



State of Tennessee
PUBLIC CHAPTER NO. 956

SENATE BILL NO. 3751

By Tracy

Substituted for: House Bill No. 3705

By McCormick

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 7, Part 1, relative to records, information and meetings relating to selections of certain positions at public institutions of higher education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following language as a new, appropriately designated section:

(a) Notwithstanding any provision of law to the contrary, an application for a position of chief executive officer of a public institution of higher education, materials submitted with an application, letters of recommendation or references concerning an applicant, and any other records or information relating to or arising out of the process of searching for and selecting an individual for a position of chief executive officer of a public institution of higher education shall be treated as confidential and shall not be open for public inspection, if the records could be used to identify a candidate for the position; provided, however, that after a search committee has selected candidates as finalists for a position of chief executive officer of a public institution of higher education, which shall occur no later than fifteen (15) calendar days before the final vote of the governing board to appoint or elect a person to fill the position, a record relating exclusively to the candidates selected as finalists shall not be confidential and shall be open for public inspection, except for a record otherwise confidential under state or federal law. This section shall not apply to information relating to a candidate who did not expressly request that the candidate's information be kept confidential.

(b) As used in this section:

(1) "Chief executive officer of a public institution of higher education" includes:

- (A) The president of the University of Tennessee system;
- (B) The chancellor of the state university and community college system;
- (C) A chancellor of a University of Tennessee campus or institute; and
- (D) A president or director of an institution of the state university and community college system; and

(2) "Finalists" shall mean no less than three (3) candidates selected by a search committee as the group from which one (1) or more candidates shall be recommended to the governing board of the public institution of higher education.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

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PASSED: April 19, 2012



RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 10th day of May 2012



BILL HASLAM, GOVERNOR