

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 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 (a) of paragraph (2) of Rule 0240-03-18-.02 Disciplinary Offenses is amended by deleting the text of the subparagraph and substituting the following language so that as amended the subparagraph shall read:

(a) Conduct Dangerous to Self or Others. Any conduct that constitutes a serious danger to any person's health, safety, or personal well-being, including any physical abuse or immediate threat of abuse.

Authority: T.C.A. § 49-8-203.

Paragraph (6) of Rule 0240-3-8-03 Academic and Classroom Misconduct is amended by deleting the text of the paragraph and substituting the following language so that as amended the paragraph shall read:

(6) The instructor will inform the department head of the violations, and the department head will forward written notice of the violation to the Associate Vice President of Student Affairs and Satellite Campuses who will keep records of the incident.

Subparagraph (b) of paragraph (7) of Rule 0240-03-18-.03 Academic and Classroom Misconduct is amended by deleting the text of the subparagraph and substituting the following language so that as amended the subparagraph shall read:

(b) If the student seeks further appeal, he or she may ask the department head to contact the Vice President for Student Affairs and Satellite Campuses, who will determine any additional steps to be taken.

Authority: T.C.A. § 49-8-203.

Subparagraph (h) of paragraph (1) of Rule 0240-03-18-.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:

(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 for 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 Mississippi 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.

Subparagraph (i) of paragraph (2) of Rule 0240-03-18-.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) 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 (1) of the following sanctions:

Authority: T.C.A. § 49-8-203.

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

Subparagraph (c) (excluding parts 1, through 3.) of paragraph (4) of Rule 0240-03-18-.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:

(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.

Subparagraph (d) (excluding parts 1. through 4.) of paragraph (4) of Rule 0240-03-18-.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:

(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:

Subparagraph (e) (excluding parts 1. through 3.) of paragraph (4) of Rule 0240-03-18-.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:

(e) 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 in writing concerning the following:

Authority: T.C.A. § 49-8-203.

Subparagraph (a) of paragraph (2) 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 the subparagraph shall read:

(a) Speed limit for all vehicles will not exceed fifteen (15) miles per hour or lower posted speed limits.

Subparagraph (a) of paragraph (4) 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 the subparagraph shall read:

(a) Speeding (fifteen (15) miles per hour limit unless posted lower);

Subparagraph (c) of paragraph (8) 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 the subparagraph shall read:

(c) For illegal parking in a fire zone - fifteen dollars (\$15.00) all violations. For illegal parking in a disabled zone - one hundred fifty dollars (\$150.00) all violations. Motor vehicles illegally parking in these areas are subject to being towed.

Subparagraph (g) of paragraph (8) 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 the subparagraph shall read:

(g) Faculty and Staff for failure to display decal, failure to remove a decal when required, or transferal of decal to a non-registered vehicle - fifteen dollars (\$15.00) all violations.

Subparagraphs (a) through (c) of paragraph (9) of Rule 0240-03-18-.06 Traffic and Parking Regulations are amended by deleting the text of the subparagraphs and substituting the following language so that as amended the subparagraphs shall read:

(a) An Appeals Committee, consisting of one (1) student, one (1) administrator/faculty member and one (1) staff member, will hear cases when the person receiving a citation feels that he or she has justifiable reason(s) that may affect the citation received.

(b) The person receiving a citation must complete and submit electronically an appeal form online at http://www.pstcc.edu/security/appeal_f.html.

(c) The completed appeal request form must be presented to Safety and Security within fourteen (14) days of the date of the citation.

Subparagraph (f) of paragraph (9) of Rule 0240-03-18-.06 Traffic and Parking Regulations is amended by deleting the subparagraph and substituting the following language so that as amended the subparagraph shall read:

(f) Appeals are heard on the second Friday of each month at 2:00 p.m. at the Pellissippi Campus.

Subparagraph (h) of paragraph (9) of Rule 0240-03-18-.06 Traffic and Parking Regulations is amended by deleting subparagraph (h) in its entirety.

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 11-19-10; DBID 3665)