

SHEEO State Authorization Inventory

Tennessee

Please note: For purposes of this survey, the terms “authorize” and “authorization” are used generically to include approve, certify, license, regulate, recognize, empower, or similar actions relative to the operation, provision, or availability of postsecondary education in your state.

1. Agency and Contact Information

- a. Agency Name: **Tennessee Higher Education Commission
Division of Postsecondary School Authorization (DPSA)**
- o Description:

The Tennessee Higher Education Commission has approval and authorization authority of all non-exempt postsecondary institutions with a physical presence in Tennessee. Institutions are authorized under the standards established by the Postsecondary Institutional Authorization Act of 1974 and must submit annual requests for reauthorization. The scope of the Commission includes institutions based primarily in Tennessee, as well as out-of-state institutions offering programs or courses in the state. The Tennessee Higher Education Commission, through the Division of Postsecondary School Authorization, oversees and monitors non-exempt private proprietary, for-profit, and not-for-profit schools offering training or education leading to a vocation, college credit, or issuance of an educational credential. Authorization may be granted to both degree and non-degree granting institutions and encompasses a wide variety of schools such as: academic, trade, technical, career, professional, and out-of-state institutions with physical presence, including advertisements and/or recruitment practices in Tennessee.
- o Contact Information:

Stephanie Bellard Chase
Assistant Executive Director for DPSA
Tennessee Higher Education Commission
615-741-5293
stephanie.bellard@tn.gov

Julie M. Woodruff
Director of Regulatory Affairs for DPSA
Tennessee Higher Education Commission
615-253-8857
julie.woodruff@tn.gov

Nicholas Cook
Assistant Director of Regulatory Affairs for DPSA
Tennessee Higher Education Commission
615-253-8874
nicholas.cook@tn.gov

- Please state who institutions should contact if they have questions about your agency's authority, policies, or application process?

Information regarding THEC's authority and policies:

Nicholas Cook
Assistant Director of Regulatory Affairs for DPSA
Tennessee Higher Education Commission
615-253-8874
nicholas.cook@tn.gov

Information regarding the application process:

Teresa Warren
Technical Educational Specialist
Tennessee Higher Education Commission
615-253-6285
teresa.warren@tn.gov

- b. Links:

Home Page: <http://www.tn.gov/thec/>

Information Regarding Authorization:

<http://www.tennessee.gov/thec/Divisions/LRA/PostsecondaryAuth/pdf/Distance%20Education%20Authorization%20Requirements%20-%20Final.PDF>

Link to Regulations:

<http://www.tn.gov/thec/Divisions/LRA/PostsecondaryAuth/pdf/Postsecondary%20Rules%20effective%207%2028%2009.pdf>

- c. According to our records, the following agencies also have responsibility for authorization in the state.

None.

- d. If the division of responsibility among these agencies is not clear, please explain.
Not applicable.

2. Types of Educational Providers Authorized

- a. Please indicate the types of institutions that your agency authorizes, using the list below. Please answer “yes” or “no” to each item. Feel free to provide a short explanation of any ambiguity, including any necessary clarification of “in-state,” “out of state,” or other terminology.

No	Public, in-state degree granting institutions
Yes	Public, out-of-state degree granting institutions
Yes*	Private, in-state, not-for-profit degree granting institutions
Yes	Private, out-of-state, not-for-profit degree granting institutions
Yes	Private, in-state, for-profit degree granting institutions
Yes	Private, out-of-state, for-profit degree granting institutions
No	Public, in-state, non-degree granting institutions
Yes	Public, out-of-state, non-degree granting institutions
Yes	Non degree, not-for profit institutions
Yes	Non degree, for-profit institutions
Yes	Religious institutions
_____	Tribally-controlled institutions

Clarifying comments:

THEC governs the types of entities in the YES column, unless they are considered exempt pursuant to THEC’s regulations as defined herein. To date, THEC has not had reason to determine jurisdiction over tribally-controlled institutions and will make a determination when such an institution is presented.

***Private, in-state, not-for-profit degree granting institutions must obtain authorization until they meet the exemption set forth in Tenn. Code Ann. § 49-7-2004(a)(6).**

- b. Is an institution required to obtain approval from more than one agency to be authorized in your state (excluding purely programmatic approvals)? If so, please explain.
No.
- c. Is accreditation required for an institution to be authorized in your state?
No.
- If yes, please explain:
 - If yes, what type of accreditation is required? Please, check all that apply as appropriate.

- _____ Regional
- _____ National
- _____ Programmatic/specialized

Clarifying comments:

- d. Does your agency authorize specific academic programs offered by institutions or only institutions themselves?

THEC authorizes both an institution and each non-exempt program offered by the institution. Please keep in mind that concentrations are considered separate programs for purposes of authorization and reporting requirements.

- e. Do programs in certain subject areas require the separate approval by another state entity; for example, a professional licensing agency?

Education

Tennessee Department of Education

Nursing

Tennessee Department of Health: Board of Nursing

Allied Health Professions and related programs

Tennessee Department of Health: Health Related Boards

- Massage Therapy: Board of Massage Licensure
- CNA: Division of Health Care Facilities

3. Exemptions

- a. Are certain institutions or programs exempt by law or policy from your state authorization requirements?

Yes.

- o If yes, please describe which institutions or programs the exemption applies to and how it works? If available, please provide any pertinent web links.

Tenn. Code Ann. § 49-7-2004

(a) The following education and educational institutions are exempted from this part:

(1) Institutions exclusively offering instruction at any or all levels from preschool through the twelfth grade;

(2) Education sponsored by a bona fide trade, business, professional or fraternal organization, so recognized by the commission, solely for that organization's membership or offered on a no-fee basis;

(3) Education solely avocational or recreational in nature, as determined by the commission, and institutions offering such education exclusively;

(4) Education offered by eleemosynary institutions, organizations or agencies, so recognized by the commission; provided, that the education is not advertised or promoted as leading toward educational credentials;

(5) Postsecondary educational institutions established, operated and governed by this state or its political subdivisions, including the state technology centers established under authority of chapter 11, parts 3-5 of this title, which shall continue under the exclusive control and jurisdiction of the state board for vocational education. The board may contract with a local board of education for the operation of a state technology center, but the contract shall be reviewed each year to ensure the maintenance of a quality educational program; and upon cancellation of the contract, the operation of the center shall revert to the state board for vocational education;

(6) Postsecondary educational institutions:

(A) With its primary campus domiciled in this state for at least ten (10) consecutive years;

(B) That have been accredited by an accrediting agency recognized by the United States department of education for at least ten (10) consecutive years;

(C) That have been chartered in this state as a not-for-profit entity for at least ten (10) consecutive years; and

(D) That meet and maintain financial standards established by the commission or maintain financial standards as established by the Commission on Colleges of the Southern Association of Colleges and Schools (SACS);

(7) Institutions operated solely as barber schools, schools of cosmetology or schools of electrology;

(8) Institutions operated solely as schools for the study of law and subject to the approval of the board of law examiners for this state; and

(9) Educational programs conducted by state-licensed health care institutions.

(b) Any postsecondary educational institution exempt from this part by virtue of subdivision (a)(6) shall lose the exemption upon the occurrence of one (1) of the following events, subject to appeal to the commission as provided at § 49-7-2010:

(1) Loss or failure to meet any of the listed criteria for exemption;

(2) Loss of Title IV federal student aid funding; or

(3) A federal financial aid cohort default rate of twenty percent (20%) or higher for three (3) consecutive years or any single year over thirty-five percent (35%) as reported by the United States department of education, office of postsecondary educational institutional data system.

(c) Notwithstanding anything in this section to the contrary, an institution that has lost its exemption due to the occurrence of one (1) of the conditions listed in subdivisions (b)(1)-(3) will not be required to reestablish the ten (10) consecutive year standards in order to regain its exempt status. Instead, the commission shall have the authority to reinstate

the exemption once the condition that caused the loss of exemption has, in the opinion of the commission, been remedied.

1540-01-02-.05 EXEMPTION

(1) In addition to institutions exempt by Tenn. Code Ann. §49-7-2004, the following institutions are exempt from the annual reporting and the provisions of these regulations:

(a) any entities offering education, instruction or training that meet 1, 2, 3, or 4 in

its entirety as follows:

1. maintained or given by an employer or group of employers, for employees or for persons they anticipate employing without charge, payroll deduction or minimum length of employment; or
2. maintained or given by a U. S. Department of Labor or state recognized labor organization, without charge, to its membership or apprentices; or
3. financed and/or subsidized by public funds, without charge to the students, having a closed enrollment; or
4. given under a contract agreement, having a closed enrollment, at no cost to the student and does not offer degrees or educational credentials such as, but not limited to, diplomas or special certifications that in the opinion of the Commission are specifically directed toward new or additional vocational, professional or academic goals.

(b) Short-term programs for which all promotional materials and advertisements indicate that the program purpose is exclusively for self-improvement, or instruction that is motivational or avocational in intent as determined by Commission staff.

(c) Programs that operate under Part 61 of the Federal Aviation Regulations and that provide only avocational training are exempt. Aviation programs that operate entirely under Part 141 of the Federal Aviation Regulations and programs that operate under Part 61 of the Federal Aviation Regulations and that provide vocational training are non-exempt. Oversight of these aviation schools will in no way conflict with oversight provided by the Federal Aviation Administration. While the FAA oversight ensures adequate curricula and safety of the student, the Commission's oversight is focused on protection of the personal and financial interests of the student.

(d) Institutions which offer intensive review courses designed solely to prepare students for graduate and/or professional school entrance exams.

(e) Bona fide religious institutions that:

1. offer instruction or training without charge or any expense to participants and do not offer degrees of any type within the institution;
 2. do not suggest that postsecondary credit may be awarded by another party or transfer in educational credentials from another source;
 3. do not offer diplomas/certificates that in the opinion of the Commission replicate letters of designation or degrees.
- (2) To operate within exemption status, the following guidelines shall be used:
- (a) Institutions that clearly qualify as exemption under the Act or these regulations after Commission staff review shall be considered exempt from authorization without a vote of the Commission.
 - (b) Institutional exemption is subject to annual staff review and/or revocation any time the activity deviates from the original determination factors for exemption.
 - (c) Exemptions secured under this section of the rules are effective for each authorization year beginning on July 1, except as individuals or groups of institutions are notified prior to June 15 preceding any authorization year by a letter from the Executive Director of the Commission which shall state the bases for removal of any exemption.
 - (d) Exemptions can be revoked or amended by the Commission as they pertain to individual institutions whenever it is determined by the Commission that an institution exempted by the Act or these regulations has not acted in accordance to the purpose of T.C.A. 49-7-2002, 'Legislative intent'.
- (3) Institutions or educational providers seeking an exemption status (or not wanting to pursue authorization) that in the opinion of Commission staff do not clearly qualify under the exemption categories given in the Act and these rules will be required to complete an Exemption Request Form. The form shall include but not be limited to: copies of all institutional materials; brochures; advertising; state charter or business license; organizational ties and/or contracts with other educational providers and a descriptive narrative of how the organization qualifies for exemption specifically citing the Act and/or rules.
- (a) Based upon the submitted material Commission staff shall make a written determination of institutional status. If the institution is aggrieved by that determination, the party may appeal in the manner provided by Rule 1540-01-02- 02(2)(b) and T.C.A. §49-7-2010(b).

Rule 1540-01-02-.08(8) Computer Training:

- (a) Businesses offering limited computer training in hardware, software, delivery systems or any related technology for clients or customers (closed enrollment) directly related to a sale of equipment or services are exempt from the provisions of authorization.
- (b) Businesses offering short term computer training in common software or basic computer hardware that is intended for enrichment or professional

enhancement are exempt from the provisions of authorization unless in the opinion of the Commission courses using various software are offered concurrently toward a vocational goal. (e.g. word processing software offered toward secretarial goals).

(c) Businesses offering specialized certifications clearly used to denote technical, professional or vocational proficiency toward an additional vocational goal or new job title must be authorized for operation of that training in the state.

Rule 1540-01-02-.08(10) Seminars / Workshops:

(a) Seminars or workshops of short duration that are motivational, enrichment, recreational, avocational or solely for professional enhancement as determined by Commission staff shall be considered exempt from authorization requirements.

(b) Upon review by Commission staff a seminar/workshop provider regardless of length that presented the instruction in such a way to suggest a vocational end may be required to become authorized in the state, or clarify through public advertising that the seminar/workshop is in fact enrichment or recreational.

- If yes, how does the institution or program claim an exemption? For example, is the exemption automatic as long as it meets specified criteria, does the institution or program notify the agency and the exemption is granted, is there an application process, etc.?

An institution must submit in writing an exemption request to DPSA. The request must give specific detail of the institution or the program for which they are seeking exemption and list all applicable legal citations, including specific citations to the exemption provisions. The request must be submitted to:

Julie M. Woodruff, Esq.
Director of Regulatory Affairs for DPSA
Tennessee Higher Education Commission
404 James Robertson Parkway, Suite 1900
Nashville, TN 37243

All exemptions are subject to annual review.

- b. If an institution or program is exempt from state authorization, are there any other state requirements that an institution would need to fulfill in order to operate in your state (e.g., providing contact information, list of programs, etc.)?

The institution should contact the Tennessee Secretary of State to ensure that it meets all requirements to operate a business in the state:

Division of Business Services
Nathan Burton, Director
312 Rosa L. Parks Avenue
Snodgrass Tower, 6th Floor
Nashville, TN 37243
615-741-2286

- c. Does your state constitution or do your state laws provide any exemptions for religious institutions?

Yes, a limited exemption.

Rule 1540-01-02-.05(1)(e) Bona fide religious institutions are exempt that:

1. offer instruction or training without charge or any expense to participants and do not offer degrees of any type within the institution;
2. do not suggest that postsecondary credit may be awarded by another party or transfer in educational credentials from another source;
3. do not offer diplomas/certificates that in the opinion of the Commission replicate letters of designation or degrees.

- o Are all religious institutions exempt (please describe)?

No. See above.

- o Are religious institutions that award only religious degrees or certificates exempt (please describe)?

No. See above.

- o Are certain religious institutions exempt that meet other criteria (please describe)?

Yes. See above.

4. Authorization of Distance Education

- a. Does your agency require purely (100%) distance education programs, including online or correspondence study programs that enroll residents of your state, to be authorized without regard to physical presence?

No.

- b. If not, does your agency determine whether an institution must be authorized based on a physical presence or “operating” standard?

Yes.

5. Physical Presence Policy – Common “Triggers”

- a. If your agency uses a physical presence standard, how does your agency define physical presence? If available, please provide a link to that policy or a citation to the relevant regulation giving that standard.

The definition of physical presence as found in Rule 1540-01-02-.03(1)(ii) provides:

“Physical presence” means actual presence within the state of Tennessee for the purpose of conducting activity related to: a postsecondary educational institution; an educational service; dissemination of educational credentials; enrollment; solicitation; or, advertising. Physical presence as further outlined for purposes of authorization shall include but not be limited to:

1. An instructional site within the state;
2. Instruction within or originating from Tennessee designed to impart knowledge with response utilizing teachers, trainers, counselors, etc., or computer resources, or computer linking (e.g. Internet), or any form of electronic telecommunications;
3. Dissemination of an educational credential from a location within the state;
4. An agent, recruiter, institution or business that solicits for enrollment or credits or for the award of an educational credential;
5. Advertising, promotional material or public solicitation in any form that targets Tennessee residents or uses local advertising markets in the state for institutions seeking, holding or required to hold a certificate of authorization.

- b. Please specify whether any of the following activities would constitute a physical presence or signify “operating” in your state, assuming that the named activity is the institution’s sole activity in your state. **Please answer “yes” or “no” to each question. In addition you may provide a short explanation of any ambiguity.**

- Permitting a student to complete an internship, externship, field experience, or clinical practicum organized by the institution?
Physical presence is established if an institution facilitates and/or enters into an arrangement with any business, organization, or similar entity located in Tennessee for the purpose of providing an internship, externship, practicum, clinical, student teaching, or similar opportunity.
- Does this apply only to distance education students or more generally?
More generally.
- Permitting a student to complete an internship, externship, field experience, or clinical practicum found by the student acting independently?
No.

- Does this apply only to distance education students or more generally?
More generally.
- Employing full-time faculty in the state to provide instruction via distance education programs to students in the state?
Yes, if the instruction originates from within Tennessee through the use of the faculty member.
 - What about adjunct faculty?
Yes, if the instruction originates from within Tennessee through the use of the adjunct faculty member.
- Employing full-time faculty in the state to provide instruction via distance education programs solely to students outside of the state?
Yes, if the instruction originates from within Tennessee through the use of the faculty member.
 - What about adjunct faculty?
Yes, if the instruction originates from within Tennessee through the use of the adjunct faculty member.
- Having a contract/agreement between the institution and in-state institutions or in-state entities to provide services for students (i.e. library, gym, computer centers, etc.)?
Determined on a case by case basis.
- Organized, consistent, on-the-ground recruiting of students in the state by employees or agents of the institution?
Yes.
- What if the agent is only recruiting students in the state on an occasional basis (i.e. at job fairs)?
An institution may participate in multi-institutional college fairs or other assemblies of institutions in Tennessee without establishing a physical presence as long as:
 - the institution does not enroll an individual, allow an individual to sign any agreement obligating the person to the institution in any way, or accept any monies from the individual, including an application fee; and
 - the institution does not follow-up with any interested student by means of an in-person meeting with an agent in Tennessee.

- Advertising in local media sources that are largely viewed by residents of the state?
Yes.
 - Advertising in national media sources that can be accessed by residents of the state?
No.
 - Having computer servers or other equipment located in the state?
Determined on a case-by-case basis.
 - Hosting short term, face-to-face, seminars or conferences in the state where students meet in person?
Determined on a case-by-case basis.
 - Employing mentors, tutors, or preceptors in the state to aid students, who are residents of the state, on an individual basis?
Yes.
 - Requiring a student to take a proctored exam at a location or with an entity in the state prescribed by the institution?
No.
 - Requiring a student to take a proctored exam with an entity in the state chosen by the student but approved by the institution?
No.
 - Other [please explain]
- c. Of the activities or conditions listed above that alone would not constitute a physical presence, are there any that if combined would create a physical presence?
No.

6. Application Process

- a. Please provide a short description of the application process to obtain state authorization. If available, please provide web links to the specific references to all applicable state laws, regulations, manuals, forms, or other pertinent documents.
An institution must submit an Initial Authorization Application, along with a New Program Application for each program it wishes to offer in Tennessee. Upon determination that authorization is required, the institution should contact the following person in order to obtain the application:

Teresa Warren
Technical Educational Specialist
Tennessee Higher Education Commission
615-253-6285
teresa.warren@tn.gov

http://www.tn.gov/thec/Divisions/LRA/PostsecondaryAuth/school_authorization.html#initial_auth

- b. Generally, how long does it take to approve applications (assuming that the agency has received all required information from the institution)? Please provide a typical range if appropriate.
3-4 Months
- c. What is the authorization duration?
July 1st to June 30th of the following year.
- d. What does an institution need to do to maintain authorization?
- Submit a reauthorization application by October 15th of each year
- Maintain minimum standards
- Abide by the applicable statutes and rules
- e. What kinds of information or data must an institution report to your agency as a condition for continued authorization? How frequently is this reported or updated? Is this information published or shared publicly?
Below is a list of some, but not all, information or data that an institution must submit with the annual reauthorization application:
- Individual Student Data
 - Program Enrollment Information
 - Withdrawal, Completion, Placement Rates
 - Financial Statement
 - Lease
 - Fire and Safety Inspection
- f. Can an institution lose its authorized status? If so, how?
Yes. Failure to abide by the statutes and rules governing postsecondary educational institutions in Tennessee including, but not limited to, the actions listed in Rule 1540-01-02-.22.

- g. Can a multi-institutional system or college corporation apply to your agency for authorization on behalf of all of its component institutions? If so, please describe the process.

No. However, state systems considering applying for authorization on behalf of its institutions should contact:

Nicholas Cook
Assistant Director of Regulatory Affairs for DPSA
Tennessee Higher Education Commission
615-253-8874
nicholas.cook@tn.gov

- h. Would multi-institution public systems be treated the same as multi-location for-profit institutions?

Yes.

- i. What distinctive features in your authorization process would be useful for applicants to know (e.g., certain times during the year that you process applications for authorization, sharing of applications or information about proposed programs with institutions or other stakeholders in your state for comment)?

Application due dates occur on a quarterly basis. Information concerning proposed new institutions and/or programs is sent to the Tennessee Board of Regents and the University of Tennessee System for comment prior to the Committee on Postsecondary Educational Institutions and the Tennessee Higher Education Commission's quarterly meetings.

- j. Is your agency currently planning to amend its application process by the end of 2011?

No.

- o If yes, please provide a brief description of the anticipated change.
- o If yes, when does the agency expect the change to be fully implemented?

7. Fees Associated with Authorization

- a. Is there an application fee to initiate the authorization process? If so, what is the fee or fee schedule? Please provide a web link if available.

Yes. The initial application fee is \$3,000, plus \$500 for each proposed program. Institutions wishing to offer degrees must pay between \$1,000 to \$4,000 for the highest degree program level being offered (associates to doctorate). Unaccredited institution must pay \$1,000 for authority to grant degrees.

See Rule 1540-01-02-.25:

<http://www.tennessee.gov/thec/Divisions/LRA/PostsecondaryAuth/pdf/Postsecondary%20Rules%20effective%207%2028%2009.pdf>

- b. Are there any other costs associated with the state authorization process (e.g. site visits, hiring a reviewer, surety bond, tuition recovery fund, agent licensing, etc.)? Institutions seeking authorization must secure a surety bond of \$10,000 for in-state institutions and \$20,000 for out-of-state institutions.

Institutions utilizing agents must pay an agent fee of \$500 per agent for in-state institutions and \$600 per agent for out-of-state institutions. Out-of-state institutions must obtain a \$5,000 surety bond for each agent.

Institutions must make payments for to the Tuition Guaranty Fund in accordance with the provisions in Rule Chapter 1710-01-02.

<http://www.tn.gov/sos/rules/1710/1710-01-02.pdf>

- c. What are the costs, if any, to renew authorization?
As part of the annual reauthorization process, in-state institutions must pay a reauthorization fee of .75% of the annual gross tuition collected (Minimum \$500, Maximum \$25,000). Out-of-state institutions must pay a reauthorization fee of .75% of the annual gross tuition collected for Tennessee students (Minimum \$500, Maximum \$25,000). Additionally, institutions must pay a renewal fee for agents of \$250 per agent for in-state institutions and \$300 per agent for out-of-state institutions.
- d. What costs are associated with receiving a waiver or exemption to authorization?
None.

8. Interstate Reciprocity

- a. Do your state regulations explicitly allow or prohibit interstate reciprocal agreements about authorization? If so, please describe.
Pursuant to Tenn. Code Ann. § 49-7-2005(a)(4), THEC has the power to negotiate and enter into interstate reciprocity agreements with similar agencies in other states, if, in the judgment of the commission, such agreements are or will be helpful in effectuating the purposes of the statutes and regulations governing postsecondary educational institutions.
- b. What is the process, if any, to obtain a reciprocal agreement with your state? The state agency shall send a written request to:
Stephanie Bellard Chase
Assistant Executive Director for DPSA
Tennessee Higher Education Commission
404 James Robertson Parkway, Suite 1900
Nashville, TN 37243

- c. Are there any reciprocal agreements currently in place or under consideration? If so, please list those agreements.

None to date.

- d. If interstate reciprocal agreements are not addressed in your regulations, would your agency consider establishing such agreements? Please elaborate.

Not applicable.

9. Consumer Protection and Student Complaints

- a. Does your agency have a process for handling complaints about postsecondary institutions or programs?

Yes.

- If yes, please describe the process or provide a web link to the material that describes the complaint process.

The investigation and further review of complaints will occur in accordance with the following provisions:

- Complaints shall be signed and submitted through hand delivery, mail, electronic mail or facsimile.
 - Commission staff will investigate all written complaints.
 - Any named institution and/or agent will receive a copy of the complaint and be provided an opportunity to respond to all allegations contained in the complaint.
 - As part of the investigation process, Commission staff may work with the complainant and the named institution and/or agent to effectuate a settlement.
 - Following the completion of the investigation, Commission staff will provide to all parties written findings and conclusions, including any determinations with regard to the complainant's receipt of a refund or other monetary relief or the assessment of a fine or other adverse action. The written findings and conclusions will contain a date by which an aggrieved party may submit a request for further review by the Executive Director as provided for in Rule 1540-01-02-.02(2)(b).
- If yes, does this complaint process extend to institutions not authorized by the agency that may enroll residents of the state (such as explicitly distance education programs with no physical presence or exempt institutions)?
- No.
- If available, please provide a web link to the complaint form.
<http://www.tn.gov/thec/Divisions/LRA/PostsecondaryAuth/ComplaintForm.rtf>

- Who is the contact person for receiving complaints? Please include name, title, address, phone, and email if available.

Lynda Lu Perrin
Investigations Officer
Tennessee Higher Education Commission
404 James Robertson Parkway, Suite 1900
Nashville, TN 37243
lynda-lu.perrin@tn.gov
615-741-0662

- b. If your agency has no formal process for handling complaints related to postsecondary institutions, what state agency would handle a complaint?
Not applicable.

10. Enforcement

- a. If your agency finds that an institution or program is operating in your state without authorization, what is the resulting warning or enforcement action?
THEC will take appropriate action to ensure compliance with state law. Failure to adhere to state law may subject the violator to adverse action, including the imposition of a fine or referral to the Office of the Attorney General.
- b. Can an institution or program appeal a warning or enforcement action? If yes, please describe the process or provide web links to the regulations/policies.
Further review by the Executive Director and/or the Tennessee Higher Education Commission may be requested in writing.

11. Legislative or Regulatory Changes

- a. Is your agency or state legislature planning to amend its regulations or alter its physical presence policy by the end of 2011?
Yes. However, the changes are not applicable to the subject of this survey.
 - If yes, please provide a brief description of the anticipated change.
 - If yes, when does the agency expect the change to be fully implemented?
- b. Is your agency or state legislature making changes in your state regulations or statutes so that institutions with locations in your state would be considered legally authorized in accordance with the federal institutional eligibility regulations?
No.

- If yes, please provide a brief description of the anticipated change.
 - If yes, when does the agency expect the change to be fully implemented?
- c. Is your agency or state legislature making any other changes in your state regulations or statutes with regard to state authorization?

No.

- If yes, please provide a brief description of the anticipated change.
- If yes, when does the agency expect the change to be fully implemented?

12. Is there anything else about the authorization process in your state that we and others ought to know about?

No.