



BOARD OF REGENTS OF
THE UNIVERSITY SYSTEM OF GEORGIA

May 17, 2023

Presidents

University System of Georgia

sent via email

Dear Presidents:

The Board of Regents (BOR) of the University System of Georgia (USG) met on May 16, 2023, in Atlanta, Georgia. The board approved important revisions to BOR policy 6.5 regarding freedom of expression and academic freedom. These revisions were a follow-up to the board's approval during the April board meeting of a statement of principles that affirm and protect academic freedom and freedom of expression for students, faculty, and staff at its 26 public colleges and universities.

Please ensure all members of your campus community are aware of these important policy revisions and our commitment to safeguarding freedom of expression and academic freedom. Please also ensure any concerns that are raised regarding an infringement of these rights are promptly reviewed for appropriate follow-up action. There are many avenues for reporting concerns around free speech to include the USG's Ethics & Compliance Reporting Hotline (Ethics Line). We have a specific link on the USG homepage for reporting "free speech and censorship concerns." Please promote this link or the existing Ethics Line link on your institution's homepage as a means for reporting free speech concerns in addition to the other reporting avenues available at your institution.

Below is a listing of the policy sections which were revised regarding freedom of expression and academic freedom along with other policy revisions which were approved during the board meeting.

Campus Affairs

- **Board Policy 6.5 Freedom of Expression**
- **Board Policy 6.26 Application for Discretionary Review**

Finance and Business

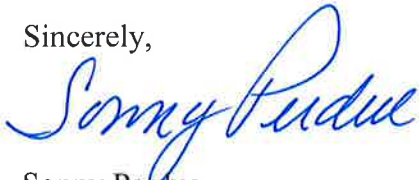
- **Board Policy 7.3.1.5 Tuition Agreements with Corporations, Organizations, and Other Legal Entities**
- **Board Policy 7.4.1 Naming of Places, Colleges, or Schools**
- **Board Policy 7.7.5.2 Background Check Requirements for Construction Contractors and Subcontractors**

Personnel

- **Board Policy 8.3.2.3 Establishment of Termed Positions**

Attached as an Exhibit is a document that provides background information on these policy revisions, the effective date of the policy revisions, and also shows the language added / removed from the policy sections. Please share widely with the appropriate offices at your institution to include Human Resources, Academic Affairs, Student Affairs, Business and Finance, Legal Affairs, Audit, and Compliance.

Sincerely,



Sonny Perdue
Chancellor

Enclosure

cc: Tracey Cook, Chief Fiscal Officer
Teresa MacCartney, Chief Operating Officer
Dr. Ashwani Monga, Executive Vice Chancellor for Academic Affairs
Ashley Jones May, Chief of Staff and Vice Chancellor for External Affairs
Dr. Timothy M. Chester, Interim Vice Chancellor and Chief Information Officer
Jeff Davis, Vice Chancellor for Fiscal Affairs
Dr. Juanita Hicks, Vice Chancellor for Human Resources
Dr. Scot Lingrell, Vice Chancellor for Student Affairs
Chris McGraw, Vice Chancellor of Legal Affairs and Secretary to the Board
Sandra Neuse, Vice Chancellor for Real Estate and Facilities
Dr. Dana Nichols, Vice Chancellor for Academic Affairs
Dr. Stuart Rayfield, Vice Chancellor for Leadership & Institutional Development
Jenna Wiese, Vice Chancellor for Internal Audit, Chief Audit Officer
Karin Elliott, Associate Vice Chancellor of Total Rewards
Josiah Heidt, Senior Legal Counsel
Wesley Horne, AVC Compliance, Chief Ethics Officer
Institutional Provosts
Institutional Chief Business Officers
Institutional Human Resource Directors
Institutional Legal Officers
Institutional Chiefs of Police

Exhibit
BOARD OF REGENTS POLICY MANUAL
Revised Policies with Markup
Meeting of May 16, 2023

I. Revisions to Board of Regents Policy Manual, Section 6.5 Freedom of Expression

Background:

Following the Statement of Principles approved by the Board of Regents in the April 2023 Board meeting, BOR Policy 6.5 Freedom of Expression was revised to BOR Policy 6.5 Freedom of Expression and Academic Freedom. 6.5.1 Academic Freedom is now focused on the rights and responsibilities associated with academic freedom. 6.5.2 Institution Freedom of Expression Policies is focused on policies to promote free expression on USG campuses.

Effective Date:

The effective date of these policy revisions is May 16, 2023.

Former Policy Language:

6.5 Freedom of Expression

The rights guaranteed by the First Amendment, including the right to free speech, free expression, free exercise of religion, and the right to assemble peaceably are of the utmost importance, and the University System of Georgia (USG) is committed to protecting those rights.

As public institutions of higher education, USG institutions must promote open ideas and academic freedom on their campuses. To that end, the unrestricted outdoor areas of institutions are deemed public forums for the campus community of each institution. For purposes of this policy, the campus community means students, faculty, staff, and their invited guests. While institutions may need to enact policies to promote campus safety, to ensure the proper functioning of the academic environment and institution activities, or to further other important institution objectives, those policies should not unduly burden the free expression rights of students, faculty, and staff.

Institutions may maintain and enforce reasonable time, place, and manner restrictions narrowly tailored to serve a significant institutional interest. Such restrictions must employ clear, published, content- and viewpoint-neutral criteria, and provide for ample alternative means of expression. Finally, any such restrictions may include reservation requirements, if needed, but must also allow for members of the campus community to spontaneously and contemporaneously assemble or distribute literature.

Institutions can designate accessible, high-traffic locations on campus as public forum areas for individuals or groups who are not members of the campus community and can require these individuals or groups to comply with reasonable time, place, and manner restrictions, including reservation requirements. Institutions may not consider the content or viewpoint of expression when requiring or assigning use of public forum areas.

USG institutions must place their student free expression policies and procedures in the student handbook and make the same publicly available online. These policies and procedures must also be

incorporated into student orientation programs. Finally, institutions must develop materials, programs, and procedures to ensure that faculty and staff understand the institutional policies and duties regarding free expression on campus.

Revised Policy Language in Change Tracker

6.5 Freedom of Expression and Academic Freedom

The rights guaranteed by the First Amendment, to the U.S. Constitution including the right to freedom of speech, free expression, the right to the free exercise of religion, and the right peaceably to assemble peaceably are of the utmost importance, and the University System of Georgia (USG) is committed to protecting those rights. In the context of higher education, the constitutionally protected right to freedom of speech includes both academic freedom and freedom of expression. USG and all of its institutions shall vigorously protect those freedoms.

As public USG and its institutions shall foster an environment where all members of the USG community are free to share ideas and opinions, even those that some may find offensive. Ideas and opinions should be openly and freely debated and discussed, both inside and outside of the classroom, without fear of suppression or reprisal. The USG community should promote intellectual debates, not close them off, and must uphold the values of civility and mutual respect while doing so.

While narrow restrictions to freedom of speech will apply for expression that violates the law or USG or institutional policies, freedom of expression protections are broad. Any necessary limitations will be enforced by USG or institutional administration. Individual members of the USG community shall not attempt to prevent or otherwise interfere with the free expression of others, no matter how objectionable they may find the expressed ideas or opinions.

Similarly, USG is strongly committed to protecting the academic freedom rights of faculty and students. Along with those rights comes an individual responsibility to fulfil obligations in the classroom, in research, and as public citizens.

6.5.1 Academic Freedom

As a public system of higher education, USG is committed to protecting the academic freedom rights of faculty and students in teaching, research, publishing, and other academic activities. All institutions within USG must vigorously promote the open exchange of ideas and protect academic freedom on their campuses.

USG values diversity of intellectual thought and expression for all. While faculty and students must be encouraged to exercise their rights to academic freedom, they must also understand that, along with those rights comes the responsibility to respect the individuality and beliefs of all. Members of the USG community should always seek to foster and defend intellectual honesty, freedom of inquiry, and instruction on and off campus.

Academic freedom is a bedrock of higher education, but it is not unlimited. Faculty academic freedom extends only to classroom material and discussions, research, publications, and other academic activities that are germane to the subject matter being taught, researched, written about, or presented. Faculty members must be careful not to introduce into their teaching controversial

matters that have no relation to their subject.

Students should be provided an environment conducive to learning, be free from faculty or institutional coercion to make personal political or social choices, and be evaluated based on their academic performance, not factors that are irrelevant to that performance such as their personal beliefs. Similarly, faculty and staff have the right to be unburdened by irrelevant factors such as ideological tests, affirmations, and oaths, and should instead be hired and evaluated based on relevant factors such as their achievement and the success of students.

Finally, faculty hold a special position in the community that carries both privileges and obligations. Because faculty are scholars and educators, the public may judge their profession and their institutions by their utterances. Therefore, faculty should always strive to be accurate, exercise appropriate restraint, show respect for the opinions of others, and make every effort when they are expressing their personal opinions to indicate that they are speaking for themselves as private citizens rather than on behalf of their institutions.

This commitment to protecting the academic freedom rights of all faculty and students, as well as ensuring that all faculty and students respect the academic freedom rights of others, is crucial to USG's mission of providing the best educational opportunities to all Georgians.

6.5.2 Institution Freedom of Expression Policies

As public institutions of higher education, USG institutions must promote free expression and academic freedom on their campuses. To that end, the unrestricted outdoor areas of institutions are deemed public forums for the campus community of each institution. For purposes of this policy, the campus community means students, faculty, staff, and their invited guests. While institutions may need to enact policies to promote campus safety, to ensure the proper functioning of the academic environment and institution activities, or to further other important institution objectives, those policies should not unduly burden the free expression rights of students, faculty, and staff.

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New Policy Language:

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II. Revisions to Board of Regents Policies 6.26, 7.4.1 and 7.7.5.2 to align with title changes

Background:

The title for the University System of Georgia Chief Administrative Officer was recently changed to that of Chief Operating Officer as part of modifications to University System Office organizational structure. Three board policies referenced “chief administrative officer,” and the Board revised each of these policies to reflect the change in title.

Effective Date:

The effective date of these policy revisions is May 16, 2023.

Former Policy Language:**6.26 Application for Discretionary Review**

Any University System of Georgia (USG) student or employee aggrieved by a final decision of a USG institution may apply to the University System Office of Legal Affairs (USO Legal Affairs) for a review of the decision subject to the parameters set forth below. Review of the decision is not a matter of right, but is within the sound discretion of USO Legal Affairs. USO Legal Affairs may issue guidelines governing the process for review.

Applications from USG students are permitted for final institution decisions other than decisions on admissions (including program admissions), residency, student grades, and traffic citations, as the final decision on those matters rests with the President of the institution at which the appeal is heard. Applications from USG employees are limited to instances in which an employee is terminated, demoted, or otherwise disciplined in a manner that results in a loss of pay. Notwithstanding the foregoing, an application may be reviewed if (1) the record suggests that a miscarriage of justice might reasonably occur if the application is not reviewed; or, (2) the record suggests that the institutional decision, if not reviewed, might reasonably have detrimental and system-wide significance.

Each application for review shall be submitted in writing to USO Legal Affairs within 20 calendar days following the final institution decision. USO Legal Affairs may, in its discretion, deny the application for review or refer the application a Committee composed of the following USO administrators or a designee of each administrator: the chief legal officer, who shall serve as the Chair of the Committee; the chief academic officer; the chief administrative officer, the chief human resources officer; the chief student affairs officer; and any other person or persons deemed appropriate by the Committee. Upon referral, the Committee shall review the application and take any action that it deems appropriate.

The decisions of the USO Legal Affairs and the Committee shall be final and binding for all purposes. There shall be no recourse to the Chancellor or the Board of Regents from such decision; provided, however, that the Board of Regents’ Committee on Organization and Law retains the authority to make an exception to this policy in its discretion. USO Legal Affairs shall periodically report to the Committee on Organization and Law regarding applications for discretionary review filed and their dispositions.

Nothing in this policy shall be construed to extend to any party substantive or procedural rights not required by federal or state law or any expectation of employment, admission, or additional due

process rights. This policy is not part of due process rights afforded to students or employees of the University System; any such rights have been fully afforded upon the final institution decision. The Board of Regents reserves the right to change this policy at any time and to make such changes effective retroactively to any pending application.

Revised Policy Language in Change Tracker

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New Policy Language:

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Former Policy Language:

7.4.1 Naming of Places, Colleges, or Schools

The Board of Regents considers the naming of a place or an academic unit in honor of an individual, corporation, foundation, or organization to be one of the highest and most distinct honors that it can bestow. Namings may be authorized for outstanding and distinguished service, for philanthropic giving, or for both. The President of each institution should ensure that the proposed naming is consistent with the interest of the institution and the USG and is commensurate with the level of service or philanthropic giving from the person, persons, group, or groups for which the naming will be made. Namings authorized without associated fund raising should be the exception.

Naming of colleges and schools of all USG institutions and all real estate, facilities, and property owned or leased by the USG, including facilities constructed, donated, or acquired by affiliated organizations of the institutions, requires prior authorization by the Chancellor, the USG Chief Administrative Officer, and the Board of Regents. All proposed namings shall be submitted to the USG Chief Administrative Officer who shall distribute the proposal for integrated review and, in conjunction with the Chancellor, submit the request to the Board of Regents for approval.

Namings authorized by the Board of Regents shall not be modified without approval of the Board. If a situation occurs that may warrant the removal of a name that was previously approved by the Board of Regents, the decision whether to remove the name lies in the sole discretion of the Board in consultation with the Chancellor.

The President of an institution is authorized to name and to remove the name of interior spaces and academic units subordinate to colleges and schools, such as departments, without prior approval of the Board. Institutions shall maintain a report on interior namings and naming removals.

The namings of facilities and features of an institution will endure only for the useful life of the facility or feature and not in perpetuity. If a facility or feature is substantially changed, a named facility or feature may no longer exist and the President, in his or her discretion, may seek Board of Regents' approval to transfer the name to a new facility or feature.

The Board of Regents will authorize external namings (places, colleges, and schools) to honor a living person only when that person has been disassociated from employment by the USG or from local, state, or federal government employment for at least two years prior to seeking Board of Regents' approval.

Institution Naming Policy:

Institutions shall also maintain their own naming policy, which should establish minimums for financial commitments corresponding to such naming opportunity that are benchmarked against institutions similar in size, scope, and mission. Each institution shall provide a copy of its naming policy to the USG Chief Administrative Officer for approval.

Revised Policy Language in Change Tracker:

7.4.1 Naming of Places, Colleges, or Schools

The Board of Regents considers the naming of a place or an academic unit in honor of an individual, corporation, foundation, or organization to be one of the highest and most distinct honors that it can

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New Policy Language:

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Institutions shall also maintain their own naming policy, which should establish minimums for financial commitments corresponding to such naming opportunity that are benchmarked against institutions similar in size, scope, and mission. Each institution shall provide a copy of its naming policy to the USG Chief Operating Officer for approval.

Former Policy Language:

7.7.5.2 Background Check Requirements for Construction Contractors and Subcontractors

If required pursuant to law or regulation, as determined by the construction contractor, construction contractors whose employees or whose subcontractors' employees provide on-site construction services to a USG institution shall conduct background checks of their employees and subcontractors' employees.

USG institutions shall not require that the construction contractor perform additional background checks. However, on a specific project basis upon written request by a USG institution, or on his or her own initiative, the University System of Georgia chief administrative officer or his or her designee may require background checks of contractors' and subcontractors' employees for a specific project and may disqualify certain individuals from working on-site for the specific project. In such instances, the chief administrative officer or his or her designee shall provide the construction contractor with specifications on what background checks are required and what the disqualification criteria will be.

USG institutions must seek appropriate contractual protections from the contractor, including requiring that the construction contractor conducts and takes appropriate action on any required background checks and defends, indemnifies, and holds harmless the Board of Regents of the University System of Georgia for any failure of the construction contractor to do so and for the actions of the construction contractors' employees and subcontractors' employees consistent with the current terms of the USG construction contract.

Revised Policy Language in Change Tracker:

7.7.5.2 Background Check Requirements for Construction Contractors and Subcontractors

If required pursuant to law or regulation, as determined by the construction contractor, construction contractors whose employees or whose subcontractors' employees provide on-site construction services to a USG institution shall conduct background checks of their employees and subcontractors' employees.

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New Policy Language in Change Tracker:

7.7.5.2 Background Check Requirements for Construction Contractors and Subcontractors

If required pursuant to law or regulation, as determined by the construction contractor, construction contractors whose employees or whose subcontractors' employees provide on-site construction services to a USG institution shall conduct background checks of their employees and subcontractors' employees.

USG institutions shall not require that the construction contractor perform additional background checks. However, on a specific project basis upon written request by a USG institution, or on his or her own initiative, the University System of Georgia chief operating officer or his or her designee may require background checks of contractors' and subcontractors' employees for a specific project and may disqualify certain individuals from working on-site for the specific project. In such instances, the chief operating officer or his or her designee shall provide the construction contractor with specifications on what background checks are required and what the disqualification criteria will be.

USG institutions must seek appropriate contractual protections from the contractor, including requiring that the construction contractor conducts and takes appropriate action on any required background checks and defends, indemnifies, and holds harmless the Board of Regents of the University System of Georgia for any failure of the construction contractor to do so and for the actions of the construction contractors' employees and subcontractors' employees consistent with the current terms of the USG construction contract.

III. Revisions to Board of Regents Policy 8.3.2.3 Establishment of Termed Positions

Background:

The Board approved the request of Chief Academic Officer and Executive Vice Chancellor, Dr. Ashwani Monga to include the Establishment of Termed Positions within Board of Regents Policy Manual, Section 8.3.2.3.

Effective Date:

The effective date of these policy revisions is May 16, 2023.

Former Policy Language:

8.3.2.3 Establishment of Named Positions

Support of Positions from Gifts and Endowments

No endowed chair, professorship, fellowship, or administrative position will be established or announced without prior approval of the Board of Regents, and no initial appointment will be made to a chair, professorship, fellowship, or administrative position without prior approval by the Board. Recommendations to the Board concerning specially designated positions will be made through the Chancellor to the Board. Before the final action of the Board, such recommendations will be referred to the Finance and Business Operations Committee and the Committee on Academic Affairs.

The minimum funding levels for each endowed academic position listed below shall be established by the Board upon recommendation by the Chancellor. Institutions may require funds greater than the stated minimum funding levels when developing support for endowed chairs. The categories of endowed academic positions shall be described as follows:

| Research and Comprehensive Universities | | State Universities and State Colleges | |
|---|-------------|---------------------------------------|-----------|
| Distinguished University Chairs | \$2,000,000 | | |
| Distinguished Chairs | \$1,000,000 | Distinguished Chairs | \$500,000 |
| Chairs | \$500,000 | Chairs | \$300,000 |
| Distinguished Professorships | \$400,000 | Distinguished Professorships | \$200,000 |
| Professorships | \$200,000 | Professorships | \$100,000 |
| Distinguished Scholar | \$100,000 | Distinguished Scholar | \$50,000 |
| Fellowships | \$50,000 | Fellowships | \$30,000 |
| Lecture or Seminar Series | \$50,000 | Lecture or Seminar Series | \$30,000 |

Specially Designated Faculty Positions Funded by Endowments

Endowed chairs, professorships, and fellowships will be established by the Board of Regents upon request of the USG institution President and recommendation of the Chancellor only after confirmation that the endowment is properly funded and that the investment strategy of the endowment, wherever held, will meet the continuing demands of the chair, professorship, or fellowship. This assurance must address the proper mix of capital growth, income production, and liquidity. The USG institution will pay from its funds such amounts as are necessary to set the salary of the holder at a level commensurate with his or her record, experience, and position in the faculty. The endowment income will be used for salary supplementation and for other professional support of the holder of the endowed position, including assistance in the research of the holder.

The holder of a fellowship shall be a qualified person of professorial rank (professor, associate professor, or assistant professor), without regard to tenure status. The endowed fellowship will be used to provide temporary support, not to exceed one academic year, of:

1. Distinguished scholars who are in temporary residence at the institution while participating in planned academic programs;
2. Visiting scholars who are in temporary residence at the institution for special academic programs or purposes;
3. Institution faculty who have made unique contributions to academic life or to knowledge in their academic discipline; and,
4. Institution faculty of any academic rank irrespective of tenure status who have been selected for teaching excellence through procedures established by the USG institution.

Revised Policy Language in Change Tracker:

8.3.2.3 Establishment of Termed Positions

Specially Designated Faculty Position Funded by Multi-Year Donations

Termed faculty positions may be established with the approval of the Chancellor or his/her designee upon request of the USG institution President only after confirmation that a multiyear donation is properly funded under the following parameters:

| Sector | Minimum | Minimum Duration |
|--------|---------|------------------|
| | | |

| | Amount Over Duration | |
|---------------------|-------------------------|---------|
| Research | \$150,000 | 3 Years |
| Comprehensive | \$125,000 | 3 Years |
| State University | \$100,000 | 3 Years |
| State College | \$50,000 | 3 Years |

1. These annual expendable donations may be used to subsidize a portion of the current faculty salary or for other professional support of the holder of the termed position, including assistance in the research of the holder. Termed position donated funds may not be used to increase the current faculty salary.
2. Termed positions may be renewed when a new multi-year agreement is executed at the discretion of the institution's President.
3. The holder of a termed faculty position shall be a qualified person of professorial rank (professor, associate professor, or assistant professor), without regard to tenure status. Funds will be used to provide temporary support for the institution.
4. Termed positions shall be named "The XXXXXX Termed Faculty in XXXXXX" (e.g. The Company ABC Termed Faculty in Data Science; The Jane Doe Faculty in Music.)

New Policy Language:

8.3.2.3 Establishment of Termed Positions (Proposed New Language)

Specially Designated Faculty Position Funded by Multi-Year Donations

Termed faculty positions may be established with the approval of the Chancellor or his/her designee upon request of the USG institution President only after confirmation that a multiyear donation is properly funded under the following parameters:

| Sector | Minimum Amount Over Duration | Minimum Duration |
|---------------------|------------------------------------|---------------------|
| Research | \$150,000 | 3 Years |
| Comprehensive | \$125,000 | 3 Years |
| State University | \$100,000 | 3 Years |
| State College | \$50,000 | 3 Years |

1. These annual expendable donations may be used to subsidize a portion of the current faculty salary or for other professional support of the holder of the termed position, including assistance in the research of the holder. Termed position donated funds may not be used to increase the current faculty salary.

2. Termed positions may be renewed when a new multi-year agreement is executed at the discretion of the institution's President.
3. The holder of a termed faculty position shall be a qualified person of professorial rank (professor, associate professor, or assistant professor), without regard to tenure status. Funds will be used to provide temporary support for the institution.
4. Termed positions shall be named "The XXXXXX Termed Faculty in XXXXXX" (e.g. The Company ABC Termed Faculty in Data Science; The Jane Doe Faculty in Music.)

IV. Revisions to Board of Regents Policy 7.3.1.5 Tuition Agreements with Corporations, Organizations, and Other Legal Entities

Background:

The purpose of this revision is to increase oversight for establishing tuition agreements with corporations, organizations and other legal entities and to clarify the intent of the policy, which is to enhance relationships between USG institutions and local businesses. Previously, these agreements were established at the institution level without review from the System Office. The revised policy requires review and approval of such agreements by the Chancellor and/or the Chancellor's designee before they can be executed. This item was presented as an information item to the Board at the April 2023 meeting.

Effective Date:

The effective date of these policy revisions is May 16, 2023.

Former Policy Language:

7.3.1.5 Tuition Agreements with Corporations, Organizations, and Other Legal Entities

USG institutions may enter into agreements with "customers," defined as corporations, organizations, agencies, or other legal entities, for the delivery of credit courses and programs. These agreements enhance relationships between the USG, local businesses, students, and faculty by allowing course delivery to be tailored to meet the needs of the customers and their employees or members so that students receive skills that are aligned with the needs of the customer and providing flexibility with respect to the location of the course delivery.

The course and program delivery shall be restricted to employees or members of the customer group and their dependents, except upon agreement between the institution and the customer to permit non-members or non-employees to enroll in courses or programs on a space-available basis. Participating students are required to meet the minimum requirements for admission to the institution.

The amount institutions may charge for the course and program delivery shall be agreed upon between the institution and the customer and shall represent the reasonable and fair market value of the instruction, provided that the charges are not less than the total direct and indirect costs to the institution for the delivery of instruction and related services. Such costs may include, but are not

limited to, course development, direct instruction, textbooks, consumables, non-instructional services, hardware, software, and indirect costs such as administrative overhead, maintenance, and security. Additionally, the amount charged must reflect all required mandatory fees to include, at a minimum, the Technology and, if in effect, the Special Institutional mandatory student fees.

The charges agreed upon between the institution and the customer shall be assessed to the customer on a per-seat, per-student, or per-agreement (flat-rate) basis to be levied and collected in either of the following manners as applicable:

1. The institution may directly charge and collect all agreed-upon tuition and other charges from the customer; or
2. The institution may directly charge and collect all agreed-upon tuition and other charges from a customer's participating employees in instances where the customer's internal policy requires its employees to pay tuition and all other charges directly to an institution in order for the employee to be eligible for possible future reimbursement by the customer.

In all cases, the collection of agreed-upon tuition and other charges must be in accordance with Board Policy 7.3.3, Tuition and Fee Payment and Deferral. The Chancellor or USG chief fiscal officer may require USG institutions to provide reports regarding these agreements.

Revised Policy Language in Change Tracker

7.3.1.5 Tuition Agreements with Corporations, Organizations, and Other Legal Entities

USG institutions may enter into agreements with "customers," defined as corporations, organizations, agencies, or other legal entities, for the delivery of credit courses and programs. These agreements enhance relationships between the USG, local businesses **within the service area surrounding the institution**, students, and faculty by allowing course delivery to be tailored to meet the needs of the customers and their employees or members so that students receive skills that are aligned with the needs of the customer and providing flexibility with respect to the location of the course delivery.

The course and program delivery shall be restricted to employees or members of the customer group and their dependents, except upon agreement between the institution and the customer to permit non-members or non-employees to enroll in courses or programs on a space-available basis. Participating students are required to meet the minimum requirements for admission to the institution.

The amount institutions may charge for the course and program delivery shall be agreed upon between the institution and the customer and shall represent the reasonable and fair market value of the instruction, provided that the charges are not less than the total direct and indirect costs to the institution for the delivery of instruction and related services. Such costs may include, but are not limited to, course development, direct instruction, textbooks, consumables, non-instructional services, hardware, software, and indirect costs such as administrative overhead, maintenance, and security. Additionally, the amount charged must reflect all required mandatory fees to include, at a minimum, the Technology **Fee** and, if in effect, the Special Institutional mandatory student fees.

The charges agreed upon between the institution and the customer shall be assessed to the customer on a per-seat, per-student, or per-agreement (flat-rate) basis to be levied and collected in either of the following manners as applicable:

1. The institution may directly charge and collect all agreed-upon tuition and other charges from the customer; or
2. The institution may directly charge and collect all agreed-upon tuition and other charges from a customer's participating employees in instances where the customer's internal policy requires its employees to pay tuition and all other charges directly to an institution in order for the employee to be eligible for possible future reimbursement by the customer.

In all cases, the collection of agreed-upon tuition and other charges must be in accordance with Board Policy 7.3.3, Tuition and Fee Payment and Deferral.

The agreement, description of program content and delivery and the pricing model must be approved by the Chancellor or USG chief fiscal officer. The Chancellor or USG chief fiscal officer may require USG institutions to provide reports regarding these agreements. designee(s) before any such agreement may be executed.

New Policy Language:

7.3.1.5 Tuition Agreements with Corporations, Organizations, and Other Legal Entities

USG institutions may enter into agreements with "customers," defined as corporations, organizations, agencies, or other legal entities, for the delivery of credit courses and programs. These agreements enhance relationships between the USG, local businesses within the service area surrounding the institution, students, and faculty by allowing course delivery to be tailored to meet the needs of the customers and their employees or members so that students receive skills that are aligned with the needs of the customer and providing flexibility with respect to the location of the course delivery.

The course and program delivery shall be restricted to employees or members of the customer group and their dependents, except upon agreement between the institution and the customer to permit non-members or non-employees to enroll in courses or programs on a space-available basis. Participating students are required to meet the minimum requirements for admission to the institution.

The amount institutions may charge for the course and program delivery shall be agreed upon between the institution and the customer and shall represent the reasonable and fair market value of the instruction, provided that the charges are not less than the total direct and indirect costs to the institution for the delivery of instruction and related services. Such costs may include, but are not limited to, course development, direct instruction, textbooks, consumables, non-instructional services, hardware, software, and indirect costs such as administrative overhead, maintenance, and security. Additionally, the amount charged must reflect all required mandatory fees to include, at a minimum, the Technology Fee.

The charges agreed upon between the institution and the customer shall be assessed to the customer on a per-seat, per-student, or per-agreement (flat-rate) basis to be levied and collected in either of the following manners as applicable:

1. The institution may directly charge and collect all agreed-upon tuition and other charges from the customer; or
2. The institution may directly charge and collect all agreed-upon tuition and other charges from a customer's participating employees in instances where the customer's internal policy requires its employees to pay tuition and all other charges directly to an institution in order for the employee to be eligible for possible future reimbursement by the customer.

In all cases, the collection of agreed-upon tuition and other charges must be in accordance with Board Policy 7.3.3, Tuition and Fee Payment and Deferral.

The agreement, description of program content and delivery and the pricing model must be approved by the Chancellor or designee(s) before any such agreement may be executed.