

TENNESSEE HIGHER EDUCATION COMMISSION

LEGAL & REGULATORY POLICIES

- LR01.0 ~~Private Higher Education Workplace Harassment~~**
- LR02.0 Statewide Desegregation of Higher Education**
- ~~02.1 Desegregation Monitoring Committee~~**
- LR03.0 ~~Reporting and Public Information-General~~
(Reserved)**
- ~~03.1 Release of Salary Information~~**
- LR04.0 ~~Government and Industrial Relations (Reserved)~~**
- LR05.0 Code of Ethics for Commission Members**
- LR05.1 Conflict of Interest Disclosure Policy for
Commission Members**
- LR05.2 Conflict of Interest Disclosure Policy for Executive
Staff**
- LR06.0 ~~Library Technology Policy (Reserved)~~**

~~TENNESSEE HIGHER EDUCATION COMMISSION~~

~~Section Title:~~ Other Policies

~~Policy Title:~~ Private Higher Education Institution

~~Policy Number:~~ 01.0

1.0.10 ~~Private higher education general policy.~~

1.0.10A ~~The people of Tennessee, giving full consideration of the contributions and needs of both public and private higher education in order to make use of programs and facilities in manner that will best serve Tennessee students and effect public economics.~~

1.0.10B ~~The Tennessee Higher Education Commission, in its long-range planning for higher education in Tennessee, should seek to utilize effectively the resources of private higher education in Tennessee.~~

~~Approved:~~ April 22, 1988

Section Title: Legal and Regulatory Policies

Policy Title: WORKPLACE HARASSMENT¹

Policy Number: LR1.0

1.1.10A The Commission is firmly committed to the principle of fair and equal employment opportunities for its citizens and strives to protect the rights and opportunities of all people to seek, obtain, and hold employment without being subjected to illegal harassment in the workplace. It is the Commission's policy to provide an environment free of harassment of an individual because of that person's race, color, national origin, age (over 40), sex, pregnancy, religion, creed, disability or any other category protected by state and/or federal law.

1.1.10B Employees or applicants for employment who believe they have been harassed on any of these bases should lodge a complaint using the procedures set forth in this policy.

1.1.20A. **Workplace Harassment.** Any unwelcome verbal, written, or physical conduct that either degrades or shows hostility or aversion towards a person because of that person's race, color, national origin, age (over 40), sex, pregnancy, religion, creed, or disability that:

1. has the purpose or effect of creating an intimidating, hostile, or offensive work environment;
2. has the purpose or effect of unreasonably interfering with an employee's work performance; or
3. affects an employee's employment opportunities or compensation.

1.1.20B To aid employees in identifying prohibited behavior, the following specific examples of workplace harassment are provided. These examples are not exhaustive; they illustrate, however, the types of conduct that violate this policy:

1. Unwelcome touching of a personal nature, which can encompass leaning over, cornering, hugging, or pinching; sexual innuendos, teasing and other sexual talk such as jokes,

¹ While the Commission is committed to the principles embodied in this policy, the policy itself is not intended to state contractual terms and does not constitute a contract between the Commission and its employees, applicants for employment, or parties who do business with the Commission. This policy supersedes all policies that conflict with the terms of this policy.

personal inquiries, persistent unwanted courting and sexist put-downs;

2. Slurs and jokes about a class of persons, such as persons who are disabled or a racial group;
3. Distributing via e-mail epithets, slurs, jokes or remarks that are derogatory or demeaning to a class of persons or a particular person or that promote stereotypes of a class of person;
4. Display of explicit or offensive calendars, posters, pictures, drawings or cartoons that reflect disparagingly upon a class of persons or a particular person;
5. Derogatory remarks about a person's national origin, race, language, accent.

1.1.20C **Hostile environment.** Hostile environment harassment occurs when a victim is subjected to unwelcome and severe or pervasive comments based on race, color, national origin, age (over 40), sex, pregnancy, religion, creed, disability or any other category protected by law. A hostile work environment may also be created by innuendoes, touching, or other conduct that creates an intimidating or offensive workplace.

1.1.20D **Sexual Harassment.** Any unwelcome sexual advance, request for sexual favors, or verbal, written, or physical conduct of a sexual nature by a manager, supervisor, co-worker, or non-employee (third party). There are two types of illegal sexual harassment. *Quid pro quo* harassment occurs when a manager or a supervisor gives or withholds a work-related benefit in exchange for sexual favors from the victim. Certain actions may also create a hostile work environment. (See the definition for "hostile work environment" above.)

1.1.20E **Retaliation.** Retaliation is overt or covert acts of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against an individual or individuals exercising rights under this policy.

1.1.20F **Third Parties.** Third parties are individuals who are not Commission employees but who have business interactions with Commission employees. Such individuals include, but are not limited to, customers, such as applicants for Commission employment or services, vendors, contractors, or volunteers.

1.1.30A **Prohibited Conduct.** The Commission strictly forbids and will not tolerate harassment of any employee, applicant for employment, or third party on the basis of an individual's race, color, national origin, age (over 40), sex, pregnancy, religion, creed, or disability. The fact that an alleged offender meant no

harm or was teasing will not excuse conduct that violates this policy.

- 1.1.30B The Commission strictly forbids and will not tolerate any form of retaliation directed against an employee, applicant for employment, or third party who either complains about harassment or who participates in any investigation concerning harassment.
- 1.1.40A **Reporting Harassment Incidents.** Any employee, applicant for employment, or third party must report incidents of workplace harassment as soon as possible after the event occurs.
- 1.1.40B Employees and applicants for employment shall file a complaint with the Associate Executive Director for Legal and Regulatory Affairs and he/she shall report the results of the investigation to the Executive Director. Under no circumstances is the individual alleging workplace harassment required to file a complaint with the alleged harasser. If an employee or applicant believes he/she cannot file a complaint within the commission, that person should contact the Department of Personnel, EO/AA Division or Employee Relations Division (615-741-2958).
- 1.1.40C Individuals who wish to file a complaint are encouraged to submit the complaint in writing and to include a description of the incident(s) as well as the date(s), time(s), place(s) and any witnesses.
- 1.1.40D If a complaint involves the executive director, an employee or applicant for employment may file the complaint directly with the Department of Personnel, EO/AA Division.
- 1.1.50A **Reporting Retaliation Incidents.** Any employee, applicant for employment, or third party must report incidents of retaliation as soon as possible after the event occurs.
- 1.1.50B Any employee, applicant for employment, or third party who makes complaints of workplace harassment or provides information related to such complaints will be protected against retaliation. If retaliation occurs, the employee, applicant for employment, or third party should report the retaliation in the same manner as he/she would report a workplace harassment complaint.
- 1.1.50C The investigator shall inform the complainant, accused, and witnesses of the Commission's policy concerning retaliation.
- 1.1.60A **Investigation and Resolution of Complaints.** The commission will conduct a thorough and neutral investigation of all reported

complaints of workplace harassment or retaliation as soon as practicable. Generally, an investigation will include an interview with the complainant to determine if the conduct in issue violates this policy. If the commission determines that the conduct falls within the terms of this policy, the commission will interview the alleged offender and any other witnesses who have direct knowledge of the circumstances of the allegations.

- 1.1.60B The commission retains the sole discretion to determine whether a violation of this policy has occurred and to determine what level, if any, of disciplinary action is warranted.
- 1.1.60C Anyone authorized by this policy to receive a complaint shall utilize the standardized intake/referral form, which is attached to this policy, for every allegation of illegal discrimination and harassment.
- 1.1.60D The investigator shall create an investigative memorandum using a standardized format, which is attached to this policy, for every complaint of illegal discrimination and harassment.
- 1.1.60E The investigator shall issue a letter to the accuser and accused concerning the outcome of the investigation.
- 1.1.60F In cases that result in discipline, a requirement that records of the disciplinary actions be maintained in the disciplined employees' personnel file. The maintenance of such disciplinary records, however, is subject to the Department of Personnel's rules concerning the retention of disciplinary records.
- 1.1.60G Documents generated by the investigation and any subsequent disciplinary action shall be preserved pursuant to Department of Personnel rules concerning the disposition of such records.
- 1.1.60H If a complaint involves an executive director, the Department of Personnel, EO/AA Division will investigate the complaint on behalf of the commission and report the results to the chairman of the commission.
- 1.1.70A **CONFIDENTIALITY.** The investigator shall inform the complainant, accused and witnesses that to the extent permitted by law, the Commission will try to maintain the confidentiality of each party involved in a workplace harassment investigation, complaint or charge, provided it does not interfere with the commission's ability to investigate the allegations or to take corrective action. However, state law may prevent the state from maintaining total confidentiality of investigations. Therefore, the State does not guarantee confidentiality.

- 1.1.70B The investigator shall communicate the information concerning the allegations only to those to whom the investigator is authorized to report such matters.
- 1.1.80 **DIRECTIVE TO SUPERVISORY PERSONNEL.** Supervisory personnel who receive a complaint alleging workplace harassment or learn by any means of conduct that may violate this policy must immediately report any such event to the Executive Director for Legal and Regulatory Affairs.
- 1.1.90A **VIOLATIONS.** Any employee who engages in conduct that violates this policy or who encourages such conduct by others will be subject to corrective action. Such corrective action includes, but is not limited to, mandatory participation in counseling, training, disciplinary action, up to and including termination, and/or changes in job duties or location.
- 1.1.90B Supervisory personnel who allow workplace harassment or retaliation to continue or fail to take appropriate action upon learning of such conduct will be subject to corrective action. Such corrective action includes, but is not limited to, mandatory participation in counseling, training, disciplinary action, up to and including termination, and/or changes in job duties or location.

Approved November 17, 2005 (Pending)

Intake/Referral Form

INTAKE/REFERRAL FORM

STATEMENT CONCERNING CONFIDENTIALITY

Pursuant to Tennessee Code Annotated § 10-7-502(a), “all state ...records...shall at all times, during business hours, be open for personal inspection by any citizen of Tennessee, and those in charge of such records shall not refuse such right of inspection to any citizen, unless otherwise provided by state law,” Accordingly, the State cannot and does not guarantee the confidentiality of this document or any notes, files, reports, or other documents, whether created by the State or received from the complainant, accused, or witnesses.

NAME OF COMPLAINANT OR PERSON REPORTING EVENT:

TELEPHONE NUMBERS OF COMPLAINANT OR PERSON REPORTING EVENT:

WORK:_____

HOME:_____

IS YOUR HOME TELEPHONE NUMBER UNLISTED? YES_____ NO_____

MOBILE:_____

NAME OF AGENCY AND DIVISION INVOLVED:

NAME OF PERSON(S) WHO ALLEGEDLY DISCRIMINATED AGAINST YOU OR HARASSED YOU?

Intake/Referral Form

EXPLAIN WHY YOU BELIEVE THESE EVENTS OCCURRED:

DESCRIBE HOW OTHERS WERE TREATED DIFFERENTLY THAN YOU:

WERE THERE OTHER EMPLOYEES WHO WERE TREATED BETTER IN SIMILAR CIRCUMSTANCES? PLEASE CHECK ONE: YES____ NO____

Intake/Referral Form

IF YOU ANSWERED YES TO THE PREVIOUS QUESTION, PLEASE PROVIDE THE NAMES OF THE EMPLOYEES WHO WERE TREATED BETTER AND DESCRIBE HOW THEY WERE TREATED BETTER:

PLEASE LIST BELOW ANY PERSONS (WITNESSES, FELLOW EMPLOYEES, SUPERVISORS, OTHERS) WHO MAY HAVE ADDITIONAL INFORMATION TO SUPPORT OR CLARIFY THIS COMPLAINT. EXPLAIN WHAT INFORMATION EACH CAN PROVIDE.

WHAT EXPLANATION DO YOU THINK THE AGENCY OR ACCUSED WILL GIVE AS TO WHY YOU WERE TREATED IN THIS MANNER?

Intake/Referral Form

PLEASE IDENTIFY ANY OTHER INFORMATION INCLUDING DOCUMENTARY EVIDENCE SUCH AS DIARIES, JOURNALS, RECORDINGS, EMAILS, VOICEMAILS, CORRESPONDENCE, ETC.) THAT YOU THINK IS RELEVANT TO THIS MATTER.

WHAT DO YOU WANT TO HAPPEN AS A RESULT OF THIS COMPLAINT?

IF YOU HAVE TOLD ANYONE ELSE ABOUT THIS MATTER, PLEASE LIST THE NAME(S) AND RELATIONSHIP(S) CO-WORKER, FAMILY MEMBER, ETC.)

SIGNATURE OF COMPLAINANT:

DATE: _____

Intake/Referral Form

IF COMPLETED BY SUPERVISOR OR AGENT OF STATE AS A RESULT OF INTERVIEWING A COMPLAINANT, PLEASE PROVIDE THE FOLLOWING INFORMATION:

PRINTED NAME: _____

SIGNATURE: _____

TITLE: _____

AGENCY AND/OR DIVISION: _____

WORK TELEPHONE NUMBER: _____

DATE COMPLAINT RECEIVED: _____

DATE FORM COMPLETED: _____

REASON FOR DELAY, IF ANY, BETWEEN THE DATE THE COMPLAINT WAS RECEIVED AND THE DATE THE FORM WAS COMPLETED:

NAME AND TITLE OF PERSON TO WHOM THE FORM WAS FORWARDED FOR ACTION:

DATE ON WHICH THE FORM WAS FORWARDED:

INVESTIGATION MEMORANDUM FORMAT

1. Complainant's name, job title, agency, location
2. Initiation of investigation:
 - a. Persons involved in conducting investigation
 - b. Date complaint received by agency
 - c. Person in agency who initially received complaint
 - d. Date investigation began and, if applicable, reason for any delay
3. Description of complaint
 - a. General nature of events giving rise to complaint, including dates of alleged events
 - b. Person(s) accused of inappropriate behavior and organizational relationship to complainant
4. Statements and evidence gathered in the investigation
 - a. Complainant
 - i. Specific allegation(s). If more than one allegation, list each separately
 - ii. Additional witnesses named by complainant
 - iii. Resolution desired by complainant
 - b. Person accused of inappropriate behavior. If more than one, list each separately
 - i. Specific response(s) to allegation(s). If more than one, list each separately
 - ii. Additional witnesses named by accused
 - c. Witnesses interviewed
 - i. Name and job title. If more than one, list each separately
 - ii. Evidence about specific allegations (noting firsthand knowledge v. secondhand knowledge)
 - iii. Additional witnesses, if any
5. Summary of evidence
 - a. Corroboration of specific allegations
 - b. Non-corroboration of specific allegations
 - c. Other pertinent information
6. Conclusions concerning violation of policy. INCLUDE ONLY AT THE DIRECTION OF THE AGENCY.
7. Appendices
 - a. List of potential witnesses not interviewed and reason
 - b. List of attachments (documentary evidence)

Section Title: ~~Other~~ Legal and Regulatory Policies

Policy Title: Statewide Desegregation of Higher Education

Policy Number: LR02.0

2.0.10 The Tennessee Higher Education commission reaffirms its equal opportunity for all Tennesseans to pursue educational interests beyond the secondary level. Desegregation of students, faculty, and staff at each of the public colleges and universities in Tennessee continues to be a priority of Tennessee higher education.

2.0.10A In September 1984, a Stipulation of Settlement was entered in the lengthy statewide desegregation lawsuit, “currently styled, Geier v. Sundquist.” As a result, the Commission, in conjunction with the Board of Trustees of the University of Tennessee and the State Board of Regents, offers a variety of special opportunities designed to facilitate the achievement of desegregation.

2.0.10B The Commission shall make annual budget recommendations as needed to support desegregation initiatives for inclusion in the Governor’s budget to the General Assembly.

Approved: April 22, 1988
Revised: January 13, 1995
Revised: November 17, 2005 (Pending)

Section Title: Other Policies

Policy Title: Statewide Desegregation of Higher Education

Policy Number: O2.1

2.1.10 **Desegregation Monitoring Committee.** ~~The Commission shall designate one third of its lay members and its Executive Director to serve as members and active participants on the Desegregation Monitoring Committee. The Commission shall rely upon those designated members and its staff to recommend new planning directions to the Commission for action to improve efforts toward desegregation in higher education throughout the state. The Commission urges its staff and the staffs of the governing boards to undertake special studies to attempt to identify achievements and problems in desegregation and to make recommendations to the Commission, the governing boards, and the Desegregation Monitoring Committee to re-enforce existing programs or mount new ones to resolve problems.~~

Approved: April 22, 1988

Section Title: Other Legal and Regulatory Policies

Policy Title: ~~Reporting and Public Information (Reserved)~~

Policy Number: LR3.0

3.0.10 ~~**General.** Enabling and subsequent legislation charges the Commission “to conduct a program of public information concerning higher education in Tennessee,” to prepare and submit a biennial report to the Governor and General Assembly, to file an annual report jointly with the Board of Education, and to file reports as required by committees of the Legislature and the Governor.~~

3.0.10A ~~In keeping with the legislative charges and the intent of the Commission to keep the public and state officials informed on all matters pertaining to higher education, the Commission shall:~~

- ~~(1) Regularly issue news releases and distribute information on higher education formally and informally through the media and other appropriate avenues;~~
- ~~(2) Prepare and file all necessary reports in a timely manner; and~~
- ~~(3) Carry out studies as are necessary for gaining a more comprehensive understanding of higher education issues in Tennessee and report the results of such studies.~~

3.0.10B ~~Further, when reports are filed and studies completed, the information shall be available for public dissemination.~~

~~**Approved:** April 22, 1988~~

Section Title: Other Policies

Policy Title: Release of Salary Information

Policy Number: O3.1

- 3.1.10 ~~**Release of Salary Information.** The Commission shall provide orderly and convenient access to salary information to the citizenry as required by T.C.A. 10-7-503.~~
- 3.1.10A ~~All salaries maintained by the Tennessee Higher Education Commission shall be available for public inspection and reproduction unless specifically prohibited as confidential by state and federal law.~~
- 3.1.10B ~~Access to salaries will be afforded during business hours upon request.~~
- 3.1.10C ~~Requests for salary information may be filed by letter to the Commission address, allowing a reasonable length of time for reply. Letters requesting information will be expedited in as timely manner as staffing schedule permits.~~
- 3.1.10D ~~Staff shall be assigned to assist personal inspection of records to the extent that such assistance does not seriously preclude other assigned duties and responsibilities.~~
- 3.1.10E ~~Reasonable charges for reimbursement will be required for copy of printed document and/or photocopy at Commission expense and for their mailing.~~
- 3.1.10F ~~All requests for salary information should be directed to the attention of the Executive Director for the coordination of staff assignment to assist with such requests.~~

~~**Approved:** April 22, 1988~~

Section Title: Other Legal and Regulatory Policies

Policy Title: ~~Government and Industrial Relations~~ (Reserved)

Policy Number: LR04.0

Government Relations

4.0.10 ~~**Government Relations.** In its enabling legislation, the Commission is charged with providing information and making recommendations to the Governor and the General Assembly on the broad array of topics dealing with higher education. In carrying out this charge, the Commission and staff shall work closely with the Governor, appropriate members of the cabinet, other state agencies, and with members of the General Assembly to:~~

- ~~(1) Provide information on higher education;~~
- ~~(2) Make recommendations for improving higher education;~~
- ~~(3) Cooperate with all agencies of state government in providing higher education services to the citizens of Tennessee; and~~
- ~~(4) Prepare and file all required reports in a timely manner.~~

4.0.20 ~~**Industrial Relations.** Higher education, in addition to the traditional purposes of teaching, research, and public service, is vital to the state's economic and cultural development; therefore, the Commission shall cooperate with and be an ally of those agencies of state government charged with developing and promoting the state's economy and shall encourage partnerships and joint ventures of higher education institutions with such other public and private agencies, including private business and industry, which shall further enhance the quality of life for all Tennesseans.~~

~~**Approved:** April 22, 1988~~

Section Title: ~~Other~~ Legal and Regulatory Policies

Policy Title: Code of Ethics for Commission Members

Policy Number: LR5.0

Code of Ethics for Commission Members

- 5.0.10 1. The Tennessee Higher Education Commission is charged by statute to achieve coordination and unity in public higher education in Tennessee. To ensure the effectiveness of the Commission, its members must adhere to the strictest of ethical standards. The purpose of this policy is to outline those general principles.
- 5.0.11 1. Commission members must carefully prepare for, regularly attend, and actively participate in board meetings and special assignments.
2. The business of the Commission shall be conducted only in public meetings and properly publicized in accordance with Title 8, Chapter 44, Part 1 on Tennessee Code Annotated, as it is amended from time to time.
3. Commission members must accept and abide by the legal and fiscal responsibilities of the Commission as specified by statute, state rules and regulations and the Commission's policies.
4. Commission members are expected to perform their duties faithfully and efficiently and never to give rise to suspicion of improper conflict of interest. Additionally, Commission members should not use the position as Commission member for personal benefit or gain and shall promptly and honestly file all conflict of interest statements as required by state law and/or Commission policy.
5. Commission members shall not accept any favor or gratuity from any firm, person, or corporation which is engaged in, or attempting to engage in, business transactions with the Commission or any institution that is coordinated or regulated by the Commission which might affect or be suspected of affecting a Commission member's judgment in the impartial performance of his/her duties.
6. Commission members shall not grant or make available to any person any consideration, treatment, information or favor beyond that which is general practice to grant or make available to the public at large.
7. Commission members shall base all decisions on all available facts in each situation and vote his/her honest conviction in every case, not to be swayed by partisan bias of any kind and abide by and support the final decision of the Commission.

8. Commission members shall have no legal authority outside the meetings of the Commission and shall conduct all relationships with governing boards, public and private institutions, media and other interested entities and persons on the basis of that fact. Commission members shall avoid acting as a spokesperson for the entire Commission unless specifically authorized to do so.

Approved: July 13, 2003

Section Title: ~~Other~~ Legal and Regulatory Policies

Policy Title: Conflict of Interest Disclosure Policy for Commission Members

Policy Number: LR5.1

- 5.1.10
1. It shall be inappropriate for a Commission member to have a direct interest in any contract the Commission has entered into for goods or services as a result of a bid process or any other business transaction with the Commission.
 2. A Commission member shall disclose any of the following interests:
 - (a) Any indirect interest in any contract or other business transaction with the Commission;
 - (b) Any interest in any contract or other business transaction with any higher education institution which is coordinated by, contracted by, contracted with, or authorized by the Commission; and
 - (c) Any indirect interest created by a relative who has (to the extent the Commission member is aware) any contract or business transaction with the Commission or with any higher education institution which is coordinated by, contracted by, contracted with, or authorized by the Commission.
 3. “Direct interest” means any contract to provide goods or services to the Commission as a result of a bid process or any other business transaction with a:
 - (a) the Commission member;
 - (b) a relative of the Commission member; or
 - (c) a business in which the Commission member or the Commission member’s relative is:
 - (i) the sole proprietor;
 - (ii) a partner; or
 - (iii) the person having the controlling ownership or control of the largest numbers of outstanding shares owned by any single individual or corporation.
 4. “Indirect interest” means any contract in which the Commission member is interested but not directly so, but includes contracts where the Commission member is directly interested but is the sole supplier of goods or services.
 5. “Relative” includes spouse, parents, siblings, or children.
 6. In the event a member of the Commission has an indirect interest in a matter to be voted upon, a Commission member may abstain for

cause by announcing such to the Chair of the Commission. Any Commission member who abstains from voting for cause on any issue coming to a vote before the Commission shall not be counted for the purpose of determining a majority vote. This provision shall not be construed to prohibit any Commission member from voting on the higher education funding recommendation, or amendments thereto, unless the vote is on a specific amendment to the funding recommendation in which such person has a direct interest.

7. The basic underlying principle in conflict of interest is that Commission members should disclose any activity, investment, or interest that might reflect unfavorably upon the Commission, using the disclosure form. Because of the sensitive nature of the Commission's relationship with all of the postsecondary institutions, as well as the General Assembly, it is important that members resolve questions of conflict of interest by disclosure. Any activity which might constitute, or be perceived to constitute, a prohibited conflict should be fully reported. Full disclosure of any situation in doubt should be made.
8. The conflict of interest form must be filed within thirty (30) days after the Commission's regular Spring meeting, but in no case shall it be filed later than June 1. In the case of a member appointed to the Commission after the Spring meeting, the newly appointed member shall file a conflict of interest statement no later than thirty (30) days after the first Commission meeting following his/her appointment.
9. A Commission member shall amend his/her disclosure because of termination or acquisition of interests of which disclosure is required.

Approved January 31, 1992
Revised: April 15, 2004

TENNESSEE HIGHER EDUCATION COMMISSION
1900 Parkway Towers, 404 James Robertson Parkway
Nashville, TN 37243-0830
(615) 741-3605

TENNESSEE HIGHER EDUCATION COMMISSION
DISCLOSURE STATEMENT FOR INDIRECT INTERESTS
OF COMMISSION MEMBERS

I, the undersigned member of the Tennessee Higher Education Commission, in order to assure that any appearance of conflict of interest is avoided, and in order to assure that any indirect interests are publicly acknowledged, hereby make the following statements and assurances:

1. I am related to the following employees of the Tennessee Higher Education Commission or any official of any corporation, partnership, sole proprietorship, association, institution of higher education or other entities which do business with, are licensed by, or are otherwise involved with the Tennessee Higher Education Commission:

2. I am employed or professionally affiliated with the following corporation, partnerships, sole proprietorships, associations, institutions of higher education or any other entities which are licensed by the Tennessee Higher Education Commission:

3. I have an ownership interest in or serve on the Board of the following corporations, partnerships, sole proprietorships, associations, institutions of higher education or other entities which, to my knowledge, do business with postsecondary institutions coordinated or licensed by the Tennessee Higher Education Commission:

4. In my household and among my dependents, to my knowledge, the following individuals have an ownership interest as stated in Number 3 above:

5. I am currently the recipient of the following grants administered by the Tennessee Higher Education Commission:

6. I hereby certify that if, during my tenure this year on the Tennessee Higher Education Commission, I become directly or indirectly interested as an owner, employee or affiliated as described in Number 1-5 above, or if there is any change in the information provided in this statement, I shall immediately disclose such information to the Tennessee Higher Education Commission. The accuracy of this statement will be reviewed within thirty (30) days after the Commission's regular Spring meeting, but no later than June 1.

By my signature below, I affirm that all of the above statements are true to the best of my knowledge and belief.

(Signature)

(Date)

Section Title: ~~Other~~ Legal and Regulatory Policies

Policy Title: Conflict of Interest Disclosure Policy for Commission Executive Staff

Policy Number: LR5.2

- 5.2.10
1. It shall be inappropriate for a Commission Executive Staff member to have a direct interest in any contract the Commission has entered into for goods or services as a result of a bid process or any other business transaction with the Commission. Additionally, it shall be inappropriate for Commission Executive Staff to be indirectly interested in any such contract or business transaction unless the Commission Executive Staff member publicly acknowledges his/her interest.
 2. Commission Executive Staff shall disclose any of the following interests:
 - (a) Any indirect interest in any contract or other business transaction with the Commission;
 - (b) Any interest in any contract or other business transaction with any higher education institution which is coordinated by, contracted by, contracted with, or authorized by the Commission; and
 - (c) Any indirect interest created by a relative who has (to the extent Commission Executive Staff is aware) any contract or business transaction with the Commission or with any higher education institution which is coordinated by, contracted by, contracted with, or authorized by the Commission.
 3. “Direct interest” means any contract to provide goods or services to the Commission as a result of a bid process or any other business transaction with a:
 - (a) Commission executive staff person;
 - (b) a relative of a Commission executive staff person;
 - (c) a business in which a Commission executive staff member is:
 - (i) the sole proprietor;
 - (ii) a partner; or
 - (iii) the person having the controlling ownership or control of the largest numbers of outstanding shares owned by any single individual or corporation.
 4. “Indirect interest” means any contract in which Commission executive staff person is interested but not directly so, but includes contracts where the Commission executive staff person is directly interested but is the sole supplier of goods or services.

5. "Relative" includes spouse, parents, siblings, or children.
6. In the event a Commission executive staff person identifies any conflict covered by this policy, he/she shall immediately notify the Executive Director. The Executive Director may determine that such Commission Executive Staff person should not work on material related to such interests. Such interests shall be disclosed to the Commission regardless of whether the Commission executive staff person is relieved of working on the matters in question.
7. The basic underlying principle in conflict of interest is that Commission executive staff person should disclose any activity, investment, or interest that might reflect unfavorably upon the Commission, using the disclosure form. Because of the sensitive nature of the Commission's relationship with all of the postsecondary institutions, as well as the General Assembly, it is important that executive staff persons resolve questions of conflict of interest by disclosure. Any activity which might constitute, or be perceived to constitute, a prohibited conflict should be fully reported. Full disclosure of any situation in doubt should be made.
8. The conflict of interest form must be filed within thirty (30) days after the Commission's regular Spring meeting, but in no case shall it be filed later than June 1. In the case of a executive staff person is appointed to the Commission staff after the Spring meeting, the newly appointed executive staff person shall file a conflict of interest statement no later than thirty (30) days after the first Commission meeting following his/her appointment.
9. Commission executive staff shall amend their respective disclosure because of termination or acquisition of interests of which disclosure is required.

Approved: January 31, 1992

Revised: April 15, 2004

TENNESSEE HIGHER EDUCATION COMMISSION
1900 Parkway Towers, 404 James Robertson Parkway
Nashville, TN 37243-0830
(615) 741-3605

TENNESSEE HIGHER EDUCATION COMMISSION
DISCLOSURE STATEMENT FOR INDIRECT INTERESTS
OF COMMISSION EXECUTIVE STAFF

I, the undersigned executive staff member of the Tennessee Higher Education Commission, in order to assure that any appearance of conflict of interest is avoided, and in order to assure that any indirect interests are publicly acknowledged, hereby make the following statements and assurances:

7. I am related to the following employees of the Tennessee Higher Education Commission or any official of any corporation, partnership, sole proprietorship, association, institution of higher education or other entities which do business with, are licensed by, or are otherwise involved with the Tennessee Higher Education Commission:

8. I am employed or professionally affiliated with the following corporation, partnerships, sole proprietorships, associations, institutions of higher education or any other entities which are licensed by the Tennessee Higher Education Commission:

9. I have an ownership interest in or serve on the Board of the following corporations, partnerships, sole proprietorships, associations, institutions of higher education or other entities which, to my knowledge, do business with postsecondary institutions coordinated or licensed by the Tennessee Higher Education Commission:

10. In my household and among my dependents, to my knowledge, the following individuals have an ownership interest as stated in Number 3 above:

11. I am currently the recipient of the following grants administered by the Tennessee Higher Education Commission:

12. I hereby certify that if, during my tenure this year on the Tennessee Higher Education Commission staff, I become directly or indirectly interested as an owner, employee or affiliated as described in Number 1-5 above, or if there is any change in the information provided in this statement, I shall immediately disclose such information to the Tennessee Higher Education Commission. The accuracy of this statement will be reviewed within thirty (30) days after the Commission's regular Spring meeting, but no later than June 1.

By my signature below, I affirm that all of the above statements are true to the best of my knowledge and belief.

(Signature)

(Date)

Section Title: Other Legal and Regulatory Policies

Policy Title: Library Technology Policy (Reserved)

Policy Number: LR06.0

~~6.0.10~~ In 1993, the General Assembly appropriated funds for a statewide electronic library study. The study of public and private libraries was completed by external consultants and presented seventeen recommendations. This report was reviewed by Commission staff and recommended that the first nine be adopted into policy by the Commission. As adopted, these policies can be grouped into three categories:

~~6.0.10A~~ **Contextual Issues**

- ~~(1) Space planning should be based on a realistic, balanced picture of the library of the future, assuming no major impact from electronic publishing for approximately ten years.~~
- ~~(2) Revise the Tennessee Higher Education Commission's Space Formula to reflect changes in legislation and library use.~~

~~6.0.10B~~ **Making More Effective Use of Existing Space (short term, 3 years)**

- ~~(1) Undertake reconfiguration studies in all libraries with a space deficiency of less than 25 percent and/or which plan building additions.~~
- ~~(2) Remove non-library activities and offices from library facilities.~~
- ~~(3) Each library should develop a written weeding policy and set annual targets for weeding.~~
- ~~(4) Limit decentralization to those situations that involve improvement of service.~~
- ~~(5) Utilize compact shelving (also known as movable aisle compact shelving), emphasizing patron access.~~

~~6.0.10C~~ **Planning New Facilities**

- ~~(1) Plan new facilities to accommodate emerging information technologies.~~
- ~~(2) Avoid construction of remote storage facilities. Institutions are to consider options which include automated storage and retrieval.~~

Approved: January 28, 1994