



TENNESSEE BOARD OF REGENTS
Quarterly Board Meeting
Friday, June 18, 2021 - 8:30 a.m. (CDT)
Agenda

- I. Minutes
 - A. March 25, 2021 Regular Session Board Meeting
- II. Report of Interim Action
- III. Report of the Committees
 - A. Report of the Academic Policies and Programs Committee Meeting on June 17, 2021
 - B. Report of the External Affairs Committee Meeting on June 17, 2021
 - C. Report of the Workforce Development Committee Meeting on June 17, 2021
 - D. Report of the Audit Committee Meeting on June 1, 2021
- IV. Report of the Regents Award for Excellence in Philanthropy
- V. Report of the Chancellor
 - HEERF Funding Update
- VI. Unfinished Business
 - A. Consider and Act on the 2015-25 Strategic Plan Midcycle Review
- VII. New Business
 - A. Report of the Finance and Business Operations Committee Meeting on June 17, 2021 that Includes the Report of the Special Called Meeting of the Finance and Business Operations Committee held on June 11, 2021 that Includes Approval of Tuition and Maintenance Fees; Approval of the Funding for Operations for the 2021– 2022 Fiscal Year and Finalized Budgets for the 2020-21 Fiscal Year; Approval of Capital Budget Requests for the 2021-2022 Fiscal Year; and, Approval of New Parking and Traffic Policy
 - B. Report of the Personnel and Compensation Committee Meeting on June 17, 2021, that Includes Faculty Promotional Increases, Approval of the System Compensation Plan Recommendations, President Emeritus Contracts, Chancellor’s Evaluation, New and Revised Personnel Policies, and the Report of the Special Called Meeting of the Personnel and Compensation Committee held on June 1, 2021 that Includes Compensation Strategies
 - C. Rulemaking
 - 1. Report from the June 15, 2021 Rulemaking Hearing
 - 2. Contested Case Procedures Under the Uniform Administrative Procedures Act (New)
 - 3. Parking and Traffic (New)
 - 4. Student Conduct and Disciplinary Procedures (Amended)
 - 5. Title IX Compliance/Sexual Misconduct (New)
 - D. Notice of Proposed Changes to the Bylaws
 - E. Review and Consider Criteria for the President of Dyersburg State Community College
 - F. Review and Consider Building Naming Request from Northeast State Community College
 - G. Resolution of Appreciation for Faculty Regent Kenneth Goldsmith
 - H. Resolution of Appreciation for Student Regent William McElyea
 - I. Election of the Vice Chairman for 2021-2022

MINUTES
TENNESSEE BOARD OF REGENTS
REGULAR SESSION

March 25, 2021

The Tennessee Board of Regents met virtually via Microsoft Teams in regular session on March 25, 2021. Vice Chair Emily Reynolds, presiding, called the meeting to order.

Vice Chair Reynolds congratulated 2021 College of the Year winners Columbia State Community College and TCAT Shelbyville.

At the instruction of Vice Chair Reynolds, Board Secretary Sonja Mason called the roll. The following members were present. In accordance with T.C.A. § 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
Regent Emily House
Mr. William McElyea
Ms. Nisha Powers
Ms. Wanda Reid
Ms. Emily Reynolds
Ms. Danni Varlan
Mr. Weston Wamp
Mr. Tom White (joined the meeting later)

A quorum was present. Members who were not able to participate in the meeting were Governor Bill Lee and Commissioner Penny Schwinn.

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 Burdine provided the motion with Regent Varlan providing a second. Motion carried by roll call vote.

I. MINUTES

Minutes of the December 10, 2020, regular session Board meeting were provided to all Board members for review prior to the quarterly Board meeting. Regent Greene moved to adopt the minutes. Regent Burdine 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 Duckett moved to accept the report. Regent Apple 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 March 9, 2021 meeting of the Audit Committee. Regent Hatch moved to adopt the minutes. Regent Burdine 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. NEW BUSINESS

A. CONSENT AGENDA

The following items were presented for review and approval on the consent agenda:

- Review and Approve Revisions to TBR Policy 2.03.00.00 – Admissions at the Community Colleges
- Review and Consider 2020-21 Faculty Emeritus Recommendations for Community Colleges

A copy of the policy and faculty emeritus recommendations for the community colleges are attached to the official copy of the Minutes as Appendix C and Appendix D.

Regent Varlan moved approval of both consent agenda items. Regent Hatch provided a second. Motion passed by roll call vote.

B. INFORMATIONAL REPORTING

1. External Affairs Update

Vice Chancellor Kim McCormick gave an update that included a summary of the legislation being tracked by TBR Government Relations with an overview of legislation that could potentially impact TBR and higher education.

2. State Budget Update

Vice Chancellor Danny Gibbs provided an overview of the status of the State Budget recommendations for the Tennessee Board of Regents for FY 2021-2022. The recommendations reviewed were from the governor's original state budget proposal. The governor's administration had not yet released its budget amendments.

3. Center for Workforce Development Update

President Carol Puryear gave the Board a review of current workforce development projects and activities that included an update on the following:

- State ECD projects including apprenticeships, correctional workforce, the Electric Vehicle Task Force, and campus success stories.
- The TNTrained "New Energy, New Year, New Workforce" Virtual Conference scheduled for April.

4. Strategic Plan Update

Executive Vice Chancellor Russ Deaton reported the Tennessee Board of Regents began initial work on potential revisions to the 2015-2025 Strategic Plan in December 2019, though work was paused at the outbreak of the pandemic. In October 2020, TBR restarted its work with Steering Committee meetings and subsequent conversations with key partners and constituencies around the state. Dr. Deaton presented an update on the strategic planning process that included a review of recent Steering Committee meetings, board member workshops and other conversations, as well as the potential themes for the Strategic Plan review. A draft version of an interactive infographic that can serve as the vehicle for presenting the strategic plan was shared. A copy of the draft infographic is attached to the official copy of the Minutes as Appendix E.

5. Student Access, Retention and Success

Executive Vice Chancellor Russ Deaton reported the effects of COVID-19 on TBR student access, retention, and success have been profound. At fall 2020 enrollment census, 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 14th 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. Dr. Deaton presented preliminary enrollment demographic patterns for spring 2021, including trends in dual enrollment, adult learners, and the enrollment of recent high school graduates.

C. DISCUSSION – DRAFT RULEMAKING

General Counsel Brian Lapps reported 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. Mr. Lapps anticipates 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 chapter being proposed 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.

General Counsel Lapps noted he would be presenting this to the Board for a vote at the June Board meeting. A copy of the draft rules is attached to the official copy of the Minutes as Appendix F.

D. NEW BUSINESS – ACTION ITEMS

1. Recommendation for the President of TCAT McKenzie and Paris

Chancellor Tydings made a recommendation to appoint Mr. Willie Huffman as the next President of TCATs Paris and McKenzie, effective April 1, 2021, for the Board’s approval. Regent Gill moved approval of the appointment, and Regent Hatch provided a second. Motion passed by roll call vote. Mr. Huffman was present to address the Board. He thanked the Board for their confidence in him and appreciates the opportunity to serve in this capacity.

2. Resolution of Appreciation for President Brad White

Vice Chair Reynolds called on Regent Duckett to present the resolution of appreciation for the service of President Brad White to the Tennessee Board of Regents. Regent Duckett moved adoption of the resolution, and Regent White provided a second. Motion passed by roll call vote. A copy of the resolution is attached to the official copy of the Minutes as Appendix G.

3. Review and Consider Criteria for the President of Volunteer State Community College

Chancellor Tydings reported Volunteer State Community College President Jerry Faulkner would be retiring effective August 31, 2021. She presented search criteria for the President of Volunteer State Community College for the Board’s consideration and approval. Regent Hatch moved approval of the criteria, and Regent Burdine 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 H.

4. Review and Consider Criteria for the President of TCAT McMinnville

Chancellor Tydings reported TCAT McMinnville President Warren Laux retired effective July 6, 2020, and TCAT Murfreesboro Vice President Nathan Garrett was appointed interim president. She presented search criteria for the President of TCAT McMinnville for the Board's consideration and approval. Regent Varlan moved approval of the criteria, and Regent Duckett 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 I.

5. Multiple Measures for Learning Support Pilot

Executive Vice Chancellor Russ Deaton gave a report on the Multiple Measures for Learning Support Pilot. 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.

As proposed, 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.

Regent Gill moved to approve the extension of the multiple measures pilot through the 2021-2022 academic year, and Regent White provided a second. Motion passed by roll call vote.

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

Assistant Vice Chancellor Tachaka Hollins presented the following program proposals for the members' review and consideration. There were fourteen (14) program proposals presented. There were one-hundred forty-seven (147) program proposals presented for Hybrid Delivery. These proposals seek to add a hybrid delivery mode to their existing program inventory to address delivery modality in a post-pandemic environment. Several schools proposed to add hybrid delivery to traditional instruction permanently. Recently, the Council on Occupational Education (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. Also, Dr. Hollins presented six (6) program modifications for the Board's review and approval.

Regent Burdine noted a correction to the TCAT Elizabethton Building Construction Technology program proposal. The delivery location should have been reported as the Northeast State Campus in Elizabethton, Tennessee.

Regent White moved to approve the program proposals with the correction noted by Regent Burdine. Regent Varlan seconded the motion. The motion carried by roll call vote. A copy of the program proposals as approved is attached to the official copy of the Minutes as Appendix J.

7. Review and Consider New TBR Policy 7.04.00.00 – Programs for Minors on Campus

General Counsel Lapps presented new TBR Policy 7.04.00.00 (Programs for Minors on Campus) for review and approval. He noted the revisions are 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.

The policy would be effective September 1, 2021 to give the colleges time to implement the policy.

Regent Hatch moved to approve the new policy with Regent Apple providing a second. Motion passed by roll call vote. A copy of the policy is attached to the official copy of the Minutes as Appendix K.

8. Review and Consider Proposed Changes to the Bylaws

General Counsel Lapps reported 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 was asked to consider the following proposed changes: (1) to change the name of the Economic and Community Development Committee to Workforce Development Committee; and (2) to refer to the newly revised 12th Edition of Robert's Rules of Order instead of the previous version.

Regent Varlan moved to approve the bylaw changes with Regent Duckett providing a second. Motion carried by roll call vote. A copy of the revised Bylaws is attached to the official copy of the Minutes as Appendix L.

9. Review and Consider Standing Resolution Delegating Authority for Rulemaking Hearings

General Counsel Lapps presented a draft resolution delegating authority for Rulemaking Hearings to the TBR General Counsel. He noted the following regarding the hearings:

- General Counsel, with assistance from the Board Secretary, would conduct hearing.

- These are typically routine functions.
- Rulemaking Hearings must be separate from the Board meeting to consider rules.
- Board retains authority to approve rules.
- Board may revoke delegation at any time.

Regent Varlan moved approval of the resolution, and Regent Apple provided a second. Motion carried by role call vote. A copy of the resolution is attached to the official copy of the Minutes as Appendix M.

VII. ADJOURNMENT OF THE MEETING

Vice Chairman Reynolds noted the next meeting would be held virtually on Thursday and Friday, June 17 and 18, 2021.

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

Respectfully submitted,



Sonja F. Mason, Board Secretary

Flora W. Tydings, Chancellor

Emily J. Reynolds, Vice Chair



TO: Members of the Tennessee Board of Regents

FROM: Flora W. Tydings

DATE: June 18, 2021

SUBJECT: REVISED - Interim Action Report – Second 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:

- Jaci Whitaker, Administrative Assistant I for Student Success; Effective 5/3/21
- Amy Collins, Financial Aid Associate; Effective 6/1/21

Reclassifications:

- Heather Brown, Administrative Assistant III to Director of Operations; Effective 6/1/21
- Jessica Jarrett, Student Associate to Coordinator, Training and Compliance; Effective 6/1/21
- Danyelle Osborne, Procurement and Travel Associate to Procurement Diversity Coordinator; Effective 6/1/21
- Chuck Grimes, Coordinator for Government Relations to Director of Operations for External Affairs; Effective 7/1/21
- Carol Tomlinson, Administrative Assistant III to Coordinator for External Affairs; Effective 7/1/21

Promotions:

- Danny Gibbs, Vice Chancellor to Executive Vice Chancellor for Business and Finance; Effective 7/1/21
- Kay Hume, Business and Systems Analyst (PT) to Database Administrator; Effective 4/19/21

- Kim McCormick, Vice Chancellor to Executive Vice Chancellor for External Affairs; Effective 7/1/21
- Andrew Stevens, Coordinator, Training and Compliance to Specialist – Student, Office of Student Success; Effective 6/1/21

Degree Attainment: None

Certified Admin. Prof:

- Anita Jansen; Effective 5/1/21
- Tammy Ray; Effective 5/1/21
- Theresa Whitton; Effective 5/1/21

Retirement:

- Brenda McCall, SAILS Field Coordinator; Effective 6/30/21
- Jack “Wayne” Pugh, Associate General Counsel; Effective 6/30/21
- Jennifer Thompson, Director of Content; Effective 7/6/21

Separations:

- Joy Rich, Director of Experiential Learning; Effective 4/30/21
- Krysten Velloff, Assistant Vice Chancellor for Government Relations; Effective 6/4/21
- Mettie Holmes, PT SAILS Field Coordinator; Effective 6/30/21
- Malcolm Offutt, Contracts and Reporting Associate; Effective 6/30/21
- Chris Shannon, Accountant; Effective 6/30/21

Increases: Vice Presidents 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

V. TCAT ACADEMIC ACTIONS – INTERIM APPROVALS: Attachment F

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

Institution	Name	Position	Effective Date	Type of Increase	Increase	New Salary
CISCC	Alisha Fox	VP of Finance and Chief Operating Officer	7/1/21	Equity	\$9,940.00	\$115,000.00

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

Institution	Name	Position	Salary	Effective Date
CISCC	Dr. John Squires	Executive Director of Advancement and Planning	\$98,000.00	6/1/21
CoSCC	Joni Lenig	VP for Academic Affairs	\$125,000.00	5/1/2021
JSCC	Don Myers	Interim Director of Institutional Research	\$74,000.00	4/15/21
TCAT McKenzie	Jan Latimer	Vice President	\$81,544.00	7/1/21

Tennessee Board of Regents
 Summary of State Building Commission Actions
 March 11, 2021 - May 13, 2021

Date	SBC Number	Institution	Project	Value	SBC Action
3/11/2021					Chancellor Tydings introduced Garry Askew with Bauer Askew Architecture. Mr. Askew stated that the project is in budget and on schedule for substantial completion of December 2022. State Building Commission – March 11, 2021 Page 6 of 32 Lieutenant Governor McNally asked about the impact on the nursing program in Dickson. Mr. Askew stated that one side of the building will be the Columbia State nursing program and the other side will be the TCAT nursing program. Lieutenant Governor McNally asked if the TCAT program in Dickson will be closed. Chancellor Tydings stated that this project is for the Williamson County location and they are relocating to this location and closing a leased location which is not very good. The students will have the opportunity to go from TCAT to the Columbia State program if they desire. Lieutenant Governor McNally asked if there is still a need for a nursing program in Dickson. Chancellor Tydings stated that this project is separate and will not impact the TCAT Dickson program which will remain at its current location. The Commission
	166/015-01-2012	CoSCC	Williamson County Center Relocation	81,010,000	approved the EDP as presented by Bauer Askew Architecture
	166/033-01-2018	SWCC	Union & Macon Cove Plumbing Updates	99,266	Rec'vd report C.O. #8 @ 5.95%
	166/074-01-2021	TCAT-Murfreesboro	Lobby and Student Lounge Improvements	100,000	Approved project utilizing an Agency Consultant for design
	166/001-04-2012	TSU	Master Plan	616,470	Approved a revision in project budget and funding
	166/021-01-2020	MSCC	Classroom Upgrades for Art and Theater	925,000	Approved a revision in project budget and funding
	166/027-04-2018	RSCC	Baseball and Softball Complex Improvements	1,480,000	Approved a revision in project budget and funding
4/8/2021					Approved a revision in project funding (increase in designer fee and decrease in Admin. & Misc. to address project phasing)
	166/001-10-2018	TSU	Perimeter Road Design and Construction	500,000	Approved a revision in project funding (increase in designer fee and decrease in Admin. & Misc. to address project phasing)
	166/033-01-2017	SWCC	Mechanical System Updates	1,550,000	Misc. to address project phasing)
5/13/2021					
	166/027-02-2019	RSCC	HVAC Corrections	38,056	Rec'vd report C.O. #2 @ 11.84%
	166/027-04-2018	RSCC	Baseball & Softball Complex Improvements	184,045	Rec'vd report C.O. #4 @ 16.74%
	166/033-01-2018	SWCC	Union & Macon Cove Plumbing Updates	910	Rec'vd report C.O. #9 @ 0.05%
	21-01-012	TCAT-Memphis	Easement	Mutual Benefit	Approved disposal by easement with waiver of advertisement and appraisals
	21-03-013	NeSCC	Easement	FMV	Approved disposal by easement with waiver of advertisement and one appraisal
	166/012-02-2020	TCAT-Chattanooga	TCAT Chattanooga Advanced Manufacturing Building	21,900,000	Approved awarding a contract to the best evaluated proposer for CM/GC (Hoar Construction, LLC)

Tennessee Board of Regents
 Summary of State Building Commission Executive Subcommittee
 March 22, 2021 - May 24, 2021

March 22, 2021 Executive Subcommittee Meeting

DSCC SBC #166/017-01-2019	Revision in Budget and Funding to award	Approved a revision in project budget and funding to award a contract (increase of \$35,000)	OFD/Campus to coordinate transaction
VSCC SBC #166/025-01-2020	Revision in Funding	Approved a revision in project funding (increase in MACC, decrease in movable equipment)	OFD/Campus to coordinate transaction
TSU SBC #166/001-03-2020	Designer Selection	Approved selection of I.C. Thomasson Associates, Inc. as designer for the project.	OFD prepares Designer Agreement and continues with project
SWCC Transaction No. 21-01-900	Disposal	Approved disposal by lease with waiver of appraisals	OFD/STREAM to coordinate transaction
SWCC Transaction No. 21-02-904	Disposal - Lease	Approved disposal by lease with waiver of advertisement and appraisals	OFD/STREAM to coordinate transaction

April 19, 2021 Executive Subcommittee Meeting

SWCC
SBC #166/033-01-2016

Revision in Funding

Approved a revision in project funding (decrease in Admin. & Misc. and Commissioning, increase in MACC and Designer Fee to complete final phase)

OFD/Campus to coordinate transaction

May 24, 2021 Executive Subcommittee Meeting

RSCC
SBC #166/027-02-2018

Revision in Budget and Funding

Approved a revision in project budget and funding (increase of \$16,100)

OFD/Campus to coordinate transaction

PSCC
SBC #166/032-02-20019

Revision in Scope

Approved a revision in scope

OFD/Campus to coordinate transaction

VSCC
SBC #166/025-001-2021

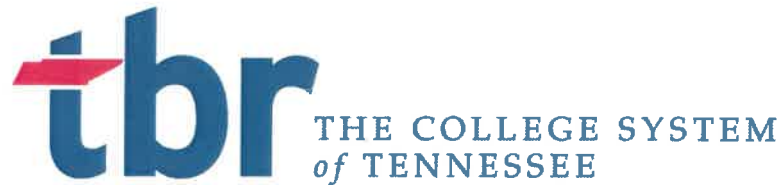
Designer Selection

Approved selection of HFR, Inc. as designer for the project.

OFD prepares Designer Agreement and continues with project

CONSTRUCTION CONTRACTS AWARDED 03/01/2021 - 06/01/2021
Contracts totaling \$25,073,569

<u>Designer</u>	<u>Contractor</u>	<u>Contract Sum</u>	<u>Awarded</u>	<u>Project Number</u>	<u>Institution/ Project Name</u>
OGCB, Inc.	OSB Services, LLC	381,500.00	03/17/2021	166/017-01-2019	DSCC Boiler Systems Updates
McGehee Nicholson Burke Architects, P.C.	Terry Bell Construction, LLC	127,571.00	03/18/2021	166/017-01-2018A	DSCC Science Building Interior Updates - Phase II
I.C. Thomasson Associates, Inc.	S. M. Lawrence Company, Inc.	574,580.00	03/22/2021	166/003-05-2015A	APSU HVAC Replacement
Binkley Garcia Architecture, LLC	Drakes Creek Builders, LLC	148,307.00	03/23/2021	166/025-01-2020	VSCC IT Suite Updates
Hethcoat and Davis, Inc.	Sessions Paving Company, Inc.	124,385.00	04/02/2021	166/001-10-2018A	TSU Tigerbelle & 37th Avenue
OGCB, Inc.	Metro Mechanical Contractors, Inc.	208,594.00	04/02/2021	166/007-03-2015B	UoM Updates
Allen & Hoshall, Inc.	Mid South Business Construction, LLC dba MSB Cc	1,374,100.00	04/14/2021	166/019-01-2019A	JSCC McWherter HVAC Updates - Phase 2
I.C. Thomasson Associates, Inc.	CHC Mechanical Contractors, Inc.	227,337.00	04/22/2021	166/001-09-2018A	TSU McMinnville Campus
Hefferlin + Kronenberg Architects PLLC	Polk & Associates Construction, Inc.	330,000.00	04/22/2021	166/001-07-2019	TSU Multiple Building Repairs
Shaw & Shanks Architects, PC	Eskola, LLC	844,420.00	04/30/2021	166/023-01-2020	Walters SCC Sevier Co Re-roof
Fisher + Associates	BurWil Construction Company, Inc.	18,941,944.00	05/11/2021	166/005-09-2017CM	ETSU Renovation
OGCB, Inc.	Barnes & Brower, Inc.	1,653,051.00	05/24/2021	166/007-05-2017B	UoM HVAC Updates
Johnson + Associates Architects, Inc.	Collier Roofing Co., Inc.	137,780.00	05/28/2021	166/001-03-2017A	TSU Cafeteria & Entrance Canopy



 BOARD TRANSMITTAL

MEETING: June 2021 Quarterly Board Meeting

SUBJECT: Interim Action Contracts Report

DATE: June 8, 2021

PRESENTER: N/A (Interim Action Report)

PRESENTATION REQUIREMENTS: None

ACTION REQUIRED: No Action Required

STAFF'S RECOMMENDATION: N/A

The Interim Action Contracts Report provides a listing of the contracts approved beginning March 1, 2021 and ending May 31, 2021.

During the reporting period, a total of 204 contracts were approved at the System Office. An overview is provided below:

	Contract Amendments	Clinical Affiliations	Dual Services	Professional Services	Service Agreements	Other
	17	56	38	11	10	72

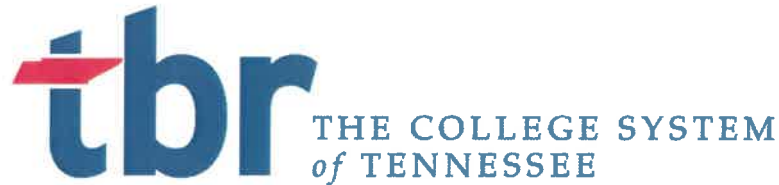
Tennessee Board of Regents
Contracts Approved March 1, 2021, through May 31, 2021

Contract ID	Contract Type	Contractor	Department/Institution	Commodity	Yearly Amt.	System-	CurrYrEndD		Competitive
						Wide	Start Date	ate	
105441	Amendment to Existing Contract	D2L, Ltd.	TNeCampus	Computer Software License for DOE Students	87,000.00	yes	1/1/2020	12/31/2021	yes
105690	Amendment to Existing Contract	Fellowship Travel International Inc.	Student Success	International Student Travel Services	2,000,000.00	yes	8/1/2017	9/30/2021	yes
105942	Amendment to Existing Contract	Eisevier	TBR	Evolve Testing Package for TCATs	321,000.00		1/1/2017	12/31/2021	
106595	Amendment to Existing Contract	Pantheon	External Affairs	Renewal - Computer Software License	57,679.50		4/1/2020	3/31/2022	yes
107735	Amendment to Existing Contract	Alcoa City Schools	TCAT Knoxville	Renewal - Cooperative Educational Offerrings	0.00		7/1/2019	6/30/2022	
107819	Amendment to Existing Contract	Union County Public Schools	TCAT Knoxville	Renewal - Cooperative Educational Offerrings	0.00		7/1/2019	6/30/2022	
108291	Amendment to Existing Contract	Examity	TNeCampus	Online Test Proctoring	250,000.00	yes	1/1/2020	12/31/2021	yes
108534	Amendment to Existing Contract	Tennessee Higher Education Commission	Academics	Amendment of Grant to change maximum liability	(3,381,000.00)		7/1/2020	6/30/2021	
108596	Amendment to Existing Contract	Insight Public Sector, Inc.	TBR	Renewal - Computer Hardware and Peripherals	750,000.00	yes	5/1/2020	4/30/2022	yes
108864	Amendment to Existing Contract	Department of Labor and Workforce Development	TCAT Knoxville	Renewal - Grant	(2,154,000.00)		7/1/2020	6/30/2021	
108934	Amendment to Existing Contract	TriStar Health Systems, Inc.	TBR	Amendment to define fields of Study -Clinical Experience	0.00		10/22/2020	10/21/2022	
109038	Amendment to Existing Contract	SNAP-ON Industrial	TBR	Renewal - Software/Hardware/Supplies Agreement	825,000.00	yes	9/21/2020	4/13/2022	yes
109050	Academic Articulation Agreement	Aspen University	MSCC	Cooperative Educational Offerrings	0.00		11/2/2020	11/1/2030	
109083	Special Industry Agreement	Stanley Engineered Fastening	TCAT Dickson	Training	(3,610.00)		1/13/2021	6/30/2021	
109172	Amendment to Existing Contract	TLD Logistics, Inc.	TCAT Knoxville	Renewal - CDL Training for Truck Driving Students	124,800.00		12/1/2020	2/28/2022	
109184	Professional Service	University of Texas at Austin	Policy & Strategy	Survey Services	200,000.00		1/15/2021	1/14/2024	
109185	License Agreement	American Academy Holdings, LLC	TCAT Crump	License Agreement to Curriculum	3,000.00		2/1/2021	1/31/2022	
109192	Academic Articulation Agreement	Habitat For Humanity - Campbell County Chapter	TCAT Jacksboro	Practical Experience for Students	0.00		1/8/2021	12/31/2021	
109218	Clinical Affiliation	Plateau Mental Health Center	TCAT Livingston	Clinical Experience	0.00		2/15/2021	2/14/2026	
109223	Clinical Affiliation	Pediatric Dental Group and Orthodontics	TCAT Covington	Clinical Experience	0.00		2/3/2021	2/2/2026	
109230	Amendment to Existing Contract	The Coleridge Initiative Inc.	Policy & Strategy	Amendment to Data Exchange Agreement	0.00		2/19/2021	2/19/2026	
109232	Service Agreement	DETAILXPERTS Franchise Systems, LLC	TCAT Shelbyville	Janitorial Services	9,907.00		1/1/2021	12/31/2021	
109233	Grant Agreement	Chattanooga State Community College	Student Success	Grant Subcontract	(2,000.00)		2/1/2021	6/15/2021	
109235	Grant Agreement	Nashville State Community College	Student Success	Grant Subcontract	(2,000.00)		2/1/2021	6/15/2021	
109236	Grant Agreement	Chattanooga State Community College	Student Success	Grant Subcontract	(2,000.00)		2/1/2021	6/15/2021	
109241	Clinical Affiliation	Ascension Saint Thomas Highlands Hospital	TCAT Livingston	Clinical Experience	0.00		2/10/2021	2/9/2026	
109245	Dual Enrollment Agreement	Christian Community School	TCAT Nashville	Dual Enrollment Agreement	0.00		8/1/2021	5/31/2022	
109247	Academic Articulation Agreement	Tennessee Department of Corrections	Academics	Correctional Education Initiative	0.00		2/12/2021	4/12/2024	
109248	Banking Services	Fiserv	SWCC	Credit Card Processing Services	120,000.00		3/1/2021	12/31/2021	
109258	Clinical Affiliation	Magnolia Regional Health Care	TCAT Jackson	Clinical Experience	0.00		3/1/2021	2/28/2026	
109259	Grant Agreement	TCAT Ripley	Economic & Community Development	Grant Subcontract - Correction Education Initiative	(32,500.00)		1/1/2021	5/30/2022	
109261	Grant Agreement	University of Virginia	Policy & Strategy	Grant Subcontract - Post secondary education	(53,000.00)		1/1/2021	7/31/2021	
109262	Dual Services Extra Compensation	TCAT Whiteville	TCAT Jackson	Teaching	4,795.50		1/1/2021	6/30/2021	
109263	Clinical Affiliation	C&C Pharmacy	TCAT Newbern	Clinical Experience	0.00		2/26/2021	2/25/2026	
109264	Professional Service	Townsend Systems	TCAT Whiteville	Fire Alarm System Service	396.00		1/1/2021	12/31/2026	
109265	Service Agreement	TDS Telecommunications	TCAT Crump	Telecommunications Services	839.76		3/1/2021	2/28/2023	
109266	Clinical Affiliation	Jefferson Park at Dandridge	TCAT Morristown	Clinical Experience	0.00		2/26/2021	2/25/2026	
109268	Interagency Agreement	Tennessee Department of Transportation	TCAT Knoxville	Technician Certification Exams for TDOT	(80,000.00)		5/1/2021	4/30/2022	
109270	Professional Service	Mary Elizabeth Spica	Academics	Workshop/Seminar Services	5,000.00		3/1/2021	11/1/2021	
109272	Dual Credit Agreement	Anderson County Schools	TCAT Harriman	Dual Enrollment Agreement	0.00		8/3/2020	6/30/2021	
109273	Dual Credit Agreement	Loudon County Schools	TCAT Harriman	Dual Enrollment Agreement	0.00		8/3/2020	6/30/2021	
109274	Dual Credit Agreement	Morgan County Schools	TCAT Harriman	Dual Enrollment Agreement	0.00		8/3/2020	6/30/2021	
109275	Dual Credit Agreement	Roane County Schools	TCAT Harriman	Dual Enrollment Agreement	0.00		8/3/2020	6/30/2021	
109276	Clinical Affiliation	Dominion Senior Living of Johnson City	TCAT Elizabethton	Clinical Experience	0.00		3/2/2021	3/1/2026	
109277	Clinical Affiliation	Crockett Medical Clinic	TCAT Ripley	Clinical Experience	0.00		2/24/2021	2/23/2026	
109280	Dual Services Extra Compensation	TN Dept of Environment and Conservation	TCAT Livingston	Teaching	1,790.32		3/1/2021	6/30/2021	
109283	Clinical Affiliation	Dyer County Schools	TCAT Ripley	Clinical Experience	0.00		3/11/2021	3/10/2026	
109287	Clinical Affiliation	AHC Union City	TCAT Ripley	Clinical Experience	0.00		3/29/2021	3/28/2026	
109288	Clinical Affiliation	Zaidi and Associates	TCAT Ripley	Clinical Experience	0.00		3/11/2021	3/10/2026	
109289	Clinical Affiliation	Bells Nursing and Rehabilitation Center	TCAT Ripley	Clinical Experience	0.00		3/11/2021	3/10/2026	
109293	Clinical Affiliation	Hardin Home/Park Rest	TCAT Crump	Clinical Experience	0.00		3/1/2021	2/28/2022	
109294	Purchase Agreement	Ahead Datablue	SWCC	Purchase of Cisco Network Equipment	1,779,752.01		3/9/2021	7/31/2021	
109298	Service Agreement	Unifirst Corporation	TCAT Knoxville	Uniform/Floor Mat Services	2,200.00		2/3/2021	2/2/2022	
109299	Clinical Affiliation	Tenova Healthcare	TCAT Knoxville	Clinical Experience	0.00		3/15/2021	3/14/2024	
109302	Clinical Affiliation	Humphreys County School System	TCAT Dickson	Clinical Experience	0.00		3/15/2021	3/14/2026	
109303	Clinical Affiliation	University Health System	TCAT Knoxville	Clinical Experience	0.00		2/1/2021	1/31/2026	
109306	Clinical Affiliation	Zoren Pharmacy	TCAT Dickson	Clinical Experience	0.00		3/22/2021	3/21/2026	
109309	Clinical Affiliation	Frontier Health	TCAT Elizabethton	Clinical Experience	0.00		3/18/2021	3/17/2026	
109310	Clinical Affiliation	NHC Healthcare	TCAT Elizabethton	Clinical Experience	0.00		3/18/2021	3/17/2026	
109312	Clinical Affiliation	Tipton County Jail	TCAT Covington	Clinical Experience	0.00		3/22/2021	3/26/2026	
109313	Service Agreement	ISKME	Academics	Hub for use of Open Educational Resources	19,500.00		3/22/2021	3/21/2022	
109314	Academic Articulation Agreement	East Tennessee State University	WSCC	Dual Enrollment Agreement	0.00		3/18/2021	3/17/2026	

109316 Clinical Affiliation	Clarksville Health System, G.P.	TCAT Dickson	Clinical Experience	0.00	4/1/2021	3/31/2024
109318 Clinical Affiliation	Calvary Medical	TCAT Morristown	Clinical Experience	0.00	3/17/2021	3/16/2026
109319 Advertising Agreement	Lamar	TCAT Morristown	Advertising - Bulletin Board	9,750.00	12/28/2020	12/26/2021
109320 Service Agreement	Ideagen IMK Ltd	Internal Audit	Professional Services for Software Installation	2,111.19	3/25/2021	6/30/2021
109321 Clinical Affiliation	Mauzy Regional Hospital & Affiliates	TCAT Hohenwald	Clinical Experience	0.00	3/12/2021	3/11/2024
109325 Dual Services Extra Compensation	TCAT Covington	TCAT Ripley	Teaching	4,500.00	3/30/2021	6/30/2021
109329 Clinical Affiliation	Hardeman Community Health Center	TCAT Whiteville	Clinical Experience	0.00	3/30/2021	3/29/2026
109334 Dual Credit Agreement	Oak Ridge City Schools	TCAT Harriman	Dual Enrollment Agreement	0.00	8/3/2020	6/30/2021
109336 Special Industry Agreement	Knoxville Utilities Board	TCAT Oneida	Training	(28,500.00)	5/1/2021	4/30/2026
109337 Professional Service	Unbelievably Clean, INC.	TCAT Morristown	Janitorial Services	45,360.00	4/1/2021	3/31/2022
109338 Service Agreement	Engage Learning, Inc.	TCAT Knoxville	Subscription - Engage Unlimited	20,518.86	4/7/2021	5/2/2022
109339 Dual Credit Agreement	Mauzy County School System	COSCC	Dual Enrollment Agreement	0.00	7/1/2021	6/30/2026
109340 Dual Credit Agreement	Mauzy County School System	COSCC	Dual Enrollment Agreement	0.00	7/1/2021	6/30/2022
109341 Dual Credit Agreement	Mauzy County School System	COSCC	Dual Enrollment Agreement	0.00	7/1/2021	6/30/2026
109342 Dual Credit Agreement	Mauzy County School System	COSCC	Dual Enrollment Agreement	0.00	7/1/2021	6/30/2026
109343 Dual Credit Agreement	Mauzy County School System	COSCC	Dual Enrollment Agreement	0.00	7/1/2021	6/30/2026
109344 Dual Credit Agreement	Mauzy County School System	COSCC	Dual Enrollment Agreement	0.00	7/1/2021	6/30/2026
109345 Dual Credit Agreement	Mauzy County School System	COSCC	Dual Enrollment Agreement	0.00	7/1/2021	6/30/2026
109346 Service Agreement	Howard Technology Solutions	TCAT Livingston	Dual Enrollment Agreement	0.00	7/1/2021	6/30/2026
109348 Clinical Affiliation	Spring Hill Oral and Maxillofacial Surgery Center	TCAT Murfreesboro	Structured Cabling Work	52,380.00	4/7/2021	6/30/2021
109350 Dual Credit Agreement	DeKalb County High School	TCAT Murfreesboro	Clinical Experience	0.00	5/24/2021	5/23/2026
109357 Lease Agreement	Phillips Corporation	TCAT McMinnville	Dual Enrollment Agreement	0.00	9/1/2021	6/1/2022
109358 Special Industry Agreement	Thermatic	TCAT Murfreesboro	Facility Use	14,400.00	3/31/2021	3/30/2026
109359 Clinical Affiliation	Christian Family Medicine and Pediatrics	TCAT Murfreesboro	Training	(3,000.00)	5/4/2021	12/31/2022
109361 Academic Articulation Agreement	McKenzie Special School District	TCAT Ripley	Clinical Experience	0.00	4/12/2021	4/11/2026
109362 Academic Articulation Agreement	Henry County High School	TCAT Paris	Dual Enrollment Agreement	0.00	8/2/2021	5/21/2022
109363 Dual Credit Agreement	Liberty Technology Magnet High School	JSCC	Dual Enrollment Agreement	0.00	8/1/2021	5/25/2022
109365 Clinical Affiliation	Decatur County EMS	TCAT Hohenwald	Dual Enrollment Agreement	0.00	7/1/2021	6/30/2022
109366 Revenue	U.S. Department of Labor	TCAT Knoxville	Clinical Experience	0.00	4/12/2021	4/11/2024
109367 Dual Services Extra Compensation	TCAT Whiteville	TCAT Jackson	Apprenticeship Program	(5,000.00)	4/14/2021	6/30/2022
109368 Dual Services Extra Compensation	TCAT Whiteville	TCAT Jackson	Teaching	2,334.48	5/1/2021	6/27/2021
109370 Dual Services Extra Compensation	TCAT Whiteville	TCAT Jackson	Teaching	2,481.93	5/1/2021	6/27/2021
109371 Clinical Affiliation	Mountain Brook Assisted Living	TCAT Jackson	Teaching	2,266.65	5/1/2021	6/27/2021
109372 Dual Credit Agreement	Huntingdon Special School District	TCAT Paris	Clinical Experience	0.00	4/15/2021	4/14/2026
109375 Professional Service	Building Systems Technology	TCAT Livingston	Dual Enrollment Agreement	0.00	8/2/2021	5/27/2022
109382 Grant Agreement	Tennessee Higher Education Commission	JSCC	Fire Alarm Service	3,027.00	4/15/2021	6/30/2021
109384 Grant Agreement	Tennessee Higher Education Commission	PSSC	Grant	(7,014.00)	7/1/2021	8/15/2021
109385 Grant Agreement	Tennessee Higher Education Commission	WSSC	Grant	(21,534.00)	7/1/2021	8/15/2021
109386 Grant Agreement	TN Department of Corrections	COSCC	Grant	(7,290.00)	7/1/2021	8/15/2021
109387 Clinical Affiliation	Birth Choice Pregnancy Resource Clinic	TCAT Jackson	Clinical Experience	0.00	7/1/2021	8/15/2021
109388 Professional Service	Howard Technology Solutions	VSSC	Cameras and microphones Installation	241,647.00	6/30/2021	6/29/2026
109389 Grant Agreement	Tennessee Higher Education Commission	CLSCC	Grant	(7,110.00)	4/20/2021	12/31/2021
109390 Grant Agreement	Tennessee Higher Education Commission	NESSC	Grant	(34,292.00)	7/1/2021	8/15/2021
109392 Lease Agreement	Clarksville Montgomery County School System	TCAT Dickson	Lease of Space	0.00	7/1/2021	8/15/2021
109396 Dual Credit Agreement	Dickson County School System	TCAT Dickson	Dual Enrollment Agreement	0.00	7/1/2021	6/30/2022
109405 Dual Service	Williamson County Schools	COSCC	Dual Enrollment Agreement	0.00	1/2/2021	6/30/2026
109408 Dual Service	TCAT Whiteville	TCAT Jackson	Teaching	1,870.35	5/5/2021	6/30/2021
109410 Dual Service	Chattanooga State Community College-Lawrence Gundersen	Academics	Teaching	4,795.50	4/26/2021	6/11/2021
109411 Dual Service	Jackson State Community College-Tammy Prater	Academics	Teaching	4,372.88	4/26/2021	6/11/2021
109413 Dual Service	Jackson State Community College-Amanda Carr-Wilcoxson	Academics	Teaching	4,372.88	4/26/2021	6/11/2021
109415 Dual Service	Pellissippi State Community College-Nathaniel Wildener	Academics	Teaching	4,372.88	4/26/2021	6/11/2021
109417 Dual Service	Southwest Tennessee Community College-Jacob Metz	Academics	Teaching	1,176.50	4/26/2021	6/11/2021
109419 Dual Service	Volunteer State Community College-Grady Eades	Academics	Teaching	4,795.49	4/26/2021	6/11/2021
109424 Lease Agreement	Walters State Community College-Chris Baker	Academics	Teaching	4,411.88	4/26/2021	6/11/2021
109427 Dual Services Extra Compensation	Tennessee Higher Education Commission	DSSC	Grant	(7,130.00)	7/1/2021	8/15/2021
109430 Grant Agreement	City of Morristown	TCAT Morristown	Lease of Space	14,000.00	1/2/2002	1/1/2002
109432 Dual Credit Agreement	Tennessee Board of Regents	ETSU	Teaching	3,837.78	5/17/2021	7/9/2021
109437 Dual Credit Agreement	Tennessee Higher Education Commission	NSCC	Grant	(21,666.00)	7/1/2021	8/15/2021
109440 Professional Service	Trousdale County Schools	TCAT Hartsville	Dual Enrollment Agreement	0.00	7/1/2021	6/30/2022
109441 Service Agreement	Weakley County Board of Education	TCAT McKenzie	Dual Enrollment Agreement	0.00	8/1/2021	7/30/2022
109442 Dual Credit Agreement	Academic Search Services	HR	Executive Search Services	130,000.00	5/23/2021	5/22/2022
109443 Dual Credit Agreement	Carewile Mechanical Contractors, Inc.	TCAT Crossville	Maintenance - Chiller and Cooling Tower	1,574.00	5/1/2021	4/30/2022
109449 Service Agreement	Glaiborne County Board of Education	TCAT Jacksboro	Dual Enrollment Agreement	0.00	7/1/2021	6/30/2022
109453 Clinical Affiliation	Tom Griscorn	External Affairs	Crisis Response Training	4,000.00	5/4/2020	8/31/2021
109466 Dual Service	Mike D. Mysinger, DDS Pediatric Dentistry	TCAT Knoxville	Clinical Experience	0.00	6/1/2021	5/31/2026
109467 Dual Service	Northeast State Community College-David Toye	Academics	Teaching	4,411.88	5/3/2021	6/30/2022
109471 Professional Service	Pellissippi State Community College-Nathaniel Wildener	Academics	Teaching	4,372.88	5/3/2021	6/30/2022
	The Milner Consulting Group	Student Success	Speaker	5,500.00	6/10/2021	6/10/2021

109472	Professional Service	Harriet Schwartz	Student Success	6/10/2021	5,000.00	6/10/2021	Speaker
109473	Grant Agreement	Tennessee Higher Education Commission	VSCC	7/1/2021	(21,954.00)	8/15/2021	Grant
109479	Grant Agreement	Nashville State Community College	Student Success	5/1/2021	(2,000.00)	10/1/2021	Grant
109480	Grant Agreement	Nashville State Community College	Student Success	5/1/2021	(2,000.00)	10/1/2021	Grant
109490	Special Industry Agreement	American Job Center	TCAT Newbern	5/3/2021	(25,000.00)	6/30/2021	Training
109492	Professional Service	Honorlock, Inc.	TBR	5/15/2021	250,000.00	5/14/2026	Online Test Proctoring Services
109510	Dual Credit Agreement	Crockett County Schools	TCAT Ripley	7/1/2021	0.00	6/30/2022	Dual Enrollment Agreement
109511	Dual Credit Agreement	Ohion County School System	TCAT Newbern	7/1/2021	0.00	6/30/2022	Dual Enrollment Agreement
109512	Dual Credit Agreement	Crockett County School System	TCAT Newbern	7/1/2021	0.00	6/30/2022	Dual Enrollment Agreement
109514	Dual Credit Agreement	Dyersburg City Schools	TCAT Newbern	7/1/2021	0.00	6/30/2022	Dual Enrollment Agreement
109517	Dual Service	East Tennessee State University-Andrew Slap	Academics	4/26/2021	4,411.88	6/11/2021	Teaching
109523	Dual Credit Agreement	Lauderdale County School System	TCAT Newbern	7/1/2021	0.00	6/30/2022	Dual Enrollment Agreement
109524	Service Agreement	Proctorio, Inc.	TBR	5/11/2021	500,000.00	5/10/2022	Online Test Proctoring
109527	Training	GoldSRD	Internal Audit	5/4/2021	4,200.00	6/30/2021	Professional Development Training
109534	Dual Credit Agreement	Jackson-Madison County School District	TCAT Jackson	7/1/2021	0.00	6/30/2022	Dual Enrollment Agreement
109547	Academic Articulation Agreement	TCAT Jackson	JSCC	5/10/2021	0.00	5/9/2031	Dual Enrollment Agreement
109562	Dual Service	Austin Peay State University-Minzi Thomas	Academics	4/26/2021	1,166.10	6/11/2021	Other - Services
109468	Dual Service	Cleveland State Community College-Neil Greenwood	Academics	5/3/2021	4,413.75	6/30/2022	Other - Services
109469	Dual Service	Walters State Community College-Jillian Gorrell	Academics	5/3/2021	5,830.50	6/30/2021	Other - Services
109406	Dual Service	Chattanooga State Community College-Linda Coslett	Academics	4/26/2021	4,372.88	6/11/2021	Other - Services
109407	Dual Service	Cleveland State Community College-Brian Gerber	Academics	4/26/2021	1,177.00	6/11/2021	Other - Services
109409	Dual Service	Jackson State Community College-Abby Lackey	Academics	4/26/2021	1,278.80	6/11/2021	Other - Services
109412	Dual Service	Pellissippi State Community College-Nathan Pavalko	Academics	4/26/2021	4,372.88	6/11/2021	Other - Services
109414	Dual Service	Southwest Tennessee Community College-Thomas King	Academics	4/26/2021	1,166.10	6/11/2021	Other - Services
109416	Dual Service	Volunteer State Community College-Melanie Cochran	Academics	4/26/2021	4,372.87	6/11/2021	Other - Services
109454	Dual Service	Northeast State Community College-James Ramey	Academics	4/26/2021	4,795.51	6/11/2021	Other - Services
109455	Dual Service	Northeast State Community College-David Toye	Academics	4/26/2021	4,411.88	6/11/2021	Other - Services
109456	Dual Service	Nashville State Community College-David Markwell	Academics	4/26/2021	4,411.88	6/11/2021	Other - Services
109457	Dual Service	Nashville State Community College-Landon Mason	Academics	4/26/2021	4,411.88	6/11/2021	Other - Services
109458	Dual Service	Nashville State Community College-Maria Perry	Academics	4/26/2021	4,795.50	6/11/2021	Other - Services
109465	Dual Service	Dyersburg State Community College-Angela Martin	Academics	4/26/2021	4,374.38	6/11/2021	Other - Services
109515	Dual Service	East Tennessee State University-Darryl Carter	Academics	4/26/2021	4,791.51	6/11/2021	Other - Services
109518	Dual Service	East Tennessee State University-Constance Weise	Academics	4/26/2021	4,372.88	6/11/2021	Other - Services
108427	Amendment to Existing Contract	Eclipse LLC (Eimicroft of Murfreesboro)	TCAT Shelbyville	3/2/2021	0.00	2/28/2022	Clinical Experience
108467	Professional Service	Old Fashioned Janitorial	TCAT Shelbyville	3/30/2021	8,820.00	3/29/2022	Other - Services
109220	License Agreement	Adobe, Inc.	TBR	3/28/2021	0.00	3/27/2023	Computer Software License
109423	Amendment to Existing Contract	Regions Bank	Nashville State Community College	4/1/2021	15,000.00	3/31/2026	Banking Service
109349	Clinical Affiliation	Implant and General Dentistry of Middle Tennessee	TCAT Murfreesboro	5/24/2021	0.00	5/23/2026	Clinical Experience
109355	Clinical Affiliation	Boro Endodontics	TCAT Murfreesboro	5/24/2021	0.00	5/23/2026	Clinical Experience
109356	Clinical Affiliation	Smiles from the Hart	TCAT Murfreesboro	5/24/2021	0.00	5/23/2026	Clinical Experience
109360	Clinical Affiliation	Roy Thompson Comprehensive Family Dentistry	TCAT Murfreesboro	5/24/2021	0.00	5/23/2026	Clinical Experience
109462	Dual Service	Kong and Allen Group	Chattanooga State Community College	5/24/2021	0.00	5/23/2026	Memorandum of Understanding
109497	Clinical Affiliation	Lucy Sloan	TCAT Murfreesboro	5/24/2021	0.00	5/23/2026	Clinical Experience
109542	Clinical Affiliation	Mountain View Dental	TCAT Murfreesboro	5/24/2021	0.00	5/23/2026	Clinical Experience
109544	Clinical Affiliation	Hardin County Regional Health Center	TCAT Crump	5/12/2021	0.00	12/31/2021	Clinical Experience
109547	Clinical Affiliation	Lane Dentistry	TCAT Murfreesboro	5/24/2021	0.00	5/23/2026	Clinical Experience
109547	Academic Articulation Agreement	TCAT Jackson	TCAT Jackson	5/10/2021	0.00	5/9/2031	Dual Enrollment Agreement
109550	Clinical Affiliation	Unity Psychiatric Care	TCAT Newbern	5/13/2021	0.00	5/12/2026	Clinical Experience
109551	Clinical Affiliation	Covington Family Dental	TCAT Covington	5/13/2021	0.00	5/12/2026	Clinical Experience
109552	Special Industry Agreement	Frazier Industrial	TCAT Newbern	5/17/2021	(12,000.00)	5/16/2022	Training
109553	Clinical Affiliation	Walgreens Pharmacy	TCAT Covington	5/13/2021	0.00	5/12/2026	Clinical Experience
109564	Clinical Affiliation	First Call Ambulance	TCAT Hohenwald	5/10/2021	0.00	5/9/2024	Clinical Experience
109576	Clinical Affiliation	STAND Program	TCAT Oneida	5/10/2021	0.00	5/30/2025	Clinical Experience
109577	Clinical Affiliation	Huntsville Post-Acute and Rehabilitation Center	TCAT Oneida	5/20/2021	0.00	5/30/2025	Clinical Experience
109578	Special Industry Agreement	Nortek Global HVAC	TCAT Newbern	5/25/2021	(1,500.00)	6/9/2021	Training
109580	Clinical Affiliation	Edward Perdue, DDS	TCAT Dickson	5/24/2021	0.00	5/23/2026	Clinical Experience
109581	Clinical Affiliation	Dickson Dental	TCAT Dickson	5/24/2021	0.00	5/23/2026	Clinical Experience
109582	Clinical Affiliation	Preston Dental Care	TCAT Dickson	5/24/2021	0.00	5/23/2026	Clinical Experience
109583	Clinical Affiliation	Spring Hill Oral and Maxillofacial Surgery Center	TCAT Dickson	5/24/2021	0.00	5/23/2026	Clinical Experience
109585	Clinical Affiliation	Jere Manning, DDS	TCAT Dickson	5/24/2021	0.00	5/23/2026	Clinical Experience
109586	Clinical Affiliation	Midstate Oral Surgery	TCAT Dickson	5/24/2021	0.00	5/23/2026	Clinical Experience
109587	Clinical Affiliation	Gentry Orthodontics	TCAT Dickson	5/24/2021	0.00	5/23/2026	Clinical Experience
109588	Clinical Affiliation	Fairview Family Dentistry	TCAT Dickson	5/24/2021	0.00	5/23/2026	Clinical Experience
109591	License Agreement	AAPC	TCAT Ripley	5/24/2021	0.00	5/23/2026	Clinical Experience
109592	Special Industry Agreement	Sugnight	TCAT Covington	5/12/2021	4,500.00	6/30/2022	License
109593	Dual Services Extra Compensation	TBR-Colbe Wilson	University of Memphis	5/25/2021	(2,500.00)	6/18/2021	Training
109594	Purchase Agreement	M3 Technology Group, Inc.	MSCC	5/25/2021	2,661.24	8/3/2021	Other - Services
109595	Dual Service	Tennessee Board of Regents	University of Memphis	5/19/2021	404,300.00	12/31/2021	Audio Visual Equipment
				5/24/2021	887.08	8/31/2021	Teaching

109596 Training	Hungerford Vinton, LLC	Internal Audit	Training	3,000.00	5/21/2021	6/30/2021
109597 Clinical Affiliation	Body of Life Memphis	TCAT Covington	Clinical Experience	0.00	5/19/2021	5/18/2026
109604 Amendment to Existing Contract	First Choice Foods	Volunteer State Community College	Other - Goods	0.00	5/15/2021	5/14/2022
109613 Clinical Affiliation	Marshall County EMS	TCAT Pulaski	Clinical Experience	0.00	5/25/2021	5/24/2026
109630 Clinical Affiliation	Lifetime Dentistry	TCAT Dickson	Clinical Experience	0.00	5/24/2021	5/23/2026
109631 Clinical Affiliation	Midstate Oral Surgery	TCAT Dickson	Clinical Experience	0.00	5/24/2021	5/23/2026



MEMORANDUM

To: Flora Tydings, Chancellor
From: Russ Deaton, Executive Vice Chancellor, Policy & Strategy
Date: March 26, 2021
Re: TCAT Academic Actions- Interim Approvals

Following the March 2021 board meeting, the Office of Academic Affairs received requests from Tennessee Colleges of Applied Technology to modify their proposed academic actions. The Office of Academic Affairs is requesting interim approval by the Chancellor through delegated authority as outlined in the TBR Technical College Program Review and Approval 2.02.02.00 policy. The requested modifications include:

- TCAT Dickson withdraws the proposals to add hybrid delivery to the Automotive Technology diploma program at TCAT Dickson main campus and Clarksville Extension Campus (AA), the Heating, Ventilation, Air Conditioning/Refrigeration Program diploma program at TCAT Dickson and Clarksville Extension Campus (AA), and the Pharmacy Technology diploma program at TCAT Dickson.
- TCAT Crump requested to correct the site location for their action to terminate the Computer Information Systems program. TCAT Crump is proposing to terminate the Computer Information Systems program at the main campus. This proposal is due to low program enrollment. No additional personnel or fiscal resources are required for this proposed change. The program teach-out will begin in summer 2021.
- TCAT Newbern requested to correct the site location for their action to relocate the Welding Technology program. TCAT Newbern is proposing to relocate the Welding Technology program from the Dyersburg High School to the main campus.

If you have questions or concerns, please contact Dr. Tachaka Hollins by email at tachaka.hollins@tbr.edu. If approved, the Chancellor will report this interim action's approval at the June 2021 board meeting.

Thank you for your consideration.

**REPORT OF THE
COMMITTEE ON ACADEMIC POLICIES AND PROGRAMS AND
STUDENT LIFE**

JUNE 18, 2021

The Committee on Academic Policies and Programs and Student Life met in regular session via Microsoft TEAMS on June 17, 2021. At the beginning of the Committee meetings, Vice Chair Reynolds requested that members be asked if they could hear and speak with others in the meeting, and also, if they were alone. All members present responded yes to both questions. Roll call was taken, and a quorum was present.

Next, Vice Chair Reynolds stated that the June meeting is typically held on a campus and requires a great deal of planning. However, the decision was made early in the planning cycle while pandemic conditions favored conducting this meeting electronically. Pandemic conditions changed and it would have been too disruptive to people's schedules, both Board members and on campus, to hold an in-person meeting. A motion was made by Regent Burdine and a second was provided by Regent Hatch to meet electronically. The motion carried by roll call vote.

Under the Consent Agenda, the Committee considered approval of revisions to the TBR Policy 2:03:01:01 Undergraduate Academic Retention and GPA Standards; TBR Policy 6:03:00:00 Sexual Misconduct; TBR Policy 1:06:00:05 Procedures for Cases Subject to the Uniform Administrative Procedures Act; and, TBR Policy 3:02:00:01 Student Conduct and Disciplinary Procedures. The policy revisions were reviewed and discussed with board members on June 1 during the Committee Chairs meeting. Materials were provided to the members prior to today's Committee meeting for their approval and consideration. Regent Duckett moved to adopt the policy revisions with a second provided by Regent McElyea. The motion was approved by roll call vote. A copy of the revised policies is attached as Attachment A.

Next, the Committee considered approval of twenty-seven new programs and seven academic actions for the technical colleges. Following a presentation by Assistant Vice Chancellor Tachaka Hollins, the Committee by roll call vote approved twenty-seven new programs. The programs approved included: relocation of the Mechanical Maintenance Electrical and Instrumentation program from the TCAT Athens-Cleveland Instructional

Service Center (2A) to the TCAT Athens-McMinn Higher Education Center Extension Campus; Cosmetology Program at the TCAT-Athens to be located at the Main Campus; duplication of the Electrical and Plumbing Construction Technology program by adding an evening offering at TCAT-Crump to be located at the Henderson/Chester Technology Center Instructional Service Center (2B); duplication of the Heating, Ventilation, Air Conditioning, and Refrigeration program and add an evening offering at TCAT-Crump to be located at the main campus; Heavy Equipment Technology program at the TCAT-Crump to be located at the Parsons Extension Campus(2P); Pre-Practical Nursing (DE Only) Program at TCAT-Crump to be located at McNairy Central High School (2C); Pre-Practical Nursing (DE Only) Program at TCAT-Crump to be located at the Decatur County Riverside High School (2M); Pre-Practical Nursing (DE Only) Program at the TCAT-Crump to be located at the Adamsville High School (2A); Pre-Practical Nursing (DE Only) program TCAT-Dickson to be located at the Main Campus; Pre-Practical Nursing (DE Only) program at TCAT-Dickson to be located at Northwest High School (2H); Welding Technology program at TCAT-Hohenwald to be located at the Summertown Instructional Service Center; Forestry and Ag

Technology program at TCAT-Hohenwald to be located at the main campus; Forestry and Ag Technology program at TCAT-Hohenwald to be located at the Wayne County Technology Center (2L); Forestry and Ag Technology program at TCAT-Hohenwald to be located at the Bevis Educational Center (pending THEC site code approval); Forestry and Ag Technology program at TCAT-Hohenwald to be located at the Perry County High School (2P); Pre-Practical Nursing (DE Only) program at TCAT-Hohenwald to be located at the main campus; Pre-Practical Nursing (DE Only) program at TCAT-Hohenwald to be located at the Wayne County Technology Center (2L); Building Construction Technology dual enrollment program at the TCAT-Jackson to be located at the Humboldt High School (pending THEC site code approval); replication of existing Automotive Technology program at TCAT-Knoxville to be located at the Anderson County Higher Education Center Extension Campus(pending THEC site code approval); replication of the existing Diesel-Powered Equipment Technology program at TCAT-Knoxville to be located at the Anderson County Higher Education Center Extension Campus (pending THEC site code approval); relocation of the Industrial Maintenance/Mechatronics program from the TCAT-Knoxville Pellissippi

State Community College Strawberry Plains (2G) campus to the TCAT-Knoxville Anderson County Higher Education Center Extension Campus (pending THEC site code approval); relocation of the Machine Tool Technology program from the TCAT-Knoxville Anderson County (2F) campus to the TCAT-Knoxville Anderson County Higher Education Center Extension Campus (pending THEC site code approval); relocation of the Welding Technology program from the TCAT-Knoxville Anderson County (2F) campus to the TCAT-Knoxville Anderson County Higher Education Center Extension Campus (pending THEC site code approval); Information Technology program at TCAT-Murfreesboro to be located at the main campus; Information Technology program at TCAT- Murfreesboro to be located at the Smyrna Campus (2A); Manicuring program at TCAT Murfreesboro to be located at the main campus; and evening Automotive Service Technology program at TCAT-Murfreesboro to be located at the Murfreesboro-Smyrna Campus(2A); These items require Board approval.

The following items are for the committee's information: terminate the Electro-Mechanical Technology program at TCAT-Athens, Cleveland Institutional Service Center (2A); inactivate the Pharmacy Technology

program at TCAT-Athens; reduce program length for the Computer Information Systems program at TCAT-Jackson; reduce program length for the Administrative Office Technology program at TCAT-Murfreesboro; change program name from Building Electrical Technology to Electrical Plumbing Technology at the TCAT-Murfreesboro main campus; terminate the Information Technology and Infrastructure Management program at TCAT-Murfreesboro main campus; and inactivate the Administrative Office Technology program at TCAT Morristown located at the Hawkins County Branch only. Regent Goldsmith moved to approve staff's recommendation for proposed program terminations, modifications, and new technical program implementation for the Tennessee Colleges of Applied Technology. The motion carried by roll call vote. A copy of the recommendations is attached to the minutes as Attachment B.

The final item of business, Executive Vice Chancellor Russ Deaton provided the committee with a summary of the annual accreditation report and overview for 2019-2020 academic year. This was for informational purposes and no action was necessary.

There being no further business, Committee Chair Apple adjourned the meeting.

Respectfully submitted,

COMMITTEE ON ACADEMIC POLICIES
AND PROGRAMS AND STUDENT LIFE

MaryLou Apple, Chair

**REPORT OF THE
COMMITTEE ON EXTERNAL AFFAIRS
JUNE 18, 2021**

The Committee on External Affairs met in regular session via Microsoft Teams on June 17, 2021. At the beginning of the Committee meetings, Vice Chair Reynolds requested that members be asked if they could hear and speak with others in the meeting, and also, if they were alone. All members present responded yes to both questions. Roll call was taken, and a quorum was present.

Next, Vice Chair Reynolds stated the June meeting is typically held on a campus and requires a great deal of planning. However, the decision was made early in the planning cycle while pandemic conditions favored conducting this meeting electronically. Pandemic conditions changed and it would have been too disruptive to people's schedules, both Board members and on campus, to hold an in-person meeting. A motion was made by Regent Burdine and a second was provided by Regent Hatch to meet electronically. The motion carried by roll call vote.

Regent Varlan called upon Dr. Kim McCormick, Vice Chancellor for External Affairs, to provide an update on Government Relations, Advancement, Marketing, and Campus Safety and Security.

Dr. McCormick began with a review of legislative bills that passed the first session of the 112th General Assembly. She provided an update of bills that were tracked with an overview of legislation that affected TBR and higher education.

Next, she provided members with an Advancement update that included a report on the Cummins Technical Education in Communities (TEC) program. Cummins is an American multinational corporation that designs, manufactures, and distributes engines, filtration, and power generation products. Cummins recently met with officials at McGavock High School in Nashville and TCAT Nashville, as well as the STEM Academy at East High School in Memphis, and TCAT Memphis regarding their Technical Education in Communities (TEC) program. Cummins hopes to expand this initiative statewide.

She further reported the Foundation for the College System of Tennessee has raised \$22,700 in donations through online giving since it

started in November 2020. A total of \$11,605 had been collected for TCAT Online Giving Day (May 5). TCAT Knoxville raised \$8,500 of this total.

AT&T has awarded the Foundation a \$130,000 grant. The purpose of the grant is to support our 13 Tennessee Community Colleges in providing emergency funds to minority and underserved students to help alleviate barriers to completing their associate degrees in the areas of digital media or IT. The Community Colleges will identify the recipients and this information will be reported to AT&T to assure the funds were used as intended.

Scholarship updates included a report on the *Sam H. Odom Scholarship*. Thirty-four (34) scholarships were distributed totaling \$34,000 in Fall 2020 and Spring 2021. Twenty (20) *James Berdet Brown Scholarships* were distributed totaling \$6,000 in the past year. The Foundation received a total of \$40,100 for the *Dr. Allana Hamilton Memorial Scholarship* fund. Twenty-five thousand dollars (\$25,000) was received from the Ayers Foundation, one-thousand, one hundred and

thirty dollars (\$1,130) in personal checks had been received, and Two thousand five hundred dollars (\$2,500) in pledges.

The Committee received an overview of current marketing and advertising efforts to assist community and technical colleges with brand and recruitment strategies. These marketing efforts take into account the uncertainty that the COVID-19 pandemic caused many families when making education decisions, the steep enrollment declines at community colleges, and communicating to the public that community colleges are an essential part in Tennessee's economic engine.

Next, Dr. McCormick provided an update on Campus Safety and Security. The Department of Homeland Security is working with THEC to conduct reviews of all TBR campuses for safety and security. All institutions completed written surveys based on the principles of *Crime Prevention through Environmental Design* (CPTED). These CPTED surveys covered multiple areas of concern, including security countermeasures such as cameras and access, access control, landscaping, lighting, general safety, and building maintenance issues that impact personal safety. Security assessments focus on those elements directly

related to combating public safety hazards and criminal activity; and identify vulnerabilities that may be exploited and suggest options that may eliminate or reduce those vulnerabilities. All colleges are scheduled to have their on-site assessments completed prior to the end of July with the exception of TCAT Whiteville, which is scheduled for August 12. A final report on each community college and TCAT will be provided to each institution and to TBR. A final summary of significant findings will be generated at the system office following a review of all 40 institutions' reports.

As the last item of business, Dr. McCormick announced the position of Assistant Vice Chancellor for Campus Safety and Security / TCAT Police Chief will be filled by Chief William Kain. Chief Kain currently serves as the Chief of Police for Roane State Community College. He will be transitioning over the summer and will be full-time here at TBR in the fall.

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

Respectfully submitted,

COMMITTEE ON EXTERNAL AFFAIRS

Danni Varlan, Chair

**REPORT OF THE
COMMITTEE ON WORKFORCE DEVELOPMENT**

JUNE 18, 2021

The Committee on Workforce Development met virtually on June 17, 2021. At the beginning of the Committee meetings, Vice Chair Reynolds requested that members be asked if they could hear and speak with others in the meeting, and also, if they were alone. All members present responded yes to both questions. Roll call was taken, and a quorum was present.

Next, Vice Chair Reynolds stated that the June meeting is typically held on a campus and requires a great deal of planning. However, the decision was made early in the planning cycle while pandemic conditions favored conducting this meeting electronically. Pandemic conditions changed and it would have been too disruptive to people's schedules, both Board members and on campus, to hold an in-person meeting. A motion was made by Regent Burdine and a second was

provided by Regent Hatch to meet electronically. The motion carried by roll call vote.

Chairman Burdine called on TCAT Murfreesboro President Carol Puryear for the agenda items. The first item on the agenda was an update on Center for Workforce Development projects. This update included information on current workforce development projects and activities, including apprenticeships, campus workforce initiatives, and the Governor's Correctional Education Initiative.

The second agenda item was presented by President Puryear. The Center for Workforce Development had an opportunity to coordinate workforce needs, academic credentials and dual enrollment to meet the needs of Tennessee's agriculture industry. President Puryear featured a multimedia presentation highlighting the development of agronomy programs for Indigo Ag, Inc. by TCAT Covington, Southwest State Community College, and Motlow State Community College.

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

Respectfully submitted,

COMMITTEE ON WORKFORCE
COMMUNITY DEVELOPMENT

Miles Burdine, Chair

REPORT OF THE COMMITTEE ON AUDIT

June 1, 2021

The Committee on Audit met in regular session on June 1, 2021, at 10:30 a.m. (Central) via Microsoft Teams. 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; 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

A motion was made by Regent Apple and seconded by Regent Greene to approve the necessity of the electronic meeting due to the disruptive nature of changing the meeting from electronic to in-person

with short notice and the required timely action needed prior to the practical ability for a quorum to meet in person. The necessity was approved by roll call vote.

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

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

Item I.a., Highlights of Audit Findings and Recommendations, consisted of Mike Batson discussing the following topics: Federal Audit Reports including: US Small Business Administration Financial Examinations for Chattanooga State Community College, Pellissippi State Community College, and Volunteer State Community College; Comptroller's Audit Reports including: Northeast State Community College FY 2020- Single Audit; and Internal Audit Reports including: Nashville State Community College – Confidentiality of Student Records and TCAT Hohenwald – Cosmetology Program Allegations. 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 Federal Audit Reports, Comptroller's Office Audit Reports, Miscellaneous Reviews, and Internal Audit Reports for the third 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: The process and reasoning for Management's Risk Assessments for the Tennessee Colleges of Applied Technology was presented and the reports will be discussed in Executive Session; an update on the TBR System Office Performance Review currently being performed by state audit; an update on System-wide Internal Audit's Internal Quality Assessments; a review of the Internal Audit Training that took place in April 2021; and the Gramm Leach Bliley Act training that took place on May 26, 2021. 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: Comptroller's Office Financial and Compliance Audit Reports performed at Austin Peay State University, Middle Tennessee State University, and the University of Memphis with no findings; and the Comptroller's Office Financial and Compliance Audit Report performed at East Tennessee State University with one finding. 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 Apple and seconded by Regent Burdine 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.

Item III., Review of System-wide Internal Audit Budget for Fiscal Year 2022, was presented by Mike Batson. A motion was made by Regent Greene and seconded by Regent Burdine to approve the proposed budget. A roll call vote was conducted, and the committee voted to approve the Budget as presented. The budget is included as Attachment C 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

VSCC	Work Component Financial Aid Awards FY 2020 Review
TCAT Livingston	President's Expense Audit for FY 2020
TCAT Shelbyville	President's Expense Audit FY 2020

Internal Audit Reports for Informational Purposes- Institutional Support

CoSCC	Campus Safety and Security
-------	----------------------------

Internal Audit Reports for Informational Purposes- Instruction & Academic Support

ChSCC	Faculty Credential 2020
NaSCC	Confidentiality of Student Records
PSCC	Faculty Credentials Fall 2020

Internal Audit Reports for Informational Purposes- Investigations

TCAT Hohenwald	TBR 21-01: Cosmetology Program Allegations
-------------------	--

Internal Audit Reports for Informational Purposes- Follow-up

CoSCC	Follow-up on Policy Review and Conflict of Interest
JSCC	Follow-up to the Foundation Audit
NeSCC	Follow-up to the State Audit Report for FY 2019 & 2018

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 April 2021

Area	Type	Audit	Risk Factor	Estimated Audit Start Date	Original Hours Planned	Revised Plan	Revised to Original		FN	Planned to Actual		Completion Date	Current Status
							Change in Hours	Change in Percentage		Actual Hours	Variance		
IS	C	Management Advisory Services	5.0	Jul-20	120.0	95.0	-25.0	-21%	1	73.0	22.0		In Progress
FM	F	State Audit Assist/Follow-up	5.0	Jul-20	40.0	40.0	0.0	0%		15.0	25.0		In Progress
IS	F	Follow up Reviews	5.0	Jul-20	75.0	75.0	0.0	0%		49.0	26.0		In Progress
IS	I	Unscheduled Investigations	5.0	Jul-20	100.0	25.0	-75.0	-75%	3	0.0	25.0		Scheduled
IS	I	Developing Investigations-Assist TBR	5.0	Jul-20	15.0	40.0	25.0	167%	3	30.0	10.0		In Progress
IS	I	INV-2020-02	5.0	Jan-20	60.0	75.0	15.0	25%	3	45.0	30.0		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%		6.0	54.0		In Progress
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%		31.0	4.0	Jan-21	Completed
SS	R	Workforce Training Hours	5.0	Feb-21	100.0	60.0	-40.0	-40%	3	50.0	10.0		In Progress
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%		102.0	-2.0	Jan-21	Completed
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%		11.0	89.0		In Progress
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	0.0	0.0	100%	2	0.0	0.0		Removed
SS	R	CCTA Outcome Measure	5.0	May-21	0.0	75.0	75.0	100%	2	0.0	75.0		Scheduled

Total Planned Audit Hours: 1050.0 1050.0 0.0 673.0 377.0

Estimated Available Audit Hours = 1050

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 - Removed request for CARES Act due to delays in guidance and added CCTA Outcome Measure.
 FN3 - Projects reduced to facilitate investigations and other requests.

Cleveland State Community College
 Internal Audit Plan
 Fiscal Year Ending June 30, 2021
 Revised April 2021

Area	Type	Audit	Risk Factor	Estimated Audit Start Date	Original Hours Planned	Revised Plan	Revised to Original		FN	Planned to Actual		Completion Date	Current Status
							Change in Hours	Change in Percentage		Actual Hours	Variance		
IS	C	Management Advisory Services	5.0	Jul-20	50.0	50.0	0.0	0%		16.5	33.5		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	Year-End 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%		10.5	64.5		Scheduled
IS	M	Enterprise Risk Assessment	5.0	Nov-20	35.0	35.0	0.0	0%		8.5	26.5	Jan-21	Completed
IA	R	Work Force Training Hours	5.0	Dec-20	120.0	0.0	-120.0	-100%	1		0.0		Removed
FM	R	CARES Act	5.0	Mar-20	175.0	0.0	-175.0	-100%	1		0.0		Removed
FM	R	President's Audit Columbia	5.0	Aug-20	120.0	120.0	0.0	0%		118.5	1.5	Oct-20	Completed
FM	A	Travel	1T	Oct-20	125.0	125.0	0.0	0%		70.5	54.5	Nov-20	Completed
FM	R	Campus Safety/Physical Security	5.0	Jul-20	15.0	15.0	0.0	0%		12.0	3.0	Jul-20	Completed
FM	A	Technology Access Fee	1T	Jan-21	120.0	120.0	0.0	0%		62.5	57.5		In Progress
IS	R	QAR Self Review	5.0	Jun-21	0.0	60.0	60.0	N/A	1		60.0		Scheduled
IA	R	CCTA-Completion	5.0	May-21	0.0	175.0	175.0	N/A	1		175.0		Scheduled
FM	S	Nursing Adjunct hours	5.0	Apr-21	0.0	100.0	100.0	N/A	1	80.0	20.0		In Progress
Total Planned Audit Hours:					1045.0	1085.0	40.0			384.5	700.5		

Estimated Available Audit Hours = 1085

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- Audits postponed removed from schedule due them being postponed and other required audits added.

Columbia State Community College
Internal Audit Plan
Fiscal Year Ending June 30, 2021
Revised March 2021

Area	Type	Audit	Risk Factor	Estimated Audit Start Date	Original Hours Planned	Revised Plan	Revised to Original		FN	Planned to Actual		Completion Date	Current Status
							Change in Hours	Change in Percentage		Actual Hours	Variance		
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	Nov-20	Completed
FM	S	President's Expense - CISCC	5.0	Oct-20	75.0	66.0	-9.0	-12%	2	66.1	0.0	Oct-20	Completed
IA	R	CCTA-Progression	5.0	Jan-21	52.5	120.0	67.5	129%	3	2.8	117.3		
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	12.6	9.9	Oct-20, Jan-21	In Progress
IT	F	SWIA LOU Follow-up	5.0	Jul-20	52.5	82.5	30.0	57%	2	82.5	0.0	Mar-21	Completed
IA	F	WF/CE IA Engagement Follow-up	5.0	Jul-20	22.5	35.0	12.5	56%	2	34.2	0.9	Nov-20	Completed
SS	F	Financial Aid (3rd Party Risk Mgmt) IA Engagement FU	5.0	Dec-20	22.5	47.5	25.0	111%	2	44.3	3.3		In Progress
IS	F	Policy Review Engagement FU	5.0	Jul-20	15.0	35.0	20.0	133%		34.7	0.4	Mar-21	Completed
IS	F	Conflict of Interest FU	5.0	Jul-20	0.0	4.0	4.0	100%	4	4.00	0.0	Mar-21	Completed
AD	F	Foundation Engagement Follow-up	5.0	Jul-20	7.5	1.6	-5.9	-79%	2	1.6	0.0	Jul-20	Completed
FM	F	State Audit Findings FU	5.0	Jun-20	0.0	1.6	1.6	100%		1.60	0.0	Jul-20	Completed
FM	M	Review Management's Risk Assessment	5.0	Jan-21	22.5	13.8	-8.7	-39%	2	13.8	0.1	Jan-21	Completed
AT	C	Title IX Gender Equity Assessment	3.5	Aug-20	75.0	52.5	-22.5	-30%	2	25.1	27.4		In Progress
IS	C	Informal Consulting		Jul-19	75.0	73.7	-1.3	-2%	2	64.9	8.8		In Progress
IS	P	Data Analytics - QAIP		Nov-20	202.5	74.0	-128.5	-63%	2		74.0		
IS	P	Awareness & Education		Dec-20	105.0	30.0	-75.0	-71%	2	23.55	6.5		Scheduled
IS	P	Quality Assurance Review - 3yr		Aug-20	52.5	55.0	2.5	5%	2	55.00	0.0		In Progress
IS	C	Complaint Processing		Aug-20	0.0	0.5	0.5	100%	2	3.50	-3.0	Aug-20	Completed
SS	C	Financial Aid 2019	5.0	May-19	0.0	1.3	1.3	100%	6	1.25	0.0	Feb-21	Completed
IS	P	COVID Value-Added Services		Aug-20	0.0	255.0	255.0	100%	1	242.95	12.1		In Progress
Total Planned Audit Hours:					1050.0	1150.0	100.0				749.9	400.1	
Estimated Available Audit Hours =					1050								

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 - Value-added services during COVID-19
FN2 - Adjustments to meet needs of engagements
FN3 - Audit Renamed - SWIA changed focus from WFD to Progression; increased audit hours to accommodate new focus
FN4 - Separated from Policy Review FU
FN5 - Adjusted Follow-up Process; individually listed engagements
FN6 - Administratively Close September 2019; document not previously filed with SWIA

Dyersburg State Community College
Internal Audit Plan
Fiscal Year Ending June 30, 2021
Revised April 2021

Area	Type	Audit	Risk Factor	Estimated Audit Start Date	Original Hours Planned	Revised Plan	Revised to Original		FN	Planned to Actual		Completion Date	Current Status
							Change in Hours	Change in Percentage		Actual Hours	Variance		
PP	R	Physical Security/Campus Safety		Jun-20	20.0	42.0	22.0	110%		42.0	0.0	Aug-20	Completed
AD	R	Workforce Development Contact Hours		Dec-20	38.0	0.0	-38.0	-100%	1	0.0	0.0		Removed
IS	P	PII Review		Aug-20	60.0	90.0	30.0	50%		76.0	14.0		In Progress
IS	C	General Consultation		Jul-20	100.0	90.0	-10.0	-10%		81.0	9.0		In Progress
IS	A	Human Resources		Nov-20	65.0	150.0	85.0	131%		88.0	62.0		In Progress
FM	A	Cash Handling		Dec-20	45.0	45.0	0.0	0%		33.0	12.0		In Progress
AT	A	Athletics Eligibility		Jul-20	25.0	50.0	25.0	100%		48.0	2.0		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	16.0	6.0	-10.0	-63%		0.0	6.0		In Progress
IS	R	Follow-up on Foundation Audit		Dec-20	54.0	54.0	0.0	0%		54.0	0.0	Dec-20	Completed
IS	R	Follow-up on Investigative Audits		Apr-21	30.0	30.0	0.0	0%		0.0	30.0		Scheduled
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	80.0	0.0	0%		57.0	23.0		In Progress
IS	P	QAR Self Assessment		Nov-20	60.0	106.0	46.0	77%		94.0	12.0		In Progress
SS	R	CARES Act		May-21	120.0	0.0	-120.0	-100%	2	0.0	0.0		Removed
PP	R	Building Security and Keys Audit		Jun-21	110.0	110.0	0.0	0%		0.0	110.0		Scheduled
FM	R	Year End Bank Confirmations		Jun-21	30.0	30.0	0.0	0%		0.0	30.0		Scheduled
Total Planned Audit Hours:					1093.0	1093.0	0.0			638.0	455.0		

Estimated Available Audit Hours = 1093.0

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

Footnotes: (1) Audit removed at the recommendation of SWIA, will possibly be completed in FY2022.
 (2) Audit postponed until FY2022.

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

Area	Type	Audit	Risk Factor	Estimated Audit Start Date	Original Hours Planned	Revised Plan	Revised to Original		FN	Planned to Actual		Completion Date	Current Status
							Change in Hours	Change in Percentage		Actual Hours	Variance		
IA	R	CCTA Element Audit		April 2021	150.0	150.0	0.0	0%			150.0		Scheduled
SS	S	Veterans Affairs Student Records		January 2021	125.0	125.0	0.0	0%			111.5	13.5	In Progress
IS	R	CARES Act		March 2021	200.0	0.0	-200.0	-100%			0.0		Removed
FM	F	Access and Diversity Follow up		September 2020	125.0	109.5	-15.5	-12%			109.5	0.0	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		March 2021	125.0	31.5	-93.5	-75%			31.5	0.0	Sep-20 Completed
IA	F	Workforce Development Follow up		April 2021	75.0	150.0	75.0	100%			68.5	81.5	In Progress
SS	F	Inv 18-03 Follow up		September 2020	140.0	140.0	0.0	0%			46.5	93.5	In Progress
AT	F	Inv 19-01 Follow up		October 2020	140.0	140.0	0.0	0%			24.0	116.0	In Progress
AD	F	Foundation Follow up		November 2020	140.0	55.0	-85.0	-61%			55.0	0.0	Jan-21 Completed
IS	M	Risk Assessment		December 2020	40.0	101.5	61.5	154%			101.5	0.0	Jan-21 Completed
FM	R	Year-end Procedures		July 2020	40.0	40.0	0.0	0%			40.0		Scheduled
IS	C	General Consultation		As needed	150.0	150.0	0.0	0%			98.0	52.0	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		June 2021	0.0	150.0	150.0				18.0	132.0	Scheduled
IS	I	Unscheduled Investigations and Special Requests		As needed	100.0	172.0	72.0	72%			172.0		Scheduled
Total Planned Audit Hours:					1650.0	1650.0	0.0				799.5	850.5	

Estimated Available Audit Hours = 1650

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

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 April 2021

Area	Type	Audit	Risk Factor	Estimated Audit Start Date	Original Hours Planned	Revised Plan	Revised to Original		FN	Planned to Actual		Completion Date	Current Status
							Change in Hours	Change in Percentage		Actual Hours	Variance		
AD	R	Workforce Development and Follow Up		Dec-20	80.0	60.0	-20.0	-25%		29.9	30.1		In Progress
PP	R	Security - Physical Observation - Supplemental		Apr-21	75.0	0.0	-75.0	-100%	FN3	3.0	-3.0		Removed
FM	R	CARES Funding		Apr-21	125.0	0.0	-125.0	-100%	FN4	0.0	0.0		Removed
IA	A	Faculty Credentials	5.0	Jul-20	100.0	100.0	0.0	0%		27.0	73.0		In Progress
FM	S	President's Expense Review (Special Request)		Apr-21	75.0	40.0	-35.0	-47%		0.0	40.0		Scheduled
IA	M	Risk Assessment		Nov-20	30.0	35.0	5.0	17%		36.6	-1.6	Jan-21	Completed
IT	A	Information Technology - Follow Up		Sep-20	20.0	15.0	-5.0	-25%		10.6	4.4		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	120.0	90.0	300%	FN 2	94.2	25.8		In Progress
AT	F	Follow Up INV 1802		Jul-20	30.0	20.0	-10.0	-33%		14.9	5.1		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	75.0	35.0	88%	FN5	49.3	25.7		In Progress
AD	F	Follow Up Foundation		Aug-20	40.0	40.0	0.0	0%		18.4	21.6		In Progress
AD	I	INV 20-03		Jul-20	50.0	25.0	-25.0	-50%		16.0	9.0		In Progress
FM	C	General Consultation		Jul-20	50.0	100.0	50.0	100%		80.7	19.3		In Progress
IS	P	IIA Quality Assurance Self-Assessment		May-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%		3.7	6.3		In Progress
IS	I	Unscheduled Investigations		Jul-20	50.0	150.0	100.0	200%		144.2	5.8		In Progress
FM	P	Data Analytics Project		Dec-20	75.0	50.0	-25.0	-33%		17.5	32.5		In Progress
SS	A	Admissions & Records	5.0	Jun-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	5.0	-75.0	-94%		0.0	5.0		Scheduled
IS	R	CCTA Audit - Completion		May-21		60.0	60.0	N/A	FN6	0.0	60.0		Scheduled
Total Planned Audit Hours:					1140.0	1140.0	0.0			631.9	508.1		
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 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 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 Review by external agency that will cover physical security review
 FN4 Required TBR audit being rescheduled for next fiscal year
 FN5 Access and Diversity Follow Up #3 has exceeded budgeted hours and is ongoing.
 FN6 Audit added as required audit by TBR

Nashville State Community College
Internal Audit Plan
Fiscal Year Ending June 30, 2021
Revised April 2021

Area	Type	Audit	Risk Factor	Estimated Audit Start Date	Original Hours Planned	Revised Plan	Revised to Original		FN	Planned to Actual		Completion Date	Current Status
							Change in Hours	Change in Percentage		Actual Hours	Variance		
IS	F	Physical Security / Campus Safety Follow Up	4.3	May-21	100.0	100.0	0.0	0%		0.0	100.0		Scheduled
FM	R	CARES Act	3.7	Mar-21	112.5	0.0	-112.5	-100%	1	0.0	0.0		Removed
IA	R	CCTA Element (Workforce Development)	3.7	Apr-21	112.5	112.5	0.0	0%		0.0	112.5		Scheduled
FM	F	State Audit Follow Up	3.6	Jan-21	37.5	37.5	0.0	0%		37.5	0.0	Apr-21	Completed
IS	A	Police Department	3.4	Feb-21	100.0	0.0	-100.0	-100%	2	0.0	0.0		Removed
IS	A	Disaster Recovery/Continuity of Operations Plan (COOP)	4.2	Sep-20	75.0	75.0	0.0	0%		30.0	45.0		Scheduled
FM	A	Travel	3.4	Aug-20	75.0	75.0	0.0	0%		52.5	22.5		In Progress
FM	A	Purchase Card / Procurement	3.4	Oct-20	112.5	112.5	0.0	0%		30.0	82.5		In Progress
FM	A	Cash Collection	3.3	Apr-21	100.0	100.0	0.0	0%		0.0	100.0		Scheduled
FM	A	Payroll/ Time and Leave	3.4	Dec-20	75.0	75.0	0.0	0%		30.0	45.0		In Progress
IS	C	Consulting Activities	3.0	As needed	37.5	37.5	0.0	0%		37.5	0.0		In Progress
IT	A	Confidentiality of Student Records	3.9	Nov-20	112.5	112.5	0.0	0%	3	112.5	0.0	Mar-21	Completed
IS	R	Internal QAR Assessment	3.0	Apr-21	0.0	75.0	75.0	N/A	4	0.0	75.0		Scheduled
AD	F	Foundation Audit Follow Up	3.0	Mar-21	0.0	37.5	37.5	N/A	4	22.5	15.0		In Progress
Total Planned Audit Hours:					1050.0	950.0	-100.0			352.5	597.5		

Estimated Available Audit Hours = 1050

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 Moved to FY2022
FN2 Moved to FY2022
FN3 Previously named Personal Identifiable Information / Data Security
FN4 New Projects Added

Northeast State Community College
Internal Audit Plan
Fiscal Year Ending June 30, 2021
Revised April 2021

Area	Type	Audit	Risk Factor	Estimated Audit Start Date	Original Hours Planned	Revised Plan	Revised to Original		FN	Planned to Actual		Completion Date	Current Status
							Change in Hours	Change in Percentage		Actual Hours	Variance		
SS	R	Complete College Tennessee Act: Completion	5.0	May-21	100.0	100.0	0.0	0%		0.0	100.0		Scheduled
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	0.0	-150.0	-100%	1	0.0	0.0		Removed
FM	R	State Audit Follow-Up	5.0	Nov-20	60.0	100.0	40.0	67%	2	99.5	0.5	Feb-21	Completed
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	125.0	25.0	25%	2	89.5	35.5		In Progress
IS	C	QAR Self-Study	5.0	Nov-20	75.0	75.0	0.0	0%		54.0	21.0		In Progress
IT	S	Access Termination	5.0	Oct-19	35.0	83.0	48.0	137%	2	89.5	-6.5	Jan-21	Completed
FM	A	NorCard Procurement Cards	5.0	Sep-20	75.0	150.0	75.0	100%	2	124.0	26.0		In Progress
IS	I	Unscheduled Investigations	5.0	Jul-20	100.0	50.0	-50.0	-50%	3	0.0	50.0		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%		109.0	-9.0		In Progress
IS	F	Other Audit Follow-Up	5.0	Jul-20	50.0	50.0	0.0	0%		40.5	9.5		In Progress
IS	M	Risk Assessment	5.0	Oct-20	50.0	50.0	0.0	0%		51.0	-1.0	Jan-21	Completed
IS	C	Management Advisory Services	5.0	Jul-20	100.0	150.0	50.0	50%	3	117.5	32.5		In Progress
Total Planned Audit Hours:					1150.0	1115.0	-35.0			832.5	282.5		

Estimated Available Audit Hours = 1115.0

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

Footnote 1: Removed by TBR. Hours allocated to expand the scopes of other projects.

Footnote 2: Hours increased due to complexity

Footnote 3: Hours reallocated to other projects

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

Area	Type	Audit	Risk Factor	Estimated Audit Start Date	Original Hours Planned	Revised Plan	Revised to Original		FN	Planned to Actual		Completion Date	Current Status
							Change in Hours	Change in Percentage		Actual Hours	Variance		
IS	R	Cares Act Funding	5.0	Apr-21	200.0	0.0	-200.0	-100%	5	0.0	0.0		Removed
FM	R	Year End Inventory & Cash Counts	5.0	Jun-21	15.0	15.0	0.0	0%		0.0	15.0		Scheduled
IS	R	Funding Formula - Completion	5.0	Mar-21	75.0	120.0	45.0	60%	6	7.5	112.5		In Progress
IS	R	QAR Self Assessment	5.0	Aug-20	75.0	75.0	0.0	0%		65.0	10.0	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%		25.0	-2.5	Jan-21	Completed
IA	S	Faculty Credentials	5.0	Nov-20	105.0	105.0	0.0	0%		91.5	13.5	Jan-21	Completed
IA	S	Review of Compliance Assist	5.0	Feb-21	37.5	37.5	0.0	0%		37.5	0.0	Mar-21	Completed
IT	S	Vulnerability Assessment - Electronic Key System	5.0	Oct-20	187.5	187.5	0.0	0%		164.0	23.5	Dec-20	Completed
AD	C	Advancement Management Advisory Services, Consultation, etc.	5.0	Jul-20	52.5	52.5	0.0	0%		20.5	32.0		In Progress
FM	C	Finance Management Advisory Services, Consultation, etc.	5.0	Jul-20	37.5	37.5	0.0	0%		27.0	10.5		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%		314.5	130.5		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 - Phishing Campaign	5.0	Jul-20	52.5	202.5	150.0	286%	4	157.5	45.0		In Progress
IT	C	IT Audit Management Advisory Service - General Security Review	5.0	Jul-20	165.0	165.0	0.0	0%		156.5	8.5		In Progress
IT	C	IT Audit Management Advisory Service - PCI & ACH Review	5.0	Jul-20	150.0	100.0	-50.0	-33%	3	66.5	33.5		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%		184.0	3.5	Mar-21	Completed
IT	A	Vulnerability Assessment - PSDB (store degree works data and Luminus Information)	3.4	Mar-21	187.5	187.5	0.0	0%		23.5	164.0		In Progress

Total Planned Audit Hours: 2542.5 2517.5 -25.0 1694.0 823.5
 Estimated Available Audit Hours = 2515

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.
FN4 - This originally started out as IT Audit Management Advisory Service related to building security. However, due to limited building access in FY21 it was changed to a Phishing Campaign. This campaign was coordinated with the Network and Technical Services Department of the college and involved internal audit designing the campaign as well as implementing the campaign. Prior to conducting the campaign extensive testing was performed by internal audit as well as Network and Technical Services. Because this was the first campaign conducted extra time was required to design, test and determine proper deployment techniques.
FN5 - This audit was removed from the audit plan because federal guidance related to it had not been finalized as of April of 2021. Since complete guidance was not available at this time it was determined by the Tennessee Board of Regents that this audit would be postponed.
FN6 - Audit was changed from funding formula workforce development to completion so hours were increased to reflect approximate time this audit took the last time it was completed.

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

Area	Type	Audit	Risk Factor	Estimated Audit Start Date	Original Hours Planned	Revised Plan	Revised to Original		FN	Planned to Actual		Completion Date	Current Status
							Change in Hours	Change in Percentage		Actual Hours	Variance		
SS	R	Workforce Development	5.0	Jul-20	75.0	37.5	-37.5	-50%	6	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%	2		0.0		Removed
IS	M	Enterprise Risk Assessment	5.0	Nov-20	75.0	40.0	-35.0	-47%	4	40.0	0.0	Jan-21	Completed
FM	A	Grants	3.4	Dec-20	75.0	85.0	10.0	13%	9	47.0	38.0		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	0.0	-75.0	-100%	5	0.0	0.0		Removed
IS	A	Sick Leave Bank	3.5	Mar-20	22.5	32.5	10.0	44%	7	15.0	17.5		In Progress
FM	F	State Audit Follow-up	5.0	Jul-20	52.5	52.5	0.0	0%		22.5	30.0		In Progress
FM	F	IAR Audit Follow-up	5.0	Jul-20	70.0	70.0	0.0	0%		45.0	25.0		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	110.0	30.0	38%	8	60.0	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%		7.5	15.0		In Progress
IS	R	Campus Safety & Security	5.0	Jul-20	0.0	22.5	22.5	N/A		20.0	2.5		In Progress
AX	S	Foundation - Data Security Consulting	5.0	Jul-20	0.0	100	100.0	N/A	3	90.0	10.0		In Progress
IA	S	Nursing Program Review	5.0	Jan-21	0.0	140.0	140.0	N/A	1	82.5	57.5		In Progress
Total Planned Audit Hours:					1050.0	1050.0	0.0			556.5	493.5		

Estimated Available Audit Hours = 1050

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

- 1 Added Nursing Program Review at Management's Request and removed Healthcare Admissions.
- 2 Removed International Education Audit due to trip cancellations Related to Covid
- 3 Added Foundation Data Security Consulting Review and increased hours
- 4 Moved additional hours from Enterprise Risk Assessment to Nursing Program Review
- 5 Removed the CARES Act Audit to be scheduled next fiscal year
- 6 Reduction in scope of Workforce Development audit (CCTA Completion Audit)
- 7 Added hours due to difficulty in obtaining information
- 8 Added hours due to complexity of Foundation donor agreements
- 9 Added hours due to complexity of grant documents

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

Area	Type	Audit	Risk Factor	Estimated Audit Start Date	Original Hours Planned	Revised Plan	Revised to Original		FN	Planned to Actual		Completion Date	Current Status
							Change in Hours	Change in Percentage		Actual Hours	Variance		
FM	A	IAR-Cash Count		Jun-20	37.5	37.5	0.0	0%		0.0	37.5		Scheduled
SS	S	Out of State Tuition		Jul-20	97.5	62.5	-35.0	-36%		0.0	62.5		In Progress
FU	R	FU-Foundation Audit		Sep-20	22.5	17.5	-5.0	-22%		13.0	4.5		In Progress
FM	S	Review of Accounts Payable Vendors		Aug-20	97.5	70.0	-27.5	-28%		11.5	58.5		In Progress
FU	S	FU-Time Sheet Preparation		Oct-20	22.5	54.5	32.0	142%		54.5	0.0	Dec-20	Completed
IS	R	Campus Safety Audit		Jul-20	97.5	171.0	73.5	75%		171.0	0.0	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	74.5	-15.5	-17%		0.0	74.5		In Progress
FM	S	Review of Driver License		Jan-21	97.5	38.0	-59.5	-61%		0.0	38.0		Scheduled
FM	F	FU-Whitehaven Federal Work Study		Oct-20	45.0	2.5	-42.5	-94%	2	2.5	0.0		Removed
FM	S	Review of Ghost Employees		Feb-21	87.5	115.5	28.0	32%		115.5	0.0		In Progress
FM	I	INV-Investigation of Clubs		Mar-21	45.5	91.5	46.0	101%		91.0	0.5		In Progress
FM	F	FU-IT Audit		Apr-21	20.0	36.0	16.0	80%		36.0	0.0	Dec-20	Completed
IS	A	IAR Risk Assessment		May-21	34.5	15.5	-19.0	-55%		16.0	-0.5	Jan-21	Completed
IS	F	FU-Internal Audit Follow Up		Jul-20	15.0	0.0	-15.0	-100%		0.0	0.0		In Progress
SS	C	IAR-General Consultant		Jul-20	82.5	79.5	-3.0	-4%		78.5	1.0		In Progress
FM	I	Unscheduled Investigation		Jul-20	62.5	0.0	-62.5	-100%		0.0	0.0		In Progress
FM	P	ACM-Audit Software		Jul-20	60.0	62.5	2.5	4%		52.0	10.5		In Progress
FM	I	INV-Investigation of Cafeteria		May-21	35.0	19.0	-16.0	-46%		0.0	19.0		Scheduled
FM	R	IAR-President Audit		Sep-20	0.0	80.5	80.5	N/A		80.5	0.0	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	47.0	47.0	N/A	1	0.0	47.0		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 0.0 794.5 353.0

Estimated Available Audit Hours = 1147.5

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: Workforce Development was removed from the audit plan and the Cares Act was scheduled for audit,
FN2: Work Study funds were transferred to the Federal Supplemental Educational Opportunity Grands funds.

Volunteer State Community College
Internal Audit Plan
Fiscal Year Ending June 30, 2021
Revised April 2021

Area	Type	Audit	Risk Factor	Estimated Audit Start Date	Original Hours Planned	Revised Plan	Revised to Original		FN	Planned to Actual		Completion Date	Current Status
							Change in Hours	Change in Percentage		Actual Hours	Variance		
IS	R	Security Funding Allocation	5.0	May-20	100.0	30.0	-70.0	-70%		29.5	0.5	Jul-20	Completed
SS	S	Work Component Financial Aid	8.5	Aug-20	175.0	460.0	285.0	163%		460.5	-0.5	Mar-21	Completed
IA	R	CCTA Funding Formula Elements	7.4	Mar-21	200.0	200.0	0.0	0%		0.0	200.0		Scheduled
IS	R	CARES Act	5.0	Mar-21	175.0	0.0	-175.0	-100%	(1)	0.0	0.0		Removed
IS	M	Management Risk Assessment	5.0	Oct-20	40.0	95.0	55.0	138%		95.0	0.0	Jan-21	Completed
FM	R	State Audit Year-End Work	5.0	May-21	40.0	40.0	0.0	0%		0.0	40.0		Scheduled
IS	P	IHA QAIP Self Assessment	5.0	Jul-20	100.0	100.0	0.0	0%		22.5	77.5		In Progress
IS	R	Follow-up Activities	5.0	Jul-20	50.0	50.0	0.0	0%		5.5	44.5		In Progress
IS	C	General Consultation	5.0	Jul-20	75.0	75.0	0.0	0%		10.5	64.5		In Progress
IS	I	Unscheduled Investigations	5.0	Jul-20	40.0	40.0	0.0	0%		0.0	40.0		Scheduled
FM	A	Cash Receipts	4.7	Apr-21	175.0	0.0	-175.0	-100%	(2)	0.0	0.0		Removed
Total Planned Audit Hours:					1170.0	1090.0	-80.0			623.5	466.5		

Estimated Available Audit Hours = 1090

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

(1) Audit was postponed by TBR.

(2) Audit was added back to the audit plan after the CARES Act audit was postponed.

**Walters State Community College
Internal Audit Plan
Fiscal Year Ending June 30, 2021
Revised April 2021**

Area	Type	Audit	Risk Factor	Estimated Audit Start Date	Original Hours Planned	Revised Plan	Revised to Original		FN	Planned to Actual		Completion Date	Current Status
							Change in Hours	Change in Percentage		Actual Hours	Variance		
IS	C	Management Advisory Services/Consulting	5.0	Jul-20	300.0	300.0	0.0	0%		225.0	75.0		In Progress
FM	F	State Audit Assist/Follow-up	5.0	Oct-20	12.0	0.0	-12.0	-100%	1	0.0	0.0	N/A	Removed
IS	R	IAR-NeSCC President's Expenses Audit 2021	5.0	Aug-19	90.0	90.0	0.0	0%		90.0	0.0	Oct-20	Completed
SS	F	IAR-FU-CCTA-Workforce Training Hours 2019	5.0	Dec-20	22.5	0.0	-22.5	-100%	2		0.0		Removed
IS	R	IAR-CARES Act Review 2021	5.0	Feb-21	40.0	80.0	40.0	100%		30.0	50.0		In Progress
A	IT	IT Governance	5.0	Feb-21	105.0	105.0	0.0	0%		40.0	65.0		In Progress
M	IS	WSCC Enterprise-wide Risk Assessment	5.0	Dec-20	22.5	0.0	-22.5	-100%	3		0.0		Removed
IS	M	WSCC Risk Assessment - Student Success	5.0	Dec-20	22.5	22.5	0.0	0%	3	22.5	0.0	Dec-20	Completed
A	M	Accounts Receivable	5.0	Oct-20	45.0	62.0	17.0	38%		45.0	17.0		In Progress
IS	M	WSCC IT and Fin Aid Risk Assessments	5.0	Dec-20	37.5	37.5	0.0	0%			37.5		Scheduled
IS	P	IAR-QAR Self & External	5.0	Jun-21	22.5	22.5	0.0	0%			22.5		Scheduled
FM	S	YE Procedures FYE 2021	5.0	Jun-21	22.5	22.5	0.0	0%			22.5		Scheduled
FM	S	YE Procedures FYE 2020	5.0	Jul-20	22.5	22.5	0.0	0%		15.0	7.5	Jul-20	Completed
IT	S	IAR-NACHA-2021	5.0	Jan-21	75.5	75.5	0.0	0%		60.0	15.5		In Progress
I	IS	Unscheduled Investigations	5.0	Jul-20	105.0	105.0	0.0	0%		82.5	22.5		In Progress
SS	R	IAR-CCTA-Workforce Training Hours 2021	5.0	Mar-21	105.0	30.0	-75.0	-71%	2	30.0	0.0		Removed
SS	R	IAR-CCTA-Progression	5.0	Jul-20	0.0	75.0	75.0	#DIV/0!	2	7.5	67.5		Scheduled

Total Planned Audit Hours: 1050.0 1050.0 0.0 647.5 402.5

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

- 1 - Since State Audit issued no findings with respect to the bi-annual audit of WSCC, no State Audit follow-up is needed.
- 2 - IAR-CCTA-Workforce Training Hours was initially deferred and then tabled indefinitely, ultimately being replaced by IAR-CCTA-Progression 2021.
- 3 - The Enterprise-side Risk Assessment was performed as an inherent part of the Student Success Risk Assessment.

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

Area	Type	Audit	Risk Factor	Estimated Audit Start Date	Original Hours Planned	Revised Plan	Revised to Original		FN	Planned to Actual		Completion Date	Current Status
							Change in Hours	Change in Percentage		Actual Hours	Variance		
IS	C	Consultation with Campus Auditors		Jul-20	200.0	68.5	-131.5	-66%		55.0	13.5		In Progress
IS	PR	Investigation Management		Jul-20	200.0	300.0	100.0	50%		285.0	15.0		In Progress
IS	I	State Audit Follow-up for TBR		Jul-20	75.0	10.0	-65.0	-87%		0.0	10.0		
FM	I	Unscheduled Investigations		Jul-20	347.5	0.0	-347.5	-100%	2	0.0	0.0		Removed
FM	I	INV TBR 21-01		Sep-20	0.0	187.5	187.5	N/A		187.5	0.0	21-Mar	Completed
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	Completed
FM	I	INV TBR 19-06		Jul-19	20.0	2.0	-18.0	-90%	1	2.0	0.0	Feb-21	Completed
IS	I	INV TBR 19-07		May-19	20.0	2.0	-18.0	-90%	1	2.0	0.0	Feb-21	Completed
IS	O	INV TBR 21-02		Nov-20	0.0	75.0	75.0	N/A		75.0	0.0	20-Dec	Completed
AT	S	INV TBR 21-03		Jan-21	0.0	75.0	75.0	N/A		75.0	0.0	20-Dec	Completed
IS	S	INV TBR 21-04		Feb-21	0.0	75.0	75.0	N/A		50.0	25.0		In Progress
PP	I	INV TBR 21-05		Feb-21	0.0	150.0	150.0	N/A		75.0	75.0		In Progress
FM	I	INV TBR 21-06		Apr-21	0.0	37.5	37.5	N/A		15.0	22.5		In Progress

Total Planned Audit Hours: 1050.0 1050.0 0.0 889.0 161.0

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- After additional review, deemed not Fraud, Waste, or Abuse and no additional work necessary.
FN2- Place holder removed.

**TBR- Information Systems
Internal Audit Plan
Fiscal Year Ending June 30, 2021
Revised April 2021**

Area	Type	Audit	Risk Factor	Estimated Audit Start Date	Original Hours Planned	Revised Plan	Revised to Original		FN	Planned to Actual		Completion Date	Current Status
							Change in Hours	Change in Percentage		Actual Hours	Variance		
IT	R	MSSC Information Security	5.0	Jan-21	150.0	150.0	0.0	0%		96.0	54.0	Jan-21	Completed
IT	R	NASCC Information Security	5.0	Dec-20	150.0	150.0	0.0	0%		148.0	2.0	Mar-21	Completed
IT	R	VSSC Information Security	5.0	Feb-21	150.0	150.0	0.0	0%	1	8.0	142.0		In Progress
IT	R	WSSC Information Security	5.0	Feb-21	150.0	150.0	0.0	0%		110.0	40.0		In Progress
IT	R	CISCC Information Security	5.0	Apr-21	150.0	150.0	0.0	0%		0.0	150.0		Scheduled
IT	R	RSSC Information Security	5.0	Mar-21	150.0	150.0	0.0	0%	2	12.0	138.0		In Progress
IT	R	PSSC Information Security	5.0	Jun-21	150.0	150.0	0.0	0%		0.0	150.0		Scheduled
Total Planned Audit Hours:					1050.0	1050.0	0.0			374.0	676.0		

Estimated Available Audit Hours = 1050

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

FN #1 Audit has been delayed because VSSC is currently involved in a State of Tennessee audit.
 FN #2 Audit has be delayed to a COVID issue at RSSC.

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

Area	Type	Audit	Risk Factor	Estimated Audit Start Date	Original Hours Planned	Revised Plan	Revised to Original		FN	Planned to Actual		Completion Date	Current Status
							Change in Hours	Change in Percentage		Actual Hours	Variance		
FM	A	FY 20 Perkins Audit	NA	Jan-21	100.0	0.0	-100.0	-100%		0.0	0.0		Removed
FM	C	FY 20 TCAT Consultation	NA	Jul-20	200.0	222.5	22.5	11%		207.0	15.5		In Progress
FM	R	FY 20 TCAT Risk Assessment	NA	Oct-20	75.0	100.0	25.0	33%		119.0	-19.0		In Progress
FM	C	FY 20 TCAT Audit Program	NA	Jul-20	75.0	125.0	50.0	67%	FN3	135.5	-10.5		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		In Progress
FM	R	FY 20 TCAT Knoxville President's Expense	4.7	Jul-20	37.5	37.5	0.0	0%		26.0	11.5		In Progress
FM	R	FY 19 TCAT Elizabethton President's Expense	4.7	Jul-20	37.5	37.5	0.0	0%		26.0	11.5		In Progress
FM	R	FY 19 TCAT Murfreesboro President's Expense	4.7	Jul-20	37.5	37.5	0.0	0%		23.5	14.0		In Progress
FM	R	FY 19 TCAT Nashville President's Expense	4.6	Jul-20	37.5	37.5	0.0	0%		30.0	7.5		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%		39.5	-2.0	Mar-21	Completed
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%		29.5	8.0		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	Aug-20	Completed
FM	R	FY 20 TCAT Crossville President's Expense	3.1	Aug-20	37.5	37.5	0.0	0%		26.5	11.0		In Progress
FM	R	FY 20 TCAT Ripley President's Expense	2.7	Mar-21	22.5	22.5	0.0	0%		22.5	0.0		In Progress
FM	R	FY 20 TCAT Pulaski President's Expense	2.7	Apr-21	37.5	62.5	25.0	67%	FN4	46.5	16.0		In Progress
FM	R	FY 20 TCAT Shelbyville President's Expense	2.6	Feb-21	22.5	22.5	0.0	0%		44.5	-22.0	Mar-21	Completed
FM	R	FY 20 TCAT Newbern President's Expense	2.6	Mar-21	37.5	37.5	0.0	0%		23.0	14.5		In Progress
FM	R	FY 20 TCAT Oneida President's Expense	2.6	Feb-21	22.5	22.5	0.0	0%		27.0	-4.5		In Progress
FM	R	FY 20 TCAT Crump President's Expense	2.6	May-21	37.5	37.5	0.0	0%		16.5	21.0		In Progress
FM	A	FY 20 TCAT Dickson SFA Review	2.5	May-21	22.5	0.0	-22.5	-100%		0.0	0.0		Removed
FM	R	FY 20 TCAT Jacksboro President's Expense	2.1	Mar-21	22.5	22.5	0.0	0%		23.0	-0.5		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	Nov-20	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	Dec-20	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	Sep-20	Completed

Total Planned Audit Hours: 1212.5 1212.5 0.0 1030.0 182.5
 Estimated Available Audit Hours = 1212.50

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

FN1: These audits have not been started.
 FN2: Security Review was added in during the President's Review

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

FN3: Auditor is on the Audit Program Committee and more hours were required
 FN4: Due to the Corona Virus, the auditor was asked to review additional policies

Status:

- Scheduled
- In Progress
- Completed
- Removed

Attachment C
Approved SWIA Budget for the
Fiscal Year Ended June 30, 2022

**Tennessee Board of Regents
Office of System-wide internal Audit
Operating Budget for Fiscal Year 2021-2022**

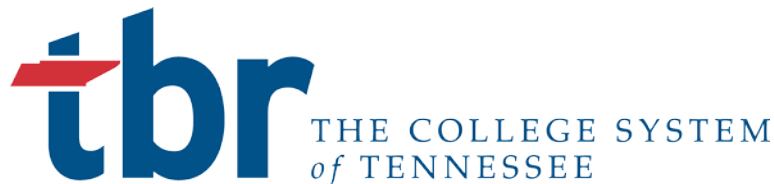
	<u>FY 2022 Budget</u>		<u>FY 2021 Budget</u>	
	<u>Amount</u>	<u>Percentage</u>	<u>Amount</u>	<u>Percentage</u>
Salaries	441,078	66%	431,733	64%
Employee Benefits	181,513	27%	196,854	29%
Total Salaries and Benefits	<u>622,591</u>	<u>93%</u>	<u>628,587</u>	<u>94%</u>
Travel and Professional Development				
In State Travel and Professional Development	17,500	3%	14,600	2%
Out of State Travel and Professional Development	4,000	1%	-	0%
Total Travel and Professional Development	<u>21,500</u>	<u>3%</u>	<u>14,600</u>	<u>2%</u>
Operating Expenses	<u>24,850</u>	<u>4%</u>	<u>26,395</u>	<u>4%</u>
Total Budget	<u>668,941</u>	<u>100%</u>	<u>669,582</u>	<u>100%</u>

Notes:

Salaries and Benefits includes 5 staff positions for System-wide Internal Audit: Chief Audit Executive, Investigative Audit Manager, Information Systems Auditor, TCAT Internal Auditor IV, and Administrative Assistant III.

Travel and Professional Development categories include the costs for system office audit staff to travel in state for audits and investigations, meetings and other business activities. It also includes the costs of in state and out of state professional development activities and any related out of state travel costs for the training. There is a decrease in budgeted travel since SWIA-run training costs (speakers, etc.) are now included in the Operating Budget.

Operating Expenses include the general operating costs for the system audit office such as copier lease, supplies, computer software, non-capitalized equipment, meeting expenses and when applicable, instructors for group training and consultants for external peer reviews. In FY 2021, a joint training retreat is planned with the audit staff of the University of Tennessee and the locally governed universities, for which TBR will share in the cost of the training (pending pandemic situation). External peer review costs are not included but will need to be reserved from the FY 2020-FY2023 funding to cover the FY2023 external peer review.



BOARD TRANSMITTAL

MEETING:	Quarterly Board Meeting
SUBJECT:	Report of the Regents Award for Excellence in Philanthropy
DATE:	June 18, 2021
PRESENTER:	Regent Danni Varlan
PRESENTATION REQUIREMENTS:	15 minutes
ACTION REQUIRED:	Information Purposes Only
STAFF'S RECOMMENDATION:	Not Applicable

Recipients of the Regents award for Excellence in Philanthropy are selected based on their generous giving of their time, resources, influence on volunteers to become involved in fundraising, active promotion of higher education, leadership in philanthropy, exceptional civic responsibility, and integrity. The Board will receive a report on the following awards presented in the last quarter:

Barry and Lucy Stephenson

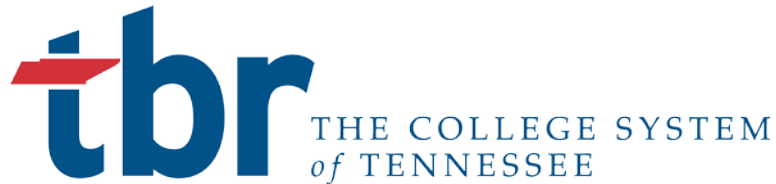
Barry and Lucy Stephenson accepted the prestigious 2020 Regents Award for Excellence in Philanthropy as nominated by Roane State Community College. The award was presented by Regent Danni Varlan during Roane State's 2020 College of the Year Celebration on March 29, 2021.

The Ford Family

John and Debbie Ford accepted the 2021 Regents Award for Excellence in Philanthropy on behalf of the Ford Family as nominated by Dyersburg State Community College. The award was presented by Regent Nisha Powers Dyersburg State's Donor Recognition Dinner on June 3, 2021.

The Town of Smyrna

The Town of Smyrna was nominated by Motlow State Community College for the 2020 Regents Award for Excellence in Philanthropy. Their award will be presented by Regent MaryLou Apple during Motlow State's biannual Foundation meeting on June 10, 2021.



BOARD TRANSMITTAL

MEETING: June 2021 Quarterly Board Meeting

SUBJECT: Revised 2015-25 Strategic Plan

DATE: June 18, 2021

PRESENTER: Russ Deaton

PRESENTATION REQUIREMENT: 15-30 minutes with discussion

ACTION REQUIRED: Vote

STAFF'S RECOMMENDATION: Approval

In December 2019, TBR began a mid-cycle review of its 2015-2025 Strategic Plan, a process that was paused for several months due to the COVID-19 pandemic. Once the process restarted in fall 2020, TBR staff continued engagement with a Steering Committee, which included representatives within and external to TBR, the Board itself, and numerous external partners from across education, industry, and philanthropy. The process culminates in the revised Strategic Plan, drafts of which have been discussed and shared with the Board previously, that will guide the Board's work through the duration of the 10-year cycle. The essence of the Plan is still Tennessee's long-standing goal to achieve 55 percent of its adult population with a postsecondary credential. The revised plan captures the evolving nature of TBR's mission and work, especially now that the governance changes wrought by the FOCUS Act of 2016 have taken root, as well as the fact that the effects of the pandemic are still shaping our system, colleges, students, faculty, and staff. The plan is presented as an interactive infographic to be housed on TBR's website.

REPORT OF THE COMMITTEE ON FINANCE AND BUSINESS OPERATIONS

JUNE 18, 2021

The Committee on Finance and Business Operations met in regular session on June 17, 2021, via Microsoft TEAMS. At the beginning of the Committee meetings, Vice Chair Reynolds requested that members be asked if they could hear and speak with others in the meeting, and also, if they were alone. All members present responded yes to both questions. Roll call was taken, and a quorum was present.

Next, Vice Chair Reynolds stated that the June meeting is typically held on a campus and requires a great deal of planning. However, the decision was made early in the planning cycle while pandemic conditions favored conducting this meeting electronically. Pandemic conditions changed and it would have been too disruptive to people's schedules, both Board members and on campus, to hold an in-person meeting. A motion was made by Regent Burdine and a second was provided by Regent Hatch to meet electronically. The motion carried by roll call vote.

The first item of business was approval of the minutes from the special called meeting of the Finance and Business Operations Committee on June 11, 2021. This includes consideration for approval of staff recommendation for maintenance fees, mandatory fees, and non-mandatory fees for Academic Year 2021-22. At the June 11, 2021 special called meeting there was, among other things, a recommendation to suspend campus online fees for the seven campuses that currently assess the fee for one year, which would result in \$2,640,000 savings for our students. There was a recommendation of a 1.98% maintenance fee increase for Community Colleges and a 1.95% fee increase for TCAT's. A motion was made by Regent George and seconded by Regent Gill to approve the minutes of the meeting as well as the staff recommendations for maintenance fees, mandatory fees and non-mandatory fees. The Committee minutes and background materials were approved as presented by roll call vote and are included as Attachment A.

The second item on the agenda was review and consideration for approval of funding for Operations for the 2021-22 FY and approval of the finalized (estimated) budgets for the 2020-21 FY. A motion was made

by Regent Greene and seconded by Regent George to approve the recommendations as presented. The Committee approved the budgets which total \$1.31 billion for FY 2020-21 and \$1.25 billion for FY 2021-22. The recommendations were approved as presented by roll call vote. A copy of the recommendations is included as Attachment B.

The third item on the agenda was consideration for approval of the Capital Maintenance Budget Requests for the 2022-23 FY. Executive Director Tracy was called on for a summary of Capital Maintenance Budget Requests. A motion was made by Regent Greene and seconded by Regent George to approve the Capital Budget Requests for 2022-23 FY. The recommendations were approved as presented by roll call vote. A copy of the capital maintenance budget requests is included as Attachment C.

The fourth and final item on the agenda was consideration for approval of a new TBR Policy 7.04.00.00 Parking and Traffic. General Counsel Lapps was called upon for discussion. A motion was made by Regent Gill and seconded by Regent George to accept the new parking

and traffic policy as presented. The motion was approved by roll call vote. A copy of the new parking and traffic policy is attached as Attachment D.

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

Respectfully submitted

COMMITTEE ON FINANCE
AND BUSINESS OPERATIONS

Gregory Duckett, Chair

REPORT OF THE COMMITTEE ON PERSONNEL AND COMPENSATION

JUNE 18, 2021

The Committee on Personnel and Compensation met electronically on June 17, 2021. At the beginning of the Committee meetings, Vice Chair Reynolds requested that members be asked if they could hear and speak with others in the meeting, and also, if they were alone. All members present responded yes to both questions. Roll call was taken, and a quorum was present.

Next, Vice Chair Reynolds stated that the June meeting is typically held on a campus and requires a great deal of planning. However, the decision was made early in the planning cycle while pandemic conditions favored conducting this meeting electronically. Pandemic conditions changed and it would have been too disruptive to people's schedules, both Board members and on campus, to hold an in-person meeting. A motion was made by Regent Burdine and a second was provided by Regent Hatch to meet electronically. The motion carried by roll call vote.

The first item on the agenda for consideration was the Consent Agenda. The Committee considered for approval the following items:

- a) Recommendation for revisions to TBR policy 5.01.00.00 General Personnel;
- b) The implementation of a new policy – Employee Discipline; and
- c) Recommendation for revisions to TBR Policy 7.01.00.00 Firearms and Other Weapons.

Regent Burdine made a motion to accept the items presented under the consent agenda. Regent Hatch provided a second. A roll call vote was taken and the motion was passed. A copy of the proposed policies listed is attached to the minutes as Attachment A.

The second item on the agenda was the approval of the minutes from the special called meeting on June 1, 2021 that included action taken on compensation strategies. Regent Burdine made a motion to accept the minutes of the special called meeting. Regent Hatch provided a second. A roll call vote was taken and the motion was passed. A copy of the minutes from the June 1, 2021 special called meeting and its materials are attached to these minutes as Attachment B.

The third item on the agenda was the Tenure and Promotion Recommendations at the Tennessee Colleges of Applied Technology – There were zero (0) recommendations for tenure. A total of 63 faculty members were recommended for promotion. Regent Burdine made a motion to accept the Tennessee Colleges of Applied Technology tenure and promotion recommendations as presented. Regent Hatch provided a second. A roll call vote was taken and the motion was passed. A copy of the recommendations is attached to the minutes as Attachment C.

The fourth item on the agenda was the Tenure and Promotion Recommendations at the Community Colleges. There were eighty-three (83) recommendations for tenure considered. A total of one hundred ninety-two (192) faculty members were recommended for promotion. This includes one (1) exception from Volunteer State Community College. Regent Burdine made a motion to accept the Community Colleges tenure and promotion recommendations as presented. Regent Hatch provided a second. A roll call vote was taken and the motion was passed. A copy of the community college recommendations is attached to the minutes as Attachment D.

The fifth item on the agenda was the Review and Approval of Faculty Promotion Increases – A total of one hundred ninety-two (192) faculty members were recommended for promotion increases at the community colleges. At the TCATs, sixty-three (63) faculty members were recommended for promotion increases. All promotional increases are in accordance with each institution's compensation plan and all recommendations are eligible for promotion. Regent Burdine made a motion to accept the faculty promotion increases as presented. Regent Hatch provided a second. A roll call vote was taken and the motion was passed. A copy of the recommended faculty promotions is attached to the minutes as Attachment E.

The sixth item on the agenda was the Institutional Request for an Amended Compensation Plan. Southwest Tennessee Community College submitted a revision to their compensation plan to index salary ranges to address changes in market, as well as reduce the number of salary ranges with a broader range for each level. Regent Burdine made a motion to accept the institutional request for a revised compensation plan as recommended. Regent Hatch provided a second. A roll call vote was

taken and the motion was passed. A copy of the amended compensation plan for Southwest Tennessee Community College is attached to the minutes as Attachment E.

As the seventh item on the agenda, the Committee considered the proposed Institutional Requests for Compensation Plan Payments from the State Salary Increase Pool for three (3) institutions: Jackson State, Motlow State, and Nashville State. The proposed compensation strategies address payment on the institution's compensation plan. Regent Burdine made a motion to accept the system compensation strategies as presented. Regent Hatch provided a second. A roll call vote was taken and the motion was passed. A copy of the institutional requests for compensation plan payments from the state salary increase pool is attached to the minutes as Attachment F.

As the eighth item on the agenda, the Committee considered the proposed executive incentive compensation plan payments. The recommendation included one-time payments for twelve (12) Community College Presidents and to provide approval for the incentive payments for the Tennessee Colleges of Applied Technology (TCATs) Presidents to be

approved by the Chancellor after consideration with Vice Chair Reynolds and Chair Greene when the information is received by the Council on Occupational Education (COE) with reporting of the TCATs payments to the Board on Interim Action in September. Regent Burdine made a motion to accept the one-time executive incentive payments as presented. Regent Hatch provided a second. A roll call vote was taken and the motion was passed.

As the ninth item on the agenda, the Committee considered the proposed appointments of the president emeritus contracts. There were six (6) community college requests for individuals to be appointed President Emeritus for the fiscal year 2021-2022. Regent Burdine made a motion to accept the president emeritus reports and contract proposals for FY2022. Regent Hatch provided a second. A roll call vote was taken and the motion was passed. A copy of the president emeritus contracts and reports are attached to the minutes as Attachment G.

As the tenth item on the agenda, the Committee considered the faculty emeritus requests from two (2) community colleges. Regent Burdine made a motion to accept the recommendation for faculty

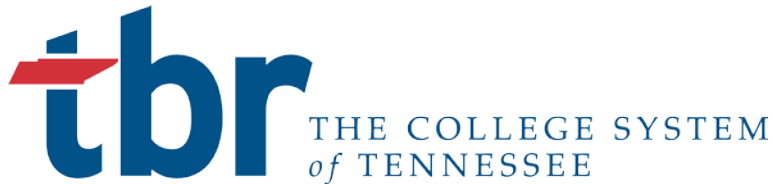
emeritus as presented. Regent Hatch provided a second. A roll call vote was taken and the motion was passed. A copy of the faculty emeritus recommendation is attached to the minutes as Attachment H.

As the eleventh and final item on the agenda, the Committee considered the Chancellor's bi-annual evaluation. Regent Greene presented the evaluation feedback for the Chancellor's evaluation received from presidents, Board members and executive staff and recommended an exceeds expectations evaluation rating. Regent Greene made a motion to accept the evaluation rating. Regent Burdine provided a second. A roll call vote was taken and the motion was passed.

There being no further business, the Committee on Personnel and Compensation was adjourned.

Respectfully submitted,
Committee on Personnel and Compensation

Yolanda Greene, Chair



BOARD TRANSMITTAL

MEETING: Quarterly Board Meeting

SUBJECT: Contested Case Procedures, Chapter 0240-01-05

DATE: June 18, 2021

PRESENTER: Brian Lapps, General Counsel

PRESENTATION REQUIREMENT: 5 minutes

ACTION REQUIRED: Roll Call Vote

STAFF'S
RECOMMENDATION: Recommend Approval

BACKGROUND INFORMATION:

“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 institutions. Nevertheless, the Office of General Counsel believes that TBR needs a rule on this subject.

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.

Attachment

**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

For Department of State Use Only

Sequence Number: _____
Rule ID(s): _____
File Date: _____
Effective Date: _____

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	Tennessee Board of Regents
Division:	
Contact Person:	Brian A. Lapps, Jr. General Counsel
Address:	1 Bridgestone Park, 3 rd Floor Nashville, TN
Zip:	37214
Phone:	615-366-4438
Email:	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 here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0240-01-05	Contested Case Procedures
Rule Number	Rule Title
0240-01-05-.01	Contested Case Procedures

Place substance of rules and other info here. Please be sure to include a detailed explanation of the changes being made to the listed rule(s). 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>.

**RULES
OF
THE TENNESSEE BOARD OF REGENTS**

**CHAPTER 0240-01-05
CONTESTED CASE PROCEDURES**

New Chapter

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

Table of Contents

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, student organization, employee, or other person 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 and institutions under its authority 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 when made available by TBR rules instead of another available hearing option;
 - (b) Revocation of recognition of a student organization; and
 - (c) Any case where a contested case hearing is properly requested and required by law to be offered.
 - (d) These rules are not applicable either to termination of faculty for adequate cause, which proceedings are subject to the provisions of T.C.A. § 49-8-302; to proceedings subject to TBR Rule 0240-02-10, Title IX Compliance; or where otherwise prohibited by state or federal law.
- (3) Administrative Judges and Hearing Officers
 - (a) In any case where a UAPA contested case hearing is available, 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 or the TBR System Office;

2. A former state, county, or municipal judge or a former federal judge or magistrate;
 3. An employee of a TBR institution or TBR System Office who has been trained to conduct contested cases, but who 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
- (a) The UAPA and 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.
 - (b) For purposes of review and action following issuance of an initial order, the agency head will be the president or other head of an institution out of which the contested case arises, and the chancellor or chancellor's designee when the contested case arises out of the TBR System Office or when the president or other head of an institution is not available to serve as agency head due to a conflict of interest, recusal, disqualification, or other reason.

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

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Gov. Bill Lee					
MaryLou Apple					
Miles Burdine					
Gregory Duckett					
Mark George					
Mark Gill					
Kenneth Goldsmith					
Yolanda Greene					
Joey Hatch					
Charles Hatcher					
Emily House					
William McElyea					
Nisha Powers					
Wanda Reid					
Emily Reynolds					
Penny Schwinn					
Danni Varlan					
Weston Wamp					
Tom White					

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Board of Regents on 06/18/2021, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 04/21/2021

Rulemaking Hearing(s) Conducted on: (add more dates). 06/15/2021

Date: _____

Signature: _____

Name of Officer: Brian A. Lapps, Jr.

Title of Officer: General Counsel

Agency/Board/Commission: Tennessee Board of Regents

Rule Chapter Number(s): 0240-01-05

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Herbert H. Slatery III
Attorney General and Reporter

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective on: _____

Tre Hargett
Secretary of State

Public Hearing Comments

One copy of a document that satisfies T.C.A. § 4-5-222 must accompany the filing.

General Counsel will include a response to any comments following the Rulemaking Hearing on 6/15/2021 and discussion with the Board on June 18, 2021.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

The rule is not anticipated to have any impact on small businesses.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://publications.tnsosfiles.com/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly.)

This rule is not anticipated to have any impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

This rule describes the processes that TBR and TBR institutions will use for contested case hearings under the Uniform Administrative Procedures Act and how administrative judges will be selected to conduct those hearings.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

This rule is promulgated in accordance with TBR's rulemaking authority as established by T.C.A. § 49-8-203(a)(1)(D) and is promulgated in accordance with the requirements of T.C.A. § 4-5-102(12).

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Those most directly impacted by this rule are students at TBR institutions. The rule may have limited impact on employees. The remainder of this response will be completed by General Counsel following the Rulemaking Hearing on 06/15/2021.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

TBR is not aware of an Attorney General opinion or judicial ruling directly related to this rule.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

None

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Brian A. Lapps, Jr., General Counsel

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

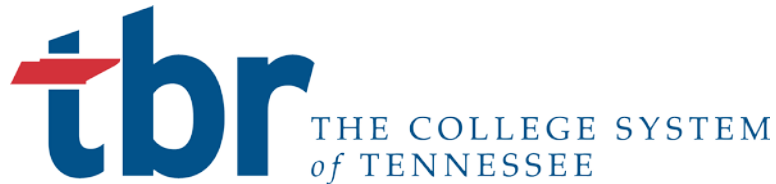
Brian A. Lapps, Jr., General Counsel

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Brain A. Lapps, Jr.
Office of General Counsel
1 Bridgestone Park, 3rd Floor
Nashville, TN 37214
615-366-4438

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

None.



BOARD TRANSMITTAL

MEETING: Quarterly Board Meeting

SUBJECT: Parking and Traffic, Chapter 0240-01-06

DATE: June 18, 2021

PRESENTER: Brian Lapps, General Counsel

PRESENTATION REQUIREMENT: 5 minutes

ACTION REQUIRED: Roll Call Vote

STAFF'S
RECOMMENDATION: Recommend Approval

BACKGROUND INFORMATION:

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 rules being proposed apply to the general public, and not just students, TBR seeks to create a new chapter of general applicability. These rules provide more detail and specificity than the current rules. They contemplate each campus setting its own fines and having its own appeal procedures.

The attached draft adopts recommendations from a written comment received June 1, 2021. The comment suggested being more specific about the amounts of fines, and in the interests of transparency and open government, having the Board, instead of the Chancellor, establish the levels of fines at an open meeting that provides the ability for the public to comment.

Attachment

**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

For Department of State Use Only

Sequence Number: _____
Rule ID(s): _____
File Date: _____
Effective Date: _____

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	Tennessee Board of Regents
Division:	
Contact Person:	Brian A. Lapps, Jr., General Counsel
Address:	1 Bridgestone Park, 3 rd Floor Nashville, Tennessee
Zip:	37214
Phone:	615-366-4438
Email:	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 here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that ALL new rule and repealed rule numbers are listed in the chart below. Please enter only ONE Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0240-01-06	Parking and Traffic Rules
Rule Number	Rule Title
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

Place substance of rules and other info here. Please be sure to include a detailed explanation of the changes being made to the listed rule(s). 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>.

**RULES
OF
THE TENNESSEE BOARD OF REGENTS**

**CHAPTER 0240-01-06
PARKING AND TRAFFIC RULES**

New Chapter

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

PARKING AND TRAFFIC RULES

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 motor vehicles on property 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 or controlled by a TBR institution is required to obey these rules as a condition of parking or operating a motor vehicle on institution property or institution-controlled property.
- (4) The issuance of an institution parking permit does not guarantee a parking space. The inability to locate a designated 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 designated spaces only. Motor vehicles parked outside of designated spaces are subject to citation and towing, and the owner/operator may be subject to disciplinary and/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 institution property or institution-controlled 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 institution property or institution-controlled property. 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 TBR 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 institution property or institution-controlled property.
- (4) Parking permit holders are only eligible for one (1) parking permit at a time. Permits may be moved from one (1) motor vehicle to another. Parking permits may not be transferred from one person to another.

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 institution property or institution-controlled property.
- (3) Motorcycles, motor bikes, and motor scooters must display a motorcycle permit (if issued by the institution) and are only permitted to park in parking 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 institution property or institution-controlled property, 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) Violating posted speed limits, the reckless operation of a motor vehicle on institution property or institution-controlled property, including but not limited to, squealing tires, or sliding the motor vehicle is prohibited.
- (3) All persons operating motor vehicles on institution property or institution-controlled property 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 on institution property or institution-controlled property is prohibited.
- (5) Pedestrians have the right of way at established pedestrian crossings on institution property or institution-controlled property, except where regulated by traffic control lights or police officers.
- (6) Individuals riding bicycles on institution property or institution-controlled property 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 where required;
 - (c) Improper display of permit or visitor pass;
 - (d) Parked outside of lines or appropriately marked parking 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) 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 institution property or institution-controlled property 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) Institution 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 for each institution but shall not exceed the greater of fifty dollars (\$50.00) or the amount set by any state law, or any county or municipal ordinance in the institution's jurisdiction for the same offense. Provided, however, if a state statute requires that a fine be set at more than fifty dollars (\$50.00), the institution shall set the fine in compliance with the statute. Any such citation written as violation of a city or county ordinance and/or state law will be resolved by a court; any such violation issued as an institutional citation shall not exceed fifty dollars (\$50.00). Proposed fines shall be submitted to the Chancellor together with information sufficient to justify the fine. The setting of fine amounts 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. Following approval by the Chancellor, the public will receive notice and be allowed to comment on the proposed fines, after which all fines shall be approved by the Board of Regents. 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 an institution-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 contest the institution's action.
- (4) An institution may revoke an operator's parking privileges for repeated and/or deliberate parking or moving violations.
- (5) Any student who receives \$100.00 or more in traffic and/or parking violations on institution property or institution-controlled property during any semester may be subject to disciplinary action in accordance with applicable rules.
- (6) 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 an institution-issued citation may appeal the citation to the institution's administrator or 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 administrator or committee responsible for student appeals are final.
- (2) Any employee who has received an institution-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 an institution-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).

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Gov. Bill Lee					
MayLou Apple					
Miles Burdine					
Gregory Duckett					
Mark George					
Mark Gill					
Kenneth Goldsmith					
Yolanda Greene					
Joey Hatch					
Charles Hatcher					
Emily House					
William McElyea					
Nisha Powers					
Wanda Reid					
Emily Reynolds					
Penny Schwinn					
Danni Varlan					
Weston Wamp					
Tom White					

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Board of Regents on 06/18/2021, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 04/21/2021

Rulemaking Hearing(s) Conducted on: (add more dates). 06/15/2021

Date: _____

Signature: _____

Name of Officer: Brian A. Lapps, Jr.

Title of Officer: General Counsel

Agency/Board/Commission: Tennessee Board of Regents

Rule Chapter Number(s): 0240-01-06

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Herbert H. Slatery III
Attorney General and Reporter

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective on: _____

Tre Hargett
Secretary of State

Public Hearing Comments

One copy of a document that satisfies T.C.A. § 4-5-222 must accompany the filing.

TBR received a written comment suggesting the following modification to 0240-01-06-.07(1). Suggested additional language is in bold, and suggested deleted language has been struck through:

Fines may be set ~~for as determined~~ each institution but shall not exceed the **greater of fifty dollars (\$50.00) or the** amount set by any state law, or any county or municipal ordinance in the institution's jurisdiction for the same offense. **Provided, however, if a state statute requires that a fine be set at more than fifty dollars (\$50.00), the institution shall set the fine in compliance with the statute. Any such citation written as violation of a city or county ordinance and/or state law will be resolved by a court; any such violation issued as an institutional citation shall not exceed fifty dollars (\$50.00).** ~~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. The setting of fine amounts 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. **Following approval by the Chancellor, the public will receive notice and be allowed to comment on the proposed fines, after which all fines shall be approved by the Board of Regents.** Once adopted or amended, all fines shall be affirmatively communicated to the faculty, staff, and students of the institution through its website.

Response:

TBR has adopted these suggested revisions because they clarify that TBR will comply with Tennessee state law when setting fine amounts. They are included in this Rulemaking Hearing Rule Filing Form.

General Counsel will respond to any additional comments following the Rulemaking Hearing on 6/15/2021 and after discussion with the Board on June 18, 2021.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

The rule is not anticipated to have any impact on small businesses.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://publications.tnsosfiles.com/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly.)

This rule is not anticipated to have any impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

This rule describes TBR's regulations relating to parking and traffic, including registration of motor vehicles, parking zones, motor vehicle operation on institutional property, violations, fines, enforcement, and appeals.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

This rule is promulgated in accordance with TBR's rulemaking authority as established by T.C.A. § 49-8-203(a)(1)(D) and is promulgated in accordance with the requirements of T.C.A. § 4-5-102(12).

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Those most directly impacted by this rule are students at TBR institutions, as well as others who operate motor vehicles on property owned or controlled by TBR institutions, including faculty, staff, invitees, and members of the public. The remainder of this response will be completed by General Counsel following the Rulemaking Hearing on 06/15/2021

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

TBR is not aware of an Attorney General opinion or judicial ruling directly related to this rule.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

None

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Brian A. Lapps, Jr., General Counsel

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

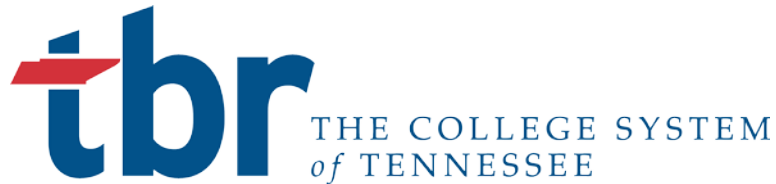
Brian A. Lapps, Jr., General Counsel

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Brian A. Lapps, Jr.
Office of General Counsel
1 Bridgestone Park, 3rd Floor
Nashville, TN 37214
615-366-4438

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

None



BOARD TRANSMITTAL

MEETING: Quarterly Board Meeting

SUBJECT: Student Conduct and Disciplinary Sanctions,
Chapter 0240-02-03

DATE: June 18, 2021

PRESENTER: Brian Lapps, General Counsel

PRESENTATION REQUIREMENT: 5 minutes

ACTION REQUIRED: Roll Call Vote

STAFF'S
RECOMMENDATION: Recommend Approval

BACKGROUND INFORMATION:

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

The attached draft adopts recommendations from a written comment received June 1, 2021. The comment suggested that the rules be more specific about a reference to Title IX Compliance, clarify that the offense of "Observation Without Consent" can be the basis of criminal liability as well as student disciplinary sanctions, and add an offense of "Indecent Exposure."

Attachment

**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

For Department of State Use Only

Sequence Number: _____
Rule ID(s): _____
File Date: _____
Effective Date: _____

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	Tennessee Board of Regents
Division:	
Contact Person:	Brian A. Lapps, Jr. General Counsel
Address:	1 Bridgestone Park, 3 rd Floor Nashville TN
Zip:	37214
Phone:	615-366-4438
Email:	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 here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. 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

Place substance of rules and other info here. Please be sure to include a detailed explanation of the changes being made to the listed rule(s). 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>.

**RULES
OF
THE TENNESSEE BOARD OF REGENTS
CHAPTER 0240-02-03
STUDENT CONDUCT AND DISCIPLINARY SANCTIONS**

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 a TBR 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 conditions on institution-owned and/or controlled property and to 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 for the institutions 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 (a student, faculty, staff member or guest of a TBR institution); 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 (1) 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 (1) 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 involving sexual harassment, sexual assault, stalking, domestic violence, and dating violence occurring within an education program or activity of TBR or a TBR institution, if within the scope of TBR Rule 0240-02-10, Title IX Compliance, which implements 34 C.F.R. Part 106 related to Title IX of the Education Amendments of 1972, shall proceed in accordance with TBR Rule 0240-02-10, Title IX Compliance, 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 but not limited to 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, 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 but are not limited to 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 but are not limited to 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 institution;
- (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/or (3) taken as a whole, lacks serious literary, artistic, political or scientific value;
- (cc) Abuse of Computer Resources and Facilities. Misusing and/or abusing institutional 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/or 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 or her duties in connection with a student's admission, enrollment, or status in the institution;
- (ff) Observation Without Consent. Observation Without Consent, which is prohibited by T.C.A. § 39-13-607 (a criminal statute) for purposes of these rules, means 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 institution building or facility, in any state-owned vehicle, or on any institution 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;
 - (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/or professional standards;
- (ii) Traffic and Parking Fines. Receiving \$100.00 or more in traffic and/or parking violations on institution property or institution-controlled property during any semester.

- (jj) Indecent Exposure. Indecent exposure, which is prohibited by T.C.A. § 39-13-511 (a criminal statute), for purposes of these rules means in a public place intentionally exposing one's genitals or buttocks to another or engaging in sexual contact or sexual penetration where the person reasonably expects that the acts will be viewed by another, and the acts will offend an ordinary viewer or are for the purpose of sexual arousal and/or gratification.
- (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 class (which for these rules includes any remote class and/or offsite class such as a clinic site or other non-traditional class environment) 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 (1) 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 be 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 (1) or more times, may be subject to disciplinary sanctions in accordance with these rules.
- (l) 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 SS-7039 (March 2020) 10 RDA 1693

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 (including but not limited to, 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, but not be limited to, 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 but not be limited to 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 or institution-controlled property or facilities without obtaining prior approval from an appropriate institution 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 options for students to contest discipline, 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 (2) 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(s). Notice of the charges and disciplinary sanction(s), 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 minimum 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 on 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 (4) 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 (1) 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, 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 (1) 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 request for a panel hearing. 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 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 request for a hearing. 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, either affirmatively or by failing to return the election of a procedure in a timely manner, 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.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Gov. Bill Lee					
MaryLou Apple					
Miles Burdine					
Gregory Duckett					
Mark George					
Mark Gill					
Kenneth Goldsmith					
Yolanda Greene					
Joey Hatch					
Charles Hatcher					
Emily House					
William McElyea					
Nisha Powers					
Wanda Reid					
Emily Reynolds					
Penny Schwinn					
Danni Varlan					
Weston Wamp					
Tom White					

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Board of Regents on 06/18/2021, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 04/21/2021

Rulemaking Hearing(s) Conducted on: (add more dates). 06/15/2021

Date: _____

Signature: _____

Name of Officer: Brian A. Lapps, Jr

Title of Officer: General Counsel

Agency/Board/Commission: Tennessee Board of Regents

Rule Chapter Number(s): 0240-02-03

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Herbert H. Slatery III
Attorney General and Reporter

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective on: _____

Tre Hargett
Secretary of State

Public Hearing Comments

One copy of a document that satisfies T.C.A. § 4-5-222 must accompany the filing.

TBR received a written comment suggesting the following modifications and additions. Suggested additional language is in bold, and suggested deleted language has been struck through:

Modify 0240-02-03-.01(7) as follows:

Matters **involving sexual harassment, sexual assault, stalking, domestic violence, and dating violence occurring within an education program or activity of TBR or a TBR institution, if** within the scope of TBR Rule 0240-02-10, **Title IX Compliance**, which implements 34 C.F.R. Part 106 related to Title IX of the Education Amendments of 1972, shall proceed in accordance with TBR Rule 0240-02-10, **Title IX Compliance**, and not these rules.

Modify 0240-02-03-.02(2)(ff) as follows:

Observation Without Consent. **Observation Without Consent, which is prohibited by T.C.A. § 39-13-607 (a criminal statute) for purposes of these rules, means** 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;

Add the following language as 0240-02-03-.02(2)(jj):

Indecent Exposure. Indecent exposure, which is prohibited by T.C.A. § 39-13-511 (a criminal statute), for purposes of these rules means in a public place intentionally exposing one's genitals or buttocks to another or engaging in sexual contact or sexual penetration where the person reasonably expects that the acts will be viewed by another, and the acts will offend an ordinary viewer or are for the purpose of sexual arousal and/or gratification.

Response:

TBR has adopted these suggested revisions. The first suggestion brings more description and clarity to the rule. The second and third suggestions clarify that students are prohibited from engaging in these actions, which also violate state criminal statutes. The changes are included in this Rulemaking Hearing Rule Filing Form.

General Counsel will respond to any additional comments following the Rulemaking Hearing on 6/15/2021 and after discussion with the Board on June 18, 2021.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

The rule is not anticipated to have any impact on small businesses.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://publications.tnsosfiles.com/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly.)

This rule is not anticipated to have any impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

The revisions in this rule introduce more detail and specificity, both substantively and procedurally, into the rule. The revisions also remove the ability for institutions to make substantive alterations or additions. The tracked changes version of this rule identifies the changes.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

This rule is promulgated in accordance with TBR's rulemaking authority as established by T.C.A. § 49-8-203(a)(1)(D) and is promulgated in accordance with the requirements of T.C.A. § 4-5-102(12).

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Those most directly impacted by this rule are students at TBR institutions. The remainder of this response will be completed by General Counsel following the Rulemaking Hearing on 06/15/2021

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

TBR is not aware of an Attorney General Opinion or judicial ruling directly related to this rule

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

None

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Brian A. Lapps, Jr., General Counsel

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Brian A. Lapps, Jr., General Counsel

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Brian A. Lapps, Jr.
Office of General Counsel
1 Bridgestone Park, 3rd Floor
Nashville, TN 30214
615-366-4438

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

**RULES
OF
THE TENNESSEE BOARD OF REGENTS
STATE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF TENNESSEE**

SYSTEMWIDE STUDENT RULES

CHAPTER 0240-02-03

STUDENT CONDUCT AND DISCIPLINARY SANCTIONS ~~TABLE OF CONTENTS~~

0240-02-03-.01	Institution Policy Statement	0240-02-03-.04	Disciplinary Sanctions
0240-02-03-.02	Disciplinary Offenses	0240-02-03-.05	Traffic and Parking
0240-02-03-.03	Academic and Classroom Misconduct	0240-02-03-.06	Disciplinary Procedures

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 **INSTITUTION POLICY STATEMENT**~~ 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 a TBR 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 on institution-owned and controlled property and to 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 ~~regulations, which are intended~~rules to govern student conduct ~~on~~for the ~~several campuses/institutions~~ under its jurisdiction. Each institution under the jurisdiction of the TBR is directed to ~~implement policies subject to, and consistent with,~~publish an institutional restatement of 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,~~rules to students. 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~~ 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.

(3) For the purpose of these ~~regulations~~rules, a "student" shall mean any person:

~~(3)(a)~~ (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. It will also include any period which follows,~~ 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. ~~"Student" shall also include any person subject to a period of suspension or removal from campus as a sanction which results from a finding of a violation of the policies and regulations governing student conduct. Students are responsible for compliance with the Rules of Student Conduct and with similar institutional policies at all times.~~

(b) "Student" shall also include any person 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 the policies and regulations which occur~~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 (a student, faculty, staff member, or guest of a TBR institution); or

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

(5) These regulations, and related material incorporated herein by reference, rules are applicable to student organizations as well as individual students. Student organizations are subject to discipline Whether a student organization will be held responsible for a violation of these rules by one (1) 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 and actions of individual members of 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 while acting in their capacity as or by members of, or while attending or participating in any activity 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

(4)(e) one or more officers of the student organization had prior knowledge or reasonably should have known the prohibited conduct would likely take place.

(5)(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 and/or, the Tennessee Open Public Records Act, T.C.A. § 10-7-504(a)(4), 501 et seq., and/or other state and federal law, a student's disciplinary records and files are considered "educational records" and are confidential within the meaning of in accordance with those Acts.

(4)(7) Matters involving sexual harassment, sexual assault, stalking, domestic violence, and dating violence occurring within an education program or activity of TBR or a TBR institution, if within the scope of TBR Rule 0240-02-10, Title IX Compliance, which implements 34 C.F.R. Part 106 related to Title IX of the Education Amendments of 1972, shall proceed in accordance with TBR Rule 0240-02-10, Title IX Compliance, and not these rules.

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. 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:

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 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.

0240-02-03-.02 DISCIPLINARY OFFENSES: Disciplinary Offenses

~~(6) Institutional disciplinary measures shall be imposed, through appropriate due process procedures, for conduct which adversely affects the institution's pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property or persons on property owned or controlled by an institution.~~

~~(7) Institutions shall adopt and publish a non-exclusive list, providing notice of offenses for which both individuals and organizations may be subject to disciplinary action. The list may include any appropriate offense given the specific needs of the individual institution, subject to prior review and approval 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:~~

(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 or Disruptive Conduct. Any conduct, threatened conduct, or attempted conduct, which that poses a threat to thea 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 ~~others or where the student's behavior~~ unlawful violence to a particular individual or group of individuals;

•(b) Disruptive Conduct. Any conduct, threatened conduct, or attempted conduct that is disruptive ~~of~~to the ~~institution's~~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)~~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 but not limited to the following:

(Rule 0240-02-03-06,

- 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 ~~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;
 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 ~~another~~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;
- ~~(a) Firearms and Other Dangerous Weapons. Any possession of or use of firearms, dangerous weapons of any kind, or replica/toy guns, e.g. BB guns, pellet guns, paintball guns, water guns, cap guns, toy knives or other items that simulate firearms or dangerous weapons;~~
- (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, and Flammable and Hazardous Materials. The unauthorized possession, ignition, or detonation of any object or article ~~which would cause damage by fire or other means to persons or property or possession of any substance which could be considered~~that represents a potential danger to be and used asthe TBR community, including, but not limited to, explosives, fireworks, flammable materials, ammunition, hazardous liquids, chemicals, or hazardous materials;

(Rule 0240-02-03-06,

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

- (l) Drugs ~~Drugs.~~ The unlawful possession ~~or use,~~ 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;~~

- (m) 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;~~

- (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 ~~in~~ 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 ~~a judicial or adjudicatory~~ body, verbal or physical harassment or intimidation of ~~a judicial board or~~ institutional official, hearing panel member, complainant, respondent, or witness;

- (b) Failure to Cooperate with Institutional Officials. Failure to comply with reasonable directions of institutional officials acting in the performance of their duties;

- (r) Violation of General Policies. Any violation of the general policies of the institution as published in an official . 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 the intentional failure to perform any required action or the intentional performance of any prohibited action, without limitation, a disciplinary hearing;

(Rule 0240-02-03-06,

- (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. (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) ~~Violations~~Violation of State or Federal Laws. Any violation of state or federal laws, rules, or regulations ~~prescribing~~prohibiting 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) Violation of Imposed Disciplinary Sanctions. Intentional or unintentional violation of a disciplinary sanction ~~officially~~ imposed ~~by~~through an ~~institution official or a constituted body of the institution~~institutional disciplinary proceeding;

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

- ~~(c) Harassment or Retaliation. Any act by an individual or group against another person or group in violation of TBR policies, as well as federal and/or state laws prohibiting discrimination, including, but not limited to, TBR policies 5-01-02-00, (F), 6-01-00-00, 6-02-00-00, and TBR Guideline P-080;~~

- (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. ~~Plagiarism~~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 ~~this section~~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 but are not limited to copying of passages from works of others into one's own work without acknowledgment;

(Rule 0240-02-03-.06,

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 but are not limited to 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;~~institution;

- (bb) ~~(aa)~~ 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 or (3) taken as a whole, lacks serious literary, artistic, political or scientific value;

- (cc) ~~(bb)~~ Abuse of Computer Resources and Facilities. Misusing and/or abusing ~~campus-~~institutional computer resources including, but not limited to the following:
 - 1. Use of another person's identification to gain access to institutional computer resources;i

 - 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;i

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

 - 4. Unauthorized transfer of a computer or network file;i

 - 5. Use of computing resources and facilities to send abusive or obscene correspondence;i

 - 6. Use of computing resources and facilities in a manner that interferes with normal operation of the institutional computing system;i

(Rule 0240-02-03-06,

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

~~1. Violation of any published information technology resources policy,~~

•8. Unauthorized peer-to-peer file sharing; z

~~(eedd)~~ Unauthorized Access to Institutional Facilities and/or Grounds. Any unauthorized access and/or occupancy of institutional facilities and or 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 / or her duties in connection with a student's admission, enrollment, or status in the institution;

~~(ff)~~ Observation Without Consent. ~~Observation Without Consent, which is prohibited by T.C.A. § 39-13-607 (a criminal statute) for purposes of these rules, means~~ 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;

~~(ff) Smoking Violations. Violation of any TBR and/or institutional smoking or other tobacco use rules or policies.~~

~~(8) 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.~~

Authority(gg) Smoking Violations. Smoking or tobacco use in any institution building or facility, in any state-owned vehicle, or on any institution 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;

(Rule 0240-02-03-06,

(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.

9. 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;

(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.

10. 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:

(ii) Traffic and Parking Fines. Receiving \$100.00 or more in traffic and/or parking violations on institution property or institution-controlled property during any semester.

(jj) Indecent Exposure. Indecent exposure, which is prohibited by T.C.A. § 39-13-511 (a criminal statute), for purposes of these rules means in a public place intentionally exposing one's genitals or buttocks to another or engaging in sexual contact or sexual penetration where the person reasonably expects that the acts will be viewed by another, and the acts will offend an ordinary viewer or are for the purpose of sexual arousal and/or gratification.

(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.

(Rule 0240-02-03-.06,

(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. **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.*

0240-02-03-.03 ACADEMIC AND CLASSROOM MISCONDUCT.

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 maintenance of academic integrity and controlling classroom behavior, and can class (which for these rules includes any remote class and/or offsite class such as a clinic site or other non-traditional class environment) behavior and responding to disruptive conduct.

(1)(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, 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 of the institution set forth in these rules.

(2) Plagiarism, cheating, and other forms of academic dishonesty are Academic Misconduct

(2)(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 which that may be imposed through the regular in accordance with these rules and institutional disciplinary procedures, restatement of these rules., the instructor has the authority to assign an appropriate grade for the exercise or examination, proportional to the nature and extent of take academic misconduct. Disciplinary sanctions will be imposed only through the appropriated discipline consistent with these rules and institutional student

(Rule 0240-02-03-.06,

disciplinary restatement of these rules, procedures, and processes.

Students

- (b) An instructor who determines that a student has engaged in academic misconduct may appeal 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 associated with a, 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, as distinct from a student disciplinary sanction, through appropriate institutional academic misconduct or grade appeal procedures. Courses the basis therefor, the academic discipline imposed, and the appeals process within five (5) days of the imposition of academic discipline.
- (3)(d) A student may not be dropped/withdraw from a course pending the 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 (1) 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.
- If 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,

(Rule 0240-02-03-.06,

~~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.~~

- (i) **Authority** 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 (1) or more times, may be subject to disciplinary sanctions in accordance with these rules.
- (l) 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. 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.~~

0240-02-03-.04 DISCIPLINARY SANCTIONS.

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 adopt and publish a policy, providing these rules and provide notice of potential disciplinary sanctions applicable to both individuals students and student organizations. 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 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, by the

~~(Rule 0240-02-03-06,
appropriate institution or school officials.~~

(2) ~~Definition~~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 ~~judicial~~institutional authority to compensate a party or parties for a loss suffered as a result of disciplinary violation(s). ~~Any such~~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 regulations~~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., including but not limited to~~, 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;
- ~~(a) 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;~~
- ~~(b) 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;~~
- (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~~but are not limited to, 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 regulations~~rules~~. Any student or organization placed on probation will be notified in writing of the terms and length of the probation. Probation may

(Rule 0240-02-03-.06,

include but not be limited to restrictions upon extracurricular activities, or any ~~other~~ appropriate special condition(s). Any conduct in further violation of these ~~regulations~~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 ~~te~~by the institution. A student or organization that has been expelled may not enter institution property or facilities or institution-controlled property or facilities without obtaining prior approval from an appropriate ~~campus~~institution 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 ~~regulations or institutional policies~~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 ~~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.

(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.

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

~~(5) 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.~~

~~(Rule 0240-02-03-.06,
and parking).
0240-02-03-.05 Repealed~~

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.~~

~~0240-02-03-.05 TRAFFIC AND PARKING.~~

- ~~(3) — 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.~~

- ~~(4) — 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.~~

- ~~(5) — 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.~~

- ~~(6) — 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~~

(Rule 0240-02-03-.06,

~~communicated to the faculty, staff, and students of the institution as well as published in appropriate websites, handbooks, or manuals.~~

~~(7) 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.~~

~~(8) 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. 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 options for students to contest discipline, 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:

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.

0240-02-03-.06 DISCIPLINARY PROCEDURES:Disciplinary Procedures

(1) GeneralGeneral: Institutions governed by the TBR, in the implementation of TBR policies pertaining to discipline and conduct of students, shall insure the constitutional rights of students by affording

~~(1) Institutions shall provide students with a system of constitutionally and legally sound procedures which that provide the protection of due process of law. In furtherance of this mandate, all TBR institutions shall enact policies setting forth the disciplinary procedures for the institution. All such policies shall be enacted in compliance with this rule, TBR Policy 3:02:01:00, in accordance with these rules, institutional restatement of these rules, 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 disciplinary procedures shall be affirmatively communicated to the faculty, staff, and students of the institution as well as published in appropriate websites, handbooks, or manuals.~~

~~(a)(1) Contested Case Procedure: All cases which may result in: (a) suspension or expulsion of a student from the institution for disciplinary reasons, or (b) revocation of registration of a student organization, is 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 the Uniform Contested Case procedures adopted by the Board of Regents,~~

(Rule 0240-02-03-06,

~~unless the student or organization, after receiving written notice, waives those procedures and elects to have the case disposed of in accord with institutional procedures or waives all right to contest the case under any procedure. These procedures shall be described in the institution's policy.~~

~~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. The institution's restatement of rules, processes, and procedures shall be published on the institution's website and communicated to students.~~

~~(a) 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.~~

~~(b) 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.~~

~~(c) 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) 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.~~

~~(b) 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.~~

(Rule 0240-02-03-.06,

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

(Rule 0240-02-03-06,

determination and upon the resolution of any request to reconsider or appeal.

- (c) 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.
- (d) 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.
- (e) Written notice to a student or student organization is accomplished either by handing a copy to the student; sending documents via to 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(s). Notice of the charges and disciplinary sanction(s), 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 minimum procedural due process protection components in disciplinary matters:

(b)(a) _____ The student shall be advised, in writing, of the breach of ~~regulation~~the rule(s) of which he or she/he is charged;

(e)(b) _____ The student shall be advised of the time, date, and place of the hearing allowing reasonable

(Rule 0240-02-03-06,
time for preparation; and

(4)(c) _____ The student shall be advised of the following rights applicable at the hearing:

1. The right to present his or her case;_i

~~(1) The right to be accompanied by an advisor;~~

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;

~~2.3. The right to call witnesses ~~in~~on his or her behalf;_i~~

~~3.4. The right to confront witnesses against him or her;_i and~~

~~4.5. The student shall be advised of the~~The method and time limitations for appeal, if any is applicable.

(4) Options for Students-subject to any. 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 entitled to a due process hearingsubject to the contested case provisions of the Uniform Administrative Procedures Act , T.C.A. §§ 4-5-301 et seq., and TBR Rule 0240-01-05, unless that right is waived by the student or student organization, after receiving written notice of the available, 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 (1) 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.

(Rule 0240-02-03-.06,

- (ii) The committee will set a hearing date that is within fifteen (15) business days of receipt of the student's request for a panel hearing. 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 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 request for a hearing. 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.

(Rule 0240-02-03-.06,

(d) A student may elect not to contest the disciplinary action, either affirmatively or by failing to return the election of a procedure in a timely manner, which serves as a waiver of the right to contest the disciplinary action.

(5) (Procedures Related to Interim Involuntary Withdrawal or Suspension Hearings: Hearings conducted with regard to

(a) When the Vice President for Student Affairs or other administrator identified by the institution determines that an interim involuntary withdrawal/suspension or suspensions, imposed prior to or pending other interim measure is required for the outcome health and safety of a disciplinary investigation or proceeding shall be conducted consistent with the minimum requirements of due process applicable to 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, taking into account the need for a timely with the Vice President of Student Affairs or other administrator identified by the institution to contest the interim measure.

5. (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 involuntary withdrawal or suspension or other interim measure.

(d) 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.

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

STUDENT CONDUCT AND DISCIPLINARY

CHAPTER 0240-02-

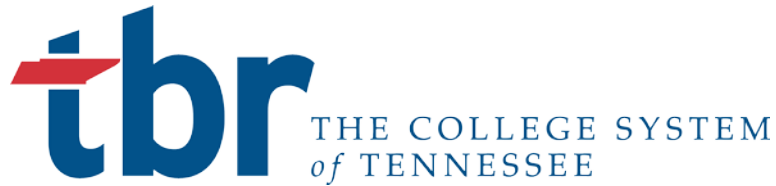
~~(f) Absent exigent circumstances creating an imminent risk of harm, the assessment will be made prior to a decision to involuntarily withdraw or suspend based on the threat he or she poses to others.~~
(~~Rule 0240.02-03-06.~~)

(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.(a) 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.~~

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

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.~~



BOARD TRANSMITTAL

MEETING: Quarterly Board Meeting

SUBJECT: Title IX Compliance, Chapter 0240-02-010

DATE: June 18, 2021

PRESENTER: Brian Lapps, General Counsel

PRESENTATION REQUIREMENT: 5 minutes

ACTION REQUIRED: Roll Call Vote

STAFF'S
RECOMMENDATION: Recommend Approval

BACKGROUND INFORMATION:

This is a new chapter. These rules are based on the TBR Sexual Misconduct policy and designed to require as few changes as possible to that policy. The rules, like the Sexual Misconduct policy, are based on federal Title IX regulations and implement the requirements of those regulations.

Attachment

**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

For Department of State Use Only

Sequence Number: _____
Rule ID(s): _____
File Date: _____
Effective Date: _____

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	Tennessee Board of Regents
Division:	
Contact Person:	Brian A. Lapps, Jr., General Counsel
Address:	1 Bridgestone Park, 3 rd Floor Nashville, TN
Zip:	37214
Phone:	615-366-4438
Email:	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 here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. 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. Please be sure to include a detailed explanation of the changes being made to the listed rule(s). 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>.

**RULES
OF
THE TENNESSEE BOARD OF REGENTS**

**CHAPTER 0240-02-10
TITLE IX COMPLIANCE**

New Chapter

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

Table of Contents

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

0240-02-10.01 Statement of Nondiscrimination on the Basis of Sex is added to Chapter 0240-02-10 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. Unless explicitly provided otherwise, the terms “institution” and “TBR institution” include the TBR for any complaints, investigations, adjudications, and other proceedings under this rule that involve the TBR System Office.

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

0240-02-10-.02 Definitions is added to Chapter 0240-02-10 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/or 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 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 TBR or TBR 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 the TBR or 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 a 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 TBR or the TBR 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 TBR or TBR 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 and other provisions of the United States Constitution 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 (1) or more of the following:
 - (a) An employee of TBR or a TBR institution conditioning provision of an aid, benefit, or service 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) Sexual assault as defined by federal law, dating 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 0240-02-10 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. A deputy Title IX Coordinator has the same authority as 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. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility for sexual harassment rests with the institution. The parties do not carry the burden of proof.
- (6) The institution or TBR 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) Neither TBR nor a TBR institution will restrict any rights protected by the First Amendment to the U.S. Constitution, deprive a person of any rights that would otherwise be protected under the Due Process Clauses of the Fifth and Fourteenth Amendments to the U.S. Constitution, or restrict any other rights guaranteed 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 0240-02-10 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 in these rules 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 not only to conduct by students, faculty, and staff, but also 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 but not limited to, 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 and/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 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 TBR or a TBR institution in the United States may file a formal complaint.
- (b) A complainant who wants TBR or a TBR institution to conduct an investigation and take action in accordance with these rules must file a formal complaint alleging sexual harassment. The Title IX Coordinator may also file a formal complaint.
- (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. Neither students nor anyone acting on a student's behalf is 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 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 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 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 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 applicable 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 officer or chief law enforcement officer of the institution (if applicable), 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 (1) 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 officer of each institution shall not report the offense to the local law enforcement agency.

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

0240-02-10-.05 Investigations and Outcomes is added to Chapter 0240-02-10 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 (1) 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 (1) complainant and/or more than one (1) 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 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 institution 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, a party should provide evidence in time for the investigator to make that evidence available for inspection and review in accordance with these rules.
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. Neither TBR nor the institution will 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 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 a 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 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.

- (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 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 each other. 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 (1) 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;
 - 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 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 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 question or a 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.
 - (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;
7. Any remedies that the institution will provide designed to restore or preserve equal access to education programs and/or activities 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 (1) 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.
- (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 from the date of notice from the Title IX Coordinator 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 0240-02-10 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.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Gov Bill Lee					
MaryLou Apple					
Miles Burdine					
Gregory Duckett					
Mark George					
Mark Gill					
Kenneth Goldsmith					
Yolanda Greene					
Joey Hatch					
Charles Hatcher					
Emily House					
William McElyea					
Nisha Powers					
Wanda Reid					
Emily Reynolds					
Penny Schwinn					
Danni Varlan					
Weston Wamp					
Tom White					

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Board of Regents on 06/18/2021, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 04/21/2021

Rulemaking Hearing(s) Conducted on: (add more dates). 06/15/2021

Date: _____

Signature: _____

Name of Officer: Brian A. Lapps, Jr

Title of Officer: General Counsel

Agency/Board/Commission: Tennessee Board of Regents

Rule Chapter Number(s): 0240-02-10

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Herbert H. Slatery III
Attorney General and Reporter

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective on: _____

Tre Hargett
Secretary of State

Public Hearing Comments

One copy of a document that satisfies T.C.A. § 4-5-222 must accompany the filing.

General Counsel will include a response to any comments following the Rulemaking Hearing on 6/15/2021 and discussion with the Board on June 18, 2021.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

The rule is not anticipated to have any impact on small businesses.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://publications.tnsosfiles.com/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly.)

This rule is not anticipated to have any impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

This rule describes TBR's obligations in responding to allegations of sexual harassment consistent with Title IX's prohibition against sex discrimination by persons who apply for or are engaged in a TBR education activity or program and provides specific details considering the grievance process required for formal complaints of sexual harassment.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

34 C.F.R. § 106. Pursuant to the Title IX Final Rule, "to the extent of a conflict between State ... law and Title IX as implemented" with respect to sections related to definitions and specified procedures, "the obligation to comply with [those sections] is not obviated or alleviated by any State ... law." 34 C.F.R. § 106.6(h).

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Those most directly impacted by this rule are students at TBR institutions. The remainder of this response will be completed by General Counsel following the Rulemaking Hearing on 06/15/2021.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

TBR is not aware of an Attorney General opinion or judicial ruling directly related to this rule.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

None

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Brian A. Lapps, Jr., General Counsel

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

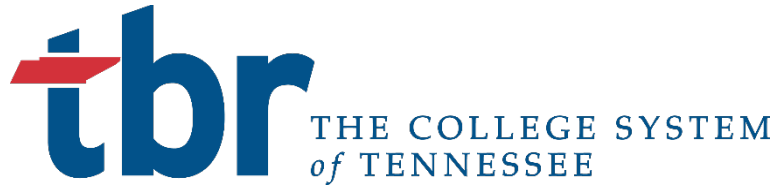
Brian A. Lapps, Jr., General Counsel

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Brian A. Lapps, Jr.
Office of General Counsel
1 Bridgestone Park, 3rd Floor
Nashville, TN 37214
615-366-4438

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

None



BOARD TRANSMITTAL

MEETING:	Quarterly Board Meeting
SUBJECT:	Notice of Proposed Changes to the Bylaws
DATE:	June 18, 2021
PRESENTER:	General Counsel Brian Lapps
PRESENTATION REQUIREMENTS:	5 minutes
ACTION REQUIRED:	Informational Purposes Only
STAFF'S RECOMMENDATION:	N/A

In accordance with Article VII of the Board's Bylaws, notice of a proposed change to the Bylaws is being provided so that the Board may consider and vote on the proposed changes at its quarterly meeting in September 2021.

The proposed change is to delete Section V.1.F. of the Bylaws, which is part of the "Duties of the President" section and currently provides: "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."

The proposed removal of Section V.1.F. is not intended to alter the current means of providing information to the Board or to limit the Board's ability to request information. Rather, removal of the language is proposed because annual reporting is outdated in light of the current, more regular means by which the Chancellor and TBR staff provide the Board with information about institutions, including through periodic reports at Committee and Board meetings; dashboards related to student enrollment, retention, and graduation; and information accessible on TBR and institutional websites.

At the September 2021 meeting, conforming changes to the applicable TBR policy regarding Annual Reports by the Presidents will also be proposed.

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 *Roberts Rules of Order, Newly Revised* 11th 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

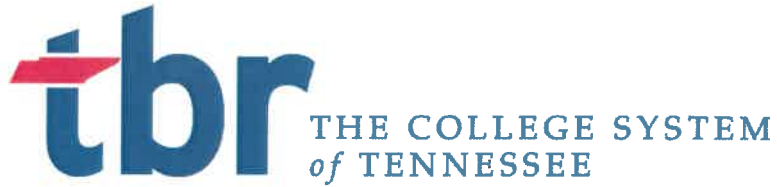
Formatted: French (France)

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 March 25, 2021.



BOARD TRANSMITTAL

MEETING: Quarterly Board Meeting

SUBJECT: Review and Consider Criteria for the President of Dyersburg State Community College

DATE: June 18, 2021

PRESENTER: Chancellor Flora W. Tydings

PRESENTATION REQUIREMENTS: 5 minutes

ACTION REQUIRED: ROLL CALL VOTE

STAFF'S RECOMMENDATION: Approve

President Karen Bowyer has announced her plans to retire on December 31, 2021. The Board will be asked to review and consider criteria for the president of Dyersburg State Community College. After the Board's action, the selection criteria will be used to advertise the president's position in a nationwide search. Executive search firm, Greenwood/ Asher, will assist the search committee in finding candidates to fill the position.

President

Dyersburg State Community College

The Tennessee Board of Regents invites applications and nominations for the position of President of Dyersburg State Community College. Dyersburg 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.

Dyersburg State Community College (DSCC) is a comprehensive, two-year postsecondary institution located in Dyersburg, Tennessee. As an Achieving the Dream college committed to student success, DSCC meets the educational needs of the people it serves in 5 counties in northwest Tennessee. Dyersburg enrolls approximately 2,800 credit seeking students each fall. The college employs 187 full-time employees, including roughly 50 full-time faculty members, and operates on a budget of over \$35 million.

DSCC awards Associate of Arts (AA), Associate of Science (AS), Associate of Applied Science (AAS), and Associate of Science in Teaching (AST) degrees as well as technical and institutional certificates. Dyersburg provides 33 academic programs of study. Currently, 26% of DSCC students are non-white. 40% percent of all credential-seeking students are enrolled in career preparation programs, while 60% of credential-seeking students are in programs intended for transfer to a university. About 41% of DSCC students are enrolled full-time, and students aged 25 or older represent 31% of the population. During fall semester 2020, 23% of the students were dual enrollment students.

In addition to the main campus located in Dyersburg, DSCC delivers programming at campuses in Trenton and Covington as well as selected teaching sites throughout the college's area of responsibility.

Additional information can be found at the college's website: <http://www.dsc.edu/>

Dyersburg 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;

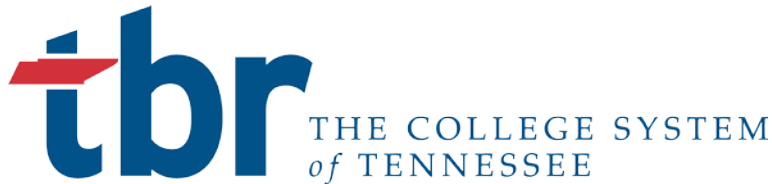
The Tennessee Board of Regents is committed to building and sustaining an inclusive and diverse educational environment and encourages applications from interested candidates who can contribute to, promote, and enhance this effort.

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 August 11, 2021 and it is anticipated that the President will be selected prior to November 30, 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
 Email: ashleyhice@greenwoodsearch.com



BOARD TRANSMITTAL

MEETING: June Quarterly Board Meeting

SUBJECT: Naming Request for Northeast State Community College

DATE: June 18, 2021

PRESENTER: Chancellor Flora W. Tydings

ACTION REQUIRED: Voice Vote

STAFF'S
RECOMMENDATION: Approve

The Northeast State Community College Building Naming Committee was recently charged with considering requests to name the College's current Faculty Office Building in memory of Dr. Allana R. Hamilton.

Dr. Hamilton, or "Lana" as she preferred to be addressed, devoted almost 26 years to Northeast State Community College, its students, faculty and staff. She made significant contributions in a variety of ways throughout her time at the College. She was initially hired by Northeast State as an Adjunct Faculty member and, over the span of 26 years at the College, advanced to several positions, including: Full-time Instructor, Tenured Assistant Professor, Associate Professor, and Vice President for Academic Affairs. Lana educated and influenced hundreds of Northeast State students, preparing them for their future careers in East Tennessee and beyond. Lana's colleagues have shared stories about her exceptional commitment to her students and her "servant leadership style". They write about how she led by example and was always willing to roll up her sleeves and help – no job was too big or too small. She served as a mentor to students and staff; she was always willing to help people better themselves. Lana was invested in the success of others and her influence will remain with the College for many years to come.

The Naming Committee requests approval to name the Faculty Office Building at Northeast State Community College – "**Lana Hamilton Hall**" in remembrance of Lana's commitment to education, lifelong learning, and community service, as well as, the commitment she had to Northeast State's mission, vision, and values.

April 29, 2021



Dear Chancellor Tydings and Members of the Tennessee Board of Regents:

Consistent with TBR Policy 4.02.05.01, the Northeast State Community College Building Naming Committee was charged with considering requests to name the College's current Faculty Office Building in honor of Dr. Allan Hamilton. The members of the naming committee were:

Dr. Connie Marshall, Committee Chair, Interim Vice President for Academic Affairs
Mr. John Adcox, Staff Senate President
Ms. Linda Calvert, Vice President for Administration and Grant Development
Mr. Chris Demas, Dean of Libraries
Dr. Susan Graybeal, Vice President for Institutional Excellence and Student Success
Dr. Pashia Hogan, Assistant Vice President for Multi-Campus Programs
Ms. Janie McConnell, Plant Operations and Grounds/Maintenance
Dr. Sam Rowell, Vice President for Workforce and Economic Development
Dr. Nathan Weber, Faculty Senate President

To honor the memory of Dr. Allana R. Hamilton, Northeast State Community College recommends naming our Faculty Office Building as **Lana Hamilton Hall**. The College offers the following justification specific to selected criteria from TBR Policy 4.02.05.01, as follows:

- (1) *In general, individuals and groups for whom buildings are named must have made a significant contribution to the field of education, government, science, or human betterment.*
- (2) *To preserve the integrity of all buildings named in the System, this honor must be reserved for individuals of recognized accomplishment and character; no building may bear the name of an individual convicted of a felony.*
- (3) *With respect to the naming of buildings on a particular campus, special consideration shall be given to:*
 - a. *The historical significance of the contribution of the individual or group to the institution;*
 - b. *The association of the individual or group with the building to be named.*

(1) Significant contribution to the field of education or human betterment.

Dr. Allana Hamilton, or “Lana” as she preferred to be addressed, made significant contributions in a variety of ways. Throughout her time at the College, Lana demonstrated her commitment to education and human betterment via the manner in which she conducted herself and interacted with those she encountered. Her colleagues would often tell stories of how Lana, as a Biology instructor, would wade the local creeks and streams to catch and collect specimens to engage her students as part of their coursework. She truly loved what she taught and shared her enthusiasm with all. Her contributions to education continued as she progressed from Dean of Northeast State’s Science division to its Vice President for Academic Affairs then became the President of Jackson State Community College before accepting her last role—that of the Tennessee Board of Regents’ (TBR) Vice Chancellor for Academic Affairs.

Lana’s personal commitment to education, lifelong learning, and community service, as well as to the College’s mission, vision, and values, is evidenced by the trajectory of her career and the activities in which she engaged:

Year	Activity
1987	B.S., Biology, Tusculum College
1987-1988	15 Hours to Improve Job Skills in Industry, Walters State Community College
1987-1989	Shift Chemist, BASF, Inc.
1989-1991	Teaching Assistant, Biological Sciences, ETSU
1990	Seasonal Naturalist, Warrior’s Path State Park
1991	Seasonal Naturalist, Davy Crockett Birthplace State Park
1991	M.S., Biological Sciences, East Tennessee State University (ETSU)
1991-2017	Northeast State Community College: From Adjunct Faculty, Full-time Instructor, Tenured Assistant Professor, Associate Professor, and Vice President for Academic Affairs
1992-1994	MCAT Biology Instructor, Kaplan Test Prep, Inc.
1996	Outstanding Faculty Award, Northeast State Community College
1997-1998	Adjunct Instructor, ETSU
1997-2002	18 Graduate Hours, Allied Health, ETSU
1998-2004	Volunteer Instructor, American Red Cross
1998-2004	Volunteer Instructor, Tennessee Wildlife Resources Agency
2001	Completed Regents Community College Leadership Academy
2005	Completed Regents Academic Leadership Institute
2007-2008	Completed 150-hour Internship: Performance Funding in Tennessee and Research and Revisions to <i>Fifty States Systems of Community Colleges</i>
2009-2010	Completed Tennessee Board of Regents Advanced Leadership Academy
2011	Ed.D., Educational Leadership and Policy Analysis: Post-Secondary and Private Sector Leadership, Allied Health Emphasis, ETSU
2015	Completed National American University Roueche Graduate Center’s Senior Administrators Leadership Institute

Dr. Chris Lefler, a 31-year employee at the College and its former Assistant Vice President of Evening and Distance Education, provided the following to capture Lana's commitment to students and faculty as demonstrated via her servant leadership style. His words speak to her ability to affect human betterment as individuals:

It is hard to put into words what Lana Hamilton meant to me. From the first day I met her in Jonesborough to interview her for an adjunct faculty position in Biology to the day she left Northeast State to become President of Jackson State, I knew I had a loyal and trusting friend and colleague. Lana was a faculty member first and foremost. Her love of teaching and teaching excellence was evident each and every day she stepped into her classroom. She demanded the most of herself and challenged her students to do the same...Her leadership abilities were evident to faculty and students alike. She was driven to provide the best working environment for the faculty she SERVED. She was the epitome of a servant leader. Students and faculty came first in her actions and decisions. As Vice President of Academic Affairs, Lana always put the needs of faculty and students first. She supported my efforts to expand Northeast State's role in advancing online learning, teaching sites, dual enrollment, evening services, and adjunct faculty support. She made sure that our faculty had every advantage possible as they stepped into the classroom.

Janie McConnell, Plant Operations and Maintenance, Grounds/Equipment Maintenance Worker, recalls Lana's leadership style and the effect it had on her and her co-workers: "Words could never describe the zealous energy that Dr. Allana Hamilton brought to our campus. Her approach to any task was never, 'You need to do this!' Her attitude was always, 'What can we do to make things better, or how can I help?' An instance that comes to mind when our department saw how she displayed her heart of service was removing trash from faculty rooms at Christmas so custodians could have an extended break. Another illustration was aiding Plant Operations in cleaning (baseboards, windows, scraping gum off floors, etc.) at the Johnson City campus minutes before a news conference she was to be in with Dr. Gilliam at the site's opening. In conclusion, the College has been truly blessed to have known the love, compassion, and respect Lana showed for students, faculty, and staff."

Dr. Sam Rowell, Northeast State's Vice President for Economic and Workforce Development, recalled,

During her tenure at Northeast State, Lana served as a mentor for many, including myself. Several years ago she led the effort on the development of a certificate whereby individuals enrolled in company apprenticeship programs could earn simultaneously a college-level certificate with the completion of the Department of Labor-approved apprenticeship credential in which they were enrolled. The ability to provide academic

credit for apprenticeship coursework, allowing individuals opportunities for upward mobility is an accomplishment in academics that many still aspire to achieve. In the area of ‘human betterment,’ I honestly believe everyone who got to know Lana is a better person because of who she was. I unequivocally believe Dr. Lana Hamilton meets the requirements set forth by TBR for the naming of a building.

(2) This honor must be reserved for individuals of recognized accomplishment and character.

Lana’s recognized accomplishments are many and the depth of her character is evidenced by the relationships she built with others and the impact she had on their lives. Dr. Keith Young, Assistant Professor, English, and former Dean, Off-Campus Programs and Services, notes the following:

Over the 27+ years of my career, I have had the great honor of knowing Dr. Hamilton as a fellow faculty member, as a fellow administrator, and a friend. Over the span of her time with Northeast State, Dr. Hamilton stood out above her peers as an enthusiastic, energetic faculty in the Biology division. I had the pleasure of witnessing her teaching at the Elizabethton campus, hearing the student compliments about who she was as a teacher and mentor to dozens of students. Later, when she became the dean of the Science division and later, the Vice President for Academic Affairs, Dr. Hamilton continued to excel in every imaginable way. She championed numerous faculty initiatives with the same enthusiasm and respect that marked her tenure while an instructor...It is a rare person who can bridge the divide between administration, staff, and faculty in these times; and it is both astonishing and gratifying that for a far-too-brief period of time, the Northeast State family was so fortunate to have someone of her caliber on the campus.

The words of William Wilson, a 28-year College employee and former Humanities Dean, holding Faculty Emeritus status, best represent our voice now as we ask TBR’s permission to name the Faculty Office Building Lana Hamilton Hall in honor/memory of Lana:

Character can be defined in many ways; but one essential quality is courage, a courage to endure and to love others no matter what life has brought to us. Lana showed us how to face death with spirit and hope...As a biologist, she knew what she was facing with the cancer and the damage from the stroke, but she continued her speech therapy, hoping even then to better herself, to live. Lana Hamilton Hall. To all of us who have a living memory of Lana, it would be a good thing for us to have a place on campus, where we could go and say to someone and-- more importantly--say to ourselves that this building, Lana Hamilton Hall, this cornerstone of her life, where she worked so hard for all of the students and for all of us, is now her home here at Northeast State. Here, her energy will still envelop us with its lithe grace and soft touch that was her true power. Then, we could once again remind ourselves that Lana represented the best of us: She truly made us all better human beings, better teachers and administrators than we ever thought we could be. Thank you, Lana. Thank you.

(3a) The historical significance of the contribution of the individual.

As to the historical significance of Lana’s contributions to Northeast State Community College’s evolution, she was responsible for significant growth during her tenure as Vice President for Academic Affairs, increasing articulation agreements, program offerings, and off-campus instructional sites. Not only was she instrumental in coordinating the development of Kingsport’s Academic Village, she also oversaw the addition of two primary instructional sites: Northeast State at Bristol and Northeast State at Johnson City. Furthermore, Northeast State at Gray became SACSCOC accredited during her leadership as did 16 high school teaching sites in the five-county service area, enabling on-site early post-secondary opportunities for all local high school students.

Dr. Connie Marshall, Interim Vice President for Academic Affairs, wrote, “Lana had a strong commitment to academic excellence and compassion for people, which she has left with everyone at Northeast State. Academic excellence was at the center of all decisions and policies brought forth when Lana was the Vice President for Academic Affairs. Lana’s focus was making sure every program was accredited and every course was of the highest quality possible to ensure each student was getting a superior education.” To that end, Lana negotiated a variety of articulation, dual admission, and reverse transfer agreements:

Year	Articulation Agreement
2008	East Tennessee State University - A.S., University Parallel, Business to B.A. Economics/International Commerce Milligan College - A.S., University Parallel, Pre-Occupational Therapy
2009	East Tennessee State University - A.A.S., Nursing to B.S. Nursing University of Phoenix - A.A./A.S./A.A.S degrees King College - A.S. in Teaching
2010	Bethel University - A.A./A.S., University Parallel, Criminal Justice and A.A.S, Criminal Justice Carson-Newman College - A.S., University Parallel, Philosophy/Religious Studies University of Tennessee at Martin - A.S., University Parallel, Business
2013	Western Governors University
2015	Bethel University – A.S. to B.S., Management and Organizational Development or Organizational Leadership
2016	Lincoln Memorial University - A.A./A.S. degrees
2015	Emory and Henry College - A.A., Mass Communications, Guaranteed Admissions Agreement
2016	Emory and Henry College – General Agreement for AA/AS

Year	Dual Admission Agreement
2013	Tusculum College
2014	Middle Tennessee State University
2014-2017	Tennessee State University
2015	University of Memphis
2015-2018	Austin Peay State University
2015-2025	East Tennessee State University

Year	Reverse Transfer Agreement
2014	East Tennessee State University
2014	Middle Tennessee State University
2014	Milligan College
2014	King University
2014	Tusculum College
2014-2017	Austin Peay State University
2014-2018	Tennessee State University

In addition, the following new academic programs were added to the College's academic portfolio under Lana's guidance:

Year	Program Added
2010	Certificate, Auto Body Service Technology A.A.S., Industrial Technology, Concentration: Automotive Body/Collision Repair
2011	A.A., University Parallel, Visual Art and Design A.S., University Parallel, Digital Media Certificate, General Education Core
2012	A.S., University Parallel, Pre-Medical Technology (Transfer to LMU) A.S. University Parallel, Pre-Veterinary Science (Transfer to LMU) Certificate, Industrial Operations
2014	Certificate, Customer Service and Sales Certificate, Entrepreneurship Certificate, Sound and Lighting A.A.S., Nursing (LPN to RN Option) A.S., University Parallel, Information Technology
2015	Certificate, Aviation Maintenance Technology A.A.S., Entertainment Technology A.S., University Parallel, Pre-Wildlife and Fisheries Biology (Transfer to LMU)
2016	A.A.S., Aviation Technology A.A., University Parallel, Mass Communication (Transfer to Emory and Henry College) A.A., University Parallel, Religious Studies (Transfer to Emory and Henry College) A.A., University Parallel, Sociology (Transfer to Emory and Henry College) A.S., University Parallel, Pre-Health - Athletic Training (Transfer to Emory and Henry College) A.A.S., Criminal Justice

Lana consistently helped local community agencies, businesses, and industries strengthen economic and community development. On-going initiatives with these entities resulted in the College's Regional Center for Advanced Manufacturing in Kingsport, providing both credit and

non-credit training to support workforce development and training needs. For example, she was instrumental in establishing an Industrial Operations technical certificate to recognize credit-course training. A benefit of the certificate included providing a higher education credential for students for workforce training completion.

Lana was dedicated to excellence in education, ensuring that all discipline-specific standards required of the College's accrediting agencies were maintained via an on-going institutional self-study program. As a result, accrediting agencies included the following: Southern Association of Colleges and Schools Commission on Colleges; Commission on Accreditation of Allied Health Education Programs; the Joint Review Committee on Education in Cardiovascular Technology; Committee on Accreditation of Educational Programs for the EMS Professions and the Tennessee Department of Health (Division of Emergency Medical Services); Accreditation Review Council on Education in Surgical Technology and Surgical Assisting; Accreditation Council for Business Schools and Programs; Commission on Dental Accreditation of the American Dental Association; National Accrediting Agency for Clinical Laboratory Sciences; Association of Technology, Management, and Applied Engineering; Accreditation Commission for Education in Nursing; and the National Association for the Education of Young Children.

Lana recognized the expectations of faculty students, and accreditors and the role of the College's library resources in supporting excellence in education and advocated for materials accordingly. As noted by Chris Demas, Dean of the Library,

Lana Hamilton was a great supporter of libraries because she recognized the immense value of both classroom and non-classroom learning. She viewed libraries as a way for students to enrich their college and life experiences and grow into lifelong learners. Lana believed that libraries support the academic mission of the college to help students achieve academic success. By advocating for the Basler Library at Northeast State; she facilitated the growth of the collection and addition of services and resources to better provide for the students and faculty, thus promoting academic success and growth.

Lana's service to the College is exemplary as evidenced by her participation and leadership in a multitude of committees and organizations. These are just some of the committees in which she played a leadership role: Academic Affairs Committee, Academic

Advisement Committee, Accessibility Team, Academic Audit/Accreditation Teams, Campus Safe Committee, Curriculum Subcommittee, Distance Education Subcommittee, Faculty Council, General Education Committee, International Education Committee, Mobilization Committee, Program Advisory Committees, Promotion and Tenure Committee, SACSCOC Compliance Certification Leadership Team and Quality Enhancement Plan Team, EdVenture Club Advisor, Pre-Professional Health Society Advisor, and the Technology Planning and Oversight Committee.

(3b) The association of the individual with the building.

As to Lana's association with the building, Lana's office as Vice President for Academic Affairs was located in the building, which was and still is labeled the Faculty Office Building. Lana spent the entirety of her career at the College as a member of Academic Affairs. She came to the College in 1991 as an adjunct faculty member prior to being hired as a full-time faculty member in 1992. She continued to serve as a full-time faculty member, rising to the level of tenured Associate Professor then to Dean of the Science Division prior to being appointed as Interim Vice President for Academic Affairs in 2008. In 2010, Lana was hired via the search process to be the College's Vice President for Academic Affairs, the role in which she continued until she left the College in January 2017 to become President at Jackson State.

It is appropriate that the faculty building be the building named in Lana's honor because Lana considered it an honor and a privilege to be a faculty member herself then to serve the faculty in her role as Vice President. Lana has been referred to as the heart of the College; in addition, she was the voice for faculty—consistently working to provide the technology and resources to furnish faculty the tools they needed to ensure excellence in Northeast State's classrooms. The faculty who worked closely with Lana say about her:

Lana was always one of us, even after moving on. Having risen through the faculty ranks to administrative positions and then on to the Board level, she served as a professional mentor and inspiration to many of us. Regardless of the role in which she served, Lana remained a genuinely caring person and continued to exhibit the heart of a true educator, dedicated to student success. She will always be an integral piece of our institutional backbone and her guidance and friendship will be missed by those of us who knew her. The dedication of a building in her honor will be a visible reminder of her inspiring nature and her dedication to the College.

Not only did faculty have the utmost respect and care for Lana, staff across the College did as well. Amy Drinnon, former Northeast State at Elizabethton Administrative Assistant, wrote:

I had been at Northeast for just a short time, possibly two weeks, when Dr. Hamilton emailed me. I had only met her once, when my contract was signed; but she emailed to check on me to see how I was doing. She wanted to know if I was settling in okay and if there was anything she could do to make the transition to a new workplace easier. That struck me as the act of a very kind person, one who was genuinely interested in other people. She did not have to contact me or check in with me; it wasn't her job to do so. I think that action denoted a person who went above and beyond what was required on just about everything. That type of character is certainly deserving of accolades!

These examples from the naming committee, our faculty and staff, as well as past leaders of the College who worked closely with Lana throughout the years are evidence and support of our unanimous decision to advance our request for naming the Faculty Office Building in honor of Dr. Hamilton's contributions to higher education and our College. Therefore, it is my privilege to recommend for your consideration that the Faculty Office Building on the Blountville Campus of Northeast State Community College be named Lana Hamilton Hall.

Sincerely,

Bethany H. Bullock

Bethany H. Bullock
President

**A Resolution of Appreciation for the Service of
Dr. Kenneth Goldsmith, as Faculty Regent for the
Tennessee Board of Regents**

WHEREAS, the Tennessee Board of Regents, in regular session June 18, 2021, wishes to express its sincere appreciation to Dr. Kenneth Goldsmith, Faculty Member and Director of Legal Studies at Chattanooga State Community College, for his service as Faculty Regent; and

WHEREAS, he was appointed by Governor Bill Lee to serve as a Faculty Regent for the 2019-2020 and 2020-21 academic years; and

WHEREAS, he received his Bachelor of Arts degree from the University of Florida, Master of Public Administration degree from Florida Atlantic University, Juris Doctorate degree from the University of Florida and Doctorate of Business Administration from the University of Phoenix. He is licensed to practice law in Georgia and Florida, and is a licensed mediator in both states; and

WHEREAS, serving as the Director of Legal Studies, Dr. Goldsmith manages degree, transfer and certificate programs in pre-law and paralegal studies at Chattanooga State and was the college's representative on the TBR Statewide Committee for Paralegal Education. He is a two-time past president of the college's Faculty Senate; and

WHEREAS, as an expert on internationalization, he founded the college's International Business Lecture Series, in which more than thirty speakers from Asia, Europe and South America have presented on such global topics as trade, economics,

entrepreneurship and human trafficking. In 2013, he was awarded a TBR grant to study internationalization of Tennessee community colleges. His research serves as the benchmark for internationalization efforts at Chattanooga State, and

WHEREAS, after the completion of his research he was appointed to serve on statewide International Education and Study Abroad committees, and a year later received a year-long sabbatical to teach in China, where he was a Visiting Scholar in Law at Ningbo University of Technology. From China, Dr. Goldsmith travelled to Taiwan where he was invited to visit Taiwanese universities, trade organizations and business start-ups. He has also taught legal research and international trade at Ramkhamhaeng University in Bangkok, Thailand, and lectured on international management at Palacky University, in Olomouc, Czech Republic; and

WHEREAS, in 2017, Dr. Goldsmith created Chattanooga State's first study abroad partnership program with the state's international education consortium. His Global Leadership Honors course included a service-learning capstone program in Athens, Greece. In 2020, he introduced a new study abroad program for students in the History of the Common Law course, which takes students to London, England, to see the birthplace of the common law legal system also in use in the United States; and

WHEREAS, Dr. Goldsmith has been active in community and civic affairs, including current service on the Board of Directors of the Jewish Federation of Greater Chattanooga and on the Board of Directors for the Midwest Institute for International and Intercultural Education, a consortium of two-year colleges across the U.S. supporting curriculum and professional development, overseas projects for

faculty and students, and professional networking. He is a member of Leadership Chattanooga Alumni (Class of 2016).

WHEREAS, he has fulfilled his responsibilities on the Board in an exemplary manner by contributing to the governance of the institutions within the Board's purview and by voicing concerns and views of faculty for educational quality; and

WHEREAS, he has provided leadership, guidance, and expertise to the Board in the areas of articulation and student life and has represented his colleagues and students with unwavering and distinguished service; and

WHEREAS, he actively devoted his time and attention to deliberations within the Committee on Academic Policies and Programs and the Committee on Workforce Development where he brought invaluable insight from the campus level; and

WHEREAS, he is an individual of high integrity and wisdom with a sincere interest in the welfare of the College System of Tennessee and Tennessee higher education in general; and

WHEREAS, his tenure has been marked by selfless support of the College System, its students, faculty, and communities;

NOW, THEREFORE, BE IT RESOLVED, that the Tennessee Board of Regents expresses its sincere appreciation to Dr. Kenneth Goldsmith, for his dedication and contributions to the Board and its institutions; and extends best

wishes to him in all his future pursuits.

**A Resolution of Appreciation for the
Service of Mr. William McElyea as
Student Regent for the
Tennessee Board of Regents**

WHEREAS, the Tennessee Board of Regents, in regular session, wishes to express its sincere appreciation to Mr. William McElyea for his dedicated and valuable service as Student Regent; and

WHEREAS, Mr. McElyea was a diligent student and leader at Chattanooga State Community College, where he excelled in a number of academic, student government and extracurricular activities prior to earning his Associate degree in Mass Communication/Media Studies. He served as Parliamentarian for the Student Government Association, overseeing SGA meetings for parliamentary procedure, facilitating discussion and debate, and organizing annual SGA elections. Mr. McElyea also served as a delegate to the Tennessee Intercollegiate State Legislature; and

WHEREAS, Mr. McElyea was a member of the Global Scholars program at Chattanooga State and was inducted into Phi Theta Kappa Honor Society. These memberships afforded him the opportunity to take a wide variety of Honors Classes during his time at Chattanooga State; and

WHEREAS, he is also an exemplary student leader, serving as web master of and contributing to the Communicator, the student newspaper. Through his involvement in the college's Media Club, he wrote and directed a film project that turned into a campus-wide effort and which later screened at the Chattanooga State

Film Festival. He also worked as a student assistant to the director of media services in the college's Media Services office; and

WHEREAS, despite maintaining a rigorous class, study, work and extracurricular schedule, he performed volunteer work for Child Evangelism Fellowship, where he taught children at schools and community centers in the Chattanooga area, and at Hope Force International, where he worked in disaster and humanitarian relief services; and

WHEREAS, Mr. McElyea was appointed Student Regent by the Honorable Bill Lee, Governor of the State of Tennessee, for the 2020-2021 academic year. In that role, he represented the interests, concerns and voices of more than 100,000 students across the College System of Tennessee – a role whose importance was heightened during his tenure due to the global COVID-19 pandemic that dramatically altered the delivery of classes and services for students. While persevering as a student himself, he took his representative role seriously, advocating on behalf of his fellow students' needs. He participated in the systemwide Student Government Presidents Council meetings in order to better serve as a liaison between that body of student leaders and the Board, and so that he could most fully represent the voices of the constituents he was appointed to represent; and

WHEREAS, he devoted considerable time and effort as a member of the Committee on Academic Policies and Programs and Student Life. His contributions also included providing insight on important issues concerning legislation impacting students and student life on TBR campuses; and

WHEREAS, as a member of the Board, he has been an instrument of positive and effective change for his state and its people. During his tenure, Mr. McElyea unfailingly fulfilled his responsibilities through active and eager participation in Board deliberations and contributed greatly to the governance of the System; and

WHEREAS, he is an individual of high integrity and wisdom with truly a sincere interest in the welfare of the Tennessee Board of Regents System and Tennessee higher education; and

NOW, THEREFORE, BE IT RESOLVED, that the Tennessee Board of Regents expresses its sincere appreciation to Mr. William McElyea, for his dedication and many contributions to the Tennessee Board of Regents System.