

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, 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. Paragraph (3) of Rule 0240-03-14-.03 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) The instructor shall report to the Coordinator of Student Activities and the Academic Department chairperson any incident of disruptive conduct that results in the student being asked to leave the classroom. The Coordinator of Student Activities will meet with the instructor and chairperson to determine the appropriate action before the next class period. If there is a disagreement about readmission, the student will be excluded from the classroom pending a hearing. The hearing shall be conducted by the Student Disciplinary Committee. The hearing must be conducted utilizing the appropriate due process procedures (see Southwest Policy No. 3:02:01:00/9). Students may appeal decisions of the Committee to the Vice President of Student Services and Enrollment Management.

2. Paragraphs (5) and (6) of Rule 0240-03-14-.03 Classroom Misconduct are further amended by deleting the text of the paragraphs and substituting the following language, so that, as amended, paragraphs (5) and (6) shall read:

- (5) Should a student(s) be disruptive in the classroom and refuse any request on the instructor's part to stop such behavior, the instructor has several options. The first option is to ask the student to leave the classroom. Should the student impose any harm to him/herself or to others, continue to be disruptive to the class, and refuse to leave at the instructor's request, the instructor should call Police Services immediately to have the student removed. The instructor should then fill out an Information Report. The Police Services Information Report provides a formal record of an incident should further administrative discipline be necessary by the Vice President of Student Services and Enrollment Management. The second option is to report the in-class incident of disruptive behavior to the Coordinator of Student Activities and the department chair of the department where the course is housed and request that the student not return to class until further notice by the Coordinator. All students are accountable for their behavior when it leads to a breach of conduct.

- (6) When, in the opinion of the Vice President of Student Services and Enrollment Management or his/her designee, a student has demonstrated indications of emotional distress and/or substance abuse which could affect his or her functioning as a member of the Southwest College community, an Administrative Referral to the Office of Advising and Counseling may be made. This referral requires that the student meet with a counselor from the Advising and Counseling staff to be evaluated by that professional counselor, the general conclusions of which will be shared with the Vice President as needed within the bounds of confidentiality.

Authority: T.C.A. § 49-8-203.

3. Subparagraph (c) of paragraph (10) of Rule 0240-03-14-.06 Traffic and Parking Regulations is amended by deleting the text of the subparagraph and substituting the following language, so that, as amended, subparagraph (c) shall read:

- (c) Bicycle riding is not allowed on campus sidewalks or grounds with the exception of Police Bicycle Patrol.

4. Subparagraph (e) of paragraph (10) 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 (c) shall read:

- (e) Bicycles are not permitted inside any College building with the exception of Police Bicycle Patrol.

5. 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 decision of the Committee on an appeal will be sent to Police Services and the Coordinator of Student Activities who will notify the student of the results via returned student copy of the request form on which the decision will be noted. If the student wishes to learn the Committee's decision prior to the

receipt of his or her 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 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 the Committee's decision.

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 09-17-07; DBID 2688)