



AGENDA

PRESIDENTS MEETING TBR Central Office – Boardroom – Suite 366 Wednesday, February 11, 2015 – 9:00 A.M. (CT)

1. Presentation by Lacie Simonton, American Cancer Society
2. Recommended Revisions to TBR Guideline – B-080 – Reporting of Institutional Losses (Vice Chancellor Dale Sims) - *Attachment*
3. Recommended Revisions to TBR Policy – 4:01:05:60 – Identity Theft Prevention (Vice Chancellor Dale Sims) - *Attachment*
4. Discussion of State Purchasing and Real Estate Management (Vice Chancellor Dale Sims)
5. Discussion of Fee Process (Vice Chancellor Dale Sims)
6. Formula Review Committee (Vice Chancellor Dale Sims)
7. Proposed Revisions to TBR Policy 5:01:03:03 – Optional Retirement (Vice Chancellor Dale Sims) - *Attachment*
8. Proposed Revisions to TBR Policy 5:01:03:00 – Retirement Plans (Vice Chancellor Dale Sims) - *Attachment*
9. Proposed Revisions to the Approval of Academic Programs, Units and Modifications to TBR Policy – 2:01:01:00/Guideline A-010 (Vice Chancellor Tristan Denley) – *Attachment*
10. Update on Academic Affairs (Vice Chancellor Tristan Denley) *Attachment*

11. Recommended Revisions to TBR Policy 4:01:05:00 – Internal Audit (Tammy Birchett) - *Attachment*
12. Recommended Revisions to TBR Policy 4:01:05:50 – Preventing and Reporting Fraud, Waste or Abuse (Tammy Birchett) - *Attachment*
13. Survey Regarding Freshman Students Using iPads – Fall, 2015 (Dr. Janice Gilliam and Dr. Robbie Melton) – *Attachment*
14. Proposed Revisions to TBR Policy 3:02:00:01 – General Policy on Student Conduct and Disciplinary Sanctions – (Mary Moody, General Counsel) – *Attachment*
15. Proposed Revisions to TBR Policy 3:02:01:00 – Student Housing Policy – (Mary Moody, General Counsel) – *Attachment*

PRESIDENTS QUARTERLY MEETING

DIRECTORS QUARTERLY MEETING

February 11-12, 2015

DATE: Presidents Meeting (February 11, 2015)
Directors Meeting (February 12, 2015)

AGENDA ITEM: Recommended Revisions to Guideline B-080 – Reporting and Resolution of Institutional Losses

ACTION: Requires Vote

PRESENTER: Vice Chancellor Dale Sims

BACKGROUND INFORMATION:

A new guideline was developed to replace the existing guideline. In addition, the matrix was updated.

Reporting and Resolution of Institutional Losses: B-080

Policy/Guideline Area

Business and Finance Guidelines

Applicable Divisions

TCATs, Community Colleges, Universities, System Office

Purpose

The purpose of this guideline is to establish the process and procedures for reporting and resolution of institutional losses at institutions governed by the Tennessee Board of Regents.

Definitions

Resources - as used herein shall refer to assets such as cash or other financial resources, supplies, inventories, equipment and other fixed assets, real property, intellectual property, or data.

Policy/Guideline

I. Introduction

- A. Administrators at all levels of management should be aware of the risks and exposures inherent in their areas of responsibility, and should establish and maintain proper internal controls to provide for the security and accountability of all assets and other resources entrusted to them.
- B. It is the responsibility of each institution to establish a process to identify, report and investigate losses of state or institutional funds, property or other resources, whether by malfeasance or misfeasance.

- C. Tennessee Board of Regents (TBR) Policy 4:01:05:50, Preventing and Reporting Fraud, Waste or Abuse, includes requirements for reporting suspected instances of fraud, waste or abuse to the system office where such matters are subsequently reported to the Comptroller of the Treasury (T.C.A. § 8-19-501(a)).

II. Reporting and Resolution Process

- A. Reporting Losses – For each reportable incident, the institution must complete a “Notification of Loss Report” (Exhibit 1) or “Property Loss Report” (Exhibit 2).
 - 1. The Notification of Loss Report should be used to report single incidents of shortages or losses of any asset, resource or data immediately upon occurrence or discovery. This report should be used to report the loss or shortage of any amount which is the result of acknowledged or suspected fraud, waste or abuse by either an employee or a non-employee (for example, a vendor, contractor, or student).
 - 2. The Property Loss Report may be used to report property losses in any quarter in which losses occur and may include more than one incident or loss of property. However, see item 1 above if the property loss is a result of fraud, waste or abuse.
 - 3. The institution must also report covered property losses to the State of Tennessee, Department of Treasury, Office of Risk Management.
- B. Reporting Resolution – The investigation unit identified on the notification report will file a “Case Resolution Report” (Exhibit 3) at the conclusion of the investigation. Depending upon the nature and extent of the investigation, an Internal Audit Report may be issued in lieu of a Case Resolution Report.
- C. Distribution of Reports – Each notification and resolution report should be submitted to the following officials or offices:
 - 1. President / TCAT Director

2. Vice President for Business and Finance
3. Internal Audit Director
4. Office of Safety and Security/Campus Police (as appropriate)
5. TBR Vice Chancellor for Business and Finance
6. TBR System-wide Chief Audit Executive

III. Requirements Regarding Losses and Shortages

- A. Cash or Other Financial Resources – Institutions maintain cash, procurement cards, credit cards and other financial resources to facilitate its business needs. Institutions must report cash shortages or losses equal to or greater than \$500 immediately to TBR.
 1. Some cash shortages result from human error and are the cost associated with doing business. However, objective reviews must be completed to eliminate misconduct and provide assurance that controls are effective.
 2. Regardless of amount, management should routinely perform objective reviews of shortages or other losses to identify any unusual items, recurring issues or a pattern of financial shortages.
- B. Property – Institutions maintain inventory records for capitalized property and sensitive minor equipment, as required by Tennessee Board of Regents Guideline B-110, Fixed Assets and Sensitive Minor Equipment. Institutions must report property losses to TBR at least quarterly.
 1. Losses of physical property due to inventory shrinkage, vandalism, unexplained events, natural disasters, or acts of God should be reported to TBR on a quarterly basis on the Property Loss Report (Exhibit 2). A Case Resolution Report is not required to be submitted for such losses.

2. However, unexplained losses and those due to shrinkage or vandalism should be objectively reviewed by management to identify any unusual items, recurring issues or a pattern of losses.
3. Occurrences that are potentially serious situations that would create public concern regardless of amount (e.g., the loss of certain chemicals) must be reported to the TBR and the Office of Risk Management immediately, followed by a written report.

IV. Property Claims Process



- A. Property Claims – Individual occurrences exceeding \$25,000 must be reported to the TBR Office of Facilities Management and the Office of Risk Management immediately, followed by a written report.



1. The Office of Risk Management website at <http://treasury.tn.gov/risk/> contains contact information under the “Contact Us” link and details of the insurance claim process under the “Claims Process” link.
2. Each report of damage for a claim should include a detailed description of the loss and the estimated cost. In addition to the reporting requirements noted above, the department where the loss occurred should also receive a copy of this report.

V. Actions

- A. TBR will evaluate the information provided and make a determination concerning external reporting obligations, if any, and the feasibility of pursuing available legal remedies in cases of misconduct, including fraud, waste or abuse.

Exhibits

-  [Exhibit 1 - Notification of Loss Report](#) (docx /14.02 KB)
-  [Exhibit 2 – Property Loss Report](#) (docx /14.64 KB)

-  [Exhibit 3 - Case Resolution Report](#) (docx /17.21 KB)
-  [Exhibit 4 - Reporting Matrix](#) (pdf /82.93 KB)

Sources

November 6, 2002, Presidents Meeting; February 28, 2008, Presidents Meeting; February 29, 2008; Presidents Meeting November 7, 2012.

EXHIBIT 4 TO TBR GUIDELINE B-080

Tennessee Board of Regents
Reporting Matrix for Institutional Losses

Type of Loss		Immediate Notification to TBR	Attachment A Notification of Loss Report	Attachment C Property Loss Report (a b)	Attachment B Case Resolution Report (b e)	TBR Reports to Comptroller of the Treasury	Report to Office of Risk Management (d)
Fraud, Waste or Abuse (FWA)							
Any Resource Loss	Any Amount FWA	Yes	Yes	Physical Property Only	Yes	Yes	Covered Physical Property Only \geq \$25,000
Non-FWA							
Cash (a)	< \$500	No	No	No	No	No	No
Cash	\geq \$500	Yes	Yes	No	Yes	Yes	No
Physical Property	Capitalized	Quarterly	Yes	Yes	Yes	Yes	Yes (d)
Physical Property	Sensitive \geq \$1,500	Quarterly	Yes	Yes	Yes	Yes	Yes (d)
Physical Property	< \$1,500	No	No	No	No	No	No
Other Assets or Resources (e)	Any value	Yes	Yes	No	Yes	Yes	No

Notes:

FWA - Fraud, Waste or Abuse (Misconduct by an employee, student, vendor, contractor or other).

(a) These losses should be reviewed by management to identify any patterns of losses; matters involving misconduct should be reported.

(a b) For property losses, either Notification of Loss Report or Property Loss Report should be submitted; both are not required.

(b e) An Internal Audit Report may be issued in lieu of a Case Resolution Report.

(d) Events resulting in losses of \$25,000 or greater should be reported to the Office of Risk Management.

(e) Other assets or resources may include items such as intellectual property or data, including data that may be stored on electronic devices.

PRESIDENTS QUARTERLY MEETING

DIRECTORS QUARTERLY MEETING

February 11-12, 2015

DATE: Presidents Meeting (February 11, 2015)
Directors Meeting (February 12, 2015)

AGENDA ITEM: Recommended Revisions to Policy 4:01:05:60 – Identity Theft
Prevention

ACTION: Requires Vote

PRESENTER: Vice Chancellor Dale Sims

BACKGROUND INFORMATION:

Attached are recommended revisions to Policy 4:01:05:60 – Identity Theft Prevention. The revisions are housekeeping in nature.

Identity Theft Prevention: 4:01:05:60

Policy/Guideline Area

Business and Finance Policies

Applicable Divisions

TCATs, Community Colleges, Universities, System Office

Purpose

The Tennessee Board of Regents, on behalf of its Institutions, adopts this Identity Theft Prevention Policy and enacts this program in an effort to detect, prevent and mitigate identity theft, and to help protect the Institutions, their faculty, staff, students and other applicable constituents from damages related to the loss or misuse of identifying information due to identity theft.

Definitions

- Covered account - includes:
 - Any account that involves or is designated to permit multiple payments or transactions; or
 - Any other account maintained by the Institution for which there is a reasonably foreseeable risk of identity theft to students, faculty, staff or other applicable constituents, or for which there is a reasonably foreseeable risk to the safety or soundness of the Institution from identity theft, including financial, operational, compliance, reputation or litigation risks.
- Identifying information - is any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including but not limited to: name, address, telephone number, social security number, date of birth, government issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number, student identification number, computer Internet Protocol address or routing code, credit card number or other credit card information.

- Identity theft - means a fraud committed or attempted using the identifying information of another person without authority.
- Red flag - is a pattern, practice or specific activity that indicates the possible existence of identity theft.

Policy/Guideline

I. Background

A. The risk to the institutions of the Tennessee Board of Regents (hereinafter referred to as "Institutions"), its faculty, staff, students and other applicable constituents from data loss and identity theft is of significant concern to the Board and its Institutions, and the Institutions should make reasonable efforts to detect, prevent, and mitigate identity theft.

B. Under this Policy the program will:

1. Identify patterns, practices or specific activities ("red flags") that could indicate the existence of identity theft with regard to new or existing covered accounts (see Definitions);
2. Detect red flags that are incorporated in the program;
3. Respond appropriately to any red flags that are detected under this program to prevent and mitigate identity theft;
4. Ensure periodic updating of the program, including reviewing the accounts that are covered and the identified red flags that are part of this program; and,
5. Promote compliance with state and federal laws and regulations regarding identity theft protection.

C. The program shall, as appropriate, incorporate existing TBR and institutional policies and guidelines such as anti-fraud programs and information security programs that establish controls for reasonably foreseeable risks.

II. Identification of Red Flags

A. The following examples of red flags are potential indicators of fraud or identity theft. The risk factors for identifying relevant red flags include the types of covered accounts offered or maintained; the methods provided to open or access covered accounts; and, previous experience with identity theft. Any time a red flag or a situation closely resembling a red flag is apparent, it should be investigated for verification.

B. Alerts, notifications or warnings from a credit or consumer reporting agency. Examples of these red flags include the following:

1. A report of fraud or active duty alert in a credit or consumer report;
2. A notice of credit freeze from a credit or consumer reporting agency in response to a request for a credit or consumer report;
3. A notice of address discrepancy in response to a credit or consumer report request; and,
4. A credit or consumer report indicates a pattern of activity inconsistent with the history and usual pattern of activity of an applicant such as:
 - a. A recent and significant increase in the volume of inquiries;
 - b. An unusual number of recently established credit relationships;
 - c. A material change in the use of credit, especially with respect to recently established credit relationships; or,

- d. An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

C. Suspicious documents. Examples of these red flags include the following:

1. Documents provided for identification that appears to have been altered, forged or are inauthentic.
2. The photograph or physical description on the identification document is not consistent with the appearance of the individual presenting the identification.
3. Other information on the identification is not consistent with information provided by the person opening a new covered account or individual presenting the identification.
4. Other information on the identification is not consistent with readily accessible information that is on file with the Institution, such as a signature card or a recent check.
5. An application appears to have been altered or forged, or gives the appearance of having been destroyed and reassembled.

D. Suspicious personal identifying information. Examples of these red flags include the following:

1. Personal identifying information provided is inconsistent when compared against other sources of information used by the Institution. For example:
 - a. The address does not match any address in the consumer report; or,
 - b. The Social Security number (SSN) has not been issued or is listed on the Social Security Administration's Death Master File.
2. Personal identifying information provided by the individual is not consistent with other personal identifying information provided by that individual. For example:

- a. There is a lack of correlation between the SSN range and date of birth.
3. Personal identifying information provided is associated with known fraudulent activity.
For example:
 - a. The address on an application is the same as the address provided on a fraudulent application; or,
 - b. The phone number on an application is the same as the number provided on a fraudulent application.
4. Personal identifying information provided is of a type commonly associated with fraudulent activity. For example:
 - a. The address on an application is fictitious, a mail drop, or a prison; or
 - b. The phone number is invalid or is associated with a pager or answering service.
5. The social security number provided is the same as that submitted by another person opening an account.
6. The address or telephone number provided is the same as or similar to the address or telephone number submitted by that of another person.
7. The individual opening the covered account fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
8. Personal identifying information provided is not consistent with personal identifying information that is on file with the Institution.

9. When using security questions (mother's maiden name, pet's name, etc.), the person opening that covered account cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.
- E. Unusual use of, or suspicious activity related to, the covered account. Examples of these red flags include the following:
1. Shortly following the notice of a change of address for a covered account, the Institution receives a request for a new, additional, or replacement card, or for the addition of authorized users on the account.
 2. A covered account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:
 - a. Nonpayment when there is no history of late or missed payments;
 - b. A material change in purchasing or usage patterns.
 3. A covered account that has been inactive for a reasonably lengthy period of time is used (taking into consideration the type of account, the expected pattern of usage and other relevant factors).
 4. Mail sent to the individual is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the individual's covered account.
 5. The Institution is notified that the individual is not receiving paper account statements.
 6. The Institution is notified of unauthorized charges or transactions in connection with an individual's covered account.
 7. The Institution receives notice from customers, victims of identity theft, law enforcement authorities, or other persons regarding possible identity theft in connection with covered accounts held by the Institution.

8. The Institution is notified by an employee or student, a victim of identity theft, a law enforcement authority, or any other person that it has opened a fraudulent account for a person engaged in identity theft.
9. A breach in the Institution's computer security system.

III. Detecting Red Flags

- A. Student enrollment. In order to detect red flags associated with the enrollment of a student, the Institution will take the following steps to obtain and verify the identity of the individual opening the account:
 1. Require certain identifying information such as name, date of birth, academic records, home address or other identification; and,
 2. Verify the student's identity at the time of issuance of the student identification card through review of driver's license or other government-issued photo identification.
- B. Existing accounts. In order to detect red flags associated with an existing account, the Institution will take the following steps to monitor transactions on an account:
 1. Verify the identification of students if they request information;
 2. Verify the validity of requests to change billing addresses by mail or email, and provide the student a reasonable means of promptly reporting incorrect billing address changes; and,
 3. Verify changes in banking information given for billing and payment purposes.
- C. Consumer/Credit Report Requests. In order to detect red flags for an employment or volunteer position for which a credit or background report is sought, the Institution will take the following steps to assist in identifying address discrepancies:

1. Require written verification from any applicant that the address provided by the applicant is accurate at the time the request for the credit report is made to the consumer reporting agency; and
2. In the event that notice of an address discrepancy is received, verify that the credit report pertains to the applicant for whom the requested report was made and report to the consumer reporting agency an address for the applicant that the Institution has reasonably confirmed is accurate.

IV. Responding to Red Flags

- A. Once a red flag or potential red flag is detected, the Institution must act quickly with consideration of the risk posed by the red flag.
- B. The Institution should quickly gather all related documentation, write a description of the situation and present this information to the Program Administrator for determination.
- C. The Program Administrator (see Section VI) will complete additional authentication to determine whether the attempted transaction was fraudulent or authentic.
- D. The Institution may take the following steps as is deemed appropriate:
 1. Continue to monitor the covered account for evidence of identity theft;
 2. Contact the student or applicant for which a credit report was run;
 3. Change any passwords or other security devices that permit access to covered accounts;
 4. Close and reopen the account;
 5. Determine not to open a new covered account;
 6. Provide the student with a new student identification number;

7. Notify law enforcement;
8. Determine that no response is warranted under the particular circumstances;
9. Cancel the transaction.

V. Protecting Personal Information

- A. In order to prevent the likelihood of identity theft occurring with respect to covered accounts, the Institutions may take the following steps with respect to its internal operating procedures:
1. Lock file cabinets, desk drawers, overhead cabinets, and any other storage space containing documents with covered account information when not in use.
 2. Lock storage rooms containing documents with covered account information and record retention areas at the end of each workday or when unsupervised.
 3. Clear desks, workstations, work areas, printers and fax machines, and common shared work areas of all documents containing covered account information when not in use.
 4. Documents or computer files containing covered account information will be destroyed in a secure manner. Institution records may only be destroyed in accordance with the Board's records retention guideline, TBR Guideline G-070 Disposal of Records.
 5. Ensure that office computers with access to covered account information are password protected.
 6. Ensure that computer virus protection is up to date.
 7. Avoid the use of social security numbers.
 8. Utilize encryption devices when transmitting covered account information.

- B. Institutional personnel are encouraged to use common sense judgment in securing covered account information to the proper extent.
- C. Furthermore, this section should be read in conjunction with the Family Education Rights and Privacy Act (“FERPA”), the Tennessee Public Records Act, and other applicable laws and policies.
- D. If an employee is uncertain of the sensitivity of a particular piece of information, he/she should contact his/her supervisor. The Office of the General Counsel may be contacted for advice.

VI. Program Administration

- A. Oversight and Appointment of the Institutional Program Administrator
 - 1. The Identity Theft Prevention Policy is the responsibility of the governing body, the Tennessee Board of Regents. Approval of the initial plan must be appropriately documented and maintained.
 - 2. Each individual institution is required to tailor this program taking into consideration its size, complexity, and nature of its operation. Each institution will consider the types of accounts it offers and maintains, the methods it provides to open those accounts, the methods it provides to access its accounts and its previous experience with identity theft.
 - 3. Operational responsibility of the program at each individual institution is delegated to a Program Administrator appointed by the President or Director and shall include but not be limited to;
 - a. The oversight, development, implementation and administration of the program;
 - b. Approval and implementation of needed changes to the program; and,
 - c. Staff training.

4. The Program Administrator is also responsible for ensuring that appropriate steps are taken for preventing and mitigating identity theft, for reviewing any staff reports regarding the detection of red flags, and for determining which steps should be taken in particular circumstances when red flags are suspected or detected.
5. A report to the Institution's President or Director should be made annually concerning institutional compliance with and effectiveness of the program, and the responsibility for such report may be placed with the Program Administrators. This report should address;
 - a. Service provider arrangements;
 - b. The effectiveness of the program in addressing the risk of identity theft;
 - c. Significant incidents of identity theft and the institution's response; and,
 - d. Any recommendations for material changes to the program.

B. Staff training

1. Staff training shall be conducted for all employees for whom it is reasonably foreseeable, as determined by the Program Administrator, that may come into contact with covered accounts or identifying information.

C. Periodic Updates to the Program

1. At periodic intervals established in the program, or as required, the program will be re-evaluated to determine whether all aspects of the program are up to date and applicable.
2. Consideration will be given to the Institution's;
 - a. Experiences with identity theft situations;
 - b. Changes in identity theft methods, detection methods or prevention methods; and,

- c. Changes in the Institution's business arrangements with other entities.
- 3. Periodic reviews will include an assessment of which accounts are covered by the program.
 - a. As part of the review, red flags may be revised, replaced or eliminated. Defining new red flags may also be appropriate.
- 4. Actions to take in the event that fraudulent activity is suspected or discovered may also require revision to the program.

D. Overview of service provider arrangements

- 1. It is the responsibility of the Institution to ensure that the activities of all service providers are conducted in accordance with reasonable policies and procedures designated to detect, prevent, and mitigate the risk of identity theft.
- 2. In the event the Institution engages a service provider to perform an activity in connection with one or more covered accounts, the Institution will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent and mitigate the risk of identity theft.
 - a. Require, by contract, that service providers have such policies and procedures in place; or,
 - b. Require, by contract, that service providers review the Institution's program and report any red flags to the Program Administrator.

(1) Specific language for inclusion in contracts can be found in TBR Guideline G-030 Contracts and Agreements.

3. A service provider that maintains its own identity theft prevention program, consistent with the guidance of the red flag rules and validated by appropriate due diligence, may be considered to be meeting these requirements.

Sources

March 26, 2009 Board meeting; June 19, 2009.

PRESIDENTS QUARTERLY MEETING

DIRECTORS QUARTERLY MEETING

February 11-12, 2015

DATE: Presidents Meeting (February 11, 2015)
Directors Meeting (February 12, 2015)

AGENDA ITEM: TBR Policy 5:01:03:03 – Optional Retirement

ACTION: Requires Vote

PRESENTER: Dale Sims, Vice Chancellor Business and Finance

BACKGROUND INFORMATION:

The major initiatives in the revisions were: change the name; include the Hybrid Plan information; combine the Optional Retirement Policy and Optional Retirement Guideline into one document to reduce redundancy and make it easier to find related information; and to remove the prohibition of exempt TCAT employees in the ORP plan.

Please Note: The TCRS Board of Directors has to approve the exempt TCAT employees participation in the ORP Plan. It will be an agenda item at their March meeting. By removing the prohibitive language, it will allow us to move forward without another approval of this policy, if it is approved at the TCRS March Board meeting. If it isn't approved, the TCRS Employer Handbook will still serve as the defining resource.

Optional Retirement Programs Retirement Plans: 5:01:03:03

Policy Area

Personnel Policies
Applicable Divisions

Community Colleges, Universities, System Office
Purpose

The purpose of this policy is to ~~set the standards for a consistent process and treatment of employees regarding optional retirement programs across the TBR system~~ communicate the state-supported retirement programs available to employees of the Tennessee Board of Regents.

Policy

I. Introduction

- A. ~~The Tennessee Board of Regents has designated optional retirement programs for regular academic, executive, administrative, and professional employees of the Board of Regents' institutions, and has approved the contracts offered by optional retirement program vendors, as the contracts to be purchased under the optional retirement program, said designation and approval conditioned upon there being no change in the legislation authorizing the optional retirement program which would require the Board and/or the institutions in the System to incur any additional costs whatsoever in terms of the contributions made to or the benefits payable from said optional retirement program.~~
- 1. ~~Employees of the colleges of applied technology are not eligible to participate in the optional retirement programs.~~
- B. ~~Prior to 1991, the State of Tennessee offered exempt staff in Tennessee's public colleges and universities the option of enrolling in either of two retirement programs.~~

C. The primary program—the Tennessee Consolidated Retirement System (TCRS)—was and remains the retirement program open to all employees of the State of Tennessee. The only secondary, or optional, program offered was through the Teachers Insurance and Annuity Association-College Retirement Equities Fund, commonly called TIAA-CREF.

D. In 1991, the Tennessee General Assembly amended the State's statutes on retirement to permit the addition of two more optional companies from which eligible employees may choose in selecting a company, or companies, with which to invest their retirement contributions. Contracts with the new companies, Variable Annuity Life Insurance Company (VALIC), and Aetna Life Insurance and Annuity Company took effect on July 1, 1992.

E. Adoption of additional investment companies as part of the Optional Retirement Program is being done for the purpose of permitting eligible employees to diversify their retirement investments across a broader range of investment products. With the addition of the new companies, diversification can be achieved by:

1. Distributing future contributions among the optional companies and their various investment products, and/or by
2. Transferring funds already accumulated to one or more of the new companies.

II. Transfer Provisions

A. From the Tennessee Consolidated Retirement System to the Optional Retirement Program

1. Effective April 4, 2001, TCA § 8-35-403 was amended to permit an employee who is eligible to participate in the Optional Retirement Program (ORP) but who elected to participate in the Tennessee Consolidated Retirement System (TCRS) to transfer prospective membership from TCRS to the ORP.
 - a. This transfer will become effective the first day of the month following thirty (30) days written notice to TCRS and the employee's institution.
 - b. However, employees may not transfer membership from the ORP to TCRS.
 - c. An employee who elects to participate in the ORP is not eligible to participate in the TCRS while employed by an institution covered by the ORP.

2. When transferring membership, a member who has employee contributions in his TCRS account may transfer his individual account balance from TCRS to the ORP.
 - a. Such transfer of contributions constitutes a termination of membership in TCRS and a waiver of all rights and benefits under TCRS.
 - b. Since most individuals who made contributions to TCRS prior to July 1, 1981 would now be vested in TCRS and would have accrued a considerable amount of non-contributory service credit in TCRS, such transfers are extremely rare.
 - c. Employees who were hired after July 1, 1981 would be transferring membership only since all contributions had been made by the employer.
 3. When an employee is promoted from a non-exempt to an exempt position, the employee may transfer participation from TCRS to one of the optional retirement programs.
- B. From the Optional Retirement Program to the Tennessee Consolidated Retirement System
1. During the 2004 legislative session, the General Assembly passed legislation giving Optional Retirement Plan (ORP) members the opportunity to transfer membership to the Tennessee Consolidated Retirement System (TCRS). The legislation can be found in T.C.A. § 8-35-403(f). The specifics of this one-time opportunity are as follows:
 - a. The member must be a current state of Tennessee employee or higher education employee with five or more years of service in the ORP as of January 1, 2005.
 1. You must also be a current employee at the time of transfer in order to enroll in TCRS.
 2. Additionally, this opportunity will be extended in the future to employees who reach their fifth anniversary after January 1, 2005.
 3. Those members reaching the five year mark after January 1, 2005, will be given one year in which to make the transfer.
 - b. The member must not have received a cash withdrawal or other distribution from the ORP.

c. The transfer must include Tennessee ORP service. If you elect to transfer to TCRS, you waive all current and future rights to ORP benefits from Tennessee contributions. The decision is irrevocable.

d. The cost of the transfer will be the greater of;

1. the ORP account balance; or

2. 12.65% of the member's compensation during the ORP participation period plus 7.5% annual interest. It is likely that the ORP balance will not cover the cost of the transfer.

e. The required payment must be made in lump sum by no later than December 31, 2005. There are various options for funding the payment including transferring your ORP account or other tax-deferred retirement accounts, or using personal savings.

2. This one-time opportunity to transfer is being offered to employees who may have been rushed into making a retirement plan selection on the first day of employment or who may have been forced to change retirement plans due to a change in job classification. Employees are under no obligation to transfer membership from ORP to TCRS.

C. Within the Optional Retirement Program

1. After July 1, 1992, employees who participate in the ORP may direct employer contributions made on their behalf to one or more of the companies designated to provide annuity contracts under the state's ORP.

a. Once funds are on deposit with a designated company, the participant may move these funds among the different investment accounts offered under that company's annuity contract, subject to the restrictions of the contract.

b. The participant may authorize such internal transfers by telephone.

2. After July 1, 1992, employees may also transfer funds previously accumulated in the ORP among the companies designated to provide annuity contracts in Tennessee's Optional Retirement Program, subject to the restrictions of the products involved.

a. After the participant completes the necessary applications, the funds will be transferred by check and reports will be provided to the participant's institution.

III.—Provisions for Distribution of Contributions

- A.—Effective April 4, 2001, TCA § 8-35-403 was amended to permit a participant who has separated from service and has an aggregate total of less than \$5,000 credited to his/her retirement account to receive a lump sum distribution of contributions upon the participant's written request and in a manner permitted by the companies holding the accounts.
- 1.—This aggregate total shall be increased by one thousand dollars (\$1,000) on January 1, 2002 and on each January 1 thereafter until the aggregate total distribution equals fifteen thousand dollars (\$15,000).
- B.—If a participant has separated from service and is receiving social security disability benefits from the social security administration due to the participant's disability, the participant may, upon his/her written request receive a lump sum distribution from the participant's accounts each year.
- 1.—For the calendar year 2001, the aggregate total of each annual distribution from all of the participant's accounts shall not exceed fifteen thousand dollars (\$15,000).
- 2.—This aggregate total shall be increased by one thousand dollars (\$1,000) each calendar year thereafter until the aggregate total annual distribution equals twenty-five thousand dollars (\$25,000).
- 3.—Each annual distribution shall be made in any manner permitted by the companies holding the accounts but only upon receipt by the employer of documentation confirming the participant's continued receipt of social security disability benefits.
- 4.—Once the participant attains the age requirement for receipt of old age and survivors benefits under Title II of the Federal Social Security Act (42 U.S.C. §401-425), the participant shall no longer be required to provide such documentation in order to receive an annual distribution pursuant to this subsection.
- C.—Distribution of contributions shall require the completion of form(s) for both the participant's company/companies and the Tennessee Consolidated Retirement System. Verification of contributions and separation from service information shall be provided by the last employer; verification of an aggregate current balance of less than the current year's maximum (e.g.,

~~2001, \$5,000) shall be provided by the participant in the form of current quarterly statement(s). Both forms must be returned to the companies in order for the lump sum distribution to be processed.~~

~~D. The Chancellor is authorized to establish any and all guidelines, rules, or requirements necessary and proper for the implementation of the optional retirement programs for the System or at any individual institution.~~

I. Introduction

The Tennessee Board of Regents offers two state-supported retirement programs. The primary program, the Tennessee Consolidated Retirement System (TCRS), is open to all employees of the State of Tennessee and regular non-exempt Tennessee Board of Regents employees are provided benefits under this program. The secondary program, the Optional Retirement Program (ORP), is open to regular faculty and exempt staff employees. In addition, visiting lecturers are eligible to participate in the ORP. Regular faculty and exempt staff employees may choose to enroll in either the TCRS or the ORP.

Both retirement programs, the TCRS and the ORP, have a Legacy Plan and a Hybrid Plan and eligibility is based on date of hire. Employees hired on or before June 30, 2014 are eligible to participate in the Legacy Plan, which is a non-contributory plan. Employees hired on July 1, 2014 or later are eligible to participate in the Hybrid Plan, which is a contributory plan.

All rights to retirement plan benefits for employees of the Tennessee Board of Regents are governed by the laws and regulations established by the State of Tennessee and/or the federal government. For employees participating in the ORP, employee rights to plan benefits also are governed by the ORP vendors' regulations and the contract between the employee and the ORP vendor(s).

II. Eligibility

1. All regular full-time employees of the Tennessee Board of Regents and of institutions governed by the Tennessee Board of Regents shall be members of a state-supported retirement plan as a condition of employment, subject to eligibility provisions. For regular part-time employees, membership in a state-supported retirement plan is optional. Employees must continue to

participate in a retirement plan as long as they remain in a regular status (breaks in service, other than terminations, do not affect eligibility for participation). The following is a non-inclusive list of employees not eligible to participate in a state-supported retirement plan:

- students
- temporary employees
- medical residents
- interns and externs
- non-U.S. citizens who do not pay Social Security or Medicare taxes

III. Electing a Retirement Plan

1. An eligible employee who is not a member of the TCRS and has not accumulated creditable service thereunder as a member of a local retirement fund having rights under the TCRS, may elect membership in either the TCRS or ORP.
2. An eligible employee who is a member of the TCRS or of a local retirement fund having rights under the TCRS, and who is otherwise eligible to join the ORP, may elect to participate in the ORP in lieu of continuing contributions to and accumulating creditable service in the TCRS while employed at an institution with an ORP. Any employee who elects to cease membership in the TCRS and commence membership in the ORP are subject to the Transfer process in Section V. of this policy, which includes submitting written notice using the Election to Transfer Membership from TCRS to ORP form available at <http://www.treasury.state.tn.us/orp/PDFs/Forms/tr0275.pdf>. As stated on the form, an employee who transfers membership from the TCRS to the ORP will thereafter be ineligible to accumulate creditable service in the TCRS during such period or periods as he or she is employed by an institution with an ORP.
3. The Notice of Election to Participate in the ORP or TCRS Form shall be used by employees in designating an election. The completed form shall be kept on file by the institution's Human Resources Department.
 - If no election is made the employee shall be deemed to have elected the TCRS.
 - Employees electing the ORP must complete the ORP Premium Distribution Specification Form and the application material for the selected vendor(s).

IV. Contributions

Employees hired on or before June 30, 2014

1. For employees participating in the TCRS, employer contributions are calculated on the employee's eligible compensation amount and paid at the rate determined on a biennial basis

by the actuary. Shortly after each valuation, the TCRS will notify each institution of its new employer contribution rate and effective date.

2. For employees participating in the ORP, employer contributions will be paid at 10% of eligible compensation up to the social security wage base and 11% of eligible compensation above the social security wage base.

Employees hired on or after July 1, 2014

3. For employees participating in the TCRS, employer contributions are calculated on the employee's eligible compensation amount and paid to a defined benefit plan and 5% to a defined contribution plan. The employer contribution is determined by the actuary and subject to change. The mandatory employee contribution is 5% and paid to a defined benefit plan. Employees will also be auto-enrolled into the 401(k) plan at a contribution rate of 2%. The employee may opt out of the auto-enrolled 401(k) within 30 days of notification of enrollment from the 401(k) vendor. The employee may also change the 401(k) contribution amount at any time, including discontinuing (or opting out) of contributing to the 401(k). Employees shall receive up to a \$50 per month match in the 401(k) if enrolled.

4. For employees participating in the ORP, employer contributions will be paid at 9% of compensation and the mandatory employee contribution will be 5%. Employees will also be auto-enrolled into the 401(k) plan at a contribution rate of 2%. The employee may opt out of the auto-enrolled 401(k) within 30 days of notification of enrollment from the 401(k) vendor. The employee may also change the 401(k) contribution amount at any time, including discontinuing (or opting out) of contributing to the 401(k). Employees shall receive up to a \$50 per month match in the 401(k) if enrolled.

Annual limit

For employees hired after July 1, 1996, the annual limit for employer contributions to either retirement program (TCRS or ORP) made on behalf of employees will be subject to applicable federal and state limits. Additionally, for employees participating in the ORP, there is also an annual aggregate contribution limit for contributions to the ORP and all other tax deferred programs. This limit is defined on an annual basis by the IRS.

Formatted: Font: Bold, Italic

V. Transfers

Transfers from the TCRS to the ORP

1. Effective April 4, 2001, TCA § 8-35-403 was amended to permit an employee who is eligible to participate in the ORP but who elected to participate in the TCRS to transfer membership from the TCRS to the ORP. The change will be effective the first day of the month following thirty (30) days written notice to TCRS and the employee's institution.
2. Any employee who elects to transfer funds in the ORP must execute the Election to Transfer Funds from TCRS to ORP form at least 30 days prior to the payroll date in which the change is to be effective.
3. Employees hired on or after July 1, 1981 through June 30, 2014 are non-contributory members. Contributions made by the employer are not transferable. Employees executing this action will transfer membership only since all contributions were made by the employer.
4. Employees hired prior to July 1, 1981 (when contributions to the TCRS were paid jointly by the institution and the employee) will transfer all employee contributions to the TCRS plus that portion of the employer's contribution made on behalf of the employee after July 1, 1981, plus any accrued interest are fully transferable to the ORP. Only contributions made by the employee (through payroll deduction) or contributions made by the employer on behalf of the employee under the non-contributory plan are transferable. Such transfer of contributions constitutes a termination of membership in TCRS and a waiver of all rights and benefits under TCRS.
5. Employees hired after July 1, 2014 (when contributions to the TCRS are paid jointly by the institution and the employee) will transfer all employee contributions made to the TCRS. Contributions made by the employer are not transferable.
6. Employees reclassified from a non-exempt to an exempt position may redirect contributions from the TCRS to the ORP.
 - Employees with a hire date after July 1, 1981 through June 30, 2014 will transfer membership only. Employer contributions are non-transferable.

- Employees with a hire date prior to July 1, 1981 or after July 1, 2014 will transfer all employee contributions plus any accrued interest to the ORP. Employer contributions are non-transferable.

Transfers from the ORP to the TCRS

1. Employees hired prior to January 1, 2005 were given a one-time opportunity to transfer membership from the ORP to the TCRS.
2. ORP members (hired after January 1, 2005) with five (5) years of full-time equivalent creditable service have a one-time transfer option to change from ORP to TCRS. The cost to change is an actuarially determined contributions percentage plus 7.5%.
3. This election to transfer from the ORP to the TCRS must be made and filed not later than the end of the calendar year following the year that five (5) years of service is achieved.

Transfers within the ORP

1. Employees who participate in the ORP may direct employer contributions made on their behalf to one or more of the vendors designated to provide annuity contracts under the State of Tennessee ORP.
2. Once funds are on deposit with a designated company, the participant may move those funds among the different investment accounts within the ORP vendor. The participant may authorize such internal transfers by telephone or via the vendor's website.

Vesting

1. Five years of full-time equivalent retirement creditable service must be accrued to be eligible for regular or ordinary disability retirement under the TCRS. No specific amount of creditable service is required for accidental disability under these plans.
2. ORP benefits are vested immediately, and lifetime distributions may be started at any time after separation, subject to IRS regulations.

Breaks in Service:

1. Returning employees with an original hire date prior to July 1, 2014 have the following options available:
 - Employees vested in the Legacy Plan (non-contributory) with a break in service may return to the Legacy Plan upon re-employment.
 - Employees not vested in the Legacy Plan (non-contributory) with a break in service of less than seven (7) years may return to the Legacy Plan upon re-employment.
 - Employees not vested in the Legacy Plan (non-contributory) with a break in service of seven (7) or more years must enroll in the Hybrid Plan (contributory).

Eligibility to Retire

Employees hired on or before June 30, 2014 and enrolled in the TCRS or the ORP Legacy Plan

1. For employees participating in the TCRS, the following apply:
 - Service retirement – Age 60 and vested or 30 years of service
 - Early retirement – Age 55 and vested or 25 years of service
2. For employees participating in the ORP, the following applies:
 - Benefits are vested immediately and lifetime distributions may be started at any time after separation from service, subject to IRS regulations

Employees hired on or after July 1, 2014 and enrolled in the TCRS or ORP Hybrid Plan

1. For employees participating in the TCRS, the following apply:
 - Service retirement – Age 65 and vested or Rule of 90 (age and service years total 90)
 - Early retirement – Age 55 and vested
2. For employees participating in the ORP, the following applies:
 - Benefits are vested immediately and lifetime distributions may be started at any time after separation from service, subject to IRS regulations
3. There is no mandatory retirement age for employees. The effective date of retirement for all employees, including faculty, is usually the day following the last day in an active pay status. Retirement dates for persons with academic year appointments will be generally December 31, May 31, June 30, or July 31; generally flex-year appointments end July 31. For persons teaching summer school, retirement will be delayed until the end of the month following completion of the assigned summer term.

← Formatted: Indent: Left: 1", No bullets or numbering

← Formatted: List Paragraph, Indent: Left: 0", Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Tab after: 0.5" + Indent at: 0.5", Tab stops: Not at 0.5"

Separation from Service Prior to Retirement

TCRS

1. For TCRS members who separate from service prior to retirement, the following options are available:
 - a. Employees who separate and accept employment at another state agency shall have membership and contributions continued at the new agency.
 - b. Employees who have achieved vested service may leave funds intact until a benefit is requested at retirement.
 - c. Employees, upon separation from service, may apply for a refund of their accumulated employee contributions and interest. Employer contributions to the defined benefit portion of the Hybrid Plan are not refundable. By obtaining a refund, he or she gives up TCRS membership and all rights and benefits in the retirement system.

ORP

1. For ORP members who separate from service prior to retirement, the following apply:
 1. Employees who separate and accept employment at another participating institution may choose to have membership and contributions continued at the new institution.
 2. All funds contributed by the institution and funds contributed by the employee prior to July 1, 1981 and after July 1, 2014, remain intact and continue to accrue interest and dividends until retirement. An exception may apply for employees who have separated from service and have a de minimis amount less than \$15,000 in total accumulations in the ORP. Depending upon ORP company regulations, such employees may be eligible for a lump sum distribution, a rollover to an Individual Retirement Account, or a rollover to another qualified retirement plan as specified in section 401(a) of the Internal Revenue Code. Verification of an aggregate current balance of less than fifteen thousand dollars (\$15,000) (for de minimis distributions) shall be provided by the participant in the form of current quarterly statement(s). Both forms must be returned to the vendor(s) in order for the lump sum distribution to be processed.
 3. If a participant has separated from service and is receiving social security disability benefits from the social security administration due to the participant's disability, the participant may, upon his/her written request receive a lump sum distribution from the participant's account(s) each year. The following shall apply:

- The aggregate total of each annual distribution from all of the participant's accounts shall not exceed twenty-five thousand dollars (\$25,000).
- Each annual distribution shall be made in any manner permitted by the vendor(s) holding the accounts but only upon receipt by the institution of documentation confirming the participant's continued receipt of social security disability benefits. Once the participant attains the age requirement for receipt of old age and survivors benefits under Title II of the Federal Social Security Act, the participant shall no longer be required to provide such documentation in order to receive an annual distribution.

4. Distribution of contributions shall require the completion of forms for the participant's vendor(s).

5. Verification of contributions and separation from service information shall be provided by the last employer.

Re-employment of Retirees

1. Re-employment of retirees who are receiving retirement benefits from the TCRS or the ORP is monitored through the State Retirement System. Retirees must have a break in service for a minimum of sixty (60) days, unless an exception has been applied for and approved. All re-employed retirees must participate in Social Security.

2. When a retiree is re-employed, he/she will be required to complete the appropriate form. TCRS retirees must complete the Temporary Employment Report form and the institution shall submit the form to the TCRS. ORP retirees must complete the Optional Retirement Program (ORP) Part-time Re-employment Certification/Waiver form for the institution's files. New forms for re-employed TCRS and ORP retirees must be completed for each 12-month period and certify the following requirements have been met:

- Retirees may be re-employed without a loss of retirement income up to but no longer than 120 working days or the equivalent (900 hours) within the 12-month period immediately following the date of re-employment.
- Retirees may be re-employed as a teacher without a loss of retirement income for a maximum of 18 semester hours (24 quarter hours), providing the total salary paid to any such retiree for teaching during the 12-month period does not exceed his or her

pro rata share of the average salary being paid at the institution for the academic discipline concerned.

- A disability retiree may return to work for any state employer without loss of retirement benefits provided he or she does not earn more than the substantial gainful activity amount determined each calendar year by Social Security in the 12-month period from the date of re-employment and does not exceed 120 working days or the equivalent (900 hours).
- The entire compensation payable to the retiree for such work is not more than 60 percent of the annual full-time salary received by the member in the year immediately prior to retirement. This limit on salary increases by 5 percent for each year since the member's retirement.

3. Temporary Employment. Retirees are generally re-employed as temporary employees and are limited to 900 hours of work in a 12-month period.

4. Regular Full-time Employment. Retirees who are re-employed with an expected duration of 12-months or more must participate in retirement and must agree to waive any retirement benefits received from a State of Tennessee supported retirement plan during the period of regular employment.

5. Regular Part-time Employment. Retirees who are re-employed as regular part-time have the option to participate in a retirement plan. If the part-time employee chooses to participate in a retirement plan, any retirement benefits from a State of Tennessee supported plan must be waived during the period of regular employment.

Sources

TBR Meetings, March 4, 1977; June 26, 1981; March 19, 1982; September 30, 1983; December 14, 1984; June 26, 1992; December 9, 1994; March 15, 2002; March 18, 2005

(a) The provisions of this policy under which regular full-time executive administrative, and professional employees are eligible to participate in the optional retirement program became effective on July 1, 1983.

(b) Regular part-time employees became eligible for retirement system membership on July 1, 1984.

(c) On July 1, 1992, two additional companies were added in the optional retirement program. A total of three companies became available in the ORP.

Contact

Mickey Sheen

615-366-4437

mickey.sheen@tbr.edu

Retirement Plans: 5:01:03:03

Policy Area

Personnel Policies

Applicable Divisions

Community Colleges, Universities, System Office

Purpose

The purpose of this policy is to communicate the state-supported retirement programs available to employees of the Tennessee Board of Regents.

Policy

I. Introduction

The Tennessee Board of Regents offers two state-supported retirement programs. The primary program, the Tennessee Consolidated Retirement System (TCRS), is open to all employees of the State of Tennessee and regular non-exempt Tennessee Board of Regents employees are provided benefits under this program. The secondary program, the Optional Retirement Program (ORP), is open to regular faculty and exempt staff employees. In addition, visiting lecturers are eligible to participate in the ORP. Regular faculty and exempt staff employees may choose to enroll in either the TCRS or the ORP.

Both retirement programs, the TCRS and the ORP, have a Legacy Plan and a Hybrid Plan and eligibility is based on date of hire. Employees hired on or before June 30, 2014 are eligible to participate in the Legacy Plan, which is a non-contributory plan. Employees hired on July 1, 2014 or later are eligible to participate in the Hybrid Plan, which is a contributory plan.

All rights to retirement plan benefits for employees of the Tennessee Board of Regents are governed by the laws and regulations established by the State of Tennessee and/or the federal government. For employees participating in the ORP, employee rights to plan benefits also are governed by the ORP vendors' regulations and the contract between the employee and the ORP vendor(s).

II. Eligibility

1. All regular full-time employees of the Tennessee Board of Regents and of institutions governed by the Tennessee Board of Regents shall be members of a state-supported retirement plan as a condition of employment, subject to eligibility provisions. For regular part-time employees, membership in a state-supported retirement plan is optional. Employees must continue to participate in a retirement plan as long as they remain in a regular status (breaks in service, other than terminations, do not affect eligibility for participation). The following is a non-inclusive list of employees not eligible to participate in a state-supported retirement plan:

- students
- temporary employees
- medical residents
- interns and externs
- non-U.S. citizens who do not pay Social Security or Medicare taxes

III. Electing a Retirement Plan

1. An eligible employee who is not a member of the TCRS and has not accumulated creditable service thereunder as a member of a local retirement fund having rights under the TCRS, may elect membership in either the TCRS or ORP.
2. An eligible employee who is a member of the TCRS or of a local retirement fund having rights under the TCRS, and who is otherwise eligible to join the ORP, may elect to participate in the ORP in lieu of continuing contributions to and accumulating creditable service in the TCRS while employed at an institution with an ORP. Any employee who elects to cease membership in the TCRS and commence membership in the ORP are subject to the Transfer process in Section V. of this policy, which includes submitting written notice using the Election to Transfer Membership from TCRS to ORP form available at <http://www.treasury.state.tn.us/orp/PDFs/Forms/tr0275.pdf>. As stated on the form, an employee who transfers membership from the TCRS to the ORP will thereafter be ineligible to accumulate creditable service in the TCRS during such period or periods as he or she is employed by an institution with an ORP.
3. The Notice of Election to Participate in the ORP or TCRS Form shall be used by employees in designating an election. The completed form shall be kept on file by the institution's Human Resources Department.
 - If no election is made the employee shall be deemed to have elected the TCRS.
 - Employees electing the ORP must complete the ORP Premium Distribution Specification Form and the application material for the selected vendor(s).

IV. Contributions

Employees hired on or before June 30, 2014

1. For employees participating in the TCRS, employer contributions are calculated on the employee's eligible compensation amount and paid at the rate determined on a biennial basis by the actuary. Shortly after each valuation, the TCRS will notify each institution of its new employer contribution rate and effective date.
2. For employees participating in the ORP, employer contributions will be paid at 10% of eligible compensation up to the social security wage base and 11% of eligible compensation above the social security wage base.

Employees hired on or after July 1, 2014

3. For employees participating in the TCRS, employer contributions are calculated on the employee's eligible compensation amount and paid to a defined benefit plan and 5% to a defined contribution plan. The employer contribution is determined by the actuary and subject to change. The mandatory employee contribution is 5% and paid to a defined benefit plan. Employees will also be auto-enrolled into the 401(k) plan at a contribution rate of 2%. The employee may opt out of the auto-enrolled 401(k) within 30 days of notification of enrollment from the 401(k) vendor. The employee may also change the 401(k) contribution amount at any time, including discontinuing (or opting out) of contributing to the 401(k). Employees shall receive up to a \$50 per month match in the 401(k) if enrolled.
4. For employees participating in the ORP, employer contributions will be paid at 9% of compensation and the mandatory employee contribution will be 5%. Employees will also be auto-enrolled into the 401(k) plan at a contribution rate of 2%. The employee may opt out of the auto-enrolled 401(k) within 30 days of notification of enrollment from the 401(k) vendor. The employee may also change the 401(k) contribution amount at any time, including discontinuing (or opting out) of contributing to the 401(k). Employees shall receive up to a \$50 per month match in the 401(k) if enrolled.

Annual limit

For employees hired after July 1, 1996, the annual limit for employer contributions to either retirement program (TCRS or ORP) made on behalf of employees will be subject to applicable

federal and state limits. Additionally, for employees participating in the ORP, there is also an annual aggregate contribution limit for contributions to the ORP and all other tax deferred programs. This limit is defined on an annual basis by the IRS.

V. Transfers

Transfers from the TCRS to the ORP

1. Effective April 4, 2001, TCA § 8-35-403 was amended to permit an employee who is eligible to participate in the ORP but who elected to participate in the TCRS to transfer membership from the TCRS to the ORP. The change will be effective the first day of the month following thirty (30) days written notice to TCRS and the employee's institution.
2. Any employee who elects to transfer funds in the ORP must execute the Election to Transfer Funds from TCRS to ORP form at least 30 days prior to the payroll date in which the change is to be effective.
3. Employees hired on or after July 1, 1981 through June 30, 2014 are non-contributory members. Contributions made by the employer are not transferable. Employees executing this action will transfer membership only since all contributions were made by the employer.
4. Employees hired prior to July 1, 1981 (when contributions to the TCRS were paid jointly by the institution and the employee) will transfer all employee contributions to the TCRS plus that portion of the employer's contribution made on behalf of the employee after July 1, 1981, plus any accrued interest are fully transferable to the ORP. Only contributions made by the employee (through payroll deduction) or contributions made by the employer on behalf of the employee under the non-contributory plan are transferable. Such transfer of contributions constitutes a termination of membership in TCRS and a waiver of all rights and benefits under TCRS.
5. Employees hired after July 1, 2014 (when contributions to the TCRS are paid jointly by the institution and the employee) will transfer all employee contributions made to the TCRS. Contributions made by the employer are not transferable.
6. Employees reclassified from a non-exempt to an exempt position may redirect contributions from the TCRS to the ORP.

- Employees with a hire date after July 1, 1981 through June 30, 2014 will transfer membership only. Employer contributions are non-transferable.
- Employees with a hire date prior to July 1, 1981 or after July 1, 2014 will transfer all employee contributions plus any accrued interest to the ORP. Employer contributions are non-transferable.

Transfers from the ORP to the TCRS

1. Employees hired prior to January 1, 2005 were given a one-time opportunity to transfer membership from the ORP to the TCRS.
2. ORP members (hired after January 1, 2005) with five (5) years of full-time equivalent creditable service have a one-time transfer option to change from ORP to TCRS. The cost to change is an actuarially determined contributions percentage plus 7.5%.
3. This election to transfer from the ORP to the TCRS must be made and filed not later than the end of the calendar year following the year that five (5) years of service is achieved.

Transfers within the ORP

1. Employees who participate in the ORP may direct employer contributions made on their behalf to one or more of the vendors designated to provide annuity contracts under the State of Tennessee ORP.
2. Once funds are on deposit with a designated company, the participant may move those funds among the different investment accounts within the ORP vendor. The participant may authorize such internal transfers by telephone or via the vendor's website.

Vesting

1. Five years of full-time equivalent retirement creditable service must be accrued to be eligible for regular or ordinary disability retirement under the TCRS. No specific amount of creditable service is required for accidental disability under these plans.
2. ORP benefits are vested immediately, and lifetime distributions may be started at any time after separation, subject to IRS regulations.

Breaks in Service:

1. Returning employees with an original hire date prior to July 1, 2014 have the following options available:
 - Employees vested in the Legacy Plan (non-contributory) with a break in service may return to the Legacy Plan upon re-employment.
 - Employees not vested in the Legacy Plan (non-contributory) with a break in service of less than seven (7) years may return to the Legacy Plan upon re-employment.
 - Employees not vested in the Legacy Plan (non-contributory) with a break in service of seven (7) or more years must enroll in the Hybrid Plan (contributory).

Eligibility to Retire

Employees hired on or before June 30, 2014 and enrolled in the TCRS or the ORP Legacy Plan

1. For employees participating in the TCRS, the following apply:
 - Service retirement – Age 60 and vested or 30 years of service
 - Early retirement – Age 55 and vested or 25 years of service
2. For employees participating in the ORP, the following applies:
 - Benefits are vested immediately and lifetime distributions may be started at any time after separation from service, subject to IRS regulations

Employees hired on or after July 1, 2014 and enrolled in the TCRS or ORP Hybrid Plan

1. For employees participating in the TCRS, the following apply:
 - Service retirement – Age 65 and vested or Rule of 90 (age and service years total 90)
 - Early retirement – Age 55 and vested
2. For employees participating in the ORP, the following applies:
 - Benefits are vested immediately and lifetime distributions may be started at any time after separation from service, subject to IRS regulations
3. There is no mandatory retirement age for employees. The effective date of retirement for all employees, including faculty, is usually the day following the last day in an active pay status. Retirement dates for persons with academic year appointments will be generally December 31,

May 31, June 30, or July 31; generally flex-year appointments end July 31. For persons teaching summer school, retirement will be delayed until the end of the month following completion of the assigned summer term.

Separation from Service Prior to Retirement

TCRS

1. For TCRS members who separate from service prior to retirement, the following options are available:
 - a. Employees who separate and accept employment at another state agency shall have membership and contributions continued at the new agency.
 - b. Employees who have achieved vested service may leave funds intact until a benefit is requested at retirement.
 - c. Employees, upon separation from service, may apply for a refund of their accumulated employee contributions and interest. Employer contributions to the defined benefit portion of the Hybrid Plan are not refundable. By obtaining a refund, he or she gives up TCRS membership and all rights and benefits in the retirement system.

ORP

1. For ORP members who separate from service prior to retirement, the following apply:
 1. Employees who separate and accept employment at another participating institution may choose to have membership and contributions continued at the new institution.
 2. All funds contributed by the institution and funds contributed by the employee prior to July 1, 1981 and after July 1, 2014, remain intact and continue to accrue interest and dividends until retirement. An exception may apply for employees who have separated from service and have a de minimis amount less than \$15,000 in total accumulations in the ORP. Depending upon ORP company regulations, such employees may be eligible for a lump sum distribution, a rollover to an Individual Retirement Account, or a rollover to another qualified retirement plan as specified in section 401(a) of the Internal Revenue Code. Verification of an aggregate current balance of less than fifteen thousand dollars (\$15,000) (for de minimis distributions) shall be provided by the participant in the form of current quarterly statement(s). Both forms must be returned to the vendor(s) in order for the lump sum distribution to be processed.

3. If a participant has separated from service and is receiving social security disability benefits from the social security administration due to the participant's disability, the participant may, upon his/her written request receive a lump sum distribution from the participant's account(s) each year. The following shall apply:
 - The aggregate total of each annual distribution from all of the participant's accounts shall not exceed twenty-five thousand dollars (\$25,000).
 - Each annual distribution shall be made in any manner permitted by the vendor(s) holding the accounts but only upon receipt by the institution of documentation confirming the participant's continued receipt of social security disability benefits. Once the participant attains the age requirement for receipt of old age and survivors benefits under Title II of the Federal Social Security Act, the participant shall no longer be required to provide such documentation in order to receive an annual distribution.
4. Distribution of contributions shall require the completion of forms for the participant's vendor(s).
5. Verification of contributions and separation from service information shall be provided by the last employer.

Re-employment of Retirees

1. Re-employment of retirees who are receiving retirement benefits from the TCRS or the ORP is monitored through the State Retirement System. Retirees must have a break in service for a minimum of sixty (60) days, unless an exception has been applied for and approved. All re-employed retirees must participate in Social Security.
2. When a retiree is re-employed, he/she will be required to complete the appropriate form. TCRS retirees must complete the Temporary Employment Report form and the institution shall submit the form to the TCRS. ORP retirees must complete the Optional Retirement Program (ORP) Part-time Re-employment Certification/Waiver form for the institution's files. New forms for re-employed TCRS and ORP retirees must be completed for each 12-month period and certify the following requirements have been met:

- Retirees may be re-employed without a loss of retirement income up to but no longer than 120 working days or the equivalent (900 hours) within the 12-month period immediately following the date of re-employment.
 - Retirees may be re-employed as a teacher without a loss of retirement income for a maximum of 18 semester hours (24 quarter hours), providing the total salary paid to any such retiree for teaching during the 12-month period does not exceed his or her pro rata share of the average salary being paid at the institution for the academic discipline concerned.
 - A disability retiree may return to work for any state employer without loss of retirement benefits provided he or she does not earn more than the substantial gainful activity amount determined each calendar year by Social Security in the 12-month period from the date of re-employment and does not exceed 120 working days or the equivalent (900 hours).
 - The entire compensation payable to the retiree for such work is not more than 60 percent of the annual full-time salary received by the member in the year immediately prior to retirement. This limit on salary increases by 5 percent for each year since the member's retirement.
3. *Temporary Employment.* Retirees are generally re-employed as temporary employees and are limited to 900 hours of work in a 12-month period.
4. *Regular Full-time Employment.* Retirees who are re-employed with an expected duration of 12-months or more must participate in retirement and must agree to waive any retirement benefits received from a State of Tennessee supported retirement plan during the period of regular employment.
5. *Regular Part-time Employment.* Retirees who are re-employed as regular part-time have the option to participate in a retirement plan. If the part-time employee chooses to participate in a retirement plan, any retirement benefits from a State of Tennessee supported plan must be waived during the period of regular employment.

Sources

TBR Meetings, March 4, 1977; June 26, 1981; March 19, 1982; September 30, 1983; December 14, 1984; June 26, 1992; December 9, 1994; March 15, 2002; March 18, 2005

(a) The provisions of this policy under which regular full-time executive administrative, and professional employees are eligible to participate in the optional retirement program became effective on July 1, 1983.

(b) Regular part-time employees became eligible for retirement system membership on July 1, 1984.

(c) On July 1, 1992, two additional companies were added in the optional retirement program. A total of three companies became available in the ORP.

Contact

Mickey Sheen

615-366-4437

mickey.sheen@tbr.edu

PRESIDENTS QUARTERLY MEETING

DIRECTORS QUARTERLY MEETING

February 11-12, 2015

DATE: Presidents Meeting (February 11, 2015)
Directors Meeting (February 12, 2015)

AGENDA ITEM: TBR Policy 5:01:03:00 – Retirement Plans

ACTION: Requires Vote

PRESENTER: Dale Sims, Vice Chancellor Business and Finance

BACKGROUND INFORMATION:

The major proposed changes to the Retirement Policy include: the addition of the return to employment provisions for retirees and updating language related to IRS and salary limits.

Retirement: 5:01:03:00

Policy/Guideline Area

Personnel Policies

Applicable Divisions

TCATs, Community Colleges, Universities, System Office

Purpose

The purpose of this policy is to set the standards for a consistent process and treatment of employees regarding retirement across the TBR system.

Policy/Guideline

I. Retirement Policy

- A. Except as otherwise provided herein, all regular full-time employees of the Tennessee Board of Regents and of institutions governed by the Tennessee Board of Regents shall be members of a state-supported retirement system, subject to the eligibility provisions of T.C.A. § 8-35-101 et seq.
- B. Regular part-time employees are eligible to become members of a state-supported retirement system, but such membership is not mandatory.
- C. Pursuant to T.C.A. § 8-35-403 et seq., any individual who is exempt from the Fair Labor Standards Act and who is employed in a state-sponsored institution of higher education may elect either membership in the retirement system or participation in the optional retirement program. Therefore, all Rregular academic, executive, administrative, and professional employees of the Board and institutions shall have the option of becoming members of either the Tennessee Consolidated Retirement System (TCRS) or ~~the Board of Regents the~~

Optional Retirement Program (ORP), pursuant to T.C.A. § 8-35-101 et seq., and policies and guidelines of the Board.

1. Employees who are members of the Tennessee Consolidated Retirement System TCRS are eligible to retire upon attainment of appropriate age age sixty (60) or upon completion of thirty (30) and years of creditable service, or a combination thereof.
 2. Employees who are members of the optional retirement program ORP may retire at any time permissible under the provisions of the annuity contracts purchased from the designated carrier of the program time after separation from service, subject to IRS regulations.
- D. Any person who has served as the president of an institution under the Board of Regents for a period of not less than ten (10) years and has attained the age of sixty (60) while being employed by the Board may, upon approval of the Board, be retired as President Emeritus of the institution where he/she served a minimum of ten (10) years.
1. For presidents hired after September 1, 2002, this will be an honorary title earned through service with no material benefit other than the honor associated with its granting.
 2. Only for presidents hired prior to September 2002, an annual salary of twenty percent (20%) of his/her last year's salary, exclusive of perquisites, may be paid monthly from institution appropriations subject to the terms and conditions of T.C.A. § 8-36-714.
- E. For either retirement system (TCRS or ORP), the annual limit to employer contributions made on behalf of employees employed after July 1, 1996 is \$210,000 hired after July 1, 1996 will be subject to applicable federal and state limits. There is no contribution limit for employees hired before July 1, 1996.
- F. For employees enrolled in the ORP, there is also an annual aggregate contribution limit for contributions to the ORP and 401(k). This limit is defined on an annual basis. There is no contribution limit for employees employed before July 1, 1996.
- G. Temporary Employment. Any retired member of TCRS (except those receiving a disability retirement allowance) or ORP (except those who have never taken a withdrawal or

Formatted: Indent: Left: 0.27"

distribution from his/her account) may return to service in a position covered by this system and continue to draw his/her retirement allowance under the following conditions:

1. The retiree must have a break in service for a minimum of sixty (60) days, unless an exception has been applied for and approved
2. Retirees employed as teachers by an institution of higher education are limited to 24 quarter hours or 18 semester credit hours.
3. The entire compensation payable to the retiree for such work should not be more than 60 percent of the annual full-time salary received by the member in the year immediately prior to retirement. This limit on salary increases by 5 percent for each year since the member's retirement.

Formatted: Indent: Left: 0.53"

F. When a retiree begins temporary employment, he/she will be required to complete the appropriate form. TCRS retirees must complete the *Temporary Employment form* and the institution shall submit the form to the TCRS. The TCRS must be notified by letter when the retiree's temporary employment reaches the 120 day limit and/or when employment is terminated to avoid possible overpayment or suspension of the monthly benefit. ORP retirees must complete the *Optional Retirement Program (ORP) Part-time Reemployment Certification/Waiver form* for the institution's files. New forms for TCRS and ORP retirees must be completed for each 12-month period.

Formatted: Indent: Left: 0.25"

Formatted: Font: Italic

Formatted: Font: (Default) Arial, 10.5 pt, Not Bold, Italic, Font color: Custom Color(52,64,81)

Formatted: Font: (Default) Arial, 10.5 pt, Not Bold, Italic, Font color: Custom Color(52,64,81)

Formatted: Font: (Default) Arial, 10.5 pt, Not Bold, Font color: Custom Color(52,64,81)

4. Additionally, for employees enrolled in the ORP, there is also an annual aggregate contribution limit for contributions to the ORP and 401(k). This limit is defined on an annual basis.

Sources

TBR Meetings, September 24, 1976; September 29, 1978; June 29, 1979; June 26, 1981; March 19, 1982; September 30, 1983; December 14, 1984; March 20, 1987; December 13, 1991; June 25, 1993; September 20, 2002; March 30, 2006;

Note:

(a) The provisions of this policy which constituted amendments or revisions adopted on September 29, 1978, became effective on January 1, 1979.

(b) The provisions of this policy which constituted amendments or revisions adopted on June 26, 1981, became effective on July 1, 1981.

(c) The provisions of this policy under which regular full-time executive, administrative, and professional employees are eligible to participate in the optional retirement program became effective on July 1, 1983.

(d) Regular part-time employees became eligible for retirement system membership on July 1, 1984.

Contact

Mickey Sheen

615-366-4437

mickey.sheen@tbr.edu

Retirement: 5:01:03:00

Policy/Guideline Area

Personnel Policies

Applicable Divisions

TCATs, Community Colleges, Universities, System Office

Purpose

The purpose of this policy is to set the standards for a consistent process and treatment of employees regarding retirement across the TBR system.

Policy/Guideline

- I. Retirement Policy
 - A. Except as otherwise provided herein, all regular full-time employees of the Tennessee Board of Regents and of institutions governed by the Tennessee Board of Regents shall be members of a state-supported retirement system, subject to the eligibility provisions of T.C.A. § 8-35-101 et seq.
 - B. Regular part-time employees are eligible to become members of a state-supported retirement system, but such membership is not mandatory.
 - C. Pursuant to T.C.A. § 8-35-403 et seq., any individual who is exempt from the Fair Labor Standards Act and who is employed in a state-sponsored institution of higher education may elect either membership in the retirement system or participation in the optional retirement program. Therefore, all regular academic, executive, administrative, and professional employees of the Board and institutions shall have the option of becoming members of either the Tennessee Consolidated Retirement System (TCRS) or the Optional Retirement Program (ORP).

1. Employees who are members of the TCRS are eligible to retire upon attainment of appropriate age and years of creditable service, or a combination thereof.
 2. Employees who are members of the ORP may retire at any time after separation from service, subject to IRS regulations.
- D. Any person who has served as the president of an institution under the Board of Regents for a period of not less than ten (10) years and has attained the age of sixty (60) while being employed by the Board may, upon approval of the Board, be retired as President Emeritus of the institution where he/she served a minimum of ten (10) years.
1. For presidents hired after September 1, 2002, this will be an honorary title earned through service with no material benefit other than the honor associated with its granting.
 2. Only for presidents hired prior to September 2002, an annual salary of twenty percent (20%) of his/her last year's salary, exclusive of perquisites, may be paid monthly from institution appropriations subject to the terms and conditions of T.C.A. § 8-36-714.
- E. For either retirement system (TCRS or ORP), the annual limit to employer contributions made on behalf of employees hired after July 1, 1996 will be subject to applicable federal and state limits. There is no contribution limit for employees hired before July 1, 1996.
- F. For employees enrolled in the ORP, there is also an annual aggregate contribution limit for contributions to the ORP and 401(k). This limit is defined on an annual basis.
- G. Temporary Employment. Any retired member of TCRS (except those receiving a disability retirement allowance) or ORP (except those who have never taken a withdrawal or distribution from his/her account) may return to service in a position covered by this system and continue to draw his/her retirement allowance under the following conditions:
1. The retiree must have a break in service for a minimum of sixty (60) days, unless an exception has been applied for and approved
 2. Retirees employed as teachers by an institution of higher education are limited to 24 quarter hours or 18 semester credit hours.

3. The entire compensation payable to the retiree for such work should not be more than 60 percent of the annual full-time salary received by the member in the year immediately prior to retirement. This limit on salary increases by 5 percent for each year since the member's retirement.

When a retiree begins temporary employment, he/she will be required to complete the appropriate form. TCRS retirees must complete the *Temporary Employment* form and the institution shall submit the form to the TCRS. The TCRS must be notified by letter when the retiree's temporary employment reaches the 120 day limit and/or when employment is terminated to avoid possible overpayment or suspension of the monthly benefit. ORP retirees must complete the *Optional Retirement Program (ORP) Part-time Reemployment Certification/Waiver* form for the institution's files. New forms for TCRS and ORP retirees must be completed for each 12-month

period. Sources

TBR Meetings, September 24, 1976; September 29, 1978; June 29, 1979; June 26, 1981; March 19, 1982; September 30, 1983; December 14, 1984; March 20, 1987; December 13, 1991; June 25, 1993; September 20, 2002; March 30, 2006;

Note:

(a) The provisions of this policy which constituted amendments or revisions adopted on September 29, 1978, became effective on January 1, 1979.

(b) The provisions of this policy which constituted amendments or revisions adopted on June 26, 1981, became effective on July 1, 1981.

(c) The provisions of this policy under which regular full-time executive, administrative, and professional employees are eligible to participate in the optional retirement program became effective on July 1, 1983.

(d) Regular part-time employees became eligible for retirement system membership on July 1, 1984.

Contact

Mickey Sheen

615-366-4437

mickey.sheen@tbr.edu

PRESIDENTS QUARTERLY MEETING

DIRECTORS QUARTERLY MEETING

February 11-12, 2015

DATE: Presidents Meeting (February 11, 2015)
Directors Meeting (February 12, 2015)

AGENDA ITEM: Approval of Academic Programs, Units, and Modifications Policy
2:01:01:00/Guideline A-010 Program Modifications and New Academic
Programs

ACTION: Voice Vote

PRESENTER: Vice Chancellor Tristan Denley

BACKGROUND INFORMATION:

Vice Chancellor Denley will present an update on the proposed revisions to the Approval of Academic Programs, Units, and Modifications Policy 2:01:10:00/Guideline A-010 Program Modifications and New Academic Programs. The proposed modifications are being made to coincide with the revised Tennessee Higher Education Commission (THEC) Policy A.1.0. New Academic Programs: Approval Process and THEC Policy A1.1. New and Modified Academic Programs: Evaluation Criteria.

These policies and guidelines promote a streamlined approval process for both Existing academic programs and those in development through the THEC approval process and are endorsed for adoption by the TBR and proposed to the UT System as well.

Approval of Academic Programs, Units, and ~~Modifications~~:Modifications: 2:01:01:00

TOPICS

- **Topics**(active tab)
- **Topics A-Z**

Topics

- Purpose
- Introduction
- Process
- Procedures
- General Criteria for Reviewing Academic Letters of ~~Notification, Intent and~~ Letters of Application, Proposals and Implementation Portfolios
- Sources of Specific Criteria

Topics A-Z

- Exhibits
- General Criteria for Reviewing Academic Letters of ~~Notification, Intent and Proposals~~ Letters of Application, and Implementation Portfolios
- Introduction
- Procedures
- Process
- Purpose
- Sources of Specific Criteria

Policy/Guideline Area

Academic Policies

Applicable Divisions

TCATs, Community Colleges, Universities

Purpose

The purpose of this policy is to establish the procedures and processes for the submission and approval of academic action requests for academic programs seeking to be developed and existing programs~~program proposals~~ for institutions governed by the Tennessee Board of Regents.

Policy/Guideline

I. Introduction

A. T.C.A. § 49-8-101 et seq. authorized the establishment of the State University and Community College System of Tennessee. Among the powers given to the Tennessee Board of Regents (TBR) by this Act is the power "to prescribe curricula and requirements for diplomas and degrees."

B. Institutions have the authority to create new courses, ~~However, if the development cost of a fully online course exceeds \$9,500 for the course, then justification must be submitted to the TBR Office of Academic Affairs for approval. Institutions have the authority to~~ terminate existing courses, determine course content or design, and carry out curriculum revisions less extensive than those the Board has reserved to itself or otherwise delegated. Courses approved within the Tennessee Transfer Pathways and approved General Education Requirements may not be amended without approval of the respective state committees. The Tennessee Higher Education Commission (THEC) must review and approve new academic programs, off-campus extensions of existing academic programs, new academic units (divisions, colleges, and schools), and new instructional locations as specified in THEC Policy No. A1:0: New Academic Programs - Approval Process, Attachment B (A1.0), and A1:1: New Academic Programs. These THEC policies should serve as a resource for the development of all Letters of Application and Implementation Portfolios.~~academic proposals.~~

~~B.C.~~ Institutions are encouraged to collaborate rather than duplicate existing academic programs.

~~C.D.~~ Prior to developing a proposal, A Letters of Notification Intent ~~is~~ are required from all TBR ~~universities and community colleges institutions~~ for new degree programs or certificates with 24 semester credit hours (SCH) or more and must be submitted to the Vice Chancellor for Academic Affairs, and to the Vice Chancellor for Community Colleges for community college programs. Within thirty days of receipt, the institution will be notified if they are authorized to develop a Letter of Application for the development of a new degree program.

~~E.~~ The THEC delegates authority to the TBR to approve Letters of ~~Application Intent~~ and to grant final approval ~~for of~~ new community college programs (Associates Degrees and Certificates)

~~D.F.~~ The TBR criteria for review and accountability ~~for all academic programs regardless of institutional level~~ will follow the THEC standards established by the THEC Policies A1:0: New Academic Programs - Approval Process, and A1:1: New Academic Programs. All TBR community college programs listed on the THEC Inventory of Academic Programs will be subject to Post Approval Monitoring for the first three years after implementation and annual productivity evaluations of programs in operation more than three years. Universities are monitored for five year after implementation with annual productivity evaluations. -Universities and cCommunity colleges will participate in all components of the THEC Performance Funding Quality Assurance Program.

II. Process

A. Academic ~~Actions~~ Proposals That Must Be Taken to the Board

1. Beyond those delegated responsibilities, the Board reserves to itself the authority to review and approve all proposed academic actions pertaining to the establishment of new high quality academic degree programs.

B. Academic ~~Actions~~ Proposals Approved by the Board through Delegated Authority

1. With the exception of new degree programs at all institutions, ~~proposals for~~ certificates of less than 24 hours and other academic actions may be approved by the Board through delegated authority to the Chancellor.

2. Summaries of these ~~proposed academic actions proposals~~ will be reported monthly or as needed, to the Board, with a 30-day period for Board review.
3. Board members may contact the Vice Chancellor for Academic Affairs with questions or concerns, regarding university ~~academic actions proposals~~, or the Vice Chancellor for Community Colleges with questions or concerns regarding community college ~~academic actions proposals~~, and if desired, can require that the ~~action proposal~~ be brought before the full Board at its next quarterly meeting.
4. Institutions shall provide, to the Vice Chancellor for Academic Affairs all university ~~and community college requests proposals for academic action~~ related to the following, and to the Vice ~~C~~hancellor for Community Colleges all community college ~~requests proposals for academic action~~ related to the following:
 - a. Establishment of any college credit-bearing Certificate which is listed in the academic inventory or that will be included in the institution's Catalog or other recruitment materials and activities. There are four types of certificates listed on the official Academic Program Inventory: 1) Academic, 2) Technical, 3) Undergraduate, and 4) Graduate. ~~The term - A Certificate which is not college credit-bearing, i.e., an "institutional certificate" refers to only certificates awarding continuing education credit, may be accepted for college credit if it meets the requirements established through the institution's prior learning assessment standards. - If college credit is to be awarded and promoted as a certificate, the program of study is subject to Board approval. A Certificate which is not college credit-bearing may be accepted for college credit if it meets the requirements established through the institution's prior learning assessment standards. There are four types of certificates listed on the official Academic Program Inventory: 1) Academic, 2) Technical, 3) Undergraduate, and 4) Graduate.~~ A certificate can be free-standing or embedded within a degree program. An embedded certificate ~~must fully articulate with a degree and require~~ requires the approval of the program of study by the Board. It must fully articulate with a degree

~~and There~~ should ~~have be~~ no new or no more than minimal costs required to implement ~~an embedded certificate~~.

- b. Establishment of new concentrations or minors within an existing academic program.
- c. Establishment of new academic units such as colleges, schools, departments, institutes, centers within existing academic units, bureaus, etc., (see TBR Guideline A-040, and THEC Policy A1:3, New Units and A1:4, Off-Campus Instruction).
- d. Revision of any admission, retention, or graduation policy (both institutional and program specific).
- e. Substantive revision of the curriculum of an existing academic program. (Substantive refers to changes impacting 9 or more semester credit hours at the community college level, 18 or more semester credit hours at the undergraduate level, 9 or more semester credit hours at the graduate level, and 50% or more of the semester credit hours in a certificate program, from the last submission to the Board, and includes course rubrics, titles, descriptions, or content).
- ~~f.~~ Consolidation of existing academic programs within the same discipline regardless of degree designation for purposes of performance funding calculations only.
- ~~f.g.~~ Consolidation of existing academic programs for purposes of performance funding calculations only.
- ~~g.h.~~ Extension of an existing academic degree program in totality to an off-campus site.
- ~~h.~~ Termination, inactivation or ~~termination of~~ reactivation of academic programs listed in the academic inventory.
- ~~4.i.~~ An inactivated program is automatically terminated and removed from the THEC inventory if not reactivated within a three year window after inactivation. Inactivation should be used only when there are plans to reactivate the program within three years. If not reactivated during that period, the program will automatically terminate.
- ~~i.j.~~ Curriculum modifications including but not limited to a student success course that increase required hours for a degree to more than 60 for the associate degree and 120 for the baccalaureate degree, or more than the previously approved exceptions.

Also, curriculum modifications that increase or decrease credit hours from what was previously approved for a certificate or increases or decreases an existing graduate program in excess of 6 credit hours must be submitted for Board approval.

k. Conversion of an existing ~~Current approved~~ on-ground programs to a fully online delivery format (with or without termination of the existing ground program) ~~that will be converted to a fully online delivery format.~~

l. Separation of a concentration from an existing program to establish a free standing degree. Any concentration with a steady enrollment and graduation rate for at least three years may request to become a freestanding degree if the establishment of the concentration as a degree does not compromise the remaining degree and does not require new faculty resources.

m. Separation of a concentration from an existing program to establish a free standing degree where the title of the concentration more accurately represents a degree recognized in the workplace, In this instance, the proposed degree seeks to be counted within the overall original degree rather than as an independent degree for performance funding calculations.

n. Change of degree designation. Existing academic programs seeking to change or add additional degree designations per recommendation of the disciplinary accreditation body.

o. Establishment of an articulation agreement between institutions

†

C. Academic Actions~~Proposals~~ Requiring Only Notification to Vice Chancellor

1. Changes to existing academic programs not listed in the previous section, that require no new costs or minimal costs that the campus will fund through reallocation of existing resources or through sources such as grants and gifts, may be approved through an established process by the institution.

2. The Vice Chancellor for Academic Affairs must be informed of such changes impacting university ~~and community college~~ programs; and the Vice Chancellor for Community Colleges must be informed of such changes impacting community college programs prior to implementation and may refer the request for academic proposal action for Board approval if deemed appropriate due to costs or other potential concerns.

3. Such action includes, but is not limited to, ~~the establishment of new minors and~~ changes such as the modification of the title of an academic program or unit.

~~4. Minors are typically developed by packaging existing courses and do not usually require new resources or additional costs.~~

~~5.4.~~ Non-substantive curriculum revisions may be approved through the established institutional process and do not require notification or Board approval

~~D.~~ Additional Actions Requiring Review by THEC.

The THEC review and approval of off-campus extensions of existing academic programs is handled through the request for a code, i.e., site or center, and requires that submission of

~~4.~~ the appropriate form(s) available on the TBR and THEC websites.

III. Procedures

A. Institutions wishing to effect academic changes that fall into any of the above categories will, therefore, comply with the following procedures as well as those contained in TBR Guideline A-010 and found on the TBR Academic Affairs website.

1. Approval Route of Requests for Academic Action~~Proposals~~

a. Requests~~Proposals from from~~ TBR universities for academic actions that require approval by the Board of Regents shall be submitted to the Vice Chancellor for Academic Affairs for review and approval by the Board. Requests~~Proposals~~ from TBR community colleges for academic actions that require approval by the Board of Regents shall be submitted to the Vice Chancellor for Community Colleges for review and approval by the Board.

- b. Subsequent to Board action, the Chancellor shall transmit to the Tennessee Higher Education Commission those academic action requests~~proposals~~ that require its approval along with the Board's recommendation.
2. Schedule for the Submission and Approval of Academic Actions~~Proposals~~
 - a. The Board will consider academic actions on a monthly basis through the Thirty Day review process. New academic degree programs will be considered ~~proposals~~ at each of its quarterly meetings.
 - b. All materials, whether for the 30 Day Review or Implementation Portfolios for new degrees~~Proposals must, however, must~~ be submitted sufficiently in advance to permit adequate review by the staff.
 - c. Implementation Portfolios must be submitted at least two months before the desired Board approval. The time required for this review will vary according to the nature of the proposal, the number of proposals already under review, or other workload issues of the TBR staff.
 3. Review by and Selection of Consultants
 - a. The TBR staff will~~may~~ engage qualified consultants to assist in the review of all Letters of Application ~~proposals~~ for new degree programs as deemed appropriate by the Vice Chancellor for Academic Affairs for both graduate and undergraduate at the universities. All graduate proposed graduate ~~programs~~ programs must utilize external consultants in the external review process. Undergraduate programs may elect to utilize a paper review rather than and external site visit at the recommendation of the TBR and the THEC and are exempt from the external review if the program proposed in the Letter of Application is to be accredited by an external professional accrediting body. Community colleges will utilize their external advisory or industrial board or skills panel in the review process.~~The Vice Chancellor for Community Colleges may engage qualified consultants as needed for associate degree or certificate programs.~~

- b. Consultants will file a written report on the quality of the Letter of Application and Implementation Portfolio ~~proposed program~~ and respond to any other relevant questions or issues addressed to them by the TBR.
- c. Letters of Application ~~Academic proposals~~ and Implementation Portfolios must also comply with THEC policy A1:0 and A1:1. A site visit is required for new graduate degree programs.
- d. While it is the responsibility of the institution to nominate and support such consultants, the selection will be made by the TBR staff and the Vice Chancellor for Academic Affairs or the Vice Chancellor for Community Colleges, as appropriate, in consultation with the THEC.
- e. All costs associated with an external review are the responsibility of the institution submitting the Letter of Application and Implementation Portfolio ~~proposal~~.
- e.f. A Letter of Application remains valid for three years upon approval by the THEC. If an institution fails to implement a proposed program approved through an approved Implementation Portfolio within three years of the date the proposed program is approved by the THEC, the approval for implementation is terminated. The institution must resubmit through the entire approval process should implementation of the program be sought at a later date.

IV. General Criteria for Reviewing Academic Letters of Notification, Intent and Proposals Letter of Application, and Implementation Portfolios

A. Requirements for Letters of Application are provided in the TBR Guideline A-010: Academic Program Letters of Notification, Letters of Application, and Implementation Portfolios. Forms are provided on the Academic Affairs website to aid in the development of a Letter of Application and Implementation Portfolio.

~~A.—B. Requirements are amended as need be to meet the demands of the workplace. A summary of the major criteria used by the TBR staff in evaluating academic proposals is presented below.~~

B.—— Specific requirements for letters of Intent are provided in the TBR Guideline A-010: Academic Program Letters of Intent and Proposals.

1.—— The proposed action is central to the mission, role, and scope of the institution.

2.—— The need for the proposed program is supported by data documenting student interest, employer demand, societal needs, and administrative effectiveness.

3.—— The proposed action does not constitute unnecessary duplication of academic programs available at other public institutions. Partnerships or collaborations should be considered whenever needs might be met with greater efficiency.

4.—— The proposal must establish quality admission, retention and graduation standards in keeping with best practices.

5.—— The curriculum of the proposed program must meet the stated objectives of the program and reflects breadth, depth, theory and practice at the appropriate level to the discipline and the degree. Undergraduate curriculum must ensure General Education core requirement commonality. The curriculum should be compatible with accreditation where applicable, and meet the criteria for articulation and transfer (where appropriate) of 19-hour pre-major paths.

6.—— The proposal documents the institution's ability to implement the proposed action in terms of:

a.—— fiscal resources,

b.—— advisement, library and other support resources,

c.—— physical facilities, and

d.—— qualified personnel.

7.—— The proposal includes information about appropriate articulation and/or affiliations.

~~8. The proposal includes information about the delivery format.~~

~~9. The proposed program must clearly state the organizational structure and administrative responsibilities associated with its operation.~~

~~10. Proposals pertaining to academic programs should include a description of procedures for regular post-approval evaluation of the programs and units, including evaluation of the program's enrollment and productivity, and how the results will be used to enhance program quality.~~

~~11. Proposals include information related to accreditation, both SACS and professional, and when applicable, provide a time frame for achieving the appropriate accreditation.~~

~~12. Proposals also include a statement as to how the program will enhance racial diversity.~~

~~13. Proposals include curriculum vita for all faculty engaged in program delivery.~~

~~14. A sequenced program of study by semester must be included.~~

~~15. In the case of interdisciplinary or joint programs or when faculty are committed to teach in graduate multiple programs, a matrix of faculty time allocations to each program must be provided.~~

~~16. Syllabi for all courses to be included in the proposed program must be included at the time of full proposal submission.~~

~~17. If proposing a program which duplicates a program at another institution within the System, the letter of intent and proposal should include a cross-walk comparative of the curriculum.~~

V. Sources of Specific Criteria

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

1. TBR Policy No. 2:01:00:00, Undergraduate Degree Requirements
2. TBR Policy No. 2:02:00:00, Associate Degree Programs

3. TBR Policy No. 2:01:00:03, Principles for Articulation in Vocational/Technical Education
4. TBR Guideline No. A-010, Academic Program [Letters of Notification, Letters of Application, and Implementation Portfolios Proposals](#)
5. TBR Guideline No. A-020, Inter-Institutional Relationships and Off-Campus Affairs
6. TBR Guideline No. A-040, Evaluation of Bureaus, Centers, and Institutes
7. TBR Action (December 1986) endorsing TCGS Criteria as standards for both pre- and post-approved review of Master's programs.
8. THEC Policy No. A1:0, New Program Review Criteria (November 2002)
9. THEC Policy No. A1:1, New Academic Programs (July 28, 2011)
10. THEC Policy A1:3, New Units

Sources

TBR Meeting, December 2, 1988; TBR Meeting, December 13, 2002; TBR Meeting, March 29, 2006; TBR Meeting, December 8, 2006; March 28, 2008; TBR Board Meeting December 2, 2010; TBR Board Meeting December 8, 2011; TBR Meeting March 28, 2014.

Related Policies

- Associate Degree Programs
- Principles for Articulation in Vocational/Technical Education
- Academic Program Letters of [Notification, Intent and Letters of Application Proposals and Implementation Portfolios](#)
- Criteria for the Evaluation of Bureaus, Centers, Institutes
- General Education Requirements and Degree Requirements
- Inter-Institutional Relationships & Off-Campus Offerings

Contact

Mickey Sheen

615-366-4437

mickey.sheen@tbr.edu

Approval of Academic Programs, Units, and Modifications: 2:01:01:00

TOPICS

- **Topics**(active tab)
- **Topics A-Z**

Topics

- Purpose
- Introduction
- Process
- Procedures
- General Criteria for Reviewing Academic Letters of Notification, Letters of Application, and Implementation Portfolios
- Sources of Specific Criteria

Topics A-Z

- Exhibits
- General Criteria for Reviewing Academic Letters of Notification, Letters of Application, and Implementation Portfolios
- Introduction
- Procedures
- Process
- Purpose
- Sources of Specific Criteria

Policy/Guideline Area

Academic Policies

Applicable Divisions

TCATs, Community Colleges, Universities

Purpose

The purpose of this policy is to establish the procedures and processes for the submission and approval of academic action requests for academic programs seeking to be developed and existing programs for institutions governed by the Tennessee Board of Regents.

Policy/Guideline

I. Introduction

- A. T.C.A. § 49-8-101 et seq. authorized the establishment of the State University and Community College System of Tennessee. Among the powers given to the Tennessee Board of Regents (TBR) by this Act is the power "to prescribe curricula and requirements for diplomas and degrees."
- B. Institutions have the authority to create new courses, terminate existing courses, determine course content or design, and carry out curriculum revisions less extensive than those the Board has reserved to itself or otherwise delegated. Courses approved within the Tennessee Transfer Pathways and approved General Education Requirements may not be amended without approval of the respective state committees. The Tennessee Higher Education Commission (THEC) must review and approve new academic programs, off-campus extensions of existing academic programs, new academic units (divisions, colleges, and schools), and new instructional locations as specified in THEC Policy No. A1:0: New Academic Programs - Approval Process, Attachment B (A1.0), and A1:1: New Academic Programs. These THEC policies should serve as a resource for the development of all Letters of Application and Implementation Portfolios..
- C. Institutions are encouraged to collaborate rather than duplicate existing academic programs.
- D. A Letter of Notification is required from all TBR universities and community colleges for new degree programs or certificates with 24 semester credit hours (SCH) or more and must be submitted to the Vice Chancellor for Academic Affairs, and to the Vice Chancellor for Community Colleges for community college programs Within thirty days of receipt, the

institution will be notified if they are authorized to develop a Letter of Application for the development of a new degree program.

- E. The THEC delegates authority to the TBR to approve Letters of Application and to grant final approval for new community college programs (Associates Degrees and Certificates)
- F. The TBR criteria for review and accountability for all academic programs regardless of institutional level will follow the THEC standards established by the THEC Policies A1:0: New Academic Programs - Approval Process, and A1:1: New Academic Programs. All TBR community college programs listed on the THEC Inventory of Academic Programs will be subject to Post Approval Monitoring for the first three years after implementation and annual productivity evaluations of programs in operation more than three years. Universities are monitored for five year after implementation with annual productivity evaluations. Universities and community colleges will participate in all components of the THEC Performance Funding Quality Assurance Program.

II. Process

A. Academic Actions That Must Be Taken to the Board

- 1. Beyond those delegated responsibilities, the Board reserves to itself the authority to review and approve all proposed academic actions pertaining to the establishment of new high quality academic degree programs.

B. Academic Actions Approved by the Board through Delegated Authority

- 1. With the exception of new degree programs at all institutions, certificates of less than 24 hours and other academic actions may be approved by the Board through delegated authority to the Chancellor.
- 2. Summaries of these proposed academic actions will be reported monthly or as needed, to the Board, with a 30-day period for Board review.
- 3. Board members may contact the Vice Chancellor for Academic Affairs with questions or concerns, regarding university academic actions, or the Vice Chancellor for Community Colleges with questions or concerns regarding community college academic actions, and

if desired, can require that the action be brought before the full Board at its next quarterly meeting.

4. Institutions shall provide, to the Vice Chancellor for Academic Affairs all university and community college requests for academic action related to the following, and to the Vice Chancellor for Community Colleges all community college requests for academic action related to the following:
 - a. Establishment of any college credit-bearing Certificate which is listed in the academic inventory or that will be included in the institution's Catalog or other recruitment materials and activities. . There are four types of certificates listed on the official Academic Program Inventory: 1) Academic, 2) Technical, 3) Undergraduate, and 4) Graduate. . A Certificate which is not college credit-bearing, i.e., an "institutional certificate" refers to only certificates awarding continuing education credit, may be accepted for college credit if it meets the requirements established through the institution's prior learning assessment standards A certificate can be free-standing or embedded within a degree program. An embedded certificate requires the approval of the program of study by the Board. It must fully articulate with a degree and should have no new or no more than minimal costs required to implement.
 - b. Establishment of new concentrations or minors within an existing academic program.
 - c. Establishment of new academic units such as colleges, schools, departments, institutes, centers within existing academic units, bureaus, etc., (see TBR Guideline A-040, and THEC Policy A1:3, New Units and A1:4, Off-Campus Instruction).
 - d. Revision of any admission, retention, or graduation policy (both institutional and program specific).
 - e. Substantive revision of the curriculum of an existing academic program. (Substantive refers to changes impacting 9 or more semester credit hours at the community college level, 18 or more semester credit hours at the undergraduate level, 9 or more semester credit hours at the graduate level, and 50% or more of the semester credit

hours in a certificate program, from the last submission to the Board, and includes course rubrics, titles, descriptions, or content).

- f. Consolidation of existing academic programs within the same discipline regardless of degree designation for purposes of performance funding calculations only.
- g. Consolidation of existing academic programs for purposes of performance funding calculations only.
- h. Extension of an existing academic degree program in totality to an off-campus site.
- i. Termination, inactivation or reactivation of academic programs listed in the academic inventory. An inactivated program is automatically terminated and removed from the THEC inventory if not reactivated within a three year window after inactivation.
- j. Curriculum modifications including but not limited to a student success course that increase required hours for a degree to more than 60 for the associate degree and 120 for the baccalaureate degree, or more than the previously approved exceptions. Also, curriculum modifications that increase or decrease credit hours from what was previously approved for a certificate or increases or decreases an existing graduate program in excess of 6 credit hours must be submitted for Board approval.
- k. Conversion of an existing on-ground program to a fully online delivery format (with or without termination of the existing ground program)
- l. Separation of a concentration from an existing program to establish a free standing degree. Any concentration with a steady enrollment and graduation rate for at least three years may request to become a freestanding degree if the establishment of the concentration as a degree does not compromise the remaining degree and does not require new faculty resources.
- m. Separation of a concentration from an existing program to establish a free standing degree where the title of the concentration more accurately represents a degree recognized in the workplace, In this instance, the proposed degree seeks to be counted within the overall original degree rather than as an independent degree for performance funding calculations.

- n. Change of degree designation. Existing academic programs seeking to change or add additional degree designations per recommendation of the disciplinary accreditation body.
- o. Establishment of an articulation agreement between institutions

C. Academic Actions Requiring Only Notification to Vice Chancellor

1. Changes to existing academic programs not listed in the previous section, that require no new costs or minimal costs that the campus will fund through reallocation of existing resources or through sources such as grants and gifts, may be approved through an established process by the institution.
2. The Vice Chancellor for Academic Affairs must be informed of such changes impacting university and community college programs and the Vice Chancellor for Community Colleges must be informed of such changes impacting community college programs prior to implementation and may refer the request for academic action for Board approval if deemed appropriate due to costs or other potential concerns.
3. Such action includes, but is not limited to, changes such as the modification of the title of an academic program or unit.
4. Non-substantive curriculum revisions may be approved through the established institutional process and do not require notification or Board approval

Additional Actions Requiring Review by THEC. The THEC review and approval of off-campus extensions of existing academic programs is handled through the request for a code, i.e., site or center, and requires that submission of the appropriate form(s) available on the TBR and THEC websites.

III. Procedures

- A. Institutions wishing to effect academic changes that fall into any of the above categories will, therefore, comply with the following procedures as well as those contained in TBR Guideline A-010 and found on the TBR Academic Affairs website.
1. Approval Route of Requests for Academic Action
 - a. Requests from TBR universities for academic actions that require approval by the Board of Regents shall be submitted to the Vice Chancellor for Academic Affairs for review and approval by the Board. Requests from TBR community colleges for academic actions that require approval by the Board of Regents shall be submitted to the Vice Chancellor for Community Colleges for review and approval by the Board.
 - b. Subsequent to Board action, the Chancellor shall transmit to the Tennessee Higher Education Commission those academic action requests that require its approval along with the Board's recommendation.
 2. Schedule for the Submission and Approval of Academic Actions
 - a. The Board will consider academic actions on a monthly basis through the Thirty Day review process. New academic degree programs will be considered at each of its quarterly meetings.
 - b. All materials, whether for the 30 Day Review or Implementation Portfolios for new degrees, must be submitted sufficiently in advance to permit adequate review by the staff.
 - c. Implementation Portfolios must be submitted at least two months before the desired Board approval.
 3. Review by and Selection of Consultants
 - a. The TBR staff will engage qualified consultants to assist in the review of all Letters of Application for new degree programs as deemed appropriate by the Vice Chancellor for Academic Affairs for both graduate and undergraduate at the universities. All proposed graduate programs must utilize external consultants in the external review process. Undergraduate programs may elect to utilize a paper review rather than and external site visit at the recommendation of the TBR and the THEC and are exempt

from the external review if the program proposed in the Letter of Application is to be accredited by an external professional accrediting body. Community colleges will utilize their external advisory or industrial board or skills panel in the review process..

- b. Consultants will file a written report on the quality of the Letter of Application and Implementation Portfolio and respond to any other relevant questions or issues addressed to them by the TBR.
- c. Letters of Application and Implementation Portfolios must also comply with THEC policy A1:0 and A1:1. A site visit is required for new graduate degree programs.
- d. While it is the responsibility of the institution to nominate and support such consultants, the selection will be made by the TBR staff and the Vice Chancellor for Academic Affairs or the Vice Chancellor for Community Colleges, as appropriate, in consultation with the THEC.
- e. All costs associated with an external review are the responsibility of the institution submitting the Letter of Application and Implementation Portfolio.
- f. A Letter of Application remains valid for three years upon approval by the THEC. If an institution fails to implement a proposed program approved through an approved Implementation Portfolio within three years of the date the proposed program is approved by the THEC, the approval for implementation is terminated. The institution must resubmit through the entire approval process should implementation of the program be sought at a later date.

IV. General Criteria for Reviewing Academic Letters of Notification, Letter of Application, and Implementation Portfolios

- A. Requirements for Letters of Application are provided in the TBR Guideline A-010: Academic Program Letters of Notification, Letters of Application, and Implementation Portfolios. Forms are provided on the Academic Affairs website to aid in the development of a Letter of Application and Implementation Portfolio.

- B. Requirements are amended as need be to meet the demands of the workplace.

V. Sources of Specific Criteria

A. Listed below are illustrative sources of specific criteria that serve as bases for staff decisions relative to academic actions.

1. TBR Policy No. 2:01:00:00, Undergraduate Degree Requirements
2. TBR Policy No. 2:02:00:00, Associate Degree Programs
3. TBR Policy No. 2:01:00:03, Principles for Articulation in Vocational/Technical Education
4. TBR Guideline No. A-010, Academic Program Letters of Notification, Letters of Application, and Implementation Portfolios
5. TBR Guideline No. A-020, Inter-Institutional Relationships and Off-Campus Affairs
6. TBR Guideline No. A-040, Evaluation of Bureaus, Centers, and Institutes
7. TBR Action (December 1986) endorsing TCGS Criteria as standards for both pre- and post-approved review of Master's programs.
8. THEC Policy No. A1:0, New Program Review Criteria (November 2002)
9. THEC Policy No. A1:1, New Academic Programs (July 28, 2011)
10. THEC Policy A1:3, New Units

Sources

TBR Meeting, December 2, 1988; TBR Meeting, December 13, 2002; TBR Meeting, March 29, 2006; TBR Meeting, December 8, 2006; March 28, 2008; TBR Board Meeting December 2, 2010; TBR Board Meeting December 8, 2011; TBR Meeting March 28, 2014.

Related Policies

- Associate Degree Programs
- Principles for Articulation in Vocational/Technical Education
- Academic Program Letters of Notification, Letters of Application and Implementation Portfolios
- Criteria for the Evaluation of Bureaus, Centers, Institutes
- General Education Requirements and Degree Requirements
- Inter-Institutional Relationships & Off-Campus Offerings

Contact

Mickey Sheen

615-366-4437

mickey.sheen@tbr.edu

Program Modifications and New Academic Programs Letters of Intent and Proposals: A-010

TOPICS

- **Topics**(active tab)
- **Topics A-Z**

Topics

- Purpose
- ~~Developing Academic Program Modifications Proposals~~
- ~~Developing New Academic Programs~~Procedures
- ~~Proposal Forms for Academic Actions~~

Topics A-Z

- ~~Developing Academic Letters of Notification, Letters of Application and Implementation~~
~~Portfolios~~Developing Academic Proposals
- Exhibits
- Procedures
- ~~Proposal~~Forms for Academic Actions
- Purpose

Policy/Guideline Area

Academic Guidelines

Applicable Divisions

TCATs, Community Colleges, Universities, System Office

Purpose

The purpose of this guideline is to establish the criteria and process for submitting ~~proposals for~~ Letters of Notification, Letters of Application, Implementation Portfolios~~intent~~, new academic programs or units, and for modifications of existing academic programs, policies, or unit by institutions governed by the Tennessee Board of Regents.

Policy/Guideline

I Developing Academic ~~Program Modifications~~Proposals

A. Academic programs currently approved for offering have a number of options to amend or reconstitute the approved program including the following using the 30 Review Process per the THEC Policy A.1.0 New Academic Program: Approval Process and the THEC Policy A1.1: New and Modified Academic Programs: Evaluation Criteria~~per per~~:

1 Name change for existing program

2 Change of degree designation for an existing academic program or concentration per written recommendation of a disciplinary accreditation body or to more accurately represent the title to the workplace. Documentation must accompany the change request.

3 Change of degree designation for an existing academic program or concentration when the change involves a significant curriculum shift in redefining the program's purpose.

4 Consolidation of existing academic programs.

5 Consolidation of existing academic programs within the same discipline regardless of degree designation for purposes of performance funding calculations only.

- 6 Conversion of an existing on-ground program to a fully online delivery format, with or without termination of existing program.
- 7 Substantive curriculum modification (see <http://www/sacs.org/substantivechange.asp>)
- 8 Establishment of an undergraduate certificate program or a graduate certificate program less than 24 SCH. Proposals for certificates of 24 SCH or more submit a Letter of Notification, the Letter of Application and Implementation Form, if approved for development. The University must notify the community college within the designated service area to ensure there is no unwarranted duplication of effort. The community college must notify the Tennessee College(s) of Applied Technology (TCAT) within the designated service area to ensure there is no unwarranted duplication of effort. The Tennessee College(s) of Applied Technology (TCAT) must notify the community college within the designated service area to ensure that there is no unwarranted duplication of effort. Documentation must be submitted with the Letter of Application to identify actions taken to address the issue of any unwarranted duplication of effort.
- 9 Establishment of a new concentration or minor. Newly proposed concentrations should be in keeping with the goals and mission of the existing program and must share the same core courses as all other existing degree concentrations.
- 10 Establish a free standing degree program from an existing concentration. Any existing concentration with a steady enrollment and graduation rate for a period of at least three years may request to be recognized as a freestanding degree if the establishment

of the concentration as a degree does not compromise the remaining degree and does not require new faculty resources.

11 Establishment of a new academic unit or reorganization resulting in a net gain of an academic unit (i.e., department, on-campus center, institute, bureau, division, school, or college). This action also requires approval by the THEC Executive Director.

12 Establishment of an articulation agreement between institutions.

13 Establishment of an Off-Campus Site/Off Campus Center. In keeping with the THEC Policies, the THEC Off-Campus Site /Center Approval Forms must be submitted for review. No announcements may be made regarding opening new site or center until the THEC approval is granted per THEC Policy 1.0.60B.

14 Revision of any admission, retention, and/or graduation policy (general or program specific).

15 Extension of an existing academic degree to be fully offered at an off-campus location.

16 Termination, inactivation, or reactivation of a program.

17 Curriculum modifications which increase or decrease total hours required for a degree.

B. Requests for academic action (other than new degree programs) received by 15th of each month (except December) will typically be reviewed by the end of the month and summaries prepared for consideration by the Board through the 30-day review process. Approval by the Chancellor, through delegated authority, will be given at the end the 30-day review period unless objections are voiced by the Board. Letters will be sent to the

appropriate institution to authorize implementation of the proposed action. If the THEC approval is required, the letter will inform the institution of the approval by the TBR and an explanation that the proposed academic action will be sent to the THEC for its review.

C. Requests for program, concentration and minor name changes should be submitted on the appropriate form and will be approved through delegated authority by the Vice Chancellor for Academic Affairs, or the Vice Chancellor for Community Colleges, as appropriate. Approval through the THEC is not required per THEC Policy A 1.1.10D.

~~1. Process~~

- ~~1. Submitting a Letter of Intent is the first step for any new academic degree program or certificate (24 SCH or more) program proposal (See THEC policy A1:0 and A1:1).~~
- ~~1. Exceptions may be made for replication of existing programs within the Tennessee Community College System with the approval of the Vice Chancellor for Community Colleges.~~
- ~~2. For academic proposals from a TBR university, the TBR Vice Chancellor for Academic Affairs should be notified that a Letter of Intent will be forthcoming.~~
- ~~3. The TBR Vice Chancellor for Community Colleges should be notified of plans to submit an academic proposal from any TBR community college.~~
- ~~4. The Letter of Intent from a TBR university must be submitted to the TBR Vice Chancellor for Academic Affairs.~~
- ~~5. The Letter on Intent from a TBR community college must be submitted to the TBR Vice chancellor for Community Colleges.~~
- ~~6. The Letter of Intent must include the following information:~~
 - ~~1. Introduction~~

~~1.—The title of the proposed program with proposed concentrations, degree designation, CIP Code, and proposed implementation date.~~

~~2.—Mission~~

~~1.—Address how the proposed program will further the mission of the institution, meet the priorities of the State Master Plan for higher Education and follow the directives of the Complete College Tennessee Act of 2010 relative to increased degree production.~~

~~2.—Address how the program will meet the goals of the system and the institutional strategic plan.~~

~~3.—Identify the location of the program within the organizational structure and if it will require the addition of a new organizational unit. If so, describe the nature of the unit.~~

~~4.—State if the proposed program requires a SACS Substantive Change Review and, if so, describe the scope of the substantive change.~~

~~3.—Program Need~~

~~1.—Identify the academic, workforce development, and/or research needs the proposed program will meet. Cite employment projection and supply/demand data appropriate to the discipline and degree level as justification. Cite the THEC supply/demand analysis for degree or certificate field.~~

~~2.—Explain why establishing this program at this time is an institutional priority.~~

~~3.—List newly approved and established programs (within the same CIP classification) at the same degree level offered at other public institutions in Tennessee (See THEC web-based inventory and program productivity analysis for state institutions:~~

~~http://tennessee.gov/thec/Divisions/AcademicAffairs/aa_main.html. This includes certificates which may be offered at the Colleges of Applied Technology.~~

~~4.—Identify any low-producing programs among those listed. (See THEC annual program productivity reports.~~

- 2.— If similar programs exist, describe any opportunities for collaboration with other institutions that have been or will be pursued.
- 3.— Identify campus and off-campus locations where the institution plans to offer the program.
- 4.— Include a statement of how the proposed program will enhance racial diversity in keeping with the TBR approved campus Diversity Plan.
- 5.— Additional Requirements for Letters of Intent for Proposed Doctoral Programs:
 - 1.— Cite THEC data on productivity of existing doctoral programs listed in the same CIP classification and provide a rationale for the addition of a same-CIP program.
 - 2.— Provide letters from presidents of Tennessee institutions offering same-CIP doctoral programs within the same broad geographic service area certifying that the proposed program will not be perceived as duplicative.

4.— Enrollment/Productivity

- 1.— Project realistic annual full-time, part-time and FTE enrollments and number of graduates for the first five years of program operation.
- 2.— Explain how these enrollment/productivity projections were derived.
- 3.— In the case of collaborative or joint programs, projections should be presented by individual institution as well as in aggregate.

5.— Curriculum

- 1.— Describe the academic focus of the program and number of hours required.
- 2.— Provide course descriptions for all new courses.
- 3.— Project the date for program accreditation (where applicable).
- 4.— Identify the delivery methods for the program (online, on-ground, hybrid) and provide a rationale for the delivery mode(s).
- 5.— Provide letters of support for all cooperating institutions and related business or agencies.

~~6.—Describe the articulation and transfer avenues projected for the proposed program in compliance with PCS 49-7-202.~~

~~6.—Resources~~

~~1.—Describe the strengths of the existing faculty in credentials and available FTE (state number of full- and part-time faculty). Estimate additional FTE (specify number of full-time and part-time faculty) needed to support the program.~~

~~2.—Describe existing and needed library and information technology resources to be available to support the projected program.~~

~~3.—Describe existing or anticipated facilities and equipment needed to support the program.~~

~~4.—Describe student advising support.~~

~~5.—Describe the anticipated effect the program will have on existing associated degree programs or concentrations within the institution.~~

~~6.—In the case of collaborative or joint programs within or across institutions, the organizational structure and resources in support of the combined program must be described.~~

~~7.—It is the responsibility of the institution to inform the TBR of any changes in administration or faculty which might have implications for the direction or operation of any proposed program during the development and/or early operation phase of the proposed program.~~

~~7.—Financial Projections~~

~~1.—Attach the THEC Financial Projections form.~~

~~1.—For collaborative or joint programs, individual institutions as well as combined forms must be submitted.~~

~~2.—Provide evidence of non-state funds (gifts, on-going grants, awards) available to meet start-up costs.~~

~~3.—Provide a rationale for reallocation of budgeted funds.~~

~~1.— Cite THEC annual degree productivity data where funds may be redirected from closed low-producing programs (A1:1.2OP) of relevant.~~

~~8.— Summary~~

~~1.— Summarize the institution's program development plans and resource commitments.~~

~~1.— List the institution's active Letters of Intent.~~

~~2.— List programs that are in Post Approval Monitoring and are failing to meet benchmarks.~~

~~3.— List low-producing programs at all levels.~~

~~4.— List all programs terminated within the last 12 months.~~

~~5.— The projected date for submission of the full proposal and the target date for Board approval.~~

~~6.— The projected date for implementation of the proposed program.~~

Procedures

II. Developing New Academic Programs

A. In order to propose a new academic program which is not covered under section I.A. of this

Guideline and the *THEC Policy A1.1 New Academic Programs and A1.0 New Academic Programs: Approval Process*, four steps must occur: the Letter of Notification; the Letter of Application; the Implementation Portfolio; and the External Review.

1. The Letter of Notification.

a. The Vice Chancellor for Community Colleges (in the case of community colleges), the TBR Vice Chancellor for Academic Affairs (for all universities), and the respective Assistant/Associate Vice Chancellor for Community Colleges or Academic Affairs should be electronically notified in advance that a Letter of Notification will be forthcoming. The Vice Chancellor for Academic Affairs should be notified additionally of all community college letters of notification. The

Letter of Notification is the documentation for the System of the initiation of the planning stage for the proposed program and must include the following:

- Title of the proposed program (and any concentrations);
- CIP and SOC codes for the overall program (and any proposed concentrations);
- Fit with Institutional Strategic Plan and Mission;
- Proposed implementation date;
- Proposed location(s) where the program will be offered;
- Explanation of the resources available to support the program;
- Anticipated new cost;
- Duplicate programs offered at other institutions serving the same region or population;
- List of all comparable or closely related programs, regardless of assigned CIP and SOC code;
- Anticipated submission date of the Implementation Portfolio, if approved for development.

b. The Letter of Notification must be submitted at least 30 days prior to the anticipated date for

2. the submission of the Letter of Application and Implementation Portfolio.

c. Academic Affairs will notify the institution if another institution is currently engaged in development of a similar program in order to avoid duplication of effort and encourage collaboration.

~~3. Letters of Intent~~

~~1. Submit the Letter of Intent electronically with the President's signature to the Vice Chancellor for Academic Affairs if coming from a university, and to the Vice Chancellor for Community Colleges if coming from a community college. Once a Letter of Intent is received, the proposed action will be reviewed by the TBR and, when appropriate, the THEC staff. In forwarding the Letter of Intent to THEC, the TBR designates approval for the Letter of Intent.~~

~~2. The TBR and/or the THEC may take one of four actions in response to the Letter of Intent based on THEC Policy A1.0. It may elect to award approval, disapproval, conditional approval or defer approval. Conditional approval is awarded only to temporary programs with specified terminations dates.~~

2. The Letter of Application.

a. A Letter of Application for any new academic degree program or certificate (24 SCH or more) program proposed precedes the establishment of any new academic program (See THEC policy A1:0 and A1:1). The requirement for a Letter of Application may be waived by the TBR Vice Chancellor for Community Colleges in cases where the proposed degree program fully duplicates an already existing community college program. If a waiver is requested and granted, the institution will be notified that it may proceed with development of the Implementation Portfolio based on delegated authority from the THEC, however, the THEC Financial Projection form must be completed and approval documentation and through all campus committees prior to implementation. Any required Letter of Application must be submitted electronically to the Vice Chancellor for Academic Affairs for all proposed university programs and the Vice Chancellor for Community Colleges for any proposed community college programs. The Vice Chancellor for Academic Affairs should be notified of any proposed community college's letter of application. Current forms are available on the Academic Affairs

website.

b. The Letter of Application will include the following:

- A letter from the President stating his or her support for the development of the Letter of Application
- All information initially submitted in the Letter of Notification
- PDF of the signed COVER page
- Completed Letter of Application Form located on the Academic Affairs website with special attention to the THEC Policy 1.120L components for a diversity plan and the THEC Policy 1.120I call for a future sustainability need/demand.
- THEC Financial Projections form. In keeping with the THEC Policy 1.1.20P, the benefit to the state should outweigh the cost of the program with detailed explanations of reallocation, grants, gifts and partnerships accompanying the Letter of Application.
- Copy of signature sheets from approval committees (e.g., Institutional Curriculum Committees, Faculty Senate, Graduate Council) verifying that the Letter of Application has cleared through all the appropriate campus approval committees prior to submission

c. The Letter of Application will be reviewed by the TBR and by the THEC staff.

d. Forwarding the Letter of Application from the TBR to the THEC indicates the support of the TBR for the proposed academic program.

e. The TBR and/or the THEC may take one of four actions in response to the Letter of Application. Based on THEC Policy A1.0, the Letter of Application may be awarded approval, disapproval, conditional approval or defer approval to develop an

Implementation Portfolio. Conditional approval is awarded only to temporary programs

4. with specified terminations dates. **Program Proposals Approved for Development**

1. ~~Subsequent to the approval of the Letter of Intent, the President will authorize any amendments to the Letter of intent within the final proposal and notification to SACS, as appropriate. A copy of the original Letter of Intent, the approval from the THEC for the Letter of Intent, and the SACS approval letter should be submitted to the TBR along with the final proposal.~~
2. ~~The submission of a proposal should be carefully planned in order to assure timely staff review and approval by the Vice Chancellor for Academic Affairs for university proposals and the Vice Chancellor for Community Colleges for community college proposals prior to submission for Board approval -- and, as may be required, the THEC review and authorization. In doing so, the following considerations are relevant:~~
 1. ~~The TBR and the THEC considers academic proposals for new degree programs at each of its quarterly meetings.~~
 2. ~~The number of proposals received at any one time may determine whether or not the staff review of a particular proposal is completed in time for submission to the Board at the desired time. Proposals are generally reviewed on a first-come basis. Should the review of a proposal not be completed in time for the next meeting of the Board, it will be carried over with priority to the subsequent meeting.~~
 3. ~~Other than for the establishment of new degree programs, the following schedule may serve as a general guide for all proposed academic actions:~~
 1. ~~For proposed new degree programs, a timeline should be discussed with the TBR staff.~~
 2. ~~Proposals will be accepted on a continuous basis unless a THEC moratorium is active.~~

~~Proposed new graduate degree programs will require considerably more time than undergraduate degree program proposals.~~

3. The Implementation Portfolio.

a. For University academic programs, an Implementation Portfolio for a new university academic program is electronically submitted after approval of the Letter of Application by the TBR and the THEC. For new community college programs, the Implementation Portfolio is submitted upon approval from the Vice Chancellor for Community Colleges.

b. The Implementation Portfolio (whether or not a Letter of Application is required) consists of:

- A completed Implementation Portfolio Form located on the Academic Affairs website
- A copy of the THEC approval letter for Letter of Application development (universities) or the Vice Chancellor of Community Colleges approval letter for development based on the Letter of Notification or the Letter of Application, if required
- The SACS-COC approval letter, if change of designation is required.

c. The submission of an Implementation Portfolio should be carefully planned in order to assure timely review and approval by the Vice Chancellor for Academic Affairs and the Vice Chancellor for Community Colleges, when appropriate, prior to submission for Board approval -- and, as may be required, THEC review and authorization.

d. The TBR and the THEC considers Implementation Portfolios for new university degree programs at each of its quarterly meetings. Community college Implementation Portfolios are approved by delegated authority to the TBR and forwarded to the THEC upon Board Approval.

4. External Review

a. All university programs (excluding certificate programs) submitted for development must

undergo an external review. If an external review includes a site visit, the time necessary to arrange an external reviewer is generally 4-5 weeks. Upon completion of the visit, reviewers have 30 days to submit a report which is then submitted to the institution with an essential concerns for amendment identified by the TBR. Campuses have 30 calendar days to provide a written response to the Office of Academic Affairs and Community Colleges (if appropriate). Institutions may dispute or amend recommendations continuing along the approval path or determine to withdraw the proposed program from consideration.

b. The external review for newly proposed undergraduate programs at the universities will consist of a paper review or a site visit by a disciplinary expert at the joint discretion of the TBR and the THEC.

c. All graduate level programs will undergo a site visit.

d. Community colleges must submit a report from their external advisory or industrial board or skills panel supporting all components of the proposed Implementation Portfolio. The external review report should be submitted at the time of the Implementation Portfolio with the exception of a graduate program or an undergraduate program which is determined to require a site visit. Those reports should be submitted following the submission of the Implementation Portfolio by the TBR staff upon completion and campus response to any recommendations prior to forwarding the final Implementation Portfolio to the THEC.

5. Based upon the determination of the TBR and approval of the THEC (if required), the newly proposed program as supported by the external review will move forward in the approval process.

a. Proposed Implementation Portfolios must be submitted to the appropriate Vice Chancellor with sufficient time to allow for the external review process to occur before the desired Board approval. The time required for the review will vary according to the number and nature of the portfolios already under review, external review

consideration, and the other workload issues of the Academic Affairs staff and may determine whether or not the review of a particular portfolio is completed in time for submission to the Board at the desired time. Implementation Portfolios are generally reviewed on a first come basis. Should the review of an Implementation Portfolio not be completed in time for the next meeting of the Board, it will be carried over with priority the next subsequent meeting.

6. Approved Letters of Application are valid for three academic years after which a new Letter of Application must be submitted if the program has not been approved for Implementation.

7. All newly approved academic programs at universities and community colleges are subject to post approval review by the TBR and the THEC. Per the THEC Policy 1.1.30, pre-baccalaureate programs are subject to post approval monitoring for five years, baccalaureate and masters programs for five years and doctoral programs for seven years on an annual basis.

3.

5. Other Requested Academic Actions

1. Regardless of whether submission of a Letter of Intent is required, the appropriate Vice Chancellor should be informed prior to the development of any proposal anticipated to generate new costs or that may duplicate similar programs offered at other institutions serving the same region or population.

1. Academic action proposals (other than degree programs) received by 15th of each month (except December) will typically be reviewed by the end of the month and summaries prepared for consideration by the Board through the 30-day review

~~process. Approval by the Chancellor, through delegated authority, will be given at the end of the 30-day review period unless objections were voiced by the Board. Letters will be sent to the appropriate institution to authorize implementation of the proposed action. If THEC approval is required, the letter will inform the institution of the approval by TBR and explain that the proposal will be sent to THEC for its review.~~

~~2.—Requests for name changes should be submitted on the appropriate form and will be approved through delegated authority by the Vice Chancellor for Academic Affairs.~~

~~2.—Proposal Forms for Academic Actions~~

~~1.—Electronic forms are available on the TBR Academic Affairs webpage for “Publications and Forms.” Since forms may be revised by TBR staff as needed, all proposals should be developed using forms obtained directly from the website to ensure that the most current format has been submitted. There is no specific form for a Letter of Intent. The Letter of Intent should provide a narrative description of the items above. Specific questions related to the above criteria are listed in THEC Policy A1.0 Attachment B.~~

~~2.—The President's signature is required on all proposals and indicates that the proposal is supported and has been approved through the institution's curriculum review process or other appropriate committee review. All forms must be submitted electronically to the Vice Chancellor for Academic Affairs for university proposals and the Vice Chancellor for Community Colleges for community college proposals. Instructions are provided along with the forms on the TBR website.~~

~~3.—The following actions require the submission of a proposal for Board approval:~~

~~1.—Establish a new academic degree.~~

~~2.—Establish a new certificate program. (Note: The community college must consult with the Tennessee College(s) of Applied Technology within the designated service area to ensure there is no duplication of effort. Documentation must be submitted with the proposal to identify any concerns or to demonstrate there are no objections to the proposed program).~~

~~3.—Establish a new concentration.~~

~~4.—Consolidate an existing academic program.~~

- ~~5.—Converting an existing on-ground program to a fully online delivery format.~~
- ~~6.—Substantive curriculum modification.~~
- ~~7.—Termination, inactivation, or reactivation of a program.~~
- ~~8.—Revision of any admission, retention, and/or graduation policy (general or program specific).~~
- ~~9.—Extending an existing academic degree to be fully offered at an off-campus location.~~
- ~~10.—Establishment of a new academic unit or reorganization resulting in a net gain of an academic unit (i.e., department, on-campus center, institute, bureau, division, school, or college).~~
- ~~11.—Develop on-line course(s) with cost in excess of \$9500 or more.~~
- ~~12.—Establishing an articulation agreement between institutions.—~~

Sources

TBR Meeting March 5, 1976. Revised December 12, 1980 TBR meeting; November 8, 1982, May 29, 1984, February 10, 1987, and February 14, 1989 Presidents Meeting, Presidents Meeting, February, 2003, Presidents Meeting, May 20, 2003, Presidents Meeting, February 7, 2006; Presidents Meeting, November 8, 2006; Presidents meeting, February 12, 2008, Presidents Meeting November 9, 2010; December 8, 2011; Revisions approved at Presidents Meeting, February 4, 2014.

Contact

Mickey Sheen

615-366-4437

mickey.sheen@tbr.edu

Program Modifications and New Academic Programs: A-010

TOPICS

- **Topics**(active tab)
- **Topics A-Z**

Topics

- Purpose
- Developing Academic Program Modifications
- Developing New Academic Programs

Topics A-Z

- Developing Academic Letters of Notification, Letters of Application and Implementation Portfolios
- Exhibits
- Procedures
- Forms for Academic Actions
- Purpose

Policy/Guideline Area

Academic Guidelines

Applicable Divisions

TCATs, Community Colleges, Universities, System Office

Purpose

The purpose of this guideline is to establish the criteria and process for submitting Letters of Notification, Letters of Application, Implementation Portfolios, new academic programs or units, and for modifications of existing academic programs, policies, or unit by institutions governed by the Tennessee Board of Regents.

Policy/Guideline

I Developing Academic Program Modifications

- A. Academic programs currently approved for offering have a number of options to amend or reconstitute the approved program including the following using the 30 Review Process per the THEC Policy A.1.0 New Academic Program: Approval Process and the THEC Policy A1.1: New and Modified Academic Programs: Evaluation Criteria:
- 1 Name change for existing program
 - 2 Change of degree designation for an existing academic program or concentration per written recommendation of a disciplinary accreditation body or to more accurately represent the title to the workplace. Documentation must accompany the change request.
 - 3 Change of degree designation for an existing academic program or concentration when the change involves a significant curriculum shift in redefining the program's purpose.
 - 4 Consolidation of existing academic programs.
 - 5 Consolidation of existing academic programs within the same discipline regardless of degree designation for purposes of performance funding calculations only.
 - 6 Conversion of an existing on-ground program to a fully online delivery format, with or without termination of existing program.
 - 7 Substantive curriculum modification (see <http://www/sacs.org/substantivechange.asp>)
-

- 8 Establishment of an undergraduate certificate program or a graduate certificate program less than 24 SCH. Proposals for certificates of 24 SCH or more submit a Letter of Notification, the Letter of Application and Implementation Form, if approved for development. The University must notify the community college within the designated service area to ensure there is no unwarranted duplication of effort. The community college must notify the Tennessee College(s) of Applied Technology (TCAT) within the designated service area to ensure there is no unwarranted duplication of effort. The Tennessee College(s) of Applied Technology (TCAT) must notify the community college within the designated service area to ensure that there is no unwarranted duplication of effort. Documentation must be submitted with the Letter of Application to identify actions taken to address the issue of any unwarranted duplication of effort.
 - 9 Establishment of a new concentration or minor. Newly proposed concentrations should be in keeping with the goals and mission of the existing program and must share the same core courses as all other existing degree concentrations.
 - 10 Establish a free standing degree program from an existing concentration. Any existing concentration with a steady enrollment and graduation rate for a period of at least three years may request to be recognized as a freestanding degree if the establishment of the concentration as a degree does not compromise the remaining degree and does not require new faculty resources.
-

- 11 Establishment of a new academic unit or reorganization resulting in a net gain of an academic unit (i.e., department, on-campus center, institute, bureau, division, school, or college). This action also requires approval by the THEC Executive Director.
 - 12 Establishment of an articulation agreement between institutions.
 - 13 Establishment of an Off-Campus Site/Off Campus Center. In keeping with the THEC Policies, the THEC Off-Campus Site /Center Approval Forms must be submitted for review. No announcements may be made regarding opening new site or center until the THEC approval is granted per THEC Policy 1.0.60B.
 - 14 Revision of any admission, retention, and/or graduation policy (general or program specific).
 - 15 Extension of an existing academic degree to be fully offered at an off-campus location.
 - 16 Termination, inactivation, or reactivation of a program.
 - 17 Curriculum modifications which increase or decrease total hours required for a degree.
-
- B. Requests for academic action (other than new degree programs) received by 15th of each month (except December) will typically be reviewed by the end of the month and summaries prepared for consideration by the Board through the 30-day review process. Approval by the Chancellor, through delegated authority, will be given at the end the 30-day review period unless objections are voiced by the Board. Letters will be sent to the appropriate institution to authorize implementation of the proposed action. If the THEC approval is required, the letter will inform the institution of the approval by the TBR and

an explanation that the proposed academic action will be sent to the THEC for its review.

C. Requests for program, concentration and minor name changes should be submitted on the appropriate form and will be approved through delegated authority by the Vice Chancellor for Academic Affairs, or the Vice Chancellor for Community Colleges, as appropriate. *Approval through the THEC is not required per THEC Policy A 1.1.10D.*

II. Developing New Academic Programs

A. In order to propose a new academic program which is not covered under section I.A. of this Guideline and the *THEC Policy A1.1 New Academic Programs and A1.0 New Academic Programs: Approval Process*, four steps must occur: the Letter of Notification; the Letter of Application; the Implementation Portfolio; and the External Review.

1. The Letter of Notification.

a. The Vice Chancellor for Community Colleges (in the case of community colleges), the TBR Vice Chancellor for Academic Affairs (for all universities), and the respective Assistant/Associate Vice Chancellor for Community Colleges or Academic Affairs should be electronically notified in advance that a Letter of Notification will be forthcoming. The Vice Chancellor for Academic Affairs should be notified additionally of all community college letters of notification. The Letter of Notification is the documentation for the System of the initiation of the planning stage for the proposed program and must include the following:

- Title of the proposed program (and any concentrations);
 - CIP and SOC codes for the overall program (and any proposed concentrations);
-

- Fit with Institutional Strategic Plan and Mission;
 - Proposed implementation date;
 - Proposed location(s) where the program will be offered;
 - Explanation of the resources available to support the program;
 - Anticipated new cost;
 - Duplicate programs offered at other institutions serving the same region or population;
 - List of all comparable or closely related programs, regardless of assigned CIP and SOC code;
 - Anticipated submission date of the Implementation Portfolio, if approved for development.
-

b. The Letter of Notification must be submitted at least 30 days prior to the anticipated date for the submission of the Letter of Application and Implementation Portfolio. c. Academic Affairs will notify the institution if another institution is currently engaged in development of a similar program in order to avoid duplication of effort and encourage collaboration.

2. The Letter of Application.

- a. A Letter of Application for any new academic degree program or certificate (24 SCH or more) program proposed precedes the establishment of any new academic program (See THEC policy A1:0 and A1:1). The requirement for a Letter of Application may be waived by the TBR Vice Chancellor for Community Colleges in cases where the proposed degree program fully duplicates an already existing community college program. If a waiver is requested and

granted, the institution will be notified that it may proceed with development of the Implementation Portfolio based on delegated authority from the THEC, however, the THEC Financial Projection form must be completed and approval documentation and through all campus committees prior to implementation. Any required Letter of Application must be submitted electronically to the Vice Chancellor for Academic Affairs for all proposed university programs and the Vice Chancellor for Community Colleges for any proposed community college programs. The Vice Chancellor for Academic Affairs should be notified of any proposed community college's letter of application. Current forms are available on the Academic Affairs website.

b. The Letter of Application will include the following:

- A letter from the President stating his or her support for the development of the Letter of Application
 - All information initially submitted in the Letter of Notification
 - PDF of the signed COVER page
 - Completed Letter of Application Form located on the Academic Affairs website with special attention to the THEC Policy 1.120L components for a diversity plan and the THEC Policy 1.120I call for a future sustainability need/demand.
 - THEC Financial Projections form. In keeping with the THEC Policy 1.1.20P, the benefit to the state should outweigh the cost of the program with detailed explanations of reallocation, grants, gifts and partnerships accompanying the Letter of Application.
-

- Copy of signature sheets from approval committees (e.g., Institutional Curriculum Committees, Faculty Senate, Graduate Council) verifying that the Letter of Application has cleared through all the appropriate campus approval committees prior to submission
-

c. The Letter of Application will be reviewed by the TBR and by the THEC staff.

d. Forwarding the Letter of Application from the TBR to the THEC indicates the support of the TBR for the proposed academic program.

e. The TBR and/or the THEC may take one of four actions in response to the Letter of Application. Based on THEC Policy A1.0, the Letter of Application may be awarded approval, disapproval, conditional approval or defer approval to develop an Implementation Portfolio. Conditional approval is awarded only to temporary programs with specified terminations dates.

3. The Implementation Portfolio.

a. For University academic programs, an Implementation Portfolio for a new university academic program is electronically submitted after approval of the Letter of Application by the TBR and the THEC. For new community college programs, the Implementation Portfolio is submitted upon approval from the Vice Chancellor for Community Colleges.

b. The Implementation Portfolio (whether or not a Letter of Application is required) consists of:

- A completed Implementation Portfolio Form located on the Academic Affairs website
 - A copy of the THEC approval letter for Letter of Application development (universities) or the Vice Chancellor of Community Colleges approval letter for development based on the Letter of Notification or the Letter of Application, if required
-

- The SACS-COC approval letter, if change of designation is required.
- c. The submission of an Implementation Portfolio should be carefully planned in order to assure timely review and approval by the Vice Chancellor for Academic Affairs and the Vice Chancellor for Community Colleges, when appropriate, prior to submission for Board approval -- and, as may be required, THEC review and authorization.
- d. The TBR and the THEC considers Implementation Portfolios for new university degree programs at each of its quarterly meetings. Community college Implementation Portfolios are approved by delegated authority to the TBR and forwarded to the THEC upon Board Approval.

4. External Review

- a. All university programs (excluding certificate programs) submitted for development must undergo an external review. If an external review includes a site visit, the time necessary to arrange an external reviewer is generally 4-5 weeks. Upon completion of the visit, reviewers have 30 days to submit a report which is then submitted to the institution with an essential concerns for amendment identified by the TBR. Campuses have 30 calendar days to provide a written response to the Office of Academic Affairs and Community Colleges (if appropriate). Institutions may dispute or amend recommendations continuing along the approval path or determine to withdraw the proposed program from consideration.
- b. The external review for newly proposed undergraduate programs at the universities will consist of a paper review or a site visit by a disciplinary expert at the joint discretion of the TBR and the THEC.
- c. All graduate level programs will undergo a site visit.

- d. Community colleges must submit a report from their external advisory or industrial board or skills panel supporting all components of the proposed Implementation Portfolio. The external review report should be submitted at the time of the Implementation Portfolio with the exception of a graduate program or an undergraduate program which is determined to require a site visit. Those reports should be submitted following the submission of the Implementation Portfolio by the TBR staff upon completion and campus response to any recommendations prior to forwarding the final Implementation Portfolio to the THEC.
5. Based upon the determination of the TBR and approval of the THEC (if required), the newly proposed program as supported by the external review will move forward in the approval process.
 - a. Proposed Implementation Portfolios must be submitted to the appropriate Vice Chancellor with sufficient time to allow for the external review process to occur before the desired Board approval. The time required for the review will vary according to the number and nature of the portfolios already under review, external review consideration, and the other workload issues of the Academic Affairs staff and may determine whether or not the review of a particular portfolio is completed in time for submission to the Board at the desired time. Implementation Portfolios are generally reviewed on a first come basis. Should the review of an Implementation Portfolio not be completed in time for the next meeting of the Board, it will be carried over with priority the next subsequent meeting.
6. Approved Letters of Application are valid for three academic years after which a new Letter of Application must be submitted if the program has not been approved for Implementation.
7. All newly approved academic programs at universities and community colleges are subject

to post approval review by the TBR and the THEC. Per the THEC Policy 1.1.30, pre-baccalaureate programs are subject to post approval monitoring for five years, baccalaureate and masters programs for five years and doctoral programs for seven years on an annual basis.

Sources

TBR Meeting March 5, 1976. Revised December 12, 1980 TBR meeting; November 8, 1982, May 29, 1984, February 10, 1987, and February 14, 1989 Presidents Meeting, Presidents Meeting, February, 2003, Presidents Meeting, May 20, 2003, Presidents Meeting, February 7, 2006; Presidents Meeting, November 8, 2006; Presidents meeting, February 12, 2008, Presidents Meeting November 9, 2010; December 8, 2011; Revisions approved at Presidents Meeting, February 4, 2014.

Contact

Mickey Sheen

615-366-4437

mickey.sheen@tbr.edu

PRESIDENTS QUARTERLY MEETING

DIRECTORS QUARTERLY MEETING

February 11-12, 2015

DATE: Presidents Meeting (February 11, 2015)
Directors Meeting (February 12, 2015)

AGENDA ITEM: Update on Academic Affairs Initiatives

ACTION: Information Item

PRESENTER: Vice Chancellor Tristan Denley

BACKGROUND INFORMATION:

Vice Chancellor Denley will provide an update on current Academic Affairs Initiatives including: Co-Requisite Data, Strategic Plan, Taxonomy, Accessibility Task Force, and Online Education.

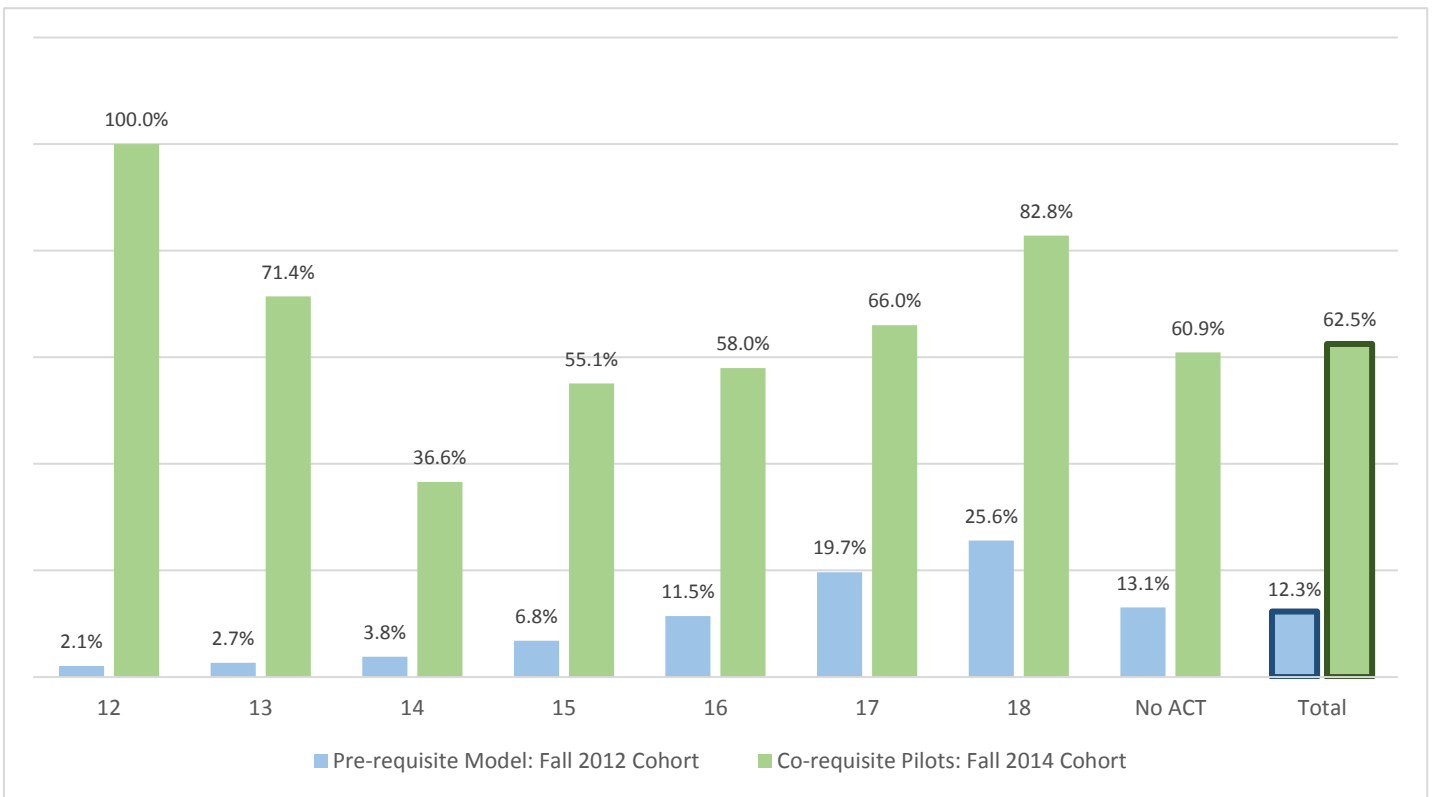
Tennessee Board of Regents
 Success in Gateway Math
 All Community Colleges

% Successfully Completing Gateway Math

	12	13	14	15	16	17	18	No ACT	Total
Pre-requisite Model: Fall 2012 Cohort	2.1%	2.7%	3.8%	6.8%	11.5%	19.7%	25.6%	13.1%	12.3%
Co-requisite Pilots: Fall 2014 Cohort	100.0%	71.4%	36.6%	55.1%	58.0%	66.0%	82.8%	60.9%	62.5%

Cohort Size

	12	13	14	15	16	17	18	No ACT	Total
Pre-requisite Model: Fall 2012 Cohort	48	261	1,667	3,078	3,717	2,261	1,457	1,262	13,751
Co-requisite Pilots: Fall 2014 Cohort	1	7	41	98	176	159	99	64	645



* Includes students in pilot courses at ChSCC, CoSCC, NaSCC, NeSCC, PSCC, RSCC, STCC, VSCC, and WSCC.

^ Where the ACT subscore is unavailable, an available Compass or Asset score has been crosswalked to the ACT scale.

Tennessee Board of Regents
 Success in Gateway Math - Fall 2014
All Community Colleges
 Math 1530, MATH 1630 Co-requisite Pilots

Co-requisite Model: Fall 2014 First-Time Freshmen*

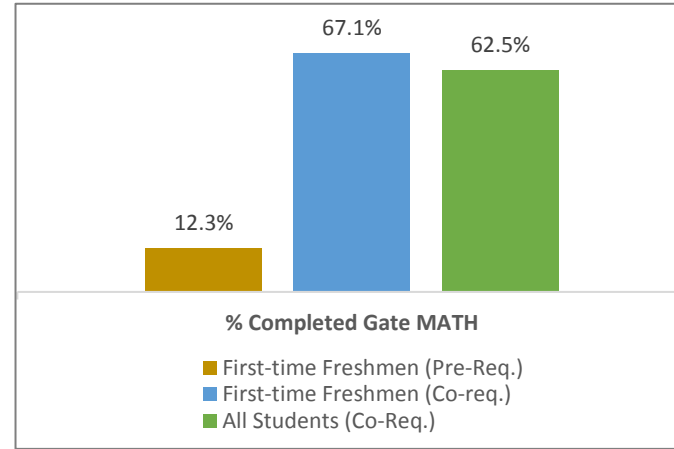
ACT Score^	Cohort	Completed Gate MATH	% Completed Gate MATH
12	0	0	N/A
13	2	1	50.0%
14	5	1	20.0%
15	47	27	57.4%
16	103	63	61.2%
17	107	72	67.3%
18	71	62	87.3%
No ACT	2	0	0.0%
Total	337	226	67.1%

Co-requisite Model: Fall 2014 All Student Levels*

ACT Score^	Cohort	Completed Gate MATH	% Completed Gate MATH
12	1	1	100.0%
13	7	5	71.4%
14	41	15	36.6%
15	98	54	55.1%
16	176	102	58.0%
17	159	105	66.0%
18	99	82	82.8%
No ACT	64	39	60.9%
Total	645	403	62.5%

Pre-requisite Model: Fall 2012 First-Time Freshmen

ACT Score^	Cohort	Completed Gate MATH - 2 Terms	% Completed Gate MATH - 2 Terms
12	48	1	2.1%
13	261	7	2.7%
14	1,667	64	3.8%
15	3,078	209	6.8%
16	3,717	426	11.5%
17	2,261	445	19.7%
18	1,457	373	25.6%
No ACT	1,262	165	13.1%
Total	13,751	1,690	12.3%



* Includes students in pilot courses at ChSCC, CoSCC, NaSCC, NeSCC, PSCC, RSCC, STCC, VSCC, and WSCC.

^ Where the ACT subscore is unavailable, an available Compass or Asset score has been crosswalked to the ACT scale.

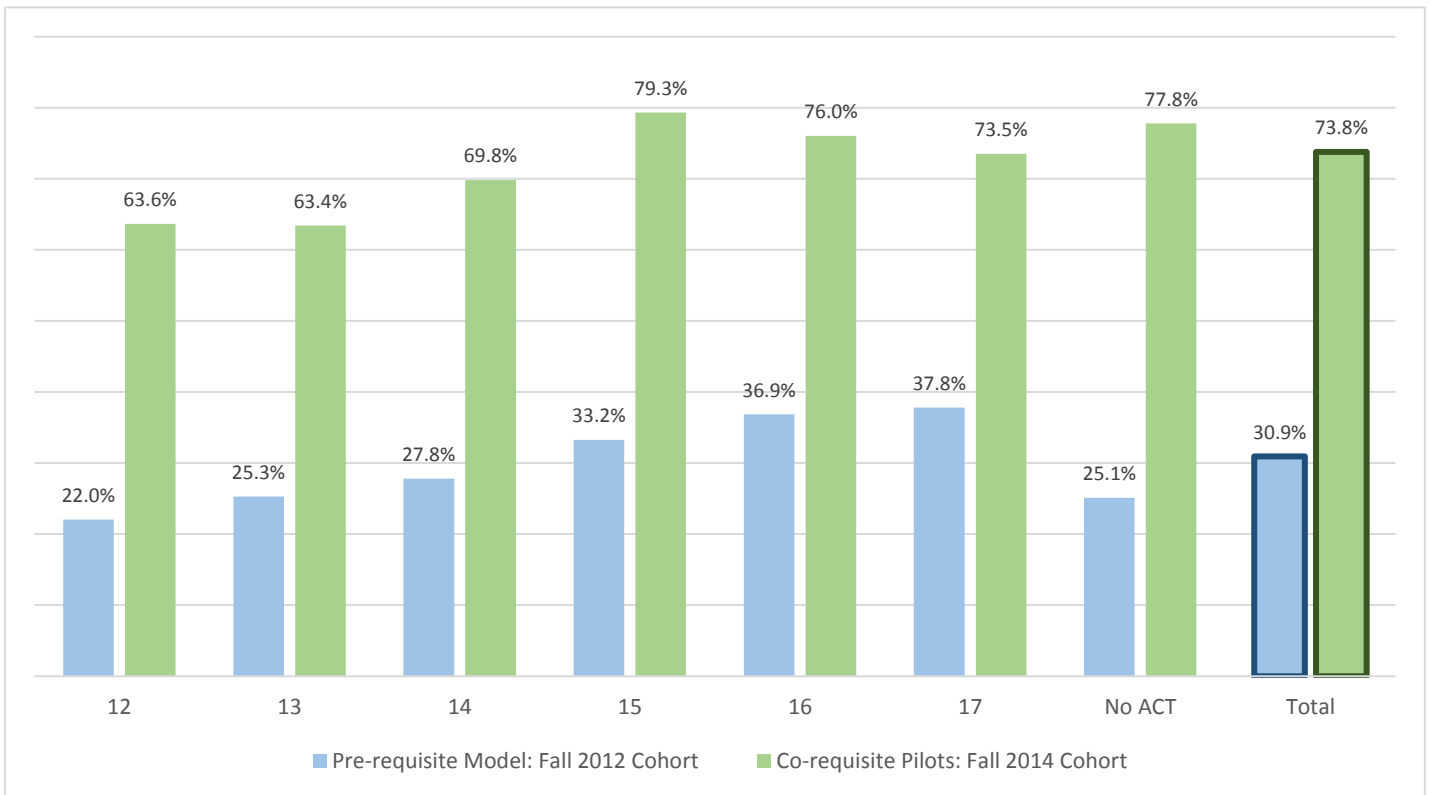
Tennessee Board of Regents
 Success in Gateway Writing
 All Community Colleges

% Successfully Completing Gateway Writing

	12	13	14	15	16	17	No ACT	Total
Pre-requisite Model: Fall 2012 Cohort	22.0%	25.3%	27.8%	33.2%	36.9%	37.8%	25.1%	30.9%
Co-requisite Pilots: Fall 2014 Cohort	63.6%	63.4%	69.8%	79.3%	76.0%	73.5%	77.8%	73.8%

Cohort Size

	12	13	14	15	16	17	No ACT	Total
Pre-requisite Model: Fall 2012 Cohort	567	684	1,147	1,489	1,316	1,100	1,079	7,382
Co-requisite Pilots: Fall 2014 Cohort	11	41	63	87	96	68	27	393



* Includes students in pilot courses at ChSCC, CoSCC, DSCC, JSCC, MSCC, STCC, and WSCC.

^ Where the ACT subscore is unavailable, an available Compass or Asset score has been crosswalked to the ACT scale.

Tennessee Board of Regents
 Success in Gateway Writing - Fall 2014
All Community Colleges
 ENGL 1010 Co-requisite Pilots

Co-requisite Model: Fall 2014 First-Time Freshmen*

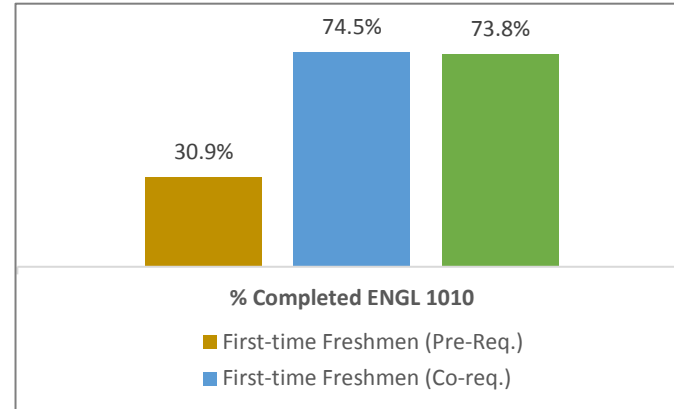
ACT Score^	Cohort	Completed ENGL 1010	% Completed ENGL 1010
12	5	2	40.0%
13	32	21	65.6%
14	46	33	71.7%
15	74	58	78.4%
16	77	57	74.0%
17	54	42	77.8%
No ACT	6	6	100.0%
Total	294	219	74.5%

Co-requisite Model: Fall 2014 All Student Levels*

ACT Score^	Cohort	Completed ENGL 1010	% Completed ENGL 1010
12	11	7	63.6%
13	41	26	63.4%
14	63	44	69.8%
15	87	69	79.3%
16	96	73	76.0%
17	68	50	73.5%
No ACT	27	21	77.8%
Total	393	290	73.8%

Pre-requisite Model: Fall 2012 First-Time Freshmen

ACT Score^	Cohort	Completed Gate ENGL - 2 Terms	% Completed Gate ENGL - 2 Terms
12	567	125	22.0%
13	684	173	25.3%
14	1,147	319	27.8%
15	1,489	495	33.2%
16	1,316	485	36.9%
17	1,100	416	37.8%
No ACT	1,079	271	25.1%
Total	7,382	2,284	30.9%



* Includes students in pilot courses at ChSCC, CoSCC, DSCC, JSCC, MSCC, STCC, and WSCC.

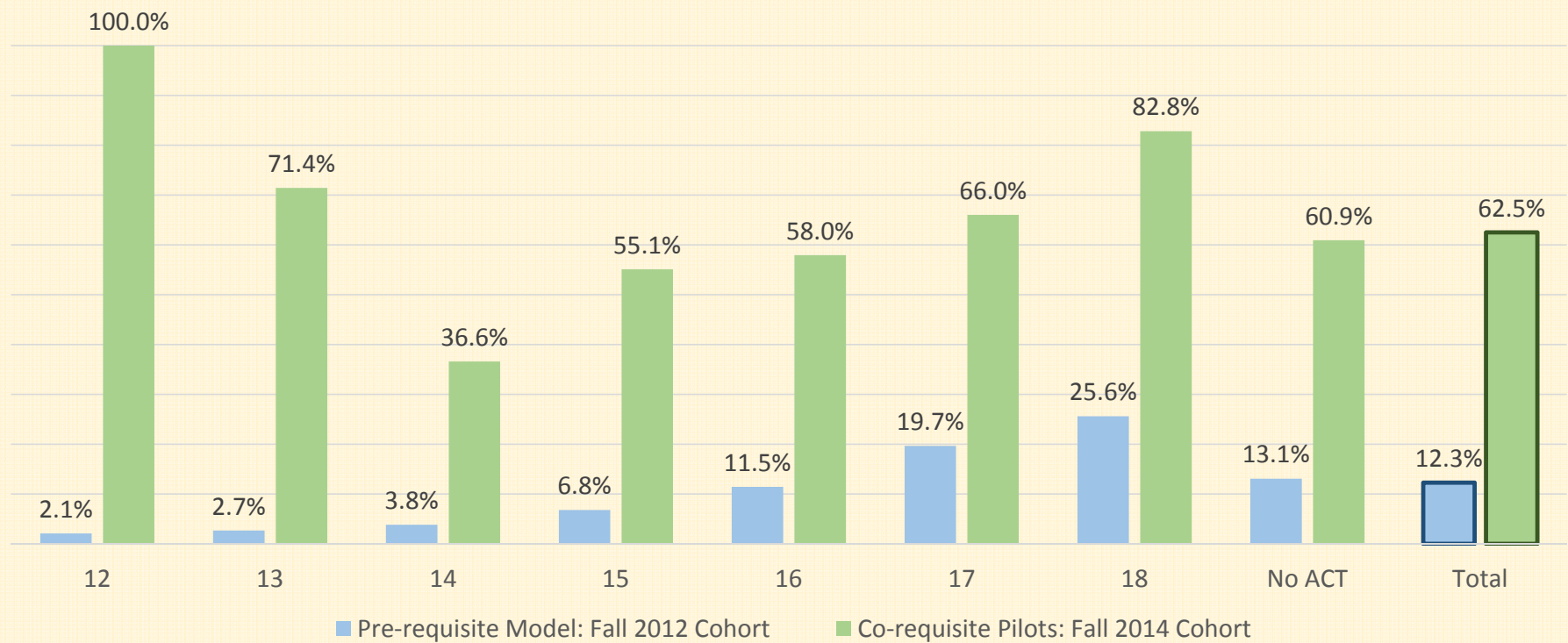
^ Where the ACT subscore is unavailable, an available Compass or Asset score has been crosswalked to the ACT scale.

Co-requisite Pilot Analysis

Fall 2014 Community College Pilots

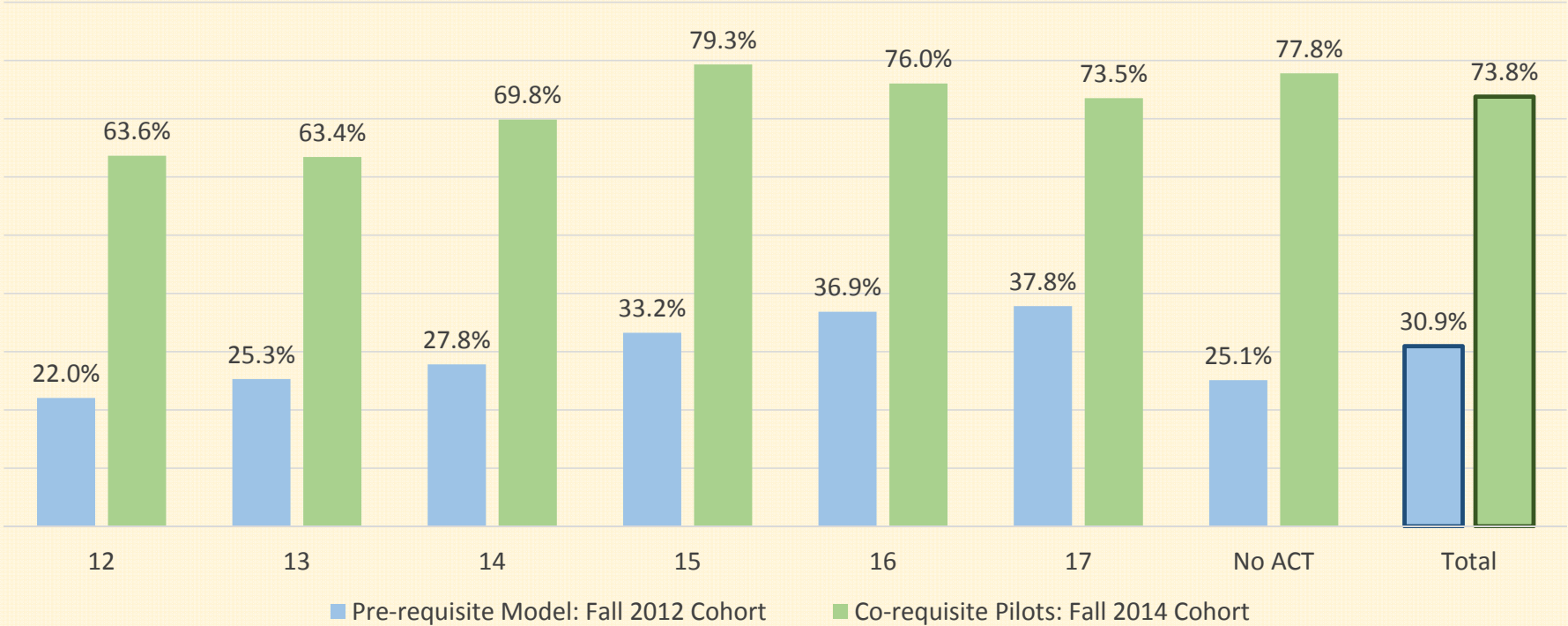
Completion of Gateway Math by ACT Sub-score

Community College Pre-requisite Model vs. Co-requisite Pilots



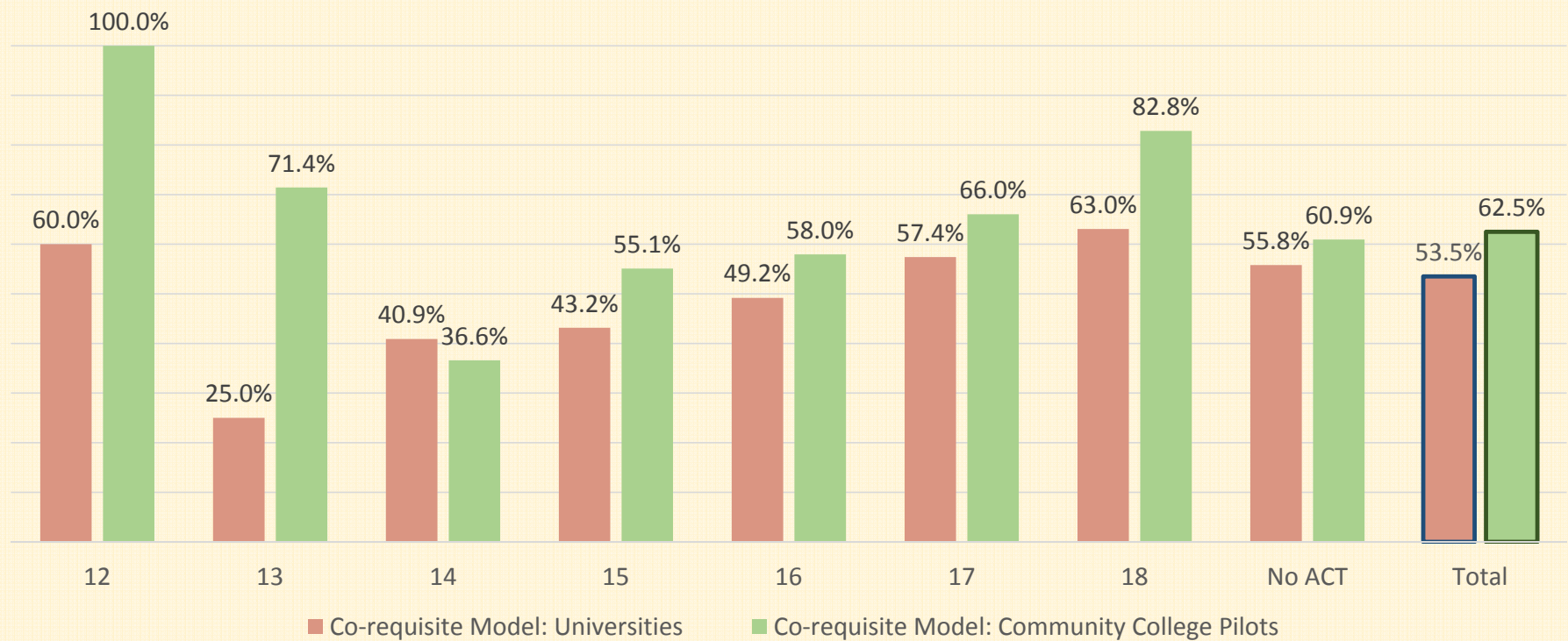
Completion of Gateway English by ACT Sub-score

Community College Pre-requisite Model vs. Co-requisite Pilots



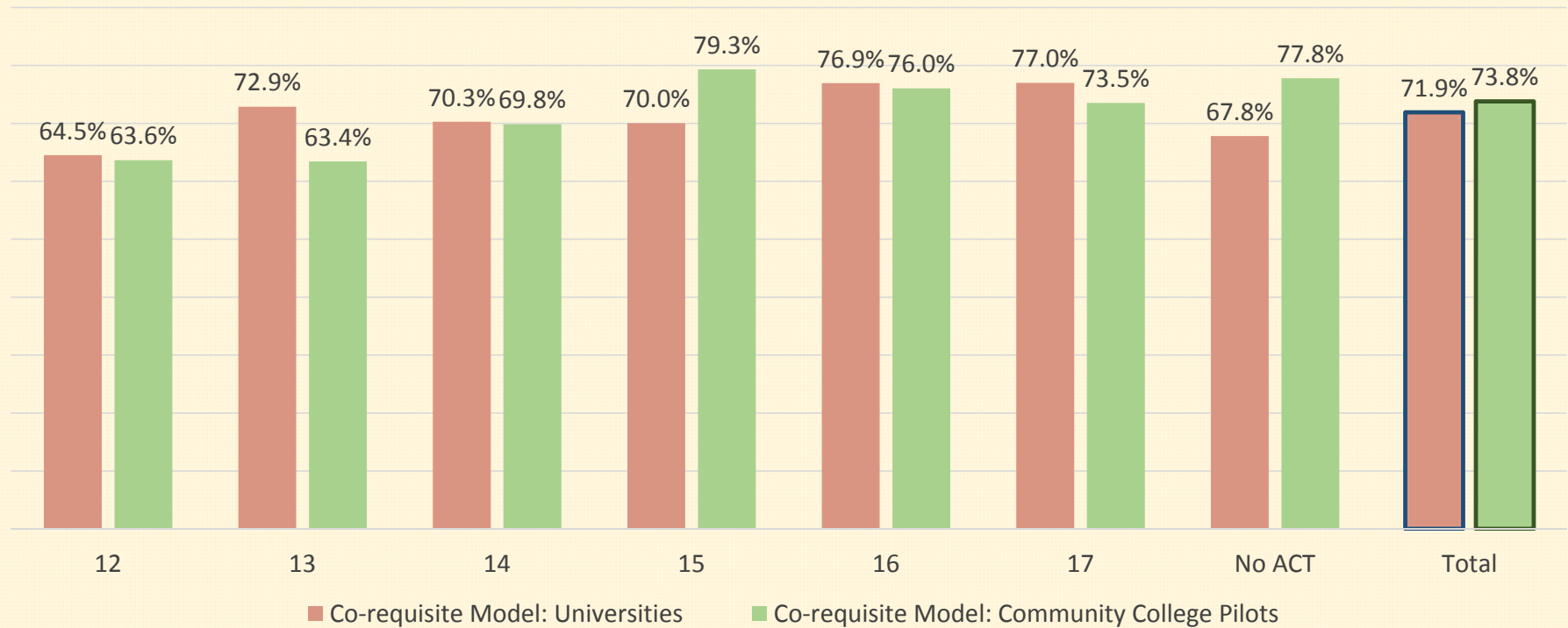
Completion of Gateway Math by ACT Sub-score

University Co-requisite Model vs. Community College Co-requisite Pilots



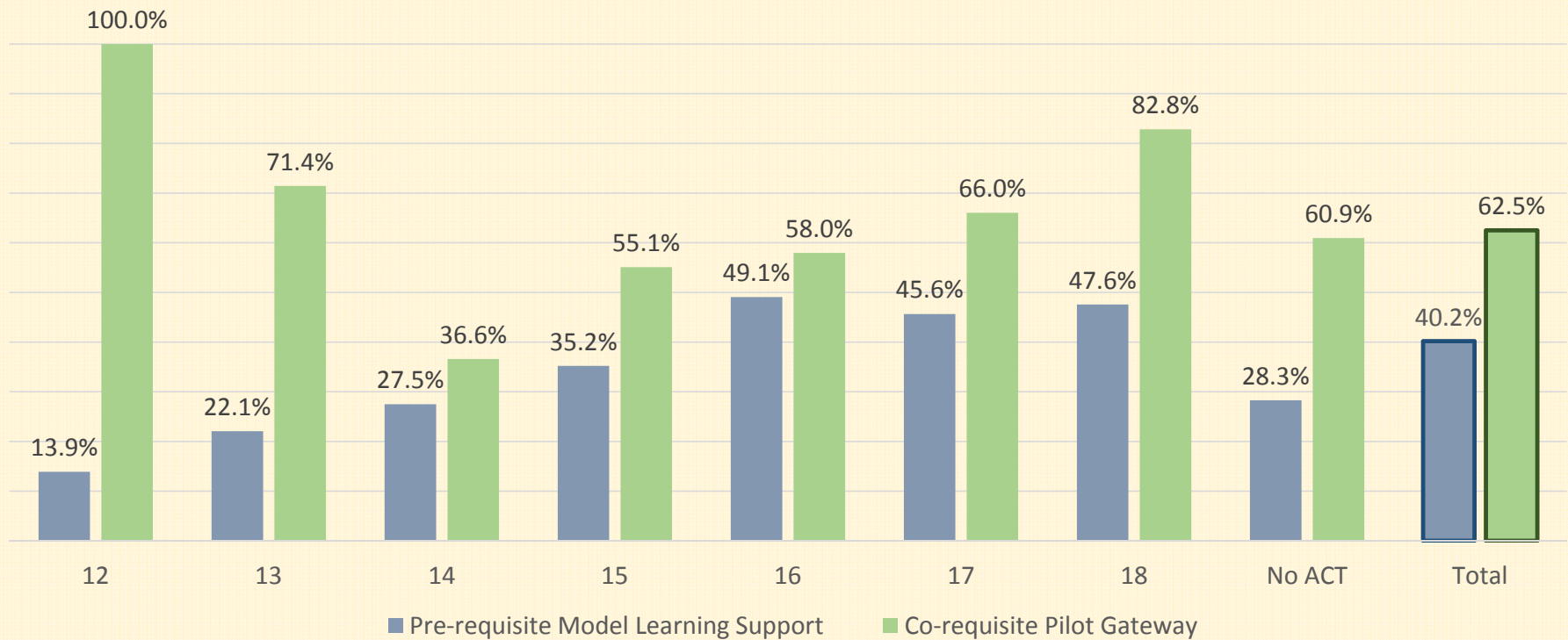
Completion of Gateway English by ACT Sub-score

University Co-requisite Model vs. Community College Co-requisite Pilots



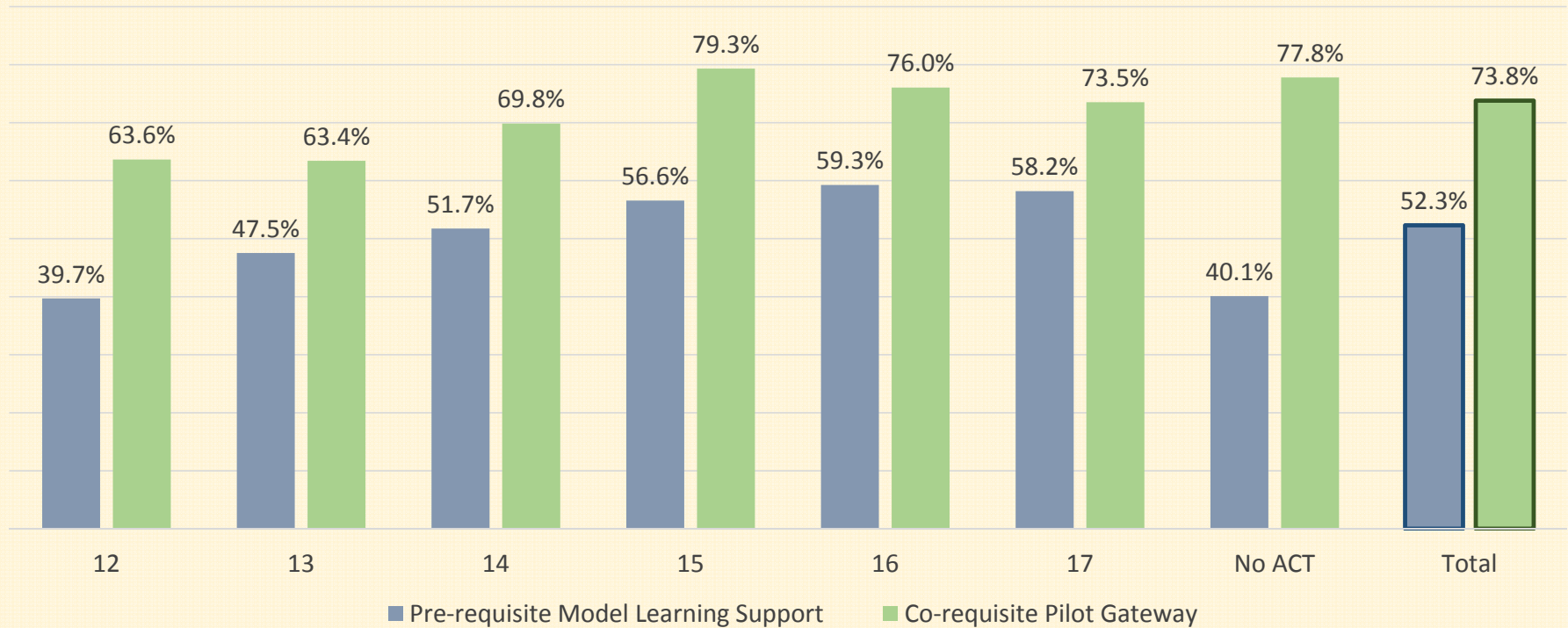
Community College Math

Completion of Pre-requisite Model Learning Support vs.
Completion of Co-requisite Pilot Gateway



Community College English

Completion of Pre-requisite Model Learning Support vs.
Completion of Co-requisite Pilot Gateway



EverFi Campus Climate Survey

At the October Meeting of the Student Affairs Subcouncil, the group agreed to create a task force to look at how best to implement a campus climate survey at TBR institutions. The task force had two teleconferences to consider options. The task force consisted of the following individuals: Dr. Heidi Leming (TBR); Heather Stewart (General Counsel); Sara Sudak (MTSU); Mary Bledsoe & Rebecca Ashford (PSCC); Patty Powell & Emily Short (VSCC); Rion McDonald (CSCC); Mike Hoff (ETSU); Amy West (TCAT-Oneida); Kasey Vatter (TCAT-Knoxville). It is the recommendation of the Task Force that the survey be administered by the System Office on each campus to ensure consistent questions that allow for comparisons across sectors within the System. Everfi's survey, with modifications, was felt to meet the goals of the System and allows for easy and quick implementation at no cost to the System as part of our Sexual Assault Educational Pilot Program for the 2015 calendar year. Details of the survey are provided below:

- Each campus will be provided with a unique survey URL that can be sent to students to complete the survey.
- Each campus will designate a "point of contact" for questions and their contact information will be included on the survey.
- Each campus will be able to list campus specific resources available for students.
- Each campus will be responsible for sending the link and reminders to students through their campus email system. If institution's want to provide an incentive for students to participate, they may. A separate personal data form not connected to the survey responses is available as an option for campuses wishing to provide incentives.

IRB Approval

Since the survey will be administered by the System Office and results will neither be published nor used in a research project, IRB approval is not required. The ETSU Office of Institutional Research, however, volunteered to review the IRB Approval Form on behalf of the System to ensure that all research standards were adequately addressed. A copy of the IRB Approval Form is available upon request.

Campus Climate Survey Design

A copy of the entire survey instrument was provided as part of the meeting materials for your review as a separate document. Below is a summary of the survey with the TBR changes noted.

Consent Form <Keep content from EverFi Draft with 1 addition>
included mention of Alcohol and Drug Use in opening paragraph

Electronic Consent <Keep content from EverFi Draft>

Introduction – include TBR definitions of the following:

Section 1 Demographics <Keep content from EverFi Draft>

Section 2 Academic Success <Keep content from EverFi Draft>

Section 3 General Climate Questions <Keep content from EverFi Draft>

Section 4 Perceptions of Leadership, Policies, and Reporting <Keep content from Everfi Draft>

Section 5 Alcohol and Drug Use

<Keep content from Everfi Draft>

Section 6 Sexual Violence

<Modify definitions in introduction>

<Keep questions for this section>

The Tennessee Board of Regents Sexual Misconduct Policy contains the following definitions:

- Consent - an informed decision, freely given, made through mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon sexual activity. Consent cannot be given by an individual who is asleep; unconscious; or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason; or, is under duress, threat, coercion, or force. Past consent does not imply future consent. Silence or an absence of resistance does not imply consent. Consent can be withdrawn at any time.
- Dating violence - violence against a person when the accuser and accused are dating, or who have dated, or who have or had a sexual relationship. ("Dating" and "dated" do not include fraternization between two (2) individuals solely in a business or non-romantic social context. Violence includes, but is not necessarily limited to,
 - inflicting, or attempting to inflict, physical injury on the accuser by other than accidental means;
 - placing the accuser in fear of physical harm;
 - physical restraint;
 - malicious damage to the personal property of the accuser, including inflicting, or attempting to inflict, physical injury on any animal owned, possessed, leased, kept, or held by the accuser; or,
 - placing a victim in fear of physical harm to any animal owned, possessed, leased, kept, or held by the accuser.
- Domestic violence - violence against a person when the accuser and accused:
 - are current or former spouses;
 - live together or have lived together;
 - are related by blood or adoption;
 - are related or were formally related by marriage; or,
 - are adult or minor children of a person in a relationship described above.
 - Domestic violence includes, but is not necessarily limited to, the following:
 - inflicting, or attempting to inflict, physical injury on the accuser by other than accidental means;
 - placing the accuser in fear of physical harm;
 - physical restraint;

- malicious damage to the personal property of the accuser, including inflicting, or attempting to inflict, physical injury on any animal owned, possessed, leased, kept, or held by the accuser; or,
 - placing the accuser in fear of physical harm to any animal owned, possessed, leased, kept, or held by the accuser.
- Sexual assault - the nonconsensual sexual contact with the accuser by the accused, or the accused by the accuser when force or coercion is used to accomplish the act, the sexual contact is accomplished without consent of the accuser, and the accused knows or has reason to know at the time of the contact that the accuser did not or could not consent. Sexual contact includes, but is not limited to, the intentional touching of the accuser's, the accused's, or any other person's intimate parts, or the intentional touching of the clothing covering the immediate area of the accuser's, the accused's, or any other person's intimate parts, if that intentional touching can be reasonably construed as being for the purpose of sexual arousal or gratification.
- Stalking - a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and that actually causes the accuser to feel terrorized, frightened, intimidated, threatened, harassed, or molested. Harassment means conduct directed toward the accuser that includes, but is not limited to, repeated or continuing unconsented contact that would cause a reasonable person to suffer emotional distress, and that actually causes the accuser to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose.

Section 7 Dating Violence and Stalking	<Keep content from Everfi Draft>
Section 8 Readiness to Help	<Keep content from Everfi Draft>
Section 9 – 13	<Eliminate from survey>
Conclusion	<Keep content from Everfi Draft>

For institutions offering an incentive to participate, students will be directed to another page to enter contact information. Their responses will not be connected to the personally identifiable information. Below is the language that would be included in the incentive survey:

Thank you for completing this survey. You are now eligible for [information about incentive].

If you would like to be considered for [incentive], please enter your name, email address, and student ID below. Please note that this information will always be stored in a separate and unlinked database and therefore will never be tied to your survey responses. This procedure has been approved by the Institutional Review Board for [Institution Name].

First Name:

Last Name:

Email Address:

Student ID:

EverFi Climate Survey

Addendum A: Consent form

This survey will help us learn about the relationship, sexual experiences, alcohol, and drug use of students attending Campus X. It should take approximately 30---45 minutes to complete.

Your participation is voluntary, and you may choose to skip questions or stop responding at any point. Due to the importance of this topic, your cooperation would be greatly appreciated.

The information that you and many other students provide will contribute to our understanding of this important issue at Campus X. Moreover, consistent with our commitment to ensure a safe, healthy, and welcoming environment for students, your participation will help us develop programs and policies that will help all students feel safe and fully accepted on campus.

If you participate, your responses will be kept completely confidential and never linked to you by name. No one at Campus X will be told how you responded to the survey.

Because some questions ask about sexual and personal information, including relationship and sexual experiences, some students may experience emotional discomfort while completing the survey. At the end of the survey you will be given information about local and national resources you can utilize should you wish to talk with someone further.

The principal investigators of this survey are _____ and can be reached at _____.

ELECTRONIC CONSENT: Please select your choice below.

Clicking on the "agree" button below indicates that:

- you have read the above information
- you voluntarily agree to participate
- you are at least 18 years of age

If you do not wish to participate in the research study, please decline participation by clicking on the "disagree" button.

- AGREE
- DISAGREE

Addendum B: Full Survey Instrument

Section 1 (Demographics)

1. What is your biological sex?
 - a. Female
 - b. Male
2. What is your current gender identity?
 - a. Female
 - b. Male
 - c. Transgender Female
 - d. Transgender Male
 - e. Genderqueer
 - f. Gender---nonconforming
 - g. Other (please specify)_____
3. Choose the answer(s) that best describes your race/ethnicity: Please check all that apply.
 - a. Black/African---American (non---Hispanic)
 - b. Caucasian/White (non---Hispanic)
 - c. Hispanic/Latino
 - d. Asian/Pacific Islander
 - e. Native American Indian/Native Alaskan
 - f. Other (please specify)_____
4. Do you consider yourself to be:
 - a. Asexual
 - b. Bisexual
 - c. Gay
 - d. Heterosexual/Straight
 - e. Lesbian
 - f. Questioning
 - g. Other (please specify)_____
5. Are you a United States citizen?
 - a. Yes
 - b. No

5a. (if No to 5) If you are not a United States citizen, how many years have you lived, resided, or studied in the United States?
DDyears
6. In what year of school are you currently enrolled?
 - a. Freshman (First---year)
 - b. Sophomore (Second---year)
 - c. Junior (Third---year)
 - d. Senior (Fourth/Fifth/Sixth---year)
 - e. Graduate or professional school student
 - f. Other
 - g. Not a student
7. How old are you?
 - a. 18
 - b. 19

- c. 20
 - d. 21
 - e. 22
 - f. 23
 - g. 24 or older
8. Which best describes your current living arrangements this year of college?
- a. College residence hall
 - b. Substance-free residence hall
 - c. Fraternity or sorority house
 - d. On-campus apartment or house
 - e. Off-campus apartment or house
 - f. At home with family
9. Are you currently a member of any of the following?
- a. Fraternity or sorority
 - b. Volunteer/community service organization
 - c. Student religious group
 - d. Intercollegiate athletic team
 - e. Intramural or club athletic team
 - f. Health education group
 - g. Media organization (e.g. newspaper, radio, magazine)
 - h. Substance abuse prevention peer education group
 - i. Minority or ethnic organization
 - j. Political or social action group
 - k. Music or other performing arts group
 - l. Other student organization or group (please specify)
10. What is your current enrollment status?
- a. Full-time student
 - b. Part-time student
11. Did you transfer to this school from another college?
- a. Yes
 - b. No

Section 2 (Academic success)

12. Which of the following best describes your current grade point average?
- a. 3.5 – 4.0 (A average)
 - b. 2.5 – 3.4 (B average)
 - c. 1.5 – 2.4 (C average)
 - d. 0.5 – 1.4 (D average)
 - e. .00 – .04 (F average)
 - f. Don't know or not applicable
13. Since you've been on campus, to what degree has the following happened to you:
(1---Never, 7---Always)
- a. Performed poorly on an assignment
 - b. Got behind in schoolwork
 - c. Missed a class

Section 3 (General Climate Questions)

14. Please indicate your level of agreement with the following statements:
(Strongly Agree, Agree, Neutral, Disagree, Strongly Disagree)
- a. I feel valued in the classroom/learning environment.
 - b. Faculty, staff, and administrators respect what students on this campus think.
 - c. Faculty are genuinely concerned about my welfare.
 - d. Administrators are genuinely concerned about my welfare.
 - e. I feel close to people on this campus.
 - f. I feel like I am a part of this college/university.
 - g. I am happy to be at this college/university.
 - h. The faculty, staff, and administrators at this school treat students fairly.
 - i. I feel safe on this campus.
15. Please indicate your level of agreement with the following statements:
(Strongly Agree, Agree, Neutral, Disagree, Strongly Disagree)
- a. College officials (administrators, public safety officers) could do more to protect students from harm.
 - b. If there were a crisis on campus, my college would handle it well.
 - c. The college responds too slowly in difficult situations.
 - d. College officials handle negative incidents in a fair and responsible manner.
 - e. My college does enough to protect the safety of students.
 - f. There is a good support system on campus for students going through difficult times

Section 4 (Perceptions of Leadership, Policies, and Reporting)

16. If someone were to report a sexual assault to administrators at your school, how likely is it that:
(Very Likely, Moderately Likely, Somewhat Likely, Not at all Likely)
- a. Administrators would take the report seriously.
 - b. Administrators would restrict knowledge of the report to those who need to know in order for the school to respond properly.
 - c. Administrators would forward the report to criminal investigators who work for the local police department or sheriff's office.
 - d. Administrators would take steps to protect the safety of the person making the report.
 - e. Administrators would support the person making the report.
 - f. Administrators would take corrective action to address factors that may have led to the sexual assault.
 - g. Administrators would take corrective action against the offender.
 - h. Administrators would take steps to protect the person making the report from retaliation.
 - i. Students would consider the person making the report to be a troublemaker.

- j. Students would support the person making the report.
 - k. The alleged offender(s) or their associates would retaliate against the person making the report.
 - l. The educational achievement/career of the person making the report would suffer.
17. While you have been a student at this school, have you received training in the following areas related to sexual assault:
- Which behaviors are defined as “sexual assault?”
- a. Yes
 - b. No
- How to report a complaint of sexual assault?
- a. Yes
 - b. No
- The availability of confidential on---campus resources to help victims of sexual assault?
- a. Yes
 - b. No
- The procedures followed to investigate a complaint of sexual assault?
- a. Yes
 - b. No
- Prevention of sexual assault?
- a. Yes
 - b. No
18. How useful did you find the training(s)?
- a. Very
 - b. Moderately
 - c. Somewhat
 - d. Slightly
 - e. Not at all
19. Please indicate your level of agreement with the following statements:
(Strongly agree, Agree, Neither agree/disagree, Disagree, Strongly disagree, Don’t know)
- a. I know where to go to get help regarding sexual assault at my school.
 - b. I understand my school’s formal procedures to address complaints of sexual assault.
 - c. I have confidence that my school’s administrators will follow the procedures necessary to address complaints of sexual assault fairly.

Section 5 (Alcohol and Drug Use)

This section of the survey asks about your experience with alcohol and drug use. Remember that your responses will remain confidential and will not be linked to your identity or reported.

20. Since the beginning of this school year, about how often have you consumed alcohol?
- a. Never

- b. Less than once a month/A few times
- c. Once or twice a month
- d. Once or twice a week
- e. Daily or almost daily

20a. (If 20 ≠ a. Never) Since the beginning of this school year, about how often have you consumed enough alcohol to get drunk?

- f. Never
- g. Less than once a month/A few times
- h. Once or twice a month
- i. Once or twice a week
- j. Daily or almost daily

20b. (If 20 ≠ Never) On a typical drinking occasion, about how many alcohol drinks do you usually have? (One drink = 1.5 oz liquor = 5 oz wine = 12 oz beer)

(Drop---down box: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11+)

21. Since the beginning of this school year, have you used any of the following? *Please check all that apply.*

- a. I have not used **any** of the following since beginning college
- b. Cigarettes
- c. Chewing tobacco (“snuff”)
- d. Marijuana
- e. Medications used to treat Attention---Deficit/Hyperactivity Disorder.
(Ritalin®, Adderall®, Cylert®)
- f. Other opiate---type drugs (controlled substances like codeine, OxyContin, Darvon, Vicodin, Dilaudid, Demerol, Lomotil, Percocet, Percodan)
- g. Salvia Divinorum or Salvinorin A (“Maria Pastora,” “Sage of the Seers,” “Diviner’s Sage,” “Sally---D,” or “magic mint”)
- h. Tranquilizers (prescription---type drugs like Valium®, Xanax®, Librium®)
- i. MDMA (“Ecstasy,” “XTC,” “Adam”)
- j. Cocaine (in some form)
- k. Barbiturates (prescription---type sleeping pills like Quaaludes, “downs,” “yellow---jackets”)
- l. Methamphetamine (“meth,” “crystal,” “crank,” “ice,” “speed,” “crystal meth”)
- m. Rohypnol (“roofies”) or GHB
- n. Amphetamines (prescription---type stimulants, also called “speed,” “uppers,” “ups”)
- o. Heroin
- p. LSD
- q. Other psychedelics or hallucinogenics like mushrooms, mescaline, or PCP
- r. Anabolic steroids
- s. Inhalants (breathable chemical vapors, also called “whippets,” “poppers,” or “snappers”)

Section 6 (Sexual Violence)

This section asks about non---consensual or unwanted sexual contact you or a person you were with may have experienced. The person with whom you had unwanted sexual contact could have been a stranger or someone you know, such as a family member, someone you were dating or going out with, or another student. [The Tennessee Board of Regents Sexual Misconduct Policy contains the following definitions:](#)

- Consent - an informed decision, freely given, made through mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon sexual activity. Consent cannot be given by an individual who is asleep; unconscious; or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason; or, is under duress, threat, coercion, or force. Past consent does not imply future consent. Silence or an absence of resistance does not imply consent. Consent can be withdrawn at any time.
- Dating violence - violence against a person when the accuser and accused are dating, or who have dated, or who have or had a sexual relationship. ("Dating" and "dated" do not include fraternization between two (2) individuals solely in a business or non-romantic social context. Violence includes, but is not necessarily limited to,
 - inflicting, or attempting to inflict, physical injury on the accuser by other than accidental means;
 - placing the accuser in fear of physical harm;
 - physical restraint;
 - malicious damage to the personal property of the accuser, including inflicting, or attempting to inflict, physical injury on any animal owned, possessed, leased, kept, or held by the accuser; or,
 - placing a victim in fear of physical harm to any animal owned, possessed, leased, kept, or held by the accuser.
- Domestic violence - violence against a person when the accuser and accused:
 - are current or former spouses;
 - live together or have lived together;
 - are related by blood or adoption;
 - are related or were formally related by marriage; or,
 - are adult or minor children of a person in a relationship described above.
 - Domestic violence includes, but is not necessarily limited to, the following:
 - inflicting, or attempting to inflict, physical injury on the accuser by other than accidental means;
 - placing the accuser in fear of physical harm;
 - physical restraint;
 - malicious damage to the personal property of the accuser, including inflicting, or attempting to inflict, physical injury on any animal owned, possessed, leased, kept, or held by the accuser; or,

- placing the accuser in fear of physical harm to any animal owned, possessed, leased, kept, or held by the accuser.
- Sexual assault - the nonconsensual sexual contact with the accuser by the accused, or the accused by the accuser when force or coercion is used to accomplish the act, the sexual contact is accomplished without consent of the accuser, and the accused knows or has reason to know at the time of the contact that the accuser did not or could not consent. Sexual contact includes, but is not limited to, the intentional touching of the accuser's, the accused's, or any other person's intimate parts, or the intentional touching of the clothing covering the immediate area of the accuser's, the accused's, or any other person's intimate parts, if that intentional touching can be reasonably construed as being for the purpose of sexual arousal or gratification.
- Stalking - a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and that actually causes the accuser to feel terrorized, frightened, intimidated, threatened, harassed, or molested. Harassment means conduct directed toward the accuser that includes, but is not limited to, repeated or continuing unconsented contact that would cause a reasonable person to suffer emotional distress, and that actually causes the accuser to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose.

In the past, I pressured or forced someone into sexual contact without his or her explicit consent (e.g., used physical force or threatened to physically harm them; manipulated them through lies, threats, or pressure; took sexual advantage of them when they were significantly impaired or incapacitated by drugs/alcohol).

- t. Yes
- u. No
- v. Not sure

22a. (If Yes to 25) When did this occur?

- a. Before I arrived on my campus as a student
- b. After I arrived on my campus as a student
- c. Both before and after I arrived on my campus as a student

The questions below ask about unwanted sexual contact that involved force or threats of force against you. Force could include someone holding you down with his or her body weight, pinning your arms, hitting or kicking you, or using or threatening to use a weapon against you.

22. Has anyone had sexual contact with you by using physical force or threatening to physically harm you?

- a. Yes
- b. No

23a. (If Yes to 26) When did this occur?

- a. Before I arrived on my campus as a student
- b. After I arrived on my campus as a student
- c. Both before and after I arrived on my campus as a student

23. Has anyone attempted but not succeeded in having sexual contact with you by using or threatening to use physical force against you or threatening to physically harm you?

- a. Yes
 - b. No
- 24a. (If Yes to 27) When did this occur?
- d. Before I arrived on my campus as a student
 - e. After I arrived on my campus as a student
 - a. Both before and after I arrived on my campus as a student

The next set of questions ask about unwanted sexual contact resulting from verbal or non---physical coercion. This can include telling you lies, making promises you knew were untrue, threatening to end a relationship, threatening to spread rumors about you, showing displeasure, criticizing you, getting angry, and/or verbally pressuring you after you indicated you didn't want to have sexual contact.

24. Has anyone had sexual contact with you by using verbal or non---physical coercion?
- a. Yes
 - b. No
- 25a. (If Yes to 28) When did this occur?
- a. Before I arrived on my campus as a student
 - b. After I arrived on my campus as a student
 - c. Both before and after I arrived on my campus as a student
25. Has anyone attempted but not succeeded in having sexual contact with you by using verbal or non---physical coercion?
- a. Yes
 - b. No
- 26a. (If Yes to 29) When did this occur?
- a. Before I arrived on my campus as a student
 - b. After I arrived on my campus as a student
 - c. Both before and after I arrived on my campus as a student

The next set of questions ask about your experiences with unwanted sexual contact while you were unable to provide consent or stop what was happening because you were passed out, drugged, drunk, incapacitated, or asleep. These situations might include times you voluntarily consumed alcohol or drugs or times you were given drugs without your knowledge or consent.

26. Has someone had sexual contact with you when you were unable to provide consent or stop what was happening because you were passed out, drugged, drunk, incapacitated, or asleep? *This question asks about incidents that you are certain happened.*
- a. Yes
 - b. No
- 27a. (If Yes to 30) When did this occur?
- a. Before I arrived on my campus as a student
 - b. After I arrived on my campus as a student
 - c. Both before and after I arrived on my campus as a student

27. Have you suspected that someone had sexual contact with you when you were unable to provide consent or stop what was happening because you were passed out, drugged, drunk, incapacitated, or asleep? *This question asks about events that you think (but are not certain) happened.*
- a. Yes
 - b. No
- 28a. (If Yes to 31) When did this occur?
- d. Before I arrived on my campus as a student
 - e. After I arrived on my campus as a student
 - f. Both before and after I arrived on my campus as a student

(If yes to 30)

Earlier you indicated that that someone had sexual contact with you when you were unable to provide consent or stop what was happening because you were passed out, drugged, drunk, incapacitated, or asleep. *Think about that incident, or the most recent incident, for the following questions.*

28. Just prior to the incident, had you been drinking alcohol? *Keep in mind that you are in no way responsible for the assault that occurred, even if you had been drinking.*
- a. Yes
 - b. No
- 29a. (If Yes to 32) Were you drunk?
- a. Yes
 - b. No
29. Just prior to the incident, had you voluntarily been taking or using any drugs other than alcohol?
- a. Yes
 - b. No
30. Just prior to the incident, had you been given a drug without your knowledge or consent?
- a. Yes
 - b. No
 - c. Don't know

(If YES to 26, 28, or 30 AND "b" or "c" to 26a, 28a, or 30a)

For the next set of questions, please think about the MOST SERIOUS INCIDENT when someone had unwanted sexual contact with you while you were a student at this school.

31. Who had this unwanted sexual contact with you? *Please check only one.*
- a. Stranger
 - b. Family member
 - c. Acquaintance
 - d. Coworker
 - e. Employer/supervisor
 - f. College professor/instructor
 - g. College staff

- h. Non---romantic friend
 - i. Casual or first date
 - j. Current dating partner
 - k. Ex---dating partner
 - l. Other (please specify) _____
32. Was this person a student at your school?
- a. Yes
 - b. No
 - c. I don't know
33. Was this person affiliated with your school, as an employee, staff, or faculty member?
- a. Yes
 - b. No
 - c. I don't know
34. What was the sex of the person who had unwanted sexual contact with you?
- a. Male
 - b. Female
35. Did the incident involve: *(Please check ALL that apply.)*
- a. The other person's use of alcohol
 - b. Your use of alcohol
 - c. The other person's use of drugs
 - d. Your use of drugs
 - e. None of the above
36. How frightened were you by the incident?
- a. Extremely frightened
 - b. Somewhat frightened
 - c. Only a little frightened
 - d. Not at all frightened
37. Where did the incident occur? *(Please check ALL that apply.)*
- a. Off---campus (please specify location) _____
 - b. On---campus (please specify location) _____
 - c. Other location (please specify location) _____
38. Who did you tell about the incident? *(Please check ALL that apply.)*
- a. No one
 - b. Roommate
 - c. Close friend other than roommate
 - d. Parent or guardian
 - e. Other family member
 - f. Counselor
 - g. Residence hall staff
 - h. Police
 - i. Dating partner (other than the one who had unwanted sexual contact with you)
 - j. Campus sexual assault advocate
 - k. Community sexual assault advocate
 - l. Other (please specify) _____

39a. (If 42=a. No one) If you did not tell anyone, why was that the case? *Please check ALL that apply.*

- a. Ashamed/embarrassed
- b. It's a private matter—wanted to deal with it on my own
- c. Concerned others would find out
- d. Didn't want the person who did it to get in trouble
- e. Afraid of retribution from the person who did it
- f. Afraid of not being believed
- g. The person who did it is well---recognized at my school
- h. Thought I would be blamed for what happened
- i. Didn't think what happened was serious enough to talk about
- j. Didn't think others would think it was serious
- k. Thought people would try to tell me what to do
- l. Would feel like an admission of failure
- m. Didn't think others would think it was important
- n. Didn't think others would understand
- o. Didn't have time to deal with it due to academics, work, etc.
- p. Didn't know the reporting procedure at my school
- q. Afraid that I or another would be punished for other infractions or violations (e.g., underage drinking)
- r. Did not feel the campus leadership would solve my problems
- s. Afraid others would harass me or react negatively toward me
- t. Thought nothing would be done
- u. Didn't want others to worry about me
- v. Wanted to forget it happened
- w. Had other things that needed my attention (e.g., classes, work)
- x. Didn't think the school would do anything about my report.
- y. Other (specify) _____

Recall that these questions are asking about the MOST SERIOUS INCIDENT when someone had unwanted sexual contact with you while you were a student at this school.

39. Did the incident result in a sexually transmitted infection?

- a. Yes
- b. No

40. Did the incident result in physical injury?

- a. Yes
- b. No

41. Did you receive medical treatment for the incident?

- a. Yes
- b. No

42. Did the incident have a negative impact on your:

- a. Schoolwork?
 - i. Yes
 - ii. No
- b. Job?

- i. Yes
 - ii. No
 - c. Social/recreational activities?
 - i. Yes
 - ii. No
 - d. Social relationships?
 - i. Yes
 - ii. No
 - e. Intimate relationships?
 - i. Yes
 - ii. No
- 43. Did you use the formal procedures available at your school to report the incident?
 - a. Yes
 - b. No
 - c. Not applicable
- 44a. (If Yes to 47) Did your school's formal procedures help you deal with the incident?
 - a. Didn't help me at all
 - b. Helped me a little
 - c. Helped, but could've helped more
 - d. Helped me a lot
 - e. Completely solved the problem

Section 7 (Dating Violence and Stalking)

This section asks questions about experiences you may have had in dating relationships and other forms of social contact (from strangers, friends, relatives, spouses, and/or partners) since arriving on campus.

- 44. Not including bill collectors, telephone solicitors, or other sales people, has anyone, male or female, ever: (Yes or No)
 - a. Followed or spied on you?
 - b. Sent you unsolicited letters or written correspondence?
 - c. Made unsolicited phone calls to you?
 - d. Sent you unsolicited emails or text messages?
 - e. Showed up at places you were even though he/she had no business being there?
 - f. Left unwanted items for you to find?
 - g. Tried to communicate in other ways against your will?
 - h. Vandalized your property or destroyed something you loved?
- 45a. (If yes to any of above) Has anyone ever done any of these things to you on more than one occasion? (Yes or No)
- 45aa. (If yes to 48a) How frightened were you by these things? (1---not at all, 2---only a little, 3---somewhat, 4---extremely)

45. (If 22 \neq a) Here is a list of behaviors that some students report have been used by their partners in current or previous relationships. We would like you to estimate how often these behaviors occurred during a relationship you've had since you began college.

Select a number for each of the items listed below to show your closest estimate of how often each behavior happened in your current or previous relationship(s) since you began college.

(1---never, 2---rarely, 3---occasionally, 4---frequently, 5---very frequently)

- a. Called you a name and/or criticized you
- b. Tried to keep you from doing something you wanted to do (e.g., going out with friends, going to meetings)
- c. Gave you angry stares or looks
- d. Prevented you from having money for your own use
- e. Threatened to hit or throw something at you
- f. Pushed, grabbed, or shoved you
- g. Put down your family and friends
- h. Accused you of paying too much attention to someone or something else
- i. Said things to scare you (e.g., told you something "bad" would happen, threatened to commit suicide)
- j. Slapped, hit, punched, or kicked you
- k. Made you do something humiliating or degrading (e.g., begging for forgiveness, having to ask permission to do something you want to do)
- l. Checked up on you (e.g., listened to your phone calls, checked the mileage on your car, called you repeatedly during class)
- m. Drove recklessly when you were in the car
- n. Pressured you to have sex in a way that you didn't like or want
- o. Threatened you with a knife, gun, or other weapon
- p. Stopped you or tried to stop you from going to work or school
- q. Threw, hit, kicked, or smashed something
- r. Physically forced you to have sex
- s. Choked or strangled you
- t. Used a knife, gun, or other weapon against you

(If 2---5 to any of the above questions from 49)

Thinking about some of these behaviors that occurred in a current or previous relationship since you began college, please answer the following questions about the MOST SERIOUS INCIDENT that happened to you.

46. How frightened were you by the incident?
- a. Extremely
 - b. Somewhat
 - c. Only a little
 - d. Not at all

47. How concerned were you about your safety during the incident?
- Extremely
 - Somewhat
 - Only a little
 - Not at all
48. Did you seek services or contact a hotline after the incident?
- Yes
 - No
49. Were you injured in the incident?
- Yes
 - No
- 50a. (If Yes to 55) Did you seek medical attention?
- Yes
 - No

Section 8 (Readiness to Help)

Sexual violence refers to a range of behaviors that are unwanted, including: remarks about physical appearance; persistent sexual advances that are undesired; unwanted touching; and unwanted oral, anal, or vaginal penetration or attempted penetration. These behaviors could be initiated by someone known or unknown, including someone the recipient is in a relationship with.

Please read the following statements and select the response that indicates how true each is of you.

(1=Strongly disagree; 7=Strongly agree)

50. I don't think sexual violence is a problem at my school.
51. I don't think there is much I can do about sexual violence at my school.
52. Doing something about sexual violence is solely the job of campus administrators.
53. Sometimes I think I should learn more about sexual violence.
54. I have not yet done anything to learn more about sexual violence.
55. I think I can do something about sexual violence.
56. I am planning to learn more about the problem of sexual violence at my school.
57. I have recently attended a program about sexual violence.
58. I am actively involved in projects to deal with sexual violence at my school.
59. I have recently taken part in activities or volunteered my time on projects focused on ending sexual violence at my school.
60. I have been or am currently involved in ongoing efforts to end sexual violence at my school.

Addendum C: Debrief Form

Thank you for your participation!

How We Will Use This Information

This survey assessed unwanted sexual experiences and relationship violence on your campus. The research will help us to answer the following questions: How often do unwanted sexual experiences happen on campus? What are the consequences? To whom do students report these incidents? How do students feel about the school's response to sexual assault?

Answers to these questions will help us develop policies and prevention tools to reduce the number of these incidents in our community and to provide better support systems for people who have been victimized.

Confidentiality

Thank you again for your willingness to participate. As stated above, the information you have provided will be kept confidential and not linked to you in any way.

Although we have undertaken all reasonable efforts to minimize any potential risks, you should know that any form of communication over the Internet carries at least some minimal risk of loss of confidentiality. For example, if other individuals (e.g. partner, roommate) have access to your computer, they might be able to view your web browsing history, including a link to this survey.

For information on how to delete your web browsing history, you can visit <http://www.computerhope.com/issues/ch000510.htm>

Resources

If you are concerned about any of the topics covered in this survey, or if you would like more information or personal support regarding these topics, please contact one of the resources listed below.

LOCAL RELATIONSHIP VIOLENCE RESOURCE
NATIONAL RELATIONSHIP VIOLENCE RESOURCE

LOCAL SEXUAL ASSAULT RESOURCE
NATIONAL SEXUAL ASSAULT RESOURCE

The principal investigators for this survey are _____ who can be reached at _____
to answer any additional questions you may have about this research.

THANK YOU AGAIN FOR YOUR PARTICIPATION.

PRESIDENTS QUARTERLY MEETING

DIRECTORS QUARTERLY MEETING

DATE: February 11, 2015
February 12, 2015

AGENDA ITEM: TBR Policy, 4:01:05:00, Internal Audit

ACTION: Requires Vote

PRESENTER: Tammy Birchett

BACKGROUND INFORMATION:

The Internal Audit policy was revised to provide clarity to various sections, including the following key changes:

Section III. D.5 – Clarified to add that if resource issues occur within internal audit, such information should be reported both to management of the institution and to the system-wide chief auditor.

Section III. G.2 – Clarified to align language in the policy with that in the state statute establishing the criteria for removal of the chief auditor for cause.

Section V. – Clarified section regarding audit plans and audit activity reports to reflect the current practice.

Internal Audit: 4:01:05:00

Policy/Guideline Area

Business and Finance Policies

Applicable Divisions

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

Purpose

This policy addresses staffing, responsibilities of the internal audit function, audit planning and reporting on internal audit activities.

In addition to this policy, the Office of System-wide Internal Audit maintains an audit manual. The purpose of the audit manual is to provide for consistency, continuity, and standards of acceptable performance.

Definitions

- Definitions are provided in the body of the policy.

Policy/Guideline

I. General Statement

- A. The internal audit function contributes to the improvement of the institution's operations by providing objective and relevant assurance regarding risk management, control and governance processes to management and the Board.
- B. Management is responsible for evaluating the institution's risks and establishing and maintaining adequate controls and processes.
- C. To provide relevant information, the internal audit activity will consider the goals of the institution, management's risk assessments and other input from management in determining its risk-based audit activities.

II. Internal Audit Standards

- A. Each internal audit function shall adhere to The Institute of Internal Auditors' (IIA) International Standards for the Professional Practice of Internal Auditing and Code of Ethics

(T.C.A. § 4-3-304(9)). The Institute of Internal Auditors, International Professional Practices Framework (IPPF), incorporates the definition of internal auditing, the International Standards for the Professional Practice of Internal Auditing and Code of Ethics into one document. It includes the following definition of internal auditing:

1. Internal Auditing is an independent, objective assurance and consulting activity designed to add value and improve an organization's operations. It helps an organization accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes.
- B. Risk is the possibility of an event occurring that will have an impact on the achievement of an institution's goals and objectives.
1. Risk is measured in terms of the impact an event may have and the likelihood that the event will occur.
 2. To optimize the achievement of the institution's goals and objectives, the Board and management acts to minimize the related risks by implementing reasonable procedures to control and monitor the risks.
- C. Governance processes **are** the combination of processes and structures implemented by the Board to inform, direct, manage, and monitor the activities of the organization toward the achievement of its objectives.
1. Examples of such processes include;
 - a. The organizational structure within an institution or a department;
 - b. Policies, guidelines and procedures instituted by the Board or management to direct and control a particular activity such as maintenance fees or hiring practices; and
 - c. Preparation and review procedures for preparing reports such as annual financial statements or federal grant or financial aid reports.
- D. The IPPF includes attribute standards, which address the expected characteristics of organizations and individuals performing internal audit activities and performance standards, which describe the nature of internal audit activities and establish criteria to evaluate the performance of internal audit activities.

- E. To assure compliance with the IIA Standards, internal audit offices must implement and maintain a quality assurance and improvement program that incorporates both internal and external review activities.
 - 1. Internal reviews include both ongoing and periodic review activities.
 - 2. External reviews must be performed at least every five years by a qualified, independent reviewer.
 - 3. Results of quality assurance reviews will be communicated to the Audit Committee and management.

III. Internal Audit Personnel

A. Universities

- 1. Each university shall employ at least two individuals with full-time responsibility as internal auditors.
- 2. Additional internal audit staff shall depend upon institutional size and structure.

B. Two-year Institutions

- 1. Two-year institutions shall employ at least one full-time internal auditor or have an approved agreement with a university or other two-year institution to provide required audit services.

C. Titles of internal audit staff shall be consistent within the overall institutional structure.

D. Internal Audit Staff

- 1. Internal audit staff must possess the professional credentials, knowledge, skills, and other competencies needed to perform their individual responsibilities.
- 2. The internal audit function collectively must possess or obtain the knowledge, skills, and other competencies needed to perform its responsibilities.
- 3. The campus Internal Audit Director and the System-wide Chief Audit Executive must be licensed as a Certified Public Accountant or a Certified Internal Auditor, maintain an active license and annually complete sufficient, relevant continuing professional education to satisfy the requirements for the professional certification held.

4. Other system auditors should annually complete sufficient, relevant continuing professional education to satisfy the requirements for their related professional certification or, at a minimum, forty hours of relevant continuing professional education.
5. Internal Audit Directors should communicate concerns to management ~~and the System-wide Chief Audit Executive~~ regarding the lack of sufficient resources to complete the objectives of an engagement or the audit plan.
6. Such resources may include the need for additional personnel or personnel with specialized knowledge, such as those with knowledge of fraud, information technology or other technical areas.

E. Appointments

1. The appointment of campus Internal Audit Directors as recommended by the President is subject to approval by the Chancellor or designee (T.C.A. §.49-14-106).
2. The appointment of the System-wide Chief Audit Executive is subject to review and approval by the Audit Committee of the Board of Regents (T.C.A. §.49-14-102).

F. Compensation

1. Compensation of the internal auditors is subject to review by the Audit Committee of the Board of Regents.
2. Compensation of the System-wide Chief Audit Executive and the ~~systemcentral~~ office internal auditors is subject to review and approval by the Audit Committee of the Board of Regents.

G. Termination or Change of Status

1. The termination or change of status of campus Internal Auditor Directors (T.C.A. § 49-14-106) requires the prior approval of the Chancellor and the Audit Committee of the Board of Regents.
2. The ~~termination or change of status of the~~ System-wide Chief Audit Executive (T.C.A. §.49-14-102) ~~may be removed only for cause, which or central-office internal auditors~~ requires ~~a majority vote the prior approval of the Audit Committee~~ of the Board of Regents.

IV. Internal Audit Role and Scope

A. Reporting Structure

1. In accordance with T.C.A. § 49-14-102, the System-wide Chief Audit Executive reports directly to the Audit Committee and the Tennessee Board of Regents.
2. Campus internal auditors report to the respective campus President with audit reporting responsibility to the Audit Committee and the Board through the Director of System-wide Internal Audit.
3. This reporting structure assures the independence of the internal audit function.

B. The TBR, Office of System-wide Internal Audit, hosts periodic meetings and communicates with the audit directors on matters of mutual interests.

C. The Office of System-wide Internal Audit maintains an internal audit manual to guide the internal audit activity in a consistent and professional manner at each institution.

D. The internal auditors' responsibilities include:

1. Working with management to assess institutional risks and developing an audit plan that considers the results of the risk assessment.
2. Evaluating institutional controls to determine their effectiveness and efficiency.
3. Coordinating work with external auditors, program reviewers, and consultants.
4. Determining the level of compliance with internal policies and procedures, state and federal laws, and government regulations.
5. Testing the timeliness, reliability, and usefulness of institutional records and reports.
6. Recommending improvements to controls, operations, and risk mitigation resolutions.
7. Assisting the institution with its strategic planning process to include a complete cycle of review of goals and values.
8. Evaluating program performance.
9. Performing consulting services and special requests as directed by the Audit Committee, the Chancellor, or the institution's President.

- E. The scope of internal auditing extends to all aspects of institutional operations and beyond fiscal boundaries. The internal auditor shall have access to all records, personnel, and physical properties relative to the performance of duties and responsibilities.
- F. The scope of a particular internal audit activity may be as broad or as restricted as required to meet management needs.
- G. Objectivity is essential to the internal audit function. Therefore, internal audit personnel should not be involved in the development and installation of systems and procedures, preparation of records, or any other activities that the internal audit staff may review or appraise. However, internal audit personnel may be consulted on the adequacy of controls incorporated into new systems and procedures or on revisions to existing systems.
- H. Management is responsible for identifying, evaluating, and responding to potential risks that may impact the achievement of the institution's objectives. Auditors continually evaluate the risk management, internal control, and governance processes. To facilitate these responsibilities, Internal Audit will receive notices or copies of external audit reviews, program reviews, fiscally related consulting reports, cash shortages, physical property losses, and employee misconduct.

V. Audit Plans and Activity Reports

A. Internal Audit shall develop an annual audit plan using an approved risk assessment methodology.

B. At the beginning of each fiscal year, after consultation with the Chancellor or President and other institution management, the Internal Audit Director will prepare an annual audit plan listing proposed areas to be audited. The audit plan must be flexible to respond to immediate issues and will be revised for such changes during the year.

B-C. Audit plans and revisions will be reviewed by the System-wide Chief Audit Executive and approved by the Audit Committee.

~~0. The audit work plan must be flexible to respond to immediate requests.~~

~~0. The institutional Internal Audit Director will submit an electronic copy of the audit plan for review by the System-wide Chief Audit Executive and the Audit Committee.~~

Formatted: Indent: Left: 0.06", Hanging: 0.33"

~~0.—The System-wide Chief Audit Executive will prepare an annual system-wide internal audit plan for approval by the Audit Committee.~~

~~0.—Once approved by the Audit Committee, audit plans for all institutions will be submitted to the Comptroller's Office, Division of State Audit.~~

~~D. At the end of each fiscal year, Internal Audit will prepare The status of the past year's plan will also be prepared in an annual activity report of that should include all significant audit services performed.~~

~~G.E. Annual activity reports and approved audit plans will be provided to the Comptroller's Office, Division of State Audit.~~

~~0.—The Internal Audit Director will submit an electronic copy of the annual activity report for review by the System-wide Chief Audit Executive and the Audit Committee.~~

~~0.—Once reviewed by the Audit Committee, annual audit activity reports for all institutions will be submitted to the Comptroller's Office, Division of State Audit.~~

Formatted: Tab stops: 0.69", List tab + Not at 1"

Formatted: Indent: Left: 0.08", Tab stops: 0.44", Left + Not at 1"

VIII.VI. Audit Engagements

- A. Audit engagements will be planned to provide relevant results to management and the Audit Committee regarding the effectiveness and efficiency of processes and controls over operations. To ensure management's expectations are met, auditors will communicate with management regarding the objectives and scope of the engagement.
- B. In planning and during the engagement, auditors should consider and be alert to risks that affect the institution's goals and objectives, operations and resources. Auditors should consider risks based on the operations under review, which include but are not limited to the risk of financial misstatements, noncompliance and fraud.
- C. An audit work program will be designed to achieve the objectives of the engagement and will include the steps necessary to identify, analyze, evaluate and document the information gathered and the conclusions reached during the engagement.
- D. Working papers that are created, obtained or compiled by an internal audit staff are confidential and are not an open record (T.C.A. § 4-4-304(9)).

IX.VII. Communicating Audit Results

- A. A written report that documents the objectives, scope, conclusions, and recommendations of the audit will be prepared for audit engagements providing assurance to the Board and management. Management will include corrective action for each reported finding.
- B. Internal Audit will perform audits to follow-up on findings or recommendations included in internal audit reports, investigation reports and State Audit reports. A written report will be prepared and for any findings that have not been corrected, management will be asked to include a revised corrective action plan. The Chancellor or institution's President, along with the Audit Committee, will be notified at the conclusion of a follow-up audit if management has not corrected the reported finding or implemented the recommendation.
- C. A written report that documents the objectives, scope, conclusions and recommendations will be prepared for investigations resulting from allegations or identification of fraud, waste or abuse. As appropriate in the circumstances, management will include corrective action for each reported finding. In a case where allegations are not substantiated by the review and there are no other operational concerns to report to management regarding the review, the case may be closed by writing a memo to the working paper file documenting the reasons for closing the case.
- D. Reports on special studies, consulting services, and other non-routine items should be prepared as appropriate, given the nature of the assignment.
- E. All internal audit reports will be signed by the institution's Internal Audit Director and transmitted directly to the Chancellor, President, or TCAT Director in a timely manner.
- F. The Internal Audit Director will transmit an electronic copy of the internal audit report to the System-wide Chief Audit Executive.
- G. The System-wide Chief Audit Executive will present significant results of internal audit reports to the Audit Committee quarterly.
- H. The System-wide Chief Audit Executive will provide a copy of each report to the Comptroller's Office, Division of State Audit.

X-VIII. Exceptions

A. Any exceptions to the policy established herein shall be subject to the approval of the System-wide Chief Audit Executive and the Audit Committee.

Sources

June 3, 1981 TBR Presidents' Meeting; July 1, 1984; May 20, 1986; February 14, 1989; November 14, 1989; August 13, 2002; February 10, 2004; November 18, 2004; Changed from Guideline B-050 at TBR Board Meeting, June 29, 2007; TBR Board Meeting, December 6, 2007; TBR Board Meeting, December 8, 2011.

PRESIDENTS QUARTERLY MEETING

DIRECTORS QUARTERLY MEETING

DATE: February 11, 2015
February 12, 2015

AGENDA ITEM: TBR Policy, 4:01:05:50, Preventing and Reporting Fraud, Waste
or Abuse

ACTION: Requires Vote

PRESENTER: Tammy Birchett

BACKGROUND INFORMATION:

The policy was revised to align the language in the policy to language in state statute, as well as other minimal clarifications.

Section II. A. of the policy, regarding the responsibility of state officials with knowledge of fraud, waste or abuse matters to report them to the Comptroller of the Treasury immediately, was amended. The revised language provides more specific instances of fraud, waste or abuse issues, including: a theft, forgery, credit card fraud, or any other act of unlawful or unauthorized taking, or abuse of, public money, property, or services, or other shortages of public funds.

Preventing and Reporting Fraud, Waste or Abuse: 4:01:05:50

Policy/Guideline Area

Business and Finance Policies

Applicable Divisions

TCATs, Community Colleges, Universities, System Office

Purpose

The Tennessee Board of Regents is committed to the responsible stewardship of its resources. Management of each TBR institution is responsible for maintaining a work environment that promotes ethical and honest behavior. Additionally, it is the responsibility of management of each TBR institution to establish and implement internal control systems and procedures to prevent and detect irregularities, including fraud, waste and abuse. Management at all levels should be aware of the risks and exposures inherent in their areas of responsibility, and should establish and maintain proper internal controls to provide for the security and accountability of all resources entrusted to them.

Definitions

- Fraud - An intentional act to deceive or cheat, ordinarily for the purpose or result of causing a detriment to another and/or bringing about some benefit to oneself or others. Fraudulent activities may include, but are not limited to the following:
 - Theft, misappropriation, misapplication, destruction, removal, or concealment of any institutional assets or resources, including but not limited to funds, securities, supplies, equipment, real property, intellectual property or data.
 - Improper use or assignment of any institutional assets or resources, including but not limited to personnel, services or property.
 - Improper handling or reporting of financial transactions, including use, acquisitions and divestiture of state property, both real and personal.
 - Authorization or receipt of compensation for hours not worked.

- Inappropriate or unauthorized use, alteration or manipulation of data, computer files, equipment, software, networks, or systems, including personal or private business use, hacking and software piracy.
- Forgery or unauthorized alteration of documents.
- Falsification of reports to management or external agencies.
- Pursuit of a personal benefit or advantage in violation of the TBR Conflict of Interest Policy.
- Concealment or misrepresentation of events or data.
- Acceptance of bribes, kickbacks or any gift, rebate, money or anything of value whatsoever, or any promise, obligation or contract for future reward, compensation, property or item of value, including intellectual property.
- Waste - Waste involves behavior that is deficient or improper when compared with behavior that a prudent person would consider a reasonable and necessary business practice given the facts and circumstances. Waste is a thoughtless or careless act, resulting in the expenditure, consumption, mismanagement, use, or squandering of institutional assets or resources to the detriment or potential detriment of the institution. Waste may also result from incurring unnecessary expenses due to inefficient or ineffective practices, systems, or controls. Waste does not necessarily involve fraud, violation of laws, regulations, or provisions of a contract or grant agreement.
- Abuse - Abuse involves behavior that is deficient or improper when compared with behavior that a prudent person would consider a reasonable and necessary business practice given the facts and circumstances. Abuse also includes misuse of authority or position for personal financial interest or those of an immediate or close family member or business associate. Abuse does not necessarily involve fraud, violation of laws, regulations, or provisions of a contract or grant agreement. (U.S. Government Accountability Office, Government Auditing Standards, July 2007.)

Formatted: Highlight

Formatted: Highlight

Policy/Guideline

I. Preventing Fraud, Waste or Abuse

A. Maintaining an Ethical Work Environment

1. Management is responsible for maintaining a work environment that promotes ethical and honest behavior on the part of all employees, students, contractors, vendors and others.
2. To do so, management at all levels must behave ethically and communicate to employees and others that they are expected to behave ethically.
3. Management must demonstrate through words and actions that unethical behavior will not be tolerated.

B. Implementing Effective Internal Control Systems

1. Management of each TBR institution has the responsibility to establish and implement internal control systems and procedures to prevent and detect irregularities, including fraud, waste and abuse.
2. Internal controls are processes performed by management and employees to provide reasonable assurance of:
 - a. Safeguards over institutional assets and resources, including but not limited to cash, securities, supplies, equipment, property, records, data or electronic systems;
 - b. Effective and efficient operations;
 - c. Reliable financial and other types of reports; and
 - d. Compliance with laws, regulations, contracts, grants and policies.
3. To determine whether internal controls are effective, management should perform periodic risk and control assessments, which should include the following activities:
 - a. Review the operational processes of the unit under consideration.
 - b. Determine the potential risk of fraud, waste, or abuse inherent in each process.
 - c. Identify the controls included in the process (or controls that could be included) that result in a reduction in the inherent risk.
 - d. Assess whether there are internal controls that need to be improved or added to the process under consideration.

e. Implement controls or improve existing controls that are determined to be the most efficient and effective for decreasing the risk of fraud, waste or abuse.

4. Most managers will find that processes already include a number of internal controls, but these controls should be monitored or reviewed for adequacy and effectiveness on a regular basis and improved as needed. Typical examples of internal controls may include, but are not limited to:

- a. Adequate separation of duties among employees.
- b. Sufficient physical safeguards over cash, supplies, equipment and other resources.
- c. Appropriate documentation of transactions.
- d. Independent validation of transactions for accuracy and completeness.
- e. Documented supervisory review and approval of transactions or other activities.
- f. Proper supervision of employees, processes, projects or other operational functions.

C. Reviews of Internal Control Systems

1. Audits or other independent reviews may be performed on various components of the internal control systems.

D. Internal Audit

- 1. Internal Audit is responsible for assessing the adequacy and effectiveness of internal controls that are implemented by management and will often recommend control improvements as a result of this assessment.
- 2. During an audit of a department or process, Internal Audit will also perform tests designed to detect fraud, waste or abuse that may have occurred.

E. External Audits

- 1. The Tennessee Department of Audit, Division of State Audit, performs periodic financial audits of Tennessee Board of Regents universities and community colleges.
- 2. One purpose of this type audit is to evaluate an institution's internal controls, which will often result in recommendations for control improvements.
- 3. State Audit will also perform tests designed to detect fraud, waste or abuse that may have occurred.

F. **Other Reviews**

Formatted: Highlight

1. Various programs may be subject to audits or reviews by federal, state or other outside agencies based on the type of program, function or funding.
2. Although audits and reviews may include assessments of internal controls, the primary responsibility for prevention and detection of fraud, waste or abuse belongs to management.
3. Therefore, management should take steps to review internal controls whether or not audits are to be performed.

II. Reporting Fraud, Waste or Abuse

A. Responsibility for Reporting Fraud, Waste or Abuse

Any official of any agency of the state having knowledge that a theft, forgery, credit card fraud, or any other act of unlawful or unauthorized taking, or abuse of, public money, property, or services, or other shortages of public funds has occurred shall report the information immediately to the office of the Comptroller of the Treasury (TCA § 8-19-501(a)). To ensure compliance with this statute, the Tennessee Board of Regents system office provides a means for institutional employees and others to report such matters, which are subsequently reported to the Comptroller's Office.

Formatted: Highlight

Formatted: Indent: Left: 0.4"

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

1. Institutional administration with knowledge of fraud, waste or abuse will report such incidents immediately.
2. Others, including institutional management, faculty and staff with a reasonable basis for believing that fraud, waste or abuse has occurred are strongly encouraged to immediately report such incidents (T.C.A. § 8-50-116).
3. Students, citizens and others are also encouraged to report known or suspected acts of fraud, waste or abuse.
4. Although proof of an improper activity is not required at the time the incident is reported, anyone reporting such actions must have reasonable grounds for doing so.

5. Employees with knowledge of matters constituting fraud, waste or abuse, that fail to report it or employees who knowingly make false accusations may be subject to disciplinary action.

B. Protection from Retaliation

1. State law (T.C.A. § 8-50-116) prohibits discrimination or retaliation against employees for reporting allegations of dishonest acts or cooperating with auditors conducting an investigation.
2. The Higher Education Accountability Act of 2004 directs that a person who knowingly and willingly retaliates or takes adverse action of any kind against any person for reporting alleged wrongdoing pursuant to the provisions of this part commits a Class A misdemeanor.

C. Confidentiality of Reported Information

1. According to T.C.A. § 49-14-103, detailed information received pursuant to a report of fraud, waste or abuse or any on-going investigation thereof shall be considered working papers of the internal auditor and shall be confidential.
2. Although every attempt will be made to keep information confidential, circumstances such as an order of a court or subpoena may result in disclosure.
3. Also, if TBR or one of its institutions has a separate legal obligation to investigate the complaint (e.g. complaints of illegal harassment or discrimination), TBR and its institutions cannot ensure anonymity or complete confidentiality.

D. Methods for Reporting Fraud, Waste or Abuse

1. Any employee who becomes aware of known or suspected fraud, waste or abuse should immediately report the incident to an appropriate departmental official. Incidents should be reported to **one of the following officials or offices:**
 - a. A supervisor or department head;
 - b. an institutional official;
 - c. the institutional internal auditor;
 - d. the Office of System-wide Internal Audit at 615-366-4441 or reportfraud@tbr.edu; or

Formatted: Highlight

e. the Tennessee Comptroller of the Treasury's Hotline for fraud, waste and abuse at 1-800-232-5454.

2. If the incident involves their immediate supervisor, the employee should report the incident to the next highest-level supervisor or one of the officials **or offices** listed **above/below**. Employees should not confront the suspected individual or initiate an investigation on their own since such actions could compromise the investigation.

Formatted: Highlight

Formatted: Highlight

3. A department official or other supervisor who receives notice of known or suspected fraud, waste or abuse must immediately report the incident to the following:

- President/Vice President for Business and Finance/TCAT Director (or designee)
- Internal Audit Department
- Safety and Security Office/Campus Police (when appropriate)

4. The President/Vice President/**TCAT** Director or designee **receiving such notice** will immediately notify the TBR Vice Chancellor for Business and Finance and the System-wide Chief Audit Executive regarding the acknowledged or suspected fraud or misconduct.

Formatted: Highlight

Formatted: Highlight

5. TCAT Directors should also report such matters to the Vice Chancellor for Tennessee Colleges of Applied Technology and the Lead Institution Vice President for Business and Finance.

6. The System-wide Chief Audit Executive will notify the Comptroller of the Treasury of instances of fraud, waste or abuse.

7. After initial notification, each institution should refer to TBR Guideline B-080, Reporting and Resolution of Institutional Losses, for additional reporting procedures.

III. Investigations/Actions

A. Cooperation of Employees

1. Individuals involved with suspected fraud, waste or abuse should assist with and cooperate in any authorized investigation, including providing complete, factual responses to questions and either providing access to or turning over relevant documentation immediately upon request by any authorized person.

2. The refusal by an employee to provide such assistance may result in disciplinary action.

B. Remedies Available

1. The Tennessee Board of Regents will evaluate the information provided and make a determination concerning external reporting obligations, if any, and the feasibility of pursuing available legal remedies against persons or entities involved in fraud, waste or abuse against the institution.
2. Remedies include, but are not limited to;
 - a. terminating employment,
 - b. requiring restitution, and
 - c. forwarding information regarding the suspected fraud to appropriate external authorities for criminal prosecution.
3. In those cases where disciplinary action is warranted, the Office of Personnel/Human Resources, Office of General Counsel, and other appropriate offices shall be consulted prior to taking such action, and applicable institutional and Board policies related to imposition of employee discipline shall be observed.

C. Resignation of Suspected Employee

1. An employee suspected of gross misconduct may not resign as an alternative to discharge after the investigation has been completed.
2. Exceptions to this requirement can only be made by the institution's President/Director, and require advance consultation with and approval by the Vice Chancellor for Business and Finance.
3. If the employee resigns during the investigation, the employment records must reflect the situation as of the date of the resignation and the outcome of the investigation (General Personnel Policy, 5:01:00:00).

D. Effect on Annual Leave

1. An employee who is dismissed for gross misconduct or who resigns or retires to avoid dismissal for gross misconduct shall not be entitled to any payment for accrued but

Formatted: Highlight

unused annual leave at the time of dismissal (Annual Leave Policy, 5:01:01:01; T.C.A. § 8-50-807).

E. Student Involvement

1. Students found to have participated in fraud, waste or abuse as defined by this guideline will be subject to disciplinary action pursuant to the TBR Policy 3:02:00:01, General Regulations on Student Conduct and Disciplinary Sanctions.
2. The Dean of Students/Vice President of Student Affairs/TCAT Director (or designee) will be responsible for adhering to applicable due process procedures and administering appropriate disciplinary action.

F. Confidentiality during Investigation

1. All investigations will be conducted in as strict confidence as possible, with information sharing limited to persons on a "need to know" basis.
2. The identities of persons communicating information or otherwise involved in an investigation or allegation of fraud, waste or abuse will not be revealed beyond the institution and staff of the TBR Offices of General Counsel, Business and Finance and System-wide Internal Audit unless necessary to comply with federal or state law, or if legal action is taken.

G. Management's Follow-up Responsibility

1. Administrators at all levels of management must implement, maintain, and evaluate an effective compliance program to prevent and detect fraud, waste and abuse.
2. Once such activities have been identified and reported, the overall resolution should include an assessment of how it occurred, an evaluation of what could prevent recurrences of the same or similar conduct, and implementation of appropriate controls, if needed.

Sources

TBR Board Meeting, March 28, 2008; TBR Board Meeting, December 8, 2011

Related Policies

- Internal Audit
- General Regulations on Student Conduct & Disciplinary Sanctions
- Annual Leave
- General Personnel Policy
- Reporting and Resolution of Institutional Losses

PRESIDENTS QUARTERLY MEETING

DATE: Presidents Meeting (February 11, 2015)

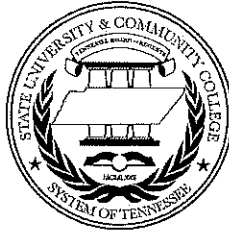
AGENDA ITEM: Requiring freshmen students to purchase iPads (or other tablet) fall 2015

ACTION: Survey of those colleges interested in participating in this initiative; provide information to help move this initiative forward to put in place by next fall 2015

PRESENTER: Dr. Janice Gilliam and Dr. Robbie Melton

BACKGROUND INFORMATION:

From presentations at our college (Apple, Dr. Robbie Melton) and at national conferences, a solution for one of the major inhibitors (cost of books) and a strategy for enhancing our students technology skills to make them more employable, Northeast State is exploring requiring all freshmen students to purchase a tablet. I am working with Apple and Dr. Melton to come up with a cost effective tablet, preferably an iPad. I have also been working with organizations such as XanEdu, Ed2Go and other colleges who are moving to e-books and open source/free instructional materials to cut textbook costs. I am surveying TN Community Colleges to see who might also be interested in collectively using our collective bargaining power to reduce the cost of iPads/tablets and downloadable texts.



TENNESSEE BOARD OF REGENTS

MEETING:	Presidents Meeting
SUBJECT:	Revisions to TBR Policy 3:02:00:01
DATE:	February 11, 2015
PRESENTER:	Mary G. Moody, General Counsel
ACTION REQUIRED:	Voice Vote
STAFF'S RECOMMENDATION:	Approval of Policy and Authorization of Rulemaking

BACKGROUND INFORMATION:

Recently, MTSU entered a Resolution Agreement with the Office of Civil Rights of the U. S. Department of Education, resolving a complaint from a student who alleged that his suspension from the University for "Conduct Dangerous to Self and Others" violated his rights under Section 504 of the Americans with Disabilities Act. Under the Agreement, MTSU agreed to revise its policy on the subject to comply with current federal law. This necessitated a revision to TBR Policy 3:02:00:01 to ensure that system level and institutional disciplinary policies comply with the current federal law. While making those revisions, it was determined that there were other revisions that would improve the existing policy. The proposed policy revisions include:

- The revisions required by the Resolution Agreement, removing the "threat to self" as a basis for disciplinary action and requiring any necessary assessments and consideration of alternatives before a suspension or involuntary withdrawal of a student
- Substituting a requirement to submit institutional disciplinary policies to the TBR Office of General Counsel and Office of Academic Affairs for prior review and approval, instead of approval by the Board
- Revisions reflecting recent changes to other TBR policies that are referenced in this policy

- Removal of a provision allowing the president or director to intervene at his or her discretion in a disciplinary proceeding, as that provision created due process problems
- Miscellaneous, non-substantive housekeeping revisions.

The Office of General Counsel and the Office of Academic Affairs recommend adoption of the proposed policy revisions.

Authorization to Revise Rules

In addition to this policy, TBR has also promulgated Rules on this subject, which must be revised accordingly. An emergency rule will be necessary, to meet deadlines set by the Office of Civil Rights, as well as regular rulemaking to replace the emergency rule. The Office of General Counsel and Office of Academic Affairs recommend that the Board adopt the proposed emergency and regular rules necessary to align the rules with the revised policy.

General Regulations Policy on Student Conduct & Disciplinary Sanctions: 3:02:00:01

Policy/Guideline Area

Student Policies

Applicable Divisions

TCATs, Community Colleges, Universities

Purpose

The Tennessee Board of Regents authorizes the institutions under its jurisdiction to take such action as may be necessary to maintain campus conditions and preserve the integrity of the institution and its educational environment. **Institutional policies on this subject shall be subject to prior review and approval by the TBR Offices of General Counsel and Academic Affairs.**

Definitions

- For the purpose of **this policy** ~~these regulations~~, a “student” shall mean any person who is admitted and/or registered for study at a State Board of Regents institution for any academic period. This shall include any period of time following admission and/or registration, but preceding the start of classes for any academic period. It will also include any period which follows the end of an academic period through the last day for registration for the succeeding academic period, and during any period while the student is under suspension from the institution.
- Finally, **“Student”** “student” shall also include any person subject to a period of suspension or removal from campus as a sanction which results from a finding of a violation of the **policies and regulations** governing student conduct.
- Definitions of “Disciplinary Offenses” and “Disciplinary Sanctions” are included in their respective sections, II. and IV.

Policy/Guideline

I. Policy Statement

- A. Students enrolled in postsecondary educational institutions are citizens of their civic communities as well as the academic community. As such they are expected to conduct themselves as law-abiding members of each community at all times.
- B. Admission to an institution of postsecondary education carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by nonstudents. In recognition of the special relationship that exists between the institution and the academic community which it seeks to serve, the Tennessee Board of Regents ("TBR" or "the Board") ~~has authorized~~ authorizes the presidents of the institutions and directors of the colleges of applied technology under its jurisdiction to take such action as may be necessary to maintain campus conditions and preserve the integrity of the institution and its educational environment.
- C. Pursuant to this authorization and in fulfillment of its duties to provide a secure and stimulating atmosphere in which individual and academic pursuits may flourish, the State Board of Regents has developed the following **policies** regulations, which are intended to govern student conduct on the several campuses under its jurisdiction.
- D. Each institution under the jurisdiction of the TBR is directed to implement policies subject to, and consistent with, these regulations.
- E. In student discipline policies, each institution may ~~expand on~~ **supplement** these **policies** regulations, subject to ~~Board~~ prior approval. In addition, students are subject to all federal, state and local laws and ordinances. If a student's violation of such laws or ordinances also adversely affects the institution's pursuit of its educational objectives, the institutions may enforce their own **policies** regulations regardless of the status or outcome of any external proceedings instituted by other civil or criminal authorities.
- F. Students are responsible for compliance with the Rules of Student Conduct **Policies** and with similar institutional policies **and regulations** at all times.
- G. Disciplinary action may be taken against a student for violation of the **policies and** regulations which occur on institutionally owned, leased or otherwise controlled property, while participating in international or distance learning programs, and off campus, when the conduct impairs, interferes with, or obstructs any institutional activity or the mission, processes, and

functions of the institution. Institutions may enforce their own regulations regardless of the status or outcome of any external proceedings instituted in any other forum, including any civil or criminal proceeding.

- H. These **policies** regulations, and related material incorporated herein by reference, are applicable to student organizations as well as individual students. Student organizations are subject to discipline for the conduct and actions of individual members of the organization while acting in their capacity as members of, or while attending or participating in any activity of, the organization.
- I. Confidentiality of Discipline Process. Subject to the exceptions provided pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g and/or the Tennessee Open Records Act, T.C.A. § 10-7-504(a)(4), a student's disciplinary files are considered "educational records" and are confidential within the meaning of those Acts.

II. Disciplinary Offenses

- A. Institutional disciplinary measures shall be imposed, through appropriate due process procedures, for conduct which adversely affects the institution's pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property or persons on property owned or controlled by an institution.
- B. Institutions shall adopt and publish a non-exclusive list, providing notice of offenses for which both individuals and organizations may be subject to disciplinary action.
- C. The list may include any appropriate offense given the specific needs of the individual institution, subject to prior review and approval of the Board.
- D. Institutions are pre-authorized to implement any or all of the disciplinary offenses, in the form set forth immediately below, without need for prior review or approval by the Board:
 - 1. **Threatening or Disruptive** Conduct Dangerous to Self or Others. Any conduct, or attempted conduct, which **poses a direct threat to the safety of others or where the student's behavior is materially and substantially disruptive of the institution's learning environment.**

- a. In determining whether a student with a disability should be involuntarily withdrawn or suspended for threatening or disruptive conduct, the institution shall consider the nature, duration, severity, and probability of the threat posed or the disruption caused by a student with a disability, relying on the most current medical evidence or the best available objective evidence.
 - b. The institutions shall also determine whether reasonable modifications of its policies, practices, or procedures could sufficiently mitigate the risk.
 - c. Absent exigent circumstances creating an imminent risk of harm, the assessment will be made prior to a decision to involuntarily withdraw or suspend based on the threat he or she poses to others.
 - d. If exigent circumstances warrant the immediate removal of a student with a disability from the institution, the student will receive, at a minimum, notice and an initial opportunity to present evidence immediately after being placed on involuntary withdrawal and the opportunity for full due process within 30 days of the removal. ~~constitutes a danger to any person's health, safety, or personal wellbeing, including, but not limited to, the following:~~
 - e. ~~Physical and/or verbal abuse,~~
 - f. ~~Threats and/or intimidation,~~
 - g. ~~Harm inflicted on self.~~
2. Hazing. Hazing, as defined in T.C.A. § 49-7-123(a)(1), means any intentional or reckless act, on or off the property, of any higher education institution by an individual acting alone, or with others, which is directed against any other person(s) that endangers the mental or physical health or safety of that person(s), or which induces or coerces a person(s) to endanger such person(s) mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization;

3. Disorderly Conduct. Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs institutional functions, operations, classrooms, other groups or individuals;
4. Obstruction of or Interference with institutional activities or facilities. Any intentional interference with or obstruction of any institutional, program, event, or facility including the following:
 - a. Any unauthorized occupancy of facilities owned or controlled by an institution or blockage of access to or from such facilities,
 - b. Interference with the right of any institution member or other authorized person to gain access to any activity, program, event or facilities sponsored or controlled by an institution,
 - c. Any obstruction or delay of a campus security officer, public safety officer, police officer, firefighter, EMT, or any official of an institution, or failure to comply with any emergency directive issued by such person in the performance of his or her duty;
5. Misuse of or Damage to Property. Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to another including, but not limited to, any personal property, fire alarms, fire equipment, elevators, telephones, institution keys, library materials and/or safety devices;
6. Theft, Misappropriation, or Unauthorized Sale of Property;
7. Misuse of Documents or Identification Cards. Any forgery, alteration of or unauthorized use of institutional documents, forms, records or identification cards, including the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment or status in the institution;
8. Firearms and Other Dangerous Weapons. Any possession of or use of firearms, dangerous weapons of any kind, or replica/toy guns, e.g. BB guns, pellet guns, paintball guns, water guns, cap guns, toy knives or other items that simulate firearms or dangerous weapons;

9. Explosives, Fireworks, and Flammable Materials. The unauthorized possession, ignition or detonation of any object or article which would cause damage by fire or other means to persons or property or possession of any substance which could be considered to be and used as fireworks;
10. Alcoholic Beverages. The use and/or possession of alcoholic beverages on institution owned or controlled property. This offense includes the violation of any local ordinance, state, or federal law concerning alcoholic beverages, on or off institution owned or controlled property, where an affiliated group or organization has alcoholic beverages present and available for consumption;
11. Drugs. The unlawful possession or use of any drug or controlled substance (including, but not limited to, any stimulant, depressant, narcotic or hallucinogenic drug, or marijuana), sale or distribution of any such drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession or use of drugs, on or off institution owned or controlled property;
12. Drug Paraphernalia. The use or possession of equipment, products or materials that are used or intended for use in manufacturing, growing, using or distributing any drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession of drug paraphernalia, on or off institution owned or controlled property;
13. Public Intoxication. Appearing on institution owned or controlled property or at an institutional sponsored event while under the influence of a controlled substance or of any other intoxicating substance;
14. Gambling. Unlawful gambling in any form;
15. Financial Irresponsibility. Failure to meet financial responsibilities to the institution promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the institution;
16. Unacceptable Conduct in Disciplinary Proceedings. Any conduct at any stage of an institutional disciplinary proceeding or investigation that is contemptuous, disrespectful,

threatening, or disorderly, including false complaints, testimony or other evidence, and attempts to influence the impartiality of a member of a judicial body, verbal or physical harassment or intimidation of a judicial board member, complainant, respondent or witness;

17. Failure to Cooperate with Institutional Officials. Failure to comply with directions of institutional officials acting in the performance of their duties;
18. Violation of General **Policies** ~~Rules and Regulations~~. Any violation of the general **policies** ~~rules and regulations~~ of the institution as published in an official institutional publication, including the intentional failure to perform any required action or the intentional performance of any prohibited action;
19. Attempts, Aiding and Abetting. Any attempt to commit any of the offenses listed under this section or the aiding or abetting of the commission of any of the offenses listed under this section (an attempt to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission). Being present during the planning or commission of any offense listed under this section will be considered as aiding and abetting. Students who anticipate or observe an offense must remove themselves from the situation and are required to report the offense to the institution;
20. Violations of State or Federal Laws. Any conviction of violation of state or federal laws or regulations proscribing conduct or establishing offenses, **if a student's violation of such laws or ordinances also adversely affects the institution's pursuit of its educational objectives**, ~~which laws and regulations are incorporated herein by reference~~;
21. Violation of Imposed Disciplinary Sanctions. Intentional or unintentional violation of a disciplinary sanction officially imposed by an institution official or a constituted body of the institution;
22. Sexual **Misconduct** ~~Battery or Rape~~. Committing any act of sexual **misconduct** ~~battery or rape~~ as defined by **TBR Policy 6:03:00:00** state law;
23. Harassment or Retaliation. Any act by an individual or group against another person or group in violation of TBR policies, as well as federal and/or state laws prohibiting

discrimination, including, but not limited to, TBR policies 5:01:02:00,(F), 6:01:00:00; 6:02:00:00; 5:04:02:00, 2:02:10:04 and TBR Guideline P-080;

24. Academic Misconduct. Plagiarism, cheating, fabrication. For purposes of this section the following definitions apply:
 - a. Plagiarism. The adoption or reproduction of ideas, words, statements, images, or works of another person as one's own without proper attribution,
 - b. Cheating. Using or attempting to use unauthorized materials, information, or aids in any academic exercise or test/examination. The term academic exercise includes all forms of work submitted for credit or hours,
 - c. Fabrication. Unauthorized falsification or invention of any information or citation in an academic exercise.
25. Unauthorized Duplication or Possession of Keys. Making, causing to be made, or the possession of with the intent to use or make available for use by others, any key for an institutional facility without proper authorization;
26. Litter. Dispersing litter in any form onto the grounds or facilities of the campus;
27. Pornography. Public display of literature, films, pictures or other materials which an average person applying contemporary community standards would find, (1) taken as a whole, appeals to the prurient interest, (2) depicts or describes sexual conduct in a patently offensive way, and (3) taken as a whole, lacks serious literary, artistic, political or scientific value;
28. Abuse of Computer Resources and Facilities. Misusing and/or abusing campus computer resources including, but not limited to the following:
 - a. Use of another person's identification to gain access to institutional computer resources,
 - b. Use of institutional computer resources and facilities to violate copyright laws, including, but not limited to, the act of unauthorized distribution of copyrighted materials using institutional information technology systems,

- e. Unauthorized access to a computer or network file, including but not limited to, altering, using, reading, copying, or deleting the file,
 - d. Unauthorized transfer of a computer or network file,
 - e. Use of computing resources and facilities to send abusive or obscene correspondence,
 - f. Use of computing resources and facilities in a manner that interferes with normal operation of the institutional computing system,
 - g. Use of computing resources and facilities to interfere with the work of another student, faculty member, or institutional official,
 - h. Violation of any published information technology resources policy,
 - i. Unauthorized peer-to-peer file sharing;
29. Unauthorized Access to Institutional Facilities and/or Grounds. Any unauthorized access and/or occupancy of institutional facilities and grounds is prohibited, including, but not limited to, gaining access to facilities and grounds that are closed to the public, being present in areas of campus that are open to limited guests only, being present in academic buildings after hours without permission, and being present in buildings when the student has no legitimate reason to be present;
30. Providing False Information. Giving any false information to, or withholding necessary information from, any institutional official acting in the performance of his/her duties in connection with a student's admission, enrollment, or status in the institution;
31. Unauthorized Surveillance. Making or causing to be made unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, and men's or women's restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means;

32. Smoking Violations. Violation of any TBR and/or institutional smoking or other tobacco use rules or policies.

- E. Disciplinary action may be taken against a student for violations of the foregoing **policies** ~~regulations~~ which occur at or in association with enrollment at an institution governed by the State Board of Regents for any academic period.
- F. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree including periods prior to or between semesters.
- G. Conduct occurring while a student is registered or enrolled at the institution, but not discovered until after **the student leaves the institution, including after** the awarding of a degree, is actionable under these provisions and may result in the retroactive application of a disciplinary sanction.
- H. Should a student withdraw from the institution with disciplinary action or academic misconduct action pending, the student's record may be encumbered by the appropriate institutional office until the proceedings have been concluded.

III. Academic and Classroom Misconduct

- A. The instructor has the primary responsibility for maintenance of academic integrity and controlling classroom behavior, and can order the temporary removal or exclusion from the classroom of any student engaged in disruptive conduct or conduct that violates the general rules and **policies** ~~regulations~~ of the institution for each class session during which the conduct occurs. Extended or permanent exclusion from the classroom, beyond the session in which the conduct occurred, or further disciplinary action can be effected only through appropriate procedures of the institution.
- B. Plagiarism, cheating, and other forms of academic dishonesty are prohibited. Students guilty of academic misconduct, either directly or indirectly, through participation or assistance, are immediately responsible to the instructor of the class. In addition to other possible disciplinary sanctions which may be imposed through the regular institutional disciplinary procedures, the instructor has the authority to assign an appropriate grade for the exercise or examination,

proportional to the nature and extent of academic misconduct. Disciplinary sanctions will be imposed only through the appropriate institutional student disciplinary processes.

- C. Students may appeal a grade assignment associated with a finding of academic misconduct, as distinct from a student disciplinary sanction, through appropriate institutional academic misconduct or grade appeal procedures. Courses may not be dropped pending the final resolution of an allegation of academic misconduct.
- D. Disruptive behavior in the classroom may be defined as, but not limited to, behavior that obstructs or disrupts the learning environment (e.g., offensive language, harassment of students and professors, repeated outbursts from a student which disrupt the flow of instruction or prevent concentration on the subject taught, failure to cooperate in maintaining classroom decorum, etc.), text messaging, and the continued use of any electronic or other noise or light emitting device which disturbs others (e.g., ~~disturbing noises from beepers, cell phones, palm pilots, lap-top computers, games, etc.~~).

IV. Disciplinary Sanctions

- A. Institutions shall adopt and publish a policy, providing notice of potential disciplinary sanctions applicable to both individuals and organizations. The policy may include any appropriate sanction, given the specific needs of the individual institution, subject to prior review and approval of the Board. Institutions are preauthorized to implement any or all of the sanctions, in the form set forth in sub-section (2) below, without need for prior review or approval by the Board. Upon a determination that a student or student organization has violated any of the disciplinary offenses set forth in these **policies and** regulations, institutional disciplinary policies, or the general policies of an institution, disciplinary sanctions may be imposed, either singly or in combination, by the appropriate institution or school officials.
- B. Definition of Sanctions:
 - 1. Restitution. Restitution may be required in situations which involve destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or student organization is obligated by the appropriate judicial authority to compensate a party or parties for a loss suffered as a

result of disciplinary violation(s). Any such payment in restitution shall be limited to actual cost of repair, replacement or financial loss;

2. Warning. The appropriate institutional official may notify the student or student organization that continuation or repetition of specified conduct may be cause for other disciplinary action;
3. Reprimand. A written or verbal reprimand or censure may be given to any student or student organization whose conduct violates any part of these **policies or** regulations and provides notice that that any further violation(s) may result in more serious penalties;
4. Service to the Institution or Community. A student, or student organization, may be required to donate a specified number of service hours to the institution performing reasonable tasks for an appropriate institution office, official(s), or the local community. The service required shall be commensurate to the offense (e.g., service for maintenance staff for defacing institutional property);
5. Specified Educational/Counseling Program. A student or student organization may be required to participate in specified educational or counseling program(s) relevant to the offense, or to prepare a project or report concerning a relevant topic;
6. Apology. A student or student organization may be required to apologize to an affected party, either verbally or in writing, for the behavior related to a disciplinary offense;
7. Fines. Penalties in the form of fines may be imposed against a student or student organization whenever the appropriate institutional authority deems appropriate. The sanction of fines may be imposed in addition to other forms of disciplinary sanctions. Failure to pay fines may result in further disciplinary action;
8. Restriction. A restriction upon a student's or student organization's privileges for a period of time may be imposed. This restriction may include, for example, denial of the ability to represent the institution at any event, ability to participate in institution or TBR sponsored travel, use of facilities, parking privileges, participation in extracurricular activities or restriction of organizational privileges;

9. Probation. Continued enrollment of a student or recognition of a student organization on probation may be conditioned upon adherence to these **policies and** regulations. Any student or organization placed on probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon extracurricular activities, or any other appropriate special condition(s). Any conduct in further violation of these **policies and** regulations while on probationary status or the failure to comply with the terms of the probationary period may result in the imposition of further disciplinary action;
10. Suspension. Suspension is the separation of a student or student organization from the institution for a specified period of time. Suspension may be accompanied by special conditions for readmission or recognition;
11. Expulsion. Expulsion entails a permanent separation from the institution. The imposition of this sanction is a permanent bar to the student's admission, or a student organization's recognition to the institution. A student or organization that has been expelled may not enter institution property or facilities without obtaining prior approval from an appropriate campus official with knowledge of the expulsion directive;
12. Revocation of Admission, Degree, or Credential;
13. Interim Suspension. As a general rule, the status of a student or student organization accused of violation of these **policies or** regulations should not be altered until a final determination has been made in regard to the charges. However, interim suspension, pending the completion of disciplinary procedures, may be imposed upon a finding by the appropriate institutional official that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused, any other member of the institution its guests, property, or substantial disruption of classroom or other campus activities. In any case of interim suspension, the student, or student organization, shall be given an opportunity at the time of the decision, or as soon thereafter as reasonably possible, to contest the suspension;
14. Housing Probation. Continued residence in campus or student housing may be conditioned upon adherence to these **policies and** regulations as well as institutional

housing **policies** regulations. Any resident placed on housing probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon the activities of the resident, including any other appropriate special condition(s);

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

C. The president/director of each institution is authorized, at his or her discretion, to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or, subsequently, to convert any sanction imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases.

V. Traffic and Parking

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

B. Registration of Automobiles/Permits/Decals: TBR institutions shall adopt policies regarding the registration of vehicles and/or the issuance of decals and/or permits on campus, and/or the alternate use of campus access fees in lieu of registration of individual vehicles for the purpose of effective enforcement of campus traffic and/or parking regulations. Reasonable fees/costs may be assessed in association with the vehicle registration, permit, or decal issuance process. Any fees/costs associated with registration of vehicles or the issuance of

permits/decals, together with appropriate information sufficient to justify the fee/cost amount, shall be submitted for review and approval by the TBR prior to implementation at any institution, pursuant to the requirement set forth in TBR policy.

- C. Parking: TBR institutions shall adopt policies with regard to parking on institution owned, operated, or controlled sites. Those policies shall reflect the physical availability and limitations of parking facilities at institution owned, operated, or controlled sites. TBR institutions are further authorized to adopt appropriate parking zones or designated parking systems for faculty, staff, students, residents of campus housing, visitors, and other appropriate groups. Institutions may also establish a schedule of hours for enforcement for parking regulations at their various campus sites. Reasonable fees/costs may be assessed in association with the issuance of parking decals or passes as set forth in section (2) above. Any fees/costs associated with parking permits/decals, together with appropriate information sufficient to justify the fee/cost amount, shall be submitted for review and approval by the TBR prior to implementation at any institution, pursuant to the requirement set forth in TBR policy.
- D. Traffic: TBR institutions shall adopt policies with regard to motor and other vehicular traffic on institution owned, operated, or controlled sites. Those policies shall reflect the nature of traffic patterns, roads, and physical limitations of the particular institution owned or controlled site. TBR institutions are further directed to adopt and publish a traffic code reflecting the traffic rules and offenses for that institution's sites. Such violations may include, but are not limited to, all traffic offenses provided under state, county, or municipal ordinance applicable to the locality of each institutional site. Adoption of such policies shall be subject to prior review and approval by the TBR. Once adopted or amended all traffic and parking regulations shall be affirmatively communicated to the faculty, staff, and students of the institution as well as published in appropriate websites, handbooks, or manuals.
- E. Fines/Penalties: TBR institutions shall have the authority to adopt appropriate fines and/or disciplinary sanctions for violations of the traffic and parking regulations established pursuant to sections (3) & (4) above. Fines may be set as determined necessary at each institution, but shall not exceed the amounts provided for by the higher of state law, county, or municipal

ordinance for the same offense. Such fines are subject to the prior review and approval of the TBR, pursuant to the requirement set forth in TBR policy. Proposed fines shall be submitted to the TBR together with information sufficient to justify the fine. Such information shall include consideration of state/county/municipal fines for the same offense, fines for the same offense at similarly situated institutions, association to enforcement costs at the institution, and/or the unique traffic/parking considerations at each institution. Once adopted or amended, all fines shall be affirmatively communicated to the faculty, staff, and students of the institution as well as published in appropriate websites, handbooks, or manuals.

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

VI. Disciplinary Procedures

- A. General: Institutions governed by the TBR, in the implementation of TBR **policies and** regulations pertaining to discipline and conduct of students, shall ensure the constitutional rights of students by affording a system of constitutionally and legally sound procedures which provide the protection of due process of law. In furtherance of this mandate, all TBR institutions shall enact policies setting forth the disciplinary procedures for the institution. All such policies shall be enacted in compliance with this rule, TBR Policy 3:02:01:00, applicable state and federal law. All policies adopted pursuant to this rule shall be subject to prior review and approval by the Board of Regents. Once adopted or amended, all disciplinary procedures shall be affirmatively communicated to the faculty, staff, and students of the institution as well as published in appropriate websites, handbooks, or manuals.
- B. TUAPA: All cases which may result in: (a) suspension or expulsion of a student, or student organization, from the institution, for disciplinary reasons or (b) revocation of registration of a student organization, are subject to the contested case provisions of the Tennessee Uniform Administrative Procedures Act (TUAPA), T.C.A. § 4-5-301 et seq., and shall be processed in

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

- C. Institutional Procedures: For matters not subject to the requirements of TUAPA, each institution shall include in its policies a description of the procedures applicable at each level of a student/organizational misconduct, student housing violation or traffic/parking violation proceeding, including procedures for the initiation, investigation, resolution and/or prosecution of a violation applicable at each level, including appeal(s). This policy shall also set forth minimum requirements for advance notice of charges/violations as well as the time, date, and place for any procedure or hearing.
- D. Institutional Hearings: For matters not subject to the requirements of TUAPA, institutions shall establish a body or bodies, with authority to hear student/organizational misconduct, student housing violations, or traffic/parking violations. Such body may be constituted as determined by the institution and may consist of one (1) individual or a committee. Authority may be vested in a single entity or in separate bodies.
- E. Minimum Requirements of Due Process for Institutional Hearings: Institutional hearing bodies and procedures governing discipline in cases of student/organizational misconduct, student housing violations and/or traffic/parking violations may be structured in any manner deemed appropriate given the organizational structure of the individual institution, but shall include the following minimal procedural components:
 - 1. The student shall be advised, in writing, of the breach of regulation(s) of which she/he is charged;
 - 2. The student shall be advised of the time, date, and place of the hearing allowing reasonable time for preparation;
 - 3. The student shall be advised of the following rights applicable at the hearing:
 - a. The right to present his or her case,

- b. The right to be accompanied by an advisor,
- c. The right to call witnesses in his or her behalf,
- d. The right to confront witnesses against him or her, and
- e. The student shall be advised of the method and time limitations for appeal, if any is applicable.

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

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

G. Alternative Resolution Procedures: Institutions are authorized to establish alternative or multiple methods/bodies for hearings and/or for the resolution of disciplinary matters, with the consent of all relevant parties. Alternative resolution methods may include, but are not limited to, mediation, diversion programs, and/or negotiated resolutions.

~~H. The president /director of each institution is authorized, at his or her discretion, to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or, subsequently, to convert any finding or sanction imposed to a lesser finding or sanction, or to rescind any previous finding or sanction, in appropriate cases.~~

Sources

TBR Meetings, December 2, 1977; March 3, 1978; March 18, 1983; September 30, 1983; TBR Board Meeting, March 29, 2012

Related Policies

- Student Due Process Procedure
- Equal Employment Opportunity and Affirmative Action

- Sex Discrimination, Sexual Harassment or Sexual Misconduct
- Sex Discrimination and Sexual Harassment
- Sexual Misconduct



TENNESSEE BOARD OF REGENTS

MEETING: Presidents Meeting

SUBJECT: Revisions to TBR Policy 3:02:01:00

DATE: February 10, 2015

PRESENTER: Mary G. Moody, General Counsel

ACTION REQUIRED: Approval of Policy Revision

STAFF'S RECOMMENDATION: Approval

BACKGROUND INFORMATION:

The TBR General Student Housing Policy currently requires that institutional housing policies be submitted to the Board of Regents for approval. This process is burdensome and slow. At its December meeting, the Board expressed an interest in moving this approval process from the Board to appropriate TBR staff. The proposed policy revision moves the approval of institutional housing policies from the Board of Regents to the TBR Offices of General Counsel and Academic Affairs.

TBR staff recommends its approval.

Student Residence Regulations

General Student Housing Policy: 3-03-01-00

Policy/Guideline Area

Student Policies

Applicable Divisions

Universities

Policy/Guideline

- I. General Requirements
 - A. Each institution that operates student housing facilities shall adopt a policy consistent with this system-wide policy.
 - B. Each institution is authorized to enact additional provisions that are appropriate to their facilities and operations, and are consistent with the provisions of the system policy.
 - C. Each institution shall submit its proposed student housing policy to the Board of Regents **Office of Academic Affairs and Office of General Counsel** for approval. After initial approval any subsequent revision shall be submitted to the Board **of Regents Office of Academic Affairs** for approval, ~~unless otherwise permitted by this policy.~~
 - D. Each institutional policy shall set forth the eligibility requirements for residence in student housing facilities. Institutional policies may establish requirements that are specifically applicable to the varying types of housing operated by the institution.
 - E. If an institution mandates that students reside in a student residence facility, the institution's policy shall set forth the parameters of that requirement in terms of academic progression and/or age.
 - F. Each student residing in a student residence facility shall sign a TBR standard contract applicable to the type of facility he or she occupies.