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RILEY C. DARNELL
Secretary of State

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Nashville TN 37243 - 0310

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Department of State, Authorization No. 305084, 530 copies, March, 2000. This public document was promulgated at a cost of \$2.75 per copy.

PREFACE

The Tennessee Administrative Register (T.A.R) is an official publication of the Tennessee Department of State. The *T.A.R.* is compiled and published monthly by the Department of State pursuant to *Tennessee Code Annotated, Title 4, Chapter 5*. The *T.A.R.* contains in their entirety or in summary form the following: (1) various announcements (e.g. the maximum effective rate of interest on home loans as set by the Department of Commerce and Insurance, formula rate of interest and notices of review cycles); (2) emergency rules; (3) proposed rules; (4) public necessity rules; (5) notices of rulemaking hearings and (6) proclamations of the Wildlife Resources Commission.

Emergency Rules are rules promulgated due to an immediate danger to the public health, safety or welfare. These rules are effective immediately on the date of filing and remain in effect thereafter for up to 165 days. Unless the rule is promulgated in some permanent form, it will expire after the 165-day period. The text or a summary of the emergency rule will be published in the next issue of the *T.A.R.* after the rule is filed. Thereafter, a list of emergency rules currently in effect will be published.

Proposed Rules are those rules the agency is promulgating in permanent form in the absence of a rulemaking hearing. Unless a rulemaking hearing is requested within 30 days of the date the proposed rule is published in the *T.A.R.*, the rule will become effective 105 days after said publication date. All rules filed in one month will be published in the *T.A.R.* of the following month.

Public Necessity Rules are promulgated to delay the effective date of another rule that is not yet effective, to satisfy constitutional requirements or court orders, or to avoid loss of federal programs or funds. Upon filing, these rules are effective for a period of 165 days. The text or summary of the public necessity rule will be published in the next issue of the *T.A.R.* Thereafter, a list of public necessity rules currently in effect will be published.

Once a rule becomes effective, it is published in its entirety in the *official compilation-Rules and Regulations of the State of Tennessee*. Replacement pages for the compilation are published on a monthly basis as new rules or changes in existing rules become effective.

Wildlife Proclamations contain seasons, creel, size and bag limits, and areas open to hunting and/or fishing. They also establish wildlife and/or public hunting areas and declare the manner and means of taking. Since Wildlife Proclamations are published in their entirety in the *T.A.R.*, they are not published in the official compilation-Rules and Regulations of the State of Tennessee.

Subscription Orders - The subscription rate, payable in advance, is \$ 50 per year. An order form may be found in the back of each issue of the *Tennessee Administrative Register*.

Back Issues - Some back issues of the *Tennessee Administrative Register* are available. Please send \$ 1.50 per issue along with the volume, number and date you wish to order to the address in the back of this issue.

Copies of Rules from Back Issues of the *Tennessee Administrative Register* may be ordered from the Division of Publications for 25 cents per page with \$ 1.00 minimum. Back issues presently available start with the August, 1975 edition. The mailing address of the Division of Publications is shown on the order form in the back of each issue.

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pg. iv

TABLE OF CONTENTS

ANNOUNCEMENTS

Chiropractic Examiners, Board of
Notice of Stay of Effective Date of Rules 1

Financial Institutions, Department of
Announcement of Formula Rate of Interest 1
Announcement of Maximum Effective Rate of Interest 2

Government Operations Committees
Announcement of Public Hearings 3

Health Facilities Commission
Notice of Beginning of Review Cycle 13

Interior, U.S. Department of the
Notice of Availability of the Final; Petition Evaluation Document/Unsuitability Petition 15

Therapy Examiners, Board of Occupational and Physical
Notice of Withdrawal of Rules 15

EMERGENCY RULES

Emergency Rules now in Effect 17

PROPOSED RULES

Higher Education Commission 19
Regents, Board of 24
Transportation, Department of 75

PUBLIC NECESSITY RULES

Public Necessity Rules Now in Effect 77

RULEMAKING HEARINGS

Chiropractic Examiners, Board of 79
Environment and Conservation, Department of 83
Health, Department of 85
Indian Affairs, Commission of 92
Massage Licensure Board 94
Therapy Examiners, Board of Occupational and Physical 97

WILDLIFE PROCLAMATIONS

00-01 101

CERTIFICATION 103

CHANGE OF ADDRESS FORM 105

ORDER FORM 107

BLANK

pg. vi

ANNOUNCEMENTS

BOARD OF CHIROPRACTIC EXAMINERS - 0260

**NOTICE
OF
STAY OF EFFECTIVE DATE OF RULES**

The Board of Chiropractic Examiners hereby gives notice that the seventy-five (75) day period for the new chapter of rules 0260-5, General Rules Governing Chiropractic Therapy Assistants, filed with the Department of State on the 9th day of February, 2000 to have become effective on the 24th day of February, 2000 is hereby stayed for sixty (60) days. Period of time not to exceed sixty (60) days.

The notice of stay set out herein was properly filed in the Department of State on the 24th day of February, 2000, and will be effective from the date of filing for a period of sixty (60) days. The stay of effective date of rules will remain in effect through the 24th day of April, 2000, unless properly withdrawn by the agency. The new effective date is June 23, 2000. (02-35)

DEPARTMENT OF FINANCIAL INSTITUTIONS - 0180

ANNOUNCEMENT OF FORMULARATE OFINTEREST

Pursuant to the provisions of Chapter 464, Public Acts of 1983, the Commissioner of Financial Institutions hereby announces that the formula rate of interest is 12.75 per cent.

This announcement is placed in the Tennessee Administrative Register for the purpose of information only and does not constitute a rule within the meaning of the Uniform Administrative Procedures Act.

DEPARTMENT OF FINANCIAL INSTITUTIONS - 0180**ANNOUNCEMENT OF MAXIMUM EFFECTIVE RATE OF INTEREST**

The Federal National Mortgage Association has discontinued its free market auction system for commitments to purchase conventional home mortgages. Therefore, the Commissioner of Financial Institutions hereby announces that the maximum effective rate of interest per annum for home loans as set by the General Assembly in 1987, Public Chapter 291, for the month of April, 2000 is 10.15 per cent per annum.

The rate as set by the said law is an amount equal to four percentage points above the index of market yields of long term government bonds adjusted to a thirty (30) year maturity by the U. S. Department of the Treasury. For the most recent weekly average statistical data available preceding the date of this announcement, the published rate is 6.15 per cent.

Persons affected by the maximum effective rate of interest for home loans as set forth in this notice should consult legal counsel as to the effect of the Depository Institutions Deregulation and Monetary Control Act of 1980 (P. L. 96-221 as amended by P. L. 96-399) and regulations pursuant to that Act promulgated by the Federal Home Loan Bank Board. State usury laws as they relate to certain loans made after March 31, 1980, may be preempted by this Act.

GOVERNMENT OPERATIONS COMMITTEES**ANNOUNCEMENT OF PUBLIC HEARINGS**

For the date, time, and, location of this hearing of the Joint Operations committees, call 615-741-3642. The following rules were filed in the Secretary of State's office during the month of February, 2000. All persons who wish to testify at the hearings or who wish to submit written statements on information for inclusion in the staff report on the rules should promptly notify Fred Standbrook, Suite G-3, War Memorial Building, Nashville, TN 37243-0059, (615) 741-3074.

ANNOUNCEMENTS

SEQ	FILE DATE	DEPT. & DIVISION	TYPE OF FILING	DESCRIP-TION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
02-01	Feb 3 2000	1540 Higher Education Commission	Proposed Rules	Amendment	Chapter 1540-1-2 <i>Authorization and Regulation Of Postsecondary Education Institutions and Their Agents</i> 1540-1-2-.03 Definitions 1540-1-2-.05 Exemption 1540-1-2-.22 Causes for Adverse Action 1540-1-2-.24 Tuition Guarantee Fund (TGF)	Will Burns Suite 1900 Pkwy Twrs 404 J Robertson Pkwy Nashville TN 37243-0830 (615) 741-7571	June 28, 2000
02-02	Feb 3 2000	1540 Higher Education Commission	Proposed Rules	Amendment	Chapter 1540-1-5 <i>Public Higher Education Fee Discount for Children of Licensed Public School Teachers and State Employees</i> 1540-1-5-.01 Introduction.	Will Burns Suite 1900 Pkwy Twrs 404 J Robertson Pkwy Nashville TN 37243-0830 (615) 741-7571	June 28, 2000
02-03	Feb 3 2000	1540 Higher Education Commission	Proposed Rules	Repeal	Chapter 1540-1-8 <i>State Postsecondary Review Program</i>	Will Burns Suite 1900 Pkwy Twrs 404 Robertson Pkwy Nashville TN 37243-0830 (615) 741-7571	June 28, 2000
02-04	Feb 3 2000	1680 Dept of Transportation	Proposed Rules	Amendment	Chapter 1680-2-2 <i>Overweight and Overdimensional Movements on Tennessee Highways</i> 1680-2-2-.07 Additional Requirements for Equipment With Blades 1680-2-2-.16 Conditions for Permitting Movement of Houseboats 1680-2-2-.22 Financial Responsibility 1680-2-2-.24 Fees	John H. Reinbold Suite 700 Polk Bldg. Nashville TN 37243-0332 (615) 741-2941	June 28, 2000
02-06	Feb 9 2000	0460 Bd of Dentistry	Rulemaking Hearing Rules	Amendments	Chapters 0460-1 <i>General Rules</i> 0460-1-.01 Definitions 0460-1-.02 Fees 0460-1-.05 Continuing Education and CPR 0460-1-.07 Dental Assistant Consultant Chapters 0460-2 <i>Rules Governing the Practice of Dentistry</i> 0460-2-.01 Licensure Process 0460-2-.03 Educational Licensure Process	Denise Moran OGC 26 th Ft Snodgrass Twr 312 8 th Ave N Nashville TN 37247-0120 (615)741-1611	April 24, 2000

SEQ	FILE DATE	DEPT. & DIVISION	TYPE OF FILING	DESCRIP-TION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
02-06, cont.					0460-2-.11 Regulated Areas of Practice Chapters 0460-3 <i>Rules Governing Practice of Dental Hygienists</i> 0460-3-.01 Licensure Process 0460-3-.02 Criteria Approval Licensure Process (Reciprocity) 0460-3-.03 Educational Licensure Process Chapters 0460-4 <i>Rules Governing the Practice of Dental Assistants</i> 0460-4-.01 Levels of Practice 0460-4-.02 Registration Process		
02-07	Feb 9 2000	0260 Bd of Chiropractic Examiners	Rulemaking Hearing Rules	New Rules	Chapter 0260-4 <i>General Rules Governing Chiropractic Therapy Assistants</i> 0260-4-.01 Definitions 0260-4-.02 Scope of Practice 0260-4-.03 Necessity of Certification 0260-4-.04 Qualifications for Certification 0260-4-.05 Procedures for Certification 0260-4-.06 Fees 0260-4-.07 Application Review Approval Denial Interviews 0260-4-.08 Examination 0260-4-.09 Renewal of Certification 0260-4-.10 Supervision 0260-4-.11 Retirement and Reactivation of Certification 0260-4-.12 Continuing Education 0260-4-.13 Professional Ethics 0260-4-.14 Disciplinary Action and Civil Penalties 0260-4-.15 Certificate 0260-4-.16 Change of Address and/or Name 0260-4-.17 Advertising	Bob O'Connell OGC 26 th Fl Snodgrass Bldg 312 8 th Ave N Nashville TN 37247-0120 615-741-1611	April 24, 2000

ANNOUNCEMENTS

5

SEQ	FILE DATE	DEPT. & DIVISION	TYPE OF FILING	DESCRIP-TION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
02-08	Feb 9 2000	1365 Bd of Social Workers	Rulemaking Hearing Rules	New Rules	Chapter 1365-1 General Rules and Regulations 1365-1-.20 Consumer Right-To-Know Requirements 1365-1-.13 Unethical Conduct 1365-1-.15 Disciplinary Actions and Civil Penalties	John Fitzgerald OGC 26 th Fl Snodgrass Bldg 312 8 th Ave N Nashville TN 37247-0120 (615)741-1611	April 24, 2000
02-09	Feb 10 2000	0480 Bd of Dispensing Opticians	Rulemaking Hearing Rules	Amendments	Chapter 0480-1 Rules of the TN Bd of Dispensing Opticians 0480-1-.09 Renewal of License 0480-1-.12 Continuing Education	John Fitzgerald OGC 26 th Fl Snodgrass Bldg 312 8 th Ave N Nashville TN 37247-0120 (615)741-1611	April 25, 200
02-10	Feb 10 2000	1150 Bd of Occupational and Physical Therapy Examiners Committee of Occupational Therapy	Rulemaking Hearing Rules	New Rules	Chapter 1150-2 General Rules Governing the Practice of Occupational Therapy 1150-2-.20 Consumer Right-To- Know Requirements	John Fitzgerald OGC 26 th Fl Snodgrass Bldg 312 8 th Ave N Nashville TN 37247-0120 (615)741-1611	April 25, 200
02-11	Feb 10 2000	1150 Bd of Occupational and Physical Therapy Examiners Committee of Physical Therapy	Rulemaking Hearing Rules	New Rules	Chapter 1150-1 Rules of the Bd of Occupational and Physical Therapy Examiners Committee of Physical Therapy 1150-1-.20 Consumer Right-To- Know Requirements	John Fitzgerald OGC 26 th Fl Snodgrass Bldg 312 8 th Ave N Nashville TN 37247-0120 (615)741-1611	April 25, 200
02-12	Feb 10 2000	1050 Bd of Optometry	Rulemaking Hearing Rules	Amendments	Chapter 1045-2 General Rules Governing the Practice of Optometry 1045-2-.10 Disciplinary Actions and Civil Penalties	John Fitzgerald OGC 26 th Fl Snodgrass Bldg 312 8 th Ave N Nashville TN 37247-0120 (615)741-1611	April 25, 2000
02-13	Feb 10 2000	1370 Bd of Communication Disorders and Sciences Council for Licensing Hearing Instrument Specialists	Rulemaking Hearing Rules	Amendments	Chapter 1370-2 General Rules Governing Hearing Instrument Specialists 1370-2-.05 Procedures for Licensure 1370-2-.19 Council Meetings Officers Consultants Records and Minutes	Earl Roberts OGC 26 th Fl Snodgrass Twr 312 8 th Ave N Nashville TN 37247-0120 615-741-1611	April 25, 2000
02-14	Feb 10 2000	0450 Bd of Professional Counselors Marital and Family Therapists and Clinical Pastoral Therapists	Rulemaking Hearing Rules	New Rules	Chapter 0450-1 General Rules Governing Professional Counselors 0450-1-.20 Consumer Right-To- Know Requirements Chapter 0450-2 General Rules Governing Marital and	Shirley Cory OGC 26 th Fl Snodgrass Twr 312 8 th Ave N Nashville TN 37247-0120 615-741-1611	April 25, 2000

SEQ	FILE DATE	DEPT. & DIVISION	TYPE OF FILING	DESCRIP-TION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
02-14, cont.					<i>Family Therapists</i> 0450-2-.20 Consumer Right-To-Know Requirements <i>Chapter 0450-3</i> <i>General Rules Governing Clinical Pastoral Therapists</i> 0450-3-.20 Consumer Right-To-Know Requirements	Shirley Cory OGC 26 th Fl Snodgrass Twr 312 8 th Ave N Nashville TN 37247-0120 615-741-1611	
02-15	Feb 10, 2000	1200 Dept of Health Bureau of TennCare	Rulemaking Hearing Rules	Amendments	<i>Chapter 1200-13-12</i> <i>Bureau of TennCare</i> 1200-13-12-.03 Enrollment, Disenrollment, Re-enrollment	George Woods Bureau of TennCare 729 Church St Nashville, TN 37247-6501 (615) 741-0145	April 25, 2000
02-16	Feb 10, 2000	1200 Dept of Health Bureau of TennCare	Rulemaking Hearing Rules	Amendments	<i>Chapter 1200-13-12</i> <i>Bureau of TennCare</i> 1200-13-12-.01 Definitions 1200-13-12-.02 Eligibility	George Woods Bureau of TennCare 729 Church St Nashville TN 37247-6501 (615) 741-0145	April 25, 2000
02-17	Feb 10, 2000	1200 Dept of Health Bureau of TennCare	Rulemaking Hearing Rules	Amendments	<i>Chapter 1200-13-12</i> <i>Bureau of TennCare</i> 1200-13-12-.12	George Woods Bureau of TennCare 729 Church St Nashville, TN 37247-6501 (615) 741-0145	April 25, 2000
02-18	Feb 10, 2000	0880 Board of Medical Examiners Committee on Physician Assistants	Rulemaking Hearing Rules	New Rules	<i>Chapter 0880-3</i> <i>General Rules and Regulations Governing the Practice of Physician Assistants</i> 0880-3-.23 Consumer Right-To-Know Requirements <i>Chapter 0880-10</i> <i>General Rules and Regulations Governing the Practice of an Orthopedic Physician Assistant</i> 0880-10-.23 Consumer Right-To-Know Requirements	Robert J. Kraemer, Jr., OGC Dept of Health 26 th Fl Snodgrass Bldg 312 8 th Ave N, Nashville, TN 37247-0120 (615) 741-1611	April 25, 2000
02-22	Feb 14, 2000	1200 Dept of Health Medical Laboratory Board	Rulemaking Hearing Rules	Amendments New Rules	<i>Chapter 1200-6-1</i> <i>Medical Laboratory Personnel</i> 1200-6-1-.25 Personnel Exempt from License 1200-6-3 <i>General Rules Governing Medical Laboratories</i> 1200-6-3-.15 Alternate Site Testing 1200-6-3-.16 Waived Testing	Donna Tidwell,, OGC Dept of Health 26 th Fl Snodgrass Bldg 312 8 th Ave N, Nashville, TN 37247-0120 (615) 741-1611	April 29, 2000

ANNOUNCEMENTS

SEQ	FILE DATE	DEPT. & DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
02-23	Feb 14, 2000	0460 Board of Dentistry	Rulemaking Hearing Rules	New Rule Amendments	Chapter 0460-1 General Rules 0460-1-.17 Consumer Right-To-Know Requirements 0460-1-.06 Disciplinary Actions, Civil Penalties, Informal Settlements, Procedures, and Declaratory Orders	Denise Moran, OGC 26th Fl Snodgrass Twr, 312 8th Ave N, Nashville, TN 37247-0120 615-741-1611	April 29, 2000
02-24	Feb 15, 2000	1200 Dept of Health Board for Licensing Health Care Facilities	Rulemaking Hearing Rules	Amendment	Chapter 1200-8-25 Standards for Assisted-Care Living Facilities 1200-8-25-.05 Admissions, Discharge and Transfers	Anita Van Tries Dept of Health Health Care Facilities 1 st Fl, Cordell Hull Bldg 425 Fifth Ave N Nashville, TN 37247-0508 615-741-7586	April 30, 2000
02-27	Feb 10, 2000	1370 Board of Communications Disorders and Sciences	Rulemaking Hearing Rules	Amendments	Chapter 1370-1 Rules for Speech Pathology and Audiology 1370-1-.15 Disciplinary Actions and Civil Penalties	Earl Roberts, OGC 26th Fl Snodgrass Twr 312 8th Ave N Nashville, TN 37247-0120 615-741-1611	April 25, 2000
02-28	Feb 10, 2000	1370 Board of Communications Disorders and Sciences	Rulemaking Hearing Rules	Amendments	Chapter 1370-2 General Rules Governing Hearing Instrument Specialists 1370-2-.15 Disciplinary Actions and Civil Penalties	Earl Roberts, OGC 26th Fl Snodgrass Twr 312 8th Ave N Nashville, TN 37247-0120 615-741-1611	April 25, 2000
02-30	Feb 17, 2000	1370 Board of Communications Disorders and Sciences	Rulemaking Hearing Rules	New Rules	Chapter 1370-1 Rules for Speech Pathology and Audiology 1370-1-.18 Consumer Right-To-Know Requirements	Earl Roberts OGC 26th Fl Snodgrass Bldg 312 8th Ave N Nashville, TN 37247-0120 615-741-1611	May 2, 2000
02-31	Feb 17, 2000	1370 Board of Communications Disorders and Sciences	Rulemaking Hearing Rules	Amendments	Chapter 1370-1 Rules for Speech Pathology and Audiology 1370-1-.19 Board Meetings, Officers, and Consultants	Earl Roberts OGC 26th Fl Snodgrass Bldg 312 8th Ave N Nashville, TN 37247-0120 615-741-1611	May 2, 2000
02-33	Feb 22, 2000	1220 TN Regulatory Authority	Rulemaking Hearing Rules	New Rules	Chapter 1220-4-11 Telephone Solicitation Regulations – Do Not Call/Registrar 1220-4-11-01 Definitions 1220-4-11-02 General Telephone Solicitation Regulations 1220-4-11-03 Establishing and Maintaining	Richard Collier TN Regulatory Authority 460 J Robertson Pkwy Nashville, TN 37343 (615) 741-2904	

02-33, cont					<p>the TN Do Not Call Register Telephone Solicitor's Access to the TN Do Not Call Register Consumer Registration with the TN Do Not Call Register Public Education about the TN Do Not Call Register Violation of the TN Do Not Call Register Enforcement Provisions</p>			Original filed Feb 9, 2000; effective April 24, 2000. New effective date: June 23, 2000
02-35	Feb 24, 2000	0260 Board of Chiropractic Examiners	Notice of Stay of Effective Date of Rules		<p>0260-5 <i>General Rules Governing Chiropractic Therapy Assistants</i></p>			
02-36	Feb 25, 2000	1220 TN Regulatory Authority	Rulemaking Hearing Rules	New Rules	<p><i>Chapter 1220-4-10 Rules for Collecting Contributions from Telecommunications Providers and Distributing Assisive Telecommunications Equipment to the Qualified Individuals with Disabilities</i> 1220-4-10-01 Definitions 1220-4-10-02 Contributions of Providers 1220-4-10-03 Collection of Contributions 1220-4-10-04 Minimum Eligibility Requirements 1220-4-10-05 Purchase and Distribution of Assistive Devices 1220-4-10-06 Maintenance and Repair 1220-4-10-07 Monthly Telephone Charges 1220-4-10-08 Confidentiality of Information</p>		Richard Collier TN Regulatory Authority 460 J. Robertson Pkwy Nashville, TN 37343 (615) 741-2904	

ANNOUNCEMENTS

9

SEQ	FILE DATE	DEPT. & DIVISION	TYPE OF FILING	DESCRIP-TION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
02-36, cont.					and Nondiscriminatory Statement		
02-39	Feb 28, 2000	1150 Board of Occupational and Physical Therapy Examiners Committee of Physical Therapy	Notice of Withdrawal of Rules		1150-1-.06(4)(d)	Diann Smithson, Director Health Related Boards	Originally filed Jan 31, 2000 to have ³ become effective April 15, 2000
02-41	Feb 28, 2000	0240 Board of Regents Austin Peay State University	Proposed Rules	Repeal	<i>Chapter 0240-3-1 Student Disciplinary Rules</i> 0240-3-1-.06 Involuntary Withdrawal or Temporary Suspension Due to Severe Psychological Disturbances	Heidi Zimmerman 1415 Murfreesboro Rd Suite 350 Nashville TN 37217 615-366-4438	June 28, 2000
02-42	Feb 28, 2000	0240 Board of Regents State University and Community College System of TN East TN State University	Proposed Rules	Amendments Repeal	<i>Chapter 0240-3-2 Student Disciplinary Rules</i> 0240-3-2-.05 Disciplinary Procedures 0240-3-2-.06 Traffic and Parking Regulations 0240-3-2-.07 Registration of Motor Vehicles 0240-3-2-.08 Involuntary Withdrawal or Temporary Suspension Due to Severe Psychological Disturbance	Heidi Zimmerman 1415 Murfreesboro Rd Suite 350 Nashville TN 37217 615-366-4438	June 28, 2000
02-43	Feb 28, 2000	0240 Board of Regents State University and Community College System of TN University of Memphis	Proposed Rules	Repeal Amendments	<i>Chapter 0240-3-3 Student Disciplinary Rules</i> 0240-3-3-.08 Withdrawal or Temporary Suspension Due to Severe Psychological Disturbance 0240-3-3-.09 Traffic and Parking Regulations <i>Chapter 0240-4-3 Student Housing Rules</i> 0240-4-3-.01 Eligibility	Heidi Zimmerman 1415 Murfreesboro Rd Suite 350 Nashville TN 37217 615-366-4438	June 28, 2000
02-44	Feb 28, 2000	0240 Board of Regents State University and Community College University	Proposed Rules	Amendments	<i>Chapter 0240-3-4 Student Disciplinary Rules</i> 0240-3-4-.02 Disciplinary Offenses 0240-3-4-.03 Disciplinary Sanctions	Heidi Zimmerman 1415 Murfreesboro Rd Suite 350 Nashville TN 37217	June 28, 2000

SEQ	FILE DATE	DEPT. & DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
02-44, cont.					0240-3-4-.06 Traffic and Parking Regulations 0240-3-4-.07 Registration of Motor Vehicles 0240-3-4-.08 Withdrawal or Temporary Suspension Due to Severe Psychological Disturbance <i>Chapter 0240-4-4</i> 0240-4-4-.02 Student Housing Rules 0240-4-4-.03 Housing Regulations 0240-4-4-.04 Residence Hall Conduct and Disciplinary Sanctions 0240-4-4-.05 Visitation Policy 0240-4-4-.08 Special Regulations Applicable to Particular Housing Facilities		
02-45	Feb 28, 2000	0240 Board of Regents State University and Community College System of TN TN State University	Proposed Rules	Amendment Repeal Amendment	<i>Chapter 0240-3-5</i> <i>Student Disciplinary Rules</i> 0240-3-5-.06 Traffic and Parking Regulations 0240-3-5-.07 Registration of Automobiles 0240-3-5-.08 Withdrawal or Temporary Suspension Due to Severe Psychological Disturbance <i>Chapter 0240-4-5</i> <i>Student Housing Rules</i> 0240-4-5-.06 Reservations (Deposits, Cancellations, and Refund Policies)	Heidi Zimmerman 1415 Murfreesboro Rd Suite 350 Nashville TN 37217 615-366-4438	June 28, 2000
02-46	Feb 28, 2000	0240 Board of Regents State University and Community College System of TN TN Technological University	Proposed Rules	Amendments	<i>Chapter 0240-3-6</i> <i>Student Disciplinary Rules</i> 0240-3-6-.02 Disciplinary Offenses 0240-3-6-.04 Disciplinary Sanctions 0240-3-6-.05 Disciplinary Procedures 0240-3-6-.06 Academic Misconduct 0250-3-6-.07 Disciplinary Procedures Traffic and Parking Regulations	Heidi Zimmerman 1415 Murfreesboro Rd Suite 350 Nashville TN 37217 615-366-4438	June 28, 2000

ANNOUNCEMENTS

SEQ	FILE DATE	DEPT. & DIVISION	TYPE OF FILING	DESCRIP-TION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
02-46, cont.					0240-3-6-.08 Registration of Motor Vehicles <i>Chapter 0240-4-6</i> Student Housing Rules 0240-4-6-.01 Eligibility 0240-4-6-.02 Residence Hall Conduct and Disciplinary Sanctions 0240-4-6-.03 Resident Responsibilities 0240-4-6-.04 Visitation Policy 0240-4-6-.05 Contract Term and Conditions 0240-4-6-.06 Reservations (Deposit, Cancellation and Refund Policies) 0240-4-6-.07 Miscellaneous	Heidi Zimmerman 1415 Murfreesboro Rd Suite 350 Nashville TN 37217 615-366-4438	June 28, 2000
02-47	Feb 28, 2000	0240 Board of Regents State University and Community College System of TN Chattanooga State Technical Community College	Proposed Rules	Amendments	<i>Chapter 0240-3-7</i> Student Disciplinary Rules 0240-3-7-.01 Institution Policy Statement 0240-3-7-.02 Definitions 0240-3-7-.03 Judicial Authority 0240-3-7-.04 Student Code of Conduct 0240-3-7-.05 Academic and Classroom Misconduct 0240-3-7-.06 Judicial Procedures 0240-3-7-.07 Sanctions 0240-3-7-.09 Traffic and Parking Regulations	Heidi Zimmerman 1415 Murfreesboro Rd Suite 350 Nashville TN 37217 615-366-4438	June 28, 2000
02-48	Feb 28, 2000	0240 Board of Regents State University and Community College System of TN Columbia State Community College	Proposed Rules	Amendments	<i>Chapter 0240-3-9</i> Student Disciplinary Rules 0240-3-9-.02 Disciplinary Offenses 0240-3-9-.04 Disciplinary Sanctions 0240-3-9-.05 Disciplinary Procedures 0240-3-9-.07 Traffic and Parking Regulations	Heidi Zimmerman 1415 Murfreesboro Rd Suite 350 Nashville TN 37217 615-366-4438	June 28, 2000
02-49	Feb 28, 2000	0240 Board of Regents State University and Community College System of TN Columbia State Community College	Proposed Rules	Amendments	<i>Chapter 0240-3-14</i> Student Disciplinary Rules 0240-3-14-.05 Disciplinary Procedures 0240-3-14-.06 Traffic and Parking Regulations	Heidi Zimmerman 1415 Murfreesboro Rd Suite 350 Nashville TN 37217 615-366-4438	June 28, 2000

SEQ	FILE DATE	DEPT. & DIVISION	TYPE OF FILING	DESCRIP-TION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
02-50	Feb 28, 2000	0240 Board of Regents State University and Community College System of TN Walters State Community College	Proposed Rules	Amendments	Chapter 0240-3-16 Student Disciplinary Rules 0240-3-16-.04 Disciplinary Sanctions 0240-3-16-.05 Disciplinary Procedures 0240-3-16-.06 Traffic and Parking Regulations 0240-3-16-.07 Motor Vehicles Registration	Heidi Zimmerman 1415 Murfreesboro Rd Suite 350 Nashville TN 37217 615-366-4438	June 28, 2000
02-51	Feb 28, 2000	0240 Board of Regents State University and Community College System of TN Nashville State Technical Institute	Proposed Rules	Amendments	Chapter 0240-3-17 Student Disciplinary Rules 0240-3-17-.06 Traffic and Parking Regulations 0240-3-17-.07 Motor Vehicle Registration	Heidi Zimmerman 1415 Murfreesboro Rd Suite 350 Nashville TN 37217 615-366-4438	June 28, 2000
02-52	Feb 28, 2000	0240 Board of Regents State University and Community College System of TN Pellissippi State Technical Community College	Proposed Rules	Amendments	Chapter 0240-3-18 Student Disciplinary Rules 0240-3-18-.01 Institutional Policy Statement 0240-3-18-.02 Disciplinary Offenses 0240-3-18-.03 Academic and Classroom Misconduct 0240-3-18-.04 Disciplinary Action 0240-3-18-.05 Disciplinary Procedures 0240-3-18-.06 Traffic and Parking Regulations 0240-3-18-.08 Registration of Vehicles	Heidi Zimmerman 1415 Murfreesboro Rd Suite 350 Nashville TN 37217 615-366-4438	June 28, 2000
02-53	Feb 28, 2000	0240 Board of Regents State University and Community College System of TN Neast State Technical Community College	Proposed Rules	Amendments	Chapter 0240-3-20 Student Disciplinary Rules 0240-3-20-.06 Traffic and Parking Regulations	Heidi Zimmerman 1415 Murfreesboro Rd Suite 350 Nashville TN 37217 615-366-4438	June 28, 2000

HEALTH FACILITIES COMMISSION - 0720**NOTICE OF BEGINNING OF REVIEW CYCLE**

Applications will be heard at the April 26, 2000 Health Facilities Commission Meeting
except as otherwise noted.

*Denotes applications being placed on the Consent Calendar.

+Denotes competing applications.

This is to provide official notification that the Certificate of Need applications listed below have begun their official 90-day review cycle effective February 1, 2000. The review cycle includes a 60-day period of review by the Division of Assessment and Planning within the Tennessee Department of Health or their designated representative. During this 60-day period, the appropriate agency may hold a public hearing, if requested, with respect to each application and will conclude the period with a written report. Pursuant to Public Chapter 120, Acts of 1993, certain unopposed applications may be placed on a "consent calendar." Such applications are subject to a 60-day review cycle, including a 30-day period of review by the Division of Assessment and Planning or their designee. Applications intended to be considered on the consent calendar, if any, are denoted by an asterisk. For more information concerning each application or its review cycle, you may contact the Tennessee Department of Health/Division of Assessment & Planning (615/741-0244), their designee, or the Health Facilities Commission (615/741-2364).

<u>NAME AND ADDRESS</u>	<u>DESCRIPTION</u>
Center for Behavioral Health of Chattanooga, Inc. 5841 Brainerd Road Chattanooga (Hamilton Co.), TN 37411 Marylyn Pettit (205)—985-4331 CN9911-096	The establishment of non-residential methadone treatment facility. The facility will be located at 5841 Brainerd Road, in Chattanooga, Tennessee. \$ 91,613.93
Thompson Cancer Survival Center 9711 Sherrill Boulevard Knoxville (Knox Co.), TN 37923 Lee Ann Lambdin (865)—541-3126 CN0001-001	The initiation of Positron Emission Tomography (PET) services at 9711 Sherrill Blvd., in the existing Thompson Cancer Survival Center West. \$ 1,850,000
Johnson City Medical Center 400 N. State of Franklin Road Johnson City (Washington Co.), TN 37604 Kelly Crepps (423)—431-6052 CN0001-002	The addition of fifty-three (530) general acute care beds to the current license of Johnson City Medical Center. \$ 3,014,340
Baptist Memorial Hospital – Union City 1101 Bishop Street Union City (Obion Co.), TN 38261 Arthur Maples (901)—227-4137 CN0001-003	The conversion of mobile MRI to a fixed service and the acquisition of a MRI scanner. \$ 1,202,000

<u>NAME AND ADDRESS</u>	<u>DESCRIPTION</u>
Campbell Clinic, Inc. 1400 South Germantown Road Germantown (Shelby Co.), TN 38138 William West (615)—259-1450 CN0001-004	The initiation of magnetic resonance imaging services and the acquisition of a MRI scanner. \$ 2,228,000
Gateway Medical Center 1771 Madison Street Clarksville (Montgomery Co.), TN 37043 John Wellborn (615)—269-0070 CN0001-005	The establishment of a 12-bed NICU. The project will increase the licensed bed capacity of the hospital from 167 to 179 beds. \$ 813,000
Associates of the Memorial/Mission Outpatient Surgery Center, L.L.C. 2525 DeSales Avenue Chattanooga (Hamilton Co.), TN 37404 Jerry Taylor (615)—726-1200 CN0001-006	The establishment of a multi-specialty ambulatory surgical treatment center with five (5) operating rooms and three (3) endoscopy rooms. \$ 6,886,268

**U. S. DEPARTMENT OF THE INTERIOR
OFFICE OF SURFACE MINING**

**NOTICE OF AVAILABILITY OF THE FINAL PETITION EVALUATION DOCUMENT/
ENVIRONMENTAL IMPACT STATEMENT (PED/EIS) FOR FALL CREEK FALLS
STATE PARK AND NATURAL AREA UNSUITABILITY PETITION**

The Office of Surface Mining (OSM) is announcing the availability of the final PED/EIS for a petition to designate the watershed and viewshed of Fall Creek Falls State Park and Natural Area, Van Buren and Bledsoe Counties Tennessee, as unsuitable for all types of surface coal mining operations. OSM has been petitioned by Save Our Cumberland Mountains, Tennessee Citizens for Wilderness Planning, and 49 citizens to designate the petition area as unsuitable for mining.

OSM has analyzed the petitioners' proposed action of designating the entire petition area as unsuitable for surface coal mining operations and four alternative actions ranging from denying the petition in whole to designating certain portions of the petition area as unsuitable for mining.

No decision will be made on the petition by the Secretary of the Interior until at least 30 days from the date the final PED/EIS is made available to the public. Notice of such decision by the Secretary of the Interior will be made available to the public at that time.

Copies of the final PED/EIS are available for review at the Bledsoe and Van Buren County Clerk's Offices and at OSM's Knoxville Field Office. Copies of the PED/EIS can be obtained, while supplies last, from Beverly Brock, Supervisor, Technical Group, Office of Surface Mining, 530 South Gay Street, SW, Suite 500, Knoxville, Tennessee 37902. Telephone (423) 545-4103, ext. 146. E-mail: bbrock@osmre.gov.

**BOARD OF OCCUPATIONAL AND PHYSICAL THERAPY EXAMINERS - 1150
COMMITTEE OF PHYSICAL THERAPY**

NOTICE OF WITHDRAWAL OF RULES

The Board of Occupational and Physical Therapy Examiners' Committee of Physical Therapy hereby gives notice of withdrawal of amendment to subparagraph (4) (d) of rule 1150-1-.06, filed with the Department of State on the 31st day of January, 2000 to have become effective on the 15th day of April, 2000.

The notice of withdrawal of rules was properly filed in the Department of State on the 28th day of February, 2000, and will become effective on the 28th day of February, 2000. (02-39)

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pg. 16

EMERGENCY RULES

EMERGENCY RULES NOW IN EFFECT

(For the text of the Emergency rules see issue of T.A.R. cited)

- 1200 - Department of Health - Division of Communicable and Environmental Disease Services - Emergency rules revising the list of notifiable diseases, chapter 1200-14-1 Communicable Diseases, 1200-14-1-.02 Notifiable Diseases, 1200-14-1-.03 Physicians Reports, 1200-14-1-.04 Health Officer's Report, 1200-14-1-.41 Reports of Sexually Transmitted Diseases. T.A.R. , volume 26, number 1 (January 2000). Filed December 14, 1999; effective through May 27, 2000. (12-12)

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pg. 18

PROPOSED RULES

TENNESSEE HIGHER EDUCATION COMMISSION - 1540

CHAPTER 1540-1-2 AUTHORIZATION AND REGULATION OF POSTSECONDARY EDUCATION INSTITUTIONS AND THEIR AGENTS

Presented herein is a proposed amendment of the Tennessee Higher Education Commission submitted pursuant to *T.C.A. §4-5-202* in lieu of a rulemaking hearing. It is the intent of the Tennessee Higher Education Commission 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 to the *Tennessee Administrative Register* in which the proposed amendment is published. Such petition to be effective must be filed in Suite 1900 of Parkway Towers located at 404 James Robertson Parkway, Nashville, Tennessee 37243-0830 and in the Department of State, Seventeenth Floor, James K. Polk Building, Sixth and Deaderick, Nashville, Tennessee 37243-0310, and must be signed by twenty-five (25) persons who will be affected by the rule, or submitted by a municipality which will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of proposed rule, contact: Teresa Warren, Suite 1900, Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee 37243-0830, (615) 741-5293.

The text of the proposed amendment is as follows:

AMENDMENTS

Subparagraph (ee) of Paragraph (1) of Rule 1540-1-2-.03 Definitions is amended by deleting the current language in its entirety and substituting the following language so that as amended the subparagraph shall read:

- (ee) Postsecondary education institution means an entity which maintains a place of business within Tennessee, or solicits business in Tennessee, and which offers or maintains a course or courses of instruction or study, or at which place of business such a course or courses of instruction or study are available through field instruction, classroom instruction or by long distance learning or both to a person or persons for the purpose of training or preparing the person for a field of endeavor in a business, trade, technical, service or industrial occupation, for a vocation, or for the award of an educational credential, except as excluded by the provisions of these rules and the Act.

Authority: *T.C.A. §49-7-2005.*

Paragraphs (1) and (2) of Rule 1540-1-2-.05 Exemption is amended by deleting the current language in its entirety and substituting the following language as Paragraph (1), renumbering the subsequent paragraphs accordingly, so that as amended the paragraph shall read:

- (1) In addition to institutions exempt by *Tennessee Code Annotated, Chapter 49-7-2004*, the following institutions are exempt from the annual reporting and the provisions of these regulations:

- (a) any entities offering education, instruction or training that are:
 - 1. maintained or given by an employer or group of employers, for employees or for persons they anticipate employing without charge, payroll deduction or minimum length of employment; or
 - 2. maintained or given by a U. S. Department of Labor or state recognized labor organization, without charge, to its membership or apprentices; or
 - 3. financed and/or subsidized by public funds, without charge to the students, having a closed enrollment; or
 - 4. given under a contract agreement, having a closed enrollment, at no cost to the student and does not offer degrees or educational credentials such as but not limited to diplomas or special certifications that in the opinion of the Commission are specifically directed toward new or additional vocational, professional or academic goals.

Authority: *T.C.A. §§49-7-2004(3) and 49-7-2005.*

Paragraph (1) of Rule 1540-1-2-.22 Causes for Adverse Action is amended by deleting the current language in its entirety and substituting the following language so that as amended the paragraph shall read:

- (1) The Commission or Executive Director in the interest of the public welfare, consumer protection and statutory responsibility, may assess fines under this Part of \$500 per day per violation, revoke, deny or change the status of any permit or certificate of authorization under the process as given in 1540-1-2.02(2)(e) for any one or combination of the following causes:
 - (a) disregard of provisions in the Act and/or these regulations;
 - (b) willful violation of any commitment made in an application for a certificate of authorization or reauthorization;
 - (c) presenting to the general public or students or prospective students information that violates Fair Consumer Practices (1540-1-2-.19) as outlined in these regulations;
 - (d) advertising, recruiting or operating a group of classes or program that has not been authorized by the Commission;
 - (e) failure to provide or maintain premises or equipment in a safe and sanitary condition as required by laws, regulations, or ordinances applicable at the location of the institution;
 - (f) failure to provide and maintain adequate faculty and/or staff;
 - (g) failure to maintain financial resources adequate for the satisfactory conduct of the courses of instruction offered or to retain a sufficient and qualified instructional and administrative staff;
 - (h) conducting instruction at a site which has not been authorized by the Commission;
 - (i) failure to correct findings resulting from an on-site inspection or review of institutional materials;

- (j) demonstrable pattern of coercion, threats or intimidation by institutional personnel to students or other school personnel;
- (k) failure to advise Commission about significant factors, such as:
 - 1. financial difficulties sufficient to affect program quality;
 - 2. significant staff changes in a short period of time;
 - 3. change of ownership;
 - 4. outcomes of audits by other government agencies;
 - 5. any factor or clearly developing factor that could alter basis for authorization;
 - 6. loss or lowering of accreditation status;
 - 7. legal action against the Tennessee authorized school.

Authority: *T.C.A. §§49-7-2005 and 49-7-2010.*

Paragraph (2) of Rule 1540-1-2-.24 Tuition Guarantee Fund (TGF) is amended by deleting the current language in its entirety and substituting the following language so that as amended the paragraph shall read:

- (2) No institution organized as an in-state private postsecondary education institution covered under the Act is exempt from the Tuition Guaranty Fund as described in TCA §49-7-2018.

Authority: *T.C.A. §§49-7-2005 and 49-7-2018.*

The proposed rules set out herein were properly filed in the Department of State on the 3rd day of February, 2000, and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th June, 2000. (02-01)

TENNESSEE HIGHER EDUCATION COMMISSION - 1540

CHAPTER 1540-1-5

**PUBLIC HIGHER EDUCATION FEE DISCOUNT FOR CHILDREN OF LICENSED PUBLIC SCHOOL
TEACHERS AND STATE EMPLOYEES**

Presented herein is a proposed amendment of the Tennessee Higher Education Commission submitted pursuant to *T.C.A. §4-5-202* in lieu of a rulemaking hearing. It is the intent of the Tennessee Higher Education Commission 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 to the *Tennessee Administrative Register* in which the proposed amendment is published. Such petition to be effective must be filed in Suite 1900 of Parkway Towers located at 404 James Robertson Parkway, Nashville, Tennessee 37243-0830 and in the Department of State, Seventeenth Floor, James K. Polk Building, Sixth and Deaderick, Nashville, Tennessee 37243-0310, and must be signed by twenty-five (25) persons who will be affected by the rule, or submitted by a municipality which will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of proposed rule, contact: Bridget Pincham, Suite 1900, Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee 37243-0830, (615) 741-7570.

The text of the proposed amendment is as follows:

AMENDMENTS

Rule 1540-1-5-.01 Introduction is amended by deleting the rule in its entirety and substituting the following language so that as amended the rule shall read:

1540-1-5-.01 INTRODUCTION.

These rules implement the provisions of the T.C.A. Title 49, Chapter 7, Part 1 in Public Chapter 1095 of the 1990 Public Acts and Title 8, Chapter 50, Part 1 in Public Chapter 939 of the 1992 Public Acts, Public Chapters 125 and 267 of the 1993 Public Acts and Public Chapter 355 of the 1997 Public Acts (hereinafter called "the Act"). The Act enables children under the age of twenty-four (24) whose parent is employed as a full-time licensed teacher in any public school in Tennessee or as a full-time employee of the State of Tennessee to receive a twenty-five percent (25%) discount on tuition at any state operated institution of higher learning. Children of retired state employees or whose parent died while employed full-time or was killed on the job or in the line of duty as a full-time state employee are also eligible for a twenty-five percent (25%) discount.

Authority: T.C.A. §§49-7-119 and 8-50-115.

The proposed rules set out herein were properly filed in the Department of State on the 3rd day of February, 2000, and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of June, 2000. (02-02)

TENNESSEE HIGHER EDUCATION COMMISSION - 1540**CHAPTER 1540-1-8
STATE POSTSECONDARY REVIEW PROGRAM**

Presented herein is a proposed amendment of the Tennessee Higher Education Commission submitted pursuant to T.C.A. §4-5-202 in lieu of a rulemaking hearing. It is the intent of the Tennessee Higher Education Commission 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 to the Tennessee Administrative Register in which the proposed amendment is published. Such petition to be effective must be filed in Suite 1900 of Parkway Towers located at 404 James Robertson Parkway, Nashville, Tennessee 37243-0830 and in the Department of State, Seventeenth Floor, James K. Polk Building, Sixth and Deaderick, Nashville, Tennessee 37243-0310, and must be signed by twenty-five (25) persons who will be affected by the rule, or submitted by a municipality which will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of proposed rule, contact: Will Burns, Suite 1900, Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee 37243-0830, (615) 741-7571.

The text of the proposed amendment is as follows:

REPEAL

Chapter 1540-1-8 State Postsecondary Review Program is repealed.

The proposed rules set out herein were properly filed in the Department of State on the 3rd day of February, 2000, and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of June, 2000. (02-03)

THE TENNESSEE BOARD OF REGENTS - 0240
STATE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF TENNESSEE
AUSTIN PEAY STATE UNIVERSITY

CHAPTER 0240-3-1
STUDENT DISCIPLINARY RULES

Presented herein are proposed amendments of the Tennessee Board of Regents submitted pursuant to *Tennessee Code Annotated, § 4-5-202* in lieu of a rulemaking hearing. It is the intent of the Tennessee Board of Regents 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 amendments are published. Such petition to be effective must be filed in Suite 350 of the Genesco Park building located at 1415 Murfreesboro Road, Nashville, TN 37217 and in the Department of State, Fifth Floor, James K. Polk State Office Building, Sixth and Deaderick, Nashville, TN 37219, and must be signed by twenty-five (25) persons who will be affected by the rules, or submitted by a municipality which will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of this proposed rule, contact: Mary Slater, 1415 Murfreesboro Road, Suite 350, Nashville, Tennessee 37217, Tennessee Board of Regents, 615-366-4438.

The text of the proposed repeal is as follows:

REPEAL

Rule 0240-3-1-.06 Involuntary Withdrawal or Temporary Suspension Due to Severe Psychological Disturbances is repealed with the subsequent rules being renumbered appropriately.

Authority: T.C.A. §49-8-203.

The proposed rules set out herein were properly filed in the Department of State on the 28th day of February, 2000 and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of June, 2000. (02-41)

THE TENNESSEE BOARD OF REGENTS - 0240
STATE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF TENNESSEE
EAST TENNESSEE STATE UNIVERSITY

CHAPTER 0240-3-2
STUDENT DISCIPLINARY RULES

Presented herein are proposed amendments of the Tennessee Board of Regents submitted pursuant to Tennessee Code Annotated, § 4-5-202 in lieu of a rulemaking hearing. It is the intent of the Tennessee Board of Regents 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 amendments are published. Such petition to be effective must be filed in Suite 350 of the Genesco Park building located at 1415 Murfreesboro Road, Nashville, TN 37217 and in the Department of State, Fifth Floor, James K. Polk State Office Building, Sixth and Deaderick, Nashville, TN 37219, and must be signed by twenty-five (25) persons who will be affected by the rules, or submitted by a municipality which will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of this proposed rule, contact: Mary Slater, 1415 Murfreesboro Road, Suite 350, Nashville, Tennessee 37217, Tennessee Board of Regents, 615-366-4438.

The text of the proposed amendments is as follows:

AMENDMENTS

Subparagraph (g) of paragraph (6) of rule 0240-3-2-.05 Disciplinary Procedures is amended by adding new part 2. and renumbering the subsequent parts appropriately. New part 2. shall read:

2. Student organization functions where alcohol will be present are limited to houses owned by social fraternities recognized by ETSU and commercial establishments owned by licensed and insured third party vendors.

Authority: *T.C.A. §49-89-203.*

Subparagraph (c) of paragraph (3) of rule 0240-3-2-.06 Traffic and Parking Regulations is amended by deleting the text in its entirety and substituting instead the following so that as amended subparagraph (c) shall read:

- (c) Chronic violators are defined as those individuals who accumulate 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 of \$50.00. The vehicle is also subject to being towed. Persons labeled as “chronic violators” will retain that designation for one (1) calendar year.

Subparagraph (b) of paragraph (6) of rule 0240-3-2-.06 Traffic and Parking Regulations is further amended by adding new part 9. which shall read:

9. Designated car pool area or lot.

Part 4. of subparagraph (c) of paragraph (6) of rule 0240-3-2-.06 Traffic and Parking Regulations is further amended by deleting the text in its entirety and substituting instead the following so that as amended part 4. shall read:

4. Illegal parking by a chronic violator.

Part 1. of subparagraph (g) of paragraph (6) of rule 0240-3-2-.06 Traffic and Parking Regulations is further amended by deleting “and suspension of parking privileges for thirty (30) school/work days” so that as amended part 1. shall read:

1. First offense: fine of thirty five dollars (\$35.00).

Part 2. of subparagraph (g) of paragraph (6) of rule 0240-3-2-.06 Traffic and Parking Regulations is further amended by deleting “and suspension of parking privileges for six (6) calendar months” so that as amended part 2. shall read:

2. Second offense: fines of seventy dollars (\$70.00).

Part 3. of subparagraph (g) of paragraph (6) of rule 0240-3-2-.06 Traffic and Parking Regulations is further amended by deleting the text of part 3. in its entirety.

Subparagraph (j), including parts 1. and 2., of paragraph (6) of rule 0240-3-2-.06 Traffic and Parking Regulations is further amended by deleting the text of the subparagraph and parts in their entirety.

Authority: T.C.A. §49-8-203.

Paragraph (1) of rule 0240-3-2-.07 Registration of Motor Vehicles is amended by deleting the text of the paragraph in its entirety and substituting instead the following so that as amended paragraph (1) shall read:

- (1) All students (including part-time, full-time, graduate or night students), faculty and staff who intend to park a motor vehicle (including mopeds, motorscooters and motorcycles) on campus must properly display the appropriate permit. All persons who are employed by ETSU for six weeks or longer must purchase a faculty/staff permit. For the purpose of these regulations, the “campus” is defined as all property which is under the control of East Tennessee State University. Student parking permits are effective from purchase date to the following August 31st. Faculty/staff permits are effective from purchase date to the following September 30th.

Subparagraphs (a), (b), and (c) of paragraph (2) of rule 0240-3-2-.07 Registration of Motor Vehicles are further amended by deleting the texts thereof in their entirety and substituting instead the following so that as amended subparagraphs (a), (b), and (c) shall read:

- (a) All faculty, staff and students who have a disability parking permit must register that permit (i.e., plates, hang tag, or placard), at either the Parking or Disability Services Office, then obtain and display an appropriate university parking permit. ETSU no longer issues annual disability parking permits.
- (b) Public Safety Officers will honor all valid state and municipal disability parking permits. Public Safety 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.
- (c) Applications for the State of Tennessee disability parking permits are available at Public Safety, Disability Services, County Clerks, and local municipal offices.

Paragraph (4) of rule 0240-3-2-.07 Registration of Motor Vehicles is further amended by deleting the text of the paragraph in its entirety and substituting instead the following so as amended paragraph (4) shall read:

- (4) Willful misrepresentation in applying for a parking permit subjects one to severe penalties and may endanger one's status as a student, staff or faculty member.

Paragraph (6) of rule 0240-3-2-.07 Registration of Motor Vehicles is further amended by deleting the text of the paragraph in its entirety and substituting instead the following so that as amended paragraph (6) shall read:

- (6) Anyone changing his/her parking category will be required to contact the Parking Office within 10 days to obtain the proper parking permit. Individuals are responsible for any cost differential of permits.

Subparagraphs (a), (b), (c), and (d) of paragraph (9) of rule 0240-3-2-.07 Registration of Motor Vehicles are further amended by deleting the texts thereof in their entirety and substituting instead the following so that as amended subparagraphs (a), (b), and (c) shall read:

- (a) Parking permits will be displayed as per instructions that accompany the permit when issued.
- (b) Defective or damaged permits will be replaced at no cost.
- (c) Lost or stolen permits will be replaced for a fee of \$10.
- (d) Temporary parking permits are available at the Department of Public Safety located at the main entrance to campus on the University Parkway. Each temporary parking permit will be valid for a maximum of one (1) to seven (7) days. Any exceptions must be approved by the Chief or Deputy Chief.

Authority: T.C.A. §49-8-203.

Rule 0240-3-2-.08 Involuntary Withdrawal or Temporary Suspension Due to Severe Psychological Disturbance is repealed.

Authority: T.C.A. §49-8-203.

The proposed rules set out herein were properly filed in the Department of State on the 28th day of February, 2000 and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of June, 2000. (02-42)

THE TENNESSEE BOARD OF REGENTS - 0240
STATE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF TENNESSEE
UNIVERSITY OF MEMPHIS

CHAPTER 0240-3-3
STUDENT DISCIPLINARY RULES

Presented herein are proposed amendments of the Tennessee Board of Regents submitted pursuant to Tennessee Code Annotated, § 4-5-202 in lieu of a rulemaking hearing. It is the intent of the Tennessee Board of Regents 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 amendments are published. Such petition to be effective must be filed in Suite 350 of the Genesco Park building located at 1415 Murfreesboro Road, Nashville, TN 37217 and in the Department of State, Fifth Floor, James K. Polk State Office Building, Sixth and Deaderick, Nashville, TN 37219, and must be signed by twenty-five (25) persons who will be affected by the rules, or submitted by a municipality which will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of this proposed rule, contact: Mary Slater, 1415 Murfreesboro Road, Suite 350, Nashville, Tennessee 37217, Tennessee Board of Regents, 615-366-4438.

The text of the proposed amendments is as follows:

AMENDMENTS

Rule 0240-3-3-.08 Withdrawal or Temporary Suspension Due to Severe Psychological Disturbance is repealed with the subsequent rules being renumbered appropriately.

Paragraph (4) of rule 0240-3-3-.09 Traffic and Parking Regulations is amended by deleting "Spring Holiday" and substituting instead "Memorial Day" so that as amended paragraph (4) shall read:

- (4) Parking Regulations. These regulations will be enforced, as explained in the various sections, except on University declared holidays and days the University is administratively closed for these holiday periods. University declared holidays are New Year's, Martin Luther King's Birthday, Memorial Day, Independence Day, Labor Day, Thanksgiving and Christmas. If any of these regulations are violated, the operator or the offending vehicle will be issued a citation and the vehicle may be towed. All unattended vehicles will be considered to be parked.

Authority: T.C.A. §49-8-203.

UNIVERSITY OF MEMPHIS

CHAPTER 0240-4-3
STUDENT HOUSING RULES

AMENDMENTS

Rule 0240-4-3-.01 Eligibility is amended by deleting the rule in its entirety and substituting instead the following so that as amended rule 0240-4-3-.01 shall read:

0240-4-3-.01 ELIGIBILITY. Students enrolled at the University of Memphis are not required to live in the residence halls. To be eligible for occupancy, an applicant must be accepted as a student at the University, and enrolled for a minimum of six (6) undergraduate or three (3) graduate semester hours by the close of the registration period for which housing is requested. Six (6) and three (3) semester hours are required respectively for summer sessions. Permission for part-time students with fewer hours to live in the residence halls must be requested in writing at the time of filing the application or reservation request form. Such applicants should not assume that their requests have been approved until written acknowledgment is received. An applicant may apply with Residence Life prior to acceptance by the University. A student who ceases to attend classes for any reason is required to withdraw from the University and must vacate the residence halls within twenty-four (24) hours as a condition of withdrawal. All students shall have an equal opportunity to reside in student residence facilities regardless of race, sex, marital status, creed, color, national origin, or handicap; however, separate housing may be provided on the basis of sex.

Authority: T.C.A. §49-8-203.

The proposed rules set out herein were properly filed in the Department of State on the 28th day of February, 2000 and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of June, 2000. (02-43)

**THE TENNESSEE BOARD OF REGENTS - 0240
STATE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF TENNESSEE
MIDDLE TENNESSEE STATE UNIVERSITY**

**CHAPTER 0240-3-4
STUDENT DISCIPLINARY RULES**

Presented herein are proposed amendments of the Tennessee Board of Regents submitted pursuant to Tennessee Code Annotated, § 4-5-202 in lieu of a rulemaking hearing. It is the intent of the Tennessee Board of Regents 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 amendments are published. Such petition to be effective must be filed in Suite 350 of the Genesco Park building located at 1415 Murfreesboro Road, Nashville, TN 37217 and in the Department of State, Fifth Floor, James K. Polk State Office Building, Sixth and Deaderick, Nashville, TN 37219, and must be signed by twenty-five (25) persons who will be affected by the rules, or submitted by a municipality which will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of this proposed rule, contact: Mary Slater, 1415 Murfreesboro Road, Suite 350, Nashville, Tennessee 37217, Tennessee Board of Regents, 615-366-4438.

The text of the proposed amendments is as follows:

AMENDMENTS

Paragraph (2) of rule 0240-3-4-.02 Disciplinary Offenses is amended by adding new subparagraph (j) and relettering the subsequent subparagraphs appropriately. New subparagraph (j) shall read:

- (j) Alcoholic Beverages. The use and/or possession of alcohol beverages on University owned or controlled property.

Authority: T.C.A. §49-8-203.

Part 3. of subparagraph (j) of paragraph (2) of rule 0240-3-4-.03 Disciplinary Sanctions is amended by deleting the text of the part in its entirety and substituting instead the following so that as amended part 3. shall read:

2. A preliminary hearing will be held by a designee of the dean of Student Life in consultation with appropriate University officials within two (2) working days of the interim or summary suspension to determine if the interim or summary suspension should continue until a formal hearing of the charges by a University adjudicating body can be held. During this preliminary hearing, the student will be given notice of the allegations against him or her and a summary of the evidence that supports the allegations. The student will be afforded an opportunity to respond to the allegations. If the interim or summary suspension is upheld, the formal hearing concerning suspension or expulsion shall be held no later than five (5) working days after the first day of interim suspension. The student also has the option of having the case adjudicated by a student life dean.

Authority: T.C.A. §49-8-203.

Paragraph (1) of rule 0240-3-4-.06 Traffic and Parking Regulations is amended by adding new subparagraph (a) and relettering the subsequent subparagraphs appropriately. New subparagraph (a) shall read:

- (a) The following regulations are designed to provide for the effective use of parking areas, the safe movement of motor vehicles and pedestrian traffic, and the general safety of the campus. Regulations must be observed at all times including exam periods, registration, summer session and during inclement weather. Any information contained in these regulations is subject to change. These regulations are promulgated pursuant to the authority granted to the Tennessee Board of Regents by the Tennessee General Assembly.

Subparagraph (d) (formerly subparagraph (c)) of paragraph (1) of rule 0240-3-4-.06 Traffic and Parking Regulations is further amended by adding the following as the final sentence so that as amended subparagraph (d) shall read:

- (d) The registrant of the vehicle is held responsible for the safe and lawful operation of the vehicle, the parking of the vehicle, and all traffic/parking citations issued against the vehicle, regardless of who is operating the vehicle at the time of the incident. Violations will not be waived because another person was driving the vehicle or using a parking permit not issued to that person.

Part 1. of subparagraph (b) of paragraph (2) of rule 0240-3-4-.06 Traffic and Parking Regulation is further amended by adding the following to the end of the part so that as amended part 1. shall read:

1. White – Administrators/Faculty (to include Dorm Directors), Staff Employees and Graduate Teaching Assistants. Faculty, administrators, and staff may not transfer their permit to any student (or student vehicle).

Subparagraph (b) of paragraph (2) of rule 0240-3-4-.06 Traffic and Parking Regulations is further amended by adding new part 5. New part 5 shall read:

5. Temporary Permits. Available for a nominal fee.

Subparagraph (c) of paragraph (2) of rule 0240-3-4-.06 Traffic and Parking Regulations is further amended by adding new parts 4. and 5. which shall read:

4. New Student Apartment Housing—reserved 24 hours a day.
5. Greek Row—reserved 24 hours a day.

Subparagraph (h) of paragraph (2) of rule 0240-3-4-.06 Traffic and Housing Regulations is further amended by adding new parts 4. through 7. which shall read:

4. Lot #69: the lot located north of the Cason-Kennedy Nursing Building and east of the Jones Field Lot.
5. Lot #73: the lot located east of the University Library and south of the Bragg Mass Communications Building.
6. Lot #68: the lot located east of the University Library and north of Nicks Hall.
7. Lot #36: the lot located of the University Library.

Paragraph (2) of rule 0240-3-4-.06 Traffic and Parking Regulations is further amended by adding new subparagraph (m) which shall read:

- (m) Residents of Family Student Housing, New Student Apartment Housing, and Greek Row are permitted to park only in those areas designated as reserved for their respective housing complex. Overflow parking space will be designated and announced by the Office of Parking Services.

Subparagraph (c) of paragraph (5) of rule 0240-3-4-.06 Traffic and Parking Regulations is further amended by adding “, as designated by the Parking Services Office” at the end of the first sentence so that as amended subparagraph (c) shall read:

- (c) Visitors are welcome on the campus and may park in any legal parking space, as designated by the Parking Services Office. Visitors are reminded that they are subject to the regulations, ordinances, and laws pertaining to motor vehicles while on the campus and that violation of such may result in a citation and/or towing of the vehicle.

Paragraph (5) of rule 0240-3-4-.06 Traffic and Parking Regulations is further amended by adding new subparagraph (e). New subparagraph (e) shall read:

- (d) Requests for special guest parking should be submitted to the Parking Services Office as far in advance as possible. As a result of the time needed to coordinated the numerous parking requests, special event parking requests should be submitted at least seven (7) days in advance.

Subparagraph (b) of paragraph (6) of rule 0240-3-4-.06 Traffic and Parking Regulations is further amended by adding “or an appeal form may be obtained at the Parking Services Office,” to the end of the second sentence so that as amended subparagraph (b) shall read:

- (b) Any employee or student holding a staff or administrative permit who receives a citation may appeal the citation by filing an appeal within seven (7) days of issuance. (The department head of the department where the employee/student is employed has the necessary form, or an appeal form may be obtained at the Parking Services Office.) Attach the citation to the appeal and forward the appeal to the MTSU Traffic Committee. The Traffic Committee will handle disposition of the appeal.

Paragraph (8) of rule 0240-3-4-.06 Traffic and Parking Regulations is further amended by adding new subparagraph (d) which shall read:

- (d) Any student with unpaid parking fines will not receive grades or transcripts or be able to register for the next semester until the fines are paid.

Authority: *T.C.A. §49-8-203.*

Subparagraph (b) of paragraph (1) of rule 0240-3-4-.07 Registration of Motor Vehicles is amended by deleting the third and fourth sentences so that as amended subparagraph (b) shall read:

- (b) All students (including part-time, full-time graduate students, night students, etc.) administrators, faculty and staff (whether full or part-time) intending to park a vehicle on campus must purchase a permit through the Department of Parking and Transportation. Permit purchase will be limited to one permit per person. All registrants will be responsible for their issued permits throughout the academic year (August 16 through August 15).

Paragraph (1) of rule 0240-3-4-.07 Registration of Motor Vehicles is further amended by adding new subparagraph (c) and relettering the subsequent subparagraphs appropriately. New subparagraph (c) shall read:

- (b) The purchaser of a permit will be responsible for parking violations received by a vehicle bearing the purchased parking permit. Permits may only be used by the permit holder registered with Parking Services. Dependents, friends and/or associates of any authorized permit holder are not authorized to use that person's permit for any reason.

Subparagraphs (h) and (i) (formerly subparagraphs (g) and (h)) of paragraph (1) of rule 0240-3-4-.07 Registration of Motor Vehicles is further amended by deleting the text of the subparagraphs in their entirety and relettering the subsequent subparagraphs appropriately.

Subparagraph (i) of paragraph (1) of rule 0240-3-4-.07 Registration of Motor Vehicles is further amended by deleting "free of charge for display on the inside of the front window driver's side" so that as amended subparagraph (i) shall read:

- (i) Temporary Parking Permits will be issued as follows:

Part 2. of subparagraph (i) of paragraph (1) of rule 0240-3-4-.07 Registration of Motor Vehicles is further amended by deleting the text of part 2. in its entirety and substituting instead the following so that as amended part 2. shall read:

1. Temporary Disabled Permits will be issued for injuries or disabilities of limited duration, renewable weekly, or as specified by the Parking Services Office. Persons must have a physician's statement certifying the need for a temporary disabled permit. The physician's statement must state the length of time the permit will be needed, and the statement must be on the physician's letterhead. Those with temporary disabled permits must park in White, Green, or Black spaces only. The Blue disabled parking spaces are reserved for those holding permanent disabled parking permits.

Part 1. of subparagraph (j) of paragraph (1) of rule 0240-3-4-.07 Registration of Motor Vehicles is further amended by deleting the text of the part in its entirety and substituting instead the following so that as amended part 1. shall read:

1. Persons must have a physician's statement certifying a mobility impairment as defined in Tennessee law. Persons with a state-issued placard are exempt from having a physician's statement, but must have

a Middle Tennessee State University Disabled Parking Permit to ensure access to privileges and rights of a MTSU student.

Part 3. of subparagraph (j) of paragraph (1) of rule 0240-3-4-.07 Registration of Motor Vehicles is further amended by deleting the text of part 3. in its entirety and renumbering the subsequent parts appropriately.

Subparagraph (l) of paragraph (1) of rule 0240-3-4-.07 Registration of Motor Vehicles is further amended by adding two additional sentences to the end of the subparagraph so that as amended subparagraph (l) shall read:

- (l) The MTSU parking permit must be properly attached to the front windshield in the extreme lower corner of the driver's side or hung from the rear view mirror of the vehicle being operated. In those cases where compliance with the above is not feasible, the permit must be clearly visible through the front windshield when viewed from the outside, or the registrant must consult with the Department of Parking and Transportation for proper placement of the permit. The responsibility of transferring and properly displaying the hang tag rests with the individual to whom the permit was originally issued. In the event the hang tag is not transferred to the vehicle being parked on campus, the individual originally purchasing the hang tag will be required to obtain a temporary one-day permit.

Subparagraph (q) of paragraph (1) of rule 0240-3-4-.07 Registration of Motor Vehicles is further amended by deleting the text of the subparagraph in its entirety and substituting instead the following so that as amended subparagraph (q) shall read:

- (q) If an individual with a current permit receives a citation for violation of (l), the citation will be cancelled only if the citation is taken to the Parking Services Office within seven (7) class days of issuance of the citation, and the violator can show the current permit at that time. No more than three (3) such citations will be cancelled per semester. A class day is considered Monday through Friday, unless it is an official holiday for faculty, staff, and/or students.

Paragraph (1) of rule 0240-3-4-.07 Registration of Motor Vehicles is further amended by adding new subparagraphs (r), (s), and (t) which shall read:

- (r) Permit holders are responsible for the security of their parking permit and are advised to keep vehicles locked to prevent theft. In the event a permit is lost or stolen, the permit holder must complete a "Parking Permit Loss Report" at the Parking Services Office and pay a nominal fee to obtain a new permit.
- (s) Immediate family members of faculty, administrator, staff and students must park at meters or register their vehicles with the Parking Services Office by obtaining a temporary parking permit. Failure to comply may result in the issuance of a citation for "No Campus Permit."
- (t) It is considered fraudulent for a registered permit holder to give his/her permit to another person for use on the campus. Permits are transferable from vehicle to vehicle, not from person to person. A permit reported lost or stolen, but located in another vehicle on campus, will be referred for investigation by campus authorities. In the event it is determined that an individual reported a permit lost or stolen, but in fact transferred the permit to another individual for use, both parties may be subject to fine.

Authority: T.C.A. §49-8-203.

Rule 0240-3-4-.08 Withdrawal or Temporary Suspension Due to Severe Psychological Disturbance is repealed.

Authority: T.C.A. §49-8-203.

MIDDLE TENNESSEE STATE UNIVERSITY

**CHAPTER 0240-4-4
STUDENT HOUSING RULES**

Amendments

Paragraph (1) of rule 0240-4-4-.02 Housing Regulations is amended by adding an additional final sentence so that as amended paragraph (1) shall read:

- (1) Full-time students enrolled at the University for the fall or spring semester shall be eligible to reside in the residence halls during their period of enrollment. Part-time students shall be eligible to reside in residence halls on a space available only. Students who drop below full-time during the academic year should not assume that they will be released from the obligations of the license agreement.

Authority: T.C.A. §49-8-203.

Paragraph (1) of rule 0240-4-4-.03 Residence Hall Conduct and Disciplinary Sanctions is amended by deleting “University” from the second sentence so that as amended paragraph (1) shall read:

- (1) Noise and Quiet Hours. The primary aim of Housing and Residence Life is to maintain an atmosphere conducive to the pursuits of resident’s academic goals, and to provide an opportunity for uninterrupted study and rest. Courtesy hours are in effect 24 hours a day. Unnecessary noise, from whatever the source, must be discontinued upon request. Quiet hours are in effect from 9 p.m. until 9 a.m. every day. Students who show a disregard for quiet hours may have their license agreement cancelled and/or be restricted from living or visiting in the residence halls. Strict quiet hours will be in effect 24 hours a day for the three day prior to the beginning of final exams and will continue through the end of the exam period.

Subparagraph (c) of paragraph (8) of rule 0240-4-4-.03 Residence Hall Conduct and Disciplinary Sanctions is further amended by deleting “University” and adding “and Residential Life” so that as amended subparagraph (c) shall read:

- (a) Permission for a guest to stay more than two (2) consecutive nights must be obtained from the Director of Housing and Residential Life.

Rule 0240-4-4-.03 Residence Hall Conduct and Disciplinary Sanctions is further amended by adding new paragraphs (22) and (23) and renumbering the subsequent paragraphs appropriately. New paragraphs (22) and (23) shall read:

- (22) Cable. Every room in the residence halls are equipped with basic cable service free of charge. Expanded basic and premium channels are available at an additional cost and can be purchased directly from Intermedia Cable. A cable ready television is all that is required to activate cable. Cable reception problems should be reported to the hall staff. The cable company reserves the right to discontinue services to residents who fall behind in payment for premium services or who tamper with cable equipment.
- (23) Smoking. Smoking is prohibited in all public areas (lobbies, hallways, community baths, classrooms, etc.). Smoking is prohibited in residence hall rooms unless the room has been designated as a smoking room by Housing and Residential Life. Each area may have a designated smoking location. Consult with hall staff for specific location.

Paragraph (4) of rule 0240-4-4-.05 Visitation Policy is amended by deleting the final sentence of that paragraph so that as amended paragraph (4) shall read:

- (4) Regardless of the specific visitation hours selected by vote of residents in a particular hall, visitors will be permitted in rooms only with the permission of the other occupants of the room. Interference with other occupant's privacy, use and enjoyment of the room will not be allowed.

Authority: T.C.A. §49-8-203.

Part 1. of subparagraph (f) of paragraph (6) of rule 0240-4-4-.08 Special Regulations Applicable to Particular Housing Facilities is amended by deleting "and shall receipt for these as prescribed by the University" so that as amended part 1. shall read:

1. The student shall be responsible for the care and preservation of all University-owned movable equipment, furniture and furnishings provided in the dwelling. Transfer of furniture between apartments or removal from the complex is prohibited.

Authority: T.C.A. §49-8-203.

The proposed rules set out herein were properly filed in the Department of State on the 28th day of February, 2000 and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of June, 2000. (02-44)

**THE TENNESSEE BOARD OF REGENTS - 0240
STATE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF TENNESSEE
TENNESSEE STATE UNIVERSITY**

**CHAPTER 0240-3-5
STUDENT DISCIPLINARY RULES**

Presented herein are proposed amendments of the Tennessee Board of Regents submitted pursuant to Tennessee Code Annotated, § 4-5-202 in lieu of a rulemaking hearing. It is the intent of the Tennessee Board of Regents 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 amendments are published. Such petition to be effective must be filed in Suite 350 of the Genesco Park building located at 1415 Murfreesboro Road, Nashville, TN 37217 and in the Department of State, Fifth Floor, James K. Polk State Office Building, Sixth and Deaderick, Nashville, TN 37219, and must be signed by twenty-five (25) persons who will be affected by the rules, or submitted by a municipality which will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of this proposed rule, contact: Mary Slater, 1415 Murfreesboro Road, Suite 350, Nashville, Tennessee 37217, Tennessee Board of Regents, 615-366-4438.

The text of the proposed amendments is as follows:

AMENDMENTS

Part 2. of subparagraph (a) of paragraph (4) of rule 0240-3-5-.06 Traffic and Parking Regulations is amended by deleting the text thereof in its entirety and substituting the following so as amended part 2. shall read:

2. Student Parking on Campus.

Subpart (i) of part 2. of subparagraph (a) of paragraph (4) of rule 0240-3-5-.06 Traffic and Parking Regulations is further amended by deleting the subpart in its entirety and substituting instead the following so that as amended subpart (i) shall read:

- (i) All students registered in school as full-time, part-time, or special students are to register their vehicles with the T.S.U. Police Department within a three-day period after vehicles are brought to campus, display a bumper sticker on the left end of the rear bumper and park in Orange areas for residence hall students and White areas for commuter students.

Part 1. of subparagraph (e) of paragraph (4) of rule 0240-3-5-.06 Traffic and Parking Regulations is further amended by deleting “Office of Safety and Security” and substituting “T.S.U. Police Department” so that as amended part 1. shall read:

1. Occasional visitors on campus shall come by the T.S.U. Police Department to register their vehicles and to receive information on parking.

Paragraph (6) of rule 0240-3-5-.06 Traffic and Parking Regulations is further amended by deleting “Safety and Security Office” and substituting “T.S.U. Police Department” so that as amended paragraph (6) shall read:

- (6) When a faculty or staff member leaves Tennessee State University employment, he/she must turn in his/her permit during his/her exit interview. Refund for unused semester charges will not be accomplished until the permit is turned into the T.S.U. Police Department.

Rule 0240-3-5-.06 Traffic and Parking Regulation is amended by adding new paragraph (9) which will read:

- (9) Appeal of Parking/Traffic Citation.
- (a) Any person who receives a parking/traffic citation may appeal the citation within fifteen (15) working days of issuance by filing an appeal with the Chair of the Traffic Committee. A person must complete the appeals request form and provide a written explanation for the basis of appeal. The Parking and Traffic Committee will review the appeals request on the last Monday of each month. The Parking and Traffic Committee will issue a written decision on the following Wednesday, a total of two working days after the appeal has been reviewed.
- (b) Within ten (10) working days after the Parking and Traffic Committee issues its written decision, a dissatisfied party may submit a written request for reconsideration to the Vice President for Student Affairs. The Vice President for Student Affairs shall grant or deny the petition within ten (10) working days. The Vice President’s determination shall constitute the final decision at the institutional level.

Authority: T.C.A. §49-8-203.

Subparagraph (a) of paragraph (1) of rule 0240-3-5-.07 Registration of Automobiles is amended by deleting “Department of Safety and Security” and substituting “T.S.U. Police Department” so that as amended subparagraph (a) shall read:

- (a) A student who owns and/or operates an automobile on or off the campus must register the vehicle with the T.S.U. Police Department and give the following information:

Subparagraph (h) of paragraph (1) of rule 0240-3-5-.07 Registration of Automobiles is further amended by deleting “Security Office” and substituting “T.S.U. Police Department” so that amended subparagraph (h) shall read;

- (h) Upon issuance of a new license plate, the person in whose name a vehicle is registered at the University shall report the new license number to the T.S.U. Police Department within seven (7) days after issuance.

2. Subparagraph (i) of paragraph (1) of rule 0240-3-5-.07 Registration of Automobiles is further amended by deleting the subparagraph in its entirety so that as amended subparagraph (i) shall read:

- (h) All automobiles on both campuses are required to be registered and display Tennessee State University and Metro decals and use a designated parking lot area. The fee for parking permits per calendar year is \$45 for students and \$48.71 for faculty and staff. A second decal may be purchased for an individual’s second vehicle for \$2 with proof of the paid receipt for the first vehicle. Upon substantial evidence that the original parking permit has been lost, stolen, or destroyed, a duplicate decal will be issued upon payment of a \$2 fee. Payment for parking permits is accepted at the bursar’s office. Payment for parking permits is non-refundable.

Subparagraph (l) of paragraph (1) of rule 0240-3-5-.07 Registration and Automobiles is further amended by deleting “Security Office” wherever it appears and substituting “T.S.U. Police Department” so that amended subparagraph (l) shall read:

- (l) Application for parking authorization and payment of fees will be made in the Business Office located in the Administration Building (Main Campus) or in the Business Office located in Room 253 (Downtown Campus). Decals will be issued at the T.S.U. Police Department upon presentation of a paid cashier’s receipt only. Payment will not be accepted at the T.S.U. Police Department.

Rule 0240-3-5-.08 Withdrawal or Temporary Suspension Due to Severe Psychological Disturbance is repealed.

Authority: *T.C.A. §49-8-203.*

TENNESSEE STATE UNIVERSITY**CHAPTER 0240-4-5
STUDENT HOUSING RULES****AMENDMENTS**

Rule 0240-4-5-.06 Reservations (Deposits, Cancellations, and Refund Policies) is amended by adding new paragraph (2) and renumbering the subsequent paragraphs accordingly. New paragraph (2) shall read:

- (2) A deposit by new and transferring students (freshmen and transferees) only assures a room assignment for twenty-four (24) hours beyond the scheduled date of arrival.

Authority: T.C.A. §49-8-203.

The proposed rules set out herein were properly filed in the Department of State on the 28th day of February, 2000 and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of June, 2000. (02-45)

**THE TENNESSEE BOARD OF REGENTS - 0240
STATE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF TENNESSEE
TENNESSEE TECHNOLOGICAL UNIVERSITY**

**CHAPTER 0240-3-6
STUDENT DISCIPLINARY RULES**

Presented herein are proposed amendments of the Tennessee Board of Regents submitted pursuant to *Tennessee Code Annotated, § 4-5-202* in lieu of a rulemaking hearing. It is the intent of the Tennessee Board of Regents 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 amendments are published. Such petition to be effective must be filed in Suite 350 of the Genesco Park building located at 1415 Murfreesboro Road, Nashville, TN 37217 and in the Department of State, Fifth Floor, James K. Polk State Office Building, Sixth and Deaderick, Nashville, TN 37219, and must be signed by twenty-five (25) persons who will be affected by the rules, or submitted by a municipality which will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of this proposed rule, contact: Mary Slater, 1415 Murfreesboro Road, Suite 350, Nashville, Tennessee 37217, Tennessee Board of Regents, 615-366-4438.

The text of the proposed amendments is as follows:

AMENDMENTS

Subparagraph (p) of paragraph (2) of rule 0240-3-6-.02 Disciplinary Offenses is amended by deleting the text of the subparagraph in its entirety and substituting instead the following so that as amended subparagraph (p) shall read:

- (p) Entertaining members of the opposite sex. Entertaining members of the opposite sex in the residence halls except as provided for by the observance of Open House and Residence Hall Visitation.

Authority: T.C.A. §49-8-203.

Subparagraph (f) of paragraph (4) of rule 0240-3-6-.04 Disciplinary Sanctions is amended by deleting “form” as it appears in the second sentence and substituting instead “from” so that as amended subparagraph (f) shall read:

- (f) Readmission Procedures for Students under Disciplinary Suspension. Suspension is assigned for a specified period of time and excludes the student from registration, class attendance, residence on campus, and use of University facilities. When the period of suspension is terminated, the student is considered for registration in compliance with academic standards then in effect.

Part 2. of subparagraph (f) of paragraph (4) of rule 0240-3-6-.04 Disciplinary Sanctions is further amended by deleting the text of the part in its entirety and substituting instead the following so that as amended part 2. shall read:

2. The student is required to submit a personal letter of application to the Dean of Students.

Authority: T.C.A. §49-8-203.

Rule 0240-3-6-.05 Disciplinary Procedures is amended by deleting “Director of Student Activities and Campus Life” wherever it appears in the rule and substituting instead “Dean of Students.”

Subparagraph (d) of paragraph (8) of rule 0240-3-6-.05 Disciplinary Procedures is further amended by adding “Student” in the first sentence so that as amended subparagraph (d) shall read:

- (d) Appeals. A student who wishes to appeal the finding and/or recommendations of the University Student Judicial Council must submit a written request for an appeal within two (2) calendar days of receipt of the notification of the hearing results. Notification of the results of the appeal may either be given personally or by certified mail to the last known address as maintained by the Office of the Dean of Students.

Subparagraph (a) of paragraph (10) of rule 0240-3-6-.05 Disciplinary Procedures is further amended by adding “Tennessee” to the subparagraph so that as amended subparagraph (a) shall read:

- (a) Hearings conducted under the Tennessee Uniform Administrative Procedures Act shall be conducted in accordance with the uniform contested case procedures adopted by the Tennessee Board of Regents.

Subparagraph (b) of paragraph (10) of rule 0240-3-6-.05 Disciplinary Procedures is further amended by adding “Tennessee” in the first sentence so that as amended subparagraph (b) shall read:

- (a) The University shall be represented by a Director, appointed by the President, or by the Office of the General Counsel for the Tennessee Board of Regents. Any recommendation(s) made by the hearing body shall be forwarded directly to the President of the University. A student who wishes to appeal the findings and/or recommendation of the hearing body must submit his written appeal to the President of the University.

Authority: T.C.A. §49-8-203.

Subparagraph (a) of paragraph (4) of rule 0240-3-6-.06 Academic Misconduct Disciplinary Procedures is amended by deleting “in” as it appears for the third time in the first sentence, substituting instead “an,” and by adding “Tennessee” to the last sentence so that as amended subparagraph (a) shall read:

- (a) In all cases which may result in suspension or expulsion from the University, a program, or a course for academic misconduct or an assignment of a grade which results in the grade of “F” in a course for academic misconduct, a student who contests the charge of academic misconduct may elect to have the case disposed of under the Tennessee Uniform Administrative Procedures Act in accordance with the uniform contested case procedures adopted by the Tennessee Board of Regents or under the University procedures established by these rules.

Authority: *T.C.A. §49-8-203.*

Subparagraph (a) of paragraph (2) of rule 0240-3-6-.07 Traffic and Parking Regulations is amended by deleting the text of the subparagraph in its entirety and substituting instead the following so that as amended subparagraph (a) shall read:

- (a) The University parking lots are divided into six (6) different areas, color-coded on the map contained in the TTU Parking Regulations brochure. These areas have been established to provide convenience to the maximum number of University members and to keep intra-campus traffic to a minimum.

Subparagraph (c) of paragraph (2) of rule 0250-3-6-.07 Traffic and Parking Regulations is further amended by adding a final sentence to the subparagraph so that as amended subparagraph (c) shall read:

- (c) Parking restrictions in the color-coded areas are effective from 7:45 a.m. to 4:30 p.m., Monday through Friday, except when school is officially out of session. (School is officially in session the first day of registration and is officially out the day of Commencement.) Tech Village parking restrictions are enforced on a 24-hour-a-day basis. Visitors may park in the area of the Tech Village Community Center.

Subparagraph (d) of paragraph (2) of rule 0240-3-6-.07 Traffic and Parking Regulations is further amended by deleting the text of the subparagraph in its entirety and substituting instead the following so that as amended subparagraph (d) shall read:

- (d) Parking spaces marked for the President, head resident, campus police and disabled are reserved on a 24-hour basis each week. Visitors and 30 minute parking spaces are effective from 7:45 a.m. to 4:30 p.m. each day that the University is officially open, except women’s dorms where 60 minute parking is in effect daily from 7:30 a.m. until 12:00 midnight.

Subparagraph (g) of paragraph (2) of rule 0240-3-6-.07 Traffic and Parking Regulations is further amended by deleting “Safety and Security” from the last sentence of the subparagraph and substituting instead “University Police” so that as amended subparagraph (g) shall read:

- (f) Parking spaces regulated by parking meters are open to any vehicle bearing a valid Tennessee Tech parking permit provided the meter is paid during the time the vehicle is parked therein. Meters must be paid from 7:45 a.m. to 4:30 p.m. – Monday through Friday – except when school is officially out. Unregistered vehicles are not permitted to park at meters. It shall not be permitted for the owner or operator of a vehicle to park or allow his vehicle to be parked in parking space regulated by a meter for more than the maximum period of time, 36 minutes. Those service organizations paying meters as a service to users must obtain written permission from the Director of University Police.

Subparagraph (i) of paragraph (2) of rule 0240-3-6-.07 Traffic and Parking Regulations is further amended by deleting “Safety and Security” and substituting instead “Tennessee Tech Police Department” so that as amended subparagraph (i) shall read:

- (i) Trailers, boats, and similar vehicles will not be parked anywhere on campus without specific approval of the Director of Tennessee Tech Police Department, in such spaces that may be designated.

Subparagraph (k) of paragraph (2) of rule 0240-3-6-.07 Traffic and Parking Regulations is further amended by deleting “place or position” as it appears in the first sentence and substituting “a way” so that as amended subparagraph (k) shall read:

- (k) Vehicles will be removed from campus streets, parking lots or other areas when parked in violation of these regulations or left in such a way as to create a safety hazard to persons or property. Vehicles which cannot be identified may be restrained by a wheel lock or towed away. The cost of removal will be paid by the registrant or owner.

Subparagraph (r) of paragraph (2) of rule 0240-3-6-.07 Traffic and Parking Regulations is further amended by deleting the text of subparagraph in its entirety and substituting instead the following so that as amended subparagraph (r) shall read:

- (r) Each visitor operating a vehicle on campus must abide by all rules and regulations even though the person is not a student or employee.

Subparagraph (a) of paragraph (3) of rule 0240-3-6-.07 Traffic and Parking Regulations is further amended by deleting the text of the subparagraph in its entirety and substituting instead the following so that as amended subparagraph (a) shall read:

- (a) The speed limit on campus is 15 miles per hour, except where otherwise posted. Speeding or improperly operating a vehicle (squealing tires, sliding the vehicle, etc.) are serious safety hazards, and persons responsible will be cited for the violation.

Subparagraph (a) of paragraph (4) of rule 0240-3-6-.07 Traffic and Parking Regulations is further amended by adding new part 3. which shall read:

2. Bicycles and mopeds must use the extreme right side of the roadways and streets and obey all traffic signals and signs. They will not be taken into buildings nor parked on sidewalks or within areas where they will interfere with pedestrian or motor vehicle traffic. Students are encouraged to use bicycle racks located conveniently about the campus. Bicycles may be registered with the Tennessee Tech Police Department.

Subpart (i) of part 1. of subparagraph (b) of paragraph (4) of rule 0240-3-6-.07 Traffic and Parking Regulations is further amended by deleting “\$5.00” and substituting instead “\$20.00” so that as amended subpart (i) shall read:

- (i) Permit not properly affixed or displayed while parked in an unassigned area. (Does not include the \$20.00 fine which will be progressive for parking in unassigned area) - \$25.00

Part 1. of subparagraph (b) of paragraph (4) of rule 0240-3-6-.07 Traffic and Parking Regulations is further amended by adding new subpart (vi) which shall read:

- (vi) Expired permanent permit - \$35.00

Part 2. of subparagraph (b) of paragraph (4) of rule 0240-3-6-.07 Traffic and Parking Regulations is further amended by deleting “Student Services” and substituting instead “Affairs” so that as amended part 2. shall read:

2. Lawful Request

Students refusing a lawful request from a Campus Police officer to remove vehicles from unassigned parking areas will be referred to the Vice President for Student Affairs and faculty and staff will be referred to the appropriate administrative officer for possible disciplinary action.

Subpart (i) of part 3. of paragraph (4) of rule 0240-3-6-.07 Traffic and Parking Regulations is further amended by deleting the text of the subpart in its entirety and substituting instead the following so that as amended subpart (i) shall read:

(i) Parking

Ticket	Amt.	Cum. Total
1	\$15	\$ 15
2	25	40
3	35	75
4	45	120
5	55	175
6	65	240
7	75	315
8	85	400
9	95	495
10	105	600

Subpart (ii) of part 3. of subparagraph (b) of paragraph (4) of rule 0240-3-6-.07 Traffic and Parking Regulations is further amended by deleting the text of the subpart in its entirety and substituting instead the following so that as amended subpart (ii) shall read:

(ii) Moving

Ticket	Amt.	Cum. Total
1	\$30	\$ 30
2	60	90
3	90	180

Subpart (iii) of part 3. of subparagraph (b) of paragraph (4) of rule 0240-3-6-.07 Traffic and Parking Regulations is further amended by deleting the text of the subpart in its entirety and substituting instead the following so that as amended subpart (iii) shall read:

(ii) 30 Minute Parking

Ticket	Amt.	Cum. Total
1	\$ 5	\$ 5
2	10	15
3	15	30
4	20	50
5	25	75
6	30	100
7	35	140
8	40	180
9	45	225
10	50	275

Subpart (iv) of part 3. of subparagraph (b) of paragraph (4) of rule 0240-3-6-.07 Traffic and Parking Regulations is further amended by deleting the text of the subpart in its entirety and substituting instead the following so that as amended subpart (iv) shall read:

(ii) Firelane

Ticket	Amt.	Cum. Total
1	\$25	\$ 25
2	50	75
3	50	125
4	50	175
5	50	225
6	50	275
7	50	325
8	50	375
9	50	425
10	50	475

Part 3. of subparagraph (b) of paragraph (4) of rule 0240-3-6-.07 Traffic and Parking Regulations is further amended by adding a new subpart (v) and relettering the subsequent subparts appropriately. New subpart (v) shall read:

(ii) Parked in Unassigned Area

Ticket	Amt.	Cum. Total
1	\$20	\$ 20
2	30	50
3	40	90
4	50	140
5	60	200
6	70	270
7	80	315
8	90	405
9	100	505
10	110	615

Subpart (vi) (formerly subpart (v)) of part 3. of subparagraph (b) of paragraph (4) of rule 0240-3-6-.07 Traffic and Parking Regulations is amended by deleting “Services” and substituting instead “Affairs” so that as amended subpart (vi) shall read:

- (ii) The fourth violation within any academic semester may result in the motor vehicle registration being revoked by the Vice President for Student Affairs for a period of six months or the remainder of the academic year, whichever is greater.

Subparagraph (a) of paragraph (5) of rule 0240-3-6-.07 Traffic and Parking Regulations is further amended by deleting “Office of Safety and Security” and substituting instead “University Police Office” so that as amended subparagraph (a) shall read:

- (a) A citation received by a student may be appealed to the Student Appeals Committee within fifteen (15) academic days. Appeal forms are provided by the University Police Office. Appeals made later than the fifteen (15) days following issuance will not be considered.

Subparagraph (b) of paragraph (5) of rule 0240-3-6-.07 Traffic and Parking Regulations is further amended by deleting “Safety and Security” and substituting instead “Tennessee Tech Police Department and departmental chairpersons’ and deans’ offices” so that as amended subparagraph (b) shall read:

- (a) Citations received by Staff and Faculty may be appealed within fifteen (15) academic days to the Faculty and Staff Committee. Appeal forms are available in the Tennessee Tech Police Department and departmental chairpersons’ and deans’ offices.

Authority: T.C.A. §49-8-203.

Paragraph (1) of rule 0240-3-6-.08 Registration of Motor Vehicles is amended by deleting the text of the paragraph in its entirety and substituting instead the following so that as amended paragraph (1) shall read:

- (1) Campus Registration of Motor Vehicles for faculty/staff and students – full-time, part-time and night is required – for the Fall Semester and must be maintained throughout the year. This also includes Craft Center faculty, staff and students. Vehicles must be registered during the week of general academic registration as listed in the catalog or immediately after the vehicle is brought to the campus. Registration is required to operate a vehicle on campus any time of day or night, including weekends. Faculty and staff will have a choice of stick-on or hang-tag permits. These regulations are also applicable to persons who display disabled placards.

Paragraph (3) of rule 0240-3-6-.08 Registration of Motor Vehicles is further amended by deleting “Safety and Security Office” as it appears in the first sentence and substituting instead “Tennessee Tech Police Department so that as amended paragraph (3) shall read:

- (3) All Faculty, Staff or Students operating a vehicle on campus on a temporary basis, as a substitute for a permanently registered vehicle, may be issued a temporary permit upon application to the Tennessee Tech Police Department. Students who bring their vehicles on campus during the last week of the semester only, need not permanently register their vehicles, but must secure a temporary permit for that week. Temporary permits issued to those who do not have a permanent registration will be limited to one week. Others will issued for two weeks.

Paragraph (4) of rule 0240-3-6-.08 Registration of Motor Vehicles is further amended by deleting the final sentence and substituting a new final sentence so that as amended paragraph (4) shall read:

- (3) Motorcycles will be registered as motor vehicles and the special stick-on permit will be affixed to a prominent place on the vehicle. Mopeds must be registered also.

Paragraph (5) of rule 0240-3-6-.08 Registration of Motor Vehicles is further amended by deleting the text of the paragraph in its entirety and substituting instead the following so that as amended paragraph (5) shall read:

- (3) All employees (Faculty and Staff) should register vehicles preceding faculty fall registration or immediately after arriving on campus. Vehicle registration must be completed by the end of the first week of the Fall Semester.

Paragraph (7) of rule 0240-3-6-.08 Registration of Motor Vehicles is further amended by deleting the text of the paragraph in its entirety and substituting instead the following so that as amended paragraph (7) shall read:

- (7) The vehicle registration fee, per permit, for faculty, staff and students will be \$20.00 during Fall Semester, \$15.00 Spring Semester and \$10.00 Summer Semester. Permits will be replaced free of charge when the numbers are returned intact to the Tennessee Tech Police Office. The charge for replacement of lost or stolen hang tags will be \$10.00 Fall Semester, \$7.00 Spring Semester and \$5.00 Summer Semester.

Authority: T.C.A. §49-8-203.

TENNESSEE TECHNOLOGICAL UNIVERSITY**CHAPTER 0240-4-6
STUDENT HOUSING RULES****AMENDMENTS**

Paragraph (1) of rule 0240-4-6-.01 Eligibility is amended by deleting the text of the paragraph in its entirety and substituting instead the following so that as amended paragraph (1) shall read:

- (1) University policy requires that all student residence facilities, including residence halls and apartments, shall be limited to occupancy by Tennessee Tech students and Office of Residential Life staff; provided that apartments may be occupied by spouses and children of Tennessee Tech students if so designated. In addition, student residence facilities may be leased to other persons in connection with programs and activities on campus when such facilities are not occupied or needed by students. All students shall have an equal opportunity to reside in student residence facilities regardless of race, gender, sexual orientation, marital status, creed, color, national origin or disability, provided that separate housing may be provided on the basis of gender or marital status. Tech Village Apartments have been designated as student residence facilities for married students, single students with children, graduate students, students with disabilities, single senior students, faculty and staff

Authority: T.C.A. §49-8-203.

Subparagraph (b) of paragraph (2) of rule 0240-4-6-.02 Residence Hall Conduct and Disciplinary Sanctions is amended by deleting the text of the subparagraph in its entirety and substituting instead the following so that as amended paragraph (b) shall read:

- (a) With the exception of fish aquariums not exceeding 20 gallons and approved seeing eye dogs, pets are not permitted in University housing. Fish aquariums may only be used for fish. Furthermore, no pets may be kept in close proximity of the resident's room.

Authority: T.C.A. §49-8-203.

Paragraph (2) of rule 0240-4-6-.03 Resident Responsibilities is amended by deleting "University Housing" and substituting instead "Residential Life" as it appears in the final sentence so that as amended paragraph (2) shall read:

- (1) All students who occupy any student residence unit shall maintain the unit in the same condition and repair as accepted at the commencement of the period of occupancy; and upon termination of such occupancy, shall surrender the premises in the same condition and repair, ordinary wear and tear excepted. No student may make any alterations, additions, or improvements to a student residence unit without the written consent of the Office of Residential Life.

Authority: T.C.A. §49-8-203.

Paragraph (1) of rule 0240-4-6-.04 Visitation Policy is amended by deleting "University Housing" and substituting instead "Residential Life" as it appears in the first sentence so that as amended paragraph (1) shall read:

- (1) Open House and/or Residence Hall Visitation will be limited to the hours of 9:00 a.m. to 12:00 midnight on the requested occasions approved by the Director of Residential Life for residence hall rooms. Requests should be

made forty-eight (48) hours prior to the beginning of visitation period. Open House and/or Residence Hall Visitation will be differentiated by residence halls as necessary to accommodate, within limits, student preferences. The most open visitation option for a residence hall will be twelve (12) hours per day. The most restrictive option will be no visitation at any time. A variety of options between these extremes will be offered in keeping with student surveyed preferences.

Authority: T.C.A. §49-8-203.

Paragraph (3) of rule 0240-4-6-.05 Contract Term and Conditions is amended by deleting “University Housing” as it appears in the final sentence and substituting instead “Residential Life” so that as amended paragraph (3) shall read:

- (1) Assignment to or occupancy of a residence hall room does not include vacation periods but will begin and end on the dates of the semester(s) as indicated in the University catalog. Limited student housing is available at an additional cost between semesters and must be approved by the Director of Residential Life.

Paragraph (15) of rule 0240-4-6-.05 Contract Term and Conditions is further amended by deleting “University Housing” wherever it may appear and substituting instead “Residential Life” so that as amended paragraph (15) shall read:

- (15) Students must occupy the student residence unit assigned by the Office of Residential Life during the time period specified by the contract. Any change in assignment must be approved by the Office of Residential Life. No student shall assign the contract of any residence unit or sublet the unit, and any attempted assignment or sublease shall be void without the written consent of the Office of Residential Life. The University reserves the right to make all assignments and to make any assignment changes considered advisable or necessary.

Authority: T.C.A. §49-8-203.

Subparagraph (d) of paragraph (1) of rule 0240-4-6-.06 Reservations (Deposit, Cancellation and Refund Policies) is amended by deleting the text of the subparagraph in its entirety and substituting instead the following so that as amended subparagraph (d) shall read:

- (d) Refund of apartment rent. Refund of the apartment rent will be made under the following conditions:
 1. Refunds of apartment rent after move-in will be prorated on a daily basis when the student is forced to withdraw from the apartments:
 - (i) because of personal medical reasons confirmed in writing by a licensed physician; or
 - (ii) at the request of the institution for other than disciplinary reasons.

Part 1. of subparagraph (d) of paragraph (2) of rule 0240-4-6-.06 Reservations (Deposit, Cancellation and Refund Policies) is further amended by deleting the text of the part in its entirety so that as amended part 1. shall read:

1. written cancellation is received in the Office of Residential Life by August 1 for Fall Semester and/or academic year, December 15 for Spring Semester, and May 15 for Summer Semester for the initial semester the residence hall contract becomes effective:

Part 3. of subparagraph (e) of paragraph (2) of rule 0240-4-6-.06 Reservations (Deposit, Cancellation and Refund Policies) is further amended by deleting the text of the part in its entirety and substituting instead the following so that as amended part 3. shall read:

3. Withdrawals from the University for other reasons, except disciplinary and medical reasons, will be subject to a policy whereby 75% of the rent will be refunded for a period of fourteen (14) calendar days beginning with and inclusive of the first official day of classes. Twenty-five percent of the rent will be refunded following expiration of the 75% period, for a period of time extending 25% of the time period covered by the term.

Authority: T.C.A. §49-8-203.

Paragraph (2) of rule 0240-4-6-.07 Miscellaneous is amended by deleting the text of the paragraph in its entirety and substituting the following so that as amended, paragraph (2) shall read:

- (2) If a student owns his/her own refrigerator and/or microwave and would like to use either unit in the residence hall, the unit must be inspected and approved by a member of the Residence Hall Staff. Approved specifications will be published in the residence halls guidelines handbook and in literature sent to all contract holders.

Paragraph (4) of rule 0240-4-6-.07 Miscellaneous is further amended by adding “within a seven (7) day period.” to the end of the second sentence so that as amended paragraph (4) shall read:

- (4) All overnight guests of the same sex in residence hall rooms must be registered with the residence hall staff. Length of stay is limited to one (1) day within a seven (7) day period. The roommate must be absent from the room during the guest’s stay, and the roommate’s consent must be obtained prior to the period of stay.

Paragraph (5) of rule 0240-4-6-.07 Miscellaneous is further amended by deleting the text of the paragraph in its entirety and substituting instead the following so that as amended paragraph (5) shall read:

- (5) All overnight guests in student apartments must be registered with the apartments’ office staff. Length of stay is limited to one (1) week per month

Authority: T.C.A. §49-8-203.

The proposed rules set out herein were properly filed in the Department of State on the 28th day of February, 2000 and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of June, 2000. (02-46)

THE TENNESSEE BOARD OF REGENTS - 0240
STATE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF TENNESSEE
CHATTANOOGA STATE TECHNICAL COMMUNITY COLLEGE

CHAPTER 0240-3-7
STUDENT DISCIPLINARY RULES

Presented herein are proposed amendments of the Tennessee Board of Regents submitted pursuant to *Tennessee Code Annotated, § 4-5-202* in lieu of a rulemaking hearing. It is the intent of the Tennessee Board of Regents 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 amendments are published. Such petition to be effective must be filed in Suite 350 of the Genesco Park building located at 1415 Murfreesboro Road, Nashville, TN 37217 and in the Department of State, Fifth Floor, James K. Polk State Office Building, Sixth and Deaderick, Nashville, TN 37219, and must be signed by twenty-five (25) persons who will be affected by the rules, or submitted by a municipality which will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of this proposed rule, contact: Mary Slater, 1415 Murfreesboro Road, Suite 350, Nashville, Tennessee 37217, Tennessee Board of Regents, 615-366-4438.

The text of the proposed amendments is as follows:

AMENDMENTS

Paragraph (2) of rule 0240-3-7-.01 Institution Policy Statement is amended by deleting the text of paragraph 2 in its entirety and substituting instead the following language so that as amended paragraph (2) shall read:

- (2) Pursuant to this authorization, the College has developed the following regulations which are intended to govern student conduct on campus. In addition, students are subject to all national, state and local laws, and ordinances. If a student's violation of such laws or ordinances also adversely affects the institution's pursuit of its educational objectives, the institution may enforce its own regulations regardless of any proceedings instituted by other authorities. Conversely, a violation of any section of these regulations may subject a student to disciplinary measures by the institution whether or not such conduct is simultaneously violative of state, local or national laws.

Authority: *T.C.A. §49-8-203.*

Paragraph (9) of rule 0240-3-7-.02 Definitions is amended by deleting "Services" wherever it appears and substituting instead "Affairs" so that as amended paragraph (9) shall read:

- (9) The term "Judicial Officer" means a College official authorized by the Vice President for Student Affairs to file charges and to impose sanctions on students who choose to admit to violation of the Student Code of Conduct. The duties of the Judicial Officer will usually be determined by the Vice President for Student Affairs.

Paragraph (10) of rule 0240-3-7-.02 Definitions is further amended by deleting "any person or persons" and "judicial" wherever it appears and substituting instead "a body" and "hearing" so that as amended paragraph (10) shall read:

- (9) The term "College Appeals and Review Committee" means a body authorized by the President to consider an appeal from a hearing body's determination that a student has violated the Student Code of Conduct, or from sanctions imposed by the Judicial Officer or hearing body.

Paragraph (13) of rule 0240-3-7-.02 Definitions is further amended by deleting “Services” and substituting instead “Affairs” so that as amended paragraph (13) shall read:

- (13) The “Vice President for Student Affairs” is the person designated by the College President to be responsible for the administration of the Student Code of Conduct.

Subparagraph (e) of paragraph (15) of rule 0240-3-7-.02 Definitions is further amended by adding “laughing” so that as amended subparagraph (e) shall read:

- (e) failing to abide by the instructions of the proctor concerning test-taking procedures; examples include but are not limited to talking, laughing, failure to take a seat assignment, other disruptive activity or failing to adhere to starting and stopping times;

Authority: T.C.A. §49-8-203.

Subparagraph (b) of paragraph (1) of rule 0240-3-7-.03 Judicial Authority is amended by adding “Administrator or” and deleting “Services” and substituting instead “Affairs” in the first sentence so that as amended subparagraph (b) shall read:

- (b) Hearing before the Judicial Officer or an Administrator – if a student chooses to admit violation of a provision of the Code, the student may either accept a sanction proposed by the Administrator or Judicial Officer, or choose to have a hearing before another administrator appointed by the Vice President for Student Affairs regarding his or her sanction. At this hearing, the student may present witnesses and other evidence relevant to the offense that may mitigate in the student’s favor.

Subparagraph (c) of paragraph (1) of rule 0240-3-7-.03 Judicial Authority is further amended by deleting “Services” and substituting instead “Affairs” in the last sentence so that amended subparagraph (c) shall read:

- (b) Tennessee Uniform Administrative Procedures Act (TUAPA) – disciplinary charges that may result in suspension or expulsion from the College may, at the student’s option, be heard in conformance with the requirements of the Tennessee Uniform Administrative Procedures Act. The TUAPA is an official state act defining certain procedures that are required when a student chooses to have his or her case heard through the Act’s provisions. A more detailed description of the Act and its provisions may be obtained from the office of the Vice President for Student Affairs.

Authority: T.C.A. §49-8-203.

Subparagraph (l) of paragraph (2) of rule 0240-3-7-.04 Student Code of Conduct is amended by adding “on College premises” so that as amended subparagraph (l) shall read:

- (l) Possession of any firearms, explosives, or other weapons, including, but not limited to, pistols, rifles, shotguns, BB guns, paint guns, knives, or dangerous chemicals on College premises.

Subparagraph (c) of paragraph (3) of rule 0240-3-7-.04 Student Code of Conduct is further amended by deleting “proceedings” as it appears in the second sentence and “action” as it appears in the final sentence and substituting instead “proceeding” and “acting” so that as amended subparagraph (c) shall read:

- (c) When a student is charged by federal, state or local authorities with a violation of law, the College will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also the subject of a proceeding before a judicial body under the Student Code

of Conduct, however, the College may advise off-campus authorities of the existence of the Student Code of Conduct and of how such matters will be handled internally within the College community, consistent with student records confidentiality requirements under state and federal law. The College will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators. Individual students and faculty members, acting in their personal capacities, remain free to interact with government representatives as they deem appropriate.

Authority: T.C.A. §49-8-203.

Paragraph (1) of rule 0240-3-7-.05 Academic and Classroom Misconduct is amended by deleting “or school” in the first sentence, and deleting “affected” and substituting instead “effected” in the second sentence so that as amended paragraph (1) shall read:

- (1) The instructor has the primary responsibility for control over classroom behavior and maintenance of academic integrity, and can order the temporary removal or exclusion from the classroom of any student engaged in disruptive conduct or conduct violative of the general rules and regulations of the institution. Extended or permanent exclusion from the classroom or further disciplinary action can be effected only through appropriate procedures of the College.

Authority: T.C.A. §49-8-203.

Part 4. of subparagraph (e) of paragraph (1) of rule 0240-3-7-.06 Judicial Procedures is amended by adding “accused” so that as amended part 4. shall read:

4. The College, the accused student and the judicial body or Judicial Officer shall have the privilege of presenting witnesses, subject to the right of questioning by the judicial body.

Subpart (iii) of part 6. of subparagraph (e) of paragraph (1) of rule 0240-3-7-.06 Judicial Procedures is further amended by adding “charged” so that amended subpart (iii) shall read:

- (iii) Presentation of evidence by the College and questions by the student charged and/or the judicial body or Judicial Officer.

Subpart (vi) of subparagraph (e) of paragraph (1) of rule 0240-3-7-.06 Judicial Procedures is further amended by adding “After” so that as amended subpart (vi) shall read:

- (vi) After the hearing, the judicial body shall determine (by majority vote if the judicial body consists of more than one person) whether the student has violated each section of the Student Code of Conduct which the student is charged with violating.

Subpart (vii) of part (6) of subparagraph (e) of paragraph (1) of rule 0240-3-7-.06 Judicial Procedures is further amended by adding “The” and “accused” so that as amended subpart (vii) shall read:

- (vi) The judicial body’s determination shall be made on the basis of whether it is “more likely than not” that the accused student violated the Student Code of Conduct.

Subparagraph (a) of paragraph (2) of rule 0240-3-7-.06 Judicial Procedures is further amended by adding “accused” so that as amended subparagraph (a) shall read:

- (a) The decision concerning violation and/or the sanction imposed may be appealed by the accused student to the College Appeals and Review Committee within five (5) class days of notification of the decision. Such appeals must be in writing and shall be delivered to the Judicial Officer or his or her designee.

Part 1. of subparagraph (b) of paragraph (2) of rule 0240-3-7-.06 Judicial Procedures is further amended by adding “accused” so that as amended part 1. shall read:

- 1. To determine whether the original hearing was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures giving the accused student a reasonable opportunity to prepare and to present a defense to those allegations.

Part 1. of subparagraph (c) of paragraph (3) of rule 0240-3-7-.06 Judicial Procedures is further amended by adding “with” so that as amended part 1. shall read:

- 1. To meet with the Judicial Officer or his or her representative to discuss the disciplinary process.

Subparagraph (a) of paragraph (5) of rule 0240-3-7-.06 Judicial Procedures is further amended by deleting “Services” and substituting instead “Affairs” so that as amended subparagraph (a) shall read:

- (a) Any question of interpretation regarding the Student Code of Conduct shall be referred to the Vice President for Student Affairs, or his or her designee, for final determination.

Authority: T.C.A. §49-8-203.

Paragraph (3) of rule 0240-3-7-.07 Sanctions is amended by deleting “Services” and substituting instead “Affairs” so that as amended paragraph (3) shall read:

(2) Interim Suspension

In certain circumstances, the Vice President for Student Affairs or the Judicial Officer may impose a College suspension prior to the hearing before a judicial body.

Subparagraph (b) of paragraph (3) of rule 0240-3-7-.07 Sanctions is further amended by deleting “Services” and substituting instead “Affairs” so that as amended subparagraph (b) shall read:

- (a) During the interim suspension, students shall be denied access to the campus (including classes) and/or all other college activities or privileges for which the student might otherwise be eligible, as the Vice President for Student Affairs or the Judicial Officer determine to be appropriate.

Authority: T.C.A. §49-8-203.

Subparagraph (a) of paragraph (2) of rule 0240-3-7-.09 Traffic and Parking Regulations is amended by deleting “Security” and substituting instead “Public Safety” so that as amended subparagraph (a) shall read:

- (a) The cooperation of all persons using Chattanooga State parking facilities is necessary. Those who refuse to comply with these regulations and with the normal expected parking requirements (i.e., parking properly within an outlined space, parking where directed by a Public Safety Officer, obeying traffic signs, and other normal courtesies) may be given a violation ticket. Refusal to pay parking fines will result in holding of grades and student records until all fines are paid.

Subparagraph (c) of paragraph (2) of rule 0240-3-7-.09 Traffic and Parking Regulations is further amended by deleting “Security” and substituting instead “Public Safety” so that as amended subparagraph (c) shall read:

- (a) Decals will be properly displayed (rear window for sticker style or on rear view mirror for hanging style). Decals are issued annually in August of each year. In an extreme emergency where a non-registered vehicle is necessary for a limited time, the student or faculty/staff member must secure a temporary parking permit from the Public Safety Department in order not to be liable for a fine.

Subparagraph (e) of paragraph (2) of rule 0240-3-7-.09 Traffic and Parking Regulations is further amended by deleting “Security” and substituting instead “Public Safety” so that as amended subparagraph (e) shall read:

- (e) Maximum speed on campus is 15 m.p.h. All accidents on campus must be reported to the Public Safety Department.

Subparagraph (f) of paragraph (2) of rule 0240-3-7-.09 Traffic and Parking Regulations is further amended by deleting “Security” and substituting instead “Public Safety” so that as amended subparagraph (f) shall read:

- (f) When a faculty member or a member of the staff has a valid requirement to park overnight on the Chattanooga State parking facilities, they should check with the appropriate dean for permission and advise the Public Safety Department by written memo of their intent.

Subparagraph (g) of paragraph (2) of rule 0240-3-7-.09 Traffic and Parking Regulations is further amended by deleting “Disabled” and substituting instead “Handicapped” so that as amended subparagraph (g) shall read:

- (g) Curb marking color codes are as follows:

Red – Fire Lane, Do Not Park

Yellow – Traffic Lanes, Do Not Park

Blue – Student Parking

Orange – Faculty and Staff Parking

White – Marked “Visitor” – Visitors to Campus Only

White – Marked “Handicapped” – Approved Students with Disabilities Only
Must secure Chattanooga State Disabled sticker.

Black – Marked “Motorcycles” – Motorcycles Only

Green – Marked “15 Minute Parking – Students Only” – Short-term Parking
Near Omnplex Building – 15 Minute Time Limit

Paragraph (3) of rule 0240-3-7-.09 Traffic and Parking Regulations is further amended by deleting the text of paragraph (3) in its entirety and substituting instead the following language so that as amended paragraph (3) shall read:

Traffic Violation Fines

Minimum Fee

- | | |
|--------------------------------|----------|
| (a) Unlawful Parking: | |
| 1. Disabled Area | \$100.00 |
| 2. Red Curb or Fire Lane | \$10.00 |
| 3. Yellow Curb or Traffic Lane | \$10.00 |
| 4. Parking on Grass | \$10.00 |
| 5. Faculty/Staff Lot | \$10.00 |
| 6. Visitor’s Parking Area | \$10.00 |
| 7. Dental Clinic Parking Area | \$10.00 |

8.	CDC Staff Parking	\$10.00
9.	Cafeteria Parking	\$10.00
10.	White Curb	\$10.00
11.	Parking by Stop Sign	\$10.00
12.	Fifteen (15) Minute Parking	\$10.00
13.	Motorcycle Parking	\$10.00
14.	Parking on Pavement (side walk)	\$10.00
15.	Unregistered Vehicle	\$10.00
(b)	Moving Violations:	
1.	Reckless Driving	\$10.00
2.	Running Stop Sign	\$10.00
3.	Speeding	\$10.00

Authority: *T.C.A. §49-8-203.*

The proposed rules set out herein were properly filed in the Department of State on the 28th day of February, 2000 and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of June, 2000. (02-47)

**THE TENNESSEE BOARD OF REGENTS - 0240
STATE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF TENNESSEE
COLUMBIA STATE COMMUNITY COLLEGE**

**CHAPTER 0240-3-9
STUDENT DISCIPLINARY RULES**

Presented herein are proposed amendments of the Tennessee Board of Regents submitted pursuant to *Tennessee Code Annotated, § 4-5-202* in lieu of a rulemaking hearing. It is the intent of the Tennessee Board of Regents 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 amendments are published. Such petition to be effective must be filed in Suite 350 of the Genesco Park building located at 1415 Murfreesboro Road, Nashville, TN 37217 and in the Department of State, Fifth Floor, James K. Polk State Office Building, Sixth and Deaderick, Nashville, TN 37219, and must be signed by twenty-five (25) persons who will be affected by the rules, or submitted by a municipality which will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of this proposed rule, contact: Mary Slater, 1415 Murfreesboro Road, Suite 350, Nashville, Tennessee 37217, Tennessee Board of Regents, 615-366-4438.

The text of the proposed amendments is as follows:

AMENDMENTS

Paragraph (2) of rule 0240-3-9-.02 Disciplinary Offenses is amended by adding new subparagraph (t) which shall read:

- (t) Academic Dishonesty. A student may be guilty of academic dishonesty if:
1. In connection with the taking of, or in contemplation of the taking of any examination, the student:
 - (i) Knowingly discovers or attempts to discover the contents of an examination before the contents are revealed by the instructor;
 - (ii) Obtains, uses, attempts to obtain or use, supplies or attempts to supply to any person, any unauthorized material or device;
 - (iii) Attempts to use, supplies or attempts to supply to any person material or device dishonestly;
 - (iv) Willfully gives or receives any aid not authorized by the instructor; or
 1. Academic work is misrepresented as the product of a student's sole academic effort, for the purpose of affecting the student's grade, credit, or status in the college; or
 2. Sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments are used.

Authority: T.C.A. §49-8-203.

Paragraph (1) of rule 0240-3-9.04 Disciplinary Sanctions is amended by deleting paragraph (1) in its entirety and substituting instead the following so that as amended paragraph (1) shall read:

- (1) Upon a determination that a student or organization has violated any of the rules or regulations or has committed any disciplinary offense set forth in these Regulations, the following disciplinary sanctions may be imposed, either singly or in combination, by the appropriate institution officials.

Subparagraph (d) of paragraph (2) of rule 0240-3-9-.04 Disciplinary Sanctions is further amended by deleting "anyway" and "precipitation" and substituting "any way" and "participation" so that as amended subparagraph (d) shall read:

- (d) Restriction. A restriction upon a student's or organization's privileges for a period of time may be imposed. This restriction may include, for example, denial of the right to represent the institution in any way, denial of use of facilities, parking privileges, participation in extracurricular activities or restriction of organizational privileges.

Subparagraph (h) of paragraph (2) of rule 0240-3-9.04 Disciplinary Sanctions is further amended by deleting the subparagraph in its entirety and substituting instead the following so that as amended subparagraph (h) shall read:

- (h) Interim or summary suspension. Though as a general rule, the status of a student accused of violations of these Regulations should not be altered until a final determination has been made with regard to the charges against him, interim or summary suspension may be imposed upon a finding by the appropriate institution official that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused or of any other member of the institutional community or its guests or will result in destruction of property or substantial disruption of classroom or other

campus activities. In any case of interim or summary suspension, the student shall be given an opportunity at the time of the decision or immediately thereafter to contest the suspension, and if there are disputed issues of fact or cause and effect, the student shall be provided a hearing on the suspension as soon as possible.

Authority: *T.C.A. §49-8-203.*

Rule 0240-3-9-.05 Disciplinary Procedures is amended by deleting the text of the rule in its entirety and substituting instead the following so that as amended rule 0240-3-9-.05 Disciplinary Procedures shall read:

- (1) Preliminary Conference. Misconduct involving the violation of college regulations shall be reported to the Vice President for Student Services. The Vice President for Student Services shall call the accused student to a preliminary conference where the student shall be informed of the charges against him or her and apprised of his/her basic rights as stated in these rules. The Vice President shall investigate the validity of the alleged misconduct.
- (2) Summary Suspension. A student may be summarily suspended from the college if, in the judgment of college officials, the student's continued presence represents an immediate threat to himself, other students and/or college employees, or will result in the destruction of property or substantial disruption of campus activities. In any case of summary suspension the student shall be provided a hearing on the suspension as soon as possible.
- (3) If the results of the initial investigation by the Vice President for Student Services indicate the case merits further action, the student shall be afforded an opportunity to contest the charge(s) through procedures initiated by and coordinated with the Vice President for Student Services. The student shall be informed of the right to elect the procedure he/she wishes to pursue toward the disposition of a proposed action against him/her. The student shall indicate his/her selection in writing from the procedures listed below:
 - (a) Tennessee Uniform Administrative Procedures Act. All cases which may result in (i) suspension or expulsion of a student from the institution, a program, or a course for disciplinary reasons, (ii) assignment of a grade which results in the grade of "F" in a course for academic misconduct, or (iii) 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 and shall be processed in accordance with the contested case procedures adopted by the Board of Regents unless the student waives those procedures in writing and elects to have his or her case disposed of in accordance with college procedures established by these rules.
 - (b) Disposition by the Vice President for Student Services. In discipline cases other than academic dishonesty, a student may request that the Vice President for Student Services adjudicate the case. If such a decision is made, the following procedures apply:
 1. The Vice President for Student Services or designee shall inform the student, in person if possible, of the charges against him/her and proceed to gather information concerning the case including, but not limited to, interviews with all relevant parties (accused, accuser, and possible witnesses).
 2. The Vice President for Student Services shall review the evidence, determine whether there appears to have been a violation of the college regulations and, if so, decide upon a proper disciplinary sanction within five (5) class days. The student will be informed, in writing, of the specific disciplinary offenses and sanctions at this time.
 3. The accused student and the Vice President shall meet and discuss the Vice President's findings and recommended disciplinary sanction(s). The student shall be informed of his/her right to appeal the Vice President's decision.

4. If the student disagrees with the Vice President for Student Services' disposition of the case, he/she may request a hearing by the Student Discipline Committee. The request must be made within three (3) class days, in writing, to the chairperson of the Student Discipline Committee.
- (a) Hearing by the Student Discipline Committee. A student may choose to have the case heard by the Student Discipline Committee. If such a hearing is initiated, the following procedures shall apply:
1. The Student Discipline Committee is a college standing committee composed of student, faculty, and student services representatives. The chairperson of the committee shall be a faculty member who shall preside at the meetings.
 2. The accused student shall be informed in writing of the date, time and place of the hearing not less than five (5) working days prior to the day of the hearing.
 3. All hearings shall be closed unless the student requests an open hearing in writing.
 4. The Vice President for Student Services or designee shall read the charges and present the results of the investigation.
 5. The student shall be given an opportunity to respond to the evidence against him/her. He/she shall have an opportunity to present his/her position, make such admissions, denials or explanations as he/she thinks appropriate and testify or present such other evidence as is available to him/her. The technical rules of evidence normally followed in civil and criminal trial shall not apply.
 6. The student may be accompanied by an advisor whose participation shall be limited to advising the student and shall not include representing the student.
 7. The student shall have the right to call witnesses in his/her behalf and the right to hear and question the witnesses against him/her.
 8. Members of the committee shall have the right to ask questions.
 9. All evidence upon which the decision is made shall be presented at the proceedings before the committee.
 10. After all the presentations of evidence and testimony, the committee shall retire to discuss the case and render a decision.
 11. The student shall be notified of the decision, in writing, within five (5) days of the hearing and shall be advised of his/her right to appeal the decision of the Student Discipline Committee to the President of the college.
- (4) Appeal Procedures
- (a) Appeal of decision of a hearing held pursuant to TUAPA. A student's right to appeal a decision resulting from a hearing held pursuant to the TUAPA shall be governed by the provisions of the Tennessee Uniform Administrative Procedures Act.
 - (b) Appeal of decision of the Vice President for Student Services. A student who wishes to challenge the disciplinary sanction(s) imposed by the Vice President must file an appeal, in writing, with the chairperson of the Student Discipline Committee within three (3) class days after sanction(s) are imposed.

1. The committee will consider the following in hearing the appeal:
 - (i) was the hearing process followed;
 - (ii) was the evidence in the case substantial enough to justify a decision against the student;
 - (iii) has new and substantial evidence been discovered to justify a new hearing;
 - (iv) was the sanction imposed by the Vice President in keeping with the gravity of the offense.
 2. The committee may affirm, or reverse in whole or in part, or remand the matter for a new hearing.
- (c) Appeal of Decision of Student Discipline Committee. A student may appeal a decision of the Student Discipline Committee to the President of the College. Such appeal must be filed within three (3) class days of receipt of the committee's decision.
- (4) Cases of alleged sexual assault. Regardless of the method chosen by the student for disposition of the disciplinary matter, in cases of alleged sexual assault, both the accused and the accuser shall be informed of the following:
- (a) Both the accuser and the accused are entitled to the same opportunity to have others present during a disciplinary proceeding; and
 - (b) Both the accuser and the accused shall be informed of the outcome of any disciplinary proceeding involving allegations of sexual assault within five (5) days of the decision.

Subpart (ii) of part (1) of subparagraph (b) of paragraph (1) of rule 0240-3-9-.06 Miscellaneous is amended by deleting "Dean of Applied Science" and substituting "division chairperson and the Dean of Instruction" and substituting instead the following so that as amended subpart (ii) shall read:

- (ii) if there is other substantive evidence that a student enrolled in an allied health program is unlawfully in possession of or using any drug or controlled substance; then the program director shall inform the division chairperson and the dean of instruction in writing as soon as possible. Such written communication shall convey the specific nature of alleged involvement with drugs or controlled substances by the student, including any supportive facts or documentation: time, places, circumstances, witnesses or other persons who possess knowledge of the alleged student involvement.

Authority: T.C.A. §49-8-203.

Subparagraph (b) of paragraph (2) of rule 0240-3-9-.07 Traffic and Parking Regulations is amended by deleting the text of parts (1), (2), and (3) in their entirety and substituting instead the following so that as amended subparagraph (b) shall read:

- (b) Faculty and Staff. Faculty and staff may park in the designated lots immediately in front of the Administration Building, south of the Clement Humanities Building, west of the Student Center, along the street across from the gymnasium, and in front of the Health Science Building.

Authority: T.C.A. §49-8-203.

The proposed rules set out herein were properly filed in the Department of State on the 28th day of February, 2000 and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of June, 2000. (02-48)

THE TENNESSEE BOARD OF REGENTS - 0240
STATE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF TENNESSEE
SHELBY STATE COMMUNITY COLLEGE

CHAPTER 0240-3-14
STUDENT DISCIPLINARY RULES

Presented herein are proposed amendments of the Tennessee Board of Regents submitted pursuant to Tennessee Code Annotated, § 4-5-202 in lieu of a rulemaking hearing. It is the intent of the Tennessee Board of Regents 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 amendments are published. Such petition to be effective must be filed in Suite 350 of the Genesco Park building located at 1415 Murfreesboro Road, Nashville, TN 37217 and in the Department of State, Fifth Floor, James K. Polk State Office Building, Sixth and Deadrick, Nashville, TN 37219, and must be signed by twenty-five (25) persons who will be affected by the rules, or submitted by a municipality which will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of this proposed rule, contact: Mary Slater, 1415 Murfreesboro Road, Suite 350, Nashville, Tennessee 37217, Tennessee Board of Regents, 615-366-4438.

The text of the proposed amendments is as follows:

AMENDMENTS

Paragraph (3) of rule 0240-3-14-.05 Disciplinary Procedures is amended by deleting “for Student Affairs” as it appears in the first and second sentences and substituting instead “of Academic and Student Affairs” so that as amended paragraph (3) shall read:

- (3) Authority. The Vice President of Academic and Student Affairs or his/her designee is authorized to serve as the Chief Judicial Officer in the disposition of student disciplinary matters. The Vice President for Academic and Student Affairs may exercise his or her discretion to refer a complaint of student misconduct to the Social Discipline Committee. The President of the College reserves the authority to render final decisions in individual disciplinary cases.

Authority: T.C.A. §49-8-203.

Paragraph (8) of rule 0240-3-14-.06 Traffic and Parking Regulations is amended by deleting the text of the paragraph in its entirety and substituting instead the following so that as amended paragraph (8) shall read:

- (8) The prevailing fines as established by the College range from \$15.00 to \$100.00. These fines are set during the College’s annual budget cycle and are submitted for approval to the June Tennessee Board of Regents meeting. Specific penalties for traffic and parking violations can be found in the Student Handbook and schedule of classes. These publications are available to students at all teaching locations in the hallway display cases and from the Counseling and Advising Center. The traffic citation issued by Campus Police includes the prevailing traffic fine for each violation.

Authority: T.C.A. §49-8-203.

The proposed rules set out herein were properly filed in the Department of State on the 28th day of February, 2000 and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of June, 2000. (02-49)

THE TENNESSEE BOARD OF REGENTS - 0240
STATE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF TENNESSEE
WALTERS STATE COMMUNITY COLLEGE

CHAPTER 0240-3-16
STUDENT DISCIPLINARY RULES

Presented herein are proposed amendments of the Tennessee Board of Regents submitted pursuant to *Tennessee Code Annotated, § 4-5-202* in lieu of a rulemaking hearing. It is the intent of the Tennessee Board of Regents 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 amendments are published. Such petition to be effective must be filed in Suite 350 of the Genesco Park building located at 1415 Murfreesboro Road, Nashville, TN 37217 and in the Department of State, Fifth Floor, James K. Polk State Office Building, Sixth and Deaderick, Nashville, TN 37219, and must be signed by twenty-five (25) persons who will be affected by the rules, or submitted by a municipality which will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of this proposed rule, contact: Mary Slater, 1415 Murfreesboro Road, Suite 350, Nashville, Tennessee 37217, Tennessee Board of Regents, 615-366-4438.

The text of the proposed amendments is as follows:

AMENDMENTS

Paragraph (3) of rule 0240-3-16-.04 Disciplinary Sanctions is amended by deleting “in” as it first appears in that paragraph and substituting instead “at” so that paragraph (3) as amended shall read:

- (3) The President of the College is authorized, at his or her discretion, to subsequently convert any sanction imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases.

Authority: *T.C.A. §49-8-203.*

Subparagraph (b) of paragraph (1) of rule 0240-3-16-.05 Disciplinary Procedures is amended by deleting “of” as it appears for the 7th time and substituting instead “for” so that as amended subparagraph (b) shall read:

- (b) The administration of discipline on the campus of Walters State Community College for violations of College and Board of Regents policies and standards of conduct contained herein and in the College catalog is a function of the Vice President for Student Affairs and/or the appropriate Walters State Community College adjudicating body. The Vice President and/or other authorized college personnel are responsible for investigating alleged misconduct. In all cases proper procedural safeguards will be used to assure due process.

Authority: *T.C.A. §49-8-203.*

Paragraph (1) of rule 0240-3-16-.06 Traffic and Parking Regulations is amended by adding “s” to the word “Statement” so that as amended paragraph (1) shall read:

- (1) General Statements.

Subparagraph (c) of paragraph (1) of rule 0250-3-16-.06 Traffic and Parking Regulations is further amended by deleting “Safety and Security Office” and substituting instead “Campus Police Department” so that as amended subparagraph (c) shall read:

- (b) The Campus Police Department is required to implement and enforce these regulations.

Subparagraph (a) of paragraph (2) of rule 0240-3-16-.06 Traffic and Parking Regulations is further amended by deleting the text of the subparagraph in its entirety so that as amended subparagraph (a) shall read:

- (a) Students, faculty, staff, and visitors should park only in the appropriately designated areas. The designated areas are identified by appropriate signage.

Subparagraph (f) of paragraph (3) of rule 0240-3-16-.06 Traffic and Parking Regulations is further amended by deleting “of” as it appears for the second time and substituting instead “to” so that as amended subparagraph (f) shall read:

- (f) All state of Tennessee motor vehicle laws are applicable to the WSCC Campus twenty-four (24) hours a day.

Subparagraph (h) of paragraph (3) of rule 0240-3-16-.06 Traffic and Parking Regulations is further amended by deleting the text of the subparagraph in its entirety and substituting instead the following so that as amended subparagraph (h) shall read:

- (h) All accidents must be reported to the Campus Police Department immediately. Written reports will be completed and filed by the Campus Police Department as appropriate.

Paragraph (5) of rule 0240-3-16-.06 Traffic and Parking Regulations is further amended by deleting the paragraph in its entirety and substituting instead the following so that as amended paragraph (5) shall read:

- (5) Special Occasions and Emergencies. On special occasions, for example, athletic events, concerts, graduation exercises, etc., and in emergencies, parking and traffic limitations may be imposed by the Campus Police Department as required by the conditions which prevail.

Subparagraph (c) of paragraph (6) of rule 0240-3-16-.06 Traffic and Parking Regulations is further amended by adding the following so that as amended subparagraph (c) shall read:

- (c) The fine for a moving vehicle violation is \$15.00. If the fine is not cleared (paid or protested) within ten (10) days of the citation date (excluding holidays and weekends), the fine is increased to \$20.00.

Subparagraph (d) of paragraph (6) of rule 0240-3-16-.06 Traffic and Parking Regulations is further amended by deleting the text of the subparagraph and substituting instead the following so that as amended subparagraph (d) shall read:

- (b) All fines should be paid promptly to avoid penalties. All fines must be paid during the current semester. Fines may be paid at the Business Office between 8 a.m. and 4 p.m. Monday through Friday or at the switchboard in the lobby of the College Center between 4 p.m. and 8:30 p.m. Monday through Friday when classes are in session.

Subparagraph (g) of paragraph (6) of rule 0240-3-16-.06 Traffic and Parking Regulations is further amended by deleting “will” and substituting instead “may” so that as amended subparagraph (g) shall read:

- (f) Any vehicle parked in a tow-away zone may be removed at owner’s expense.

Subparagraph (i) of paragraph (6) of rule 0240-3-16-.06 Traffic and Parking Regulations is further amended by deleting “(i)” and “Safety and Security Office” and substituting instead “(h)” and “Campus Police Department, respectively,” so that as amended the subparagraph shall read:

- (h) Visitors and guests receiving citations should return them to the Campus Police Department. No fine will be assessed.

Part 5. of subparagraph (a) of paragraph (7) of rule 0240-3-16-.06 Traffic and Parking Regulations is further amended by deleting “of” and substituting instead “for” so that as amended part 5. shall read:

- 5. The Administrative advisor to the Traffic Court shall be the Vice President for Student Affairs or his designated representative.

Part 6. of subparagraph (a) of paragraph (7) of rule 0240-3-16-.06 Traffic and Parking Regulations is further amended by deleting “,” and substituting instead “;” so that as amended part 6. shall read:

- 5. The Traffic Court shall have a court reporter; the secretary of the Vice President for Student Affairs will keep all court records.

Rule 0240-3-16-.06 Traffic and Parking Regulations is amended by adding new paragraph (8), including new subparagraphs (a) through (e). New paragraph (8) shall read:

- (8) Disability Parking Procedures
 - (a) All students, faculty, and staff with disabilities who intend to park a motor vehicle in an area designated for individuals with disabilities must have a valid state disability parking permit (i.e., plates, hang tags and placards). All vehicles parking in areas designated for individuals with disabilities must have a WSCC hang tag displayed in addition to the state disability parking permit.
 - (b) The number from the valid state disability parking permit (plates, placards or hang tags) must be registered with the Department of Services for Individuals with Disabilities. Students, faculty, and staff must furnish proof (copy of application submitted for the state parking permit) that the state disability parking permit is registered in the individual’s name.
 - (c) Any student or employee who becomes temporarily disabled may apply for a temporary disabled permit at the Department of Services for Individuals with Disabilities, Room 210-CC. Temporary WSCC disabled permits are available for three weeks’ duration. Persons who have a disability that is not visible will need to have a doctor’s statement to verify the disability. After three weeks, an individual will be required to have a temporary state placard or hang tag.
 - (d) Applications for State of Tennessee disability parking permits are available at the Department of Services for Individuals with Disabilities, Room 210-CC, county clerk offices, and local municipal offices.
 - (e) The fine for parking in areas designated for individuals with disabilities without the valid state parking permit or the WSCC three-week temporary hang tag will be \$100. This policy will be strictly enforced.

Authority: T.C.A. §49-8-203.

Paragraph (2) of rule 0240-3-16-.07 Motor Vehicles Registration is amended by deleting “Services Programs” and substituting instead “and Economic Development” so that as amended paragraph (2) shall read:

- (2) A registration hang tag is issued which must be clearly displayed on the rear view mirror of the vehicle registered. Any student taking non-credit courses must obtain a parking permit through the Office of Community and Economic Development. Students enrolled for credit courses may obtain a registration hang tag from the Security Department upon presenting a valid ID card or current fee receipt. (Each student enrolled for credit classes will be assessed a campus and security access fee. The fee will be assessed each semester in conjunction with maintenance and registration fees.)

Paragraph (3) of rule 0240-3-16-.07 Motor Vehicles Registration is further amended by deleting the paragraph in its entirety and substituting instead the following so that as amended paragraph (3) shall read:

- (2) Each student or employee must display a hang tag in any vehicle operated on college property.

Paragraph (4) of rule 0240-3-16-.07 Motor Vehicles Registration is further amended by deleting the text of paragraph (4) in its entirety and renumbering the subsequent paragraphs appropriately.

Paragraph (4) (previously paragraph (5)) of rule 0240-3-16-.07 Motor Vehicles Registration is further amended by deleting the text of paragraph (4) in its entirety and substituting instead the following so that as amended paragraph (4) shall read:

- (2) Vehicle hang tags should be obtained from the Campus Police Department during periods of regular registration on an annual basis. These hang tags expire on August 31 annually.

Paragraph (6) (previously paragraph (7)) of rule 0240-3-16-.07 Motor Vehicles Registration is further amended by deleting the text of paragraph (6) in its entirety and substituting instead the following so that amended paragraph (6) shall read:

- (6) Special parking permits are available for use on vehicles temporarily used on campus. These may be obtained through the Campus Police Department and are valid for a period of time not to exceed seven (7) days.

Paragraphs (8), (9), and (10) (formerly paragraphs (9), (10), and (11)) of rule 0240-3-16-.07 Motor Vehicles Registration is further amended by deleting these paragraphs in their entirety and renumbering the subsequent paragraphs appropriately.

Paragraph (8) of rule 0240-3-16-.07 Motor Vehicles Registration is further amended by deleting the text of the paragraph in its entirety and substituting instead the following so that as amended paragraph (8) shall read:

- (8) Illegible and damaged hang tags must be replaced. Failure to replace a damaged hang tag may result in a citation. Individuals who have lost their hang tag should report this information immediately to the Campus Police Department. There is no charge for replacement.

Paragraph (9) of rule 0240-3-16-.07 Motor Vehicles Registration is further amended by deleting the text of the paragraph and substituting instead the following so that as amended paragraph (9) shall read:

- (8) Hang tags are issued in the name of a student or employee. It is that individual’s responsibility to ensure that the hang tag is properly used and to ensure that all laws, rules, and regulations relative to operating a vehicle on college property are obeyed regardless as to whom a vehicle is registered.

Authority: T.C.A. §49-8-203.

The proposed rules set out herein were properly filed in the Department of State on the 28th day of February, 2000 and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of June, 2000. (02-50)

**THE TENNESSEE BOARD OF REGENTS
STATE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF TENNESSEE
NASHVILLE STATE TECHNICAL INSTITUTE**

**CHAPTER 0240-3-17
STUDENT DISCIPLINARY RULES**

Presented herein are proposed amendments of the Tennessee Board of Regents submitted pursuant to Tennessee Code Annotated, § 4-5-202 in lieu of a rulemaking hearing. It is the intent of the Tennessee Board of Regents 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 amendments are published. Such petition to be effective must be filed in Suite 350 of the Genesco Park building located at 1415 Murfreesboro Road, Nashville, TN 37217 and in the Department of State, Fifth Floor, James K. Polk State Office Building, Sixth and Deaderick, Nashville, TN 37219, and must be signed by twenty-five (25) persons who will be affected by the rules, or submitted by a municipality which will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of this proposed rule, contact: Mary Slater, 1415 Murfreesboro Road, Suite 350, Nashville, Tennessee 37217, Tennessee Board of Regents, 615-366-4438.

The text of the proposed amendments is as follows:

Amendments

1. Subpart (iii) of part 2. of subparagraph (a) of paragraph (7) of rule 0240-3-17-.06 Traffic and Parking Regulations is amended by deleting "Student Services" and adding "Students" so that as amended subpart (iii) shall read:
 - (iii) The Dean of Students or his designee.

1. Subparagraph (b) of paragraph (7) of rule 0240-3-17-.06 Traffic and Parking Regulations is further amended by deleting the text of subparagraph (b) in its entirety and substituting instead the following so that as amended subparagraph (b) shall read:
 - (b) Procedures. The person receiving a citation may obtain an appeal form from the Security Office (A-70). Appeals made later than fifteen (15) days following issuance of the citation will not be considered. The completed appeal form should be given to the Dean of Student Services or his designee for review. The Dean of Student Services will give copies to each member of the Appeals Committee. Employee appeal forms will be forwarded to the Vice President of Finance and Administration Services, Room W-35. Appellants will be informed through the mail as to the results of the appeal.

Authority: T.C.A. §49-8-203.

1. Paragraph (8) of rule 0240-3-17-.07 Motor Vehicle Registration is amended by adding a third sentence so that as amended paragraph (8) shall read:
 - (8) The vehicle registration decal must be displayed on a vehicle by the owner or driver in such a manner that it will be clearly visible from the rear of the vehicle. Decals must be displayed on motorcycles, motorbikes, and scooters in the same manner in a position that can be clearly read by security personnel. Decals may be taped on the inside of the car on the left hand side of the rear window.

Authority: T.C.A. §49-8-203.

The proposed rules set out herein were properly filed in the Department of State on the 28th day of February, 2000 and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of June, 2000. (02-50)

**THE TENNESSEE BOARD OF REGENTS - 0240
STATE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF TENNESSEE
PELLISSIPPI STATE TECHNICAL COMMUNITY COLLEGE**

**CHAPTER 0240-3-18
STUDENT DISCIPLINARY RULES**

Presented herein are proposed amendments of the Tennessee Board of Regents submitted pursuant to *Tennessee Code Annotated, § 4-5-202* in lieu of a rulemaking hearing. It is the intent of the Tennessee Board of Regents 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 amendments are published. Such petition to be effective must be filed in Suite 350 of the Genesco Park building located at 1415 Murfreesboro Road, Nashville, TN 37217 and in the Department of State, Fifth Floor, James K. Polk State Office Building, Sixth and Deaderick, Nashville, TN 37219, and must be signed by twenty-five (25) persons who will be affected by the rules, or submitted by a municipality which will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of this proposed rule, contact: Mary Slater, 1415 Murfreesboro Road, Suite 350, Nashville, Tennessee 37217, Tennessee Board of Regents, 615-366-4438.

The text of the proposed amendments is as follows:

AMENDMENTS

Paragraph (1) of rule 0240-3-18-.01 Institutional Policy Statement is amended by deleting the text of the paragraph in its entirety and substituting instead the following so that as amended paragraph (1) shall read:

- (1) Pellissippi State Technical Community College students are citizens of the state, local, and national governments, and of the academic community and are, therefore, expected to conduct themselves as law-abiding members of each community at all times.

Admission to Pellissippi State carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by nonstudents. In recognition of the special relationship that exists between the College and the academic community which it seeks to serve, the Tennessee Board of Regents (TBR) has authorized the president of Pellissippi State under its jurisdiction to take such action, as may be necessary, to maintain campus conditions and preserve the integrity of the College and its educational environment.

Paragraph (2) of rule 0240-3-18-.01 Institutional Policy Statement is further amended by deleting the text of the paragraph in its entirety and substituting instead the following so that as amended paragraph (2) shall read:

- (1) Pursuant to this authorization, the College has developed the following regulations that are intended to govern student conduct on the campus. In addition, students are subject to all national, state, and local

laws and ordinances. If a student's violation of such laws or ordinances also adversely affects Pellissippi State's pursuit of its educational objectives, the College may enforce its own regulations regardless of any proceedings instituted by other authorities. Conversely, violation of any section of these regulations may subject a student to disciplinary measures by the College whether or not such conduct is simultaneously in violation of state, local, or national laws.

Authority: *T.C.A. §49-8-203.*

Paragraph (1) of rule 0240-3-18-.02 Disciplinary Offenses is amended by deleting the text of the paragraph in its entirety and substituting instead the following so that as amended paragraph (1) shall read:

- (1) Generally, through appropriate due process procedures, College disciplinary measures shall be imposed for conduct that adversely affects Pellissippi State's pursuit of its educational objectives, that violates or shows a disregard for the rights of other members of the academic community, or that endangers property or people on College or College-controlled property.

Paragraph (2) of rule 0240-3-18-.02 Disciplinary Offenses is further amended by deleting the text of the paragraph in its entirety and substituting instead the following so that as amended paragraph (2) shall read:

- (1) Individual or organizational misconduct that is subject to disciplinary sanctions shall include but not be limited to the following examples:

Subparagraph (a) of paragraph (2) of rule 0240-3-18-.02 Disciplinary Offenses is further amended by deleting the text of the subparagraph in its entirety and substituting instead the following so that as amended subparagraph (a) shall read:

- (a) Conduct dangerous to others. Any conduct that constitutes a serious danger to any person's health, safety, or personal well-being, including any physical abuse or immediate threat of abuse;

Subparagraph (c) of paragraph (2) of rule 0240-3-18-.02 Disciplinary Offenses is further amended by deleting the text of the subparagraph in its entirety and substituting instead the following so that as amended subparagraph (c) shall read:

- (c) Disorderly conduct. Any individual or group behavior that is abusive, obscene, lewd, indecent, violent, excessively noisy, or disorderly, or that unreasonably disturbs other groups or individuals.

Subparagraph (d) paragraph ((2) of rule 0240-3-18-.02 Disciplinary Offenses is further amended by deleting the text of the subparagraph in its entirety and substituting instead the following so that as amended subparagraph (d) shall read:

- (c) Obstruction of or interference with Pellissippi State activities or facilities. Any intentional interference with or obstruction of any College activity, program, event, or facilities, including the following:

Part 1. of subparagraph (d) of paragraph (2) of rule 0240-3-18-.02 Disciplinary Offenses is further amended by deleting the text of the part in its entirety and substituting instead the following so that as amended part 1. shall read:

1. Any unauthorized occupancy of College or College-controlled facilities or blockage of access to or from such facilities.

Part 2. of subparagraph (d) of paragraph (2) of rule 0240-3-18-.02 Disciplinary Offenses is further amended by deleting the text of the part in its entirety and substituting instead the following so that as amended part 2. shall read:

1. Interference with the right of any College staff member or other authorized person to gain access to any College or College-controlled activity, program, event, or facilities.

Part 3. of subparagraph (d) of paragraph (2) of rule 0240-3-18-.02 Disciplinary Offenses is further amended by deleting the text of the part in its entirety and substituting instead the following so that as amended part 3. shall read:

1. Any obstruction or delay of a campus security officer, firefighter, or any College official in the performance of his/her duty.

Subparagraph (e) of paragraph (2) of rule 0240-3-18-.02 Disciplinary Offenses is further amended by deleting the text of the subparagraph in its entirety and substituting instead the following so that as amended subparagraph (e) shall read:

- (e) Misuse of or damage to property. Any act of misuse, vandalism, malicious, or unwarranted damage or destruction, defacing, disfiguring, or unauthorized use of property belonging to Pellissippi State including but not limited to fire alarms, fire equipment, elevators, telephones, College keys, library materials and/or safety devices; and any such act against a member of the College community or guest of Pellissippi State.

Subparagraph (f) of paragraph (2) of rule 0240-3-18-.02 Disciplinary Offenses is further amended by deleting the text of the subparagraph in its entirety and substituting instead the following so that as amended subparagraph (f) shall read:

- (e) Theft, misappropriation or unauthorized sale of property. Any act of theft, misappropriation, or sale of Pellissippi State property or any such act against a member of the College community or a guest of Pellissippi State.

Subparagraph (g) of paragraph (2) of rule 0240-3-18-.02 Disciplinary Offenses is further amended by deleting the text of the subparagraph in its entirety and substituting instead the following so that as amended subparagraph (g) shall read:

- (e) Misuse of documents or identification cards. Any forgery, alteration of, or unauthorized use of Pellissippi State documents, forms, records, or identification cards, including the giving of any false information or withholding necessary information in connection with a student's admission, enrollment, or status at the College.

Subparagraph (h) of paragraph (2) of rule 0240-3-18-.02 Disciplinary Offenses is further amended by deleting the text of the subparagraph in its entirety and substituting instead the following so that as amended subparagraph (h) shall read:

- (e) Firearms and other dangerous weapons. Any possession of or use of firearms or dangerous weapons of any kind.

Subparagraph (i) of paragraph (2) of rule 0240-3-18-.02 Disciplinary Offenses is further amended by deleting the text of the subparagraph in its entirety and substituting instead the following so that as amended subparagraph (i) shall read:

- (e) Explosives, fireworks, and flammable materials. The unauthorized possession, ignition, or detonation of any object or article that could cause damage by fire or any other means to people or property, or possession of any substance that could be considered to be and used as fireworks.

Subparagraph (j) of paragraph (2) of rule 0240-3-18-.02 Disciplinary Offenses is further amended by deleting the text of the subparagraph in its entirety and substituting instead the following so that as amended subparagraph (j) shall read:

- (e) Alcoholic beverages. The use and/or possession of alcoholic beverages is not allowed on Pellissippi State-owned or –controlled property.

Subparagraph (k) of paragraph (2) of rule 0240-3-18-.02 Disciplinary Offenses is further amended by deleting the text of the subparagraph in its entirety and substituting instead the following so that as amended subparagraph (k) shall read:

- (e) Drugs. The unlawful possession or use of any drug or controlled substances (including any stimulant, depressant, narcotic, or hallucinogenic drug or substance, or marijuana), or sale or distribution of any such drug or controlled substance.

Subparagraph (m) of paragraph (2) of rule 0240-3-18-.02 Disciplinary Offenses if further amended by deleting the text of the subparagraph in its entirety and substituting instead the following so that as amended subparagraph (m) shall read:

- (m) Financial irresponsibility. Failure to promptly meet financial responsibilities to Pellissippi State including but not limited to passing a worthless check or money order in payment to the College or to a member of the College community acting in an official capacity.

Subparagraph (n) of paragraph (2) of rule 0240-3-18-.02 Disciplinary Offenses is further amended by deleting the text of the subparagraph in its entirety and substituting instead the following so that as amended subparagraph (n) shall read:

- (m) Unacceptable conduct in hearings. Any conduct at a Pellissippi State hearing involving contemptuous, disrespectful, or disorderly behavior, or the giving of false testimony or other false evidence at any hearing.

Subparagraph (o) of paragraph (2) of 0240-3-18.02 Disciplinary Offenses is further amended by deleting the text of the subparagraph in its entirety and substituting instead the following so that as amended subparagraph (o) shall read:

- (m) Failure to cooperate with Pellissippi State officials. Failure to comply with directions of College officials acting in the performance of their duties.

Subparagraph (p) of paragraph (2) of rule 0240-3-18-.02 Disciplinary Offenses is further amended by deleting the text of the subparagraph in its entirety and substituting instead the following so that as amended subparagraph (p) shall read:

- (m) Attempts and aiding and abetting the commission of offenses. Any attempt to commit any of the foregoing offenses or the aiding and abetting of the commission of any of the foregoing offenses (an "attempt" to commit an offense is defined as the intention to commit the offenses coupled with the taking of some action toward its commission).

Subparagraph (q) of paragraph (2) of rule 0240-3-18-.02 Disciplinary Offenses is further amended by deleting the text of the subparagraph in its entirety and substituting instead the following so that as amended subparagraph (q) shall read:

- (m) Violations of state or federal laws. Any violation of state or federal laws or regulations prescribing conduct or establishing offenses; which laws and regulations are incorporated herein by reference.

Subparagraph (r) of paragraph (2) of rule 0240-3-18-.02 Disciplinary Offenses is further amended by deleting the text of the subparagraph in its entirety and substituting instead the following so that as amended subparagraph (r) shall read:

- (m) Violations of the general rules and regulations. Any violation of the general rules and regulations of Pellissippi State as published in an official Pellissippi State publication, including the intentional failure to perform any required action or the intentional performance of any prohibited action.

Paragraph (3) and (4) of rule 0240-3-18-.02 Disciplinary Offenses is further amended by deleting the texts thereof in their entirety.

Authority: T.C.A. §49-8-203.

Paragraph (1) of rule 0240-3-18-.03 Academic and Classroom Misconduct is amended by deleting the text of the paragraph in its entirety and substituting instead the following so that as amended paragraph (1) shall read:

- (1) The instructor has the primary responsibility for control over classroom behavior and the maintenance of academic integrity and can order the temporary removal or exclusion from the classroom of any student engaged in disruptive conduct or conduct in violation of the general rules and regulations of Pellissippi State. Extended or permanent exclusion from the classroom or further disciplinary action can be effected only through appropriate procedures of Pellissippi State.

Paragraph (2) of rule 0240-3-18-.03 Academic and Classroom Misconduct is further amended by deleting the text of the paragraph in its entirety and substituting instead the following so that as amended paragraph (2) shall read:

- (2) Plagiarism, cheating, and other forms of academic dishonesty are prohibited. A student guilty of academic misconduct, either directly or indirectly through participation or assistance is immediately responsible to the instructor of the class. In addition to other possible disciplinary sanctions that may be imposed through the regular Pellissippi State procedures as a result of academic misconduct, the instructor has the authority to assign an F or a zero for the exercise or examination, or to assign an F in the course.

Paragraph (3) of rule 0240-3-18-.03 Academic and Classroom Misconduct is further amended by deleting the text of the paragraph in its entirety and substituting instead the following so that as amended paragraph (3) shall read:

- (3) If the student believes that he/she has been erroneously accused of academic misconduct and if his/her final grade has been lowered as a result, the student may appeal the case through the appropriate Pellissippi State procedures.

Authority: T.C.A. §49-8-203.

Rule 0240-3-18-.04 Disciplinary Sanctions is amended by deleting from the title of the rule "Sanctions" and substituting instead "Action" so that as amended the rule shall read:

0240-3-18-.04 DISCIPLINARY ACTION.

Paragraph (1) of rule 0240-3-18-.04 Disciplinary Action is further amended by deleting the paragraph in its entirety and substituting instead the following so that as amended paragraph (1) shall read:

- (1) Upon a determination that a student or organization has violated any of the rules, regulations, or disciplinary offenses set forth in these regulations, the following disciplinary sanctions may be imposed, either singly or in combination, by the appropriate Pellissippi State officials:

Paragraph (2) of rule 0240-3-18-.04 Disciplinary Action is further amended by deleting the paragraph in its entirety (leaving subparagraphs (a) through (h) intact) and renumbering the subsequent paragraphs appropriately.

Subparagraph (c) of paragraph (1) of rule 0240-3-18-.04 Disciplinary Action is further amended by deleting the subparagraph in its entirety and substituting instead the following so that as amended subparagraph (c) shall read:

- (c) Reprimand. A written reprimand, or censure, may be given to any student whose conduct violates these regulations. Such a reprimand does not restrict the student in any way, but does have important consequences. It signifies to the student that he/she is being given another chance to conduct himself/herself as a proper member of the College community, but that any further violation will result in more serious penalties. In addition, a reprimand does remain on file in a student's personnel record for a period of one year.

Subparagraph (d) of paragraph (1) of rule 0240-3-18-.04 Disciplinary Action is further amended by deleting the subparagraph in its entirety and substituting instead the following so that as amended subparagraph (d) shall read:

- (c) Restriction. A restriction upon a student's or organization's privileges for a period of time may be imposed. This restriction may include, for example, denial of the right to represent Pellissippi State in any way, of the use of facilities, of parking privileges, of participation in extracurricular activities, or of full organizational privileges.

Subparagraph (e) of paragraph (1) of rule 0240-3-18-.04 Disciplinary Action is further amended by adding "and" in the second sentence of the subparagraph so that as amended subparagraph (e) shall read:

- (c) Probation. Continued enrollment of a student on probation may be conditioned upon adherence to these regulations. Any student placed on probation will be notified of such in writing and will also be notified of the terms and length of probation. Probation may include restrictions upon the extracurricular activities of a student. Any conduct in violation of these regulations while on probationary status may result in the imposition of a more serious disciplinary sanction.

Subparagraph (f) of paragraph (1) of rule 0240-3-18-.04 Disciplinary Action is further amended by deleting the text of the subparagraph in its entirety and substituting instead the following so that as amended subparagraph (f) shall read:

- (c) Suspension. If a student is suspended, he/she is separated from Pellissippi State for a stated period of time with conditions for readmission stated in the notice of suspension.

Subparagraph (g) of paragraph (1) of rule 0240-3-18-.04 Disciplinary Action is further amended by deleting the text of the subparagraph in its entirety and substituting the following so that as amended subparagraph (g) shall read:

- (c) Expulsion. Expulsion entails a permanent separation from Pellissippi State. The imposition of this sanction does become a part of the student's permanent record, and is a permanent bar to the student's readmission to Pellissippi State.

Subparagraph (h) of paragraph (1) of rule 0240-3-18-.04 Disciplinary Action is further amended by deleting the text of the subparagraph in its entirety and substituting the following so that as amended subparagraph (h) shall read:

- (c) Interim or summary suspension. Though as a general rule, the status of a student accused of violations of College regulations should not be altered until a final determination has been made in regard to the charges against the student. Summary suspension may be imposed upon a finding by the dean of Student Affairs or his/her designated representative that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused, or of any other member of the Pellissippi State community or its guest; destruction of property; or substantial disruption of classroom or other campus activities. In any case of immediate suspension, the student shall be given an opportunity at the time of the decision or immediately thereafter to contest the suspension, and if there are disputed issues of fact or cause and effect, the student shall be provided a hearing on the suspension as soon as possible.

Paragraph (2) (formerly paragraph (3)) of rule 0240-3-18-.04 Disciplinary Action is further amended by deleting the text of the paragraph in its entirety and substituting instead the following so that as amended paragraph (2) shall read:

- (2) The president of Pellissippi State is authorized at his/her discretion, to convert any sanction imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases.

Subparagraph (a) of paragraph (3) (formerly paragraph (4)) of rule 0240-3-18-.04 Disciplinary Action is further amended by deleting the text of the subparagraph in its entirety and substituting instead the following so that as amended subparagraph (a) shall read:

- (a) Both the accuser and the accused are entitled to the same opportunity to have others present during a disciplinary proceeding.

Rule 0240-3-18-.04 Disciplinary Action is further amended by adding new paragraphs (4) and (5) which shall read:

- (4) Disciplinary action may be taken against a student for violations of the above regulations that occur on Pellissippi State-owned, -leased, or otherwise –controlled property, or that occur off-campus 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, that poses a substantial threat to people or property within the Pellissippi State community.
- (5) For the purposes of these regulations, a “student” shall mean any person who is registered for study at Pellissippi State for any academic period, including the time that follows the end of an academic period that the student has completed until the last day for registration for the next succeeding regular academic period, and during any period while the student is under suspension from Pellissippi State.

Authority: T.C.A. §49-8-203.

Paragraph (1) of rule 0240-3-18-.05 Disciplinary Procedures is amended by deleting “Rights of Student Defendant.” and adding “the following” so that as amended paragraph (1) shall read:

- (1) The student defendant shall be afforded all rights required by due process including the following:

Subparagraph (c) of paragraph (1) of rule 0240-3-18-.05 Disciplinary Procedures is further amended by deleting the text of the subparagraph in its entirety and relettering the subsequent subparagraphs appropriately.

Subparagraph (e) of paragraph (1) of rule 0240-3-18-.05 Disciplinary Procedures is further amended by deleting the text of the subparagraph in its entirety and relettering the subsequent subparagraphs appropriately.

Subparagraph (f) of paragraph (1) of rule 0240-3-18-.05 Disciplinary Procedures is further amended by deleting the text of the subparagraph in its entirety and relettering the subsequent subparagraphs appropriately.

Subparagraph (g) of paragraph (1) of rule 0240-3-18-.05 Disciplinary Procedures is further amended by deleting the text of the subparagraph in its entirety and substituting instead the following so that as amended subparagraph (g) shall read:

- (g) The right to be advised of his/her right to appeal the decision of the Pellissippi State official or the designated Disciplinary Committee to the Pellissippi State president through the Student Support Committee.

Subparagraph (h) of paragraph (1) of rule 0240-3-18-.05 Disciplinary Procedures is further amended by deleting the text of the subparagraph in its entirety and substituting instead the following so that as amended subparagraph (h) shall read:

- (g) The right to attend classes and required Pellissippi State functions until a hearing is held and a decision is rendered, except

Part 3. of subparagraph (h) of paragraph (1) of rule 0240-3-18-.05 Disciplinary Procedures is further amended by adding “or” so that as amended part 3. shall read:

3. When the orderly progression of the educational objectives of Pellissippi State may be disrupted; or,

Paragraph (2) of rule 0240-3-18-.05 Disciplinary Procedures is further amended by deleting the text of the paragraph in its entirety and substituting instead the following so that as amended paragraph (2) shall read;

- (2) All cases which may result in suspension or expulsion of a student from Pellissippi State, a program, or a course for disciplinary reasons, or 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 TBR unless the student waives those procedures in writing and elects to have his/her case disposed of in accordance with Pellissippi State procedures established by these rules.

Subparagraph (a) of paragraph (3) of rule 0240-3-18-.05 Disciplinary Procedures is further amended by deleting the text of the subparagraph in its entirety and substituting instead the following so that as amended subparagraph (a) shall read:

- (a) All complaints of alleged misconduct of a student shall be made in writing to the dean of Student Affairs. The complaint shall contain a statement of facts outlining each alleged act of misconduct and shall state the regulation the student is alleged to have violated.

Subparagraph (b) of paragraph (3) of rule 0240-3-18-.05 Disciplinary Procedures is further amended by deleting the text of the subparagraph in its entirety and substituting instead the following so that as amended subparagraph (b) shall read:

- (a) The dean of Student Affairs shall investigate the complaint. If it is determined that the complaint is without merit, the investigation shall promptly cease. If it is determined that there is probable cause to believe a violation did occur, the process shall proceed as outlined.

Subparagraph (c) of paragraph (3) of rule 0240-3-18-.05 Disciplinary Procedures is further amended by deleting the text of the subparagraph in its entirety and substituting instead the following so that as amended subparagraph (c) shall read:

- (a) The student shall be notified in writing by the dean of Student Affairs that he/she is accused of a violation and will be asked to come in for a conference to discuss the complaint.

Subparagraph (d) of paragraph (3) of rule 0240-3-18-.05 Disciplinary Procedures is further amended by deleting the text of the subparagraph in its entirety and substituting instead the following so that as amended subparagraph (d) shall read:

- (a) At the conference, the student shall be advised of the following:

Part 1. of subparagraph (d) of paragraph (3) of rule 0240-3-18-.05 Disciplinary Procedures is further amended by deleting the text of the part in its entirety and substituting instead the following so that as amended part 1. shall read:

1. He/she may admit the alleged violation, waive a hearing in writing, and request that Pellissippi State officials take appropriate action.

Part 4. of subparagraph (d) of paragraph (3) of rule 0240-3-18-.05 Disciplinary Procedures is further amended by adding “the student shall” so that as amended part 4. shall read:

4. If appropriate, the student shall be advised of the option to utilize the TUAPA. If the student elects to proceed under the institutional process, a waiver of TUAPA hearing shall be signed.

Subparagraph (e) of paragraph (3) of rule 0240-3-18-.05 Disciplinary Procedures is further amended by deleting the text of the subparagraph in its entirety and substituting instead the following so that as amended subparagraph (e) shall read:

- (a) In cases referred to the Disciplinary Committee, the dean of Student Affairs shall, at least five days in advance of the hearing, notify the student in writing concerning the following:

Subparagraph (f) of paragraph (3) of rule 0240-3-18-.05 Disciplinary Procedures is further amended by deleting the text of the subparagraph in its entirety and substituting instead the following so that as amended subparagraph (f) shall read:

- (a) The student defendant may designate three persons from the faculty and/or student body to observe the hearing; the chair of the Disciplinary Committee, a faculty, or staff member of the Student Support Committee may, for good cause, designate three observers from the faculty and/or student body. The Disciplinary Committee, however, may exclude any person who may be reasonably expected to interfere materially with the hearing. Otherwise, the hearing and other deliberations of the Disciplinary Committee shall be closed except for appropriate observers from Pellissippi State administration.

Subparagraph (h) of paragraph (3) of rule 0240-3-18-.05 Disciplinary Procedures is further amended by deleting the text of the subparagraph in its entirety and substituting the following so that as amended subparagraph (h) shall read:

- (h) The student shall be notified in writing of his/her right to appeal the decision of the Disciplinary Committee to the president of Pellissippi State through the Appeals and Review Committee within five days of receipt of the decision. In cases of appeal, any action assessed by the Disciplinary Committee shall be suspended pending the outcome of the appeal. A copy of the final decision shall be mailed to the student.

Authority: T.C.A. §49-8-203.

Subparagraph (e) of paragraph (4) of rule 0240-3-18-.06 Traffic and Parking Regulations is amended by deleting the text of the subparagraph in its entirety and relettering the subsequent subparagraphs appropriately.

Paragraph (5) of rule 0240-3-18-.06 Traffic and Parking Regulations is further amended by deleting the text of the paragraph in its entirety and substituting instead the following so that as amended paragraph (5) shall read:

- (5) The upper tier parking areas to the left of the Division Street Campus buildings are designated as faculty and staff and disabled parking only. Student and disabled parking is located in the remaining parking lots located on Pellissippi State property. However, Pellissippi State students may also use the graveled parking lot located across Liberty Street from the Tennessee Technology Center.

Paragraph (6) of rule 0240-3-18-.06 Traffic and Parking Regulations is further amended by deleting the text of the paragraph in its entirety and substituting instead the following so that as amended paragraph (6) shall read:

- (6) Students may park in all spaces except those designated as faculty, staff or disabled.

Subparagraph (c) of paragraph (7) of rule 0240-3-18-.06 Traffic and Parking Regulations is further amended by deleting the text of the subparagraph in its entirety and substituting the following so that as amended subparagraph (c) shall read:

- (c) For illegal parking in fire zone - \$10.00 all violations. For illegal parking in the disabled zone - \$100.00. Motor vehicles illegally parked in these areas are subject to being towed.

Authority: T.C.A. §49-8-203.

Rule 0240-3-18-.08 Registration of Vehicles is amended by adding new paragraph (2) and renumbering the subsequent paragraphs appropriately. New paragraph (2) shall read:

- (2) Hang tags are not required for motorcycles, motorbikes and scooters, but those vehicles should only park in areas designated for motorcycles.

Paragraph (3) (formerly paragraph (2)) of rule 0240-3-18-.08 Registration of Vehicles is further amended by deleting the text of the paragraph in its entirety and substituting instead the following so that as amended paragraph (3) shall read:

- (3) The person to whom the vehicle is registered is responsible for the vehicle and all violations and citations involving the vehicle. If the person operating the vehicle is not the registrant, and a violation is committed, both the operator and the registrant may be fined. Department of Motor Vehicle license tags may be used to identify parking violators.

Paragraph (7) (formerly paragraph (8)) of rule 0240-3-18-.08 Registration of Vehicles is further amended by adding “move the hang tag to the temporary vehicle or should” so that as amended paragraph (7) shall read:

- (6) Registrants who are unable to drive their own vehicles on a particular day should move the hang tag to the temporary vehicle or should leave explanatory notes displayed on the dashboards (along with their decal number) to alert the public safety officer.

Paragraph (8) (formerly paragraph (9)) of rule 0240-3-18-.08 Registration of Vehicles is further amended by deleting “college” and “provided in parking areas” and substituting “College” and “the A-1 parking area or in any open (O) lots.” so that as amended paragraph (8) shall read:

- (6) Visitors are defined as persons not connected with the College but who occasionally have business or other reasons to be on the campus. Designated visitor space will be the A-1 parking area or in any open (O) lots.

Authority: *T.C.A. §49-8-203.*

The proposed rules set out herein were properly filed in the Department of State on the 28th day of February, 2000 and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of June, 2000. (02-52)

THE TENNESSEE BOARD OF REGENTS - 0240
STATE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF TENNESSEE
NORTHEAST STATE TECHNICAL COMMUNITY COLLEGE

CHAPTER 0240-3-20
STUDENT DISCIPLINARY RULES

Presented herein are proposed amendments of the Tennessee Board of Regents submitted pursuant to *Tennessee Code Annotated, § 4-5-202* in lieu of a rulemaking hearing. It is the intent of the Tennessee Board of Regents 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 amendments are published. Such petition to be effective must be filed in Suite 350 of the Genesco Park building located at 1415 Murfreesboro Road, Nashville, TN 37217 and in the Department of State, Fifth Floor, James K. Polk State Office Building, Sixth and Deaderick, Nashville, TN 37219, and must be signed by twenty-five (25) persons who will be affected by the rules, or submitted by a municipality which will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of this proposed rule, contact: Mary Slater, 1415 Murfreesboro Road, Suite 350, Nashville, Tennessee 37217, Tennessee Board of Regents, 615-366-4438.

The text of the proposed amendments is as follows:

AMENDMENTS

Subparagraphs (a) through (c) of paragraph (3) of rule 0240-3-20-.06 Traffic and Parking Regulations is amended by deleting the text of the subparagraphs in their entirety and substituting instead and adding the following so that as amended subparagraphs (a) through (c) shall read:

- | | |
|--------------------------------------|---|
| (a) Parking in Fire Lane | \$50 |
| (b) Parking in Restricted Area | \$ 5 (1 st offense) |
| | \$10 (2 nd offense) |
| | \$25 (3 rd offense) |
| | \$50 (4 th and each subsequent ticketed offense) |
| (c) Moving Violations | \$ 15 |
| (d) Parking in Disabled Parking Area | \$100 |
| (e) Failure to Register Vehicle | \$ 10 |

Authority: *T.C.A. §49-8-203.*

The proposed rules set out herein were properly filed in the Department of State on the 28th day of February, 2000 and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of June, 2000. (02-53)

TENNESSEE DEPARTMENT OF TRANSPORTATION - 1680**CHAPTER 1680-2-2
OVERWEIGHT AND OVERDIMENSIONAL
MOVEMENTS ON TENNESSEE HIGHWAYS**

Presented herein are proposed amendments of the Tennessee Department of Transportation submitted pursuant to *T.C.A. § 4-5-202* in lieu of a rulemaking hearing. It is the intent of the Tennessee Department of Transportation to promulgate this rule 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. Such petition to be effective must be filed with the Tennessee Department of Transportation, Suite 800, James K. Polk Building, 505 Deaderick Street, Nashville, Tennessee 37243-0349, and in the Department of State, Suite 1700, James K. Polk Building, 505 Deaderick Street, Nashville, Tennessee 37243-0310, and must be signed by twenty-five (25) persons who will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. For copies of the entire text of this rule contact: Bob Byrd, Tennessee Department of Transportation, 8th Floor, James K. Polk Bldg., 505 Deaderick Street, Nashville, TN 37243, Telephone: (615) 741-1751. The text of the proposed rule is as follows:

AMENDMENTS

Rule 1680-2-2-.07, Additional Requirements for Equipment With Blades, is amended by deleting the rule in its entirety and substituting the following language so that as amended the rule shall read:

- (1) In the interest of safety, equipment, such as but not limited to bulldozers with blades, or other protruding sharp objects of any kind which create an overwidth exceeding 10'6" but not exceeding thirteen feet six inches (13'6"), will be loaded in such a manner to place the blade or protruding sharp object to the rear of the hauling equipment.
- (2) No permit will be issued for blades or protruding sharp objects creating width in excess of thirteen feet six inches (13'6").
- (3) No annual permits will be issued.

Authority: *T.C.A. §55-7-205.*

Part 6 of subparagraph (1) (b) of Rule 1680-2-2-.16, Conditions for Permitting Movement of Houseboats, is amended by deleting the current language in its entirety and substituting the following language so that as amended the part shall read:

6. Special permits may be issued for movements Monday through Saturday and shall only be valid for six (6) days. Furthermore, movements over fourteen feet (14') in width and up to but not exceeding sixteen feet (16') in width shall only be made Monday through Friday between the hours of 9:00 a.m. to 4:00 p.m. (local time) and on Saturday from sunrise to sunset. No annual permits shall be issued.

Authority: *T.C.A. §55-7-205.*

Paragraph (1) of Rule 1680-2-2-.22, Financial Responsibility, is amended by deleting the paragraph in its entirety and substituting the following language so that as amended the paragraph shall read:

- (1) Any person, firm, company, corporation or other who undertakes the movement of any overweight and/or overdimensional article and/or commodity on the highways of the State of Tennessee shall hold the State of Tennessee, and its officers and employees, harmless from any claims for damages resulting from the exercise of any of the privileges granted under the Special Permit so issued for such overweight and/or overdimensional movement, and to this end, shall carry liability insurance with an Insuror acceptable to the Commissioner of Transportation, and shall furnish a certificate of insurance to the Commissioner of Transportation, in the amount of not less than three hundred thousand dollars (\$300,000.00) for each claimant injured and one million dollars (\$1,000,000.00) per occurrence.

Authority: T.C.A. §55-7-205.

Paragraph (7) of Rule 1680-2-2-.24, Fees, is amended by deleting the paragraph in its entirety and substituting the following language so that as amended the paragraph shall read:

(7) Authorized Vendor Stations

- (a) Permits (except annual permits) may be received and paid for through the various authorized vendor stations. At the present time these vendors are:
 1. Comdata Network, Inc. (Transceiver)
 2. Xero-Fax, Inc.
 3. Interstate Permit Service, Inc.
 4. The Permit Company
 5. Transport Permits
 6. Jet Permits
 7. State Permits
 8. Best Permit Agency
 9. Maryland Permit Service
 10. Permits, Inc.
- (b) Special permits pertaining to overweight and/or overdimensional movements may be obtained only from the Department of Transportation (telephone #: (615) 741-3821).

Authority: T.C.A. §55-7-205.

The proposed rules set out herein were properly filed in the Department of State on the 3rd day of February, 2000, and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th June, 2000. (02-03)

PUBLIC NECESSITY RULES

PUBLIC NECESSITY RULES NOW IN EFFECT

(For the text of the Public Necessity rules see issue of T.A.R. cited)

- 1220 - Department of Health - Nutrition Services Section - Public necessity rules dealing with merchant sanctions, civil money penalties in lieu of disqualification, issuance of State sanctions on merchants for reasons of program abuse, training of staff in the Program's fourteen regional offices, informing merchants and handling amendment of their contracts with the Department, chapter 1200-15-2 Special Supplemental Nutrition Program for women, Infants and Children, T.A.R., volume 26, number 1 (January 2000). Filed December 30, 1999; effective through June 12, 2000. (12-29)

- 1220 - Tennessee Regulatory Authority - Consumer Services Division - Public necessity rules establishing a database of residential telephone subscribers who object to receiving telephone solicitations and the underlying program to service and enforce such a database, chapter 1220-4-11 Telephone Solicitation Regulations - Do Not Call Register, T.A.R., volume 26, number 1 (January 2000). Filed December 30, 1999; effective through June 12, 2000. (12-31)

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pg. 78

RULEMAKING HEARINGS

BOARD OF CHIROPRACTIC EXAMINERS - 0260

There will be a hearing before the Tennessee Board of Chiropractic Examiners to consider the promulgation of amendments to rules pursuant to *T.C.A. §§ 4-5-202, 4-5-204, and 63-4-106*. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, *Tennessee Code Annotated, Section 4-5-204* and will take place in the Magnolia Room of the Cordell Hull Building located at 425 Fifth Avenue North, Nashville, TN at 2:30 p.m. (CDT) on the 18th day of April, 2000.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, Division of Health Related Boards to discuss any auxiliary aids or services needed to facilitate such participation or review. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date such party intends to review such filings), to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the Division's ADA Coordinator at the Division of Health Related Boards, First Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247-1010, (615) 532-4397.

For a copy of the entire text of this notice of rulemaking hearing contact:

Jerry Kosten, Regulations Manager, Health Related Boards, 425 Fifth Avenue North, First Floor, Cordell Hull Building, Nashville, TN 37247-1010, (615) 532-4397.

SUBSTANCE OF PROPOSED RULES

AMENDMENTS

Chapter 0260-2, General Rules Governing Chiropractic Examiners, is amended by changing the word "administrator" to the words "Unit Director" wherever they appear in this chapter.

Authority: *T.C.A. §§4-5-202, 4-5-204, 63-14-102, and 63-14-106.*

Rule 0260-2-.02, Scope of Practice, is amended by adding the following language as new subparagraph (2) (d):

(2) (d) Paragraph (e)

1. The board interprets this subparagraph to mean that only persons trained as chiropractic, medical or osteopathic physicians may perform spinal manipulation.
2. Training must be performed in chiropractic institutions or institutions that specialize in spinal manipulative therapy. Spinal manipulation is a highly skilled maneuver that requires adequate training. Four hundred (400) hours of classroom instruction and eight hundred (800) hours of supervised clinical training are considered a minimum level of education to properly administer the techniques.

3. Spinal manipulation and spinal adjusting are synonymous terms and can be used interchangeably, Other common interchangeable terms include spinal manipulative therapy (SMT), chiropractic manipulative therapy (CMT), spinal manual therapy, chiropractic manual therapy, manipulation, alignment, and adjustment. These terms refer to high velocity - low amplitude manipulations that often result in cavitation (an audible release of the joint). It also refers to low velocity - high amplitude manipulations that may result in cavitation.
4. Spinal manipulation may be performed by hand only, or with the use of instruments such as Activator, Grostic, Pettibon, or Sweat instrumentation. Spinal manipulation is often performed with the use of special equipment such as drop or flexion/distraction tables.
5. Manipulation moves the spinal segments beyond their active range of motion into the para-physiological space, but does not exceed the limits established by ligamentous structures.
6. Physicians who, by law, can arrive at a working diagnosis are the only persons allowed to perform spinal manipulation. A diagnosis is necessary to properly establish the indications for, and contraindications to manipulation before the administration of the procedure.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-14-101, and 63-14-106.

Rule 0260-2-.12, Continuing Education, is amended by adding the following language as new paragraph (2) and renumbering the remaining paragraphs accordingly:

- (2) New licensee requirement - A six (6) hour Board approved course in risk management, sexual/professional boundaries, and Tennessee statutory and regulatory chiropractic jurisprudence shall constitute part of the twelve (12) clock hour continuing education requirement in paragraph (1) of this rule for the first calendar year that continuing education is required.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-4-106, and 63-4-112.

Rule 0260-2-.13, Professional Ethics, is amended by adding the following language as new paragraph (8):

- (8) Sexual misconduct.
 - (a) Licensees shall not engage in sexual harassment. Sexual harassment is sexual solicitation, physical advances or verbal or nonverbal conduct that is sexual in nature, that occurs in connection with the licensee's activities or roles as a licensee and that either is unwelcome, offensive, or creates a hostile workplace environment and the licensee knows or is told this, or is sufficiently severe or intense to be abusive to a reasonable person in the context. Sexual harassment can consist of a single intense or severe act or of multiple persistent or pervasive acts.
 - (b) Licensees shall not engage in sexual relationships with current patients, employees, or co-workers because such relationships are likely to impair judgement or be exploitative.
 - (c) Licensees shall not accept as patients persons with whom they have engaged in sexual intimacies.
 - (d) Sexual intimacies with former patients.

1. Licensees shall not engage in sexual intimacies with a former patient for at least six (6) months after cessation or termination of professional services.
2. Because sexual intimacies with a former patient are so frequently harmful to the patient and because such intimacies undermine public confidence in the chiropractic profession and thereby deter the public's use of needed services, licensees shall not engage in sexual intimacies with former patients even after a six (6) month interval except in the most unusual circumstances. The licensee who engages in such activity after the six (6) months following cessation or termination of treatment bears the burden of demonstrating that there has been no exploitation, in light of all relevant factors, including:
 - (i) the amount of time that has passed since treatment terminated; and
 - (ii) the nature and duration of the treatment; and
 3. the circumstances of termination; and
 4. the likelihood of adverse impact on the patient or client and others; and
 5. any statements or actions made by the licensee during the course of treatment suggesting or inviting the possibility of a post termination sexual or romantic relationship with the patient.
- (e) Licensees must respect a patient's dignity at all times and should provide appropriate gowns and private facilities for dressing, undressing, and examination. In most situations, a licensee should not be present in the room when a patient is dressing or undressing.
- (f) Licensees may wish to consider having a chaperon present during examination for the protection of both the patient and the licensee. A licensee should refuse to examine sensitive parts of the patient's body without a chaperone present if the licensee believes the patient is sexualizing the examination.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-4-106, and 63-4-114.

Rule 0260-2-.15, Disciplinary Actions, Civil Penalties, Informal Settlements, Screening Panels, Subpoenas, and Assessment of Costs, is amended by deleting the last sentence in subpart (5) (b) 1. (i) and is further amended by deleting subpart (5) (b) 1. (ii) in its entirety and renumbering the remaining subpart accordingly.

Rule 0260-2-.15, Disciplinary Actions, Civil Penalties, Informal Settlements, Screening Panels, Subpoenas, and Assessment of Costs, is amended by deleting the last sentence in part (5) (b) 2.

Rule 0260-2-.15, Disciplinary Actions, Civil Penalties, Informal Settlements, Screening Panels, Subpoenas, and Assessment of Costs, is amended by adding the following language as new subpart (5) (c) 1. (i) and renumbering the remaining subparts accordingly:

- (5) (c) 1. (i) Investigative subpoenas are available only for issuance to the authorized representatives of the Tennessee Department of Health, its investigators, and its legal staff.

Rule 0260-2-.15, Disciplinary Actions, Civil Penalties, Informal Settlements, Screening Panels, Subpoenas, and Assessment of Costs, is amended by deleting renumbered subpart (5) (c) 1. (iii) in its entirety and substituting instead the following language, so that as amended, the new renumbered subpart (5) (c) 1. (iii) shall read:

(5) (c) 1. (iii) The Board's Unit Director shall cause to have the following done:

- (I) In as timely a manner as possible arrange for either an elected officer of the board, or any duly appointed or elected chairperson of any panel of the board, or any screening panel, or any hearing officer, arbitrator or mediator to preside and determine if the subpoena should be issued; and
- (II) Establish a date, time and place for the proceedings to be conducted and notify the presiding officer, the applicant and the court reporter; and
- (III) Maintain a complete record of the proceedings including an audio tape in such a manner as to:
 - I. Preserve a verbatim record of the proceeding; and
 - II. Prevent the person presiding over the proceedings and/or signing the subpoena from being allowed to participate in any manner in any disciplinary action of any kind formal or informal which may result which involves either the person or the documents or records for which the subpoena was issued.

Rule 0260-2-.15, Disciplinary Actions, Civil Penalties, Informal Settlements, Screening Panels, Subpoenas, and Assessment of Costs, is amended by deleting renumbered item (5) (c) 1. (iv) IV. in its entirety and substituting instead the following language, so that as amended, the new renumbered item (5) (c) 1. (iv) IV. shall read:

- IV. Provide the presiding officer testimony and/or documentary evidence which in good faith the applicant believes is sufficient to establish that probable cause exists for issuance of the subpoena as well as sufficient proof that all other reasonably available alternative means of securing the materials, documents or items have been unsuccessful.

Rule 0260-2-.15, Disciplinary Actions, Civil Penalties, Informal Settlements, Screening Panels, Subpoenas, and Assessment of Costs, is amended by deleting part (5) (c) 2. in its entirety and substituting instead the following language, so that as amended, the new renumbered part (5) (c) 2. shall read:

- (5) (c) 2. Post-Notice of Charges Subpoenas - If the subpoena is sought for a contested case being heard with an Administrative Law Judge from the Secretary of State's office presiding, this definition shall not apply and all such post-notice of charges subpoenas should be obtained from the office of the Administrative Procedures Division of the Office of the Secretary of State pursuant to the Uniform Administrative Procedures Act and rules promulgated pursuant thereto.

Rule 0260-2-.15, Disciplinary Actions, Civil Penalties, Informal Settlements, Screening Panels, Subpoenas, and Assessment of Costs, is amended by deleting the words "Informal Settlements" from the catchline, and is further amended by deleting paragraph (3) in its entirety, and renumbering the remaining paragraphs accordingly.

Authority: *T.C.A. §§ 4-5-202, 4-5-204, 4-5-311, 63-4-106, and 63-4-115.*

Chapter 0260-3, General Rules Governing Chiropractic X-Ray Technologists, is amended by changing the word "administrator" to the words "Unit Director" wherever they appear in this chapter.

Authority: *T.C.A. §§4-5-202, 4-5-204, 63-14-102, 63-4-106, and 63-4-123.*

Rule 0260-3-.14, Disciplinary Actions and Civil Penalties, is amended by deleting paragraph (3) in its entirety.

Authority: *T.C.A. §§4-5-202, 4-5-204, 63-4-106, and 63-4-123.*

The notice of rulemaking set out herein was properly filed in the Department of State on the 24th day of February, 2000. (02-34)

**THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION - 0400
DIVISION OF SUPERFUND**

There will be a hearing conducted by the Division of Superfund on behalf of the Solid Waste Disposal Control Board to receive public comments regarding the promulgation of amendment of rules pursuant to *T.C.A. Sections 68-212-203 and 68-212-215*. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, *Tennessee Code Annotated, Section 4-5-204* and will take place at the Michie City Hall, 6015 Highway 22 South, Michie, Tennessee 38357 on May 8, 2000, at 6:30 p.m. Individuals with disabilities who wish to participate should contact the Tennessee Department of Environment and Conservation to discuss any auxiliary aids or services needed to facilitate such participation. Such contact may be in person, by writing, telephone, or other means and should be made no less than ten (10) days prior to the hearing date to allow time to provide such aid or services. Contact: Tennessee Department of Environment and Conservation, ADA Coordinator, 7th Floor Annex, 401 Church Street, Nashville, TN 37248, (615)532-0059. Hearing impaired callers may use the Tennessee Relay Service, (1-800-848-0298)

SUBSTANCE OF PROPOSED RULES

**CHAPTER 1200-1-13
HAZARDOUS SUBSTANCE SITE REMEDIAL ACTION**

AMENDMENTS

Rule 1200-1-13-.13 List of Inactive Hazardous Substance Sites is amended by deleting the following site from the list, such deletion being made in a manner so that the entire list remains in numerical order:

<u>Site Number</u>	<u>Site Name</u>
	McNairy County (55)
55-508	Michie Dump Michie, TN

Authority: *T.C.A. §§68-212-206(e) and § 68-212-215(e).*

The notice of rulemaking set out herein was properly filed in the Department of State on the 29th day of February, 2000. (02-55)

**THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION - 0400
DIVISION OF SUPERFUND**

There will be a hearing conducted by the Division of Superfund on behalf of the Solid Waste Disposal Control Board to receive public comments regarding the promulgation of amendment of rules pursuant to *T.C.A. Sections 68-212-203 and 68-212-215*. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, *Tennessee Code Annotated, Section 4-5-204* and will take place at the Tennessee Department of Environment and Conservation, Columbia Environmental Assistance Center, Conference Room, 2484 Park Plus Drive, Columbia, TN 38401 on April 24, 2000, at 6:00 p.m. Individuals with disabilities who wish to participate should contact the Tennessee Department of Environment and Conservation to discuss any auxiliary aids or services needed to facilitate such participation. Such contact may be in person, by writing, telephone, or other means and should be made no less than ten (10) days prior to the hearing date to allow time to provide such aid or services. Contact: Tennessee Department of Environment and Conservation, ADA Coordinator, 7th Floor Annex, 401 Church Street, Nashville, TN 37248, (615)532-0059. Hearing impaired callers may use the Tennessee Relay Service, (1-800-848-0298)

SUBSTANCE OF PROPOSED RULES

**CHAPTER 1200-1-13
HAZARDOUS SUBSTANCE SITE REMEDIAL ACTION**

AMENDMENTS

Rule 1200-1-13-.13 List of Inactive Hazardous Substance Sites is amended by deleting the following site from the list, such deletion being made in a manner so that the entire list remains in numerical order:

<u>Site Number</u>	<u>Site Name</u>
60-548	Maury County (60) Cantwell Enterprises, Inc. Columbia, TN

Authority: T.C.A. § 68-212-206(e) and § 68-212-215(e).

The notice of rulemaking set out herein was properly filed in the Department of State on the 28th day of February. (02-40)

**THE DEPARTMENT OF HEALTH - 1200
DIVISION OF HEALTH CARE FACILITIES**

There will be a hearing before the Tennessee Department of Health to consider the promulgation of rules pursuant to T.C.A. §§ 68-11-202 et seq., 68-11-209 and 68-11-832. The hearing will be conducted in the manner prescribed by the Uniform Administration Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Magnolia Room on the ground floor of the Cordell Hull Building located at 425 5th Avenue North, Nashville, Tennessee 37247-0508 at 10:30 a.m. C.T. on the 17th day of April, 2000.

Any individuals with disabilities who wish to participate in these proceedings should contact the Department of Health to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date to allow time for the Department of Health to determine how it may reasonably provide such aid or service. Initial contact may be made with the Division's ADA Coordinator at 425 5th Avenue North, Nashville, Tennessee, Telephone 615-741-7461.

For a copy of this notice of rulemaking hearing, contact: Carol Mace, 425 5th Avenue North, Nashville, Tennessee 37247-0508, Telephone 615-741-7461.

SUBSTANCE OF PROPOSED RULES

**THE TENNESSEE DEPARTMENT OF HEALTH
BOARD FOR LICENSING HEALTH CARE FACILITIES**

**CHAPTER 1200-8-31
EDEN ALTERNATIVE™ GRANTS PROGRAM**

TABLE OF CONTENTS

1200-8-31-.01 Definitions	1200-8-31-.06 Proposal Review Process
1200-8-31-.02 Purpose	1200-8-31-.07 Awarding of Grants
1200-8-31-.03 Participation of Providers	1200-8-31-.08 Required Training
1200-8-31-.04 Funding and Grant Award Amounts	1200-8-31-.09 Records and Reports
1200-8-31-.05 Submission of Grant Proposals	1200-8-31-.10 Program Evaluation

1200-8-31-.01 DEFINITIONS.

- (1) Administrator. A person currently:
 - (a) Licensed as such by the Tennessee Board of Examiners for Nursing Home Administrators; or,
 - (b) Certified as such by the Tennessee Board for Licensing Health Care Facilities.
- (2) Assisted Care Living Facility. A facility currently licensed as such by the Tennessee Board for Licensing Health Care Facilities.
- (3) Board. The Tennessee Board for Licensing Health Care Facilities.
- (4) Commissioner. The Commissioner of the Tennessee Department of Health or his or her authorized representative.
- (5) Department. The Tennessee Department of Health.
- (6) Eden Alternative™. A philosophy developed by Dr. William H. Thomas dedicated to ending loneliness, helplessness and boredom in long term care institutions by transforming individual facilities into human habitats through the adoption of the concepts and principles of the Eden Alternative™.
- (7) Home for the Aged. A facility currently licensed as such by the Tennessee Board for Licensing Health Care Facilities.
- (8) Licensee. The person or entity to whom the license is issued. The licensee is held responsible for compliance with all rules and regulations.
- (9) Resident. For the purpose of this rule, a resident includes but is not limited to:
 - (a) Any person who is admitted to a nursing home; or,
 - (b) Any person who is admitted to an assisted care living facility; or,
 - (c) Any person who is admitted to a home for the aged.
- (10) Shall or must. Compliance is mandatory.
- (11) Tennessee Eden Alternative™ Coalition. An association dedicated to improving the quality of life for long term care residents through the promotion of the Eden Alternative™ process.

Authority: *T.C.A. §§ 4-5-202, 4-5-204, 68-11-201, 68-11-202, 68-11-209, 68-11-827 and 68-11-832.*

1200-8-31-.02 PURPOSE.

The Tennessee Eden Alternative™ Grant Assistance Program was established for the purpose of enhancing the quality of life for nursing home, assisted care living facility and home for the aged residents in Tennessee through the promotion and support of the concepts of the Eden Alternative™. The Tennessee Eden Alternative™ Grant Program was developed to provide seed money to nursing home, assisted care living, and home for the aged facilities that are committed to implementation of the Eden Alternative™ process. The goals of the Tennessee Eden Alternative™ Grant Assistance Program are: 1) to accomplish direct improvement in the quality of life for residents and staff of participating facilities; and 2) to establish participating facilities as resources for other facilities that may be interested in implementation of the Eden Alternative™ process or similar efforts in the future.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-11-202, 68-11-209, 68-11-827 and 68-11-832.

1200-8-31-.03 PARTICIPATION OF PROVIDERS.

- (1) Eligibility for participation in the Grant Program is limited to nursing homes, assisted care living facilities and homes for the aged licensed and in good standing by the Tennessee Department of Health.
- (2) To be eligible to participate in this program, the facility must meet all of the following requirements:
 - (a) Have been free, for one (1) year, of any disciplinary sanction ordered by the Commissioner, the Board, or the Health Care Financing Administration;
 - (b) Be in compliance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990 (ADA); and,
 - (c) Be free of current deficiencies which endanger or restrict the rights of a resident.
- (3) The Department will take appropriate steps to notify eligible providers of the availability of this program, of the requirements to participate, and of the process to apply for consideration.
- (4) Grant awards may only be utilized in the facility named in the grant application.
- (5) Only one grant proposal may be submitted per facility, per fiscal year.
- (6) Proposals must contain the required information described in section .05 of these rules.
- (7) All applicants and/or participating facilities must comply with all other requirements of the Grant Program, in addition to remaining in compliance with applicable state and/or federal statutes, regulations and guidelines.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-827 and 68-11-832.

1200-8-31-.04 FUNDING AND GRANT AWARD AMOUNTS

- (1) Funding for the Grant Program is provided from the Nursing Home Resident Trust Account, established with State and/or federal civil monetary penalties collected through enforcement activities against nursing homes.
- (2) No more than \$50,000 shall be expended from the State's Nursing Home Resident Trust Account in any fiscal year to finance the Eden Alternative™ Grant Assistance Program.

- (3) A maximum of ten (10) Eden Alternative™ grants, of not more than five thousand dollars (\$5,000) each, shall be awarded in any fiscal year from the State's Nursing Home Resident Trust Account.
- (4) Of the ten (10) facilities selected to receive grant awards annually, at least five (5) shall be nursing homes, three (3) shall be assisted care living facilities, and two (2) shall be homes for the aged.
- (5) Should the Department receive fewer grant proposals than the allotted number for any facility type in any fiscal year, the Coalition may select from grant proposals submitted by other facility types for that year and the Commissioner is authorized to award the grants to such other Coalition-recommended facility types for that year.
- (6) Should the Department determine, in any fiscal year, that insufficient funds exist in the State's Nursing Home Resident Trust Account to implement this program, the Commissioner may augment available State Nursing Home Resident Trust Account funds with private donations to ensure that sufficient funding is available to implement this program each year.
- (7) Should the Department become the recipient of additional funding from state or federal allocations, private donations or grants for the purpose of implementing, administering or continuing this program, the Commissioner may utilize such funds to issue additional grants, to educate the public about the Eden Alternative™, and to further the implementation of the Eden Alternative™ Grant Assistance Program.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-11-202, 68-11-209 and 68-11-251, 68-11-827 and 68-11-832.

1200-8-31-.05 SUBMISSION OF GRANT PROPOSALS.

- (1) The original grant proposal/application and six (6) copies must be submitted to the Department and must be post-marked no later than March 30 of each year to be eligible for participation during the upcoming fiscal year, beginning July 1.
- (2) Grant proposals must be typed and contain the following information:
 - (a) Facility name, address, telephone number and fax number; Facility owner/operator name, license number, and, administrator's name, if different;
 - (b) Grant contact person's name, and telephone number;
 - (c) Medicaid and/or Medicare provider number, if any;
 - (d) Facility federal identification number, or if none, the owner's social security number; and,
 - (e) Number and type of beds.
- (3) In addition, the applicant must submit a detailed proposal for implementing The Eden Alternative™ concepts that indicates a clear understanding of the principles of "Edenizing" a facility, written in the following format:
 - (a) Vision. A vision of the Eden Alternative™ in your facility and how the implementation of the process will improve the lives of your residents and staff members;
 - (b) Education.

1. Explain what efforts have already been made to educate the corporate staff, board members, administrative staff, management staff, front-line staff, residents and families about the Eden Alternative™ concept;
 2. Explain plans to educate staff and medical director, residents, families, and the community about the vision and the changes that will be made in the facility. Explain how these proposed changes will be managed; and,
 3. Explain what on-going educational programs the facility will have for new staff, residents and families.
- (c) Implementation. Explain how each of the following components of the Eden Alternative™ will be implemented:
1. Employee empowerment and employee teams;
 2. Plants;
 3. Animals;
 4. Intergenerational opportunities;
 5. Family and community education and/or involvement; and,
 6. Self-sufficiency. Describe how the facility plans to achieve self-sufficiency in order to continue the Eden Alternative™ process.
- (d) Management Support. The following must be attached to the proposal:
1. Letters of endorsement from the managing corporation, owner, and building owner, where applicable; and,
 2. Demonstration of continuity of management staff and their involvement in the facility's Eden Alternative™ process, e.g., administrator, assistant administrator, director of nursing, etc.
- (e) Required documentation. The following must be attached to the proposal:
1. A carefully documented budget and budget narrative, including other funding sources (both direct and in-direct funding, in-kind contributions, and other resources);
 2. A timeline indicating proposed educational events and implementation activities;
 3. A letter of agreement and support from the medical director and/or attending physician(s); and,
 4. Any additional pertinent supporting documentation that would be helpful to the evaluation of the proposal.

1200-8-31-.06 PROPOSAL REVIEW PROCESS

- (1) Once all proposals have been received by the Department, copies of the proposals will be provided to the Tennessee Eden Alternative™ Coalition Grant Review Committee, along with any enforcement documentation pertinent to those facilities submitting proposals.
- (2) Tennessee Eden Alternative Coalition Grant Review Committee members must include trained Eden Alternative™ Associates and staff of certified Eden Alternative™ facilities.
- (3) Any Coalition Grant Selection Committee member holding financial interest in a proposing facility shall not participate in the ranking or selection process involving that facility.
- (4) Grant applicants may be requested by the Committee, prior to evaluation of the proposals, to provide additional clarification as necessary.
- (5) The Committee will meet within two (2) weeks of the submission deadline to review the proposals and conduct a preliminary screening. Proposals will be rated as follows:
 - (a) Vision;
 - (b) Education;
 - (c) Implementation;
 - (d) Self-sufficiency;
 - (e) Management Support; and,
 - (f) Required documentation.
- (6) By April 30 of each year, the Committee will submit to the Commissioner a ranked list of proposing facilities categorized by facility type which includes any information or justification necessary for the Commissioner to make an informed decision to finalize the selections.

Authority: *T.C.A. §§ 4-5-202, 4-5-204, 68-11-202, 68-11-209 and 68-11-251, 68-11-827 and 68-11-832.*

1200-8-31-.07 AWARDING OF GRANTS

- (1) The Commissioner will select the ten (10) grantee facilities from the list of ranked proposals submitted by the Coalition to receive grants from the State Nursing Home Trust Account.
- (2) The Commissioner may make revisions to the rankings as necessary.
- (3) On or before May 31 of each year, the Commissioner will notify applicant facilities of those selected to receive an Eden Alternative™ grant for the upcoming State fiscal year beginning July 1.
- (4) Facilities awarded a grant will sign and adhere to a contract developed in accordance with Finance and Administration contracting procedures.

- (5) Facilities will be reimbursed for actual expenditures related to Eden Alternative™ activities, up to the maximum amount of five thousand dollars (\$5,000). Such expenditures must be planned for and included in the facility's budget portion of the proposal.
- (6) Requests for minor revisions to the facility's Eden Alternative™ budget must be submitted in writing to the Department for approval.
- (7) A grantee may be terminated from participation in the Eden Alternative™ Grant Assistance Program, following an administrative hearing held in accordance with the Uniform Administrative Procedures Act, for any of the following reasons:
 - (a) An order of the Commissioner or the Board imposes discipline upon the grantee;
 - (b) The grantee loses its license to operate;
 - (c) The facility/grantee fails to comply with any of the provisions of these rules; or,
 - (d) The facility/grantee submits false or erroneous claims for reimbursement.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-827 and 68-11-832.

1200-8-31-.08 REQUIRED TRAINING

- (1) Eden Alternative™ Associate Training must be completed by at least two (2) staff from each of the selected facilities, including the administrator, within six (6) months of receipt of the grant.
- (2) Grantees will also be required to take part in scheduled training developed or sponsored by the Department, the Coalition, or the Eden Alternative™ to focus on Eden Alternative™ team building, staff development/involvement, or other management-related topics. Participants of this training must include the administrator and key management staff.
- (3) Reimbursement for staff attendance of Eden Alternative™ Associate Training is an allowable expenditure for purposes of the grant.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-827 and 68-11-832.

1200-8-31-.09 RECORDS AND REPORTS

- (1) Selected facilities are required to submit quarterly progress reports to the Department on the facility's implementation of the Eden Alternative™.
- (2) Reports shall include, but not be limited to:
 - (a) Budget expenditures;
 - (b) Milestones achieved;
 - (c) Comparison data; and,
 - (d) Successes or problems encountered during the process.

- (3) All data collected in relation to the grant program shall be submitted as scheduled, in a format specified by the Department. This data will be compiled and may be used by the Department for publication and distribution.
- (4) The grantee may not copyright materials originated in the performance of the grant activities without expressed written consent from the Department or the Eden Alternative™.
- (5) Each grantee facility should serve as a demonstration project and make information available on its Eden Alternative™ process to other facilities in the state, including establishing a process for on-site visits or tours of the facility.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-827 and 68-11-832.

1200-8-31-.10 PROGRAM EVALUATION.

- (1) Department representatives may make visits to grantee facilities for the purposes of evaluating the effectiveness of the program.
- (2) The Commissioner shall prepare an annual report assessing the viability of the Eden Alternative™ Grant Assistance Program and availability of funding for the next upcoming fiscal year.
- (3) The Commissioner, or his or her designee, will compile and prepare materials for disclosure and distribution utilizing information and data compiled from participating and non-participating facilities to identify trends and encourage adoption of the Eden Alternative™ process in health care institutions statewide.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-827 and 68-11-832.

The notice of rulemaking set herein was properly filed in the Department of State on the 15th day of February, 2000. (02-25)

THE TENNESSEE COMMISSION OF INDIAN AFFAIRS - 0785

This notice rescinds the previous Notice of Rulemaking Hearing by the Tennessee Commission of Indian Affairs published in the Tennessee Administrative Register on February 15, 2000. This notice sets a new date for the Rulemaking Hearing and a new deadline for written comments as follows:

There will be a hearing before the Tennessee Commission of Indian Affairs to consider the promulgation of amendments of rules pursuant to Tennessee Code Annotated 4-34-103 (10). The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the following location: Room 29, Legislative Plaza, Nashville, TN 37243, on April 15, 2000, at 12:00 P.M. Central Time.

Written comments will be included in the hearing records if received by the close of business on April 15, 2000, at the Tennessee Commission of Indian Affairs, 7th floor, L & C Tower, 401 Church Street, Nashville, TN 37243.

Any individuals with disabilities who wish to participate in these proceeding (to review these filings) should contact the Tennessee Commission of Indian Affairs to discuss any auxiliary aids of services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date the party intends to review such filings), to allow time for the Tennessee Commission of Indian Affairs to determine how it may reasonably provide such aid or service. Initial contact may be made with the Tennessee Commission of Indian Affairs ADA Coordinator, Toye Heape, 7th Floor, L & C Annex, 401 Church Street, Nashville, TN 37243-0459, (615) 532-0745. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

For a copy of this notice of rulemaking hearing, contact: Toye Heape, 7th Floor, L & C Annex, 401 Church Street, Nashville, TN, 37243, Tennessee Commission of Indian Affairs, (615) 532-0745.

SUBSTANCE OF PROPOSED RULES

CHAPTER 0785-1-05

RECOGNITION CRITERIA FOR NATIVE AMERICAN INDIAN INDIVIDUALS IN TENNESSEE

AMENDMENTS

Paragraph 2 of rule 0785-1-.05 Recognition Criteria for Native American Indian Individuals is amended by adding subparagraphs (c) through (f) so that, as amended, the paragraph shall read:

- (2) Individuals may be enrolled with the state by satisfying any of the following means of documentation:
 - (a) The applicant has a roll number or certificate of Indian blood from a federally-recognized tribe; or
 - (b) The applicant is a direct descendant of an individual previously recognized as a Native American Indian by the State of Tennessee. The applicant will be required to provide proof of relationship to the enrolled individual; or
 - (c) The applicant has a roll number or membership in a state recognized tribe; or
 - (d) The applicant's birth certificate shows the applicant's parent(s) to be Native American Indian; or
 - (e) The applicant has a family tree which shows a direct ancestor of the applicant to appear on a roll of a federally recognized Native American Indian tribe. All family trees will be subject to verification by professional genealogists at the applicant's expense; or
 - (f) The applicant signs an affidavit stating he/she is a Native American Indian. If the applicant has a living relative at least ten years older than the applicant, the relative must also sign the affidavit. In addition to the affidavit, the applicant shall provide at least one of the following:
 1. A family Bible or hymnal showing that the applicant's direct ancestors were Native American Indian.
 2. Death records of the applicant's direct ancestor(s) showing the ancestor(s) to be Native American Indian.
 3. Records of direct ancestor(s) from the Indian Court of Claims

4. School, church or health records, or other compelling documentation which shows the applicant to be Native American Indian.
- (2) All Native American Indians previously recognized by the State of Tennessee will continue to be recognized and will not have to reapply for recognition.

Authority: *T.C.A. §4-34-103 (10).*

The notice of rulemaking set out herein was properly filed in the Department of State on the 29th day of February, 2000. (02-54)

TENNESSEE MASSAGE LICENSURE BOARD - 0870

There will be a hearing before the Tennessee Massage Licensure Board to consider the promulgation of amendments to rules pursuant to *T.C.A. §§ 4-5-202, 4-5-204, and 63-18-211*. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, *Tennessee Code Annotated, Section 4-5-204* and will take place in the Magnolia Room of the Cordell Hull Building located at 425 Fifth Avenue North, Nashville, TN at 2:30 p.m. (CDT) on the 2nd day of May, 2000.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, Division of Health Related Boards to discuss any auxiliary aids or services needed to facilitate such participation or review. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date such party intends to review such filings), to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the Division's ADA Coordinator at the Division of Health Related Boards, First Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247-1010, (615) 532-4397.

For a copy of the entire text of this notice of rulemaking hearing contact:

Jerry Kosten, Regulations Manager, Health Related Boards, 425 Fifth Avenue North, First Floor, Cordell Hull Building, Nashville, TN 37247-1010, (615) 532-4397.

SUBSTANCE OF PROPOSED RULES

AMENDMENTS

Paragraph (11) of Rule 0870-1-.01, Definitions, is amended by deleting the words "public business."

Authority: *T.C.A. §§ 4-5-202, 4-5-204, 63-18-202, 63-18-204, and 63-18-211.*

Rule 0870-1-.02, Practice Standards, is amended by deleting the catchline in its entirety and substituting instead the following new catchline, and is further amended by deleting paragraph (5) in its entirety and substituting instead the following language, so that as amended, the new catchline and the new paragraph (5) shall read:

0870-1-.02 PRACTICE STANDARDS AND INSPECTION OF ESTABLISHMENTS.

- (5) Inspection of Establishments – Licensed massage therapy establishments and applicants are subject to periodic inspections by the Board or its authorized representative(s) during business hours. When scheduling inspections, the inspector shall attempt to accommodate the client appointment schedule of the establishment.
 - (a) The purpose of inspection of establishments is to verify compliance with the practice standards of this rule as provided in paragraphs (2), (3), and (4), and the display of license requirements as provided in paragraph (1) of Rule 0870-1-.14.
 - (b) The establishment license may be subject to disciplinary action, pursuant to Rule 0870-1-.13, when the inspection reveals that the establishment does not meet the standards and requirements set by this rule or when the when the inspection reveals that the license of any employee has been suspended or revoked.
 - (c) Reinspection – When an establishment does not pass inspection, the establishment shall submit an application for reinspection.
 - 1. The inspector shall provide the establishment with an application for reinspection.
 - 2. The application shall be submitted to the Board’s administrative office within thirty (30) days after the failed inspection.
 - 3. The reinspection fee and the state regulatory fee shall be submitted with the application, pursuant to Rule 0870-1-.06.
 - 4. The Board’s Unit Director shall cause to have the reinspection scheduled.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-18-206, 63-18-208, and 63-18-211.

Part (1) (f) 1., and its subparts, of Rule 0870-1-.04 Licensure And Provisional Licensure Process, is amended by replacing the word “hour” and the word “hours” with the words “classroom hour” and the words “classroom hours” wherever they appear.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-18-204, 63-18-205, 63-18-211, and 63-18-212.

Rule 0870-1-.06, Fees, is amended, by adding the following language as new subparagraphs (1) (i) and (2) (i):

- (1) (i) Reinspection Fee - A non-refundable fee to be paid when an establishment does not pass an initial or subsequent inspection.
- (2) (i) Reinspection Fee \$ 50.00

Authority: T.C.A. §§ 4-3-1011, 4-5-202, 4-5-204, 63-1-112, 63-18-206, and 63-18-211.

Rule 0870-1-.09, Licensure Renewal, is amended by adding the following language as new paragraph (4):

- (4) No application for renewal of an establishment license or reinstatement of an administratively revoked establishment license shall be considered unless the establishment has passed its most recent inspection.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-107, 63-18-206, and 63-18-211.

Rule 0870-1-.11, Retirement and Reactivation of Licensure, is amended by adding the following language as new subparagraph (2) (e):

- (2) (e) No application for reactivation of an establishment license shall be considered unless the establishment has passed its most recent inspection.

Authority: *T.C.A. §§ 4-5-202, 4-5-204, 63-1-111, 63-18-206, and 63-18-211.*

Subparagraph (7) (c) of Rule 0870-1-.12, Continuing Education, is amended by deleting the words “an informal settlement or Board Orders in”.

Authority: *T.C.A. §§ 4-5-202, 4-5-204, 63-18-209, and 63-18-211.*

Rule 0870-1-.13, Disciplinary Grounds, Actions, Civil Penalties, and Informal Settlements, is amended by deleting the catchline in its entirety and substituting instead the following new catchline, and is further amended by deleting paragraph (3) in its entirety and renumbering the remaining paragraph accordingly, so that as amended, the new catchline shall read:

0870-1-.13 DISCIPLINARY GROUNDS, ACTIONS, AND CIVIL PENALTIES.

Authority: *T.C.A. §§ 4-5-202, 4-5-204, 63-18-209, and 63-18-211.*

Part (3) (b) 2. of Rule 0870-1-.16, Officers, Consultants, Records, and Declaratory Orders, is amended by deleting the words “informal” and informally.”

Authority: *T.C.A. §§ 4-5-202, 4-5-204, 63-18-209, and 63-18-211.*

The notice of rulemaking set out herein was properly filed in the Department of State on the 17th day of February, 2000. (02-32)

**BOARD OF OCCUPATIONAL AND PHYSICAL THERAPY EXAMINERS - 1150
COMMITTEE OF PHYSICAL THERAPY**

There will be a hearing before the Tennessee Board of Occupational and Physical Therapy Examiners' Committee of Physical Therapy to consider the promulgation of amendments to rules pursuant to T.C.A. §§ 4-5-202, 4-5-204, and 63-13-108. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Magnolia Room of the Cordell Hull Building located at 425 Fifth Avenue North, Nashville, TN at 2:30 p.m. (CDT) on the 24th day of April, 2000.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, Division of Health Related Boards to discuss any auxiliary aids or services needed to facilitate such participation or review. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date such party intends to review such filings), to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the Division's ADA Coordinator at the Division of Health Related Boards, First Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247-1010, (615) 532-4397.

For a copy of the entire text of this notice of rulemaking hearing contact:

Jerry Kosten, Regulations Manager, Health Related Boards, 425 Fifth Avenue North, First Floor, Cordell Hull Building, Nashville, TN 37247-1010, (615) 532-4397.

SUBSTANCE OF PROPOSED RULES

AMENDMENTS

Rule 1150-1-.05, Procedures for Licensure, is amended by deleting subparagraphs (1) (b) and (1) (d) in their entirety and substituting instead the following language, so that as amended, the new subparagraphs (1) (b) and (1) (d) shall read:

- (1) (b) An applicant shall respond truthfully and completely to every question or request for information contained in the application form and submit it along with all documentation and fees required by the form and these rules to the Committee's administrative office. It is the intent of these rules that all steps necessary to accomplish the filing of the required documentation be completed prior to filing either the application for licensure or the application for examination.
- (1) (d) An applicant shall pay the nonrefundable application fee, the State regulatory fee and, if applicable, the reciprocity fee as provided in Rule 1150-1-.06 when submitting the application.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-13-108, 63-13-301, 63-13-304, 63-13-306, and 63-13-307.

Rule 1150-1-.06, Fees, is amended by deleting subparagraphs (1) (d) and (2) (d) in their entirety and renumbering the remaining subparagraphs accordingly.

Authority: T.C.A. §§4-5-202, 4-3-1011, 4-5-204, 63-1-103, 63-13-108, 63-13-304, 63-13-306, and 63-13-307.

Rule 1150-1-.07, Application Review, Approval and Denial, is amended by deleting paragraph (4) in its entirety and substituting instead the following language, so that as amended, the new paragraph (4) shall read:

- (4) If an application for licensure is incomplete when received in the Committee's administrative office, the applicant will be notified of such deficiency. The individual will not be deemed eligible to take the examination until both applications are judged to be complete and accurate by the administrative office.

Authority: *T.C.A. §§ 4-5-202, 4-5-204, 4-5-301, 63-13-108, 63-13-301, 63-13-304, 63-13-306, 63-13-307, and 63-13-312.*

Rule 1150-1-.08, Examinations, is amended by deleting subparagraphs (2) (a) and (3) (b), paragraph (4), subparagraph (7) (c), and paragraph (8) in their entirety and substituting instead the following language, so that as amended, the new subparagraphs (2) (a) and (3) (b), paragraph (4), subparagraph (7) (c), and paragraph (8) shall read:

- (2) (a) All applicants for examination shall apply for admission directly with the Federation of State Boards of Physical Therapy (FSBPT) by contacting:

Federation of State Boards of Physical Therapy	Telephone (703) 299-3100
509 Wythe Street	Fax (703) 299-3110
Alexandria, VA 22314	Internet www.fsbpt.org

Application forms and instructions will be provided by the Committee's administrative office.

- (3) (b) The FSBPT will compile an applicant list and forward to the Committee. The Committee will review the applicant list provided by the FSBPT, determine the eligible applicants, and notify the FSBPT of such determination.
- (4) Eligibility Notification
- (a) The FSBPT will compile eligibility lists and forward to the Computer Based Testing Provider. The FSBPT will send a letter to each candidate containing a toll-free number to call to schedule the examination.
- (b) The candidate will contact the Computer Based Testing Provider to schedule the examination at the location of their choice.
- Candidates must take the examination within sixty (60) days of the date on the eligibility letter provided by the FSBPT. If the candidate does not take the examination within this time period, they will be removed from the eligibility listings of the Computer Based Testing Provider and will be required to begin the examination application process again.
 - Candidates may reschedule the examination up to two (2) working days prior to the scheduled test date by calling the toll-free number provided to them in their eligibility letter without penalty. Candidates who fail to give such notice to the Computer Based Testing Provider, and who fail to sit for the Examination as scheduled, will forfeit the examination fees paid and will be required to begin the examination application process.
- (7) (c) Hand scoring services are available from the FSBPT at the request of the candidate. The FSBPT may charge a fee for this service.
- (8) Retaking

- (a) A candidate who fails the examination is eligible to repeat the licensure examination process described in this rule. An applicant who fails to qualify for licensure after a total of two (2) examination attempts, in any state, shall wait at least six (6) months after the last unsuccessful attempts before reapplying for examination.
- (b) If the individual neglects, fails to pass, or refuses to take the examination within twelve (12) months after being deemed eligible to sit for the examination, the application shall be denied and the file shall be closed. However, such individual may thereafter, make a new application pursuant to Rule 1150-1-.04, 1150-1-.05, 1150-1-.07, and 1150-1.08.

Paragraph (9) of Rule 1150-1-.08, Examinations, is amended by changing the words “testing agency” to the acronym “FSBPT.”

Authority: *T.C.A. §§4-5-202, 4-5-204, 63-13-108, 63-13-301, 63-13-304, 63-13-306, and 63-13-307.*

The notice of rulemaking set out herein was properly filed in the Department of State on the 28th day of February, 2000. (02-38)

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pg. 100

WILDLIFE PROCLAMATIONS

TENNESSEE WILDLIFE RESOURCES COMMISSION - 1660

PROCLAMATION NUMBER 00-01 AMENDING PROCLAMATION 99-23 PROCLAIMING WILD TURKEY HUNTING SEASONS AND BAG LIMITS

Pursuant to the authority granted by *Tennessee Code Annotated Sections 70-4-107, and 70-5-108*, the Tennessee Wildlife Resources Commission hereby proclaims the following amendment to Proclamation 99-23 proclaiming Wild Turkey Hunting Seasons And Bag Limits by:

Amending Section III. Wildlife Management Areas Part - B. Quota Managed Hunts - that portion pertaining to Shelby Forest by deleting "22- 23" and inserting in it's place "21-22".

And also amending Part - D. Wildlife Management Areas Open With Statewide Seasons and Bag Limits - by inserting "Lick Creek Bottoms," between "Lick Creek," and "Maness Swamp Refuge"

Proclamation No. 00-01 received and recorded this 3rd day of February, 2000. (01-05)

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pg. 102



CERTIFICATE OF APPROVAL

As provided by T.C.A., Title 4, Chapter 5, I hereby certify that to the best of my knowledge, this issue of the Tennessee Administrative Register contains all documents required to be published that were filed with the Department of State in the period beginning February 1, 2000 and ending February 29, 2000..


RILEY C. DARNELL
Secretary of State

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pg. 104

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pg. 106

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pg. 108