

Revised Presidents Quarterly Meeting Agenda

Wednesday, May 1, 2024

1:00 p.m. C.T. - Virtual Meeting

1. Opening Remarks – Chancellor Tydings

Consent Agenda

2. B-010 Collection of Accounts Receivable – Alisha Fox
3. 5.01.01.11: Days of Administrative Closing – Alisha Fox
4. 5.01.01.08: Parental Leave – Alisha Fox
5. 5.01.01.06: Leave Transfer Between the State Universities & The College System of Tennessee & State & Local Education Agencies – Alisha Fox
6. 5.01.00.00: Employee Disciplinary Action – Alisha Fox
7. P-115: Certified Administrative Professional Examination – Alisha Fox

Informational Items

8. 5.02.03.70: Academic Tenure for Community Colleges - Jothany Reed
9. Demo of IPEDS Dashboard – Russ Deaton & Alex Gorbunov
10. Legislative Update – Kim McCormick
11. Groundbreaking Events Update – Kim McCormick
12. Firearms and Other Weapons Policy – Brian Lapps
13. Title IX Final Rule – Brian Lapps
14. Preview Topics for the June Board Meeting: tuition recommendation, compensation strategies, executive incentive pay, proposed budgets – Alisha Fox
15. Audit Update - Mike Batson
16. Other Business and Adjournment – Chancellor Tydings

**Presidents Quarterly Meeting
May 1, 2024**

SUBJECT:	Policy 5.02.03.70 Academic Tenure for Community Colleges
PRESENTER:	Vice Chancellor Jothany Reed
LENGTH OF PRESENTATION:	10 minutes
ACTION REQUIRED:	Requires Vote

Summary:

Policy 5.02.03.70 Academic Tenure for Community Colleges has been revised to resolve tension in current policy language and streamline the process. Key revisions include:

1. The proposed revisions relate to the termination of tenure track faculty in their probationary period and do not change the process for acquiring tenure or tenure itself.
2. The current policy has provisions that are in significant tension with each other and hard to reconcile.
 - Section 5.02.30.70(V)(A)(6) provides that a tenure-track employee can be terminated for the same reasons and procedure as for non-tenure track employees. Further down in (V)(I)(1), addressing termination of faculty for adequate cause, the policy says that tenure-track faculty are entitled to the same process as tenured faculty.
3. Another reason for revisions is incidents where tenure track faculty have been paid out through the notice period/terminal year because they need to be removed from campus but the process for terminating is so cumbersome.
 - This can affect the college's ability to hire a new instructor to support the department by limiting funds.
4. Revision of deadline for appointments expiring at the end of the academic year, notice must be given no later than March 15 of the academic year rather than April 1.

5. For the termination of tenure-track faculty the removal of “may” leaving the President to consult with the Vice President of Academic Affairs and faculty Senate President or faculty designee was added to provide flexibility to the Senate President.

Academic Tenure for Community Colleges: 5.02.03.70

Policy/Guideline Area

Personnel Policies
Applicable Divisions

Community Colleges
Purpose

The purpose of this policy is to establish the criteria and process regarding academic tenure at community colleges governed by the Tennessee Board of Regents.

Definitions

The following are general definitions of terms used in this policy. They are further defined in the subsequent sections of this policy.

- Academic Tenure – a personnel status in an academic department or academic program unit pursuant to which the academic or fiscal year appointments of full-time faculty who have been awarded tenure are continued at a community college until the expiration or relinquishment of that status, subject to termination for adequate cause, for financial exigency, or for curricular reasons.
- Adequate Cause – a basis upon which a [tenured](#) faculty member ~~–either with academic tenure or on a tenure track, term, or temporary appointment–prior to the end of the specified term of the appointment~~ may be dismissed or terminated. The specific grounds which constitute adequate cause are set forth in Section V.-G herein.
- Financial Exigency – the formal declaration by TBR that one or more of its community colleges faces an imminent financial crisis, that there is a current or projected lack of sufficient funds (appropriated or non-appropriated) for the campus as a whole to maintain current programs and activities at a level sufficient to fulfill educational goals and priorities, and that the budget can only be balanced

by extraordinary means that include termination of existing and continuing academic and non-academic appointments.

- Faculty Member – a full-time employee who holds academic rank as instructor, assistant professor, associate professor, or professor. Further definition can be found in [TBR Policy Section 05.02.01.00 of TBR policy](#).
- Probationary Employment – period of full-time professional service by a faculty member for whom an appointment letter denotes a tenure-track appointment in which he/she does not have tenure and in which he/she is evaluated by the college for the purpose of determining his/her satisfaction of the criteria for a recommendation for tenure. Probationary employment provides an opportunity for the individual to assess his/her own commitment to the college and for the college to determine whether the individual meets its perception of quality and projected need.
- [Tenure-track Faculty Member – A faculty member who does not have tenure but is employed under a tenure-track appointment for probationary employment. Tenure-track appointments shall not include any right to permanent or continuous employment, shall not create any manner of legal right, interest, or expectation of renewal or any other type of appointment, and shall be subject to annual renewal by the College. Moreover, tenure-track appointments do not include any assurance of continued employment at any specified salary, position or employment during non-academic year sessions \(e.g., summer session\).](#)

Note: Faculty appointments are defined in a separate TBR policy.

Policy/Guideline

I. Introduction

- A. Tenure is awarded only by positive action by the Tennessee Board of Regents (TBR), pursuant to the requirements and procedures of this policy, at a specific college.
- B. The award of tenure is recognition of the merit of a faculty member and of the assumption that he/she would meet the long-term staffing needs of the department or academic program unit and the college. The continued professional growth and development of faculty is necessary for institutions of higher education to continue to provide educational programs in accordance with the college's mission, goals, and changing needs of the institution.
- C. Tenure is awarded only to those members of the faculty who have exhibited professional excellence and outstanding abilities sufficient to demonstrate that their future services and performances justify the degree of permanence afforded by academic tenure.
- D. The quality of the faculty of any community college is maintained primarily through the appraisal, by faculty and administrative officers, of each candidate for tenure. Tenure at a TBR community college provides eligible full-time faculty with the assurance of continued employment during the academic year until retirement or dismissal for adequate cause, financial exigency, or curricular reasons, as further discussed herein.
- E. TBR does not award tenure in non-faculty positions.
- F. The following TBR policy on tenure is applicable to all community colleges within the system. These are minimum provisions and should be implemented in a manner appropriate to the individual missions, traditions, and needs of the colleges.
- G. Each college may establish additional requirements for the eligibility of faculty for consideration for tenure. College policies on tenure must cite and specifically acknowledge compliance with TBR Policy on Academic Tenure.

Likewise, policies must embody and communicate clearly all provisions, definitions, and stipulations of the TBR policy.

II. Consideration for Tenure

A. Community college policies must include specifically identifiable sections that define minimum eligibility requirements for consideration of tenure.

1. Tenure Process

- a. Each college policy must contain:
 - (1) A defined probationary period;
 - (2) Provisions for a tenure-track faculty member to be guided through the tenure process. Guidance may include provision of a mentor, pre-tenure review, portfolio development workshops, etc.;
 - (3) A process that defines the levels of review to include peer review;
 - (4) Procedures associated with review by each level, with a clear description of materials that each level will review;
 - (5) A calendar or schedule of the review process; and
 - (6) The types and frequency of evaluation of probationary faculty members in the areas of teaching, service/outreach, and scholarship/creative activities/research.
- b. Colleges may request tenure upon appointment for candidates with extraordinary credentials. The exception shall be requested when the faculty member is employed.
- c. College procedures shall ensure that peer committees have confidentiality of individual tenure votes unless there is evidence that casts doubt upon the integrity of the peer

committee. This policy shall be interpreted in a manner consistent with the Tennessee Public Records Act, codified in T.C.A. §§ 10-7-503 and 504.

- d. Annual evaluations conducted by the candidate's department chair or other appropriate head of an academic program unit are an important aspect of the criteria for tenure at colleges; therefore, college policies must include a clear statement as to the role and methodology of evaluation in measuring those criteria relevant to assessing the merit of the probationary candidate.
- e. These evaluation criteria may include provisions for providing a tenured faculty mentor who can conscientiously address deficiencies in the candidate's progress towards tenure and provide feedback to the candidate.
- f. In addition, the candidate, in consultation with his/her faculty mentor, may request a preliminary review by an ad-hoc tenure review committee prior to application for tenure as a mechanism to assess the progress of the candidate for tenure.
- g. This committee shall be composed of the faculty mentor, from within the candidate's academic unit who will act as chair of the committee, one tenured faculty from outside the academic unit, and the chair or dean of the academic unit where tenure will be granted.

2. Tenure Appointments

- a. Recommendations for or against tenure shall originate from the department or academic program unit in which the faculty member is assigned. Procedures of review will be determined

by each institution in keeping with the statements included in II.A.1.a.(1)-(6) above.

- (1) The review shall include appropriate participation in the recommendation by tenured faculty in the department or academic program unit.
 - (2) Although it can be difficult to establish evidence of teaching excellence, each department must develop a procedure to ensure that factual information relative to the candidate's teaching is available at the time he/she is considered for tenure.
- b. The recommendation for tenure must be made by the president to the chancellor and by the chancellor to the Board of Regents. In the event that the tenure is awarded by TBR, the president shall furnish to the faculty member written confirmation of the award. The locus of tenure is awarded as appropriate in the department or academic program unit of the faculty member depending upon the organizational structure of the college.
 - c. No other person shall have any authority to make any representation concerning tenure to any faculty member.
 - d. Failure to give timely notice of non-renewal of a contract shall not result in the acquisition of a tenure appointment, but shall result in the right of the faculty member to another year of service at the college, provided that no tenure appeals remain outstanding due to lack of cooperation and/or appropriate action on the part of the candidate in completing the appeal process.

3. [Minimum Eligibility Requirements](#)

- a. Employment Status. Tenure may be awarded only to:
 - (1) Regular Full-time faculty members who:
 - (a) Hold academic rank as instructor, assistant professor, associate professor, or professor and meet the minimum criteria as specified in a separate TBR policy.
 - (b) Have been employed in a tenure-track appointment and have completed the minimum probationary period of service as stated in the college's policy and/or as agreed upon in writing and signed by the president or his/her designee.
 - (c) Have been determined by the college to meet the criteria for tenure and have been so recommended.
 - (2) Special Contract Faculty.
 - (a) Faculty members supported in whole or in part by funds available to the college on a short-term basis, such as grants, contracts, or foundation-sponsored projects, may be eligible for tenure if continuing support for such members can be clearly identified in the regular budget of the college.

4. **Length of Probationary Employment**

- (1) Probationary faculty may be employed on annual tenure-track appointments for a probationary period which may not exceed six (6) years.
- (2) The faculty member may apply for tenure following a probationary period of not less than five years, provided

that exceptions to the minimum probationary period may be made under special circumstances upon recommendation by the president and approval by the Chancellor.

- (3) Upon approval of such an exception by the Chancellor, the faculty member's recommendation for tenure will go forward to the Board as meeting the requirements for the probationary period.

5. Calculating the Probationary Period

- a. Only full-time continuous service at a college will be included in determining completion of the probationary period, unless a break in service is approved.
- b. Employment during summer terms and in part-time positions shall not be credited toward satisfying the probationary period.
 - (1) Credit for Prior Service - The minimum probationary period of five years may include credit for prior service when agreed to by the president, and subject to the maximum permissible credit for prior service as noted below:
 - (a) Credit toward completion of the probationary period may at the discretion of the president be given for a maximum of three years of previous full-time service at other colleges, universities, or institutes provided that the prior service is relevant to the institution's own needs and criteria. Any credit for prior service that is recognized and agreed to must be confirmed in writing at the time of the initial appointment.

- (b) Credit toward completion of the probation period may, at the discretion of the president, be given for a maximum of three years or previous full-time service in a temporary faculty appointment or term appointment at the same institution (see Types of Appointments, Section 1) or in an earlier tenure-track appointment at the same institution that has been followed by a break in service. Any credit for prior service in a temporary full-time faculty appointment at the same institution or in an earlier tenure-track appointment (at the same institution) that has been followed by a break in service must be recognized and confirmed in writing in the appointment letter to a tenure-track position.
- (2) Leave of Absence.
- (a) The period of approved leave of absence shall be excluded from the required probationary period.
 - (b) A faculty member may apply for a maximum of two, non-consecutive one-year leave increments.
 - (c) Exceptions may be granted by the president of the college in writing prior to the leave of absence.
 - (d) Exceptions may include:
 - (i) crediting the leave periods to the probationary period and/or
 - (ii) granting more than two, non-consecutive one-year increments. Exception (ii), per TBR

policy, requires approval of the Chancellor of TBR.

- (3) "Stopping the Tenure Clock."
 - (a) A faculty member may request to "stop the tenure clock" during his/her probationary period when circumstances exist that interrupt the faculty member's normal progress toward qualifying for tenure.
 - (b) In such cases, the faculty member may request to "stop the tenure clock" for one-year if he/she demonstrates that circumstances reasonably warrant the interruption.
 - (c) Reasons will typically be related to a personal or family situation requiring attention and commitment that consumes the time and energy normally addressed to faculty duties and professional development.
 - (d) Examples may include childbirth or adoption, care of dependents, medical conditions or obligations, physical disasters or disruptions, military deployment, or similar circumstances.
- (4) Administrative Appointment.
 - (a) A faculty member appointed to an administrative position may remain eligible for tenure consideration.
 - (b) The faculty member must:
 - (i) qualify for tenure under the college's guidelines, and

- (ii) maintain a significant involvement in academic pursuits including teaching, service/outreach, and scholarship/creative activities/research.
 - (c) The time (or prorated portion of time) spent in the administrative position may be credited toward completion of the probationary period.
- (5) Transfer to Another Department or Unit.
 - (a) When a faculty member is serving a probationary period in a department or academic program unit and is subsequently transferred to another department or unit, the faculty member may – with the approval of the president – elect to begin a new probationary period on the date the transfer occurs.
 - (b) If he/she does not so elect (and confirm this in writing to the president), time spent in the first appointment shall count toward establishing the minimum and maximum probationary period.

III. Criteria to be considered in Tenure Recommendations

- A. The criteria for a recommendation of tenure depend upon the nature, mission, and goals of the college in which tenure may be awarded and of the department and academic program unit in which a faculty member is employed.
 - 1. The faculty member must demonstrate willingness and ability to work effectively with colleagues and in a professional manner to support the mission of the institution and the common goals of both the institution and of the academic organizational unit.

2. Moreover, criteria for tenure relate to the college's three traditional and often inter-related missions: teaching, service/outreach, and scholarship/creative activities/research.
- B. Community college policies must include sections that identify criteria to be considered in tenure recommendations and specify in broad terms their relative importance. Those sections must clearly distinguish between:
1. Criteria relevant to assessing the merit of the probationary candidate; and
 2. Criteria relevant to assessing the long-term staffing needs of the college and of the department or academic program unit to which the candidate is assigned.
- C. Criteria for tenure relate to the college's three traditional missions: teaching, service/outreach, and scholarship/creative activities/research. In the community college setting, effective teaching is of paramount importance.
1. **Teaching**
 - a. Effective teaching is an essential qualification for tenure, and tenure should be granted only with clear and documented evidence of a candidate's teaching ability and potential for continued development.
 - b. Each of the items listed below must be submitted as evidence of effective teaching and be included in the teaching portfolio.
 - (1) Evidence of ability to organize and present subject matter in a logical and meaningful way,
 - (2) Evidence of effective strategies to motivate and stimulate student learning,
 - (3) Statement of teaching philosophy,

- (4) Course materials (i.e., course syllabi, handouts, exams/evaluation instruments, instructional materials), and
 - (5) Results of student evaluations for every course evaluated during the probationary period.
- c. Additional types of documentation may also include:
- (1) Open-ended or other student input,
 - (2) Student products,
 - (3) Teaching recognition/awards,
 - (4) Evidence of professional development in teaching.
 - (5) Evidence of disciplinary or interdisciplinary program or curricular development,
 - (6) Alumni surveys,
 - (7) Student exit interviews,
 - (8) Evidence of supervision of student projects and other forms of student mentorships, and
 - (9) the evidence of excellence in teaching or mentoring, or both.

2. **Service/Outreach**

- a. Service and/or outreach encompass a faculty member's activities in college service, outreach or public service, and professional service.
- b. Evidence of performance in one or more of the following activities should be submitted. Weight and magnitude of importance will be directed by the college's policies and guidelines.

- (1) College service refers to activities other than teaching and scholarship performed at the department or college level. It is expected of every faculty member; indeed, colleges could hardly function without conscientious faculty who perform committee work and other administrative responsibilities. College service includes, but is not limited to, serving on departmental committees, advising students, and participating in college activities and on college committees. More extensive citizenship functions such as membership on a specially appointed task force, serving as advisor to a college-wide student organization, and membership on a college search committee should be taken into account in consideration for tenure.
 - (2) The outreach or public service function is the college's outreach to the community and society at large, with major emphasis on the application of knowledge for the solution of problems with which society is confronted. Outreach primarily involves sharing professional expertise and should directly support the goals and mission of the college. A vital component of the college's mission, public service must be performed at the same high levels of quality that characterize the teaching and research programs.
- c. Professional service refers to the work done for organizations related to the faculty member's discipline or to the teaching profession generally. Service to the profession includes

activities such as service on statewide or TBR committees, guest lecturing on other campuses, and other appropriate activities.

3. **Scholarship/Creative Activities/Research**

- a. Candidates for tenure must present documented evidence of their scholarship, creative activities, and/or research.
- b. While each item listed as required under "Teaching" must be included, the weight and magnitude of evidence required for activities in scholarship or creative activities or research will be directed by the college policy and guidelines.
- c. Such evidence should cite typical professional development activities such as presentations at a professional meeting, journal editorship, article and grant proposal review, performances, exhibitions, creative activities, as well as completing books, journal articles, or monographs, and other appropriate activities.
- d. The scholarship of teaching is a valid measure of research capability. It goes beyond doing a good job in the classroom; creative teachers should organize, record, and document their efforts in such a way that their colleagues may share their contributions to the art of teaching. Authoring appropriate textbooks or chapters within a book, writing educational articles, making presentations, and using innovative contributions to teaching, constitute scholarship of teaching.
- e. Performances, compositions, and other artistic creations are examples of appropriate creative activities. Documentation of such activities might include written reviews and evaluations by qualified peers.

- f. Publications in journals or media of similar quality are considered indicators of professional and/or scholarly activity.
- g. Publications that are reviewed by peers are more significant than those that are not subjected to such rigorous examination. It should be emphasized that quality is more important than quantity.

IV. Exceptions to Minimum Rank Qualifications

- A. The minimum rank qualifications should be met in every recommendation regarding appointment to academic rank and for promotion in academic rank.

V. Changes in Tenure and Tenure-track Status

A. Non-renewal of Probationary, Tenure-track Faculty

- 1. When tenure-track appointments of faculty are not to be renewed, the faculty member shall receive notice of the non-renewal for the ensuing academic year as follows:
 - a. In the first and second academic years of service:
 - (1) For appointments expiring at the end of the academic year, notice must be given no later than March 15 of that academic year.
 - (2) For appointments expiring at the end of the current calendar year, notice must be given no later than November 1 of that year.
 - (3) For appointments expiring during an academic year, notice must be given at least sixty (60) days prior to the expiration date.

In the second academic year of service:

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- ~~■ For appointments expiring at the end of the current academic year, notice must be given no later than January 1 of that academic year.~~
- ~~■ For appointments expiring at the end of the current calendar year, notice must no later than August 1 of that year.~~
- ~~■ For appointments expiring during academic year, notice must be given at least one hundred fifty (150) days prior to its termination.~~

~~b.~~ In the third or subsequent academic year of service:

- (1) For appointments expiring at the end of the academic year, notice must be given no later than the last day of the preceding academic year.
 - (2) For appointments expiring at the end of a calendar year, notice of non-renewal must be given no later than December 31 of the preceding year.
 - (3) For appointments that terminate during an academic year, notice of non-renewal must be given at least three hundred and sixty-five (365) days prior to the date of termination. The above stated dates are the latest dates for notice of non-renewal of faculty on tenure-track appointments. Each college may adopt annual dates that provide for longer notice of non-renewal.
2. Notice of non-renewal shall be effective upon hand delivery of the notice to the faculty member, or upon the date the notice is mailed, certified mail, return receipt requested, postage prepaid, to the faculty member at his/her current home address of record with the college.

3. Applicable time periods for notice of non-renewal are based upon actual years of service at the college at which the faculty member is currently employed and are in no way affected by any credit for prior service that may have been awarded.
4. In computing time for notice of non-renewal, exclude the day the notice is served; count every day thereafter, including intermediate Saturdays, Sundays, and legal holidays; and include the last day, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the next day that is not a Saturday, Sunday or legal holiday.
5. When a faculty member in a tenure-track appointment completes his/her probationary period, the faculty member will be given notice of non-renewal of the appointment during the spring term following application for such status. Such notice of non-renewal should be given not later than the final day of the academic year. The faculty member's right in an instance where timely notice is not given is described in TBR policy.
6. ~~Faculty members on tenure-track appointments may have their employment terminated for any reason that would justify termination of a non-tenure-track faculty. The tenure-track faculty is entitled to the same process regarding termination that would be applicable to a non-tenure-track employee.~~
7. The non-renewal or non-reappointment of any faculty member on a tenure-track appointment does not necessarily carry an implication that his/her work or conduct has been unsatisfactory.
8. Neither non-renewal of a tenure-track faculty appointment during the first five years of the probationary period nor denial of tenure unaccompanied by notice of termination in the sixth year of the

probationary period are appealable to the Chancellor, unless there has been a violation of state or federal law

B. Termination of Tenure-Track Appointment

1. A tenure-track faculty member may be terminated prior to the expiration of the term specified in the appointment letter or contract if the President makes a reasonable determination that good cause exists. ~~Good cause~~, Good cause includes, but is not limited to Adequate Cause.
2. Process for termination of tenure-track appointment.
 - a. Prior to providing notice of intent to terminate a tenure-track faculty member for good cause, the President shall consult with the Vice President for Academic Affairs and ~~may notify the President of the Faculty Senate, or its faculty designee.~~ -of the proposed termination, including the reasons for the termination and the effective date, and give the President of the Faculty Senate, ~~or designee,~~ -a chance to comment on the proposed termination.
 - b. Following -notice to the President of the Faculty Senate, the President or designee shall notify the faculty member in writing of the effective date of the proposed termination and the reason(s) for the proposed termination.
 - c. The faculty member may request an informal meeting with the President, Vice President for Academic Affairs, and the President of the Faculty Senate (or any of their designees) and will be allowed to submit information contesting the proposed termination. The request must be made within two business days of the faculty member's receipt of notice of termination.

The informal meeting must take place within five business days of the faculty member's request for an informal meeting.

- d. If the faculty member does not make a timely request to discuss the proposed termination, the termination is effective on the date specified in the notice. If the President or designee does not agree to revoke the termination, the termination is effective on the date set by the notice or other date as may be set by the college.

3. Contesting Termination of Tenure-Track Appointment

- a. A faculty member may choose to contest the President's decision to terminate employment for good cause within ten business days of effective date of the termination. Termination of employment shall not be stayed during proceedings to contest the termination.
- b. A faculty member who prevails in contesting termination will receive payment of compensation (both wages and the cost to the college of benefits):
 - i. for the unexpired portion of the faculty member's annual appointment in effect as of the date notice of proposed termination is provided and
 - ii. any notice period due under Section V.A. if the President had issued a notice of non-renewal on the date the President issued a notice of proposed termination.
- c. Reversal of termination is not an available remedy.

- d. A faculty member may select one of the following means of contesting the termination. The election of one option serves as a waiver of the other option.
 - i. Hearing before a faculty committee.
 - (a) The President and Faculty Senate President shall each select an equal number of faculty members to serve on a committee that will hold an informal hearing on whether the President made a reasonable determination that good cause exists.
 - (b) The hearing committee shall elect a chairperson who shall direct the proceedings and rule on procedural matters, including the granting of reasonable extensions of time at the request of any party and upon the showing of good cause for the extension. The chairperson may require a joint pre-hearing conference that may be held in person or remotely, to discuss the procedure for conducting the hearing; to exchange of witness lists, documentary evidence, and affidavits; to define and clarify issues; and to effect stipulations of fact.
 - (c) The hearing will be conducted in accordance with Section V.J.2.(b)(7) of this policy, except that the standard shall be whether, by a preponderance of the evidence, the President made a reasonable determination that good cause exists and not

[whether "Adequate Cause" exists. For clarity, the committee's decision is advisory to the President.](#)

[ii. A contested case hearing pursuant to the Tennessee Uniform Administrative Procedures Act and TBR Policy 1.06.00.05, Contested Cases Subject to Uniform Administrative Procedures Act.](#)

[B.C. Transfer of Tenure](#)

1. Where a faculty member is tenured in an academic program unit he/she may be transferred to another academic program unit. In such cases, the transfer will be made with tenure; moreover, the tenure appointment will be transferred to the new academic program unit. In no instance may the faculty member be compelled to relinquish tenure as a condition for effecting the transfer.
2. When a faculty member with tenure is appointed to an administrative position, he/she will retain tenure in the former faculty position only; and a faculty member otherwise eligible for tenure who also holds a non-faculty position may be awarded tenure in the faculty position only, subject to the requirements of this policy.

[C.D. Expiration of Tenure](#)

1. Tenure status shall expire upon retirement of the faculty member. Tenure shall also expire in the event of permanent physical or mental inability of a faculty member, as established by an appropriate medical authority, to continue to perform his/her assigned duties.

[D.E. Relinquishment of Tenure](#)

1. A faculty member shall relinquish or waive his/her right to tenure upon resignation from the college or upon failure to report for service

at the designated date of the beginning of any academic term, which shall be deemed to be a resignation unless, in the opinion of the president, the faculty member has shown good cause for such failure to report.

E.F. **Termination of Tenure for Reason of Financial Exigency**

1. The employment of a tenured faculty member may be terminated as a result of financial exigency at a college subject to TBR declaration that such financial conditions exist. See TBR Policy on Financial Exigency (5.02.06.00).

F.G. **Termination of Tenure for Curricular Reasons**

1. The employment of a tenured faculty member may be terminated because:
 - a. An academic program is deleted from the curriculum; or
 - b. Because of substantial and continued reduction of student enrollment in a field or discipline.
2. Before declaring that curricular reasons exist, the president will ensure meaningful participation by the college's representative faculty body in identifying the specific curricular reasons, evaluating the long-term effect on the college's curriculum and its strategic planning goals, and judging the advisability of initiating further action.
3. Prior to initiating the process described below, the president will present—either verbally or in writing—a description of curricular reasons that may warrant the termination of a tenured faculty member's employment.
4. Each college policy will describe procedures whereby this presentation will be made to a representative faculty body, and that body will have the opportunity to respond in writing to the president before action described below is initiated.

5. Each of these reasons for termination of tenure for curricular reasons must denote shifts in staffing needs that warrant greater reductions than those which are accommodated annually in light of shifting positions from one department to another or among colleges to handle changing enrollment patterns (see Definitions, below).

G.H. Process for Termination of Tenure

1. Upon determining that termination of employment of one or more tenured faculty members is required for one or more of the two reasons cited above, the president shall furnish each faculty member whose employment is to be terminated a written statement of the reasons for the termination.
 - a. Those reasons shall address fully the curricular circumstances that warranted the termination and shall indicate the manner and the information upon which the decision was reached regarding which faculty members' employment would be terminated.
 - b. The president's written statement shall also indicate that the faculty member has the opportunity to respond in writing stating any objections to the decision.
2. If the faculty member(s) whose employment is to be terminated indicate(s) objections to the president's written statement(s) and request(s) a review, the president will appoint a faculty committee consisting of a minimum of five tenured faculty members from a slate of ten tenured faculty members proposed by the representative faculty body.
 - a. The committee shall conduct a hearing on the proposed termination(s).

- b. The committee shall report its findings and recommendations to the president, who shall in a reasonable time inform the faculty member(s) whose employment is proposed for termination in writing either that the decision for termination stands or that it has been altered.
3. The president's decision to terminate a tenured faculty member's employment for curricular reasons is subject to appeal to the Chancellor and TBR as provided in TBR Policy 1.02.11.00).
4. When a tenured faculty member's employment is terminated for curricular reasons, the position will not be filled by a new appointee with the same areas of specialization as the terminated faculty member within a period of three years unless the terminated faculty member has been offered, in writing, reappointment to the position at his/her previous rank, tenure, and salary (with the addition of an appropriate increase which, in the opinion of the president, would constitute the raise(s) that would have been awarded during the period that he/she was not employed).
5. Upon determining that termination of employment of one or more tenured faculty members is warranted for curricular reasons, the president shall base his/her decision about which faculty member(s) employment should be terminated upon his/her assessment as to what action would least seriously compromise the educational programs in a department or division.
6. Termination for curricular reasons presumes a staffing pattern in a department or academic program unit that cannot be warranted either by comparison with general load practices within the college or by comparison with faculty loads in comparable departments or academic program units at similar colleges. In that light, the president

shall also, at his/her discretion, base his/her decision on a careful assessment of the impact of the curricular reason on staffing requirements in the department or academic program unit as compared to overall patterns in the college and to comparable departments or academic program units.

7. Unless the president demonstrates that an exception should be made to minimize qualitative compromise of an educational program, the following considerations should guide the president in determining the order of faculty reductions in a department or academic program unit where termination of tenured faculty is proposed for curricular reasons. These considerations should not be construed as being mandatory:
 - a. Part-time faculty appointments should not be renewed if tenured faculty positions are terminated.
 - b. Temporary faculty or tenure-track faculty appointments in the probationary period should not be renewed if tenured faculty positions are terminated.
 - c. Among tenured faculty, those with higher rank should have priority over those with lower rank.
 - d. Among tenured faculty with comparable rank, those with appropriate higher academic degrees should have priority over those with lower degrees.
 - e. Among tenured faculty with comparable rank and comparable degrees, those with greater seniority in rank should normally have priority over those with less seniority.
8. The president of each college will have the discretion to deviate from this policy if he/she can demonstrate that the quality of the college's

programs will be negatively impacted by strict adherence to this seniority preference.

9. When a tenured faculty member's employment is to be terminated for curricular reasons, the president will make every possible effort to relocate the tenured faculty member in another existing vacant position for which he/she is qualified. In instances where, in the opinion of the president, relocation within the college is a viable alternative, the college has an obligation to make significant effort to relocate the faculty member, including the bearing of reasonable retraining costs. The final decision on relocation is within the discretion of the president.

H.I. Definitions

1. "Program is deleted from the curriculum" means that TBR takes formal action to terminate a degree major, concentration, or other curricular component and that such termination eliminates or reduces need for faculty qualified in that discipline or area of specialization.
2. "Substantive and continued reduction of student enrollment in a field" means that over a period of at least three (3) years, student enrollment in a field has decreased at a rate in considerable excess of that of the college as a whole and that such reduction has resulted in faculty-student ratios that, in the opinion of the president, cannot be warranted either by comparison with equivalent faculty load practices within the college or by comparisons with faculty loads in comparable departments or academic program units at similar colleges which the president would deem to be appropriate for comparison.

H.J. Termination of Tenure for Adequate Cause

1. Reasons for Termination

- a. A faculty member with tenure ~~or a faculty member on a tenure-track appointment or temporary appointment prior to the end of the term of appointment~~ may be terminated for adequate cause, which includes the following:
- (1) Incompetence or dishonesty in teaching or research.
 - (2) Willful failure to perform the duties and responsibilities for which the faculty member was employed; or refusal or continued failure to comply with the policies of the Board of Regents, the college, or the department; or to carry out specific assignments, when such policies or assignments are reasonable and non-discriminatory.
 - (3) Conviction of a felony or a crime involving moral turpitude.
 - (4) Improper use of narcotics or intoxicants, which substantially impairs the faculty member's fulfillment of his/her departmental and college duties and responsibilities.
 - (5) Capricious disregard of accepted standards of professional conduct.
 - (6) Falsification of information on an employment application or other information concerning qualifications for a position.
 - (7) Failure to maintain the level of professional excellence and ability demonstrated by other members of the faculty in the department or academic program unit of the college.

2. Procedures for Termination

- a. Termination of a faculty member with ~~a tenure appointment, or with a tenure-track or temporary appointment prior to the annual specified term of the appointment~~, shall be subject to the following procedures.
- b. No termination shall be effective until steps (4) through (10) below have been completed.
 - (1) A faculty member may not be suspended pending completion of steps (4) through (10) unless it is determined by the college that the faculty member's presence poses a danger to persons or property or a threat of destruction to the academic or operational processes of the college. Reassignment of responsibilities is not considered suspension; however, the faculty member must be reassigned responsibilities for which he/she is qualified.
 - (2) In any case of suspension, the faculty member shall be given an opportunity at the time of the decision or immediately thereafter to contest the suspension; and, if there are disputed issues of fact or cause and effect, the faculty member shall be provided the opportunity for a hearing on the suspension as soon as possible, at which time the faculty member may cross-examine his/her accuser, present witnesses on his/her behalf, and be represented by an attorney. Thereafter, whether the suspension is upheld or revoked, the matter shall proceed pursuant to these procedures.
 - (3) Except for such simple announcements as may be required concerning the time of proceedings and similar

matters, public statements and publicity about these proceedings by either the faculty member or administrative officers will be avoided so far as possible until the proceedings have been completed, including consideration by the Board of Regents.

- (4) Upon a recommendation by the chief academic officer of the college to the president or upon a decision by the president that these procedures should be undertaken in consideration of the termination of a tenured faculty member, one or more appropriate administrators shall meet privately with the faculty member for purposes of attempting to reach a mutually acceptable resolution of the problems giving rise to the proposed termination proceedings.
- (5) If a mutual resolution is not reached under step d. the president shall appoint a faculty committee consisting of tenured faculty members, whose appointments should be, but are not required to be, agreed to by the faculty member. The faculty committee shall conduct an informal inquiry of the facts giving rise to the proposed termination and seek a mutually acceptable resolution. Should no such resolution be reached, the committee shall recommend to the president whether in its opinion further proceedings should be taken in pursuit of the termination. The recommendation shall be in writing and shall be accompanied by reasons for the recommendation. The committee's recommendation shall not be binding on the president.

- (6) If no mutually acceptable resolution is reached through step (5) and/or if after consideration of the faculty committee's recommendation the president determines that further proceedings are warranted to consider termination, the following steps shall be taken.
- (a) The faculty member shall be provided with a written statement of the specific charges alleged by the college which constitute grounds for termination and a notice of hearing specifying the time, date, and place of the hearing. The statement and notice must be provided at least twenty (20) days prior to the hearing. The faculty member shall respond to the charges in writing at least five (5) days prior to the hearing. The faculty member may waive the hearing by execution of a written waiver.
 - (b) A committee consisting of members of faculty or faculty and administration shall be appointed to hear the case and to determine if adequate cause for termination exists according to the procedure hereinafter described. The committee shall be appointed by the president and the officially recognized faculty senate, assembly or advisory committee, with each appointing the number of members designated by the policy of the college. The committee may not include any member of the faculty committee referred to in e above. Members deeming themselves disqualified for

bias or interest shall remove themselves from the case, either at the request of a party or on their own initiative. Members of the committee shall not discuss the case outside committee deliberations and shall report any ex parte communication pertaining to the hearing to the committee chairman, who shall notify all parties of the communication.

- (c) The hearing committee shall elect a chairperson who shall direct the proceedings and rule on procedural matters, including the granting of reasonable extensions of time at the request of any party and upon the showing of good cause for the extension.
- (d) The chairperson of the hearing committee may in his/her discretion require a joint pre-hearing conference with the parties that may be held in person or by a conference telephone call. A written memorandum of the pre-hearing conference should be prepared and provided to each party. The purpose of the pre-hearing conference should include but is not limited to one or more of the following:
 - (i) Notification as to procedure for conduct of the hearing.
 - (ii) Exchange of witness lists, documentary evidence, and affidavits.
 - (iii) Define and clarify issues.

- (iv) Effect stipulations of fact.
- (7) A hearing shall be conducted by the hearing committee to determine whether adequate cause for termination of the faculty member exists. The hearing shall be conducted according to the procedures below.
- (a) During the hearing, the faculty member will be permitted to have an academic advisor present and may be represented by legal counsel of his/her choice.
 - (b) A verbatim record of the hearing will be taken and a copy will be made available to the faculty member, upon request, at the faculty member's expense.
 - (c) The burden of proof that adequate cause exists rests with the college and shall be satisfied only by clear and convincing evidence in the record considered as a whole.
 - (d) The faculty member will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The administration will cooperate with the committee in securing witnesses and making available documentary and other evidence.
 - (e) The faculty member and the administration will have the right to confront and cross-examine all

witnesses. Where the witnesses cannot or will not appear, but the committee determines that the interests of justice require admission of their statements, the committee will identify the witnesses, disclose their statements, and, if possible, provide for interrogatories. An affidavit may be submitted in lieu of the personal appearance of a witness if the party offering the affidavit has provided a copy to the opposing party at least ten (10) days prior to the hearing and the opposing party has not objected to the admission of the affidavit in writing within (7) seven days after delivery of the affidavit, or if the committee chairperson determines that the admission of the affidavit is necessary to ensure a just and fair decision.

- (f) In a hearing on charges of incompetence, the testimony shall include that of qualified faculty members from the college or other universities of higher education.
- (g) The hearing committee will not be bound by strict rules of legal evidence and may admit any evidence which is of

probative value in determining the issues involved. Every possible effort will be made to obtain the most reliable evidence available.

- (h) The findings of fact and the report will be based solely on the hearing record.
- (i) The president and the faculty member will be provided a copy of the written committee report. The committee's written report shall specify findings of fact and shall state whether the committee has determined that adequate cause for termination exists and, if so, the specific grounds for termination found. In addition, the committee may recommend action less than dismissal. The report shall also specify any applicable policy the committee considered. After consideration of the committee's report and the record, the president may in his/her discretion consult with the faculty member prior to reaching a final decision regarding termination. Following his/her review, the president shall notify the faculty member of his/her decision, which, if contrary to the committee's recommendation shall be accompanied by a statement of the reasons. If the faculty member is terminated or suspended as a result of the president's decision, the faculty member may appeal the president's

action to the chancellor pursuant to TBR Policy 1.02.11.00.

- (8) Review of the appeal shall be based upon the record of hearing. If upon review of the record, the chancellor notes objections regarding the termination and/or its proceedings, the matter will be returned to the president for reconsideration, taking into account the stated objections, and, at the discretion of the president, the case may be returned to the hearing committee for further proceedings.

Sources

Authority

T.C.A. § 49-8-203; T.C.A. §§ 10-7-503, 504

History

TBR Meeting April 2, 2004; Ministerial changes Sept 4, 2018. Revised TBR Board September 19 & 20, 2019; Ministerial changes August 23, 2023.

This policy is a result of a comprehensive revision of former TBR Policy 5.02.03.00, Academic Freedom, Responsibility and Tenure. The former policy included provisions related to academic freedom and responsibility and tenure in both universities and community colleges. The revision, approved by the Tennessee Board of Regents on April 2, 2004, created a separate policy on academic freedom and responsibility pertinent to both universities and community colleges, established separate policies relative to tenure for universities and community colleges, and instituted separate policies on faculty appointments for universities and community colleges. Faculty members appointed prior to July 1, 2004, may elect to be considered for tenure under the provisions of Policy 5.02.03.00 or under

the revised policy for a four-year phase-in period. The revised policy will be applicable to all tenure action taken on or subsequent to July 1, 2008, for faculty whose employment began on or after July 1, 2004.

NOTE: This policy became effective on July 1, 1976, as to all faculty then or thereafter employed in the Tennessee Board of Regents' System. The minimum qualifications and requirements for eligibility for an award of tenure applied to all faculty who had not previously been expressly awarded tenure by the Board, and the previous probationary period for such faculty was extended to a maximum of seven years. Faculty who had previously been awarded tenure retained their tenured status under this policy, subject to its terms and conditions.

The definition of academic tenure shall become effective January 1, 1984. That definition shall only apply to faculty tenured subsequent to the effective date. For faculty members tenured previous to January 1, 1984, the applicable definition of tenure shall be: "a status pursuant to which the academic year appointments of full-time faculty who have been awarded tenure are continued at a college until the expiration or relinquishment of that status, subject to termination for adequate cause for financial exigency or curricular reasons (see policy adopted June 25, 1976)."

Related Policies

- [Appeals to the Chancellor and the Board](#)
- [Definition of Faculty](#)
- [Faculty Promotion at Community Colleges](#)
- [Financial Exigency](#)

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Academic Tenure for Community Colleges: 5.02.03.70

Policy/Guideline Area

Personnel Policies
Applicable Divisions

Community Colleges
Purpose

The purpose of this policy is to establish the criteria and process regarding academic tenure at community colleges governed by the Tennessee Board of Regents.

Definitions

The following are general definitions of terms used in this policy. They are further defined in the subsequent sections of this policy.

- Academic Tenure – a personnel status in an academic department or academic program unit pursuant to which the academic or fiscal year appointments of full-time faculty who have been awarded tenure are continued at a community college until the expiration or relinquishment of that status, subject to termination for adequate cause, for financial exigency, or for curricular reasons.
- Adequate Cause – a basis upon which a tenured faculty member may be dismissed or terminated. The specific grounds which constitute adequate cause are set forth in Section V.G herein.
- Financial Exigency – the formal declaration by TBR that one or more of its community colleges faces an imminent financial crisis, that there is a current or projected lack of sufficient funds (appropriated or non-appropriated) for the campus as a whole to maintain current programs and activities at a level sufficient to fulfill educational goals and priorities, and that the budget can only be balanced by extraordinary means that include termination of existing and continuing academic and non-academic appointments.

- Faculty Member – a full-time employee who holds academic rank as instructor, assistant professor, associate professor, or professor. Further definition can be found in TBR Policy 05.02.01.00.
- Probationary Employment – period of full-time professional service by a faculty member for whom an appointment letter denotes a tenure-track appointment in which he/she does not have tenure and in which he/she is evaluated by the college for the purpose of determining his/her satisfaction of the criteria for a recommendation for tenure. Probationary employment provides an opportunity for the individual to assess his/her own commitment to the college and for the college to determine whether the individual meets its perception of quality and projected need.
- Tenure-track Faculty Member – A faculty member who does not have tenure but is employed under a tenure-track appointment for probationary employment. Tenure-track appointments shall not include any right to permanent or continuous employment, shall not create any manner of legal right, interest, or expectation of renewal or any other type of appointment, and shall be subject to annual renewal by the College. Moreover, tenure-track appointments do not include any assurance of continued employment at any specified salary, position or employment during non-academic year sessions (e.g., summer session).

Note: Faculty appointments are defined in a separate TBR policy.

Policy/Guideline

I. Introduction

- A. Tenure is awarded only by positive action by the Tennessee Board of Regents (TBR), pursuant to the requirements and procedures of this policy, at a specific college.

- B. The award of tenure is recognition of the merit of a faculty member and of the assumption that he/she would meet the long-term staffing needs of the department or academic program unit and the college. The continued professional growth and development of faculty is necessary for institutions of higher education to continue to provide educational programs in accordance with the college's mission, goals, and changing needs of the institution.
- C. Tenure is awarded only to those members of the faculty who have exhibited professional excellence and outstanding abilities sufficient to demonstrate that their future services and performances justify the degree of permanence afforded by academic tenure.
- D. The quality of the faculty of any community college is maintained primarily through the appraisal, by faculty and administrative officers, of each candidate for tenure. Tenure at a TBR community college provides eligible full-time faculty with the assurance of continued employment during the academic year until retirement or dismissal for adequate cause, financial exigency, or curricular reasons, as further discussed herein.
- E. TBR does not award tenure in non-faculty positions.
- F. The following TBR policy on tenure is applicable to all community colleges within the system. These are minimum provisions and should be implemented in a manner appropriate to the individual missions, traditions, and needs of the colleges.
- G. Each college may establish additional requirements for the eligibility of faculty for consideration for tenure. College policies on tenure must cite and specifically acknowledge compliance with TBR Policy on Academic Tenure. Likewise, policies must embody and communicate clearly all provisions, definitions, and stipulations of the TBR policy.

II. [Consideration for Tenure](#)

A. Community college policies must include specifically identifiable sections that define minimum eligibility requirements for consideration of tenure.

1. **Tenure Process**

- a. Each college policy must contain:
 - (1) A defined probationary period;
 - (2) Provisions for a tenure-track faculty member to be guided through the tenure process. Guidance may include provision of a mentor, pre-tenure review, portfolio development workshops, etc.;
 - (3) A process that defines the levels of review to include peer review;
 - (4) Procedures associated with review by each level, with a clear description of materials that each level will review;
 - (5) A calendar or schedule of the review process; and
 - (6) The types and frequency of evaluation of probationary faculty members in the areas of teaching, service/outreach, and scholarship/creative activities/research.
- b. Colleges may request tenure upon appointment for candidates with extraordinary credentials. The exception shall be requested when the faculty member is employed.
- c. College procedures shall ensure that peer committees have confidentiality of individual tenure votes unless there is evidence that casts doubt upon the integrity of the peer committee. This policy shall be interpreted in a manner consistent with the Tennessee Public Records Act, codified in T.C.A. §§ 10-7-503 and 504.

- d. Annual evaluations conducted by the candidate's department chair or other appropriate head of an academic program unit are an important aspect of the criteria for tenure at colleges; therefore, college policies must include a clear statement as to the role and methodology of evaluation in measuring those criteria relevant to assessing the merit of the probationary candidate.
- e. These evaluation criteria may include provisions for providing a tenured faculty mentor who can conscientiously address deficiencies in the candidate's progress towards tenure and provide feedback to the candidate.
- f. In addition, the candidate, in consultation with his/her faculty mentor, may request a preliminary review by an ad-hoc tenure review committee prior to application for tenure as a mechanism to assess the progress of the candidate for tenure.
- g. This committee shall be composed of the faculty mentor, from within the candidate's academic unit who will act as chair of the committee, one tenured faculty from outside the academic unit, and the chair or dean of the academic unit where tenure will be granted.

2. Tenure Appointments

- a. Recommendations for or against tenure shall originate from the department or academic program unit in which the faculty member is assigned. Procedures of review will be determined by each institution in keeping with the statements included in II.A.1.a.(1)-(6) above.

- (1) The review shall include appropriate participation in the recommendation by tenured faculty in the department or academic program unit.
 - (2) Although it can be difficult to establish evidence of teaching excellence, each department must develop a procedure to ensure that factual information relative to the candidate's teaching is available at the time he/she is considered for tenure.
- b. The recommendation for tenure must be made by the president to the chancellor and by the chancellor to the Board of Regents. In the event that the tenure is awarded by TBR, the president shall furnish to the faculty member written confirmation of the award. The locus of tenure is awarded as appropriate in the department or academic program unit of the faculty member depending upon the organizational structure of the college.
 - c. No other person shall have any authority to make any representation concerning tenure to any faculty member.
 - d. Failure to give timely notice of non-renewal of a contract shall not result in the acquisition of a tenure appointment, but shall result in the right of the faculty member to another year of service at the college, provided that no tenure appeals remain outstanding due to lack of cooperation and/or appropriate action on the part of the candidate in completing the appeal process.

3. **Minimum Eligibility Requirements**

- a. Employment Status. Tenure may be awarded only to:
 - (1) Regular Full-time faculty members who:

- (a) Hold academic rank as instructor, assistant professor, associate professor, or professor and meet the minimum criteria as specified in a separate TBR policy.
 - (b) Have been employed in a tenure-track appointment and have completed the minimum probationary period of service as stated in the college's policy and/or as agreed upon in writing and signed by the president or his/her designee.
 - (c) Have been determined by the college to meet the criteria for tenure and have been so recommended.
- (2) Special Contract Faculty.
- (a) Faculty members supported in whole or in part by funds available to the college on a short-term basis, such as grants, contracts, or foundation-sponsored projects, may be eligible for tenure if continuing support for such members can be clearly identified in the regular budget of the college.

4. Length of Probationary Employment

- (1) Probationary faculty may be employed on annual tenure-track appointments for a probationary period which may not exceed six (6) years.
- (2) The faculty member may apply for tenure following a probationary period of not less than five years, provided that exceptions to the minimum probationary period may be made under special circumstances upon

recommendation by the president and approval by the Chancellor.

- (3) Upon approval of such an exception by the Chancellor, the faculty member's recommendation for tenure will go forward to the Board as meeting the requirements for the probationary period.

5. Calculating the Probationary Period

- a. Only full-time continuous service at a college will be included in determining completion of the probationary period, unless a break in service is approved.
- b. Employment during summer terms and in part-time positions shall not be credited toward satisfying the probationary period.
 - (1) Credit for Prior Service - The minimum probationary period of five years may include credit for prior service when agreed to by the president, and subject to the maximum permissible credit for prior service as noted below:
 - (a) Credit toward completion of the probationary period may at the discretion of the president be given for a maximum of three years of previous full-time service at other colleges, universities, or institutes provided that the prior service is relevant to the institution's own needs and criteria. Any credit for prior service that is recognized and agreed to must be confirmed in writing at the time of the initial appointment.
 - (b) Credit toward completion of the probation period may, at the discretion of the president, be given

for a maximum of three years or previous full-time service in a temporary faculty appointment or term appointment at the same institution (see Types of Appointments, Section 1) or in an earlier tenure-track appointment at the same institution that has been followed by a break in service. Any credit for prior service in a temporary full-time faculty appointment at the same institution or in an earlier tenure-track appointment (at the same institution) that has been followed by a break in service must be recognized and confirmed in writing in the appointment letter to a tenure-track position.

- (2) Leave of Absence.
 - (a) The period of approved leave of absence shall be excluded from the required probationary period.
 - (b) A faculty member may apply for a maximum of two, non-consecutive one-year leave increments.
 - (c) Exceptions may be granted by the president of the college in writing prior to the leave of absence.
 - (d) Exceptions may include:
 - (i) crediting the leave periods to the probationary period and/or
 - (ii) granting more than two, non-consecutive one-year increments. Exception (ii), per TBR policy, requires approval of the Chancellor of TBR.

- (3) "Stopping the Tenure Clock."
 - (a) A faculty member may request to "stop the tenure clock" during his/her probationary period when circumstances exist that interrupt the faculty member's normal progress toward qualifying for tenure.
 - (b) In such cases, the faculty member may request to "stop the tenure clock" for one-year if he/she demonstrates that circumstances reasonably warrant the interruption.
 - (c) Reasons will typically be related to a personal or family situation requiring attention and commitment that consumes the time and energy normally addressed to faculty duties and professional development.
 - (d) Examples may include childbirth or adoption, care of dependents, medical conditions or obligations, physical disasters or disruptions, military deployment, or similar circumstances.
- (4) Administrative Appointment.
 - (a) A faculty member appointed to an administrative position may remain eligible for tenure consideration.
 - (b) The faculty member must:
 - (i) qualify for tenure under the college's guidelines, and
 - (ii) maintain a significant involvement in academic pursuits including teaching,

service/outreach, and scholarship/creative activities/research.

- (c) The time (or prorated portion of time) spent in the administrative position may be credited toward completion of the probationary period.
- (5) Transfer to Another Department or Unit.
- (a) When a faculty member is serving a probationary period in a department or academic program unit and is subsequently transferred to another department or unit, the faculty member may – with the approval of the president – elect to begin a new probationary period on the date the transfer occurs.
 - (b) If he/she does not so elect (and confirm this in writing to the president), time spent in the first appointment shall count toward establishing the minimum and maximum probationary period.

III. [Criteria to be considered in Tenure Recommendations](#)

- A. The criteria for a recommendation of tenure depend upon the nature, mission, and goals of the college in which tenure may be awarded and of the department and academic program unit in which a faculty member is employed.
 - 1. The faculty member must demonstrate willingness and ability to work effectively with colleagues and in a professional manner to support the mission of the institution and the common goals of both the institution and of the academic organizational unit.

2. Moreover, criteria for tenure relate to the college's three traditional and often inter-related missions: teaching, service/outreach, and scholarship/creative activities/research.
- B. Community college policies must include sections that identify criteria to be considered in tenure recommendations and specify in broad terms their relative importance. Those sections must clearly distinguish between:
1. Criteria relevant to assessing the merit of the probationary candidate; and
 2. Criteria relevant to assessing the long-term staffing needs of the college and of the department or academic program unit to which the candidate is assigned.
- C. Criteria for tenure relate to the college's three traditional missions: teaching, service/outreach, and scholarship/creative activities/research. In the community college setting, effective teaching is of paramount importance.
1. **Teaching**
 - a. Effective teaching is an essential qualification for tenure, and tenure should be granted only with clear and documented evidence of a candidate's teaching ability and potential for continued development.
 - b. Each of the items listed below must be submitted as evidence of effective teaching and be included in the teaching portfolio.
 - (1) Evidence of ability to organize and present subject matter in a logical and meaningful way,
 - (2) Evidence of effective strategies to motivate and stimulate student learning,
 - (3) Statement of teaching philosophy,

- (4) Course materials (i.e., course syllabi, handouts, exams/evaluation instruments, instructional materials), and
 - (5) Results of student evaluations for every course evaluated during the probationary period.
- c. Additional types of documentation may also include:
- (1) Open-ended or other student input,
 - (2) Student products,
 - (3) Teaching recognition/awards,
 - (4) Evidence of professional development in teaching.
 - (5) Evidence of disciplinary or interdisciplinary program or curricular development,
 - (6) Alumni surveys,
 - (7) Student exit interviews,
 - (8) Evidence of supervision of student projects and other forms of student mentorships, and
 - (9) the evidence of excellence in teaching or mentoring, or both.

2. [Service/Outreach](#)

- a. Service and/or outreach encompass a faculty member's activities in college service, outreach or public service, and professional service.
- b. Evidence of performance in one or more of the following activities should be submitted. Weight and magnitude of importance will be directed by the college's policies and guidelines.

- (1) College service refers to activities other than teaching and scholarship performed at the department or college level. It is expected of every faculty member; indeed, colleges could hardly function without conscientious faculty who perform committee work and other administrative responsibilities. College service includes, but is not limited to, serving on departmental committees, advising students, and participating in college activities and on college committees. More extensive citizenship functions such as membership on a specially appointed task force, serving as advisor to a college-wide student organization, and membership on a college search committee should be taken into account in consideration for tenure.
 - (2) The outreach or public service function is the college's outreach to the community and society at large, with major emphasis on the application of knowledge for the solution of problems with which society is confronted. Outreach primarily involves sharing professional expertise and should directly support the goals and mission of the college. A vital component of the college's mission, public service must be performed at the same high levels of quality that characterize the teaching and research programs.
- c. Professional service refers to the work done for organizations related to the faculty member's discipline or to the teaching profession generally. Service to the profession includes

activities such as service on statewide or TBR committees, guest lecturing on other campuses, and other appropriate activities.

3. **Scholarship/Creative Activities/Research**

- a. Candidates for tenure must present documented evidence of their scholarship, creative activities, and/or research.
- b. While each item listed as required under "Teaching" must be included, the weight and magnitude of evidence required for activities in scholarship or creative activities or research will be directed by the college policy and guidelines.
- c. Such evidence should cite typical professional development activities such as presentations at a professional meeting, journal editorship, article and grant proposal review, performances, exhibitions, creative activities, as well as completing books, journal articles, or monographs, and other appropriate activities.
- d. The scholarship of teaching is a valid measure of research capability. It goes beyond doing a good job in the classroom; creative teachers should organize, record, and document their efforts in such a way that their colleagues may share their contributions to the art of teaching. Authoring appropriate textbooks or chapters within a book, writing educational articles, making presentations, and using innovative contributions to teaching, constitute scholarship of teaching.
- e. Performances, compositions, and other artistic creations are examples of appropriate creative activities. Documentation of such activities might include written reviews and evaluations by qualified peers.

- f. Publications in journals or media of similar quality are considered indicators of professional and/or scholarly activity.
- g. Publications that are reviewed by peers are more significant than those that are not subjected to such rigorous examination. It should be emphasized that quality is more important than quantity.

IV. Exceptions to Minimum Rank Qualifications

- A. The minimum rank qualifications should be met in every recommendation regarding appointment to academic rank and for promotion in academic rank.

V. Changes in Tenure and Tenure-track Status

A. Non-renewal of Probationary, Tenure-track Faculty

- 1. When tenure-track appointments of faculty are not to be renewed, the faculty member shall receive notice of the non-renewal for the ensuing academic year as follows:
 - a. In the first and second academic years of service:
 - (1) For appointments expiring at the end of the academic year, notice must be given no later than March 15 of that academic year.
 - (2) For appointments expiring at the end of the current calendar year, notice must be given no later than November 1 of that year.
 - (3) For appointments expiring during an academic year, notice must be given at least sixty (60) days prior to the expiration date.
 - b. In the third or subsequent academic year of service:

- (1) For appointments expiring at the end of the academic year, notice must be given no later than the last day of the preceding academic year.
 - (2) For appointments expiring at the end of a calendar year, notice of non-renewal must be given no later than December 31 of the preceding year.
 - (3) For appointments that terminate during an academic year, notice of non-renewal must be given at least three hundred and sixty-five (365) days prior to the date of termination. The above stated dates are the latest dates for notice of non-renewal of faculty on tenure-track appointments. Each college may adopt annual dates that provide for longer notice of non-renewal.
2. Notice of non-renewal shall be effective upon hand delivery of the notice to the faculty member, or upon the date the notice is mailed, certified mail, return receipt requested, postage prepaid, to the faculty member at his/her current home address of record with the college.
3. Applicable time periods for notice of non-renewal are based upon actual years of service at the college at which the faculty member is currently employed and are in no way affected by any credit for prior service that may have been awarded.
4. In computing time for notice of non-renewal, exclude the day the notice is served; count every day thereafter, including intermediate Saturdays, Sundays, and legal holidays; and include the last day, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the next day that is not a Saturday, Sunday or legal holiday.

5. When a faculty member in a tenure-track appointment completes his/her probationary period, the faculty member will be given notice of non-renewal of the appointment during the spring term following application for such status. Such notice of non-renewal should be given not later than the final day of the academic year. The faculty member's right in an instance where timely notice is not given is described in TBR policy.
- 6.
7. The non-renewal or non-reappointment of any faculty member on a tenure-track appointment does not necessarily carry an implication that his/her work or conduct has been unsatisfactory.
8. Neither non-renewal of a tenure-track faculty appointment during the first five years of the probationary period nor denial of tenure unaccompanied by notice of termination in the sixth year of the probationary period are appealable to the Chancellor, unless there has been a violation of state or federal law

B. **Termination of Tenure-Track Appointment**

1. A tenure-track faculty member may be terminated prior to the expiration of the term specified in the appointment letter or contract if the President makes a reasonable determination that good cause exists. Good cause includes, but is not limited to Adequate Cause.
2. Process for termination of tenure-track appointment.
 - a. Prior to providing notice of intent to terminate a tenure-track faculty member for good cause, the President shall consult with the Vice President for Academic Affairs and President of the Faculty Senate, or its faculty designee, of the proposed termination, including the reasons for the termination and the

- effective date, and give the President of the Faculty Senate, or designee, a chance to comment on the proposed termination.
- b. Following notice to the President of the Faculty Senate, the President or designee shall notify the faculty member in writing of the effective date of the proposed termination and the reason(s) for the proposed termination.
 - c. The faculty member may request an informal meeting with the President, Vice President for Academic Affairs, and the President of the Faculty Senate (or any of their designees) and will be allowed to submit information contesting the proposed termination. The request must be made within two business days of the faculty member's receipt of notice of termination. The informal meeting must take place within five business days of the faculty member's request for an informal meeting.
 - d. If the faculty member does not make a timely request to discuss the proposed termination, the termination is effective on the date specified in the notice. If the President or designee does not agree to revoke the termination, the termination is effective on the date set by the notice or other date as may be set by the college.
3. Contesting Termination of Tenure-Track Appointment
 - a. A faculty member may choose to contest the President's decision to terminate employment for good cause within ten business days of effective date of the termination. Termination of employment shall not be stayed during proceedings to contest the termination.

- b. A faculty member who prevails in contesting termination will receive payment of compensation (both wages and the cost to the college of benefits):
 - i. for the unexpired portion of the faculty member's annual appointment in effect as of the date notice of proposed termination is provided and
 - ii. any notice period due under Section V.A. if the President had issued a notice of non-renewal on the date the President issued a notice of proposed termination.
- c. Reversal of termination is not an available remedy.
- d. A faculty member may select one of the following means of contesting the termination. The election of one option serves as a waiver of the other option.
 - i. Hearing before a faculty committee.
 - (a) The President and Faculty Senate President shall each select an equal number of faculty members to serve on a committee that will hold an informal hearing on whether the President made a reasonable determination that good cause exists.
 - (b) The hearing committee shall elect a chairperson who shall direct the proceedings and rule on procedural matters, including the granting of reasonable extensions of time at the request of any party and upon the showing of good cause for the extension. The chairperson may require a joint pre-hearing conference that may be held in

person or remotely, to discuss the procedure for conducting the hearing; to exchange of witness lists, documentary evidence, and affidavits; to define and clarify issues; and to effect stipulations of fact.

- (c) The hearing will be conducted in accordance with Section V.J.2.(b)(7) of this policy, except that the standard shall be whether, by a preponderance of the evidence, the President made a reasonable determination that good cause exists and not whether "Adequate Cause" exists. For clarity, the committee's decision is advisory to the President.

- ii. A contested case hearing pursuant to the Tennessee Uniform Administrative Procedures Act and TBR Policy 1.06.00.05, Contested Cases Subject to Uniform Administrative Procedures Act.

C. [Transfer of Tenure](#)

1. Where a faculty member is tenured in an academic program unit he/she may be transferred to another academic program unit. In such cases, the transfer will be made with tenure; moreover, the tenure appointment will be transferred to the new academic program unit. In no instance may the faculty member be compelled to relinquish tenure as a condition for effecting the transfer.
2. When a faculty member with tenure is appointed to an administrative position, he/she will retain tenure in the former faculty position only; and a faculty member otherwise eligible for tenure who also holds a

non-faculty position may be awarded tenure in the faculty position only, subject to the requirements of this policy.

D. **Expiration of Tenure**

1. Tenure status shall expire upon retirement of the faculty member. Tenure shall also expire in the event of permanent physical or mental inability of a faculty member, as established by an appropriate medical authority, to continue to perform his/her assigned duties.

E. **Relinquishment of Tenure**

1. A faculty member shall relinquish or waive his/her right to tenure upon resignation from the college or upon failure to report for service at the designated date of the beginning of any academic term, which shall be deemed to be a resignation unless, in the opinion of the president, the faculty member has shown good cause for such failure to report.

F. **Termination of Tenure for Reason of Financial Exigency**

1. The employment of a tenured faculty member may be terminated as a result of financial exigency at a college subject to TBR declaration that such financial conditions exist. See TBR Policy on Financial Exigency (5.02.06.00).

G. **Termination of Tenure for Curricular Reasons**

1. The employment of a tenured faculty member may be terminated because:
 - a. An academic program is deleted from the curriculum; or
 - b. Because of substantial and continued reduction of student enrollment in a field or discipline.
2. Before declaring that curricular reasons exist, the president will ensure meaningful participation by the college's representative faculty body in identifying the specific curricular reasons, evaluating the long-term

effect on the college's curriculum and its strategic planning goals, and judging the advisability of initiating further action.

3. Prior to initiating the process described below, the president will present—either verbally or in writing—a description of curricular reasons that may warrant the termination of a tenured faculty member's employment.
4. Each college policy will describe procedures whereby this presentation will be made to a representative faculty body, and that body will have the opportunity to respond in writing to the president before action described below is initiated.
5. Each of these reasons for termination of tenure for curricular reasons must denote shifts in staffing needs that warrant greater reductions than those which are accommodated annually in light of shifting positions from one department to another or among colleges to handle changing enrollment patterns (see Definitions, below).

H. [Process for Termination of Tenure](#)

1. Upon determining that termination of employment of one or more tenured faculty members is required for one or more of the two reasons cited above, the president shall furnish each faculty member whose employment is to be terminated a written statement of the reasons for the termination.
 - a. Those reasons shall address fully the curricular circumstances that warranted the termination and shall indicate the manner and the information upon which the decision was reached regarding which faculty members' employment would be terminated.

- b. The president's written statement shall also indicate that the faculty member has the opportunity to respond in writing stating any objections to the decision.
2. If the faculty member(s) whose employment is to be terminated indicate(s) objections to the president's written statement(s) and request(s) a review, the president will appoint a faculty committee consisting of a minimum of five tenured faculty members from a slate of ten tenured faculty members proposed by the representative faculty body.
 - a. The committee shall conduct a hearing on the proposed termination(s).
 - b. The committee shall report its findings and recommendations to the president, who shall in a reasonable time inform the faculty member(s) whose employment is proposed for termination in writing either that the decision for termination stands or that it has been altered.
3. The president's decision to terminate a tenured faculty member's employment for curricular reasons is subject to appeal to the Chancellor and TBR as provided in TBR Policy 1.02.11.00).
4. When a tenured faculty member's employment is terminated for curricular reasons, the position will not be filled by a new appointee with the same areas of specialization as the terminated faculty member within a period of three years unless the terminated faculty member has been offered, in writing, reappointment to the position at his/her previous rank, tenure, and salary (with the addition of an appropriate increase which, in the opinion of the president, would constitute the raise(s) that would have been awarded during the period that he/she was not employed).

5. Upon determining that termination of employment of one or more tenured faculty members is warranted for curricular reasons, the president shall base his/her decision about which faculty member(s) employment should be terminated upon his/her assessment as to what action would least seriously compromise the educational programs in a department or division.
6. Termination for curricular reasons presumes a staffing pattern in a department or academic program unit that cannot be warranted either by comparison with general load practices within the college or by comparison with faculty loads in comparable departments or academic program units at similar colleges. In that light, the president shall also, at his/her discretion, base his/her decision on a careful assessment of the impact of the curricular reason on staffing requirements in the department or academic program unit as compared to overall patterns in the college and to comparable departments or academic program units.
7. Unless the president demonstrates that an exception should be made to minimize qualitative compromise of an educational program, the following considerations should guide the president in determining the order of faculty reductions in a department or academic program unit where termination of tenured faculty is proposed for curricular reasons. These considerations should not be construed as being mandatory:
 - a. Part-time faculty appointments should not be renewed if tenured faculty positions are terminated.
 - b. Temporary faculty or tenure-track faculty appointments in the probationary period should not be renewed if tenured faculty positions are terminated.

- c. Among tenured faculty, those with higher rank should have priority over those with lower rank.
 - d. Among tenured faculty with comparable rank, those with appropriate higher academic degrees should have priority over those with lower degrees.
 - e. Among tenured faculty with comparable rank and comparable degrees, those with greater seniority in rank should normally have priority over those with less seniority.
8. The president of each college will have the discretion to deviate from this policy if he/she can demonstrate that the quality of the college's programs will be negatively impacted by strict adherence to this seniority preference.
9. When a tenured faculty member's employment is to be terminated for curricular reasons, the president will make every possible effort to relocate the tenured faculty member in another existing vacant position for which he/she is qualified. In instances where, in the opinion of the president, relocation within the college is a viable alternative, the college has an obligation to make significant effort to relocate the faculty member, including the bearing of reasonable retraining costs. The final decision on relocation is within the discretion of the president.

I. **Definitions**

- 1. "Program is deleted from the curriculum" means that TBR takes formal action to terminate a degree major, concentration, or other curricular component and that such termination eliminates or reduces need for faculty qualified in that discipline or area of specialization.
- 2. "Substantive and continued reduction of student enrollment in a field" means that over a period of at least three (3) years, student enrollment

in a field has decreased at a rate in considerable excess of that of the college as a whole and that such reduction has resulted in faculty-student ratios that, in the opinion of the president, cannot be warranted either by comparison with equivalent faculty load practices within the college or by comparisons with faculty loads in comparable departments or academic program units at similar colleges which the president would deem to be appropriate for comparison.

J. Termination of Tenure for Adequate Cause

1. Reasons for Termination

- a. A faculty member with tenure may be terminated for adequate cause, which includes the following:
 - (1) Incompetence or dishonesty in teaching or research.
 - (2) Willful failure to perform the duties and responsibilities for which the faculty member was employed; or refusal or continued failure to comply with the policies of the Board of Regents, the college, or the department; or to carry out specific assignments, when such policies or assignments are reasonable and non-discriminatory.
 - (3) Conviction of a felony or a crime involving moral turpitude.
 - (4) Improper use of narcotics or intoxicants, which substantially impairs the faculty member's fulfillment of his/her departmental and college duties and responsibilities.
 - (5) Capricious disregard of accepted standards of professional conduct.

- (6) Falsification of information on an employment application or other information concerning qualifications for a position.
- (7) Failure to maintain the level of professional excellence and ability demonstrated by other members of the faculty in the department or academic program unit of the college.

2. Procedures for Termination

- a. Termination of a faculty member with tenure shall be subject to the following procedures.
- b. No termination shall be effective until steps (4) through (10) below have been completed.
 - (1) A faculty member may not be suspended pending completion of steps (4) through (10) unless it is determined by the college that the faculty member's presence poses a danger to persons or property or a threat of destruction to the academic or operational processes of the college. Reassignment of responsibilities is not considered suspension; however, the faculty member must be reassigned responsibilities for which he/she is qualified.
 - (2) In any case of suspension, the faculty member shall be given an opportunity at the time of the decision or immediately thereafter to contest the suspension; and, if there are disputed issues of fact or cause and effect, the faculty member shall be provided the opportunity for a hearing on the suspension as soon as possible, at which time the faculty member may cross-examine his/her

accuser, present witnesses on his/her behalf, and be represented by an attorney. Thereafter, whether the suspension is upheld or revoked, the matter shall proceed pursuant to these procedures.

- (3) Except for such simple announcements as may be required concerning the time of proceedings and similar matters, public statements and publicity about these proceedings by either the faculty member or administrative officers will be avoided so far as possible until the proceedings have been completed, including consideration by the Board of Regents.
- (4) Upon a recommendation by the chief academic officer of the college to the president or upon a decision by the president that these procedures should be undertaken in consideration of the termination of a tenured faculty member, one or more appropriate administrators shall meet privately with the faculty member for purposes of attempting to reach a mutually acceptable resolution of the problems giving rise to the proposed termination proceedings.
- (5) If a mutual resolution is not reached under step d. the president shall appoint a faculty committee consisting of tenured faculty members, whose appointments should be, but are not required to be, agreed to by the faculty member. The faculty committee shall conduct an informal inquiry of the facts giving rise to the proposed termination and seek a mutually acceptable resolution. Should no such resolution be reached, the committee

shall recommend to the president whether in its opinion further proceedings should be taken in pursuit of the termination. The recommendation shall be in writing and shall be accompanied by reasons for the recommendation. The committee's recommendation shall not be binding on the president.

- (6) If no mutually acceptable resolution is reached through step (5) and/or if after consideration of the faculty committee's recommendation the president determines that further proceedings are warranted to consider termination, the following steps shall be taken.
 - (a) The faculty member shall be provided with a written statement of the specific charges alleged by the college which constitute grounds for termination and a notice of hearing specifying the time, date, and place of the hearing. The statement and notice must be provided at least twenty (20) days prior to the hearing. The faculty member shall respond to the charges in writing at least five (5) days prior to the hearing. The faculty member may waive the hearing by execution of a written waiver.
 - (b) A committee consisting of members of faculty or faculty and administration shall be appointed to hear the case and to determine if adequate cause for termination exists according to the procedure hereinafter described. The committee shall be appointed by the president and the officially

recognized faculty senate, assembly or advisory committee, with each appointing the number of members designated by the policy of the college. The committee may not include any member of the faculty committee referred to in e above. Members deeming themselves disqualified for bias or interest shall remove themselves from the case, either at the request of a party or on their own initiative. Members of the committee shall not discuss the case outside committee deliberations and shall report any ex parte communication pertaining to the hearing to the committee chairman, who shall notify all parties of the communication.

- (c) The hearing committee shall elect a chairperson who shall direct the proceedings and rule on procedural matters, including the granting of reasonable extensions of time at the request of any party and upon the showing of good cause for the extension.
- (d) The chairperson of the hearing committee may in his/her discretion require a joint pre-hearing conference with the parties that may be held in person or by a conference telephone call. A written memorandum of the pre-hearing conference should be prepared and provided to each party. The purpose of the pre-hearing

conference should include but is not limited to one or more of the following:

- (i) Notification as to procedure for conduct of the hearing.
- (ii) Exchange of witness lists, documentary evidence, and affidavits.
- (iii) Define and clarify issues.
- (iv) Effect stipulations of fact.

(7) A hearing shall be conducted by the hearing committee to determine whether adequate cause for termination of the faculty member exists. The hearing shall be conducted according to the procedures below.

- (a) During the hearing, the faculty member will be permitted to have an academic advisor present and may be represented by legal counsel of his/her choice.
- (b) A verbatim record of the hearing will be taken and a copy will be made available to the faculty member, upon request, at the faculty member's expense.
- (c) The burden of proof that adequate cause exists rests with the college and shall be satisfied only by clear and convincing evidence in the record considered as a whole.
- (d) The faculty member will be afforded an opportunity to obtain necessary

witnesses and documentary or other evidence. The administration will cooperate with the committee in securing witnesses and making available documentary and other evidence.

- (e) The faculty member and the administration will have the right to confront and cross-examine all witnesses. Where the witnesses cannot or will not appear, but the committee determines that the interests of justice require admission of their statements, the committee will identify the witnesses, disclose their statements, and, if possible, provide for interrogatories. An affidavit may be submitted in lieu of the personal appearance of a witness if the party offering the affidavit has provided a copy to the opposing party at least ten (10) days prior to the hearing and the opposing party has not objected to the admission of the affidavit in writing within (7) seven days after delivery of the affidavit, or if the committee chairperson determines that the admission of the affidavit is necessary to ensure a just and fair decision.

- (f) In a hearing on charges of incompetence, the testimony shall include that of qualified faculty members from the college or other universities of higher education.
- (g) The hearing committee will not be bound by strict rules of legal evidence and may admit any evidence which is of probative value in determining the issues involved. Every possible effort will be made to obtain the most reliable evidence available.
- (h) The findings of fact and the report will be based solely on the hearing record.
- (i) The president and the faculty member will be provided a copy of the written committee report. The committee's written report shall specify findings of fact and shall state whether the committee has determined that adequate cause for termination exists and, if so, the specific grounds for termination found. In addition, the committee may recommend action less than dismissal. The report shall also specify any applicable policy the committee considered. After consideration of the committee's report and the record, the president may in his/her discretion consult with the faculty member prior to reaching a final decision regarding termination. Following

his/her review, the president shall notify the faculty member of his/her decision, which, if contrary to the committee's recommendation shall be accompanied by a statement of the reasons. If the faculty member is terminated or suspended as a result of the president's decision, the faculty member may appeal the president's action to the chancellor pursuant to TBR Policy 1.02.11.00.

- (8) Review of the appeal shall be based upon the record of hearing. If upon review of the record, the chancellor notes objections regarding the termination and/or its proceedings, the matter will be returned to the president for reconsideration, taking into account the stated objections, and, at the discretion of the president, the case may be returned to the hearing committee for further proceedings.

Sources

Authority

T.C.A. § 49-8-203; T.C.A. §§ 10-7-503, 504

History

TBR Meeting April 2, 2004; Ministerial changes Sept 4, 2018. Revised TBR Board September 19 & 20, 2019; Ministerial changes August 23, 2023.

This policy is a result of a comprehensive revision of former TBR Policy 5.02.03.00, Academic Freedom, Responsibility and Tenure. The former policy included provisions related to academic freedom and responsibility and tenure in both

universities and community colleges. The revision, approved by the Tennessee Board of Regents on April 2, 2004, created a separate policy on academic freedom and responsibility pertinent to both universities and community colleges, established separate policies relative to tenure for universities and community colleges, and instituted separate policies on faculty appointments for universities and community colleges. Faculty members appointed prior to July 1, 2004, may elect to be considered for tenure under the provisions of Policy 5.02.03.00 or under the revised policy for a four-year phase-in period. The revised policy will be applicable to all tenure action taken on or subsequent to July 1, 2008, for faculty whose employment began on or after July 1, 2004.

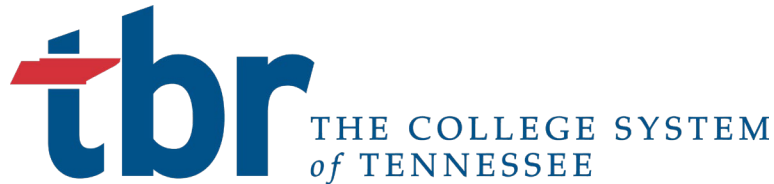
NOTE: This policy became effective on July 1, 1976, as to all faculty then or thereafter employed in the Tennessee Board of Regents' System. The minimum qualifications and requirements for eligibility for an award of tenure applied to all faculty who had not previously been expressly awarded tenure by the Board, and the previous probationary period for such faculty was extended to a maximum of seven years. Faculty who had previously been awarded tenure retained their tenured status under this policy, subject to its terms and conditions.

The definition of academic tenure shall become effective January 1, 1984. That definition shall only apply to faculty tenured subsequent to the effective date. For faculty members tenured previous to January 1, 1984, the applicable definition of tenure shall be: "a status pursuant to which the academic year appointments of full-time faculty who have been awarded tenure are continued at a college until the expiration or relinquishment of that status, subject to termination for adequate cause for financial exigency or curricular reasons (see policy adopted June 25, 1976)."

Related Policies

- Appeals to the Chancellor and the Board
- Definition of Faculty
- Faculty Promotion at Community Colleges
- Financial Exigency

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**Presidents Quarterly Meeting
May 1, 2024**

SUBJECT: Guideline B-010, Collection of Accounts Receivable Revision

PRESENTER: Vice Chancellor, Alisha Fox

LENGTH OF PRESENTATION: 5 minutes

ACTION REQUIRED: Requires Vote

Summary:

Guideline B-010 has been revised to align with the recently approved updates to tuition and fee policies 4.01.03.00 (Community College) and 4.01.03.10 (TCAT). The revision also includes minor updates for clarity and efficiency. This was reviewed and approved at the April business officers sub council meeting on 4/25.

Collection of Accounts Receivable : B-010

Policy/Guideline Area

Business and Finance Guidelines

Applicable Divisions

TCATs, Community Colleges, System Office

Purpose

The purpose of this guideline is to establish the process regarding collection of accounts receivable at the System Office and institutions governed by the Tennessee Board of Regents.

Definitions

- Disposable earnings - means that part of the earnings of an individual remaining after the deduction from those earnings of any amounts required by law to be withheld.

Policy/Guideline

I. General

- A. This guideline applies to the collection of all accounts and notes receivable by institutions in the Tennessee Board of Regents System. Institutions shall, to the maximum extent practicable, require payment in advance for all services and goods to avoid the creation of receivables.

- A. TBR Policies 4.01.03.00 Fees, Charges, Refunds, and Payments - Community Colleges v.3 (navexone.com) and 4.01.03.10 Fees, Charges, Refunds, and Payments -TCATs v.3 (navexone.com) require (with limited exceptions) that all assessed fees be paid in advance by a student before being considered enrolled for any academic term.
- B. Types of Receivables. Accounts and notes receivable may be generated from programs and activities including but not limited to:
 - a. Student loan programs;
 - b. Deferred payment programs;
 - c. Traffic and parking fines;
 - d. Library fines;
 - e. Bad checks;
 - f. Contracts;
 - g. Property rental;
 - h. Damage, loss, or liability to the institution by others; and
 - i. Financial aid adjustments.
- C. Security Deposits. Institutions are authorized to require any person to post a deposit or security bond or provide appropriate insurance to offset potential obligations to the institution arising from programs or activities.
- D. Statute of Limitations. As a state agency, no statute of limitations applies to collections actions by TBR

institutions, and thus the passage of time, standing alone, should not be a reason to forego collection attempts.

II. General Collection Procedures

- A. Institution Procedure. Each institution shall rely on this guideline or establish a written systematic process and procedure for collecting receivables that is substantially similar to this guideline.
- B. Billing. Collection efforts should begin no later than thirty days after the obligation has been incurred or other fixed due date.
 - A. An institution may negotiate alternative payment arrangements with debtors when such arrangements offer the best prospect of collecting the debt.
 - B. An account becomes delinquent based on payment criteria established by the institution for the type of debt involved. An institution shall include a schedule defining delinquent periods.
 - a. For example, debts from students shall not be classified as delinquent until a student fails to enroll in a subsequent fall or spring semester where the provisions of the "Record Holds" in II.E. below would apply.
 - b. On the other hand, rent for facility usage may become delinquent when rent is not paid by the tenth day after the due date.
- C. Delinquent Accounts. A minimum of three billings or letters of contact shall be sent by the institution at thirty-day intervals once an account becomes delinquent.

- A. For debts of \$100 or more, unless the debt is due to institutional error related to administration of Title IV or HEA programs, or any fraud or misconduct by the institution or its personnel, the third letter should indicate that the account will be referred to a collection agency if payment is not made within a specified date.
 - B. Sending letters by certified mail is optional.
- D. Defaulted Accounts. Accounts are classified as defaulted when the institution's established collection efforts for the type of debt have failed to produce payment.
- A. Receivables of \$100 or more shall be referred to a collection agency if the institution's collection efforts are unsuccessful.
 - B. Notwithstanding subsection II. D. 1., pursuant to 34 CFR § 668.14(b)(33), a school may not refer an account to a collection agency when the debt is due to institutional error related to administration of Title IV or HEA programs, or any fraud or misconduct by the institution or its personnel.
 - C. The accounts should be submitted to the agency within a reasonable time after the final collection letter is sent if the debtor has not responded.
 - D. Referral of accounts under \$100 to a collection agency is not required.
 - a. No additional collection efforts are required for receivables under one-hundred dollars (\$100.00), except as

provided for under the Record Holds (Section II.E) and Employee Receivables (Section III.).

b. See Section X. for write/off procedures.

E. Record Holds. Institutions are authorized to issue diplomas and certificates of credit only after the student involved has satisfied all debts or obligations owed to the college, including, but not limited to, its bookstores, libraries, or food service centers. However, this does not prevent the conferring of the degree or credential. Institutions are not permitted to withhold an official transcript unless the institution has not obtained a Financial Responsibility Statement and the institution has obtained prior approval from the Vice Chancellor for Business and Finance or designee.

A. These provisions regarding record holds do not apply to debts of less than one-hundred dollars (\$100.00) or, in accordance with 34 CFR § 668.14(b)(33), when the debt is the result of an error in the institution's administration of Title IV or HEA programs, or any fraud or misconduct by the institution or its personnel.

B. These provisions regarding record holds shall not apply to debts or obligations:

a. Evidenced by notes or other written contracts providing for future payment, such as, but not limited to, financial responsibility statements and loans

authorized under federal or state education or student assistance acts.

- b. An amount owed under a community college's installment payment plan for enrollment fees which is not yet due shall not cause a hold to be applied. A notice stating specific amount due should be sent to each student prior to completion of registration.

- C. Notwithstanding any other requirement in this guideline, a college shall issue a certificate of credit or official transcript for a student seeking admission to any other college or university in the TBR system (including locally governed institutions) if the student has entered a written agreement (acknowledgement of debt/promise to pay) to satisfy the outstanding debt or obligation owed to the college issuing the certificate of credit or official transcript. Any certificate of credit or official transcript so issued shall indicate that it is subject to an outstanding debt owed to the issuing college. The college receiving such a certificate of credit or official transcript shall not subsequently issue a diploma, certificate of credit, or official transcript to that student until it received proof that the student has satisfied the outstanding debt to the college that issued the certificate of credit or official transcript.

- F. Enrollment Holds.

1. A student who owes \$100 or more in past due debts shall not be permitted to register or enroll unless one or more of the following exist.
 - a. The debt resulted from an error in the institution's administration of Title IV or HEA programs, or any fraud or misconduct by the institution or its personnel;
 - a. The student has reaffirmed that the debt is owed by signing an acknowledgment of debt/promise to pay agreement (in addition to the Financial Responsibility Statement required at the beginning of each term;
- B. Additionally, except as provided in subsection II. F. 1. a., all known debts and obligations to the institution incurred during the current term and \$100 or greater must be satisfied prior to a student being allowed to pre-register for any future terms.
- C. An amount owed under a community college's deferred payment plan for enrollment fees which is not yet due shall not cause an enrollment hold to be applied.
- D. A student that is currently assigned to a collection agency will be allowed to register if the student signs an agreement (acknowledgement of debt/promise to pay) that acknowledges they will not be allowed to receive a diploma until the debt is paid in full. The

student account will not be recalled from the collection agency.

- G. Acknowledgement of Debt/Promise Agreement for Prior Debt and Obligations. A student that has prior outstanding debt and was not enrolled in the preceding semester (excluding summer semester) may execute an acknowledgement of debt/promise to pay agreement with the institution and be allowed to register. The agreement must be substantially similar to Exhibit 1.
- H. Aging. All receivables should be aged at least annually.
- I. Documentation. Accurate records of correspondence, telephone calls, and personal contacts with borrowers shall be maintained. Institutions shall comply with record maintenance, safekeeping, and retention regulations for federally funded loans.

III. Employee Receivables

- A. Procedure for Withholding. Employee receivables (including student employees) may result from, among other things, traffic and parking fines, library fines, institution services or bad checks.
- B. Prior to withholding money from an employee's paycheck, the institution must send the employee notice of intent to withhold by registered or certified mail, email, or personally delivered. The notice shall give the employee fifteen (15) calendar days to choose one of the following options.
 - 1. Pay the debt in full
 - 2. Authorize the institution to withhold a designated amount from each subsequent paycheck or, if the employee is terminating, from the accrued but unused annual leave until the debt is paid in full
 - 3. Elect to contest the intent to withhold through an institutional hearing; or,

4. Elect to contest the intent to withhold through a contested case hearing held pursuant to TBR Policy 1.06.00.05 Contested Cases Subject to the Uniform Administrative Procedures Act v.1 (navexone.com)

B. Limitations on Amounts to be Withheld. The deduction from any check shall not exceed the maximum deductible under state garnishment laws.

1. The maximum amount of disposable earnings of an individual for any work week which is subjected to garnishment may not exceed:
 - a. Twenty-five percent (25%) of his disposable earnings for that week; or
 - b. Thirty (30) times the federal minimum hourly wage at the time the earnings for any pay period become due and payable, whichever is less.

C. In the case of earnings from any pay period other than a week, an equivalent amount shall be in effect.

D. Additionally, the above limits do not apply to employee overpayments.

C. Retirement Funds. If a former employee is found to owe a debt to the state, retirement funds may be utilized to pay off the amount owing to the extent permitted by Tennessee law and the retirement plan document.

D. Recovery of Overpayments to Employees. Unlike cases in which the employee owes the institution money, in instances of overpayments to employees there is no obligation to provide a hearing.

1. The institution is obligated, however, to attempt to recoup the funds. The institution should advise the employee in writing of the overpayment and the institution's proposed actions to correct the overpayment.
2. The method of repayment will depend upon the amount of the overpayment, the time which has elapsed between the overpayment and its discovery, the hardship which immediate repayment might cause the employee because of amount of current salary and personal expenses, the culpability of the employee in not reporting the overpayment, and the longevity as well as the expectation that the employee will remain in state government until the repayment is completed.
3. If a current employee receives an overpayment, the refund may be made in one of the following ways:
 - a. Repayment by the employee by cash or check; or,
 - b. Adjustment of deductions to be made automatically from the employee's paycheck, either with a single deduction or a series of deductions made from each paycheck until the full amount is recovered.

- c. The amount of partial payments recovered by the latter method should be reasonable and systematic so that full recovery will be completed within the shortest period possible.
4. If overpayment is discovered after the employee terminates employment with the state, an account receivable should be established.
 - a. The former employee should be notified of the overpayment, the circumstances of the overpayment and a request that the employee contact the appropriate campus official.
 - b. If the employee has not received a final paycheck, the appropriate deduction from that check can be made.
 - c. If the final paycheck has been received, negotiations for reimbursement should be initiated.
 - d. If repayment cannot be negotiated or collected, the account should be turned over to the collection agency.
 - e. In the event collection is not possible, proper write/off procedures should be followed.
5. In instances in which the employee has agreed to systematic deduction(s) from a paycheck(s), written authorization from the employee is encouraged.

6. Each campus shall draft forms to document overpayments, the steps taken to recoup same, any negotiated repayment plan, the amounts received, and any write/off of the overpayment.

IV. Dishonored Payments

- A. Enrollment Fees. Pursuant to TBR Policies 4.01.03.00 Fees, Charges, Refunds, and Payments - Community Colleges v.3 (navexone.com) and 4.01.03.10 Fees, Charges, Refunds, and Payments -TCATs v.3 (navexone.com), if any student tenders payment of fees by a check or credit card that is subsequently dishonored by the financial institution, and the payment is not redeemed in cash within the time period specified below, the institution has the option to not consider that student enrolled at the institution.
 - A. At the discretion of the institution, the student may be considered enrolled and will be assessed the applicable returned check fee, the late registration fee, and will be denied grade reports-and future registration privileges until such dishonored check is redeemed.
 - B. Institutions have the discretion to allow enrollment when the outstanding obligation is \$200 or less.
 - C. Notwithstanding subsections IV. A. 1 & 2, pursuant to 34 CFR § 668.14(b)(33), a school may not deny enrollment when the debt is due to institutional error related to administration of Title IV or HEA programs, or any fraud or misconduct by the institution or its personnel.

- D. Institutions may deny future check writing privileges to students that have paid registration fees with checks that are subsequently dishonored.
- E. While institutions have discretion in how these situations will be handled, all students must be treated the same at that institution, unless the student debt is due to institutional error, in which case schools must comply with 34 CFR § 668.14(b)(33).
- F. A student paying enrollment fees with a check that is dishonored must redeem the check within five (5) calendar days from receipt of the notice.
 - a. Notice should be sent by the institution to the student no more than three (3) working days from receipt of notice of a bad check from the bank.
 - b. Notice by certified mail is optional.
 - c. The institution will have five (5) working days after the expiration of the five (5) calendar days to pursue any additional collection efforts deemed necessary.
 - d. Immediately after the five (5) working days, the student will be deleted if the check has not been redeemed in full if that option is selected by the institution.
 - e. Enrollment fees including returned check fees for students de-enrolled for bad checks should be reversed.

- B. Non-Student or Non-Employee. Any person other than a student or employee who tenders a check for payment for goods or services which is subsequently dishonored shall be given the opportunity to redeem the check and pay the amount due in cash. The person shall be given notice of the dishonored check, sent certified mail, demanding payment within five (5) days.
- C. Collection of Dishonored Checks. A check presented for payment of any goods or services which is subsequently dishonored shall be treated as an account receivable under Section II. Any transactions that have been processed should be reversed when possible and appropriate.
- D. Future Check-Writing. Receipt of one or more bad checks from any person may result in that person becoming ineligible to make payments by check thereafter, or to have any check cashed by the institution. A record of individuals who have written bad checks should be maintained.

V. Federal Loans

- A. Federal Regulations. Collection officers should be certain that they are consulting the most recent legal authorities concerning Federal loans. These authorities include interpretative materials, issues letters, manuals, Congressional Enactments and Federal Department of Education Regulations.
- B. Pre-Loan Counseling. Federal regulations require an institution to conduct entrance counseling to stress the importance of repayment, describe the consequences of default and emphasize the terms of repayment. An individual with Federal Regulations expertise should be available during and after the session to answer questions.

- C. Exit Interview. An individual or group exit interview must be conducted to discuss the borrower's financial responsibilities and to obtain updated information. Exit interview materials may be sent by certified mail to borrowers who do not attend the exit interview.
 - A. The borrower should be provided with a copy of the note and two copies of the repayment schedule.
 - a. These schedules can be provided either in person or by certified mail.
 - b. The borrower should promptly sign and return one of the schedules to the institution.
 - c. A minimum payment of \$30 per month should be required for Perkins Loans made prior to October 1, 1992, \$40 per month for Perkins Loans made after October 1, 1992, and \$15 per month for Health Professions Student Loan (HPSL) and Nursing Student Loan (NSL) programs.
- D. Grace Period Notices. Contact with the borrower should be made during the initial and post-deferment grace periods.
 - A. For a nine-month grace period, notices are required 90 days, 180 days and 240 days after the grace period begins.
 - B. For a six-month grace period, notices are required at 90 days and 150 days.
 - C. The last contact should coincide with the first billing notice.

- E. Billings. A written notice and statement of account should be sent at least 30 days before the first payment is due. If a coupon system is used, coupons should be sent instead of statements. Future statements should be sent at least 15 days before each payment is due.
- F. Late Payments or Delinquent. Three past due notices should be sent beginning when the debt is fifteen days past due. The second notice is sent 30 days from the first notice. A final demand letter should be sent within 15 days of the second past due notice. If all past-due follow-up procedures have failed to elicit a response, a telephone call is required within 30 days of the final demand letter.
- G. Cancellation or Deferments. An institution may postpone loan repayments for a 12 month period if the borrower will be providing services eligible for loan cancellation or deferment.
 - A. Interest does not accrue and the loan is not considered delinquent when in a deferred status.
 - B. The borrower must request deferment and cancellation status on an annual basis.
 - C. If, at the end of the postponement period, the borrower does not qualify for cancellation or deferment, the postponed payments are due.
- H. Acceleration. The borrower must be given written notice of intent to accelerate at least 30 days in advance. This can be included in the final demand letter.
- I. Federal Loans Not Written Off. Annual collection efforts should be pursued for Federal loans that are not able to be written off or turned over to the U.S. Department of Education.

- J. Perkins Loans. The IRS/ED skip-tracing service should be used for Perkins Loans.

VI. Collection Agencies

- A. General. The Tennessee Board of Regents shall provide, on a system-wide basis, collection services through one or more companies.
 - A. The service should provide for the referral of all types of delinquent accounts and notes from the institutions to the designated company only after campus collection efforts have been exhausted.
 - B. The terms of the contract and RFP govern all collection actions.
 - C. Unless otherwise prohibited by law or regulation, any note, contract or lease which may result in accounts receivable to the institution should contain a provision pursuant to which the person will be responsible for the costs of collection and reasonable attorneys' fees in the event of default, and should further provide for the assignment of the account or note to the proper agency.
- B. Billing Services. Institutions may use an outside billing service to collect payments on accounts receivable. The service should be familiar with all provisions of loan programs and provide prompt, clear and accurate bills.
- C. Credit Bureaus. Institutions may report all loans when made to a credit bureau. The institution must obtain the borrower's consent to report loans not in default by including a statement in the

promissory note or some other document that is signed by the borrower at the time the loan is made.

- D. Collection Agency. Accounts that are still delinquent 30 days after the final collection letter should be turned over to a collection agency. Receivables less than \$100 are not required to be turned over to a collection agency. In accordance with 34 CFR § 668.14(b)(33), receivables that resulted from an error in the institution's administration of Title IV or HEA programs, or any fraud or misconduct by the institution or its personnel must not be turned over to a collection agency.
- E. Reporting Requirements. The collection agency should be required to report the status of delinquent loans periodically to each institution and to the Tennessee Board of Regents.
- F. Revised Repayment Plan. A revised repayment plan agreement should be signed by the borrower if the borrower returns to repayment status.
- G. Recalling Accounts from Collection Agency. No account should be recalled from a collection agency other than debts eligible for deferment, postponement, cancellation, bankruptcy, death, disability or some other mitigating circumstance (institutional error, etc.).
 - A. No account should be recalled in order for a borrower to re-enroll or obtain a transcript.
 - B. A student who is currently assigned to a collection agency will be allowed to register if the student signs a repayment agreement that acknowledges they will not be allowed to graduate until the debt is paid in

full. The student account will not be recalled from the collection agency.

- C. The borrower should pay the accelerated amount plus collection costs to the collection agency.

VII. Litigation

- A. General. After all other attempts at collection have failed, the institution must authorize litigation of accounts of \$2,000 or more providing litigation costs do not exceed the amount which can be recovered. Generally the collection services contract will provide for litigation when appropriate.
- B. Federal Loans. If a Federal loan cannot be litigated for any of the following reasons, it should be assigned to the U.S. Department of Education:
 - A. Borrower has no assets;
 - B. Address unknown;
 - C. Debtor is incarcerated;
 - D. Debtor is on Public Assistance;
 - E. Unable to serve borrower with court papers;
 - F. Litigation is in process and debtor skips;
 - G. Expected cost of litigation exceeds amount to be recovered from borrower.

VIII. Bankruptcy

- A. General Information - Each institution shall designate a bankruptcy contact person to serve as a liaison between the institution and the Attorney General's office.

- A. Once notice of, or a petition for, bankruptcy is received, all collection efforts against the debtor must cease immediately.
- B. If the account is at a collection agency, the agency must be notified and the file must be returned to the institution immediately.
- C. The institution should immediately forward to the Attorney General's office all paperwork received regarding the bankruptcy petition; the amount the institution claims due; any promissory note, financial statement of responsibility, or other agreement to pay the debt; the basis of the claim (e.g., federal chargeback, tuition, fees, parking tickets); and backup documents that itemize the debt.
- D. The institution should also provide a copy of this information to the TBR Office of General Counsel.
- E. The Attorney General's office will advise the institution when and if collection efforts may resume, depending on the debt's discharge ability.
 - a. NOTE: Effective for actions filed on or after 5/28/91, the period during which an educational loan may not generally be discharged will increase from five (5) years to seven (7) years.
 - b. This period is calculated from the date the loan first came due to the date the bankruptcy action was filed, exclusive of

periods during which repayment obligations are suspended.

- c. Additionally, obligations to repay an "overpayment" of, or any other obligation to repay an "educational benefit" provided by a governmental unit or under a program funded by a government unit or non-profit institution will be excepted from discharge during the same seven year period under either Chapter 7 or 13 unless the borrower establishes that repayment constitutes undue hardship.
- B. Chapter 7 (Liquidation) Upon receiving any notice of the filing of a petition, all collection efforts against the debtor must be suspended immediately until the bankruptcy has been discharged.
- A. Collection efforts may continue against an endorser.
 - B. The institution shall immediately forward the file to the Attorney General's office with a Referral Form and the documentation specified on the Referral Form.
 - C. A copy of this information should also be provided to the TBR Office of General Counsel.
 - D. Educational loans: If the date of bankruptcy filing is after the expiration of the exception period, the loan should be written off once the notice of discharge is received unless there is some other basis upon which to challenge discharge ability.

- a. The Attorney General's office will contact the institution to advise whether the debt is dischargeable.
 - b. However, if there is an endorser, collection efforts may proceed against the endorser.
 - c. If the date of bankruptcy filing is before the expiration of the exception period, collection activity may be reinstated once the notice of discharge is received due to the self/executing nature of the exception unless the debtor has been able to establish discharge ability of the debt through an adversary proceeding.
 - d. If the institution is served with a summons and complaint, the institution shall immediately transmit to the Attorney General's bankruptcy unit a copy of the Summons and Complaint, the debt payoff amount, the date the note went into repayment, and any deferment and/or forbearance history.
 - e. A copy of this information should also be provided to the TBR Office of General Counsel.
- E. Other debts: The institution shall immediately forward the file to the Attorney General's office with a Referral Form and the documentation specified on the Referral Form.

- a. A copy of this information should also be provided to the TBR Office of General Counsel.
- b. When the notice states "No assets," unless the institution is a secured creditor (in which case a proof of claim would have been filed), the debt must be written off once the Attorney General's office provides the institution with notice of discharge.

C. Chapter 13 (Reorganization)

- A. NOTE: For petitions filed on or after 11/5/90, an educational loan is non-dischargeable if the loan first became due within five years calculated from the date the loan first came due to the date the bankruptcy action was filed, exclusive of periods during which repayment obligations are suspended.
- B. Effective for bankruptcies filed on or after 5/28/91, that same five (5) year period was increased to seven (7) years. See NOTE above for further details.
- C. Regardless of the date of filing or the nature of the debt owing, upon receiving any notice of the filing of a petition, all collection efforts against the debtor and endorser must cease immediately.
 - a. The institution shall immediately forward the file to the Attorney General's office with a Referral Form and the

documentation specified on the Referral Form.

- b. A copy of this information should also be provided to the TBR General Counsel's office.
 - c. The Attorney General's office will advise the institution whether the debt is dischargeable and the extent to which collection activities may be reinstated.
- D. If the seven (7) year exception period applies and the debtor serves the institution with a summons and complaint the institution shall immediately fax to the Attorney General's bankruptcy unit a copy of the Summons and Complaint, the debt payoff amount, the date the note went into repayment, and any deferment and/or forbearance history.
- a. A copy of this information should also be provided to the TBR General Counsel's office.
- E. Other debts: The institution shall immediately forward the file to the Attorney General's office with a Referral Form and the documentation specified on the Referral Form.
- a. A copy of this information should also be provided to the TBR General Counsel's office.

- b. The Attorney General's office will advise the institution as to the discharge ability of the debt.

IX. Write Offs

- A. Authority. The Tennessee Board of Regents and its institutions are authorized to write off uncollectible receivables pursuant to policies outlined in Chapter 0620-1-9 of the rules of the Department of Finance and Administration.
 - A. This includes the write off of any account of five thousand dollars (\$5,000) or greater and/or accounts aggregating twenty-five thousand dollars (\$25,000) or more.
 - B. Receivables submitted for write off must have been subjected to appropriate collection efforts in accordance with this guideline and institution procedures.
- B. Reserve. A reserve for doubtful accounts should be established for activities for which accounts receivable represent a material amount to the activity income.
 - A. The reserve should be reported in the financial records of the institution.
 - B. Receivables which prove to be uncollectible after prescribed collection efforts have been exhausted should be written off by a charge to the reserve for doubtful accounts after appropriate approvals are obtained.

- C. Approval. The proposed write offs must be approved by institution officials not directly involved in recording and collection of accounts receivable.
 - A. The institution president and chief business officer should certify compliance with the prescribed statute and collection guidelines.
 - B. The accounts submitted for write off should be single accounts of \$5,000 or more and/or accounts aggregating \$25,000 or more. The write off request summary and certification, along with a detailed list of the accounts, should be submitted to the Vice Chancellor for Business and Finance's office for approval.
 - C. The write off request must be approved by the Chancellor or designee and General Counsel and forwarded by TBR for approval by the Commissioner of Finance and Administration and the Comptroller of the Treasury.
 - a. TBR will send approved write offs to the institution for the appropriate accounting.
 - D. Requests for the write off of single accounts of less than \$5,000 and/or accounts aggregating less than \$25,000 shall be approved at the institution level by the appropriate officials.
 - a. These requests do not require additional approval by the Tennessee Board of Regents office or State Departments.

- D. State/TBR Employees. Any debtors identified by the TBR or State as employees with debts \$50 and above will not be approved for write off.
 - A. Information on the employing institution or agency will be returned to the institution for additional collection efforts.
 - B. If the debtor is a state employee, the Chief Business Officer of the institution employing the debtor should be notified.
 - C. The institution employing the individual will be responsible for taking the appropriate action to collect the debt.
 - D. If the institution is unsuccessful in collecting the debt, written notification will be sent to the institution.
 - a. The written notification shall be submitted with the next write off request for approval.
 - E. If the debtor works for another TBR institution, including a university, the Chief Business Officer of the employing institution should be notified and will be responsible for collecting the debts utilizing the steps in Section III, Employee Receivables, of this policy.
 - a. Written notification should be sent to the requesting institution if collection efforts are unsuccessful.
 - b. The written notification shall be submitted with the next write off request for approval.

- c. The institution may agree to payment through payroll deductions if the employee signs a payroll deduction authorization.
 - E. Former TBR Employees. If a debt or obligation was incurred while a TBR employee, the debt constitutes an account receivable; refer to Section II.
 - F. Holds on Written Off Receivables. A hold on future registration will continue until the debt is cleared for former students whose receivables were written off if the debt was one-hundred (\$100) dollars or more, unless the debt resulted from an error in the institution's administration of Title IV or HEA programs, or any fraud or misconduct by the institution or its personnel.
 - A. Institutions will continue to withhold certificates of credit, diplomas, and grade reports, for these accounts until they are paid in full or meet the criteria established in T.C.A. § 49-7-166.
 - B. A student who has prior outstanding debt and was not enrolled in the preceding semester (excluding summer semester) may execute a repayment agreement with the institution and be allowed to register. The repayment agreement will require that the debt be fully satisfied before a diploma or degree will be issued. A student may only ever execute one such repayment agreement with the institution.
- X. **Gramm-Leach-Bliley Act ("GLBA") Contract Clause**
 - A. As part of institutions' security program required by GLBA and TBR Guideline B-090 Safeguarding Nonpublic Financial

Information v.1 (navexone.com), institutions must take reasonable steps to select and retain third party service providers that are capable of maintaining appropriate safeguards for customer information (which is, generally speaking, any nonpublic personal financial information about students). Institutions must also include in contracts requirements that service providers with access to customer information maintain sufficient procedures to detect and respond to security events. Form language to include in such contracts is available from the System Office Procurement, Contracts and Payment Services Department.

Sources

Authority

T.C.A. § 49-8-203; Public Chapter 739 of the Public Acts of the State of Tennessee, 2018; T.C.A. § 4-5-301 et seq., 49-7-166; 16 C.F.R. § 314

History

November 16, 1977, TBR presidents meeting. Revised July 1, 1984. Revised May 17, 1988. Revised May 12, 1992. Revised August 9, 1994, TBR presidents meeting. Revised November 9, 1994, TBR presidents meeting. Revised May 14, 1996, presidents meeting. Revised August 25, 1998, presidents meeting. Revised May 11, 1999, presidents meeting. Revised May 21, 2001 presidents meeting. Revised May 16, 2006 presidents meeting. Revised November 8, 2006 presidents meeting; Presidents Meeting August 19, 2008; Presidents Meeting November 5, 2008; Presidents Meeting, May 21, 2013; Presidents Meeting February 2, 2016; Presidents Meeting May, 2018.

Exhibits

Exhibit 1—Acknowledgement of Debt and Promise to Pay

Collection of Accounts Receivable : B-010

Policy/Guideline Area

Business and Finance Guidelines

Applicable Divisions

TCATs, Community Colleges, System Office

Purpose

The purpose of this guideline is to establish the process regarding collection of accounts receivable at the System Office and institutions governed by the Tennessee Board of Regents.

Definitions

- Disposable earnings - means that part of the earnings of an individual remaining after the deduction from those earnings of any amounts required by law to be withheld.

Policy/Guideline

I. General

- A. This guideline applies to the collection of all accounts and notes receivable by institutions in the Tennessee Board of Regents System. Institutions shall, to the maximum extent practicable, require payment in advance for all services and goods to avoid the creation of receivables.

1. ~~TBR Policy on the Payment of Fees. Policy No. 4:01:03:00~~ TBR Policies 4.01.03.00 Fees, Charges, Refunds, and Payments - Community Colleges v.3 (navexone.com) and 4.01.03.10 Fees, Charges, Refunds, and Payments -TCATs v.3 (navexone.com) requires (with limited exceptions) that all assessed fees be paid in advance by a student before being considered enrolled for any academic term.
2. Types of Receivables. Accounts and notes receivable may be generated from programs and activities including but not limited to:
 - a. Student loan programs;
 - b. Deferred payment programs;
 - c. Traffic and parking fines;
 - d. Library fines;
 - e. Bad checks;
 - f. Contracts;
 - g. Property rental;
 - h. Damage, loss, or liability to the institution by others; and
 - i. Financial aid adjustments.
3. Security Deposits. Institutions are authorized to require any person to post a deposit or security bond or provide appropriate insurance to offset potential obligations to the institution arising from programs or activities.

4. Statute of Limitations. ~~Pursuant to T.C.A. § 28-1-113, there is no time limit on the institutions' authority to collect receivables unless otherwise expressly provided by statute.~~ As a state agency, no statute of limitations applies to collections actions by TBR institutions, and thus the passage of time, standing alone, should not be a reason to forego collection attempts.

II. General Collection Procedures

- A. Institution Procedure. Each institution shall ~~rely on this guideline or~~ establish a written systematic process and procedure for collecting receivables ~~from all persons including students and employees~~ that is substantially similar to this guideline.
- B. Billing. Collection efforts should begin no later than thirty days after the obligation has been incurred or other fixed due date.
 1. An institution may negotiate alternative payment arrangements with debtors when such arrangements offer the best prospect of collecting the debt.
 2. An account becomes delinquent based on payment criteria established by the institution for the type of debt involved. An institution shall include a schedule defining delinquent periods.
 - a. For example, debts from students shall not be classified as delinquent until a student fails to enroll in a subsequent fall or spring semester where the provisions of the "Record Holds" in II.E. below would apply.

b. On the other hand, rent for facility usage may become delinquent when rent is not paid by the tenth day after the due date.

C. Delinquent Accounts. A minimum of three billings or letters of contact shall be sent by the institution at thirty-day intervals once an account becomes delinquent.

1. For debts of \$100 or more, unless the debt is due to institutional error related to administration of Title IV or HEA programs, or any fraud or misconduct by the institution or its personnel, the third letter should indicate that the account will be referred to a collection agency if payment is not made within a specified date.

2. Sending letters by certified mail is optional.

D. Defaulted Accounts. Accounts are classified as defaulted when the institution's established collection efforts for the type of debt have failed to produce payment.

1. Receivables of \$100 or more shall be referred to a collection agency if the institution's collection efforts are unsuccessful.

2. Notwithstanding subsection II. D. 1., pursuant to 34 CFR § 668.14(b)(33), a school may not refer an account to a collection agency when the debt is due to institutional error related to administration of Title IV or HEA programs, or any fraud or misconduct by the institution or its personnel.

3. The accounts should be submitted to the agency within a reasonable time after the final collection letter is sent if the debtor has not responded.
 4. Referral of accounts under \$100 to a collection agency is not required.
 - a. No additional collection efforts are required for receivables under one-hundred dollars (\$100.00), except as provided for under the Record Holds (Section II.E) and Employee Receivables (Section III.).
 - b. See Section X. for write/off procedures.
- E. Record Holds. Institutions are authorized to issue diplomas and certificates of credit only after the student involved has satisfied all debts or obligations owed to the college, including, but not limited to, its bookstores, libraries, or food service centers. However, this does not prevent the conferring of the degree or credential. **Institutions are not permitted to withhold an official transcript unless the institution has not obtained a Financial Responsibility Statement and the institution has obtained prior approval from the Vice Chancellor for Business and Finance or designee.**
1. ~~This limitation does~~ These provisions regarding record holds do not apply to debts of less than one-hundred dollars (\$100.00) or, in accordance with 34 CFR § 668.14(b)(33), when the debt is the result of an error in the institution's administration of Title IV or HEA

programs, or any fraud or misconduct by the institution or its personnel.

2. ~~This limitation does~~ These provisions regarding record ~~holds~~ shall not apply to debts or obligations:
 - a. Evidenced by notes or other written contracts providing for future payment, such as, but not limited to, **financial responsibility statements and** loans authorized under federal or state education or student assistance acts.
 - b. An amount owed under ~~the institution's a~~ **community college's** installment payment plan for enrollment fees which is not yet due shall not cause a hold to be applied. A notice stating specific amount due should be sent to each student prior to completion of registration.
3. Notwithstanding ~~the limitation above~~ **any other requirement in this guideline**, a college shall issue a certificate of credit or official transcript for a student seeking admission to any other college or university in the TBR system (including locally governed institutions) if the student has entered a written agreement (acknowledgement of debt/promise to pay) to satisfy the outstanding debt or obligation owed to the college issuing the certificate of credit or official transcript. Any certificate of credit or official transcript so issued shall indicate that it is subject to

an outstanding debt owed to the issuing college. The college receiving such a certificate of credit or official transcript shall not subsequently issue a diploma, certificate of credit, or official transcript to that student until it received proof that the student has satisfied the outstanding debt to the college that issued the certificate of credit or official transcript.

F. Enrollment Holds.

- ~~1. A student must pay any past due debts and obligations owed to the institution incurred in prior academic terms before being permitted to register at the institution unless the debt is less than \$100 or an acknowledgement of debt/promise to pay agreement (see section II. G) for the prior debt or obligation has been executed.~~
- ~~2. Institutions shall allow enrollment when the outstanding obligation is less than \$100.~~
1. A student who owes \$100 or more in past due debts shall not be permitted to register or enroll unless one or more of the following exist.
 - a. The debt resulted from an error in the institution's administration of Title IV or HEA programs, or any fraud or misconduct by the institution or its personnel;
 - b. The student has reaffirmed that the debt is owed by signing an acknowledgment of debt/promise to pay agreement (in addition to the Financial Responsibility

Statement required at the beginning of each term;

2. Additionally, ~~except as provided in subsection II. F. 1. a.~~, all known debts and obligations to the institution incurred during the current term and \$100 or greater must be satisfied prior to a student being allowed to pre-register for any future terms.
 3. An amount owed under ~~the institution's a community college's~~ deferred payment plan for enrollment fees which is not yet due shall not cause an enrollment hold to be applied.
 4. A student that is currently assigned to a collection agency will be allowed to register if the student signs an agreement (acknowledgement of debt/promise to pay) that acknowledges they will not be allowed to receive a diploma, ~~certificate of credit or official transcript~~ until the debt is paid in full. The student account will not be recalled from the collection agency.
- G. Acknowledgement of Debt/Promise Agreement for Prior Debt and Obligations. A student that has prior outstanding debt and was not enrolled in the preceding semester (excluding summer semester) may execute an acknowledgement of debt/promise to pay agreement with the institution and be allowed to register. ~~The agreement must be substantially similar to Exhibit 1.~~
1. ~~The agreement will require that the debt be fully satisfied before a diploma or degree will be issued.~~

- ~~2. The agreement will require continuous enrollment (Fall and Spring). If continuous enrollment is not maintained the institution may continue with normal collection procedures as delineated herein or pursuant to the terms of any previously executed repayment agreement.~~
- ~~3. A student may only ever execute one such agreement with the institution.~~
- ~~4. "Continuous enrollment" means a student is enrolled in the fall and spring semesters of a single academic year unless granted a medical or personal leave of absence. Allowable medical or personal reasons may include illness of the student; illness or death of an immediate family member; extreme financial hardship of the student or student's immediate family; fulfillment of a religious commitment encouraged of members of that faith; fulfillment of required initial active duty for training as a National Guard or Reserve member or for National Guard or Reserve mobilization.~~

- H. Aging. All receivables should be aged at least annually.
- I. Documentation. Accurate records of correspondence, telephone calls, and personal contacts with borrowers shall be maintained. Institutions shall comply with record maintenance, safekeeping, and retention regulations for federally funded loans.

III. Employee Receivables

A. Procedure for Withholding. Employee receivables (including student employees) may result from, among other things, traffic and parking fines, library fines, institution services or bad checks.

~~1. In order to recoup the amount owed from the employee's paycheck, notice of intent to withhold must be sent to the employee by registered or certified mail, email, or personally delivered.~~

~~a. The notice should inform the employee of the amount alleged to be owed and should specify that he may elect to pay the debt in full, authorize deductions from his paycheck or, if the employee is terminating, the check for accrued but unused annual leave, or contest the intent to withhold through an institutional or UAPA hearing.~~

~~b. Subsequent to receiving a pre-deprivation notice of the debt owing, the employee, within 15 calendar days of receipt of such notice, must:~~

~~Prior to withholding money from an employee's paycheck, the institution must send the employee notice of intent to withhold by registered or certified mail, email, or personally delivered. The notice shall give the employee fifteen (15) calendar days to choose one of the following options.~~

1. Pay the debt in full
2. Authorize the institution to withhold a designated amount from each subsequent paycheck or, if the employee is terminating, from the accrued but unused annual leave until the debt is paid in full
3. Elect to contest the intent to withhold through an institutional hearing; or,

4. Elect to contest the intent to withhold through a contested case hearing held pursuant to [TBR Policy 1.06.00.05 Contested Cases Subject to the Uniform Administrative Procedures Act v.1 \(navexone.com\)](#)

~~1. If the employee elects an institutional hearing, the employee shall appear on behalf of himself but is entitled to be advised by counsel.~~

- ~~a. The Chief Business Officer of a campus or unit or their representative, or a representative of the department involved in the debt, shall be present to represent the institution.~~
- ~~b. The case will be heard before one hearing officer designated to hear all cases on that date.~~
- ~~c. The hearing officer must be an individual who is not so closely connected with the collection of the debt that they cannot render an unbiased and objective decision on the validity of the debt.~~
- ~~d. Such hearing should be held within one week of the decision to elect the hearing.~~
- ~~e. The hearing officer shall render a decision on the validity of the debt. If the debt is ruled valid, the debt shall be deducted from the employee's payroll check beginning at the end of the next appropriate pay period in accordance with deduction schedules.~~
- ~~f. If the employee elects a UAPA hearing, the Office of General Counsel should be notified immediately.~~
- ~~g. If the employee refuses to pay, authorize deduction, or specify or waive a hearing process, a UAPA hearing must be initiated.~~
- ~~h. The employee's failure to appear at either an institutional or UAPA hearing will constitute default, or, if a prima facie case is~~

~~presented that the debt is owed, it will be deemed valid; the appropriate deductions may then be made.~~

~~i. Additionally, if a UAPA hearing, a Default Order must be issued.~~

~~j. If the employee does not appeal the Default Order, funds may be deducted as specified.~~

B. Limitations on Amounts to be Withheld. The deduction from any check shall not exceed the maximum deductible under state garnishment laws.

1. The maximum amount of disposable earnings of an individual for any work week which is subjected to garnishment may not exceed:
 - a. Twenty-five percent (25%) of his disposable earnings for that week; or
 - b. Thirty (30) times the federal minimum hourly wage at the time the earnings for any pay period become due and payable, whichever is less.
2. In the case of earnings from any pay period other than a week, an equivalent amount shall be in effect.
- ~~3. These limits are applicable to retirement funds, but are not applicable to checks for accumulated annual leave.~~
4. Additionally, the above limits do not apply to employee overpayments.

C. Retirement Funds. If a former employee is found to owe a debt to the state, retirement funds may be utilized to pay off the amount

owing to the extent permitted by Tennessee law and the retirement plan document.

- ~~1. The same procedural steps outlined in III.A. for notice and the opportunity for a hearing must be followed.~~
- ~~2. Accumulated retirement contributions of a former employee terminated for any reason and for which he has made application, or monthly benefits of a retired employee are subject to withholding to the extent permitted by Tennessee law.~~
- ~~3. A copy of the final order resulting from an institutional or UAPA hearing, or a signed waiver of hearing and written agreement of the former employee authorizing deductions should be sent to the director of the retirement system along with a written request to withhold, specifying the reason for the claim and the total amount involved.~~

D. Recovery of Overpayments to Employees. Unlike cases in which the employee owes the institution money, in instances of overpayments to employees there is no obligation to provide a hearing.

1. The institution is obligated, however, to attempt to recoup the funds. The institution should advise the employee in writing of the overpayment and the institution's proposed actions to correct the overpayment.
2. The method of repayment will depend upon the amount of the overpayment, the time which has elapsed between the overpayment and its discovery,

the hardship which immediate repayment might cause the employee because of amount of current salary and personal expenses, the culpability of the employee in not reporting the overpayment, and the longevity as well as the expectation that the employee will remain in state government until the repayment is completed.

3. If a current employee receives an overpayment, the refund may be made in one of the following ways:
 - a. Repayment by the employee by cash or check; or,
 - b. Adjustment of deductions to be made automatically from the employee's paycheck, either with a single deduction or a series of deductions made from each paycheck until the full amount is recovered.
 - c. The amount of partial payments recovered by the latter method should be reasonable and systematic so that full recovery will be completed within the shortest period possible.
4. If overpayment is discovered after the employee terminates employment with the state, an account receivable should be established.
 - a. The former employee should be notified of the overpayment, the circumstances of the overpayment and a request that the

employee contact the appropriate campus official.

- b. If the employee has not received a final paycheck, the appropriate deduction from that check can be made.
 - c. If the final paycheck has been received, negotiations for reimbursement should be initiated.
 - d. If repayment cannot be negotiated or collected, the account should be turned over to the collection agency.
 - e. In the event collection is not possible, proper write/off procedures should be followed.
5. In instances in which the employee has agreed to systematic deduction(s) from a paycheck(s), written authorization from the employee is encouraged.
 6. Each campus shall draft forms to document overpayments, the steps taken to recoup same, any negotiated repayment plan, the amounts received, and any write/off of the overpayment.

IV. Dishonored Payments

- A. Enrollment Fees. Pursuant to ~~the Board Policy on the Payment of Fees and Enrollment of Students (4:01:03:00)~~, TBR Policies [4.01.03.00 Fees, Charges, Refunds, and Payments - Community Colleges v.3 \(navexone.com\)](#) and [4.01.03.10 Fees, Charges, Refunds, and Payments -TCATs v.3 \(navexone.com\)](#), if any student

tenders payment of fees by a check or credit card that is subsequently dishonored by the financial institution, and the payment is not redeemed in cash within the time period specified below, the institution has the option to not consider that student enrolled at the institution.

1. At the discretion of the institution, the student may be considered enrolled and will be assessed the applicable returned check fee, the late registration fee, and will be denied grade reports, ~~transcripts~~ and future registration privileges until such dishonored check is redeemed.
2. Institutions have the discretion to allow enrollment when the outstanding obligation is \$200 or less.
3. **Notwithstanding subsections IV. A. 1 & 2, pursuant to 34 CFR § 668.14(b)(33), a school may not deny enrollment when the debt is due to institutional error related to administration of Title IV or HEA programs, or any fraud or misconduct by the institution or its personnel.**
4. Institutions may deny future check writing privileges to students that have paid registration fees with checks that are subsequently dishonored.
5. While institutions have discretion in how these situations will be handled, all students must be treated the same at that institution, **unless the student debt is due to institutional error, in which case schools must comply with 34 CFR § 668.14(b)(33).**

6. A student paying enrollment fees with a check that is dishonored must redeem the check within five (5) calendar days from receipt of the notice.
 - a. Notice should be sent by the institution to the student no more than three (3) working days from receipt of notice of a bad check from the bank.
 - b. Notice by certified mail is optional.
 - c. The institution will have five (5) working days after the expiration of the five (5) calendar days to pursue any additional collection efforts deemed necessary.
 - d. Immediately after the five (5) working days, the student will be deleted if the check has not been redeemed in full if that option is selected by the institution.
 - e. Enrollment fees including returned check fees for students de-enrolled for bad checks should be reversed.
- B. Non-Student or Non-Employee. Any person other than a student or employee who tenders a check for payment for goods or services which is subsequently dishonored shall be given the opportunity to redeem the check and pay the amount due in cash. The person shall be given notice of the dishonored check, sent certified mail, demanding payment within five (5) days.
- C. Collection of Dishonored Checks. A check presented for payment of any goods or services which is subsequently dishonored shall be treated as an account receivable under Section II. Any

transactions that have been processed should be reversed when possible and appropriate.

- D. Future Check-Writing. Receipt of one or more bad checks from any person may result in that person becoming ineligible to make payments by check thereafter, or to have any check cashed by the institution. A record of individuals who have written bad checks should be maintained.

V. Federal Loans

- A. Federal Regulations. Collection officers should be certain that they are consulting the most recent legal authorities concerning Federal loans. These authorities include interpretative materials, issues letters, manuals, Congressional Enactments and Federal Department of Education Regulations.
- B. Pre-Loan Counseling. Federal regulations require an institution to conduct entrance counseling to stress the importance of repayment, describe the consequences of default and emphasize the terms of repayment. An individual with Federal Regulations expertise should be available during and after the session to answer questions.
- C. Exit Interview. An individual or group exit interview must be conducted to discuss the borrower's financial responsibilities and to obtain updated information. Exit interview materials may be sent by certified mail to borrowers who do not attend the exit interview.
 - 1. The borrower should be provided with a copy of the note and two copies of the repayment schedule.
 - a. These schedules can be provided either in person or by certified mail.

- b. The borrower should promptly sign and return one of the schedules to the institution.
 - c. A minimum payment of \$30 per month should be required for Perkins Loans made prior to October 1, 1992, \$40 per month for Perkins Loans made after October 1, 1992, and \$15 per month for Health Professions Student Loan (HPSL) and Nursing Student Loan (NSL) programs.
- D. Grace Period Notices. Contact with the borrower should be made during the initial and post-deferment grace periods.
 - 1. For a nine-month grace period, notices are required 90 days, 180 days and 240 days after the grace period begins.
 - 2. For a six-month grace period, notices are required at 90 days and 150 days.
 - 3. The last contact should coincide with the first billing notice.
- E. Billings. A written notice and statement of account should be sent at least 30 days before the first payment is due. If a coupon system is used, coupons should be sent instead of statements. Future statements should be sent at least 15 days before each payment is due.
- F. Late Payments or Delinquent. Three past due notices should be sent beginning when the debt is fifteen days past due. The second notice is sent 30 days from the first notice. A final demand letter should be sent within 15 days of the second past

due notice. If all past-due follow-up procedures have failed to elicit a response, a telephone call is required within 30 days of the final demand letter.

- G. Cancellation or Deferments. An institution may postpone loan repayments for a 12 month period if the borrower will be providing services eligible for loan cancellation or deferment.
 - 1. Interest does not accrue and the loan is not considered delinquent when in a deferred status.
 - 2. The borrower must request deferment and cancellation status on an annual basis.
 - 3. If, at the end of the postponement period, the borrower does not qualify for cancellation or deferment, the postponed payments are due.
- H. Acceleration. The borrower must be given written notice of intent to accelerate at least 30 days in advance. This can be included in the final demand letter.
- I. Federal Loans Not Written Off. Annual collection efforts should be pursued for Federal loans that are not able to be written off or turned over to the U.S. Department of Education.
- J. Perkins Loans. The IRS/ED skip-tracing service should be used for Perkins Loans.

VI. [Collection Agencies](#)

- A. General. The Tennessee Board of Regents shall provide, on a system-wide basis, collection services through one or more companies.
 - 1. The service should provide for the referral of all types of delinquent accounts and notes from the institutions

to the designated company only after campus collection efforts have been exhausted.

2. The terms of the contract and RFP govern all collection actions.
 3. Unless otherwise prohibited by law or regulation, any note, contract or lease which may result in accounts receivable to the institution should contain a provision pursuant to which the person will be responsible for the costs of collection and reasonable attorneys' fees in the event of default, and should further provide for the assignment of the account or note to the proper agency.
- B. Billing Services. Institutions may use an outside billing service to collect payments on accounts receivable. The service should be familiar with all provisions of loan programs and provide prompt, clear and accurate bills.
- C. Credit Bureaus. Institutions may report all loans when made to a credit bureau. The institution must obtain the borrower's consent to report loans not in default by including a statement in the promissory note or some other document that is signed by the borrower at the time the loan is made.
- D. Collection Agency. Accounts that are still delinquent 30 days after the final collection letter should be turned over to a collection agency. Receivables less than \$100 are not required to be turned over to a collection agency. **In accordance with 34 CFR § 668.14(b)(33), receivables that resulted from an error in the institution's administration of Title IV or HEA programs, or any**

fraud or misconduct by the institution or its personnel must not be turned over to a collection agency.

- E. Reporting Requirements. The collection agency should be required to report the status of delinquent loans periodically to each institution and to the Tennessee Board of Regents.
- F. Revised Repayment Plan. A revised repayment plan agreement should be signed by the borrower if the borrower returns to repayment status.
- G. Recalling Accounts from Collection Agency. No account should be recalled from a collection agency other than debts eligible for deferment, postponement, cancellation, bankruptcy, death, disability or some other mitigating circumstance (institutional error, etc.).
 - 1. No account should be recalled in order for a borrower to re-enroll or obtain a transcript.
 - 2. A student who is currently assigned to a collection agency will be allowed to register if the student signs a repayment agreement that acknowledges they will not be allowed to graduate until the debt is paid in full. The student account will not be recalled from the collection agency.
 - 3. The borrower should pay the accelerated amount plus collection costs to the collection agency.

VII. Litigation

- A. General. After all other attempts at collection have failed, the institution must authorize litigation of accounts of \$2,000 or more providing litigation costs do not exceed the amount which

can be recovered. Generally the collection services contract will provide for litigation when appropriate.

B. Federal Loans. If a Federal loan cannot be litigated for any of the following reasons, it should be assigned to the U.S. Department of Education:

1. Borrower has no assets;
2. Address unknown;
3. Debtor is incarcerated;
4. Debtor is on Public Assistance;
5. Unable to serve borrower with court papers;
6. Litigation is in process and debtor skips;
7. Expected cost of litigation exceeds amount to be recovered from borrower.

VIII. Bankruptcy

- A. General Information - Each institution shall designate a bankruptcy contact person to serve as a liaison between the institution and the Attorney General's office.
1. Once notice of, or a petition for, bankruptcy is received, all collection efforts against the debtor must cease immediately.
 2. If the account is at a collection agency, the agency must be notified and the file must be returned to the institution immediately.
 3. The institution should immediately forward to the Attorney General's office all paperwork received regarding the bankruptcy petition; the amount the institution claims due; any promissory note, financial

statement of responsibility, or other agreement to pay the debt; the basis of the claim (e.g., federal chargeback, tuition, fees, parking tickets); and backup documents that itemize the debt.

4. The institution should also provide a copy of this information to the TBR Office of General Counsel.
5. The Attorney General's office will advise the institution when and if collection efforts may resume, depending on the debt's discharge ability.
 - a. NOTE: Effective for actions filed on or after 5/28/91, the period during which an educational loan may not generally be discharged will increase from five (5) years to seven (7) years.
 - b. This period is calculated from the date the loan first came due to the date the bankruptcy action was filed, exclusive of periods during which repayment obligations are suspended.
 - c. Additionally, obligations to repay an "overpayment" of, or any other obligation to repay an "educational benefit" provided by a governmental unit or under a program funded by a government unit or non-profit institution will be excepted from discharge during the same seven year period under either Chapter 7 or 13

unless the borrower establishes that repayment constitutes undue hardship.

B. Chapter 7 (Liquidation) Upon receiving any notice of the filing of a petition, all collection efforts against the debtor must be suspended immediately until the bankruptcy has been discharged.

1. Collection efforts may continue against an endorser.
2. The institution shall immediately forward the file to the Attorney General's office with a Referral Form and the documentation specified on the Referral Form.
3. A copy of this information should also be provided to the TBR Office of General Counsel.
4. Educational loans: If the date of bankruptcy filing is after the expiration of the exception period, the loan should be written off once the notice of discharge is received unless there is some other basis upon which to challenge discharge ability.
 - a. The Attorney General's office will contact the institution to advise whether the debt is dischargeable.
 - b. However, if there is an endorser, collection efforts may proceed against the endorser.
 - c. If the date of bankruptcy filing is before the expiration of the exception period, collection activity may be reinstated once the notice of discharge is received due to the self/executing nature of the exception unless the debtor has been able to

establish discharge ability of the debt through an adversary proceeding.

- d. If the institution is served with a summons and complaint, the institution shall immediately transmit to the Attorney General's bankruptcy unit a copy of the Summons and Complaint, the debt payoff amount, the date the note went into repayment, and any deferment and/or forbearance history.
- e. A copy of this information should also be provided to the TBR Office of General Counsel.

5. Other debts: The institution shall immediately forward the file to the Attorney General's office with a Referral Form and the documentation specified on the Referral Form.

- a. A copy of this information should also be provided to the TBR Office of General Counsel.
- b. When the notice states "No assets," unless the institution is a secured creditor (in which case a proof of claim would have been filed), the debt must be written off once the Attorney General's office provides the institution with notice of discharge.

C. Chapter 13 (Reorganization)

1. NOTE: For petitions filed on or after 11/5/90, an educational loan is non-dischargeable if the loan first became due within five years calculated from the date the loan first came due to the date the bankruptcy action was filed, exclusive of periods during which repayment obligations are suspended.
2. Effective for bankruptcies filed on or after 5/28/91, that same five (5) year period was increased to seven (7) years. See NOTE above for further details.
3. Regardless of the date of filing or the nature of the debt owing, upon receiving any notice of the filing of a petition, all collection efforts against the debtor and endorser must cease immediately.
 - a. The institution shall immediately forward the file to the Attorney General's office with a Referral Form and the documentation specified on the Referral Form.
 - b. A copy of this information should also be provided to the TBR General Counsel's office.
 - c. The Attorney General's office will advise the institution whether the debt is dischargeable and the extent to which collection activities may be reinstated.
4. If the seven (7) year exception period applies and the debtor serves the institution with a summons and complaint the institution shall immediately fax to the

Attorney General's bankruptcy unit a copy of the Summons and Complaint, the debt payoff amount, the date the note went into repayment, and any deferment and/or forbearance history.

- a. A copy of this information should also be provided to the TBR General Counsel's office.
5. Other debts: The institution shall immediately forward the file to the Attorney General's office with a Referral Form and the documentation specified on the Referral Form.
- a. A copy of this information should also be provided to the TBR General Counsel's office.
 - b. The Attorney General's office will advise the institution as to the discharge ability of the debt.

IX. Write Offs

- A. Authority. The Tennessee Board of Regents and its institutions are authorized to write off uncollectible receivables pursuant to policies outlined in Chapter 0620-1-9 of the rules of the Department of Finance and Administration.
 1. This includes the write off of any account of five thousand dollars (\$5,000) or greater and/or accounts aggregating twenty-five thousand dollars (\$25,000) or more.
 2. Receivables submitted for write off must have been subjected to appropriate collection efforts in

accordance with this guideline and institution procedures.

- B. Reserve. A reserve for doubtful accounts should be established for activities for which accounts receivable represent a material amount to the activity income.
 - 1. The reserve should be reported in the financial records of the institution.
 - 2. Receivables which prove to be uncollectible after prescribed collection efforts have been exhausted should be written off by a charge to the reserve for doubtful accounts after appropriate approvals are obtained.

- C. Approval. The proposed write offs must be approved by institution officials not directly involved in recording and collection of accounts receivable.
 - 1. The institution president and chief business officer should certify compliance with the prescribed statute and collection guidelines.
 - 2. The accounts submitted for write off should be single accounts of \$5,000 or more and/or accounts aggregating \$25,000 or more. The write off request summary and certification, along with a detailed list of the accounts, should be submitted to the Vice Chancellor for Business and Finance's office for approval.
 - 3. The write off request must be approved by the Chancellor or designee and General Counsel and forwarded by TBR for approval by the Commissioner

of Finance and Administration and the Comptroller of the Treasury.

- a. TBR will send approved write offs to the institution for the appropriate accounting.

4. Requests for the write off of single accounts of less than \$5,000 and/or accounts aggregating less than \$25,000 shall be approved at the institution level by the appropriate officials.

- a. These requests do not require additional approval by the Tennessee Board of Regents office or State Departments.

D. State/TBR Employees. Any debtors identified by the TBR or State as employees with debts \$50 and above will not be approved for write off.

1. Information on the employing institution or agency will be returned to the institution for additional collection efforts.
2. If the debtor is a state employee, the Chief Business Officer of the institution employing the debtor should be notified.
3. The institution employing the individual will be responsible for taking the appropriate action to collect the debt.
4. If the institution is unsuccessful in collecting the debt, written notification will be sent to the institution.
 - a. The written notification shall be submitted with the next write off request for approval.

5. If the debtor works for another TBR institution, including a university, the Chief Business Officer of the employing institution should be notified and will be responsible for collecting the debts utilizing the steps in Section III, Employee Receivables, of this policy.
 - a. Written notification should be sent to the requesting institution if collection efforts are unsuccessful.
 - b. The written notification shall be submitted with the next write off request for approval.
 - c. The institution may agree to payment through payroll deductions if the employee signs a payroll deduction authorization.
- E. Former TBR Employees. If a debt or obligation was incurred while a TBR employee, the debt constitutes an account receivable; refer to Section II.
- F. Holds on Written Off Receivables. A hold on ~~transcripts and~~ future registration will continue until the debt is cleared for former students whose receivables were written off if the debt was one-hundred (\$100) dollars or more, **unless the debt resulted from an error in the institution's administration of Title IV or HEA programs, or any fraud or misconduct by the institution or its personnel.**
 1. Institutions will continue to withhold certificates of credit, diplomas, **and** grade reports, ~~and transcripts~~ for

these accounts until they are paid in full or meet the criteria established in T.C.A. ~~§ 49-9-108~~ § 49-7-166.

2. A student who has prior outstanding debt and was not enrolled in the preceding semester (excluding summer semester) may execute a repayment agreement with the institution and be allowed to register. The repayment agreement will require that the debt be fully satisfied before a diploma or degree will be issued. A student may only ever execute one such repayment agreement with the institution.

X. **Gramm-Leach-Bliley Act ("GLBA") Contract Clause**

~~A.—Include the standard language printed below in all future contracts with third party service providers that have access to the institution's customers' non-public financial information.~~

~~1.—"Throughout the term of this Agreement, Service Provider shall implement and maintain 'appropriate safeguards,' as that term is used in § 314.4(d) of the FTC Safeguard Rule, 16 C.F.R. § 314, for all 'customer information,' as that term is defined in § 314.2(b) of the FTC Safeguard Rule, delivered to Service Provider by Institution pursuant to this Agreement.~~

~~2.—The Service Provider shall implement an Information Security Program ('the Program') as required by the FTC Safeguard Rule.~~

~~3.—Service Provider shall promptly notify the Institution, in writing, of each instance of;~~

~~a.—Unauthorized access to or use of that nonpublic financial customer information that could result in substantial harm or inconvenience to a customer of the Institution; or~~

- ~~b. Unauthorized disclosure, misuse, alteration, destruction or other compromise of that nonpublic financial customer information.~~
- ~~4. Service Provider shall forever defend and hold Institution harmless from all claims, liabilities, damages, or judgments involving a third party, including Institution's costs and attorney fees, which arise as a result of Service Provider's failure to meet any of its obligations under this provision.~~
- ~~5. Service Provider shall further agree to reimburse the Institution for its direct damages (e.g., costs to reconstruct lost or altered information) resulting from any security breach, loss, or alteration of nonpublic financial customer information caused by the Service Provider or its subcontractors or agents.~~
- ~~6. Service Provider grants Institution the right to conduct on-site audits, as deemed necessary by the Institution, of the Service Provider's Program to ensure the integrity of the Service Provider's safeguarding of the Institution's customers' nonpublic financial information.~~
- ~~7. Institution retains the right to unilaterally terminate the Agreement, without prior notice, if Service Provider has allowed a material breach of its Program in violation of its obligations under the GLBA, if Service Provider has lost or materially altered nonpublic financial customer information, or if the Institution reasonably determines that Service Provider's Program is inadequate.~~
- ~~8. Within thirty (30) days of the termination or expiration of this Agreement, Service Provider shall, at the election of Institution, either:
 - ~~a. Return to the Institution; or~~~~

~~b. Destroy (and shall cause each of its agents to destroy) all records, electronic or otherwise, in its or its agent's possession that contain such nonpublic financial customer information and shall deliver to the Institution a written certification of the destruction."~~

As part of institutions' security program required by GLBA and TBR Guideline B-090 Safeguarding Nonpublic Financial Information v.1 (navexone.com), institutions must take reasonable steps to select and retain third party service providers that are capable of maintaining appropriate safeguards for customer information (which is, generally speaking, any nonpublic personal financial information about students). Institutions must also include in contracts requirements that service providers with access to customer information maintain sufficient procedures to detect and respond to security events. Form language to include in such contracts is available from the System Office Procurement, Contracts and Payment Services Department.

Sources

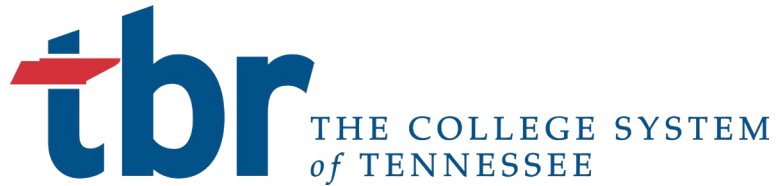
Authority

T.C.A. § 49-8-203; Public Chapter 739 of the Public Acts of the State of Tennessee, 2018; T.C.A. ~~§ 28-1-113~~, 4-5-301 et seq., ~~49-9-108 49-7-166~~; 16 C.F.R. § 314

History

November 16, 1977, TBR presidents meeting. Revised July 1, 1984. Revised May 17, 1988. Revised May 12, 1992. Revised August 9, 1994, TBR presidents meeting. Revised November 9, 1994, TBR presidents meeting. Revised May 14, 1996, presidents meeting. Revised August 25, 1998, presidents meeting. Revised May 11, 1999, presidents meeting. Revised May 21, 2001 presidents meeting. Revised May 16, 2006 presidents meeting. Revised November 8, 2006 presidents meeting; Presidents Meeting August 19, 2008; Presidents Meeting

November 5, 2008; Presidents Meeting, May 21, 2013; Presidents Meeting February 2, 2016; Presidents Meeting May, 2018.



**Presidents Quarterly Meeting
May 1, 2024**

SUBJECT: Days of Administrating Closing 5.01.01.11

PRESENTER: Alisha Fox, Vice Chancellor

ACTION REQUIRED: Requires Vote

Summary:

The revision is to provide clarity only on which employees are eligible and does not change the intent of the longstanding policy.

This has passed through the Human Resource Officers Group, as well as the Business Affairs Sub Council.

Days of Administrative Closing : 5.01.01.11

Policy/Guideline Area

Personnel Policies

Applicable Divisions

TCATs, Community Colleges, System Office

Purpose

The purpose of this policy is to establish the criteria and process regarding days of administrative closing at the System and institutions governed by the Tennessee Board of Regents.

Policy/Guideline

I. Administrative Closing Days Declared in Advance

A. Administrative Closing Days with Pay

1. In addition to the eight holidays granted in TBR Policy 5.01.01.10, six administrative closing days shall be designated as time off from work with pay for regular full-time and regular part-time employees.
2. Certain days, such as the Friday after Thanksgiving Day and those during the week of Christmas when classes are not in session, may be designated as days of administrative closing each year by the Presidents, with the approval of the Chancellor.

II. Emergency Closing

A. At times it may be necessary for the President to declare specific hours as emergency closing as the result of inclement weather or other emergency situations.

1. In such cases, regular full-time and regular part-time employees on the active payroll who are scheduled to work during the declared times of closing will be granted time off from work with pay.
2. Employees who are not scheduled to work will not be paid for the emergency closing.
3. Employees who were previously approved for leave for the duration of the emergency closing will be considered not scheduled to work and will be charged the appropriate leave.
4. Employees who were previously approved for leave for a portion of the emergency closing will be considered not scheduled to work for the portion of the time that was approved as leave. The employee will be considered scheduled to work for the remainder of the closing.

- B. If an emergency closing has not been declared due to inclement weather and an employee is prevented from reporting to work for normally scheduled working hours, annual leave or leave without pay will be charged; or, the employee may be allowed with institutional approval to make up the time lost.
- C. Regular part-time employees will be affected on a pro rata basis in each of the provisions listed above.

Sources

Authority

T.C.A. § 49-8-203

History

TBR Meeting September 18, 1992; December 7, 2001 (Approved by Finance and Administration February 4, 2002); December 3, 2004 (Approved by Finance and Administration December 21, 2004; September 25, 2008; Board Meeting June 20, 2014; July 1, 2023 (ministerial changes).

Related Policies

- [Holidays](#)

Days of Administrative Closing : 5.01.01.11

Policy/Guideline Area

Personnel Policies

Applicable Divisions

TCATs, Community Colleges, System Office

Purpose

The purpose of this policy is to establish the criteria and process regarding days of administrative closing at the System and institutions governed by the Tennessee Board of Regents.

Policy/Guideline

- I. Administrative Closing Days Declared in Advance
 - A. Administrative Closing Days with Pay
 1. In addition to the eight holidays granted in TBR Policy 5.01.01.10, six administrative closing days shall be designated as time off from work with pay for regular full-time and regular part-time employees.
 2. Certain days, such as the Friday after Thanksgiving Day and those during the week of Christmas when classes are not in session, may be designated as days of administrative closing each year by the Presidents, with the approval of the Chancellor.
- II. Emergency Closing
 - A. At times it may be necessary for the President to declare specific hours as emergency closing as the result of inclement weather or other emergency situations.
 1. In such cases, regular full-time and regular part-time employees on the active payroll who are scheduled to work during the declared times of closing will be granted time off from work with pay.
 2. Employees who are not scheduled to work will not be paid for the emergency closing.
 3. Employees who were previously approved for leave for the duration of the emergency closing will be considered not scheduled to work and will be charged the appropriate leave.
 4. Employees who were previously approved for leave for a portion of the emergency closing will be considered not scheduled to work for the portion of the time that was approved as leave. The employee will be considered scheduled to work for the remainder of the closing.

- B. If an emergency closing has not been declared due to inclement weather and an employee is prevented from reporting to work for normally scheduled working hours, annual leave or leave without pay will be charged; or, the employee may be allowed with institutional approval to make up the time lost.
- C. Regular part-time employees will be affected on a pro rata basis in each of the provisions listed above.

Sources

Authority

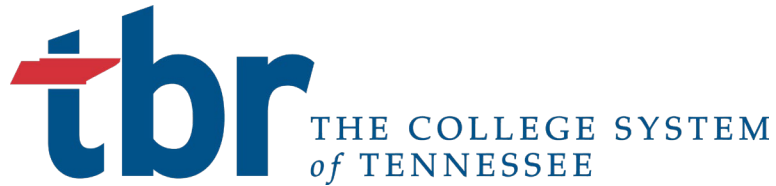
T.C.A. § 49-8-203

History

TBR Meeting September 18, 1992; December 7, 2001 (Approved by Finance and Administration February 4, 2002); December 3, 2004 (Approved by Finance and Administration December 21, 2004; September 25, 2008; Board Meeting June 20, 2014; July 1, 2023 (ministerial changes).

Related Policies

- [Holidays](#)



**Presidents Quarterly Meeting
May 1, 2024**

SUBJECT: Parental Leave: 5.01.01.08

PRESENTER: Alisha Fox, Vice Chancellor

ACTION REQUIRED: Requires Vote

Summary:

The revision is to provide clarification that the paid leave is to provide bonding with the newborn or newly adopted child.

This has passed through the Human Resource Officers Group, as well as the Business Affairs Sub Council.

Parental Leave : 5.01.01.08

Policy/Guideline Area

Personnel Policies

Applicable Divisions

TCATs, Community Colleges, System Office

Purpose

It is the policy of the Tennessee Board of Regents to provide a period of up to four (4) months of parental leave to eligible employees for adoption, pregnancy, childbirth and nursing the infant, where applicable, in accordance with T.C.A. § 4-21-408. With regard to adoption, the four (4) month period shall begin at the time the employee receives custody of the child. For eligible employees, six (6) weeks of parental leave will be paid, beginning with the birth of the child or placement of a child for adoption.

Policy/Guideline

I. Eligibility

- A. Employees who have been employed by the State for at least twelve (12) consecutive months as full-time employees, as determined by the employer at the job site or location, are eligible for this leave.
- B. Subsequent references within this policy to an employee shall assume eligibility of that individual.

II. Relevant Policies

- A. Upon receipt of a written request for parental leave, the President/Chancellor or designee will process the request in accordance with the provisions of this policy and the employee's eligibility for leave under TBR Policy 5.01.01.14 Family and Medical Leave. Reference may also need to be made to TBR Policies 5.01.01.07 Sick Leave, 5.01.01.03 Leave of Absence and 5.01.01.01 Annual Leave.

III. Notice; Employment Rights and Benefits; Reinstatement

- A. Employees who give at least three (3) months advance notice to their employer of their anticipated date of departure for such leave, their length of leave, and their intention to return to full-time employment after leave, shall be restored to their previous or similar positions with the same status, pay, length of service credit and seniority, wherever applicable, as of the date of their leave.
- B. Employees who are prevented from giving three (3) months advance notice because of a medical emergency which necessitates that leave begins earlier than originally anticipated shall not forfeit their rights and benefits under this policy solely because of their failure to give three (3) months advance notice.

- C. Employees who are prevented from giving three (3) months advance notice because the notice of adoption was received less than three (3) months in advance shall not forfeit their rights and benefits under this policy solely because of their failure to give three (3) months advance notice.
- D. Leave will be granted as paid or unpaid pursuant to the policies of the Tennessee Board of Regents.
 - 1. Such leave shall not affect the employees' right to receive annual leave, sick leave, bonuses, advancement, seniority, length of service credit, benefits, plans or programs for which the employees were eligible at the date of their leave, and any other benefits or rights of their employment incident to the employees' employment position.
 - 2. However, the employer need not provide for the cost of any benefits, plans or programs during the period of leave unless such employer so provides for all employees on leaves of absence.
- E. If an employee's job position is so unique that the employer cannot, after reasonable efforts, fill that position temporarily, then the employer shall not be liable for failure to reinstate the employee at the end of the parental leave period.
- F. The purpose of this policy is to provide leave time to employees for adoption, pregnancy, childbirth and nursing the infant, where applicable.
 - 1. Therefore, if the employer finds that the employee has utilized the period of leave to actively pursue other employment opportunities or if the employer finds that the employee has worked part time or full time for another employer during the period of leave, the employer shall not be liable for failure to reinstate the employee at the end of such leave.
- G. Whenever the employer shall determine that the employee will not be reinstated at the end of such leave because the employee's position cannot be filled temporarily or because the employee has used such leave to pursue employment opportunities or to work for another employer, the employer shall so notify the employee.

IV. Paid Parental Leave

- A. An employee eligible for parental leave under this policy shall be granted six (6) workweeks of paid parental leave at full pay following the live birth or the placement of a child for adoption. The institution shall not charge paid parental leave to sick, annual, or other leave the employee may have accumulated. The institution shall consider such leave to be full-time employment for purposes of calculating service anniversary dates.
- B. Paid parental leave must be used within twelve (12) months of the birth or placement of a child for adoption.

- C. Paid parental leave shall be continuous, i.e., in a single block of time, unless the institution, in its discretion, permits the employee to use paid parental leave intermittently.
 - D. Paid parental leave is part of, and not in addition to, the four (4) months of parental leave provided under this policy. Paid parental leave runs concurrently with FMLA and parental leave.
 - E. Paid parental leave is not applicable to placement of foster care children.
 - F. In order to receive paid parental leave, the eligible employee must provide thirty (30) days advance notice, unless the employee learns of the birth or adoption less than thirty (30) days in advance, in which case notice must be given as soon as reasonably possible.
 - G. An employee is not eligible for more than six (6) weeks of paid leave during a twelve (12) month period, even if there is more than one birth or adoption.
- V. Use of Accrued Sick and Annual Leave and Compensatory Time
- A. In addition to receiving six (6) weeks of paid parental leave, an eligible employee may use up to thirty (30) days of accrued sick leave following the birth of a child or placement for adoption, unless medical complications arise that fit ordinary rules regarding the use of sick leave.
 - B. In the event both parents are state employees, the aggregate amount of sick leave that may be used for adoption is limited to sixty (60) working days total for both parents following the placement for adoption. In the event of childbirth, each parent may take up to sixty (60) working days when both parents are state employees.
 - C. In order to be eligible to use sick leave as parental leave, a statement from the attending physician indicating the expected date of delivery must accompany the request for leave.
 - 1. Additional information from the attending physician may be required if there are complications and the period of absence must begin sooner than agreed, extend further than agreed, or require the use of sick leave beyond the period beginning with the period of hospitalization and extending for sixty (60) work days following the birth of a child or placement for adoption.
 - D. After the sixty (60) working days following the birth of a child or placement for adoption or, if extended, after employee's physician determines that the employee should be released, thus ending the period of sick leave, the employee may use accrued annual leave or leave without pay for the remainder of the four-month parental leave.
 - E. Accrued annual leave and compensatory time may be used for the entire leave period following the six (6) weeks of paid leave.
- VI. Leave of Absence

- A. When accrued annual and sick leave balances are depleted prior to the end of the four (4) month parental leave period, the employee will be placed in a leave of absence status. Refer to TBR Policy 5.01.01.03 Leave of Absence regarding continuation of insurance coverage for employees on unpaid leave of absence.

VII. Family and Medical Leave

- A. To be eligible for Family and Medical Leave (FML) which provides for up to twelve (12) work weeks of leave, an employee must have:
 - 1. Worked for the State at least 12 months; and,
 - 2. Worked a minimum of 1250 hours during the year preceding the start of the leave.
- B. Employees who are eligible for FML will have parental leave processed in conjunction with the provisions of TBR Policy 5.01.01.14 Family and Medical Leave regarding election of paid/unpaid leave, continuation of insurance coverage, etc. Parental leave and FML periods shall run concurrently.
- C. At the end of the FML period, an employee is also entitled to receive the difference between the four months granted under this policy and the 12 workweeks granted under FML. Accrued annual leave or leave of absence may be used for the remainder of the parental leave period.
- D. During work weeks that an employee takes leave designated as FML, the employer is responsible for paying the employer's portion of the employee's insurance premium, whether the leave is paid or unpaid.
- E. Employees who choose to take any unpaid leave over the amount to which they are entitled under FML should be made aware that they will be responsible for paying the employer's portion of the insurance premium for the remainder of the leave period if they wish to ensure continued coverage.
- F. The above Policy 5.01.01.08 Paternal Leave supersedes 5.01.01.02 Adoptive Parents Leave, 5.01.01.08 Maternity Leave, and 5.01.01.16 Paternity Leave.

Sources

Authority

T.C.A. § 49-8-203; T.C.A. § 8-50-809

T.C.A. § 4-21-408

History

TBR Board Mtg. December 2, 2005; June 24, 2010; Revised at TBR Board Mtg September 19 & 20, 2019; Revised at TBR Board Mtg June 16, 2023 (effective July 1, 2023).

Related Policies

- [Family, Medical, and Service Member Leave](#)
- [Sick Leave](#)
- [Leave of Absence](#)
- [Annual Leave](#)

Parental Leave : 5.01.01.08

Policy/Guideline Area

Personnel Policies

Applicable Divisions

TCATs, Community Colleges, System Office

Purpose

It is the policy of the Tennessee Board of Regents to provide a period of up to four (4) months of parental leave to eligible employees for adoption, pregnancy, childbirth and nursing the infant, where applicable, in accordance with T.C.A. § 4-21-408. With regard to adoption, the four (4) month period shall begin at the time the employee receives custody of the child. For eligible employees, six (6) weeks of parental leave will be paid, beginning with the birth of the child or placement of a child for adoption.

Policy/Guideline

I. Eligibility

- A. Employees who have been employed by the State for at least twelve (12) consecutive months as full-time employees, as determined by the employer at the job site or location, are eligible for this leave.
- B. Subsequent references within this policy to an employee shall assume eligibility of that individual.

II. Relevant Policies

- A. Upon receipt of a written request for parental leave, the President/Chancellor or designee will process the request in accordance with the provisions of this policy and the employee's eligibility for leave under TBR Policy 5.01.01.14 Family and Medical Leave. Reference may also need to be made to TBR Policies 5.01.01.07 Sick Leave, 5.01.01.03 Leave of Absence and 5.01.01.01 Annual Leave.

III. Notice; Employment Rights and Benefits; Reinstatement

- A. Employees who give at least three (3) months advance notice to their employer of their anticipated date of departure for such leave, their length of leave, and their intention to return to full-time employment after leave, shall be restored to their previous or similar positions with the same status, pay, length of service credit and seniority, wherever applicable, as of the date of their leave.
- B. Employees who are prevented from giving three (3) months advance notice because of a medical emergency which necessitates that leave begins earlier than originally anticipated shall not forfeit their rights and benefits under this policy solely because of their failure to give three (3) months advance notice.

- C. Employees who are prevented from giving three (3) months advance notice because the notice of adoption was received less than three (3) months in advance shall not forfeit their rights and benefits under this policy solely because of their failure to give three (3) months advance notice.
- D. Leave will be granted as paid or unpaid pursuant to the policies of the Tennessee Board of Regents.
 - 1. Such leave shall not affect the employees' right to receive annual leave, sick leave, bonuses, advancement, seniority, length of service credit, benefits, plans or programs for which the employees were eligible at the date of their leave, and any other benefits or rights of their employment incident to the employees' employment position.
 - 2. However, the employer need not provide for the cost of any benefits, plans or programs during the period of leave unless such employer so provides for all employees on leaves of absence.
- E. If an employee's job position is so unique that the employer cannot, after reasonable efforts, fill that position temporarily, then the employer shall not be liable for failure to reinstate the employee at the end of the parental leave period.
- F. The purpose of this policy is to provide leave time to employees for adoption, pregnancy, childbirth and nursing the infant, where applicable.
 - 1. Therefore, if the employer finds that the employee has utilized the period of leave to actively pursue other employment opportunities or if the employer finds that the employee has worked part time or full time for another employer during the period of leave, the employer shall not be liable for failure to reinstate the employee at the end of such leave.
- G. Whenever the employer shall determine that the employee will not be reinstated at the end of such leave because the employee's position cannot be filled temporarily or because the employee has used such leave to pursue employment opportunities or to work for another employer, the employer shall so notify the employee.

IV. Paid Parental Leave

- A. An employee eligible for parental leave under this policy shall be granted six (6) workweeks of paid parental leave at full pay following the live birth or the placement of a child for adoption. The institution shall not charge paid parental leave to sick, annual, or other leave the employee may have accumulated. The institution shall consider such leave to be full-time employment for purposes of calculating service anniversary dates.
- B. Paid parental leave must be used within twelve (12) months of the birth or placement of a child for adoption.

- C. Paid parental leave shall be continuous, i.e., in a single block of time, unless the institution, in its discretion, permits the employee to use paid parental leave intermittently.
 - D. Paid parental leave is part of, and not in addition to, the four (4) months of parental leave provided under this policy. Paid parental leave runs concurrently with FMLA and parental leave.
 - E. Paid parental leave is not applicable to placement of foster care children.
 - F. In order to receive paid parental leave, the eligible employee must provide thirty (30) days advance notice, unless the employee learns of the birth or adoption less than thirty (30) days in advance, in which case notice must be given as soon as reasonably possible.
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- A. In addition to receiving six (6) weeks of paid parental leave, an eligible employee may use up to thirty (30) days of accrued sick leave following the birth of a child or placement for adoption, unless medical complications arise that fit ordinary rules regarding the use of sick leave.
 - B. In the event both parents are state employees, the aggregate amount of sick leave that may be used for adoption is limited to sixty (60) working days total for both parents following the placement for adoption. In the event of childbirth, each parent may take up to sixty (60) working days when both parents are state employees.
 - C. In order to be eligible to use sick leave as parental leave, a statement from the attending physician indicating the expected date of delivery must accompany the request for leave.
 - 1. Additional information from the attending physician may be required if there are complications and the period of absence must begin sooner than agreed, extend further than agreed, or require the use of sick leave beyond the period beginning with the period of hospitalization and extending for sixty (60) work days following the birth of a child or placement for adoption.
 - D. After the sixty (60) working days following the birth of a child or placement for adoption or, if extended, after employee's physician determines that the employee should be released, thus ending the period of sick leave, the employee may use accrued annual leave or leave without pay for the remainder of the four-month parental leave.
 - E. Accrued annual leave and compensatory time may be used for the entire leave period following the six (6) weeks of paid leave.
- VI. Leave of Absence

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VII. Family and Medical Leave

- A. To be eligible for Family and Medical Leave (FML) which provides for up to twelve (12) work weeks of leave, an employee must have:
 - 1. Worked for the State at least 12 months; and,
 - 2. Worked a minimum of 1250 hours during the year preceding the start of the leave.
- B. Employees who are eligible for FML will have parental leave processed in conjunction with the provisions of TBR Policy 5.01.01.14 Family and Medical Leave regarding election of paid/unpaid leave, continuation of insurance coverage, etc. Parental leave and FML periods shall run concurrently.
- C. At the end of the FML period, an employee is also entitled to receive the difference between the four months granted under this policy and the 12 workweeks granted under FML. Accrued annual leave or leave of absence may be used for the remainder of the parental leave period.
- D. During work weeks that an employee takes leave designated as FML, the employer is responsible for paying the employer's portion of the employee's insurance premium, whether the leave is paid or unpaid.
- E. Employees who choose to take any unpaid leave over the amount to which they are entitled under FML should be made aware that they will be responsible for paying the employer's portion of the insurance premium for the remainder of the leave period if they wish to ensure continued coverage.
- F. The above Policy 5.01.01.08 Paternal Leave supersedes 5.01.01.02 Adoptive Parents Leave, 5.01.01.08 Maternity Leave, and 5.01.01.16 Paternity Leave.

Sources

Authority

T.C.A. § 49-8-203; T.C.A. § 8-50-809

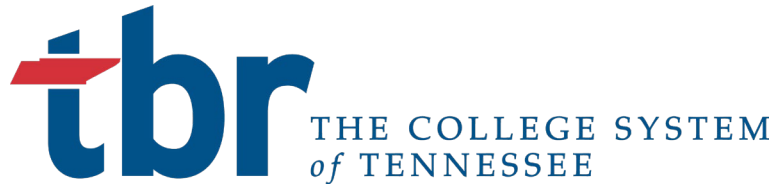
T.C.A. § 4-21-408

History

TBR Board Mtg. December 2, 2005; June 24, 2010; Revised at TBR Board Mtg September 19 & 20, 2019; Revised at TBR Board Mtg June 16, 2023 (effective July 1, 2023).

Related Policies

- [Family, Medical, and Service Member Leave](#)
- [Sick Leave](#)
- [Leave of Absence](#)
- [Annual Leave](#)



**Presidents Quarterly Meeting
May 1, 2024**

SUBJECT: Leave Transfer Between The State Universities & The College System of Tennessee & State and Local Education Agencies: 5.01.01.06

PRESENTER: Alisha Fox, Vice Chancellor

ACTION REQUIRED: Requires Vote

Summary:

The revision is to provide the definition of “teacher” as defined pursuant to TCA 8-34-101 and does not change the intent of the longstanding policy.

This has passed through the Human Resource Officers Group, as well as the Business Affairs Sub Council.

Leave Transfer Between The State Universities & ~~The Community~~ College System of Tennessee & State -and Local Education Agencies:

5.01.01.06

Policy Area

Personnel Policies

Applicable Divisions

TCATs, Community Colleges, System Office

Purpose

The purpose of this policy is to establish the criteria and process regarding leave transfer between the State University and Community College System and State Agencies.

Policy

I. Leave Transfer

- A. Any regular employee of any agency, office or department of the State of Tennessee or of any State college who leaves one of these employers for employment with another without a break in service shall have all annual and sick leave transferred.
- B. Moreover, if an employee leaves the State University and Community College System institutions/Board of Regents System Office and is re-employed with a State agency prior to his/her termination date with the State University and Community College System, he/she shall have all unused annual leave transferred/reinstated to the employing agency and shall not be entitled to payment for annual leave beginning with the date of re-employment.
- C. Any payment for annual leave upon the termination which is later found to have been in violation of this policy shall be repaid to the State University and Community College System institutions/System Office by the terminating employee.

- D. When a former employee who has at least one (1) full year of State employment in good standing returns to full-time service with one of these employers, he/she shall be credited immediately with all sick leave to which he/she was entitled at the time of termination. The last employer shall be responsible for certifying eligibility for this sick leave credit to the re-employing agency, college or university.

If any teacher employed by a local school board in Tennessee leaves the employment of that board in good standing and becomes a full-time state employee within six months of the date of termination, upon certification of accrued and due sick leave by the previous employer, he/she shall be immediately credited with all sick leave to which he or she was entitled at the time of the previous termination.

E. Teacher is defined pursuant to TCA 8-34-101 (49)

"Teacher":

(A) Means any person employed in a public school, as a teacher, librarian, principal, superintendent or chief administrative officer of a public school system, administrative officer of a department of education, a supervisor of teachers, a reserve officer training corps (ROTC) instructor, or any other position whereby the state requires the employee to be certificated as a teacher, or licensed as a nurse, physical therapist, or occupational therapist in a public school; provided, that any teacher who has taught in the public schools for a period of at least one (1) year who transfers to a position within the Tennessee public school system that does not require a teacher's certificate shall continue participation in the retirement system as a teacher;

(B) Does not include a physical therapist or an occupational therapist employed with the Metropolitan Nashville Public Schools District; and

(C) Includes any person who is employed in a public school on or after July 1, 1972, as a guidance counselor but who is not retired as of July 1, 2019.

Sources

Authority

T.C.A. § 49-8-203

[T.C.A. § 8-34-101](#)

History

TBR Meetings: August 15, 1975; June 25, 1976; December 2, 1977; June 30, 1978; June 29, 1979; June 26, 1981; September 18, 1981; September 24, 1983; September 30, 1983; June 28, 1985; June 2, 1987; September 16, 1988; September 22, 1989.

The provisions of this policy adopted at the August 15, 1975 meeting, became effective on January 1, 1976, and changes in eligibility to earn leave or in the amount of leave earned for a period of service were prospective only.

Leave Transfer Between The State Universities & The College System of Tennessee & State and Local Education Agencies: 5.01.01.06

Policy Area

Personnel Policies

Applicable Divisions

TCATs, Community Colleges, System Office

Purpose

The purpose of this policy is to establish the criteria and process regarding leave transfer between the State University and Community College System and State Agencies.

Policy

I. Leave Transfer

- A. Any regular employee of any agency, office or department of the State of Tennessee or of any State college who leaves one of these employers for employment with another without a break in service shall have all annual and sick leave transferred.
- B. Moreover, if an employee leaves the State University and Community College System institutions/Board of Regents System Office and is re-employed with a State agency prior to his/her termination date with the State University and Community College System, he/she shall have all unused annual leave transferred/reinstated to the employing agency and shall not be entitled to payment for annual leave beginning with the date of re-employment.
- C. Any payment for annual leave upon the termination which is later found to have been in violation of this policy shall be repaid to the State University and Community College System institutions/System Office by the terminating employee.
- D. When a former employee who has at least one (1) full year of State employment in good standing returns to full-time service with one of these employers, he/she

shall be credited immediately with all sick leave to which he/she was entitled at the time of termination. The last employer shall be responsible for certifying eligibility for this sick leave credit to the re-employing agency, college or university.

If any teacher employed by a local school board in Tennessee leaves the employment of that board in good standing and becomes a full-time state employee within six months of the date of termination, upon certification of accrued and due sick leave by the previous employer, he/she shall be immediately credited with all sick leave to which he or she was entitled at the time of the previous termination.

E. Teacher is defined pursuant to TCA 8-34-101 (49)

“Teacher”:

(A) Means any person employed in a public school, as a teacher, librarian, principal, superintendent or chief administrative officer of a public school system, administrative officer of a department of education, a supervisor of teachers, a reserve officer training corps (ROTC) instructor, or any other position whereby the state requires the employee to be certificated as a teacher, or licensed as a nurse, physical therapist, or occupational therapist in a public school; provided, that any teacher who has taught in the public schools for a period of at least one (1) year who transfers to a position within the Tennessee public school system that does not require a teacher's certificate shall continue participation in the retirement system as a teacher;

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Sources

Authority

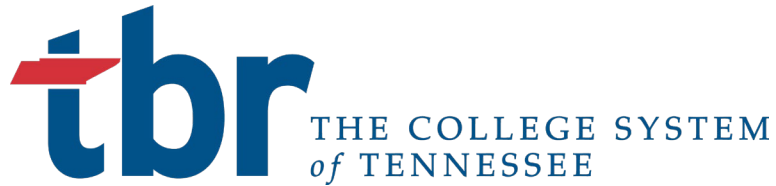
T.C.A. § 49-8-203

T.C.A. § 8-34-101

History

TBR Meetings: August 15, 1975; June 25, 1976; December 2, 1977; June 30, 1978; June 29, 1979; June 26, 1981; September 18, 1981; September 24, 1983; September 30, 1983; June 28, 1985; June 2, 1987; September 16, 1988; September 22, 1989.

The provisions of this policy adopted at the August 15, 1975 meeting, became effective on January 1, 1976, and changes in eligibility to earn leave or in the amount of leave earned for a period of service were prospective only.



**Presidents Quarterly Meeting
May 1, 2024**

SUBJECT: Employee Disciplinary Action: 5.01.00.00

PRESENTER: Alisha Fox, Vice Chancellor

ACTION REQUIRED: Requires Vote

Summary:

The revision is to provide clarity with respect to gross misconduct and does not change the intent of the policy.

This has passed through the Human Resource Officers Group, as well as the Business Affairs Sub Council.

Employee Disciplinary Action:

5.01.00.02

Policy/Guideline Area

Personnel Policies

Applicable Divisions

TCATs, Community Colleges, System Office

Purpose

To provide a fair and equitable means to address the unsatisfactory work performance or work-related behavior, including gross misconduct, of employees (other than faculty and other instructional personnel) who have completed any required initial probationary period. To provide fair and uniform procedures including due process if required by law, to correct, discipline, or terminate employees for unsatisfactory work performance or work-related behavior or for gross misconduct.

Policy/Guideline

- I. **Unsatisfactory Work Performance or Work-Related Behavior**
 - A. Disciplinary or other action to improve performance is to be taken with care to assure fairness and equity. Disciplinary action includes the following actions: oral warning, written warning, and performance improvement plan, suspension without pay, demotion, and termination. As warranted by circumstances, an employee may be terminated at any point in the disciplinary process.
 - B. Supervisors must contact the human resources (HR) officer prior to taking any disciplinary action other than an oral warning. HR will ensure that such action is appropriate and consistent with

college and/or System Office policy. The HR officer may consult with the TBR Office of General Counsel, as appropriate.

- C. Unsatisfactory work performance or work-related behavior is the failure or refusal to carry out job responsibilities, failure to follow college, department, or unit policies or rules.
- D. Reasonable efforts should be made to secure acceptable work performance and work-related behavior. When disciplining an employee, supervisors should consider the nature of the unsatisfactory work performance or work-related behavior, the past record of the employee, and the appropriate corrective action and/or level of discipline. Therefore, as a general rule, corrective and/or disciplinary action taken for unsatisfactory work performance or work-related behavior should generally begin with an oral or written warning and may be followed by additional oral or written warnings. Written warnings and performance improvement plans should be presented to the employee and should describe the unsatisfactory work performance or work-related behavior and the action necessary to correct the performance or behavior. Should an employee fail to attain a satisfactory level of work performance or work-related behavior despite such warning, additional disciplinary action up to and including termination of employment may be taken. HR should be provided with and retain copies of all disciplinary action, including written warnings and performance improvement plans.
- E. Depending upon the nature of the unsatisfactory work performance or work-related behavior, warnings prior to

disciplinary action, including but not limited to termination of employment, may not be required.

- II. **Gross Misconduct:** Gross misconduct includes, but is not limited to, the following: theft or dishonesty; gross insubordination; willful destruction of institution or system office property; falsification of records; acts of moral turpitude; reporting for duty under the influence of intoxicants; the illegal use, manufacturing, possessing, distributing, purchasing or dispensing of controlled substances or alcohol; disorderly conduct; provoking a fight; certain violations of policies prohibiting discrimination, retaliation, sexual harassment, and sexual misconduct; and other similar acts involving intolerable behavior by the employee. In a case of gross misconduct, immediate disciplinary action up to and including discharge may be taken. During the investigation of alleged gross misconduct, an employee may be placed on administrative leave with pay.
 - A. An employee suspected of theft of institution property may not resign as an alternative to discharge unless the Vice Chancellor of Business and Finance approves in advance.
 - B. An employee terminated for gross misconduct, ~~or~~ or who resigns to avoid dismissal for gross misconduct, or who commits gross misconduct while employed in the College System of Tennessee will not receive payment for accrued unused annual leave. An employee terminated for gross misconduct is not eligible for state Consolidated Omnibus Benefits Rights Act (COBRA) benefits. State Treasury determines eligibility for state retirement benefits if an employee is discharged for gross misconduct.
- III. **Pre-termination/Suspension Meeting.** Before suspending without pay or discharging an employee, the supervisor or other authorized institution official must:

- A. Consult with the HR office,
 - B. Advise the employee, orally or in writing, of the charge(s) against the employee; and
 - C. Provide the employee an opportunity to respond to the HR office.
- IV. [Appeal Process](#). Employees wishing to contest disciplinary action may do so consistent with applicable procedures for filing complaints and grievances.

Sources

Authority

TCA § 8-50-807

History

New Policy approve at June 2021 Board Meeting.

Employee Disciplinary Action:

5.01.00.02

Policy/Guideline Area

Personnel Policies

Applicable Divisions

TCATs, Community Colleges, System Office

Purpose

To provide a fair and equitable means to address the unsatisfactory work performance or work-related behavior, including gross misconduct, of employees (other than faculty and other instructional personnel) who have completed any required initial probationary period. To provide fair and uniform procedures including due process if required by law, to correct, discipline, or terminate employees for unsatisfactory work performance or work-related behavior or for gross misconduct.

Policy/Guideline

- I. **Unsatisfactory Work Performance or Work-Related Behavior**
 - A. Disciplinary or other action to improve performance is to be taken with care to assure fairness and equity. Disciplinary action includes the following actions: oral warning, written warning, and performance improvement plan, suspension without pay, demotion, and termination. As warranted by circumstances, an employee may be terminated at any point in the disciplinary process.
 - B. Supervisors must contact the human resources (HR) officer prior to taking any disciplinary action other than an oral warning. HR will ensure that such action is appropriate and consistent with

college and/or System Office policy. The HR officer may consult with the TBR Office of General Counsel, as appropriate.

- C. Unsatisfactory work performance or work-related behavior is the failure or refusal to carry out job responsibilities, failure to follow college, department, or unit policies or rules.
- D. Reasonable efforts should be made to secure acceptable work performance and work-related behavior. When disciplining an employee, supervisors should consider the nature of the unsatisfactory work performance or work-related behavior, the past record of the employee, and the appropriate corrective action and/or level of discipline. Therefore, as a general rule, corrective and/or disciplinary action taken for unsatisfactory work performance or work-related behavior should generally begin with an oral or written warning and may be followed by additional oral or written warnings. Written warnings and performance improvement plans should be presented to the employee and should describe the unsatisfactory work performance or work-related behavior and the action necessary to correct the performance or behavior. Should an employee fail to attain a satisfactory level of work performance or work-related behavior despite such warning, additional disciplinary action up to and including termination of employment may be taken. HR should be provided with and retain copies of all disciplinary action, including written warnings and performance improvement plans.
- E. Depending upon the nature of the unsatisfactory work performance or work-related behavior, warnings prior to

disciplinary action, including but not limited to termination of employment, may not be required.

- II. **Gross Misconduct:** Gross misconduct includes, but is not limited to, the following: theft or dishonesty; gross insubordination; willful destruction of institution or system office property; falsification of records; acts of moral turpitude; reporting for duty under the influence of intoxicants; the illegal use, manufacturing, possessing, distributing, purchasing or dispensing of controlled substances or alcohol; disorderly conduct; provoking a fight; certain violations of policies prohibiting discrimination, retaliation, sexual harassment, and sexual misconduct; and other similar acts involving intolerable behavior by the employee. In a case of gross misconduct, immediate disciplinary action up to and including discharge may be taken. During the investigation of alleged gross misconduct, an employee may be placed on administrative leave with pay.
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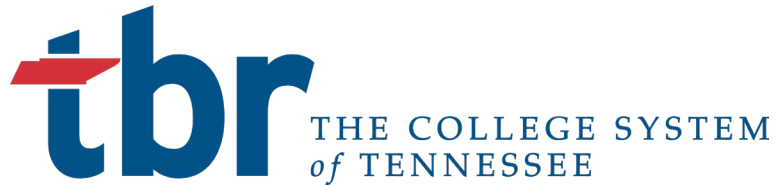
Sources

Authority

TCA § 8-50-807

History

New Policy approve at June 2021 Board Meeting.



**Presidents Quarterly Meeting
May 1, 2024**

SUBJECT: Certified Administrative Professional Examination: P-115

PRESENTER: Alisha Fox, Vice Chancellor

ACTION REQUIRED: Requires Vote

Summary:

The revision is to provide clarity regarding eligibility and does not change the intent of the longstanding policy.

This has passed through the Human Resource Officers Group as well as the Business Affairs Sub Council.

Certified Administrative Professional Examination: P-115

Guideline Area

Personnel Guidelines

Applicable Divisions

TCATs, Community Colleges, System Office

Purpose

The purpose of this guideline is to establish the process and criteria regarding the Certified Administrative Professional Examination for employees at the Central Office and institutions governed by the Tennessee Board of Regents.

Guideline

I. Procedure

- A. Employees who work in a clerical-secretarial or clerical-management non-exempt position, as defined by the Human Resource Office at each location, who pass the Certified Administrative Professional Examination (CAP) shall be granted a nine percent (9%) increase in salary.
 1. Employees must contact the institution's Human Resource Office regarding eligibility for the increase.
 2. Exempt employees are not eligible for the increase.
- B. The salary increase shall become effective with the next pay period beginning after the employee's passing grade on the examination is certified by the International Association of Administrative Professionals.
 1. The certification date is on the Candidate Performance Report generated by the IAAP.
 2. It is not the date that the test is administered or the date that the report from IAAP is received.
 3. It is the employee's responsibility to provide the appropriate verification to the Human Resources Office.

C. An employee must pass the exam sponsored by the International Association of Administrative Professionals in order to receive the 9% increase.

1. Individuals who previously passed the exam and received an ~~the 9%~~ increase are not eligible for a subsequent ~~9%~~ increase for passing the Certified Administrative Professional exam.

Sources

Authority

T.C.A. §§ 49-8-203; 8-50-102

History

Presidents Meeting November 1, 1988; Presidents Meeting May 14, 1991; Presidents Meeting September 19, 1991; Presidents Meeting August 21, 2007; Presidents Meeting May 16, 2012.

Certified Administrative Professional Examination: P-115

Guideline Area

Personnel Guidelines

Applicable Divisions

TCATs, Community Colleges, System Office

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