

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

Chapter 0240-03-02
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, Tennessee Tower, William R. Snodgrass Building, 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 0240-03-02-.02 Disciplinary Offenses is amended by adding the words "to self" in the first sentence, so that, as amended, subparagraph (a) shall read:

- (a) Conduct Dangerous to Self or Others. Any conduct which constitutes a serious danger to any person's health, safety or personal well-being, including any physical abuse or immediate threat of abuse.

Authority: T.C.A. § 49-8-203.

2. Subpart (i) of part 2. of subparagraph (a) of paragraph (2) of Rule 0240-03-02-.05 Disciplinary Procedures is amended by deleting the text of the subpart and substituting the following language, so that, as amended, subpart (i) shall read:

- (i) The Director of Housing, Assistant Director of Housing, Area Coordinators, or Apartment Manager, where the alleged violation is of the regulations of the Residence Hall Association (RHA).

3. Subpart (iii) of part 2. of subparagraph (a) of paragraph (2) of Rule 0240-03-02-.05 Disciplinary Procedures is further amended by deleting the text of the subpart and substituting the following language, so that, as amended, subpart (iii) shall read:

- (iii) The Dean of Students, where the alleged violation is of university regulations of the Inter-Fraternity Council (IFC), the Panhellenic Council (PC), or the Pan-Hellenic Council (PC).

4. Part 1. of subparagraph (e) of paragraph (3) of Rule 0240-03-02-.05 Disciplinary Procedures is further amended by deleting the text of the part and substituting the following language, so that, as amended, part 1. shall read:

- 1. Any member of the university community may file a complaint against any student for misconduct. Complaints shall be prepared in writing and directed to the Dean of Students. A complaint should be submitted as soon as possible after the event takes place, preferably within ten (10) days of the alleged misconduct.
- 5. Part 15. of subparagraph (b) of paragraph (4) of Rule 0240-03-02-.05 Disciplinary Procedures is further amended by deleting the text of the part and substituting the following language, so that, as amended, part 15. shall read:
 - 15. Any question of interpretation regarding the Student Code of Conduct shall be referred to the Senior Associate Vice President and Chief Student Affairs Officer or his/her designee for final determination.

Authority: T.C.A. § 49-8-203.

The proposed rules set out herein were properly filed in the Department of State on the 20th day of September, 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 28th day of January, 2008. (FS 09-11-07; DBID 2681)