

Department of State
Division of Publications
 312 Rosa L. Parks Avenue, 8th Floor Tennessee Tower
 Nashville, TN 37243
 Phone: 615-741-2650
 Fax: 615-741-5133
 Email: sos.information@state.tn.us

For Department of State Use Only

Sequence Number: 10-35-09
 Rule ID(s): 4516
 File Date: 10/29/2009
 Effective Date: 03/31/2010

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. §4-5-205 in lieu of a rulemaking hearing. It is the intent of the Agency 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 rules are published. To be effective, the petition must be filed with the Agency and be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

Agency/Board/Commission: Tennessee Board of Regents
Division: Roane State Community College
Contact Person: Mickey Sheen
Address: 1415 Murfreesboro Rd. Ste. 350 Nashville, Tennessee
Zip: 37217
Phone: 615-366-4437
Email: Mickey.sheen@tbr.edu

Revision Type (check all that apply):

- Amendment
- New
- Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0240-03-13	Student Disciplinary Rules
Rule Number	Rule Title
0240-03-13-.02	Disciplinary Offenses
0240-03-13-.03	Academic and Classroom Misconduct
0240-03-13-.05	Disciplinary Procedures
0240-03-13-.06	Traffic and Parking Regulations

Chapter 0240-03-13
Roane State Community College Student Disciplinary Rules

Amendments

Rule 0240-03-13-.02 Disciplinary Offenses, paragraph (2), subparagraph (j), is amended by deleting the present language and replacing it with the following:

- (j) Alcoholic beverages. The use, possession, distribution, sale or manufacture of alcoholic beverages, or public intoxication on property owned or controlled by the institution (Roane State Community College); at an institution sponsored event; or, on property owned or controlled by an affiliated clinical site is prohibited. This includes any violation of any term of the Roane State Community College Drug-Free Schools and Communities Policy Statement (RSCC Policy No. GA-21-03).

Pursuant to T.C.A. §49-7-146, Roane State Community College is required to notify a parent of a student under age twenty-one (21) if the student "has committed a disciplinary violation" with respect to the use or possession of alcohol or a controlled substance that is a violation of any federal, state, or local law, or of any rule or policy of the institution, except as prohibited by the Federal Education Rights and Privacy Act (FERPA). The trigger for notification will be 1) a plea of guilty to the applicable code of conduct violation, or 2) a final finding of guilt pursuant to disciplinary procedures, including completion of an appeal. The Drug-Free Schools and Communities Act of 1989 is included in the on-line Student Handbook.

Rule 0240-03-13-.02 Disciplinary Offenses, paragraph (2), subparagraph (k), is amended by deleting the present language and replacing it with the following:

- (k) Drugs. The unlawful use, possession, distribution, sale or manufacture, of any drug or controlled substance (including any stimulant, depressant, narcotic, or 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 institution; at an institution sponsored event; or, on property owned or controlled by an affiliated clinical site is prohibited. This includes any violation of any term of the Roane State Community College Drug-Free Schools and Communities Policy Statement (RSCC Policy No. GA-21-03).

Pursuant to T.C.A. §49-7-146, Roane State Community College is required to notify a parent of a student under age twenty-one (21) if the student "has committed a disciplinary violation" with respect to the use or possession of alcohol or a controlled substance that is a violation of any federal, state, or local law, or of any rule or policy of the institution, except as prohibited by the Federal Education Rights and Privacy Act (FERPA). The trigger for notification will be 1) a plea of guilty to the applicable code of conduct violation, or 2) a final finding of guilt pursuant to disciplinary procedures, including completion of an appeal. The Drug-Free Schools and Communities Act of 1989 is included in the on-line Student Handbook.

Rule 0240-03-13-.02 Disciplinary Offenses, paragraph (2), subparagraph (t), part 3, subpart (i), is amended by deleting the present language and replacing it with the following:

- (i) Users who are employees and Independent Contractors shall not make use of Roane State Community College computer resources for purposes which do not conform to the purposes, goals and mission of Roane State Community College and the user.

Rule 0240-03-13-.02 Disciplinary Offenses, paragraph (2), subparagraph (t), part 5, subpart (i), is amended by deleting the present language and replacing it with the following:

- (i) Computer Misuse violations should be reported through the appropriate supervisory chain to the office of the Assistant Vice President of Student Services/Dean of Students, the Executive Director of Information Technology or the Director of Human Resources.

Rule 0240-03-13-.02 Disciplinary Offenses, paragraph (2), subparagraph (t), part 5, subpart (i), item (I), is amended by deleting the present language and replacing it with the following:

- (I) The Assistant Vice President of Student Services/Dean of Students will be responsible for addressing student violations. In the case of threatening or offensive communications, the Assistant Vice President of Student Services/Dean of Students will notify Security to ensure student safety.

Rule 0240-03-13-.02 Disciplinary Offenses, paragraph (2), subparagraph (t), part 5, subpart (i), item (III), is amended by deleting the present language and replacing it with the following:

- (III) The Executive Director of Information Technology will assist the Assistant Vice President of Student Services/Dean of Students or Director of Human Resources in collecting evidence of violations.

Rule 0240-03-13-.02 Disciplinary Offenses, paragraph (3), is amended by deleting the present language and replacing it with the following:

- (3) Disciplinary action may be taken against a student for violations of the foregoing Regulations which occur on property owned or controlled by the institution; at an institution sponsored event; or, on property owned or controlled by an affiliated clinical site, when the conduct impairs, interferes with or obstructs any institutional activity or the missions, processes and functions of the institution. In addition, disciplinary action may be taken on the basis of any conduct, on or off campus, which poses a substantial threat to persons or property within the institutional community. In cases where alcohol and drug violations occur, disciplinary action, as well as the decision whether to test for alcohol or drugs will be processed through the office of the Assistant Vice President of Student Services/Dean of Students.

Authority: T.C.A. §49-8-203. Administrative History: Repeal of all Rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed August 8, 1995; effective December 29, 1995. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed November 20, 1996; effective March 28, 1997. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed October 8, 2003; effective February 27, 2004. Amendment filed August 11, 2004; effective December 29, 2004. Amendment filed January 16, 2007; effective May 31, 2007.

Rule 0240-03-13-.03 Academic and Classroom Misconduct, paragraph (3), is amended by deleting the present language and replacing it with the following:

- (3) If the student believes that he or she has been erroneously accused of academic misconduct, and if his or her final grade has been lowered as a result, the student may appeal the case through the office of the Assistant Vice President of Student Services/Dean of Students.

Authority: T.C.A. §49-8-203. Administrative History: Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed May 18, 1994; effective September 28, 1994. Amendment filed October 8, 2003; effective February 27, 2004. Amendment filed January 16, 2007; effective May 31, 2007.

Rule 0240-03-13-.05 Disciplinary Procedures, paragraph (1), is amended by deleting the present language and replacing it with the following:

- (1) General Statement: Institutions and area vocational-technical schools governed by the Tennessee Board of Regents, in the implementation of Board approved policies and regulations pertaining to discipline and conduct of students, shall insure the constitutional rights of students by affording a system of constitutionally and legally sound procedures which provide the protection of due process of law.

Rule 0240-03-13-.05 Disciplinary Procedures, paragraph (1), subparagraph (b), is amended by deleting the present language and replacing it with the following:

- (b) However, whenever serious violations of standards of conduct occur, the institution may initiate judicial proceedings in its Disciplinary Committee or informally via the Assistant VP of Student Services/Dean of Students according to student option. In all cases, disciplinary action becomes a part of the student's permanent record, and proper procedural safeguards will be used to insure due process. Notification of disciplinary action is by letter from the Assistant VP of Student Services/Dean of Students to the student and (when appropriate) to the parents and other college officials.

Rule 0240-03-13-.05 Disciplinary Procedures, paragraph (2), is amended by deleting the present language and subparagraphs in their entirety and replacing it with the following:

- (2) The principle of due process in student discipline is assured at Roane 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 Assistant Vice President of Student Services/Dean of Students.

Tennessee Uniform Administrative Procedures Act (TUAPA). All cases which may result in (i) suspension or expulsion of a student from the institution for disciplinary reasons or (ii) revocation of registration of a student organization during the term of the registration are subject to the contested case provisions of the TUAPA and shall be processed in accordance with the Uniform Contested Case Procedures adopted by the Board of Regents unless the student waives those procedures in writing and elects to have the case disposed of in accordance with College Procedures established by these rules, or forgo a hearing.

Rule 0240-03-13-.05 Disciplinary Procedures, paragraphs (3), (4), and (5), are amended by deleting them in their entirety and replacing them with new paragraphs (3) & (4), as follows:

- (3) Due Process Procedures

College Procedures

- (a) Disposition by the Assistant Vice President of Student Services/Dean of Students. A student may request that the Assistant Vice President of Student Services/Dean of Students adjudicate the case. If such a decision is made, the following procedures shall apply:
 - 1. The Assistant Vice President of Student Services/Dean of Students shall advise the student in writing of the alleged charges against him/her and proceed to gather information concerning the case.
 - 2. The investigation of the case shall include the interviews with all relevant parties (accused, accuser, and possible witnesses, etc).
 - 3. The Assistant Vice President of Student Services/Dean of Students shall review the evidence, make a determination of innocence or guilt, and decide upon proper disciplinary sanction.
 - 4. The accused student and the Assistant Vice President of Student Services/Dean of Students' findings and recommended disciplinary sanctions. The findings shall cite specific disciplinary offenses and specific sanctions as described in these rules.
 - 5. The student may accept the Assistant Vice President of Student Services/Dean of Students' findings or he/she may request a hearing before the RSCC Disciplinary Committee.

- (b) Hearing before the RSCC Disciplinary Committee. A student accused of violating an offense may choose to have the case heard by the RSCC Disciplinary Committee. If such a hearing is initiated, the following procedures shall apply:
1. The Assistant Vice President of Student Services/Dean of Students shall advise the student in writing of the alleged charges against him/her and initiate an investigation.
 2. At the conclusion of the investigation, the accused student shall be informed in writing of the date, time and place of the hearing not less than ten (10) days prior to the hearing date and shall be advised of the following rights:
 - (i) The right to present his/her case;
 - (ii) The right to be accompanied by an advisor;
 - (iii) The right to call witnesses in his/her behalf;
 - (iv) The right to confront witnesses against him/her.
 3. The Chairperson of the RSCC Disciplinary Committee shall preside at the hearing.
 4. The Assistant Vice President of Student Services/Dean of Students 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.
 5. The accused shall have an opportunity to present his/her case in exercising any of the rights cited above.
 6. Members of the Committee shall have an opportunity to ask questions.
 7. After all presentations and examinations of witnesses, the Committee shall retire to discuss the case and render a decision.
 8. The decision shall be announced by the presiding officer of the hearing.
 9. The student shall be advised of his/her right to appeal the RSCC Disciplinary Committee to the President of the College. A Notice of Appeal shall be in writing and shall be filed with the President of the College, to whom the appeal is taken, within ten (10) calendar days from the promulgation and filing of the decision or judgment upon which the appeal is based. Failure to timely file the above mentioned notice shall constitute a waiver of any right to appeal.
- (4) Cases of alleged sexual assault. In cases involving alleged sexual assault, both the accuser and the accused shall be informed of the following:
- (a) Both the accuser and the accused are entitled to the same opportunity to have others present during a disciplinary proceeding; and
 - (b) Both the accuser and the accused shall be informed of the outcome of any disciplinary proceeding involving allegations of sexual assault.

Authority: T.C.A. §49-8-203. Administrative History: Repeal of rule by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed May 19, 1994; effective September 28, 1994. Amendment filed August 8, 1995; effective December 29, 1995. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed January 11, 2002; effective May 31, 2002.

Amendment filed October 8, 2003; effective February 27, 2004. Amendment filed June 28, 2005; effective October 28, 2005. Amendment filed January 16, 2007; effective May 31, 2007. Amendment filed September 20, 2007; effective January 28, 2008.

Rule 0240-03-13-.06 Traffic and Parking Regulations, paragraph (2), subparagraph (b), is amended by deleting the present language and replacing it with the following:

- (b) All student appeals are handled by the Student Government Association/Campus Activities Boards (SGA/CAB) at all Roane State Campuses. You may access an appeal form at www.roanestate.edu, keyword: Student Services.

Rule 0240-03-13-.06 Traffic and Parking Regulations, paragraph (2), subparagraph (d), is amended by deleting the present language and replacing it with the following:

- (d) If a student wishes to appeal the decision of the SGA/CAB, they may appeal in writing to the Assistant Vice President of Student Services/Dean of Students or designee located on the Roane County Campus at bonner@roanestate.edu.

Rule 0240-03-13-.06 Traffic and Parking Regulations, paragraph (3), is amended by deleting the present language and subparagraphs in their entirety and replacing it with the following:

- (3) Employee Parking
 - (a) Employees will be assessed an annual campus access fee of ten dollars (\$10) every August through payroll deduction. Persons who are employed spring semester or after will be assessed a campus access fee of five dollars (\$5) through payroll deduction. All employees who pay the campus access fee will be given a one-time permanent parking sticker. Additional permits will be available at a cost of one dollar (\$1) which can be purchased at the Roane County and Oak Ridge Business Offices or from the Cashiers at Off-Site Campuses.
 - (b) Current campus registration decals must be affixed to the rear driver-side window or to the front driver-side window if rear driver-side window does not permit proper viewing of permit.
 - (c) If a person is unable to drive his/her own vehicle on a particular day, the transferable sticker must be removed and placed in the vehicle he/she will be driving. If you are unable or forget to transfer the sticker, please place an explanatory note on the dashboard and then alert Security at your campus.
 - (d) Temporary Permits - Temporary employees (those on temporary contracts) must pick up a temporary hangtag located at the Roane County Security Office.

Rule 0240-03-13-.06 Traffic and Parking Regulations, paragraph (4), subparagraph (b) is amended by deleting the present language and subparagraphs in their entirety and replacing it with the following:

- (b) Employees may access an appeal form at www.roanestate.edu, keyword: Student Services.

Rule 0240-03-13-.06 Traffic and Parking Regulations, paragraph (8), subparagraph (a) is amended by deleting the present language and replacing it with the following:

- (a)

No decal displayed	\$ 20.00
Illegal use of decal	\$ 20.00
Improper display of decal	\$ 20.00
Parked in unauthorized area	\$ 20.00
Parked in driveway	\$ 20.00
Double parked	\$ 20.00
Improper motorcycle parking	\$ 20.00
Wrong way on one-way street	\$ 20.00

Parked in a handicapped area: The fine for disabled/handicapped parking violations is established by statute and will be adjusted to comply with state law.

Rule 0240-03-13-.06 Traffic and Parking Regulations, paragraph (8), subparagraph (b) is amended by deleting the present language and replacing it with the following:

- (b) Parking privileges for students for the remainder of the school year may be suspended or revoked depending upon the severity of the violation and/or repeat violations. This level of disciplinary action will be handled through the Office of the Assistant Vice President of Student Services/Dean of Students with appropriate due process for student appeals.

Authority: T.C.A. §49-8-203. Administrative History: New rule filed August 28, 1984; effective November 13, 1984. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed May 18, 1994; effective September 28, 1994. Amendment filed August 8, 1995; effective December 29, 1995. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed October 8, 2003; effective February 27, 2004. Amendment filed August 11, 2004; effective December 29, 2004. Amendment filed January 16, 2007; effective May 31, 2007. Amendments filed September 20, 2007; effective January 28, 2008. Amendments filed November 12, 2008; effective March 30, 2009.

* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Jacques G. Carr	X				
Agenia W. Clark	X				
Gregory M. Duckett				X	
Pamela Fansler	X				
John M. Farris	X				
Ken Givens				X	
Judy Gooch	X				
Jonas Kisber	X				
Fran F. Marcum				X	
Paul Montgomery	X				
Millard Oakley			X		
Howard W. Roddy	X				
J. Stanley Rogers				X	
Stanley E. Stevens, Jr.			X		
Robert P. Thomas	X				
Tim Webb				X	

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee Board of Regents on 03/26/2009, and is in compliance with the provisions of TCA 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of thirty (30) days after the publication date of the issue of the Tennessee Administrative Register in which these proposed rules are published.



Date: 8-3-09

Signature: Christine Modisher

Name of Officer: Christine Modisher

Title of Officer: GENERAL COUNSEL

Subscribed and sworn to before me on: 8-3-09

Notary Public Signature: [Signature]

My commission expires on: 2-26-13

All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

[Signature]
 Robert E. Cooper, Jr.
 Attorney General and Reporter
10-1-09
 Date

Department of State Use Only

Filed with the Department of State on: _____

10/29/09

Effective on: _____

3/31/10

Tre Hargett

Tre Hargett
Secretary of State

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SECRETARY OF STATE
PUBLICATIONS

Regulatory Flexibility Addendum

Pursuant to Public Chapter 464 of the 105th General Assembly, prior to initiating the rule making process as described in § 4-5-202(a)(3) and § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(If applicable, insert Regulatory Flexibility Addendum here)

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to TCA 4-5-226(i)(1).

- (A)** A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

Rule 0240-3-13-.02(2)(j) & (k) provides notice of school's mandatory obligation to notify parents of students under the age of 21 who are found guilty of a student disciplinary rule violation that involves alcohol or controlled substance pursuant to T.C.A. §49-7-146.

Rule 0240-3-13-.02(2), (3) and 0240-3-13-.03 substitutes the "Assistant Vice President for Student Services/Dean of Students" as office to receive, investigate and determine sanctions related to reports of violations of student disciplinary and academic misconduct rules.

Rule 0240-3-13-.05(1) provides a general statement of the principles upon which disciplinary rules are established and enforced together with notice to students about where the rules are published and available.

Rule 0240-3-13-.05(1)(b) clarifies that disciplinary action becomes part of the student record and application of procedural safeguards (due process). Previous language suggested "may" become part of permanent record.

Rule 0240-3-13-.05(2) deletes existing language referencing TBR policy 1:06:00:05 addressing when student disciplinary matters are subject to provisions of TUAPA. New language sets forth College's commitment to afford due process in all disciplinary matters. Cases where discipline involves suspension or expulsion are subject to TUAPA procedures unless student waives in writing.

Rule 0240-3-13-.05(3)(a)-(c) is deleted for the new provision with sub-sections (a)-(b). New language describes "college procedures" for disciplinary cases not conducted pursuant to TUAPA. Provides for alternate process selected at student option upon waiver of TUAPA rights where applicable. Sub-section (a) describes procedure applicable for students facing sanction less than suspension/expulsion or where student waives TUAPA rights. Procedure provides for disposition by the Assistant Vice President for Student Services/Dean of Students. Sub-section (b) describes disposition by RSCC Disciplinary Council if student not satisfied with disposition by Asst. Vice President. Student may appeal Council's decision to President of the College.

Rule 0240-3-13-.06(1)(a) & 0240-3-13-.07(1) indicates that fines for disabled parking violations are established by statute and will be adjusted as necessary to comply with state law.

Rule 0240-3-13-.06(3)(b) provides that \$10.00 campus access fee assessed to employees for parking permits will be collected through payroll deduction each August. Access fee of \$5.00 for employees starting in Spring semester will also be collected through payroll deduction during that term.

Rule 0240-3-13-.06(8)(a) reflects that disabled parking fines are established by state law and adjusted as necessary to remain in compliance.

All other amendments are non-substantive grammatical, spelling, or structural, or reflect changes to titles of administrative offices responsible for administering student disciplinary rules at the College.

- (B)** A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

T.C.A. §§49-8-203, 55-21-108, 49-7-146

- (C)** Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

College administration, faculty, students, and visitors

- (D)** Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

None

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

Minimal

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Donald R. Ungurait
Assistant General Counsel
Tennessee Board of Regents

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Donald R. Ungurait
Assistant General Counsel
Tennessee Board of Regents

- (H) Office address and telephone number of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Tennessee Board of Regents
1415 Murfreesboro Rd., Ste. 350
Nashville, TN 37217
615-366-4438

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

None