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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: Southwest Tennessee Community College
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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
0240-03-14	Student Disciplinary Rules
Rule Number	Rule Title
0240-03-14-.03	Classroom Misconduct
0240-03-14-.04	Disciplinary Procedures
0240-03-14-.05	Disciplinary Sanctions
0240-03-14-.06	Traffic and Parking Regulations

Chapter 0240-03-14
Southwest Tennessee Community College Student Disciplinary Rules

Amendments

Rule 0240-03-14-.03 Classroom Misconduct, paragraph (3), is amended by deleting the present language and replacing it with the following:

- (3) The instructor shall report to the Director of Student Activities and the Academic Department Chairperson any incident of disruptive conduct that results in the student being asked to leave the classroom. The Director of Student Activities will meet with the instructor and chairperson to determine the appropriate action before the next class period. If the faculty member seeks the removal of the student for a more extended period of time than for the individual class period from which the student has already been excluded, the faculty member must refer the student for disciplinary action through the student discipline process. The student will be permitted to return to class pending the outcome of those proceedings unless he poses a threat of: harm to himself or others, destruction of property, and/or to the substantial disruption of the classroom, consistent with the requirements of College Disciplinary Rule 0240-3-14-.05(2)(h) regarding interim or summary suspension. In such case, the student must be afforded a hearing at the time of the decision or immediately thereafter, utilizing the appropriate due process procedures (see Southwest Policy No. 3:02:01:0019). The hearing shall be conducted by the Student Disciplinary Committee. The purpose of the hearing will be to determine whether the student will be readmitted to the classroom pending the outcome of the disciplinary investigation and related processes pursuant to the College's Student Disciplinary Rules. Students may appeal decisions of the Committee to the Vice President of Student Services and Enrollment Management.

Rule 0240-03-14-.03 Classroom Misconduct, paragraph (5), is amended by deleting the present language and replacing it with the following:

- (5) Should a student(s) be disruptive in the classroom and refuse any request on the instructor's part to stop such behavior, the instructor has several options. The first option is to ask the student to leave the classroom. Should the student impose any harm to him/herself or to others, continue to be disruptive to the class, and refuse to leave at the instructor's request, the instructor should call Police Services immediately to have the student removed. The instructor should then fill out an Information Report. The Police Services Information Report provides a formal record of an incident should further administrative discipline be necessary by the Vice President of Student Services and Enrollment Management. The second option is to report the in-class incident of disruptive behavior to the Director of Student Activities and the department chair of the department where the course is housed and request that the student not return to class until further notice by the Director. All students are accountable for their behavior when it leads to a breach of conduct.

Authority: T.C.A. §49-8-203. Administrative History: Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule file April 28, 1983; effective July 13, 1983. Repeal and new rule filed August 29, 2000; effective December 29, 2000. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed October 8, 2003; effective February 27, 2004. Amendments filed June 28, 2005; effective October 28, 2005. Amendment filed January 16, 2007; effective May 31, 2007. Amendments filed September 20, 2007; effective January 28, 2008.

Rule 0240-03-14-.04 Disciplinary Procedures, paragraph (2), is amended by deleting the present language and replacing it with the following:

- (2) College Procedures. The administration of discipline is a function of the Director of Student Activities and/or the appropriate adjudicating body.

Rule 0240-03-14-.04 Disciplinary Procedures, paragraph (2), subparagraph (a), is amended by deleting the present language and replacing it with the following:

- (a) In general, misconduct involving the violation of College rules is reported to the Director of Student Activities. The Director will then investigate the alleged misconduct.

Rule 0240-03-14-.04 Disciplinary Procedures, paragraph (2), subparagraph (b), is amended by deleting the present language and replacing it with the following:

- (b) After notifying the student as to what College regulation(s) have been allegedly violated, the Director of Student Activities may solicit from the student an admission or denial of violation.

Rule 0240-03-14-.04 Disciplinary Procedures, paragraph (2), subparagraph (b), part 1, is amended by deleting the present language and replacing it with the following:

- 1. When a student admits to a violation, the Director shall discuss those disciplinary sanctions which might apply (restitution, warning, expulsion, etc.). A student's admission of violation and acceptance of the sanction(s) imposed by the Director of Student Activities will be reduced to writing, signed by the student, and notarized.

Rule 0240-03-14-.04 Disciplinary Procedures, paragraph (2), subparagraph (b), part 2, is amended by deleting the present language and replacing it with the following:

- 2. If a student pleads non-violation to an offense, he or she may choose to have the Director of Student Activities adjudicate the case or request a hearing before the Student Disciplinary Committee.

Rule 0240-03-14-.04 Disciplinary Procedures, paragraph (2), subparagraph (d), part 5, is amended by deleting the present language and replacing it with the following:

- 5. If the Director of Student Activities is to adjudicate the case, the following conditions must be met:
 - (i) The student requests the procedure;
 - (ii) The student is willing to accept the Director's action as final.

Rule 0240-03-14-.04 Disciplinary Procedures, paragraph (3), subparagraph (c), is amended by deleting the present language and replacing it with the following:

- (c) An appeal in writing, setting forth the grounds for the appeal, must be submitted via the Director of Student Activities to the Vice President of Student Services and Enrollment Management within forty-eight (48) hours of the original decision.

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. Repeal and new rule filed August 29, 2000; effective December 29, 2000. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed October 8, 2003; effective February 27, 2004. Amendment filed January 16, 2007; effective May 31, 2007.

Rule 0240-03-14-.05 Disciplinary Sanctions, paragraph (2), subparagraph (h), is amended by deleting the present language and replacing it with the following:

- (h) Interim or summary suspension. Though as a general rule, the status of a student accused of violations of the code should not be altered until a final determination has been made in regard to the charges against him, summary suspension may be imposed upon a finding by the Vice President of Student Services and Enrollment Management or his or her designated representative that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused, or of any other member of the College community or its guest, destruction of property, or substantial disruption of classroom or other 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.

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 April 23, 1993; effective July 28, 1993. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed February 28, 2000; effective June 28, 2000. Repeal and new rule filed August 29, 2000; effective December 29, 2000. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed January 16, 2007; effective May 31, 2007.

Rule 0240-03-14-.06 Traffic and Parking Regulations, paragraph (6), subparagraph (b), is amended by deleting the present language and replacing it with the following:

- (b) Student appeals of citations may be made by submitting an Appeal Form to the Student Activities Office within seventy-two (72) hours after issuance of the citation.

Rule 0240-03-14-.06 Traffic and Parking Regulations, paragraph (6), subparagraph (d), is amended by deleting the present language and replacing it with the following:

- (d) Appeal forms are available in the Police Services Office.

Rule 0240-03-14-.06 Traffic and Parking Regulations, paragraph (7), is amended in its entirety by deleting the present language and replacing it with the following:

- (7) Parking Fines:
 - (a) No vehicle registration permit \$ 15.00
 - (b) Parking permit not properly displayed 15.00
 - (c) Parked in fire lane 50.00
 - (d) Moving violation 15.00
 - (e) Parking vehicle outside legal parking space or over stall lines or blocking legally parked car in space 15.00
 - (f) Unauthorized overnight parking 15.00
 - (g) Parking a vehicle on campus for the purpose of habitation, repair, or storage 15.00
 - (h) Parking in a reserved space 15.00
 - (i) All other violations except disabled/handicapped 15.00
 - (j) Fines for disabled/handicapped parking are established by statute. Fines will be adjusted as necessary to comply with state law.

Rule 0240-03-14-.06 Traffic and Parking Regulations, paragraph (8), is amended in its entirety by deleting the present language and replacing it with the following:

- (8) Vehicle Registration
 - (a) Police Services will issue a parking permit for each registered vehicle.
 - (b) Any individual who obtains vehicle registration by misrepresentation will be subject to disciplinary and/or administrative action.
 - (c) A temporary visitor/guest permit will be issued by Police Services. Visitors must display the permit and must adhere to all Southwest Tennessee Community College parking regulations.

Rule 0240-03-14-.06 Traffic and Parking Regulations, paragraph (11), subparagraph (b), is amended by deleting the present language and replacing it with the following:

- (b) Policy
 - Student has the option of appearing before the Committee for Traffic Appeals which will hear the appeal if he/she wishes to make an oral argument. However, if this option is not exercised, the

members of the Committee will consider the appeal based upon the written statement submitted by the student on the appeal request form. The Committee will meet weekly and at such times as may be necessary. The location, date and time of the next scheduled Committee hearing will be shared with the student at the time the request form is completed and submitted to the Director of Student Activities. The Committee is to be composed of five (5) students (the President and Vice President of the Student Government Association), and three (3) students (one appointed by the Advisor to the SGA). The decision of the Committee membership will be made based upon the regulations set forth in the Southwest Tennessee Traffic Code (which is given to all students when they obtain a parking decal).

Rule 0240-03-14-.06 Traffic and Parking Regulations, paragraph (11), subparagraph (c), part 4, is amended by deleting the present language and replacing it with the following:

4. A copy of the decision of the Committee on an appeal will be sent to Police Services and the Director of Student Activities who will notify the student of the results via returned student copy of the request form on which the decision will be noted. If the student wishes to learn the committee's decision prior to the receipt of his or her copy, the student may call the Office of Student Activities after the Committee hearing is held.

Authority: T.C.A. §49-8-203. Administrative History: New rule filed August 28, 1984; effective November 13, 1984. Amendment filed June 11, 1990; effective September 26, 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 July 3, 1996; effective November 28, 1996. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 28, 2000; effective June 28, 2000. Repeal and new rule filed August 29, 2000; effective December 29, 2000. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed October 8, 2003; effective February 27, 2004. Amendments filed June 28, 2005; effective October 28, 2005. Amendment filed January 16, 2007; effective May 31, 2007. Amendments filed September 20, 2007; effective January 28, 2008.

*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 Medisher

Name of Officer: Christine Medisher

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.

RE Cooper, Jr.
Robert E. Cooper, Jr.
Attorney General and Reporter
10-5-09

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 0240-3-14-.03(3) provides that in instances where a student has been removed from a classroom and faculty desire a more extended exclusion, student must be referred to student disciplinary process. Student will remain in class unless he/she presents a risk of harm to persons, property or further substantial disruption to the classroom. In that case, student will be provided a hearing at the time of the decision regarding whether he/she will be removed from the classroom pending the outcome of the disciplinary process. Hearing to be conducted by Student Disciplinary Committee.

Rule 0240-3-14-.05(2)(h) provision regarding interim or summary suspension of student or removal from classroom pending the outcome of disciplinary proceedings is amended to provide that students will not be suspended or removed from class/institution pending the outcome of disciplinary process unless they present an immediate threat to the physical safety and well being of the accused , or of any other member of the community or its guests, destruction of property, or "substantial" disruption of the classroom.

Rule 0240-3-14-.06(6)(b) & (c) denotes that location to file student appeals of traffic/parking citations is the Student Activities Office and that appropriate forms are available at Police Services.

Rule 0240-3-14-.06(7)(d) provides that fines for disabled parking violations are established by statute and that they will be adjusted as necessary to comply with state law.

Rule 0240-3-14-.06(8)(a) deletes existing language. Substitutes a new subsection stating that Police Services issues parking permits to "registered" vehicles.

Rule 0240-3-14-.06(8)(c), (d), & (e) is deleted.

Rule 0240-3-14-.06(8)(f) is renumbered as (c) and amended to state that Police Services will issue temporary/visitor permits. Recipients must properly display permits and follow College traffic/parking rules.

Rule 0240-3-14-.06(11) states that Committee for Traffic Appeals now meets weekly rather than monthly, updates the appointing authority for the members of the Committee. Now three (3) students instead of five (5). One (1) appointed by SGA Vice President, two (2) by advisor to SGA.

All remaining changes are non-substantive revisions made to reflect changes to the names of institutional departments and the titles of administrators, as well as grammatical, structural, or spelling changes.

- (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

- (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

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

None