

**Department of State**  
**Division of Publications**  
 312 Rosa L. Parks Ave., 8th Floor, Snodgrass/TN Tower  
 Nashville, TN 37243  
 Phone: 615-741-2650  
 Email: publications.information@tn.gov

**For Department of State Use Only**

Sequence Number: 09-26-19  
 Notice ID(s): 3015  
 File Date: 9/27/19

# Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

<b>Agency/Board/Commission:</b>	Tennessee Technological University
<b>Division:</b>	
<b>Contact Person:</b>	Karen Lykins
<b>Address:</b>	1 William L. Jones Dr., Cookeville TN 38505
<b>Phone:</b>	931-372-3084
<b>Email:</b>	KLykins@tntech.edu

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

<b>ADA Contact:</b>	Karen Lykins
<b>Address:</b>	1 William L. Jones Dr., Cookeville TN 38505
<b>Phone:</b>	931-372-3084
<b>Email:</b>	KLykins@tntech.edu

**Hearing Location(s)** (for additional locations, copy and paste table)

Address 1:	Roaden University Center, Room 282		
Address 2:	1000 N. Dixie Ave.		
City:	Cookeville		
Zip:	38505		
Hearing Date :	12/05/19		
Hearing Time:	1:30 p.m.	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

**Additional Hearing Information:**

--

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

- Amendment
- New
- Repeal

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

Chapter Number	Chapter Title
0240-09-05	Access to Public Records
Rule Number	Rule Title
0240-09-05-.01	Scope
0240-09-05-.02	Definitions
0240-09-05-.03	General Policy Statement

0240-09-05-.04	Requesting Access to Public Records
0240-09-05-.05	Responding to Public Records Request
0240-09-05-.06	Redaction
0240-09-05-.07	Inspection of Records
0240-09-05-.08	Request for Copies of Records

Rules  
Of  
Tennessee Technological University, Cookeville  
Chapter 0240-09-05  
Access to Public Records

New

Table of Contents is added to Chapter 0240-09-05 Access to Public Records and shall read as follows:

- 0240-09-05-.01 Scope
- 0240-09-05-.02 Definitions
- 0240-09-05-.03 General Policy Statement
- 0240-09-05-.04 Requesting Access to Public Records
- 0240-09-05-.05 Responding to Public Records Request
- 0240-09-05-.06 Redaction
- 0240-09-05-.07 Inspection of Records
- 0240-09-05-.08 Request for Copies of Records

0240-09-05-.01 Scope is added to Chapter 0240-09-05 Access to Public Records and shall read as follows:

0240-09-05-.01 Scope

- (1) This rule does not apply to a student's request to see his/her own education records or to an employee's or former employee's reasonable requests to review or copy his/her own personnel file.
- (2) Proof of Tennessee citizenship for the purpose of access to public records is not proof of residency for the purpose of classifying students as in-state or out-of-state when assessing tuition and fees and for admission purposes.

Authority: T.C.A. § 10-7-503(g)(2); T.C.A. § 49-8-203(a)(4).

0240-09-05-.02 Definitions is added to Chapter 0240-09-05 Access to Public Records and shall read as follows:

0240-09-05-.02 Definitions

- (1) Public Records: All documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency.
- (2) Public Records Request Coordinator ("Coordinator"): The designated individual who has the responsibility to ensure Public Record requests are routed to the appropriate records custodian and are fulfilled in accordance with the Tennessee Public Records Act.
- (3) Records Custodian: The office, official, or employee lawfully responsible for the direct custody and care of a Public Record.
- (4) Requestor: A person seeking access to a Public Record, whether it is for inspection or duplication.

Authority: T.C.A. § 10-7-503 (g)(2); T.C.A. § 49-8-203(a)(4).

0240-09-05-.03 General Policy Statement is added to Chapter 0240-09-05 Access to Public Records and shall read as follows:

0240-09-05-.03 General Policy Statement

- (1) Tennessee Tech shall timely and efficiently provide access and assistance to persons requesting to view or receive copies of Public Records as required by law.

Authority: T.C.A. § 10-7-503(g)(2); T.C.A. § 49-8-203(a)(4).

0240-09-05-.04 Requesting Access to Public Records is added to Chapter 0240-09-05 Access to Public Records and shall read as follows:

0240-09-05-.04 Requesting Access to Public Records

- (1) Public Records requests should be directed to the Coordinator or his/her designee in order to ensure Public Records requests are routed to the appropriate Records Custodian and fulfilled in a timely manner.
- (2) Requestor may contact the Coordinator in person, by telephone, by email, or by mail.
- (3) Tennessee Tech will publish the name, telephone number, email address, and office location of the Coordinator on its website or similar publication.
- (4) Tennessee Tech will not require a Requestor to submit a request for inspection in writing, absent good cause.
- (5) Tennessee Tech will require proof of Tennessee citizenship by either a valid Tennessee driver's license or alternative acceptable form of identification as a condition to inspect or receive copies of Public Records.
- (6) No request is necessary for bid tabulations for Request for Proposals and Request for Quotes, which are posted regularly on Tennessee Tech's Purchasing and Contracts webpage. Similarly, meeting notices and materials for Tennessee Tech's Board of Trustees are posted on Tennessee Tech's Board webpage.

Authority: T.C.A. § 10-7-503(g)(2); T.C.A. § 49-8-203(a)(4).

0240-09-05-.05 Responding to Public Records Requests is added to Chapter 0240-09-05 Access to Public Records and shall read as follows:

0240-09-05-.05 Responding to Public Records Requests

- (1) The Coordinator shall, as necessary or appropriate:
  - (a) Request proof of Tennessee citizenship;
  - (b) Clarify the scope of the request;
  - (c) Advise the Requestor that Tennessee Tech may charge for copies if the request exceeds the costs threshold allowed by its rule;
  - (d) Advise the Requestor that Tennessee Tech is not the custodian of the record;
  - (e) Provide the records;
  - (f) Deny the request in writing, providing the appropriate basis, such as one of the following:
    1. The Requestor is not a Tennessee citizen or has not presented evidence of Tennessee citizenship;
    2. The request lacks specificity;
    3. An exemption makes the record not subject to disclosure under the Tennessee Public Records Act;
    4. The records do not exist.
- (2) The Coordinator may deny the request provided the Coordinator has identified in writing the specific legal

basis for the denial of the request.

- (3) The Coordinator may, if appropriate, contact the Requestor to see if the request can be narrowed.
- (4) If requested records are in the custody of a different governmental entity and the Coordinator knows the correct governmental entity, the Coordinator may direct the Requestor to the correct governmental entity.
- (5) A Records Custodian must promptly forward a request to the Coordinator and assist the Coordinator in making the records available to the Requestor in a timely manner.
- (6) If not practicable to promptly provide requested records because additional time is necessary to determine whether the requested records exist; to search for, retrieve, or otherwise gain access to records; to determine whether the records are open, to redact records; or for other similar reasons, then the Coordinator shall, within seven (7) business days from the receipt of the request, send the Requestor a completed Public Records Response Form.
- (7) If the Coordinator reasonably determines production of records should be segmented because the Public Records Request is for a large volume of records, or additional time is necessary to prepare the records for access, the Coordinator shall notify the Requestor in writing that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the Coordinator may contact the Requestor to see if the request can be narrowed.
- (8) If the Coordinator discovers records responsive to a records request were omitted, the Coordinator will notify the Requestor and produce the records as quickly as practicable.

Authority: T.C.A. § 10-7-503 (g)(2); T.C.A. § 49-8-203(a)(4).

0240-09-05-.06 Redactions is added to Chapter 0240-09-05 Access to Public Records and shall read as follows:

0240-09-05-.06 Redaction

- (1) If a record contains confidential information that is not open for public inspection, the Coordinator, with assistance from the Records Custodian, shall redact the record prior to providing access.
- (2) Whenever the Custodian provides a redacted record, the Custodian will advise the Requestor of the general basis or bases for the redaction(s).

Authority: T.C.A. § 10-7-503(g)(2); T.C.A. § 49-8-203(a)(4).

0240-09-05-.07 Inspections of Records is added to Chapter 0240-09-05 Access to Public Records and shall read as follows:

0240-09-05-.07 Inspection of Records

- (1) Tennessee Tech will not charge for inspection of Public Records.
- (2) Tennessee Tech will advise the Requestor of the location where the records may be inspected.
- (3) The Coordinator may require an appointment for the inspection.

Authority: T.C.A. § 10-7-503(g)(2); T.C.A. § 49-8-203(a)(4).

0240-09-05-.08 Request for Copies of Records is added to Chapter 0240-09-05 Access to Public Records and shall read as follows:

0240-09-05-.08 Request for Copies of Records

- (1) The Coordinator will respond to a Public Records request for copies in the most economic and efficient manner practicable.

- (2) Copies will be available for pickup at a location specified by the Coordinator.
- (3) Tennessee Tech will not use fees and charges for copies of Public Records to hinder access to Public Records.
- (4) The Coordinator will provide Requestors with an estimate of the charges prior to producing copies of records and may require prepayment of such charges before producing requested records.
- (5) If fees for copies and labor do not exceed twenty-five dollars (\$25), Tennessee Tech may waive those fees. Requests for waivers for costs that exceed \$25 must be presented to the Coordinator, who is authorized to determine if such waiver is in the best interest of Tennessee Tech or for the public good.
- (6) A requestor may use a personal cellphone to take pictures of records when the total amount of pages to be photographed does not exceed twenty-five (25) pages.
- (7) Tennessee Tech will not waive fees associated with aggregated records requests.
- (8) A Requestor must pay by cash, credit card, or personal check made payable to Tennessee Tech and presented to the Coordinator or to the Tennessee Tech Business Office.
- (9) Tennessee Tech will aggregate record requests in accordance with the current office of Open Records Schedule for Reasonable Charges for Frequent and Multiple Requests when more than four (4) requests are received within a calendar month either from a single individual or a group of individuals deemed working in concert.
- (10) If Tennessee Tech aggregates requests, the Coordinator will advise Requestors of the basis for the aggregation.

Authority: T.C.A. § 10-7-503(g)(2); T.C.A. § 49-8-203(a)(4).

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 9-26-19

Signature: Karen Lykins

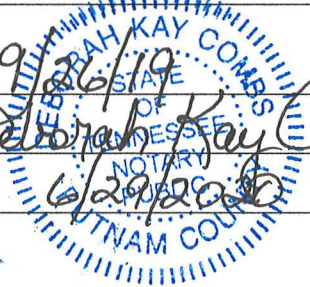
Name of Officer: KAREN LYKINS

Title of Officer: CHIEF COMMUNICATION OFFICER

Subscribed and sworn to before me on: \_\_\_\_\_

Notary Public Signature: Reborah Kay Combs

My commission expires on: 6/29/2020



Department of State Use Only

RECEIVED  
29 SEP 27 PM 1:11  
SECRETARY OF STATE  
PUBLICATIONS

Filed with the Department of State on: 9/27/19

Tre Hargett

Tre Hargett  
Secretary of State