

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

Chapter 0240-03-14  
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.Paragraph (1) of Rule 0140-03-14-.03 Classroom Misconduct is amended by deleting the text of the paragraph and substituting the following language, so that, as amended, paragraph (1) shall read:

- (1) The instructor has the primary responsibility for control over classroom behavior and the maintenance of academic integrity and can order the temporary removal or exclusion from the classroom of any student engaged in disruptive conduct or conduct that violates the general rules and regulations of the College. Extended or permanent exclusion can be affected only through appropriate procedures of the College.

Authority: T.C.A. §49-8-203.

2. Subpart (ii) of part 5. of subparagraph (d) of paragraph (2) or Rule 0240-03-14-.04 Disciplinary Procedures is amended by deleting the text of the subpart and substituting the following language, so that, as amended, subpart (ii) shall read:

- (ii) The student is willing to accept the Coordinator's action as final.

3. Subparagraph (c) of paragraph (3) of Rule 0240-03-14-.04 Disciplinary Procedures is further amended by deleting the text of the subparagraph and substituting the following language, so that, as amended, subparagraph (c) shall read:

- (c) An appeal in writing, setting forth the grounds for the appeal, must be submitted via the Coordinator of Student Activities to the Vice President of Student Services and Enrollment Management within forty-eight (48) hours of the original decision.

Authority: T.C.A. §49-8-203.

4. Subparagraph (h) of paragraph (2) of Rule 0340-03-14-.05 Disciplinary Sanctions is amended by deleting the text of the subparagraph and substituting the following language, so that, as amended, subparagraph (h) shall read:

- (h) Interim or summary suspension. Though as a general rule, the status of a student accused of violations of the code 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 Vice President of Student Services and Enrollment Management or his or her designated representative that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused, or of any other member of the College community or its guest, destruction of property, or substantial disruption of classroom or other campus activities. 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 possible.

Authority: T.C.A. §49-8-203.

5. Subparagraphs (b) and (c) of paragraph (1) of Rule 0240-03-14-.06 Traffic and Parking Regulations is amended by deleting the text of the subparagraphs and substituting the following language, so that, as amended, subparagraphs (b) and (c) shall read:

- (b) The Chief of Police Services is responsible for the enforcement of this code.
- (c) The Chief of Police Services may exclude or remove from the campus any vehicle used as an instrument in a crime, suspected of being stolen, abandoned or mechanically unfit, operated by a person under the apparent influence of intoxicants, or one that has not been properly registered in accordance with this code.

5. Subparagraph (e) of paragraph (1) of Rule 0240-03-14-.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 (e) shall read:

- (e) If a vehicle and/or its contents are stolen or damaged in any way while on Southwest property, this information should be immediately reported to the Police Services Office. Police Services will offer assistance in processing reports and/or claims to the appropriate agencies.

6. Subparagraph (g) of paragraph (2) of Rule 0240-03-14-.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) Temporary Parking Permit – A permit issued by the Police Services Office for a brief period of time, usually no more than three (3) working days. This permit is also issued to visitors and guests.

7. Subparagraph (a) of paragraph (8) of Rule 0240-03-14-.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 (a) shall read:

- (a) Students and employees eligible to operate vehicles on campus or designated center sites of Southwest Tennessee Community College must register their vehicles at the Police Services Office.

8. Subparagraphs (d) through (f) of paragraph (8) of Rule 0240-03-14-.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 (d) through (f) shall read:

- (d) Employee parking permits will be issued to employees each year for a campus access fee of \$30.00 per year.
- (e) Students and employees having a bona fide disability (permanent or temporary) must register their vehicle with the Police Services Office.
- (f) Visitors may obtain a guest parking permit from the sponsor of the activity in which they are involved. Regular visitors may obtain a temporary permit from the Police Services Office. Visitors are permitted to park in any area on a space available basis. Visitors must adhere to all Southwest Tennessee Community College Parking Regulations. Visitors' violations will be charged to the visitor and/or the person who authorized the permit. The visitor/guest permit must be displayed by hanging from the rear view mirror.

9. Part 1. of subparagraph (c) of paragraph (11) of Rule 0240-03-14-.06 Traffic and Parking Regulations is further amended by deleting the text of the part and substituting the following language, so that, as amended, part 1. shall read:

- 1. The appeal process begins with the student completing the "Request to Void Ticket" form. These forms may be obtained, completed and left in the Office of Student Activities. The traffic citation issued by the Police Services must be attached to the appeal form at the time of its submission to the Committee.

10. Parts 4. and 5. of subparagraph (c) of paragraph (11) of Rule 0240-03-14-.06 Traffic and Parking Regulations are further amended by deleting the text of the parts and substituting the following language, so that, as amended, parts 4. and 5. shall read:

- 4. A copy of the action of the Committee on an appeal will be made known to the Vice President of Student Services and Enrollment Management and Police Services. The Police Services will notify the student of the results via returned student copy of the request form on which the action will be noted. If the student wishes to learn the Committee's decision prior to the receipt of their copy, the student may call the Office of Student Activities after the Committee hearing is held.
- 5. If the student feels that the Committee's decision must be appealed, the student may submit a written request to the Vice President of Student Services and Enrollment Management within seventy two (72) hours after the decision of the Committee has been released. The Vice President of Student Services and Enrollment Management will review the respective decisions and decide whether to uphold or override Committee action.

11. Subparagraph (d) of paragraph (11) of Rule 0240-03-14-.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 (d) shall read:

(d) Limitations

Once a citation is issued to a student, notice of such is to be entered into the computer by the Police Services Office, which results in a “hold” being placed on the student’s records and denial of permission to register.

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. (01-16-07)