

DATE: July 27, 2017
SUBJECT: Policy Revision- THEC Rules of Procedure
ACTION RECOMMENDED: Adoption

BACKGROUND INFORMATION

In 1969, the Higher Education Commission first adopted, as part of its official Policy Manual, Rules of Procedure to “carry out the purposes” for which it was created. Recent legislative enactments and changes in practice have necessitated revisions to these rules.

PROPOSED REVISIONS

Section II, Scope of Authority (formerly, “Jurisdiction”): Updates this general statement of authority of the Commission using statutory language from T.C.A. §§ 49-7-202 and 49-7-203.

Section IV Members: Updates the member appointment process and criteria pursuant to T.C.A. § 49-7-204.

Section V Officers: Clarifies that the service of a partial term as Chair of the Commission is excluded from the previously adopted limit of three successive one-year terms.

Section VII Executive Director and Staff: Updates the Executive Director appointment authority pursuant to T.C.A. § 49-7-205.

Section IX Minutes: Requires the Executive Director to coordinate the keeping, compilation, and distribution of the minutes of each Commission meeting.

Section XI Advisory Committees: Strikes outdated language referencing three standing Commission committees while retaining Commission authority to appoint advisory committees to make recommendations as the need arises.

Section XII Amendments: Clarifies the procedure by which the Commission may adopt changes to these Rules of Procedure.

**Additional minor grammatical and style edits are documented in the redlined version of these Rules included in the members’ materials.*

RECOMMENDATION

Staff recommends that the Commission adopt these proposed revisions to the THEC Rules of Procedure.

RULES OF PROCEDURE OF THE TENNESSEE HIGHER EDUCATION COMMISSION

To carry out the purposes set forth in the Act which created it (being Chapter 179 of the Public Laws of Tennessee of 1967, hereinafter call the "Act"), the Tennessee Higher Education Commission hereby adopts the following Rules of Procedure:

I NAME

The name of the Commission shall be the Tennessee Higher Education Commission (hereinafter called "tThe Commission").

II SCOPE OF AUTHORITYJURISDICTION

It shall be the duty of the Commission on a continuing basis to study the use of public funds for higher education in Tennessee and to analyze programs and needs in the field of higher education. The Commission shall establish and ensure that all institutions of higher education in this state cooperatively provide for an integrated system of postsecondary education. The Commission shall guard against inappropriate and unnecessary conflict and duplication by promoting transferability of credits and easy access of information among institutions. The Commission shall in addition undertake such specific duties as may be directed by resolution of the General Assembly or as may be requested by the Governor.

The Commission's studies and recommendations shall encompass the programs and the authorities of the public universities, the community colleges, and the state's ~~technical institutes~~ colleges of applied technology. The Commission shall also consider Tennessee's private institutions of higher education in its continuous studies of the immediate and future needs of the state in the area of higher education. These studies shall consider the place of the private institutions in relation to the public institutions.

III PURPOSES

The specific purposes and duties of the Commission shall be as outlined in the Act and its amendments.

IV MEMBERS

The Commission shall consist of ~~fifteen (15)~~~~nine~~ members. ~~to be appointed by the Governor.~~ The Governor shall appoint six (6) voting members, the Speaker of the Senate shall appoint one (1) voting member, the Speaker of the House of Representatives shall appoint one (1) voting member, and the speakers shall jointly appoint one (1) voting member.

In addition, the Governor shall appoint two (2) student members. One (1) student member shall be a voting member, and one (1) student member shall be a nonvoting member. The voting student membership shall be rotated between the student representing the University of Tennessee system and the student representing institutions that are not in the University of Tennessee system, it being the legislative intent that a student member serve one (1) year as a nonvoting member before becoming a voting member.

The Comptroller of the Treasury, the Secretary of State, and the State Treasurer shall serve as ex officio, voting members of the Commission. The Executive Director of the State Board of Education shall serve as an ex officio, nonvoting member of the Commission.

Except for ex officio members and student members, membership shall be for a six-year term. Members shall be eligible for reappointment.

As the appointing authorities appoint voting members, other than the student members, they shall appoint them so that the three (3) grand divisions of the state are represented equally. When the nine (9) voting members, other than the student member, have been appointed so that the three (3) grand divisions are represented equally, the appointing authorities, in filling vacancies, shall subsequently appoint a person from the grand division in which the member who previously filled the position resided. The appointing authorities shall strive to appoint members to the Commission in a manner that is representative of the diversity of the citizens of the state. ~~Membership shall be for a six-year term. The Comptroller of the Treasury, the Secretary of State and the State Treasurer shall serve as ex officio, voting members of the Commission. The Executive Director of the State Board of~~

~~Education shall serve as an ex-officio, non-voting member of the Commission. In addition, the Governor shall appoint two (2) student members. One (1) student member shall be a voting member and one (1) student shall be an ex-officio, non-voting member. The voting student membership shall be rotated between the student representing the University of Tennessee system and the student representing the Board of Regents system, it being the legislative intent that a student member serve one (1) year as a non-voting, ex-officio member before becoming a voting member.~~

~~Each congressional district in the state be represented by at least one member of the Commission. On April 26, 1988, the term shall be for six (6) years and as each current term expires, the successor appointee shall be appointed for a six-year term. In making appointments to the Commission, the Governor shall strive to ensure that at least one (1) person appointed to the Commission is sixty (60) years of age or older and that at least one (1) person appointed to the Commission is a member of a racial minority. Appointments made after January 1, 1995, shall alternate such that every other appointment of a new member to the Commission shall be a female until the membership of the Commission reflects the percentage of females in the population generally, after which the provisions of this sentence shall cease to be effective. Members shall be eligible for reappointment. At least one-third of the appointive members shall be members of the principal minority political party in the state.~~

~~Any Commission vacancy shall be filled by the appointment of the Governor. Any vacancy on the Commission shall be filled by appointment of the authority who originally made the appointment. Vacancies, except for expiration of term, shall be filled for the unexpired term only. The place of any Commission member shall be vacated at such time as the member he may cease to reside in the ~~congressional district~~grand division in which he or she resided at the time of ~~his~~the appointment. No Commission member shall be an elected or appointed official of the public institution of higher ~~learning~~education in Tennessee while a Commission member. Members shall receive no compensation for their services.~~

V OFFICERS

The Commission officers shall consist of a chair, two vice-chairs, and a secretary, each elected by the Commission members from among their own number. The office of secretary may be combined with that of vice-chair. Officers shall be

elected at the summer Commission meeting, and the term of office of all officers shall be one year or until their successors are elected; and their duties shall be those ordinarily performed by such officers.

No member shall serve as chair in excess of three successive one-year terms, excluding the service of partial terms as chair due to vacancy or delay in the election of a successor.

Each ~~of the~~ vice-chair shall reside in one of the grand divisions of the state in which the chair and other vice chair do not reside.

VI EXECUTIVE COMMITTEE

The Executive Committee of the Commission shall consist of its officers. The Executive Committee shall have such powers as given through action of the Commission. In addition to the powers that have or may be granted to the Executive Committee through the action of the Commission, it is hereby specifically charged with the responsibility to review personnel matters; to review the policies, rules and regulations of the Commission; and to review and monitor the goals and objectives in the Commission's strategic plan (master plan).

VII EXECUTIVE DIRECTOR AND STAFF

The ~~Commission~~ Governor is empowered to employ an executive director, define the duties, and, within budgetary limitations, fix the compensation. The executive director shall serve at the pleasure of the ~~Commission members~~ Governor and must have such educational preparation and experience as will qualify the executive director, in the ~~Governor's~~ members' judgment, to understand and evaluate the problems and needs of the state's institutions of higher learning and to direct the studies of the Commission. The Executive Director shall be empowered to act for the Commission in the interims when the Commission is not in session. Within budgetary limitations and subject to the approval of the Commissioner of Human Resources ~~Personnel~~, the ~~Commission~~ executive director is empowered to employ such other professional and staff employees as may be appropriate for the efficient discharge of the Commission's ~~its~~ duties. ~~The executive director and other staff members may attend the Commission meetings, unless excluded upon motion.~~

VIII MEETINGS

The Commission shall hold regular meetings at least four times each year. It shall also meet at the call of the chairman, or the secretary, if said secretary receives the request in writing of at least three members of the Commission to call such meeting, on at least three days' written notice setting forth the time, place, and purpose of the meeting. An agenda for each regular meeting of the Commission will be prepared by the executive director with the approval of the chair setting forth, in outline, each matter of business to be conducted at the meeting. Such agenda shall be ~~mailed~~delivered to the members at least ten days before each meeting. Matters not on the agenda can be considered at the meeting only by vote of six members. Any meeting at which a quorum is not present may be adjourned from time to time until a quorum is present. Members shall be entitled to reimbursement for expenses incurred in attending meetings of the Commission of its committees, in conformity with regulations governing travel expenses of state officials.

IX MINUTES

Minutes shall be kept of all meetings of the Commission by or under the direction of the ~~secretary~~executive director, who will ~~mail~~deliver copies of the minutes of each meeting to all members promptly after such meeting is held, and shall be read (unless such reading is waived on motion) and approved~~ed~~ at the next succeeding meeting as the first order of business.

X QUORUM

A quorum of the Commission shall consist of seven members. All action shall be by vote of a majority of the members present and voting at a meeting at which a quorum is present. No proxies or mail or other absentee voting shall be permitted.

XI ADVISORY COMMITTEES

In addition to the Executive Committee authorized in Section VI of these Rules, Advisory Committees of the Commission may be appointed by the chair from among its members with the concurrence of the Commission members. Such committees shall make recommendations, but shall have no power to act ~~upon the~~ behalf of the Commission.

~~In addition to the Executive Committee authorized in Section VI of these Rules, there is authorized by the Commission three (3) additional standing committees of the Commission. They are:~~

- ~~(1) The Committee on Academic Affairs which shall be primarily responsible for recommending policy regarding the review of and creation of new programs; recommend policy regarding program termination recommendations to the governing boards; and to oversee the Academic Inventory Study;~~
- ~~(2) The Committee on Fiscal Affairs which shall be primarily responsible for recommending policy regarding formulae for funding the operational and capital needs of higher education; recommending policies regarding financial accountability measures; and overseeing the Cost Study and matters directly related to that study;~~
- ~~(3) The Committee on Outcomes and Performance which shall review performance funding; review and monitor the Challenge 2000 program; monitor the Commission's desegregation activities; and coordinate outcomes and performance activities with the Committees on Academic Affairs and Fiscal Affairs.~~

XII AMENDMENTS

These rules of procedure may be amended by motion made at any meeting of the Commission at which a quorum is present. An amended rule of procedure shall be effective and acted upon at the next succeeding meeting at which a quorum is present not less than two days thereafter; provided, however, that when a proposals to amend these rules of procedure in writing are submitted in writing to all members at least ten days before a regular meeting and such proposal is duly adopted by the Commission at that meeting, and may be acted upon the amended rules of procedure shall be effective at that regular meeting.

Approved: September 11, 1969
Revised: August 28, 1978
September 4, 1981
January 8, 1987
February 15, 1995
May 19, 1995
July 25, 1997
November 17, 2005
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