

## **Presidents Quarterly Meeting Agenda**

**Wednesday, February 22, 2023**

**9:00 a.m. C.T. - Virtual Meeting**

1. Opening Remarks – Chancellor Tydings

### Action Items

2. Revisions to Policy: 1.03.04.00, Governance, Organization, and General Policies Applicable Divisions TCATs, Community Colleges, System Office – Jothany Reed
3. TBR Policy 2.03.01.05 Academic Retention and Readmission at TCATS – Tachaka Hollins
4. Mass communications (new policy) – Brian Lapps
5. Revisions to Procedure B-90, Safeguarding Nonpublic Financial Information – Brian Lapps
6. Other Business and Adjournment

*This meeting is only for action items to prepare for the March Board meeting. Informational items will be presented at the March 28<sup>th</sup> meeting at SOAR.*

**Presidents Quarterly Meeting  
February 22, 2023**

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**SUBJECT:** Revisions to Policy: 1.03.04.00, Governance, Organization, and General Policies Applicable Divisions TCATs, Community Colleges, System Office

**PRESENTER:** Dr. Jothany Reed, Vice Chancellor for Academic Affairs

**ACTION REQUIRED:** Requires Vote

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**Summary:**

Revisions to Policy: 1.03.04.00, Governance, Organization, and General Policies Applicable Divisions TCATs, Community Colleges, System Office focus on the following:

1. Streamlining general language and inclusion of TCATs.
2. Removal of references to universities.
3. Clarification on the selection process and annual notification of community college faculty representatives.
4. Timeline for selecting Chairs of Sub-Councils.
5. Clarification of number of TCAT faculty representatives.

The policy revision was approved by Academic Affairs Sub-Council on 1/25/2023 and by the Faculty Sub-Council on 1/27/2023.

## Councils: 1.03.04.00

Policy/Guideline Area

Governance, Organization, and General Policies Applicable Divisions

TCATs, Community Colleges, System Office

Purpose

Presidents' councils and sub-councils are established ~~for the purpose of providing means through which to provide~~ campus administrators with a formal structure to may formally assemble to communicate on matters of common ~~channels~~ interest in the System to the Board of Regents.

Policy/Guideline

### I. Presidents' Councils

- A. The president of each institution shall be a member of the Joint Presidents' Council.
- B. The Joint Presidents' Council shall have the opportunity to present reports and recommendations to the Board.
- C. The Chancellor shall be an ex-officio member of the Council.
- D. ~~Presidents of the universities may form a University Presidents' Council,~~ and Presidents of the community colleges and TCATs may form a Community College and TCAT Presidents' Council, and each may present reports and recommendations to the Board [\[RD1\]](#) .
- E. The Chancellor shall be an ex-officio member of the Councils. [\[RD2\]](#)

### II. Sub-Councils

- A. There shall be five sub-councils to the Joint Presidents' Council.
- B. These shall be the Academic Affairs, Business Affairs, Student Affairs, College of Applied Technology, and Faculty Sub-Councils.
- C. The chief administrative officers of Academics, Business, and Student Affairs of each ~~university,~~ and community college shall be members of the respective sub-councils for these defined areas.
- D. Representatives from the colleges of applied technology may be added by

the sub-councils as desired.

~~E. The director of each college of applied technology shall be a member of the College of Applied Technology Sub-Council.~~

~~F. It is recommended that the Faculty Sub-Council members be the president or chairman of the recognized faculty organization at each university, and community college; however, a representative may be selected annually by the faculty organization to serve as the Faculty Sub-Council member.~~

E. Each community college will identify a faculty representative to serve as a member based on their college's established faculty governance processes for electing or identifying representatives. Even when representatives are selected for multi-year terms per their college's governance process, colleges must provide an annual notification to the Vice Chancellor for Academic Affairs.

F. The Chair will be elected from among its current Sub-Council members during the regular July meeting.

G. The Faculty Sub Council will have six TCAT representatives according to its processes for identifying representatives.

~~H.~~ H. These sub-councils shall have the opportunity to present reports and recommendations to the Chancellor through the Joint Presidents' Council.

~~H.~~ I. All presidents shall be ex-officio (non-voting) members of each sub-council.

### III. Ad Hoc Councils

A. The Joint Presidents Council, with the Chancellor's approval, may form other sub-councils on an ad hoc basis as the need may arise.

B. The above stated provisions for ex-officio sub-council members shall also apply to all ad hoc sub-councils

### IV. Operating Procedures

A. Each of the councils formed under the authority granted above shall elect a chairperson on an annual basis, who shall speak for the council for the purpose of presenting reports and recommendations.

B. The chair of the respective councils should rotate annually among the institutions. Further, the councils shall maintain minutes of their meetings, and these minutes shall be submitted to the Chancellor and be available for Board review.

C. Ex-officio members of the respective councils shall be invited to attend all council meetings.

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## **Councils: 1.03.04.00**

### Policy/Guideline Area

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Governance, Organization, and General Policies Applicable Divisions  
TCATs, Community Colleges, System Office  
Purpose

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Presidents' councils and sub-councils are established to provide campus administrators with a formal structure to communicate on matters of common interest to the Board of Regents.

### Policy/Guideline

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#### I. **Presidents' Councils**

- A. The president of each institution shall be a member of the Joint Presidents' Council.
- B. The Joint Presidents' Council shall have the opportunity to present reports and recommendations to the Board.
- C. The Chancellor shall be an ex-officio member of the Council.
- D. Presidents of the community colleges and the Tennessee Colleges of Applied Technology (TCAT) may form a Community College and TCAT Presidents' Council, and each may present reports and recommendations to the Board.
- E. The Chancellor shall be an ex-officio member of the Councils.

#### II. **Sub-Councils**

- A. There shall be five sub-councils to the Joint Presidents' Council.
- B. These shall be the Academic Affairs, Business Affairs, Student Affairs, College of Applied Technology, and Faculty Sub-Councils.
- C. The chief administrative officers of Academics, Business, and Student Affairs of each community college shall be members of the respective sub-councils for these defined areas.

- D. Representatives from the colleges of applied technology may be added by the sub-councils as desired.
- E. Each community college will identify a faculty representative to serve as a member based on their college's established faculty governance processes for electing or identifying representatives. Even when representatives are selected for multi-year terms per their college's governance process, colleges must provide an annual notification to the Vice Chancellor for Academic Affairs.
- F. The Chair will be elected from among its current Sub-Council members during the regular July meeting.
- G. TCATs will have six representatives according to their established processes for identifying representatives.
- H. These sub-councils shall have the opportunity to present reports and recommendations to the Chancellor through the Joint Presidents' Council.
- I. All presidents shall be ex-officio (non-voting) members of each sub-council.

### III. **Ad Hoc Councils**

- A. The Joint Presidents Council, with the Chancellor's approval, may form other sub-councils on an ad hoc basis as the need may arise.
- B. The above-stated provisions for ex-officio sub-council members shall also apply to all ad hoc sub-councils.

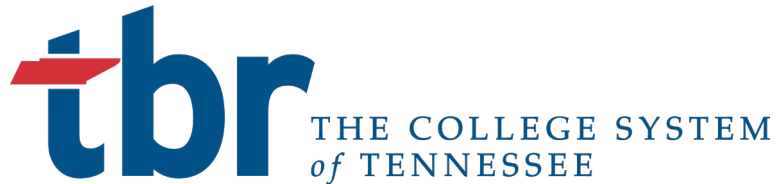
### IV. **Operating Procedures**

- A. Each of the councils formed under the authority granted above shall elect a chairperson on an annual basis, who shall speak for the council for the purpose of presenting reports and recommendations.
- B. The chair of the respective councils should rotate annually among the institutions. Further, the councils shall maintain minutes of their meetings,

and these minutes shall be submitted to the Chancellor and be available for Board review.

- C. Ex-officio members of the respective councils shall be invited to attend all council meetings.





**Presidents Quarterly Meeting  
February 22, 2023**

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**SUBJECT:** Approval of Academic Retention and Readmission at Tennessee College of Applied Technology 2.03.01.05

**PRESENTER:** Dr. Tachaka Hollins  
Assistant Vice Chancellor, Academic Affairs

**ACTION REQUIRED:** Requires Vote

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**Summary:**

TBR Staff recommends approval of the revised Academic Retention and Readmission at Tennessee College of Applied Technology policy.

This policy revision aligns academic standards for the Aviation Management Technology program to prepare and meet FAA (programmatic accreditor) minimum passing score for licensure. The policy revision impacts three TCATs (Memphis, Morristown, and Nashville). These schools have requested immediate action by the appropriate sub-councils and TCAT Presidents Council to align with the programmatic accreditor's minimum grade standard.

## **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—

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

- 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 Standard

### 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:

1. A student must earn a "D" (60) or better per course for each term and an overall 2.0 GPA or better per term.
2. Nursing Programs require a "B" (80) or better per course for each term.
3. Truck Driving programs require a "B" (80) or better per course.
- 3.4. Aviation Maintenance Technology programs require a "C" (73) 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.

## 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:
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  - 1. the number of hours that may be transferred,
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  - a. Standards:
    1. A student must earn a "D" (60) or better per course for each term and an overall 2.0 GPA or better per term.
    2. Nursing Programs require a "B" (80) or better per course for each term.
    3. Truck Driving programs require a "B" (80) or better per course.
    4. Aviation Maintenance Technology programs require a "C" (73) 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.

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  
February 22, 2023**

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**SUBJECT:** Mass Communications Policy (New Policy)

**PRESENTER:** Brian Lapps *BAL*

**ACTION REQUIRED:** Requires Vote

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**Summary:**

The Mass Communications policy is a newly proposed policy that requires colleges to have a process limiting who may send emails and other forms of communication to large groups of people, such as all employees, all faculty, all staff. The policy is designed to preserve the usefulness of mass emails by limiting them. The term “mass communication” does not include departments within a college, or mailings to subscribers.

Colleges maintain the flexibility to design a policy or process that is suitable for the college. Appropriate mass communications include safety and security notices, information important to college operations, and information deemed important by the President or designees. Inappropriate mass communications are those which are personal in nature, political, solicit for activities not sponsored by the college, or otherwise violate policy.

This proposed policy has been reviewed by the HR Officers, as well as the following subcouncils: Business Affairs, Information Technology, Student Affairs, Academic Affairs, and Faculty.

## **Mass Communications: 1.08.05.10**

### **Policy/Guideline Area**

Governance, Organization, and General Policies

### **Applicable Divisions**

Community Colleges, TCATs, System Office

### **Purpose**

Digital communications are an institution's primary means of communicating information to the campus community. The objective of this policy is to establish and maintain standards for sending mass email and other mass communications to students, faculty, staff, and other constituencies utilizing institutional email, software, systems, media, and other resources.

### **Policy/Guideline**

#### **I. Introduction**

- A. A "mass communication" is any communication sent on, over, or using college computing, email, social media, and/or other college-owned or operated communications systems to an entire college, to a large subset of a college, or to another large group of individuals, particularly those whose contact information is in possession of the college. Examples of such groups include, but are not limited to, all students, all faculty, all staff, all adjunct instructors, all employees on a specific campus, all alumni, and all prospective students. Mass communications include not only email and text messages, but also other forms of communication utilizing institutional resources.
  1. "Mass communication" does not include a communication: to a unit within a college (e.g., a single department or business unit), to a list of subscribers who have elected to receive information, or to periodic announcements or other communications whose content has been reviewed and approved by the college regarding non-urgent matters of general interest to large segments of the college, such as periodic campus announcements.
  2. Although colleges must have processes in place to ensure that only college-approved information is disseminated through institutional websites, social media, advertising, and marketing platforms, information on those platforms does not fall within the definition of mass communications under this policy.
- B. In order to preserve the effectiveness of mass communication and to avoid its improper use, each college shall implement a mass

communication policy, procedure, or process consistent with this policy.

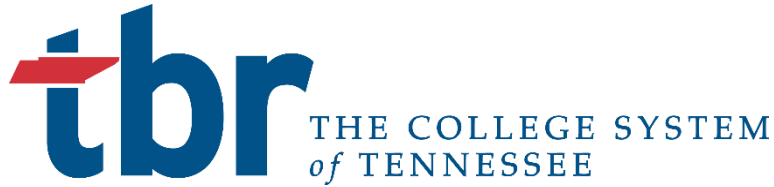
- C. Mass communications may be sent only by individuals authorized to communicate on behalf of the college and only for information that furthers a college's mission, applies to a majority of the recipients, and is either very important or time sensitive. Appropriate subjects for mass communication include, but are not limited to:
  - 1. Safety and security notices and alerts;
  - 2. Information essential to college operations;
  - 3. Notification of changes to policies and procedures; and
  - 4. Information considered sufficiently important by the president, chief academic officer, police chief, chief marketing/communications officer(s), human resources, information technology, or other senior administrators.
  
- D. Inappropriate uses for mass communication, include, but are not limited to:
  - 1. Messages that are personal in nature, including those that express personal opinions;
  - 2. Messages sent by an individual that are not directly related to that individual's job duties;
  - 3. Messages that are commercial in nature, with the exception of those messages in support of college operations or business;
  - 4. Messages that are political in nature, including those in support of or against any candidate, party, or position or that otherwise violate state law regarding political activity (T.C.A. § 2-19-201 *et seq.*);
  - 5. Solicitations for contributions or participation in activities not sponsored by the college; and
  - 6. Messages that are discriminatory or in violation of any college policy, including, but not limited to information technology and human resources policies.
  
- E. Nothing in this policy shall be interpreted as contrary to the policy on [Freedom of Speech and Expression : 1.03.02.60 | policies.tbr.edu](https://policies.tbr.edu/1.03.02.60)

## II. Consent

- A. Any individual using text messaging to send a mass communication is responsible for ensuring that consent has been obtained as required by the Telephone Consumer Protection Act.

## III. Approval Process

- A. The president is responsible for determining a limited group of administrators who have authority to approve mass communications.
- B. The chief information officer is responsible for implementing processes that permit only authorized administrators to use mass email and other mass communication distribution lists, for disabling the “reply to all” function for mass email.
- C. During an emergency or time of crisis, the President or designee may temporarily suspend applicable requirements of this policy.



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**Presidents Quarterly Meeting**  
**February 22, 2023**

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**SUBJECT:** Revisions to Procedure B-90, Safeguarding Nonpublic Financial Information

**PRESENTER:** Brian Lapps *BAL*

**ACTION REQUIRED:** Requires Vote

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**Summary:**

The proposed revisions to the above-referenced procedure are designed to comply with revisions to the Gramm-Leach-Bliley Act regulations, which relate to safeguarding information. Revisions to the procedure include:

- Updated and clarified definitions;
- That the System Office will have a single plan for TCATs;
- Each Community College must have a designated person to serve as Program Coordinator, who is responsible for compliance;
- A requirement for a written, comprehensive Information Security Program, with certain specific components as required by the regulations, including;
  - Use of encryption to transmit and store covered “customer information;”
  - Multi-factor authentication for those accessing information systems (extremely broad requirement) unless Coordinator approves other, equally secure controls; and
  - An annual report to the Board.



# Safeguarding Nonpublic Financial Information: B-090

## Guideline Area

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Business and Finance Guidelines

### Applicable Divisions

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TCATs, Community Colleges, System Office

### Purpose

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This guideline explains the procedure by which Tennessee Board of Regents institutions must develop a comprehensive written Information Security Program (the "Program") as mandated by the Gramm-Leach-Bliley Act ("GLBA") Standards for Safeguarding Customer Information Rule. An institution's Program must include the components described below pursuant to which the institution intends to:

1. Protect the security and confidentiality of customers' nonpublic financial information;
2. Protect against any anticipated threats or hazards to the security or integrity of such information; and
3. Protect against unauthorized access or use of such records or information in ways that could result in substantial harm or inconvenience to customers.

The Program may consist of existing institutional policies and procedures that are incorporated by reference into the Program, including but not limited to policies such as, computer-/electronic records confidentiality policies, Family Educational Rights & Privacy Act policies, employee/personnel records confidentiality policies, etc.

### Definitions

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- Customer - person who has a continuing relationship with the institution for provision of financial services, such as financial aid.
- Customer Information - ~~is any record containing nonpublic personal financial information about a Customer. person who has a continuing relationship with the institution for provision of financial services, such as financial aid.~~ defined as a consumer who has a customer relationship with a financial institution.

- ~~Consumer~~ — means an individual (or that individual's legal representative) who obtains or has obtained a financial product or service from a financial institution that is used primarily for personal, family, or household purposes.
- ~~Non-public financial information~~ — ~~is~~ any record not publicly available that an institution obtains about from a customer in the process of offering a financial product or service, ~~or as well as~~ such information provided to the institution by another source. ~~financial institution. The term Nonpublic financial information includes information that a person submits to apply for financial aid (e.g., tax returns and other financial information), that an institution collects from third parties relating to financial aid (e.g., FAFSA information), and that an institution creates based on nonpublic customer information in its possession.~~
- Security event – means an event resulting in unauthorized access to, or disruption or misuse of, an information system, information stored on such information system, or customer information held in physical form.
- ~~means any information:~~
  - ~~That a student or other third party provides in order to obtain a financial service from the institution:~~
    - \* ~~About a student or other third party resulting from any transaction with the institution involving a financial service; or~~
    - \* ~~Otherwise obtained about a student or other third party in connection with providing a financial service to that person; and~~
  - ~~Any list, description, or other grouping of consumers (and publicly available information pertaining to them) that is derived using any personally identifiable financial information that is not publicly available.~~
- ~~Offering a financial product or service~~ — includes, but is not limited to:
  - ~~Offering/processing student loans;~~
  - ~~Granting emergency or long term loans to students or employees;~~

- ~~Receiving income tax information from a student's parent when offering a financial aid package;~~
- ~~Offering career counseling services to individuals who seek employment at financial institutions; and~~
- ~~Management consulting activities on any subject to a financial institution and on financial, economic, accounting, or audit matters to any company.~~
- ~~Financial Institution — refers to any institution the business of which is significantly engaged in financial activities, which may include but are not limited to:~~
  - ~~Extending credit and servicing loans;~~
  - ~~Lending, exchanging, transferring, investing for others, or safeguarding money or securities;~~
  - ~~Insuring, guaranteeing, or indemnifying against loss harm, damage, illness, disability, or death.~~
    - ~~The FTC has classified institutions of higher education as financial institutions for purposes of compliance with the Gramm-Leach-Bliley Act's safeguarding rule as such institutions process student loans.~~
- ~~Service Providers — refers to all third parties who, in the ordinary course of institutional business, are provided access to customers' covered data and information. Service Providers may include, but are not limited to, business retained to store, transport, and/or dispose of covered data; collection agencies; and technology systems support providers.~~

## **Guideline**

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### I. Introduction

- A. TBR institutions are covered by GLBA because they offer and process financial aid applications, provide loans to students, and receive customer information from students and others in connection with those activities. Federal law requires that financial institutions, the definition of which includes the Tennessee Board of

~~Regents and its institutions, comply with the Gramm-Leach-Bliley Act and, in so doing, safeguard the confidentiality of nonpublic financial information of its constituents.~~

~~This guideline is issued to aid Tennessee Board of Regents institutions in drafting Information Security Programs to comply with the Federal Trade Commission's "Standards for Safeguarding Customer Information" Rule promulgated under the authority of the Gramm-Leach-Bliley Act.~~

## ~~II. Scope of Program: Non-public Financial Information~~

~~B. Each institution must develop, implement, and maintain a written, comprehensive Information Security Program. The Program must contain administrative, technical, and physical safeguards appropriate to the institution's size and complexity, the nature and scope of its activities, and the sensitivity of the customer information at issue. The Program must ~~shall~~ apply to any paper or electronic record maintained by an institution that contains customer nonpublic financial information about an individual or a third party who has a relationship with the institution.~~

~~A. Because the TBR System Office handles significant customer information for Tennessee Colleges of Applied Technology through Shared Services, the System Office and the TCATs are considered a single institution for purposes of this policy.~~

~~B.C. Such nonpublic financial Customer information shall be kept confidential and safeguarded by the institution, its affiliates and service providers pursuant to the provisions of the Program and this Guideline.~~

## ~~III. II. Requirements of an Information Security Program~~

~~A. Program Coordinator~~

~~a. Except for the TCATs who will be served by the TBR System Office Program Coordinator, each ~~The institution's Security Information Security Program~~~~

must identify one qualified individual to serve as the ~~include the designation of~~  
a-Program Coordinator (“Coordinator”) who shall be responsible for  
overseeing and implementing the Program. The Coordinator may obtain  
assistance from other sources, but ultimate responsibility for the Program  
remains with the Coordinator.

~~—The Program Coordinator for the TBR System Office will serve as the~~  
~~Program Coordinator for TCATs, which shall be subject to the Program~~  
~~developed by the TBR System Office Coordinator.~~

~~A. The Coordinator may be a single employee as designated by the Program.~~

~~a. In the alternative, the Program may designate several employees as~~  
~~Coordinators such that one employee serves as the institution’s primary~~  
~~Coordinator who works in conjunction with departmental Coordinators who~~  
~~are responsible for oversight of safeguarding records in their departments in~~  
~~accordance with the institution’s Program.~~

b3. The Coordinator’s -development of the Program shall include, but not be  
limited to; ~~at a minimum, perform the following duties:~~

a. Consulting with the appropriate offices to identify units and areas of the  
institution with access to customers’ ~~nonpublic financial~~ information and  
maintaining a list of the same;

b. Assisting the appropriate offices of the institution in identifying reasonably  
foreseeable internal and external risks to the security, confidentiality, and  
integrity of customers’ ~~nonpublic financial~~ information and making certain  
that appropriate safeguards are designed and implemented in each office  
and throughout the institution to safeguard the protected data;

c. Working ~~in conjunction~~ with the institution’s contract officer(s) to guarantee  
that all contracts with third party service providers that have access to and

maintain ~~customer nonpublic financial~~ information of the institution's ~~customers~~ include a provision requiring that the service provider maintain appropriate safeguards for customer information ~~comply with the GLBA safeguarding rule; and~~

d. Working with responsible institutional officers to develop and deliver adequate training and education for all employees with access to customers' ~~nonpublic financial~~ information; ~~and~~

~~Periodically evaluate and monitor the effectiveness of the current safeguards for controlling security risks by periodically verifying that the existing procedures and standards delineated in the Program are adequate.~~

B. Security and Privacy Risk Assessments

A. The Program shall identify reasonably foreseeable external and internal risks to the security, confidentiality, and integrity of ~~customer nonpublic financial~~ information that could result in the unauthorized disclosure, misuse, alteration, destruction, or other ~~wise~~ compromise of such information, and assess the sufficiency of ~~the any~~ safeguards in place to control those risks.

B. Risk assessments should include consideration of risks in each office that has access to customer ~~s' nonpublic financial~~ information.

C. ~~The GLBA requires that the R~~ risk assessments must be written and include, section of the Program must, at a minimum, ~~include~~ consideration of the risks in the following areas:

a. Criteria for the evaluation and categorization of the identified security risks and threats;

b. Criteria for the assessment of the confidentiality, integrity, and availability of information systems and customer information, including the adequacy of existing controls in the context of identified risks and threats; and

- c. Requirements describing how identified risks will be mitigated or accepted based on the risk assessment and how the Program will address the risks.
- D. The institution must periodically perform additional risk assessments that reexamine the reasonably foreseeable internal and external risks to the security, confidentiality, and integrity of customer information that could result in the unauthorized disclosure, misuse, alteration, destruction, or other compromise of such information. Such assessments must reassess the sufficiency of safeguards in place to control the risks.

C. Information Security Personnel and Employee Training and management.

1. Institutions must utilize qualified information security personnel, whether employed by the institution or through vendors, sufficient to manage information security risks and to oversee assist in oversight of the Program. Security personnel must be provided with security updates and training sufficient to address relevant security risks. Institutions must verify that key information security personnel take steps to maintain current knowledge of changing information security threats and countermeasures.

~~A GLBA employee training program shall be developed by~~

2. The Coordinator must provide institutional employees with security awareness training that is updated as necessary to reflect risks identified by the risk assessment. This training may be developed and implemented in conjunction with vendors, the human resources office, and the Office of General Counsel, legal counsel, if necessary, for all employees who have access to individuals' nonpublic financial information, such as information technology/systems employees and those employees who use such data as part of their essential job duties. The training shall occur on a regular basis, as deemed appropriate by the Coordinator, and it shall include education on

relevant policies and procedures and other safeguards in place or developed to protect customer nonpublic financial information.

- a. ~~Safeguards of information systems/technology processing, storage, transmission and disposal (including network and software design).~~
  - i. ~~Programs should include safeguards so that network and software systems are reasonably designed to limit the risk of unauthorized access to nonpublic financial information.~~
- b. ~~Methods to detect, prevent, and respond to attacks, intrusions, or other system failures.~~

#### D. Design and Implementation of Safeguards

1. ~~The Program must include information regarding the design and implementation of information safeguards to control the risks identified through the risk assessments, including by:~~
  - a. Implementing and periodically reviewing access controls, including technical, and as appropriate, physical controls to authenticate and permit access only to authorized users, and to limit authorized users' access only to customer information that they need to perform their duties and functions (or in the case of customers, to access their own information);
  - b. Identifying and managing the data, personnel, devices, systems, and facilities that enable the institution to achieve operational purposes in accordance with their relative importance to operational objectives and risk strategy;
  - c. Protecting by encryption all customer information held or transmitted by the institution both in transit over external networks and at rest. To the extent the Coordinator determines that encryption of customer information, either in transit or at rest, is infeasible, the Coordinator may approve a



method to secure such customer information using effective alternative compensating controls;

- d. Adopting secure development practices for in-house developed applications used to transmit, access, or store customer information and procedures to evaluate, assess, or test the security of externally developed applications used to transmit, access, or store customer information;
- e. Implementing multi-factor authentication for any individual accessing any information system, unless the Coordinator has approved in writing the use of reasonably equivalent or more secure access controls;
- f. Developing, implementing, and maintaining procedures for the secure disposal of customer information. These procedures must be periodically reviewed to minimize the unnecessary retention of data. Disposal must occur no later than two years after the last date the information is used in connection with the provision of a product or service to the customer to which it relates unless:
  - i. The information is required to be kept for a longer period in accordance with TBR Policy 1.12.01.00, Records Retention and Disposal of Records;
  - ii. The information is necessary for operational purposes; or
  - iii. Targeted disposal is not reasonably feasible due to the manner in which the information is maintained.
- g. Adopting procedures for change management; and
- h. Implementing policies, procedures, and controls designed to monitor and log the activity of authorized users and to detect unauthorized access or use of, or tampering with, customer information by such users.

a described in the previous component, “B. Security and Privacy Risk Assessments.”

~~D. The Program shall also include methods to regularly test or otherwise monitor the effectiveness of the safeguarding procedures.~~

~~The Program's monitoring may include technology system checks, reports of access to technology systems, and audits.~~

4.2. The Program must regularly test or otherwise monitor the effectiveness of the safeguards' key controls, systems, and procedures, including those to detect actual and attempted attacks on, or intrusions into, information systems.

3. For information systems, monitoring and testing must include continuous monitoring or periodic penetration testing and vulnerability assessments. In the absence of effective continuous monitoring or other systems to detect, on an ongoing basis, changes in information systems that may create vulnerabilities, the institution must conduct:

- a. Annual penetration testing of information systems based on relevant risks identified through risk assessments; and
- b. Vulnerability assessments, including any systemic scans or reviews of information systems designed to identify publicly known security vulnerabilities. Such vulnerability assessments must be conducted at least every six months and whenever there are material changes to an institution's operations, and when circumstances or events may have a material impact on the Program.

E. Oversight of Service Providers and Contracts

1. The Program institution must ~~GLBA requires institutions to~~ take reasonable steps to select and retain third party service providers that are capable of maintaining appropriate ~~complying with the GLBA by maintaining appropriate~~ safeguards for the customer information to which they have access. Service providers must be

periodically assessed based on the risk they present and the continued adequacy of their safeguards.

2. The Program institution must ~~GLBA~~ requires, by contract that ~~the institution's~~ current and potential service providers with access to customer information ~~that have access to customers' nonpublic financial information to~~ maintain sufficient procedures to detect and respond to security ~~events~~breaches.
3. The Program institution must ~~include a reference to the institution's duty to~~ require, by contract, that all applicable third party service providers implement and maintain appropriate ~~GLBA~~ safeguards for customers' ~~nonpublic financial~~ information.

#### F. Incident Response Plan

1. The Program must include a written incident response plan designed to promptly respond to, and recover from, any security event materially affecting affecting the confidentiality, integrity, or availability of customer information in the institution's control.
2. To the extent the following requirements are not already required by the State of Tennessee's incident response plan, the Coordinator shall ensure that the incident response plan addresses:
  - a. The goals of the incident response plan;
  - b. The internal processes for responding to a security event;
  - c. The definition of clear roles, responsibilities, and levels of decision-making authority;
  - d. External and internal communications and information sharing;
  - e. Identification of requirements for the remediation of any identified weaknesses in information systems and associated controls;
  - f. Documentation and reporting of security events and related incident response activities; and

g. The evaluation and revision as necessary of the incident response plan following a security event.

G. Evaluation and Revision of Program

1. The Coordinator must evaluate and adjust the GLBA mandates that an institution's Program in light of the results of testing and monitoring, any material changes to the institution's operations, the results of risk assessments, and any other circumstances that may have a material impact on the Program.~~be subject to periodic review, evaluation, and adjustment.~~
2. The Program must include a plan by which it will be evaluated on a regular basis and a method to revise the Program, as necessary, for continued effectiveness.

IV.III. Assessment of the Information Security Program

A. The Coordinator, in conjunction with the appropriate administrators, shall assess the effectiveness of the Program annually.

B. The Coordinator shall make certain that necessary revisions to the Program are made at the time of the annual review to address any changes in the institutional organization that may affect the implementation and effectiveness of the Program.

V.IV. Publication of the Information Security Program

A. To promote uniform compliance with the Program by all personnel employed by the TBR institutions and to achieve the institution's duty to safeguard the confidentiality of customers' ~~nonpublic financial~~ information, the institution shall, at a minimum, display and disseminate the Program in accordance with the institution's standard distribution methods.

B. The institution's current Program shall be available upon request for review and copy at all times.

V. Annual Reporting to the Board of Regents

- A. The System Office Coordinator shall provide a written report to the Board of Regents no less than annually. The report shall include the following information for the System Office and TCATs:
1. The overall status of the Program and compliance with these guidelines; and
  2. Material matters related to the Program addressing issues such as risk assessment, risk management and control decisions, service provider arrangements, results of testing, security events or violations and responses thereto; and recommendations for changes to the Program.
- B. The System Office Coordinator's report to the Board of Regents shall also include a report from Coordinator of each institution. The System Office Coordinator shall prepare a form for institutional Coordinators to complete and return in time sufficient for inclusion in the report to the Board.

## **Sources**

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16 C.F.R. Part 314

## **Revisions**

November 5, 2003; 2022