

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

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

**TABLE OF CONTENTS**

1720-01-02-.01	Dedication of University Property	1720-01-02-.05	No-Trespass Notices
1720-01-02-.02	Definitions	1720-01-02-.06	Use of Unmanned Aircraft
1720-01-02-.03	Authorized Users and Permissible Uses		
1720-01-02-.04	Use of University Property for Free Expression Activities		

**1720-01-02-.01 DEDICATION OF UNIVERSITY PROPERTY.** The University of Tennessee (“University”) dedicates its property exclusively to the advancement of the University’s principal missions of teaching, research, and service. The University regulates its property to preserve it for the advancement of the University’s principal missions.

**Authority:** T.C.A. § 49-9-209(e); *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; and Public Acts of Tennessee, 1807, Chapter 64.* **Administrative History:** Original rule filed September 15, 1976; effective October 15, 1976. Emergency rule repealing and replacing the rule with new text filed July 18, 2014; effective through January 14, 2015. Repeal and new rule filed July 18, 2014; effective October 15, 2014. Repeal and new rule filed May 27, 2015; effective August 25, 2015.

**1720-01-02-.02 DEFINITIONS.**

- (1) The term “University property” means all land, grounds, structures, and any other physical property owned, controlled, or operated by the University of Tennessee.
- (2) The term “University unit” means any academic, administrative, or auxiliary department or division of the University or any other official entity of the University, functioning through University employees acting within the scope of their University employment.
- (3) The term “unmanned aircraft” means a device that is used or is intended to be used for flight in the air without an individual in or on the device (e.g., drone, model aircraft).

**Authority:** T.C.A. § 49-9-209(e); *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; and Public Acts of Tennessee, 1807, Chapter 64.* **Administrative History:** Original rule filed September 15, 1976; effective October 15, 1976. Repealed by Public Chapter 575; effective July 1, 1986. Emergency rule repealing and replacing the rule with new text filed July 18, 2014; effective through January 14, 2015. Repeal and new rule filed July 18, 2014; effective October 15, 2014. Repeal and new rule filed May 27, 2015; effective August 25, 2015.

**1720-01-02-.03 AUTHORIZED USERS AND PERMISSIBLE USES.**

- (1) The use of University property is limited to the following persons, subject to Section .03(2) and Section .05:
  - (a) University students;
  - (b) University employees;
  - (c) Members of the Board of Trustees;

(Rule 1720-01-02-.03, continued)

- (d) Government officials acting in their official capacities;
- (e) A person or entity invited by a University unit, including but not limited to, a person or entity who has a contract to provide services to the University, provided that the use of University property shall not exceed the scope of the University unit's invitation;
- (f) A person who has been invited by a University student, student organization, or employee in his/her personal capacity, to join the student, student organization, or employee in the use of University property (e.g., friends and family), but not including the use of University property for free expression activities, provided that the use of University property shall not exceed the scope of the invitation;
- (g) A non-affiliated person using University property for free expression activities pursuant to Chapter 1720-01-12 (Use of University Property by Non-Affiliated Persons for Free Expression Activities);
- (h) Volunteers of the University, as defined by University policy, within the scope of their volunteer work;
- (i) Prospective students visiting University property and persons accompanying prospective students for purposes reasonably necessary to evaluate the University as an educational institution;
- (j) Alumni visiting University property and persons accompanying alumni;
- (k) A person who has a right of access to University property under Tennessee Code Annotated § 8-50-1001 or any other statutory provisions permitting access to University property;
- (l) Any person or entity engaged in one of the following uses of University property:
  - 1. The use of University property for the purpose of attending a University activity or event that is open to attendance by the members of the general public at a designated place and time (e.g., athletic contests, plays, lectures, concerts);
  - 2. The use of University-owned streets, or University-owned sidewalks bordering University-owned streets, as thoroughfares while traveling from one location to another location;
  - 3. The use of University property that is open to the general public (e.g., campus bookstore, library, museum);
  - 4. The use of University property consistent with the terms of a lease agreement with the University; or
  - 5. The use of University property for a purpose relating to obtaining medical treatment from the University.
- (2) The use of University property shall be consistent with the University's principal missions of teaching, research, and service. A person using University property shall not:
  - (a) block or substantially impede vehicular, bicycle, pedestrian, or other traffic;
  - (b) block or substantially impede entrances or exits to University property;
  - (c) substantially disrupt or interfere with University operations, events, or activities;

(Rule 1720-01-02-.03, continued)

- (d) substantially disrupt or interfere with the ability of a student to sleep or study in a University residence hall between the hours of 10:00 p.m. and 6:00 a.m. during an academic term;
  - (e) substantially disrupt or interfere with the ability of a student to study in a University library;
  - (f) violate a federal, state, or local law, rule, regulation, or ordinance;
  - (g) violate University rules, policies, or procedures;
  - (h) engage in speech that is obscene; is defamatory; consists of fighting words; communicates an objectively serious expression of intent to commit an act of unlawful violence to a particular individual or group; or is directed to inciting or producing imminent lawless action and is likely to incite or produce such action;
  - (i) engage in camping in violation of Tennessee law, the Equal Access to Public Property Act of 2012, unless the area on which camping occurs has been specifically designated by the University as available for camping;
  - (j) unreasonably threaten the health or safety of another person; or
  - (k) damage or deface University property, including, but not limited to, grass, shrubs, trees, or other landscaping.
- (3) Nothing in Section .03(2) shall be construed to prohibit a use of University property that has been expressly authorized by the University (e.g., a construction project that temporarily interferes with the use of a street);

**Authority:** T.C.A. § 49-9-209(e); *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; and Public Acts of Tennessee, 1807, Chapter 64.* **Administrative History:** *Emergency rule filed July 18, 2014; effective through January 14, 2015. Original rule filed July 18, 2014; effective October 15, 2014. Repeal and new rule filed May 27, 2015; effective August 25, 2015.*

**1720-01-02-.04 USE OF UNIVERSITY PROPERTY FOR FREE EXPRESSION ACTIVITIES.** Chapter 1720-01-12 (Use of University Property by Non-Affiliated Persons for Free Expression Activities) governs the use of University property for free expression activities by persons who are not affiliated with the University. To the extent of any conflict between this Chapter and Chapter 1720-01-12, Chapter 1720-01-12 shall control.

**Authority:** T.C.A. § 49-9-209(e); *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; and Public Acts of Tennessee, 1807, Chapter 64.* **Administrative History:** *Original rule filed May 27, 2015; effective August 25, 2015.*

**1720-01-02-.05 NO-TRESPASS NOTICES.**

- (1) A No-Trespass Notice ("Notice") is a written directive requiring a non-affiliated person to leave and/or not enter all or part of University property.
- (2) A sworn law enforcement officer employed by the University may issue a Notice to a non-affiliated person:
  - (a) who is not authorized to use University property under Section .03(1), and who has refused to leave University property, or a specified part of University property, within a

(Rule 1720-01-02-.05, continued)

- reasonable time after the person has received an oral request to leave by a University official;
- (b) who has engaged in a use of University property that is prohibited by Section .03(2), and who has refused to cease the prohibited conduct within a reasonable time after receiving an oral request to do so from a University official;
  - (c) who, in the good faith judgment of the law enforcement officer issuing the Notice, poses an unreasonable threat to the health, safety, or welfare of a person(s) affiliated with the University while on University property; or
  - (d) who, in the good faith judgment of the law enforcement officer issuing the Notice, has engaged in conduct that substantially disrupts or interferes with University operations, events, or activities, or is likely to cause such a disruption or interference.
- (3) A Notice must specify: the reason for the Notice; the geographical scope of the restriction; the duration of the restriction, which may be for an indefinite period; the potential consequences of a violation of the Notice; and the process for appealing the issuance of the Notice. The scope and duration of the restriction imposed must be proportional to the underlying misconduct. In appropriate circumstances, with respect to conduct on University property, a Notice also may prohibit a non-affiliated person from contacting or being within a certain distance from a person affiliated with the University.
- (4) Appeals
- (a) A non-affiliated person to whom a Notice has been issued may appeal the decision to the chief of police for the University's campus/institute.
  - (b) A non-affiliated person must submit the appeal in writing. The written appeal must be received by the chief of police within twenty (20) calendar days of the date on which the Notice was provided to the non-affiliated person. Any Notice mailed (or e-mailed) to a non-affiliated person shall be deemed to have been provided on the date on which it was mailed (or e-mailed). The written appeal should include the non-affiliated person's reason for being on University property, the non-affiliated person's future need to be on University property, and any other information the non-affiliated person wishes the University official who issued the Notice to consider.
  - (c) Upon receipt of a written appeal, the chief of police will consult as needed with other University officials to verify the non-affiliated person's need for access to University property, to gather additional information or advice, or to review the impact that granting the appeal may have on persons affiliated with the University.
  - (d) Within twenty (20) calendar days of the receipt of an appeal submitted in accordance with this Chapter, the chief of police will sustain, rescind or modify the Notice in a written decision that will be mailed to the address provided by the non-affiliated person. The decision of the chief of police is final and not appealable within the University.
  - (e) The restrictions set forth in the Notice will remain in effect while an appeal of the Notice is pending.
  - (f) If the chief of police issued the Notice, then the non-affiliated person may appeal to the supervisor of the chief of police following the procedures set forth in Section .05(4)(a)-(e).

(Rule 1720-01-02-.05, continued)

- (5) The law enforcement officer who issued the Notice (or, if the Notice is appealed, the chief of police) may rescind or modify the Notice at any time. Notification of any such rescission or modification shall be provided to the non-affiliated person to whom the Notice was issued.
- (6) The issuance of a Notice for conduct relating to free expression activities shall be consistent with Chapter 1720-01-12 (Use of University Property by Non-Affiliated Persons for Free Expression Activities).
- (7) Failure to comply with a Notice may result in issuance of a citation or an arrest for trespassing pursuant to applicable state criminal trespass statutes or local ordinances. Nothing in this Section .05 shall limit or be construed to limit the exercise of the statutory authority of sworn law enforcement officers of a campus police department to arrest in accordance with the laws of this state or local ordinances. Nor shall anything in this Section .05 limit or be construed to limit the authority of sworn law enforcement officers of a campus police department to issue an oral request instructing a person to leave and/or not enter all or part of University property.
- (8) For purposes of this Section .05, the term “non-affiliated person” means any person who is not a University student, student organization, employee, or volunteer.

**Authority:** T.C.A. § 49-9-209(e); *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; and Public Acts of Tennessee, 1807, Chapter 64.* **Administrative History:** Original rule filed May 27, 2015; to become effective August 25, 2015. However, the Government Operations Committee filed a 60-day stay of the rule; new effective date October 24, 2015. Amendments filed January 5, 2016; effective April 4, 2016. Agency filed 30 day stay on March 29, 2016; new effective date May 4, 2016.

#### **1720-01-02-.06 USE OF UNMANNED AIRCRAFT.**

- (1) The purpose of the restrictions in this Section .06 is to ensure the safe and orderly use of unmanned aircraft on, at, inside, or above University property.
- (2) Unmanned aircraft shall not be used:
  - (a) By a person who is not authorized to use University property under Section .03;
  - (b) At a time, in a place, or in a manner prohibited under Section .03;
  - (c) Inside University buildings or facilities;
  - (d) On or above University-owned streets or University-owned sidewalks;
  - (e) Above a human being who is either not directly participating in the operation of the unmanned aircraft or not located under a covered structure that can provide reasonable protection from a falling unmanned aircraft;
  - (f) On or above a University campus within four hours prior to the scheduled kickoff time of an intercollegiate football game on that campus, during the game, or within two hours after the conclusion of the game;
  - (g) Outside the hours of official sunrise and sunset; or
  - (h) In a manner that violates federal or state law, including, without limitation, regulations issued by the Federal Aviation Administration.
- (3) This Section .06 does not apply to unmanned aircraft used by a University unit, including faculty conducting research using unmanned aircraft, or a person or entity with whom the University has contracted to operate an unmanned aircraft; provided, however, that

(Rule 1720-01-02-.06, continued)

unmanned aircraft shall be used in accordance with federal and state law, including, without limitation, regulations issued by the Federal Aviation Administration.

**Authority:** *T.C.A. § 49-9-209(e); Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; and Public Acts of Tennessee, 1807, Chapter 64.* **Administrative History:** *Original rule filed May 27, 2015; effective August 25, 2015.*