



TENNESSEE COLLEGE
OF APPLIED TECHNOLOGY
—SHELBYVILLE—

Welcome.....

The Tennessee College of Applied Technology-Shelbyville for over 50 years has provided training and educational opportunities for individuals to pursue their career and occupational goals and to provide business and industry with highly qualified, highly skilled graduates to enter the workplace.

From the beginning in 1964, the priority of the faculty and staff has been the educational and the professional growth of our students. The goal of the institution is to provide an opportunity to learn life-long occupational skills, and to develop and instill excellent worker characteristics along with positive personal attributes that are the keys to success in the both the workplace and in life.

Through the efforts of highly qualified, dedicated faculty, each program creates a dynamic and exciting training environment for our students to gain the necessary knowledge, competencies and skills for employment in an occupational field. Through lecture, educational media, hands-on projects both on an individual basis and for groups, either in the classroom or in the real work environment, in a self-paced learning format, each student develops unique capabilities and skills to help them reach their fullest potential.

The vision of the faculty and staff is to prepare and help every student find a job. The dedicated professionals at the TCAT-S works diligently to provide the best services to assist each individual interested or currently enrolled in one of the thirteen programs.

The mission of the Tennessee College of Applied Technology-Shelbyville remains to serve as the premier workforce provider in the seven counties it serves. Together, the faculty and staff impact students' lives daily and help make a difference in the quality of life of individuals and the community.

Thank you for choosing TCAT-Shelbyville as your educational institution and allowing us to help you reach your career goals.

Ivan Jones
Director

Contents

| | |
|--|----|
| ACCREDITATION, APPROVALS, AND PROGRAM CERTIFICATIONS | 4 |
| MISSION..... | 5 |
| VISION..... | 5 |
| PHILOSOPHY | 5 |
| HISTORY OF THE COLLEGE | 6 |
| LIMITATIONS AND RESERVATIONS | 7 |
| ENROLLMENT REQUIREMENTS FOR PREPARATORY PROGRAMS | 7 |
| GENERAL ADMISSION PROCEDURES | 7 |
| IMMUNIZATION DOCUMENTATION | 8 |
| PROGRAM SCHEDULE..... | 9 |
| STUDENT MAINTENANCE AND TECHNOLOGY FEES | 9 |
| FEE SCHEDULE | 9 |
| EXPENSES, BOOKS AND SUPPLIES | 10 |
| REFUNDS..... | 10 |
| Eligibility for Refunds..... | 10 |
| Calculation of Refunds..... | 10 |
| Processing of Refunds | 11 |
| BAD CHECK COLLECTION FEE | 11 |
| DIPLOMAS, CERTIFICATES, TRANSCRIPTS AND RECORDS | 11 |
| CREDIT FOR PREVIOUS EDUCATION OR EXPERIENCES..... | 11 |
| ARTICULATION..... | 11 |
| WORK ETHICS PROGRAM | 12 |
| PROGRESS POLICY | 12 |
| RE-ADMISSION FROM SUSPENSION | 12 |
| MILITARY/JURY DUTY | 13 |
| REPORTING ABSENCES | 13 |
| TRANSFER POLICY | 13 |
| PLACEMENT | 13 |
| STUDENT ATTENDANCE..... | 14 |
| INCLEMENT WEATHER..... | 15 |
| STUDENT RECORDS | 15 |
| COMPLETION REQUIREMENTS..... | 15 |

| | |
|--|----|
| EXIT INTERVIEWS..... | 15 |
| RE-ENTRY | 15 |
| NATIONAL TECHNICAL HONOR SOCIETY | 16 |
| FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)..... | 16 |
| STUDENT COMPLAINTS | 16 |
| STUDENT CONDUCT POLICY | 16 |
| ACADEMIC AND CLASSROOM MISCONDUCT | 18 |
| DISCIPLINARY SANCTIONS | 18 |
| GRIEVANCE POLICY | 19 |
| DISCIPLINARY PROCEDURES | 19 |
| RESPONSIBLE INTERNET USE POLICY..... | 20 |
| SELECTIVE SERVICE REGISTRATION | 21 |
| POLICY ON AFFIRMATIVE ACTION | 21 |
| AMERICAN DISABILITIES ACT..... | 21 |
| MINORS ON CAMPUS | 21 |
| CRIMINAL BACKGROUND CHECKS..... | 21 |
| VOTER REGISTRATION | 21 |
| SEXUAL HARASSMENT | 22 |
| POLICY ON SEX DISCRIMINATION..... | 22 |
| DRUG FREE CAMPUS AND WORKPLACE..... | 22 |
| DRUG ABUSE PREVENTION PROGRAM | 22 |
| STUDENT ACCIDENT INSURANCE | 22 |
| SAFETY | 23 |
| HEALTH | 23 |
| PERSONAL APPEARANCE | 23 |
| SMOKING AND TOBACCO USE..... | 23 |
| ATTITUDE..... | 23 |
| TELEPHONE..... | 23 |
| INFORMATION TECHNOLOGY | 24 |
| EMERGENCY PROCEDURES..... | 24 |
| HOUSEKEEPING | 24 |
| PARKING AND TRAFFIC FLOW | 24 |
| PROJECTS | 25 |

| | |
|--|-----|
| BOOKSTORE AND CAFETERIA | 25 |
| FINANCIAL AID | 25 |
| FINANCIAL AID PROGRAMS AVAILABLE | 26 |
| Program Descriptions | 276 |
| APPLYING FOR FINANCIAL AID..... | 29 |
| PROFESSIONAL JUDGMENT | 29 |
| SATISFACTORY PROGRESS FOR FINANCIAL AID..... | 30 |
| STUDENT RIGHTS..... | 30 |
| STUDENT’S RESPONSIBILITIES | 31 |
| MEANS OF DISBURSING FINANCIAL AID..... | 31 |
| PHONE NUMBER FOR THE DEPARTMENT OF EDUCATION STUDENT OMBUDSMAN | 31 |
| TERMS AND CONDITIONS OF EMPLOYMENT FOR THE FWS PROGRAM | 31 |
| COST OF ATTENDANCE | 31 |
| REFUND—REPAYMENT POLICY | 32 |
| TCAT - S STATISTICS FOR STUDENTS’ RIGHT TO KNOW | 32 |
| SECURITY INFORMATION | 33 |
| STUDENT SERVICES..... | 33 |
| APPENDIX | 33 |

ACCREDITATION, APPROVALS, AND PROGRAM CERTIFICATIONS

The Tennessee College of Applied Technology - Shelbyville holds membership in and is accredited by the Council on Occupational Education, located at 7840 Roswell Road, Suite 325, Atlanta, Georgia 30350. (Telephone: 1-800-917-2081 – Web Address: - www.council.org)

The College is approved by the State approving Agency for Veteran's Education for veterans to attend and receive VA educational benefits.

The State Board of Nursing has approved the Shelbyville site for the LPN program.

The Machine Tool Technology program is certified by the National Institute for Metalworking Skills (NIMS).

The Automotive Technology program is certified by Automotive Service Excellence (ASE) and by the National Automotive Technicians Education Foundation (NATEF).

The Heating, Ventilation, Air Conditioning (HVAC) Technology program is certified by the Educational Standards Corporation (ESCO) and the Air Conditioning Contractors of America (ACCA).

The Computer Information Technology program is a member of the Computer Technology Industry Association (CompTIA) and an authorized Thomson Prometric Testing Center.

The Computer Information Technology program is a member of the EC-Council. The International Council of Electronic Commerce Consultants (EC-Council) is a member-supported professional organization

Industrial Electricity and HVAC programs are accredited by the National Craft Assessment and Certification Program (NCCER).

TENNESSEE COLLEGE OF APPLIED TECHNOLOGY - SHELBYVILLE

MISSION

The Tennessee Colleges of Applied Technology continue to serve as the premier providers for workforce development throughout the State of Tennessee. The Colleges fulfill the mission by:

- Providing competency based training through traditional and non-traditional learning instruction delivery systems of the highest quality that will qualify individuals for employment and/or advancement in jobs.
- Providing high quality training and retraining of employed workers.
- Providing high quality training that is economical and accessible to all residents of Tennessee, thereby contributing to the economic and community development of the communities we serve.

VISION

"To prepare and help every student find a job."

PHILOSOPHY

The basic philosophy of the Tennessee College of Applied Technology - Shelbyville is that citizens should have the privilege and opportunity to reach as high a station in life as they are capable of reaching or desire to reach. Recognizing that all people do not have the same background, abilities, or desires, and therefore cannot be fitted into the same mold, the objective of the Tennessee College of Applied Technology - Shelbyville is that each student is treated as an individual. Individualized instruction is utilized to the maximum in most programs. The College's policy provides that a student may enter a program when a vacancy occurs (except in Practical Nursing and Truck Driving), generally at the beginning of the trimester. Education starts at the student's own level of competency and progresses to the level specified by the curriculum of that program. Individualized instruction provides the student with the highest quality instruction possible in the chosen occupational area.

The Tennessee College of Applied Technology - Shelbyville is a modern education facility designed to simulate the occupational environment found in business and industry. The controlling purpose of the programs offered is to prepare individuals for useful and gainful occupations, thereby enhancing their potential for employment. Desirable worker characteristics are also emphasized through a work ethic program to develop character, good work habits, reliability, honesty, and respect for authority, all of which are needed for a productive society.

Efforts are made to update equipment and program content in order to provide educational experiences necessary for an entrance into an environment of rapid technological change. The administrative and instructional staff are comprised of skilled and knowledgeable individuals who are competent in an occupational field as well as being proficient instructors. The staff regularly attends activities such as state directed workshops, field trips, factory service schools, and university courses.

Graduates of the Tennessee College of Applied Technology - Shelbyville should not be expected to compete with persons who have developed skills and experience on the job. Students are considered "entry-level" in any respective occupation.

HISTORY OF THE COLLEGE

The Tennessee College of Applied Technology - Shelbyville is one of 46 institutions in the Tennessee Board of Regents system, the seventh largest system of higher education in the nation. This system is comprised of six universities, thirteen community colleges and twenty-seven technology Colleges. More than 80 percent of all Tennessee students attending public institutions are enrolled in a Tennessee Board of Regents institution.

This institution was authorized by House Bill 633, passed by the Tennessee General Assembly on March 15, 1963, and approved by the Governor on March 22, 1963.

The College was governed by the Tennessee Department of Education until 1983 when control was transferred to the Tennessee Board of Regents by House Bill 697 and Senate Bill 746.

Located on a twenty acre tract of land at 1405 Madison Street (U.S. Highway 41-A) approximately two miles east of downtown Shelbyville, Tennessee, the College serves individuals from a geographic area comprised of, but not limited to, Bedford, Coffee, Franklin, Lincoln, Marshall, Moore and Rutherford counties.

The first of its kind to be constructed, the Tennessee Technology College at Shelbyville opened its doors on November 30, 1964, with full-time preparatory programs having forty-one students enrolled in six programs (Air Conditioning/Refrigeration, Auto Mechanics, Drafting, Industrial Electricity, Machine Shop, and Welding). In January 1965, evening programs (part-time preparatory) were opened in each of the six original areas. The following full-time program changes have been made since 1965:

- 1967 Practical Nursing added
- 1968 Office Occupations added (now called Administrative Office Technology)
- 1969 General Masonry added
- 1980 Construction Electricity added
- 1981 Auto Body Repair added (now called Collision Repair)
- 1984 Industrial Maintenance added
- 1984 General Masonry closed
- 1984 Construction Electricity closed
- 1996 Truck Driving added
- 1999 Computer Operations Technology added (now called Computer Information Technology)
- 2002 Part-Time Practical Nursing program added at Don Sundquist Center in Fayetteville
- 2003 Surgical Technology added
- 2004 Surgical Technology became inactive
- 2005 Industrial Maintenance program added at Don Sundquist Center in Fayetteville
- 2007 Patient Care Technician added at Don Sundquist Center in Fayetteville
- 2007 Part-Time Practical Nursing in Fayetteville became full time
- 2008 Tool and Die added to Machine Tool Technology
- 2013 Truck Driving added a Weekend Class
- 2014 Patient Care Technician/Medical Assistant program moved from Fayetteville to Middle Tennessee Education Center
- 2014 Industrial Maintenance program opened in Winchester
- 2015 Machine Tool Technology evening program opened
- 2015 Industrial Maintenance full-time evening program opened at Don Sundquist Center in Fayetteville
- 2015 Industrial Maintenance program opened in downtown Lewisburg
- 2015 Industrial Maintenance program opened at Franklin County Business Development Center in Tullahoma, TN
- 2015 Industrial Maintenance program opened in Shelbyville at Middle TN Education Center (MTEC)
- 2015 Computer Information Technology program opened in Shelbyville at Middle TN Education Center (MTEC)

In 1981 the College was expanded to give more space for existing programs. In July of 1994, the name was changed by the Tennessee Legislature to "Tennessee Technology College at Shelbyville". In July of 2013, the name was changed by the Tennessee Legislature to "Tennessee College of Applied Technology – Shelbyville". In 2002, the campus was named in honor of James L. Bomar, Jr.

The most recent expansion began in 1996 with the addition of approximately 17,700 square feet and renovation of the existing building. The expansion brought the total square footage of the College to approximately 61,250 square feet. Also included in the expansion was money for the upgrade of equipment in all program and classroom areas. In fall of 2008 renovation of the original restrooms and lobby area began.

Tuition was charged for the first time in July of 1985. Full-time students were charged \$45 per quarter. Prior to that students were only required to pay for books and supplies. In January of 2006 the quarter system was changed to a more universal system of trimesters.

LIMITATIONS AND RESERVATIONS

The certificate or diploma requirements are continually under examination and revision, The specific courses or activities constituting the certificate or diploma requirements for any program are subject to change at any time prior to the student's completion of their course of study. These changes reflect required skills needed as part of rapidly changing technology.

The remaining provisions of this catalog reflect the general nature of conditions concerning the educational services of the TCAT-Shelbyville in effect at this time, but do not constitute a contract or otherwise binding commitment between the TCAT-Shelbyville and the student. Fees, charges, costs, and all academic regulations set forth in this handbook are subject to change at any time. All courses, programs, and activities described in this catalog are subject to cancellation or termination by the TCAT-Shelbyville or the Tennessee Board of Regents at any time.

The Tennessee College of Applied Technology - Shelbyville provides the opportunity for students to increase their knowledge by providing programs of instruction through faculty who are qualified to teach at the technical level. The acquisition of knowledge by any student is contingent upon the student's desire to learn and his or her application of appropriate study techniques to any course or program.

The TCAT-Shelbyville reserves the right to make changes in course offerings, curricula, academic policies, and other rules and regulations affecting current students to be effective whenever determined by the TCAT-Shelbyville.

ENROLLMENT REQUIREMENTS FOR PREPARATORY PROGRAMS

Any person who is 18 years of age or a high school graduate (or has a GED) and has a job objective may apply for enrollment. All applicants are required to submit proof of education when submitting an application. This may be a transcript, copy of high school diploma or GED. All applicants for full-time courses born after January 1, 1957, must submit proof of two MMR (Measles, Mumps and Rubella) vaccinations. Proof of Chicken Pox disease or two varicella (Chicken Pox) immunizations is also required for applicants born after January 1, 1980. Application forms can be obtained at the College or by mail. For those interested in financial aid, it is recommended that they initiate the process at the time they apply for enrollment.

The State Board of Nursing mandates that for admission into the Practical Nursing program, each applicant have a high school diploma or have successfully passed the GED. Applicants must pass Anatomy and Physiology and Math for Meds. Additional enrollment guidelines may be obtained by contacting the Student Services Department.

Students entering the Truck Driving program must be at least 21 years of age and have completed the 10th grade. Other enrollment guidelines may be obtained by contacting the Student Services Department.

GENERAL ADMISSION PROCEDURES

1. Complete the TCAT Shelbyville Application for Enrollment.
2. Submit proof of high school diploma or GED.
3. Submit proof of Mumps, Measles, Rubella (MMR) and Varicella (Chicken Pox) vaccinations as detailed in statement below.
4. Indicate one program area of interest and declare an occupational objective or demonstrate through testing or counseling reasonable potential for achieving that objective.
5. File for financial aid or have a financial plan for attending the institution.

Once items 1-4 are complete, the application will be added to the Contact List. As program openings occur, the College will notify students. If the applicant declines the opportunity for enrollment twice, the applicant's name will be removed from the Contact List. Once the name is removed, the student must start the application process over again.

Applicants who fail to attend orientation but still desire to attend school should contact Student Services as soon as possible to reactivate their application.

Each student enrolling on a full-time basis will complete the College's Technology Foundations assessment and will be enrolled in the Technology Foundations program to enhance basic math skills and obtain related math instruction specific to their program area. The Technology Foundation program is incorporated into the student's instructional day, and is a self-paced program designed to assist the student make satisfactory progress in their program area.

The admission procedures for the Practical Nursing and Truck Driving programs differ from the College's general procedures, and can be found on the school's website, or obtained from the Student Services Department.

IMMUNIZATION DOCUMENTATION for FULL-TIME STUDENTS

All Full-Time students (excluding online students) must provide documentation of immunity to measles, mumps, rubella and varicella (chicken pox). Online and part-time students are exempt from this requirement. Students in certain programs may be subject to additional immunization requirements.

Measles, Mumps, Rubella (MMR)

- ☐ Born before January 1, 1957, therefore presumed immune through past illness or
- ☐ 2 doses of measles, mumps, rubella vaccines (no earlier than 4 days before 1st birthday, ≥ 28 days apart)
Dates: ____/____/____ and ____/____/____ or
- ☐ Serology (IgG) positive for measles and mumps and rubella: Year _____, or
- ☐ Medical exemption (vaccination is contradicted because of an excess risk of harm)
- ☐ **Incomplete.** One dose of vaccine given ____/____/____, next dose due after ____/____/____
- ☐ Classified as active duty military personnel and providing proof of active duty status or
- ☐ Documentation of previous enrollment as a full-time student at a TBR college or university for at least one full semester after August 1, 2007.
- ☐ Graduated from a public or private high school in Tennessee in May 1999 or at any point thereafter. Transcript or diploma must be provided.
- ☐ Proof of graduation from a public or private Tennessee high school between May 1979 and December 1998. Proof of immunization with first dose is not required, however proof of receipt of the second MMR vaccination is required.
- ☐ Providing a signed written statement, affirmed under penalty of perjury, that religious tenets and practices prohibit receipt of any type of vaccination. (Note: must be signed by parent or guardian if under the age of 18.)

Varicella or "chickenpox"

- ☐ Born before 1980, therefore presumed immune through past illness or
- ☐ The healthcare provider named below believes the student has had chickenpox: Year of illness _____.
- ☐ 2 doses of varicella vaccine (given no earlier than 4 days before 1st birthday, ≥ 28 days apart)
Date: ____/____/____ and ____/____/____ or
- ☐ Serology (IgG) positive for varicella: Year _____, or
- ☐ Medical exemption (vaccination is contraindicated because of an excess risk of harm)
- ☐ **Incomplete.** One dose of vaccine given ____/____/____, next dose due after ____/____/____
- ☐ Providing a signed written statement, affirmed under penalty of perjury, that religious tenets and practices prohibit receipt of any type of vaccination. (Note: must be signed by parent or guardian if under the age of 18.)

PROGRAM SCHEDULE

| PROGRAM | BEGIN | BREAK | LUNCH | END |
|--|-----------|-------------------------|--------------------------|------------|
| FULL-TIME: | | | | |
| Administrative Office Technology | 7:45 a.m. | 9:30 a.m. - 9:45 a.m. | 11:30 a.m. - 12:00 noon. | 2:15 p.m. |
| Automotive Technology | 7:45 a.m. | 9:45 a.m. - 9:55 a.m. | 11:50 a.m. - 12:20 p.m. | 2:15 p.m. |
| Collision Repair Technology | 7:45 a.m. | 9:45 a.m. - 9:55 a.m. | 11:50 a.m. - 12:20 p.m. | 2:15 p.m. |
| Computer Information Technology | 7:45 a.m. | 9:50 a.m. - 10:00 a.m. | 11:45 a.m. - 12:15 p.m. | 2:15 p.m. |
| Computer Information Technology (MTEC) | 7:45 a.m. | 9:50 a.m. - 10:00 a.m. | 11:45 a.m. - 12:15 p.m. | 2:15 p.m. |
| Drafting & CAD Technology | 7:45 a.m. | 9:40 a.m. - 9:50 a.m. | 11:40 a.m. - 12:10 p.m. | 2:15 p.m. |
| Heating, Ventilation, Air Conditioning & Refrigeration | 7:45 a.m. | 10:05 a.m. - 10:15 a.m. | 11:30 p.m. - 12:00 p.m. | 2:15 p.m. |
| Industrial Electricity | 7:45 a.m. | 9:55 a.m. - 10:05 a.m. | 12:10 p.m. - 12:00 noon | 2:15 p.m. |
| Industrial Maintenance – Shelbyville | 7:45 a.m. | 10:00 a.m. - 10:10 a.m. | 12:00 noon - 12:30 p.m. | 2:15 p.m. |
| Industrial Maintenance – MTEC | 7:45 a.m. | 10:00 a.m. - 10:10 a.m. | 12:00 noon - 12:30 p.m. | 2:15 p.m. |
| Industrial Maintenance – UTSI | 7:45 a.m. | 10:00 a.m. - 10:15 a.m. | 12 noon – 12:30 p.m. | 2:15 p.m. |
| Industrial Maintenance - Lewisburg | 7:45 a.m. | 9:30 a.m. - 9:55 a.m. | 11:25 a.m. – 12:00 noon | 2:15 p.m. |
| Industrial Maintenance – Fayetteville | 7:45 a.m. | 10:00 a.m. - 10:10 a.m. | 12:00 p.m. - 12:30 p.m. | 2:15 p.m. |
| Industrial Maintenance – Fayetteville II | 3:00 p.m. | 5:00 p.m. - 5:10 p.m. | 7:00 p.m. – 7:30 p.m. | 11:00 p.m. |
| Industrial Maintenance - Winchester | 7:45 a.m. | 9:30 a.m. - 9:40 a.m. | 11:30 p.m. – 12 noon | 2:15 p.m. |
| Machine Tool Technology | 7:45 a.m. | 10:00 a.m. - 10:10 a.m. | 12:20 p.m. - 12:50 p.m. | 2:15 p.m. |
| Machine Tool Technology II | 3:00 p.m. | 5:30 p.m. - 5:40 p.m. | 7:30 p.m. - 8:00 p.m. | 11:00 p.m. |
| Patient Care Technician/Medical Assistant* | 7:45 a.m. | 9:30 a.m. - 9:40 a.m. | 11:30 a.m. - 12:00 noon | 2:15 p.m. |
| Practical Nursing* | 7:45 a.m. | 9:40 a.m. - 9:50 a.m. | 12:00 p.m. - 12:30 p.m. | 2:15 p.m. |
| Truck Driving** | 7:45 a.m. | 9:50 a.m. - 10:00 a.m. | 11:45 a.m. - 12:15 p.m. | 2:15 p.m. |
| Welding | 7:45 a.m. | 9:50 a.m. - 10:00 a.m. | 12:00 p.m. - 12:30 p.m. | 2:15 p.m. |

PART-TIME, SUPPLEMENTAL AND SPECIAL INTEREST CLASSES

| | | | | |
|--|-----------|-----|-----------------------|------------|
| Administrative Office Technology (M,T,W) | 5:45 p.m. | NA | 7:15 p.m. – 7:45 p.m. | 10:00 p.m. |
| Computer Information Technology (M,T,W) | 5:45 p.m. | NA | 8:00 p.m. - 8:15 p.m. | 10:00 p.m. |
| Industrial Electricity (M,T,W) | 5:45 p.m. | NA | 7:45 p.m. - 8:00 p.m. | 10:00 p.m. |
| Industrial Maintenance (M,T,W) | 5:45 p.m. | NA | 7:30 p.m. – 7:45 p.m. | 10:00 p.m. |
| Machine Tool Technology (M,T,W) | 5:45 p.m. | NA | 7:30 p.m. - 7:45 p.m. | 10:00 p.m. |
| Practical Nursing – Winchester (M,T,W,R) | 4:00 p.m. | NA | 7:45 p.m. - 8:00 p.m. | 9:30 p.m. |
| Nurse Aide * (T,W, R) | 4:30 p.m. | NA | 7:45 p.m. - 8:00 p.m. | 7:30 p.m. |
| Dental Assisting (M) | 6:00 p.m. | TBA | 7:45 p.m. - 8:00 p.m. | 10:00 p.m. |
| Math for Meds (one day/week/varies) | 5:00 p.m. | TBA | NA | 8:00 p.m. |
| Anatomy & Physiology (two days/week/varies) | 6:00 p.m. | TBA | NA | 9:00 p.m. |
| Programmable Logic Controllers | 5:00 p.m. | TBA | NA | 9:00 p.m. |
| Computer and other special interest programs | TBA | TBA | NA | TBA |

All classes will start and end promptly at the designated time. Class breaks and lunch will be observed strictly as shown by the class schedule. **You will not leave your classroom or shop without permission from your instructor. Violation of this rule will be just cause for termination.**

*Patient Care Technician/Medical Assistant, Practical Nursing and Nurse Aide schedule may vary with clinical assignments.

**Truck Driving schedule may vary due to driving assignments.

STUDENT MAINTENANCE AND TECHNOLOGY FEES

All students enrolling in any program, whether residents or non-residents, will pay a maintenance fee and a technology fee. Students enrolling or completing between term beginning and ending dates will pay a prorated fee based upon the fee schedule. ***FEES MUST BE PAID BEFORE A STUDENT WILL BE OFFICIALLY ADMITTED TO CLASS; THEREAFTER, THE FEES MUST BE PAID AT THE BEGINNING OF EACH TERM.***

FEE SCHEDULE

Maintenance fees are determined and approved by the Tennessee Board of Regents prior to the beginning of each academic year in July. Current fees are as follows:

| Hours | Maintenance Fee | Student Activity Fee | Technology Fee | Total |
|---------|-----------------|----------------------|----------------|-----------|
| 1-40* | \$183.00 | \$10.00 | \$41.00 | \$234.00 |
| 41-80* | \$247.00 | \$10.00 | \$41.00 | \$298.00 |
| 81-135* | \$372.00 | \$10.00 | \$41.00 | \$423.00 |
| 136-217 | \$631.00 | \$10.00 | \$67.00 | \$708.00 |
| 218-340 | \$1019.00 | \$10.00 | \$67.00 | \$1096.00 |
| 341-432 | \$1139.00 | \$10.00 | \$67.00 | \$1216.00 |

*The Tennessee College of Applied Technology - Shelbyville has the option of charging \$2.50 per hour within this range.

Special Fees:

Truck Driving - \$300.00 per trimester

Practical Nursing - \$100.00 per trimester

Welding Technology - \$100.00 per trimester

Online CNA Lab Fee - \$75.00 per trimester

NOTE: Fees listed in the catalog are subject to change without notice. The College, in conjunction with the Tennessee Board of Regents, reserves the right to add, delete, or change fees for admission to the College at any time without prior notice to the public.

EXPENSES, BOOKS AND SUPPLIES

Students are responsible for providing the following items as required for the chosen program area:

1. Textbooks, workbooks, calculators, paper and pencils.
2. Parts and materials used on personal projects.
3. Uniforms, safety glasses, and other personal items as required by specific occupational areas.

*Students are encouraged to take the accident and sickness insurance available.

Students are expected to purchase all textbooks, workbooks, miscellaneous supplies, and safety supplies upon entry. Many of these items are available in the bookstore that is located in the cafeteria.

NOTE: No student will be admitted to class without having met all financial obligations.

REFUNDS

All refund checks are mailed directly to the student. Refunds will be made in accordance with the following provisions:

Eligibility for Refunds

1. The change in a full-time student's schedule which results in reclassification to a part-time student.
2. A change in a part-time student's schedule which results in a class load of fewer hours.
3. Voluntary withdrawal from the College.
4. Cancellation of a program by the College.
5. Death of a Student

Calculation of Refunds

1. Full refund

- a. 100% of fees will be refunded for classes canceled by the College.
- b. 100% of fees will be refunded for drops or withdrawals prior to the first official day of classes.
- c. 100% of fees will be refunded in the case of death of the student during the term.

2. Partial Refund

- a. 75% of maintenance fees will be refunded if a program is dropped or a student withdraws within the first 10% of the class hours.
- b. 50% of maintenance fees will be refunded if a course is dropped or a student withdraws within the first 20% of the class hours.
- c. No refund may be permitted after 20% of the class hours has been completed.

Processing of Refunds

A Tuition Refund Authorization should be submitted to the TCAT - S Business Office who will issue a refund check that will be mailed to the student's home address within two to three weeks.

PLEASE NOTE: THE BOOKSTORE WILL NOT REFUND BOOK MONEY.

BAD CHECK COLLECTION FEE

The payment of fees may be made by cash, check, money order or credit card (MasterCard, Discover, and VISA only). If a student pays fees with a check that is not honored by the bank, that student will be notified by the College. If the student does not pay the dishonored check in cash within 15 calendar days from the date of notice, an additional \$30.00 returned check fee will be assessed and the student will be terminated.

DIPLOMAS, CERTIFICATES, TRANSCRIPTS AND RECORDS

A student will be awarded a diploma or a certificate for satisfactory completion of a program. A diploma will be awarded to a student who demonstrates satisfactory proficiencies for a complete course of study. A certificate will be awarded to a student who reaches an established proficiency level but has completed less than the hours required for a diploma.

Requests for student academic transcripts should be submitted in writing to the Student Services Department. Students and graduates in good standing with the College may have official academic transcripts mailed to the school of their choice or to the individual listed by the student. Students and graduates may also have a transcript issued to them for personal use. When possible, in-person requests will receive same-day service. Requests that are faxed, or mailed in will be processed in a timely fashion; however, please allow up to five days for assistance. All requests must be accompanied by a signed release form.

CREDIT FOR PREVIOUS EDUCATION OR EXPERIENCES

Previous education and/or experience will be evaluated by the instructor, and students will be enrolled at their proficiency level. The time normally required for program completion will be shortened accordingly.

Education completed in technical institutes, colleges, high schools, and other educational facilities will be evaluated, and applied to the completion requirements where applicable.

Military, industrial, and business courses or work experiences will be evaluated toward the completion requirements where applicable.

Documentation and/or evidence of proficiency must be supplied by the student.

ARTICULATION

High school students who earn a regular or honors diploma and have successfully completed an approved technical area in high school may be granted up to 432 hours credit by demonstrating proficiency in the specific program area. To receive more information, please check with Student Services.

Previously, until 2015, a diploma from a Tennessee College of Applied Technology would be recognized by a community college and the student would be granted up to 30 semester hours of college credit. Due to accreditation issues, community colleges can no longer grant a block of college credit hours for a diploma from a TCAT. However, two year institutions can evaluate transcripts and grant experiential or life long-learning college credit based on the individual's curriculum on the transcript. The only exception is the Licensed Practical Nurse program. LPN graduates are offered a "bridge" program which allows them credit for the first year of nursing classes in the RN program.

Four year universities also can grant advanced credit hours for experiential or life-long learning, especially with institutions that have Adult Learners programs. Currently, Western Governors University (WGU) does grant 30 hours of articulated credit toward a Bachelor's degree in Computer Science.

WORK ETHICS PROGRAM

The U.S. Department of Labor estimates that 80 percent of workers who lose their jobs do so not because of lack of occupational skills, but because of poor work ethics. The mission of technical education is to provide business and industry with trained workers who possess both strong occupational skills and good work habits.

Business and industry leaders have identified essential worker characteristics that should be taught and practiced in order to develop a viable and effective workforce. The ten worker characteristics traits that have been identified are:

- | | | | | |
|-----------------|-------------------|-------------------------|----------------|-------------|
| 1. Attendance | 2. Character | 3. Teamwork | 4. Appearance | 5. Attitude |
| 6. Productivity | 7. Organizational | 8. Communication Skills | 9. Cooperation | 10. Respect |

Lessons on all ten worker characteristics are part of each program's curriculum. One of the ten worker characteristics is presented and discussed in each classroom every Monday.

Three primary results of the Work Ethics Program make it a winning proposition for all concerned. These results are:

- Students begin employment with positive work ethic skills which enhance their value as employees.
- Instructors develop more motivated and attentive students.
- Employers acquire employees with desirable work habits.

PROGRESS POLICY

Progress reports, attendance records, and work evaluations are kept on each student and are filed in the Student Services Department. An evaluation and discussion of progress is recorded each trimester. Students that fail to maintain a "C" average or better will be placed on academic suspension. Re-entry into a program for any student suspended must be approved by the administration. In addition, students enrolled in the Practical Nursing program must maintain a satisfactory average of 80 percent for each unit of study. Clinical evaluations are conducted monthly. Due to the structure of the Practical Nursing programs, re-admission of academically suspended students may take up to one year.

A) This policy provides a minimum criteria for evaluating student achievement relating to identified occupational competencies, in compliance with this policy, to define retention standards of the institution.

B) Trimester evaluations are recorded for each student at the end of 72 days of instruction that comprise a term. Those evaluations include the following scale of progress:

| | | |
|------------|---------------|-----------|
| A (93-100) | Excellent | 3.51-4.00 |
| B (85-92) | Above Average | 2.51-3.50 |
| C (77-84) | Average | 1.51-2.50 |
| D (70-76) | Below Average | 0.51-1.50 |
| F (0-69) | Unacceptable | 0.00-0.50 |

Scale for Practical Nursing

| | | |
|------------|---------------|-----------|
| A (94-100) | Excellent | 3.51-4.00 |
| B (87-93) | Above Average | 2.51-3.50 |
| C (80-86) | Average | 1.51-2.50 |
| D (75-79) | Below Average | 0.51-1.50 |
| F (0-74) | Unacceptable | 0.00-0.50 |

C) The trimester grade report will reflect each student's progress in the following categories: Skill Proficiency, Related Information, Work Characteristics.

D) A student must maintain a "C" or better average for the 72 day period of instruction. Failure to do so will result in suspension at the end of the trimester.

RE-ADMISSION FROM SUSPENSION

When students are suspended from the College they are suspended for the remainder of the trimester in which they were enrolled, plus the next trimester. They are re-admitted as openings occur the following trimester. In classes that begin once or twice a year, their re-enrollment is contingent upon approval of the director and the program instructor, and upon availability of openings for the program. The applicant may be considered for admission after being suspended. The administration may use the following criteria in assessing candidacy for readmission:

- a. Assessment of the student's willingness to address those deficiencies that contributed to the prior suspension
- b. Assessment of the likelihood that the readmitted student may succeed in pursuing an educational objective.

Exceptions

In individual cases of extenuating circumstances, the administration may make exceptions to suspension due to absences. Such exceptions will be fully documented.

Additional retention standards for specific programs may be maintained by the institution pursuant to accreditation or licensing requirements.

MILITARY/JURY DUTY

Students who are members of the Reserve or National Guard and who are required to serve two weeks active duty each year will be excused to do so. In such cases, the student will be granted leave for the period of active duty. VA students will be terminated for the two week period and then re-enrolled upon their return. These students should advise the school of their military schedule at the beginning of the term their active duty tour is scheduled. The student must provide the College with a copy of the official orders.

A student will be excused from classes for jury duty; however, a copy of the summons must be provided to the College as well as an excuse for each day from the court clerk.

REPORTING ABSENCES

1. All absences and tardiness must be recorded in the Student Information Management System. .
2. Students are required to email, text, or call their instructor to report their absence.
3. When returning to class following an absence, the student should report to the instructor and complete the absence report before class time on the day of their return.
4. Leaving class without authorization will be grounds for suspension. The student should report to the instructor before leaving.
4. False information pertaining to reasons for absences will be grounds for dismissal.

TRANSFER POLICY

Transfers within the College from one program to another:

Whenever it is determined that a student is not in the proper training area, the Student Services Department will work with the student in order to find a more suitable occupational area. It is expected that this will usually occur within the first trimester of the student's training; therefore, transfers will be limited.

Transfers of students from other institutions:

All transfers are considered on an individual basis when space is available and admission requirements are met. Transcripts indicating clock hours of attendance, grades and skill levels are reviewed for credit, time and placement.

PLACEMENT

Placement of students in satisfactory employment is one of the primary objectives of the TCAT – Shelbyville. The administrative, counseling, and instructional staff work with business and industry partners to place students in related employment; however, placement is not guaranteed. Students must also fully participate in the job seeking process. Because job placement in any program depends on the student's academic and attendance record as well as on the local economy and job market, placement cannot be guaranteed. The TCAT - Shelbyville maintains close communication with employers, both in the local community and throughout the State.

STUDENT ATTENDANCE

FULL-TIME

The nature of the programs at the Tennessee College of Applied Technology - Shelbyville are such that it is necessary for every student to attend regularly. Excessive interruptions due to absences will have an adverse effect on student progress.

- 1) After a full-time student has been absent for a total of 25 hours in a 72-day period of instruction, or more than 5% of the assigned instructor time, the instructor will refer the student to the Student Services Coordinator for counseling, and the student may be placed on probation.
- 2) After a full-time student has missed in excess of 42 hours within a 72-day period of instruction, or more than 9% of the assigned instructional time, that student is subject to program termination.
- 3) A student is considered tardy if not in the classroom at the designated time for class to start (This includes breaks.) Incidences of tardiness are counted in 1/2 hour and 1 hour increments only. For example, a person arriving 1 - 30 minutes late will be counted as 30 minutes late. A person arriving 31 - 60 minutes late will be counted as 1 hour late. All time missed from the College will be deducted from the 42 hours as referenced in item (2) above.
 - 5 incidences of tardiness - documented warning by instructor
 - 6 incidences of tardiness - documented warning by designated authority
 - 7 incidences of tardiness - referred to administration
- 4) All students are requested to call, text, or email their instructor when they are absent from class.
- 5) A student absent three (3) consecutive days without contacting the College will be automatically terminated. To re-enter, the student must complete and file a new application.
- 6) Any student who terminates for any cause and is in a probationary status will continue the same probationary status if that student re-enters within one year of the termination date. When a student is terminated a second time because of failing grades and/or the violation of policies, the administration must give approval before re-application can be made.

An attendance record for each student is maintained in the office of Student Services.

| Prorated Attendance and Tardy Chart (for Full-Time Students) | | | | | | | | | | | | | | |
|--|--|----|----|----|----|--|----|----|----|----|--|----|----|----|
| Week Number Started | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| Hours for Counseling | 24 | 22 | 21 | 19 | 18 | 16 | 5 | 13 | 11 | 10 | 8 | 6 | 5 | 3 |
| Hours for Termination | 42 | 40 | 37 | 34 | 31 | 29 | 26 | 23 | 20 | 17 | 15 | 11 | 8 | 5 |
| Tardiness | 5 = Warning 6 = Probation 7 = Referral to Director | | | | | 4 = Warning 5 = Probation 6 = Referral to Director | | | | | 3 = Warning 4 = Probation 5 = Referral to Director | | | |

PART-TIME EVENING (AOT, CIT, IE, IM, PN, and MTT)

After a student has been absent for a total of 10 hours in a trimester, the instructor will refer that student to the designated authority for counseling.

When a student has missed in excess of 17 hours within a trimester, the student will be referred to the administration.

A student is considered tardy if not in the classroom at the designated time for class to start. Tardiness is counted in 1/2 hour and 1 hour increments only. For example, a person arriving 1— 30 minutes late will be counted as 30 minutes late. A person arriving 31— 60 minutes late will be counted as 1 hour late. The hours missed due to tardiness will be included in the accumulation of hours as referenced in item (2) above.

- 2 incidences of tardiness - documented warning by instructor
- 3 incidences of tardiness - documented probation by designated authority
- 4 incidences of tardiness - referred to administration

All students are requested to call in absences by email, text, or phone.

A student absent three (3) consecutive school days without contacting the school will be automatically terminated. To re-enter, the student must complete and file a new application.

Any student who terminates for any cause and is in a probationary status will continue under the same probationary status if that student re-enters within one year of the termination date. When a student is terminated a second time because of failing grades and/or violation of policies, the administration must give approval before re-application can be made.

An attendance record for each student is maintained in the office of Student Services.

INCLEMENT WEATHER

The Tennessee College of Applied Technology at Shelbyville is an agency dedicated to upgrading skills for the business/industrial community; therefore, the College is normally open if local businesses/industries are open. However, in the event of inclement weather, students should use discretion concerning personal safety. If classes have not been cancelled due to inclement weather, students not attending classes will be recorded as absent. Students should use absences wisely! If the severity of the weather conditions warrant College closing and/or an alternate schedule, an announcement will be made on area TV stations as listed below. Information will also be made available on the College's website: www.tcatshelbyville.edu, and through Nixle text alerts.

NOTE:

- **Do not confuse the Bedford County School System with the Tennessee College of Applied Technology - Shelbyville. Closure of the College will specify "TCAT-Shelbyville".**
- **Any other unforeseen emergencies that necessitate closing the College will be communicated to students using the same media sources as in the case of inclement weather.**

TV Stations

WKRN - Channel 2 - Nashville
WSMV - Channel 4 - Nashville
WTVF - Channel 5 - Nashville
WZTV - Fox 17 – Nashville

STUDENT RECORDS

Student records are housed in a fire-proof room on the main campus. The room shall be locked when staff is not available. During class hours, records will be accessible to all relevant staff members.

The Student Services Coordinator shall be ultimately responsible for the maintenance of the official files and records of each student; however, each Student Services staff member has a responsibility for individual items in each file.

Educational and financial aid records are maintained on all students enrolled. The class roll is maintained by the instructor and is the official record for all students in a class. It is the official school record in matters pertaining to entrance dates, completion dates, and attendance. These records are the property of the College and are stored in the Student Information Management System (SIMS) online, and in the office of Student Services.

All student records are kept confidential and may only be released by written consent of the student and/or court order.

Students may review personal records by making a written request to the Student Services Coordinator. Copies of records may be obtained by making a written request and identifying the item to be copied. The College will strive to comply with the student's request within 48 hours.

COMPLETION REQUIREMENTS

Satisfactory completion may be achieved by demonstrating proficiency based on the occupational entry requirements.

A diploma and/or certificate may be awarded to each preparatory student who demonstrates satisfactory proficiencies in a complete course of study. All diplomas and certificates require that the Technology Foundations requirements of the program have been satisfied.

EXIT INTERVIEWS

Students are required to complete an exit interview on their last day of enrollment.

RE-ENTRY

Persons completing a program with a diploma must complete an application and be placed on the waiting list prior to entering another full-time preparatory program.

NATIONAL TECHNICAL HONOR SOCIETY

The National Technical Honor Society (NTHS) honors student achievement and leadership of the top Career and Technical Education (CTE) students, promotes educational excellence, and enhances career opportunities for the NTHS membership. The induction ceremony usually takes place every August at the TCAT-Shelbyville campus.

Students must be recommended for the Honor Society by a program instructor. Specific criteria for this program can be found in the Student Services office.

GRADUATION

TCAT Shelbyville has one graduation ceremony per year, generally in December. This ceremony is an excellent way for family and friends to share in the accomplishments of a student. Participation in this ceremony is optional for any student that graduated from January to December of that year. Minor fees are assessed for the cost of a cap and gown. Graduation announcements and photographs are available for purchase from local businesses.

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

The Family Educational Rights and Privacy Act (FERPA), also referred to as the Buckley Amendment, is a federal law that allows a student the right to access their educational record, the right to seek amendment of their educational record, and the right to limit disclosure of personally identifiable information from their educational record. The law applies to any school that receives federal funds from the U.S. Department of Education.

STUDENT COMPLAINTS

Students or prospective students who wish to file a complaint related to accreditation or regarding violations of state law not resolved at the Tennessee College of Applied Technology - Shelbyville may submit a Student Complaint Form to the Tennessee Board of Regents at 1415 Murfreesboro Road, Suite 340, Nashville Tennessee 37217, or by going on line and filing out the form electronically at <http://www.tbr.edu/contact/default.aspx?id=2936>. Under Tennessee's open records law, all or parts of complaints will generally be available for review upon request from a member of the public.

Complaints regarding accreditation can also be made by contacting the Council on Occupational Education, 7840 Roswell Road, Suite 325, Atlanta, Georgia 30350; telephone: 1-800-917-2081 (www.council.org).

Complaints of fraud, waste or abuse may be made by email at reportfraud@tbr.edu or by calling the Tennessee Comptroller's Hotline for Fraud, Waste and Abuse at 1-800-232-5454.

STUDENT CONDUCT POLICY

Generally, through appropriate due process procedures, institutional disciplinary measures shall be imposed for conduct which adversely affects or shows a disregard for the rights or other members of the academic community, or which endangers property or persons on institution or institution-controlled property.

Individual or organizational misconduct which is subject to disciplinary sanction shall include but not limited to the following examples:

1. **Conduct dangerous to others.** Any conduct which constitutes serious danger to any person's health, safety or personal well-being, including any physical abuse or immediate threat of abuse.
2. **Hazing.** Any act of hazing of any variety by an individual or group is prohibited. In accordance with House Bill No. 1779, "hazing" means an intentional or reckless act in Tennessee on or off the property of any Higher Education

Institution by one student acting alone or with others which is directed against any other student, that endangers the mental or physical health or safety of that student, or which induces or coerces a student to endanger mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions and is limited to those actions taken and situations created in connection with the initiation into affiliation with any organization.

3. **Disorderly conduct.** Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs other groups or individuals. The inappropriate use of electronic or photographic devices without knowledge or to violate privacy is prohibited by the College.
4. **Obstruction of or interference with institutional activities or facilities.** Any intentional interference with or obstruction of any institutional activity, program, event, or facilities, including the following:
 - a. Any unauthorized occupancy of institution or institutional controlled facilities or blocking of access to or from such facilities.
 - b. Interference with the right of any institution member or other authorized person to gain access to any institutional-controlled activity, program, event, or facilities.
 - c. Any obstruction or delay of a campus security officer, fireman, or any institutional official in the performance of his/her duty.
5. **Misuse of or damage to property.** Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to the institution including, but not limited to, fire alarms, fire equipment, elevators, telephones, institution keys, library materials and or safety devices; and any such act against a member of the institution community or a guest of the institution.
6. **Theft, misappropriation, or unauthorized sale.** An act of theft, misappropriation, or unauthorized possession or sale of institutional property or any such act against a member of the institution community or a guest of the institution.
7. **Misuse of documents or identification cards.** Any forgery, alteration of or unauthorized use of institution documents, forms, records or identification cards, including the giving of any false information or withholding necessary information in connection with a student's admission, enrollment or status in the institution.
8. **Firearms or other dangerous weapons.** Any unauthorized or illegal possession of or use of firearms or dangerous weapons of any kind. State Law prescribes a maximum penalty of five (5) years imprisonment and a fine not to exceed \$2,500 for carrying weapons on institutional property.
9. **Explosives, fireworks, and flammable materials.** The unauthorized possession, ignition or detonation of any object or articles which could cause damage by fire or other means to persons or property or possession of which could be considered to be and used as fireworks.
10. **Alcoholic beverages.** The use, possession, distribution, sale or manufacture of alcoholic beverages is not allowed on College property or College controlled property (including clinical sites or at College sponsored events).
11. **Drugs.** The unlawful possession or use of any drug, controlled substance (including any stimulant, depressant, narcotic, or hallucinogenic drug or substance, or marijuana), being under the influence of any drug or controlled substance, or the misuse of legally prescribed or "over the counter" drugs, or sale or distribution or any such drug or controlled substance on College property or College controlled property (including clinical sites or at College sponsored events)
12. **Gambling.** Gambling in any form is not allowed.
13. **Financial Irresponsibility** Failure to meet financial responsibilities to the College promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the institution or to a member of the institution or College community acting in an official capacity.
14. **Unacceptable conduct in hearings.** Any conduct at an institutional or College hearing involving contemptuous, disrespectful, or disorderly behavior, or the giving of false testimony or other evidence at any hearing.
15. **Failure to cooperate with institutional or College officials.** Failure to comply with directions of College officials acting in the performance of their duties.
16. **Violation of general rules and regulations.** Any violation of the general rules and regulations of the College as published in an official publication, including the intentional failure to perform any required action or the intentional performance of any prohibited action.
17. **Attempts and aiding and abetting the commission of offenses.** Any attempt to commit any of the foregoing offenses, or the aiding and abetting of the commission of any of the foregoing offenses (an "attempt" to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission).
18. **Violation of state or federal laws.** Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference.
19. **Litter.** Dispersing litter in any form onto the grounds or facilities of the campus.
20. **Public Intoxication.** Appearing on College owned or controlled property, or a College sponsored event while under the influence of a controlled substance or of any other intoxicating substance.
21. **Drug Paraphernalia.** The use or possession of equipment, products or materials which is used or intended for use in manufacturing, growing, using or distributing any drug or controlled substance.
22. **Academic misconduct.** Plagiarism, cheating, fabrication, or facilitating such act. For purposes of this section, the following definitions apply:
 - a. Plagiarism. The adoption or reproduction of ideas, words, statements, images, or works of another person as one's own without proper acknowledgment.

- b. Cheating. Using or attempting to use unauthorized materials, information, or study aid in any academic exercise. The term academic exercise includes all forms of work submitted for credit or hours.
 - c. Fabrication. Unauthorized falsification or invention or any information or citation in an academic exercise.
 - d. Facilitation. Helping or attempting to help another to violate a provision of the institutional code of academic misconduct. Students guilty of academic misconduct, either directly or indirectly through participation or assistance, are immediately responsible to the instructor of the class. In addition to other possible disciplinary sanctions which may be imposed through the regular institutional procedures as a result of academic misconduct, the instructor has the authority to assign an F or a zero for the exercise or examination, or to assign an F in the course. If the student believes that he or she has been erroneously accused of academic misconduct, and if his or her final grade has been lowered as a result, the student may appeal the case through the appropriate institutional procedures.
23. **Pornography.** Public display of literature, films, pictures or other materials which an average person applying contemporary community standards would find:
- a. taken as a whole, appeals to the prurient interest,
 - b. depicts or describes sexual conduct in a patently offensive way, and
 - c. taken as a whole, lacks serious literary, artistic, political or scientific value.
24. **Sexual misconduct** Sexual Misconduct includes sexual harassment, sexual assault, and any conduct of a sexual nature that is without consent, or has the effect of threatening or intimidating the person against whom such conduct is directed.

Disciplinary action may be taken against a student for violations of the foregoing regulations which occur on College owned, leased, or otherwise controlled property, or which occur off-campus when the conduct impairs, interferes with or obstructs any College activity or the mission, processes and functions of the College. In addition, disciplinary action may be taken on the basis of any conduct, on or off-campus, which poses a substantial threat to persons or property within the College community.

For the purposes of these regulations, a "student" shall mean any person who is registered for study in any institution governed by the State Board of Regents for any academic period. A person shall be considered a student during any period which follows the end of an academic period which the student has completed until the last day for registration for the next succeeding regular academic period, and during any period while the student is under suspension from the institution.

ACADEMIC AND CLASSROOM MISCONDUCT

The instructor has the primary responsibility for control over classroom behavior and maintenance of academic integrity, and can order the temporary removal or exclusion from the classroom of any student engaged in disruptive conduct or conduct that violates the general rules and regulations of the College. Extended or permanent exclusion from the classroom or further disciplinary action can be effected only through appropriate procedures of the institution.

Students should not leave the classroom without permission of the instructor. Violation of this rule may be just cause for termination.

DISCIPLINARY SANCTIONS

Upon a determination that a student or organization has violated any of the rules, regulations or disciplinary standards set forth in these regulations, the following disciplinary sanctions may be imposed, either singly or in combination, by the appropriate College officials.

Definition of Sanctions

Restitution. A student who has committed an offense against property may be required to reimburse the College or other owner for damage to or misappropriation of such property. Any such payment in restitution shall be limited to the actual cost of repair or replacement.

Warning. The appropriate College official may notify the student that continuation or repetition of specified conduct may be cause for other disciplinary action.

Reprimand. A written reprimand does not restrict the student in any way, but does have important consequences. It signifies to the student that a second chance is being given to be a proper member of the College community, but that any further violation may result in more serious penalties. A reprimand remains on file in a student's personal file for a period of one year.

Restriction. A restriction upon a student's privileges for a period of time may be imposed. This restriction may include, for example, denial of the right to be present at the College in any way, denial of use of facilities, parking privileges, or participation in National Technical Honor Society (NTHS) functions for a maximum of one year.

Probation. Continued enrollment of a student on probation may be conditioned upon adherence to these regulations. Any student placed on probation will be notified of such in writing and will also be notified of the terms and length of the probation..

Any conduct in violation of these regulations while on probationary status may result in the imposition of a more serious disciplinary action.

Suspension. If a student is suspended, that student is separated from the institution for a stated period of time with conditions of readmission stated in the notice of suspension.

Expulsion. Expulsion entails a permanent separation from the institution. The imposition of this sanction is a permanent bar to the student's readmission to the institution.

Interim or summary suspension. Though as a general rule, the status of a student accused of violations of these regulations should not be altered until a final determination has been made in regard to the charges, summary suspension may be imposed upon a finding by the appropriate institutional official that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused, or of any other member of the institution community or its guests, destruction of property, or substantial disruption of classroom or other campus activities. In any case of immediate suspension, the student shall be given an opportunity at the time of the decision or immediately thereafter to contest the suspension, and if there are disputed issues of fact or cause and effect, the student shall be provided a hearing on the suspension as soon as possible.

The administration of the institution is authorized to use discretion to subsequently convert any sanction imposed to a lesser sanction, or rescind any previous sanction, if appropriate.

GRIEVANCE POLICY

It is the philosophy of the Tennessee College of Applied Technology - Shelbyville that many complaints can be resolved through open and clear communications, and should be resolved at the lowest level possible. Therefore, the student should first discuss the complaint with the instructor, administrator or student involved in the matter in an attempt to resolve the concern.

If the concern cannot be resolved through informal discussion, the student may file a written complaint with the office of Student Services. The Student Services Coordinator will meet with the student, investigate the complaint, consult other TCAT personnel or students as needed, determine an appropriate resolution, and notify the student, in writing, of the outcome.

If the student is not satisfied with how the Student Services Coordinator attempted to resolve the issue, the student may appeal to the Director within five (5) school days of receipt of the Student Services Coordinator's letter. The Director may discuss the matter with the student and the Student Services Coordinator, and any other personnel he/she feels appropriate. The Director will provide a written decision to the student within five (5) days of receipt of the appeal. The Director's decision will be final.

Contact concerning grievances may also be made with the Accrediting Commission, Council on Occupational Education, 7840 Roswell Road, Building 300, Suite 365, Atlanta, GA 30350, 1-770-396-3898.

DISCIPLINARY PROCEDURES

A student who is subject to disciplinary proceedings based on charges of disciplinary offenses listed in the policy (cheating, plagiarism, etc.) which could result in suspension or termination from the College has a right to an opportunity to hear the charges against her/him and have a meaningful opportunity to respond prior to such action being taken.

1. Hearing Process. This process will include:
 - a. The right to an advisor of his/her choice. However, the advisor cannot actively participate in the hearing.
 - b. The right to question the complainant.
 - c. The right to present evidence in his/her behalf.
 - d. The right to call witnesses in his/her behalf.
 - e. The right to remain silent and have no inference of guilt drawn for such silence.
 - f. The right to cross examination.
 - g. The decision of the committee shall be final and may be appealed within five days to the Director. Any further appeal is limited by the terms of TBR Policy 1:02:11:00.
 - h. A tape recording or summary transcription of the proceedings shall be kept and made available to the student upon request for the sole purpose of appeal. The student may also have a verbatim transcript made at his/her own expense.
2. Pending the Hearing. Usually the student will attend classes and attend required College functions until a hearing is held and a decision is rendered. Exceptions to these are:
 - a. When a student's physical or emotional safety and well-being are endangered;
 - b. When the general safety and well-being of the faculty, staff or other College personnel are endangered;
 - c. When the orderly progression of the education objectives of the College may be disrupted;
 - d. When the College property is in jeopardy.
3. Type of Hearing.

- a. TUAPA The only cases which are subject to a Tennessee Uniform Administrative Procedures Act (TUAPA) hearing are those which may result in:
 - i. suspension or expulsion of a student from the College for disciplinary offenses or
 - ii. revocation of registration of an official student organization during the term of registration.
 4. Those cases are subject to the contested case provisions of the TUAPA and shall be processed in accordance with the Uniform Contested Case Procedures unless the student waives these procedures in writing and elects to have his/her case disposed of in accordance with the College procedures.
 - a. If a student waives his/her right to a TUAPA hearing, then he/she will be provided a hearing under applicable College procedures. A review committee shall be established which has the responsibility of reviewing facts and making a decision regarding appropriate disposition of the case. The review committee will be designated by the Director and be composed of one (1) student representative, one (1) faculty member and two (2) non-faculty staff members. An alternate will be designated for any committee member who is personally involved in a particular case or who cannot otherwise be in attendance.
 - i. A student appearing before the review committee will be given a written statement of the cause for dismissal and a time established for the hearing. The hearing must be scheduled within five College days.
 - ii. The review committee may request testimony from any employee or student who they feel may have information pertinent to the case in question. A student may request assistance from an advisor who is not acting as an advocate (attorney) but offering help in explaining procedures and charges.
 - iii. The review committee will make a decision based on the facts presented within five (5) College days from the date of hearing. The decision will be in writing. The decision will be transmitted to the Director.
 - iv. If the final decision which is adverse to the charge or claim of either party, the Director shall advise the person of any right of appeal provided by Board policy.
 5. Cases of alleged sexual assault. In cases involving alleged sexual assault, both the accuser and the accused shall be informed of the following:
 - a. Both the accuser and the accused are entitled to the same opportunity to have others present during a disciplinary proceeding; and
 - b. Both the accuser and the accused shall be informed of the outcome of any disciplinary proceeding involving allegations of sexual assault.
 6. Informal Meetings. All other matters (i.e. absenteeism, failing grades, etc.) shall be dealt with informally by the Director or someone appointed by the Director, but do not involve a right to a hearing unless there is a violation of state or federal law.

RESPONSIBLE INTERNET USE POLICY

The Tennessee College of Applied Technology - Shelbyville promotes responsible internet use to all students and faculty members. The following would be considered a violation of responsible internet usage:

Accessing Inappropriate Materials - Accessing, submitting, posting, publishing, forwarding, downloading, scanning or displaying materials that are defamatory, abusive, obscene, vulgar, sexually explicit, sexually suggestive, threatening, discriminatory, harassing and/or illegal.

Illegal Activities - Using the institution's computers, networks and Internet services for any illegal activity or activity that violates other board policies, procedures and/or institution rules;

Violating Copyrights - Copying or downloading copyrighted materials without the owner's permission;

Plagiarism - Representing as one's own work any materials obtained on the Internet.

When Internet sources are used in student work, the author, publisher and Web site must be identified;

Copying Software - Copying or downloading software without the express authorization of the system administrator;

Non-Institution-Related Uses - Using the institution unit's computers, networks and Internet services for non-institution-related purposes such as private financial gain, commercial, advertising or solicitation purposes, or for any other personal use;

Misuse of Passwords/Unauthorized Access - Sharing passwords, using other users' passwords without permission and/or accessing other users' accounts;

Malicious Use/Vandalism - Any malicious use, disruption, or harm to the institution unit's computers, networks and Internet services, including but not limited to hacking activities and creation/uploading of computer viruses; and Unauthorized Access to Chat Rooms/News Groups - Accessing chat rooms or news groups without specific authorization from the supervising teacher. The institution IT Dept. retains control, custody and supervision of all computers, networks and Internet services owned or leased by the institution unit. The institution IT department reserves the right to monitor all computer and Internet activity by students. Students have no expectation of privacy in their use of institution computers, including e-mail and stored files.

SELECTIVE SERVICE REGISTRATION

All persons who are required to register for Selective Service under 50 U.S.C. App. Section 453 must do so before being accepted for enrollment at any post-secondary institution, including the Tennessee College of Applied Technology - Shelbyville. All male U.S. citizens, regardless of where they live, and male immigrant aliens residing in the U.S. are required to be registered with Selective Service if they are at least 18 years old, but are not yet 26 years old. Men who are 26 years old and older are not required to register. Verification of this requirement is noted on the application for enrollment. Additional requirements can be found at: www.sss.gov.

POLICY ON AFFIRMATIVE ACTION

The Tennessee College of Applied Technology - Shelbyville is an equal opportunity institution that offers employment and admission to all qualified persons without regard to race, sex, color, religion, age, national origin, handicap or veteran status. Students will have an employment objective and be able to benefit from training. Special accommodations for handicapped persons include designated handicapped parking, handicapped-equipped restroom facilities in the administration building. Procedures for filing grievance procedures concerning discrimination of any type can be found in this handbook.

AMERICAN DISABILITIES ACT

The Americans with Disabilities Act (ADA) prohibits discrimination against qualified individuals with disabilities in all employment practices—including job application procedures, hiring, firing, advancement, compensation, training, and other terms and conditions of employment. It is the policy of TCAT Shelbyville to provide disabled students/employees with reasonable accommodations. Reasonable accommodation is any modification or adjustment to a job or work/training environment that will enable a qualified employee with a disability to perform. TCAT Shelbyville will make all reasonable accommodations needed in order to benefit from the educational programs for any individual with a documented disability. Documentation required may include statements from physicians, counselors, psychologists, or other professionals providing treatment.

In addition to providing disabled students/employees with reasonable accommodations, accessibility assistance is also available. Areas such as parking, walkways, sinks, water fountains, and doorways are easily accessible by any disabled individual.

If you are in need of accommodations or accessibility assistance due to a disability, please contact the Coordinator of Student Services, Leslie Martin or the Director, Ivan Jones.

MINORS ON CAMPUS

In order to maintain a safe and effective learning environment, students, faculty and staff may not leave minor children unsupervised on campus at any time. It is not the intent of this policy to prevent children from visiting the campus, in the company of an adult; however, children are not permitted in classrooms, shop areas or office areas.

CRIMINAL BACKGROUND CHECKS

Criminal background checks may be required at some clinical sites for training. Based on the results of these checks, a clinical site may determine that a particular student may not be present at their facility. This could result in the inability to successfully complete the requirements of your program of study. Additionally, a criminal background may prevent licensure or employment of your choosing.

VOTER REGISTRATION

Voter registration information is available in the Student Services Department. Students may also access the following website to obtain a voter registration form: www.state.tn.us/sos/election/forms/ss-3010.pdf

SEXUAL HARASSMENT

Sexual harassment is strictly prohibited. Please see the Director at Tennessee College of Applied Technology - Shelbyville if there are any questions or problems.

POLICY ON SEX DISCRIMINATION

Students, parents or guardians of students, and employees of the Tennessee College of Applied Technology - Shelbyville are hereby notified that the College does not discriminate on the basis of sex and is required by Title IX of the Education Amendments of 1972 not to discriminate on the basis of sex in its educational activities and employment practices.

NOTICE

The Tennessee College of Applied Technology - Shelbyville is an equal opportunity institution and offers equal opportunity for ALL persons without regard to race, sex, color, national origin, age, disability, or veteran status.

If any student or staff member feels there has been any discrimination for any reason, please see Jim Potts, Evening Supervisor at Tennessee College of Applied Technology - Shelbyville, located at 1405 Madison Street, Shelbyville, TN 37160, phone (931) 685-5013.

Jim Potts, Evening Supervisor, at the Tennessee College of Applied Technology - Shelbyville is the Affirmative Action Officer and Title IX Coordinator for the Tennessee College of Applied Technology - Shelbyville.

DRUG FREE CAMPUS AND WORKPLACE

In accordance with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989, the Tennessee College of Applied Technology - Shelbyville attempts to maintain a safe and healthful environment for its students and employees. Therefore, institutional policy prohibits the unlawful use, manufacture, possession, distribution, or dispensing of drugs.

DRUG ABUSE PREVENTION PROGRAM

The Tennessee College of Applied Technology - Shelbyville's drug prevention program addresses two major concerns:

- 1) The maintenance of an environment in which students can learn, and
- 2) Help for students and personnel whose development or performance is threatened by the abuse of alcohol or drugs.

Criminal activity and disruptive behavior must be controlled. However, individuals in need of treatment or early intervention should be referred to an appropriate program. In addition to responding effectively to alcohol and drug problems, the College seeks cooperation of local agencies and organizations in efforts to prevent the problems and encourage alternatives.

The College's Drug Abuse Prevention Program is designed to accomplish the following:

1. Assist College personnel and the community in preventing alcohol and drug abuse.
2. Provide the support College officials need from family members, alcohol and drug professionals, other treatment providers, and law enforcement to deal effectively with the alcohol and drug abuse problem.
3. Provide help to individuals who need it and protect the learning environment for the majority of students.
4. Alcohol and drug education for students.
5. Information to students on rights and responsibilities.
6. Employee assistance to deal with alcohol and drug problems of College personnel.

STUDENT ACCIDENT INSURANCE

During orientation, students will be given information regarding student accident insurance available through a carrier approved by the Tennessee Board of Regents. All students are encouraged to purchase this insurance.

SAFETY

Students must be familiar with the general safety rules applicable at the College. Safety is a component of every program curriculum. Specific safety instructions will be given to each student by the program instructor.

The working conditions which require the wearing of eye protection (safety glasses) are enumerated in Senate Bill 377. The provisions of this statute must be observed without exception.

Students must have proper equipment or machine check-off and must have the instructor's permission before operating or using any of the College's equipment, machines, or tools.

The following items also apply to SAFETY:

1. Appropriate footwear must be worn at all times. Students must wear shoes which covers the foot completely when in a shop or hazardous area.
2. No loose clothing is allowed in an area which has operating machines. Shirt sleeves must be secured to prevent entanglement. Shirt tails must be tucked in while operating machinery.
3. All clothing worn must be appropriate for the student's program area. Any "cut-off" clothing or shorts is considered unsafe.
All garments worn must be full length and provide protection against normal hazards in the area.
4. A student's hair must be secured in such a way that it cannot be caught in a machine or be a hazard in any other way while in the area.
5. The instructor has the primary responsibility for control over classroom student dress and safety. Any student violating the above regulations will not be allowed to continue until the violation has been corrected.

HEALTH

Any student with special health problems such as diabetes, hemophilia, epilepsy, rare blood type, or any other conditions that are potentially dangerous should inform the program instructor and Student Services Coordinator who will, at the time of enrollment, document the problem on a medical form that is provided.

PERSONAL APPEARANCE

Most employers will not employ persons with inappropriate appearance. The College's administration takes the position that each student is here for the sole purpose of preparing for a career in a technical field. Presenting a work-like and neatly dressed appearance makes the task of finding and securing employment much easier. The College's aim is to make the educational experience as much like a well-managed industrial establishment as possible. Note: Shorts are not permitted.

SMOKING AND TOBACCO USE

The Tennessee College of Applied Technology - Shelbyville is a tobacco free facility. Tobacco use is not permitted inside the building. Smoking is permitted outside of the building in designated areas. Please utilize the receptacles and do not litter the campus. **PLEASE DO NOT USE THE FRONT ENTRANCE AS A SMOKING AREA.**

ATTITUDE

Students are expected and encouraged to develop proper work habits and to maintain a sincere, cooperative attitude at all times.

TELEPHONE

Telephones in the institution's offices are for business use only. Except for emergency situations, students will not be called from class to receive incoming calls. If necessary, messages will be taken and forwarded to the student (through the instructor). Please advise family and friends of this procedure.

All telephones must be turned off during classroom instruction. This common courtesy ensures that fellow students are not disturbed and shows respect to the instructor by not interfering with classroom time. The first violation of this policy may result in confiscation of the student's phone until the end of the day. The second violation may result in the student being dismissed from class on that day, and the absent hours counting against the total allowed for the trimester. Continued violations may result in the student being terminated from the College. Students should only be contacted by phoning the College in the event of an emergency.

INFORMATION TECHNOLOGY

Student Benefits

All full-time and part-time students at the Tennessee College of Applied Technology - Shelbyville will receive several benefits as a student of TCAT Shelbyville. The Information Technology Department will provide a Microsoft Live Email Address from the department along with information about the benefits listed below.

With their live account, students receive the following benefits:

Microsoft Office Web Apps (<http://office.microsoft.com/web-apps>)

- Store files and documents online in a password protected environment
- Access, view and edit your online documents from home, the classroom, the library, or virtually any PC that is connected to the Internet
- View and perform basic editing functions on your online documents even from a computer that doesn't have Microsoft Office installed
- Edit documents simultaneously with others in real-time and see exactly who is editing and viewing your documents

EMERGENCY PROCEDURES

The Alertus Emergency Alert Beacon is a notification system that is wall-mounted in prominent locations throughout the facility. In an effort to help alert students, faculty and staff of any emergencies that may be taking place within the college, the device will flash and sound to capture attention and display a custom message about the nature of the emergency and how to respond.

In addition to the Alertus Emergency Alert Beacon, the IT department, Administration, Student Services, and local law enforcement agencies, have policy in place to page specific emergency individuals during a crisis in the event of an emergency.

HOUSEKEEPING

Good housekeeping practices should be followed at all times. Trash should be picked up when seen; tools, equipment, etc. should be kept in appropriate places—not on benches, machines and floors when not in use.

As an integral part of instruction, each student is expected to participate in housekeeping and cleanup activities at the conclusion of each day. Each program will have a daily routine and students are expected to carry out duties as assigned.

PARKING AND TRAFFIC FLOW

Parking and traffic control regulations are to be observed by all staff and students.

1. Traffic flow is two-way around the entire College. Speed limit should not exceed 15 miles per hour.
2. Except for spaces designated for visitors and staff, there are no reserved parking spaces.
3. Anyone parking in a specified "HANDICAPPED" area must have an official handicapped sticker or license or will be subject to towing and/or a fine.
4. Student parking is designated by white lines only. Violators will be subject to towing at the owners expense.
5. Inability to locate an authorized parking space will not excuse proper parking.
6. Improper parking included, but is not limited to the following:
 - a. Parking in unauthorized spaces or area
 - b. Parking in driveways, sidewalks, intersections or loading zones
 - c. Parking in any manner that blocks properly parked vehicles, such as "double parking".
 - d. Parking in spaces designated for use by disabled persons only
 - e. Parking within 15 feet of a fire hydrant
7. Exercise reasonable care under all circumstances and avoid reckless driving of any kind.
8. Yield to pedestrians at all times
9. Refrain from littering from a vehicle

Penalties for violations of traffic and parking regulations: Violators may be subject to disciplinary action.

First Offense: Referred to the Director

Second Offense: 30 day suspension

Speeding is grounds for immediate suspension.

PROJECTS

All projects must be selected with the approval of the instructors involved. Each project is a "learning project" for the student to gain knowledge and skill; therefore, the work performed is that of the student and does not carry any guarantee. The College may perform services for public non-profit agencies, persons employed by the Tennessee Board of Regents and students of the College. Live work agreement forms must be completed on all projects accepted. Anyone accepting pay for live work performed will be dismissed immediately. Persons requesting service must agree to the following:

1. Authorize the performance of work on the described project.
2. Furnish all repair parts and/or supplies which, in the judgment of the instructor, are needed.
3. Authorize the testing and/or inspection which, in the judgment of the instructor, is needed.
4. Release the College (personnel and students) from any liability for damage which may result from the project (fire, theft, accidents, etc.)
5. Provide proof of ownership of the item, if requested by the administration.
6. A live work fee, no less than \$5.00, will be charged to all students requesting live work. Additional fees may be incurred depending on the project.

BOOKSTORE AND CAFETERIA

A bookstore and cafeteria, operated by Southern Connections Catering, is provided for the convenience of students and staff during scheduled meals and breaks. Textbooks and classroom supplies may be purchased at the bookstore. Evening hours are as posted in the cafeteria. Students are expected to exhibit appropriate conduct while in the bookstore and cafeteria.

FINANCIAL AID

The purpose of financial aid is to provide assistance to students who, without such aid, would find it difficult to attend school successfully.

This College adheres to a nationally established policy and philosophy of financial aid for education. The basis of this policy is that students and parents have the primary responsibility for financing an education. Although the College tries to assist all qualified students as resources permit, this assistance should be viewed only as supplementary to the efforts of the student's family. However, when it is determined that a family cannot meet the educational costs, financial assistance is available. To determine if there is need, students may file the Free Application for Federal Student Aid (FAFSA) which takes into consideration the factors that affects a family's financial status. The information reported when applying for aid is used in a formula, established by Congress that calculates a student's Expected Family Contribution (EFC), an amount the student and student's family is expected to pay toward the student's education. The EFC is used in an equation to determine the student's financial need.

Financial Aid Awards are calculated on an academic year basis. An academic year for the College is for a 12 month period beginning each July 1 and ending each June 30. Renewal of financial assistance is not automatic; students must file an application for financial aid each year and demonstrate financial need.

Everyone is encouraged to apply for financial aid. To qualify, the individual must meet the eligibility requirements specified by the particular program desired. In general, students are eligible for Federal aid if the following requirements are met:

1. Enrolled as a regular student in an eligible program and working toward a certificate or diploma.
2. U.S. citizen or an eligible non-citizen.
3. Making satisfactory academic progress in an eligible course of study and meeting attendance standards.
4. Not in default on a Perkins/National Direct Student Loan, GSL/Stafford Student Loan, Plus Loan, Supplemental Loan, Income Contingent Loan, or a Consolidated Loan, nor owe a refund on a Pell Grant, Tennessee Student Assistance Award, Supplemental Educational Opportunity Grant or a Byrd Scholarship.
5. Have a valid Social Security Number.
6. Registered with Selective Service, if required to register.
7. Sign a statement of educational purpose/certification statement on refunds and default.
8. Be a high school graduate or have a total average score of 450 or better on a GED test, or be beyond the age of compulsory school attendance (18 or older) and able to benefit from education according to guidelines established by the Department of Education.

Students without a high school diploma or GED must establish the ability to benefit from instruction provided by passing an independently administered test approved by the U.S. Department of Education.

FINANCIAL AID PROGRAMS AVAILABLE

The Tennessee College of Applied Technology at Shelbyville has the following major financial aid programs:

- Federal Pell Grant
- Federal Supplemental Educational Opportunity Grant
- Wilder-Naifeh Technical Skills Grant
- Federal Work Study
- Tennessee Student Assistance Award
- Veteran Benefits
- Workforce Innovation and Opportunities Act
- Tennessee Opportunity Program for Seasonal Farm Workers
- Tennessee Department of Vocational Rehabilitation
- Tennessee Promise
- Tennessee Reconnect

Grants are financial aid that does not have to be paid back unless a student withdraws before the end of the trimester or before graduating.

Work-Study allows a student work and earn money to help pay educational expenses.

Undergraduates may qualify for a federal Pell Grant, or Campus Based (Federal Supplemental Education Opportunity Grant and Federal Work Study).

PROGRAM DESCRIPTIONS

Pell Grant

A Federal Pell Grant is an award to help undergraduates pay for their education after high school. For the Federal Pell Grant Program, an undergraduate is one who has not earned a bachelor's or professional degree. Unlike loans, Pell Grants do not have to be paid back as long as the student completes the required number of hours in school. How much Pell Grant you will receive depends not only on your expected family contribution (EFC), but also on the cost of education at the College.

Supplemental Educational Opportunity Grant (SEOG)

A Federal Supplemental Educational Opportunity Grant is for undergraduates with exceptional financial need, as determined by the College. Priority is given to Federal Pell Grant recipients with need not completely covered by Pell. Application for this grant are available twice a year in the Financial Aid Office. Check with the Financial Aid office for dates available.

Wilder-Naifeh Technical Skills Grant (Lottery Scholarship)

Any Tennessee resident who is at least 18 years or older or has a high school diploma/GED is eligible to apply for the Wilder-Naifeh Technical Skills Grant. (WNTSG) No minimum high school grade point average is required; no ACT test required for admission. Up to \$2000 per year is available for recipients. All individuals interested in applying for this grant need to have a FAFSA (Free Application for Federal Student Aid) processed by May 1. Applications processed after May 1 will be accepted, but preference will be given to those processed on or before May 1. Earlier is better! Don't delay!

Eligibility

- Must be a Tennessee resident one year prior to the processing date of the FAFSA. State residency is determined using Tennessee Board of Regents Rules.
- Must be a U.S. citizen or permanent resident.
- Must be in compliance with Selective Service Requirements.
- Must be in compliance with federal drug-free rules and laws for receiving financial aid.
- Must not be in default on a federal student loan.
- Must not owe a financial aid refund or overpayment.
- Must not be incarcerated.
- Must meet the enrollment requirements for both the College and the program. (Recipients do not have to have a high school diploma or GED if not required for enrollment in the program.)
- Must be enrolled in a program leading to a certificate or diploma. Continuing education and supplemental certificate programs are NOT eligible.
- Must not have completed a certificate or diploma program using the WNTSG.
- There is no income limit for eligibility.
- A student with a bachelor's degree may be eligible to receive the WNTSG.

Retention

- Must continue to meet all eligibility requirements.
- Must re-apply each year using the FAFSA
- Must maintain continuous enrollment unless a leave of absence is granted.
- Must maintain satisfactory progress and attendance according to the standards used for all other financial aid programs. (Failure to maintain satisfactory progress cannot be appealed.)
- May receive the WNTSG for all coursework required for completion of the certificate or diploma program.

NOTE: Once a student becomes ineligible for the WNTSG for any reason, the student shall not be eligible to regain the WNTSG or any Lottery Scholarship.

Leave of Absence:

For rare and unusual circumstances, a student may request a leave of absence (LOA) to continue eligibility for the WNTSG. A LOA may be approved for documented medical or personal reasons, such as extended illness of the student, serious illness or death of an immediate family member, extreme financial hardship of the student or the student's immediate family, or other extraordinary circumstances that are beyond the student's control where continued enrollment creates a substantial hardship.

Students must submit a written request in advance for a leave of absence unless an unforeseen circumstance prevents the student from doing so. The student's signed and dated request must include the reason for the request, the beginning and ending dates for the leave, and supporting documentation.

Students will be readmitted as space is available upon completion of the LOA. An approved LOA will be treated as a withdrawal for all financial aid programs other than the WNTSG. This may cause other awards to be recalculated and in some cases a Return of Title IV funds calculations may be necessary.

Military Mobilization of Eligible Students

Members of the United States Armed Services, National Guard, or Armed Forces Reserves receiving a Wilder-Naifeh Technical Skills Grant who are mobilized for active duty during a term that is already in progress shall be granted a personal leave of absence and shall not have their WNTSG eligibility negatively impacted. The hours attempted during the term will not be taken into consideration for purposes of satisfactory progress for determining future WNTSG eligibility.

The student's WNTSG eligibility will resume as if no break in enrollment has occurred as long as the student re-enrolls within one year following their return from the demobilization.

A student whose spouse, child, or parent is mobilized for active duty may also request a personal leave of absence. The same provisions as above will apply in these situations.

The student must provide the Financial Aid Office a copy of their military orders and complete a Leave of Absence request form.

For all other financial aid programs, including Title IV and Veteran's Education Benefits, the LOA will be treated as a withdrawal. Accordingly, awards will be recalculated and in some case a Return of Title IV funds calculation may be necessary.

Federal Work Study

The Federal Work-Study (FWS) Program provides employment for students who need financial assistance. FWS gives the student a chance to earn money to help pay for their educational expenses.

Tennessee Student Assistance Award

A Tennessee Assistance Corporation (TSAC) Award is a source of financial aid for residents of Tennessee. Applicants must meet the requirements for Federal Financial Aid. For additional information, contact the Financial Aid office located in the office of Student Services.

A limited amount of student financial aid is available from various agencies unrelated to the College. Those students who are interested should contact the Financial Aid office located in the office of Student Services for additional information.

Workforce Innovation and Opportunities Act (WIOA)

Persons interested in this program should contact their nearest WIOA counselor to see if they qualify. You should specify that you want "classroom training".

Tennessee Opportunity Program (TOPS)

This grant program operates primarily to provide assistance to individuals in the agricultural or horticultural (farming or nursery work) occupations. Additional information may be obtained by contacting the TOPS office in your area.

Veteran's Administrative Educational Programs (G.I. Bill)

The Tennessee College of Applied Technology - Shelbyville is approved by the State Approving Agency for Veteran's Education for veterans to receive VA Educational benefits. Applications for educational benefits are available from the office of Student Services.

Eligibility for Deferment of Payment of Tuition and Fees by Certain Eligible Students Receiving U.S. Department of Veterans Affairs or Other Governmentally Funded Educational Assistance Benefits

Service members, veterans, and dependents of veterans who are eligible beneficiaries of U.S. Department of Veterans Affairs education benefits or other governmentally funded educational assistance, subject to the conditions and guidelines set forth in Tennessee Code Annotated 49-7-104 as amended, may elect, upon formal application, to defer payment of required tuition and fees until the final day of the term for which the deferment has been requested. Application for the deferment must be made no later than 14 days after the beginning of the term, and the amount of the deferment shall not exceed the total monetary benefits to be received for the term. Students who have been granted deferments are expected to make timely payments on their outstanding tuition and fees balance once education benefits are being delivered, and eligibility for such deferment shall terminate if the student fails to abide by any applicable rule or regulation, or to act in good faith in making timely payments. This notice is published pursuant to Public Chapter 279, Acts of 2003, effective July 1, 2003.

Tennessee Department of Vocational Rehabilitation

This off-campus agency exists to provide support to citizens of Tennessee with a disability. For more information, contact the Vocational Rehabilitation counselor in your county.

Tennessee Promise

The Tennessee Promise is both a scholarship and mentoring program focused on increasing the number of students that attend college in our state. High School Seniors may apply for the Tennessee Promise, which will provide two years of tuition-free attendance at a community or technical college in Tennessee. It provides students a last-dollar scholarship, meaning the scholarship will cover tuition and fees not covered by the Pell grant, the Wilder- Naifeh Technical Grant, or state student assistance funds.

The Tennessee Student Assistance Corporation (TSAC) is the administrative agency for the Tennessee Promise program, working in partnership with local, non-profit partnering organizations that coordinate the mentoring and community service component.

In order to receive the Tennessee Promise scholarship, students are required to apply for the scholarship on line at www.TNPromise.gov, complete the Free Application for Federal Student Aid (FAFSA) at www.fafsa.gov by the advised deadline date, attend two mandatory partnering organization meetings, apply to a community or technical college, complete eight hours of community service by the advised deadline date, complete any FAFSA verification documentation by the advised deadline date, and enroll in a community or technical college.

By the fall semester immediately following high school graduation, students are required to be enrolled at a TCAT or must be on the official waiting list at a TCAT. If space is available, students may enter a TCAT and receive Promise in the summer immediately following high school graduation.

In order to retain the Tennessee Promise scholarship; students must maintain satisfactory academic progress (2.0 GPA) at their institution, renew their Tennessee Promise application by the deadline date, complete 8 hours of community service prior to each trimester by specific deadlines, complete the FAFSA every year of the program, and complete verification by the deadline date. .

For information on the Tennessee Promise scholarship requirements and deadline dates, visit www.TNPromise.gov

Tennessee Reconnect

The Tennessee Reconnect is the Drive to 55 initiative that will help more adults return to a college campus to complete their postsecondary credential. Students are identified as eligible for the Tennessee Reconnect through completion of the Free Application for Federal Student Aid (FAFSA) at www.fafsa.ed.gov. Students must be Tennessee residents for one (1) year, determined to be independent by the FAFSA, and must have also registered for selective service. Students that have a certificate, diploma or degree that have never received a Reconnect Grant are eligible to receive reconnect funds for eight (8) trimesters only. If a student is in default on student loans, Reconnect is not available. The Tennessee Reconnect covers the Maintenance Fee, Technology Access Fee and Student Activity Fee only. Reconnect does not cover the cost of special course fees, books, tools, testing fees, insurance, online fees, etc. Tuition waivers and discounts are applied first then gift aid (TELS, TSAA, and Pell only) will be paid toward tuition prior to awarding the Tennessee Reconnect. All other financial aid may be used towards books, special course fees, tools, etc., and do not impact the Tennessee Reconnect award. Students must be enrolled in a full-time program. Supplemental programs are not eligible for Reconnect funds.

All individuals interested in applying for the Tennessee Reconnect grant need to have a FAFSA (Free Application for Federal Student Aid) processed by the advised deadline date. Applications processed after deadline dates, may be accepted. However, preference will be given to those processed on or before the deadline date.

In order to retain the Tennessee Reconnect, students must maintain continuous enrollment in a full-time program, maintain Satisfactory Academic Progress for Title IV aid, and complete the FAFSA annually.

Scholarships

The Tennessee College of Applied Technology - Shelbyville offers scholarships to graduating high school seniors to assist with tuition or books. Scholarship applications are available in March of each year in the guidance counselor's office of all high schools in the TCAT S county service area.

The scholarship application should be returned to the TCAT-S by the first week of April. Scholarship awards are based on the students' financial need, an essay on goals and career aspirations, and leadership characteristics demonstrated in high school. For more information, contact the Student Services office.

APPLYING FOR FINANCIAL AID

To apply for financial aid the applicant should:

Go to www.fasfa.gov to complete and submit the free Application for Federal Student Aid (FASFA) as soon as possible after January 2 of each year to determine eligibility for financial aid.

* Approximately ten days after submission, the Student Aid Report (SAR) will be available at the College for review by the financial aid office. The SAR will contain the information needed to determine the financial aid eligibility. Any questions should be directed to the financial aid specialist.

* If chosen for verification, the financial aid office will notify the student. All documentation, verification forms, and information needed to complete verification must be received by the College before financial aid will be calculated and awarded.

PROFESSIONAL JUDGMENT

Since the formula used to determine eligibility for the Federal Pell Grant is basically the same for all applicants, students who have experienced extenuating circumstances beyond their control may request "special conditions" or "professional judgment".

There must be rare and unusual reasons for the financial aid administrator to request a financial aid committee meeting to consider "special conditions" or "professional judgment" on a student's behalf. In addition, the student must provide adequate documentation to support any adjustments before the committee will meet.

Possible extenuating circumstances could include the following:

Divorce or separation of student, spouse or parent
Death of a spouse or parent
Loss of untaxed income of student, spouse or parent

Disability of student, spouse or parent
Unusual medical expenses of student, spouse or parent
Tuition expenses of student, spouse or parent
Loss of a job by either the student, spouse or parent.

The Student Service Coordinator's decision regarding special circumstances is final and cannot be appealed.

Financial Aid forms to document special circumstances may be obtained in the Financial Aid Office.

SATISFACTORY PROGRESS FOR FINANCIAL AID

To make satisfactory progress a student must:

- Maintain at least a "C" average for each trimester.
- Complete 91% of the scheduled hours for which the student enrolled. (42 hours of absence is standard policy for a full trimester of attendance; 91% is to be used for attendance less than full-time. 91% computes as follows: $432 \text{ hours} - 42 \text{ hours} = 390$. $390/432 = 91\%$)

Satisfactory progress will be evaluated at the end of each academic term. If the student fails to make satisfactory progress at the end of the term, the student will not be eligible for financial assistance for the next disbursement period. If a student makes satisfactory progress during the next term, financial aid will be reestablished for the subsequent disbursement period.

Withdrawals

If the withdrawal results in the student not completing 91% of the scheduled hours for the disbursement period, the student will not receive financial aid the subsequent disbursement period.

Time Frame

Students may continue to receive Title IV Financial Aid until they have been enrolled 100% of their scheduled hours.

The following formula should be used:

Example: $1296 \times 100\% = 1296$

Changes of Program

A student may make two (2) program changes and still be eligible to receive financial aid. At each program change, the student will establish a new time frame for completion of that program. Tennessee Promise students going from a full-time program to a part-time program will forfeit their Tennessee Promise benefits.

Appeals of Satisfactory Progress

Any student who wishes to appeal the satisfactory progress standard due to mitigating circumstances encountered during the trimester or disbursement period must submit the appeal in writing to the Financial Aid Administrator within five days of notification of the failure to make satisfactory progress.

If a student's financial aid probation appeal is approved, the hours above the 9% excused absence policy will be deducted from the current or subsequent disbursement period whichever is applicable.

NOTE: There is no appeal process available for the Wilder-Naifeh Technical Skills Grant. Failure to make satisfactory progress due to grades or attendance will result in the loss of the Wilder-Naifeh Technical Skills Grant and may not be appealed.

STUDENT RIGHTS

Students have the right to find out from the College the following:

- (a) What financial assistance is available, including information on all federal, state, local, private, and institutional financial aid programs. Students also have the right know how the College selects financial aid recipients.
- (b) What the procedures and deadlines are for submitting applications for each available financial aid program.
- (c) How the College determined financial need. This process includes how costs for tuition and fees, room and board, travel, books and supplies, and personal and miscellaneous expenses are considered in the cost of education. It also includes the

resources considered in calculating need (such as parental contribution, other financial aid and assets). Students also have the right to know how much financial need has been met and how and when aid will be received.

(d) How the College determines each type and amount of assistance in the financial aid package.

(e) How the College determines whether students are making satisfactory academic progress, and what happens if not.

Whether students continue to receive federal financial aid depends, in part, on whether satisfactory progress is being made.

(f) If a federal work-study job is offered, what kind of job it is, what hours must be worked, what the duties will be, what the rate of pay will be, and how and when payment will be made.

(g) Who the College's financial aid personnel are, where the office is located, how to contact the office for information.

(h) Students have the right to know the College's refund policy.

STUDENT'S RESPONSIBILITIES

Students bear the responsibility to:

(a) Review and consider all information about the College's programs before enrolling.

(b) Accurately complete the application for student financial aid and submit it on time to the financial aid office.

(c) Know and comply with any deadlines for applying or reapplying for aid.

(d) Provide all additional documentation, verification, corrections and/or new information requested.

(e) Notify the College of changes including name, address, telephone number, or e-mail address.

(f) Read, understand, and keep copies of all forms requiring a signature.

(g) Repay any overpayment discovered.

MEANS OF DISBURSING FINANCIAL AID

Financial Aid checks (Pell and SEOG) will be disbursed no earlier than 35 school days after the beginning of the trimester in the Administration Office.

PHONE NUMBER FOR THE DEPARTMENT OF EDUCATION STUDENT OMBUDSMAN

(877) 557-2575

TERMS AND CONDITIONS OF EMPLOYMENT FOR THE FWS PROGRAM

The Federal Work Study Program give part-time employment to undergraduate and graduate students who need income to help meet the costs of post-secondary education. To be eligible for a FWS job, a student must meet all eligible requirements for federal financial aid. In addition, a student must have financial need. The cost of attendance must be greater than the Expected Family Contribution (EFC). FWS students may work up to 20 hours a week. The current hourly wage is \$7.00, subject to increase as minimum wage increases. A student's total FWS award depends on need, the amount of money the College has for the program and the amount of aid the student gets from other financial aid programs.

COST OF ATTENDANCE

BOOKS, CERTIFICATION EXAMS, TOOLS AND SUPPLIES COST*

Total Estimated Program Expense effective July 1, 2016:

| | |
|--|-----------|
| Administrative Office Technology | \$3648.00 |
| Administrative Office Technology Nights | \$5664.00 |
| Automotive Technology | \$7476.20 |
| Collision Repair Technology | \$6532.90 |
| Computer Information Technology/Shelbyville | \$7359.00 |
| Computer Information Technology/Shelbyville MTEC | \$7359.00 |
| Computer Information Technology Nights | \$9067.00 |
| Drafting and CAD Technology | \$4864.00 |
| Heating, Ventilation, Air Conditioning & Refrigeration | \$5951.25 |
| Industrial Electricity | \$6128.25 |
| Industrial Electricity Nights | \$9062.25 |
| Industrial Maintenance/Shelbyville | \$7709.35 |
| Industrial Maintenance Nights | \$9417.35 |
| Industrial Maintenance/Fayetteville | \$7700.50 |

| | |
|--|-----------|
| Industrial Maintenance/Fayetteville Nights | \$7700.50 |
| Industrial Maintenance/Lewisburg | \$7524.06 |
| Industrial Maintenance/MTEC | \$7457.10 |
| Industrial Maintenance/UTSI | \$6080.00 |
| Industrial Maintenance/Winchester | \$7358.60 |
| Machine Tool Technology | \$5998.50 |
| Machine Tool Technology Nights | \$8922.50 |
| Patient Care Technician/Medical Assistant | \$5769.75 |
| Practical Nursing | \$6649.82 |
| Truck Driving | \$2089.00 |
| Welding | \$4754.25 |

*Prices are subject to change without notice.

MAINTENANCE FEES**

2016-2017

| Hours | Tuition | Activity Fee | Fees | Total |
|---------|-----------|--------------|---------|-----------|
| 1-40* | \$183.00 | \$10.00 | \$41.00 | \$234.00 |
| 41-80* | \$247.00 | \$10.00 | \$41.00 | \$298.00 |
| 81-135* | \$372.00 | \$10.00 | \$41.00 | \$423.00 |
| 136-217 | \$631.00 | \$10.00 | \$67.00 | \$708.00 |
| 218-340 | \$1019.00 | \$10.00 | \$67.00 | \$1096.00 |
| 341-432 | \$1139.00 | \$10.00 | \$67.00 | \$1216.00 |

*The College has the option of charging \$2.50 per hour within this range.

** Maintenance Fees are subject to change to without notice.

REFUND—REPAYMENT POLICY

The refund policy is stated elsewhere in this publication (see Table of Contents for page). If a student is due a refund of tuition, according to the policy, part or all of that refund must be returned to the Title IV program accounts from which the money was disbursed. If the student has received a cash disbursement, a determination will be made by the financial aid department regarding how much of that disbursement was used for non-institutional expenses while the student was in school.

FINANCIAL AID OFFICE

The Financial Aid Office staff is available during regular office hours. If there are any questions, please call (931) 685-5013, X106, or come by the office. Office hours are 7:30 a.m. to 3:30 p.m., Monday through Friday.

TCAT - S STATISTICS FOR STUDENTS' RIGHT TO KNOW

| Course | Completion Rate | Placement Rate |
|--|-----------------|----------------|
| Administrative Office Technology | 79% | 72% |
| Administrative Office Technology Nights | 79% | 72% |
| Automotive Technology | 81% | 62% |
| Collision Repair | 70% | 71% |
| Computer Information Technology Shelbyville | 91% | 85% |
| Computer Information Technology Shelbyville MTEC | 91% | 85% |
| Drafting & CAD Technology | 91% | 89% |
| Heating, Ventilation, Air Conditioning & Refrigeration | 92% | 83% |
| Industrial Electricity | 75% | 100% |
| Industrial Electricity Nights | 75% | 100% |
| Industrial Maintenance/Shelbyville | 90% | 94% |
| Industrial Maintenance Nights | 90% | 94% |
| Industrial Maintenance/Fayetteville Days | 100% | 100% |
| Industrial Maintenance/Fayetteville Nights | 100% | 100% |
| Industrial Maintenance/Lewisburg | 90% | 94% |
| Industrial Maintenance/MTEC | 90% | 94% |

| | | |
|-----------------------------------|------|------|
| Industrial Maintenance/UTSI | 88% | 79% |
| Industrial Maintenance/Winchester | 88% | 79% |
| Machine Tool Technology | 79% | 88% |
| Machine Tool Technology Nights | 79% | 88% |
| Patient Care Technician | 83% | 80% |
| Practical Nursing/Shelbyville | 79% | 95% |
| Practical Nursing/Winchester | 100% | 94% |
| Truck Driving | 75% | 100% |
| Welding | 89% | 88% |

The above information is based upon most recent placement information (July 1, 2014 to June 30, 2015).

SECURITY INFORMATION

In accordance with the Tennessee College and University Security Information Act of 1989 and the Student Right to Know and Campus Security Act, the Tennessee Technology College at Shelbyville has prepared a report containing campus security policies and procedures, data on campus crimes and other related information. This is called the "Emergency Preparedness Plan", and can be found on the school website.

STUDENT SERVICES

A Student Services Office is maintained for the student's benefit. The services are divided into the following areas:

- (a) Education:
All students may have assistance in selecting an area of skill development in keeping with their abilities and desires. All available information will be taken into consideration in making this decision. A counselor is available for helping with academic problems.
- (b) Personal Guidance:
Individual counseling services are available if there are personal, academic or financial problems. A counselor will assist you in solving problems or refer you to agencies for help in the solution.
- (c) Job Placement:
The College does not assume the responsibility of placing students in employment. The administration, the Student Services office, and the instructional staff stand ready to assist students in finding employment in keeping with their area of skill development.
- (e) Financial Aid:
A limited amount of student financial aid is available from campus-based and non-campus based programs. Students who are interested should contact the Student Services Office.
- (d) Follow-Up:
An effort is made to keep in touch with each student after entering employment to determine their success and to make the skill development more relevant to the needs of new students and industry. Students are requested to keep the College informed as to their employment and changes in employment. It is vital that all students leaving their program check with Student Services prior to leaving to execute the necessary withdrawal forms.

APPENDIX

SEX OFFENDER DIRECTORY

The Federal Campus Sex Crimes Prevention Act and the Tennessee College and University Campus Sex Crimes Prevention Act of 2002 requires that whenever a sex offender becomes **employed, enrolls as a student, or volunteers** at an institution of higher education in the state of Tennessee, he or she must complete or update the Tennessee Bureau of Investigation (TBI) sexual offender registration/monitoring form and deliver it to TBI headquarters in Nashville. As defined in section 40-39-102 of the Tennessee Code, a "sexual offender" means a person who is, or has been convicted in this state of committing a sexual offense or who is, or has been convicted in another state or another country, or in a federal or military court, of committing an act which would have constituted a sexual offense if it had been committed in this state. A "sexual offense" means the commission of acts including but not limited to aggravated and statutory rape, sexual battery, sexual exploitation of a minor, aggravated prostitution, and kidnapping.

Both acts designate certain information concerning a registered sexual offender as public information and therefore amend and supersede the Family Educational Rights and Privacy Act (FERPA) and other federal and state laws that previously prohibited the disclosure of such personal information. Since the laws require the publication of information pertaining to sexual offenders enrolled or volunteering at an

educational institution, said publication does not constitute grounds for a grievance or complaint under institutional or Tennessee Board of Regents policies or procedures.

In compliance with the Federal Campus Sex Crimes Prevention Act and the Tennessee College and University Campus Sex Crimes Prevention Act of 2002, members of the campus community may obtain the most recent information received from the Tennessee Bureau of Investigation (TBI) concerning sex offenders employed, enrolled or volunteering at the Tennessee College of Applied Technology - Shelbyville at the Student Services Office. Correspondence may be sent to the following address:

Tennessee College of Applied Technology Shelbyville
1405 Madison Street
Shelbyville, TN 37160

Information is also available on the TBI's website listing of sex offenders located on the internet at <http://www.tbi.state.tn.us> under "Sexual Offender Registry."

Pandemic Flu Response

Because of the nature of how we do business, Tennessee Colleges of Applied Technology are highly susceptible to communicable diseases. Our campuses are open and accessible, and we tend to have large groupings of people meeting for sustained periods of time. The latest disease threat to higher education in general is the Avian influenza virus. Generally categorized as "Pandemic Flu" for planning purposes, the Avian influenza virus has the potential to severely impact every functional area of a College of Applied Technology.

The term "pandemic" means a global disease outbreak. A flu pandemic occurs when a new influenza virus emerges for which people have little or no immunity, and for which there is no vaccine. Flu pandemics are a historical fact of human history. There were three recorded flu pandemics in the 20th century. The 1918 Spanish Flu outbreak killed an estimated 50 million people worldwide and approximately 675,000 in the United States. The most recent pandemic was in 1968 (Hong Kong Flu), which killed over 700,000 worldwide and over 34,000 in the US. While seasonal influenza generally peaks between December and March in North America, a pandemic influenza can occur at any time of the year and resurges in waves that can last from 18 months to 2 years. The normal seasonal influenza has an attack rate of 5-10% of the population resulting in a sickness rate of 2-6%. However, in a pandemic, an attack rate of 25% is appropriate for planning purposes with an expected sickness rate of up to 12%.

Planning Assumptions

The Tennessee College of Applied Technology - Shelbyville has taken steps to prepare and plan for the possibility of pandemic influenza. This document, based on the University of North Carolina at Chapel Hill and the US Department of Homeland Security's "*National Strategy for Pandemic Influenza Implementation Plan*", is to help our planning efforts by establishing a common set of assumptions. Many of these assumptions are verbatim from both sources. The planning assumptions used are a "worst-case" scenario. Specific conditions depend on the severity of the pandemic; however it is prudent to plan for the worst and hope for the best.

- We assume that in the US, the pandemic influenza wave will last approximately 10 weeks, during which multiple community outbreaks will occur across the country.
- For planning purposes, we assume that the wave will occur during the Fall or Spring Term. (Historically, the largest waves have occurred in the fall and winter, but the seasonality of a pandemic cannot be predicted with certainty.)
- We assume that the first US outbreaks will occur in major metropolitan areas where there is a high rate of international travel (New York or Los Angeles). Nashville, TN would be the closest source of a potential outbreak to our location. **Our greatest risk would be students from Davidson County traveling to campus for classes.** These students could possibly be exposed to the virus and be a carrier.
- On their own initiative, our students may begin to leave campus and not return when the first outbreaks occur in the region.
- If a severe outbreak were to occur, we should expect to suspend classes for 7-10 weeks. We will want to make the class suspension decision early in the period of contagion to avoid spreading the virus.
- This College's early impact from a community outbreak will be employees who choose to stay home, and employees who need to stay home to care for children.
- According to the *Implementation Plan*, among working adults, more than 20% will become ill during a community outbreak.
- In accordance with the *Plan*, we assume that absenteeism of employees may reach 40% for periods of about 2 weeks at the height of a pandemic wave, with lower levels of absences for a few weeks on either side of the peak. *Absenteeism will increase not only because of personal illness, but also employees may be caring for ill family members, under voluntary isolation due to an ill household member, minding children dismissed from daycare or school, following public health guidance, or simply staying home out of safety concerns.*
- During the period of contagion (wave), we assume there will be significant economic disruptions, including inventory shortages, shipment delays, and reduced business activity. Critical supplies may not be available.
- Essential functions must continue. Personnel who perform the essential functions must report to work, if they have not been exposed.
- After the wave has passed, we assume that resumption of normal campus activities will be slow and difficult. There will be grieving and adjustment for those who have lost loved ones, friends and perhaps even co-workers. Those who became ill and survived may take months to fully recover. Exhausted caregivers will need rest, time off to get their affairs in order, and mental health support. Business will be slow to recover, slow to replenish inventories, and slow to replace labor. Economic losses during the pandemic will cause business to contract, cut costs, and lay off workers. Students, faculty, staff and their families will fear for the next wave.

The TCAT will make every effort to communicate information and continue training through the use of the TCAT website.

TCAT INFORMATION TECHNOLOGIES PROCEDURE AND PROTOCOLS UNDER THE "USA-PATRIOT ACT" EXCEPTIONS TO THE ELECTRONIC COMMUNICATIONS PRIVACY ACT

INTRODUCTION

The "anti-terrorist" legislation signed into law at the end of October 2001 and popularly known as the "USA-Patriot Act" creates some exceptions and states the TCATS-IT/TCATS departmental procedures associated with that legislation.

ELECTRONIC COMMUNICATIONS PRIVACY ACT: REQUIRED DISCLOSURES

The Electronic Communications Privacy Act (ACPA) makes the knowing "disclosure of contents," of any transmitted or stored contents of a communication illegal. A number of exceptions already existed to that rule, including for law enforcement under authorized conditions such as a search warrant, subpoena, or court order. The USA-Patriot Act has added another section, "required disclosures" involving law enforcement that expands the scope of obtainable material and the grounds upon which law enforcement may obtain and serve these authorizations.

TCATS-IT/TCATS PROTOCOL REGARDING DISCLOSURES WITH AUTHORIZATION FROM LAW ENFORCEMENT

Should an individual or individuals representing themselves as law enforcement agents approach you and ask you to provide the content of electronic communication or any information about users of or traffic on the TCATS network with or without any form of written authorization, do not disclose any information. Contact the TCATS-Information Technology (IT) staff. If they are unavailable, please contact the TCATS Director or Student Services Coordinator. The Director will make the necessary communication to the Legal Counsel's Office.

ELECTRONIC COMMUNICATIONS PRIVACY ACT: EMERGENCY DISCLOSURES

Section 212 of the USA-Patriot Act amends ECPA by adding a new voluntary disclosure exception for emergency situations.

Under this exception, if a provider reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person justifies disclosure of certain information without delay, the provider may disclose that information to a law enforcement agency.

TCATS-IT/TCATS PROTOCOL REGARDING EMERGENCY DISCLOSURES

Should you, in the course of business, reasonably believe that you have accessed information about an emergency involving immediate danger of death or serious physical injury, contact the Administration immediately. After contacting the Administration, please report that contact and underlying information immediately to the TCATS-IT staff. If they are unavailable, please contact the TCATS Directory or Student Services Coordinator.

ELECTRONIC COMMUNICATIONS PRIVACY ACT: COMPUTER TRESPASS

Under the USA-Patriot Act owners or operators of electronic systems may authorize federal law enforcement to investigate computer trespass. A computer trespasser is defined as a person who accesses a protected computer without authorization and thus has no reasonable expectation of privacy in any communication transmitted to, through or from the protected computer.

Communications Assistance for Law Enforcement Act (CALEA)

(Summary: The right to monitor and cooperate with Law Enforcement on Data usage within an organization such as the internet and email.)

Note: The following information is provided for general reference purposes only and should not be relied upon for a full and complete understanding of the CALEA statute. Carriers and others seeking to know how they are affected by CALEA should consult the statute and relevant FCC rules, Orders, and other publications, as well as rules and other documents published by the United States Department of Justice and the Federal Bureau of Investigation (FBI).

CALEA compliance is a legal obligation imposed on all carriers covered by the statute. To assist carriers with designing a schedule for becoming CALEA-compliant, the FBI has developed a carrier Flexible Deployment Assistance program for circuit mode compliance. Note that this program has been discontinued for packet mode extension requests. The FCC encourages all carriers to consult with the FBI about program details. Detailed instructions and contact information for this program, as well as summary information about current CALEA compliance requirements, may be obtained online from the FBI/CIS: <http://www.askcalea.net>.

Report complaints and potential violations to:

Ivan Jones, Director-

ivan.jones@tcatsshelbyville.edu

Leslie Martin, Student Services Coordinator-

leslie.martin@tcatsshelbyville.edu

Steve Mallard, IT Manager

steve.mallard@tcatsshelbyville.edu

Mike Miller, Asst. IT Manager

mike.miller@tcatsshelbyville.edu

STUDENT NOTIFICATION OF RIGHTS FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

Students of the Tennessee College of Applied Technology - Shelbyville have legal rights under the Family Educational Rights and Privacy Act (FERPA) of 1974, as well as the related regulations of the Department of Education. This law, also referred to as the Buckley Amendment, and the regulations provide that:

1. A student has a right to inspect and review their educational records by submitting a written request to the Student Records Clerk. Within 30 days of the request, the Student Records Clerk will notify the student of the date and time when the records can be inspected.
2. A student may request that any record be amended if the student believes it is inaccurate, misleading, or otherwise in violation of privacy rights. To request an amendment, the student must write the school official responsible for the record and clearly specify why it is inaccurate or misleading. If the school decides not to amend the record, the student will be notified of his/her

rights to a school hearing. Additional information regarding hearing procedures will be provided to the student at that time.

3. The Tennessee College of Applied Technology - Shelbyville will obtain the student's written consent before disclosing personally identifiable information about the student from their records, unless the consent is not required by the law or the regulations. One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her responsibility. A school official is a person employed by the institution in an administrative, supervisory, faculty or staff position; a person or company with whom the school has contracted services; a member of the school's governing board, or a student serving in an official capacity, such as student review hearings. Upon request, the school also discloses education records without consent to officials of another school in which a student seeks or intends to enroll, but will notify the student, if possible, of this request.

4. If a student wishes to authorize the release of records to other individuals, the student must complete the "Authorization to Release Information" form, available in the Student Records Office. For security purposes, photo identification will be required in order to complete this form.

5. Directory information such as name, address, date of birth, telephone number, course of study, dates of attendance, awards earned, etc. may be disclosed unless the student submits a written request that such information not be disclosed. If a student wishes to restrict the release of directory information to outside agencies and schools, a "Confidentiality of Records" form must be completed and submitted to the Student Records Office.

6. A student has the right to file a complaint with the U.S. Department of Education concerning alleged failures by the institution to comply with the requirements of FERPA. Contact information is provided below:

Family Policy Compliance Office
U.S. Department of Education
600 Independence Avenue, SW
Washington, DC 20202-4605

Digital Millennium Copyright Act of 1998

Material published on the Tennessee College of Applied Technology - Shelbyville website is protected by the Digital Millennium Copyright Act. Any questions pertaining to the school or the copyright infringement should be directed to the Student Services Coordinator, Ron Boyd
931.685.5103.

The Digital Millennium Copyright Act of 1998

U.S. Copyright Office — Summary December 1998

Introduction

The Digital Millennium Copyright Act (DMCA) ¹ was signed into law by President Clinton on October 28, 1998. The legislation implements two 1996 World Intellectual Property Organization (WIPO) treaties: the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty. The DMCA also addresses a number of other significant copyright-related issues.

The DMCA is divided into five titles:

Title I

The "**WIPO Copyright and Performances and Phonograms Treaties Implementation Act of 1998**," implements the WIPO treaties.

Title II

The -the "**Online Copyright Infringement Liability Limitation Act**," creates limitations on the liability of online service providers for copyright infringement when engaging in certain types of activities.

Title III

The "**Computer Maintenance Competition Assurance Act**," creates an exemption for making a copy of a computer program by activating a computer for purposes of maintenance or repair.

Title IV

Contains six **miscellaneous provisions**, relating to the functions of the Copyright Office, distance education, the exceptions in the Copyright Act for libraries and for making ephemeral recordings, "webcasting" of sound recordings on the Internet, and the applicability of collective bargaining agreement obligations in the case of transfers of rights in motion pictures.

Title V

The "**Vessel Hull Design Protection Act**," creates a new form of protection for the design of vessel hulls.

This memorandum summarizes briefly each title of the DMCA. It provides merely an overview of the law's provisions; for purposes of length and readability a significant amount of detail has been omitted. **A complete understanding of any provision of the DMCA requires reference to the text of the legislation itself.**

TITLE I: WIPO Treaty Implementation

Title I implements the WIPO treaties. First, it makes certain technical amendments to US. law, in order to provide appropriate references and links to the treaties. Second, it creates two new prohibitions in Title 17 of the US. Code- one on circumvention of technological measures used by copyright owners to protect their works and one on tampering with copyright management information- and adds civil remedies and criminal penalties for violating the prohibitions. In addition, Title I requires the US. Copyright Office to perform two joint studies with the National Telecommunications and Information Administration of the Department of Commerce (NTIA).

Technical Amendments

National Eligibility

The WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT) each require member countries to provide protection to certain works from other member countries or created by nationals of other member countries. That protection must be no less favorable than that accorded to domestic works.

Section 104 of the Copyright Act establishes the conditions of eligibility for protection under US. law for works from other countries. Section 102(b) of the DMCA amends section 104 of the Copyright Act and adds new definitions to section 101 of the Copyright Act in order to extend the protection of US. law to those works required to be protected under the WCT and the WPPT.

Restoration of Copyright Protection

Both treaties require parties to protect preexisting works from other member countries that have not fallen into the public domain in the country of origin through the expiry of the term of protection. A similar obligation is contained in both the Berne Convention and the TRIPS Agreement. In 1995 this obligation was implemented in the Uruguay Round Agreements Act, creating a new section 104A in the Copyright Act to restore protection to works from Berne or WTO member countries that are still protected in the country of origin, but fell into the public domain in the United States in the past because of a failure to comply with formalities that then existed in US. law, or due to a lack of treaty relations. Section 102(c) of the DMCA amends section 104A to restore copyright protection in the same circumstances to works from WCT and WPPT member countries

Registration as a Prerequisite to Suit

The remaining technical amendment relates to the prohibition in both treaties against conditioning the exercise or enjoyment of rights on the fulfillment of formalities. Section 411(a) of the Copyright Act requires claim to copyright to be registered with the Copyright Office before a lawsuit can be initiated by the copyright owner, but exempts many foreign works in order to comply with existing treaty obligations under the Berne Convention. Section 102(d) of the DMCA amends section 411 (a) by broadening the exemption to cover all foreign works.

Technological Protection and Copyright Management Systems

Each of the VAPo treaties contains virtually identical language obligating member states to prevent circumvention of technological measures used to protect copyrighted works, and to prevent tampering with the integrity of copyright management information. These obligations serve as technological adjuncts to the exclusive rights granted by copyright law. They provide legal protection that the international copyright community deemed critical to the safe and efficient exploitation of works on digital network

Circumvention of Technological Protection Measures

General approach

Article 11 of the WCT states

Contracting Parties shall provide adequate legal protection and effective legal remedies against the circumvention of effective technological measures that are used by authors in connection with the exercise of their rights under this Treaty or the Berne Convention and that restrict acts, in respect of their works, which are not authorized by the authors concerned or permitted by law.

Article 18 of the WPPT contains nearly identical language.

Section 103 of the DMCA adds a new chapter 12 to Title 17 of the US. Code. New section 1201 implements the obligation to provide adequate and effective protection against circumvention of technological measures used by copyright owners to protect their works.

Section 1201 divides technological measures into two categories: measures that prevent unauthorized access to a copyrighted work and measures that prevent unauthorized copying of a copyrighted work. Making or selling devices or services that are used to circumvent either category of technological measure is prohibited in certain circumstances, described below. As to the act of circumvention in itself, the provision prohibits circumventing the first category of technological measures, but not the second.

This distinction was employed to assure that the public will have the continued ability to make fair use of copyrighted works. Since copying of a work may be a fair use under appropriate circumstances, section 1201 does not prohibit the act of circumventing a technological measure that prevents copying. By contrast, since the fair use doctrine is not a defense to the act of gaining unauthorized access to a work the act of circumventing a technological measure in order to gain access is prohibited.

Section 1201 proscribes devices or services that fall within any one of the following three categories:

- they are primarily designed or produced to circumvent;
- they have only limited commercially significant purpose or use other than to circumvent; or
- they are marketed for use in circumventing.

No mandate

Section 1201 contains language clarifying that the prohibition on circumvention devices does not require manufacturers of consumer electronics, telecommunications or computing equipment to design their products affirmatively to respond to any particular technological measure. (Section 1201(c)(3)). Despite this general "no mandate" rule, section 1201(k) does mandate an affirmative response for one particular type of technology: within 18 months of enactment, all analog videocassette recorders must be designed to conform to certain defined technologies, commonly known as Macrovision currently in use for preventing unauthorized copying of analog videocassettes and certain analog signals. The provision prohibits right holders from applying these specified technologies to free television and basic and extended basic tier cable broadcasts.

Savings clauses

Section 1201 contains two general savings clauses. First, section 1201(c)(1) states that nothing in section 1201 affects rights, remedies, limitations or defenses to copyright infringement, including fair use. Second, section 1201(c)(2) states that nothing in section 1201 enlarges or diminishes vicarious or contributory copyright infringement.

Exceptions

Finally, the prohibitions contained in section 1201 are subject to a number of exceptions. One is an exception to the operation of the entire section, for law enforcement, intelligence and other governmental activities. (Section 1201(e)). The others relate, to section 1201 (a), the provision dealing with the category of technological measures that control access to works

The broadest of these exceptions, section 1201(a) (1)(B)-(E), establishes an ongoing administrative rule-making proceeding to evaluate the impact of the prohibition against the act of circumventing such access-control measures. This conduct prohibition does not take effect for two years. Once it does, it is subject to an exception for users of a work which is in a particular class of works if they are or are likely to be adversely affected by virtue of the prohibition in making non-infringing uses. The applicability of the exemption is determined through a periodic rulemaking by the Librarian of Congress, on the recommendation of the Register of Copyrights, who is to consult with the Assistant Secretary of Commerce for Communications and Information.

The six additional exceptions are as follows:

1. **Nonprofit library archive and educational institution exception** (section 1201(d)). The prohibition on the act of circumvention of access control measures is subject to an exception that permits nonprofit libraries, archives and educational institutions to circumvent solely for the purpose of making a good faith determination as to whether they wish to obtain authorized access to the work
2. **Reverse engineering** (section 1201(o)). This exception permits circumvention, and the development of technological means for such circumvention, by a person who has lawfully obtained a right to use a copy of a computer program for the sole purpose of identifying and analyzing elements of the program necessary to achieve interoperability with other programs, to the extent that such acts are permitted under copyright law.
3. **Encryption research** (section 1201 (g)). An exception for encryption research permits circumvention of access control measures, and the development of the technological means to do so, in order to identify flaws and vulnerabilities of encryption technologies
4. **Protection of minors** (section 1201 (h)). This exception allows a court applying the prohibition to a component or part to consider the necessity for its incorporation in technology that prevents access of minors to material on the Internet.
5. **Personal privacy** (section 1201 @). This exception permits circumvention when the technological measure, or the work it protects, is capable of collecting or disseminating personally identifying information about the online activities of a natural person.

6. **Security testing** (section 12016)). This exception permits circumvention of access control measures, and the development of technological means for such circumvention, for the purpose of testing the security of a computer, computer system or computer network with the authorization of its owner or operator. Each of the exceptions has its own set of conditions on its applicability, which are beyond the scope of this summary.

Integrity of Copyright Management Information

Article 12 of the WCT provides in relevant part:

Contracting Parties shall provide adequate and effective legal remedies against any person knowingly performing any of the following acts knowing, or with respect to civil remedies having reasonable grounds to know, that it will induce, enable, facilitate or conceal an infringement of any right covered by this Treaty or the, Berne Convention:

- (i) to remove or alter any electronic rights management information without authority,
- (ii) to distribute import for distribution, broadcast or communicate to the public, without authority, works or copies of works knowing that electronic rights management information has been removed or altered without authority.

Article 19 of the WPPT contains nearly identical language. New section 1202 is the provision implementing this obligation to protect the integrity of copyright management information (CMI). The scope of the protection is set out in two separate paragraphs, the first dealing with false CMI and the second with removal or alteration of CMI. Subsection (a) prohibits the knowing provision or distribution of false CMI, if done with the intent to induce, enable, facilitate or conceal infringement. Subsection (b) bars the intentional removal or alteration of CMI without authority, as well as the dissemination of CMI or copies of works, knowing that the CMI has been removed or altered without authority. Liability under subsection (b) requires that the act be done with knowledge or, with respect to civil remedies, with reasonable grounds to know that it will induce, enable, facilitate or conceal an infringement.

Subsection (c) defines CMI as identifying information about the work, the author, the copyright owner, and in certain cases, the performer, writer or director of the work, as well as the terms and conditions for use of the work, and such other information as the Register of Copyrights may prescribe by regulation. Information concerning users of works is explicitly excluded.

Section 1202 is subject to a general exemption for law enforcement, intelligence and other governmental activities. (Section 1202(d)). It also contains limitations on the liability of broadcast stations and cable systems for removal or alteration of CMI in certain circumstances where there is no intent to induce, enable, facilitate or conceal an infringement. (Section 1202(e)).

Remedies

Any person injured by a violation of section 1201 or 1202 may bring a civil action in Federal court. Section 1203 gives courts the power to grant a range of equitable and monetary remedies similar to those available under the Copyright Act, including statutory damages. The court has discretion to reduce or remit damages in cases of innocent violations, where the violator proves that it was not aware and had no reason to believe its acts constituted a violation. (Section 1203(c) (5) (A)). Special protection is given to nonprofit libraries, archives and educational institutions, which are entitled to a complete remission of damages in these circumstances. (Section 1203(c) (5) (B)).

In addition, it is a criminal offense to violate section 1201 or 1202 willfully and for purposes of commercial advantage or private financial gain. Under section 1204 penalties range up to a \$500,000 fine or up to five years imprisonment for a first offense, and up to a \$1,000,000 fine or up to 10 years imprisonment for subsequent offenses. Nonprofit libraries, archives and educational institutions are entirely exempted from criminal liability. (Section 1204(b))

Copyright Office and NTIA Studies Relating to Technological Development

Title I of the DMCA requires the Copyright Office to conduct two studies jointly with NTIA, one dealing with encryption and the other with the effect of technological developments on two existing exceptions in the Copyright Act. New section 1201 (g) (5) of Title 17 of the US Code requires the Register of Copyrights and the Assistant Secretary of Commerce for Communications and Information to report to the Congress no later than one year from enactment on the effect that the exemption for encryption research (new section 1201(g)) has had on encryption research, the development of encryption technology, the adequacy and effectiveness of technological measures designed to protect copyrighted works, and the protection of copyright owners against unauthorized access to their encrypted copyrighted works.

Section 104 of the DMCA requires the Register of Copyrights and the Assistant Secretary of Commerce for Communications and Information to jointly evaluate (1) the effects of Title I of the DMCA and the development of electronic commerce and associated technology on the operation of sections 109 (first sale doctrine) and 117 (exemption allowing owners of copies of computer programs to reproduce and adapt them for use on a computer), and (2) the relationship between existing and emergent technology and the operation of those sections. This study is due 24 months after the date of enactment of the DMCA

TITLE II: Online Copyright Infringement Liability Limitation

Title II of the DMCA adds a new section 512 to the Copyright Act to create four new limitations on liability for copyright infringement by online service providers. The limitations are based on the following four categories of conduct by a service provider:

- 1. Transitory communications;
- 2. System caching;
- 3. Storage of information on systems or networks at direction of users; and
- 4. Information location tools.

New section 512 also includes special rules concerning the application of these limitations to nonprofit educational institutions.

Each limitation entails a complete bar on monetary damages, and restricts the availability of injunctive relief in various respects. (Section 512(j)). Each limitation relates to a separate and distinct function, and a determination of whether a service provider qualifies for one of the limitations does not bear upon a determination of whether the provider qualifies for any of the other three. (Section 512(n)).

The failure of a service provider to qualify for any of the limitations in section 512 does not necessarily make it liable for copyright infringement. The copyright owner must still demonstrate that the provider has infringed, and the provider may still avail itself of any of the defenses, such as fair use, that are available to copyright defendants generally. (Section 512(l)).

In addition to limiting the liability of service providers, Title II establishes a procedure by which a copyright owner can obtain a subpoena from a federal court ordering a service provider to disclose the identity of a subscriber who is allegedly engaging in infringing activities. (Section 512(h)).

Section 512 also contains a provision to ensure that service providers are not placed in the position of choosing between limitations on liability on the one hand and preserving the privacy of their subscribers, on the other. Subsection (m) explicitly states that nothing in section 512 requires a service provider to monitor its service or access material in violation of law (such as the Electronic Communications Privacy Act) in order to be eligible for any of the liability limitations

Eligibility for Limitations Generally

A party seeking the benefit of the limitations on liability in Title II must qualify as a "service provider." For purposes of the first limitation, relating to transitory communications, "service provider" is defined in section 512(k)(1)(A) as "an entity offering the transmission, routing, or providing of connections for digital online communications, between or among points specified by a user, of material of the user's choosing

without modification to the content of the material as sent or received." For purposes of the other three limitations, "service provider," is more broadly defined in section 512(k)(1)(B) as "a provider of online services or network access, or the operator of facilities therefor."

In addition, to be eligible for any of the limitations, a service provider must meet two overall conditions: (1) it must adopt and reasonably implement a policy of terminating in appropriate circumstances the accounts of subscribers who are repeat infringers; and (2) it must accommodate and not interfere with "standard technical measures." (Section 512(1)). "Standard technical measures" are defined as measures that copyright owners use to identify or protect copyrighted works, that have been developed pursuant to a broad consensus of copyright owners and service providers in an open, fair and voluntary multi-industry process, are available to anyone on reasonable nondiscriminatory terms and do not impose substantial costs or burdens on service providers.

Limitation for Transitory Communications

In general terms, section 512(a) limits the liability of service providers in circumstances where the provider merely acts as a data conduit, transmitting digital information from one point on a network to another at someone else's request. This limitation covers acts of transmission, routing, or providing connections for the information, as well as the intermediate and transient copies that are made automatically in the operation of a network.

In order to qualify for this limitation, the service provider's activities must meet the following conditions:

- The transmission must be initiated by a person other than the provider.
- The transmission, routing, provision of connections, or copying must be carried out by an automatic technical process without selection of material by the service provider.
- The service provider must not determine the recipients of the material.
- Any intermediate copies must not ordinarily be accessible to anyone other than anticipated recipients, and must not be retained for longer than reasonably necessary.
- The material must be transmitted with no modification to its content.

Limitation for System Caching

Section 512(b) limits the liability of service providers for the practice of retaining copies, for a limited time, of material that has been made available online by a person other than the provider, and then transmitted to a subscriber at his or her direction. The service provider retains the material so that subsequent requests for the same material can be fulfilled by transmitting the retained copy, rather than retrieving the material from the original source on the network.

The benefit of this practice is that it reduces the service provider's bandwidth requirements and reduces the waiting time on subsequent requests for the same information. On the other hand, it can result in the delivery of outdated information to subscribers and can deprive website operators of accurate "hit" information about the number of requests for particular material on a website - from which advertising revenue is frequently calculated. For this reason, the person making the material available online may establish rules about updating it, and may utilize technological means to track the number of "hits."

The limitation applies to acts of intermediate and temporary storage, when carried out through an automatic technical process for the purpose of making the material available to subscribers who subsequently request it. It is subject to the following conditions:

- The content of the retained material must not be modified.
- The provider must comply with rules about "refreshing" material- replacing retained copies of material with material from the original location- when specified in accordance with a generally accepted industry standard data communication protocol.
- The provider must not interfere with technology that returns "hit" information to the person who posted the material, where such technology meets certain requirements.
- The provider must limit users' access to the material in accordance with conditions on access (e.g., password protection) imposed by the person who posted the material.
- Any material that was posted without the copyright owner's authorization must be removed or blocked promptly once the service provider has been notified that it has been removed, blocked, or ordered to be removed or blocked, at the originating site.

Limitation for Information Residing on Systems or Networks at the Direction of Users

Section 512(c) limits the liability of service providers for infringing material on websites (or other information repositories) hosted on their systems. It applies to storage at the direction of a user. In order to be eligible for the limitation, the following conditions must be met:

- The provider must not have the requisite level of knowledge of the infringing activity, as described below.
- If the provider has the right and ability to control the infringing activity, it must not receive a financial benefit directly attributable to the infringing activity.
- Upon receiving proper notification of claimed infringement, the provider must expeditiously take down or block access to the material.

In addition, a service provider must have filed with the Copyright Office a designation of an agent to receive notifications of claimed infringement. The Office provides a suggested form for the purpose of designating an agent (<http://www.loc.gov/copyright/onlineasp/>) and maintains a list of agents on the Copyright Office website (<http://www.loc.gov/copyright/onlineasp/list/>).

Under the knowledge standard, a service provider is eligible for the limitation on liability only if it does not have act" knowledge of the infringement, is not aware of facts or circumstances from which infringing activity is apparent, or upon gaining such knowledge or awareness, responds expeditiously to take the material down or block access to it.

The statute also establishes procedures for proper notification, and rules as to its effect. (Section 512(c)(3)). Under the notice and takedown procedure, a copyright owner submits a notification under penalty of perjury, including a list of specified elements, to the service provider's designated agent. Failure to comply substantially with the statutory requirements means that the notification will not be considered in determining the requisite level of knowledge by the service provider. If, upon receiving a proper notification, the service provider promptly removes or blocks access to the material identified in the notification, the provider is exempt from monetary liability. In addition, the provider is protected from any liability to any person for claims based on its having taken down the material. (Section 512(g)(1)).

In order to protect against the possibility of erroneous or fraudulent notifications, certain safeguards are built into section 512. Subsection (g)(1) gives the subscriber the opportunity to respond to the notice and takedown by filing a counter notification. In order to qualify for the protection against liability for taking down material, the service provider must promptly notify the subscriber that it has removed or disabled access to the material. If the subscriber serves a counter notification complying with statutory requirements, including a statement under penalty of perjury that the material was removed or disabled through mistake or misidentification, then unless the copyright owner files an action seeking a court order against the subscriber, the service provider must put the material back up within 10-14 business days after receiving the counter notification.

Penalties are provided for knowing material misrepresentations in either a notice or a counter notice. Any person who knowingly materially misrepresents that material is infringing or that it was removed or blocked through mistake or misidentification, is liable for any resulting damages (including costs and attorneys' fees) incurred by the alleged infringer, the copyright owner or its licensee, or the service provider. (Section 512(f)).

Limitation for Information Location Tools

Section 512(d) relates to hyperlinks online directories, search engines and the like. It limits liability for the acts of referring or linking users to a site that contains infringing material by using such information location tools, if the following conditions are met:

- The provider must not have the requisite level of knowledge that the material is infringing. The knowledge standard is the same as under the limitation for information residing on systems or networks.
- If the provider has the right and ability to control the infringing activity, the provider must not receive a financial benefit directly attributable to the activity.
- Upon receiving a notification of claimed infringement, the provider must expeditiously take down or block access to the material.

These are essentially the same conditions that apply under the previous limitation, with some differences in the notification requirements. The provisions establishing safeguards against the possibility of erroneous or fraudulent notifications, as discussed above, as well as those protecting the provider against claims based on having taken down the material apply to this limitation. (Sections 512(f)-(g)).

Special Rules Regarding Liability of Nonprofit Educational Institutions

Section 512(e) determines when the actions or knowledge of a faculty member or graduate student employee who is performing a teaching or research function may affect the eligibility of a nonprofit educational institution for one of the four limitations on liability. As to the limitations for transitory communications or system caching, the faculty member or student shall be considered a "person other than the provider," so as to avoid disqualifying the institution from eligibility. As to the other limitations, the knowledge or awareness of the faculty member or student will not be attributed to the institution. The following conditions must be met

- the faculty member or graduate student's infringing activities do not involve providing online access to course materials that were required or recommended during the past three years;
- the institution has not received more than two notifications over the past three years that the faculty member or graduate student was infringing, and
- the institution provides all of its users with informational materials describing and promoting compliance with copyright law.

TITLE III: Computer Maintenance or Repair

Title III expands the existing exemption relating to computer programs in section 117 of the Copyright Act, which allows the owner of a copy of a program to make reproductions or adaptations when necessary to use the program in conjunction with a computer. The amendment permits the owner or lessee of a computer to make or authorize the making of a copy of a computer program in the course of maintaining or repairing that computer. The exemption only permits a copy that is made automatically when a computer is activated, and only if the computer already lawfully contains an authorized copy of the program. The new copy cannot be used in any other manner and must be destroyed immediately after the maintenance or repair is completed.

TITLE IV. Miscellaneous Provisions

Clarification of the Authority of the Copyright Office

Section 401(b), adds language to section 701 of the Copyright Act confirming the Copyright Office's authority to continue to perform the policy and international functions that it has carried out for decades under its existing general authority.

Ephemeral Recordings for Broadcasters

Section 112 of the Copyright Act grants an exemption for the making of "ephemeral recordings." These are recordings made in order to facilitate a transmission. Under this exemption, for example, a radio station can record a set of songs and broadcast from the new recording rather than from the original CDs (which would have to be changed "on the fly" during the course of a broadcast).

As it existed prior to enactment of the DMCA section 112 permitted a transmitting organization to make and retain for up to six months (hence the term "ephemeral") no more than one copy of a work if it was entitled to transmit a public performance or display of the work either under a license or by virtue of the fact that there is no general public performance right in sound recordings (as distinguished from musical works).

The Digital Performance Right in Sound Recordings Act of 1995 (DPRA) created, for the first time in US. copyright law, a limited public performance right in sound recordings. The right only covers public performances by means of digital transmission and is subject to an exemption for digital broadcasts (i.e., transmissions by FCC licensed terrestrial broadcast stations) and a statutory license for certain subscription transmissions that are not made on demand (i.e., in response to the specific request of a recipient).

Section 402 of the DMCA expands the section 112 exemption to include recordings that are made to facilitate the digital transmission of a sound recording where the transmission is made under the DPRA's exemption for digital broadcasts or statutory license. As amended section 112 also permits in some circumstances the circumvention of access control technologies in order to enable an organization to make an ephemeral recording.

Distance Education Study

In the course of consideration of the DMCA, legislators expressed an interest in amending the Copyright Act to promote distance education, possibly through an expansion of the existing exception for instructional broadcasting in section 110(2). Section 403 of the DMCA directs the Copyright Office to consult with affected parties and make recommendations to Congress on how to promote distance education through digital technologies. The Office must report to Congress within six months of enactment.

The Copyright Office is directed to consider the following issues:

- The need for a new exemption;
- Categories of works to be included in any exemption;
- Appropriate quantitative limitations on the portions of works that may be used under any exemption;
- Which parties should be eligible for any exemption;
- Which parties should be eligible recipients of distance education material under any exemption;
- The extent to which use of technological protection measures should be mandated as a condition of eligibility for any exemption;
- The extent to which the availability of licenses should be considered in assessing eligibility for any exemption; and
- Other issues as appropriate.

Exemption for Nonprofit Libraries and Archives

Section 404 of the DMCA amends the exemption for nonprofit libraries and archives in section 108 of the Copyright Act to accommodate digital technologies and evolving preservation practices. Prior to enactment of the DMCA, section 108 permitted such libraries and archives to make a single facsimile (i.e. not digital) copy of a work for purposes of preservation or interlibrary loan. As amended, section 108 permits up to three copies, which may be digital, provided that digital copies are not made available to the public outside the library premises. In addition, the amended section permits such a library or archive to copy a work into a new format if the original format becomes obsolete- that is, the machine or device used to render the work perceptible is no longer manufactured or is no longer reasonably available in the commercial marketplace.

Webcasting Amendments to the Digital Performance Right in Sound Recordings

As discussed above, in 1995 Congress enacted the DPRA creating a performance right in sound recordings that is limited to digital transmissions. Under that legislation, three categories of digital transmissions were addressed: broadcast transmissions, which were exempted from the performance right; subscription transmissions, which were generally subject to a statutory license; and on-demand

transmissions, which were subject to the full exclusive right. Broadcast transmissions under the DPRA are transmissions made by FCC-licensed terrestrial broadcast stations.

In the past several years, a number of entities have begun making digital transmissions of sound recordings over the Internet using streaming audio technologies. This activity does not fall squarely within any of the three categories that were addressed in the DPRA. Section 405 of the DMCA amends the DPRA, expanding the statutory license for subscription transmissions to include webcasting as a new category of "eligible non-subscription transmissions."

In addition to expanding the scope of the statutory license, the DMCA revises the criteria that any entity must meet in order to be eligible for the license (other than those who are subject to a grandfather clause, leaving the existing criteria intact). It revises the considerations for setting rates as well (again, subject to grandfather clause), directing arbitration panels convened under the law to set the royalty rates at fair market value.

This provision of the DMCA also creates a new statutory license for making ephemeral recordings. As indicated above, section 402 of the DMCA amends section 112 of the Copyright Act to permit the making of a single ephemeral recording to facilitate the digital transmission of sound recording that is permitted either under the DPRA's broadcasting exemption or statutory license. Transmitting organizations that wish to make more than the single ephemeral recording of a sound recording that is permitted under the outright exemption in section 112 are now eligible for a statutory license to make such additional ephemeral recordings. In addition, the new statutory license applies to the making of ephemeral recordings by transmitting organizations other than broadcasters who are exempt from the digital performance right, who are not covered by the expanded exemption in section 402 of the DMCA.

Assumption of Contractual Obligations upon Transfers of Rights in Motion Pictures

Section 416 addresses concerns about the ability of writers, directors and screen actors to obtain residual payments for the exploitation of motion pictures in situations where the producer is no longer able to make these payments. "Me guilds' collective bargaining agreements currently require producers to obtain assumption agreements from distributors in certain circumstances, by which the distributor assumes the producer's obligation to make such residual payments. Some production companies apparently do not always do so, leaving the guilds without contractual privacy, enabling them to seek recourse from the distributor.

The DMCA adds a new chapter to Title 28 of the U.S. Code that imposes on transferees those obligations to make residual payments that the producer would be required to have the transferee assume under the relevant collective bargaining agreement. The obligations attach only if the distributor knew or had reason to know that the motion picture was produced subject to a collective bargaining agreement or in the event of a court order confirming an arbitration award under the collective bargaining agreement that the producer cannot satisfy within ninety days. There are two classes of transfers that are excluded from the scope of this provision. The first is transfers limited to public performance rights, and the second is grants of security interests, along with any subsequent transfers from the security interest holder.

The provision also directs the Comptroller General in consultation with the Register of Copyrights, to conduct a study on the conditions in the motion picture industry that gave rise to this provision, and the impact of the provision on the industry. The study is due two years from enactment.

TITLE V: Protection of Certain Original Designs

Title V of the DMCA, entitled the Vessel Hull Design Protection Act (VHDPA), adds a new chapter 13 to Title 17 of the U.S. Code. It creates a new system for protecting original designs of certain useful articles that make the article attractive or distinctive in appearance. For purposes of the VHDPA, "useful articles" are limited to the hulls (including the decks) of vessels no longer than 200 feet.

A design is protected under the VHDPA as soon as a useful article embodying the design is made public or a registration for the design is published. Protection is lost if an application for registration is not made within two years after a design is first made public, but a design is not registrable if it has been made public more than one year before the date of the application for registration. Once registered, protection continues for ten years from the date protection begins.

The VHDPA is subject to a legislative sunset: the Act expires two years from enactment (October 28, 2000). The Copyright Office is directed to conduct two joint studies with the Patent and Trademark Office- the first by October 28, 1999 and the second by October 28, 2000—evaluating the impact of the VHDPA.

EFFECTIVE DATES

Most provisions of the DMCA are effective on the date of enactment. There are, however, several exceptions. The technical amendments in Title I that relate to eligibility of works for protection under U.S. copyright law by virtue of the new WIPO treaties do not take effect until the relevant treaty comes into force. Similarly, restoration of copyright protection for such works does not become effective until the relevant treaty comes into force. The prohibition on the act of circumvention of access control measures does not take effect until two years from enactment (October 28, 2000).

¹Pub. L. No. 105-304, 112 Stat. 2860 (Oct. 28, 1998).

²"Copying" is used in this context as shorthand for the exercise of any of the exclusive rights of an author under section 106 of the Copyright Act. Consequently, a technological measure that prevents unauthorized distribution or public performance of a work would fall in this second category.

³The Fairness in Musical Licensing Act, Title II of Pub. L. No. 105-298, 112 Stat. 2827, 2830-34 (Oct. 27, 1998) also added a new section 512 to the Copyright Act. Its duplication of section numbers will need to be corrected in a technical amendments bill.

Higher Education Opportunity Act (HEOA) Peer-to-Peer File Sharing Requirements

Tennessee College of Applied Technology - Shelbyville Compliance with the Higher Education Opportunity Act (HEOA) Peer-to-Peer File Sharing Requirements

H.R. 4137, the Higher Education Opportunity Act (HEOA), is a reauthorization of the Higher Education Act. It includes provisions that are designed to reduce the illegal uploading and downloading of copyrighted works through peer-to-peer (P2P) file sharing. These provisions include requirements that:

- Institutions make an annual disclosure that informs students that the illegal distribution of copyrighted materials may subject them to criminal and civil penalties and describes the steps that institutions will take to detect and punish illegal distribution of copyrighted materials.
- Institutions certify to the Secretary of Education that they have developed plans to "effectively combat" the unauthorized distribution of copyrighted material.
- Institutions, "to the extent practicable," offer alternatives to illegal file sharing.
- Institutions identify procedures for periodically reviewing the effectiveness of the plans to combat the unauthorized distribution of copyrighted materials.

Disclosure

Consistent with our educational principles, we view education as the most important element in combating illegal sharing of copyrighted materials at Tennessee College of Applied Technology - Shelbyville. We use a wide variety of methods to inform our student body about the law and the Tennessee College of Applied Technology - Shelbyville's response to copyright infringement claims:

- In order to use the College's computing resources, all members of the Tennessee College of Applied Technology - Shelbyville will endorse a Computer User Agreement that includes a section on copyright compliance.
- Posters are being mounted in student computer labs and elsewhere to discourage illegal file sharing.
- Computing support staffs, including student Help Desk workers (CIT Students), are regularly trained on the College's position with respect to copyright issues. Student workers provide an important channel for communicating with the student body.
- Tennessee College of Applied Technology - Shelbyville's policies and procedures concerning the Digital Millennium Copyright Act and our response to infringement claims are published on Tennessee College of Applied Technology - Shelbyville's web site.
- Periodically, all College employees will receive email from the Director or other officers regarding copyright infringement and related issues.
- Language has been added to the Student Handbook outlining the Digital Millennium Copyright Act.

Plans to "Effectively Combat" the Unauthorized Distribution of Copyrighted Material

We currently employ bandwidth-shaping technology to prioritize network traffic. We monitor P2P applications and filter as necessary.

We investigate all P2P activities. Users would be reminded that P2P file sharing is illegal and against the Tennessee College of Applied Technology - Shelbyville's acceptable use policies.

As a member of the Tennessee College of Applied Technology - Shelbyville, you have many resources to help protect your privacy, your personal computer, and your good standing at Tennessee College of Applied Technology - Shelbyville.

Respects for copyright and intellectual property are important aspects of academic integrity.

Alternatives to Illegal File Sharing

Educause maintains a comprehensive list of [Legal Downloading Resources](#). Members of the Tennessee College of Applied Technology - Shelbyville are encouraged to take advantage of these legitimate sources of digital content. The IT Manager is listed as the DMCA Copyright officer. This listing is on file at the TBR legal offices and in Washington DC.

Red Flag and Identity Theft Prevention

Below this brief on Preventing Identity Theft you will find the Policies on Red Flag and Identity Theft Prevention Policies below this explanation.

PREVENTING IDENTITY THEFT

THE INFORMATION TECHNOLOGY DEPARTMENT and The Tennessee College of Applied Technology - Shelbyville want to help you be vigilant in securing your identity and reducing your risk of being a victim.

What is Identity Theft?

If someone is using your identifying information to obtain goods, services, credit, and/or open fraudulent accounts, you are the victim of identity theft. Victims are left with poor credit and the complicated task of restoring their good names. Usually, thieves target components of your personal identifying information, such as your:

- Name
- Date of Birth
- Social Security Number
- Driver's License Number

Identity Theft Can Happen to Anyone

Identity theft is one of the fastest growing crimes in the United States. Someone's identity is stolen every 4 seconds in the United States, and there are over 10 million identity theft victims in the US each year. The average costs for recovering from an attack on your identity is \$8,000, plus an average of 600 hours in paperwork and other activities to clear your name. The majority of victims don't discover the theft until months after it occurs.

How Can My Identity Be Stolen?

Your best protection against identity theft is knowing where the thieves can get your information. Amazingly, most of us don't realize the most common ways our identity can be compromised by thieves:

- Stealing or finding a lost wallet or purse containing a social security card, credit cards, driver's license, etc.
- Stealing mail that is being delivered to your home or that is left out for pick-up.
- Diverting mail to another mailbox using a false "change-of-address" request.
- Digging through dumpsters or trash looking for discarded checks, bank statements, credit card statements, or other account bills, medical records, pre-approved credit applications, etc.
- Watching over your shoulder as you enter your PIN into an ATM.
- Calling to "verify" account information or to "confirm" an enrollment or subscription by having you repeat bank or credit card account numbers.
- Using false or misleading Internet sites to collect personal and financial information.
- "Phishing" by sending phony e-mail or pop-up messages that appear to be from the College, your bank, your credit card company, your Internet Service Provider or some other entity you do business with. These phony messages usually claim some issue with your account and direct you to another website where you will be asked to supply log-in credentials, credit card information, or other personal information. These are the most common methods, and the ones we hear the least about. Other ways thieves can target information include:
- Burglarizing homes looking for purses, wallets, files containing personal and financial information.
- Burglarizing businesses looking for computers or files containing personal and financial information on clients.
- "Hacking" (breaking) into business or personal computers to steal private client files and personal financial information.

Reducing Your Risk

By being cautious, suspicious, and vigilant, you can reduce the chances of someone stealing your information:

- Be very hesitant to give your personal or financial information to anyone.
 - Never provide personal identifying or financial information over the phone when someone calls you. This includes callers selling goods and services as well as charitable solicitors, banks, credit card companies, telephone companies, people purporting to be from the police department, sweepstakes promotions and others. Legitimate companies and organizations do not call to verify account numbers or to ask for your social security number or other personal information.
 - Never carry your social security card in your purse or wallet. In addition, never have your social security number printed on your checks, driver's license, or other financial documents.
 - Never respond to e-mail or pop-up messages on your computer claiming some problem with a credit card, Internet or other account.
- Remember, The Tennessee College of Applied Technology - Shelbyville will **never** ask you for any username or password information.
- Update your computer virus and security software protection regularly.

- Select passwords and PINs that will be tough for someone else to figure out. For example, don't use your birthday, home address, common numbers or personal information (like part of your social security number), or your pet's name. Don't keep Password and PIN information on or near your checkbook, debit card or leave them near your computer.
 - Practice home security. Safely store extra checks, credit cards, or other financial documents. Don't advertise to burglars that you're away from home. Don't post on social networking sites, such as Facebook, when you're going to be gone from home.
 - Use a "cross-cut" shredder (the kind that creates confetti, not the long strips) and shred all personal or financial documents you intend to discard before placing them in the trash.
 - Protect your incoming and outgoing mail. Promptly remove mail from your mailbox after it has been delivered. Ask the Post Office to hold your mail if you will be away from home for several days. Take outgoing mail to the post office, place mail in a post office blue collection box or hand it directly to a mail carrier.
 - Pay attention to your bank account statements and credit card bills. Watch for any suspicious activity. Also, contact your institution if a bank statement or credit card bill doesn't arrive on time; that could mean someone has stolen your account information and changed your mailing address in order to use your credit. Don't leave credit card receipts behind or throw them away in the nearest trashcan. Shred them when you get home.
 - Never e-mail personal or financial information. E-mail is not a secure method of transmitting personal information.
 - Practice Internet safety. Be suspicious of a web offer that seems too good to be true — it probably is. Ensure the web site you are using is legitimate. Use your credit card and social security number only when absolutely necessary.
 - Create a throwaway email address (such as a second address at gmail.com or another free hosting site) to use with social networking, Internet forums or chat rooms, or entering online contests, and omit your real name in the account name. Use a different email for legitimate banking, credit card information, or your university information.
- You should also check your credit report at least once a year. If you are a victim of identity theft, checking your credit report may help you catch the theft earlier. Call immediately if you discover any irregularities. A recent amendment to the Fair Credit Reporting Act (FCRA) requires that each of the three consumer credit reporting companies (Experian, Trans Union and Equifax) provide you with a free copy of your credit report once every twelve months.
- Equifax: 1-800-525-6285; • <http://www.equifax.com>
 - Experian: 1-888-EXPERIAN (397-3742); • <http://www.experian.com>
 - TransUnion: 1-800-680-7289; • <http://www.transunion.com>

If You Think It Has Happened to You

- File a report with the **local police department**. For incidents originating on campus, Contact the Student Services Department.
- Contact the **Federal Trade Commission (FTC)** to report the problem. The FTC is the Federal clearinghouse for complaints by victims of identity theft. The FTC helps by providing information to help resolve the financial and other problems that could result from identity theft. The FTC's toll free hotline number is 1-877-IDTHEFT (438-4338). At the Federal Trade Commission's Identity Theft Web site (<http://www.consumer.gov/idtheft/>) you'll find information about contacting credit bureaus, closing accounts, filing complaints with the FTC, and more.
- **THE INFORMATION TECHNOLOGY DEPARTMENT** provides information on the latest virus updates and news about potential technology attacks.
- Contact the **Social Security Administration** Fraud hotline at 1-800-269-0271.
- Notify the **US Postal Inspector** if your mail has been tampered with or stolen. Local numbers are listed under Federal Government in the telephone book or visit them online at <http://www.usps.gov/websites/depart/inspect>.
- Contact your local **Department of Motor Vehicles** to see if another license has been issued in your name. If so, ask them to put a fraud alert on your driver's license.
- Contact all **creditors** and financial institutions by telephone and in writing to advise them of the problem. Ask businesses to provide you with information about transactions made in your name. Set up a file to keep a detailed history of the crime including locations and dates if known. Keep a log of all contacts and make copies of all related documents.
- Call each of the three major **credit bureaus'** fraud unit. The Information Technology Department to report identity theft. Ask to have a Fraud Alert / Victim Impact statement placed in your credit file asking that creditors call you before opening any new accounts. Call to request a copy of your credit report (free for fraud victims) from all three major credit reporting agencies.

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Red Flag and Identity Theft Prevention Program

December 5, 2010

TABLE OF CONTENTS

Part I: Red Flags Identity Theft Prevention Program

Program Adoption and Background

Purpose Definitions

Identification of Red Flags

§ Notification and Warnings

§ Suspicious Documents

§ Suspicious Personal Identifying Information

§ Suspicious Covered Account Activity

Detecting Red Flags

§ Student Enrollment

§ Existing Accounts

§ Consumer ("Credit") Report Requests

Responding to and Preventing and Mitigating Identity Theft

§ Response to Red Flags

§ Data Breach Laws

§ Prevent and Mitigate

§ Protect Identifying Information

§ Hard Copy Distribution

Part II: Policy Administration

§ Oversight

§ Staff Training and Reports

§ Service Provider Arrangements

§ Non-disclosure of Specific Practices

§ Policy Updates

Part III: Standard Practices Requiring Safeguards of Personally Identifiable Information (Gramm-Leach-Bliley Act and Family Educational Rights and privacy Act (GLB and FERPA)

Part IV: General Methods of Preventing and Mitigating Identity Theft

Verification of Identity

Document Imaging System

Authenticate Students and Employees

Monitor Transactions or Account Activity

Create and Maintain a Secure online Environment

Hard Copy and Electronic Records Protection

Part V: Resources

NACUBO 11/5/2009 FTC Delays RF Date

PART I: RED FLAGS IDENTITY THEFT PREVENTION PROGRAM

PROGRAM ADOPTION

In response to the threat of identity theft primarily through financial transactions, the United States Congress passed the Fair and Accurate Credit Transactions Act of 2003 (FACTA), Public Law 108-159, an amendment to the Fair Credit Reporting Act. In accordance with sections 114 and 315 of FACTA, the Office of the Comptroller of the Currency, Treasury; the Board of Governors of the Federal Reserve System; the Federal Deposit Insurance Corporation; the Office of Thrift Supervision, Treasury; the National Credit Union Administration; and the Federal Trade Commission jointly adopted and promulgated rules known as the "red flags rules" that require certain entities to enact certain policies and procedures by the June 1, 2010 effective date.

TBR 04:01:05:60

BACKGROUND

The Tennessee Board of Regents, on behalf of its institutions, has adopted an identity theft prevention policy and program, set forth in TBR Policy #4:01:05:60, in an effort to detect, prevent and mitigate identity theft, and to help protect institutions, faculty, staff, students and other applicable constituents from damages related to the loss or misuse of identifying information due to identity theft.

Tennessee Colleges of Applied Technology developed this policy in order to satisfy the requirements of the Red Flag rules and TBR Policy #4:01:05:60 in consideration of the College's size and the nature of its activities, with oversight by the Program Administrator.

TBR 04:01:05:60

PURPOSE AND DEFINITIONS

Purpose

The purpose of the program is to detect, prevent and mitigate identity theft in connection with any covered account. This program envisions the creation of policies and procedures in order to achieve these goals. Under this policy the program will:

1. Identify relevant red flags for new and existing covered accounts and incorporate those red flags into the policy;
2. Detect red flags that have been incorporated into the policy;
3. Respond appropriately to any red flag that is detected to prevent and mitigate identity theft; and
4. Ensure the policy is updated periodically to reflect changes in risks to students and other College constituents from identity theft.
5. Promote compliance with state and federal laws and regulations regarding identity theft protection.

The program shall, as appropriate, incorporate existing TBR and institutional policies and guidelines, such as anti-fraud programs and information security programs that control reasonably foreseeable risks.

TBR 04:01:05:60

Definitions

"**Confidential Data**" includes information that the College is under legal or contractual obligation to protect.

"**Covered Account**" includes any account administered by the College that involves or is designed to permit multiple payments or transactions. New and existing accounts maintained by the Center for its students, faculty, staff and other constituents for whom there exists a reasonably foreseeable risk: (1) to the students, faculty, staff, or other constituents related to identity theft, or (2) to the safety and soundness of the College itself from the financial, operational, compliance, reputation or litigation risks resulting from identity theft.

"**Identifying Information**" is any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including:

Personal information such as:

Name

Maiden name

Address

Date of birth

Telephone number

Student/Faculty/Staff identification number (e.g., the "A" number assigned by the College)

Computer internet protocol address

Credit card or other account information such as:

Credit card number, in whole or in part

Credit card expiration date

Tax identification numbers such as:

Social Security number

Business identification number

Employer identification number

Payroll information such as:

Paycheck

Paystub

Bank account/routing information

Medical information such as:

Doctor's name
Insurance claim
Prescription
Any personal medical information

Government-issues identification numbers such as:

Driver's license number
Alien registration number
Passport number

"**Identity Theft**" is a fraud committed or attempted using identifying information of another person without authorization.

"**Need to Know**" authorization is given to a user for whom access to the information must be necessary for the conduct of one's official duties and job functions as approved by the employee's supervisor.

"**Public Record**" is a record or data item that any entity, either internal or external to the College, can access.

"**Red Flag**" is a pattern, practice, or specific activity that indicates the possible existence of identity theft.

Sensitive Personal Information (SPI): Defined as an individual's name, address, or telephone number combined with any of the following:

Social security number or taxpayer ID number

Credit or debit card number

Financial/salary data

Driver's license number

Date of birth

Medical or health information protected under HIPAA

Student related data protected under FERPA

TBR Policy 4:01:05:06

IDENTIFICATION OF RED FLAGS

In order to identify relevant red flags, the College considers the types of accounts that it offers and maintains; methods it provides to open its accounts; methods it provides to access its accounts; and its previous experiences with identity theft. The following red flags are potential indicators of fraud that Tennessee Board of Regents and the College have identified. Any time a red flag or a situation closely resembling a red flag is apparent, it should be investigated for verification.

TBR Policy 4:01:05:06

Notifications and Warnings

A. Credit Reporting Agencies Red Flag Examples

1. A report of fraud or active duty alert in a credit or consumer report;
2. A notice of credit freeze from a credit or consumer reporting agency in response to a request for a credit or consumer report
3. A notice of address discrepancy in response to a credit or consumer report request; and,
4. A credit or consumer report that indicates a pattern of activity inconsistent with the history and usual pattern of activity of an applicant such as:
 - A recent and significant increase in the volume of inquiries;
 - An unusual number of recently established credit relationships;
 - A material change in the use of credit, especially with respect to recently established credit relationships; or,
 - An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

B. Suspicious Document Red Flag Examples

1. Documents provided for identification appear to have been altered or forged;
2. The photograph or physical description on the identification document is not consistent with the appearance of the student, faculty member, staff member, and other constituent presenting the identification;
3. Other information on the identification document is not consistent with information provided by the person opening a new covered account or individual presenting the identification.
4. Other information on the identification document is not consistent with readily accessible information that is on file with the College, such as a signature card or a recent check.
5. An application appears to have been altered or forged, or gives the appearance of having been destroyed and reassembled.

C. Suspicious Personally Identifying Information Red Flag Examples

1. Personally identifying information provided is inconsistent when compared against other sources of information used by the College.

For example:

- a. The address does not match any address in the consumer report; or
 - b. The Social Security number (SSN) has not been issued or is listed on the Social Security Administration's Death Master File.
2. Personally identifying information provided by the individual is not consistent with other personally identifying information provided by that individual. For example, a lack of correlation between the SSN range and date of birth.
 3. Personally identifying information provided is associated with known fraudulent activity.

For example:

- a. The address on an application is the same as the address provided on a fraudulent application; or,
 - b. The phone number on an application is the same as the number provided on a fraudulent application
4. Personally identifying information provided is of a type commonly associated with fraudulent activity.

For example:

- a. The address on an application is fictitious, a mail drop, or a prison; or
 - b. The phone number is invalid or is associated with a pager or answering service.
5. The social security number provided is the same as that submitted by another person opening an account.
 6. The address or telephone number provided is the same as or similar to the address or telephone number submitted by that of another person.

7. The individual opening the covered account fails to provide all required personally identifiable information on an application or in response to notification that the application is incomplete.

8. Personally identifying information provided is not consistent with personally identifying information that is on file with the Institution.

9. When using security questions (mother's maiden name, pet's name, etc.), the person opening that covered account cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

D. Suspicious Covered Account Activity or Unusual Use of Account Red Flag Examples

1. Change of address for an account followed by a request to change the student's or other constituent's name, or a request for new, additional or replacement goods or services, or for the addition of authorized users on the account;
2. Payments stopped on an otherwise consistently up-to-date account;
3. Account used in a way that is not consistent with an established pattern of activity on that account.

For example:

- a. Nonpayment when there is no history of late or missed payments
 - b. A material change in purchasing or usage patterns
4. Mail sent to the student, employee, or other constituent is repeatedly returned as undeliverable although transactions continue to be conducted in connection with the covered account;
 5. Notice to the College that a student, employee, or other constituent is not receiving paper account statements sent by the College;
 6. Notice to the College that a covered account has unauthorized activity; and
 7. Awareness of a breach in the College's computer system's security or the security of paper files, resulting in unauthorized access to or use of account information of students, employees, or other constituents.

TBR Policy 4:01:05:06

DETECTING RED FLAGS

A. Student Enrollment

In order to detect any of the red flags identified above associated with the enrollment of a student, College personnel will take the following steps to obtain and verify the identity of the person opening the covered account by:

1. Requiring certain identifying information such as name, date of birth, academic records, home address or other identification; - and -
2. Verifying the student's identity at the time of issuance of a student identification card (i.e., review of driver's license or other government-issued photo identification).

B. Existing Accounts

In order to detect any of the red flags identified above for an existing covered account, College personnel will take the following steps to monitor that account:

1. Verify the identification of the student, employee, or other covered account holder if he/she requests information (in person, via telephone, via facsimile, via email);
2. Verify the validity of requests to change billing addresses by mail or email and provide the student or other covered account holder a reasonable means of promptly reporting incorrect billing address changes; and
3. Verify changes in banking information given for billing and payment purposes.

C. Consumer ("Credit") Report Requests

In order to detect any of the red flags identified above for an employment or volunteer position for which a credit or background report is sought, College personnel will take the following steps to assist in identifying address discrepancies:

1. Require written verification from any applicant that the address provided by the applicant is accurate at the time the request for the credit report is made to the consumer reporting agency; and
2. In the event that notice of an address discrepancy is received, verify that the credit report pertains to the applicant for whom the requested report was made and report to the consumer reporting agency an address for the applicant that the College has reasonably confirmed is accurate.

TBR 4:01:05:06; TCATS Security Incidence Response

RESPONDING TO AND PREVENTING/MITIGATING IDENTITY THEFT

A. Response to Red Flags

In the event college personnel detect any identified red flag, an employee must act quickly, as a rapid appropriate response can protect students, faculty, staff, other constituents and the College from damages and loss. If a potentially fraudulent activity is detected, all related documentation should be gathered and a description of the situation should be summarized and reported to the Program Administrator. The College will respond in a reasonable and timely manner to possible data breaches and indicators of identity theft IAW *Computer Services Policy 08:15 Security Incidence Response found in the on grounds policies*. Depending on the degree of risk posed by the red flag, appropriate actions might include:

1. Determine that no response is warranted under the particular circumstances;
2. Cancel the transaction;
3. Continue to monitor the covered account for evidence of identity theft;
4. Refusal to open a new covered account;
5. Contact of the student, faculty, employee, applicant (for which a credit report was run) or other applicable constituent;
6. Change any password or other security device that permits access to Covered Account;
7. Provide the affected student, faculty or staff member with a new identification number ("A" number);
8. Notify appropriate law enforcement;
9. File or assist in filing a Suspicious Activities Report ("SAR"); and/or
10. Determine the extent of potential liability for the College.
11. Close and reopen the account.

TBR 4:01:05:06; TTCS Policy Security Incidence Response

B. Data Breach Laws

The State of Tennessee addresses accidental disclosure of SPI data in Tenn. Code Ann. § 47-18-2101 et seq. (the *Tennessee Identity Theft Deterrence Act of 1999*). In addition, H.R. 2221, ***the Data Accountability and Trust Act***, <http://www.govtrack.us/congress/bill.xpd?bill=h111-2221>, protects consumers by requiring reasonable security policies and procedures to protect computerized data containing personal information, requires notification following discovery of a security breach of a system maintained by any person engaged in interstate commerce who owns or possesses data in electronic form containing personal information. The following guidance applies to both Red Flag and all other identity theft situations.

The bill requires notification to each individual whose personal information was acquired by an unauthorized person as a result of such a breach of security, and to the Federal Trade Commission. The bill includes special notification requirements for third party agents, telecommunications carriers, cable operators, information services, and interactive services, and for a breach involving health information. Personal information, as defined in the bill, is an individual's first name or initial and last name, or address, or phone number, in combination with any one or more of the following: the individual's social security number, driver's license number or other State identification number, or a financial account number or credit card number and any security or access code needed to access the account. Breach notification would be exempted, however, where the person that owns or possesses the data determines that there is "no reasonable risk of identity theft, fraud or unlawful conduct" from the unauthorized data access. Breaches of encrypted data would presumptively be exempt.

Where notification is required, the bill specifies methods for and required content of notification. Written or in some circumstances email notification is required; the notice must include a description of the information acquired, notice of the right to receive free consumer credit reports, and certain relevant telephone contact numbers. Substitute notification, allowing notification to be posted on the entity's website and in print and broadcast media, is allowed for those persons owning or possessing the data of fewer than 1,000 individuals.
TBR 4:01:05:06; TCATS Responsible Use; TCATS Data Security

C. Prevent and Mitigate

In order to further prevent the likelihood of identity theft occurring with respect to covered accounts, the College will take the following steps with respect to its internal operating procedures to protect identifying information. *For full requirements please review Internal Policies and Procedures listed in Section VIII: Other Resources.*

TCATS Data Security

1. Ensure that websites providing access to covered accounts are secure;

TBR Policy 4:01:05:06; TCATS Responsible Use TCATS Data Security

2. Ensure that office computers with access to covered account information are password protected;

TCATS Data Security

3. Ensure that laptops are password protected;

4. Avoid unnecessary use of Social Security numbers;

5. Ensure the security of the physical facility that contains covered account information;

6. Ensure that transmission of information is limited and encrypted when necessary;

7. Ensure computer virus protection is up-to-date;

8. Require and keep only the kinds of individual information that is necessary for College purposes in accordance with the College's records retention guidelines. Ensure complete and secure destruction of paper documents and computer files containing individual account information in accordance with the College's records retention guidelines;

9. College policy requires that data that is classified as Confidential in the Data Security policy be stored on Tennessee College of Applied Technology - Shelbyville's network storage facilities, not on local hard drives or media.

10. Ensure that file cabinets, desk drawers, and any other storage space or room containing documents with Identifying Information be locked when not in use or unsupervised;

11. Ensure that desks, workstations, printers, copiers, fax machines, whiteboards, dry-erase boards in common shared work areas will be cleared of all Identifying Information when not in use.

Items 12 – 20 TBR Policy 4:01:05:06

12. Continue to monitor a covered account for evidence of identity theft;

13. Contact the individual or applicant (for which a credit report was run);

14. Change any passwords or other security devices that permit access to covered accounts;

15. Refuse to open a new covered account;

16. Provide the individual with a new individual identification number;

17. Notify the Program Administrator/Committee for determination of the appropriate steps taken or that need to be taken if it's suspected that a Red Flag violation has occurred;

18. Notify law enforcement;

19. File or assist in filing a Suspicious Activity Report ("SAR") with the Financial Crimes Enforcement Network, United States Department of the Treasury or other relevant law enforcement agency <http://www.occ.treas.gov/sar.htm>.

20. Determine that no response is warranted under the particular circumstances after investigation.

TBR 4:01:05:06; TCATS Responsible Use; TCATS Data Security

D. Protect Identifying Information

In order to further prevent the likelihood of Identity theft occurring with respect to Identifying Information, the College will take the following steps with respect to its internal operating procedures to protect individual Identifying Information. For full requirements please review *Computer and Technology Policy 08:16 Data Security* <http://www.tcatsshelbyville.edu/financial-aid>. and *Computer and Technology Policy 08:14 Responsible Use* <http://www.tcatsshelbyville.edu/financial-aid>.

1. Ensure that its website is secure or provide clear notice that the website is not secure;

2. Ensure complete and secure destruction of paper documents and computer files containing Identifying Information when a decision has been made to no longer maintain such information per instructions in TBR Guideline 0-70;

3. Ensure that office computers with access to identifying information are password protected;

4. Ensure that all electronic storage and transmission of identifying information follows guidelines established by the College's Computer Services department.

5. Avoid use of Social Security numbers;

6. Ensure computer virus protection is up to date;

7. Require and keep only the kinds of identifying information that is necessary for College purposes;

8. Ensure that file cabinets, desk drawers, and any other storage space or room containing documents with Identifying Information be locked when not in use or unsupervised;

9. Ensure that desks, workstations, printers, copiers, fax machines, whiteboards, dry-erase boards in common shared work areas will be cleared of all identifying Information when not in use.

TBR 4:01:05:06; TCATS Responsible Use; TCATS Data Security

E. Hard Copy Distribution

Each employee and contractor performing work for the College will comply with the following rules. For full requirements please review *Computer and Technology Policy 08:16 Data Security* <http://www.tcatsshelbyville.edu/financial-aid>. and *Computer and Technology Policies* found on ground. *Responsible Use* <http://www.tcatsshelbyville.edu/financial-aid>.

1. Physical security will be maintained over documents containing Identifying Information related to covered accounts. Examples include keeping offices locked after hours and locking rooms and files when staff is not present.

2. Desks, workstations, work areas, printers and fax machines, and common shared work areas will be cleared of all documents containing Identifying Information when not in use.

3. Whiteboards, dry-erase boards, writing tablets, and other writing surfaces in common shared work areas, which contain identifying information, will be erased, removed, or shredded when not in use.

4. When documents containing Identifying Information are discarded, they will be shredded timely in accordance with TBR Guideline -070 Disposal of Records.

PART II: POLICY ADMINISTRATION

TBR Policy 4:01:05:60

A. Oversight

Operational responsibility for developing, implementing and updating this policy lies with the Program Administrator and members of the Committee representing key units of the College. The Program Administrator will be responsible for ensuring appropriate training of College staff on the Policy, for reviewing any staff reports regarding the detection of red flags and the steps for preventing and mitigating Identity theft in relation to covered accounts, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the Policy.

The Program Administrator and head of the Committee is the Director. Responsibility for the *Identity Theft Prevention Program* is assigned to a Committee that may be comprised of the following positions:

Department

Program Administrator

Finance and Accounting

Human Resources

Records Office Internal Auditor

The Committee will work together and be responsible for coordinating the College's *Red Flag and Identity Theft Prevention Program*, including the following:

1. Identifying relevant patterns, practices, and specific forms of activity that are "red flags" signaling possible Identity theft and incorporate those red flags into the program;
2. Detecting red flags that have been incorporated into the program; and
3. Responding appropriately to any red flag that is detected to prevent and mitigate theft;
4. Reviewing and update the *Red flag and Identity Theft Prevention Program* regularly, with changes approved by the Director of the College
5. Identifying training and education relevant to the *Red Flag and Identity Theft Prevention Program*; and
6. Developing and review policies and procedures as appropriate to the *Red Flag and Identity Theft Prevention Program*.

TBR Policy 4:01:05:60 covers training

B. Staff Training and Reports

Training shall be conducted for all College employees for whom it is reasonably foreseeable that the employees may come into contact with covered accounts or Identifying Information that may constitute a risk to the College, its student, faculty, employees or other constituents.

Training programs will be identified for required security training as required for staff, faculty, and adjuncts. Refresher training will be conducted on a regular basis. Failure to complete such training will lead to discipline, up to and including termination.

The training module for the College's red flags *Identity Theft Prevention Program* will consist of the following:

- a. Program Adoption and College Requirements
- b. Purpose and Definitions
- c. Covered Accounts
- d. Identification of Red Flags
- e. Notifications of Warnings
- f. Suspicious Documents
- g. Suspicious Personally Identifying Information
- h. Suspicious Covered Account Activity or Unusual Use of Accounts
- i. Detecting Red Flags
- j. Responding to Red Flags
- k. Prevention and Mitigation of Identity Theft
- l. Protecting Personal Information
7. Requirements for Certification
 - a. Attendance at one of the required training sessions held during the academic year and quiz score of 90%.
 - b. Signed Employee *Red Flags and Identity Theft Prevention Program* Agreement Form
 - c. Confirmation of Certification
 - d. Certificate (signed by the College Director)

College employees are expected to notify the Program Administrator once they become aware of an incident of identity theft or of the College's failure to comply with this policy. At least annually or as otherwise requested by the Director, the Program Administrator shall prepare a report on compliance with this Policy. The report should address such issues as effectiveness of the policies and procedures in addressing the risk of Identity theft in connection with the opening and maintenance of covered accounts, service provider arrangements, and significant incidents involving identity theft and management's response, and recommendations for changes to the policy. Failure to do so will lead to discipline, up to and including termination. College employees who become aware of an incident of identity theft or of a failure by any College employee to comply with this policy must also notify the Department of Internal Audit.

TBR Policy 4:01:05:60

C. Service Provider Arrangements

In the event the College engages a service provider to perform an activity in connection with one or more covered accounts, the College will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent and mitigate the risk of identity theft.

1. Require, by contract, that service providers have such policies and procedures in place; or
2. Require, by contract, that service providers review the College's policy and report any red flags to the Program Administrator or the College employee with primary oversight of the service provider relationship.
3. Specific language for inclusion in contracts can be found in *TBR Guideline G-030, Contracts and Agreements*.

Whenever the College engages a third party or service to perform an activity that may include or expose SPI data, the College will review that the policies and procedures of the vendor are reasonable to detect, prevent and mitigate the risk of Identity theft.

D. Non-disclosure of Specific Practices

For the effectiveness of this identity theft prevention program and policy, knowledge about specific red flag identification, detection, mitigation and prevention practices may need to be limited to the Program Administrator and to those employees with a need to know them. Any document that may have been produced or is produced in order to develop or implement this policy and lists or describes such specific practices and information the document contains, is considered "confidential" and should not be shared with other College employees or the public.

TBR Policy 4:01:05:06

E. Policy Updates

The Program Administrator will periodically review and update this policy to reflect changes in risks to students, employees and other constituents and the soundness of the College from identity theft related to covered accounts. In doing so, the Program administrator will consider the College's experiences with identity theft situations, changes in identity theft methods, changes in identity theft detection and prevention methods, and changes in the College's business arrangements with other entities. After considering these factors, the Red Flag and Identity Theft Prevention Program Committee will determine whether changes to the Policy, including the listing of red flags, are warranted. If warranted, the Committee will update the policy.

In the event the College engages a service provider to perform an activity in connection with one or more covered accounts, the College will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent and mitigate the risk of identity theft.

1. Require, by contract, that service providers have such policies and procedures in place; or
2. Require, by contract, that service providers review the College's policy and report any red flags to the Policy Administrator or the College employee with primary oversight of the service provider relationship.
3. Specific language for inclusion in contracts can be found in TBR Guideline G-030, Contracts and Agreements.

Whenever the College engages a third party or service to perform an activity that may include or expose SPI data, the College will review that the policies and procedures of the vendor are reasonable to detect, prevent and mitigate the risk of Identity theft.

FERPA; TTCS Responsible Use; TCATS Data Security:

PART III: STANDARD PRACTICES REQUIRING SAFEGUARDS OF PERSONALLY IDENTIFIABLE INFORMATION (GRAMM-LEACH-BLILEY ACT and FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (GLB AND FERPA))

Many offices at the College maintain files, both electronic and paper, of student biographical, academic, health, financial, and admission records. These records may also include the following:

1. Student billing information
2. Federal Perkins Loan records
3. Personal correspondence with students and parents

Policies to insure compliance with Gramm-Leach-Bliley Act (GLB), Family Educational Rights and Privacy Act (FERPA), system and application security, and internal control procedures provide an environment where identify theft opportunities are mitigated. Records are safeguarded to ensure the privacy and confidentiality of student, parents, alumni and employees.

The Office of Human Resources performs credit and criminal background checks on some potential employees prior to their dates of hire. This population includes background checks on all employees in the Child Development Center, Allied Health, Plant Operations, Security, and other employees who have financial responsibilities. This is for any civil/criminal and motor vehicle violations (misdemeanor and felony convictions.)

Additionally, some of the clinical affiliates (hospitals) are requiring criminal background checks of all students and faculty who participate in clinical activities at their facilities. These specific background checks are not a requirement of the College and the College does not keep records on these background checks except for fail/pass status.

The College's controls over privileged information include:

1. Students are given the opportunity to set up an authorized payer that enables a third party (e.g., parents or grandparents) access to their student accounts, which includes information regarding their bills only.
2. Access to non-directory student data in the SIM system is restricted to those employees of the College with a need to properly perform their duties. These employees are trained to know FERPA and red flag regulations.
3. Social Security numbers are not used as primary student identification numbers and this data is classified as non-directory student data.
4. Student Financial Services employees managing covered accounts are trained to know FERPA and red flag regulations.
5. The College is sensitive to the personal data (unlisted telephone numbers, dates of birth, etc.) that it maintains in its personnel files and databases. The College will not disclose personal information, except by written request or signed permission of the employee (or unless there is a legitimate business "need-to-know", or if compelled by law.)
6. Every effort is made to limit the access to private information to those employees on campus with a legitimate "need-to-know." College staff members who have approved access to the administrative information databases understand that they are restricted in using the information obtained only in the conduct of their official duties. The inappropriate use of such access and/or use of administrative data may result in disciplinary action up to, and including, dismissal from the College.
7. The College's official personnel files for all employees are retained in the Human Resources Office. Employees have the right to review the materials contained in their personnel files.
8. The College's School of Nursing and Allied Health Sciences each has policies and procedures relating to obtaining and safeguarding information obtained through background checks of students.
9. The College has policies that address the safeguarding of various forms of confidential information. Those policies include:
 - a. FERPA Rights
 - b. Records Retention
10. Staff who have access to HR and payroll data have received training that non-directory information regarding employees is not to be provided unless approved in writing by the employee.
11. The student is required to give written authorization to the Registrar's Office if his/her information is permitted to be shared with another party. A FERPA disclosure statement is distributed to the students each year informing him/her of his/her rights under FERPA.
12. Social Security numbers are not used as identification numbers and this data is classified as confidential
13. All paper files, when not in use, must be stored in locked filing cabinets. All offices must be secured during normal business hours and, when not occupied, are to be locked.
14. Access to confidential employee data in the College's human resources and payroll systems is restricted to only those employees who have a need to know and for proper execution of their job functions. These employees receive training related to FERPA and "red flag" regulations
15. Employees and students are requested to report all changes in name, address, telephone number or marital status to the Office of Human Resources and/or the Registrar's Office as soon as possible.
16. Any information classified as confidential contained within the personnel file remains confidential. Employees have the right to review the information contained in their personnel files.

The Tennessee Public Records Act is found in Tenn. Code Ann. § 10-7-101 et seq. and the sections that follow it. For purposes of access to public records, the operative provision is found in Tenn. Code Ann. § 10-7-503, which reads: "All state, county, and municipal records ... shall at all times, during business hours, be open for public inspection by any citizen of Tennessee, and those in charge of such records shall not refuse such right of inspection to any citizen, unless provided by state law."

"Records" are defined in Tenn. Code Ann. § 10-7-301(6) as "all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics made or received pursuant to law or ordinance or in connection with the transaction of official business of any governmental agency."

TBR Policy 4:01:05:60; TCATS Policy 08:13 Computer Passwords; TCATS Policy 08:14 Responsible Use; TCATS Policy 08:16 Data Security; TCATS Policy 08:18 Network Access

PART IV: GENERAL METHODS OF PREVENTING AND MITIGATING IDENTITY THEFT

Tennessee Colleges of Applied Technology has developed this program and policy to prevent and mitigate identity theft – Red Flag or Identifiable Information. Each department may have a unique set of interactions, transactions, and activities to be performed with students or staff in order to provide prevention and mitigation of identity theft. Proper procedures and training must take place at the departmental level to protect sensitive information, detect the situations that indicate identity theft, and guard against risks that might arise from that unit. This policy covers electronic records of people in SIM and any other system that stores sensitive personal information that could be used for identity theft. This policy also applies to paper and hard copy records that contain sensitive information.

TBR Policy 4:01:05:60

A. Verification of Identity

1. Review Sources of Personal Identification – Watch for documents provided that appear to have been forged or altered, a photograph or physical description that is not consistent with appearance, addresses or names that do not match other records or information on file, documents that appear to have been destroyed and reassembled, and documents provided that are not consistent when compared against external information sources.
2. Review Official Documents – Verify names, nicknames or full names that do not match other records, Social Security numbers that are duplicate or do not match information already on file, incomplete addresses or mail drops, incomplete personally identifying information submitted, and inability of an account holder to provide authenticating information when asked
3. New Records - When students or employees are added or modified in SIM or other systems, as much personally identifying information as possible should be gathered, verified and recorded. This information can be used in later steps to reduce the chance of fraud and increase the detection of suspicious activity.
4. Persons conducting identity verification should ask for both internal identification (College ID Card or ID number) and an additional outside ID that are not already recorded in SIM (e.g., driver's license, other photo ID, passport) for proof of identity.
5. Identification Card (Campus ID) Issuance – Campus ID Cards are used for a wide range of identification. When issuing cards, the person must already exist in SIM and at least one additional outside picture identification will be provided.
6. Manage Release of Information – Strengthen verification of the identity of people who request information (in person, via phone, via email). Monitor requests for transcripts, statements, or other information for possible fraud.
7. Review SSN and date-of-birth discrepancies that may be submitted through the Admissions/FAFSA process.
8. Audit for duplicate SSN's in SIM to correct account creation or modification errors.

Future BDMS

B. Document Imaging System

1. Scan driver's license or other government-issued photo ID for ongoing identification verification (document imaging system)
 2. Capture account holder signatures for further verification and comparison to other documents (document imaging system)
- TCATS Computer Passwords; TCATS Responsible Use; TCATS Data Security; Student Matrix and Live.edu account Password Reset
3. Create better account verification questions and answers based on SIM data elements (shared among many departments). There should be three to five questions to assist in authenticating identity.

C. Authenticate Students and Employees

1. Require strong authentication methods (across all systems) for students and staff to access and maintain their records and perform transactions.
2. Monitor systems and logs for repeated account lockouts or failed password attempts.
3. Change account credentials, PIN's or passwords if theft or compromise is suspected – if a suspicious activity or red flag indicator is presented that points to a reasonable likelihood of compromise, account and user credentials should be modified to block access until use and identification can be verified.
4. Require identity confirmation to perform manual PIN or password resets (that can't be completed through self-service modules).
5. Increase the strength of the SIM credential (tie to domain credential)
6. Strengthen "self-service" PIN reset process (security question and answer).
7. Strengthen manual PIN reset process and coordinate between multiple offices (authenticating identity, creating a secure PIN, required change on first login)
8. Provide an email confirmation to account holders for manual PIN resets through self-service
9. Audit for frequent manual PIN or password resets, or other significant credential changes and might indicate hacking or other credential abuse.
10. Eliminate SSN as alternate credential (ID number)
11. Eliminate birth date as initial PIN
12. Implement a password change policy (across all systems)

TBR Policy 4:01:05:60

D. Monitor Transactions or Account Activity

1. Departments should develop a matrix of transactions that can be tracked and monitored for red flags and other suspicious activity (credential abuse, check refunds, etc.).
2. Verify Address Changes – Address changes are one common area where identity theft can begin. Changing addresses may provide access to other printed material that can be used in theft of information.
3. Match address changes to postal service records (is it a valid address?)
4. Monitor returned mail, incomplete address records.
5. Audit for no active mailing address, but ongoing account activity.
6. Email confirmation of certain address changes.
7. External partners or reporting agencies may provide fraud or active duty alerts. Request notices of a credit freeze, notices of address discrepancies, a recent increase in volume of inquiries, an unusual number of recent credit relationships, accounts being closed or identified for abuse.
8. Track alerts and notifications from the IRS that a Social Security number is wrong or a duplicate (student or employee tax information).
9. Monitor credit card charge disputes that may indicate fraud or abuse.
10. Monitor for suspicious account activity – address changes followed by a refund request, rapid increase in activity level or inquiry level, mail sent that is returned multiple times as undeliverable, documents or checks submitted that match other fraudulent activity (bounced checks,

etc.), missing statements/invoices or other paper records, unusual cancelling of transactions, personally identifying information that is associated with other fraudulent activities (scams, phishing).

11. Monitor alerts from students or employees reporting their information has been misused (victims), reports from law enforcement about identity theft and fraud, reports from others about suspicious activity pertaining to a student or employee (identity has been stolen and is now being misused).

TBR Policy 4:01:05:60; TCATS Responsible Use; TCATS Data Security; TCATS Network Access

12. Contact/notify the student or employee to verify activities or transactions – the monitoring of routine transactions to determine unusual use patterns or suspicion of inappropriate activity may require personal contact or notification of the student or employee.

E. Create and Maintain a Secure Online Environment

1. Maintain strong control over data – all institutional data should be carefully guarded and controlled. Sensitive Personal Information (SPI) requires ever greater management. Extra safeguards must be in place to not distribute SPI more broadly than required. Keeping SPI data stored centrally, as much as possible, is the first step in managing its use.

2. Ensure that campus computers are secure - ensure that office computers are password protected, up-to-date, with virus protection, security firewalls, and strong credentials. Encrypt data stored on desktop and laptop devices to reduce risk of theft or loss. Require secure access to wireless networks.

3. Ensure the websites and other online resources are secured - Ensure that servers, websites and databases are well protected, regularly tested, and up-to-date. Perform regular audits of systems, servers, services, and logs to assure data security.

4. Monitor for suspicious network activity and might indicate keystroke loggers, or other malware used to capture device activity. Network sensors, firewalls, intrusion detection systems and reports can be used.

5. Lock down compromised accounts and require password resets and user notification in the event of suspicious account activity or release/communication of credentials.

6. Regularly audit desktop, laptop, and server security procedures and policies to assure a high level of protection is in place. Perform penetration testing to confirm security of resources.

7. Limit access to the Social Security number field in SIM.

8. Automate permission creation and maintenance based on attributes stored in SIM that govern access.

TBR Guideline G070 Disposal of Records; TCATS Responsible Use; TCATS Data Security

F. Hard Copy and Electronic Record Protection

All College employees must take steps to protect sensitive personal information they have access to or collect from students and staff. The following policies and procedures should be followed.

Hard copy records

1. File cabinets, desk drawers, or other storage locations that contain documents with sensitive information will be locked and secured when not in use.

2. Paper documents containing sensitive information will not be left on desks, tables, work areas, printers, fax machines, or other non-secure locations.

3. Documents containing sensitive information will not be stored longer than is needed and will be securely destroyed and discarded when no longer needed. Examples are

- Identified paper/hard copy records to be reviewed;
- Income Tax returns stored for Financial Aid processing;
- Paper registration and student files (registration, internships, others ;)
- Employee forms that contain SPI data.

Electronic records

1. Electronic records that contain SPI data shall be stored and maintained on central servers. Whether the record is in a database form, an email message, a Word or Excel document – the most effective method to protect the data is to know where it is stored.

2. While email is a convenient messaging tool, **AVOID** transmitting confidential or sensitive personal information through email, without appropriate encryption protection. Messages can be potentially intercepted as they travel across the internet, and once data is transmitted via email the opportunity to contain the distribution is lost.

3. SPI data shall not be stored on portable media (e.g., CD's, DVD's, USB drives, or removable hard disk drives).

4. SPI data (and most other campus/employee data for that matter) shall not be stored on home computers or personally owned mobile devices without appropriate encryption protection.

Certain information should not be kept

Compliance with Payment Card Industry-Data Security Standards (PCI-DSS) requires that credit card transactions not be stored within on-campus databases or on local servers that have not passed external audit controls. This means that a third-party payment processor will be used for all online transactions that process credit card payments.

TBR 4:01:05:60;

G. Awareness and Prevention Techniques

Inclusive of the College's red flags *Identity Theft Prevention Program*, other awareness processes and/or practices relative to policies and prevention techniques regarding identity theft have been identified. For example:

1. Provide appropriate policies, procedures and standards to document best practices for data security, identity theft tricks and techniques, emerging tools to reduce the risk and mitigate the occurrences of fraud and misuse. Publish guidelines and procedures as appropriate.

2. Create a culture of awareness and knowledge about Identity theft, and the procedures in place to mitigate the risk.

3. Require FERPA training for all employees that have regular access to academic records (to include academic records in addition to the SPI data that could be used for identity theft).

4. Establish Security Awareness Month (including identity theft and FERPA awareness)

5. Encourage employees to request copies of credit reports at least once a year.

6. Annual FERPA "refresher" for all employees that access academic records.

7. Create an online "refresher" user security training program.

8. Provide appropriate policies, procedures and standards to inform departmental employees regarding identity theft and the indicators outlined under this policy. Publish guidelines and procedures as appropriate.

9. Require VPN training for all employees provided off-campus access to secure centralized resources.

PART V: RESOURCES

External

Fair and Accurate Credit Transactions Act of 2003 (FACTA) Public Law 108-159 <http://www.ustreas.gov/offices/domestic-finance/financial-institution/cip/pdf/fact-act.pdf>. Gramm-Leach-Bliley Act <http://www.ftc.gov/privacy/glbact/glbsub1.htm>. Family Education Rights and Privacy Act (FERPA) <http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>. Tennessee Public Records Act is found in Tenn. Code Ann. § 10-7-101.

<http://www.tcoq.info/law/law.htm>. Tennessee Public Records Act is found in Tenn. Code Ann. § 10-7-301 (6).
<http://www.state.tn.us/comptroller/openrecords/pdf/CJEPresentation8-14-08.pdf>. Tennessee Public Records Act is found in Tenn. Code Ann. § 10-7-503. <http://www.tcoq.info/law/law.htm>. Tennessee Board of Regents Policy 1:08:00:00 Information Technology Resources <http://www.tbr.state.tn.us/policies/default.aspx?id=4862>. Tennessee Board of Regents Policy 4:01:05:06 Identity Theft Prevention Policy <http://www.tbr.state.tn.us/policies/default.aspx?id=5698>.
Tennessee Board of Regents Guideline G-030, Contracts and Agreements
<http://www.tbr.state.tn.us/policies/default.aspx?id=1722>.
Tennessee Board of Regents Guideline G-070, Disposal of Records
<http://www.tbr.state.tn.us/policies/default.aspx?id=1726>.
Financial Crimes Enforcement Network, United States Department of the Treasury
<http://www.occ.treas.gov/sar.htm>