

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 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 (e) of paragraph (1) 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 the subparagraph shall read:

(e) The right to remain silent and have no inference drawn from such silence.

Subparagraphs (a) and (b) (excluding parts 1. through 5.) of paragraph (3) of Rule 0240-03-21-.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) Tennessee Uniform Administrative Procedures Act (TUAPA)

The only cases which are subject to a TUAPA hearing are those which may result in: (1) suspensions or expulsions of a student from the school for disciplinary offenses; or (2) revocation of registration of an official student organization during the term of registration. In those cases, students shall be afforded the opportunity to elect either a proceeding conducted pursuant to the Uniform Contested Cases Procedures as outlined in the provisions of TUAPA or a proceeding conducted by the appropriate school committee as outlined in subparagraph (b) immediately below. A student may waive, in writing, his/her right to a hearing.

(b) School Hearings

If a student elects a hearing under applicable school procedures, then a review committee shall be established which has the responsibility of reviewing the facts and making a decision regarding appropriate disposition of the case. A student may waive, in writing, his/her right to a hearing. 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.

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 11-21-10; DBID 3667)