



TENNESSEE HIGHER EDUCATION COMMISSION

REGULAR CALENDAR ITEM: IV.C.

MEETING DATE: August 17, 2023

SUBJECT: Financial Policies
F4.2 – Lease Space Funding and License Agreements

ITEM TYPE: Action

ACTION RECOMMENDATION: Approval

BACKGROUND

THEC Financial Policies F4.2 – Lease Space Funding and License Agreements addresses the authority of the Commission related to capital investment and real estate transactions, including the lease or licensing of space for academic and service programs.

The proposed revisions were completed in coordination with recent practice in the reporting quarterly of leases and licenses executed by and for all institutions of higher education. Following the implementation of the Focusing on Campus and University Success Act, all such leases and licenses are reported directly by the institutions to the Office of the State Architect.

Attachment A provides a redlined version of the policy and Attachment B provides a clean version of the proposed changes.

ATTACHMENT A: REDLINED VERSION OF PROPOSED CHANGES

Section Title: Financial Policies

Policy Title: Lease Space Funding and License Agreements

Policy Number: F4.2

4.2.10 **Scope and Purpose.** As the coordinating body for higher education in Tennessee, the Commission engages with institutions and governing boards on capital investment and real estate transactions, including the lease or licensing of space for academic and service programs.

4.2.20 **Authority.** The Commission is empowered to make recommendations and decisions upon capital investment and real estate transactions for institutions of higher education in its execution of the Master Plan, approval of institutional master plans, and oversight of the state’s comprehensive strategic financial plan for higher education.

4.2.30A **Procedures.** The Commission may review, analyze, and recommend action on all leases, rent, and licenses for all public, state institutions of higher education in accordance with current State Building Commission (SBC) policy and applicable statutes. The Commission authorizes the Executive Director to take such actions as deemed appropriate.

~~4.2.30B In cooperation with the Office of the State Architect and State Building Commission, the Commission may compile and report quarterly the leases and licenses executed by and for all institutions of higher education.~~

Approved: April 22, 1988

Revised: May 11, 2017

August 17, 2023

Applicable Statute

T.C.A. § 4-15-102, state building commission powers

T.C.A. § 12-2-112, surplus state lands

T.C.A. § 12-2-114, leases by state agencies and institutions of higher education

T.C.A. § 12-2-115, leases involving states approval

T.C.A. § 49-7-132, state building commission approval of expenditures

T.C.A. § 49-7-202, capital investment needs

T.C.A. § 49-7-1002, higher education funding requests

T.C.A. § 49-8-203, capital and real estate transactions

Current Applicable Policies

State Building CommissionBC Policy, Item 7, Procurement of Leases Where the State is the Lessee

State Building CommissionBC Policy, Item 8, General Acquisition and Disposal of Real Property

ATTACHMENT B: CLEAN VERSION OF PROPOSED CHANGES

Section Title: Financial Policies

Policy Title: Lease Space Funding and License Agreements

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