

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

Chapter 0240-03-12
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 (i) of paragraph (2) of Rule 0240-03-12-.04 Disciplinary Sanctions is amended by deleting the text of the subparagraph and substituting the following language so that as amended the subparagraph shall read:

(i) Counseling/Rehabilitative Treatment. Counseling sessions with Motlow State counseling personnel or outside sources as well as mandatory participation in, and satisfactory completion of, a drug or alcohol abuse program or rehabilitation program may be recommended.

Authority: T.C.A. § 49-8-203.

Paragraph (1) of Rule 0240-03-12-.05 Disciplinary Procedures is amended by deleting the text of the paragraph and substituting the following language so that as amended the paragraph shall read:

(1) The principle of due process in student discipline is assured at Motlow State Community College. Any student accused of a disciplinary offense or academic misconduct will be afforded an opportunity to contest the charge through procedures initiated by and coordinated with the Vice President for Student Affairs.

Paragraph (3) of Rule 0240-03-12-.05 Disciplinary Procedures is amended by deleting the text of the paragraph and substituting the following language so that as amended the paragraph shall read:

(3) College Procedures. The student can elect to choose disposition by the Vice President for Student Affairs or to be heard before the Student Affairs Committee.

Subparagraph (a) of paragraph (3) of Rule 0240-03-12-.05 Disciplinary Procedures is amended by deleting the text of the subparagraph and substituting the following language so that as amended the subparagraph shall read:

(a) Disposition by the Vice President for Student Affairs. A student may request that the Vice President for Student Affairs adjudicate the case. If such a decision is made, the following procedures shall apply:

Part 1. of subparagraph (a) of paragraph (3) of Rule 0240-03-12-.05 Disciplinary Procedures is amended by deleting the text of the part and substituting the following language so that as amended the part shall read:

1. The Vice President for Student Affairs shall advise the student in writing of the alleged charges against him/her and proceed to gather information concerning the case.

Parts 3. and 4. of subparagraph (a) of paragraph (3) of Rule 0240-03-12-.05 Disciplinary Procedures are amended by deleting the text of the parts and substituting the following language so that as amended the parts shall read:

3. The Vice President for Student Affairs shall review the evidence, make a determination of innocence or guilt, and decide upon a proper disciplinary sanction.

4. The accused student and the Vice President for Student Affairs shall meet to discuss the Vice President's findings and recommended disciplinary sanctions. The findings shall cite the specific disciplinary offenses and specific sanctions as described in these rules.

Part 1. of subparagraph (b) of paragraph (3) of Rule 0240-03-12-.05 Disciplinary Procedures is amended by deleting the text of the part and substituting the following language so that as amended the part shall read:

1. The Vice President for Student Affairs shall advise the student in writing of the alleged charges against him/her and initiate an investigation.

Part 4. of subparagraph (b) of paragraph (3) of Rule 0240-03-12-.05 Disciplinary Procedures is amended by deleting the text of the part and substituting the following language so that as amended the part shall read:

4. The Vice President for Student Affairs shall present the result of the investigation and when appropriate make a recommendation to the Committee. Witnesses and/or statements from witnesses may be entered as evidence.

Authority: T.C.A. § 49-8-203.

Paragraph (3) of Rule 0240-03-12-.06 Vehicle Registration and Parking is amended by deleting the text of the paragraph and substituting the following language so that as amended the paragraph shall read:

(3) In an extreme emergency, when a non-registered vehicle is necessary for a limited time, the student must secure a temporary parking permit from the Vice President for Student Affairs in order not to be subject to a charge for parking violations. This means even for one (1) day.

Paragraph (5) of Rule 0140-3-12-.06 Vehicle Registration and Parking is amended by deleting the text of the paragraph and substituting the following language so that as amended the paragraph shall read:

(5) Any student may appeal his or her notice of a vehicle registration/parking violation to the Vice President for Student Affairs. Appeals must be made within one (1) week of the date of the citation for the violation. Ignorance of parking regulations will not be considered as a reason for appeal.

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 11-14-10; DBID 3660)