

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

Chapter 0240-3-18
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. Subparagraph (a) of paragraph (2) of Rule 0240-3-18-.03 Academic and Classroom Misconduct is amended by deleting the text of the subparagraph and substituting the following language, so that, as amended, subparagraph (a) shall read:

- (a) Cheating, including, but not limited to, unauthorized assistance from material, people, or devices when taking a test, quiz, or examination; writing papers or reports; solving problems; or completing academic assignments.

Authority: T.C.A. §49-8-203.

2. Subparagraph (h) of paragraph (1) of Rule 0240-3-18-.04 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. As a general rule, the status of a student accused of violations of College regulations should not be altered until a final determination has been made in regard to the charges against the student. Summary suspension may be imposed upon a finding by the Associate Vice President of Student Affairs and Satellite Campuses or his/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 members of the Pellissippi State community; its guests; 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.

3. Subparagraph (i) of paragraph (1) of Rule 0240-3-18-.04 Disciplinary Sanctions 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 cases involving second and/or third instances of academic misconduct, the student will be subject to further disciplinary action. The Associate Vice President of Student Affairs and Satellite Campuses will notify the student, and a hearing shall be afforded the student according to the procedures outlined in the College Catalog and Handbook.

Students found guilty of repeated academic misconduct may receive one of the following sanctions:

Authority: T.C.A. §40-8-203.

4. Subparagraphs (a) through (c) of paragraph (4) of Rule 0240-3-18-.05 Disciplinary Procedures are amended by deleting the text of the subparagraphs and substituting the following language, so that, as amended, subparagraphs (a) through (c) shall read:

- (a) All complaints of alleged misconduct of a student shall be made in writing to the Associate Vice President of Student Affairs and Satellite Campuses. The complaint shall contain a statement of facts outlining each alleged act of misconduct and shall state the regulation which the student is alleged to have violated.
- (b) The Associate Vice President of Student Affairs and Satellite Campuses shall investigate the complaint. If it is determined that the complaint is without merit, the investigation shall promptly cease. If it is determined that there is probable cause to believe a violation did occur, the process is outlined below.
- (c) The student shall be notified in writing by the Associate Vice President of Student Affairs and Satellite Campuses that he/she is accused of a violation and will be asked to come in for a conference to discuss the complaint.

5. Subparagraph (e) of paragraph (4) of Rule 0240-3-18-.05 Disciplinary Procedures is further amended by deleting the text of the subparagraph and substituting the following language, so that, as amended subparagraph (e) shall read:

- (e) In cases referred to the Student Disciplinary Hearing Body, the Associate Vice President of Student Affairs and Satellite Campuses shall, at least five (5) days in advance of the hearing notify the student in writing concerning the following:

6. Subparagraph (h) of paragraph (4) of Rule 0240-3-18-.05 Disciplinary Procedures is further amended by deleting the text of the subparagraph and substituting the following language, so that, as amended, subparagraph (h) shall read:

- (h) A student shall be notified in writing of his or her right to appeal the decision of the Student Disciplinary Hearing Body to the President of Pellissippi State through the chair of the Student Disciplinary Hearing Body within five (5) days of receipt of decision. In cases of appeal, any action assessed by the Student Disciplinary Hearing Body shall be suspended pending outcome of the appeal. A copy of the final decisions shall be mailed to the student.

Authority: T.C.A. §49-8-203.

7. Subparagraph (b) of paragraph (9) of Rule 0240-3-18-.06 Traffic and Parking Regulations is amended by deleting the text of the subparagraph and substituting the following language, so that, as amended, subparagraph (b) shall read:

- (b) The person receiving a citation may complete and submit electronically an appeal form on the Safety and Security web page:

<http://www.pstcc.edu/security/appeal>.

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. (01-19-07)