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 Rule ID(s): 45-26
 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: Nashville State Technical Community College
Contact Person: 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
0240-03-17	Student Disciplinary Rules
Rule Number	Rule Title
0240-03-17-.02	Disciplinary Offenses
0240-03-17-.06	Traffic and Parking Regulations
0240-03-17-.07	Motor Vehicle Registration

Chapter 0240-03-17
Nashville State Technical Community College Student Disciplinary Rules
Amendments

Rule 0240-03-17-.02 Disciplinary Offenses, paragraph (3), is amended by deleting the present language and replacing it with the following:

- (3) Disciplinary action may be taken against a student for violations of the foregoing regulations which occur on College owned, leased, or otherwise controlled property, or which occur off-campus, including study abroad, when the conduct impairs, interferes with or obstructs any College activity or the missions, processes and functions of the College. In addition, disciplinary action may be taken on the basis of any conduct, on or off-campus, which poses a substantial threat to persons or property within the College community.

Authority: T.C.A. §49-8-203. Administrative History: Original rule filed August 28, 1984; effective November 13, 1984. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed November 20, 1996; effective March 28, 1997. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed October 8, 2003; effective February 27, 2004. Amendment filed August 11, 2004; effective December 29, 2004.

Rule 0240-03-17-.06 Traffic and Parking Regulations, paragraph (2), subparagraph (e), is amended by deleting the present language and replacing it with the following:

- (e) Unnecessary noise from horns, mufflers, and stereos is prohibited.

Rule 0240-03-17-.06 Traffic and Parking Regulations, paragraph (2), subparagraph (i), is amended by deleting the present language and replacing it with the following:

- (i) The owner of a vehicle will be responsible for informing others who may use the vehicle concerning campus parking regulations, and will be responsible for any citations issued.

Rule 0240-03-17-.06 Traffic and Parking Regulations, paragraph (2), subparagraph (j), is amended by deleting the present language and replacing it with the following:

- (j) Retired employees of Nashville State or persons who have been issued a retired or honorary decal may park anywhere on campus except in designated parking areas.

Rule 0240-03-17-.06 Traffic and Parking Regulations, paragraph (3), subparagraph (a), part 4, is amended by deleting the present language and replacing it with the following:

4. Bicycles may park in designated areas.

Rule 0240-03-17-.06 Traffic and Parking Regulations, paragraph (3), subparagraph (a), part 6, is amended by deleting the present language and replacing it with the following:

6. Students, faculty, and staff with disabilities who have a state-issued handicapped permit may park in those areas that have red lines and have disabled signs posted.

Rule 0240-03-17-.06 Traffic and Parking Regulations, paragraph (3), subparagraph (b), is amended by deleting the present language and replacing it with the following:

- (b) No student or faculty/staff parking will be permitted along the curb in front of any building.

Rule 0240-03-17-.06 Traffic and Parking Regulations, paragraph (3), subparagraph (c), is amended by deleting the present language and replacing it with the following:

- (c) Parking on the inside curb in front of the Weld Building is limited to commercial loading and unloading only.

Rule 0240-03-17-.06 Traffic and Parking Regulations, paragraph (4), subparagraph (a), part 3, is amended by deleting the present language and replacing it with the following:

- 3. Parked in unmarked area (grass, sidewalks, road, fire lane, commercial, etc.).

Rule 0240-03-17-.06 Traffic and Parking Regulations, paragraph (4), subparagraph (b), is amended by adding a new part 8, to read as follows:

- 8. Littering

Rule 0240-03-17-.06 Traffic and Parking Regulations, paragraph (5), subparagraph (a), is amended by deleting the present language and replacing it with the following:

- (a) The fine for traffic and parking violations is ten dollars (\$10.00), excluding disabled parking fines. The fine for disabled/handicapped parking violations is established by statute and will be adjusted as needed to remain in compliance with state law. These fines are set during Nashville State's annual budget cycle, and are submitted for approval at the June Tennessee Board of Regents' meeting each year. Specific penalties for traffic and parking violations can be found in the Student handbook.

Rule 0240-03-17-.06 Traffic and Parking Regulations, paragraph (5), is amended by adding a new subparagraph (e) to read as follows:

- (e) Vehicles that receive five (5) or more traffic and/or parking citations during any academic term will be barred from parking on campus for the remainder of that term and the following academic term. The registered owner of the vehicle will be sent notice that the vehicle has been barred from campus, together with a list of the citation numbers that provide the basis for the decision to bar the vehicle. The notice will inform the registered owner that the decision to bar the vehicle from campus will be effective within ten (10) days of the issuance of the letter unless the owner files an appeal of the decision with the Security office. Thereafter, unless the decision is overturned through appeal, the vehicle is subject to being towed if found parked on campus during the period of time it has been barred, subject to the provisions and procedures governing the towing of motor vehicles established by state law. Owners of vehicles towed from campus pursuant to this provision may locate their vehicle by contacting the Security office.

Rule 0240-03-17-.06 Traffic and Parking Regulations, paragraph (6), subparagraph (c), is amended by deleting the present language and replacing it with the following:

- (c) Should a visitor receive a citation for a parking violation, they should take it to the Security Office immediately and it will be voided.

Authority: T.C.A. §49-8-203. Administrative History: Original rule filed August 28, 1984; effective November 13, 1984. Amendment filed November 3, 1989; effective February 28, 1990. 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 November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed February 28, 2000; effective June 28, 2000. 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.

Rule 0240-03-17-.07 Motor Vehicle Registration, paragraph (1), is amended by deleting the present language and replacing it with the following:

- (1) All privately owned and/or operated vehicles for use on campus by students and faculty/staff must be registered in the Security Office, A-70A, and must bear an official registration decal for which there is an annual charge of ten dollars (\$10). Vehicles include automobiles, motorcycles, motorbikes, scooters, pickup trucks, vans and jeeps. Large trucks are prohibited. A permit is not required for disabled students, faculty and staff. Web and video students must have a permit to park on campus.

Rule 0240-03-17-.07 Motor Vehicle Registration, paragraph (10), is amended by deleting the present language and replacing it with the following:

- (10) Circumstances may necessitate that an individual drive a vehicle that is not registered. A temporary permit will be issued by the Security Office for a maximum of two (2) weeks.

Rule 0240-03-17-.07 Motor Vehicle Registration, paragraph (13), is amended by deleting the present language and replacing it with the following:

- (13) No one will be issued a faculty decal and a student decal. Students who are employed part-time at Nashville State are to obtain student decals.

Authority: T.C.A. §49-8-203. Administrative History: Original rule filed August 28, 1984; effective November 13, 1984. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed July 14, 1992; effective October 28, 1992. 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 February 28, 2000; effective June 28, 2000. Amendment filed October 8, 2003; effective February 27, 2004. Amendment filed August 11, 2004; effective December 29, 2004. Amendments filed November 12, 2008; effective March 30, 2009

*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 Medisher

Name of Officer: Christine Medisher

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
10-5-09
 Date

Filed with the Department of State on:

10/29/09

Effective on:

3/31/10

Tre Hargett
Secretary of State

Tre Hargett

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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 0240-3-17-.02(3) states that students of the institution participating in study abroad programs are/remain subject to local institutional student disciplinary rules while off campus participating in the study abroad program.

Rule 0240-3-17-.06(3)(a) 4 deletes reference to designated motorcycle parking area. New construction on campus has utilized the space formerly designated for this purpose.

Rule 0240-3-17-.06(3)(a)6 clarifies that parking spaces designated for disabled persons are reserved for use by persons with state issued disabled parking permits.

Rule 0240-3-17-.06(3)(b) identifies curb areas in front of campus buildings as being designated for disabled parking in light of new construction on campus.

Rule 0240-3-17-.06(3)(e) provides that, except for disabled parking zones, designated parking area regulations will not be enforced on campus after 3:00 p.m. Mon. – Fri.

Rule 0240-3-17-.06(4)(a) 3 adds parking in areas marked as fire lanes or commercial parking zones are included as parking violations.

Rule 0240-3-17-.06(4)(b) 7 New provision provides that littering from a vehicle is a moving violation subject to traffic citation.

Rule 0240-3-17-.06(5)(a) indicates that all parking/traffic fines are \$10.00. Sole exception is disabled parking violations. The fine for that violation set by state statute and will be adjusted to remain in compliance with state law.

Rule 0240-3-17-.06(5)(e) New provision. Provides that individuals receiving five (5) traffic/parking citations in a single semester will be barred from bringing vehicles on campus for the remainder of the term and the following academic term. Notice provided to owner with right to appeal the decision to bar the vehicle. Thereafter if vehicle is found on campus it will be subject to being towed pursuant to provisions of state law.

Rule 0240-3-17-.07(1) amended to provide that faculty staff and persons with disabled parking permits are excepted from the requirement to obtain a parking decal in order to park on campus.

Rule 0240-3-17-.07(1) amended to provide that the campus Security Office may issue temporary parking passes, valid for a maximum period of two (2) weeks.

Rule 0240-3-17-.07(1) amended to provide that disabled parking violations are enforced 24/7.

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 College.

- (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;

College 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

(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

(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

Secretary of State