

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

Chapter 0240-03-01  
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 rule, 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

Subparagraph (g) of paragraph (1) of Rule 0240-03-01-.06 Smoking/Clean Air Policy Enforcement is amended by deleting the word 'will' in the first sentence and substituting the word 'may' so that as amended the subparagraph shall read:

(g) Students may be cited for violation of the policy and fined as provided for in the Code under disciplinary sanction 2. (n): "Fines. Penalties in the form of fines may be enforced against a student . . . whenever the appropriate hearing officer(s) or hearing body deems necessary. The sanction of fines may be imposed in addition to other disciplinary sanctions." Failure to pay fines to the Business Office within two (2) weeks of the decision will result in further disciplinary action. If the student pays the fine, then there is an inherent assumption that the student is pleading guilty, and the hearing officer, as the chief judicial officer, is imposing the sanction.

Authority: T.C.A. § 49-8-203.

Subparagraph (b) of paragraph (4) of Rule 0240-03-01-.07 Traffic and Parking Regulations is amended by deleting the text of the subparagraph and substituting the following language so that as amended the subparagraph shall read:

(b) Faculty/Staff Parking Decals. Faculty and staff that desire to operate and park a vehicle on the campus of Austin Peay State University understand and agree that it is their responsibility to abide by published Traffic and Parking Regulations and pay the prescribed fees as adopted by Austin Peay State University. Faculty and staff must complete registration and render payment at the Business Office.

Authority: T.C.A. § 49-8-203.

The proposed rules set out herein were properly filed in the Department of State on the 12th day of November, 2008, 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 30th day of March, 2009. (FS 11-08-08; DBID 3613)