

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

**INSTITUTIONAL STUDENT DISCIPLINARY RULES**

**CHAPTER 0240-03-02  
EAST TENNESSEE STATE UNIVERSITY  
STUDENT DISCIPLINARY RULES**

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**0240-03-02-.01 INSTITUTIONAL POLICY STATEMENT.**

- (1) University 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 an institution of higher education carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by non-students. In recognition of the special relationship that exists between the institution and the academic community which it seeks to serve, the Tennessee Board of Regents has authorized the President of the University to take such action as may be necessary to maintain campus conditions and preserve the integrity of the institution and its educational environment. Proceedings under this Student Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.
- (2) Pursuant to this authorization, the University has developed the following regulations which are intended to govern student organization conduct on the campus unless otherwise noted. In addition, students and organizations are subject to all national, state and local laws and ordinances. If a student's or organization'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, violation of any section of these regulations may subject a student or organization to disciplinary measures by the institution whether or not such conduct is simultaneously violative of state, local or national laws.

**Authority:** T.C.A. §49-88-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed May 18, 1994; effective September 28, 1994. Amendment filed July 3, 1996; effective November 28, 1996.

**0240-03-02-.02 DISCIPLINARY OFFENSES.**

- (1) Generally, through appropriate due process procedures, institutional disciplinary measures shall be imposed for conduct which adversely affects the institution's pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property or persons on institution or institution-controlled property.
- (2) Individual or organizational misconduct which is subject to disciplinary sanction shall include but not be limited to the following examples:

(Rule 0240-03-02-.02, continued)

- (a) Conduct Dangerous to Self or Others. Any conduct which constitutes a serious danger to any person's health, safety or personal well-being, including any physical abuse or immediate threat of abuse.
- (b) Hazing. Hazing means any intentional or reckless act in Tennessee on or off the property of any higher education institution by one (1) student acting alone or with others which is directed against any other student, that endangers the mental or physical health or safety of that student, or which induces or coerces a student to endanger such student's mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization;
- (c) Disorderly conduct. Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs other groups or individuals;
- (d) Obstruction of or interference with institutional activities or facilities. Any intentional interference with or obstruction of any institutional activity, program, event or facilities, including the following:
  - 1. Any unauthorized occupancy of institution or institutionally controlled facilities or blockage of access to or access to or from such facilities.
  - 2. Interference with the right of any institution member or other authorized person to gain access to any situation or institutionally controlled activity, program, event or facilities.
  - 3. Any obstruction or delay of a campus security officer, fireman, or any institution official in the performance of his/her duty.
- (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 the institution including, but not limited to, fire alarms, fire equipment, elevators, telephones, institution keys, library materials and/or safety devices; and any such act against a member of the institution community or a guest of the institution;
- (f) Theft, misappropriation, or unauthorized sale. Any act of theft, misappropriation, or unauthorized possession or sale of institution property or any such act against a member of the institution community or a guest of the institution;
- (g) Misuse of documents or identification cards. Any forgery, alteration of or unauthorized use of institution documents, forms, records or identification cards, including the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment or status in the institution;
- (h) Firearms and other dangerous weapons. Possession of or use of firearms or dangerous weapons of any kind;
- (i) Explosives, fireworks, and flammable materials. The unauthorized possession, ignition or detonation of any object or article which would cause damage by fire or other means to persons or property or possession of any substance which could be considered to be and used as fireworks;

(Rule 0240-03-02-.02, continued)

- (j) Alcoholic beverages. The use, possession, distribution, sale or manufacture of alcoholic beverages, or public intoxication on property owned or controlled by the institution; at an institution-sponsored event, on property owned or controlled by an affiliated clinical site; or in violation of any term of the East Tennessee State University Drug Free Schools and Communities Policy Statement.
- (k) Drugs: The unlawful use, possession, distribution, sale or manufacture, of any drug or controlled substance (including any stimulant, depressant, narcotic, or hallucinogenic drug or substance, or marijuana); being under the influence of any such drug or controlled substance, possession of drug paraphernalia, or the misuse of legally prescribed or "over the counter" drugs on property owned or controlled by the institution; at an institution-sponsored event; or property owned or controlled by an affiliated clinical site; or in violation of any term of the East Tennessee State University Drug-Free Schools and Communities Policy Statement.
- (l) Gambling. Gambling in any form;
- (m) Financial irresponsibility. Failure to meet financial responsibilities to the institution promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the institution or to a member of the institution community acting in an official capacity;
- (n) Unacceptable conduct in hearings. Any conduct at an institutional hearing involving contemptuous disrespectful, or disorderly behavior, or the giving of false testimony or other evidence at any hearing;
- (o) Failure to cooperate with institutional officials. Failure to comply with directions of institutional officials acting in the performance of their duties;
- (p) Violation of general rules and regulations. Any violation of the general rules and regulations of the institution as published in an official institution publication, including the intentional failure to perform any required action or the intentional performance of any prohibited action;
- (q) 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 offense coupled with the taking of some action toward its commission);
- (r) Violations of state or federal laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference;
- (s) Sexual Battery or Rape. Committing any act of sexual battery or rape as defined by state law.
- (t) Contempt. Failure to comply with University officials acting on behalf of the student judicial system including failure to appear before a scheduled institutional hearing;
- (u) Unauthorized possession, duplication of, or use of keys to any university premise or unauthorized entry to or use of university premises;
- (v) Abuse of the University Judicial System, including but not limited to:
  - 1. Failure to obey the summons of a judicial body or university official.

(Rule 0240-03-02-.02, continued)

2. Falsification, distortion, or misrepresentation of information before a judicial body.
  3. Disruption or interference with the orderly conduct of a judicial proceeding.
  4. Institution of a judicial proceeding knowingly without cause.
  5. Attempting to discourage an individual's proper participation in, or use of, the judicial system.
  6. Attempting to influence the impartiality of a member of a judicial body prior to, and/or during the course of, the judicial proceeding.
  7. Failure to comply with the sanction(s) imposed under the Student Code of Conduct.
  8. Threatening the accuser or attempting to influence another person to commit an abuse of the judicial system.
- (3) Disciplinary action may be taken against a student for violations of the foregoing Regulations which occur on institutionally owned, leased, or otherwise controlled property, or which occur off-campus when the conduct impairs, interferes with or obstructs any institutional activity or the missions, process and functions of the institution. In addition, disciplinary action may be taken on the basis of any conduct, on or off-campus, which poses a substantial threat to persons or property within the institutional community.
- (4) For the purposes of these Regulations, a "student" shall mean any person who is registered for study at the University for any academic period. A person shall be considered a student during any period which follows the end of an academic period which the student has completed until the last day for registration for the next succeeding regular period, and during any period while the student is under suspension from the institution.

**Authority:** T.C.A. §§49-7-1234(a)(1) and 49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed July 14, 1992; effective October 28, 1992. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed May 18, 1994; effective September 28, 1994. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed November 20, 1996; effective March 28, 1997. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed January 11, 2002; effective May 31, 2002. Amendments filed June 28, 2005; effective October 28, 2005. Amendment filed January 16, 2007; effective May 31, 2007. Amendment filed September 20, 2007; effective January 28, 2008.

#### **0240-03-02-.03 ACADEMIC AND CLASSROOM MISCONDUCT.**

- (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 institution.
- (2) Plagiarism, cheating, and other forms of academic dishonesty are prohibited. Students guilty of academic misconduct, either directly or indirectly through participation or assistance, are immediately responsible to the instructor of the class. In addition to other possible disciplinary sanctions which may be imposed through the University's academic misconduct policy as a result of academic misconduct, the instructor has the authority to assign an "F" or a zero ("0") for the exercise or examination, or to assign an "F" in the course. The Dean of

(Rule 0240-03-02-.03, continued)

Libraries will make available a librarian who is familiar with using free and fee-based technologies to detect plagiarism to teach workshops on the subject through the Teaching and Learning Center or other appropriate venues.

- (3) If the student believes that he or she has been erroneously accused of academic misconduct, and if his or her final grade has been lowered as a result, the student may appeal the case through the University's grade appeal process for students.
- (4) Disruptive behavior in the classroom may be defined as, but is not limited to, behavior that obstructs or disrupts the learning environment (e.g., offensive language, harassment of students and professors, repeated outbursts from a student which disrupt the flow of instruction or prevent concentration on the subject taught, failure to cooperate in maintaining classroom decorum, etc.), the continued use of any electronic or other noise or light emitting device which disturbs others (e.g., disturbing noises from beepers, cell phones, PDAs (personal digital assistants), lap-top computers, games, etc.).
- (5) Class attendance and punctuality requirements are contracted between the faculty and the students, through specific expectations for attendance and punctuality and specific consequences that are outlined by individual faculty members in the printed syllabus for each course.

Students are expected to attend classes regularly and on time and are responsible for giving explanations/rationale for absences and lateness directly to the faculty member for each course in which they are enrolled.

In cases where student absences are the result of emergency circumstances (e.g., death in the family, a student's serious injury or incapacitating illness), for which students are unable to make immediate contact with faculty, the student may contact the Office of Student Affairs for assistance in providing such immediate notification to faculty. However, the student remains responsible for verifying the emergency circumstances to faculty and for discussing arrangements with faculty for completion of course work requirements.

**Authority:** T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed August 11, 2004; effective December 29, 2004. Amendment filed November 12, 2008; effective March 30, 2009.

#### **0240-03-02-.04 DISCIPLINARY SANCTIONS.**

- (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 institutional officials.
- (2) Definition of Sanctions.
  - (a) Restitution. A student who has committed an offense against property may be required to reimburse the institution or other owner for damage to or misappropriation of such property. Any such payment in restitution shall be limited to actual cost of repair or replacement.
  - (b) Warning. The appropriate institutional of fiscal may notify the student that continuation or repetition of specified conduct may be cause for other disciplinary action.
  - (c) Reprimand. A written reprimand, or censure, may be given any student or organization whose conduct violates any part of these regulations. Such a reprimand does not restrict the student in any way, but does have important consequences. It signifies to

(Rule 0240-03-02-.04, continued)

the student that he or she is in effect being given another chance to conduct himself or herself as a proper member of the institution community, but that any further violation may result in more serious penalties.

- (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.
- (e) **Referral to the University Counseling Center.** The student is mandated to visit the University Counseling Center for an initial evaluation and follow-through on any prescribed treatment program.
- (f) **Fines -** In cases involving violation of the University, alcohol and drug regulations, fines in the following amounts may be imposed:
  - 1. First offense;                      \$25.00
  - 2. Second offense;                      \$50.00
  - 3. Third offense;                      \$100.00

All funds from fines will be used to support the University's drug and alcohol education and awareness programs.
- (g) **Constructive or Educational Project.** A project beneficial to the individual, campus, and/or community may be required. The project will be related to the offense the student is guilty of violating.
- (h) **Assignment of work hours.** A specified number of supervised hours of work to be completed on campus may be assigned. This work will be commensurate to the seriousness of the violation.
- (i) **Mandatory participation in, and satisfactory completion of, a drug or alcohol abuse program, or rehabilitation program.**
- (j) **Probation.** Continued enrollment of a student on a student on probation may be conditioned upon adherence to these regulations. Any student placed on probation will be notified of the terms and length of the 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.
- (k) **Suspension.** If a student or student organization is suspended, the student or student organization is separated from the institution for a stated period of time with condition of readmission or registration, respectively, stated in the notice of suspension.
- (l) **Expulsion.** Expulsion entails a permanent separation from the institution. The imposition of this sanction is a permanent bar to the student's readmission to the institution or to the student organization's registration with the institution.
- (m) **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 in regard to the charges against him, summary suspension may be imposed upon a finding by the appropriate institutional official that the continued presence of the accused on campus constitutes an immediate threat to

(Rule 0240-03-02-.04, continued)

the physical safety and well-being of the accused or of any other member of the institution, community or its guest, destruction of property, or substantial disruption of classroom or other campus activities. An interim suspension may be invoked only by the president or his designee, the Provost/Vice President for Academic Affairs, or the Vice Provost and Chief Student Affairs Officer in consultation with other University officials. 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 practicable.

- (3) The President of the University is authorized, in 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. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed April 30, 1987; effective July 29, 1987. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed October 17, 2002; effective February 28, 2003. Amendment filed June 28, 2005; effective October 28, 2005. Amendments filed November 12, 2008; effective March 30, 2009.

#### **0240-03-02-.05 DISCIPLINARY PROCEDURES.**

- (1) Tennessee Uniform Administrative Procedures Act.
- (a) All cases which may result in suspension or expulsion of a student 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 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 institutional procedures established by these rules.
- (b) All cases which are reviewed under the uniform contested case provisions adopted by the Board of Regents pursuant to the TUAPA shall be within the jurisdiction of the University Judicial Committee as described in section (2) below but shall nevertheless be reviewed pursuant to the procedures adopted by the Board pursuant to the TUAPA, including, but not limited to, interim suspensions and appeals.
- (2) Institutional Administrative Procedures.
- (a) Determination of Procedure to be Used.
1. A disciplinary case involving violations of University regulations or infringements upon student rights may be reviewed under Institutional Administrative Procedures or may be referred to the appropriate judicial board for review under Institutional Judicial Procedures, as determined by the appropriate University official.
  2. The University official who shall determine whether an alleged violation of University regulations shall be processed under the Institutional Administrative Procedures or the Institutional Judicial Procedures is as follows:

(Rule 0240-03-02-.05, continued)

- (i) The Director of Housing, Assistant Director of Housing, Area Coordinator or Apartment Managers, where the alleged violation is of the regulations of the Residence Hall Association (RHA).
  - (ii) The Director of Student Activities, where the alleged violation is of the regulations of the Inter-Fraternity Council (IFC) or the Panhellenic Council (PC), or the Pan-Hellenic Council (PC).
  - (iii) The Associate Vice President and Dean of Students, where the alleged violation is of University regulations other than those of the RHA, the IFC or the PCs.
3. Determination of which procedures shall be utilized for processing an alleged violation of University regulations shall be in the discretion of the appropriate University official; provided, however, the relationship between the hearing officer and the accused student must be one which is free from duress or coercion, and is a relationship which is objective and conducive to the purpose of an administrative hearing.
  4. If a student chooses to admit to a violation of law or University regulations, the student may request that the sanction be imposed by the appropriate University official. At this hearing, the student may present witnesses and other evidence relevant to the offense that may mitigate in the student's favor.
  5. The Hearing Officer has the authority to impose the same disciplinary sanction as the appropriate judicial board would have under section (3)(d) below.
  6. The Associate Vice President and Dean of Students or his/her designee, is authorized to hear under the Institutional Administrative Procedures all cases of alleged misconduct of students from April 15 through September 15 of each year if judicial board are not functioning.
- (b) Description of Institutional Administrative Procedures.
1. The Hearing Officer in cases held under Institutional Administrative Procedures shall be as follows:
    - (i) The Director of Housing, Assistant Director of Housing, Area Coordinators, or Apartments Manager, where the alleged violation is of the regulations of the Residence Hall Association (RHA).
    - (ii) The Director of Student Activities, where the alleged violation is of the regulations of the Inter-Fraternity Council (IFC), the Panhellenic Council (PC), or the Pan-Hellenic Council (PC).
    - (iii) The Associate Vice President and Dean of Students where the alleged violation is of University regulations other than those of the RHA, the IFC or the PCs.
  2. Due process procedures shall be observed in all administrative hearings under Institutional Administrative Procedures.
  3. The student rights set forth in Section (4)(b) below shall not be denied.

(Rule 0240-03-02-.05, continued)

4. The Hearing Officer has the authority to impose the same disciplinary sanction as a judicial board would have under section (3)(d) below up to, but not including suspension or expulsion.
  5. Appeals Under Institutional Procedures.
    - (i) Cases heard by the Director of Housing or the Director of Student Activities may be appealed to the Associate vice President and Dean of Students.
    - (ii) Cases heard by the Associate Vice President and Dean of Students may be appealed to the Vice Provost and the Chief Student Affairs Officer.
- (3) Institutional Judicial Procedures.
- (a) Purpose of the Judiciary. The purpose of the Institutional Judicial Procedures shall be to provide fair and just treatment in cases involving either violation of University regulations or infringements upon students' rights and to take appropriate measures for those found guilty. In all cases, due process shall be observed.
  - (b) Components of the Judiciary. The Judiciary of East Tennessee State University shall consist of the following components:
    1. The University Judicial Committee shall be the highest court authorized by the University President.
    2. The Student Court shall be the next highest court within the student judicial system.
    3. The Residence Hall Association Judicial Board, the Inter-Fraternity Judicial Board, the Panhellenic Judicial Board, and the Pan-Hellenic Judicial Committee shall be lower courts within the student judicial system.
  - (c) Composition and Selection of the Courts. The composition of the University Judicial Courts shall be as follows:
    1. The University Judicial Committee shall be composed of the Dean of Students, President of the Student Government Association (SGA), Chief Justice of SGA, an Associate Justice, and three (3) faculty. Alternates for the Chief Justice and Associate Justice shall be selected by the SGA to hear cases on appeal from the Student Court.
    2. The Student Court shall be composed of a Chief Justice and seven (7) Associate Justices, one of whom shall be designated to serve as the alternate Chief Justice. Each member shall be appointed by the SGA President and confirmed by a majority of the Student Senate present and voting.
    3. The Residence Hall Association Judicial Board, the Inter-Fraternity Judicial Board, the Panhellenic Judicial Board, and the Pan-Hellenic Judicial Committee shall each be composed of those persons designated by the constitution of those respective bodies.
  - (d) Powers and Limitations. The relative powers of the components of the Judiciary are as follows:
    1. The University Judicial Committee shall be composed of the Associate Vice President and Dean of Students, President of the Student Government

(Rule 0240-03-02-.05, continued)

- Association (SGA), Chief Justice of SGA, an Associate Justice shall be selected by the SGA to hear cases on appeal from the Student Court.
2. The University Judicial Committee shall exercise the highest judicial authority on campus, next to that of the Vice Provost and Chief Student Affairs Officer and the University President or his designee. This committee's authority shall include the right to suspend or expel a student. The University President reserves the right to uphold or reverse any decision made by any judicial body.
  3. The Residence Hall Association, the Inter-Fraternity Council, the Panhellenic Council, and the Pan-Hellenic Council shall provide, through their respective constitutions, the powers and limitations of their respective judicial boards, all of which shall be subordinate to the Student Court.
- (e) Operation of the Courts. All cases that enter the University Judiciary shall be administered through the appropriate channels:
1. Any member of the University community may file a complaint against and student for misconduct. Complaints shall be prepared in writing and directed to the Associate Vice President and Dean of Students. A complaint should be submitted as soon as possible after the event takes place, preferably within ten (10) days of the alleged misconduct.
    - (i) Violations of official University regulations other than regulations of the RHA, the IFC or the PCs shall be reported directly to the Associate Vice President and Dean of Students, who shall either direct that the case be reviewed under the Institutional Administrative Procedures or referred to the appropriate judicial board.
    - (ii) Violations of the internal standards of the Residence Hall Association (RHA), the Inter-Fraternity Council (IFC), the Panhellenic Council (PC), or the Pan-Hellenic Council (PC) shall be reported to the authorities designated in their respective constitutions.
      - (I) The RHA authorities shall report the case to the Housing Office, where the Director of Housing shall either direct that the case be reviewed under the Institutional Administrative Procedures or referred to the Residence Hall Judicial Board.
      - (II) The IFC-PC authorities shall report the case to the Director of Student Activities who shall either direct that the case be reviewed under the Institutional Administrative Procedures or referred to the Inter-Fraternity Judicial Board, the Panhellenic Judicial Board or the Pan-Hellenic Judicial Committee.
    - (iii) Violations of the Student Government Constitution or Code of Laws shall be reported to the Student Government Vice President, who shall refer the case to the Associate Vice President and Dean of Students. The Associate Vice President and Dean of Students shall direct that the case be heard by the Student Court.
  2. All judicial decisions must be reported in writing to the Associate Vice President and Dean of Students within two (2) class days from such time as the decision has been reached.

(Rule 0240-03-02-.05, continued)

3. The circumstances surrounding all cases handled by the University Judiciary shall be confidential.
  4. The official records of all cases shall be maintained by the Student Affairs Office.
  5. All official correspondence concerning the decision of a judicial board, court, or committee shall be executed by the Associate Vice President and Dean of Students or his/her designated representative except in cases involving interpretation of the Student government Constitution or Code of Laws. The Chief Justice of the Student Court shall make a written report of the decision and the circumstances surrounding it, taking care to exclude any information of a personal nature, to the Secretary of Legislative Affairs.
  6. All hearings by the judicial boards, court, or committee shall be held in closed session unless otherwise requested by the defendant.
  7. All subsequent hearings concerning readmission of students or reinstatement of organizational charters shall be initiated through the Associate Vice President and Dean of Students or his/her designated representative.
- (f) Jurisdiction of the courts.
1. Each judicial board or court may serve as a court of original jurisdiction.
    - (i) The University Judicial Committee shall hear those cases involving a student who is accused of violating general University regulations and who, if found guilty, may be subjected to suspension or expulsion from the institution, and other cases deemed appropriate the Associate Vice President and Dean of Students.
    - (ii) The Student Court shall have original jurisdiction in those cases involving alleged violations of general University regulations which do not warrant suspension or expulsion. The Student Court shall also hear those cases involving alleged violations of the Student Government Constitution or Code of Laws, and any other cases deemed appropriate by the Associate Vice President and Dean of Students.
      - (I) The Chief Justice shall be chairman of the Student Court and preside over all meeting and hearings. The Chief Justice shall direct and be responsible for the performance of all duties and functions of the Student Court and its Justices. The Alternate Chief Justice shall execute the powers and duties of the Chief Justice in the latter's absence or incapacity to serve.
      - (II) The Justices of the Student Court shall determine in all cases brought before them all decisions which are within the Court's jurisdiction as prescribed by the Constitution. Five (5) Justices of the Student Court shall constitute a quorum to do business. Each Justice shall have one (1) vote, with the Chief Justice voting only to break a tie.
      - (III) The Justices of the Student Court shall, by majority vote, determine rules of procedure for the Student Court, except as otherwise prescribed by the SGA Constitution or By-Laws.

(Rule 0240-03-02-.05, continued)

- (IV) The Student Court shall have the power to request any member of the student body, a representative from any campus organization, or any faculty member or administrator to appear before the Court, provided that the subpoena/request is issued in writing at least five (5) days prior to the appearance.
  - (iii) The Residence Hall Judicial Board shall have the original jurisdiction in cases involving violation of Housing Regulations, Standards established by its constitution, and any other cases referred to it by the Director of Housing.
  - (iv) The Inter-Fraternity Judicial Board or the Panhellenic Judicial Board shall have the original jurisdiction only in cases involving violations of regulations specified in the Inter-Fraternity and Panhellenic Constitutions and By-Laws.
  - (v) The Pan-Hellenic Judicial committee shall have original jurisdiction only in cases involving violations specified in the Pan-Hellenic Constitution and By-Laws.
- (g) Appeals.
1. All cases may be appealed by the student or organization in question to the next higher judicial authority in accordance with the Appeal Procedures provided below. The right to appeal to the next judicial authority shall be afforded only to the accused.
  2. Final University appeal shall be to the University President or his designee.
  3. Appeal Procedures,
    - (i) If the accused desires to appeal, a statement of reasons for appealing must be forwarded to the Associate Vice President and Dean of Students. This statement must be filed by the accused within three (3) days following receipt of a copy of the decision being appealed.
    - (ii) The statement of reasons for appeal will be forwarded to the appropriate appeal board or officer, which will set a date for reviewing the case and notify the accuser.
    - (iii) The appeal board or officer, upon reviewing the case, will have several options. The original decision may be affirmed or reversed. In cases where the original action is inappropriate as a result of issues involved in the appeal, the appeal board or officer may revert the case back to the original board or hearing officer, modify the original action, or hold a completely new hearing. The accuser will be notified of the outcome, as permitted under Tennessee law.
- (4) Special Provisions Applicable to Both Institutional Administrative Procedures and Institutional Judicial Procedures.
- (a) Failure to Appear. If the accused student fails to appear at the scheduled hearing or provide adequate notice of excuse, the hearing officer or court may:
    1. Reset a formal hearing of the case for the next scheduled meeting.

(Rule 0240-03-02-.05, continued)

2. Dispose of the case in whatever manner it deems just based upon available information.

(b) Hearing Guidelines

1. At least seventy-two (72) hours prior to the hearing the accused student is entitled to written notification of the time and place of the hearing and hearing guidelines as outlined below.
2. At least seventy-two (72) hours prior to the hearing the accused student is entitled to a written statement of the charges in sufficient detail as to enable the student to prepare a case, including how the alleged violation came to the attention of the university.
3. All administrative hearings and hearings of judicial bodies will be closed, except to the accused, his/her advisor, the complainant, and the hearing officer or members of the judicial board. Witnesses may also appear upon request of the hearing officer, the judicial board, the accused or the complainant.
4. In hearings involving more than one accused student, the chairperson of the judicial body, in his or her discretion, may permit the hearings concerning each student to be conducted separately.
5. In cases heard by a judicial board, the accused student may question the ability of a judicial member to render an impartial judgment and may request the member's removal at that time. The judicial board will rule on the request. If any members of a judicial board feel that their relationship with either the case or the individuals involved would affect their ability to render an impartial judgment, they may disqualify themselves.
6. The complainant and the accused have the right to be assisted by any advisor they choose, at their own expense. The advisor may be an attorney. The accused is responsible for presenting his or her own case and advisors are not permitted to speak or to participate directly in any hearing before a judicial body.
7. The university, the accused and the judicial body shall have the privilege of presenting witnesses, subject to the right of questioning by the judicial body.
8. Pertinent records, exhibits and written statements may be accepted as evidence for consideration by a judicial body at the discretion of the chairperson.
9. The accused student is entitled to ask questions of the hearing officer, of the judicial board, and of any witnesses called before the administrative or judicial hearing.
10. Hearings shall proceed in the following order:
  - (i) Reading of the charges;
  - (ii) The student's denial or admission of the charges;
  - (iii) Presentation of evidence by the University and questions by the student charged and/or the hearing body.
  - (iv) Presentation of evidence by the student charged and questions by the University and/or the hearing body, and

(Rule 0240-03-02-.05, continued)

(v) Closing statement by both parties.

11. 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.
12. 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.
13. The student shall be notified in writing of the decision within five (5) days of the judicial body's decision. Every attempt will be made to verbally notify the student of the decision prior to the five day period. In cases involving alleged sexual assault, both the accused and accuser shall be notified in writing within five (5) days of the judicial body's decision.
14. There shall be a single record, such as minutes or a tape recording of all hearings before a judicial body. The record shall be the property of the university.
15. Any question of interpretation regarding the Student Code of Conduct shall be referred to the Vice Provost and Chief Student Affairs Officer or the Associate Vice President and Dean of Students for final determination.

(c) Victim's Rights

1. Some actions that violate the University regulations involve victimization of one or more students by another student(s). This behavior may include acts of theft or damage to property, physical violence, and other acts that endanger the safety of others in the University community. If a student has filed a complaint and is identified as a victim, that student is entitled to certain rights during the disciplinary process.
2. If a charge is filed with the appropriate judicial official, it is important to remember that the accused student is being charged with violating a University rule or regulation. Although a victim's input may be sought during the disciplinary process, the ultimate disposition of the case rests with the University. If a victim withdraws his or her charge during the course of the disciplinary proceeding, the University reserves the right to proceed with the case on the basis of evidence other than the testimony of the victim.
3. During the course of a disciplinary proceeding, victims have the following rights:
  - (i) To meet with the appropriate judicial officer to discuss the disciplinary process.
  - (ii) To submit a written account of the alleged incident.
  - (iii) To be advised of the date, time, and location of the disciplinary hearing and to request rescheduling of the hearing for good cause.
  - (iv) To be accompanied by an advisor of the victim's choosing during the hearing process although the advisor will not be permitted to speak for the victim during the hearing.

(Rule 0240-03-02-.05, continued)

- (v) To testify as a witness during the hearing.
  - (vi) To decline to testify, with knowledge that such action could result in dismissal of the University's charges for lack of evidence.
  - (vii) To submit a written impact statement to the hearing panel for consideration during the sanctioning phase of the disciplinary process.
- (5) Cases of alleged sexual assault. In cases involving alleged sexual assault, both the accuser and the accused 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 proceedings; and,
  - (b) Both the accuser and the accused shall be informed of the outcome of any disciplinary proceeding involving allegations of sexual assault.
- (6) General Policies on Student Organizations.
- (a) The purpose of these provisions is to create a set of uniform expectations for all student organizations registered at ETSU regarding social behavior on or off campus. In this context, student organization activities should be conducted with regard to the rights and safety of other members of the community. The role of student organizations within ETSU's academic community should be to provide students an opportunity to meet with their peers and faculty in a relaxed setting. This interaction should serve to enhance the campus learning environment by providing students an opportunity to develop leadership and social skills and to apply classroom work to life experiences.
  - (b) All disciplinary rules and regulations concerning individual students shall apply to student organizations and are incorporated by reference. This shall include compliance with all Local, State or Federal Laws.
  - (c) The University shall not be responsible for injuries or damages to persons or property resulting from the activities of student organizations, or for any debts or liabilities of such organizations.
  - (d) Student organizations are vicariously liable for the conduct and action of each member and invited guest of the organization while acting in the capacity of a member or while attending or participating in any activity of the organization.
  - (e) All student organizations shall be registered with the University prior to engaging in any organizational activity. (See TBR Policy No. 3:01:01:00). In addition, Greek letter social organizations are required to be members of one of the Greek governing councils on campus.
  - (f) Definitions
    - 1. A "student organizational function" is any meeting, event, banquet or program for social educational, recreational, cultural or spiritual purpose(s) planned and/or attended by members and/or their invited guests.
    - 2. An "open" activity is a function generally accessible to persons in the campus or community at large without regard to affiliation or association with the sponsoring organization.

(Rule 0240-03-02-.05, continued)

3. An "invited guest" is one who has received an invitation to attend a function from an identifiable member of the sponsoring organization. An announcement of general circulation to the campus or community at-large is not considered to be an invitation.
- (g) Student organizational functions.
1. All student organizational functions involving the serving or consumption of alcohol shall be registered with the Student Organization Resource Center at least five (5) days prior to the date of the function (see Procedures for Student Organization Events with Alcohol -- available in the Student Organization Resource Center). When functions are to take place in University owned, leased or controlled property, policies concerning use of that property should be consulted and must be complied with.
  2. Student organizational 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. Third party vendor locations are subject to administrative approval.
  3. Possession, sale, use and/or consumption of alcoholic beverages during a student organizational function must be in compliance with applicable federal, state and local laws and university rules. It is the responsibility of the sponsoring student organization to ensure that individuals under 21 years of age do not consume alcoholic beverages.
  4. Alcoholic beverages are permitted at functions only on a "bring your own can" basis or through a contract with a licensed server at a commercial establishment and shall not be made available on a self-serve basis. That is, students attending functions shall not have open or unlimited access to alcoholic beverages.
  5. Open parties where alcohol is present are prohibited.
  6. Possession, sale, use and/or consumption of any illegal drug or controlled substances at any student organizational function is prohibited.
  7. Any student organizational function at which alcohol is present must have a minimum of two (2) bonded security guards present at the site of the function.
  8. On an annual basis by August 1st, all social fraternities with houses are required to submit a current report from the fire marshal approving the house for occupancy and specifying the capacity limits of the facility, including the capacity limits of public areas. The report must be submitted in writing to the Coordinator of Greek Life. Attendance at student organizational functions must be restricted to the facility's public areas. The capacity limits of the public areas are determined by the fire marshal. In houses of social fraternities recognized by ETSU, attendance at student organizational functions with alcohol will not exceed two (2) invited guests for each active organization member, regardless of the capacity of the facility.
- (h) Complaints about a student organization shall be brought to the attention of the Director of Student Activities. Mediation among parties may result or disciplinary charges may be referred to the ETSU Judicial System for hearing.

(Rule 0240-03-02-.05, continued)

- (i) Student Organization Sanctions. Any registered student organization may be subject to the following disciplinary sanctions, as listed here and defined in Section 0240-3-2-.04 Disciplinary Sanctions: warning, reprimand, restitution, community service, constructive or educational project, restriction, probation, suspension of registration, withdrawal of registration. The sanctions may be imposed wither singly or in combination, and such action will be taken only pursuant to disciplinary procedures established by these rules.

**Authority:** T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New Rule filed April 28, 1983; effective July 13, 1983. Amendment filed January 31, 1986; effective April 15, 1986. Amendment filed April 30, 1987; effective July 29, 1987. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed June 11, 1990; effective September 26, 1990. Amendment filed May 13, 1991; effective August 28, 1991. Amendment filed July 14, 1992; effective October 28, 1992. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed May 18, 1994; effective September 28, 1994. Amendment filed August 8, 1995; effective December 29, 1995. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed October 17, 2002; effective February 28, 2003. Amendment filed October 8, 2003; effective February 27, 2004. Amendment filed August 11, 2004; effective December 29, 2004. Amendments filed June 28, 2005; effective October 28, 2005. Amendments filed September 20, 2007; effective January 28, 2008. Amendments filed November 12, 2008; effective March 30, 2009.

#### **0240-03-02-.06 TRAFFIC AND PARKING REGULATIONS.**

- (1) General.
  - (a) East Tennessee State University reserves the right to regulate the use of motor vehicles, including motorcycles, motor scooters, Mopeds and bicycles, on the campus as applicable to the Tennessee state law and the regulations of the University pertaining to motor vehicles. Except where indicated, all regulations are enforced 24 hours a day, seven (7) days a week. Parking in color-coded sections and lots is in effect Monday through Friday, 7:00 a.m. to 3:00 p.m. with the exception of Lot 23 which remains reserved until 4:30 p.m. After 3:00 p.m. weekdays, during weekends and holidays, students and employees may park in any designated parking space except those reserved for those with disabilities and 24-hour reserved spaces.
  - (b) The University considers parking as a privilege which may be revoked temporarily or permanently, for justifiable reasons.
  - (c) Drivers on the campus are subject to all traffic laws of the State of Tennessee, and violations are punishable thereunder.
  - (d) Vehicles determined to be abandoned, as defined by T.C.A. §55-16-103, will be removed from campus. Public Safety will make every effort to identify the owner of an abandoned vehicle and notify that individual of the need to remove the vehicle. Owners of abandoned vehicles will be notified by certified mail that their vehicle will be towed by a specific date if Public Safety is not advised of the owner's intent to remove the vehicle from the grounds of the university. The letter will also advise owner of his/her responsibility for tow charges and storage fee. The definition of abandoned vehicles includes the following:
    - 1. Over four (4) years old and left unattended on public property for more than ten (10) days;

(Rule 0240-03-02-.06, continued)

2. In an obvious state of disrepair and is left on public property for more than three (3) days.
- (2) Designated Parking.
- (a) Color-coded sections and lots are used to designate parking areas. Color-coding is as follows:
    1. Blue - Faculty and Staff
    2. Gold - Students
  - (b) Parking within the areas and lots shall be in designated space only (between two parallel white lines). Parking in any other area or manner shall be designated as NO PARKING ZONE. Some NO PARKING areas are:
    1. Any areas specified by a yellow curb or intermittent yellow markings with the words "NO PARKING" in black lettering.
    2. Areas where sidewalks intersect streets.
    3. Sidewalks, lawns, or grassy areas.
    4. Within 20 feet of a fire hydrant.
    5. Fire Lanes (marked by solid red curb or intermittent red markings with "NO PARKING" in black lettering).
    6. Any other area where signs indicate "NO PARKING" or special parking.
    7. Parking across or outside designated lines of parking spaces.
  - (c) Reserved Spaces. All reserved spaces are available parking spaces between the hours of 3:00 p.m. and 7:00 a.m. with the exception of Lot 23.
    1. The following spaces are reserved as noted:
      - (i) Disabled - reserved 24-hours a day.
      - (ii) Service Vehicles - reserved 24-hours a day.
      - (iii) Married Student Housing.
        - (I) The parking areas within Married Student Housing are reserved 24 hours per day for the residents and their guest only.
        - (II) Residents who intend to park a vehicle within these areas are required to purchase a parking decal for each vehicle.
    2. At times, certain areas will be reserved for parking for special events.
- (3) (a) Parking fees for students are assessed for a period beginning the first day of September and ending the last day of August and are included in the campus access fee. Parking fees for faculty and staff are assessed for a period beginning the first day of October and ending the last day of September. Fees for permits purchased after January 1 will be charged at a lesser rate.

(Rule 0240-03-02-.06, continued)

- (b) Payment of Fees
    - 1. Parking permit fees are payable at the Business Office in the Burgin E. Dossett Administration Building during normal business hours (8:00 a.m. to 4:30 p.m., Monday - Friday).
    - 2. Parking permits are issued upon payment of the parking fee.
  - (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.
  - (d) Disclaimer of Responsibility - East Tennessee State University assumes no responsibility for damage or loss to a vehicle while it is parked or operated on the campus, nor when it has to be towed.
- (4) Vehicle Operation.
- (a) Campus Speed Limit
    - 1. The speed limit on campus is 15 miles per hour, except where higher speed is posted.
    - 2. Speed limits are radar enforced.
  - (b) Traffic Hazards - Vehicles are not to be backed into parking spaces and must be headed into the closed end of the designated parking space. Not to include on street parallel parking.
  - (c) Back-In Parking - Vehicles are not to be backed into parking spaces and must be headed into the closed end of the designated parking space. Not to include on street parallel parking.
  - (d) On Street Parallel Parking
    - 1. Vehicles are not to be parked on the wrong side of the road with the left wheel against the curb.
    - 2. Every vehicle stopped or parked must have the wheels of the vehicle parallel to and within eighteen (18) inches of the curb.
  - (e) Right-of-Way - Motorists are to yield the right-of-way to all pedestrians. This especially applies to pedestrians in crosswalks.
- (5) Accidents.
- (a) Reporting Accidents
    - 1. All accidents involving a vehicle must be reported to the Department of Public Safety.

(Rule 0240-03-02-.06, continued)

2. The vehicles are not to be moved until the investigating officer instructs the drivers to do so.
  3. Failure to comply with the provisions of this paragraph may result in criminal prosecution.
- (b) Obtaining Copies of Accident Reports
1. A copy of the accident report will be furnished to all involved parties free of charge.
  2. The copy may be secured at the Department of Public Safety, Monday through Friday, 8:00 a.m. - 4:00 p.m.
- (6) Violations and Fines.
- (a) Ten Dollar (\$10.00) Fines. A fine of ten dollars (\$10.00) will be imposed for the following violations.
1. Permit not displayed properly.
  2. Permit not legible.
  3. Littering from vehicle.
  4. All illegal parking unless otherwise specified.
- (b) Twenty Dollar (\$20.00) Fines. A fine of twenty dollars (\$20.00) will be imposed for the following violations.
1. Failure to stop at a stop sign or yield right-of-way.
  2. Driving wrong way on one-way street.
  3. Failure to yield to pedestrians.
  4. Making U-turns.
  5. Parking in designated reserved spaces.
  6. Parking in a service vehicle space.
  7. Failure to purchase or display a campus parking permit.
  8. Designated car pool area or lot.
- (c) Thirty-five dollar (\$35.00) Fines. A fine of thirty-five (\$35.00) will be imposed for speeding; in addition, a fine of four dollars (\$4.00) will be imposed for each mile per hour over the posted speed limit. The additional mile per hour fine will be noted on the citation at the time of issue.
- (d) Fifty Dollar (\$50.00) Fines. A fine of fifty dollars (\$50.00) will be imposed for the following violations.
1. Parking in a fire lane (zone)
  2. Blocking a fire hydrant.
  3. Reckless driving. If a person drives a motor vehicle with such lack of ordinary care as to indicate his conscious indifference to the health and safety of himself or others (T.C.A. §55-10-205).
  4. Illegal parking by a chronic violator.
- (e) Seventy Five Dollar (\$75.00) Fines. A fine of seventy-five dollars (\$75.00) will be imposed for the following violations.
1. Parking in a fire lane (zone), second offense.
  2. Blocking a fire hydrant, second offense.

(Rule 0240-03-02-.06, continued)

- (f) One Hundred Dollar (\$100.00) Fines. A fine of one hundred dollars (\$100.00) will be imposed for the following violations:
    - 1. Blocking a disabled ramp.
    - 2. Parking in a disabled parking space.
  - (g) One Hundred Dollar (\$100.00) Fines. (These fines will not double after thirty (30) days.)
    - 1. Parking in a disabled space.
    - 2. Blocking a disabled access ramp.
  - (h) Violation of Parking Permit Policy.
    - 1. First offense: fine of thirty five dollars (\$35.00).
    - 2. Second offense: fines of seventy dollars (\$70.00).
  - (i) Towing. Vehicles will be towed at the owner's expense for the following violations, and citations will be issued:
    - 1. Blocking a fire hydrant.
    - 2. Blocking a roadway, walkway, driveway or other access way.
    - 3. Parking in a firelane.
    - 4. Stolen, abandoned or unregistered vehicle (no tags, switched tags, etc.)
    - 5. Parking in a handicapped reserved space.
    - 6. Blocking a handicapped access ramp.
    - 7. Revocation of parking privileges.
    - 8. Violation of closed lot policy (Lot 15A).
    - 9. Parking in a service vehicle space.
  - (j) Appeals. Any person who receives a parking/traffic citation may appeal the citation, within thirty (30) calendar days of issuance, by filing an appeal at Window #10 in the business office. In order to appeal a citation after 30 days and up to 45 days, a written explanation must be submitted and approved by the Parking, Traffic and Security Committee, and, in addition, the usual appeals request must be submitted. The appeal will be forwarded to the Traffic Appeals Court for disposition. Citations must be paid in advance in order to clear an encumbrance. Placing a citation in appeals will not temporarily clear encumbrances. If citations are altered on appeal, the appropriate amount will be reimbursed to the payee.
- (7) Miscellaneous Provisions.
- (a) Loading Zones
    - 1. Loading zones are limited to twenty (20) minutes and are marked as such.
    - 2. These zones may be occupied only long enough to conduct the actual loading or unloading.
    - 3. This will be strictly enforced.
    - 4. Multiple citations will be issued.
  - (b) Veterans Administration Medical Center

(Rule 0240-03-02-.06, continued)

1. Parking of motor vehicles belonging to employees or students stationed at the Mountain Home Veterans Administration Medical Center shall be limited to the Parking areas assigned by the Medical Center Director.
2. Federal regulations regarding the operation of motor vehicles on federal property will be strictly observed.
3. Permits are issued by the Veterans Administration to qualified personnel on a limited basis.

## (c) Disabled Vehicles

1. When a vehicle becomes disabled the owner/driver will notify the Department of Public Safety immediately.
2. All information will be recorded.
3. A reasonable amount of time will be afforded to repair or remove the vehicle before citations are issued.

## (d) Priority parking for officially recognized student carpools.

1. The University has designated a limited number of spaces in campus parking lots for officially recognized carpools.
2. Applicants must be currently registered students.
3. The carpool must consist of a minimum of two members.
4. Residents of residence halls and students who live within a one-mile radius of the University campus are not eligible.
5. All carpool members must live in the same geographical area.

**Authority:** T.C.A. §§49-8-203 and 55-16-103. **Administrative History:** New rule filed August 28, 1984; effective November 13, 1984. Amendment filed May 13, 1991; effective August 28, 1991. Amendment filed July 14, 1992; effective October 28, 1992. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed May 18, 1994; effective September 28, 1994. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed February 28, 2000; effective June 28, 2000. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed October 17, 2002; effective February 28, 2003. Amendment filed October 8, 2003; effective February 27, 2004.

**0240-03-02-.07 PARKING PERMIT REGULATIONS AND INFORMATION.**

- (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 31<sup>st</sup>. Faculty/staff permits are effective from purchase date to the following September 30<sup>th</sup>.
- (2) Disability Parking Permits

(Rule 0240-03-02-.07, continued)

- (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.
- (3) The registrant will be held responsible for all parking citations issued to the parking decal or permit, regardless of who parked the vehicle at the time of the violation. The acceptance by any person of a parking decal or permit, temporary or permanent, shall constitute their acceptance of the responsibility to observe and abide by all regulations, ordinances, and/or laws which govern the parking of their vehicles on the campus of East Tennessee State University.
  - (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.
  - (5) Responsibility rests with the driver to whom the parking decal or permit was issued for infractions committed by his car.
  - (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.
  - (7) Visitor Registration-All visitors are requested to stop at the Department of Public Safety, University Parkway, to obtain a Visitor's Parking Permit. There is no charge for visitor permits. Visitors who are cited for illegal parking are requested to bring the citation to the Department of Public Safety. Visitors are not assessed a fine for violations of the color code parking.
  - (8) Carpool Registration.
    - (a) The Department of Public Safety will issue a priority permit upon receipt of an approved priority approved parking application. Applications are accepted on a first-come, first-served, basis.
    - (b) All members of the carpool who intend to park a motor vehicle on campus must register their car with the Department of Public Safety and affix the regular parking decal to their vehicle.
    - (c) If the student needs to change an address or add or drop a car/person in the carpool after the permit has been issued, a priority parking permit modify form must be submitted to the Department of Public Safety.
    - (d) Carpool priority parking permits should be displayed on the dash of the driver's car and only used with the cars listed on the application.
    - (e) Lost or stolen permits will not be replaced and all permits expire at the end of each semester.

(Rule 0240-03-02-.07, continued)

- (f) Falsification, forgery, or modification of any University records associated with priority parking permit will result in immediate cancellation of the property parking and possible sanctions.
- (9) Parking Decals.
- (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. **Administrative History:** New rule filed August 28, 1984; effective November 13, 1984. Amendment filed April 23, 1994; effective July 28, 1994. Amendment filed August 8, 1995; effective December 29, 1995. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed February 18, 1999; effective June 28, 1999.

**0240-03-02-.08 REPEALED.**

**Authority:** T.C.A. §49-8-203. **Administrative History:** Original rule filed January 31, 1986; effective April 15, 1986. Amendment filed August 8, 1995; effective December 29, 1995. Repeal filed February 28, 2000; effective June 28, 2000.