

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

Chapter 0240-03-21  
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. Subparagraphs (j) and (k) of paragraph (2) of Rule 0240-03-21-.02 Disciplinary Offenses are amended by deleting the text of the subparagraph and substituting the following language, so that, as amended, subparagraphs (j) and (k) shall read:

- (j) Alcohol. The use, possession, distribution, sale or manufacture of alcoholic beverages or public intoxication on property owned or controlled by the school, at a school-sponsored event or on property owned or controlled by an affiliated clinical site by students enrolled in a clinical program.
- (k) Drugs. The unlawful possession or use of any drug or controlled substance (including any stimulant, depressant, narcotic, hallucinogenic drug or substance, or marijuana), being under the influence of any drug or controlled substance, or the misuse of legally prescribed or "over-the-counter" drugs on property owned or controlled by the school, at a school-sponsored event or on property owned or controlled by an affiliated clinical site by students enrolled in a clinical program.

2. Paragraph (2) of Rule 0240-03-21-.02 Disciplinary Offences is further amended by adding new subparagraphs (s) through (y) which shall read:

- (s) Litter. Dispersing litter in any form onto the grounds or facilities of the campus.
- (t) Public Intoxication. Appearing on school owned or controlled property or at a school sponsored event while under the influence of a controlled substance or of any other intoxicating substance.
- (u) Drug Paraphernalia. The use or possession of equipment, products or materials which is used or intended for use in manufacturing, growing, using or distributing any drug or controlled substance.
- (v) Financial Irresponsibility. Failure to meet financial responsibilities to the school promptly, including, but not limited to, knowingly passing a worthless check or money order in payment to the institution.
- (w) Academic Misconduct, Plagiarism, Cheating, Fabrication, or Facilitating of Such Act. For purposes of this section, the following definitions apply:
  1. Plagiarism. The adoption or reproduction of ideas, words, statements, images or works of another person as one's own without proper acknowledgment.
  2. Cheating. Using or attempting to use unauthorized materials, information or study aids in any academic exercise. The term academic exercise includes all forms of work submitted for credit or hours.
  3. Fabrication. Unauthorized falsification or invention of any information or citation in an academic exercise.
  4. Facilitation. Helping or attempting to help another to violate a provision of the institutional code of academic misconduct.
- (x) Pornography. Public display of literature, films, pictures or other materials which an average person applying contemporary community standards would find, (1) taken as a whole, appeals to the prurient interest, (2) depicts or describes sexual conduct in a patently offensive way, and (3) taken as a whole, lacks serious literary, artistic, political or scientific value.
- (y) Sexual Misconduct. Sexual misconduct includes a sexual act or penetration which is accomplished by threat, coercion, use of restraint or force or any act where the respondent knows, or should have known, that the victim was unable or incapable of giving consent.

Authority: T.C.A. § 49-8-203.

3. Subparagraph (b) of paragraph (3) of Rule 0240-03-21-.05 Disciplinary Procedures is amended by deleting the text of the subparagraph and substituting the following language, so that, as amended, subparagraph (b) shall read:

- (b) If a student waives his/her right to a TUAPA hearing, then he/she will be provided a hearing under applicable school procedures. A review committee shall be established which has the responsibility of reviewing the facts and making a decision regarding appropriate disposition of the case. The review committee will be designated by the Director and be composed of one (1) student representative, one (1) faculty member and two (2) non-faculty staff members. An alternate will be designated for any committee member who is personally involved in a particular case or who cannot otherwise be in attendance.

Authority: T.C.A. § 49-8-203.

4. Subparagraph (a) of paragraph (3) of Rule 0240-03-21-.06 Traffic and Parking Rules is further amended by adding a new part 7. which shall read:

- 7. Refraining from littering from a vehicle.
- 5. Paragraph (4) of Rule 0240-03-21-.06 Traffic and Parking Rules is amended by deleting subparagraph (b) in its entirety and relettering the subsequent subparagraphs accordingly.

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 09-20-07; DBID 2691)