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Sequence Number: 08-17-15  
 Rule ID(s): NA  
 File Date: 8/20/15  
 Effective Date: 8/20/15

## Filing Form for Stay of Effective Date on Rules, Withdrawal of Stay, and Withdrawal of Rules

**Agency/Board/Commission:** University of Tennessee  
**Division:**  
**Contact Person:** Sean McMinn  
**Address:** G-16 War Memorial Building Nashville, TN  
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**Type of Action on Rule:**

**Stay of Effective Date of Rules**

Rule Filing Date: 05/27/15  
 Rule Original Effective Date: 08/25/15  
 Length of Stay (not to exceed 75 days): 60 days  
 New Effective Date of Rule Filing: 10/24/15

**Notice of Withdrawal of Stay**

Stay Filing Date: (mm/dd/yy)  
 Stay Effective Date: (mm/dd/yy)  
 New Effective Date of Rule Filing: (mm/dd/yy)

**Notice of Withdrawal of Rules**

Rule Filing Date: (mm/dd/yy)  
 Rule Effective Date: (mm/dd/yy)

**Rule(s)** (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only **ONE** Rule Number/RuleTitle per row)

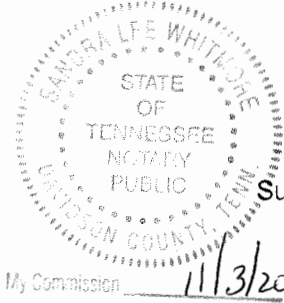
Chapter Number	Chapter Title
1720-01-02	Use of University Property
Rule Number	Rule Title
1720-01-02-05	No-Trespass Notices

Date: August 20, 2015

Signature: Sean McMinn

Name of Officer: Sean McMinn

Title of Officer: Legislative Attorney



Subscribed and sworn to before me on: August 20, 2015

Notary Public Signature: Sandra Lee Whitmore

My commission expires on: 11/3/2015

**Department of State Use Only**

Filed with the Department of State on: 8/20/15

Tre Hargett

Tre Hargett  
Secretary of State

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**For Department of State Use Only**

Sequence Number: 05-15-15  
Rule ID(s): 5954  
File Date: 5/27/15  
Effective Date: 8/25/15

## Proposed Rule(s) Filing Form

*Proposed rules are submitted pursuant to T.C.A. §§ 4-5-202, 4-5-207 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.*

<b>Agency/Board/Commission:</b>	University of Tennessee
<b>Division:</b>	
<b>Contact Person:</b>	Matthew Scoggins, Deputy General Counsel
<b>Address:</b>	719 Andy Holt Tower, 1331 Circle Park, Knoxville, TN
<b>Zip:</b>	37996-0170
<b>Phone:</b>	865-974-3245
<b>Email:</b>	scoggins@tennessee.edu

**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)**

Repeal

Chapter Number	Chapter Title
1720-01-02	Use of University Property
Rule Number	Rule Title
1720-01-02-.01	Dedication of University Property
1720-01-02-.02	Authorized Users
1720-01-02-.03	Use of University Property for Free Expression Activities

New

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

The University of Tennessee (All Campuses)  
Chapter 1720-01-02  
Use of University Property

Repeal/New Rule

Chapter 1720-01-02 Use of University Property is repealed by deleting the rules in their entirety and by replacing the following language, so that, the new rules shall read as follows:

Chapter 1720-01-02 Use of University Property

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) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

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) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

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;
  - (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;
  - (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) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

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) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-01-02-.05 No-Trespass Notices.

- (1) A No-Trespass Notice ("Notice") is a written directive requiring a person to leave and/or not enter all or part of University property.
- (2) The following persons are authorized to issue a Notice:
  - (a) The President of the University;
  - (b) The chief executive officer of a University campus or institute (e.g., Chancellor);
  - (c) The chief academic officer of a University campus or institute;
  - (d) The chief business officer of a University campus or institute;
  - (e) The chief human resources officer of a University campus or institute;
  - (f) The chief student affairs officer of a University campus or institute; and
  - (g) Sworn law enforcement officers employed by the University.
- (3) A University official authorized under Section .05(2) may issue a Notice to:
  - (a) a person 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 reasonable time after the person has received an oral request to leave by a University official;
  - (b) a person 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) a person who, in the good faith judgment of the University official 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;
  - (d) a person who, in the good faith judgment of the University official 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;

- (e) a University student who has been suspended or expelled from the University in accordance with the University's student conduct rules, policies, or procedures, and the suspension or expulsion has not been lifted;
  - (f) a University employee who, in accordance with the University's employment policies and procedures, has been temporarily suspended, has been placed on administrative leave, or whose employment is being terminated; or
  - (g) a person who is a former employee or volunteer whose employment or volunteer status was terminated by the University for misconduct in accordance with University rules, policies, or procedures, or who resigned in lieu of termination.
- (4) 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 person from contacting or being within a certain distance from a person affiliated with the University.
- (5) Appeals
- (a) A non-affiliated person to whom a Notice has been issued may appeal the decision to the University official who issued the Notice.
  - (b) A non-affiliated person must submit the appeal in writing. The written appeal must be received by the University official who issued the Notice within twenty (20) calendar days of the date on which the Notice was provided to the non-affiliated person. A 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 person's reason for being on University property, the person's future need to be on University property, and any other information the person wishes the University official who issued the Notice to consider.
  - (c) Upon receipt of a written appeal, the University official who issued the Notice 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 University official who issued the Notice 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 University official who issued the Notice 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) Other University rules, policies and procedures, rather than this Section .05(5), shall govern appeals filed by University students or employees.
- (6) The University employee who issued a Notice may rescind or modify the Notice at any time. Notification of any such rescission or modification shall be provided to the person to whom the Notice was issued.
- (7) 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).
- (8) 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.

- (9) Nothing in this Section .05 shall limit or be construed to limit the ability of a University official to issue a lawful directive to an employee whom he/she supervises not to enter certain parts of University property.
- (10) 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.

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



\* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Governor Bill Haslam				X	
Commissioner Julius Johnson	X				
Commissioner Candice McQueen				X	
Dr. Joe DiPietro				X	
Dr. Russ Deaton (non-voting)					
Charles C. Anderson, Jr.	X				
Jalen Blue (non-voting)					
Shannon Brown	X				
George E. Cates	X				
Spruell Driver, Jr.	X				
Dr. William E. Evans	X				
J. Brian Ferguson	X				
John N. Foy	X				
Crawford Gallimore	X				
Dr. David Golden (non-voting)					
Vicky B. Gregg				X	
Raja J. Jubran	X				
Brad A. Lampley	X				
Bonnie E. Lynch	X				
James L. Murphy, III	X				
Sharon J. Miller Pryse	X				
Rhedona Rose	X				
Julia T. Wells	X				
Charles E. Wharton	X				
Tommy G. Whittaker	X				
Dr. Thaddeus A. Wilson	X				

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the University of Tennessee Board of Trustees on 02/26/2015, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of ninety (90) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.

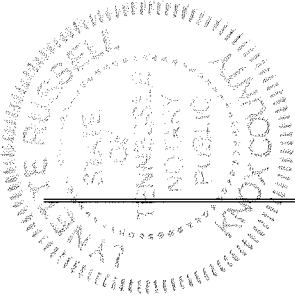
Date: 04/30/2015

Signature: \_\_\_\_\_



Name of Officer: Matthew Scoggins

Title of Officer: Deputy General Counsel



Subscribed and sworn to before me on: April 30, 2015  
Notary Public Signature: Lynette Russell  
My commission expires on: 12-4-18

All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Herbert H. Slatery III  
Herbert H/ Slatery III  
Attorney General and Reporter  
5/15/2015 Date

**Department of State Use Only**

Filed with the Department of State on: 5/27/15

Effective on: 8/25/15

Tre Hargett  
Tre Hargett  
Secretary of State

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**Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(If applicable, insert Regulatory Flexibility Addendum here)

The Regulatory Flexibility Addendum is not applicable.

### **Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The University of Tennessee anticipates that this rule change will have minimal to no impact on local governments.

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

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A)** A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

This rule provides that University property is dedicated to the advancement of the University's principal missions of teaching, research, and service. The law allows the University, like a private owner of property, to preserve the property under its control for the uses to which it is dedicated.

The key changes to the rule are as follows:

- The rule describes the categories of persons generally authorized to use University property. The changes to the rule clarify the extent to which authorized users may use University property.
- The rule has been amended to set guidelines for the issuance of "no-trespass notices," which are written directives requiring a person to leave and/or not enter all or part of University property.
- The rule has been amended to add provisions regulating the use of unmanned aircraft on University property.

- (B)** A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

None.

- (C)** Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Students and faculty of the University of Tennessee are most directly affected by this rule. The student and faculty members of the UT Board of Trustees voted to approve the rule.

- (D)** Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

None.

- (E)** An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

Minimal.

- (F)** Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Matthew Scoggins  
Deputy General Counsel  
University of Tennessee

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

Matthew Scoggins  
Deputy General Counsel  
University of Tennessee

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

Matthew Scoggins  
Deputy General Counsel  
University of Tennessee  
719 Andy Holt Tower  
Knoxville, TN 37996-0170  
[scoggins@tennessee.edu](mailto:scoggins@tennessee.edu)  
865-974-3245

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

None.

**RULES  
OF  
THE UNIVERSITY OF TENNESSEE**

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

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<u>1720-01-02-.03 Authorized Users and Permissible Uses</u>	<u>1720-01-02-.06 Use of Unmanned Aircraft</u>

**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.

**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) ~~For purposes of this Section .06,~~ 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).

**1720-01-02-.032 AUTHORIZED USERS AND PERMISSIBLE USES.**

- (1) ~~The following persons or groups may use University property, subject to Section .02(2); other University rules, policies, or procedures adopted by a University campus, center, or institute; and federal, state, and local laws:~~ 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;
  - (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.~~A person or entity invited by the University, including, but not~~

~~limited to, a University contractor;~~

- (f) A person who has been invited by a University student, a student organization, or an 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;
  - (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);

**1720-01-02-.043 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.

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

- (1) A No-Trespass Notice ("Notice") is a written directive requiring a person to leave and/or not enter all or part of University property.
- (2) The following persons are authorized to issue a Notice:
  - (a) The President of the University;

- (b) The chief executive officer of a University campus or institute (e.g., Chancellor);
  - (c) The chief academic officer of a University campus or institute;
  - (d) The chief business officer of a University campus or institute;
  - (e) The chief human resources officer of a University campus or institute;
  - (f) The chief student affairs officer of a University campus or institute; and
  - (g) Sworn law enforcement officers employed by the University.
- (3) A University official authorized under Section .05(2) may issue a Notice to:
- (a) a person 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 reasonable time after the person has received an oral request to leave by a University official;
  - (b) a person 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) a person who, in the good faith judgment of the University official 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;
  - (d) a person who, in the good faith judgment of the University official 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;
  - (e) a University student who has been suspended or expelled from the University in accordance with the University's student conduct rules, policies, or procedures, and the suspension or expulsion has not been lifted;
  - (f) a University employee who, in accordance with the University's employment policies and procedures, has been temporarily suspended, has been placed on administrative leave, or whose employment is being terminated; or
  - (g) a person who is a former employee or volunteer whose employment or volunteer status was terminated by the University for misconduct in accordance with University rules, policies, or procedures, or who resigned in lieu of termination.
- (4) 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 person from contacting or being within a certain distance from a person affiliated with the University.

(5) Appeals

- (a) A non-affiliated person to whom a Notice has been issued may appeal the decision to the University official who issued the Notice.
- (b) A non-affiliated person must submit the appeal in writing. The written appeal must be received by the University official who issued the Notice within twenty (20) calendar days of the date on which the Notice was provided to the non-affiliated person. A 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 person's reason for being on University property, the person's future need to be on University property, and any other information the person wishes the University official who issued the Notice to consider.
- (c) Upon receipt of a written appeal, the University official who issued the Notice 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 University official who issued the Notice 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 University official who issued the Notice 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) Other University rules, policies and procedures, rather than this Section .05(5), shall govern appeals filed by University students or employees.
- (6) The University employee who issued a Notice may rescind or modify the Notice at any time. Notification of any such rescission or modification shall be provided to the person to whom the Notice was issued.
- (7) 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).
- (8) 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.

- (9) Nothing in this Section .05 shall limit or be construed to limit the ability of a University official to issue a lawful directive to an employee whom he/she supervises not to enter certain parts of University property.
- (10) 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.

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

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Sequence Number: 08-17-15  
 Rule ID(s): NA  
 File Date: 8/20/15  
 Effective Date: 8/20/15

## Filing Form for Stay of Effective Date on Rules, Withdrawal of Stay, and Withdrawal of Rules

**Agency/Board/Commission:** University of Tennessee  
**Division:**  
**Contact Person:** Sean McMinn  
**Address:** G-16 War Memorial Building Nashville, TN  
**Zip:** 37243  
**Phone:** (615) 741-3056  
**Email:** sean.mcminn@capitol.tn.gov

**Type of Action on Rule:**

**Stay of Effective Date of Rules**

Rule Filing Date: 05/27/15  
 Rule Original Effective Date: 08/25/15  
 Length of Stay (not to exceed 75 days): 60 days  
 New Effective Date of Rule Filing: 10/24/15

**Notice of Withdrawal of Stay**

Stay Filing Date: (mm/dd/yy)  
 Stay Effective Date: (mm/dd/yy)  
 New Effective Date of Rule Filing: (mm/dd/yy)

**Notice of Withdrawal of Rules**

Rule Filing Date: (mm/dd/yy)  
 Rule Effective Date: (mm/dd/yy)

**Rule(s)** (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only **ONE** Rule Number/RuleTitle per row)

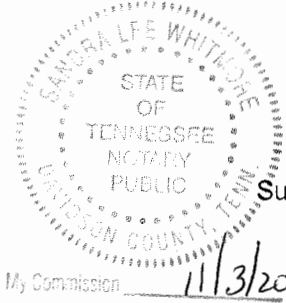
Chapter Number	Chapter Title
1720-01-02	Use of University Property
Rule Number	Rule Title
1720-01-02-.05	No-Trespass Notices

Date: August 20, 2015

Signature: Sean McMinn

Name of Officer: Sean McMinn

Title of Officer: Legislative Attorney



Subscribed and sworn to before me on: August 20, 2015

Notary Public Signature: Sandra Lee Whitmore

My commission expires on: 11/3/2015

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Filed with the Department of State on: 8/20/15

Tre Hargett

Tre Hargett  
Secretary of State

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