

Proposed Rules
of
The Tennessee Board of Regents
State University and Community College System of Tennessee
University of Memphis

Chapter 0240-03-03
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, Eighth Floor, Tennessee Tower, William R. Snodgrass Building, 312 Eighth Avenue, North, Nashville, TN 37243, 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 M. Slater, 1415 Murfreesboro Road, Suite 350, Nashville, Tennessee 37217, Tennessee Board of Regents, 615-366-4437.

The text of the proposed amendments is as follows:

Amendments

1. Paragraph (2) of Rule 0240-03-03-.04 Proscribed Conduct by Students and University Jurisdiction is amended by adding a new subparagraph (r) and relettering the subsequent subparagraphs, so that, as amended, subparagraph (r) shall read:

- (r) Attempting, assisting and/or being present during the planning of or actual act(s) which violate university policies.

Authority: T.C.A. § 49-8-203.

2. Subparagraph (a) of paragraph (2) of Rule 0240-03-03-.09 Traffic and Parking Regulations is amended by deleting the text of the subparagraph and substituting the following language, so that, as amended, subparagraph (a) shall read:

- (a) The entry, operation and control of motor vehicles on The University of Memphis property are as authorized and directed by the President of The University of Memphis, who may exercise such controls as deemed necessary. The Director of Public Safety, as the President's representative, is responsible for the enforcement of this code. The Director of Public Safety and the Manager of Parking Services may exclude or remove from the campus any vehicle that is used as an instrument in a crime, suspected

of being stolen or abandoned, mechanically unfit, being operated by a person under the influence of intoxicants or drugs, not registered in accordance with this code, or parked in violation of these regulations.

3. Subparagraph (d) of paragraph (2) of Rule 0240-03-03-.09 Traffic and Parking Regulations is further amended by deleting the text of the subparagraph and substituting the following language, so that, as amended, subparagraph (d) shall read:

- (d) Motorists may obtain assistance or information from any campus Parking Assistant or Public Safety Officer on patrol or by calling Parking Services (678-2212) or Police Services (678-4357 [HELP]).

4. Part 7. of subparagraph (a) of paragraph (4) of Rule 0240-03-03-.09 Traffic and Parking Regulation is further amended by deleting the text of the part and substituting the following language, so that, as amended, part 7. shall read:

- 7. Outside of a parking space as delineated by white lines.

5. Part 1. of subparagraph (b) of paragraph (4) of Rule 0240-03-03-.09 Traffic and Parking Regulations is further amended by deleting the text of the part and substituting the following language, so that, as amended, part 1. shall read:

- 1. Priority. Only vehicles displaying current The University of Memphis parking permits designated by a hangtag or bumper sticker for the current semester may be parked in spaces designated for the use of that permit's assignment. Vehicles parking in a reserved space or in Priority parking lots without proper permits will receive a citation and may be towed.

6. Parts 3. and 4. of subparagraph (b) of paragraph (4) of Rule 0240-03-03-.09 Traffic and Parking Regulations are amended by deleting the text of the parts and substituting the following language, so that, as amended, parts 3. and 4. shall read:

- 3. Disabled. Only vehicles displaying The University of Memphis parking disabled designator and/or State Placard may park in spaces marked as Disabled Spaces. All other vehicles parked in spaces marked as Disabled Spaces will receive a citation and may be towed.
- 4. On-Campus Resident. Only vehicles displaying The University of Memphis resident parking permits for the current semester may be parked in spaces marked as Resident Only. All other vehicles parked in resident spaces will receive a citation. Residency status will be confirmed.

7. Part 8. of subparagraph (b) of paragraph (4) of Rule 0240-03-03-.09 Traffic and Parking Regulations is further amended by adding the word "Innovation" in the second line, so that, as amended, part 8. shall read:

8. Garage Parking. Students, faculty, staff and visitors may park in the Innovation or the Zach Curlin Parking Garage without permit access and will be charged an hourly rate or all-day rate. Students, faculty and staff will be charged a fee for permit access.

8. Subparagraph (b) of paragraph (4) of Rule 0240-03-03-.09 Traffic and Parking Regulations is further amended by adding a new part 9. which shall read:

9. Motorcycle Parking. Only motor vehicles displaying The University of Memphis motorcycle/bumper stick including motorcycles, motor bikes and motor scooters regardless of size may park in spaces designated "Motorcycle Parking" or regularly marked parking spaces. Operating these vehicles on any surface other than designated streets or parking areas is expressly prohibited. These vehicles may park only in designated and/or marked parking spaces. Parking on sidewalks or chaining these vehicles to lampposts and other similar structures is specifically prohibited.

9. Subparagraph (a) of paragraph (5) of Rule 0240-03-03-.09 Traffic and Parking Regulations is further amended by deleting the text of the subparagraph and substituting the following language, so that, as amended, subparagraph (a) shall read:

- (a) Stop Sign. A vehicle shall come to a complete halt at stop signs or pavement markings indicating "STOP" and remain stationary until it is safe to proceed.

10. Subparagraph (g) of paragraph (5) of Rule 0240-03-03-.09 Traffic and Parking Regulations is further amended by deleting the text of the subparagraph and substituting the following language, so that, as amended, subparagraph (g) shall read:

- (g) Illegal Entry. Vehicles shall not enter an area marked "Do Not Enter" or a gated parking lot by driving on sidewalks, grounds, by using a permit illegally or by tail-gating another vehicle to gain access.

11. Subparagraphs (a) through (d) of paragraph (6) of Rule 0240-03-03-.09 Traffic and Parking Regulations are further amended by deleting the text of the subparagraphs and substituting the following language, so that, as amended, subparagraphs (a) through (d) shall read:

- (a) Administration. Regardless of the University status or classification of the violator, citations are to be paid or appealed within fifteen (15) working days of the issuance date of the citation. Citations may be paid by appearing at the Bursar's Office with the violator's copy of the citation or by mailing a check to the Bursar's Office, The University of Memphis, P.O. Box 1000, Department 313, Memphis, Tennessee, 38152, accompanied by the violator's copy of the citation. If the violator's copy has been lost or destroyed, a copy can be obtained from Parking Services located at 120 Zach Curlin Parking Garage.

Please include your Social Security Number on the check or money order.

- (b) Student Appeals. If a student believes he or she has justification, an appeal may be filed with the Student Government Association office located on the 9th floor of Wilder Tower within fifteen (15) working days of the issuance date of the citation. Appeal forms are available online at <http://bf.memphis.edu/parking>, in the SGA office or in Parking Services. Decisions made by the SGA for student appeals can be found online at <http://saweb.memphis.edu/judicialaffairs/citationdockets.htm>. All decisions are final. Grades and records will be withheld, and students will not be allowed to register for subsequent terms, for outstanding parking fines.
- (c) Faculty/Staff/Employee Appeals. If a faculty/staff employee believes he or she has justification, an appeal may be filed with the Faculty Staff Appeals Committee. Appeal forms may be obtained and filed in Parking Services. Outstanding fines for faculty/staff employees will be recouped pursuant to Tennessee Board of Regents Guideline B-010.
- (d) Visitor Appeals. If a visitor believes he or she has justification, an appeal may be filed with the Parking Assistant Manager in Parking Services. A letter of justification along with the citation may be sent to Parking Services, or an appeal form may be obtained online at <http://bf.memphis.edu/parking> or in Parking Services.

12. Subparagraph (a) of paragraph (7) of Rule 0240-03-03-.09 Traffic and Parking Regulations is further amended by adding a new part 18. which shall read:

18. Upon which a University Official determines it is necessary for facilitating the expeditious flow of traffic.

13. Part 6. of subparagraph (a) of paragraph (8) of Rule 0240-03-03-.09 Traffic and Parking Regulations is further amended by deleting the text of the part and substituting the following language, so that, as amended, part 6. shall read:

6. Restricted-Disabled \$100.00

14. Part 20. of subparagraph (a) of paragraph (8) of Rule 0240-03-03-.09 Traffic and Parking Regulations is further amended by deleting the text of the part and substituting the following language, so that, as amended, part 20. shall read:

20. Blocking Disabled Curb (sidewalk curb cuts) \$100.00

15. Subparagraph (a) of paragraph (8) of Rule 0240-03-03-.09 Traffic and Parking Regulations is further amended by adding new part 22. and 23. and renumbering the subsequent numbers accordingly. New parts 22. and 23. shall read:

22. Parked on Sidewalk or Grounds \$15.00

23. Illegal Entry

\$100.00

Authority: T.C.A. § 49-8-203.

16. Subparagraph (c) of paragraph (1) of Rule 0240-03-03-.10 Motor Vehicle Registration and Parking is amended by deleting the text of the subparagraph and substituting the following language, so that, as amended, subparagraph (c) shall read:

- (c) A temporary parking permit must be obtained for any vehicle being driven by a student, faculty, staff or employee when his or her parking registration permit is not available. Temporary parking permits may be obtained from Parking Services for a period of time not to exceed two (2) weeks. A fee is charged for temporary parking permits.

17. Subparagraphs (a) through (c) of paragraph (2) of Rule 0240-03-03-.10 Motor Vehicle Registration and Parking are further amended by deleting the text of the subparagraphs and substituting the following language, so that, as amended, subparagraphs (a) through (c) shall read:

- (a) Invited visitor parking permits are available for University guests invited by a department and may be arranged through Parking Services for the inviting department's distribution. Parking Services is open from 7:00 a.m. – 6:00 p.m. Monday through Thursday, and 7:00 a.m. – 4:30 p.m. Friday.
- (b) Visitor parking permits are available at Parking Services. A fee is charged for visitor parking permits.
- (c) Visitors may also park in the Innovation Garage and Zach Curlin Garage without a permit. An hourly fee is charged for parking in the garages.

18. Subparagraphs (a) through (e) of paragraph (3) of Rule 0240-03-03-.10 Motor Vehicle Registration and Parking are amended by deleting the text of the subparagraphs and substituting the following language, so that, as amended, subparagraphs (a) through (e) shall read:

- (a) Priority Parking.
 - 1. Faculty, administrative/professional staff and classified staff.
 - 2. Students.

Parking lots designated in the Priority group are reserved for the exclusive use of those persons assigned to that lot, and are sold to students on a first come/first serve basis.

- (b) On-Campus Resident Parking.

Parking areas designated in the Resident Parking group are restricted for the exclusive use of persons assigned to the Resident Parking area.

Assignments will approximate one and one-half parking permits per parking space and are sold on a first come/first serve basis. Residency status will be confirmed.

(c) General Permit Parking.

Parking areas designated in the General Permit group are available to any person eligible to operate a vehicle on campus: students, faculty, staff, vendors and visitors with the proper permit.

(d) Physically Disabled Parking.

Designated disabled parking areas are available to persons with physical disabilities who have a registered University of Memphis parking permit and a valid disabled parking permit issued to the student or employee by a State Department of Safety. No additional fee will be assessed to Students for physically disabled parking permits. The priority permit parking fee will be assessed to Faculty/Staff for physically disabled parking permits. This permit authorizes the permit holder to park in disabled parking spaces in priority parking lots and in other non-reserved, general permit parking spaces on campus.

(e) Reserved Parking.

Spaces restricted for use by specific individuals as approved by the President.

19. Subparagraph (a) of paragraph (4) of Rule 0240-03-03-.10 Motor Vehicle Registration and Parking is further amended by deleting the text of the subparagraph and substituting the following language, so that, as amended, subparagraph (a) shall read:

- (a) Lost or stolen parking permits must be reported to Parking Services and will be replaced only after receipt of an additional fee.

Authority: T.C.A. § 49-8-203.

The proposed rules set out herein were properly filed in the Department of State on the 20th day of September, 2007, 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 January, 2008. (FS 09-12-07; DBID 2682)