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Sequence Number: 10-39-09  
 Rule ID(s): 1520  
 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:** Pellissippi State Technical Community College  
**Contact Person:** Mickey Sheen  
**Address:** 1415 Murfreesboro Rd. Ste. 350 Nashville, Tennessee  
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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
0240-03-18	Student Disciplinary Rules
Rule Number	Rule Title
0240-03-18-.03	Academic and Classroom Misconduct
0240-03-18-.04	Disciplinary Sanctions
0240-03-18-.05	Disciplinary Procedures
0240-03-18-.06	Traffic and Parking Regulations

Chapter 0240-03-18  
Pellissippi State Technical Community College Student Disciplinary Rules

Amendments

Rule 0240-03-18-.03 Academic and Classroom Misconduct, paragraph (6), is amended by deleting the present language and replacing it with the following:

- (6) The instructor will inform the department dean of the violations, and the department dean will forward written notice of the violation to the Vice President of Success and Enrollment Management, who will keep records of the incident.

Rule 0240-03-18-.03 Academic and Classroom Misconduct, paragraph (7), subparagraph (b), is amended by deleting the present language and replacing it with the following:

- (b) If the student seeks further appeal, he or she may ask the department dean to contact the Vice President of Learning, who will determine any additional steps to be taken.

Authority: T.C.A. §49-8-203. Administrative History: Original rule filed August 28, 1984; effective November 13, 1984. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed February 28, 2000; effective June 28, 2000. Amendment filed October 8, 2003; effective February 27, 2004. Amendment filed August 11, 2004; effective December 29, 2004. Amendments filed June 28, 2005; effective October 28, 2005. Amendment filed January 16, 2007; effective May 31, 2007. Amendments filed November 12, 2008; effective March 30, 2009.

Rule 0240-03-18-.04 Disciplinary Sanctions, paragraph (1), 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 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 Vice President of Student Success and Enrollment Management 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 Pellissippi 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.

Rule 0240-03-18-.04 Disciplinary Sanctions, paragraph (1), subparagraph (i), is amended by deleting the present language and replacing it with the following:

- (i) In cases involving second and/or third instances of academic misconduct, the student will be subject to further disciplinary action. The Vice President of Student Success and Enrollment Management 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:
  1. Second offense: Suspension for the semester with possible referral for additional sanctions.
  2. Third offense: Expulsion from the college.

Authority: T.C.A. §49-8-203. Administrative History: Original rule filed August 28, 1984; effective November 13, 1984. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed July 14, 1992; effective October 28, 1992. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed February 28, 2000; effective June 28, 2000. Amendment filed August 29, 2000; effective December 29, 2000. Amendment filed October 8, 2003; effective February 27, 2004. Amendment filed August 11, 2004; effective December 29, 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. Amendments filed November 12, 2008; effective March 30, 2009.

Rule 0240-03-18-.05 Disciplinary Procedures, paragraph (4), subparagraph (a), is amended by deleting the present language and replacing it with the following:

- (a) All complaints of alleged misconduct of a student shall be made in writing to the Vice President of Student Success and Enrollment Management. 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.

Rule 0240-03-18-.05 Disciplinary Procedures, paragraph (4), subparagraph (b), is amended by deleting the present language and replacing it with the following:

- (b) The Vice President of Student Success and Enrollment Management 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.

Rule 0240-03-18-.05 Disciplinary Procedures, paragraph (4), subparagraph (c), is amended by deleting the present language and replacing it with the following:

- (c) The student shall be notified in writing by the Vice President of Student Success and Enrollment Management that he/she is accused of a violation and will be asked to come in for a conference to discuss the complaint.

Rule 0240-03-18-.05 Disciplinary Procedures, paragraph (4), subparagraph (d), is amended by deleting the present language and replacing it with the following:

- (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 Vice President of Student Success and Enrollment Management shall, at least five (5) days in advance of the hearing, notify the student or student organization in writing concerning the following:
  1. The date, time, and place of the hearing;
  2. A statement of the specific charges and grounds that, if proven, would justify disciplinary action taken; and
  3. The names of witnesses scheduled to appear.

Authority: T.C.A. §49-8-203. Administrative History: Original rule filed August 28, 1984; effective November 13, 1984. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed July 14, 1992; effective October 28, 1992. Amendment filed May 18, 1994; effective September 28, 1994. Amendment filed July 3, 1996; effective November 28, 1996. 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. Amendment 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 August 11, 2004; effective December 29, 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. Amendments filed November 12, 2008; effective March 30, 2009.

Rule 0240-03-18-.06 Traffic and Parking Regulations, paragraph (2), subparagraph (a), is amended by deleting the present language and replacing it with the following:

- (a) Speed limit for all vehicles will not exceed fifteen (15) miles per hour unless otherwise posted.

Rule 0240-03-18-.06 Traffic and Parking Regulations, paragraph (8), subparagraph (c), is amended by deleting the present language and replacing it with the following:

- (c) For illegal parking in a fire zone - fifteen dollars (\$15.00) all violations. For illegal parking in a disabled zone – the fine for disabled/handicapped parking violations is established by statute, and will be adjusted and published as needed to remain in compliance with state law. Motor vehicles illegally parking in these areas are subject to being towed.

Authority: T.C.A. §49-8-203. Administrative History: Original rule filed August 28, 1984; effective November 13, 1984. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed July 14, 1992; effective October 28, 1992. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed August 8, 1995; effective December 29, 1995. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed February 28, 2000; effective June 28, 2000. Amendment filed August 29, 2000; effective December 29, 2000. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed October 17, 2002; effective February 28, 2003. Amendment filed October 8, 2003; effective February 27, 2004. Amendment filed August 11, 2004; effective December 29, 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. 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 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.

Robert E. Cooper, Jr.  
 Attorney General and Reporter  
10-7-09  
 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

RECEIVED  
2009 OCT 29 PM 2: 52  
SECRETARY OF STATE  
PUBLICATIONS

**Regulatory Flexibility Addendum**

Pursuant to Public Chapter 464 of the 105<sup>th</sup> 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 0240-3-18-.06(2)(a) adjusts campus speed limit from 20 mph to 15 mph.

Rule 0240-3-18-.06(8)(c) indicates that fines for disabled parking violations are established by statute and will be adjusted as necessary to comply with state law.

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

- (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