

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

Chapter 0240-3-16
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 (2) of Rule 0240-3-16-.02 General Offenses is amended by adding new subparagraphs (s) through (v). New subparagraphs (s) through (v) shall read:

- (s) Violations of imposed disciplinary sanctions. Intentional or unintentional violation of a disciplinary sanction officially imposed by an institution or school official or a constituted body of the institution or school.
- (t) Harassment. Any act of harassment by an individual or group against a student, faculty member, or another group. Harassment shall include, but is not limited to insults, heckling, verbal abuse, threats or physical abuse, unwanted suggestions of a sexual nature, repeated teasing or annoyance to another, repeated unsolicited phone calls made with the intent to harass, or other actions considered disturbing to others.
- (u) Pets. With the exception of "service animals" and the exception of animals used for academic research purposes, animals are prohibited on institution or school owned or controlled facilities. The term "service animal" is defined as any animal individually trained to do work or perform tasks for the benefit of a person with a disability (e.g., a guide dog, signal dog, etc.). "Service animals" perform some of the functions and tasks that the individual with a disability cannot perform for him/her self. The institution requires documentation reflecting appropriate certification of the medical necessity of the animal for the individual seeking its assistance while on the premises prior to approval of the use of the animal.

- (v) Filing a false complaint or statement. Any behavior whereby a student knowingly submits a false complaint or statement alleging a violation of these regulations by a student, organization, institution or school employee.

Authority: T.C.A. §49-8-203.

2. Rule 0240-3-16-.03 Academic and Classroom Offenses is amended by adding new paragraphs (4) and (5) and renumbering the subsequent paragraphs accordingly. New paragraphs (4) and (5) shall read:

- (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, palm pilots, laptop computers, games, etc.).
- (5) Class attendance and punctuality requirements are established 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 is 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.

3. Paragraph (1) of Rule 0240-3-16-.06 Traffic and Parking Regulations is amended by adding a new subparagraph (g). New subparagraph (g) shall read:

- (g) Abandoned vehicles, per TBR policy, will be removed from campus after thirty (30) days of abandonment.

4. Paragraph (2) of Rule 0240-3-16-.06 Traffic and Parking Regulations is further amended by adding new subparagraphs (b) and (c) and relettering the subsequent subparagraphs accordingly. New subparagraphs (b) and (c) shall read:

- (b) Students who attend classes at other WSCC facilities, who have periodic business on the main campus in Morristown are required to park in student parking.
- (c) Faculty and staff may not override existing parking rules and regulations without written approval of the President.

5. Subparagraph (a) of paragraph (4) of Rule 0240-3-16-.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 staff members must not endanger their safety or constitute an unreasonable impediment to lawful vehicle traffic by crossing streets at other than authorized lanes (crosswalks) or by willfully walking or congregating in the streets.

6. Paragraph (5) of Rule 0240-3-16-.06 Traffic and Parking Regulations is further amended by deleting the text of the paragraph and substituting the following language, so that, as amended, paragraph (5) shall read:

(5) Special Occasions and Emergencies

On special occasions, (i.e., athletic events, concerts, graduation exercises, etc.) and in emergencies, parking and traffic limitations may be imposed by the Campus Police Department as required by the conditions which prevail.

7. Paragraph (6) of Rule 0240-3-16-.06 Traffic and Parking Regulations is further amended by adding new subparagraphs (a) through (f) and relettering the subsequent subparagraphs accordingly. New subparagraphs (a) through (f) shall read:

- (a) All vehicles parked in faculty, staff, or visitor lots between 7:00 a.m. and 5:30 p.m. and without a permanent or temporary parking permit displayed will be cited.
- (b) Vehicles displaying a student parking permit are not permitted to park in faculty, staff, or visitor lots between 7:00 a.m. and 4:30 p.m. Violators will be cited.
- (c) Certain faculty, staff, or visitor lots will be designated as open to vehicles with student parking permits after 5:30 p.m. Vehicles with student parking permits parked in faculty, staff, or visitor lots after 5:30 p.m. that have not been designated for student use will be cited.
- (d) Citations are issued beginning the first day of class each semester for parking in faculty, staff, or visitor parking areas without an appropriate parking permit.
- (e) Currently enrolled students, when on campus for any purpose, must park in student parking to avoid being cited, except as provided in subparagraph (c).
- (f) Beginning with the first day of class of each semester, students parking in designated student parking areas will be given a two week period to obtain the student parking permit before being cited for this violation. After this two week period, citations for not displaying the student permit will be issued.

8. Subparagraph (i) (formerly (c)) of paragraph (6) of Rule 0240-3-16-.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) The fine for a moving vehicle violation is \$20.00 per violation. If the fine is not cleared (paid or protested) within ten (10) days of the citation date (excluding holidays and weekends), the fine is increased to \$25.00.

9. Paragraph (6) of Rule 0240-3-16-.06 Traffic and Parking Regulations is further amended by adding new subparagraphs (j) through (m) and relettering the remaining subparagraphs accordingly. New subparagraphs (j) through (m) shall read:

- (j) The fine for parking and permit violations is \$15.00 per violation.
- (k) The fine for parking in areas designated as disabled is \$100.00.
- (l) One citation may reflect multiple violations and fines.
- (m) Outstanding and unpaid citations must be cleared each semester to permit further course enrollment, reception of grades, or transfer of official records.

10. Subparagraph (n) (formerly (d)) of paragraph (6) of Rule 0240-3-16-.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 (n) shall read:

- (n) All fines should be paid promptly to avoid penalties. All fines must be paid during the current semester. Fines may be paid at the office of Business Affairs, between 8:00 a.m. and 4:00 p.m., Monday through Friday, or at the switchboard in the lobby of the College Center between 4:00 p.m. and 8:30 p.m., Monday through Thursday when classes are in session.

11. Subparagraph (b) of paragraph (7) of Rule 0240-3-16-.06 Traffic and Parking Regulations is further amended by adding new parts 5. through 9. New parts 5. through 9. shall read:

- 5. The Campus Police Department is not responsible for the student appeals process.
- 6. Campus Police officers are not authorized to dismiss a citation which has been issued.
- 7. All student complaints, protests, or appeals of a citation should be directed to the Student Affairs Office.
- 8. Faculty and staff citation appeals should be directed to the Director of Campus Police who will forward the request to the Vice President for Assessment.
- 9. All appeals resulting in dismissal must have the approval of the appropriate administrative staff of the College.

Authority: T.C.A. 49-8-203.

12. Rule 0240-3-16-.07 Motor Vehicle Registration is amended by deleting the text of the entire section and substituting the following language, so that, as amended, Rule 0240-3-16-.07 shall read:

- (1) All motor vehicles used on all Walters State campuses must meet the registration requirements of the state of Tennessee.
- (2) All vehicles operated on all Walters State campuses are required to display the appropriate parking permit, which is available in the Campus Police Department to students, faculty, staff, and visitors.

- (3) A parking permit is issued to students, employees, and visitors and must be clearly displayed on the rearview mirror of the vehicle driven.
- (4) Special parking permits are available for use on vehicles temporarily used on campus. These may be obtained through the Campus Police Department.
- (5) Visitor permits. Visitor permits are available to persons not connected with the College who occasionally have business or other reasons to be on campus. Visitor spaces are provided and designated by appropriate signs.
- (6) Annual parking permit issue begins on August 15 of each year.
- (7) It is not necessary for returning students to obtain a parking permit each semester. The parking permit obtained during fall semester expires August 15 of the following year.
- (8) Students enrolled for credit courses may obtain the parking permit through the Campus Police Department located in the Information Center, after payment of all fees.
- (9) Any student taking non-credit courses must obtain a temporary parking permit through the office of Community and Economic Development.
- (10) Illegible or damaged parking permits must be replaced. Failure to replace a damaged permit may result in a citation.
- (11) Lost parking permits should be reported immediately to the Campus Police Department. There is no charge for replacement.
- (12) Parking permits are issued in the name of a student or employee and are valid on any vehicle driven. It is this individual's responsibility to ensure that the hang tag is properly used and displayed and to ensure that rules and regulations relative to operating a vehicle on College property are obeyed, regardless as to whom the vehicle is registered.

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. (01-18-07)