

TENNESSEE BOARD OF COURT REPORTERS

POLICY AND PROCEDURES GUIDELINES

Approved March 18, 2011

The information contained in these guidelines is intended only for the use of the Tennessee Board of Court Reporters (hereinafter referred to as “TBCR”) and is the sole property of TBCR. These guidelines are subject to the Tennessee Open Records Act.

GUIDELINE OBJECTIVES

To offer all future TBCR Board members guidelines established for the carrying out of specific duties of the Board as outlined under Tennessee Code Annotated, Title 4, Chapter 29 and Title 20, Chapter 9, which established the Tennessee Court Reporter Act of 2009 and has the authority to promulgate rules and regulations necessary as outlined under T.C.A. 20-9-607, having been adopted and approved by the State of Tennessee. All rules and regulations of the Board shall be adopted, amended, or repealed in accordance with T.C.A. Title 4, Chapter 5, the Uniform Administrative Procedures Act.

ORGANIZATION AND ADMINISTRATION

The composition of the Board, as set forth in T.C.A. 20-9-604, is comprised of seven (7) members who are appointed by the Governor for staggered terms with subsequent terms of office for four years. The officers consist of a Chair, Vice-Chair, and Secretary whose duties are defined under Rule 0455-01-01.01.

The Board shall follow Robert’s Rules of Order in conducting its business meetings. All correspondence shall be directed to the mailing address for TBCR outlined under by Rule 0455-

01-01-.01(9) wherein requests to present information to the Board during a regularly scheduled Board meeting shall be submitted in writing to the Administrative Office of the Courts (hereinafter referred to as the “AOC”) to be reviewed and approved by the Chair.

The transaction of business is established at Rule 0455-01-01-.01(10) and 0455-01-01-.01(11).

The Board shall meet no less than two (2) meetings annually. The frequency, date, time, and location of Board meetings shall be determined by the Board. The Board shall maintain its records in accordance with the Tennessee Open Records Act, T.C.A. Title 10, Chapter 7; and is further defined under Rule 0455-01-01-.05, Maintenance and Inspection of Board Records.

OFFICER AND BOARD MEMBER FUNCTIONS

CHAIR: The Chairperson is responsible for the effective functioning of the Board, the integrity of the Board process, and assuring that the Board fulfills its responsibilities for governance.

The Chairperson shall strive to do the following:

1. Chairs meetings to ensure fairness, public input, and due process;
2. Prepare Board meeting notices and agendas;
3. Delegate duties to other Board members and staff, appoint special committees, and serve as an ex-officio member of all committees;
4. Ensure that the Board members are kept fully informed regarding operations and administrative procedures;
5. Focus the Board’s attention on policy making, governance, and monitoring of staff adherence to and implementation of Board policies and/or directives;
6. Serves as a spokesperson by a consensus of the Board, including direct involvement

with: the press, other media, legislative bodies, and court reporter and other industry-related organizations;

7. Monitor and evaluate the progress, performance, and effectiveness of all programs and committees;
8. Promote interest and active participation via meetings, special events, and annual conventions; and
9. Report to the Board regarding any participation at state or national conventions.

VICE-CHAIR : In the event of the Chairperson's absence and/or inability to perform assigned duties, the Vice-Chair shall preside in the absence of the Chair, assume the duties of the Chair when necessary, and strive to do the following:

1. Assist the Chair, including accepting responsibilities delegated by the Chair;
2. Become familiar with all Board activities including committee work, and be responsible for keeping current the Board's policies and procedures;
3. Provide input to current programs which may require more than one year to complete;
4. Develop and propose new programs and committees for the Board, as well as consult the Board and its members regarding aspects of ongoing programs and committees; and
5. Attend all Board meetings, if possible.

SECRETARY: The secretary is responsible for taking, maintaining, and distributing the minutes of all the Board's board meetings. In the event of the secretary's absence from a meeting, the Chair shall appoint an alternate to take the minutes of that meeting. The secretary shall strive to do the following:

1. Provide minutes to the Board for approval at the following scheduled Board meeting

whether via telephone conference or face-to-face meetings;

2. Record all votes at the Board meeting; and
3. Assist in any requests made by the Chair or the Board.

BOARD MEMBERS: As Board Members, the Board is responsible for good governance of the Board and are appointed as representatives of the public. The members must promote the realization of opportunities for responsibility, guard against the taking of undue risks, determine priorities, and generally directs organizational activity. The Board members delegate certain administrative duties and responsibilities to its officers and staff, but remains involved through oversight and policy making. The Board members are ultimately accountable for all Board actions. Specific Duties and Responsibilities are:

1. Develop, set, and modify rules and regulations of the Board as a state licensing and law enforcement agency;
2. Support and articulate the Board's mission and values;
3. Serve as a spokesperson by a consensus of the Board;
4. Review and assure the officer and staff performances effectively administer appropriate Board policies;
5. Maximizes accountability to the public; and
6. Ensures officer and staff compliance with all laws applicable to the Board.

DISCIPLINARY COUNSEL FUNCTIONS

In accordance with T.C.A. 20-9-605, the Disciplinary Counsel appointed by the Board has the authority and duty to:

1. Receive and screen complaints, conduct preliminary review, recommend to the hearing

- committee of the board, and upon authorization conduct full investigations, notify complainants about the status and disposition of their complaints, make recommendations to the hearing committee on the disposition of complaints after full investigation, if there is merit and sufficient evidence to warrant formal proceedings;
2. Maintain permanent records of the operations of disciplinary counsel's office, including receipt of complaints, screening, investigation, and filing of formal charges;
 3. Draft decisions, orders, reports, and other documents on behalf of the hearing committee;
 4. Compile statistics to aid in the administration of the system, including, but not limited to a log of all complaints received, investigative files, and, statistical summaries processing and case dispositions;
 5. The investigation of complaints may require statewide travel;
 6. The disciplinary counsel is not an employee of the State of Tennessee. Services will be compensated at an hourly rate, agreed upon by the Board and Disciplinary Counsel; and
 7. Have a thorough knowledge of the laws of this state, a working knowledge of the court systems, the Rules and Regulations promulgated by the Tennessee Board of Court Reporting and the Tennessee Court Reporters Act.

ADMINISTRATIVE STAFF FUNCTIONS

In accordance with T.C.A. 20-9-604 (a) which states, in part: "...Board shall be attached to the Administrative Office of the Courts (AOC) which is authorized to administer all administrative functions and duties of such board, except those discretionary regulatory duties and powers vested by law in the board members." Specific functions and duties are as follows:

1. To report and correspond directly with the Chair and/or the Board;

2. Retrieve mail, document LCR information, record funds, and shall prepare mailouts as deemed necessary by the Chair and/or Board, to include but not be limited to, review and verify all LCR applications;
3. Shall attend board meetings;
4. Maintain, update, and provide a listing on the State's website of all LCRs and their addresses;
5. Send group e-mails as directed by the Chair and/or Board;
6. Compile and retain all records pertaining to the accrual of CEU points by all LCR holders, annual notification of total CEU point accumulation to all LCR holders, and issuance of LCR renewal notifications;
7. Respond with letter of notification of any complaint filed to be provided to the Chair, the Disciplinary Counsel, and/or Board members;
8. Report and correspond directly with the AOC in the recording and depositing of funds and processing of credit card payments;
9. A financial budget, including but not limited to expenses, shall be prepared and presented to the Board upon request; and
11. To assist in the response of specific requests of the Chair and/or Board;

COMMITTEES

The overall purpose of a subcommittees is to carry out the goals and objectives of the Board. The Chair and/or Board has the authority to establish additional subcommittees as needed. The Chair is authorized to appoint an individual as a chairpersons in the event of no voluntary participation but maintains authority over all committees; and may, from time to time,

require status reports from those committees. The committees shall prepare and present a committee report, when requested, at the next scheduled Board meeting.

LICENSURE AND FEES

All requests for a license shall be handled through the Board's Designated AOC Staff Administrator (DSA) in accordance with Amended T.C.A. 20-9-601. All applications for requesting a license and fees are further defined under Rule 0455-01-02..01 Continuing Education Requirements.

Failure to maintain a license, pay the fee, or participate in Continuing Education Credits (CEUs) will result in a review and/or revocation of a license. The Board shall determine the fee for license and Licensed Court Reporter (LCR) certification.

All LCRs are required to obtain a minimum of two (2.0) continuing education credits over a two-year period in courses approved by the Board as further outlined under Rule 0455-01-06-.02 and Rule 0455-01-06-.03.

LCR REQUESTS FOR CEUs

All requests for CEUs shall be submitted to the DSA for processing, but must be approved by the Chair or an individual appointed by the Chair. After the request has been reviewed and approved, the document may be signed by the DSA.

All Certificates of Attendance (COA) must be co-signed by the individual sponsor and forwarded prior to any CEUs being credited to the court reporter. The DSA will maintain a total of CEUs for all LCRs and notify the LCR of the approved number of credits.

PUBLIC RELATIONS OPPORTUNITIES

Information from other state and national associations must be monitored to remain

apprised of the advancement in technology and CEUs offered through the various methods of court reporting, as well as keeping apprised of the judicial and legal branches to also obtain CEUs.

The Board should also maintain a rapport and contact with other legal and nonlegal professional organizations in an effort to solicit mutual support and to exchange ideas, prepare and submit articles, as approved by the Board, to the legal community and public.

The DSA shall monitor any legislative activities which might affect the court reporting profession and bring it to the attention of the Board. No action shall be taken without the consent of the Board. It will be up to the decision of the Board as to whether or not any action will be taken regarding legislation affecting court reporters.

WEBSITE INFORMATION

The website will be maintained and updated on an as-need basis by the DSA. The Board shall approve all information to be published on the website. The website will contain a current listing of LCRs, other general information pertaining to the LCR application, and any other recommendations or announcements approved by the Board. The website will also provide a notice of Board meetings and a proposed general agenda.

REIMBURSEMENT POLICY

All requests for reimbursement must be submitted to the DSA for approval and signature in compliance with T.C.A. 20-9-604 and Rule 0455-01-01-.03. Receipts must accompany any request.

When possible, the most economical airfare and lodging accommodation charges shall be in accordance with the allowable allowance determined by the State of Tennessee Department of

Budget and Finance. All board members may obtain a mileage reimbursement at the prevailing state rate for travel incurred when attending TBCR-related activities.

Any additional expenses incurred shall be submitted to the staff administrator for approval for reimbursement.

PROFESSIONAL CONDUCT

Guidelines for professional conduct are outlined in Rule 04-01-04-.01. Should a complaint be based on “professional conduct,” a review should be made by the entire Board to determine whether or not the complaint falls under the Board’s authority.

PROCEDURES FOR COMPLAINT

In accordance with Rule 0455-01-05-.04, the Board shall appoint a Disciplinary Counsel or may establish a subcommittee to review an initial complaint . Should a determination be made by either that supports the complaint, a request for an investigation will be submitted to the Board under T.C.A. 20-9-605 and T.C.A. 20-9-606 and a hearing committee established to follow the procedures as further outlined in Rule 0455-01-05.04.

Any complaint found to be out of the realm of the Board’s authority, the complainant will be notified.

FREQUENTLY ASKED QUESTIONS (FAQs) and BOARD OPINIONS

Periodically, it is requested that the Board answer questions or scenarios that may or may not fall within the authority of the Board. All questions will be submitted to the Chair and shall be reviewed by the Board. Upon approval by the Chair and/or the Board, FAQs may be posted on the website for future reference. Any decisions made by the Board shall be published as a Board Opinion setting out the rules and regulations in support of that opinion.