of the Board**

##### **A. Regular Meetings**

The Board shall hold at least one (1) stated meeting annually on a day or days determined by the board from year to year and at called meetings that may be necessary, to be called by the secretary, giving at least five (5) days' notice to the board members, but the board may adjourn the stated or called meetings to any date that it may set for adjournment.

##### **B. Special Meetings**

1. Special meetings of the Board of Regents may be called for any purpose by the Chair by request in writing to the Secretary, or by the Secretary upon written request from four other members of the Board.
2. The requests shall state the purpose of the proposed meeting.

3. Business transacted at all special meetings shall be confined to the subjects stated in the call.

#### **C. Location**

Each year, following the Fall quarterly meeting, the Secretary shall issue a calendar of the regular meetings for the upcoming calendar year including their locations. The board shall strive to meet on the campus of a system institution at least twice a year, rotating those meetings throughout the system, as practicable.

#### **D. Notice of Meetings**

1. The Secretary shall give each member of the Board at least five days' written notice of a regular or of special meetings of the Board. Emergency meetings may be called by telephone or electronic notification with the understanding that similar notices are provided all members.
2. The Secretary, upon advice from the Chancellor and Board, shall prepare an annotated agenda to accompany each notice of a regular or special meeting of the Board.
3. Public notice of all meetings shall be issued in accordance with T.C.A. § 8-44-103.

#### **E. Quorum**

1. At all meetings of the Board of Regents, nine voting members shall constitute a quorum for the transaction of business. In the absence of a quorum, the Board may convene for the purpose of receiving information. If the Board convenes in the absence of a quorum and a quorum is later established, the Board may then transact business.
2. The action of a simple majority of the voting members of the Board present at any meeting shall be the action of the Board, except as may be otherwise provided by these Bylaws.
3. Members shall be allowed to participate in a meeting by electronic or other means in accordance with T.C.A. § 8-44-108.

#### **F. Order of Business**

The order of business at each regular meeting of the Board shall be determined by the Vice-Chair.

#### **G. Procedures**

1. Any ex-officio member of the Board may be represented at a meeting of the Board, but cannot under any conditions register a vote by proxy.

2. When a member identifies a conflict of interest about a vote on a matter before the Board, the member shall withhold his or her vote.
3. A record vote of the Board shall be required on all motions providing for approval of a budget; approval of an increase in fees or tuition; approval of capital expenditures or the extension of the credit of the system or any of its institutions; any revision of the Bylaws, the adoption of a new Bylaw or the repeal of an existing Bylaw; and the documentation of any transaction as may be required by law or deemed desirable in the judgment of the Chair; upon demand of any member present a record vote may be called for on any matter before announcement of a vote previously taken.

4. A motion to reconsider may only be made by a member who voted on the prevailing side and must be made at the same meeting.

## **H. Adjourned Meetings**

1. The Board may adjourn any regular or special meeting to any date it may set.
2. If a quorum is not present, any regular or special meeting may be adjourned by the members attending until a quorum shall be present.

## **I. Joint Meetings**

1. From time to time, the Board may find it appropriate to meet jointly with some other board or body.
2. In such meetings, the Board shall retain its constituted integrity as established under law and in accordance with these Bylaws.

## **J. Executive Sessions**

1. In accordance with T.C.A. § 4-35-108, the board may hold confidential executive sessions to discuss:
  - a. Items deemed not subject to public inspection under T.C.A. §§ 10-7-503 and 10-7-504, and all other matters designated as confidential or privileged under the Tennessee Code;
  - b. Litigation;
  - c. Audits or investigations;
  - d. Information protected by federal law; and
  - e. Matters involving information under T.C.A. § 4-35-107(a), where the informant has requested anonymity.
2. No business, other than that described under subsection 1 a-e, above, shall be considered during a confidential, non-public executive session.

3. Attendance at executive sessions shall be limited to board members. Other individuals may be invited to attend all or portions of an executive session as deemed necessary by the board vice-chair.

#### **K. Minutes**

1. Minutes shall be taken at each meeting of the Board and shall provide a permanent record of such meeting.

2. Minutes need not be a verbatim record of a meeting but should provide adequate basis upon which implementing actions may be taken or permanent policies be extracted therefrom.

3. Each meeting shall also be electronically recorded in its entirety. In the event of a dispute regarding the transactions at a meeting, the electronic recording shall be determinative of the Board's action.

4. Minutes of each regular meeting and of subsequent special meetings shall be circulated for consideration of the members prior to the next regular meeting at which time they shall be approved as attested to by the Vice Chair and the Secretary of the Board.

### **Article III. Committees of the Board**

A. The Board of Regents as a whole shall be responsible for the operation of the State University and Community College System.

B. The Board may organize standing and special committees as necessary to carry out its governance, control, and management functions.

C. The Committees of the Board shall make studies of the fields assigned to them and advise the Board as to what, if any, changes of policy should be made.

D. Each of the standing committees shall keep informed with respect to the manner in which the policies of the Board are being administered in its field. Committees may be authorized to act on behalf of the Board.

E. All Board members may participate in committee deliberations; however, each standing committee shall consist of not less than three and not more than seven Board members.

F. A majority of the members of a committee shall constitute a quorum for the transaction of business. In the absence of a quorum, a committee may convene for the purpose of receiving information. If a committee convenes in the absence of a quorum and a quorum is later established, the committee may then transact business.

G. The Board of Regents may authorize special committees with whatever membership is desired by the Board.

H. Each standing or special committee shall report to the Board periodically or at the request of the Chair of the Board.

I. The Chair of the Board shall be an ex officio member of all committees with the authority to vote. In the absence of the Chair, the Vice-Chair shall be an ex officio member of all committees with the authority to vote.

J. The Chancellor and Secretary shall be ex officio members of all committees without the authority to vote.

K. The Executive Director of the Tennessee Higher Education Commission may serve as a member of any committee without the authority to vote.

L. Standing Committees

**1. Committee on Finance and Business Operations**

a. The Committee on Finance and Business Operations shall make recommendations to the Board regarding the fiscal policies to be followed in the conduct of the System.

b. The Committee shall receive and review the recommendations of the Chancellor concerning appropriation requests, allocations, budgets and budget revisions for each of the institutions in the State University and Community College System and for the office of the Board, and shall make its recommendations to the Board.

c. The report of the Committee to the Board shall include in written form the itemized deletions, additions, or other changes in the submitted budget requests of each institution.

d. The Committee shall also make recommendations to the Board as to needs for additional buildings and land for the campuses, repair and renovation of buildings, maintenance of campuses, and adequate insurance coverage of buildings and contents.

e. It shall coordinate the preparation of the capital outlay budget and capital outlay appropriations.

f. It shall study and submit recommendations affecting investments or reinvestments of trust funds and shall advise the Board regarding such funds.

g. The Committee shall submit recommendations on System-wide policies and procedures on procurement and purchasing.

h. This committee shall have such other duties as may be authorized by the Board.

i. The Treasurer shall serve as a member of this committee only without the authority to vote.

**2. Committee on Academic Policies and Programs and Student Life**

- a. The Committee shall review and make recommendations to the Board concerning all proposals for new academic programs and degrees, revisions or discontinuations of existing programs, the adoption of our changes in admission and retention standards, and the establishment, reorganization or elimination of academic departments, divisions, branch operations and extension services, and other academic units.
- b. The Committee shall be responsible for reviewing the level of productivity of existing programs, and when appropriate to recommend the discontinuance of non-productive programs.
- c. The Committee shall make appropriate recommendations concerning studies and policies relating to academic matters.
- d. The Committee shall also make recommendations to the Board regarding campus life of the institutions.
- e. It shall receive and review the Chancellor's reports of proposed policies and regulations concerning student affairs including, but not limited to, the conduct of students, discipline, student housing, parking, safety and special activities of students of the institutions under control of the Board.
- d. The Committee shall facilitate the development and implementation of K-12 partnership efforts, middle college, dual credit/dual enrollment programming, and opportunities for alignment of K-12 and college curricula.

### **3. Committee on Personnel and Compensation**

- a. The Committee on Personnel shall make recommendations to the Board regarding retirement, tenure, promotion, evaluation and other personnel matters regarding personnel involved in the various institutions governed by the Board.
- b. The Committee shall make appropriate recommendations concerning policy and procedures relating to personnel matters and review the recommendations from the Chancellor relative to the annual review of personnel requests from the institutions.
- c. The committee shall also review compensation matters of the institutions and System Office personnel that require Board approval and make recommendations to the Board regarding these matters.
- d. The Committee shall have the power to act for the full Board in compensation matters when waiting for the next scheduled Board meeting is not desirable.

### **4. Committee on Workforce Economic and Community-Development**

- a. The Committee on Workforce Economic and Community-Development is responsible for the oversight of the workforce initiatives at the colleges, ensuring our institutions are meeting the workforce training needs of Tennessee.

b. The committee will:

- (1) Provide oversight and make recommendations to the Tennessee Board of Regents relative to programmatic decisions including the approval of new programs of instruction, program credentials, modifications or terminations of academic workforce offerings.
- (2) Ensure that workforce programs align with the needs of business and industry.
- (3) Ensure that workforce programs enrich, strengthen, and support Tennessee citizens, the State of Tennessee's Drive to 55, and economic development goals.
- (4) Review productivity and performance of workforce programs annually and provide a report to the Tennessee Board of Regents.
- (5) Provide recommendations to the Tennessee Board of Regents for creation of or revisions to policies and guidelines related to workforce entities within the TBR system's institutions.
- (6) Encourage and recognize excellence in workforce partnerships and student's successes.

## **5. Committee on External Affairs**

a. The Committee on External Affairs is responsible for the oversight of the Board's relationship to organizations and constituent groups external to the system, ensuring that these relationships promote the mission and goals of the Tennessee Board of Regents system.

b. Toward the furtherance of this purpose, the Committee on External Affairs shall:

- (1) Provide oversight for government relations activities and initiatives and make recommendations to the Board on legislative priorities for the system.
- (2) Make recommendations regarding the Board's role in building relationships and collaborations with foundations, external funders, businesses, industry groups, organizations, and community leaders.
- (3) Make recommendations regarding the Board's role in advocating the priorities of the System to media and local, state, and national leaders.
- (4) Provide oversight for public relations efforts, promote effective communications with constituents and review the marketing, digital and branding strategies developed that promote the system, its initiatives and the individual colleges. Promote effective communication between the System and its institutions, public officials, and leaders at the local, state, and national levels.

(5) Provide oversight of fundraising and system grant efforts, recognize excellence in philanthropy and review reports on philanthropic and collaborative grant activities within the system.

## **6. Audit Committee**

- a. The Audit Committee shall provide appropriate oversight and accountability on fiscal matters within the Tennessee Board of Regents.
- b. In addition to the Regents appointed to the Committee, the Board may select one or more certified public accountants or other qualified citizens who are not members of the Board to serve on the Audit Committee.
- c. The Audit Committee shall employ a person qualified by training and experience to serve as an internal auditor and to report directly to the Audit Committee and the Board.
- d. The internal auditor shall be removable only for cause by a majority vote of the Board.
- e. The internal auditor shall perform the duties required by the Higher Education Accountability Act of 2004 (T.C.A. § 49-14-101 et seq.) including reports to the Committee and development of a process to report and investigate illegal, improper, fraudulent or wasteful activity.

## **Article IV. Officers and their Duties**

### **A. Officers**

1. The officers of the Board of Regents shall be the Chair, Vice Chair, Chancellor, Treasurer, and Secretary. The sitting Governor of the State of Tennessee shall serve as Chair of the Board.
2. The Board may from time to time establish such other offices and positions as may be necessary to carry out the functions of the Board.

### **B. Election and Term of Office**

1. The term of office of each officer, except the Chancellor, shall be one year commencing on July 1st and continuing until a successor is chosen and installed.
2. Officers other than the Chair and Chancellor shall be elected each year by the Board at the last regular meeting of each fiscal year.
3. The Vice Chancellor for Business and Finance shall serve as Treasurer unless the Board chooses to fill the office by election from the staff of the Chancellor.
4. The Board shall elect the Secretary from the staff of the Chancellor.
5. No one person shall hold more than one of these offices.

### **C. Removal of Officers**

Officers may be removed at any time by the Board by the affirmative vote of a majority of the Board, not merely of the quorum.

### **D. Vacancies**

Vacancies shall be filled by the Board as soon as practicable.

### **E. Chair**

1. The Chair shall be a member of the Board, shall preside at the meetings of the Board, if present, with the authority to vote, and may work with the Vice Chair to appoint the Chairs and members of all committees.
2. The Chair shall be an ex officio member of all committees with the authority to vote.

### **F. Vice Chair**

The Vice Chair shall be a member of the Board and shall perform the duties and have the powers of the Chair during the absence or disability of the Chair.

### **G. Chancellor**

1. The Board of Regents shall elect the Chancellor who shall hold office at the pleasure of the Board.
2. The Chancellor shall not be a member of the Board.
3. In case of any vacancy in the Chancellorship, the Board shall name an Acting Chancellor who shall serve until the office of the Chancellor shall be filled.
4. The Chancellor shall be the chief executive officer of the State University and Community College System.
5. The Chancellor shall perform all those duties that are prescribed by the Board.
6. The Chancellor shall be responsible to the Board of Regents for the prompt and effective execution of all resolutions, policies and rules and regulations adopted by the Board for the ordering and the operation of the entire System and for the government of any and all of its branches.
7. The Chancellor's discretionary powers shall be broad enough to enable him or her to discharge these responsibilities.
8. The Chancellor shall attend and participate in, without the privilege of voting, all of the meetings of the Board of Regents and of its committees.

9. The Chancellor shall be an ex officio member of all committees, without the authority to vote.
10. The Chancellor shall review recommendations from the presidents regarding annual appointments, promotions, and salaries of employees of the several institutions of the System, and shall be responsible for compliance by the presidents with Board policies and procedures on personnel matters.
11. The Chancellor shall make recommendations regarding the establishment or discontinuance of staff positions in the Office of the Board of Regents.
12. The Chancellor shall recommend the appointment of administrative officers and other employees of the Office of the Board of Regents.
13. The Chancellor shall be empowered to act for the Board in the interims when the Board is not in session.
14. The Chancellor shall speak for the Board and shall represent it at meetings and before the public consistent with established policies of the Board.
15. The Chancellor shall be the channel of communication with the presidents of the institutions and shall present recommendations concerning System policy to the Board.
16. The Chancellor shall be authorized upon the authority of the Board and in its name to execute all notes, bonds, deeds, contracts, and other documents of an official nature.
17. The Chancellor shall submit, on behalf of the Board and with its approval the annual report at the end of each fiscal year, which report shall go to the Governor and the legislature.

#### **H. Treasurer**

1. The Treasurer shall be sworn and bonded to discharge faithfully the duties as Treasurer.
2. The Treasurer shall serve without vote as a member of the Committee on Finance and Business Operations.
3. The Treasurer shall perform such other duties as the Board may authorize or as may be assigned by the Chancellor.

#### **I. Secretary**

1. The Secretary shall be sworn to discharge faithfully the duties as Secretary.
2. The Secretary shall be present at all meetings of the Board and of the committees.
3. The Secretary shall keep an accurate record of proceedings of the meetings of the Board and of the committees.

4. In the absence of the Secretary from a meeting, a secretary shall be chosen for the meeting and shall record the proceedings.
5. The Secretary shall be the custodian of all minutes, official documents, and archives of the System.
6. The Secretary shall perform such other duties and have such other powers as the Board may authorize or as may be assigned by the Chancellor.

#### **J. Delegation of Duties of Officers**

In case of the absence of any officer of the Board of Regents, or for any other reason that the Board may deem sufficient, the Board of Regents may delegate the powers or duties of such officers, provided a majority of the full Board concurs therein.

### **Article V. Presidents**

#### **Section 1. Duties of the President**

- A. The president of each college in the System shall be the chief executive of the institution and of all its departments, and shall exercise such supervision and direction as will promote the efficient operation of the institution.
- B. The president shall be responsible to the Board through the Chancellor for the operation and management of the institution and for the execution of all directives of the Board and of the Chancellor.
- C. The president shall be the official medium of communication between the faculty and the Chancellor, and between the council, senate, assembly, or any such body, either of the faculty or of the students, and the Chancellor.
- D. The president shall recommend annually to the Board of Regents, through the Chancellor, the creation or continuance of positions of faculty and other employees of the institution.
- E. The president shall have the authority to recommend or make appointments of personnel and, within budgetary limitations, to fix their salaries, and to recommend or approve promotions, transfers, leaves of absence, and removal of personnel, pursuant to the requirements of policies and procedures established by the Board, and subject to such prior approval or confirmation of the Board or the Chancellor as may be required by the Board.
- F. The president shall make an annual report to the Board, through the Chancellor, of the work and condition of the institution under his or her control.

#### **Section 2. Term of Appointment**

The presidents of the colleges shall serve at the pleasure of the Board.

### **Section 3. Resignation and Removal of Presidents**

- A. The president of an institution may resign at any time upon written notification to the Board through the Chancellor.
- B. The Board may terminate the employment of the president of an institution at any time.
- C. In the event of a resignation or termination, the Board, at its discretion, may authorize a payment equal to up to three months of the president's salary.

### **Section 4. Presidents Council**

- A. The president of each college shall be a member of the Presidents Council.
- B. The council shall have the opportunity to present reports and recommendations to the Board of Regents.
- C. The Chancellor shall be an ex officio member of the council and shall be invited to attend each meeting of the council.

## **Article VI. Employees of the Colleges**

- A. Administrative personnel, faculty members and other personnel shall be recommended or appointed by the president of the college, subject to such requirements, approvals or confirmations by the Board or the Chancellor as may be specified by the Board.
- B. A member of the Board shall not be a party to procuring the appointment of any relative at any of the units of the System.

## **Article VII. Amendment of Bylaws**

- A. These Bylaws may be amended or repealed at any regular meeting by an affirmative vote of not less than nine members of the Board, provided however, that any proposed change in these Bylaws shall be submitted to the Secretary in writing at any regular meeting or special meeting and shall be voted on at the next regular meeting of the Board.
- B. Amendments or additions to the Bylaws shall be presented in such form as suitable for direct incorporation into the Bylaws.
- C. Any Bylaw may be suspended at any regular or special meeting for that meeting only by the unanimous consent of all present.
- D. The Secretary shall maintain a Bylaws book in which shall be recorded all Bylaws and any changes, additions, or deletions thereto.

## **Article VIII. Parliamentary Authority**

The rules contained in *Robert's Rules of Order, Newly Revised* 124th Edition, or the most recent subsequent edition, shall govern the Board in all cases in which they are not inconsistent with these Bylaws or any special rules of order of this Board.

## **Article IX. Board Self-Assessment**

- A. In order to regularly evaluate its responsibilities and expectations, the Board shall conduct a self-assessment every other year, beginning in 2018.
- B. In the years that self-assessments are conducted, assessment forms will be provided to the Regents to be completed and returned to the Board Secretary after the September Quarterly Meeting.
- C. The Board Secretary will share the completed forms with the Vice Chairman.
- D. A Board Assessment Report will be produced by the Vice Chairman and Board Secretary and shared with other members of the Board at its December Quarterly Meeting.

## **Sources**

### **Authority**

T.C.A. §§ 49-8-101 et seq.; 49-8-201; 49-11-401 et seq.; 49-14-101 et seq.; 8-44-103; 8-44-108; 4-35-107-108; 10-7-503-504

### **History**

As Amended December 16, 1983; Board Meeting December 7, 2001; Board Meeting September 24, 2004; Board Meeting December 3, 2004; Board Meeting June 26, 2008; Board Meeting September 24, 2010; Revisions and renumbering approved at Board Meeting, September 26, 2014; Board Meeting December 10, 2015, Board Meeting June 23, 2017; Board Meeting September 21, 2017. Revision and reformat approved at Dec. 14, 2017 Board Meeting; Ministerial revisions 2-21-2018; Revisions approved June 22, 2018; Revisions Approved \_\_\_\_\_, 2021.

# **TBR Bylaws: 2**

## **Policy/Guideline Area**

Resource Documents

## **Applicable Divisions**

TCATs, Community Colleges, System Office, Board Members

## **Policy/Guideline**

### **Article I: Purpose**

The purpose of the Tennessee Board of Regents is to govern, manage and control the state community colleges and state colleges of applied technology established by the General Assembly of the State of Tennessee in T. C. A. § 49-8-101(a), exercising the powers and fulfilling the duties vested in it by the General Assembly.

### **Article II: The Board**

#### **Section 1. Powers**

A. The Board of Regents is vested by law with all the powers and authority to govern effectively and set policy for the state community colleges and colleges of applied technology in accordance with the laws of Tennessee and the policies of the Tennessee Higher Education Commission.

B. With respect to the locally governed universities in the System, the Board of Regents has the authority to review and give final approval to the operating budget of each university for the purpose of ensuring the ability to satisfy obligations to the Tennessee State School Bond Authority and its bondholders.

#### **Section 2. Members**

The composition of the membership of the Board, the terms of office, and the conditions of membership are as provided in T.C.A. § 49-8-201, including all future amendments thereto.

#### **Section 3. Rights of Members**

A. Except as provided otherwise by law, individual members of the Board enjoy these rights equally with all other members:

1. the right to vote,
2. the right to participate fully in all considerations before the Board,
3. the right to enter motions and to submit recommendations, and
4. all rights and privileges afforded the Board by law and regulation when sitting in deliberative session.

- B. When not participating in meetings of the Board or any of its duly constituted committees, members, as individuals, enjoy the same rights and privileges of any citizen of the State of Tennessee as pertains to the governance, control, and management of institutions under the Board.
- C. As individuals, members shall not speak for the Board unless specifically authorized to do so by the Board.

#### **Section 4. Responsibilities of Members**

- A. When participating in meetings of the Board or its duly constituted committees, members are responsible for the entire System, without regard for any congressional district or area of the State or for any individual institution within the State.
- B. Members are enjoined from espousing the cause of any one institution over the interests of others or the System.

#### **Section 5. Expenses of Members**

Board business-related and travel expenses, including lodging and meals encountered about meetings of the Board or duly constituted committees thereof shall be reimbursable at rates established by Board policy in accordance with Tennessee State Regulations for Travel.

#### **Section 6. Minority Views**

Upon announcement of any vote of a meeting of the Board or one of its duly constituted committees, a member holding a minority view may request his or her view be made a matter of record. Such minority view shall be submitted in writing to the Secretary.

#### **Section 7. Meetings of the Board**

##### **A. Regular Meetings**

The Board shall hold at least one (1) stated meeting annually on a day or days determined by the board from year to year and at called meetings that may be necessary, to be called by the secretary, giving at least five (5) days' notice to the board members, but the board may adjourn the stated or called meetings to any date that it may set for adjournment.

##### **B. Special Meetings**

1. Special meetings of the Board of Regents may be called for any purpose by the Chair by request in writing to the Secretary, or by the Secretary upon written request from four other members of the Board.
2. The requests shall state the purpose of the proposed meeting.

3. Business transacted at all special meetings shall be confined to the subjects stated in the call.

#### **C. Location**

Each year, following the Fall quarterly meeting, the Secretary shall issue a calendar of the regular meetings for the upcoming calendar year including their locations. The board shall strive to meet on the campus of a system institution at least twice a year, rotating those meetings throughout the system, as practicable.

#### **D. Notice of Meetings**

1. The Secretary shall give each member of the Board at least five days' written notice of a regular or of special meetings of the Board. Emergency meetings may be called by telephone or electronic notification with the understanding that similar notices are provided all members.
2. The Secretary, upon advice from the Chancellor and Board, shall prepare an annotated agenda to accompany each notice of a regular or special meeting of the Board.
3. Public notice of all meetings shall be issued in accordance with T.C.A. § 8-44-103.

#### **E. Quorum**

1. At all meetings of the Board of Regents, nine voting members shall constitute a quorum for the transaction of business. In the absence of a quorum, the Board may convene for the purpose of receiving information. If the Board convenes in the absence of a quorum and a quorum is later established, the Board may then transact business.
2. The action of a simple majority of the voting members of the Board present at any meeting shall be the action of the Board, except as may be otherwise provided by these Bylaws.
3. Members shall be allowed to participate in a meeting by electronic or other means in accordance with T.C.A. § 8-44-108.

#### **F. Order of Business**

The order of business at each regular meeting of the Board shall be determined by the Vice-Chair.

#### **G. Procedures**

1. Any ex-officio member of the Board may be represented at a meeting of the Board, but cannot under any conditions register a vote by proxy.

2. When a member identifies a conflict of interest about a vote on a matter before the Board, the member shall withhold his or her vote.
3. A record vote of the Board shall be required on all motions providing for approval of a budget; approval of an increase in fees or tuition; approval of capital expenditures or the extension of the credit of the system or any of its institutions; any revision of the Bylaws, the adoption of a new Bylaw or the repeal of an existing Bylaw; and the documentation of any transaction as may be required by law or deemed desirable in the judgment of the Chair; upon demand of any member present a record vote may be called for on any matter before announcement of a vote previously taken.

4. A motion to reconsider may only be made by a member who voted on the prevailing side and must be made at the same meeting.

## **H. Adjourned Meetings**

1. The Board may adjourn any regular or special meeting to any date it may set.
2. If a quorum is not present, any regular or special meeting may be adjourned by the members attending until a quorum shall be present.

## **I. Joint Meetings**

1. From time to time, the Board may find it appropriate to meet jointly with some other board or body.
2. In such meetings, the Board shall retain its constituted integrity as established under law and in accordance with these Bylaws.

## **J. Executive Sessions**

1. In accordance with T.C.A. § 4-35-108, the board may hold confidential executive sessions to discuss:
  - a. Items deemed not subject to public inspection under T.C.A. §§ 10-7-503 and 10-7-504, and all other matters designated as confidential or privileged under the Tennessee Code;
  - b. Litigation;
  - c. Audits or investigations;
  - d. Information protected by federal law; and
  - e. Matters involving information under T.C.A. § 4-35-107(a), where the informant has requested anonymity.
2. No business, other than that described under subsection 1 a-e, above, shall be considered during a confidential, non-public executive session.

3. Attendance at executive sessions shall be limited to board members. Other individuals may be invited to attend all or portions of an executive session as deemed necessary by the board vice-chair.

## **K. Minutes**

1. Minutes shall be taken at each meeting of the Board and shall provide a permanent record of such meeting.

2. Minutes need not be a verbatim record of a meeting but should provide adequate basis upon which implementing actions may be taken or permanent policies be extracted therefrom.

3. Each meeting shall also be electronically recorded in its entirety. In the event of a dispute regarding the transactions at a meeting, the electronic recording shall be determinative of the Board's action.

4. Minutes of each regular meeting and of subsequent special meetings shall be circulated for consideration of the members prior to the next regular meeting at which time they shall be approved as attested to by the Vice Chair and the Secretary of the Board.

## **Article III. Committees of the Board**

A. The Board of Regents as a whole shall be responsible for the operation of the State University and Community College System.

B. The Board may organize standing and special committees as necessary to carry out its governance, control, and management functions.

C. The Committees of the Board shall make studies of the fields assigned to them and advise the Board as to what, if any, changes of policy should be made.

D. Each of the standing committees shall keep informed with respect to the manner in which the policies of the Board are being administered in its field. Committees may be authorized to act on behalf of the Board.

E. All Board members may participate in committee deliberations; however, each standing committee shall consist of not less than three and not more than seven Board members.

F. A majority of the members of a committee shall constitute a quorum for the transaction of business. In the absence of a quorum, a committee may convene for the purpose of receiving information. If a committee convenes in the absence of a quorum and a quorum is later established, the committee may then transact business.

G. The Board of Regents may authorize special committees with whatever membership is desired by the Board.

H. Each standing or special committee shall report to the Board periodically or at the request of the Chair of the Board.

I. The Chair of the Board shall be an ex officio member of all committees with the authority to vote. In the absence of the Chair, the Vice-Chair shall be an ex officio member of all committees with the authority to vote.

J. The Chancellor and Secretary shall be ex officio members of all committees without the authority to vote.

K. The Executive Director of the Tennessee Higher Education Commission may serve as a member of any committee without the authority to vote.

L. Standing Committees

**1. Committee on Finance and Business Operations**

a. The Committee on Finance and Business Operations shall make recommendations to the Board regarding the fiscal policies to be followed in the conduct of the System.

b. The Committee shall receive and review the recommendations of the Chancellor concerning appropriation requests, allocations, budgets and budget revisions for each of the institutions in the State University and Community College System and for the office of the Board, and shall make its recommendations to the Board.

c. The report of the Committee to the Board shall include in written form the itemized deletions, additions, or other changes in the submitted budget requests of each institution.

d. The Committee shall also make recommendations to the Board as to needs for additional buildings and land for the campuses, repair and renovation of buildings, maintenance of campuses, and adequate insurance coverage of buildings and contents.

e. It shall coordinate the preparation of the capital outlay budget and capital outlay appropriations.

f. It shall study and submit recommendations affecting investments or reinvestments of trust funds and shall advise the Board regarding such funds.

g. The Committee shall submit recommendations on System-wide policies and procedures on procurement and purchasing.

h. This committee shall have such other duties as may be authorized by the Board.

i. The Treasurer shall serve as a member of this committee only without the authority to vote.

**2. Committee on Academic Policies and Programs and Student Life**

- a. The Committee shall review and make recommendations to the Board concerning all proposals for new academic programs and degrees, revisions or discontinuations of existing programs, the adoption of our changes in admission and retention standards, and the establishment, reorganization or elimination of academic departments, divisions, branch operations and extension services, and other academic units.
- b. The Committee shall be responsible for reviewing the level of productivity of existing programs, and when appropriate to recommend the discontinuance of non-productive programs.
- c. The Committee shall make appropriate recommendations concerning studies and policies relating to academic matters.
- d. The Committee shall also make recommendations to the Board regarding campus life of the institutions.
- e. It shall receive and review the Chancellor's reports of proposed policies and regulations concerning student affairs including, but not limited to, the conduct of students, discipline, student housing, parking, safety and special activities of students of the institutions under control of the Board.
- d. The Committee shall facilitate the development and implementation of K-12 partnership efforts, middle college, dual credit/dual enrollment programming, and opportunities for alignment of K-12 and college curricula.

### **3. Committee on Personnel and Compensation**

- a. The Committee on Personnel shall make recommendations to the Board regarding retirement, tenure, promotion, evaluation and other personnel matters regarding personnel involved in the various institutions governed by the Board.
- b. The Committee shall make appropriate recommendations concerning policy and procedures relating to personnel matters and review the recommendations from the Chancellor relative to the annual review of personnel requests from the institutions.
- c. The committee shall also review compensation matters of the institutions and System Office personnel that require Board approval and make recommendations to the Board regarding these matters.
- d. The Committee shall have the power to act for the full Board in compensation matters when waiting for the next scheduled Board meeting is not desirable.

### **4. Committee on Workforce Development**

- a. The Committee on Workforce Development is responsible for the oversight of the workforce initiatives at the colleges, ensuring our institutions are meeting the workforce training needs of Tennessee.

b. The committee will:

- (1) Provide oversight and make recommendations to the Tennessee Board of Regents relative to programmatic decisions including the approval of new programs of instruction, program credentials, modifications or terminations of academic workforce offerings.
- (2) Ensure that workforce programs align with the needs of business and industry.
- (3) Ensure that workforce programs enrich, strengthen, and support Tennessee citizens, the State of Tennessee's Drive to 55, and economic development goals.
- (4) Review productivity and performance of workforce programs annually and provide a report to the Tennessee Board of Regents.
- (5) Provide recommendations to the Tennessee Board of Regents for creation of or revisions to policies and guidelines related to workforce entities within the TBR system's institutions.
- (6) Encourage and recognize excellence in workforce partnerships and student's successes.

## **5. Committee on External Affairs**

a. The Committee on External Affairs is responsible for the oversight of the Board's relationship to organizations and constituent groups external to the system, ensuring that these relationships promote the mission and goals of the Tennessee Board of Regents system.

b. Toward the furtherance of this purpose, the Committee on External Affairs shall:

- (1) Provide oversight for government relations activities and initiatives and make recommendations to the Board on legislative priorities for the system.
- (2) Make recommendations regarding the Board's role in building relationships and collaborations with foundations, external funders, businesses, industry groups, organizations, and community leaders.
- (3) Make recommendations regarding the Board's role in advocating the priorities of the System to media and local, state, and national leaders.
- (4) Provide oversight for public relations efforts, promote effective communications with constituents and review the marketing, digital and branding strategies developed that promote the system, its initiatives and the individual colleges. Promote effective communication between the System and its institutions, public officials, and leaders at the local, state, and national levels.

(5) Provide oversight of fundraising and system grant efforts, recognize excellence in philanthropy and review reports on philanthropic and collaborative grant activities within the system.

## **6. Audit Committee**

- a. The Audit Committee shall provide appropriate oversight and accountability on fiscal matters within the Tennessee Board of Regents.
- b. In addition to the Regents appointed to the Committee, the Board may select one or more certified public accountants or other qualified citizens who are not members of the Board to serve on the Audit Committee.
- c. The Audit Committee shall employ a person qualified by training and experience to serve as an internal auditor and to report directly to the Audit Committee and the Board.
- d. The internal auditor shall be removable only for cause by a majority vote of the Board.
- e. The internal auditor shall perform the duties required by the Higher Education Accountability Act of 2004 (T.C.A. § 49-14-101 et seq.) including reports to the Committee and development of a process to report and investigate illegal, improper, fraudulent or wasteful activity.

## **Article IV. Officers and their Duties**

### **A. Officers**

1. The officers of the Board of Regents shall be the Chair, Vice Chair, Chancellor, Treasurer, and Secretary. The sitting Governor of the State of Tennessee shall serve as Chair of the Board.
2. The Board may from time to time establish such other offices and positions as may be necessary to carry out the functions of the Board.

### **B. Election and Term of Office**

1. The term of office of each officer, except the Chancellor, shall be one year commencing on July 1st and continuing until a successor is chosen and installed.
2. Officers other than the Chair and Chancellor shall be elected each year by the Board at the last regular meeting of each fiscal year.
3. The Vice Chancellor for Business and Finance shall serve as Treasurer unless the Board chooses to fill the office by election from the staff of the Chancellor.
4. The Board shall elect the Secretary from the staff of the Chancellor.
5. No one person shall hold more than one of these offices.

### **C. Removal of Officers**

Officers may be removed at any time by the Board by the affirmative vote of a majority of the Board, not merely of the quorum.

### **D. Vacancies**

Vacancies shall be filled by the Board as soon as practicable.

### **E. Chair**

1. The Chair shall be a member of the Board, shall preside at the meetings of the Board, if present, with the authority to vote, and may work with the Vice Chair to appoint the Chairs and members of all committees.
2. The Chair shall be an ex officio member of all committees with the authority to vote.

### **F. Vice Chair**

The Vice Chair shall be a member of the Board and shall perform the duties and have the powers of the Chair during the absence or disability of the Chair.

### **G. Chancellor**

1. The Board of Regents shall elect the Chancellor who shall hold office at the pleasure of the Board.
2. The Chancellor shall not be a member of the Board.
3. In case of any vacancy in the Chancellorship, the Board shall name an Acting Chancellor who shall serve until the office of the Chancellor shall be filled.
4. The Chancellor shall be the chief executive officer of the State University and Community College System.
5. The Chancellor shall perform all those duties that are prescribed by the Board.
6. The Chancellor shall be responsible to the Board of Regents for the prompt and effective execution of all resolutions, policies and rules and regulations adopted by the Board for the ordering and the operation of the entire System and for the government of any and all of its branches.
7. The Chancellor's discretionary powers shall be broad enough to enable him or her to discharge these responsibilities.
8. The Chancellor shall attend and participate in, without the privilege of voting, all of the meetings of the Board of Regents and of its committees.

9. The Chancellor shall be an ex officio member of all committees, without the authority to vote.

10. The Chancellor shall review recommendations from the presidents regarding annual appointments, promotions, and salaries of employees of the several institutions of the System, and shall be responsible for compliance by the presidents with Board policies and procedures on personnel matters.

11. The Chancellor shall make recommendations regarding the establishment or discontinuance of staff positions in the Office of the Board of Regents.

12. The Chancellor shall recommend the appointment of administrative officers and other employees of the Office of the Board of Regents.

13. The Chancellor shall be empowered to act for the Board in the interims when the Board is not in session.

14. The Chancellor shall speak for the Board and shall represent it at meetings and before the public consistent with established policies of the Board.

15. The Chancellor shall be the channel of communication with the presidents of the institutions and shall present recommendations concerning System policy to the Board.

16. The Chancellor shall be authorized upon the authority of the Board and in its name to execute all notes, bonds, deeds, contracts, and other documents of an official nature.

17. The Chancellor shall submit, on behalf of the Board and with its approval the annual report at the end of each fiscal year, which report shall go to the Governor and the legislature.

#### **H. Treasurer**

1. The Treasurer shall be sworn and bonded to discharge faithfully the duties as Treasurer.

2. The Treasurer shall serve without vote as a member of the Committee on Finance and Business Operations.

3. The Treasurer shall perform such other duties as the Board may authorize or as may be assigned by the Chancellor.

#### **I. Secretary**

1. The Secretary shall be sworn to discharge faithfully the duties as Secretary.

2. The Secretary shall be present at all meetings of the Board and of the committees.

3. The Secretary shall keep an accurate record of proceedings of the meetings of the Board and of the committees.

4. In the absence of the Secretary from a meeting, a secretary shall be chosen for the meeting and shall record the proceedings.
5. The Secretary shall be the custodian of all minutes, official documents, and archives of the System.
6. The Secretary shall perform such other duties and have such other powers as the Board may authorize or as may be assigned by the Chancellor.

#### **J. Delegation of Duties of Officers**

In case of the absence of any officer of the Board of Regents, or for any other reason that the Board may deem sufficient, the Board of Regents may delegate the powers or duties of such officers, provided a majority of the full Board concurs therein.

### **Article V. Presidents**

#### **Section 1. Duties of the President**

- A. The president of each college in the System shall be the chief executive of the institution and of all its departments, and shall exercise such supervision and direction as will promote the efficient operation of the institution.
- B. The president shall be responsible to the Board through the Chancellor for the operation and management of the institution and for the execution of all directives of the Board and of the Chancellor.
- C. The president shall be the official medium of communication between the faculty and the Chancellor, and between the council, senate, assembly, or any such body, either of the faculty or of the students, and the Chancellor.
- D. The president shall recommend annually to the Board of Regents, through the Chancellor, the creation or continuance of positions of faculty and other employees of the institution.
- E. The president shall have the authority to recommend or make appointments of personnel and, within budgetary limitations, to fix their salaries, and to recommend or approve promotions, transfers, leaves of absence, and removal of personnel, pursuant to the requirements of policies and procedures established by the Board, and subject to such prior approval or confirmation of the Board or the Chancellor as may be required by the Board.
- F. The president shall make an annual report to the Board, through the Chancellor, of the work and condition of the institution under his or her control.

#### **Section 2. Term of Appointment**

The presidents of the colleges shall serve at the pleasure of the Board.

### **Section 3. Resignation and Removal of Presidents**

- A. The president of an institution may resign at any time upon written notification to the Board through the Chancellor.
- B. The Board may terminate the employment of the president of an institution at any time.
- C. In the event of a resignation or termination, the Board, at its discretion, may authorize a payment equal to up to three months of the president's salary.

### **Section 4. Presidents Council**

- A. The president of each college shall be a member of the Presidents Council.
- B. The council shall have the opportunity to present reports and recommendations to the Board of Regents.
- C. The Chancellor shall be an ex officio member of the council and shall be invited to attend each meeting of the council.

## **Article VI. Employees of the Colleges**

- A. Administrative personnel, faculty members and other personnel shall be recommended or appointed by the president of the college, subject to such requirements, approvals or confirmations by the Board or the Chancellor as may be specified by the Board.
- B. A member of the Board shall not be a party to procuring the appointment of any relative at any of the units of the System.

## **Article VII. Amendment of Bylaws**

- A. These Bylaws may be amended or repealed at any regular meeting by an affirmative vote of not less than nine members of the Board, provided however, that any proposed change in these Bylaws shall be submitted to the Secretary in writing at any regular meeting or special meeting and shall be voted on at the next regular meeting of the Board.
- B. Amendments or additions to the Bylaws shall be presented in such form as suitable for direct incorporation into the Bylaws.
- C. Any Bylaw may be suspended at any regular or special meeting for that meeting only by the unanimous consent of all present.
- D. The Secretary shall maintain a Bylaws book in which shall be recorded all Bylaws and any changes, additions, or deletions thereto.

## **Article VIII. Parliamentary Authority**

The rules contained in *Robert's Rules of Order, Newly Revised* 12th Edition, or the most recent subsequent edition, shall govern the Board in all cases in which they are not inconsistent with these Bylaws or any special rules of order of this Board.

## **Article IX. Board Self-Assessment**

- A. In order to regularly evaluate its responsibilities and expectations, the Board shall conduct a self-assessment every other year, beginning in 2018.
- B. In the years that self-assessments are conducted, assessment forms will be provided to the Regents to be completed and returned to the Board Secretary after the September Quarterly Meeting.
- C. The Board Secretary will share the completed forms with the Vice Chairman.
- D. A Board Assessment Report will be produced by the Vice Chairman and Board Secretary and shared with other members of the Board at its December Quarterly Meeting.

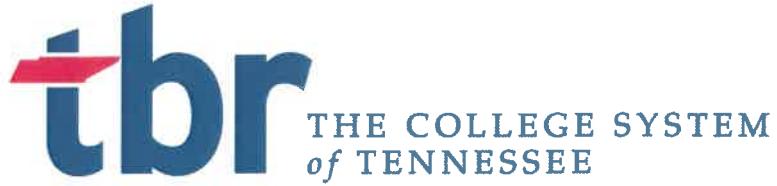
## **Sources**

### **Authority**

T.C.A. §§ 49-8-101 et seq.; 49-8-201; 49-11-401 et seq.; 49-14-101 et seq.; 8-44-103; 8-44-108; 4-35-107-108; 10-7-503-504

### **History**

As Amended December 16, 1983; Board Meeting December 7, 2001; Board Meeting September 24, 2004; Board Meeting December 3, 2004; Board Meeting June 26, 2008; Board Meeting September 24, 2010; Revisions and renumbering approved at Board Meeting, September 26, 2014; Board Meeting December 10, 2015, Board Meeting June 23, 2017; Board Meeting September 21, 2017. Revision and reformat approved at Dec. 14, 2017 Board Meeting; Ministerial revisions 2-21-2018; Revisions approved June 22, 2018; Revisions Approved \_\_\_, 2021.



---

## BOARD TRANSMITTAL

---

MEETING: Board of Regents Meeting

SUBJECT: Standing Resolution Delegating Authority for Rulemaking Hearings

DATE: March 25, 2021

PRESENTER: Brian Lapps, General Counsel

PRESENTATION REQUIREMENT: 5 minutes with discussion

ACTION REQUIRED: Roll Call Vote

STAFF'S  
RECOMMENDATION: Recommend Approval

---

At the Committee Chairs Meeting on March 9, 2021, the Board Members received information related to Rulemaking Hearings and the ability to delegate those hearings to the General Counsel (or another attorney in the Office of General Counsel). We explained that The University of Tennessee and some Locally Governed Institutions have adopted delegations of authority similar to the attached Standing Resolution Delegating Authority for Rulemaking Hearings.

Reasons for proposing the delegation include:

- (1) Rulemaking Hearings typically are routine functions. Rules are summarized and comments requested. Historically, Tennessee institutions of higher education have received few if any, public comments. Although dialogue with commenters is permitted, it is not required. The primary purpose of a Rulemaking Hearing is to receive comments.
- (2) The Board will have a chance to consider comments after a Rulemaking Hearing when deciding whether to adopt a rule.
- (3) The Board will retain authority whether to approve all rules.

attachment

**STANDING RESOLUTION  
DELEGATING AUTHORITY FOR RULEMAKING HEARINGS**

WHEREAS, The Tennessee Board of Regents (“TBR”) is subject to the provisions of the Tennessee Uniform Administrative Procedures Act (“Act”), Tennessee Code Annotated §§ 4-5-101 *et seq.*; and

WHEREAS, from time to time, TBR may be required to hold a public hearing in order to comply with the provisions of the Act (a “Rulemaking Hearing”); and

WHEREAS, there are a number of administrative and managerial functions associated with the rulemaking processes outlined in the Act, including, among other things: (i) the publication of notices; (ii) the keeping of minutes and official records; (iii) the preparation and submission of various filings with the Tennessee Secretary of State and other governmental agency officials; and (iv) the manner in which a Rulemaking Hearing shall be held; and

WHEREAS, the Board of Regents may delegate authority for the proper administration of Rulemaking Hearings to TBR staff members;

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. Delegation. In order to promote the expeditious and efficient fulfillment of the statutory obligations set forth in the Act, the Board of Regents hereby delegates its authority to conduct a Rulemaking Hearing in accordance with this Standing Resolution.
2. Effective Period. This resolution shall remain in full force and effect until such time that the Board of Regents amends, supersedes, or rescinds it.
3. Designation and Authority of Presiding Officer. The General Counsel (or in his/her absence, any attorney in the Office of General Counsel) is authorized to oversee and conduct hearings as required under the Act.
4. Authority and Responsibility. The Presiding Officer shall be responsible for conducting any such hearing in compliance with the procedures set forth in T.C.A. § 4-5-204, as may be amended from time to time. The Presiding Officer shall fix times and places for hearings; adjust, suspend, reschedule, continue or cancel hearing dates as necessary; prepare filings with the Tennessee Secretary of State and other governmental offices; and perform other similarly routine matters that arise in administrative proceedings related to rulemaking.

5. Presenters and Other Participants. The Presiding Officer shall determine if any other individuals employed by TBR or TBR institutions shall be invited to speak at the hearing and/or to hear the views of the public pertaining to the rule under consideration. The Board Secretary shall be invited to attend all hearings.
6. Transparency. The Presiding Officer shall coordinate the scheduling of any hearing with the Board Secretary to ensure that members of the Board of Regents and the general public receive proper notice of the hearing and have an opportunity to attend.
7. Recordkeeping. Minutes or a record of the hearing shall be prepared in connection with the hearing in such format as the Board Secretary shall determine to be appropriate. The minutes or other form of record of the hearing shall be retained with the official records of the Board of Regents.
8. Reporting. The Presiding Officer shall be responsible for preparing a summary of all comments received at the hearing and the TBR administration's response thereto, which information shall be provided to the Board Secretary for distribution to the Board of Regents in advance of the rule being presented to the Board of Regents (or any standing committee thereof) for its consideration.
9. Responsibility for Decisions. The Board of Regents retains all authority on decisions pertaining to the adoption, amendment or revocation of a rule as defined under the Act.
10. Exclusions. Nothing in this Standing Resolution shall be construed to apply to contested case hearings under the contested case provisions of the Act.