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Executive Director

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STATE OF TENNESSEE
HIGHER EDUCATION COMMISSION
STUDENT ASSISTANCE CORPORATION
312 ROSA L. PARKS AVENUE, 9TH FLOOR
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(615) 741-3605

REGULATORY COMPLIANCE ATTORNEY
Office of General Counsel

The Office of General Counsel (“OGC”) is the bureau within the Tennessee Higher Education Commission (“THEC”) charged, in part, with providing legal advice to the Division of Postsecondary State Authorization (“DPSA”); serving as the state representative for the State Authorization Reciprocity Agreements (“SARA”) (T.C.A. Title 49, Chapter 7, Part 15); tracking federal negotiated rulemakings; staffing the Tuition Guarantee Fund program (T.C.A. § 49-7-2018); investigating complaints filed pursuant to T.C.A. § 49-7-1506 and 49-7-2011 and tuition guarantee fund claims filed pursuant to T.C.A. § 49-7-2018, managing bonds filed pursuant to T.C.A. § 49-7-2013, overseeing closures pursuant to T.C.A. § 49-7-2016; making state authorization determinations; and drafting rules and legislation when necessary.

DPSA oversees and monitors approximately 270 for-profit and not-for-profit colleges, universities, and postsecondary educational institutions and approximately 3,300 programs that are subject to the Tennessee Higher Education Authorization Act of 2016, T.C.A. Title 49, Chapter 7, Part 20. The institutions subject to the Act are degree and non-degree granting institutions that range from institutions offering career training to universities offering graduate degrees. These institutions’ collective Tennessee student enrollment is more than 60,000.

SARA is a national effort to recognize authorization of distance education by other states to improve student access to distance education programs and lessen the authorization burdens faced by offering institutions. THEC is identified as the State Portal Entity for SARA. Tennessee became a SARA member state in 2015, and currently has 64 home state institutions approved as SARA participants.

The successful applicant should be able to think critically and produce well written investigative determinations, emails, letters, and memorandums. The attorney will communicate frequently with institutions, students, and non-attorney team

members. As such, it is necessary for the successful applicant to be willing and able to explain complicated regulatory matters as needed for the intended audience.

The Regulatory Compliance Attorney will have the following responsibilities and duties:

- Managing bonds filed by authorized postsecondary educational institutions.
- Analyzing fact patterns to determine whether an institution is required to obtain authorization in Tennessee.
- Reviewing exemption requests and preparing recommendation reports or determination letters.
- Assisting with records management and open records requests.
- Reviewing SARA renewal applications and policy modification proposals.
- Participating in SARA regional and national training and meetings.
- Drafting enforcement letters, including letters to institutions requiring authorization, assessing fines, and altering authorization status.
- Consulting with and advising agency personnel and institutions as to regulatory policy issues.
- Investigating and recommending action as to complaints filed against authorized institutions.
- Assisting with institution closures; including conducting site visits, acquiring records, arranging for and recommending teach outs, and investigating tuition guaranty fund claims.
- Responding to requests for information from other state or federal agencies.
- Conducting audits or site visits associated with complaints and investigations and proposing adverse action.
- Performing legal research and drafting documents.
- Other duties as assigned.

The Regulatory Compliance Attorney should have working knowledge of or have a sufficient background to evidence an ability to quickly attain a working knowledge of the following:

- Statutes and rules governing postsecondary educational institutions as listed herein

- The Tennessee Uniform Administrative Procedures Act
- The Tennessee public records laws
- Postsecondary education degree and non-degree granting institutions and issues related to their operation
- Accreditation standards as they relate to authorized institutions
- Federal initiatives and educational trends that may impact authorized institutions
- LaserFiche; Microsoft Office, including Word, Excel, Access, and PowerPoint; virtual meeting platforms, including WebEx, Zoom, and Microsoft Teams

The successful candidate must have a J.D. degree and a current license to practice law in the State of Tennessee.

Anticipated Salary Range and Benefits

The annual salary range for this position is \$80,000-\$85,000. Starting salary will be based on qualifications. The successful candidate will also receive a competitive benefit package that includes health, dental, life insurance, and paid vacation and holidays.

Location

The selected candidate must reside in or near Nashville, Tennessee. While working remotely may be available, the selected candidate should expect to work on-site at THEC's offices at least 2 days a week. Out-of-state travel may be required 2-4 times a year.

How to Apply

Please email a cover letter, resume, and salary expectations for consideration to David Heithcock, HR Director, Tennessee Higher Education Commission at David.Heithcock@tn.gov.