

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

Chapter 0240-3-13
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. Rule 0240-3-13 Student Disciplinary Rules is amended by adding a statement below the Table of Contents which shall read:

Note: Please be aware that the rules and regulations for student conduct are continually under examination and revision. The institution reserves the right to make changes as required. However, to the extent a discrepancy exists between this policy and related Tennessee Board of Regents or State policy or law, TBR and State policy shall take precedence.

2. Paragraph (2) of Rule 0240-3-13-.01 Institution Policy Statement is amended by deleting the text of the paragraph and substituting the following language, so that, as amended, paragraph (2) shall read:

(2) Pursuant to this authorization, the College has developed the following Regulations which are intended to govern student conduct on campus. In addition, students are subject to all national, state, and local laws and ordinances. If a student'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 to disciplinary measures by the institution whether or not such conduct is simultaneously violative of state, local, or national laws.

Authority: T.C.A. §49-8-203.

3. Subparagraphs (e) and (f) of paragraph (2) of Rule 0240-3-13-.02 Disciplinary Offenses is amended by deleting the text of the subparagraphs and substituting the following language, so that, as amended, subparagraphs (e) and (f) shall read:

- (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, telephone, institution keys, library materials and/or safety devices; and any such act against the property of 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 the property of a member of the institution community or a guest of the institution.

4. Subparagraphs (i) through (k) of paragraph (2) of Rule 0240-3-13-.02 Disciplinary Offenses are further amended by deleting the text of the subparagraphs and substituting the following language, so that, as amended, subparagraphs (i) through (k) shall read:

- (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 is prohibited.
- (j) Alcoholic beverages. The use, possession, distribution, sale or manufacture of alcoholic beverages, or public intoxication on property owned or controlled by the institution (Roane State Community College); at an institutional sponsored event; on property owned or controlled by an affiliated clinical site is prohibited. This includes any violation of any term of the Roane State Community College Drug-Free Schools and Communities Policy Statement (RSCC Policy No. GA-21-03). The Drug-Free Schools and Communities Act of 1989 is distributed to each student annually via the Student Handbook.
- (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 drug or controlled substance, or the misuse of legally prescribed or "over the counter" drugs on property owned or controlled by the institution; at an institution sponsored event; on property owned or controlled by an affiliated clinical site is prohibited. This includes any violation of any term of the Roane State Community College Drug-Free Schools and Communities Policy Statement (RSCC Policy No. GA-21-03). The Drug-Free Schools and Communities Act of 1989 is distributed to each student annually via the Student Handbook.

5. Parts 2. through 11. of subparagraph (t) of paragraph (2) of Rule 0240-3-13-.02 Disciplinary Offenses is further amended by deleting the parts in their entirety.

6. Subparagraph (t) of paragraph (2) of Rule 0240-3-13-.02 Disciplinary Offenses is further amended by adding new parts 2. through 5. New parts 2. through 5. shall read:

2. Respect for State Owned Property
 - (i) Users shall not intentionally, recklessly or negligently misuse, damage or vandalize Roane State Community College computer resources. If such misuse is suspected, the Executive Director of Information Technology, the Internal Auditor and Security Officer may conduct an investigation to determine the cause and responsibility. If applicable the student or employee may be required to pay for the repair or replacement of the equipment. (See Disposition of Violations below.)
3. Additional Responsibilities for Employees and Independent Contractors
 - (i) Users who are employees and Independent Contractors shall not make use of Roane State Community computer resources for purposes which do not conform to the purposes, goals and mission of Roane State Community College.
 - (ii) Users shall not use Roane State Community College computer resources for solicitation for religious or political causes.
4. Digital Millennium Copyright Act of 1998
 - (i) Title II of the Digital Millennium Copyright Act of 1998 is designed to provide protection for institutions acting as a service provider (public Web site) if copyright infringement occurs without its knowledge. If the institution merely acts as a conduit for the copyrighted material it will not be held liable if, (1) it exerts no editorial control, (2) does not originate the transmission or choose the recipient, and (3) does not make the copyrighted material available to others besides the intended recipient. The Act further provides that institutions of higher education are not liable for infringing acts by faculty or graduate students if:
 - (I) The faculty or graduate student's activities do not involve online access (including email) to materials that were "required or recommended" within the preceding three (3) years for a course taught by the employee at the institution.
 - (II) The institution has not received more than two (2) notices of actionable infringement by the faculty or graduate student.
 - (III) The institution provides all users of its system or networks the informational materials on compliance with U. S. copyright laws.
 - (ii) In accordance with the provisions of Title II of the Act, Roane State Community College will designate and register an agent with the Register of Copyright. The name, address, phone number and email address of the agent will be listed publicly on the opening page of the Roane State Community College Website.

(iii) Upon notification of an infringement in accordance with “On-line Copyright Infringement Liability Limitation Act,” Section 202, Subparagraph (3) “Elements of Notification,” Roane State Community College will immediately remove the offending material.

(I) The owner of the page containing the infringing material will be notified and advised that the material has been removed or disabled. If the user believes that the material has been erroneously identified as infringing the user may submit a counter-notice to the complaining party or authorized representative and a copy to the institution’s designated agent. The counter-notice must contain the information outlined in (3) “Contents of Counter Notification” of the Act. It must include the following information:

- I. A physical or electronic signature of the user.
- II. Identification of the material that has been removed or to which access has been blocked and the location at which the material appeared before being blocked or removed.
- III. A statement that the user has a good faith belief that the material was removed or disabled as a result of mistake or misidentification of the material to be removed or disabled.
- IV. The user’s name, address, telephone number and a statement that the subscriber consents to the jurisdiction of Federal District Court for the judicial district in which the address is located and that the user will accept service of process from the person who provided notification of infringement.
- V. If no response to the counter-notice is received within fourteen (14) business days, Roane State Community College will immediately restore or cease disabling the material.

5. Disposition of Violations

(i) Computer misuse violation should be reported through the appropriate supervisory chain to the Office of the Assistant Vice President for Student Services and Multicultural Affairs, the Executive Director of Information Technology or the Director of Human Resources.

(I) The Assistant Vice President for Student Services and Multicultural Affairs, will be responsible for student violations. In case of threatening or offensive

communications, the Assistant Vice President for Student Services and Multicultural Affairs will notify Security to ensure student safety.

- (II) The Director of Human Resources will be responsible for staff and faculty violations.
 - (III) The Executive Director of Information Technology will assist the Assistant Vice President for Student Services and Multicultural Affairs or Director of Human Resources in collecting evidence of violations.
- (ii) The dispositions listed below (not an all-inclusive list) are options drawn from the sanctioned policy of the Tennessee Board of Regents Code of Conduct.
- (I) Revoking of the individual's right to use the computer, either on a temporary or permanent basis.
 - (II) Probation
 - (III) Suspension
 - (IV) Expulsion
 - (V) Financial assessment for computer services
 - (VI) Legal prosecution. In the event that other college regulations are violated, additional penalties may be imposed.
 - (VII) Unauthorized use of the computer by an individual other than the college community may be adjudged a felony, and the individual may be liable to legal prosecution.
- (iii) Appeals may be directed through Student Services to the President.

Authority: T.C.A. §49-8-203.

7. Paragraph (3) of Rule 0240-3-13-.03 Academic and Classroom Misconduct is amended by deleting the text of the paragraph and substituting the following language, so that, as amended, paragraph (3) shall read:

- (3) If the student believes 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 Office of the Assistant Vice President for Student Services and Multicultural Affairs.

Authority: T.C.A. §49-8-203.

8. Subparagraph (d) of paragraph (2) of Rule 0240-3-13-.04 Disciplinary Sanctions is amended by deleting the text of the subparagraph and substituting the following language, so that, as amended, subparagraph (d) shall read:

- (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.

9. Subparagraph (g) of paragraph (2) of Rule 0240-3-13-.04 Disciplinary Sanctions is further amended by deleting the text of the subparagraph and substituting the following language, so that, as amended, subparagraph (g) shall read:

- (g) 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. A student expelled from the College may not enter the campus grounds for any reason without the permission of the Assistant Vice President for Student Services and Multicultural Affairs. A student expelled from the College will not receive a refund for maintenance or miscellaneous fees.

10. Paragraph (2) of Rule 0240-3-13-.04 Disciplinary Sanctions is further amended by adding a new subparagraph (j). New subparagraph (j) shall read:

- (j) The President of the College is authorized, at his or her discretion, to subsequently convert any sanction imposed to a lesser sanction or to rescind any previous sanction in appropriate cases.

11. Paragraph (3) of Rule 0240-3-13-.04 Disciplinary Sanctions is further amended by deleting paragraph (3) in its entirety.

Authority: T.C.A. §49-8-203.

12. Subparagraphs (a) and (b) of paragraph (1) of Rule 0240-3-13-.05 Disciplinary Procedures are amended by deleting the text of the subparagraphs and substituting the following language, so that, as amended, subparagraphs (a) and (b) shall read:

- (a) Roane State Community College recognizes that disciplinary proceedings should play a secondary role to guidance and counseling and makes every effort to keep open the avenues of communication between students, faculty, and staff which provide for the transmittance of constructive ideas toward the solution of problems.
- (b) However, whenever violations of standards of conduct occur, the institution may initiate judicial proceedings through the power vested in its Disciplinary Committee. In all cases, disciplinary action becomes a part of the student's permanent record, and proper procedural safeguards will be used to assure due process. Notification of disciplinary action is by a letter from the Assistant Vice President for Student Services and Multicultural Affairs to the student and (when appropriate) to the parents and other college officials.

13. Subparagraph (b) of paragraph (4) of Rule 0240-3-13-.05 Disciplinary Procedures is further amended by deleting the text of the subparagraph and substituting the following language, so that, as amended, subparagraph (b) shall read:

- (b) A decision or judgment of the Disciplinary Committee may be appealed by the Assistant Vice President of Student Services and Multicultural Affairs on the grounds that the penalty or sanction imposed was insufficient or excessive.

Authority: T.C.A. §49-8-203.

14. Subparagraph (a) of paragraph (1) of Rule 0240-3-13-.06 Traffic and Parking Regulations is amended deleting the text of the subparagraph and substituting the following language, so that, as amended, subparagraph (a) shall read:

- (a) All vehicles parked or operated by any person in connection with their employment or attending classes at the college must be registered with the College.

15. Subparagraph (c) of paragraph (1) of Rule 0240-3-13-.06 Traffic and Parking Regulations is further amended by deleting the text of the subparagraph and substituting the following language, so that, as amended, subparagraph (c) shall read:

- (c) Expired campus registration decals must be removed. Current campus registration decals must be hung from the rearview mirror.

16. Subparagraph (i) of paragraph (1) of Rule 0240-3-13-.06 Traffic and Parking Regulations is further amended by deleting the text of the subparagraph and substituting the following language, so that, as amended, subparagraph (i) shall read:

- (i) In case of an emergency, temporary permits (for no more than three (3) days) are available in the Office of the Assistant Vice President of Student Services and Multicultural Affairs.

17. Rule 0240-3-13-.06 Traffic and Parking Regulations is further amended by adding a new paragraph (3) and renumbering the remaining paragraphs accordingly. New paragraph (3) shall read:

(3) Enforcement

- (a) Violation citations must be paid in the Business Office or appealed through the SGA/CAB (Student Government Associations/Campus Activities Board) or the Assistant Vice President of Student Services and Multicultural Affairs office within seventy-two (72) hours. Appeals will not be accepted after that time.
- (b) Illegally parked vehicles may be impounded or moved at the owner's expense.

18. Subparagraphs (a) and (b) of paragraph (4) (formerly (3)) of Rule 0240-3-13-.06 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) and (b) shall read:

- (a) Student signs indicate spaces or areas reserved for students. Only students may park in these spaces or areas. No faculty or staff parking.

- (b) Faculty signs indicate spaces or areas reserved for faculty and staff. Only faculty and staff may park in these spaces or areas. No student parking.

19. Subparagraph (g) of paragraph (4) (formerly (3)) of Rule 0240-3-13-.06 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) Roane County Campus only. Open parking will be allowed in some lots after 5:00 p.m. Please pay attention to signage as this applies to certain lots only.

20. Paragraph (5) (formerly (4)) (including subparagraphs (a) and (b)) of Rule 0240-3-13-.06 Traffic and Parking Regulations is further amended by deleting the paragraph and subparagraphs in their entirety and relettering the subsequent paragraphs appropriately.

21. Paragraphs (5) through (8) (including all subparagraphs and parts) of Rule 0240-3-13-.06 Traffic and Parking Regulations are further amended by deleting the text of the paragraphs and substituting the following language, so that, as amended, paragraphs (5) through (8) shall read:

(5) Driving Regulations

- (a) The speed limit on all campuses is 15 mph.
- (b) All traffic signs must be obeyed.
- (c) Motorists must yield the right-of-way to pedestrians.
- (d) All accidents involving injury to persons or damages to autos, equipment, etc., must be reported to the Security Office.

(6) Violation FeesFaculty, Staff, Students, and Visitors

(a)	No decal displayed	\$20.00
	Illegal use of decal	\$20.00
	Improper display of decal	\$20.00
	Parked in unauthorized area	\$20.00
	Parked in driveway	\$20.00
	Double parked	\$20.00
	Improper motorcycle parking	\$20.00
	Wrong way on one-way street	\$20.00
	Parked in handicapped area	\$100.00

These fines are to be paid in the Business Office

(7) Penalties

- (a) Parking privileges for remainder of the school year may be suspended or revoked depending upon the severity of the violation and/or repeat violations.
- (b) Students who persist in violating these regulations or commit a single violation under extreme circumstances will be referred to the Assistant Vice President for Student Services and Multicultural Affairs for disciplinary action which may lead to suspension or dismissal from the College.

(8) Appeals Per Campus

- (a) The Office of the Assistant Vice President for Student Services and Multicultural Affairs coordinates all traffic appeals on the Roane County Campus; the Dean of the Oak Ridge Campus coordinates traffic appeals in Oak Ridge. You must make appeal at the campus on which the citation was issued. At off campus sites, traffic appeals will be handled by the directors in cooperation with the Assistant Vice President for Student Services and Multicultural Affairs.
- (b) Roane County Campus:
 - 1. Faculty and Staff may appeal a violation citation through the Office of the Assistant Vice President for Student Services and Multicultural Affairs, in cooperation with the campus Security Office.
 - 2. Students may appeal a violation citation by obtaining an appeals form from the SGA/CAB in the Student Activities Office in Room D-008. The appeal will then be reviewed by the SGA/CAB Traffic Appeals Board and either approved or denied.
 - 3. Failure to appear at a scheduled meeting without notifying the SGA/CAB Traffic Appeals Board or the Office of the Assistant Vice President for Student Services and Multicultural Affairs will result in forfeiture of right of appeal.
- (c) Oak Ridge Campus
 - 1. Faculty and Staff may appeal a violation citation through the Office of the Dean of the Oak Ridge Campus.
 - 2. Students may appeal a violation citation by obtaining an appeals form from the Office of the Dean of the Oak Ridge Campus. The appeal will then be reviewed by the SGA/CAB Traffic Appeals Board and either approved or denied.
 - 3. Failure to appear at a scheduled meeting without notifying the SGA/CAB Traffic Appeals Board or the Office of the Dean of the Oak Ridge Campus will result in forfeiture of right of appeal.

Authority: T.C.A. §49-8-203.

22. Paragraph (1) of Rule 0240-3-13-.07 Registration of Motor Vehicles is amended by deleting the text of the paragraph and substituting the following language, so that, as amended, paragraph (1) shall read:

- (1) All vehicles parked or operated by any person in connection with their employment or attendance of classes at the College must be registered with the College.

23. Paragraph (3) of Rule 0240-3-13-.07 Registration of Motor Vehicles is further amended by deleting the text of the paragraph and substituting the following language, so that, as amended, paragraph (3) shall read:

- (3) Expired campus registration decals must be removed. Current campus registration decals must be hung from the rearview mirror.

24. Paragraph (8) of Rule 0240-3-13-.07 Registration of Motor Vehicles is further amended by deleting the text of the paragraph and substituting the following language, so that, as amended, paragraph (8) shall read:

(8) In case of emergency, temporary permits are available in the Office of the Assistant Vice President for Student Services and Multicultural Affairs at no cost.

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. (01-15-07)