

3.2.5

Governance and Administration: Board dismissal

The governing board has a policy whereby members can be dismissed only for appropriate reasons and by a fair process.

Judgment

Compliance Partial Compliance Non-Compliance Not Applicable

Narrative

Governing Board Appointments and Processes for Dismissal

The Tennessee Board of Regents (TBR) consists of 19 members, including four ex officio members (the Governor, the Commissioner of Education, the Commissioner of Agriculture, and the Executive Director of the Tennessee Higher Education Commission) (T.C.A. § 49-8-201 [a][1]) [1] and 12 public members appointed by the Governor subject to confirmation by the Senate (T.C.A. § 49-8-201 [a][3][A]) [1]. Appointments are deemed effective until adversely affected upon by the Senate (T.C.A. § 49-8-201 [a][6]) [1]. For example, when Governor Haslam took office for his first term, it was found that the previous governor did not follow the statute that says that "each of the two leading political parties shall be represented by at least three appointive members" (T.C.A. § 49-8-201 [a][9]) [1]. Thus, corrective action was required. The Senate and Governor Haslam dismissed those members and appointed the appropriate members per statute [2].

Notwithstanding any other law to the contrary, by a two-thirds vote of its membership, the Board may remove any appointed Board member for a material violation of the Code of Ethics (T.C.A. § 49-8-204 [b]) [3].

A Board member who is accused of a material violation of the Code of Ethics is entitled to a due process contested case hearing in accordance with T.C.A. § 49-8-204(c) and, if found in violation, may be removed from the Board by a two-thirds vote of the Board membership (T.C.A. § 49-8-204 [c]) [3].

The TBR has had no additional cause, beyond that described in the first paragraph, to dismiss other governing board members. Therefore, TBR has not applied its policy and thus no example of policy implementation is available [2].

Conclusion

Tennessee Code Annotated (T.C.A.) § 49-8-201 through 49-8-204 [1] [4] [5] [3] govern the removal of a governing board member from office. These policies ensure that the process for dismissal are fair and appropriate. Therefore, TTU is in compliance with Comprehensive Standard 3.2.5.

Sources

 [1] Tennessee Code 49_8_201

 [2] Email Communication with Mickey Sheen Manager of Paralegal Services_TBR

 [3] Tennessee Code 49_8_204

 [4] Tennessee Code 49_8_202

