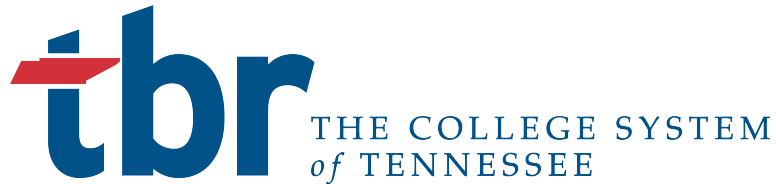


Presidents Quarterly Meeting Agenda

Tuesday, August 10, 2021

1. Opening Remarks – Chancellor Tydings
2. Policy TCAT-023 Uniform Procedures for Grievances by Students at TCATs (attachment) – Heidi Leming
3. Policy 2.03.01.05: Academic Retention and Readmission at the TCATs (attachment) – Heidi Leming
4. Instructional Projects, Guideline A-030 (attachment) – Beth Martin
5. Discrimination and Harassment, Complaint Investigation Procedure (attachment) – Beth Martin
6. Traffic and Parking Fine Approval Process (attachment) - Beth Martin
7. Early Postsecondary Opportunities Policy: 2:01:00:05 (attachment) - Tachaka Hollins and Robert Denn
8. Legislative Priorities – Kim McCormick
9. Office of Organizational Effectiveness Update - Wendy Thompson
10. Accessibility Principles of Good Practice – Heidi Leming
11. High Impact Practices Implementation and Sustainability Plan – Heidi Leming
12. Other Business and Adjournment



**Presidents Quarterly Meeting
August 10, 2021**

SUBJECT: TBR TCAT-023 Guideline: Uniform Procedures for Grievances by Students at TCATS

PRESENTER: Dr. Heidi Leming, Vice Chancellor for Student Success

ACTION REQUIRED: Requires Vote

Summary:

The purpose of this guideline is to provide a procedure through which students at the Tennessee Colleges of Applied Technology may submit a complaint if the student has a concern regarding a situation or condition at the TCAT and the student believes they have been treated unfairly or inequitably.

Changes in this guideline include adoption of procedures for Title IX complaints and contact information for COE Accreditation. This guideline was approved by the Academic and Student Affairs subcouncils on July 15, 2021.

Attachments

Uniform Procedures for Grievances/Complaints by Students at TCAT's : TCAT-023

Policy/Guideline Area

Tennessee Colleges of Applied Technology

Applicable Divisions

TCATs

Purpose

The purpose of this guideline is to provide a procedure through which students of the Tennessee Colleges of Applied Technology may submit a complaint if the student has a concern regarding a situation or condition at the TCAT and the student believes they have been treated unfairly or inequitably.

Policy/Guideline

I. Limitations on Scope and Use of Process

A. Allegations of ~~sexual or racial~~ harassment or discrimination based on a protected category shall be processed in accordance with TBR Guideline P-080, Discrimination & Harassment - Complaint & Investigation Procedure.

~~A.B.~~ Allegations of sexual misconduct shall be processed in accordance with TBR Policy 6.03.00.00, Sexual Misconduct.

~~B.C.~~ Grade appeals should comply with the appropriate grade appeal process.

~~C.D.~~ Matters regarding student discipline are processed in accordance with the student disciplinary policies and rules found at TBR Policy 3-02-00-01, General Regulations on Student Conduct and Disciplinary Sanctions, Policy and 3-02-01-00, Student Conduct and Disciplinary Sanctions, Rule 0240-02-03 of the rules published by the Tennessee Secretary of State, Student Due Process Procedures, and Rule 0240-3-21-01, et seq., of the rules published by the Tennessee Secretary of State. Students should

~~also consult the~~ This information may be found in the student handbook/catalog
available on the college's website.

~~D.E.~~ Appeals of traffic or parking citations should be processed as specified by each
institution's website.

~~E.F.~~ In order to resolve concerns in a timely manner, complaints must be presented within
ten (10) school days after the occurrence of the event claimed to have given rise to the
complaint. Any complaint not presented within the time provided is waived and will
not be considered.

II. Process

- A. It is the philosophy of the TCATs that many complaints can be resolved through open
and clear communication; and should be resolved at the lowest level possible.
Therefore, the student should first discuss the grievance/complaint with the instructor,
administrator or student involved in the matter in an attempt to resolve the concern.
1. If the concern cannot be resolved through informal discussion, the student may
file a written grievance/complaint with the office of Student Services. The Student
Services Coordinator will meet with the student, investigate the
grievance/complaint, consult other TCAT personnel or students as needed,
determine an appropriate resolution, and notify the student, in writing, of the
outcome.
 2. If the student is not satisfied with how the Student Services Coordinator attempted
to resolve the issue, the student may appeal to the President within five (5) school
days of receipt of the Students Services Coordinator's letter.
 - a. The President may discuss the matter with the student and the Student
Services Coordinator, and any other personnel they feels appropriate.
 - b. The President will provide a written decision to the student within five (5)
days of receipt of the appeal.
 - c. The President's decision will be final.

3. If either party involved in a complaint or grievance is not satisfied with the decision of the President, the student may file an appeal with the Council on Occupational Education: 7840 Roswell Road, Building 300, Suite 325; Atlanta, GA 30350 or by calling (707) 396-3790.
- Suggested language instead:* If either party involved in a complaint or grievance is not satisfied with the decision of the President, the Council on Occupational Education reviews all written, signed complaints that allege non-compliant activities and practices of applicant, candidate, or accredited institutions: 7840 Roswell Road, Building 300, Suite 325; Atlanta, GA 30350.

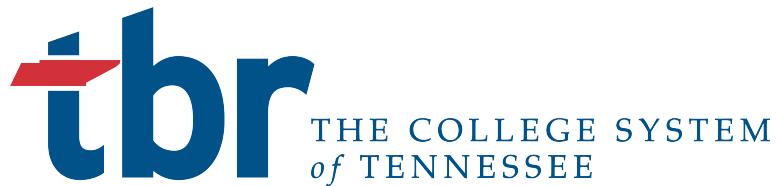
Sources

Authority

T.C.A. § 49-8-203

History

February 14, 2002 Director's Meeting, May 21, 2002 President's Sub-Council Meeting; Admin Change, February 27, 2008.



**Presidents Quarterly Meeting
August 10, 2021**

SUBJECT: TBR Policy 2.03.01.05: Academic Retention and Readmission at the TCATs

PRESENTER: Dr. Heidi Leming, Vice Chancellor for Student Success

ACTION REQUIRED: Requires Vote

Summary:

Students at the Tennessee Colleges of Applied Technology are expected to maintain satisfactory attendance and to progress in an appropriate manner toward their training objectives. This policy provides minimum criteria for evaluating student achievement relating to identified occupational competencies and defines retention standards for the colleges.

This policy has been revised to reflect alignment with new Title IV definitions and was approved by the Academic and Student Affairs subcouncils on July 15, 2021.

Attachments

Academic Retention and Readmission at the Tennessee Colleges of Applied Technology: 2.03.01.05

Policy/Guideline Area

Academic Policies

Applicable Divisions

TCATs

Purpose

Students at the Tennessee Colleges of Applied Technology are expected to maintain satisfactory attendance and to progress in an appropriate manner toward their training objectives. This policy provides minimum criteria for evaluating student achievement relating to identified occupational competencies and defines retention standards for the colleges.

Definitions

Absence: a student is considered to be absent if he or she is not present in the classroom, lab or assigned work-based learning activity and not actively engaged in his or her program course curriculum.

Clock Hour: A period of time consisting of—

- 1) A 50- to 60-minute class, lecture, or recitation in a 60-minute period;
- 2) A 50- to 60-minute faculty-supervised laboratory, shop training, or internship in a 60-minute period; or
- 3) Sixty minutes of preparation in a correspondence course.
- 4) In distance education, 50 to 60 minutes in a 60-minute period of attendance in—
 - a. A synchronous or asynchronous class, lecture, or recitation where there is opportunity for direct interaction between the instructor and students; or

An asynchronous learning activity involving academic engagement in which the student interacts with technology that can monitor and document the amount of time that the student participates in the activity.

Competency: A combination of observable and measurable knowledge, skills, and abilities required to successfully perform “critical work functions” or tasks in a defined work setting.

Customary Clock Hours: Total clock hours associated with a course that are customarily required for a student to gain competency of a topic.

Full Time: Enrollment and attendance in a minimum of 30 hours per week.

Part Time: Enrollment and attendance in less than 30 hours per week.

Suspension: Temporary removal of a student from enrollment at the institution due to violation of school policies or academic requirements.

Tardy: Any instance in which a student is not in class at the designated start time.

Transfer Credit: Course credit given through assessment of prior learning/transfer credit. Credit is provided as grades of ‘TP’ or ‘TC’ that are not factored into grade point average (GPA).

- TP Grade: Transfer--Full Course Credit, course is not available for attendance/absence posting or grading.

Commented [JB1]: Added to align with new Title IV definition.

- TC Grade: Transfer--Partial Course Credit, course is available for attendance/absence posting and grading.

Policy/Guideline

I. Student Attendance

- A. The nature of the programs at the Tennessee Colleges of Applied Technology is such that it is necessary for every student to attend regularly. Excessive interruptions due to absences will have an adverse effect on student progress.
 1. A full-time student enrolled for a full term (432 hours) and that has been absent for more than 5.5% (24 hours) of the scheduled hours enrolled, will receive written communication alerting the student to the number of hours remaining prior to suspension. Available community and institutional resources will be shared to assist students with attendance issues. The number of hours of absence triggering notification must be prorated for all part-time students and full-time students enrolled for less than a full term.
 2. When a full-time student enrolls for a full term (432 hours) and has absences exceeding 9.7% (42 hours) of the scheduled hours enrolled, that student will be suspended. A student suspended for attendance may appeal the suspension in writing to the president within three (3) days of receiving notification of the suspension. A student appealing suspension of attendance may remain in class until the suspension has been reviewed. The number of hours triggering suspension must be prorated for all part-time and full-time students enrolled for less than a full term.
 3. A student is considered tardy if not in the classroom at the designated time for class to start. Multiple tardies will result in the following discipline:
 - a. Five (5) tardies: Student will be given a written warning by instructor.
 - b. Six (6) tardies: Student will be placed on probation by the president or the president's designee.
 - c. Seven (7) tardies: Student will be referred to the president, and may be suspended.
 4. An attendance record for each student shall be maintained in the student information system.
- B. When a student misses three (3) consecutive days without contacting the college, that student may be presumed to have withdrawn from the college.

II. Exceptions for Suspension Due to Student Attendance

- A. In individual cases of extenuating circumstances, the president may make exceptions to the requirement of suspension or presumed withdrawal due to absences. The circumstances warranting such exceptions should be fully documented.

III. Student Progress

- A. Evaluations of student achievement toward a program's identified occupational competencies are recorded for each student at the end of 432 hours of instruction that comprise a term. Those evaluations shall be based on the following scale of progress:
 1. A = 90 – 100
 2. B = 80 – 89

3. C = 70 – 79
4. D = 60 – 69
5. F = 0 – 59
6. P = Pass
7. CONT = Continuing/Incomplete
8. W = Withdrew

Commented [JB2]: Changed to 10-point scale.

- B. Grades for courses will be determined as described in course syllabi. Students will be graded in the following categories:
1. Skill Proficiency
 2. Theory/Related Information

IV. Prior Learning Assessment/Transfer Credit

- A. Each TCAT will establish a process for prospective students to submit prior learning or transfer credit for review by an instructor in the student's selected program of study. The process will be advertised to all students and will be outlined in the student handbook.
- B. Transfer credit for previous training from other institutions or prior learning experience may be given credit toward program completion requirements upon demonstration of common competencies. Students requesting credit for prior education/training or experiences may do so through two sources of prior credit that can be reviewed by instructors for recommendation for the student to receive credit towards a course in a TCAT program of study.
1. Credit from a sister TCAT institution.
 2. Credit from all other institutions, work experiences, certifications, etc.
- C. For the purpose of GPA, the prior learning or transfer credit will appear on the student's transcript. A grade of 'TP' for Transfer--Full Course Credit or 'TC' for Transfer—Partial Course Credit will be assigned and will not be included in the GPA calculation.
- D. Transfer credit provisions are set by each technical college in keeping with best practice guidelines. As such, transfer of prior credit is limited in a number of areas.
- For example,
1. the number of hours that may be transferred,
 2. in equivalency of requirements,
 3. the procedures for acceptance of transfer credits, including GPA requirements,
 4. the period in which courses may be taken and time limits on work varies by institution,
 5. department and academic program.

V. Grade Point System

- A. The following grade point system is to be used in grade point average (GPA):
1. A: 4 points per customary clock hour
 2. B: 3 points per customary clock hour
 3. C: 2 points per customary clock hour
 4. D: 1 points per customary clock hour
 5. F: 0 points per customary clock hour

- B. The grade point average is determined by dividing the total number of grade points earned by the total number of customary clock hours for the courses which the student attempted. Customary clock hours in courses from which the student withdraws or in which the student receives grades such as pass/fail, are not considered when determining the GPA.
- C. Finally, a single student transcript will include term and cumulative GPA calculations. The cumulative calculation will be used in determining the required GPA for graduation, honors, and financial aid eligibility. The term calculation will be used when determining suspension.
- D. For the purpose of increasing mastery in a course when such is necessary for program progression or for the purpose of increasing the GPA, institutions may permit students to repeat courses in which their final grades are C or lower. Allied Health programs may outline specific repeat course guidelines in their respective Allied Health student handbook.
- E. In computing the GPA, the question of how to count repeat courses must be specifically addressed in the Student Handbook of each institution. In the event a student repeats a course, the repeat course grade is calculated into, and the original grade is excluded from the GPA. If courses are repeated more than twice (three attempts), GPA is calculated using the third attempt and all subsequent attempts.

VI. Retention Standards

A. GPA TCATs

- 1. A student who fails during any term to attain a cumulative GPA at or above the level indicated below for the customary clock hours attempted or the average grade per course, will be placed on suspension at the end of the term.
 - a. Standards:
 - I. A student must earn a "D" (60) or better per course for each term and an overall 2.0 GPA or better per term.
 - II. Allied Health Programs require a "C" (70) or better per course for each term.
- 2. Additional retention standards for specific programs may be established by the college based on accreditation or licensing requirements applicable to a program.

Commented [JB3]: Changed

Commented [JB4]: Does this need to be a 'B' for 80 or above, specifically for Practical Nursing?

Commented [JB5]: Changed

VII. Readmission from Suspension for Grades or Attendance

- A. The president may consider for readmission the applicant who has been suspended.
- B. Criteria that the president will consider in assessing candidacy for readmission are as follows:
 - 1. Assessment of the candidate's willingness to address those deficiencies that contributed to the prior suspension, and
 - 2. Assessment of the likelihood that the readmitted student may succeed in pursuing their training objective.

**Presidents Quarterly Meeting
August 10, 2021**

SUBJECT: Implementation of Academic Guideline A-030,
Instructional Projects (formerly TCAT 010, Instructional
Projects at Colleges of Applied Technology)

PRESENTER: Elizabeth Martin, Associate General Counsel

ACTION REQUIRED: Requires Vote

While working with TCAT Presidents to revise TCAT-010, it became apparent that instructional projects take place at Community Colleges, too, and that they could benefit from following the processes in a revised guideline. Thus, the Office of General Counsel is recommending that the TCAT guideline be modified and expanded to become an academic guideline applicable to both TCATs and Community Colleges.

The proposed Guideline A-030 and Exhibits attempt to minimize potential liability for institutions, employees, and students resulting from instructional (also known as “live work” projects) by:

1. Including clearer and more comprehensive language explaining to patrons that live work arrangements are learning projects for students and that a patron cannot file suit if dissatisfied with the results; and
2. Prohibiting employees from signing live work forms, which will help defend against any potential breach of contract claim.

The revised guideline has been reviewed by the TCAT Presidents, Academic Affairs Subcouncil, and Faculty Subcouncil. The exhibits are already posted to the website: [Instructional Projects at Colleges of Applied Technology : TCAT-010 | policies.tbr.edu](https://policies.tbr.edu).

Attachments

Instructional Projects, A-030 (formerly TCAT-010) at ~~Colleges of Applied Technology~~ TCAT-010

Policy/Guideline Area

~~Academic Guidelines~~ ~~Tennessee Colleges of Applied Technology~~

Applicable Divisions

TCATs, Community Colleges

Purpose

The purpose of this guideline is to establish uniform provisions for instructional projects at ~~TBR institutions~~ the Tennessee Colleges of Applied Technology (TCAT's). Each ~~TCAT institution~~ shall administer instructional projects in accordance with the following provisions. Exceptions to the guideline are subject to prior approval by the Chancellor.

Definitions

- For purposes of this guideline, a distinction is made between school instructional projects (“school projects”) and individual instruction projects (“individual projects”), which may be collectively referred to as “live work” projects. In general, school projects are those secured by the school and assigned to students by instructors as part of the instructional program. School projects may result in a product, which may be reused or sold by the school. Individual projects are those involving personal service to the ~~patron/owner~~ provider or returned to the ~~patron/owner~~ provider after services are rendered by students.

Policy/Guideline

I. General Statement

- It is recognized that instructional or “live work” projects enhance ~~the~~ vocational-technical training, and work-based learning associated with high impact practices. ~~of TCAT students.~~
- Instructional projects are those which:

1. When completed constitute a product; or
 2. Involve repairing or providing maintenance service to a device; or
 3. Involve the delivery of a personal service, such as in cosmetology programs.
- C. To ensure that such projects are meaningful to the training program, they must be selected on the basis of their potential contribution in aiding students develop identified competencies. All such projects must be selected and scheduled in keeping with stated objectives of the instructional program.

II. Selection, Authorization, and Sources of Projects

- A. The President or designee ~~Center Director~~ is responsible for the selection and authorization of all school projects, except those involving construction ~~of buildings~~, which shall require approval by the Chancellor.
1. ~~The Purchases related to~~ school projects must be consistent with the TBR purchasing policies and procedures (No. 4:02:10:00).
 2. Where applicable, solicitation and acceptance of projects shall be subject to the TBR policy on solicitation and acceptance of gifts (Policy number 4:01:04:00).
 3. The sources of individual projects may include those offered by students and staff of the school ~~ITC~~, members of the schools' advisory committees, personnel and institutions of the Tennessee Board of Regents System, ~~retired persons~~, civic groups, governmental agencies, and non-profit organizations.
 4. The President or designee ~~Center Director~~ may, ~~upon consultation with the school advisory committee~~, authorize individual projects offered from other individuals and groups in the event appropriate projects are not available from the above sources.
- B. An instructor shall be responsible for selecting and scheduling individual projects, which may be selected only from authorized categories.
1. No work may be performed on a project from a category that has not been authorized.

2. An instructor may give priority to a project belonging to a student, provided it meets established training objectives.

III. School Projects

- A. The school shall bear the cost of parts, supplies, and materials for school projects.
 1. Acquisition of such parts, supplies, and materials shall be in accordance with the Tennessee Board of Regents purchasing policies and procedures (No. 4:02:10:00).
 2. In cases where competitive bidding is not feasible, appropriate documentation shall be maintained for audit purposes.
- B. The sale of completed school projects shall be in accordance with the Tennessee Board of Regents policy on disposal of surplus personal property (No. 4:02:20:00).

IV. Individual Projects

- A. An approved service agreement ~~form~~ must be prepared ~~completed~~ by the appropriate instructor prior to initiating work on any individual project. The school shall retain a completed copy of ~~An original of the agreement form shall be retained by the Center and a copy of the service agreement form provided to the individual or group for whom the work is being performed.~~
- B. In general, the patron/owner of the project shall be responsible for providing the parts, supplies and materials for individual projects.
 1. The school may recommend sources where parts, supplies and materials may be acquired.
 2. The school should avoid recommending sole sources except in cases where other sources are not readily available.
- C. There are instances, however, where it is more feasible for the school to provide parts, supplies, and materials for individual projects; for example, weights for wheel balancing, refrigerant gas, etc.

1. In such instances, the acquisition of the parts, supplies, and materials by the school shall be in accordance with TBR policy (No. 4.02.10.00), and the project owner shall be assessed a fee to recover the school's expenses.
 - a. The fee shall be consistent with a fee schedule approved by the Board.
 - b. The fee schedule shall be made available to patrons/project owners prior to completion of the service project agreement form.
 - c. Prior to release of the project, Payment of the required fees must be paid is due upon completion of the project.
 - d. Fee payments will be received by authorized school staff, properly receipted, and deposited in accordance with the TBR policy on deposit and investment of funds (No. 4.01.01.10).

V. A Form Service Agreements Forms

- A. The Board staff will approve agreement forms to be used for individual instruction projects. Exhibit A is a model service agreement that schools are permitted, but not required, to use for live work projects.
- B. If a school uses a service agreement other than Exhibit A, then the waiver/disclaimer of liability language in Exhibit B must be included in the service agreement.
- A.C. The patron/project owner should sign the service agreement. Neither students nor employees of TBR institutions are authorized to enter into contractual agreements for live work on behalf of the school, and thus neither students nor employees of TBR institutions should sign service agreements on behalf of the institution. Students and employees of TBR institutions should sign a service agreement when they are a patron/project owner.

Sources

Authority

T.C.A. § 49-8-203

History

February 16, 1984, AVTS Sub-Council Meeting; February 14, 2002 Directors Meeting; May 21, 2002 Presidents Sub-Council Meeting; [Revisions Approved at August 10, 2021 Presidents Meeting.](#)

Related Policies

- [Purchasing Policy](#)
- [Disposal of Surplus Personal Property](#)
- [Deposit & Investment of Funds](#)
- [Solicitation and Acceptance of Gifts](#)

Instructional Projects, A-030 (formerly TCAT-010)

Policy/Guideline Area

Academic Guidelines

Applicable Divisions

TCATs, Community Colleges

Purpose

The purpose of this guideline is to establish uniform provisions for instructional projects at TBR institutions. Each institution shall administer instructional projects in accordance with the following provisions. Exceptions to the guideline are subject to prior approval by the Chancellor.

Definitions

- For purposes of this guideline, a distinction is made between school instructional projects (“school projects”) and individual instruction projects (“individual projects”), which may be collectively referred to as “live work” projects. In general, school projects are those secured by the school and assigned to students by instructors as part of the instructional program. School projects may result in a product, which may be reused or sold by the school. Individual projects are those involving personal service to the patron/owner or returned to the patron/owner after services are rendered by students.

Policy/Guideline

I. General Statement

- A. It is recognized that instructional or “live work” projects enhance vocational-technical training, and work-based learning associated with high impact practices.
- B. Instructional projects are those which:
 1. When completed constitute a product; or
 2. Involve repairing or providing maintenance service to a device; or
 3. Involve the delivery of a personal service, such as in cosmetology programs.

- C. To ensure that such projects are meaningful to the training program, they must be selected on the basis of their potential contribution in aiding students develop identified competencies. All such projects must be selected and scheduled in keeping with stated objectives of the instructional program.

II. Selection, Authorization, and Sources of Projects

- A. The President or designee is responsible for the selection and authorization of all school projects, except those involving construction, which shall require approval by the Chancellor.
 - 1. Purchases related to school projects must be consistent with the TBR purchasing policies and procedures (No. 4.02.10.00).
 - 2. Where applicable, solicitation and acceptance of projects shall be subject to the TBR policy on solicitation and acceptance of gifts (Policy number 4.01.04.00).
 - 3. The sources of individual projects may include those offered by students and staff of the school, members of the schools' advisory committees, personnel and institutions of the Tennessee Board of Regents System, civic groups, governmental agencies, and non-profit organizations.
 - 4. The President or designee may authorize individual projects offered from other individuals and groups in the event appropriate projects are not available from the above sources.
- B. An instructor shall be responsible for selecting and scheduling individual projects, which may be selected only from authorized categories.
 - 1. No work may be performed on a project from a category that has not been authorized.
 - 2. An instructor may give priority to a project belonging to a student, provided it meets established training objectives.

III. School Projects

- A. The school shall bear the cost of parts, supplies, and materials for school projects.

1. Acquisition of such parts, supplies, and materials shall be in accordance with the Tennessee Board of Regents purchasing policies and procedures (No. 4.02.10.00).
 2. In cases where competitive bidding is not feasible, appropriate documentation shall be maintained for audit purposes.
- B. The sale of completed school projects shall be in accordance with the Tennessee Board of Regents policy on disposal of surplus personal property (No. 4.02.20.00).

IV. Individual Projects

- A. An approved service agreement must be prepared by the appropriate instructor prior to initiating work on any individual project. The school shall retain a completed copy of the service agreement.
- B. In general, the patron/owner of the project shall be responsible for providing the parts, supplies and materials for individual projects.
1. The school may recommend sources where parts, supplies and materials may be acquired.
 2. The school should avoid recommending sole sources except in cases where other sources are not readily available.
- C. There are instances, however, where it is more feasible for the school to provide parts, supplies, and materials for individual projects; for example, weights for wheel balancing, refrigerant gas, etc.
1. In such instances, the acquisition of the parts, supplies, and materials by the school shall be in accordance with TBR policy (No. 4.02.10.00), and the project owner shall be assessed a fee to recover the school's expenses.
 - a. The fee shall be consistent with a fee schedule approved by the Board.
 - b. The fee schedule shall be made available to patrons/project owners prior to completion of the service agreement.
 - c. Prior to release of the project, required fees must be paid.

- d. Fee payments will be received by authorized school staff, properly receipted, and deposited in accordance with the TBR policy on deposit and investment of funds (No. 4.01.01.10).

V. [Form Service Agreements](#)

- A. Exhibit A is a model service agreement that schools are permitted, but not required, to use for live work projects.
- B. If a school uses a service agreement other than Exhibit A, then the waiver/disclaimer of liability language in Exhibit B must be included in the service agreement.
- C. The patron/project owner should sign the service agreement. Neither students nor employees of TBR institutions are authorized to enter into contractual agreements for live work on behalf of the school, and thus neither students nor employees of TBR institutions should sign service agreements on behalf of the institution. Students and employees of TBR institutions should sign a service agreement when they are a patron/project owner.

Sources

Authority

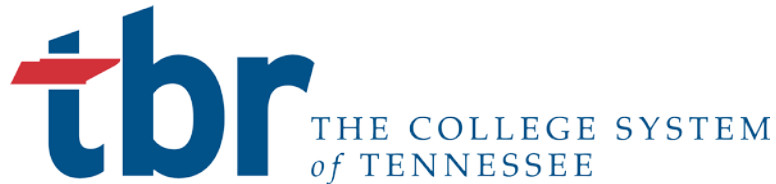
T.C.A. § 49-8-203

History

February 16, 1984, AVTS Sub-Council Meeting; February 14, 2002 Directors Meeting; May 21, 2002 Presidents Sub-Council Meeting; Revisions Approved at August 10, 2021 Presidents Meeting.

Related Policies

- [Purchasing Policy](#)
- [Disposal of Surplus Personal Property](#)
- [Deposit & Investment of Funds](#)
- [Solicitation and Acceptance of Gifts](#)



**Presidents Quarterly Meeting
August 10, 2021**

SUBJECT: Revisions to Personnel Guideline P-080, Discrimination & Harassment- Complaint Investigation Procedure

PRESENTER: Elizabeth Martin, Associate General Counsel

ACTION REQUIRED: Requires Vote

The attached revisions (both clean copy and in tracked changes) have been reviewed by the Human Resources Officers, as well as the Vice Chancellor for Organizational Effectiveness. The proposed revisions are designed:

1. To emphasize TBR's prohibition on unlawful discrimination and retaliation;
2. To clarify and improve the investigation process;
3. Where a student is being investigated, to be consistent with
 - a. TBR Rule 0240-02-03, Student Conduct and Disciplinary Sanctions and TBR Policy, 3.02.00.01, General Policy on Student Conduct & Disciplinary Sanctions, and
 - b. TBR Rule 0240-02-10, Title IX Compliance and TBR Policy 6.03.00.00, Sexual Misconduct;
4. To be consistent with federal recordkeeping requirements;
5. To clarify the role of the Office of General Counsel during investigations; and
6. To expressly include the "preponderance of the evidence" standard for investigations.

Attachments

Discrimination & Harassment - Complaint & Investigation Procedure: P-080

Guideline Area

Personnel Guidelines

Applicable Divisions

TCATs, Community Colleges, System Office, Board Members

Purpose

The purpose of this Guideline is to supplement Board Policies 6.02.00.00 and 5.01.02.00 relative to the orderly resolution of complaints of discrimination or harassment on the basis of race, color, religion, creed, ethnic or national origin, sex, sexual orientation, gender identity/expression, disability, age (as applicable), status as a covered veteran, genetic information, and any other category protected by federal or state civil rights law, [as well as claims of retaliation](#), related to the institutions, and office of the Tennessee Board of Regents.

Guideline

I. Introduction

A. For purposes of this Guideline, Prohibited Conduct means unlawful discrimination, sexual harassment, discriminatory harassment, or retaliation. Prohibited Conduct will not be tolerated.

A.B. Fair and prompt consideration shall be given to all complaints in accordance with the procedures set forth.

1. These procedures may be utilized by any employee, applicant for employment or student who believes they have been subjected to [discrimination or harassment, Prohibited Conduct](#), except that certain complaints meeting the definition of sexual misconduct and the criteria for filing a formal complaint must be handled in accordance with Board Policy 6.03.00.00, Sexual Misconduct.

2. Former employees or students may file complaints [of Prohibited Conduct concerning conduct](#) which took place during the time of employment or enrollment provided the complaint is timely filed pursuant to Section V.B of this Guideline, and the conduct has a reasonable connection to the institution.

2.3. These procedures are not intended, and will not be used, to infringe on expression protected by the First Amendment, the Tennessee Campus Free Speech Protection Act, or Board Policy 1.03.02.60, Freedom of Speech and Expression, even though such expression may be offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed, or any other rights provided by the Tennessee or United States Constitutions.

B.C. All employees, including faculty members, are to be knowledgeable of policies and guidelines concerning [Prohibited Conduct](#)~~discrimination and harassment~~.

1. Using the procedures outlined in Section V below, supervisory employees must promptly report, to the appropriate institutional contact, any complaint or conduct which might constitute [Prohibited Conduct](#) ~~harassment~~, whether the information concerning a complaint is received formally or informally. Failure to do so may result in disciplinary action up to and including termination.

4.2. Other employees and students are encouraged to report such conduct to the [appropriate institutional contact](#).

C.D. All faculty members, students and staff are subject to this Guideline.

1. Any faculty member, student or staff found to have [engaged](#) ~~violated this Guideline by engaging in~~ [Prohibited Conduct](#) ~~behavior constituting discrimination or harassment~~ will be subject to disciplinary **action** ~~which~~ **action, which** may include dismissal, expulsion or termination, or other appropriate sanction.

4.2. TBR institutions will not tolerate Prohibited Conduct directed at employees or students by vendors, visitors, or other third parties. The manner in which an institution responds to a report will depend on the circumstances involved, including the institution's ability to investigate, and if necessary, implement corrective action.

~~D.E.~~ All faculty and staff members are required to cooperate with investigations of Prohibited Conduct~~alleged discrimination or harassment.~~

1. Failure to cooperate may result in disciplinary action up to and including termination.
2. Students are also required to cooperate with these investigations; failure to do so may result in disciplinary action ~~up to and including expulsion.~~

~~E.F.~~ ~~Because the courts have imposed strict obligations on employers with regard to discrimination and harassment, i~~ institutions must take measures to periodically educate and train employees on preventing and reporting Prohibited Conduct regarding conduct that could violate this Guideline.

~~1. All employees, including faculty members, are expected to participate in such education and training.~~

1. All employees, including faculty members, are expected to participate in such education and training.

2. All faculty members, students and staff are encouraged to responsible for taking reasonable and necessary action to prevent and discourage all types of discrimination and harassment.

II. General Statement

A. ~~It is the intent of T~~ the System Office Tennessee Board of Regents that the Board and all of the institutions within the Tennessee Board of Regents System shall fully comply with the applicable provisions of federal and state civil rights laws, including but not limited to;

1. Executive Order 11246, ~~as amended~~;

2. The Rehabilitation Act of 1973,~~as amended~~;
3. The Americans with Disabilities Act of 1990,~~as amended~~;
4. The Vietnam Era Veterans Readjustment Act of 1974,~~as amended~~;
5. The Equal Pay Act of 1963,~~as amended~~;
6. Titles VI and VII of the Civil Rights Act of 1964,~~as amended~~;
7. Title IX of the Educational Amendments of 1972,~~as amended~~;
8. The Age Discrimination in Employment Act of 1967;
9. The Age Discrimination Act of 1975;
10. The Pregnancy Discrimination Act;
11. The Genetic Information Nondiscrimination Act of 2008; ~~and~~
12. Regulations promulgated pursuant thereto; ~~and~~

~~12-13.~~ The Tennessee Human Rights Act.

- B. The Board of Regents ~~will~~ promotes s equal opportunity for all persons without regard to race, color, religion, creed, ethnic or national origin, sex, sexual orientation, gender identity/expression, disability, age (as applicable), status as a covered veteran, genetic information, and any other category protected by federal or state civil rights law.
- C. Institutions ~~Campuses~~ and the System ~~Central~~ Office ~~affirm that they~~ will not tolerate discrimination against any employee or applicant for employment because of race, color, religion, creed, ethnic or national origin, sex, sexual orientation, gender identity/expression, disability, age (as applicable), status as a covered veteran, or genetic information, nor will they tolerate harassment on the basis of these protected categories or any other category protected by federal or state civil rights law.
- D. Similarly, ~~institutions~~ ~~the campuses~~ shall not subject any student to discrimination or harassment under any educational ~~a~~ program or activity, and no student shall be discriminatorily excluded from participation nor denied the benefits of any educational ~~a~~ program or activity on the basis of race, color, religion, creed, ethnic

or national origin, sex, sexual orientation, gender identity/expression, disability, age (as applicable), status as a covered veteran, genetic information, or any other category protected by federal or state civil rights law.

III. Types of Prohibited Conduct~~Discrimination and Harassment~~

A. Discrimination - Discrimination may occur by:

1. Treating individuals less favorably because of their race, color, religion, creed, ethnic or national origin, sex, sexual orientation, gender identity/expression, disability, age (as applicable), status as a covered veteran, genetic information, or any other category protected by federal or state civil rights law; or,
2. Having a policy or practice that has a disproportionately adverse impact on protected class members.

~~3.~~ B. Sexual Harassment and Other Discriminatory Harassment

~~a.~~ 1. General

~~4.~~ (a.1) Not every act that might be offensive to an individual or a group will be considered harassment. Whether the alleged conduct constitutes sexual or discriminatory harassment depends upon the record as a whole and the totality of the circumstances, such as the nature of the conduct in the context within which the alleged incident occurs. Harassment does not include verbal expressions or written material that is relevant and appropriately related to course subject matter or curriculum. Depending on the severity of the conduct, a single incident may be considered sexual or other discriminatory harassment.

~~2.~~ b. (2) Not every action or utterance that may be perceived as offensive will constitute Prohibited Conduct~~violate this Guideline~~. In addition, institutions may take corrective or educational action, even if an

investigation does not support an allegation of Prohibited Conduct, or in the event that conduct violates another policy, appropriate disciplinary action in accordance with that policy. ~~Some inappropriate conduct and actions may violate this policy even if not severe and/or pervasive enough to violate state or federal law.~~

3. c.(3) Rude, inappropriate, or offensive behavior by employees that it is not based on sex or other characteristics protected by state or federal law should be addressed by the appropriate supervisor or through administrative channels in accordance with other applicable policies.

b. 2. Sexual Harassment

4. a.(1) With respect to conduct directed at another employee, sexual harassment means unwelcome sexual advances, request for sexual favor, and other verbal or physical conduct of a sexual nature, which includes conduct based on gender, pregnancy, sexual orientation, and gender identity when

a. (1a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

b. (2b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual; or

(3e) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, abusive, or offensive work environment.

~~2. b.(2)~~ With respect to conduct directed at a student by an employee, sexual harassment means 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.

~~c.(3)~~ With respect to student-on-student harassment and disciplining students for their speech, expression, or assemblies, an institution will not impose disciplinary action, except for 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 an educational opportunity or benefit.

~~d. 3.~~ Examples of sexual harassment – Sexual harassment is not limited to personal interactions, but can occur via telephone, texting, social media, the internet, and other methods of communication. Examples of sexual harassment include, but are not limited to, the following;

~~(1a):~~ Refusing to hire, promote, or grant or deny certain privileges because of acceptance or rejection of sexual advances;

~~(2b):~~ Promising a work-related benefit or a grade in return for sexual favors;

~~(3):~~ Suggestive or inappropriate communications, email, texts, notes, letters, or other written or electronic materials displaying objects or pictures which are sexual in nature that would create hostile or offensive work or living environments

c. ~~(1)~~;

d. ~~4)~~ Sexual innuendoes, comments, and remarks about a person's clothing, body or activities;

e. ~~(5)~~ Suggestive or insulting sounds;

f. ~~(6)~~ Whistling in a suggestive manner;

g. ~~(7)~~ Humor and jokes about sex that denigrate men or women;

h. ~~(8)~~ Sexual propositions, invitations, or pressure for sexual activity;

i. ~~(9)~~ Use in the classroom of sexual jokes, stories, remarks or images in no way or only marginally relevant to the subject matter of the class;

j. ~~(10)~~ Implied or overt sexual threats;

k. ~~(11)~~ Suggestive or obscene gestures;

l. ~~(12)~~ Patting, pinching, hugging, and other inappropriate touching;

m. ~~(13)~~ Unnecessary touching or brushing against the body;

n. ~~(14)~~ Attempted or actual kissing or fondling;

o. ~~(15)~~ Repeated requests for dates after refusal; and

p. ~~(16)~~ Sexual violence; including rape, sexual assault, sexual battery, dating violence, domestic violence, and sexual coercion; and

g. ~~(17).~~ Suggestive or inappropriate acts, such as comments, innuendoes, or physical contact based on one's actual or perceived sexual orientation, gender identity/expression.

f. ~~(18.)~~ Institutional Campus policies may delineate additional examples.

e5. Incidents of sexual violence may constitute criminal acts and as such, investigation and processing by the criminal justice system, local police, campus security and crisis intervention centers may occur in addition to the processes developed by the Sexual Misconduct Policy and this Guideline. Complainants must be notified of the right to file a criminal complaint.

III.eE. Other Discriminatory Harassment

- A.1. With respect to conduct directed at an employee, other discriminatory harassment means unwelcome conduct based on race, color, religion, national origin, age, disability, genetic information, veteran status, and any other category protected by federal or state law that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, abusive, or offensive work environment.
2. B. With respect to conduct directed toward a student by an employee, other discriminatory harassment means unwelcome conduct based on race, color, religion, national origin, age, disability, genetic information, veteran status, and any other category protected by federal or state law that has the purpose or effect of unreasonably interfering with an

individual's educational performance or creates an intimidating, hostile, or offensive educational environment.

Ec-3: Examples of conduct that may constitute discriminatory harassment include, but are not limited to verbal or physical conduct relating to an employee's national origin, race, surname, skin color or accent, offensive or derogatory jokes based on a protected category, racial or ethnic slurs, ~~unwelcome~~, unwelcome comments about a person's religion or religious garments, offensive graffiti, cartoons or pictures, or offensive remarks about a person's age.

F. Retaliation

1. "Retaliation" means to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by this Guideline, 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. Retaliation is a violation of this policy regardless of whether the underlying alleged violation is ultimately found to have merit.
2. The exercise of rights protected under the First Amendment does not constitute retaliation.
3. Charging an individual with a policy or guideline violation for making a materially false statement in bad faith in the course of a proceeding under this Guideline does not constitute retaliation.

~~IV.~~ IV. Consensual Relationships

A. A. Intimate, romantic, and dating relationships between supervisors and their subordinates and between faculty members and students are strongly discouraged due to the inherent inequality of power in such situations and for other reasons.

~~4.~~ 1. These relationships ~~can~~ lead to undue favoritism or the perception of undue favoritism, abuse of power, compromised judgment or impaired objectivity.

2. Engaging in a consensual relationship with a student over whom the faculty member has either grading, supervisory, or other ~~evaluative~~ authority (~~i.e., member of dissertation committee, thesis director, etc.~~) ~~constitutes a conflict of interest is prohibited~~.

~~3.~~ 3. The faculty member must take steps to remove the conflict by assigning a different supervisor to the student, resigning from the student's academic committees, or by terminating the personal relationship at least while the student is in their class.

~~4.~~ 4. Likewise, it is prohibited a conflict of interest for a supervisor to engage in a consensual relationship with a subordinate over whom they have evaluative or supervisory authority.

~~5.~~ a. The supervisor must take action to resolve the conflict ~~of interest~~ by, for example, assigning another individual to supervise and/or evaluate the subordinate or by terminating the personal relationship.

B. b. In any circumstances where a consensual relationship ~~that~~ is permitted ~~by institutional policy~~, regardless of whether it involves physical

intimacy, both parties should ensure that their respective actions and attentions are welcomed by the other party.

~~V.~~ V. Procedures

~~A.~~ A. General

- ~~1.~~ 1. The following procedures are intended to protect the rights of the person who is alleged to be the victim of conduct that could violate this Guideline (~~hereinafter,~~ "the Complainant") as well as the person who has been alleged to be a perpetrator of conduct that could violate this Guideline (~~hereinafter~~ "the Respondent"), as required by state and federal laws. Each complaint must be properly and promptly investigated absent unusual circumstances, such as the inability to conduct an investigation. ~~and, w~~When warranted, appropriate corrective and/or disciplinary action will be taken ~~against the Respondent.~~
- ~~2.~~ 2. The Office of General Counsel shall ~~always~~ be consulted prior to an investigation. ~~If institutions have on-campus legal counsel, that office must be consulted. Hereinafter, references to "Legal Counsel" shall mean either the Office of General Counsel or on-campus legal counsel, as appropriate.~~
- ~~3.~~ 3. In situations that require immediate action because of safety or other concerns, the institution may take any administrative ~~action which~~ action, which is appropriate, e.g., administrative leave with pay pending the outcome of the investigation for employees and interim suspension in accordance with applicable policy, for students. Legal Counsel shall be contacted before any immediate action is taken.
- ~~4.~~ 4. Institutional policies, procedures, and guidelines shall inform ~~Each~~ employees, applicants for employment and students ~~shall be notified~~ of the

name, address, office, email address, and telephone number of the designated EEO/AA, Student Affairs, Title VI ~~and~~ Title IX officer(s) responsible for assuring compliance with this Guideline, Board policies, and federal law.

~~B.~~ B. Filing Complaints

1. Any current or former student, applicant for employment, or current or former employee who believes they have been subjected to Prohibited Conduct ~~discrimination or harassment at an institution or who believes that they have observed discrimination or harassment taking place~~ shall present the complaint to the designated EEO/AA, Student Affairs, Title VI or Title IX Coordinator/officer ~~(hereinafter "the Investigator")~~ responsible for compliance with this Guideline. Any employee required or encouraged to make such a report should use the same reporting procedure.
2. Complaints under Title VI must be brought within 180 days of the last incident of discrimination or harassment pursuant to Guideline G-125. ~~All other~~ Complaints must be brought within 365 days of the most recent last incident of discrimination or harassment.
 - a. Complaints brought after that time period will not be pursued absent unusual extraordinary circumstances.
 - b. ~~The determination of w~~Whether the complaint was timely or whether unusual extraordinary circumstances exist to extend the complaint period must be made after consultation in conjunction ~~in conjunction~~ with Legal Counsel.
3. ~~Every attempt will be made to get the~~ Complainants are encouraged to provide the complaint in writing. The complaint ~~should~~shall include the circumstances giving rise to the complaint, the name of the Respondent, the dates of the alleged occurrences, and names of witnesses, if any.
 - a. The complaint should ~~shall~~ be signed by the Complainant.

~~b. However, when the Complainant chooses not to provide or sign a written complaint, or when a complaint is made anonymously or by a third party, the institution is responsible for conducting an appropriate investigation and taking appropriate corrective action. matter will still be investigated and appropriate action taken.~~

~~c. Complaints made anonymously or by a third party must also be investigated to the extent possible.~~

4. Complaints or reports received by the System Office will be directed to the institution's Title IX Coordinator (for complaints involving sex discrimination) or EEO/AA Officer (for other allegations of Prohibited Conduct), unless the matter should be investigated by System Office personnel or an outside investigator- in accordance with Section V of this Guideline.

4.5. ~~If the allegations, even if proved, would not violate this Guideline complaint does not rise to the level of discrimination or harassment,~~ the Investigator may dismiss the complaint without further investigation after consultation with Legal Counsel.

a. The Complainant should be informed of other available processes such as the employee grievance/complaint process, or a student non-academic complaint process.

a.b. Any such dismissal shall be in writing, conveyed to the Complainant and Respondent, and retained in accordance with record retention obligations.

C. Investigation

~~C.~~

~~1. Legal Counsel shall be notified of the complaint, whether written or verbal, as soon as possible in order to provide legal advice. after it is brought to the attention of the Investigator and the investigation will be under the direction of Legal Counsel.~~

a. ~~All investigatory notes and documents shall be attorney work product.~~

b. ~~The Investigator shall notify the President that an investigation is being initiated.~~

2. 2. If a person wishes to make a complaint or report of Prohibited Conduct against a high level administrator (such as a Vice President, ~~When the allegation of discrimination or harassment is against~~ the EEO/AA Officer, Student Affairs Officer, Title VI or Title IX Coordinator/Officer) or someone who is reasonably believed to have a conflict of interest or bias, or if a person is otherwise uncomfortable using the reporting procedures in this Guideline, a complaint or report may be directed to the President, Chancellor, TBR System Office Title IX Coordinator (for complaints involving sex discrimination), or TBR System Office EEO/AA Officer (for other allegations of Prohibited Conduct), who should consult the Office of General Counsel. An appropriate person will be appointed to investigate the matter. Complainants are encouraged submit a signed, written complaint and to include the circumstances giving rise to the complaint, the name of the Respondent, the dates of the alleged occurrences, and the names of witnesses, if any. ~~the President will identify an individual who has been trained in investigating such complaints to investigate the complaint and carry out the responsibilities assigned pursuant to this Guideline.~~

3. When a Complainant makes an ~~the~~ allegation of Prohibited Conduct~~harassment~~ is against the President ~~of the institution~~, the recipient of the report ~~EEO/AA Officer~~ shall notify the Office of ~~the~~ General Counsel. An

~~appropriate person will be appointed who will assign an investigator to investigate~~ investigator ~~ator who will make their and~~ report to the Chancellor.

~~a.4. Any investigation and/or disciplinary action against a student shall be consistent with the institution's student conduct and disciplinary procedures policy, and in the event of a conflict between that policy and this guideline, that policy shall govern.-----~~

~~3. When the Respondent is a student, the Student Affairs Office will investigate the complaint in compliance with the procedures outlined in this Guideline.~~

~~a. If a finding of violation is made, any resulting disciplinary action will be undertaken in compliance with the institutions' student disciplinary procedures.~~

~~4.5. When a student is involved as the Complainant, the Respondent, or an individual interviewed, all documentation referring to that student shall be subject to the provisions and protections of the Family Educational Rights and Privacy Act (FERPA), and T.C.A. § 10-7-504(a)-(4), and other applicable law. Certain records may be which requires that certain student disciplinary records are~~ subject to disclosure pursuant to a public records request or otherwise.

~~5.6. Investigation of complaints against employees of a Tennessee College of Applied Technology (TCAT) shall be initiated by the Chancellor or designee, which may include the President.~~

~~a. In certain circumstances, an investigator from another institution or System Office may the lead institution for the TCAT may be asked to~~ conduct the investigation.

~~b.a. Investigations of complaints made against TCAT students will be undertaken by TCAT Student Services personnel.~~

~~e.b.~~ ~~The~~ TCAT Presidents are responsible for notifying the Office of General Counsel/Chancellor whenever a verbal or written complaint of Prohibited Conduct is made.

~~6-7.~~ ~~In consultation with and under the direction of Legal Counsel,~~ ~~t~~The Investigator shall conduct an investigation of the complaint that is appropriate under the circumstances.

- a. An This investigation shall include interviews with both the Complainant and the Respondent, unless either declines to be an in-person interviewed. Follow-up interviews may be conducted. The Complainant and Respondent are encouraged to provide, as soon as possible, information they want the Investigator to consider.
- b. The investigation shall also include review of documents, other information, and interviews with relevant witnesses, including those named by the Complainant and Respondent, as well as those otherwise identified by the Investigator.
- c. The purpose of the investigation is to determine establish whether there has been a violation of the applicable policies and this Guideline. Determinations will be based on whether a preponderance of the evidence establishes a policy or Guideline violation. The burden of obtaining evidence and (if supported by the evidence) establishing a violation shall be on the institution.
- ~~d.~~ d. It is the responsibility of the iInvestigator to weigh ~~the~~ credibility ~~of all~~ individuals interviewed and to determine the weight to be given information received during the course of the investigation.

~~7-8.~~ To the extent possible, the investigation will be conducted in such a manner to protect the confidentiality of both parties.

- a. In the case of a complaint or report involving Prohibited Conduct, if the Complainant wishes to maintain confidentiality or requests that no

investigation be conducted, or no disciplinary action be taken, the institution will weigh that request against the institution's obligation to provide a non-discriminatory environment for the Complainant, as well as other students and employees, and other applicable policies. A decision to honor a request for confidentiality or not to investigate a matter must be confirmed in writing with the Complainant, approved by the President, and maintained by the institution. The Office of General Counsel must be consulted before such a decision is made.

- b. ~~However, t~~The Complainant, Respondent and all individuals interviewed shall be informed that the institution has an obligation to address alleged harassment and that, in order to conduct an effective investigation, complete confidentiality cannot be guaranteed.
- c. Information may need to be revealed to the Respondent and to potential witnesses.
- d. ~~However, i~~Information about the complaint should be shared only with those who have a need to know about it.
- e. The Complainant and Respondent shall also be informed that a request to inspect documents made pursuant to the Public Records Act may result in certain documents being released unless made confidential pursuant to FERPA or other law.
- f. A Complainant may be informed that if they want to speak privately and in confidence about discrimination or harassment, they may wish to consult with a social worker, counselor, therapist or member of the clergy who is permitted, by law, to assure greater confidentiality. Confidentiality and available resources are discussed in institutional Sexual Misconduct policies.
- g. ~~Additionally, T~~he Complainant shall be informed that when the institution receives notice of alleged retaliation, it will take immediate and appropriate

steps to investigate and will take corrective action if it determines that retaliation occurred. ~~given assurances that measures will be taken against the Respondent should there be retaliation against the complainant.~~

- h. Retaliation is prohibited and should be reported to the linvestigator immediately.
- i. Allegations of retaliation must also be investigated pursuant to the procedure set out in this Guideline.

8.9. The Investigator shall notify in writing the Respondent within five (5) working days of receipt of a written ~~the~~ complaint or the decision to initiate an investigation.

- a. The Respondent may respond in writing to the complaint within five (5) working days following the date of receipt of the Investigator's notification.

9.10. If either the Complainant or the Respondent is a student, the Investigator should communicate that the institution will comply with ~~the prohibition against disclosure of personally identifiable information with regard to the student, based on FERPA~~ and only disclose information as required by FERPA and other applicable law.

10.11. The Complainant, the Respondent and all individuals interviewed shall be notified that any retaliation engaged against someone because they filed a complaint or participated in an investigation ~~in connection with the complaint or its investigation~~ is strictly prohibited, regardless of the outcome of the ~~P-080~~ investigation and may, in itself, be grounds for disciplinary action.

11.12. At any time prior to completion ~~during the course~~ of the investigation report, the Investigator may meet with both the Complainant and the Respondent individually for the purpose of attempting to ~~resolving~~ the complaint informally.

- a. Either party has the right to end informal processes at any time.

- b. If informal resolution is successful in resolving the complaint, a report of such, having first been reviewed ~~and approved~~ by Legal Counsel, shall be submitted to the President.

~~42.13.~~ Unless there is an ~~if~~ informal resolution ~~is unsuccessful~~, the Investigator shall draft a report summarizing the investigation, which shall be sent to the Office of General Legal Counsel for legal review.

- a. Each report shall outline the basis of the complaint, including the dates of the alleged occurrences, the response of the Respondent, the findings of the Investigator, whether there were any attempts made to resolve the complaint informally, ~~a determination of whether there was a violation of the Guideline~~, and recommendations regarding disposition of the complaint.

b. After receiving advice from review and approval by the Office of Legal General Counsel, the report shall be submitted to the 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, for reasons such as difficulty in locating a necessary witness, or complexity of the complaint, additional time may be taken, but only following notice to Legal Counsel and written notice to both the Complainant and the Respondent.

~~b.~~

~~c.~~ If the complaint involves a college of applied technology, a copy of the final report should also be sent to the Chancellor.

~~d.c.~~ No ~~W~~working papers, investigator notes, witness statements, etc. generated in the investigation generally should not be attached to the report. Relevant exhibits such as emails, photographs, and other

documents that were not created as part of the investigation may be attached.

~~e.g. In situations where more time is needed to complete the investigation, for reasons such as difficulty in locating a necessary witness, or complexity of the complaint, additional time may be taken, but only following notice to Legal Counsel and written notice to both the Complainant and the Respondent.~~

13.14. If, after investigation, a preponderance of the evidence does not establish a violation of policy or this Guideline, ~~there is insufficient evidence to corroborate the complaint or, in any situation in which the Complainant refuses to cooperate in the investigation,~~ it may be appropriate to discuss the complaint with the Complainant and/or Respondent so that they understand relevant policies and appropriate behavior standards, ~~informing them that they are not being accused of a P-080 violation, but that the conduct alleged, had it been substantiated, could be found to violate this Guideline.~~

- a. Any investigation and subsequent discussion should be documented and retained~~a report submitted as set forth in this procedure.~~
- b. ~~It should also be noted that C~~conduct which does not rise to the level of a policy violation ~~legally actionable discrimination or harassment~~ may, nevertheless, provide a basis for disciplinary action ~~against the Respondent.~~

14.15. The President shall review the Investigator's report, and ~~shall~~ make a final written determination, within a reasonable time as to whether a policy or Guideline violation has occurred and ~~, what~~ the appropriate resolution ~~should be.~~

- a. After the President has made this determination, ~~the Investigator shall,~~ absent unusual circumstances and after consultation with Legal Counsel, ~~provide both~~ the Complainant and the Respondent should receive with a

copy of the determination ~~and, along with a copy of~~ the Investigator's report.

~~15.16.~~ If the President finds that a preponderance of the evidence establishes that investigation reveals evidence that a violation of policy or this the Guideline has occurred, the President must take ~~immediate and~~ appropriate corrective or remedial action.

a. When it has been ~~determined~~ determined, that an employee has violated policy or this Guideline, the employee is subject to disciplinary action, up to and including, termination of employment. A faculty member's violation of this policy may constitute "adequate cause" for disciplinary action, including termination.

b. Remedial ~~Such~~ action may include meeting with the Respondent and/or the Complainant and attempting to resolve the problem by agreement, e.g., through restorative justice, except in the case of sexual assault.

~~a.~~ The institution will take steps designed to prevent the recurrence of Prohibited Conduct and to remedy effects on the Complainant and others, as appropriate.

~~b.~~ Appropriate steps must be taken to ensure that the discrimination or harassment will not reoccur.

~~16.~~ After completion of the investigation and any subsequent disciplinary proceedings, all documentation shall be forwarded to Legal Counsel.

~~c.~~ However, c

~~a.~~ Copies of the ~~President's~~ determination (including any reconsideration and/or appeal), the Investigator's report, the investigation file, the complaint (if it concerns an employee) and documentation of any disciplinary action, any remedies provided to the Complainant, taken against the Respondent should be placed in a file maintained by the institution on campus.

~~b.d.~~ This file shall be maintained in a location designated by the President.

~~c.e.~~ If such action was taken, ~~c~~Copies of any documentation establishing disciplinary action ~~taken against the Respondent, whether an employee or student,~~ shall also be maintained in the ~~Respondent's~~ personnel or student record, as appropriate.

~~1.~~ (1) Some documents involved in an investigation P-080 matter may be subject to the Public Records Act and thus open to public inspection.

~~2.~~ (2) Other documents may be protected under FERPA, the attorney/client privilege, or attorney work product and would not be releasable.

~~3.~~ (3) If a Public Records Act request is received, Legal Counsel must be consulted prior to the release of any documents.

17. A complaint found to have been intentionally dishonest or maliciously made will subject the Complainant to appropriate disciplinary action. A finding that the evidence does not establish a violation of policy or this Guideline, in and of itself, does not establish that a complaint was dishonest or malicious.

~~D.~~ D. Appeal/Reconsideration of Decision

~~1.~~ 1. Because TBR and TBR institutions are committed to a high quality resolution of every case, each institution (and the System Office as applicable), must afford the Complainant and Respondent an opportunity to request that the appeal the President reconsider a President's determination. ~~cision concerning Respondent's responsibility for the alleged conduct.~~

a. The appeal/reconsideration process shall consist of an opportunity for the parties to provide information to the President's institution's attention that would change the decision.

- b. The reconsideration appeal process will not be a de novo review of the decision, and the parties will not be allowed to present their casesappeals in person to the President unless the President determines, in their sole discretion, to allow an in-person presentationappeal.

~~2.~~ 2. The institution shall provide written notice of the reconsideration appeal process to the parties at the time that the parties are advised of the outcome of the investigation.

~~3.~~ 3. Either party may send a written request for reconsideration appeal to the President within ten (10) working days, absent good cause, of receipt of the President's determination.

~~a.~~ a. The appealing party(ies) requesting reconsideration must explain why they believe 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 policy legal standard was not applied, and how this would change the determination in the case.

~~b.~~ b. Failure to do so may result in a denial of the requestappeal.

~~4.~~ 4. The President will issue a written response to the appeal as promptly as possible. This decision will constitute the institution's final decision with respect to President's determination.

VI. Other Applicable Procedures

A. If the President's determination decision includes disciplinary action, the procedures for implementing the decision shall be determined by the applicable policies relating to discipline (e.g., employee grievance/complaint procedure, student disciplinary policies, and academic affairs policies).

~~A.B.~~ [The System Office shall comply with the rules and processes of the Tennessee Human Rights Commission \(THRC\) regarding complaints and investigations covered by Title VI.](#)

VII. Other Available Complaint Procedures

~~4.~~ [A.](#) An aggrieved individual may also have the ability to file complaints with external agencies such as the Equal Employment Opportunity Commission (EEOC), the Tennessee Human Rights Commission (THRC), the Office ~~for of~~ Civil ~~R~~ights (OCR), and the courts.~~the D~~eadlines for filing with external agencies or courts may be shorter than the deadline established for filing a complaint under this Guideline.

~~2. Examples of shorter deadlines include, but are not limited to 180 days to file a complaint under Title VI & Title IX, as well as 300 days to file a complaint under Title VII.~~

Sources Authority

T.C.A. § 49-8-203; All State and Federal states, codes, Acts, rules and regulations referenced in this policy

History

Presidents Meeting: November 14, 1984 and November 16, 1984 AVTS Sub-Council meeting; August 16, 1988; February 14, 1989; November 10, 1992; August 13, 1996; February 13, 2001; August 16, 2005; November 8, 2005; February 13, 2008; February 14, 2012: Changes in Title VI procedures became effective October 1, 2013 (Ratified at President's Meeting, Nov. 5, 2013); Revision approved at November 11, 2014 President's Meeting; [Revision approved at August 10, 2021 Presidents Meeting.](#)

Related Policies

- [Equal Employment Opportunity and Affirmative Action](#)
- [Sexual Discrimination and Sexual Harassment](#)
- [Sexual Misconduct](#)

|

•

Discrimination & Harassment - Complaint & Investigation Procedure: P-080

Guideline Area

Personnel Guidelines

Applicable Divisions

TCATs, Community Colleges, System Office, Board Members

Purpose

The purpose of this Guideline is to supplement Board Policies 6.02.00.00 and 5.01.02.00 relative to the orderly resolution of complaints of discrimination or harassment on the basis of race, color, religion, creed, ethnic or national origin, sex, sexual orientation, gender identity/expression, disability, age (as applicable), status as a covered veteran, genetic information, and any other category protected by federal or state civil rights law, as well as claims of retaliation, related to the institutions, and office of the Tennessee Board of Regents.

Guideline

I. Introduction

- A. For purposes of this Guideline, Prohibited Conduct means unlawful discrimination, sexual harassment, discriminatory harassment, or retaliation. Prohibited Conduct will not be tolerated.
- B. Fair and prompt consideration shall be given to all complaints in accordance with the procedures set forth.
 1. These procedures may be utilized by any employee, applicant for employment or student who believes they have been subjected to Prohibited Conduct, except that certain complaints meeting the definition of sexual misconduct and the criteria for filing a formal complaint must be handled in accordance with Board Policy 6.03.00.00, Sexual Misconduct.

2. Former employees or students may file complaints of Prohibited Conduct which took place during the time of employment or enrollment provided the complaint is timely filed pursuant to Section V.B of this Guideline, and the conduct has a reasonable connection to the institution.
 3. These procedures are not intended, and will not be used, to infringe on expression protected by the First Amendment, the Tennessee Campus Free Speech Protection Act, or Board Policy 1.03.02.60, Freedom of Speech and Expression, even though such expression may be offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed, or any other rights provided by the Tennessee or United States Constitutions.
- C. All employees, including faculty members, are to be knowledgeable of policies and guidelines concerning Prohibited Conduct.
1. Using the procedures outlined in Section V below, supervisory employees must promptly report to the appropriate institutional contact any complaint or conduct which might constitute Prohibited Conduct whether the information concerning a complaint is received formally or informally. Failure to do so may result in disciplinary action up to and including termination.
 2. Other employees and students are encouraged to report such conduct to the appropriate institutional contact.
- D. All faculty members, students and staff are subject to this Guideline.
1. Any faculty member, student or staff found to have engaged in Prohibited Conduct will be subject to disciplinary action, which may include dismissal, expulsion or termination, or other appropriate sanction.
 2. TBR institutions will not tolerate Prohibited Conduct directed at employees or students by vendors, visitors, or other third parties. The manner in which an institution responds to a report will depend on the circumstances involved,

including the institution's ability to investigate, and if necessary, implement corrective action.

E. All faculty and staff members are required to cooperate with investigations of Prohibited Conduct.

1. Failure to cooperate may result in disciplinary action up to and including termination.
2. Students are also required to cooperate with these investigations; failure to do so may result in disciplinary action.

F. Institutions must take measures to periodically educate and train employees on preventing and reporting Prohibited Conduct.

1. All employees, including faculty members, are expected to participate in such education and training.
2. All faculty members, students and staff are encouraged to take reasonable and necessary action to prevent and discourage all types of discrimination and harassment.

II. [General Statement](#)

A. The System Office and all of the institutions within the Tennessee Board of Regents System shall fully comply with the applicable provisions of federal and state civil rights laws, including but not limited to;

1. Executive Order 11246;
2. The Rehabilitation Act of 1973;
3. The Americans with Disabilities Act of 1990;
4. The Vietnam Era Veterans Readjustment Act of 1974;
5. The Equal Pay Act of 1963;
6. Titles VI and VII of the Civil Rights Act of 1964;
7. Title IX of the Educational Amendments of 1972;
8. The Age Discrimination in Employment Act of 1967;
9. The Age Discrimination Act of 1975;

10. The Pregnancy Discrimination Act;
 11. The Genetic Information Nondiscrimination Act of 2008;
 12. Regulations promulgated pursuant thereto; and
 13. The Tennessee Human Rights Act.
- B. The Board of Regents promotes equal opportunity for all persons without regard to race, color, religion, creed, ethnic or national origin, sex, sexual orientation, gender identity/expression, disability, age (as applicable), status as a covered veteran, genetic information, and any other category protected by federal or state civil rights law.
- C. Institutions and the System Office will not tolerate discrimination against any employee or applicant for employment because of race, color, religion, creed, ethnic or national origin, sex, sexual orientation, gender identity/expression, disability, age (as applicable), status as a covered veteran, or genetic information, nor will they tolerate harassment on the basis of these protected categories or any other category protected by federal or state civil rights law.
- D. Similarly, institutions shall not subject any student to discrimination or harassment under any education program or activity, and no student shall be discriminatorily excluded from participation nor denied the benefits of any education program or activity on the basis of race, color, religion, creed, ethnic or national origin, sex, sexual orientation, gender identity/expression, disability, age (as applicable), status as a covered veteran, genetic information, or any other category protected by federal or state civil rights law.

III. Types of Prohibited Conduct

- A. Discrimination - Discrimination may occur by:
1. Treating individuals less favorably because of their race, color, religion, creed, ethnic or national origin, sex, sexual orientation, gender identity/expression, disability, age (as applicable), status as a covered

veteran, genetic information, or any other category protected by federal or state civil rights law; or,

2. Having a policy or practice that has a disproportionately adverse impact on protected class members.

B. Sexual Harassment and Other Discriminatory Harassment

1. General

- a. Not every act that might be offensive to an individual or a group will be considered harassment. Whether the alleged conduct constitutes sexual or discriminatory harassment depends upon the record as a whole and the totality of the circumstances, such as the nature of the conduct in the context within which the alleged incident occurs. Harassment does not include verbal expressions or written material that is relevant and appropriately related to course subject matter or curriculum. Depending on the severity of the conduct, a single incident may be considered sexual or other discriminatory harassment.
- b. Not every action or utterance that may be perceived as offensive will constitute Prohibited Conduct. In addition, institutions may take corrective or educational action, even if an investigation does not support an allegation of Prohibited Conduct, or in the event that conduct violates another policy, appropriate disciplinary action in accordance with that policy.
- c. Rude, inappropriate, or offensive behavior by employees that it is not based on sex or other characteristics protected by state or federal law should be addressed by the appropriate supervisor or through administrative channels in accordance with other applicable policies.

2. Sexual Harassment

- a. With respect to conduct directed at another employee, sexual harassment means unwelcome sexual advances, request for sexual favor, and other verbal or physical conduct of a sexual nature, which includes conduct based on gender, pregnancy, sexual orientation, and gender identity when
 - (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
 - (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual; or
 - (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, abusive, or offensive work environment.
- b. With respect to conduct directed at a student by an employee, sexual harassment means 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.
- c. With respect to student-on-student harassment and disciplining students for their speech, expression, or assemblies, an institution will not impose disciplinary action, except for 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 an education opportunity or benefit.

- d. Examples of sexual harassment – Sexual harassment is not limited to personal interactions, but can occur via telephone, texting, social media, the internet, and other methods of communication. Examples of sexual harassment include, but are not limited to, the following;
- (1) Refusing to hire, promote, or grant or deny certain privileges because of acceptance or rejection of sexual advances;
 - (2) Promising a work-related benefit or a grade in return for sexual favors;
 - (3) Suggestive or inappropriate communications, email, texts, notes, letters, or other written or electronic materials displaying objects or pictures which are sexual in nature that would create hostile or offensive work or living environments
 - (4) Sexual innuendoes, comments, and remarks about a person's clothing, body or activities;
 - (5) Suggestive or insulting sounds;
 - (6) Whistling in a suggestive manner;
 - (7) Humor and jokes about sex that denigrate men or women;
 - (8) Sexual propositions, invitations, or pressure for sexual activity;
 - (9) Use in the classroom of sexual jokes, stories, remarks or images in no way or only marginally relevant to the subject matter of the class;
 - (10) Implied or overt sexual threats;
 - (11) Suggestive or obscene gestures;

- (12) Patting, pinching, hugging, and other inappropriate touching;
- (13) Unnecessary touching or brushing against the body;
- (14) Attempted or actual kissing or fondling;
- (15) Repeated requests for dates after refusal; and
- (16) Sexual violence; including rape, sexual assault, sexual battery, dating violence, domestic violence, and sexual coercion; and
- (17) Suggestive or inappropriate acts, such as comments, innuendoes, or physical contact based on one's actual or perceived sexual orientation, gender identity/expression.
- (18) Institutional policies may delineate additional examples.

- e. Incidents of sexual violence may constitute criminal acts and as such, investigation and processing by the criminal justice system, local police, campus security and crisis intervention centers may occur in addition to the processes developed by the Sexual Misconduct Policy and this Guideline. Complainants must be notified of the right to file a criminal complaint.

E. Other Discriminatory Harassment

- 1. With respect to conduct directed at an employee, other discriminatory harassment means unwelcome conduct based on race, color, religion, national origin, age, disability, genetic information, veteran status, and any other category protected by federal or state law that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, abusive, or offensive work environment.

2. With respect to conduct directed toward a student by an employee, other discriminatory harassment means unwelcome conduct based on race, color, religion, national origin, age, disability, genetic information, veteran status, and any other category protected by federal or state law that has the purpose or effect of unreasonably interfering with an individual's educational performance or creates an intimidating, hostile, or offensive educational environment.
3. Examples of conduct that may constitute discriminatory harassment include, but are not limited to verbal or physical conduct relating to an employee's national origin, race, surname, skin color or accent, offensive or derogatory jokes based on a protected category, racial or ethnic slurs, unwelcome comments about a person's religion or religious garments, offensive graffiti, cartoons or pictures, or offensive remarks about a person's age.

F. Retaliation

1. "Retaliation" means to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by this Guideline, 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. Retaliation is a violation of this policy regardless of whether the underlying alleged violation is ultimately found to have merit.
2. The exercise of rights protected under the First Amendment does not constitute retaliation.

3. Charging an individual with a policy or guideline violation for making a materially false statement in bad faith in the course of a proceeding under this Guideline does not constitute retaliation.

IV. Consensual Relationships

- A. Intimate, romantic, and dating relationships between supervisors and their subordinates and between faculty members and students are strongly discouraged due to the inherent inequality of power in such situations and for other reasons.
 1. These relationships can lead to undue favoritism or the perception of undue favoritism, abuse of power, compromised judgment or impaired objectivity.
 2. Engaging in a consensual relationship with a student over whom the faculty member has either grading, supervisory, or other authority is prohibited.
 3. The faculty member must take steps to remove the conflict by assigning a different supervisor to the student, resigning from the student's academic committees, or by terminating the personal relationship at least while the student is in their class.
 4. Likewise, it is prohibited for a supervisor to engage in a consensual relationship with a subordinate over whom they have evaluative or supervisory authority.
 - a. The supervisor must take action to resolve the conflict by, for example, assigning another individual to supervise and/or evaluate the subordinate or by terminating the personal relationship.

b. In circumstances where a consensual relationship is permitted, regardless of whether it involves physical intimacy, both parties should ensure that their respective actions and attentions are welcomed by the other party.

V. Procedures

A. General

1. The following procedures are intended to protect the rights of the person who is alleged to be the victim of conduct that could violate this Guideline ("the Complainant") as well as the person who has been alleged to be a perpetrator of conduct that could violate this Guideline ("the Respondent"), as required by state and federal laws. Each complaint must be properly and promptly investigated absent unusual circumstances, such as the inability to conduct an investigation. When warranted, appropriate corrective and/or disciplinary action will be taken.
2. The Office of General Counsel shall be consulted prior to an investigation.
3. In situations that require immediate action because of safety or other concerns, the institution may take any administrative action, which is appropriate, e.g., administrative leave with pay pending the outcome of the investigation for employees and interim suspension in accordance with applicable policy, for students. Legal Counsel shall be contacted before any immediate action is taken.
4. Institutional policies, procedures, and guidelines shall inform employees, applicants for employment and students of the name, address, email address, and telephone number of the designated EEO/AA, Student Affairs, Title VI

and Title IX officer(s) responsible for assuring compliance with this Guideline, Board policies, and federal law.

B. Filing Complaints

1. Any current or former student, applicant for employment, or current or former employee who believes they have been subjected to Prohibited Conduct shall present the complaint to the designated EEO/AA, Student Affairs, Title VI or Title IX Coordinator/officer responsible for compliance with this Guideline. Any employee required or encouraged to make such a report should use the same reporting procedure.
2. Complaints under Title VI must be brought within 180 days of the last incident of discrimination or harassment pursuant to Guideline G-125. Complaints must be brought within 365 days of the most recent incident of discrimination or harassment.
 - a. Complaints brought after that time period will not be pursued absent unusual circumstances.
 - b. Whether the complaint was timely or whether unusual circumstances exist to extend the complaint period must be made after consultation with Legal Counsel.
3. Complainants are encouraged to provide the complaint in writing. The complaint should include the circumstances giving rise to the complaint, the name of the Respondent, the dates of the alleged occurrences, and names of witnesses, if any.
 - a. The complaint should be signed by the Complainant.
 - b. When the Complainant chooses not to provide or sign a written complaint, or when a complaint is made anonymously or by a third party, the

institution is responsible for conducting an appropriate investigation and taking appropriate corrective action.

4. Complaints or reports received by the System Office will be directed to the institution's Title IX Coordinator (for complaints involving sex discrimination) or EEO/AA Officer (for other allegations of Prohibited Conduct), unless the matter should be investigated by System Office personnel or an outside investigator- in accordance with Section V of this Guideline.
5. If the allegations, even if proved, would not violate this Guideline, the Investigator may dismiss the complaint without further investigation after consultation with Legal Counsel.
 - a. The Complainant should be informed of other available processes such as the employee grievance/complaint process, or a student non-academic complaint process.
 - b. Any such dismissal shall be in writing, conveyed to the Complainant and Respondent, and retained in accordance with record retention obligations.

C. Investigation

1. Legal Counsel shall be notified of the complaint, whether written or verbal, as soon as possible in order to provide legal advice.
2. If a person wishes to make a complaint or report of Prohibited Conduct against a high level administrator (such as a Vice President, the EEO/AA Officer, Student Affairs Officer, Title VI or Title IX Coordinator/Officer) or someone who is reasonably believed to have a conflict of interest or bias, or if a person is otherwise uncomfortable using the reporting procedures in this Guideline, a complaint or report may be directed to the President, Chancellor, TBR System Office Title IX Coordinator (for complaints involving sex discrimination), or TBR System Office EEO/AA Officer (for other

allegations of Prohibited Conduct), who should consult the Office of General Counsel. An appropriate person will be appointed to investigate the matter. Complainants are encouraged submit a signed, written complaint and to include the circumstances giving rise to the complaint, the name of the Respondent, the dates of the alleged occurrences, and the names of witnesses, if any. When a Complainant makes an allegation of Prohibited Conduct against the President, the recipient of the report shall notify the Office of General Counsel. An appropriate person will be appointed to investigate and report to the Chancellor.

3. Any investigation and/or disciplinary action against a student shall be consistent with the institution's student conduct and disciplinary procedures policy, and in the event of a conflict between that policy and this guideline, that policy shall govern.
4. When a student is involved as the Complainant, the Respondent, or an individual interviewed, documentation shall be subject to the provisions and protections of the Family Educational Rights and Privacy Act (FERPA), T.C.A. § 10-7-504(a)(4), and other applicable law. Certain records may be subject to disclosure pursuant to a public records request or otherwise.
5. Investigation of complaints against employees of a Tennessee College of Applied Technology (TCAT) shall be initiated by the Chancellor or designee, which may include the President.
 - a. In certain circumstances, an investigator from another institution or System Office may conduct the investigation.
 - b. TCAT Presidents are responsible for notifying the Office of General Counsel whenever a verbal or written complaint of Prohibited Conduct is made.
6. The Investigator shall conduct an investigation of the complaint that is appropriate under the circumstances.

- a. An investigation shall include interviews with both the Complainant and the Respondent, unless either declines to be interviewed. Follow-up interviews may be conducted. The Complainant and Respondent are encouraged to provide, as soon as possible, information they want the Investigator to consider.
 - b. The investigation shall also include review of documents, other information, and interviews with relevant witnesses, including those named by the Complainant and Respondent, as well as those otherwise identified by the Investigator.
 - c. The purpose of the investigation is to determine whether there has been a violation of the applicable policies and this Guideline. Determinations will be based on whether a preponderance of the evidence establishes a policy or Guideline violation. The burden of obtaining evidence and (if supported by the evidence) establishing a violation shall be on the institution.
7. It is the responsibility of the investigator to weigh credibility and to determine the weight to be given information received during the course of the investigation. To the extent possible, the investigation will be conducted in such a manner to protect the confidentiality of both parties.
 - a. In the case of a complaint or report involving Prohibited Conduct, if the Complainant wishes to maintain confidentiality or requests that no investigation be conducted, or no disciplinary action be taken, the institution will weigh that request against the institution's obligation to provide a non-discriminatory environment for the Complainant, as well as other students and employees, and other applicable policies. A decision to honor a request for confidentiality or not to investigate a matter must be confirmed in writing with the Complainant, approved by the President, and

maintained by the institution. The Office of General Counsel must be consulted before such a decision is made.

- b. The Complainant, Respondent and all individuals interviewed shall be informed that the institution has an obligation to address alleged harassment and that, in order to conduct an effective investigation, complete confidentiality cannot be guaranteed.
- c. Information may need to be revealed to the Respondent and to potential witnesses.
- d. Information about the complaint should be shared only with those who have a need to know about it.
- e. The Complainant and Respondent shall also be informed that a request to inspect documents made pursuant to the Public Records Act may result in certain documents being released unless made confidential pursuant to FERPA or other law.
- f. A Complainant may be informed that if they want to speak privately and in confidence about discrimination or harassment, they may wish to consult with a social worker, counselor, therapist or member of the clergy who is permitted, by law, to assure greater confidentiality. Confidentiality and available resources are discussed in institutional Sexual Misconduct policies.
- g. The Complainant shall be informed that when the institution receives notice of alleged retaliation, it will take immediate and appropriate steps to investigate and will take corrective action if it determines that retaliation occurred.
- h. Retaliation is prohibited and should be reported to the Investigator immediately.
- i. Allegations of retaliation must also be investigated pursuant to the procedure set out in this Guideline.

8. The Investigator shall notify in writing the Respondent within five (5) working days of receipt of a written complaint or the decision to initiate an investigation.
 - a. The Respondent may respond in writing to the complaint within five (5) working days following the date of receipt of the Investigator's notification.
9. If either the Complainant or the Respondent is a student, the Investigator should communicate that the institution will comply with FERPA and only disclose information as required by FERPA and other applicable law.
10. The Complainant, the Respondent and all individuals interviewed shall be notified that any retaliation engaged against someone because they filed a complaint or participated in an investigation is strictly prohibited, regardless of the outcome of the investigation and may, in itself, be grounds for disciplinary action.
11. At any time prior to completion of the investigation report, the Investigator may meet with both the Complainant and the Respondent individually for the purpose of attempting to resolve the complaint informally.
 - a. Either party has the right to end informal processes at any time.
 - b. If informal resolution is successful in resolving the complaint, a report of such, having first been reviewed by Legal Counsel, shall be submitted to the President.
12. Unless there is an informal resolution, the Investigator shall draft a report summarizing the investigation, which shall be sent to the Office of General Counsel for legal review.
 - a. Each report shall outline the basis of the complaint, including the dates of the alleged occurrences, the response of the Respondent, the findings of the Investigator, whether there were any attempts made to resolve the complaint informally, and recommendations regarding disposition of the complaint.

- b. After receiving advice from the Office of General Counsel, the report shall be submitted to the 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, for reasons such as difficulty in locating a necessary witness, or complexity of the complaint, additional time may be taken, but only following notice to Legal Counsel and written notice to both the Complainant and the Respondent.
 - c. Working papers, investigator notes, witness statements, etc. generated in the investigation generally should not be attached to the report. Relevant exhibits such as emails, photographs, and other documents that were not created as part of the investigation may be attached.
13. If, after investigation, a preponderance of the evidence does not establish a violation of policy or this Guideline, it may be appropriate to discuss the complaint with the Complainant and/or Respondent so that they understand relevant policies and appropriate behavior standards.
- a. Any investigation and subsequent discussion should be documented and retained.
 - b. Conduct which does not rise to the level of a policy violation may, nevertheless, provide a basis for disciplinary action.
14. The President shall review the Investigator's report and make a written determination within a reasonable time as to whether a policy or Guideline violation has occurred and the appropriate resolution.
- a. After the President has made this determination, absent unusual circumstances and after consultation with Legal Counsel, the Complainant and the Respondent should receive a copy of the determination and the Investigator's report.

15. If the President finds that a preponderance of the evidence establishes that a violation of policy or this Guideline has occurred, the President must take appropriate corrective or remedial action.

- a. When it has been determined that an employee has violated policy or this Guideline, the employee is subject to disciplinary action, up to and including, termination of employment. A faculty member's violation of this policy may constitute "adequate cause" for disciplinary action, including termination.
- b. Remedial action may include meeting with the Respondent and/or the Complainant and attempting to resolve the problem by agreement, e.g., through restorative justice.
- c. The institution will take steps designed to prevent the recurrence of Prohibited Conduct and to remedy effects on the Complainant and others, as appropriate.
- d. Copies of the determination (including any reconsideration and/or appeal), the Investigator's report, the investigation file, the complaint (if it concerns an employee) and documentation of any disciplinary action, any remedies provided to the Complainant, should be placed in a file maintained by the institution.
- e. Copies of any documentation establishing disciplinary action shall also be maintained in the personnel or student record, as appropriate.

(1) Some documents involved in an investigation may be subject to the Public Records Act and thus open to public inspection.

(2) Other documents may be protected under FERPA, the attorney/client privilege, or attorney work product and would not be releasable.

(3) If a Public Records Act request is received, Legal Counsel must be consulted prior to the release of any documents.

16. A complaint found to have been intentionally dishonest or maliciously made will subject the Complainant to appropriate disciplinary action. A finding that the evidence does not establish a violation of policy or this Guideline, in and of itself, does not establish that a complaint was dishonest or malicious.

D. Reconsideration of Decision

1. Because TBR and TBR institutions are committed to a high quality resolution of every case, each institution (and the System Office as applicable), must afford the Complainant and Respondent an opportunity to request that the President reconsider a determination.
 - a. The reconsideration process shall consist of an opportunity for the parties to provide information to the President's attention that would change the decision.
 - b. The reconsideration process will not be a de novo review of the decision, and the parties will not be allowed to present their cases in person to the President unless the President determines, in their sole discretion, to allow an in-person presentation.
2. The institution shall provide written notice of the reconsideration process to the parties at the time that the parties are advised of the outcome of the investigation.
3. Either party may send a written request for reconsideration to the President within ten (10) working days, absent good cause, of receipt of the President's determination.

- a. The party(ies) requesting reconsideration must explain why they believe 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 policy standard was not applied, and how this would change the determination in the case.
 - b. Failure to do so may result in a denial of the request.
4. The President will issue a written response as promptly as possible. This decision will constitute the institution's final decision with respect to President's determination.

VI. Other Applicable Procedures

- A. If the President's determination includes disciplinary action, the procedures for implementing the decision shall be determined by the applicable policies relating to discipline (e.g., employee grievance/complaint procedure, student disciplinary policies, and academic affairs policies).
- B. The System Office shall comply with the rules and processes of the Tennessee Human Rights Commission (THRC) regarding complaints and investigations covered by Title VI.

VII. Other Available Complaint Procedures

- A. An aggrieved individual may also have the ability to file complaints with external agencies such as the Equal Employment Opportunity Commission (EEOC), the Tennessee Human Rights Commission (THRC), the Office for Civil Rights (OCR), and the courts. Deadlines for filing with external agencies or courts may be shorter than the deadline established for filing a complaint under this Guideline.

Sources

Authority

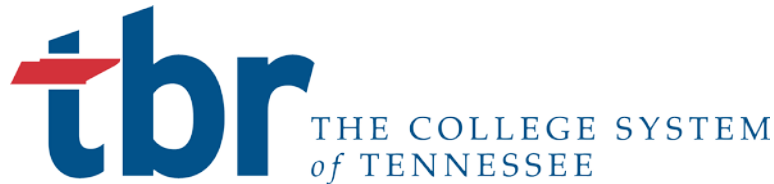
T.C.A. § 49-8-203; All State and Federal states, codes, Acts, rules and regulations referenced in this policy

History

Presidents Meeting: November 14, 1984 and November 16, 1984 AVTS Sub-Council meeting; August 16, 1988; February 14, 1989; November 10, 1992; August 13, 1996; February 13, 2001; August 16, 2005; November 8, 2005; February 13, 2008; February 14, 2012: Changes in Title VI procedures became effective October 1, 2013 (Ratified at President's Meeting, Nov. 5, 2013); Revision approved at November 11, 2014 President's Meeting; Revision approved at August 10, 2021 Presidents Meeting.

Related Policies

- [Equal Employment Opportunity and Affirmative Action](#)
- [Sexual Discrimination and Sexual Harassment](#)
- [Sexual Misconduct](#)



**Presidents Quarterly Meeting
August 10, 2021**

SUBJECT: Approval Process for Parking & Traffic Fines

PRESENTER: Elizabeth Martin, Associate General Counsel

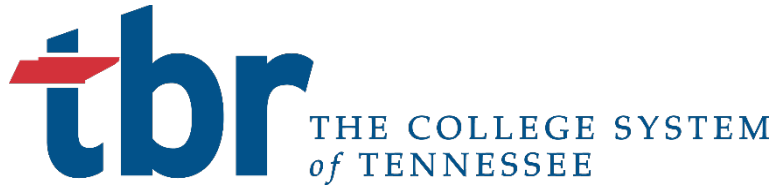
ACTION REQUIRED: N/A

The Board of Regents will be asked to approve the amounts of parking and traffic fines at its September Board meeting. This is because TBR Rule 0240-01-06, Parking and Traffic Rules, which is scheduled to become effective on or about October 11, 2021, provides as follows:

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 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.

The TBR Policy 7.04.00.00, Parking and Traffic, which will be posted and become effective on the same date the Parking and Traffic rule becomes effective, has a similar requirement. In order for the Chancellor to review, approve, and submit to the Board the proposed fine amounts, each institution is asked to complete the attached form and submit it to the Office of the General Counsel (Theresa.whitton@tbr.edu) no later than August 31, 2021. The explanation justifying the amount of the fines need not be lengthy, especially where institutional fines are lower than the amounts set by state or local law.

Attachment



INSTITUTIONAL RECOMMENDATION FOR PARKING & TRAFFIC FINES

TO: Office of General Counsel (Theresa.whitton@tbr.edu)

INSTITUTION: _____

DATE: August __, 2021

*FOR INSTITUTIONS THAT WILL **NOT** IMPOSE PARKING & TRAFFIC FINES*

1. The institution will not impose Parking and Traffic Fines. Any citations or tickets will be implemented by local law enforcement. *(If this applies to the institution, sign or initial on the line below and return the form.)*

Authorized Signature

FOR INSTITUTIONS THAT WILL IMPOSE TRAFFIC & PARKING FINES

1. Attached in Word format is a list of parking and traffic fines, including the recommended fine amounts.
2. Attached is an explanation justifying the amount of the fines. *(Explain how the institution has taken into consideration 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 the institution. Where institutional fines are lower than amounts set by state or local law, explain very briefly.)*
3. No fine exceeds the greater of either fifty dollars (\$50.00) or the amount set by state law, or any county or municipal ordinance in the institution's jurisdiction for the same offense. To the extent a state statute requires that a fine be set at more than fifty dollars (\$50.00) (e.g., handicap parking fines), the institution shall set the fine in compliance with the statute. Any citation for more than \$50 shall be written as a violation of a city or county ordinance and/or state law and will be resolved by a court.

Authorized signature

**Presidents Quarterly Meeting
August 10, 2021**

SUBJECT: Policy Revisions- Early Postsecondary Opportunities
Policy: 2:01:00:05

PRESENTER: Dr. Tachaka Hollins/Dr. Robert Denn

ACTION REQUIRED: Discussion Item

Summary:

The purpose of the policy revision is to be more TCAT inclusive throughout. Other revisions include:

- Removed Section 6-Demonstration of Procedure Compliance and Reporting
- Removed TCAT enrollment limitation of one occupational area requirement
- In the Exhibits sections, added all TBR approved agreement templates applicable to this policy
- Assembling faculty work groups to update the 2012 Standards for College Level Examination Program (CLEP) and Advanced Placement (AP) credit award. PLA Standards for AP and CLEP are exhibits attached to Policy under consideration for revision and are effectuated through Policy 2.01.00.04 Awarding of Credits Earned Through Extra-Institutional Learning to Community Colleges.

Exhibits

Policy: 2:01:00:05 Early Postsecondary Opportunities (proposed clean)
Policy: 2:01:00:05 Early Postsecondary Opportunities (current w/ proposed edits)
Advanced Placement (AP) credit by CC
Advanced Placement (AP) credit standards
College Level Examination Program (CLEP) credit by CC
College Level Examination Program (CLEP) credit standards
Policy 2.01.00.04 Awarding of Credits Earned Through Extra-Institutional Learning to Community Colleges

The Office of Academic Affairs has created a Google Doc to accept comments and input via Google Docs through September 29, 2021. The Google Docs link will be shared with this Council.

2 – Academic Policies

2:01:00:05

Name: Early Postsecondary Opportunities

Purpose

The Tennessee Board of Regents will provide K-12 students with opportunities to earn postsecondary credit to accelerate their progress toward a technical certificate/diploma or associate degree.

Applies to: Community Colleges; Colleges of Applied Technology

Definitions:

- Early Postsecondary Opportunities is the broad term for various types of opportunities for high school students to take college coursework while they are enrolled in high school or enrolled at both the high school and postsecondary institution concurrently.
- Dual Enrollment: The enrollment of a high school student in one or more specified college course(s) for which the student is eligible to earn high school credit and college credit at the high school, postsecondary institution, or online. The course/program is taught by instructors with appropriate postsecondary credentials approved by the postsecondary institution awarding the college credit. Dual Enrollment delivery models include the following:
 - Early college: The enrollment of a high school student in a combined curriculum/courses of high school and postsecondary credit where the student is expected to earn a high school diploma as well as a postsecondary credential or enter a four-year postsecondary program as a junior. The courses/programs are taught by instructors with appropriate postsecondary credentials approved by the institution awarding the credit.
 - Middle college: The enrollment of a high school student in a college program of study offered by an eligible community or technical college in partnership with the local education agency that permits the student to earn both a high school diploma and an associate degree/technical college certificate or diploma upon high school graduation. The courses/programs are taught by appropriately qualified postsecondary faculty member, or by an appropriately qualified high school teacher serving as an adjunct faculty member for the postsecondary institution offering the course/program.
- Other Models for Awarding of CollegeCredit
 - Advanced Placement (AP): A college-level course designed by the College Board and taught by high school faculty. Postsecondary institutions may award credit based on the score earned on a national exam in several subjects.
 - Cambridge International Examinations (CIE): A high school academic program (curricula, assessments, pedagogy) with internationally recognized exams.

- College Level Examination Program (CLEP): Nationally recognized exams used to assess college-level knowledge. The exams are offered in multiple subjects.
- International Baccalaureate (IB): An academically challenging course of study offered at the high school level aligned to internationally benchmarked exams.
- Local Dual Credit: High school course aligned to a local postsecondary institution's course and exam. Students who pass the exam earn credits that are accepted and/or recognized by the local postsecondary institution upon matriculation to the institution.
- Statewide Dual Credit: Taught by high school faculty, a high school course aligned to standards set by a statewide consortium of college faculty with a required exam to earn credit upon matriculation to any Tennessee [public](#) postsecondary institution.
- Industry Certification: Certifications earned through secondary and postsecondary career and technical education programs and courses. As it pertains to industry certifications, all [TN Department of Education](#) ~~department~~-promoted certifications are aligned with postsecondary and employment opportunities and with the competencies and skills that students should have acquired through their chosen programs of study.

Policy

I. Policy Provisions

- A. TBR requires that all community and technical colleges entering a partnership with an LEA or a high school, which can result in the award of college credit, must ensure that the credit awarded is at the postsecondary level and meets all requirements of TBR policies and procedures as well as all requirements of the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) for community colleges or the Council on Occupational Education (COE) for technical colleges.
- B. The colleges granting the academic credit must assume full responsibility for the academic quality and integrity of such partnerships.
- A. Frequently Asked Question are addressed in Exhibit 1.

Procedures

I. Early Postsecondary Credit Opportunities Procedures

- A. Dual credit and dual enrollment agreements should be developed in compliance with TBR Contracts Guideline [G-30](#). [See exhibits for TBR approved agreement templates.](#)
- B. As per TBR Policy 1:03:02:10 "Approvals of Agreements and Contracts":

1. All agreements and contracts affecting Community Colleges and Tennessee Colleges of Applied Technology must be approved and executed by the President or the President's designee. The following agreements, contracts, or procurements, in addition to being approved as set out above, shall be submitted to the System Office for approval by the Chancellor or the Chancellor's designee;
2. Any agreement between a TBR institution and any other institution, agency, organization, or entity which provides for the coordinated or cooperative offering of any credit or non-credit programs or activities or in which certificate or degree requirements are met or credit is given for coursework or activities offered by another institution.
 - a. Examples of such agreements include provisions for either credit or non-credit academic programs or public service activities to private or state agencies and institutions in the fulfillment of that agency's responsibility for state-wide services or governmental training, and
 - b. Agreements which require consortia or cooperative arrangements with other institutions, agencies, or associations.

II. Procedures for Awarding Credit

A. Dual Enrollment Course Credit

1. The community college admits and registers dual enrolled students as non-degree seeking students of the college and records courses administered through a dual enrollment on official college transcripts. For dually-enrolled students at a Tennessee College of Applied Technology, the student may register as a dual enrollment status student in a specific program based on the program's specific requirements as determined by the campus.
2. If the student enrolled in high school courses meets the requirements for an associate degree/technical college certificate or diploma while still in high school, institutions may confer the earned associate degree postsecondary credential even if the student is technically non-degree seeking, and even if the TBR institution's graduation date precedes the student's high school graduation date.
3. Although the associate degree/technical certificate or diploma may be conferred slightly before high school graduation due to differences between scheduled college and high school ceremonies, the TBR institution must receive a final high school transcript documenting the student's high school graduation before posting the degree to the student's transcript.
 - a. Dually enrolled students are assessed using the same methods (e.g. papers, portfolios, quizzes, labs, etc.) as regularly enrolled students.
 - b. The college ensures that DE students are held to the same grading standards as those expected of regularly enrolled students.

B. Credit by Exam

1. Unlike dual enrollment courses, students do not receive transcribed college credit for an exam-based course upon completion. After they graduate, they submit their test scores (in a pre-approved format: secure database, electronically from the high school, etc.) to the college where they have been admitted and request college credit, advanced standing, or the waiving of the requirement for the equivalent course.
2. Institutions may charge an exam fee following TBR [Guideline B-60](#).
3. Types of College-Credit Examinations:
 - a. Advanced Placement (AP): At the end of the course, the student takes a national examination administered by the College Board.
 - (1) If the student achieves a score pre-determined by the college, he or she may (a) receive college credit for the course, (b) be granted advanced standing by the college, or (c) be allowed to waive the requirement for that course.
 - b. Cambridge International Examinations: Cambridge qualifications are recognized for matriculation purposes and may be eligible for credit by examination. Students must contact their college for further details.
 - c. International Baccalaureate: The IB Baccalaureate requires periodic assessments of knowledge and proficiencies within the discipline, as well as final written examinations to earn the IB Diploma at the end of the program.
 - (1) Based on their scores on the periodic assessments students may (a) receive college credit for the equivalent course, (b) be granted advanced standing by the college, or (c) have the requirement for that course waived by the college.
 - (2) Based on their scores on the IB Diploma, students may (a) be awarded an associate degree by the receiving college or (b) be admitted with junior standing by the receiving college.
 - d. Local Dual Credit: Postsecondary course credit is solely based upon a course exam or portfolio development, "Credit by Assessment."
 - (1) The course exam and the identified exam score are created and agreed upon by the content faculty from the local postsecondary institution.
 - (2) The course credit may only be accepted by the local postsecondary institution.
 - (3) A high school class may be associated with such a postsecondary course.
 - e. Statewide Dual Credit: The postsecondary course credit is solely based upon the score of the final course exam, "Credit by Assessment."
 - (1) The final course exam and the identified exam score are created and agreed upon by content faculty representatives from Tennessee community colleges, Tennessee public universities, Tennessee Independent Colleges and Universities Association, and the University of Tennessee. (T.C.A. § 49-15-101 et seq.)
 - f. Industry Certification: A credential based upon a third party (business/industry recognized)

exam which results in a certification beneficial to the particular industry.

(1) Tennessee Board of Regents (TBR) colleges collaborate with the Tennessee Department of Education (TDOE) and business and industry to identify appropriate certifications and work toward postsecondary credit based upon such certifications.

(2) The TDOE may pay for secondary students to take certification exams. Typically, colleges receive the results from certification exams from the TDOE or from the exam testing company.

4. In accordance with TBR Policy 2:01:00:04 “Awarding of Credits Earned through Extra- Institutional Learning to Community Colleges,” the decision to grant college credit, advanced standing, or requirement waiver for an Advanced Placement, College Level Examination Program, Cambridge International Examination or score on an International Baccalaureate score is the prerogative of the college. If an institution agrees to accept AP and/or CLEP scores, it should adhere to the Advanced Placement and College Level Examination Program credit matrices developed by a multi-campus faculty committee and approved by the Academic Affairs Sub-Council in June 2012 (see exhibits 6 and 7 below).
5. If a college affiliated with the Tennessee Board of Regents accepts an Advanced Placement, International Baccalaureate, or Cambridge International Exam score for college credit, the college transcript course will list the college course, with the grade P and the indication AP for (NTAxxx) Advanced Placement, IB for (NTBxxx) International Baccalaureate, Local Dual Credit (NTDxxx), Statewide Dual Credit (N09xxx), Student Industry Certification (possibly NTRxxx, but possibly more than 1 value applies).
6. ~~Students receiving college credit for high school courses~~ College credit awarded for AP, IB, CIE, or dual credit courses are not included in the campus’s FTE calculations.
7. All institutions affiliated with the Tennessee Board of Regents System will publish their policies and practices for awarding credit/advancing standing/waiver for AP, IB, and CIE programs.

III. Faculty Credentials

A. In accordance with T.C.A. § 49-15-101 et seq. “Cooperative Innovative High School Programs”:

1. The appropriate college full-time faculty and the Chief Academic Officer or his/her designee of the offering institution shall assure that any faculty member teaching in dual enrollment offerings meets all relevant SACS-COC and COE criteria.
2. Orientation and evaluation of teaching for dual enrollment/dual credit faculty rests with the appropriate academic department of the respective college. The Chief Academic Officer, or his/her designee, shall assure consistency and comparability of both orientation and evaluation across institutions.
3. Dual enrollment instructors must participate in relevant professional development and evaluation activities that are expected of all faculty.

IV. Student Eligibility to Enroll as Secondary Student in Postsecondary Institutions

A. In addition to any enrollment requirements outlined by the Tennessee Department of Education, students enrolling at TBR institutions must meet the following criteria:

~~1.1. The student must be enrolled as a student in a Tennessee public school as defined in T.C.A. § 49-6-3001 or nonpublic school as defined in T.C.A. § 49-50-801, a home school as defined in T.C.A. § 49-6-3050 or a private school as defined in T.C.A. § 49-6-3001, or nonpublic school, or in a home education program.~~

~~1.2. The student may enroll as a non-degree seeking student in a specific course based on the course's specific placement requirements as determined by the campus in accordance with TBR Guideline A-100.~~

2.1. For dually-enrolled students at a community college, the student may register as a non-degree seeking student in a specific course based on the course's specific placement requirements as determined by the campus in accordance with TBR Guideline A-100. For dually-enrolled students at a Tennessee College of Applied Technology, the student may register as a dual enrollment status student in a specific program based on the program's specific requirements as determined by the campus.

3. The student must provide secondary institution permission/approval. Additionally, a minor (under 18 years of age) must provide parental/guardian permission/approval.

4.—All Tennessee Colleges of Applied Technology shall admit applicants on a "first-come, first-served" basis, ~~and the following minimum criteria shall apply:~~

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

(1) An agreement authorizing such admission is concluded between the local Board of Education and the Tennessee College of Applied Technology. Such agreements are subject to the approval of the Chancellor or his designee.

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

V. Academic and Student Services

- A. Counseling and advising of prospective students by appropriate college officials, high school counselors, teachers, and parents will be an integral part of all dual enrollment programs. Advising materials must state that as a college course, the dual enrollment course becomes part of the permanent college transcript that must be provided by the student to any college he or she eventually attends.
- B. Student services in both the high school and the college settings will ensure that dual enrollment students have access to academic resources (e.g., library materials) and student services (e.g., orientation, advising, procedural information) that are important to the class and available to regularly enrolled students taking the same course.
- C. To avoid displacing postsecondary students in the college courses, institutions may create specific sections and hold them for dual enrollment students.
- D. Dual enrollment students will have access to the same privileges and

opportunities available to regularly enrolled students taking the same course or courses.

- E. Administrators, faculty, and staff in both high school and college settings providing dual enrollment opportunities will comply with all FERPA and ADA guidelines.

~~VI. Demonstration of Procedure Compliance and Reporting~~

~~A. The Office of Academic Affairs of the Tennessee Board of Regents will require an annual report to be completed by each college offering dual enrollment courses and programs to demonstrate compliance with the dual enrollment procedures for each course offered to high school students.~~

~~B. It will be the prerogative of the Chancellor of the Tennessee Board of Regents System to conduct audits of dual enrollment programs on a scheduled basis or as deemed necessary~~

Source

Statutes

T.C.A. § 49-15-101 et seq.; T.C.A. § 49-6-3111; Family Educational Rights and Privacy Act, as amended (FERPA), 20 USC 1232G; Americans with Disabilities Act, as amended, 42 U.S.C. ch. 126 § 12101 et seq.

Approvals & Revisions

New policy and procedure approved at Board Meeting, March 2018

Related

A-100 Learning Support

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

G-030 Contracts Guideline

1:03:02:10 Approvals of Agreements and Contracts

2:01:00:04 Awarding of Credits Earned through Extra-Institutional Learning to Community Colleges

Exhibits

1. Early Postsecondary Opportunities Policy FAQ

2. TCAT Dual Enrollment Agreement Template

3. TCAT Local Dual Credit Agreement Template

4. CC Dual Enrollment MOU Template

~~5.~~ CC Dual Credit MOU Template

~~6.~~ Advanced Placement (AP) Exam Credit by CC

~~7.~~ College Level Examination Program (CLEP) Credit by CC

2 – Academic Policies

2:01:00:05

Name: Early Postsecondary Opportunities

Purpose

The Tennessee Board of Regents will provide K-12 students with opportunities to earn postsecondary credit to accelerate their progress toward a technical certificate/diploma or associate degree.

Applies to: Community Colleges; Colleges of Applied Technology

Definitions:

- Early Postsecondary Opportunities is the broad term for various types of opportunities for high school students to take college coursework while they are enrolled in high school or enrolled at both the high school and postsecondary institution concurrently.
- Dual Enrollment: The enrollment of a high school student in one or more specified college course(s) for which the student is eligible to earn high school credit and college credit at the high school, postsecondary institution, or online. The course/program is taught by instructors with appropriate postsecondary credentials approved by the postsecondary institution awarding the college credit. Dual Enrollment delivery models include the following:
 - Early college: The enrollment of a high school student in a combined curriculum/courses of high school and postsecondary credit where the student is expected to earn a high school diploma as well as a postsecondary credential or enter a four-year postsecondary program as a junior. The courses/programs are taught by instructors with appropriate postsecondary credentials approved by the institution awarding the credit.
 - Middle college: The enrollment of a high school student in a college program of study offered by an eligible community or technical college in partnership with t/he local education agency that permits the student to earn both a high school diploma and an associate degree/technical college certificate or diploma upon high school graduation. The courses/programs are taught by a qualified postsecondary faculty member, or by a qualified high school teacher serving as an adjunct faculty member for the postsecondary institution offering the course/program.
- Other Models for Awarding of College Credit
 - Advanced Placement (AP): A college-level course designed by the College Board and taught by high school faculty. Postsecondary institutions may award credit based on the score earned on a national exam in several subjects.
 - Cambridge International Examinations (CIE): A high school academic program (curricula, assessments, pedagogy) with internationally recognized exams.

- College Level Examination Program (CLEP): Nationally recognized exams used to assess college-level knowledge. The exams are offered in multiple subjects.
- International Baccalaureate (IB): An academically challenging course of study offered at the high school level aligned to internationally benchmarked exams.
- Local Dual Credit: High school course aligned to a local postsecondary institution's course and exam. Students who pass the exam earn credits that are accepted and/or recognized by the local postsecondary institution upon matriculation to the institution.
- Statewide Dual Credit: Taught by high school faculty, a high school course aligned to standards set by a statewide consortium of college faculty with a required exam to earn credit upon matriculation to any Tennessee public postsecondary institution.
- Industry Certification: Certifications earned through secondary and postsecondary career and technical education programs and courses. As it pertains to industry certifications, all TN Department of Education promoted certifications are aligned with postsecondary and employment opportunities and with the competencies and skills that students should have acquired through their chosen programs of study.

Policy

I. Policy Provisions

- A. TBR requires that all community and technical colleges entering a partnership with an LEA or a high school, which can result in the award of college credit, must ensure that the credit awarded is at the postsecondary level and meets all requirements of TBR policies and procedures as well as all requirements of the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) for community colleges or the Council on Occupational Education (COE) for technical colleges.
- B. The colleges granting the academic credit must assume full responsibility for the academic quality and integrity of such partnerships.
- A. Frequently Asked Question are addressed in Exhibit 1.

Procedures

I. Early Postsecondary Credit Opportunities Procedures

- A. Dual credit and dual enrollment agreements should be developed in compliance with TBR Contracts Guideline [G-30](#). See exhibits for TBR approved agreement templates.
- B. As per TBR Policy 1:03:02:10 "Approvals of Agreements and Contracts":

1. All agreements and contracts affecting Community Colleges and Tennessee Colleges of Applied Technology must be approved and executed by the President or the President's designee. The following agreements, contracts, or procurements, in addition to being approved as set out above, shall be submitted to the System Office for approval by the Chancellor or the Chancellor's designee.
2. Any agreement between a TBR institution and any other institution, agency, organization, or entity which provides for the coordinated or cooperative offering of any credit or non-credit programs or activities or in which certificate or degree requirements are met or credit is given for coursework or activities offered by another institution.
 - a. Examples of such agreements include provisions for either credit or non-credit academic programs or public service activities to private or state agencies and institutions in the fulfillment of that agency's responsibility for state-wide services or governmental training, and
 - b. Agreements which require consortia or cooperative arrangements with other institutions, agencies, or associations.

II. Procedures for Awarding Credit

A. Dual Enrollment Course Credit

1. The community college admits and registers dual enrolled students as non-degree seeking students of the college and records courses administered through a dual enrollment on official college transcripts. For dually-enrolled students at a Tennessee College of Applied Technology, the student may register as a dual enrollment status student in a specific program based on the program's specific requirements as determined by the campus.
2. If the student enrolled in high school courses meets the requirements for an associate degree/ technical college certificate or diploma while still in high school, institutions may confer the earned postsecondary credential even if the student is technically non-degree seeking, and even if the TBR institution's graduation date precedes the student's high school graduation date.
3. Although the associate degree/ technical certificate or diploma may be conferred slightly before high school graduation due to differences between scheduled college and high school ceremonies, the TBR institution must receive a final high school transcript documenting the student's high school graduation before posting the degree to the student's transcript.
 - a. Dually enrolled students are assessed using the same methods (e.g., papers, portfolios, quizzes, labs, etc.) as regularly enrolled students.
 - b. The college ensures that DE students are held to the same grading standards as those expected of regularly enrolled students.

B. Credit by Exam

1. Unlike dual enrollment courses, students do not receive transcribed college credit for an exam-based course upon completion. After they graduate, they submit their test scores (in a pre-approved format: secure database, electronically from the high school, etc.) to the college where they have been admitted and request college credit, advanced standing, or the waiving of the requirement for the equivalent course.
2. Institutions may charge an exam fee following TBR [Guideline B-60](#).
3. Types of College-Credit Examinations:
 - a. Advanced Placement (AP): At the end of the course, the student takes a national examination administered by the College Board.
 - (1) If the student achieves a score pre-determined by the college, he or she may (a) receive college credit for the course, (b) be granted advanced standing by the college, or (c) be allowed to waive the requirement for that course.
 - b. Cambridge International Examinations: Cambridge qualifications are recognized for matriculation purposes and may be eligible for credit by examination. Students must contact their college for further details.
 - c. International Baccalaureate: The IB Baccalaureate requires periodic assessments of knowledge and proficiencies within the discipline, as well as final written examinations to earn the IB Diploma at the end of the program.
 - (1) Based on their scores on the periodic assessments students may (a) receive college credit for the equivalent course, (b) be granted advanced standing by the college, or (c) have the requirement for that course waived by the college.
 - (2) Based on their scores on the IB Diploma, students may (a) be awarded an associate degree by the receiving college or (b) be admitted with junior standing by the receiving college.
 - d. Local Dual Credit: Postsecondary course credit is solely based upon a course exam or portfolio development, "Credit by Assessment."
 - (1) The course exam and the identified exam score are created and agreed upon by the content faculty from the local postsecondary institution.
 - (2) The course credit may only be accepted by the local postsecondary institution.
 - (3) A high school class may be associated with such a postsecondary course.
 - e. Statewide Dual Credit: The postsecondary course credit is solely based upon the score of the final course exam, "Credit by Assessment."
 - (1) The final course exam and the identified exam score are created and agreed upon by content faculty representatives from Tennessee community colleges, Tennessee public universities, Tennessee Independent Colleges and Universities Association, and the University of Tennessee. (T.C.A. § 49-15-101 et seq.)

f. Industry Certification: A credential based upon a third party (business/industry recognized) exam which results in a certification beneficial to the industry.

(1) Tennessee Board of Regents (TBR) colleges collaborate with the Tennessee Department of Education (TDOE) and business and industry to identify appropriate certifications and work toward postsecondary credit based upon such certifications.

(2) The TDOE may pay for secondary students to take certification exams. Typically, colleges receive the results from certification exams from the TDOE or from the exam testing company.

4. In accordance with TBR Policy 2:01:00:04 “Awarding of Credits Earned through Extra- Institutional Learning to Community Colleges,” the decision to grant college credit, advanced standing, or requirement waiver for an Advanced Placement, College Level Examination Program, Cambridge International Examination, or International Baccalaureate score is the prerogative of the college. If an institution agrees to accept AP and/or CLEP scores, it should adhere to the Advanced Placement and College Level Examination Program credit matrices developed by a multi-campus faculty committee and approved by the Academic Affairs Sub-Council in June 2012 (see exhibits 6 and 7 below).
5. If a college affiliated with the Tennessee Board of Regents accepts an Advanced Placement, International Baccalaureate, or Cambridge International Exam score for college credit, the college transcript course will list the college course, with the grade P and the indication AP for (NTAxxx) Advanced Placement, IB for (NTBxxx) International Baccalaureate, Local Dual Credit (NTDxxx), Statewide Dual Credit (N09xxx), Student Industry Certification (possibly NTRxxx, but possibly more than 1 value applies).
6. College credit awarded for AP, IB, CIE, or dual credit courses are not included in the campus’s FTE calculations.
7. All institutions affiliated with the Tennessee Board of Regents System will publish their policies and practices for awarding credit/advancing standing/waiver for AP, IB, and CIE programs.

III. Faculty Credentials

A. In accordance with T.C.A. § 49-15-101 et seq. “Cooperative Innovative High School Programs”:

1. The appropriate college full-time faculty and the Chief Academic Officer or his/her designee of the offering institution shall assure that any faculty member teaching in dual enrollment offerings meets all relevant SACS-COC and COE criteria.
2. Orientation and evaluation of teaching for dual enrollment/dual credit faculty rests with the appropriate academic department of the respective college. The Chief Academic Officer, or his/her designee, shall assure consistency and comparability of both orientation and evaluation across institutions.
3. Dual enrollment instructors must participate in relevant professional development and evaluation activities that are expected of all faculty.

IV. Student Eligibility to Enroll as Secondary Student in Postsecondary Institutions

A. In addition to any enrollment requirements outlined by the Tennessee Department of Education, students enrolling at TBR institutions must meet the following criteria:

1. The student must be enrolled in a Tennessee public school as defined in T.C.A. § 49-6-3001 or nonpublic school as defined in T.C.A. § 49-50-801, a home school as defined in T.C.A. § 49-6-3050 or a private school as defined in T.C.A. § 49-6-3001.
2. For dually-enrolled students at a community college, the student may register as a non-degree seeking student in a specific course based on the course's specific placement requirements as determined by the campus in accordance with TBR Guideline A-100. For dually-enrolled students at a Tennessee College of Applied Technology, the student may register as a dual enrollment status student in a specific program based on the program's specific requirements as determined by the campus.
3. The student must provide secondary institution permission/approval. Additionally, a minor (under 18 years of age) must provide parental/guardian permission/approval.
4. All Tennessee Colleges of Applied Technology shall admit applicants on a "first-come, first-served" basis. Applicants enrolled in high school are eligible for admission provided that an agreement authorizing such admission is concluded between the local Board of Education and the Tennessee College of Applied Technology. Such agreements are subject to the approval of the Chancellor or his designee.

V. Academic and Student Services

- A. Counseling and advising of prospective students by appropriate college officials, high school counselors, teachers, and parents will be an integral part of all dual enrollment programs. Advising materials must state that as a college course, the dual enrollment course becomes part of the permanent college transcript that must be provided by the student to any college he or she eventually attends.
- B. Student services in both the high school and the college settings will ensure that dual enrollment students have access to academic resources (e.g., library materials) and student services (e.g., orientation, advising, procedural information) that are important to the class and available to regularly enrolled students taking the same course.
- C. To avoid displacing postsecondary students in the college courses, institutions may create specific sections and hold them for dual enrollment students.
- D. Dual enrollment students will have access to the same privileges and opportunities available to regularly enrolled students taking the same course or courses.

- E. Administrators, faculty, and staff in both high school and college settings providing dual enrollment opportunities will comply with all FERPA and ADA guidelines.

Source

Statutes

T.C.A. § 49-15-101 et seq.; T.C.A. § 49-6-3111; Family Educational Rights and Privacy Act, as amended (FERPA), 20 USC 1232G; Americans with Disabilities Act, as amended, 42 U.S.C. ch. 126 § 12101 et seq.

Approvals & Revisions

New policy and procedure approved at Board Meeting, March 2018

Related

A-100 Learning Support

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

G-030 Contracts Guideline

1:03:02:10 Approvals of Agreements and Contracts

2:01:00:04 Awarding of Credits Earned through Extra-Institutional Learning to Community Colleges

Exhibits

1. Early Postsecondary Opportunities Policy FAQ
2. TCAT Dual Enrollment Agreement Template
3. TCAT Local Dual Credit Agreement Template
4. CC Dual Enrollment MOU Template
5. CC Dual Credit MOU Template
6. Advanced Placement (AP) Exam Credit by CC
7. College Level Examination Program (CLEP) Credit by CC

AP examination	ChSCC	CISCC	CoSCC	DSCC	JSCC	MSCC	NaSCC	NeSCC	PSCC	RSCC	STCC	VSCC	WSCC
Human Geography	X	X	X	X	X	X	X	X	X	X	X	X	X
Italian Language & Culture	X	X	X	X	X		X	X	X	X	X	X	X
Japanese Language & Culture	X	X	X	X	X		X	X	X	X	X	X	X
Latin	X	X	X	X	X	X	X	X	X	X	X	X	X
Music Theory	X	X	X	X	X	X	X	X	X	X	X	X	
Physics B	X	X	X	X	X	X	X	X	X	X	X	X	X
Physics C	X	X	X	X	X	X	X	X	X	X	X	X	X
Psychology	X	X	X	X	X	X	X	X	X	X	X	X	X
Spanish Language	X	X	X	X	X	X	X	X	X	X	X	X	X
Spanish Literature & Culture	X	X	X	X	X		X	X	X	X	X	X	X
Statistics	X	X	X	X	X	X	X	X	X	X	X	X	X
Studio Art Drawing	X	X	X	X	X	X	X	X	X	X	X	X	X
Studio Art 2D	X	X	X	X	X	X	X	X	X	X	X	X	X
Studio Art 3D	X	X	X	X	X	X	X	X	X	X	X	X	X
U.S. History	X	X	X	X	X	X	X	X	X	X	X	X	X
U.S. Government & Politics	X	X	X	X	X	X	X	X	X	X	X	X	X
World History	X	X	X	X	X	X	X	X	X	X	X	X	X

TENNESSEE BOARD OF REGENTS COMMUNITY COLLEGES
 PRIOR LEARNING ASSESSMENT (PLA) SYSTEMWIDE PRACTICES
 COMMUNITY COLLEGES ACCEPTING CLEP CREDIT BY EXAMINATION

More information about the 33 CLEP tests, including some research on the subsequent college success of students receiving CLEP credit, is available at <http://clep.collegeboard.org>. Blank cells indicate that the college does not grant credit for that particular CLEP test.

CLEP examination	ok ChSCC	ok CISCC	ok CoSCC	ok DSCC	ok JSCC	ok MSCC	ok NaSCC	ok NeSCC	ok PSCC	ok RSCC	ok STCC	ok VSCC	ok WSCC
American Government	X	X	X	X	X	X	X	X	X	X	X	X	X
American Literature	X	X	X	X	X	X	X	X	X	X	X		X
Analyzing & Interpreting Literature			X	X	X	X	X	X		X		X	X
Biology	X	X	X	X	X	X	X	X		X		X	X
Calculus	X	X	X	X	X	X	X	X	X	X	X	X	X
Chemistry	X	X	X	X	X	X	X	X		X		X	X
College Algebra		X	X	X	X	X	X	X	X	X		X	X
College Composition (also Freshmen)	X	X	X	X	X		X	X		X	X	X	X
College Composition Modular			X	X	X	X		X		X		X	X
College Mathematics	X	X	X	X	X	X	X	X	X	X	X	X	X
English Literature	X	X	X	X	X	X	X	X	X	X	X		X
Financial Accounting	X	X	X	X	X	X	X	X	X	X	X	X	X
French Language, level 1	X		X	X	X	X	X	X	X	X	X	X	X
French Language, level II	X		X	X	X	X	X	X	X	X	X	X	X
German Language, level 1	X		X	X	X		X	X	X	X		X	X
German Language, level II	X		X	X	X		X	X	X	X		X	X
History of the United States I	X	X	X	X	X	X	X	X		X	X	X	X

CLEP examination	ChSCC	CISCC	CoSCC	DSCC	JSCC	MSCC	NaSCC	NeSCC	PSCC	RSCC	STCC	VSCC	WSCC
History of the United States II	X	X	X	X	X	X	X	X		X	X	X	X
Human Growth and Development	X	X	X	X	X	X	X	X	X	X	X	X	X
Humanities	X	X	X	X	X	X	X	X		X		X	X
Information Systems & Computer Applications	X	X	X	X	X	X	X	X	X	X	X	X	X
Introduction to Educational Psychology	X	X	X	X	X	X	X	X		X	X	X	
Introductory Business Law	X		X	X	X	X	X	X		X	X	X	X
Introductory Psychology	X	X	X	X	X	X	X	X	X	X	X	X	X
Introductory Sociology	X	X	X	X	X	X	X	X	X	X	X	X	X
Natural Sciences		X	X	X	X	X	X	X		X	X	X	X
Precalculus	X	X	X	X	X	X	X	X	X		X	X	X
Principles of Macroeconomics	X	X	X	X	X	X	X	X	X	X	X	X	X
Principles of Management	X	X	X	X	X	X	X	X	X	X	X	X	X
Principles of Marketing	X	X	X	X	X	X	X	X	X	X	X	X	X
Principles of Microeconomics	X	X	X	X	X	X	X	X	X	X	X	X	X
Social Sciences & History	X	X	X	X	X	X	X	X		X	X	X	X
Spanish Language, level I	X	X	X	X	X	X	X	X	X	X	X	X	X
Spanish Language, level II	X	X	X	X	X	X	X	X	X	X	X	X	X
Western Civilization I	X		X	X	X		X	X		X	X	X	X
Western Civilization II	X		X	X	X		X	X		X	X	X	X

TENNESSEE BOARD OF REGENTS COMMUNITY COLLEGES
PRIOR LEARNING ASSESSMENT (PLA) SYSTEMWIDE STANDARDS
RECOMMENDED CAMPUS STANDARDS FOR ACCEPTANCE OF ADVANCED PLACEMENT (AP) CREDIT

The THEC Task Force on Prior Learning Assessment (PLA), which includes representatives from 12 TBR community colleges, has discussed the need to identify and adopt common standards with regard to the acceptance of credit for the Advanced Placement (AP) offered by the College Board. Adopted standards used of each institution will be posted on the PLA website that THEC will launch in July 2012.

It seems logical to begin the process of adopting common AP standards by establishing a common practice for the 13 community colleges. Adoption of the attached recommendations by all community colleges will result in the acceptance of identical scores and identical credits for each AP test among the community colleges. Universities will develop standards that will take community college standards into account and will facilitate student progression to a baccalaureate degree.

Each community college can choose not to grant credit for a specific AP test. However, every community college agrees to follow these recommended standards in all cases where they do grant credit for AP exams. In addition, the community colleges will accept transfer credit awarded through AP exams in every case where a student has received the AP credit at a prior institution as part of the TBR common general education core or as part of a TN Transfer Pathway, in accordance with guaranteed transfer policies. In such circumstances, institutions will accept these credits in transfer based on the student's transcript and will not require the student or the prior institution to furnish documentation of the original examination results from the testing agency.

The table below recommends that all TBR community colleges adopt the recommendations listed in the attached table for the AP score and for the number of student credit hours (SCH) for each AP examination. **The scores recommended below are consistent with those currently accepted by most TBR and UT universities.** The AP score of 3 is recommended by the American Council on Education (ACE) and the College Board as a "qualifying" AP Exam score. The AP program periodically conducts college comparability studies in all AP subjects to compare the performance of AP students with students taking the corresponding college courses. AP scores of 4 and 3 are equivalent to the average scores for college students earning course grades of B and C, respectively. Upon adoption, community colleges should update their campus websites to provide current information. The table includes recommendations for:

- The AP score currently used by most/all TBR community colleges.
- The TBR course which is most equivalent to the material on the examination and/or is included in the TBR common general education core or on a TN Transfer Pathway (TPP).
- The amount of credit that will be awarded for each exam and, in some cases, for each score on the exam.

This practice was approved by the TBR Academic Affairs Subcouncil in June 2012 and will go into effect for TBR community colleges effective fall semester, 2012.

More information about the Advanced Placement (AP) exams, including some research on the subsequent college success of students receiving AP credit, is available at <http://apcentral.collegeboard.org>.

AP examination	AP Score	SCH	Suggested Equivalent TBR CC Courses*
Art History	3,4,5	3 SCH	ARTH 2010 Art History I
Biology	3 4	4 SCH 8 SCH	BIOL 1010 or BIOL 1110 BIOL 1010 & 1020 or BIOL 1110 & 1120 Test scheduled for revision effective fall 2012
Calculus AB	3 4,5	3 SCH 3 SCH	MATH 1830 Calculus for BUS/Biol MATH 1830 or MATH 1910 Calculus for Engin/Math I
Calculus BC	3	3 SCH	MATH 1910 & MATH 1920 Calculus for Engin/Math II
Chemistry	3 4	4 SCH 8 SCH	CHEM 1110 General Chemistry I CHEM 1110 & CHEM 1120 General Chemistry II
Chinese Language & Culture	3 4 5	6 SCH 9 SCH 12 SCH	1010 & 1020 Beginning Language I & 2 1010, 1020, & 2010 Intermediate Language I 1010, 1020, 2010, & 2020 Intermediate Language II
Computer Science A	3,4,5	3 SCH	Determined by individual community college
Macroeconomics	3,4,5	3 SCH	ECON 2010 Macroeconomics
Microeconomics	3,4,5	3 SCH	ECON 2020 Microeconomics
English Language	3 4,5	3 SCH 6 SCH	ENGL 1010 Composition I ENGL 1010 & ENGL 2020 Composition II
English Literature	3,4,5	6 SCH	ENGL 2210 & 2220 Survey of British Literature I & II
Environmental Science	3,4,5	4 SCH	Physical/Natural Science Core Requirement
European History	3,4,5	6 SCH	HIST 1010 & 1020 Survey of Western Civilization I, II
French Language & Culture	3 4 5	6 SCH 9 SCH 12 SCH	FREN 1010 & 1020 Beginning French I & II FREN 1010, 1020, & 2010 Intermediate French I FREN 1010, 1020, 2010 & 2020 Intermediate Fren II
German Language & Culture	3 4 5	6 SCH 9 SCH 12 SCH	1010 & 1020 Beginning Language I & 2 1010, 1020, & 2010 Intermediate Language I 1010, 1020, 2010, & 2020 Intermediate Language II
Comparative Government & Politics	3,4,5	3 SCH	Social Science Core Requirement
U.S. Gov't & Politics	3,4,5	3 SCH	POLS 1030 Introduction to American Government
Human Geography	3,4,5	3 SCH	Social Science Core Requirement
Italian Language & Culture	3 4 5	6 SCH 9 SCH 12 SCH	1010 & 1020 Beginning Language I & 2 1010, 1020, & 2010 Intermediate Language I 1010, 1020, 2010, & 2020 Intermediate Language II
Japanese Language & Culture	3 4 5	6 SCH 9 SCH 12 SCH	1010 & 1020 Beginning Language I & 2 1010, 1020, & 2010 Intermediate Language I 1010, 1020, 2010, & 2020 Intermediate Language II
Latin	3 4 5	6 SCH 9 SCH 12 SCH	1010 & 1020 Beginning Language I & 2 1010, 1020, & 2010 Intermediate Language I 1010, 1020, 2010, & 2020 Intermediate Language II
Music Theory	3,4,5	3 SCH	Music Theory I
Physics B	3 4	4 SCH 8 SCH	PHYS 2010 Non-Calculus Based Physics I PHYS 2010 & 2020 Non-Calculus Based Physics II Test scheduled for revision effective fall 2014

Physics C	3 3	4 SCH 4 SCH	Pt. 1 PHYS 2110 Calculus Based Physics I Pt. 2 PHYS 2120 Calculus Based Physics II
Psychology	3,4,5	3 SCH	PSYC 1030 Introduction to General Psychology
Spanish Language	3 4 5	6 SCH 9 SCH 12 SCH	SPAN 1010 & 1020 Beginning Spanish I & 2 SPAN 1010, 1020, & 2010 Intermediate Spanish I SPAN 1010, 1020, 2010, & 2020 Intermediate Spanish II
Spanish Literature & Culture	3,4,5	3 SCH	No equivalent community college course; test os scheduled for revision effective fall 2013
Statistics	3,4,5	3 SCH	MATH 1510 or MATH 1530 Probability/Statistics
Studio Art Drawing	3,4,5	3 SCH	Drawing I
Studio Art 2D Design	3,4,5	3 SCH	2D Design I
Studio Art 3D Design	3,4,5	3 SCH	3D Design I
U.S. History	3,4,5	6 SCH	HIST 2010 & 2020 Survey of American History I & II
U.S. Government & Politics	3,4,5	3 SCH	POLS 1030 Introduction to American Government
World History	3,4,5	6 SCH	HIST Survey of World Civilization I & II

*TBR Community Colleges will award/transfer PLA credit for AP scores in to the Suggested course or the equivalent course at their institutions. There may be variations in course number and/or course title. Community Colleges should award the PLA credit for course other than the suggested course when it is in the best interests of the student.

TENNESSEE BOARD OF REGENTS COMMUNITY COLLEGES
PRIOR LEARNING ASSESSMENT (PLA) SYSTEMWIDE STANDARDS
RECOMMENDED CAMPUS STANDARDS FOR ACCEPTANCE OF CLEP CREDIT

The THEC Task Force on Prior Learning Assessment (PLA), which includes representatives from 12 TBR community colleges, has discussed the need to identify and adopt common standards with regard to the acceptance of credit for College-Level Education Program (CLEP) tests. Current standards are out of date and differ among campuses, which confuses students. Standards used by each institution will be posted on the PLA website that THEC will launch in July 2012.

It seems logical to begin the process of adopting common CLEP standards by establishing a common practice for the 13 community colleges. Adoption of the attached recommendations by all community colleges will result in the acceptance of identical scores and identical credits for each CLEP test among the community colleges. Universities will, by July 2012, develop common standards that build on the community college standards in terms of facilitating student progression.

Each community college can choose not to grant credit for a specific CLEP test. However, every community college agrees to follow these recommended standards in all cases where they do grant credit for CLEP exams. In addition, the community colleges will accept transfer credit awarded through CLEP exams in every case where a student has received the CLEP credit at a prior institution as part of the TBR common general education core or as part of a TN Transfer Pathway in accordance with guaranteed transfer policies.

The table below recommends that all TBR community colleges adopt the recommendations listed in the attached table for the CLEP score and for the number of student credit hours (SCH) for each CLEP examination. Upon adoption, community colleges should update their campus websites to provide current information. The table includes recommendations for:

- The CLEP score recommended by The College Board, which is deemed to be the equivalent to a grade of C on that specific exam. These recommendations are endorsed by the American Council on Education (ACE).
- The TBR course which is most equivalent to the material on the examination and/or is included in the TBR common general education core or on a TN Transfer Pathway (TPP).
- The amount of credit recommended by The College Board for each course. The recommended credit in the table differs from the College Board's recommendations only if the TBR equivalent course carries a different number of credits than The College Board recommendation. For example, the table below recommends 8 SCH credit for the CLEP Chemistry exam, rather than the CLEP recommendation of 6, because TBR's CHEM 1110/1120 courses are each 4 SCH courses.

These standards were approved by the TBR Academic Affairs Subcouncil on April 18, 2012 and will go into effect for TBR community colleges effective fall semester, 2012

More information about the 33 CLEP tests, including some research on the subsequent college success of students receiving CLEP credit, is available at <http://clep.collegeboard.org>.

CLEP examination	Score Accepted by TBR CC's	Credit Granted by TBR CC's	Equivalent TBR CC Course
American Government	50	3	POLS 1030 Introduction to American Government
American Literature	50	6	ENGL 2110 & 2120 Survey of American Literature I & II
Analyzing & Interpreting Literature	50	6	Credit for Literature Requirement or specific ENGL course
Biology	50	8	BIOL 1110 & 1120 General Biology I & II
Calculus	50	4	MATH 1910 Calculus
Chemistry	50	8	CHEM 1110 & 1120 General Chemistry I & II
College Algebra	50	3	MATH 1130 College Algebra or MATH 1630 Finite Mathematics
College Composition (also Freshmen)	50	6	ENGL 1010 & 1020 Composition I & II
College Composition Modular	50	3/6	ENGL 1010 & 1020 Composition I & II
College Mathematics	50	3	MATH 1010 Math for Liberal Arts or Credit for college-level Mathematics Requirement
English Literature	50	6	ENGL 2010 & 2020 Intro to Literature I & II or ENGL 2210 & 2220 Survey of British Literature I & II
Financial Accounting	50	3	ACCT 1010 Principles of Accounting I
French Language, level 1	50	6	FREN 1010 & 1020 Beginning French I & II
French Language, level II	59	12	FREN 1010 & 1020 Beginning French I & II FREN 2010 & 2020 Intermediate French I & II
German Language, level 1	50	6	GERM 1010 & 1020 Beginning German I & II
German Language, level II	60	12	GERM 1010 & 1020 Beginning German I & II GERM 2010 & 2020 Intermediate German I & II
History of the United States I	50	3	HIST 2010 Survey of American History I
History of the United States II	50	3	HIST 2020 Survey of American History II
Human Growth and Development	50	3	Psychology of Human Growth & Development or Life Span Psychology (no common course #)
Humanities	50	6	Credit for Humanities Requirement
Information Systems & Computer Applications	50	3	INFS 1010 Computer Applications

Introduction to Educational Psychology	50	3	Educational Psychology (there is no common course number)
Introductory Business Law	50	3	Business Law (there is no common course #)
Introductory Psychology	50	3	PSYC 1030 Introduction to General Psychology
Introductory Sociology	50	3	SOCI 1010 Introduction to Sociology
Natural Sciences	50	8	BIOL 1010 & 1020 Intro to Biology I & II
Precalculus	50	3	MATH 1710 Precalculus I
Principles of Macroeconomics	50	3	ECON 2010 Macroeconomics
Principles of Management	50	3	Principles of Management (there is no common course number)
Principles of Marketing	50	3	Principles of Marketing (there e is no common course number)
Principles of Microeconomics	50	3	ECON 2020 Microeconomics
Social Sciences & History	50	6	Elective (there is no common course number)
Spanish Language, level I	50	6	SPAN 1010 & 1020 Beginning Spanish I & II
Spanish Language, level II	63	12	SPAN 1010 & 1020 Beginning Spanish I & II SPAN 2010 & 2020 Intermediate Spanish I & II
Western Civilization I	50	3	HIST 1010 Survey of Western Civilization I
Western Civilization II	50	3	HIST 1020 Survey of Western Civilization II

5/29/2012

ejw

folder Lumina Prior Learning Assessment; file CLEP Recommendations

Policies and Guidelines Home

Recent Updates

Purposes

Exhibits Listing

All Policies and Guidelines

Most Visited Policies and Guidelines

Policies

- Academic Policies
- Athletic Policies
- Business and Finance Policies
- Governance, Organization, and General Policies
- Personnel Policies
- Student Policies
- Sexual Discrimination / Harassment / Misconduct
- Safety and Security

Guidelines

- Academic Guidelines
- Business and Finance Guidelines
- General Guidelines
- Personnel Guidelines
- Student Guidelines
- Tennessee Colleges of Applied Technology Guidelines

Rules

- Statewide Administrative Rules
- Systemwide Student Rules

Resource Documents

Policy & Guideline Revision Index

System Office Policies

Ask a Policy-Related Question

Awarding of Credits Earned Through Extra-Institutional Learning to Community Colleges : 2.01.00.04

Policy/Guideline Area

Academic Policies

Applicable Divisions

Community Colleges

Purpose

The purpose of this policy is to authorize each community college governed by the Tennessee Board of Regents to develop procedures for the recognition of equivalent extra-institutional learning processes that include the awarding of credit or advanced placement.

Policy/Guideline

I. Extra-Institutional or Life-long Learning

A. The process for awarding of credits through "Extra-Institutional or Life-long Learning" by the community colleges must be in compliance with the Commission on Colleges of the Southern Association of Colleges and Schools' Principles of Accreditation on Programs (reference 3.4), the Commission's Position Statement on the "Transfer of Academic Credit," and its policy on "The Transfer or Transcribing of Academic Credit." (Exhibit 1)

B. The institutional process for awarding credits through Prior Learning Assessment (PLA) by TBR community colleges must be in compliance with the *Recommended Standards in Prior Learning Assessment (PLA) Policy and Practice of Tennessee Public Colleges and Universities* (August 7, 2012).

- These Standards ensure that TBR colleges will utilize best practices and provide services to students that are consistent among institutions.
- The Standards ensure transferability of PLA credit, include identification of types of PLA credits available, instruct campuses on the transcription of PLA credit, and establish common standards for portfolio review.
- The Standards are available, in their entirety, as Exhibit 1 to TBR Guideline A-030 Articulation Among Community Colleges.

C. When awarding credit under this provision, the institution should use a recognized guide or institutional procedure for awarding the credit for extra-institutional or life-long learning. The recognized guides or institutional procedures may include, but are not limited to:

- American Council on Education (ACE) National Guide to Educational Credit for Training Programs.
- Guide to Credit by Examination.
- College Board Advanced Placement Program.
- College Level Examination Program (CLEP)
- Defense Subject Standardized Test (DSST) formerly DANTES.
- Credit by Departmental Examination.
- Subject matter experts who are not members of the institution's faculty but who evaluate extra-institutional learning at the institution's request.
- Individual portfolios using the Council for Adult and Experiential Learning (CAEL) or other standardized guidelines authorized, in advance, by permission of the institution.

D. When awarding credit to students who are veterans or military service members, the institution will reference the Joint Services Transcript (JST), DD-214 and/or transcripts from the Army/American Council on Education Registry Transcript System (AARTS), Community College of Air Force (CCAF), and Coast Guard Institute (CGI). The institution will use the American Council on Education (ACE) for awarding credit for military experience, educations, and/or training obtained during military experience. The recognized procedures include:

- If military experience, education, and/or training are equivalent to a course that fulfills a general education or degree program requirement, the course credit will count towards graduation. Otherwise, appropriate course credit will be granted for elective credit.
- Should credit not be captured through ACE recommendations, TBR institutions will offer veterans and service members an opportunity for prior learning assessment via another recognized mechanism (refer to Section C, above).
- Each TBR institution will provide veteran and military service members relevant information on awarding college credit for military education, experience, and/or training.
- Each TBR institution will maintain a set of institutional policies on the awarding of academic credit for military experience within their undergraduate catalog. The policies will include a description of the procedure for removing excessive hours applied to transcripts, which may affect student eligibility for financial aid.

E. When utilizing published guides for extra-institutional learning, the information provided should include:

- course title;
- location of all sites where the course is offered;
- length in hours, days, or weeks;
- period during which the credit recommendation applies;
- purpose for which the credit was designed;
- learning outcomes;
- teaching methods, materials, and major subject areas covered; and
- college credit recommendations offered by categories (by level of degrees) and expressed in semester hours and subject area(s) in which credit is applicable.

Exhibits

-  Exhibit 1 - Policy Statement - Transfer or Transcribing of Academic Credit(pdf /28.78 KB)

Sources

Authority

T.C.A. § 49-8-203

History

March 2006 TBR Board Meeting; Revised September 20, 2013. Revisions approved by Board September 15, 2016; Revisions approved at Special Called Meeting May 14, 2019.

Offices

Board of Regents
Chancellor
Academic Affairs
Administration and Facilities Development
Business and Finance
Economic and Community Development
External Affairs
General Counsel
Information Technology
Organizational Effectiveness
Policy and Strategy
Student Success
System-wide Internal Audit

In Depth

Job Opportunities
Vendors and Bid Opportunities
Facilities Bid Opportunities
Policies
Contacts / Staff Directory
Newsletter | Subscribe
Online Learning (TN eCampus)
Tennessee Pathways
Tennessee Transfer Pathways
Tennessee Promise
Tennessee Reconnect

About This Site

Accessibility
Search
Privacy
Website Feedback



The College System of Tennessee, Governed by the Tennessee Board of Regents (TBR), is Tennessee's largest higher education system, governing 40 post-secondary educational institutions with over 200 teaching locations. The TBR system includes 13 community colleges, 27 colleges of applied technology, and TN eCampus, providing programs to students across the state, country, and world.

The Tennessee Board of Regents does not discriminate on the basis of race, color, religion, creed, ethnicity or national origin, sex, disability, age status as a protected veteran or any other class protected by Federal or State laws and regulations and by Tennessee Board of Regents policies with respect to employment, programs, and activities. [Full Non-Discrimination Policy & Contact](#)



1 Bridgestone Park
Nashville, TN 37214
615-366-4400

