



STATE HIGHER EDUCATION EXECUTIVE OFFICERS ASSOCIATION

Published on *SHEEO STATE AUTHORIZATION SURVEY RESULTS* ([http://sheeo.org/sheeo\\_surveys](http://sheeo.org/sheeo_surveys))

[Home](#) > Tennessee Higher Education Commission

---

## Tennessee Higher Education Commission

### Vertical Tabs

#### 1. Agency and Contact Information

##### **1A1. Agency Name:**

Tennessee Higher Education Commission Division of Postsecondary State Authorization (DPSA)

**1A2. Agency Description - Please review the description below and revise as appropriate (e.g., state executive agency, agency with appointed board, department or division within agency, etc.):**

The Tennessee Higher Education Commission has approval and authorization authority of all non-exempt postsecondary institutions with a physical presence in Tennessee. Institutions are authorized under the standards established by the Tennessee Higher Education Authorization Act of 2016 (HEAA) and must submit annual requests for reauthorization. Authorization may be required for institutions based primarily in Tennessee, as well as out-of-state institutions offering programs or courses in the state. The Tennessee Higher Education Commission, through the Division of Postsecondary State Authorization, oversees and monitors non-exempt proprietary, for-profit, and not-for-profit institutions offering training or education leading to a vocation, college credit, or issuance of an educational credential. Authorization may be granted to both degree and non-degree granting institutions and encompasses a wide variety of institutions such as: academic, trade, technical, career, professional, and out-of-state institutions with physical presence, including advertisements and/or recruitment practices in Tennessee.

**1A3. Agency Contact - Please review and correct as necessary the contact information below:**

Stephanie Bellard Chase  
Associate Executive Director for DPSA  
Tennessee Higher Education Commission  
615-741-5293  
[stephanie.bellard@tn.gov](mailto:stephanie.bellard@tn.gov) <sup>[1]</sup>

Julie M. Woodruff  
Assistant Executive Director for DPSA and Lead Attorney

Tennessee Higher Education Commission  
615-253-8857  
[julie.woodruff@tn.gov](mailto:julie.woodruff@tn.gov) [2]

**1A4. Who should institutions contact if they have questions about your agency's authority, policies, or application process:**

Information regarding THEC's authority and policies:

Julie M. Woodruff  
Assistant Executive Director for DPSA and Lead Attorney  
Tennessee Higher Education Commission  
615-253-8857  
[julie.woodruff@tn.gov](mailto:julie.woodruff@tn.gov) [2]

Information regarding the application process:

Latonya Todd  
Director of DPSA and Managing Attorney  
Tennessee Higher Education Commission  
615-253-6287  
[latonya.todd@tn.gov](mailto:latonya.todd@tn.gov) [3]

**1B. Links - Please provide web links to your agency home page, the regulations pertaining to authorization, and any other links important for understanding your agency's responsibility for authorization:**

[Home Page](#) [4]  
[Regularly Authorized Postsecondary Educational Institutions](#) [5]  
[Optional Expedited Authorization](#) [6]  
[DPSA Information](#) [7]

2. Types of Educational Providers Authorized

**2A1. Institution Types Authorized - Indicate the types of institutions that your agency authorizes. Feel free to provide a short explanation of any ambiguity:**

Public, out-of-state degree granting institutions  
Private, in-state, not-for-profit degree granting institutions  
Private, out-of-state, not-for-profit degree granting institutions  
Private, in-state, for-profit degree granting institutions  
Private, out-of-state, for-profit degree granting institutions  
Public, out-of-state, non-degree granting institutions  
Non-degree, not-for-profit institutions  
Non-degree, for-profit institutions  
Religious Institutions

**2A2. Clarifying comments:**

THEC governs the types of entities listed above, unless they are considered exempt pursuant to THEC's regulations as defined herein.

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

**2B1. Multiple Agencies - Is an institution required to obtain approval from more than one agency to be authorized in your state (excluding purely programmatic approvals):**

No

**2C1. Accreditation - Is accreditation required for an institution to be authorized in your state:**

No

**2D1. Does your agency authorize specific academic programs offered by institutions, only institutions themselves, or both:**

Both Institutions and Programs

**2D2. Clarifying comments:**

THEC authorizes both an institution and each non-exempt program offered by the institution. Please keep in mind that concentrations are considered separate programs for purposes of authorization and reporting requirements. Program approval is not required for institutions that have optional expedited authorization (OEA). Instead OEA institutions must provide program notification and proof of subject matter expert approval, if necessary.

**2E1a. Education:**

Yes

**2E1b. Name and Contact information, Education:**

Tennessee Department of Education

**2E2a. Nursing:**

Yes

**2E2b. Name and Contact Information:**

Tennessee Department of Health: Board of Nursing

**2E5a. Allied Health Professions and Related Programs:**

Yes

**2E5b. Name and Contact Information:**

Tennessee Department of Health: Health Related Boards

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

- Medical Laboratory Personnel: Medical Laboratory Board
- Registered Dental Assistant: Board of Dentistry
- X-Ray Operators: Board of Medical Examiners

### 3. Exemptions

#### **3A1. General Exemptions - Are certain institutions or programs exempt by law or policy from your state authorization requirements:**

Yes

#### **3A2. If yes, to which institutions or programs does the exemption apply? How does it work (please describe)? If available, please provide any pertinent web links:**

Exemptions can be found at Tenn. Code Ann. § 49-7-2004 and Rules 1540-01-02-.05.

#### **3A3. If yes, how does the institution or program claim an exemption? For example, is the exemption automatic as long as it meets specified criteria, does the institution or program notify the agency and the exemption is granted, is there an application process, etc.:**

With the exception of the exemption provided in Tenn. Code Ann. § 49-7-2004(a)(6), institutions are not required to obtain a determination of exemption. However, if an institution wishes to have a determination made, it must submit an exemption request in writing to DPSA. To request a determination of exemption, an institution shall submit an Application for Exemption Determination which can be found using <https://www.tn.gov/thec/article/postsecondary-links> [8].

#### **3B. Other Requirements - If an institution or program is exempt from state authorization, are there any other state requirements that an institution would need to fulfill in order to operate in your state (e.g., providing contact information, list of programs, etc.):**

Institutions that are exempt pursuant to Tenn. Code Ann. § 49-7-2004(a)(6) are required to complete an [Information Request Form](#) [9]. Additionally, institutions may want to contact the Tennessee Secretary of State to ensure that they meet all requirements to operate a business in the state.

#### **3C1. Religious Institutions - Does your state constitution or do your state laws provide any exemptions for religious institutions:**

Yes

#### **3C2. If yes, are all religious institutions exempt (please describe):**

No. Tenn. Code Ann. § 49-7-2004(a)(4) provides an exemption for education offered by eleemosynary institutions, organizations or agencies, so recognized by the commission; provided, that the education is not advertised or promoted as leading toward educational credentials.

#### **3C3. If yes, are religious institutions that award only religious degrees or certificates exempt (please describe):**

No, see above.

#### **3C4. If yes, are certain religious institutions exempt that meet other criteria (please describe):**

Yes, see above.

#### 4. Authorization of Distance Education

**4A1. Does your agency require purely (100%) distance education programs, including online or correspondence study programs that enroll residents of your state, to be authorized without regard to physical presence:**

No

**4B1. If not, does your agency determine whether an institution must be authorized based on a physical presence (“operating”) standard:**

Yes

#### 5. Physical Presence Policy – Common “Triggers”

**5A. If your agency uses a physical presence standard, how does your agency define physical presence? If available, please provide a link to that policy or a citation to the relevant regulation giving that standard:**

The definition of physical presence as found in Rule 1540-01-02-.03(42) provides:

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

1. Operating an instructional site within the state;
2. Offering instruction within or originating from Tennessee designed to impart knowledge with response utilizing teachers, trainers, counselors or computer resources, computer linking, or any form of electronic means;
3. Granting an educational credential from a location within the state;
4. Using an agent, recruiter, institution, or business that solicits for enrollment or credits or for the award of an educational credential; or
5. Advertising, disseminating promotional material or conducting public solicitation in any form that targets Tennessee residents or uses local advertising markets in the state for institutions seeking, holding, or required to be authorized by the Commission.

More information on distance education authorization may be viewed by going to <https://www.tn.gov/thec/topic/postsecondary-state-authorization> [10] and clicking the box titled “Distance Education Authorization Requirements.”

#### INSTRUCTIONAL ACTIVITIES

**5B1a. Hosting short term, face-to-face, seminars or conferences in the state where students meet in person:**

Yes

**5B1b. Clarifying Comments:**

**5B2a. Permitting a student to complete an internship, externship, field experience, or clinical practicum organized by the institution:**

Yes

**5B2b. Clarifying Comments:**

Physical presence is established if an institution initiates and/or facilitates an arrangement with any individual, business, organization, or entity located in Tennessee for the purpose of providing an internship, externship, practicum, clinical, student teaching, or similar opportunity (e.g., the student's ability to select a training site is limited to a list maintained by the institution), but does not include entering into such arrangements that are student-initiated.

**5B2c. Does this apply only to distance education students or more generally:**

More Generally

**5B3a. Permitting a student to complete an internship, externship, field experience, or clinical practicum found by the student acting independently:**

No

**5B3c. Does this apply only to distance education students or more generally:**

More Generally

PROPERTY IN THE STATE

**5B4a. Maintaining a location (physical building) in the state that is used for instructional activity:**

Yes

**5B5a. Maintaining a location (physical building) in the state that is used ONLY for non-instructional activity (administration, recruitment, etc.):**

Yes

**5B5b. Clarifying Comments:**

**5B6a. Housing ONLY computer servers or other equipment at a physical location in the state:**

Yes

**5B6b. Clarifying Comments:**

DPSA will review on a case-by-case basis.

**5B7a. Maintaining an in-state address or phone number, regardless of use:**

Yes

RECRUITING ACTIVITIES

**5B8a. Organized, consistent, on - the - ground recruiting of students in the state by employees or agents of the institution:**

Yes

**5B8c. What if the agent is only recruiting students in the state on an occasional basis (i.e. at job fairs):**

No

**5B8d. Clarifying Comments:**

An institution may participate in multi-institutional college fairs or other assemblies of institutions in Tennessee without establishing a physical presence as long as:

- the institution does not enroll an individual, allow an individual to sign any agreement obligating the person to the institution in any way, or accept any monies from the individual, including an application fee; and/or
- the institution does not follow-up with any interested student by means of an in-person meeting with an agent in Tennessee.

#### THIRD PARTY AGREEMENTS/CONTRACTS

**5B9a. Having a contract/agreement between the institution and in-state institutions or in-state entities to provide services for students (i.e. library, gym, computer centers, etc.):**

Yes

**5B10a. Requiring a student to take a proctored exam at a location or with an entity in the state prescribed by the institution:**

No

**5B11a. Requiring a student to take a proctored exam with an entity in the state chosen by the student but approved by the institution:**

No

#### ADVERTISING

**5B12a. Advertising in local media sources that are largely viewed by residents of the state :**

Yes

**5B13a. Advertising in national media sources that can be accessed by residents of the state:**

No

#### EMPLOYMENT IN THE STATE

**5B14a. Employing full-time faculty in the state to provide instruction via distance education programs to students in the state:**

No

**5B14b. Clarifying Comments:**

No, if the instructor is leading a distance education course from his or her residence in the state.

**5B14c. What about adjunct faculty:**

No

**5B14d. Clarifying Comments:**

No, if the instructor is leading a distance education course from his or her residence in the state.

**5B15a. Employing full-time faculty in the state to provide instruction via distance education programs solely to students outside of the state:**

No

**5B15b. Clarifying Comments:**

No, if the instructor is leading a distance education course from his or her residence in the state.

**5B15c. What about adjunct faculty:**

No

**5B15d. Clarifying Comments?:**

No, if the instructor is leading a distance education course from his or her residence in the state.

**5B16a. Employing mentors, tutors, or preceptors in the state to aid students, who are residents of the state, on an individual basis:**

Yes

OTHER

**5C1. Combinations - Of the activities or conditions listed above that alone would not constitute a physical presence, are there any that, if combined, would create a physical presence:**

No

6. Application Process

**6A. Description - Please provide a short description of the application process to obtain state authorization. If available, please provide web links to the specific references to all applicable state laws, regulations, manuals, forms, or other pertinent documents:**

To obtain regular authorization, an institution must submit an Initial Authorization Application, along with a New Program Application for each program it wishes to offer in Tennessee. Upon determination that authorization is required, the applications can be found using <https://www.tn.gov/thec/article/postsecondary-links> [8]. Other applications relevant to initial authorization, such as school personnel and agent permit applications can also be found using that link.

Certain degree granting, accredited institutions are eligible to seek optional expedited authorization (OEA). To obtain optional expedited authorization, an institution must submit an Optional Expedited Authorization application, which can also be found using <https://www.tn.gov/thec/article/postsecondary-links> [8].

**6B. Processing Time - Generally, how long does it take to approve applications (assuming that the agency has received all required information from the institution)? Please provide a typical range if appropriate:**

3-4 Months

**6C. Duration - What is the authorization duration:**

Authorization will be one year from the initial authorization date and will be renewed each year.

**6D. Maintenance - What does an institution need to do to maintain authorization:**

Submit an OEA or reauthorization application by the due date for the Committee meeting approximately one year from the institution's authorization date.

**6E. Reporting - What kinds of information or data must an institution report to your agency as a condition for continued authorization? How frequently is this reported or updated? Is this information published or shared publicly:**

Below is a list of some, but not all, information or data that an institution must submit with the annual reauthorization or OEA application:

- Individual Student Data
- Program Enrollment Information

- Withdrawal, Completion, Placement Data
- Financial Statement

**6F. Loss of Status - Can an institution lose its authorized status? If so, how?:**

Yes. Institutions may lose authorization by failing to abide by the statutes and rules governing postsecondary educational institutions in Tennessee including, but not limited to, the actions listed in Rule 1540-01-02-.22 and Rule 1540-01-10-.06.

**6Ga. Multi-Institutional Systems - Can a multi-institutional system or college corporation apply to your agency for authorization on behalf of all of its component institutions? If so, please describe the process:**

No

**6Gb. Would multi-institution public systems be treated the same as multi-location for-profit institutions:**

Yes

**6H. Distinctive Features - What distinctive features in your authorization process would be useful for applicants to know (e.g., certain times during the year that you process applications for authorization, sharing of applications or information about proposed programs with institutions or other stakeholders in your state for comment):**

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

**6I1. Amendments - Is your agency currently planning to amend its application process by the end of 2013:**

No

7. Fees Associated with Authorization

**7A. Application Fee - Is there an application fee to initiate the authorization process? If so, what is the fee or fee schedule? Please provide a web link if available:**

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

See Rule 1540-01-02-.25:

[http://share.tn.gov/sos/rules\\_all/2017/1540-01-02.20170321.pdf](http://share.tn.gov/sos/rules_all/2017/1540-01-02.20170321.pdf) [5]

For optional expedited authorization, the application fee is \$9000.00. See Rule 1540-01-10-.09:

[http://share.tn.gov/sos/rules\\_all/2017/1540-01-10.20170321.pdf](http://share.tn.gov/sos/rules_all/2017/1540-01-10.20170321.pdf) [6]

**7B. Other Costs - Are there any other costs associated with the state authorization process (e.g. site visits, hiring a reviewer, surety bond, tuition recovery fund, agent licensing, etc.):**

Institutions seeking regular authorization must secure a surety bond of \$10,000 or \$20,000 depending on the location and type of institution. Regularly authorized institutions utilizing agents must submit an Agent Permit Application and pay a fee of \$500 for each agent. Out-of-state institutions must obtain a \$5,000 surety bond for each agent. See

[http://share.tn.gov/sos/rules\\_all/2017/1540-01-02.20170321.pdf](http://share.tn.gov/sos/rules_all/2017/1540-01-02.20170321.pdf) [5].

OEA and Regularly Authorized Institutions must make payments for six (6) years into the Tuition Guaranty Fund in accordance with the provisions in Rule Chapter 1710-01-02,

<http://publications.tnsosfiles.com/rules/1710/1710-01-02.pdf>. [11]

**7C. Renewal Costs - What are the costs, if any, to renew authorization:**

As part of the annual reauthorization process, regularly authorized institutions must pay a reauthorization fee, which is based on student enrollment. If enrollment is zero (0) to three hundred (300) students, then the fee is \$500. If enrollment is three hundred and one (301) to six hundred (600) students, the the fee is \$1,500. If enrollment is six hundred and one (601) or more students, then the fee is \$3,500. OEA must be applied for annually and the fee is \$9,000.00. Additionally, institutions must pay a renewal fee for agents of \$250 per agent.

**7D. Exemption Costs - What costs are associated with receiving a waiver or exemption to authorization:**

The Application for Exemption Determination fee is \$100.

8. Interstate Reciprocity

**8A. Do your state regulations explicitly allow or prohibit interstate reciprocal agreements about authorization? If so, please describe:**

Pursuant to Tenn. Code Ann. § 49-7-2005(a)(4), THEC has the power to negotiate and enter into interstate reciprocity agreements with similar agencies in other states, if, in the judgment of the commission, such agreements are or will be helpful in effectuating the purposes of the statutes and regulations governing postsecondary educational institutions.

**8B. What is the process, if any, to obtain a reciprocal agreement with your state:**

For more information, please contact:

Stephanie Bellard Chase  
Associate Executive Director for DPSA  
Tennessee Higher Education Commission  
404 James Robertson Parkway, Suite 1900  
Nashville, TN 37243

**8C. Are there any reciprocal agreements currently in place or under consideration? If so,**

**please list those agreements:**

Tennessee is a member of the State Authorization Reciprocity Agreement (SARA).

**8D. If interstate reciprocal agreements are not addressed in your regulations, would your agency consider establishing such agreements? Please elaborate:**

See 8a response.

9. Consumer Protection and Student Complaints

**9A1. Does your agency have a process for handling complaints about postsecondary institutions or programs::**

Yes

**9A2. If yes, please describe the process or provide a web link to the material that describes the complaint process:**

For regularly authorized institutions, the investigation and further review of complaints will occur in accordance with the following provisions:

- Complaints shall be signed and submitted through hand delivery, mail, electronic mail or facsimile.
- Commission staff will investigate all written complaints.
- Any named institution and/or agent will receive a copy of the complaint and be provided an opportunity to respond to all allegations contained in the complaint.
- As part of the investigation process, Commission staff may work with the complainant and the named institution and/or agent to effectuate a settlement.
- Following the completion of the investigation, Commission staff will provide to all parties written findings and conclusions, including any determinations with regard to the complainant's receipt of a refund or other monetary relief or the assessment of a fine or other adverse action. The written findings and conclusions will contain a date by which an aggrieved party may submit a request for further review by the Executive Director as provided for in Rule 1540-01-02-.02(2)(b).

For OEA institutions, Commission staff shall investigate any signed student complaint involving an OEA institution after verifying that the institution has had an opportunity to investigate and resolve the complaint yet the complainant contends it remains unresolved. The investigation shall be conducted in accordance with Rule 1540-01-10-.07(4).

**9A3a. If yes, does this complaint process extend to institutions not authorized by the agency that may enroll residents of the state (such as explicitly distance education programs with no physical presence or exempt institutions):**

No

**9A4. If available, please provide a web link to the complaint form:**

[Complaint Form](#) <sup>[12]</sup>

**9B. Who is the contact person for receiving complaints? Please include name, title, address, phone, and email if available:**

Shauna Jennings, Esq.  
Complaint & Records Manager

Tennessee Higher Education Commission  
615-741-0662  
[shauna.jennings@tn.gov](mailto:shauna.jennings@tn.gov) [13]

## 10. Enforcement

### **10A. If your agency finds that an institution or program is operating in your state without authorization, what is the resulting warning or enforcement action:**

THEC will take appropriate action to ensure compliance with state law. Failure to adhere to state law may subject the violator to adverse action, including the imposition of a fine or referral to the Office of the Attorney General.

### **10B. Can an institution or program appeal a warning or enforcement action? If yes, please describe the process or provide web links to the regulations/policies:**

Further review by the Executive Director and/or the Tennessee Higher Education Commission may be requested in writing.

## 11. Legislative or Regulatory Changes

### **11A1. Amendments - Is your agency or state legislature currently planning to amend its regulations or alter its physical presence policy:**

No

### **11B1. Federal Regulations - Is your agency or state legislature making changes in your state regulations or statutes so that institutions with locations in your state would be considered legally authorized in accordance with the federal institutional eligibility regulations:**

No

### **11C1. Other Changes - Is your agency or state legislature making any other changes in your state regulations or statutes with regard to state authorization:**

No

---

**Source URL:** [http://sheeo.org/sheeo\\_surveys/user/73](http://sheeo.org/sheeo_surveys/user/73)

#### **Links**

[1] <mailto:stephanie.bellard@tn.gov>

[2] <mailto:julie.woodruff@tn.gov>

[3] <mailto:latonya.todd@tn.gov>

[4] <http://www.tn.gov/thec/>

[5] [http://share.tn.gov/sos/rules\\_all/2017/1540-01-02.20170321.pdf](http://share.tn.gov/sos/rules_all/2017/1540-01-02.20170321.pdf)

[6] [http://share.tn.gov/sos/rules\\_all/2017/1540-01-10.20170321.pdf](http://share.tn.gov/sos/rules_all/2017/1540-01-10.20170321.pdf)

[7] <http://www.tn.gov/thec/topic/postsecondary-state-authorization>

[8] <https://www.tn.gov/thec/article/postsecondary-links>

[9] [https://www.tn.gov/assets/entities/thec/attachments/Information\\_Request.pdf](https://www.tn.gov/assets/entities/thec/attachments/Information_Request.pdf)

[10] <https://www.tn.gov/thec/topic/postsecondary-state-authorization>

[11] <http://publications.tnsosfiles.com/rules/1710/1710-01-02.pdf>

[12] [http://tn.gov/assets/entities/thec/attachments/Complaint\\_Form\\_%28Rev.\\_12.16%29\\_1-26-17.pdf](http://tn.gov/assets/entities/thec/attachments/Complaint_Form_%28Rev._12.16%29_1-26-17.pdf)

[13] <mailto:shauna.jennings@tn.gov>

