

**Department of State  
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Sequence Number: 10-28-09  
Rule ID(s): 4509  
File Date: 10/29/2009  
Effective Date: 03/31/2010

## Proposed Rule(s) Filing Form

*Proposed rules are submitted pursuant to T.C.A. §4-5-205 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 thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed rules are published. 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.*

<b>Agency/Board/Commission:</b>	Tennessee Board of Regents
<b>Division:</b>	Austin Peay State University
<b>Contact Person:</b>	Mickey Sheen
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**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. Please enter only ONE Rule Number/Rule Title per row)**

Chapter Number	Chapter Title
0240-03-01	Student Disciplinary Rules
Rule Number	Rule Title
0240-03-01-.05	Disciplinary Procedures
0240-03-01-.06	Smoking/Clean Air Policy Enforcement
0240-03-01-.07	Traffic and Parking Regulations
0240-03-01-.08	Motor Vehicle Registration

Chapter 0240-03-01  
Austin Peay State University Student Disciplinary Rules

Amendments

Rule 0240-03-01-.05 Disciplinary Procedures, paragraph (1), subparagraph (a), is amended by deleting the present language and replacing it with the following:

- (a) Procedures Conforming to the Tennessee Uniform Administrative Procedures Act. All cases which may result in (i) suspension or expulsion of a student from the University for disciplinary reasons, or (ii) revocation of registration of a student organization during the term of the registration are subject to the contested case provisions of the Tennessee Uniform Administrative Procedures Act (TUAPA) and shall be processed in accordance with the uniform contested case procedures adopted by the Board of Regents, unless the student or student organization waives those procedures in writing and elects to have his or her case heard by either the University Hearing Board, an Administrative Hearing, or waives his or her right to a hearing.

Rule 0240-03-01-.05 Disciplinary Procedures, paragraph (6), subparagraph (a), is amended by deleting the present language and replacing it with the following:

- (a) A decision by a Student Affairs Administrator may be appealed to the Senior Student Affairs Officer or designee.

Authority: T.C.A. §49-8-203. Administrative History: Repeal of all rules by Public chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed January 31, 1986; effective April 15, 1986. Amendment filed April 3, 1987; effective July 29, 1987. Amendment filed August 29, 1988; effective October 29, 1988. Amendment filed June 1, 1990; effective September 26, 1990. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed May 18, 1994; effective September 28, 1994. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed August 29, 2000; effective December 29, 2000. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed September 6, 2002; effective January 28, 2003. Amendment filed October 8, 2003; effective February 27, 2004. Amendment filed August 11, 2004; effective December 29, 2004. Amendment filed June 28, 2005; effective October 28, 2005. Amendment filed January 16, 2007; effective May 31, 2007. Amendments filed September 20, 2007; effective January 28, 2008.

Rule 0240-03-01-.06 Smoking/Clean Air policy Enforcement, paragraph (1), subparagraph (c), part 2, is amended by deleting the present language and replacing it with the following:

2. If the student refuses to produce their APSU Gov's Card and/or another form of picture ID, then he/she may additionally be charged with 2.(p) of the APSU Code of Student Conduct which states: "Failure to cooperate with University officials: Failure to comply with directions of University officials in the performance of their duties."

Authority: T.C.A. §49-8-203. Administrative History: Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed January 31, 1986; effective April 15, 1986. Amendment filed August 29, 1988; effective October 29, 1988. Amendment filed April 23, 1993; effective July 28, 1993. Repeal filed February 28, 2000; effective June 28, 2000. New rule filed September 20, 2007; effective January 28, 2008. Amendment filed November 12, 2008; effective March 30, 2009.

Rule 0240-03-01-.07 Traffic and Parking Regulations, paragraph (2), subparagraph (a), is amended by deleting the present language and replacing it with the following:

- (a) Every Austin Peay State University student, faculty and staff member who chooses to park a vehicle on campus at any time must obtain and display a current, valid parking permit. All members of the campus community will be afforded the opportunity to become familiar with these regulations. All persons receiving a parking permit will be offered a copy of the parking

regulations along with a detailed map of parking locations by category. Persons are expected to read and familiarize themselves with these regulations. Accordingly, when found in violation, ignorance of these regulations is no excuse or defense.

Rule 0240-03-01-.07 Traffic and Parking Regulations, paragraph (2), subparagraph (d), is amended by deleting the present language and replacing it with the following:

- (d) Persons are entitled to only one (1) category of parking permit at a time. Persons will be identified based on their primary affiliation with the University - either student or faculty/staff. Graduate assistants and part-time student workers, for instance, are not entitled to faculty/staff permits. Permits are not transferable and not authorized for use by a person other than the person to whom the permit is issued, particularly by a person in a different parking category. Only those persons who are neither students nor faculty/staff are entitled to visitor passes.

Rule 0240-03-01-.07 Traffic and Parking Regulations, paragraph (2), subparagraph (e), is amended by deleting the present language and replacing it with the following:

- (e) Austin Peay State University acknowledges that there are a limited number of parking spaces within the immediate vicinity of many facilities. Notwithstanding, there are a sufficient number of total spaces on campus grounds and adjacent city streets for everyone to park legally. Possession of a valid parking permit provides the recipient a right to secure available, legal parking on campus - it is not a guarantee for parking in particular locations or in particular categories of spaces. The limited number of designated spaces for visitors, residence hall students, faculty/staff and disabled persons mandates stringent enforcement of parking regulations. Everyone is encouraged to respect the rights of others, and to allow sufficient time, usually a maximum of five-ten (5-10) minutes, to walk from available parking spaces to classrooms or facilities. A security escort service is available to students by calling Campus Police at 931-221 -7786.

Rule 0240-03-01-.07 Traffic and Parking Regulations, paragraph (2), subparagraph (g), is amended by deleting the present language and replacing it with the following:

- (g) Persons are responsible for citations incurred with their permits and/or vehicles. Persons will also be held liable for violations incurred by a vehicle, when that vehicle is reasonably shown to be associated with the person. Examples include vehicles shown to be registered to spouses or family members of students/faculty/staff. This will not be confused with the right to first obtain a visitor pass or request a second permit in the provisions below.

Rule 0240-03-01-.07 Traffic and Parking Regulations, paragraph (2), subparagraph (h), is amended by deleting the present language and replacing it with the following:

- (h) A campus access fee will be charged to all main-campus students. The campus access fee is included in the general access fee on the students' statement of account. All University employees will be charged a campus access fee for each issued parking permit.

Rule 0240-03-01-.07 Traffic and Parking Regulations, paragraph (3), subparagraph (a), is amended by deleting the present language and replacing it with the following:

- (a) Faculty and Staff Spaces. These spaces are also authorized for those with visitor passes and disabled permits at all hours. Parking in faculty/staff spaces is not enforced on days when the University is officially closed (weekends, holidays, etc.), and not enforced from 5:00 p.m. through 6:00 a.m. when school is officially open. Faculty/staff spaces associated with any on-campus faculty/staff housing, however, are enforced on a twenty-four (24) hour basis.

Rule 0240-03-01-.07 Traffic and Parking Regulations, paragraph (3), subparagraph (b), is amended by deleting the present language and replacing it with the following:

- (b) Residence Hall Student Spaces. These spaces are enforced on a twenty-four (24) hour basis whether classes are held or not. Only those with valid residence hall parking permits, valid disabled parking permits, and visitor passes issued only by Public Safety/Campus Police

expressly for that category, are authorized to park in those spaces. Residence hall spaces will be broken into further color-coded categories, and resident students may only park in the color-coded spaces that are associated with their residence hall. When necessary, specific parking spaces will be designated in commuter lots for overflow residence hall parking.

Rule 0240-03-01-.07 Traffic and Parking Regulations, paragraph (3), subparagraph (c), is amended by deleting the present language and replacing it with the following:

- (c) Commuting Students and Married Housing Spaces. These spaces are also authorized for visitors with passes, those with disabled parking permits, and residence hall parking permit holders only in specific lots. Commuting spaces are enforced only between the hours of 6:00 a.m. and 5:00 p.m. on days when classes are in session.

Rule 0240-03-01-.07 Traffic and Parking Regulations, paragraph (4), through subparagraph (a), part 3, is amended by deleting the present language and replacing it with the following:

- (4) Obtaining and displaying parking permits and passes.
  - (a) General
    - 1. All parking permits expire annually on August 31.
    - 2. Hanging parking permits are issued to persons, not vehicles, and are not required to be permanently affixed to a vehicle. Persons in valid possession of a parking permit may drive any conveyance, if legally registered, insured, and in safe operating condition, with their parking permit displayed. Persons are encouraged but not required to provide specific vehicle information on the registration form to aid campus police in the identification of their vehicle for administrative or emergency purposes.
    - 3. Second parking permits. Because parking permits may be used on any vehicle desired under control of the operator/permit holder, only Emerald Hills/married housing students and families qualify automatically for a second parking permit. Only students/faculty/staff that present extraordinary circumstances in writing, approved by the Director/Chief, are authorized a second parking permit. Persons authorized a second parking permit will be assessed an additional campus access fee. Everyone is reminded and encouraged to use the temporary and visitor pass provisions below when desired.

Rule 0240-03-01-.07 Traffic and Parking Regulations, paragraph (4), subparagraph (b), is amended by deleting the present language and replacing it with the following:

- (b) Faculty/Staff Parking permits. Faculty and staff that desire to operate and park a vehicle on the campus of Austin Peay State University understand and agree that it is their responsibility to abide by published Traffic and Parking Regulations and pay the prescribed fees as adopted by Austin Peay State University. Faculty and staff must complete registration and render payment via appropriate means.

Rule 0240-03-01-.07 Traffic and Parking Regulations, paragraph (4), subparagraph (c), is amended by deleting the present language and replacing it with the following:

- (c) Student parking permits. Parking fee is included in the general access fee on student financial statements. Students complete registration with the Campus Police Department at the Shasteen Building or at announced additional locations at the beginning of the academic year.

Rule 0240-03-01-.07 Traffic and Parking Regulations, paragraph (4), subparagraph (d), is amended by deleting the present language and replacing it with the following:

- (d) Disabled Persons parking. Disabled parking permits are issued to qualified students/faculty/staff in lieu of any other permit. Permits are obtained from Public Safety/Campus Police upon the

presentation of a license or placard issued by any state specifically to the person requesting the permit. Temporary disabled permits are issued under the authority of the Director of Health Services and entitle the bearer to the same parking privileges for short periods of time.

Rule 0240-03-01-.07 Traffic and Parking Regulations, paragraph (4), subparagraph (f), is amended by deleting the present language and replacing it with the following:

- (f) Temporary parking permits. Unlike visitor parking permits, temporary parking permits are issued to members of the campus community who otherwise qualify for a regular parking permit. Temporary parking permits are issued by authorized campus departments, with prior approval of Public Safety/Campus Police for designated periods of time, and are assigned a specific category and/or color code.

Rule 0240-03-01-.07 Traffic and Parking Regulations, paragraph (4), subparagraph (g), is amended by deleting the present language and replacing it with the following:

- (g) Displaying the parking permit. Parking permits designed to be hung from rearview mirrors will be so displayed. The hanging parking permit system, provided as a convenience at the request of the campus community, presents potential abuses and a challenge to enforcement. The success of the program rests on the requirement to enforce the display of parking permits at all times while on campus.

Rule 0240-03-01-.07 Traffic and Parking Regulations, paragraph (4), subparagraph (h), is amended by deleting the present language and replacing it with the following:

- (h) Lost or stolen parking permits. Lost or stolen parking permits must be reported immediately to Public Safety/Campus Police. A temporary parking permit will be issued for fourteen (14) days. If the original parking permit is not recovered during that time, the operator will obtain and pay for a new parking permit.

Rule 0240-03-01-.07 Traffic and Parking Regulations, paragraph (5), subparagraph (b), part 9, is amended by deleting the present language and replacing it with the following:

- 9. Failure to display parking permit.

Rule 0240-03-01-.07 Traffic and Parking Regulations, paragraph (5), subparagraph (b), part 10, is amended by deleting the present language and replacing it with the following:

- 10. Improper display of parking permit – inability to read permit.

Rule 0240-03-01-.07 Traffic and Parking Regulations, paragraph (5), subparagraph (b), part 11, is amended by deleting the present language and replacing it with the following:

- 11. Possession/use of a forged/altered/lost/stolen permit.

Rule 0240-03-01-.07 Traffic and Parking Regulations, paragraph (5), subparagraph (c), is amended by deleting the present language and replacing it with the following:

- (c) Other. Persons who obtain a parking permit through misrepresentation, and/or transfer control of a parking permit to a party not otherwise entitled to those privileges, will be subject to action under the provisions of student/employee disciplinary procedures.

Rule 0240-03-01-.07 Traffic and Parking Regulations, paragraph (6), subparagraph (b), part 2, is amended by deleting the present language and replacing it with the following:

- 2. Unauthorized parking in disabled parking area: fine will be imposed as established by state law.

Rule 0240-03-01-.07 Traffic and Parking Regulations, paragraph (6), subparagraph (b), part 3, is amended by deleting the present language and replacing it with the following:

3. Possession/use of a forged/altered/lost/stolen parking permit: twenty-five (\$25.00), and revocation of parking privileges for remainder of semester term.

Rule 0240-03-01-.07 Traffic and Parking Regulations, paragraph (8), subparagraph (a), part 1, is amended by deleting the present language and replacing it with the following:

1. Fines are paid via appropriate means at the website and/or Public Safety/Campus Police.

Rule 0240-03-01-.07 Traffic and Parking Regulations, paragraph (8), subparagraph (b), part 1, subpart (ii), is amended by deleting the present language and replacing it with the following:

- (ii) Appeal forms can be obtained from Public Safety/Campus Police, or completed and submitted electronically.

Rule 0240-03-01-.07 Traffic and Parking Regulations, paragraph (8), subparagraph (b), part 2, subpart (i), is amended by deleting the present language and replacing it with the following:

- (i) The Student Tribunal shall hear and decide all student appeals of student traffic citations.

Rule 0240-03-01-.07 Traffic and Parking Regulations, paragraph (8), subparagraph (b), part 2, subpart (ii), is amended by deleting the present language and replacing it with the following:

- (ii) The Tribunal will consist of a minimum of four (4) members, and rule by majority vote.

Rule 0240-03-01-.07 Traffic and Parking Regulations, paragraph (8), subparagraph (b), part 2, subpart (v), is amended by deleting the present language and replacing it with the following:

- (v) When the University is not in session, the Vice President for Student Affairs, or designee, will hear and decide appeals, and announce results in the same manner as the Tribunal.

Authority: T.C.A. §49-8-203. Administrative History: New rule filed August 28, 1984; effective November 13, 1984. Amendment filed August 29, 1988; effective October 29, 1988. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed May 13, 1991; effective August 28, 1991. Amendment filed July 14, 1992; effective October 28, 1992. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed October 8, 2003; effective February 27, 2004. Amendment filed August 11, 2004; effective December 29, 2004. Amendments filed June 28, 2005; effective October 28, 2005. Amendment filed January 16, 2007; effective May 31, 2007. Amendment filed November 12, 2008; effective March 30, 2009.

Rule 0240-03-01-.08 Motor Vehicle Registration, paragraph (2), is amended by deleting the present language and replacing it with the following:

- (2) No vehicle is considered officially registered until a proper Austin Peay State University permit is displayed. Faculty/Staff permits are to be hung on the rear view mirror inside the vehicle.

Rule 0240-03-01-.08 Motor Vehicle Registration, paragraph (4), subparagraph (b), is amended by deleting the present language and replacing it with the following:

- (b) Students and faculty/staff members who have already purchased a permit should obtain temporary parking permits for vehicles brought to campus for temporary periods (a day or two). Unless approval is received by the Chief of APSU Police, only two (2) temporary permits will be issued per vehicle per semester.

Rule 0240-03-01-.08 Motor Vehicle Registration, paragraph (5), is amended by deleting the present language and replacing it with the following:

- (5) Permits will be sold according to the classifications as noted in 0240-3-1-.07 (3)(a)(1).

Rule 0240-03-01-.08 Motor Vehicle Registration, paragraph (6), subparagraph (a) is amended by deleting the present language and replacing it with the following:

- (a) Temporary disabled parking permits may be applied for at Student Health Services.

Rule 0240-03-01-.08 Motor Vehicle Registration, paragraph (9), is amended by deleting the present language and replacing it with the following:

- (9) Persons registering a vehicle on campus are expected to comply with all state, county and city ordinances relating to the ownership, registration and operation of motor vehicles. Traffic incidents and accidents which occur on the campus of APSU which could lead to a suit initiated by either party involved will be referred to the Campus Police for investigation. Resident students may register only one (1) vehicle at a time. Commuting students, faculty/staff are limited to two (2) permits per academic year.

Rule 0240-03-01-.08 Motor Vehicle Registration, paragraph (10), subparagraph (b), is amended by deleting the present language and replacing it with the following:

- (b) No vehicle shall have more than one (1) current permit displayed nor shall any person have a permit for more than one (1) zone classification displayed.

Rule 0240-03-01-.08 Motor Vehicle Registration, paragraph (10), subparagraph (d), is amended by deleting the present language and replacing it with the following:

- (d) No person shall register or consent to the registration of another person's automobile.

Rule 0240-03-01-.08 Motor Vehicle Registration, paragraph (11), is amended by deleting the present language and replacing it with the following:

- (11) Lost or stolen permits must be reported immediately to Campus Police. A Temporary Parking Permit will be issued for two (2) weeks. If the decal is not located within that time, a new decal must be purchased at the original purchase price.

Authority: T.C.A. §49-8-203. Administrative History: New rule filed August 28, 1984; effective November 13, 1984. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed May 13, 1991; effective August 28, 1991. Amendment filed July 14, 1992; effective October 28, 1992. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999.

\*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)
Jacques G. Carr	X				
Agenia W. Clark	X				
Gregory M. Duckett				X	
Pamela Fansler	X				
John M. Farris	X				
Ken Givens				X	
Judy Gooch	X				
Jonas Kisber	X				
Fran F. Marcum				X	
Paul Montgomery	X				
Millard Oakley			X		
Howard W. Roddy	X				
J. Stanley Rogers				X	
Stanley E. Stevens, Jr.			X		
Robert P. Thomas	X				
Tim Webb				X	

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee Board of Regents on 03/26/2009, and is in compliance with the provisions of TCA 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 thirty (30) days after the publication date of the issue of the Tennessee Administrative Register in which these proposed rules are published.

Date: 8-3-09

Signature: Christine Madisher

Name of Officer: Christine Madisher

Title of Officer: GENERAL COUNSEL



Subscribed and sworn to before me on: 8-3-09

Notary Public Signature: [Signature]

My commission expires on: 2-26-13

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.

RE Cooper, Jr.  
 Robert E. Cooper, Jr.  
 Attorney General and Reporter  
10-7-09  
 Date

Department of State Use Only

Filed with the Department of State on: 10/29/09

Effective on: 3/31/10

Tre Hargett

Tre Hargett  
Secretary of State

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**Regulatory Flexibility Addendum**

Pursuant to Public Chapter 464 of the 105<sup>th</sup> General Assembly, prior to initiating the rule making process as described in § 4-5-202(a)(3) and § 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)

**Additional Information Required by Joint Government Operations Committee**

All agencies, upon filing a rule, must also submit the following pursuant to TCA 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;

Rule 0240-3-1-.05(1)(a) clarifies student option to choose hearing before University Hearing Board or Student Affairs Administrator(s) in cases where student waives right to TUAPA hearing. Previously only option was with University Hearing Board.

Rule 0240-3-1-.05(6)(a) permits Senior Student Affairs Officer to designate person(s) to hear appeals from institutional disciplinary hearings.

Rule 0240-03-.06(1)(c)2 corrects a non-substantive grammatical, structural, or spelling error.

"Permit" substituted for "decal" throughout rules to reflect change to hanging parking permit at APSU. Instructions for display of "permit" amended to reflect difference in "permit" versus "decal" throughout rules.

Rule 0240-3-1-.07(4)(b),(f), & (g) clarifies mode and location of payment to obtain campus parking permits. Attempting to encourage web based payment for convenience of customers and reduce foot traffic in the campus business office. Correct language describing proper location for display of new "permit" as opposed to former "decal".

Rule 0240-3-1-.07(6) reflects that fines for disabled/handicapped parking violations are established by statute and will be adjusted as necessary to comply with state law.

Rule 0240-3-1-.07(8)(a) adds website as an alternate location to pay traffic/parking fines.

Rule 0240-3-1-.07(10)(d) clarifies that only actual owners of vehicles may apply to register vehicle on campus in order to obtain permit.

All other amendments are non-substantive grammatical, spelling, or structural, or reflect changes to titles of administrative offices responsible for administering student disciplinary rules at the University.

- (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;

T.C.A. §§49-8-203, 55-21-108, 49-7-146

- (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;

University administration, faculty, students, and visitors

- (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;

Donald R. Ungurait  
Assistant General Counsel  
Tennessee Board of Regents

Sherryl Byrd  
Associate Vice President for Student Affairs  
Austin Peay State University

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

Donald R. Ungurait  
Assistant General Counsel  
Tennessee Board of Regent

Sherryl Byrd  
Associate Vice President for Student Affairs  
Austin Peay State University

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

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

None