

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

Chapter 0240-03-18
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, 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 (h) of paragraph (1) of Rule 0240-03-18-.04 Disciplinary Sanctions is amended by changing the first letter in each word "Associate Vice President" from upper case to lower case, 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 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 the following: an immediate threat to the physical safety and well-being of the accused, or any other members of the Pellissippi State community, or its guests; destruction of property; or the substantial disruption of classroom or the 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.

2. Subparagraph (i) (excluding parts 1. and 2.) of paragraph (1) of Rule 0240-03-18-.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:

3. Subparagraphs (a) and (b) of paragraph (4) of Rule 0240-03-18-.05 Disciplinary Procedures are further amended by deleting the text of the subparagraphs and substituting the following language, so that, as amended, subparagraphs (a) and (b) shall read:

- (a) All complaints of alleged misconduct of a student shall be made in writing to 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.

4. Subparagraph (c) of paragraph (4) of Rule 0240-03-18-.05 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) 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.
 - 1. He/she may admit the alleged violation, waive a hearing in writing and request that Mississippi State officials take appropriate action;
 - 2. He/she may admit the alleged violation in writing and request an adjudication before the Student Disciplinary Hearing Body; or
 - 3. He/she may deny the alleged violation in writing and request an adjudication before the Student Disciplinary Hearing Body.

5. Subparagraph (d) (including parts 1. through 4.) of paragraph (4) of Rule 0240-03-18-.05 Disciplinary Procedures is further amended by deleting the subparagraph and its parts in their entirety and relettering the subsequent subparagraphs accordingly.
6. Subparagraph (d) (formerly (e)) of paragraph (4) of Rule 0240-03-18-.05 Disciplinary Procedures is further amended deleting the text of the subparagraph and substituting the following language, so that, as amended, subparagraph (d) shall read:

- (d) The Tennessee Uniform Administrative Procedures Act (TUAPA) may be applicable in cases involving suspension or expulsion of a student or revocation of recognition of a student organization for misconduct of disciplinary reasons. 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 or student organization in writing concerning the following:
 1. The date, time, and place of the hearing;
 2. A statement of the specific charges and grounds that, if proven, would justify disciplinary action taken; and
 3. The names of witnesses scheduled to appear.

7. Subparagraph (g) (formerly (h)) of paragraph (4) of Rule 0240-03-18-.05 Disciplinary Procedures is further amended by deleting the text of the subparagraph and substituting the following language, so that, as amended, subparagraph (g) shall read:

- (g) 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 decision shall be mailed to the student.

Authority: T.C.A. § 49-8-203.

8. Subparagraph (b) of paragraph (9) of Rule 0240-03-18-.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 webpage: <http://www.pstcc.edu/security/appeal>.

9. Subparagraph (h) of paragraph (9) of Rule 0240-03-18-.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 (h) shall read:

- (h) The person receiving the citation and appealing it must have his/her appeal heard at the Hardin Valley Campus.

Authority: T.C.A. § 49-8-203.

10. Paragraph (1) of Rule 0240-03-18-.08 Registration of Vehicles is amended by deleting the text of the paragraph and substituting the following language, so that, as amended, paragraph (1) shall read:

- (1) All faculty and staff vehicles operated on the Pellissippi, Division Street, Magnolia Avenue, and Blount County campuses must be properly registered and display a prescribed hang tag. Vehicles include pick-up trucks, vans and jeeps, as well as automobiles.

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 09-19-07; DBID 2690)