

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

Chapter 0240-3-7
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, William R. Snodgrass Tower, 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. Part 3. of subparagraph (e) of paragraph (1) of Rule 0240-3-7-.06 Judicial Procedures is amended by deleting the text of the part and substituting the following language, so that, as amended, part 3. shall read:

3. The individual who filed the complaint and the accused have the right to be present during the hearing. The accused may be assisted by an advisor he chooses, at his own expense. 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.

2. Subpart (vi) of part 6. of subparagraph (e) of paragraph (1) of Rule 0240-3-7-.06 Judicial Procedures is further amended by deleting the text of the subpart and substituting the following language, so that, as amended, subpart (vi) shall read:

- (vi) After the hearing, the judicial body shall determine by majority vote whether the student has violated each section of the Student Code of Conduct which the student is charged with violating.

3. Subparagraph (a) of paragraph (2) of Rule 0240-3-7-.06 Judicial Procedures is further amended by deleting the text of the subparagraph and substituting the following language, so that, as amended, subparagraph (a) shall read:

- (a) The decision concerning violation and/or the sanction imposed may be appealed by the accused student to the Judicial Committee within five (5) class

days of notification of the decision. Such appeals must be in writing and shall be delivered to the Judicial Officer or his or her designee.

4. Subparagraphs (c) and (d) of paragraph (2) of Rule 0240-3-7-.06 Judicial Procedures are further amended by deleting the text of the subparagraphs and substituting the following language, so that, as amended, subparagraphs (c) and (d) shall read:

- (c) If an appeal is upheld by the Judicial Committee, the matter shall be remanded to the original judicial body and the Judicial Officer for reopening of the hearing to allow reconsideration of the original determination and/or sanction(s).
- (d) Subsequent to review by the Judicial Committee, a student may petition to the President for review of the appropriateness of any sanction(s) imposed by a hearing body. Petitions must be delivered to the Office of the President within three (3) class days of the notification of the decision of the Judiciary Committee.

5. Subparagraph (e) of paragraph (1) of Rule 0240-3-7-.06 Judicial Procedures is further amended by adding a new part 7. Part 7. shall read:

- 7. Hearings concerning interim suspension should proceed in the following order:
 - (i) Presentation of information concerning the rationale for the interim suspension should be presented by the Judicial Officer, college officials or the complainant.
 - (ii) Student response: The student may present information and submit statements and documentation in his/her behalf.
 - (iii) Discussion.
 - (iv) The judicial body shall determine by consensus whether or not it is more likely than not that the interim suspension is justifiable and should continue until the hearing date.
 - (v) 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 (5)-day period. In cases involving alleged sexual assault, both the accused and accuser shall be notified in writing within the five (5) days of the judicial body's decision.

Authority: T.C.A. §49-8-203.

The proposed rules set out herein were properly filed in the Department of State on the 16th day of January, 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 31st day of May, 2007. (01-13-07)