

TENNESSEE BOARD OF REGENTS
Committee Chairs Meeting
Tuesday, November 12, 2024
Agenda

1. Opening remarks (*Reynolds/Tydings*)
2. Academic Policies and Programs/Student Life
 - Revisions to TBR Policy 2.03.01.05, Academic Retention and Readmission at Tennessee Colleges of Applied Technology (*Reed*)
 - Revisions to TBR Policy 2.08.00.00, Research Compliance and Security (formerly General Policies Regarding Research) (*Lapps*)
 - New TBR Policy 2.09.00.00, Accreditors (*Deaton*)
 - Revisions to TBR Policy 3.04.01.00, Student Scholarships, Grants, Loans & Financial Aid Programs (*Leming*)
 - Revisions to TBR Policy 3.05.01.00, Policy for Classifying Students In-State & Out-of-State for Paying College Fees & Tuition & for Admission Purposes (*Leming*)
3. Finance and Business Operations (*Fox*)
 - December Overview
 - Timing of Tuition Discussion Change
4. Personnel and Compensation
 - New TBR Policy 5.01.01.16, Foster Parent Training Leave (*Lapps*)
 - Revisions to TBR Policy 5.01.01.08, Parental Leave (*Lapps*)
5. External Affairs (*McCormick*)
6. December Board Meeting Information (*Tydings*)
7. Closing Remarks (*Reynolds/Tydings*)

- *This meeting will include members of the Tennessee Board of Regents who are participating by electronic means of communication and will be live-streamed and archived on the TBR website at <https://www.tbr.edu/board/november-2024-special-called-board-meeting-committee-chairs-and-audit-committee-meetings>.*
- *Persons who want to request to address the Board may follow the process authorized by [TBR Policy 1.02.12.00 – Requests to Address the Board](#).*

BOARD TRANSMITTAL

MEETING:	Committee Chairs Meeting
SUBJECT:	Policy 2.03.01.05 Academic Retention and Readmission at TCATs
DATE:	November 12, 2024
PRESENTER:	Vice Chancellor Jothany Reed
PRESENTATION REQUIREMENTS:	5 Minutes
ACTION REQUIRED:	Informational Purposes
STAFF RECOMMENDATION:	Not Applicable

The TCAT Dental Assisting program faculty are proposing to revise the minimum grade requirement from a "D" (60) or better per course for each term to a "B" (80) or better per course for each term. This change is being proposed due to the nature of the program's scope of practice, which involves direct patient contact, as well as the need for the TCAT program and employers to ensure patient safety during clinical externships and future employment.

This policy revision will be considered for approval at the December quarterly meeting and, if approved, would take effect in January 2025.

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

Policy/Guideline Area

Academic Policies

Applicable Divisions

TCATs

Purpose

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

Definitions

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

Clock Hour: A period of time consisting of—

- A 50- to 60-minute class, lecture, or recitation in a 60-minute period;
- A 50- to 60-minute faculty-supervised laboratory, shop training, or internship in a 60-minute period; or
- Sixty minutes of preparation in a correspondence course.
- In distance education, 50 to 60 minutes in a 60-minute period of attendance in:
 - A synchronous or asynchronous class, lecture, or recitation where there is opportunity for direct interaction between the instructor and student: or
 - An asynchronous learning activity involving academic engagement in which the student interacts with technology that can monitor and document the amount of time that the student participates in the activity

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

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

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

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

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

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

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

Policy/Guideline

I. Student Attendance

- A. The nature of the programs at the Tennessee Colleges of Applied Technology is such that it is necessary for every student to attend regularly. Excessive interruptions due to absences will have an adverse effect on student progress.
 1. A full-time student enrolled for a full term (432 hours) and that has been absent for more than 5.5% (24 hours) of the scheduled hours enrolled will receive written communication alerting the student to the number of hours remaining prior to suspension. Available community and institutional resources will be shared to assist students with attendance issues. The number of hours of absence triggering notification must be prorated for all part-time students and full-time students enrolled for less than a full term.
 2. When a full-time student enrolls for a full term (432 hours) and has absences exceeding 9.7% (42 hours) of the scheduled hours enrolled, that student will be suspended. A student suspended for attendance may appeal the suspension in writing to the president within three (3) days of receiving notification of the suspension. A student appealing

suspension of attendance may remain in class until the suspension has been reviewed. The number of hours triggering suspension must be prorated for all part-time and full-time students enrolled for less than a full term.

3. A student is considered tardy if not in the classroom at the designated time for class to start. Multiple tardies will result in the following discipline:
 - a. Five (5) tardies - Student will be given a written warning by instructor.
 - b. Six (6) tardies - Student will be placed on probation by the president or the president's designee.
 - c. Seven (7) tardies - Student will be referred to the president, and may be suspended.

4. An attendance record for each student shall be maintained in the student information system.

- B. When a student misses three (3) consecutive days without contacting the college, that student may be presumed to have withdrawn from the college.

II. Exceptions for Suspension due to Student Attendance

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

III. Student Progress

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

1. A = 90 – 100
2. B = 80 – 89
3. C = 70 – 79
4. D = 60 – 69

5. F = 0 - 59
6. P = Pass
7. Cont = Continuing/Incomplete
8. W = Withdrew

B. Grades for courses will be determined as described in course syllabi. Students will be graded in the following categories:

1. Skill Proficiency
2. Theory/Related Information

IV. Prior Learning Assessment/Transfer Credit

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

3. the procedures for acceptance of transfer credits, including GPA requirements,
4. the period in which courses may be taken and time limits on work varies by institution,
5. department and academic program.

V. Grade Point System

- A. The following grade point system is to be used in grade point average (GPA):
 1. A: 4 points per customary clock hour
 2. B: 3 points per customary clock hour
 3. C: 2 points per customary clock hour
 4. D: 1 points per customary clock hour
 5. F: 0 points per customary clock hour
- B. The grade point average is determined by dividing the total number of grade points earned by the total number of customary clock hours for the courses which the student attempted. Customary clock hours in courses from which the student withdraws or in which the student receives grades such as pass/fail, are not considered when determining the GPA.
- C. Finally, a single student transcript will include term and cumulative GPA calculations. The cumulative calculation will be used in determining the required GPA for graduation, honors, and financial aid eligibility. The term calculation will be used when determining suspension.
- D. For the purpose of increasing mastery in a course when such is necessary for program progression or for the purpose of increasing the GPA, institutions may permit students to repeat courses in which their final grades are C or lower. Allied Health programs may outline specific repeat course guidelines in their respective Allied Health student handbook.
- E. In computing the GPA, the question of how to count repeat courses must be specifically addressed in the Student Handbook of each institution. In the event a student repeats a course, the repeat course grade is calculated into, and the original grade is excluded from the GPA. If courses are repeated more than twice (three attempts), GPA is calculated using the third attempt and all subsequent attempts.

VI. Retention Standard

A. GPA TCATs

1. A student who fails during any term to attain a cumulative GPA at or above the level indicated below for the customary clock hours attempted or the average grade per course, will be placed on suspension at the end of the term.
 - a. Standards:
 1. A student must earn a "D" (60) or better per course for each term and an overall 2.0 GPA or better per term.
 2. Nursing Programs require a "B" (80) or better per course for each term.
 3. Truck Driving programs require a "B" (80) or better per course.
 4. Aviation Maintenance Technology programs require a "C" (73) or better per course for each term.
 5. Avionics Maintenance Technology program requires a "C" (73) or better per course for each term.
 6. **Dental Assisting programs require a "B" (80) or better per course for each term.**
2. Additional retention standards for specific programs may be established by the college based on accreditation or licensing requirements applicable to a program.

VII. Readmission from Suspension for Grades or Attendance

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

Sources

Statute(s)

T.C.A. § 49-11-401 et seq., T.C.A. § 49-8-101 et seq.

Revisions:

TBR Meeting, September 30, 1983; Revised: TBR Meeting, June 30, 1989; Revised: TBR Meeting, September 29, 1995; TBR Meeting, September 22, 2000; Revised: TBR Meeting, September 30, 2005; Revised: TBR Meeting, September 29, 2006; Board Meeting, June 23, 2017; Revised at Board Meeting September 23, 2020; Revised at Board Meeting, September 24, 2021; Revised at Board Meeting, March 30, 2023; Revised at Board meeting December 12, 2023.

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

Policy/Guideline Area

Academic Policies

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BOARD TRANSMITTAL

MEETING:	Committee Chairs Meeting
SUBJECT:	TBR Policy 2.08.00.00, Research Compliance and Security (revisions)
DATE:	November 12, 2024
PRESENTER:	Brian Lapps, General Counsel
PRESENTATION REQUIREMENTS:	5 Minutes
ACTION REQUIRED:	Informational Purposes
STAFF RECOMMENDATION:	Not Applicable

Summary:

The proposed revisions fall into four primary categories.

1. *Renaming the policy.* The proposed changes reflect a comprehensive research compliance and security policy, not just a general policy regarding research. The proposed name is more descriptive.
2. *Updating and clarifying Sections I-III, which are the existing portions of the policy.* Substantive revisions include:
 - a. Removing language that the policy does not apply to non-confidential data subject to the Tennessee Public Records Act. Portions of the policy will apply to all data.
 - b. Requiring community colleges, but not TCATs, to have Institutional Review Boards (IRBs) or a similar process. If necessary, the System Office IRB will serve TCATs.
 - c. Updating provisions related to TN eCampus.
 - d. Clarifying provisions related to animal research and technology transfer.

3. *Adding Section IV to comply with T.C.A. § 49-7-188, which is new legislation requiring the Board to implement a research security policy containing the proposed additions by December 31, 2024.*
 - a. Most of the proposed additions in Section IV are required by statute, which is loosely modeled on National Security Presidential Memorandum 33 and portions of the CHIPS Act.
 - b. Section IV.E is not required, but the administration believes it is wise to encourage those engaged in research to complete applicable training offered by the National Science Foundation.
 - c. The TBR System does not engage in research that is subject to the U.S. Export Control laws, but to the extent that colleges might conduct such research in the future, we believe it is wise to require that such individuals complete training offered by the federal government. Non-compliance with export control laws has serious repercussions, including potential criminal penalties.
4. *Folding TBR Guideline A-115, Foreign Talent Recruitment Programs, into the policy.* Guideline A-115, Foreign Talent Recruitment Programs, was adopted as a procedure. However, because it relates to research security, it is more appropriate to include it in a comprehensive research compliance and security policy.

Because no substantive revisions to A-115 are proposed, Section V does not track changes.

2.08.00.00 Research Compliance and Security (formerly General Policies Regarding Research)



Policy/Guideline Area

Academic Policies

Applicable Divisions

TCATs, Community Colleges, System Office

Purpose

It is the intention of the Tennessee Board of Regents (TBR) that the institutions under its jurisdiction adhere to federal and state standards on the ethical conduct of research and research security. ~~Each community college TBR institution~~ is responsible for following this policy or promulgating a similar policy/policies that serves to effectuate state and federal law and regulations regarding all applicable aspects of research. Tennessee Colleges of Applied Technology (TCATs) must rely on this policy unless the Chancellor approves of a college-specific policy.

This policy specifically addresses human subjects, animal subjects, ~~and~~ technology transfer, research security, and recruitment programs by foreign countries. ~~It does ; it is~~ not ~~meant to~~ supplant federal regulations, or other state or federal law. Due to the complexity of the field of research, institutions and their faculty or staff engaged in ~~conducting~~ research must be familiar with the applicable are referred to the federal laws, regulations, policies, and guidelines.

This policy further addresses the requirement that all Covered Individuals disclose any participation in a Foreign Talent Recruitment Program and certify that they are not participating in a Malign Foreign Talent Recruitment Program.

Policy/Guideline

- I. Protection of Human Subjects in Research
 - A. Research involving human subjects must comply with the standards concerning the conduct of research involving human subjects established by the United

States Department of Health and Human Services (DHHS) within the “Protection of Human Subjects” (Title 45 CFR, Part 46).

~~B. This policy does not cover use of non-confidential data available under the Tennessee Public Records Act.~~

~~C.B.~~ Each community college institution, as well as the TBR system office, will place into effect an institutional review board (IRB), or a process for reviewing research proposals for requirements and compliance, and the necessary procedures to ensure that the rights and welfare of human subjects are properly protected. The system office IRB (TBR IRB) will serve as an IRB for TCATs.

1. Research involving human subjects conducted by personnel affiliated with the TBR system must be reviewed and, when appropriate, approved pursuant to 45 CFR § 46.111 by all appropriate IRBs.
2. Research conducted by persons not affiliated with TBR who are seeking to conduct human research utilizing individuals, groups, or existing confidential data within the TBR system must obtain IRB approval pursuant to 45 CFR § 46 .111 from the appropriate IRB institution where the research will be conducted.
3. Researchers publishing data analyses or reporting from data obtained from the TBR -sSystem Ooffice or TBR institutions, either electronically or in print, must comply with the federal requirements guidelines in the protection of editable, small cell data, including but not limited to the federal Gramm Leach Bliley Act, 15 U.S.C. §§ 6801-6809. (Ssee TBR Guideline B-090, Safeguarding Nonpublic Financial Information. TBR Guideline G-030, Section (III)(I)).

~~D.C.~~ All researchers utilizing human subjects or their personally identifiable data students, faculty, or staff as research subjects/participants or student/faculty/staff personally identifiable data, within the TBR system, will must submit requests for IRB approval and administrative approval to all relevant colleges campuses or and the TBR IRB in accordance with applicable community college or system office IRB processes and procedures. ~~Office of~~

~~Academic Affairs, as appropriate. Researchers who wish to conduct research involving human subjects or participants may be required to have a valid human subject research certification and sign an assurance form.~~

~~E.D. If utilizing TN eCampus data may not be used without first obtaining permission from the Vice Chancellor for Academic Affairs or designee to ensure no improper use of data, including, but not limited to, university student data. the Regents Online Degree Program (RODP) confidential data, If IRB approval is necessary, an application for review must be submitted to the TBR IRB. the IRB request must be submitted to the TBR Office of Academic Affairs.~~

~~F.E. All requests for TBR system confidential data for research purposes must be reviewed by the Office of Policy and Strategy, involving the TBR IRB as appropriate. by researchers (students, TBR personnel and non-TBR personnel) must be reviewed by the TBR IRB.~~

II. Policy for Use of Animals for Research

- A. ~~Depending on the animal definition, Researchers must comply with applicable criteria for the humane treatment of animals used in scientific research in accordance with~~ the Guide for the Care and Use of Laboratory Animals (1996 2011 or the most current version published by the Institute ~~effor~~ Laboratory Animal Research, ~~Division on Earth and Life Studies~~ ~~Commission on Life Sciences~~, National Research Council) and/or the Animal Welfare Act (Title 9 CFR Chapter 1 Subchapter A) ~~shall be the criteria for researchers to follow regarding the humane treatment of animals for scientific research purposes throughout the TBR system institutions.~~
- B. Each researcher engaged in ~~such~~ research using animals is personally responsible for complying with applicable provisions of ~~obtaining, perusing, and applying the principles, standards, and procedures of the~~ Guide and/or Animal Welfare Act.
- C. Individual ~~colleges/campuses must have~~ will be required to place into effect an Institutional Animal Care Use Committee (IACUC), if ~~relevant~~ required by federal law or regulation.

1. CollegesCampuses should review the United States Department of Agriculture (USDA) policy, and consult with the Office of General Counsel as needed, to determine the need for an IACUC.
2. CollegesCampuses should be aware of the need to file an assurance with the agency prior to obtaining funds with said agency.
3. CollegesCampuses should be aware that there are reporting requirements with the USDA for all animals that fall under its definition.

III. Technology Transfer

- A. TBR collegesinstitutions must comply with federal laws concerning the protection of national security and military secrets by preventing foreign governments from accessing military and other technologies via the research processes of American colleges and universities.
- B. Colleges ~~All institutions will have policies at the level appropriate for the specific institution in relation to the transfer of technology. These policies must~~ implement, to the extent necessary, a process relating to the transfer of technology, which must comply with the provisions of the Arms Export Control Act, 22 U.S.C. § 2778.-

IV. Research Security

- A. Pursuant to T.C.A. § 49-7-188, this Section IV is designed to safeguard research from foreign adversaries, to promote a culture of research security, to further national security interests, and to mitigate against threats to the security of research activities.
- B. To ensure that the college remains eligible for federal funding, the college and individuals conducting research at TBR colleges and the system office must comply with applicable laws, regulations, and contractual obligations for securing and protecting research. The principal investigator for each research matter has primary responsibility for ensuring that the research is conducted in accordance with applicable legal and contractual requirements.
- C. Any research that is funded by a source other than a federal or state agency and that a reasonable person would believe potentially implicates national

security interests must be reviewed and approved by the Chancellor or designee. Such review does not replace any required IRB or other administrative approvals.

- D. Research activities, at a minimum, must comply with the cybersecurity requirements established by the college. Colleges are encouraged to take additional protections with respect to any research that might implicate national security concerns or that might be of significant value to a foreign adversary.
- E. Colleges are encouraged to have individuals engaged in research activities complete training modules made available by the National Science Foundation.
- F. Colleges shall require any individual who performs research on an export-controlled technology to complete training on U.S. export control and compliance requirements. Colleges may comply with this requirement through the administration of relevant training provided by the Bureau of Industry and Security in the federal Department of Commerce or the Directorate of Defense Trade Controls in the federal Department of State.
- G. Unless a college designates another person, the chief academic officer for each community college is responsible for
 - 1. Maintaining publicly accessible contact information for the IRB; and
 - 2. Facilitating the distribution of communications designed to enhance research security.
- H. Research security protocols shall be continuously improved to address new and emerging research security threats. College research security policies should be reviewed and revised as necessary, but no less than every five years.
- G.I. Any person who has a concern about research security or undue foreign influence must report the concern to the college IRB, the TBR IRB, or the TBR Office of System-wide Internal Audit.

IV.V. Foreign Talent Recruitment Programs

A. Disclosure by Covered Individuals

1. Any college or system office faculty or staff member defined as a Covered Individual who is engaged in U.S. federally funded research activities must disclose participation in a Foreign Talent Recruitment Program. If

participating in a Foreign Talent Recruitment Program, a Covered Individual must certify that they are not participating in a Malign Foreign Talent Recruitment Program.

2. For federal grant applications, investigators and senior/key personnel will be required to disclose any Foreign Talent Recruitment Program participation at the time of grant submission. The principal investigator, as well as any co-principal investigators and others identified by the principal investigator, are also required to certify that they do not participate in any Malign Foreign Talent Recruitment Program.
3. Disclosures must be made to the college, both annually and upon submission of any federal grant application, in a manner directed by the college (e.g., through the college's Conflict of Interest disclosure system or through the college's IRB).
4. The college shall appoint one or more administrators responsible for:
 - a. Reviewing disclosures by Covered Individuals and verifying the accuracy and completeness of the information provided, and assessing whether participation in the Foreign Talent Recruitment Program aligns with TBR and college policies and complies with federal regulations;
 - b. Providing guidance to Covered Individuals on compliance with this policy;
 - c. If potential involvement with a Malign Foreign Talent Recruitment Program is identified, undertaking further investigation, and taking appropriate action, which may include obtaining legal advice from the Office of General Counsel, recommending suspension of certain activities, and taking corrective measures;
 - d. Maintaining accurate records of all disclosures and taking action to ensure ongoing compliance with Section V of this policy, including reviews of research activities as necessary; and

- e. Providing training to faculty and staff about disclosure requirements, the implications of participation in a Foreign Talent Recruitment Program, and the implications of non-compliance.
 5. Covered Individuals are prohibited from participating in a Malign Foreign Talent Recruitment Program, in accordance with the CHIPS and Science Act of 2022 and National Security Presidential Memorandum-33.
- B. Definitions Related to Foreign Talent Recruitment Programs
1. “Covered Individual” means any college or system office faculty or staff member who is funded by a federal award and contributes in a substantive, meaningful way to the scientific development or execution of a research and development project proposed to be carried out with a research and development award from a federal research agency and is designated as a covered individual by the federal research agency concerned. Colleges shall consider the principal investigator, as well as any co-principal investigators to be Covered Individuals and require that they provide applicable disclosures and certifications.
 2. “Foreign Talent Recruitment Program” means any program, position, or activity that includes compensation in the form of cash, in-kind compensation, including research funding, promised future compensation, complimentary foreign travel, things of non de minimis value, honorific titles, career advancement opportunities, or other types of remuneration or consideration directly provided by a foreign country at any level (national, provincial, or local) or their designee, or an entity based in, funded by, or affiliated with a foreign country, whether or not directly sponsored by the foreign country, to an individual, whether or not directly or indirectly stated in the arrangement, contract, or other documentation at issue.
 3. “Malign Foreign Talent Recruitment Program” means any Foreign Talent Recruitment Program that meets both Subsections V.B.3(a) and (b).
 - a. Where compensation or remuneration from any foreign country is provided to the Covered Individual in exchange for any of the following:

- (1) Engaging in the unauthorized transfer of intellectual property, materials, data products, or other nonpublic information owned by a U.S. entity or developed with a U.S. federal research and development award to the government of a foreign country or an entity based in, funded by, or affiliated with a foreign country regardless of whether that government or entity provided support for the development of the intellectual property, materials, or data products;
- (2) Being required by a foreign country to recruit trainees or researchers to enroll in such program, position, or activity;
- (3) Establishing a laboratory or company, accepting a faculty position, or undertaking any other employment or appointment in a foreign country or with an entity based in, funded by, or affiliated with a foreign country if such activities are in violation of the standard terms and conditions of a U.S. federal research and development award;
- (4) Being unable to terminate the Foreign Talent Recruitment Program contract or agreement except in extraordinary circumstances;
- (5) Through funding or effort related to the Foreign Talent Recruitment Program, being limited in the capacity to carry out a research and development award or required to engage in work that would result in substantial overlap or duplication with a federal research and development award
- (6) Being required to apply for and successfully receive funding from the sponsoring foreign government's funding agencies with the sponsoring foreign organization as the recipient;
- (7) Being required to omit acknowledgment of the recipient institution with which the individual is affiliated, or the U.S. federal research agency sponsoring the research and development award, contrary to the institutional policies or

standard terms and conditions of the U.S. federal research and development award;

- (8) Being required to not disclose to the U.S. federal research agency or employing organization the participation of a Covered Individual in such program, position, or activity; or
 - (9) Having a conflict of interest or conflict of commitment contrary to the standard terms and conditions of the U.S. federal research and development award.
- b. Where a Covered Individual is sponsored or supported either:
- (1) by a foreign country of concern (currently, China, North Korea, Russia, or Iran) or an entity based in a foreign country of concern (whether or not directly sponsored by the foreign country of concern); or
 - (2) An academic institution or foreign talent recruitment program on the list developed under §1286 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 4001 note; Public Law 115–232) available at <https://basicresearch.defense.gov>.
4. Acceptable International Collaboration Activities. A Foreign Talent Recruitment Program does not include the following international collaboration activities, so long as the activity is not funded, organized, or managed by an academic institution or a Foreign Talent Recruitment Program identified in Section V.B.3.b.
- a. Making scholarly presentations and publishing written materials regarding scientific information not otherwise controlled under current law;
 - b. Participating in international conferences or other international exchanges, research projects, or programs that involve open and reciprocal exchange of scientific information, and which are aimed at advancing international scientific understanding and not otherwise controlled under current law;

- c. Advising a foreign student enrolled at an institution of higher education or writing a recommendation for such a student, at such student's request;
- d. Engaging in the following international activities:
 - (1) Activities that are partly sponsored or otherwise supported by the United States such as serving as a government appointee to the board of a joint scientific fund (e.g., the U.S. – Israel Binational Industrial Research and Development Foundation); providing advice to or otherwise participating in international technical organizations, multilateral scientific organizations, and standards setting bodies (e.g., the International Telecommunications Union, Intergovernmental Panel on Climate Change, etc.); participating in a Fulbright Commission program funded in whole or in part by a host country government; or other routine international scientific exchanges and interactions such as providing invited lectures or participating in international peer review panels.
 - (2) Involvement in national or international academies or professional societies that produce publications in the open scientific literature that are not in conflict with the interests of the federal research agency (e.g., membership in the Pontifical Academy of Sciences or The Royal Society).
 - (3) Taking a sabbatical, serving as a visiting scholar, or engaging in continuing education activities such as receiving a doctorate or professional certification at an institution of higher education (e.g., the University of Oxford, McGill University) that are not in conflict with the interests of the U.S. federal research agency.
 - (4) Receiving awards for research and development which serve to enhance the prestige of the U.S. federal research agency (e.g., the Nobel Prize).

- (5) Other international activities determined appropriate by the U.S. federal research agency head or designee.

Sources:

Authority

T.C.A. § 49-8-203; 49-7-188

History

New Policy approved at TBR Board Meeting September 25, 2009; Revisions, including incorporation of Guideline A-115, Foreign Talent Recruitment Programs, into policy, December __, 2024.

References

OSTP Foreign Talent Recruitment Program Guidelines. (2024).
<https://www.whitehouse.gov/wp-content/uploads/2024/02/OSTP-Foreign-Talent-Recruitment-Program-Guidelines.pdf> .

CHIPS & Science Act of 2022, 42 U.S.C. §19232; Public Law 116-167 (2022).
<https://uscodeweb1.house.gov/view.xhtml?path=/prelim@title42/chapter163/subchapter6/partC&edition=prelim>.

NSPM-33 United States Government-Supported Research and Development National Security Policy (2021). <https://trumpwhitehouse.archives.gov/presidential-actions/presidential-memorandum-united-states-government-supported-research-development-national-security-policy/>

Section 1286 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, 10 U.S.C. 4001 note; Public Law 115–232.
<https://uscode.house.gov/statviewer.htm?volume=132&page=2078#>

2.08.00.00 Research Compliance and Security (formerly General Policies Regarding Research)



Policy/Guideline Area

Academic Policies

Applicable Divisions

TCATs, Community Colleges, System Office

Purpose

It is the intention of the Tennessee Board of Regents (TBR) that the institutions under its jurisdiction adhere to federal and state standards on the ethical conduct of research and research security. Each community college is responsible for following this policy or promulgating a similar policy that serves to effectuate state and federal law and regulations regarding all applicable aspects of research. Tennessee Colleges of Applied Technology (TCATs) must rely on this policy unless the Chancellor approves of a college-specific policy.

This policy specifically addresses human subjects, animal subjects, technology transfer, research security, and recruitment programs by foreign countries. It does not supplant federal regulations, or other state or federal law. Due to the complexity of the field of research, institutions and their faculty or staff engaged in research must be familiar with the applicable laws, regulations, policies, and guidelines.

This policy further addresses the requirement that all Covered Individuals disclose any participation in a Foreign Talent Recruitment Program and certify that they are not participating in a Malign Foreign Talent Recruitment Program.

Policy/Guideline

- I. Protection of Human Subjects in Research
 - A. Research involving human subjects must comply with the standards concerning the conduct of research involving human subjects established by the United

States Department of Health and Human Services (HHS) within the “Protection of Human Subjects” (Title 45 CFR, Part 46).

- B. Each community college, as well as the TBR system office, will place into effect an institutional review board (IRB), or a process for reviewing research proposals for requirements and compliance, and the necessary procedures to ensure that the rights and welfare of human subjects are properly protected. The system office IRB (TBR IRB) will serve as an IRB for TCATs.
1. Research involving human subjects conducted by personnel affiliated with the TBR system must be reviewed and, when appropriate, approved pursuant to 45 CFR § 46.111 by all appropriate IRBs.
 2. Research conducted by persons not affiliated with TBR who are seeking to conduct human research utilizing individuals, groups, or existing confidential data within the TBR system must obtain IRB approval pursuant to 45 CFR § 46 .111 from the appropriate IRB.
 3. Researchers publishing data analyses or reporting from data obtained from the TBR system office or TBR institutions, either electronically or in print, must comply with the federal requirements in the protection of editable, small cell data, including but not limited to the federal Gramm Leach Bliley Act, 15 U.S.C. §§ 6801-6809. (See [TBR Guideline B-090, Safeguarding Nonpublic Financial Information](#).)
- C. All researchers utilizing human subjects or their personally identifiable data must submit requests for IRB approval and administrative approval to all relevant colleges or the TBR IRB in accordance with applicable community college or system office IRB processes and procedures. Researchers who wish to conduct research involving human subjects or participants may be required to have a valid human subject research certification and sign an assurance form.
- D. TN eCampus data may not be used without first obtaining permission from the Vice Chancellor for Academic Affairs or designee to ensure no improper use of

data, including, but not limited to, university student data. If IRB approval is necessary, an application for review must be submitted to the TBR IRB.

- E. All requests for TBR system confidential data for research purposes must be reviewed by the Office of Policy and Strategy, involving the TBR IRB as appropriate.

II. Policy for Use of Animals for Research

- A. Researchers must comply with applicable criteria for the humane treatment of animals used in scientific research in accordance with the Guide for the Care and Use of Laboratory Animals (2011 or the most current version published by the Institute for Laboratory Animal Research, Division on Earth and Life Studies, National Research Council) and/or the Animal Welfare Act (Title 9 CFR Chapter 1 Subchapter A).
- B. Each researcher engaged in research using animals is personally responsible for complying with applicable provisions of the Guide and/or Animal Welfare Act.
- C. Individual colleges must have an Institutional Animal Care Use Committee (IACUC), if required by federal law or regulation.
 - 1. Colleges should review the United States Department of Agriculture (USDA) policy and consult with the Office of General Counsel as needed, to determine the need for an IACUC.
 - 2. Colleges should be aware of the need to file an assurance with the agency prior to obtaining funds with said agency.
 - 3. Colleges should be aware that there are reporting requirements with the USDA for all animals that fall under its definition.

III. Technology Transfer

- A. TBR colleges must comply with federal laws concerning the protection of national security and military secrets by preventing foreign governments from accessing military and other technologies via the research processes of American colleges and universities.

- B. Colleges must implement, to the extent necessary, a process relating to the transfer of technology, which must comply with the provisions of the Arms Export Control Act, 22 U.S.C. § 2778.

IV. Research Security

- A. Pursuant to T.C.A. § 49-7-188, this Section IV is designed to safeguard research from foreign adversaries, to promote a culture of research security, to further national security interests, and to mitigate against threats to the security of research activities.
- B. To ensure that the college remains eligible for federal funding, the college and individuals conducting research at TBR colleges and the system office must comply with applicable laws, regulations, and contractual obligations for securing and protecting research. The principal investigator for each research matter has primary responsibility for ensuring that the research is conducted in accordance with applicable legal and contractual requirements.
- C. Any research that is funded by a source other than a federal or state agency and that a reasonable person would believe potentially implicates national security interests must be reviewed and approved by the Chancellor or designee. Such review does not replace any required IRB or other administrative approvals.
- D. Research activities, at a minimum, must comply with the cybersecurity requirements established by the college. Colleges are encouraged to take additional protections with respect to any research that might implicate national security concerns or that might be of significant value to a foreign adversary.
- E. Colleges are encouraged to have individuals engaged in research activities complete training modules made available by the National Science Foundation.
- F. Colleges shall require any individual who performs research on an export-controlled technology to complete training on U.S. export control and compliance requirements. Colleges may comply with this requirement through the administration of relevant training provided by the Bureau of Industry and Security in the federal Department of Commerce or the Directorate of Defense Trade Controls in the federal Department of State.

- G. Unless a college designates another person, the chief academic officer for each community college is responsible for:
 - 1. Maintaining publicly accessible contact information for the IRB and
 - 2. Facilitating the distribution of communications designed to enhance research security.
 - H. Research security protocols shall be continuously improved to address new and emerging research security threats. College research security policies should be reviewed and revised as necessary, but no less than every five years.
 - I. Any person who has a concern about research security or undue foreign influence must report the concern to the college IRB, the TBR IRB, or the TBR Office of System-wide Internal Audit.
- V. Foreign Talent Recruitment Programs
- A. Disclosure by Covered Individuals
 - 1. Any college or system office faculty or staff member defined as a Covered Individual who is engaged in U.S. federally funded research activities must disclose participation in a Foreign Talent Recruitment Program. If participating in a Foreign Talent Recruitment Program, a Covered Individual must certify that they are not participating in a Malign Foreign Talent Recruitment Program.
 - 2. For federal grant applications, investigators and senior/key personnel will be required to disclose any Foreign Talent Recruitment Program participation at the time of grant submission. The principal investigator, as well as any co-principal investigators and others identified by the principal investigator, are also required to certify that they do not participate in any Malign Foreign Talent Recruitment Program.
 - 3. Disclosures must be made to the college, both annually and upon submission of any federal grant application, in a manner directed by the college (e.g., through the college's Conflict of Interest disclosure system or through the college's IRB).
 - 4. The college shall appoint one or more administrators responsible for:

- a. Reviewing disclosures by Covered Individuals and verifying the accuracy and completeness of the information provided, and assessing whether participation in the Foreign Talent Recruitment Program aligns with TBR and college policies and complies with federal regulations;
 - b. Providing guidance to Covered Individuals on compliance with this policy;
 - c. If potential involvement with a Malign Foreign Talent Recruitment Program is identified, undertaking further investigation, and taking appropriate action, which may include obtaining legal advice from the Office of General Counsel, recommending suspension of certain activities, and taking corrective measures;
 - d. Maintaining accurate records of all disclosures and taking action to ensure ongoing compliance with Section V of this policy, including reviews of research activities as necessary; and
 - e. Providing training to faculty and staff about disclosure requirements, the implications of participation in a Foreign Talent Recruitment Program, and the implications of non-compliance.
5. Covered Individuals are prohibited from participating in a Malign Foreign Talent Recruitment Program, in accordance with the CHIPS and Science Act of 2022 and National Security Presidential Memorandum-33.
- B. Definitions Related to Foreign Talent Recruitment Programs
1. “Covered Individual” means any college or system office faculty or staff member who is funded by a federal award and contributes in a substantive, meaningful way to the scientific development or execution of a research and development project proposed to be carried out with a research and development award from a federal research agency and is designated as a covered individual by the federal research agency concerned. Colleges shall consider the principal investigator, as well as any co-principal investigators to be Covered Individuals and require that they provide applicable disclosures and certifications.

2. “Foreign Talent Recruitment Program” means any program, position, or activity that includes compensation in the form of cash, in-kind compensation, including research funding, promised future compensation, complimentary foreign travel, things of non de minimis value, honorific titles, career advancement opportunities, or other types of remuneration or consideration directly provided by a foreign country at any level (national, provincial, or local) or their designee, or an entity based in, funded by, or affiliated with a foreign country, whether or not directly sponsored by the foreign country, to an individual, whether or not directly or indirectly stated in the arrangement, contract, or other documentation at issue.
3. “Malign Foreign Talent Recruitment Program” means any Foreign Talent Recruitment Program that meets both Subsections V.B.3(a) and (b).
 - a. Where compensation or remuneration from any foreign country is provided to the Covered Individual in exchange for any of the following:
 - (1) Engaging in the unauthorized transfer of intellectual property, materials, data products, or other nonpublic information owned by a U.S. entity or developed with a U.S. federal research and development award to the government of a foreign country or an entity based in, funded by, or affiliated with a foreign country regardless of whether that government or entity provided support for the development of the intellectual property, materials, or data products;
 - (2) Being required by a foreign country to recruit trainees or researchers to enroll in such program, position, or activity;
 - (3) Establishing a laboratory or company, accepting a faculty position, or undertaking any other employment or appointment in a foreign country or with an entity based in, funded by, or affiliated with a foreign country if such activities are in violation of the standard terms and conditions of a U.S. federal research and development award;

- (4) Being unable to terminate the Foreign Talent Recruitment Program contract or agreement except in extraordinary circumstances;
 - (5) Through funding or effort related to the Foreign Talent Recruitment Program, being limited in the capacity to carry out a research and development award or required to engage in work that would result in substantial overlap or duplication with a federal research and development award;
 - (6) Being required to apply for and successfully receive funding from the sponsoring foreign government's funding agencies with the sponsoring foreign organization as the recipient;
 - (7) Being required to omit acknowledgment of the recipient institution with which the individual is affiliated, or the U.S. federal research agency sponsoring the research and development award, contrary to the institutional policies or standard terms and conditions of the U.S. federal research and development award;
 - (8) Being required to not disclose to the U.S. federal research agency or employing organization the participation of a Covered Individual in such program, position, or activity; or
 - (9) Having a conflict of interest or conflict of commitment contrary to the standard terms and conditions of the U.S. federal research and development award.
- b. Where a Covered Individual is sponsored or supported either:
- (1) by a foreign country of concern (currently, China, North Korea, Russia, or Iran) or an entity based in a foreign country of concern (whether or not directly sponsored by the foreign country of concern); or
 - (2) An academic institution or foreign talent recruitment program on the list developed under §1286 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10

U.S.C. 4001 note; Public Law 115–232) available at <https://basicresearch.defense.gov>.

4. Acceptable International Collaboration Activities. A Foreign Talent Recruitment Program does not include the following international collaboration activities, so long as the activity is not funded, organized, or managed by an academic institution or a Foreign Talent Recruitment Program identified in Section V.B.3.b.
 - a. Making scholarly presentations and publishing written materials regarding scientific information not otherwise controlled under current law;
 - b. Participating in international conferences or other international exchanges, research projects, or programs that involve open and reciprocal exchange of scientific information, and which are aimed at advancing international scientific understanding and not otherwise controlled under current law;
 - c. Advising a foreign student enrolled at an institution of higher education or writing a recommendation for such a student, at such student's request;
 - d. Engaging in the following international activities:
 - (1) Activities that are partly sponsored or otherwise supported by the United States such as serving as a government appointee to the board of a joint scientific fund (e.g., the U.S. – Israel Binational Industrial Research and Development Foundation); providing advice to or otherwise participating in international technical organizations, multilateral scientific organizations, and standards setting bodies (e.g., the International Telecommunications Union, Intergovernmental Panel on Climate Change, etc.); participating in a Fulbright Commission program funded in whole or in part by a host country government; or other routine international scientific

exchanges and interactions such as providing invited lectures or participating in international peer review panels.

- (2) Involvement in national or international academies or professional societies that produce publications in the open scientific literature that are not in conflict with the interests of the federal research agency (e.g., membership in the Pontifical Academy of Sciences or The Royal Society).
- (3) Taking a sabbatical, serving as a visiting scholar, or engaging in continuing education activities such as receiving a doctorate or professional certification at an institution of higher education (e.g., the University of Oxford, McGill University) that are not in conflict with the interests of the U.S. federal research agency.
- (4) Receiving awards for research and development which serve to enhance the prestige of the U.S. federal research agency (e.g., the Nobel Prize).
- (5) Other international activities determined appropriate by the U.S. federal research agency head or designee.

Sources:

Authority

T.C.A. § 49-8-203; 49-7-188

History

New Policy approved at TBR Board Meeting September 25, 2009; Revisions, including incorporation of Guideline A-115, Foreign Talent Recruitment Programs, into policy, December __, 2024.

References

OSTP Foreign Talent Recruitment Program Guidelines. (2024).
<https://www.whitehouse.gov/wp-content/uploads/2024/02/OSTP-Foreign-Talent-Recruitment-Program-Guidelines.pdf> .

CHIPS & Science Act of 2022, 42 U.S.C. §19232; Public Law 116-167 (2022).
<https://uscodeweb1.house.gov/view.xhtml?path=/prelim@title42/chapter163/subchapter6/partC&edition=prelim>.

NSPM-33 United States Government-Supported Research and Development National Security Policy (2021). <https://trumpwhitehouse.archives.gov/presidential-actions/presidential-memorandum-united-states-government-supported-research-development-national-security-policy/>

Section 1286 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, 10 U.S.C. 4001 note; Public Law 115–232.
<https://uscode.house.gov/statviewer.htm?volume=132&page=2078#>

BOARD TRANSMITTAL

MEETING: Committee Chairs Meeting

SUBJECT: New TBR Policy 2.09.00.00, Accreditors

DATE: November 12, 2024

PRESENTER: Executive Vice Chancellor Russ Deaton

PRESENTATION
REQUIREMENTS: 5 minutes

ACTION REQUIRED: Informational Purposes

STAFF
RECOMMENDATION: Not Applicable

TBR policy 2.09.00.00 is a new policy on accreditors.

In 2019, federal policy changed to allow institutions to select from a list of eligible institutional accreditors (formerly known as regional accreditors). In 2024, new state legislation was enacted that requires governing boards to update policies and practices to ensure institutions may freely choose to pursue accreditation by any eligible accreditor. These changes were Public Chapter 868, which amended T.C.A. § 49-8-203 (2024), and the policy updates must be made by December 31, 2024.

A new TBR policy (2.09.00.00 Accreditors) is proposed in response to these requirements.

The proposed policy would address institutional accreditation at community and technical colleges. Additionally, the proposed policy responds to federal and state policy changes and outlines a process for reviewing the policy every three years to reflect changes.

2.09.00.00 Accreditors

Policy Area

Academic Policies

Applicable Divisions

TCATs, Community Colleges

Purpose

This policy identifies potential institutional accreditors for Community Colleges and TCATs and describes the method of changing an accreditor.

Policy

I. Available Accreditors

A. Community Colleges may choose from the following institutional accreditors.

1. Higher Learning Commission
2. Middle States Commission on Higher Education
3. New England Commission of Higher Education
4. Northwest Commission on Colleges and Universities
5. Southern Association of Colleges and Schools, Commission on Colleges
6. WASC Accrediting Commission for Community and Junior Colleges

B. TCATs may choose from the following institutional accreditors.

1. Accrediting Commission of Career Schools and Colleges
2. Accrediting Council for Continuing Education and Training
3. Council on Occupational Education
4. Middle States Commission on Secondary Schools

C. This policy shall be reviewed no less than once every three years to conform to changes made by the United States Department of Education or the United States Congress.

II. Changing an Accreditor

A. Subject to approval by the Board, a college may change its institutional accreditor. Before a college takes any action to explore the process of considering a change to its accreditor, the President must notify the Chancellor and work with the System Office to

confirm that during the process of changing accreditors, the college will not take any action to jeopardize the ability to provide student financial assistance.

Sources

Authority

T.C.A. §§ 49-8-203, Public Chapter 868 (2024)

History

New Policy TBR Meeting _____, 2024.

BOARD TRANSMITTAL

MEETING: Committee Chairs Meeting

SUBJECT: Revision to TBR Policy 3.04.01.00

DATE: November 12, 2024

PRESENTER: Heidi Leming, PhD; Vice Chancellor for Student Success

PRESENTATION
REQUIREMENTS: PowerPoint

ACTION REQUIRED: Informational Purposes

STAFF
RECOMMENDATION: Not Applicable

TBR Policy 03.04.01.00 defines the process by which institutions may award student scholarships and financial aid at community colleges. At the request of the community college student affairs subcouncil, a slight revision to allow for academic service scholarships to be provided up to 75 hours per semester instead of requiring the full amount is requested. Language updated to reflect new reference to Student Success scholarships (formerly A&D) and removal of the word “service” from the scholarship.

3.04.01.00 Student Scholarships, Grants, Loans & Financial Aid Programs



Policy/Guideline Area

Student Policies

Applicable Divisions

Community Colleges

Purpose

This policy covers the establishment of and participation in student scholarship and financial aid programs by TBR community colleges. (TCATs are covered by separate policy.)

Policy/Guideline

I. Federal, State and Private Financial Aid, Loan, and Scholarship Programs

- A. All institutions are hereby authorized to participate in any private, federal, or state programs providing financial aid, loans, scholarships, grants, and other forms of educational assistance to students. Institutions must meet the eligibility requirements for participation and comply with all federal and state laws and regulations related to said programs.
- B. In participating in educational assistance programs, institutions shall comply with all applicable laws, including anti-discrimination laws. Institutions may participate in any educational assistance programs provided by the federal government or the State of Tennessee.

II. Institutional Scholarships and Grant Programs

- A. General Parameters
 - 1. State appropriations shall be expended or applied only to Access and Diversity grants.
 - 2. Each institution is authorized to employ students under local work programs.

3. Institutions may award scholarships and grants, in any of the programs listed below in Sections II. C. and D., to students who are full-time, part-time, out-of-state, or Tennessee residents.
4. The maximum amount of an individual academic ~~service~~ scholarship awarded for any one semester or summer session shall be the amount of the maintenance fees (and/or out-of-state tuition) for the semester or summer session plus an allowance for books and supplies. The maximum books and supplies allowance shall be commensurate with the book and supply allowance component of the standard student budget compiled by the institution's financial aid officer. The maximum amount that may be awarded to any individual during a single fiscal year shall not exceed the total amount of combined fees and book allowances defined herein. For the purposes of this policy, maintenance fees (and/or out-of-state tuition) shall be defined as all mandatory fees payable by a student for continued enrollment at the institution, including but not limited to debt service fees, student activity fees, and registration fees. The maximum amount awarded to a part-time student shall be prorated based on the number of hours for which the student is enrolled. Refunds shall be handled in accordance with TBR refund policy outlined in TBR Guideline B-060. The provisions of this section do not apply to privately funded scholarships or grants.
5. Each institution shall establish specific criteria for the scholarship programs listed below in Sections II. C. and D. Such criteria must meet the minimum limitations set forth in this TBR policy; however, the institution may set criteria which is more restrictive than the TBR policy. The written procedures implementing this policy and all requirements for eligibility, maintenance, and renewal shall be

clearly published in the official catalog of the institution and through the institutional website.

B. Funding Sources for Scholarships and Grant Programs

1. Academic Scholarships and Institutional Grants may be funded by a maximum of 10% of total tuition and fees received by the institution in any one year. An exception to this limitation may be made upon approval of the Chancellor and subsequent approval of the budget by TBR.
2. Athletic and Performance Grants may be funded by private contributions, donations, endowment earnings designated for scholarships and grants, revenues derived from the activities in which the student participates, and student fees specifically programmed and approved for such assistance.
3. Access and Diversity Grants shall be funded by state funds and may be supplemented by other campus revenue sources.

C. Scholarship and Grant Programs Requiring Service to the Institution

1. Athletic Grants
 - a. Each institution is authorized to award grants for students involved in athletics.
 - b. Grants for athletes awarded by institutions shall be subject to applicable limitations imposed by any national, regional, or other conference or association of which the institution is a member.
 - c. The requirement of service to the institution is satisfied by student performance of athletic endeavors.
2. Performance Grants

- a. The institution may award grants to students who perform a service to the institution, such as band members, cheerleaders, spirit squad members, staff of student newspapers and yearbooks, etc.
 - b. The service requirement is fulfilled by the performance of the activity by the student.
3. Other Institutional Grants
 - a. Institutional Grants may be provided for assisting handicapped, physically disadvantaged, and economically disadvantaged students.
4. Academic ~~Service~~ Scholarships
 - a. Awards to first-time freshmen shall be limited to students who had a minimum high school average of 2.9 or the equivalent. In addition, first-time freshmen shall have a minimum enhanced ACT composite score of 19 to be eligible for consideration. Awards to GED students shall be based upon evidence of comparable scholastic ability. Institutions may make exception to the requirements of this paragraph when admitting freshmen who have not attended high school or another postsecondary institution for at least four years.
 - b. Awards to transfer and other than first-time freshman students will require a minimum cumulative college GPA of 2.5 earned on the basis of at least twelve (12) credit hours. Students who have completed less than twelve (12) credit hours shall, for the purposes of this policy, be considered first-time freshmen.

- c. Renewal of academic-~~service~~ scholarships after the initial academic year of the freshman shall require a minimum cumulative GPA of 2.5. All subsequent renewals shall be reviewed at the end of each semester and require a minimum cumulative GPA of 2.5.
 - (1) Students must complete a minimum amount of twelve credits, if full time and six credits, if part time.
- d. Awards of academic-~~service~~ scholarships shall be made on a semester basis. Failure to maintain the required grade-point average or a satisfactory standard of conduct will result in the automatic forfeiture of the scholarship. A student who forfeits a scholarship for any of the above reasons may be eligible for consideration after the lapse of at least one full semester. Exceptions to this provision may be made when approved by the institution's president or designee.
- e. Economic status and need of the applicant will be considered a favorable factor only when all other conditions appear equal. Consideration may be given to the student's potential for the future as well as his or her area of specialization in relation to the needs of the state and the nation.
- f. An Academic-~~Service~~ Scholarship ~~shall~~may involve a service obligation to the institution of up to 75 hours per semester. The service obligation will be structured to primarily provide an educational benefit to the student, not a work benefit to the institution. The service requirement for part-time and summer session students shall be prorated

based on the number of hours for which the student is enrolled.

- (1) Students must complete a minimum amount of twelve credits, if full time and six credits, if part time.
- (2) The institution may define service for the purpose of the scholarship to include academic or co-curricular activities, such as study abroad, undergraduate research, service learning, student teaching, nursing clinical, social work practicum, and approved institutional service.

~~5. Recipients must work not less than 300 hours per calendar year. Activities will include but not be limited to participation in research projects, generation of publications, support of activities related to increased extramural findings, and other scholarly activities as deemed appropriate by the Special Research Project Review Committee. This Committee, made up of basic scientists, clinical practitioners/research and research project administrators, will oversee the selection of and assignments to work study projects.~~

D. Grants Which Do Not Require Service to the Institution

1. ~~Access and Diversity~~Student Success and Completion grants may be provided to students in accordance with the terms of such grants.
2. Students receiving ~~Access and Diversity~~Student Success and Completion grants are not required to provide service to the institution.
3. Students enrolled in institutional Honors programs which require significant enrichment activities by the student over and above

normal course requirements are not by this policy required to provide service to the institution.

4. Students receiving privately-funded or publicly-funded scholarships which require an institutional match are not by this policy required to provide service to the institution.

E. Exceptions

1. The President or designee is authorized to approve other scholarships/grants so long as the total amount of these and other academic scholarships and institutional grants funded under this policy do not exceed a maximum of 10% of total tuition and fees received by the institution in any one year.

Authority

T.C.A. § 49-8-203

History

TBR Meetings: December 8, 1978; March 18, 1983; September 30, 1983; June 29, 1984; June 29, 1990; December 11, 1992; March 30, 2001; April 2, 2004; June 30, 2006; June 19, 2009; TBR Board Meeting September 25, 2009; December 8, 2011; TBR Board Meeting June 19, 2015; September 7, 2023 (ministerial changes).

3.04.01.00 Student Scholarships, Grants, Loans & Financial Aid Programs



Policy/Guideline Area

Student Policies

Applicable Divisions

Community Colleges

Purpose

This policy covers the establishment of and participation in student scholarship and financial aid programs by TBR community colleges. (TCATs are covered by separate policy.)

Policy/Guideline

I. Federal, State and Private Financial Aid, Loan, and Scholarship Programs

- A. All institutions are hereby authorized to participate in any private, federal, or state programs providing financial aid, loans, scholarships, grants, and other forms of educational assistance to students. Institutions must meet the eligibility requirements for participation and comply with all federal and state laws and regulations related to said programs.
- B. In participating in educational assistance programs, institutions shall comply with all applicable laws, including anti-discrimination laws. Institutions may participate in any educational assistance programs provided by the federal government or the State of Tennessee.

II. Institutional Scholarships and Grant Programs

- A. General Parameters
 1. State appropriations shall be expended or applied only to Access and Diversity grants.
 2. Each institution is authorized to employ students under local work programs.

3. Institutions may award scholarships and grants, in any of the programs listed below in Sections II. C. and D., to students who are full-time, part-time, out-of-state, or Tennessee residents.
4. The maximum amount of an individual academic scholarship awarded for any one semester or summer session shall be the amount of the maintenance fees (and/or out-of-state tuition) for the semester or summer session plus an allowance for books and supplies. The maximum books and supplies allowance shall be commensurate with the book and supply allowance component of the standard student budget compiled by the institution's financial aid officer. The maximum amount that may be awarded to any individual during a single fiscal year shall not exceed the total amount of combined fees and book allowances defined herein. For the purposes of this policy, maintenance fees (and/or out-of-state tuition) shall be defined as all mandatory fees payable by a student for continued enrollment at the institution, including but not limited to debt service fees, student activity fees, and registration fees. The maximum amount awarded to a part-time student shall be prorated based on the number of hours for which the student is enrolled. Refunds shall be handled in accordance with TBR refund policy outlined in TBR Guideline B-060. The provisions of this section do not apply to privately funded scholarships or grants.
5. Each institution shall establish specific criteria for the scholarship programs listed below in Sections II. C. and D. Such criteria must meet the minimum limitations set forth in this TBR policy; however, the institution may set criteria which is more restrictive than the TBR policy. The written procedures implementing this policy and all requirements for eligibility, maintenance, and renewal shall be

clearly published in the official catalog of the institution and through the institutional website.

B. Funding Sources for Scholarships and Grant Programs

1. Academic Scholarships and Institutional Grants may be funded by a maximum of 10% of total tuition and fees received by the institution in any one year. An exception to this limitation may be made upon approval of the Chancellor and subsequent approval of the budget by TBR.
2. Athletic and Performance Grants may be funded by private contributions, donations, endowment earnings designated for scholarships and grants, revenues derived from the activities in which the student participates, and student fees specifically programmed and approved for such assistance.
3. Access and Diversity Grants shall be funded by state funds and may be supplemented by other campus revenue sources.

C. Scholarship and Grant Programs Requiring Service to the Institution

1. Athletic Grants
 - a. Each institution is authorized to award grants for students involved in athletics.
 - b. Grants for athletes awarded by institutions shall be subject to applicable limitations imposed by any national, regional, or other conference or association of which the institution is a member.
 - c. The requirement of service to the institution is satisfied by student performance of athletic endeavors.
2. Performance Grants

- a. The institution may award grants to students who perform a service to the institution, such as band members, cheerleaders, spirit squad members, staff of student newspapers and yearbooks, etc.
 - b. The service requirement is fulfilled by the performance of the activity by the student.
3. Other Institutional Grants
 - a. Institutional Grants may be provided for assisting handicapped, physically disadvantaged, and economically disadvantaged students.
4. Academic Scholarships
 - a. Awards to first-time freshmen shall be limited to students who had a minimum high school average of 2.9 or the equivalent. In addition, first-time freshmen shall have a minimum enhanced ACT composite score of 19 to be eligible for consideration. Awards to GED students shall be based upon evidence of comparable scholastic ability. Institutions may make exception to the requirements of this paragraph when admitting freshmen who have not attended high school or another postsecondary institution for at least four years.
 - b. Awards to transfer and other than first-time freshman students will require a minimum cumulative college GPA of 2.5 earned on the basis of at least twelve (12) credit hours. Students who have completed less than twelve (12) credit hours shall, for the purposes of this policy, be considered first-time freshmen.

- c. Renewal of academic scholarships after the initial academic year of the freshman shall require a minimum cumulative GPA of 2.5. All subsequent renewals shall be reviewed at the end of each semester and require a minimum cumulative GPA of 2.5.
 - (1) Students must complete a minimum amount of twelve credits, if full time and six credits, if part time.
- d. Awards of academic scholarships shall be made on a semester basis. Failure to maintain the required grade-point average or a satisfactory standard of conduct will result in the automatic forfeiture of the scholarship. A student who forfeits a scholarship for any of the above reasons may be eligible for consideration after the lapse of at least one full semester. Exceptions to this provision may be made when approved by the institution's president or designee.
- e. Economic status and need of the applicant will be considered a favorable factor only when all other conditions appear equal. Consideration may be given to the student's potential for the future as well as his or her area of specialization in relation to the needs of the state and the nation.
- f. An Academic Scholarship may involve a service obligation to the institution of up to 75 hours per semester. The service obligation will be structured to primarily provide an educational benefit to the student, not a work benefit to the institution. The service requirement for part-time and summer session students shall be prorated based on the number of hours for which the student is enrolled.

- (1) Students must complete a minimum amount of twelve credits, if full time and six credits, if part time.
- (2) The institution may define service for the purpose of the scholarship to include academic or co-curricular activities, such as study abroad, undergraduate research, service learning, student teaching, nursing clinical, social work practicum, and approved institutional service.

D. Grants Which Do Not Require Service to the Institution

1. Student Success and Completion grants may be provided to students in accordance with the terms of such grants.
2. Students receiving Student Success and Completion grants are not required to provide service to the institution.
3. Students enrolled in institutional Honors programs which require significant enrichment activities by the student over and above normal course requirements are not by this policy required to provide service to the institution.
4. Students receiving privately-funded or publicly-funded scholarships which require an institutional match are not by this policy required to provide service to the institution.

E. Exceptions

1. The President or designee is authorized to approve other scholarships/grants so long as the total amount of these and other academic scholarships and institutional grants funded under this policy do not exceed a maximum of 10% of total tuition and fees received by the institution in any one year.

Authority

T.C.A. § 49-8-203

History

TBR Meetings: December 8, 1978; March 18, 1983; September 30, 1983; June 29, 1984; June 29, 1990; December 11, 1992; March 30, 2001; April 2, 2004; June 30, 2006; June 19, 2009; TBR Board Meeting September 25, 2009; December 8, 2011; TBR Board Meeting June 19, 2015; September 7, 2023 (ministerial changes).

BOARD TRANSMITTAL

MEETING: Committee Chairs Meeting

SUBJECT: Revision to TBR Policy 3.05.01.00

DATE: November 12, 2024

PRESENTER: Heidi Leming, PhD; Vice Chancellor for Student Success

PRESENTATION REQUIREMENTS: PowerPoint

ACTION REQUIRED: Informational Purposes

STAFF RECOMMENDATION: Not Applicable

TBR Policy 03.05.01.00 defines anyone without domicile in Tennessee as an out-of-state student, which requires them to pay out-of-state tuition. **There are several exceptions for Veteran and military-affiliated students, including two relevant to this proposal:**

- 03.05.01.00 H4 – Several categories of military personnel are not considered out-of-state students, regardless of their residence and regardless of their use of VA benefits.
- 03.05.01.00 H.5 – Persons eligible to use VA educational benefits are not to pay out-of-state tuition if they are (a) enrolled in a public institution in TN, (b) using state benefits, and (c) living in TN.

Tennessee Code Annotated § 49.7.1304 prescribes that TBR “may classify a veteran or military-affiliated individual as a Tennessee resident who is not required to pay out-of-state tuition or an out-of-state fee” if the individual is (a) enrolled in a public institution of higher education, and (b) residing outside of TN.

3.05.01.00 Policy for Classifying Students In-State & Out-of-State for Paying College Fees & Tuition & for Admission Purposes



Policy/Guideline Area

Student Policies

Applicable Divisions

TCATs, Community Colleges

Purpose

It is the intent that the public institutions of higher education in the State of Tennessee shall apply uniform rules, as described in this policy and not otherwise, in determining whether students shall be classified "in-state" or "out-of-state" for fees and tuition purposes and for admission purposes.

Definitions

- Public higher educational institution - shall mean a community college or college of applied technology supported by appropriations made by the Legislature of this State.
- Residence - shall mean continuous physical presence and maintenance of a dwelling place within this State, provided that absence from the State for short periods of time shall not affect the establishment of a residence.
- Domicile - shall mean a person's true, fixed, and permanent home and place of habitation; it is the place where they intend to remain, and to which one expects to return when they leave without intending to establish a new domicile elsewhere. Undocumented aliens cannot establish domicile in Tennessee, regardless of length of residence in Tennessee.
- Emancipated person - shall mean a person who has attained the age of eighteen years and whose parents have entirely surrendered the right to the care, custody, and earnings of such person and who no longer are under any legal obligation to support or maintain such deemed "emancipated person."

- Parent - shall mean a person's father or mother. If there is a non-parental guardian or legal custodian of an unemancipated person, then "parent" shall mean such guardian or legal custodian; provided, that there are not circumstances indicating that such guardianship or custodianship was created primarily for the purpose of conferring the status of an in-state student on such unemancipated person.
- Continuous enrollment - shall mean enrollment at a public higher educational institution or institution of this State as a full-time student, as such term is defined by the governing body of said public higher educational institution or institutions, for a normal academic year or years or the appropriate portion or portions thereof since the beginning of the period for which continuous enrollment is claimed. Such person need not enroll in summer sessions or other such intersessions beyond the normal academic year in order that enrollment be deemed continuous, notwithstanding lapses in enrollment occasioned solely by the scheduling of the commencement and/or termination of the academic years, or appropriate portion thereof, of the public higher educational institutions in which such person enrolls.

Policy/Guideline

I. Rules for Determination of Status

- A. Every person having domicile in this State shall be classified "in-state" for fee and tuition purposes and for admission purposes. For guidance regarding the Eligibility Verification for Entitlement Act (EVEA) and residency, see Exhibit 1 (EVEA Verification), Exhibit 2 (Residency Appeal Guide), and Exhibit 3 (EVEA/TN Residency Verification Flowcharts).
- B. Every person not having domicile in this State shall be classified "out-of-state" for said purposes.

- C. The domicile of an unemancipated person is that of their parent, except as provided in subsection E.
 - D. Unemancipated students of divorced parents shall be classified "in-state" when one parent, regardless of custodial status, is domiciled in Tennessee, except as provided in subsection E.
 - E. A student is classified "in-state" for fee and tuition purposes if the student is a citizen of the United States (regardless of their parent or guardian citizenship status), has resided in Tennessee for at least one (1) year immediately prior to admission and has:
 - 1. Graduated from a Tennessee public secondary school;
 - 2. Graduated from a private secondary school that is located in this state; or
 - 3. Earned a Tennessee high school equivalency diploma.
 - F. The spouse of a student classified as "in-state" shall also be classified as "in-state", subject to the requirements of T.C.A. § 4-58-101 et seq.
- II. **Out-of-State Students who are Not Required to Pay Out-of-State Tuition**
- A. An unemancipated, currently enrolled student shall be reclassified out-of-state should their parent, having theretofore been domiciled in the State, remove from the State. However, such student shall not be required to pay out-of-state tuition nor be treated as an out-of-state student for admission purposes so long as enrollment at a public higher educational institution or institutions shall be continuous.
 - B. A person whose domicile is in Mississippi County, Arkansas, or either Dunklin County, New Madrid County, or Pemiscot County, Missouri and who is admitted to Dyersburg State Community College shall not be required to pay out-of-state tuition.

- C. A person, who is not domiciled in Tennessee, but has a bona fide place of residence in a county which is adjacent to the Tennessee state line and which is also within a 30 mile radius (as determined by THEC) of a city containing a two year TBR institution, shall be classified out-of-state, but admitted without tuition. The two year institution may admit only up to three percent (3%) of the full-time equivalent attendance of the institution without tuition. (THEC may adjust the number of the non-residents admitted pursuant to this section every three (3) years.) (See T.C.A. § 49-8-102)
1. Students originally admitted to a TBR community college authorized to grant a border county waiver of out-of-state tuition are not entitled to that waiver at any other TBR institution.
- D. Part-time students who are not domiciled in this State but who are employed full-time in the State shall be classified out-of-state but shall not be required to pay out-of-state tuition. This shall apply to part-time students who are employed in the State by more than one employer, resulting in the equivalent of full-time employment.
- E. Dependent children who qualify and are selected to receive a scholarship because their parent is a law enforcement officer, fireman, or emergency medical service technician who was killed or totally and permanently disabled while performing duties within the scope of their employment shall not be required to pay out-of-state tuition. (T.C.A. § 49-4-704)
- F. Students who participate in a study abroad program, when the course/courses in the study abroad program is/are the only course/courses for which the student is registered during that term, shall not be required to pay out-of-state tuition.

- G. Students who are awarded tuition waiver scholarships for participation in bona fide campus performance-based programs, according to established guidelines, shall not be required to pay out-of-state tuition.
- H. A person who is a citizen of the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau shall not be required to pay out-of-state tuition. (Public Law 118-42, The Consolidated Appropriations Act of 2024)
- I. Military and Veterans
 - 1. An unemancipated person whose parent is not domiciled in this State but is a member of the armed forces ~~and stationed in this State or Fort Campbell, Kentucky pursuant to military orders~~ shall be classified out-of-state but shall not be required to pay out-of-state tuition. ~~Such a person, while in continuous attendance toward the degree for which they are currently enrolled, shall not be required to pay out-of-state tuition if their parent thereafter is transferred on military orders.~~
 - 2. Part-time students who are stationed at Fort Campbell shall be classified out-of-state but shall not be required to pay out-of-state tuition.
 - 3. Military personnel and their spouses ~~stationed in the State of Tennessee~~ who would be classified out-of-state in accordance with other provisions of these regulations will be classified out-of-state but shall not be required to pay out-of-state tuition. ~~This provision shall not apply to spouses who are stationed in this State primarily for educational purposes.~~
 - 4. Veterans, active duty military personnel, reservists, members of the national guard, and ROTC program cadets, regardless of residence

and regardless of whether using Veterans Administration benefits, will be classified as in-state when enrolled at a TBR institution.

5. A veteran or other individual eligible to receive educational benefits administered by the United States Department of Veterans Affairs, through any provision of the United States Code, shall not be required to pay out-of-state tuition or any out-of-state fee, when the veteran or other individual is:
 - a. Enrolled in any public institution of higher education in this state;
 - b. Utilizing such benefits at the enrolling institution; and
 - c. Living in this state, regardless of the individual's formal state of residency. (T.C.A. § 49-7-1304.)

J. Honors Programs

1. Each institution will establish policies regarding out-of-state tuition scholarships for students selected for admissions into formal honors programs at the institution.

K. Presumption

1. Unless the contrary appears from clear and convincing evidence, it shall be presumed that an emancipated person does not acquire domicile in this State while enrolled as a full-time student at any public or private higher educational institution in this State, as such status is defined by such institution.

L. Evidence to be Considered for Establishment of Domicile

1. If a person asserts that they have established domicile in this State, they have the burden of proving that they have done so. Such a person is entitled to provide to the public higher educational institution by which he seeks to be classified or reclassified in-state,

any and all evidence which they believe will sustain the burden of proof. Said institution will consider any and all evidence provided to it concerning such claim of domicile but will not treat any particular type or item of such evidence as conclusive evidence that domicile has or has not been established.

M. Appeal

1. The classification officer of each public higher educational institution shall be responsible for initially classifying students "in-state" or "out-of-state". Appropriate procedures shall be established by each institution by which a student may appeal the initial classification.

N. Effective Date for Reclassification

1. If a student classified out-of-state applies for in-state classification and is subsequently so classified, the in-state classification shall be effective as of the date on which reclassification was sought.
2. Out-of-state tuition will be charged for any trimester or semester during which reclassification is sought and obtained unless application for reclassification is made to the admissions officer on or before the last day of registration of that trimester or semester.

Exhibits

For Exhibits, click the Attachments button at the top right of the page.



Sources

Statutes

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

Approvals & Revisions

TBR Meetings, December 13, 1974; February 21, 1975, March 21, 1986, September 16, 1988; June 29, 1990; June 24, 1994; March 30, 2001; December 7, 2001; December 5, 2003; June 30, 2006; June 20, 2014; Revised at TBR Board Meeting September 16, 2015. Ministerial change, January 11, 2018, by revision of T.C.A. § 49-7-1304 and Repeal of T.C.A. § 49-7-1305; Revisions approved at Board Meeting September 23, 2022; Ministerial changes May 2, 2024; Ministerial changes and updated exhibits May 30, 2024.

Related Polices

[5.01.04.10 Classification of Benefits for Fees & Tuition](#)

3.05.01.00 Policy for Classifying Students In-State & Out-of-State for Paying College Fees & Tuition & for Admission Purposes



Policy/Guideline Area

Student Policies

Applicable Divisions

TCATs, Community Colleges

Purpose

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- Parent - shall mean a person's father or mother. If there is a non-parental guardian or legal custodian of an unemancipated person, then "parent" shall mean such guardian or legal custodian; provided, that there are not circumstances indicating that such guardianship or custodianship was created primarily for the purpose of conferring the status of an in-state student on such unemancipated person.
- Continuous enrollment - shall mean enrollment at a public higher educational institution or institution of this State as a full-time student, as such term is defined by the governing body of said public higher educational institution or institutions, for a normal academic year or years or the appropriate portion or portions thereof since the beginning of the period for which continuous enrollment is claimed. Such person need not enroll in summer sessions or other such intersessions beyond the normal academic year in order that enrollment be deemed continuous, notwithstanding lapses in enrollment occasioned solely by the scheduling of the commencement and/or termination of the academic years, or appropriate portion thereof, of the public higher educational institutions in which such person enrolls.

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- C. The domicile of an unemancipated person is that of their parent, except as provided in subsection E.
 - D. Unemancipated students of divorced parents shall be classified "in-state" when one parent, regardless of custodial status, is domiciled in Tennessee, except as provided in subsection E.
 - E. A student is classified "in-state" for fee and tuition purposes if the student is a citizen of the United States (regardless of their parent or guardian citizenship status), has resided in Tennessee for at least one (1) year immediately prior to admission and has:
 - 1. Graduated from a Tennessee public secondary school;
 - 2. Graduated from a private secondary school that is located in this state; or
 - 3. Earned a Tennessee high school equivalency diploma.
 - F. The spouse of a student classified as "in-state" shall also be classified as "in-state", subject to the requirements of T.C.A. § 4-58-101 et seq.
- II. **Out-of-State Students who are Not Required to Pay Out-of-State Tuition**
- A. An unemancipated, currently enrolled student shall be reclassified out-of-state should their parent, having theretofore been domiciled in the State, remove from the State. However, such student shall not be required to pay out-of-state tuition nor be treated as an out-of-state student for admission purposes so long as enrollment at a public higher educational institution or institutions shall be continuous.
 - B. A person whose domicile is in Mississippi County, Arkansas, or either Dunklin County, New Madrid County, or Pemiscot County, Missouri and who is admitted to Dyersburg State Community College shall not be required to pay out-of-state tuition.

- C. A person, who is not domiciled in Tennessee, but has a bona fide place of residence in a county which is adjacent to the Tennessee state line and which is also within a 30 mile radius (as determined by THEC) of a city containing a two year TBR institution, shall be classified out-of-state, but admitted without tuition. The two year institution may admit only up to three percent (3%) of the full-time equivalent attendance of the institution without tuition. (THEC may adjust the number of the non-residents admitted pursuant to this section every three (3) years.) (See T.C.A. § 49-8-102)
1. Students originally admitted to a TBR community college authorized to grant a border county waiver of out-of-state tuition are not entitled to that waiver at any other TBR institution.
- D. Part-time students who are not domiciled in this State but who are employed full-time in the State shall be classified out-of-state but shall not be required to pay out-of-state tuition. This shall apply to part-time students who are employed in the State by more than one employer, resulting in the equivalent of full-time employment.
- E. Dependent children who qualify and are selected to receive a scholarship because their parent is a law enforcement officer, fireman, or emergency medical service technician who was killed or totally and permanently disabled while performing duties within the scope of their employment shall not be required to pay out-of-state tuition. (T.C.A. § 49-4-704)
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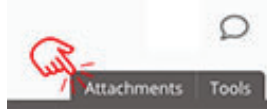
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 - 2. Part-time students who are stationed at Fort Campbell shall be classified out-of-state but shall not be required to pay out-of-state tuition.
 - 3. Military personnel and their spouses who would be classified out-of-state in accordance with other provisions of these regulations will be classified out-of-state but shall not be required to pay out-of-state tuition.
 - 4. Veterans, active duty military personnel, reservists, members of the national guard, and ROTC program cadets, regardless of residence and regardless of whether using Veterans Administration benefits, will be classified as in-state when enrolled at a TBR institution.
 - 5. A veteran or other individual eligible to receive educational benefits administered by the United States Department of Veterans Affairs, through any provision of the United States Code, shall not be required to pay out-of-state tuition or any out-of-state fee, when the veteran or other individual is:

- a. Enrolled in any public institution of higher education in this state;
 - b. Utilizing such benefits at the enrolling institution; and
 - c. Living in this state, regardless of the individual's formal state of residency. (T.C.A. § 49-7-1304.)
- J. Honors Programs
 1. Each institution will establish policies regarding out-of-state tuition scholarships for students selected for admissions into formal honors programs at the institution.
- K. Presumption
 1. Unless the contrary appears from clear and convincing evidence, it shall be presumed that an emancipated person does not acquire domicile in this State while enrolled as a full-time student at any public or private higher educational institution in this State, as such status is defined by such institution.
- L. Evidence to be Considered for Establishment of Domicile
 1. If a person asserts that they have established domicile in this State, they have the burden of proving that they have done so. Such a person is entitled to provide to the public higher educational institution by which he seeks to be classified or reclassified in-state, any and all evidence which they believe will sustain the burden of proof. Said institution will consider any and all evidence provided to it concerning such claim of domicile but will not treat any particular type or item of such evidence as conclusive evidence that domicile has or has not been established.
- M. Appeal

1. The classification officer of each public higher educational institution shall be responsible for initially classifying students "in-state" or "out-of-state". Appropriate procedures shall be established by each institution by which a student may appeal the initial classification.
- N. Effective Date for Reclassification
1. If a student classified out-of-state applies for in-state classification and is subsequently so classified, the in-state classification shall be effective as of the date on which reclassification was sought.
 2. Out-of-state tuition will be charged for any trimester or semester during which reclassification is sought and obtained unless application for reclassification is made to the admissions officer on or before the last day of registration of that trimester or semester.

Exhibits

For Exhibits, click the Attachments button at the top right of the page.



Sources

Statutes

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

Approvals & Revisions

TBR Meetings, December 13, 1974; February 21, 1975, March 21, 1986, September 16, 1988; June 29, 1990; June 24, 1994; March 30, 2001; December 7, 2001; December 5, 2003; June 30, 2006; June 20, 2014; Revised at TBR Board Meeting September 16, 2015. Ministerial change, January 11, 2018, by revision of T.C.A. § 49-7-1304 and Repeal of T.C.A. § 49-7-1305; Revisions approved at Board Meeting September 23, 2022; Ministerial changes May 2, 2024; Ministerial changes and updated exhibits May 30, 2024.

Related Polices

[5.01.04.10 Classification of Benefits for Fees & Tuition](#)

BOARD TRANSMITTAL

MEETING: Committee Chairs Meeting

SUBJECT: TBR Policy 5.01.01.16 Foster Parent Training (new policy); TBR Policy 5.01.01.08, Parental Leave revisions)

DATE: November 12, 2024

PRESENTER: Brian Lapps, General Counsel

PRESENTATION REQUIREMENTS: 5 minutes

ACTION REQUIRED: Informational Purposes

STAFF RECOMMENDATION: Not Applicable

Summary:

Proposed Policy 5.01.01.16, Foster Parent Training Leave is a new policy (thus no tracked changes version), which is being implemented to comply with a revision to T.C.A. § 8-50-101. The revised statute allows an employee the one-time ability to take up to 25 hours paid administrative leave for foster parent training. In each subsequent year, the employee may take up to 8 hours paid administrative leave for foster parent training. Employees must request advance permission and provide proof of attendance.

The sole proposed revision to Section IV.B. of TBR Policy, 5.01.01.08, Parental Leave, is to include a new sentence that refers the reader to TBR Policy 5.01.01.16, Foster Parent Training Leave.

These proposed revisions have been reviewed and approved by the Human Resources Officers, the Business Affairs Sub Council (BASC), and the Presidents Council.

5.01.01.16 Foster Parent Training Leave



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 foster parent training leave for employees at TBR Colleges and the System Office.

Policy/Guideline

- I. Foster Parent Training Leave
 - A. Each employee may participate one time in initial Tennessee foster parent training for up to twenty-five (25) hours without having to use paid sick, annual, or compensatory time.
 - B. In each year thereafter, an employee may participate in foster parent training for up to eight (8) hours without having to use paid sick, annual, or compensatory time.
 - C. The following process will be used to request and document leave.
 1. Employees will be granted paid administrative leave for time taken for approved foster parent training occurring during their normal schedule of work.
 2. Employees must give reasonable notice of their request for foster parent training leave in advance.
 3. Employees should request the Tennessee Department of Children's Services to submit the completed official documentation of foster parent training to their College Human Resource Office. The official documentation must be received by the college for approval of paid foster training leave.

Sources

Authority T.C.A. §§ 8-50-101; 49-8-203

History

Related Polices

5.01.01.08 Parental Leave



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, but TBR provides foster parent training leave in accordance with TBR Policy 5.01.01.16, Foster Parent Training Leave.
 - 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, and 5.01.01.08 Maternity 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); Board Meeting June 13, 2024.

Related Policies

[5.01.01.14 Family, Medical, and Service Member Leave](#)

[5.01.01.07 Sick Leave](#)

[5.01.01.03 Leave of Absence](#)

[5.01.01.01 Annual Leave](#)

5.01.01.08 Parental Leave



Policy/Guideline Area

Personnel Policies

Applicable Divisions

TCATs, Community Colleges, System Office

Purpose

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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); Board Meeting June 13, 2024.

Related Polices

[5.01.01.14 Family, Medical, and Service Member Leave](#)

[5.01.01.07 Sick Leave](#)

[5.01.01.03 Leave of Absence](#)

[5.01.01.01 Annual Leave](#)

TENNESSEE BOARD OF REGENTS
Quarterly Board Meeting
Tuesday, December 10, 2024 – 9:30 a.m. (Central)
Agenda

- I. **Minutes**
 - A. September 20, 2024 Quarterly Board Meeting
 - B. November 12, 2024 Special Called Board Meeting
 - II. **Report of Interim Action**
 - III. **Report of the Committees**
 - A. Report of the Audit Committee Meeting on November 12, 2024
 - IV. **Report of the Regents Award for Excellence in Philanthropy**
 - V. **Report of the Chancellor**
 - TBR Strategic Plan (*Deaton*)
 - Maxine Smith Leadership Series Overview (*Deaton and Morris-Stacey*)
 - VI. **Unfinished Business**
 - VII. **New Business**
 - A. Consent Agenda
 - 1. Revisions to TBR Policy 2.03.01.05, Academic Retention and Readmission at Tennessee Colleges of Applied Technology
 - 2. Revisions to TBR Policy 2.08.00.00, Research Compliance and Security (formerly General Policies Regarding Research)
 - 3. New TBR Policy 2.09.00.00, Accreditors
 - 4. Revisions to TBR Policy 3.04.01.00, Student Scholarships, Grants, Loans & Financial Aid Programs
 - 5. Revisions to TBR Policy 3.05.01.00, Policy for Classifying Students In-State & Out-of-State for Paying College Fees & Tuition & for Admission Purposes
 - 6. Revisions to TBR Policy 5.01.01.08, Parental Leave
 - 7. New TBR Policy 5.01.01.16, Foster Parent Training Leave
 - B. Informational Reporting
 - 1. TCAT Enrollment and Success Trends (*Deaton*)
 - 2. Student Success and Strategic Partnerships Update (*Leming*)
 - 3. Correctional Education Initiative (*Reed/Sewell*)
 - 4. External Affairs Update (*McCormick/Perkins*)
 - Foundation for the College System of Tennessee Annual Fundraising Report
 - 5. Board Assessment Report (*Reynolds*)
 - C. Action Items
 - 1. TCAT Program Approvals (*Reed*)
 - 2. FY2024-25 Revised Budget (*Fox*)
 - 3. Resolution of Appreciation for former Regent Mark Gill
 - 4. Resolution of Appreciation for former Regent MaryLou Apple and President Emerita Reinstatement
- This meeting will be live-streamed and archived on the TBR website at <https://www.tbr.edu/board/december-2024-quarterly-board-meeting>.
 - Persons who want to request to address the Board may follow the process authorized by [TBR Policy 1.02.12.00 – Requests to Address the Board](#).