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Division of Publications**

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Sequence Number: 10-29-09
Rule ID(s): 4510
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.

Agency/Board/Commission:	Tennessee Board of Regents
Division:	East Tennessee State University
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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
0240-03-02	Student Disciplinary Rules
Rule Number	Rule Title
0240-03-02-.05	Disciplinary Procedures
0240-03-02-.06	Traffic and Parking Regulations
0240-03-02-.07	Parking Permit Regulations and Information

Chapter 0240-03-02
East Tennessee State University Student Disciplinary Rules

Amendments

Rule 0240-03-02-.05 Disciplinary Procedures, paragraph (2), subparagraph (a), is amended by adding a new part 7 to read as follows:

7. Students participating in international education programs are subject to all Institutional Student Disciplinary Rules 02040-3-2 while studying abroad. Removal from international programs shall be conducted per TBR Policy 3:02:00:01 General Regulation on Student Conduct and Disciplinary Sanctions and host institution policies on student conduct, whichever is more restrictive in keeping with Policy 3:02:01:00 Due Process.

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 30, 1987; effective July 29, 1987. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed June 11, 1990; effective September 26, 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 May 18, 1994; effective September 28, 1994. Amendment filed August 8, 1995; effective December 29, 1995. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed October 17, 2002; effective February 28, 2003. 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. Amendments filed September 20, 2007; effective January 28, 2008. Amendments filed November 12, 2008; effective March 30, 2009

Rule 0240-03-02-.06 Traffic and Parking Regulations, paragraph (1), subparagraph (a) is amended by deleting the present language and replacing it with the following:

- (a) East Tennessee State University reserves the right to regulate the use of motor vehicles, including motorcycles, motor scooters, Mopeds and bicycles, on the campus as applicable to the Tennessee state law and the regulations of the University pertaining to motor vehicles. Except where indicated, all regulations are enforced twenty four (24) hours a day, seven (7) days a week. Parking in color-coded sections and lots is in effect for the days and hours as listed in the parking brochure each year.

Rule 0240-03-02-.06 Traffic and Parking Regulations, paragraph (2), subparagraph (a) is amended by deleting the present language and replacing it with the following:

- (a) Color-coded sections and lots are used to designate parking areas. Color-coding is as follows:
 1. Blue – Faculty and Staff
 2. Gold – Resident Students
 3. White – Commuter Students
 4. Brown – Buc Ridge

Rule 0240-03-02-.06 Traffic and Parking Regulations, paragraph (2), subparagraph (c) is amended by deleting it in its entirety and replacing it with the following:

- (c) Reserved Spaces. All reserved spaces are available parking spaces after hours of enforcement as listed in the parking brochure each year.
 1. The following spaces are reserved as noted:

(i) Disabled – reserved twenty four (24) hours a day.

(ii) Service Vehicles – reserved twenty four (24) hours a day.

2 At times, certain areas will be reserved for parking for special events.

Rule 0240-03-02-.06 Traffic and Parking Regulations, paragraph (3), subparagraph (a) is amended by deleting the present language and replacing it with the following:

- (a) Parking fees for students are assessed for a period beginning the first day of September and ending the last day of August and are included in the Program Services Fee. Parking fees for faculty and staff are assessed for a period beginning the first day of October and ending the last day of September. Fees for permits purchased after January 1 will be charged at a lesser rate.

Rule 0240-03-02-.06 Traffic and Parking Regulations, paragraph (3), subparagraph (b), part 1 is amended by deleting the present language and replacing it with the following:

1. Parking permit fees are payable at the Parking Services Office during normal business hours.

Rule 0240-03-02-.06 Traffic and Parking Regulations, paragraph (3), subparagraph (c) is amended by deleting the present language and replacing it with the following:

- (c) Chronic violators are defined as those individuals who accumulate five (5) or more citations during a semester (this total of 5 citations will not reflect multiple citations received in one day in a single location). Chronic violators, if found parked illegally will, in addition to being cited for the original violation, be issued a citation for illegal parking by a chronic violator. The illegally parked chronic violator citation will carry a fine consisting of the maximum fee approved by the Tennessee Board of Regents. The vehicle is also subject to being towed. Persons labeled as "chronic violators" will retain that designation for one (1) calendar year.

Rule 0240-03-02-.06 Traffic and Parking Regulations, paragraph (6), is amended in its entirety by deleting the present language and replacing it with the following:

(6) Violations and fines.

- (a) Fines for parking violations will be assessed in accordance with the fine structure as approved by the Tennessee Board of Regents.

- (b) Towing. Vehicles will be towed at the owner's expense for the following violations, and citations will be issued:

1. Blocking a fire hydrant.
2. Blocking a roadway, walkway, driveway or other access way.
3. Parking in a fire lane.
4. Stolen, abandoned or unregistered vehicle (no tags, switched tags, etc.)
5. Parking in a handicapped reserved space.
6. Blocking a handicapped access ramp.
7. Revocation of parking privileges.
8. Violation of closed lot policy.
9. Parking in a service vehicle space.

- (c) Appeals. Any person who receives a parking/traffic citation may appeal the citation, within thirty (30) calendar days of issuance, by filing an appeal at the Parking Services Office. In order to appeal a citation after thirty (30) days, a written explanation must be submitted and approved by the Parking, Traffic and Security Committee, and, in addition, the usual appeals request must be submitted. The appeal will be forwarded to the Traffic Appeals Court for disposition. Citations must be paid in advance in order to clear an encumbrance. Placing a citation in appeals will not temporarily clear encumbrances. If citations are altered on appeal, the appropriate amount will be reimbursed to the payee.

Authority: T.C.A. §§ 49-8-203 and 55-16-103. Administrative History: New rule filed August 28, 1984; effective November 13, 1984. 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 May 18, 1994; effective September 28, 1994. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed February 28, 2000; effective June 28, 2000. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed October 17, 2002; effective February 28, 2003. Amendment filed October 8, 2003; effective February 27, 2004.

Rule 0240-03-02-.07 Parking Permit Regulations and Information, paragraph (2), subparagraph (b), is amended by deleting the present language and replacing it with the following:

- (b) Parking Enforcement Officers will honor all valid state and municipal disability parking permits. Parking Enforcement Officers closely monitor the use of disabled parking spaces and use of disabled placards and/or license plates by unauthorized persons in accordance with T.C.A. §55-21-108.

Rule 0240-03-02-.07 Parking Permit Regulations and Information, paragraph (2), subparagraph (c), is amended by deleting the present language and replacing it with the following:

- (c) Applications for the State of Tennessee disability parking permits are available at Disability Services, County Clerks, and local municipal offices.

Rule 0240-03-02-.07 Parking Permit Regulations and Information, paragraph (6), is amended by deleting the present language and replacing it with the following:

- (6) Anyone changing his/her parking category will be required to contact Parking Services to obtain the proper parking permit. Individuals are responsible for any cost differential of permits.

Rule 0240-03-02-.07 Parking Permit Regulations and Information, paragraph (7), is amended by deleting the present language and replacing it with the following:

- (7) Visitor Registration - all visitors are requested to stop at the Parking Services Office during normal business hours, or the Public Safety Office after hours, to obtain a Visitor's Parking Permit. Visitors who are cited for illegal parking are requested to bring the citation to the Parking Services Office. Visitors are not assessed a fine for violations of the color code parking.

Rule 0240-03-02-.07 Parking Permit Regulations and Information, paragraph (8), subparagraph (a), is amended by deleting the present language and replacing it with the following:

- (a) A carpool registrant will be issued a priority permit upon receipt of a priority approved parking application. Applications are accepted on a first-come, first-served basis.

Rule 0240-03-02-.07 Parking Permit Regulations and Information, paragraph (8), subparagraph (b), is amended by deleting the present language and replacing it with the following:

- (b) All members of the carpool who intend to park a motor vehicle on campus must register their car with the Parking Services Office and affix the regular parking decal to their vehicle.

Rule 0240-03-02-.07 Parking Permit Regulations and Information, paragraph (8), subparagraph (c), is amended by deleting the present language and replacing it with the following:

- (c) If the student needs to change an address or add or drop a car/person in the carpool after the permit has been issued, a priority parking permit modify form must be submitted to the Parking Services Office

Rule 0240-03-02-.07 Parking Permit Regulations and Information, paragraph (9), subparagraph (c), is amended by deleting the present language and replacing it with the following:

- (c) Lost or stolen permits will be replaced for a fee consisting of the maximum fee approved by the

Tennessee Board of Regents.

Rule 0240-03-02-.07 Parking Permit Regulations and Information, paragraph (9), subparagraph (d), is amended by deleting the present language and replacing it with the following:

- (d) Temporary parking permits are available at the Parking Services Office during normal business hours, and the Public Safety Office after hours. Each temporary parking permit will be valid for a maximum of one (1) to fourteen (14) days. Any exceptions must be approved by the Director of Parking Services.

Authority: T. C.A. §49-8-203. Administrative History: New rule filed August 28, 1984; effective November 13, 1984. Amendment filed April 23, 1994; effective July 28, 1994. Amendment filed August 8, 1995; effective December 29, 1995. Amendment filed July 3, 1996; effective November 28, 1996. 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 Modushie

Name of Officer: Christine Modushie

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
10-2-09

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

RECEIVED
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SECRETARY OF STATE
PUBLICATIONS

Regulatory Flexibility Addendum

Pursuant to Public Chapter 464 of the 105th 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 0240-3-2-.05(2)(a)-(e) adds Associate Vice President as office to receive, hear, adjudicate, and review violations of University rules and regulations in specified cases where Dean of Students had been sole office previously designated for such purpose. Associate Vice President added to University Judicial Committee.

Rule 0240-3-2-.05(6)(g) reduces from seven (7) to five (5) the number of days before an event involving the service or consumption of alcohol must be registered with the Student Organization Resource Center. Rules already establish limits on types of events and organizations for which alcohol is permitted on campus.

Rule 0240-3-2-.05(7) New section. Provides that ETSU students participating in overseas study programs are subject to ETSU Student Disciplinary Rules and will also enforce rules of conduct established by host institution.

Rule 0240-3-2-.06(1)(a) deletes specific reference to parking schedules for color coded lots and instead directs reader to annually issued parking brochures for schedules.

Rule 0240-3-2-.06(2)(a) adds two (2) new sub-sections, 3 & 4 to provide expanded information regarding color coded parking zones and corresponding information regarding access to each zone. Blue- faculty & staff, Gold – resident students, White – commuters, Brown – Buc Ridge.

Rule 0240-3-2-.06(2)(c) deletes after hours parking schedules and re-direct to the annual Parking brochure for after hours parking information.

Rule 240-3-2-.06(2)(c) 1(iii) deletes sub-section addressing parking information for married student housing.

Rule 0240-3-2-.06(3)(a) substitutes the term "program services fee" for the term "campus access fee". Purpose of section is unchanged. Students are informed that parking fees are included in the "program services fee" as had been the case with the "campus access fee".

Rule 0240-3-2-.06(3)(c) substitutes "Parking Services Office" for "Business Office" as the location for faculty and staff to pay parking permit fees.

Rule 0240-3-2-.06(3)(c) deletes specific fine amount for "chronic" parking violator and instead provides that the fine will be set in an amount approved by the Board of Regents.

Rule 0240-3-2-.06(6) deletes current sub-sections (a)-(h) which listed specific traffic/parking fine amounts. Substitute new sub-sections (a), former sub-sections (i) & (j) become (b) & (c). (a) provides that parking fines will be established at rates set after review and approval of TBR. (b) & (c) contain language of former (i) & (j) addressing specific circumstances when vehicles will be towed and appeals from parking/traffic fines. Also substitutes Parking Services Office as location to file appeal.

Rule 0240-3-2-.07 substitutes "Parking Services" and "Parking Services Office" throughout rule. Deletes references to "Public Safety Office".

Rule 0240-3-2-.07(7) Deleted. New provision informs visitors to obtain parking pass at Parking Services Office or the office of Public Safety (after hours). Instructs visitors to take citations received to PSO. Provides that no fines will be assessed to visitors for violating color code parking zones.

Rule 0240-3-2-.07(8)(c) provides that replacements for lost parking permits will be provided at a cost to be established by the TBR.

Rule 0240-3-2-.07(8)(d) deletes former provision. New sub-section provides that temporary parking permits issued out of PSO and after hours from Public Safety. Limits validity of temporary permits to fourteen (14) days, with exceptions possible from Director of Parking Services.

Rule 0240-3-2-.07(9)(c) amended to delete \$10 fee for replacement of lost/stolen parking permits. Fee to be set after submitted for review and approval by TBR.

Rule 0240-3-2-.07(9)(d) amended to change location where temporary parking permits can be obtained to Parking Services Office during daytime hours and Public Safety office for after hours request. Previously obtained from Department of Public Safety. Temporary permits validity limited to fourteen (14) days. Previously limited to seven (7).

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

(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

Edward Kelly
University Counsel
East Tennessee 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 Regents

Edward Kelly
University Counsel
East Tennessee 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