

**Department of State
Division of Publications**

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For Department of State Use Only

Sequence Number: 07-17-14
Rule ID(s): 5762-5763
File Date: 7/18/14
Effective Date: 10/15/14

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. §§ 4-5-202, 4-5-207 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.

Agency/Board/Commission:	University of Tennessee
Division:	
Contact Person:	Matthew Scoggins, Assistant General Counsel
Address:	719 Andy Holt Tower, 1331 Circle Park, Knoxville, TN
Zip:	37996-0170
Phone:	865-974-3245
Email:	scoggins@tennessee.edu

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
1720-01-02	Access to University Property
Rule Number	Rule Title
1720-01-02-.01	Restrictions

Chapter Number	Chapter Title
1720-01-02	Use of University Property
Rule Number	Rule Title
1720-01-02-.01	Dedication of University Property
1720-01-02-.02	Authorized Users

The University of Tennessee (All Campuses)
Chapter 1720-01-02
Access to University Property/Use of University Property
Repealed/New Rule

Chapter 1720-01-02 Access to University Property is repealed in its entirety and substituted with the following title and language, so that the new rule shall read:

Chapter 1720-01-02 Use of University Property

1720-01-02-.01 Dedication of University Property. The University of Tennessee dedicates its property to the advancement of the University's principal missions of teaching, research, and service.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-01-02-.02 Authorized Users. The following persons or groups may use University property, subject to other University rules, policies, or procedures adopted by a University campus, center, or institute, and federal, state, and local laws:

- (1) University students;
- (2) University employees;
- (3) Members of the Board of Trustees;
- (4) Government officials;
- (5) A person or entity invited by the University, including, but not limited to, a University contractor;
- (6) A person who has been invited by a student, a student organization, or an employee in his/her personal capacity, to join the student, student organization, or employee in the use of University property (e.g., friends and family), but not including the use of University property for free expression activities;
- (7) A person using University property for free expression activities pursuant to Chapter 1720-01-12 (Use of University Property for Free Expression Activities by Non-Affiliated Persons);
- (8) Volunteers of the University, as defined by University policy;
- (9) Prospective students visiting University property and persons accompanying prospective students;
- (10) Alumni visiting University property and persons accompanying alumni;
- (11) A person who has a right of access to University property under Tennessee Code Annotated § 8-50-1001 or any other statutory provisions permitting access to University property;
- (12) Any person or entity engaged in one of the following uses of University property:
 - (a) The use of University property for the purpose of attending a University activity or event that is open to attendance by the members of the general public at a designated place and time (e.g., athletic contests, plays, lectures, concerts);
 - (b) The use of University-owned streets, or University-owned sidewalks bordering University-owned streets, as thoroughfares while traveling from one location to another location;
 - (c) The use of University property that is open to the general public (e.g., campus bookstore, library, museum);
 - (d) The use of University property consistent with the terms of a lease agreement with the University; or
 - (e) The use of University property for a purpose relating to obtaining medical treatment from the University.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-01-02-.03 Use of University Property for Free Expression Activities. Chapter 1720-01-12 (Use of University Property by Non-Affiliated Persons for Free Expression Activities) governs the use of University property for free expression activities by persons who are not affiliated with the University. To the extent of any conflict between this Chapter and Chapter 1720-01-12, Chapter 1720-01-12 shall control.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Governor Bill Haslam				x	
Commissioner Julius Johnson				x	
Commissioner Kevin Huffman				x	
Dr. Joe DiPietro	x				
Dr. Richard D. Rhoda				x	
Charles C. Anderson, Jr.	x				
George E. Cates	x				
Spruell Driver, Jr.	x				
Robert J. Duncan			Non-voting		
J. Brian Ferguson	x				
John N. Foy	x				
Crawford Gallimore	x				
Dr. David Golden			Non-voting		
Vicky B. Gregg	x				
Monice Moore Hagler	x				
Raja J. Jubran	x				
Brad A. Lampley				x	
Bonnie E. Lynch	x				
James L. Murphy, III	x				
Sharon J. Miller Pryse	x				
Karl A. Schledwitz	x				
Don C. Stansberry, Jr.	x				
Betty Ann Tanner	x				
Charles E. Wharton	x				
Tommy G. Whittaker	x				
Dr. Thaddeus A. Wilson	x				

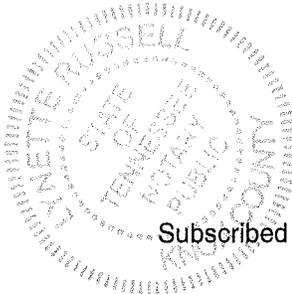
I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the University of Tennessee Board of Trustees on 06/19/2014, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of ninety (90) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.

Date: 06/20/2014

Signature: 

Name of Officer: Matthew Scoggins

Title of Officer: Assistant General Counsel



Subscribed and sworn to before me on: 6-20-14

Notary Public Signature: 

My commission expires on: 1-27-15

All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.


Robert E. Cooper, Jr.
Attorney General and Reporter
7-14-14
Date

Department of State Use Only

Filed with the Department of State on: 7/18/14

Effective on: 10/15/14


Tre Hargett
Secretary of State

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SECRETARY OF STATE

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(If applicable, insert Regulatory Flexibility Addendum here)

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The University of Tennessee anticipates that this rule change will have minimal to no impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

This rule provides that University property is dedicated to the advancement of the University's principal missions of teaching, research, and service. The law allows the University, like a private owner of property, to preserve the property under its control for the uses to which it is dedicated. The rule describes the categories of persons generally authorized to use University property.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

See Statement of Necessity.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Students and faculty of the University of Tennessee are most directly affected by this rule. Although no rulemaking hearing was held, the University's administration solicited comments from student and faculty leaders and received favorable comments concerning the rule. In addition, the student and faculty members of the UT Board of Trustees voted to approve the rule.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

None.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

Minimal.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Matthew Scoggins
Assistant General Counsel
University of Tennessee

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

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University of Tennessee

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

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719 Andy Holt Tower
Knoxville, TN 37996-0170
scoggins@tennessee.edu
865-974-3245

(l) Any additional information relevant to the rule proposed for continuation that the committee requests.

None.

**RULES
OF
THE UNIVERSITY OF TENNESSEE
(ALL CAMPUSES)**

**CHAPTER 1720-1-2
ACCESS TO UNIVERSITY PROPERTY**

TABLE OF CONTENTS

1720-1-2-.01 Intent 1720-1-2-.02 Repealed

~~**1720-1-2-.01 RESTRICTIONS.** The University's campuses and facilities shall be restricted to students, faculty, staff, guests, and invitees except on such occasions when all or part of the campuses, buildings, stadia, and other facilities are open to the general public.~~

~~*Authority:* Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5 and Public Acts of Tennessee, 1807, Chapter 64. *Administrative History:* Original rule filed September 15, 1976; effective October 15, 1976.~~

~~**1720-1-2-.02 REPEALED.**~~

~~*Authority:* Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5 and Public Acts of Tennessee, 1807, Chapter 64. *Administrative History:* Original rule filed September 15, 1976; effective October 15, 1976. Repealed by Public Chapter 575; effective July 1, 1986.~~

**CHAPTER 1720-01-02
USE OF UNIVERSITY PROPERTY**

1720-01-02-.01 DEDICATION OF UNIVERSITY PROPERTY. The University of Tennessee dedicates its property to the advancement of the University's principal missions of teaching, research, and service.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-01-02-.02 AUTHORIZED USERS. The following persons or groups may use University property, subject to other University rules, policies, or procedures adopted by a University campus, center, or institute, and federal, state, and local laws:

- (1) University students;
- (2) University employees;
- (3) Members of the Board of Trustees;
- (4) Government officials;
- (5) A person or entity invited by the University, including, but not limited to, a University contractor;
- (6) A person who has been invited by a student, a student organization, or an employee in his/her personal capacity, to join the student, student organization, or employee in the use of University property (e.g., friends and family), but not including the use of University property for free expression activities;
- (7) A person using University property for free expression activities pursuant to Chapter 1720-01-12 (Use of University Property for Free Expression Activities by Non-Affiliated Persons);

(Rule 0000-00-00-.00, continued)

- (8) Volunteers of the University, as defined by University policy;
- (9) Prospective students visiting University property and persons accompanying prospective students;
- (10) Alumni visiting University property and persons accompanying alumni;
- (11) A person who has a right of access to University property under Tennessee Code Annotated § 8-50-1001 or any other statutory provisions permitting access to University property;
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 - (b) The use of University-owned streets, or University-owned sidewalks bordering University-owned streets, as thoroughfares while traveling from one location to another location;
 - (c) The use of University property that is open to the general public (e.g., campus bookstore, library, museum);
 - (d) The use of University property consistent with the terms of a lease agreement with the University; or
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Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

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