



TENNESSEE BOARD OF REGENTS

MEETING: March Quarterly Board Meeting

SUBJECT: Revision of Student Disciplinary Policy
East Tennessee State University

DATE: March 28, 2014

PRESENTER: Vice Chancellor Tristan Denley

ACTION REQUIRED: Voice Vote

STAFF'S RECOMMENDATION: Approval

BACKGROUND INFORMATION:

At its meeting on December 8, 2011, the Board approved a separate Student Disciplinary Policy for each TBR university and community college as well as a Student Disciplinary Policy for the Tennessee Colleges for Applied Technology (formerly known as the Tennessee Technology Centers). These policies describe disciplinary behaviors, disciplinary sanctions, and due process in keeping with the systemwide rule and applicable statutes. Furthermore, these policies include traffic and parking procedures including statements of traffic and parking related fees and fines.

The revised system-wide rule provides for institutions to amend their student disciplinary policies as such: "In student discipline policies, each institution may expand on these regulations, subject to Board approval" [Rule 0240-02-030.01 (2)]. The revision process has included institution-specific processes and approvals as well as review by institution's counsel and by the Office of Academic Affairs.

East Tennessee State University requests modifications to Part 4: Disciplinary Sanctions to add definition as to what suspension of a student group means; and to Part 5: Traffic and Parking to delete reference to employees/faculty/staff from the registration of automobiles and parking permits section, and to clarify the wording for parking and speed limit descriptions as well as to certain parking fine descriptions; also to Part 6: Disciplinary Procedures to substitute the new position of Vice President of Student Affairs in several appropriate places as the office of authority, and to amend the appeals process to include language regarding the grounds and conditions for an appeal.

Student Disciplinary Policies

- Part 1 Institution Policy Statement
- Part 2 Disciplinary Offenses
- Part 3 Academic and Classroom Misconduct
- Part 4 Disciplinary Sanctions
- Part 5 Traffic and Parking
- Part 6 Disciplinary Procedures

Part 1: INSTITUTION POLICY STATEMENT

- (1) Students enrolled in postsecondary educational institutions are citizens of their civic communities as well as the academic community. As such they are expected to conduct themselves as law-abiding members of each community at all times. Admission to an institution of postsecondary education carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by non-students. In recognition of the special relationship that exists between the institution and the academic community which it seeks to serve, the Tennessee Board of Regents ("TBR" or "the Board") has authorized the presidents of the institutions and directors of the technology centers under its jurisdiction to take such action as may be necessary to maintain campus conditions and preserve the integrity of the institution and its educational environment.
- (2) Pursuant to this authorization and in fulfillment of its duties to provide a secure and stimulating atmosphere in which individual and academic pursuits may flourish, the TBR has developed rules, which are intended to govern student conduct on the several campuses under its jurisdiction. Each institution under the jurisdiction of the TBR is directed to implement policies subject to, and consistent with, these regulations. In student discipline policies, each institution may expand on these regulations, subject to Board approval. Following are East Tennessee State University's ("ETSU" or "the University") policies, implemented in compliance with TBR's student rules. In addition, students are subject to all federal, state and local laws and ordinances. If a student's violation of such laws or ordinances also adversely affects the institution's pursuit of its educational objectives, the institutions may enforce their own regulations regardless of the status or outcome of any external proceedings instituted by other civil or criminal authorities.
- (3) For the purpose of these regulations, a "student" shall mean any person who is admitted and/or registered for study at the University for any academic period. This shall include any period of time following admission and/or registration, but preceding the start of classes for any academic period. It will also include any period which follows the end of an academic period through the last day for registration for the succeeding academic period, and during any period while the student is under suspension from the institution. Finally, "student" shall also include any person subject to a period of suspension or removal from campus as a sanction which results from a finding of a violation of the regulations governing student conduct. Students are responsible for compliance with the Rules of Student Conduct and with similar institutional policies at all times.
- (4) Disciplinary action may be taken against a student for violation of the regulations which occur on institutionally owned, leased or otherwise controlled property, while participating in international or distance learning programs, and off campus, when the conduct impairs, interferes with, or obstructs any institutional activity or the mission, processes, and functions of the institution. Institutions may enforce their own regulations regardless of the status or outcome of any external proceedings instituted in any other forum, including any civil or criminal proceeding.
- (5) These regulations, and related material incorporated herein by reference, are applicable to student organizations as well as individual students. Student organizations are subject to discipline for the conduct and actions of individual members of the organization while acting in their capacity as members of, or while attending or participating in any activity of, the organization.
- (6) Confidentiality of Discipline Process. Subject to the exceptions provided pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g and/or the Tennessee Open Records Act, T.C.A. § 10-7-504(a)(4), a student's disciplinary files are considered "educational records" and are confidential within the meaning of those Acts.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.01, Institution Policy Statement. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 2: Disciplinary Offenses

- (1) Institutional disciplinary measures shall be imposed, through appropriate due process procedures, for conduct which adversely affects the institution's pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property or persons on property owned or controlled by an institution.
- (2) ETSU has adopted the following non-exclusive list providing notice of offenses for which both individuals and organizations may be subject to disciplinary action:
 - (a) **Conduct Dangerous to Self or Others.** Any conduct, or attempted conduct, which constitutes a danger to any person's health, safety, or personal well-being, including, but not limited to, the following:
 1. Physical and/or verbal abuse,
 2. Threats and/or intimidation,
 3. Harm inflicted on self;
 - (b) **Hazing.** Hazing, as defined in T.C.A. § 49-7-123(a)(1), means any intentional or reckless act, on or off the property, of any higher education institution by an individual acting alone, or with others, which is directed against any other person(s) that endangers the mental or physical health or safety of that person(s), or which induces or coerces a person(s) to endanger such person(s) mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization;
 - (c) **Disorderly Conduct.** Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs institutional functions, operations, classrooms, other groups or individuals;
 - (d) **Obstruction of or Interference with institutional activities or facilities.** Any intentional interference with or obstruction of any institutional, program, event, or facility including the following:
 1. Any unauthorized occupancy of institution or institutionally controlled facilities or blockage of access to or from such facilities
 2. Interference with the right of any institution member or other authorized person to gain access to any activity, program, event or facilities sponsored or controlled by an institution,
 3. Any obstruction or delay of a campus security officer, public safety officer, police officer, firefighter, EMT, or any official of an institution, or failure to comply with any emergency directive issued by such person in the performance of his or her duty;
 - (e) **Misuse of or Damage to Property.** Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to another including, but not limited to, any personal property, fire alarms, fire equipment, elevators, telephones, institution keys, library materials and/or safety devices;
 - (f) **Theft, Misappropriation, or Unauthorized Sale of Property;**
 - (g) **Misuse of Documents or Identification Cards.** Any forgery, alteration of or unauthorized use of institutional documents, forms, records or identification cards, including the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment or status in the institution;
 - (h) **Firearms and Other Dangerous Weapons.** Any possession of or use of firearms, dangerous weapons of any kind, or replica/toy guns, e.g. BB guns, pellet guns, paintball guns, water guns, cap guns, toy knives or other items that simulate firearms or dangerous weapons;
 - (i) **Explosives, Fireworks, and Flammable Materials.**
 - (j) **Alcoholic Beverages.** The use and/or possession of alcoholic beverages on institution owned or controlled property. This offense includes the violation of any local ordinance, state, or federal law concerning alcoholic beverages, on or off institution owned or controlled property, including but not limited to where an affiliated group or organization has alcoholic beverages present and available for consumption;
 - (k) **Drugs.** The unlawful possession or use of any drug or controlled substance (including, but not limited to, any stimulant, depressant, narcotic or hallucinogenic drug, or marijuana), sale or distribution of any such drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession or use of drugs and the misuse of legally prescribed or "over the counter" drugs on or off institution owned or controlled property;
 - (l) **Drug Paraphernalia.** The use or possession of equipment, products or materials that are used or intended for use in manufacturing, growing, using or distributing any drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession of drug paraphernalia, on or off institution owned or controlled property;

- (m) **Public Intoxication.** Appearing on institution owned or controlled property or at an institutional sponsored event while under the influence of a controlled substance or of any other intoxicating substance;
- (n) **Gambling.** Unlawful gambling in any form;
- (o) **Financial Irresponsibility.** Failure to meet financial responsibilities to the institution promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the institution or to a member of the institution community acting in an official capacity;
- (p) **Unacceptable Conduct in Disciplinary Proceedings.** Any conduct at any stage of an institutional disciplinary proceeding or investigation that is contemptuous, disrespectful, threatening, or disorderly, including false complaints, testimony or other evidence, and attempts to influence the impartiality of a member of a judicial body, verbal or physical harassment or intimidation of a judicial board member, complainant, respondent or witness;
- (q) **Failure to Cooperate with Institutional Officials.** Failure to comply with directions of institutional officials acting in the performance of their duties;
- (r) **Violation of General Rules and Regulations.** Any violation of the general rules and regulations of the institution as published in an official institutional publication, including the intentional failure to perform any required action or the intentional performance of any prohibited action;
- (s) **Attempts, Aiding and Abetting.** Any attempt to commit any of the offenses listed under this section or the aiding or abetting of the commission of any of the offenses listed under this section (an attempt to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission). Being present during the planning or commission of any offense listed under this section will be considered as aiding and abetting. Students who anticipate or observe an offense must remove themselves from the situation and are required to report the offense to the institution;
- (t) **Violations of State or Federal Laws.** Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference;
- (u) **Violation of Imposed Disciplinary Sanctions.** Intentional or unintentional violation of a disciplinary sanction officially imposed by an institution official or a constituted body of the institution;
- (v) **Sexual Misconduct, Sexual Battery or Rape.** Committing any act of sexual battery or rape as defined by state law; May include any sexual act or penetration which is accompanied by threat, coercion, use of restraint or force, or any sexual act where the respondent knows, or should have known, that the victim was unable or incapable of giving consent.
- (w) **Harassment or Retaliation.** Any act by an individual or group against another person or group in violation of TBR policies, as well as federal and/or state laws prohibiting discrimination, including, but not limited to, TBR policies 5:01:02:00,(F), 5:01:02:00, 2:02:10:01 and TBR Guideline P-080;
- (x) **Academic Misconduct.** Plagiarism, cheating, fabrication. For purposes of this section the following definitions apply:
 - 1. **Plagiarism.** The adoption or reproduction of ideas, words, statements, images, or works of another person as one's own without proper attribution,
 - 2. **Cheating.** Using or attempting to use unauthorized materials, information, or aids in any academic exercise or test/examination. The term academic exercise includes all forms of work submitted for credit or hours,
 - 3. **Fabrication.** Unauthorized falsification or invention of any information or citation in an academic exercise.
- (y) **Unauthorized Duplication or Possession of Keys.** Making, causing to be made or the possession of any key for an institutional facility without proper authorization;
- (z) **Litter.** Dispersing litter in any form onto the grounds or facilities of the campus;
- (aa) **Pornography.** Public display of literature, films, pictures or other materials which an average person applying contemporary community standards would find, (1) taken as a whole, appeals to the prurient interest, (2) depicts or describes sexual conduct in a patently offensive way, and (3) taken as a whole, lacks serious literary, artistic, political or scientific value;
- (bb) **Abuse of Computer Resources and Facilities.** Misusing and/or abusing campus computer resources including, but not limited to the following:
 - 1. Use of another person's identification to gain access to institutional computer resources,
 - 2. Use of institutional computer resources and facilities to violate copyright laws, including, but not limited to, the act of unauthorized distribution of copyrighted materials using institutional information technology systems,
 - 3. Unauthorized access to a computer or network file, including but not limited to, altering, using, reading, copying, or deleting the file,
 - 4. Unauthorized transfer of a computer or network file,
 - 5. Use of computing resources and facilities to send abusive or obscene correspondence,
 - 6. Use of computing resources and facilities in a manner that interferes with normal operation of the institutional computing system,

7. Use of computing resources and facilities to interfere with the work of another student, faculty member, or institutional official;
 8. Violation of any published information technology resources policy;
 9. Unauthorized peer-to-peer file sharing;
 - (cc) **Unauthorized Access to Institutional Facilities and/or Grounds.** Any unauthorized access and/or occupancy of institutional facilities and grounds is prohibited, including, but not limited to, gaining access to facilities and grounds that are closed to the public, being present in areas of campus that are open to limited guests only, being present in academic buildings after hours without permission, and being present in buildings when the student has no legitimate reason to be present;
 - (dd) **Providing False Information.** Giving any false information to, or withholding necessary information from, any institutional official acting in the performance of his/her duties in connection with a student's admission, enrollment, or status in the institution;
 - (ee) **Unauthorized Surveillance.** Making or causing to be made unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, and men's or women's restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means;
 - (ff) **Smoking Violations.** Violation of any TBR and/or institutional smoking or other tobacco use rules or policies.
3. Disciplinary action may be taken against a student for violations of the foregoing regulations which occur at or in association with enrollment at an institution governed by the TBR for any academic period. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree including periods prior to or between semesters. Conduct occurring while a student is registered or enrolled at the institution, but not discovered until after the awarding of a degree is actionable under these provisions and may result in the retroactive application of a disciplinary sanction. Should a student withdraw from the institution with disciplinary action or academic misconduct action pending, the student's record may be encumbered by the appropriate institutional office until the proceedings have been concluded.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.02, Disciplinary Offenses. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 3: ACADEMIC AND CLASSROOM MISCONDUCT

- (1) The instructor has the primary responsibility for maintenance of academic integrity and controlling classroom behavior, and can order the temporary removal or exclusion from the classroom of any student engaged in disruptive conduct or conduct that violates the general rules and regulations of the institution for each class session during which the conduct occurs. Extended or permanent exclusion from the classroom, beyond the session in which the conduct occurred, or further disciplinary action can be effected only through appropriate procedures of the institution.
- (2) Plagiarism, cheating, and other forms of academic dishonesty are prohibited. Students guilty of academic misconduct, either directly or indirectly, through participation or assistance, are immediately responsible to the instructor of the class. In addition to other possible disciplinary sanctions which may be imposed through the university's academic misconduct policy as a result of academic misconduct, the instructor has the authority to assign an "F" or a zero ("0") for the exercise or examination, or to assign an "F" in the course.
- (3) Students may appeal a grade assignment associated with a finding of academic misconduct, as distinct from a student disciplinary sanction, through the university's academic misconduct procedure. Courses may not be dropped pending the final resolution of an allegation of academic misconduct. (See Part 6 Disciplinary Procedures, Paragraph (6) Academic Misconduct Procedures).
- (4) Disruptive behavior in the classroom may be defined as, but not limited to, behavior that obstructs or disrupts the learning environment (e.g., offensive language, harassment of students and professors, repeated outbursts from a student which disrupt the flow of instruction or prevent concentration on the subject taught, failure to cooperate in maintaining classroom decorum, etc.), text messaging, and the continued use of any electronic or other noise or light emitting device which disturbs others (e.g., disturbing noises from beepers, cell phones, PDAs (personal digital assistants), palm pilots, lap-top computers, games, etc.).

- (5) Class attendance and punctuality requirements are established by the faculty in the printed syllabus for each course. Students are expected to attend classes regularly and on time and are responsible for giving explanations/rationale for absences and lateness directly to the faculty member for each course in which they are enrolled. In cases where student absences are the result of emergency circumstances (e.g., death in the family, a student's serious injury or incapacitating illness), for which students are unable to make immediate contact with faculty, the student may contact the Office of Student Affairs for assistance in providing such immediate notification to faculty. However, the student remains responsible for verifying the emergency circumstances to faculty and for discussing arrangements with faculty for completion of coursework requirements. Both give guidance and clarification to both students and faculty on matters of classroom conduct and attendance requirements.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.03 Academic and Classroom Misconduct. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 4: Disciplinary Sanctions

- (1) Upon a determination that a student or student organization has violated any of the disciplinary offenses set forth in these regulations, institutional disciplinary policies, or the general policies of the institution, disciplinary sanctions may be imposed, either singly or in combination, by the appropriate institution officials.
- (2) Definition of Sanctions:
 - (a) **Restitution.** Restitution may be required in situations which involve destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or student organization is obligated by the appropriate judicial authority to compensate a party or parties for a loss suffered as a result of disciplinary violation(s). Any such payment in restitution shall be limited to actual cost of repair, replacement or financial loss;
 - (b) **Warning.** The appropriate institutional official may notify the student or student organization that continuation or repetition of specified conduct may be cause for other disciplinary action;
 - (c) **Reprimand.** A written or verbal reprimand or censure may be given to any student or student organization whose conduct violates any part of these regulations and provides notice that any further violation(s) may result in more serious penalties;
 - (d) **Service to the Institution or Community.** A student, or student organization, may be required to donate a specified number of service hours to the institution performing reasonable tasks for an appropriate institution office, official(s), or the local community. The service required shall be commensurate to the offense (e.g., service for maintenance staff for defacing institutional property);
 - (e) **Specified Educational/Counseling Program.** A student or student organization may be required to participate in specified educational or counseling program(s) relevant to the offense, or to prepare a project or report concerning a relevant topic. This may include but is not limited to a mandated visit to the University Counseling Center for an initial evaluation and documented follow through on any prescribed treatment program;
 - (f) **Apology.** A student or student organization may be required to apologize to an affected party, either verbally or in writing, for the behavior related to a disciplinary offense;
 - (g) **Fines.** Penalties in the form of fines may be imposed against a student or student organization whenever the appropriate institutional authority deems appropriate. The sanction of fines may be imposed in addition to other forms of disciplinary sanctions. Failure to pay fines may result in further disciplinary action. All funds from fines for violation of university drug and/or alcohol policies will be used to support the university's alcohol and drug education and awareness programs.
 - (h) **Restriction.** A restriction upon a student's or student organization's privileges for a period of time may be imposed. This restriction may include, for example, denial of the ability to represent the institution at any event, ability to participate in institution or TBR sponsored travel, use of facilities, parking privileges, participation in extracurricular activities or restriction of organizational privileges;
 - (i) **Probation.** Continued enrollment of a student or recognition of a student organization on probation may be conditioned upon adherence to these regulations. Any student or organization placed on probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon extracurricular activities, or any other appropriate special condition(s). Any conduct in further violation of these regulations while on probationary status or the failure to comply with the terms of the probationary period may result in the imposition of further disciplinary action;
 - (j) **Suspension.** Suspension is the separation of a student or student organization from the institution for a specified period of time. Suspension may be accompanied by special conditions for readmission or recognition;

- (k) **Expulsion.** Expulsion entails a permanent separation from the institution. The imposition of this sanction is a permanent bar to the student's admission, or a student organization's recognition to the institution. A student or organization that has been expelled may not enter institution property or facilities without obtaining prior approval from an appropriate campus official with knowledge of the expulsion directive;
 - (l) **Delay and/or Denial of Degree Award.** During the period disciplinary charges are pending against a student, the university may deny and/or delay issuance of a degree. Further, the university may refuse to issue a degree to a student who is serving a suspension or has been expelled from the university;
 - (m) **Revocation of Admission, Degree, or Credential;**
 - (n) **Housing Probation.** Continued residence in campus or student housing may be conditioned upon adherence to these regulations as well as institutional housing regulations. Any resident placed on housing probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon the activities of the resident, including any other appropriate special condition(s);
 - (o) **Housing Suspension and Forfeiture.** A resident suspended from housing may not reside, visit, or make any use whatsoever of a housing facility or participate in any housing activity during the period for which the sanction is in effect. A suspended resident shall be required to forfeit housing fees (including any unused portion thereof and the Housing Deposit). A suspended resident must vacate the housing unit. Housing suspension shall remain a part of the student resident's disciplinary record.
 - (p) **Any alternate sanction** deemed necessary and appropriate to address the misconduct at issue;
 - (q) **Interim Suspension.** As a general rule, the status of a student or student organization accused of violation of these regulations should not be altered until a final determination has been made in regard to the charges. However, interim suspension, pending the completion of disciplinary procedures, may be imposed upon a finding by the appropriate institutional official that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused, any other member of the institution its guests, property, or substantial disruption of classroom or other campus activities. In any case of interim suspension, the student, or student organization, shall be given an opportunity at the time of the decision, or as soon thereafter as reasonably possible, to contest the suspension.
 - (r) **Student Organization Suspension.** In the event that a student organization is suspended from the University, the organization may not during the term of the suspension may not engage in or sponsor any activity or program, and may not hold meetings nor recruit members; engage in social functions of any type; use university buildings, facilities, property, and equipment; use university resources, services, or funds; participate or attempt to participate as an organization in any University event; or co-sponsor or participate as an organization in another registered/recognized organization's activities. Suspension may be accompanied by special conditions for readmission or recognition.
- (3) The president of East Tennessee State University is authorized, at his or her discretion, to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or, subsequently, to convert any sanction imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.04 Disciplinary Sanctions. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 5: Traffic and Parking

- (1) **General:**
 - (a) The purpose of these regulations shall be to facilitate the orderly and efficient flow of traffic on those campuses, to provide a safe atmosphere for both pedestrians and motor vehicle operators, and to provide order with regard to parking within limited space. Institutional policies enacted in compliance with this rule shall be subject to prior review and approval of the TBR.
 - (b) East Tennessee State University (ETSU) reserves the right to regulate the use of motor vehicles, including motorcycles, motor scooters, mopeds, and bicycles on campus as applicable to the Tennessee State Law and ETSU Rules and Regulations.
 - (c) The parking and traffic rules and regulations are published annually in the Parking and Traffic Regulations brochure and on the ETSU parking website.
- (2) **Registration of Automobiles/Permits/Decals:**
 - (a) Students taking one or more courses are issued a parking permit upon providing their student E-Number and their vehicle's state-issued license plate number.
 - (b) Students will be assessed a \$25 parking permit fee as part of their program services fee each term.
~~Employees will be assessed a \$50 parking permit fee each year.~~

- (c) All students (including University High School, medical school, and pharmacy school) ~~and faculty/staff~~ who intend to park a motor vehicle (automobiles, motorcycles, motorized scooters) on the general academic campus and the VA Medical Center Campus must be registered with the Parking Services office and properly display an appropriate parking permit when parked on campus. Failure to register does not negate the operator's responsibility to adhere to this policy. Student parking permits are effective from the date obtained to the following August 31st. ~~Faculty/Staff parking permits are effective from the date obtained to the following September 30th.~~
 - (d) Students ~~and employees~~ with state-issued Disability license plates and placards must also obtain a parking permit. This parking permit allows one to park in any faculty/staff or student space. Students ~~and employees~~ requiring temporary ETSU disability parking permits must provide appropriate medical records to Disability Services. Students ~~and employees~~ will receive a temporary ETSU disability parking permit upon approval by Disability Services.
 - (e) All motorcycles, motor scooters, and mopeds are categorized and referred to as motorcycles. All students ~~and employees~~ who intend to park a motorcycle on ETSU campus must obtain and display a motorcycle parking permit.
 - (f) All visitors are required to obtain and properly display a visitor parking permit from the Parking Services office or on the website.
 - (g) All students ~~and employees~~ requiring a temporary parking permit may request a permit at the Parking Services office or on the website.
 - (h) Carpool parking is available for commuters and carpoolers. Carpool permits are issued at the Parking Services office upon application approval. All carpool permits, in addition to ETSU Student ~~or Faculty/Staff~~ permits, must be properly displayed when parking in carpool locations.
 - (i) Defective permits will be replaced at no cost.
 - (j) ~~All lost or stolen permits may be replaced at the Parking Services office.~~ A fee of \$50 will be assessed for all replacement permits issued for lost or stolen parking permits. All lost or stolen permits may be replaced at the Parking Services office.
 - (k) The acceptance by any person of a parking permit, temporary or permanent, shall constitute acceptance of the responsibility to observe and abide by all regulations, ordinances, and/or laws that govern the parking of vehicles on the general academic campus and on the ETSU VA campus.
- (3) **Parking:**
- (a) Designated parking is denoted by signage at the entrance to the parking lots. There are also curb markings to designate the category of parking. Designated parking will be enforced during hours listed in the yearly Parking and Regulations brochure. Any vehicle parking on ETSU general academic campus and on the ETSU VA campus must properly display an appropriate parking permit. The signs and curb markings are displayed as follows:
 - 1. Faculty/Staff parking – blue or white sign labeled “Faculty/Staff Parking” or a blue curb marking
 - 2. Student parking – gold sign labeled “Student Parking” or a gold curb marking
 - 3. Carpool parking – green sign labeled “Carpool Parking” or a green curb marking
 - 4. Undesignated parking – white sign labeled “Faculty/Staff and Student Parking”
 - (b) 24-hour reserved designated spaces are displayed as follows:
 - 1. Disability parking – labeled with marking on the pavement and a blue “Disability” sign
 - 2. Service Vehicle parking – labeled with a sign or a marking on the pavement “Service Vehicles Only”
 - 3. Motorcycle parking – labeled with a sign “Motorcycle Reserved”
 - 4. Other specifically reserved spaces are denoted by signage and/or listed in the yearly Parking Rules and Regulations brochure
 - (c) Vehicles may not be parked in:
 - 1. Any area specified as “No Parking”
 - 2. Sidewalks, lawns, or grassy areas
 - 3. Within 20 feet of a fire hydrant
 - 4. Fire Lanes
 - 5. Other areas impeding pedestrian or vehicular traffic, across or outside of designated lines of parking spaces.
 - (d) Motorcycles parking on campus are required to park in designated areas only. Motorcycles are not authorized to:
 - 1. Be parked in automobile spaces, fire lanes, disability spaces, driveways, lawns, sidewalks, bicycle racks;
 - 2. Be chained to utility poles, trees, railings, signposts, meter posts, or any other object.
 - (e) Issuance of parking permit does not guarantee a parking space.
 - (f) If a vehicle is determined to be abandoned, as defined by T.C.A. §55-16-103, Parking Services will make every effort to contact the owner and reserves the right to tow a vehicle at owner's expense.

(4) **Traffic:**

- (a) The speed limit on the general academic campus is 15 miles per hour, except where a higher speed limit is posted.
- (b) The speed limit on the ETSU VA campus is 20 miles per hour, except where ~~a higher speed limit is otherwise~~ posted.
- (c) Vehicles may not be operated in the manner to constitute traffic hazards or to impede the flow of vehicular or pedestrian traffic.
- (d) Motorists are to yield the right of way to all pedestrians on campus. Pedestrians must use designated sidewalks.

(5) Fines/Penalties:

- (a) All fines are subject to TBR approval.
- (b) All parking citations must be paid prior to registering for the subsequent academic term. A registration hold will be placed on all student accounts with an outstanding balance.
- (c) Chronic violators are defined as individuals who accumulate 20 or more violations during an academic year. If chronic violators are found illegally parked, they will be issued a \$50 fine in addition to the original citation based on the chronic violator status.
- (d) Habitual offenders are defined as individuals who accumulate 50 or more violations during an academic year. If habitual offenders are found illegally parked, they will be issued a \$50 fine in addition to the original citation and a \$50 chronic violator fine, based on the habitual offender status.
- (e) The following is a list of offenses and fines:
 - 1. A fine of \$10 will be imposed for the following violations:
 - i. Improper permit display
 - ii. Littering
 - iii. Illegally/Facing wrong direction
 - iv. Backed in or pulled through
 - v. Not parked in lines
 - vi. Exceeded time limit
 - 2. A fine of \$20 will be imposed for the following violations:
 - i. Failure to stop at a stop sign or yield right-of-way
 - ii. Driving wrong way on one-way street
 - iii. Failure to yield to a pedestrian
 - iv. Making an unlawful U-turn
 - v. No Permit Displayed
 - vi. Parked on grass/curb
 - vii. No parking zone
 - viii. **Parking in designated or reserved spaces. This includes:**
 - BucSports Reserved
 - Carpool Reserved
 - Faculty/Staff Reserved
 - Health or Dental Clinic Reserved
 - Departmental Reserved
 - Family Medicine Reserved
 - Reserved for Resident Director
 - Student Reserved
 - Service Vehicle Reserved
 - Motorcycle Reserved
 - Little Bucs Reserved
 - Special Event Reserved
 - 3. A fine of \$35 will be imposed for the following violation:
 - i. Violation of posted speed limit - \$35 fine. An additional fine of \$4.00 will be assessed for each mile over the posted speed limit. The mph must be verified by radar.
 - 4. A fine of \$50 will be imposed for the following violations:
 - i. Parking in a fire lane (zone)
 - ii. Blocking a fire hydrant
 - iii. Reckless driving. If a person drives a motor vehicle with such a lack of ordinary care as to indicate his conscious indifference to the health and safety of himself or others (TCA 55-10-205).
 - iv. Chronic violator citation
 - v. Habitual offender citation
 - 5. A fine of \$75 will be imposed for the following violations:
 - i. Parking in a fire lane (zone), second offense
 - ii. Blocking a fire hydrant, second offense
 - 6. A fine of \$100 will be imposed for the following violations:

- i. Blocking a disability ramp
- 7. A fine of \$200 will be imposed for the following violations:
 - i. Parking in a ~~disabled~~ disability parking space (The fine for disabled/handicapped parking violations is established by statute and will be adjusted to comply with state law.)
- (f) Vehicles may be towed at owner's expense and citations ~~will~~ **may** be issued for the following violations:
 - 1. Blocking a fire hydrant
 - 2. Blocking a roadway, walkway, driveway, or other access way
 - 3. Parking in a fire lane
 - 4. Stolen, abandoned, or unregistered vehicle (no tag, switched tag, etc.)
 - 5. Parking in a disability reserved space
 - 6. Blocking a disability access ramp
 - 7. Revocation of parking privileges
 - 8. Violation of closed lot
- (6) **Appeals:**
 - (a) Any person who receives a parking/traffic citation may appeal the citation within thirty (30) calendar days of issuance by filing an appeal form at the Parking Services office or on the web site.
 - (b) If appealing after 30 days, a written explanation for the late appeal must be submitted along with the appeal form.
 - (c) The appeal is forwarded to the Traffic and Appeals Court for disposition. Parking Services will notify appellants of the decisions after the Appeal Court hearing.
 - (d) The **Appeals Court** consists of one faculty, staff, and student member from the Parking, Traffic, and Security Advisory Committee. It takes two out of the three members to ~~from form~~ a quorum.
 - (e) The Parking, Traffic, and Security Advisory committee is divided into 3 voting categories: Faculty, Staff, and Student. Each category consists of 4 members. Faculty and Staff are appointed for 3 years, while the Student appointment changes annually. They are each appointed by their respective Senate. One member from each category rotates and meets bi-monthly to conduct the Appeals Court hearings.
 - (f) The **Appeals Court** shall hear all cases on a bi-monthly basis. Appellants have the option to appeal in writing or appear before the **Appeals Court** in person.
 - (g) If appealing in writing, the appellant must complete an Appeals form explaining the reason for the appeal and attach any supporting documentation, if available.
 - (h) If appealing in person, the appellant must complete an Appeals form and they are notified of the date, time, and location of the next Appeals court hearing.
 - (i) Following the Appeals Court hearing, all appellants are notified via e-mail of the Appeals Court decision. The decision of the Appeals court shall be final.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.05 Traffic and Parking. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 6: Disciplinary Procedures

- (1) **General:** Institutions governed by the TBR, in the implementation of TBR 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. In furtherance of this mandate, East Tennessee State University has established the following policies setting forth the disciplinary procedures for the institution.
- (2) **TUAPA:** All cases which may result in: (a) suspension or expulsion of a student, or student organization, from the institution, for disciplinary reasons or (b) revocation of registration of a student organization, are subject to the contested case provisions of the Tennessee Uniform Administrative Procedures Act (TUAPA), T.C.A. § 9-8-01 et seq., and shall be processed in accord with the Uniform Contested Case procedures adopted by the Board of Regents unless the student or organization, after receiving written notice, waives those procedures and elects to have the case disposed of in accord with institutional procedures or waives all right to contest the case under any procedure. These procedures shall be described in the institution's policy.
- (3) **Institutional Procedures:** For matters not subject to the requirements of TUAPA, or matters in which a student has waived his/her right to a TUAPA hearing, East Tennessee State University has established the following procedures to address complaints of student or student organization misconduct.
 - (a) Determination of Procedure to be Used

1. A disciplinary case involving violations of university regulations or infringements upon student rights may be reviewed under Institutional Administrative Procedures or may be referred to the appropriate judicial board for review under Institutional Judicial Procedures, as determined by the appropriate university official.
 2. The university official who shall determine who shall hear a case and whether an alleged violation of university regulations shall be processed under the Institutional Administrative Procedures or the Institutional Judicial Procedures is as follows:
 - i. The Director of Housing or designee, where the alleged violation is of the regulations of the Residence Hall Association (RHA).
 - ii. The Associate Dean of Students or designee, where the alleged violation of university regulations are other than those of the RHA.
 3. Determinations of which procedures shall be utilized for processing an alleged violation of university regulations shall be at the discretion of the appropriate university official; provided, however, the relationship between the hearing officer and the accused student must be one which is free from duress or coercion, and is a relationship which is objective and conducive to the purpose of an administrative hearing.
 4. If a student chooses to admit to a violation of law or university regulations, the student may request that the sanction be imposed by the appropriate university official. At this hearing, the student may present witnesses and other evidence relevant to the offense that may mitigate the disciplinary sanction in the student's favor.
- (b) Description of Institutional Administrative Procedures
1. The university official hearing each case, in cases held under Institutional Administrative Procedures, shall be as follows:
 - i. The Director of Housing, Assistant Director of Housing, Area Coordinators, or Apartment Managers, or designee where the alleged violation is of the Residence Hall Association (RHA).
 - ii. The Associate Dean of Students or designee where the alleged violation is of university regulations other than those of the RHA.
 2. Due process procedures shall be observed in all administrative hearings under Institutional Administrative Procedures.
 3. Appeals Under Institutional Administrative Procedures (See Part 6 Disciplinary Procedures, Paragraph (3) Institutional Procedures, Subpart (d) Appeals)
 - i. Cases heard by the Director of Housing or designee may be appealed to the Associate Dean of Students or designee.
 - ii. Cases heard by the Associate Dean of Students or designee may be appealed to the ~~Vice Provost and Dean of Students~~ Vice President for Student Affairs or designee.
- (c) Description of Institutional Judicial Procedures
1. Purpose of the Judiciary. The purpose of Institutional Judicial Procedures shall be to provide fair and just treatment in cases involving either violation of university regulations or infringements upon students' rights, and to take appropriate measures for those found guilty.
 2. Due process procedures shall be observed in all hearings under Institutional Judicial Procedures
 3. Components of the Judiciary. The Judiciary of East Tennessee State University shall consist of the following components:
 - i. The University Judicial Committee shall be the highest court authorized by the university president.
 - ii. The Student Court shall be the next highest court within the student judicial system.
 - iii. The Residence Hall Association (RHA), Inter-Fraternity Council (IFC), Panhellenic Council (PC), and the Pan-Hellenic Council (PHC) Judicial Boards shall each be lower courts within the student judicial system.
- (d) Appeals
1. All cases may be appealed by the student or organization in question to the next higher judicial authority in accordance with the Appeal Procedures provided below.
 - ~~2. Final university appeal shall be to the University President or designee.~~
Appeals for decisions of the University Judicial Board will be reviewed by the Vice President for Student Affairs, or designee. The decision of the Vice President for Student Affairs is final.
 2. Appeals are not new disciplinary hearings; they are a review of the existing case. It is not the function of the appeals process to permit a rehearing of the factual issues presented to the adjudicating
3. Appeal Procedures
 - i. If the accused desires to appeal, a statement of reasons for appealing must be forwarded to the Associate Dean of Students (or designated College official for academic misconduct cases). This statement must be filed within three (3) days following receipt by the accused of a copy of the decision being appealed.
 - ii. The statement of reasons for appeal will be forwarded to the appropriate appeal board or officer, which will set a date for reviewing the case and notify the accuser.
 - iii. Appeal hearings are not new disciplinary hearings; they are a review of the existing case. It is not the function of the appeals process to permit a rehearing of the factual issues presented to the adjudicating

body, but rather it is to ensure that the disciplinary procedures has been implemented fairly and consistently with these rules.

- iv. Grounds for Appeal. The appeal must specify grounds which would justify consideration. The written appeal must contain the substantive proof upon which the appellant is basing the appeal. Appeals that do not include the specific information that substantiates the appeal will be immediately denied. General dissatisfaction with the outcome of the decision shall not be accorded as a basis for consideration of an appeal. An appeal may be filed based on one of the following conditions:
 - 1. an error in procedural due process by the body of original jurisdiction which prejudiced the disciplined student to the extent that he/she was denied a fundamentally fair hearing as a result of the error; or
 - 2. the emergence of new evidence which could not have been previously discovered by the exercise of due diligence and which, had it been presented at the initial hearing, would have substantially affected the original decision of the adjudicating body; or
 - 3. the respondent feels that the assigned sanctions are unduly harsh.
 - v. Appeals which do not allege sufficient grounds shall be denied consideration and dismissed. Appeals which do allege sufficient grounds will be accepted for consideration and forwarded to the appellate body. The appellate body may, at its own discretion, permit written or oral statements from the concerned parties at the time the appeal is considered.
 - iii. The appeal board or officer, upon reviewing the case, will have several options. The original decision
 - vi. may be affirmed or reversed. In cases where the original action is inappropriate as a result of issues involved in the appeal, the appeal board or officer may revert the case back to the original board or hearing officer, modify the original action, or hold a completely new hearing
 - ~~iv.~~
 - vii. The appeal board or officer will notify the accused of the outcome of the appeal in writing within fifteen (15) business days.
4. Special Provisions Applicable to Both Institutional Administrative Procedures and Institutional Judicial Procedures
- i. Failure to Appear. If the accused student fails to appear at the scheduled hearing or provide adequate notice of excuse, the hearing officer or court may:
 - ii. Reset a formal hearing of the case for the next scheduled meeting.
 - iii. Dispose of the case in whatever manner it deems just based upon available information

(4) Institutional Judicial Hearings:

(a) Composition and Selection of the Courts. The composition of the University Judiciary Courts shall be as follows:

- 1. The University Judicial Committee shall be composed of the Associate Dean of Students or designee, President of the Student Government Association (SGA) or designee, Chief Justice of SGA, an Associate Justice, and three of the faculty members appointed to serve by the Vice-Provost and Dean of Students. Alternates for the Chief Justice and Associate Justice shall be selected by the SGA to hear cases on appeal from the Student Court. Members are appointed to renewable one year terms. Quorum is 2/3 of the composition of the court. Each member shall have (1) vote.
- 2. The Student Court shall be composed of a Chief Justice and seven (7) Associate Justices, one of whom shall be designated to serve as the alternate Chief Justice. Each member shall be appointed by the SGA president and confirmed by a majority of the Student Senate present and voting. Members are appointed to renewable one year terms. Quorum is 2/3 of the composition of the court. Each justice shall have (1) vote, with the Chief Justice voting only to break a tie.
- 3. The Residence Hall Association Judicial Board shall be composed of five members appointed by the Director of Housing after being confirmed by a majority of the Residence Hall Association present and voting. Members are appointed to renewable one year terms. At least three members must be present to have quorum. Each member shall have (1) vote.
- 4. The Inter-Fraternity Council Judicial Board shall be composed of one representative from each member organization. The Executive Vice-President of IFC shall chair the Committee. Members are appointed to renewable one year terms. Quorum is 2/3 of the composition of the court. Each member shall have (1) vote, with the Chair voting only to break a tie.
- 5. The Panhellenic Council (PC) Judicial Board shall be composed of one representative from each member organization. The Executive Vice-President of the PC shall chair the Committee. The Vice-President for

Internal Communication shall serve as Vice-Chair. Members are appointed to renewable one year terms. Quorum is 2/3 of the composition of the court. Each member shall have (1) vote.

6. The Pan-Hellenic Council (PHC) Judiciary Committee shall be composed of the president from each member organization. The Vice-President of the PHC shall chair the Committee. Members are appointed to renewable one year terms. Quorum is 2/3 of the composition of the court. Each member shall have (1) vote, with the Chair voting only to break a tie.

(b) Powers and Limitations. The relative powers of the components of the Judiciary are as follows:

1. The University Judicial Committee shall exercise the highest judicial authority on campus, next to that of the ~~Vice Provost and Dean of Students~~ Vice President for Student Affairs and the University President or his/her designee. This committee's authority shall include the right to suspend or expel a student.
2. The next highest judicial authority shall be vested in the Student Court. All sanctions, with the exception of suspension and expulsion, are available to the Student Court. The Student Court shall have the power to request any member of the student body, a representative from any campus organization, or any faculty member or administrator to appear before the court, provided that the subpoena/request is issued in writing at least five (5) days prior to the appearance.
3. The Residence Hall Association, the Inter-Fraternity, Panhellenic, and the Pan-Hellenic Judicial Boards shall provide, through their respective constitutions, the powers and limitations of their respective judicial boards, all of which shall be subordinate to the Student Court.

(c) Operation of the Courts. All cases that enter the University Judiciary shall be administered through the appropriate channel:

1. Any member of the university community may file a complaint against any student for misconduct. Complaints shall be submitted in writing and directed to the Associate Dean of Students. A complaint should be submitted as soon as possible after the event takes place, preferably within ten (10) days of the alleged misconduct.
 - i. Violations of official university regulations other than regulations of the RHA, IFC, the PC's, or General Policies on Student Organizations shall be reported directly to the Associate Dean of Students, who shall either direct that the case be reviewed under the Institutional Administrative Procedures or referred to the appropriate judicial board.
 - ii. Violations of the internal standards of the RHA, the IFC, or PC's shall be reported to the authorities designated in their respective constitutions. Violations of General Policies on Student Organizations shall be reported to the Director of Student Activities.
 - iii. The RHA authorities shall report the case to the Housing office, where the Director of Housing or designee shall either direct that the case be reviewed under the Institutional Administrative Procedures or referred to the Residence Hall Judicial Board.
 - iv. The IFC, PC, and PHC authorities shall report the case to the Director of Student Activities who shall refer the case to the Associate Dean of Students who will either direct that the case be reviewed under the Institutional Administrative Procedures or referred to the Inter-Fraternity Judicial Board, the Panhellenic Judicial Board, or the Pan-Hellenic Judicial Committee.
 - v. Violations of the Student Government Constitution or Code of Laws shall be reported to the Student Government Vice President, who shall refer the case to the Associate Dean of Students. The Associate Dean of Students shall direct that the case be heard by the Student Court.
2. All judicial decisions must be reported in writing to the Associate Dean of Students within two (2) class days from such time as the decision has been reached.
3. Due process procedures shall be observed in all hearings under Institutional Judicial Procedures.
4. The circumstances surrounding all cases handled by the University Judiciary shall be confidential
5. The official records of all cases shall be maintained by the Student Affairs office.
6. All official correspondence concerning the decision of a judicial board, court, or committee shall be by the Associate Dean of Students or designee, except in cases involving interpretation of the Student Government Constitution or Code of Laws. The Chief Justice of the Student Court shall make written report of the decision and the circumstances surrounding it, taking care to exclude any information of a personal nature, to the Secretary of Legislative Affairs.
7. All hearings by the judicial boards, court, or committee shall be held in closed session unless otherwise requested by the defendant.
8. All subsequent meetings concerning readmission of students or reinstatement of organizational charters shall be initiated through the Associate Dean of Students or designee.

(d) Jurisdiction of the Courts

1. Each judicial board or court may serve as a court of original jurisdiction
 - i. The University Judicial Committee shall hear those cases involving a student who is accused of violating general university regulations, and if found guilty, may be subject to suspension or expulsion from the institution, who have waived their right to a hearing pursuant to TUAPA procedures. The Committee shall also hear other cases deemed appropriate by the Associate Dean of Students.

- ii. The Student Court shall have original jurisdiction in those cases involving alleged violations of general university regulations which do not warrant suspension or expulsion. The Student Court shall also hear those cases involving alleged violations of the Student Government Constitution or Code of Laws, and any other cases deemed appropriate by the Associate Dean of Students.
- iii. The Residence Hall Judicial Board shall have the original jurisdiction in cases involving violation of Housing regulations, standards established by its constitution, and any other cases referred to it by the Director of Housing.
- iv. The IFC, the PC, or PHC Judicial Boards shall have the original jurisdiction only in cases involving violations of regulations specified in their own Constitution and By-Laws.

(5) **Minimum Requirements of Due Process for Institutional Hearings:** Students subject to any disciplinary sanction are entitled to a due process hearing unless that right is waived by the student after receiving written notice of the available procedures. For matters not subject to the requirements of TUAPA, or matters in which a student has waived his/her right to a TUAPA, East Tennessee State University has established the following guidelines and rights to address complaints of student or student organization misconduct.

(a)Hearing Guidelines

1. At least seventy-two (72) hours prior to the hearing the accused student is entitled to written notification of the time, date, and place of the hearing and of his rights as outlined below.
2. At least seventy-two (72) hours prior to the hearing the accused student is entitled to a written statement of the charges in sufficient detail as to enable the student to prepare a case, including how the alleged violation came to the attention of the university.
3. All administrative hearings and hearings of judicial bodies will be closed, except to the accused, his/her advisor, the complainant, his/her advisor, the members of the appropriate judicial board/committee, or individual administrator assigned to the case. Witnesses may also appear upon request of the members of the appropriate judicial board/committee, or individual administrator assigned to the case, the accused, or the complainant.
4. In hearings involving more than one accused student, the chairperson of the judicial body or individual administrator assigned to the case, in his or her discretion, may permit the hearings concerning each student to be conducted separately
5. In cases heard by a judicial board, the accused student or complainant may challenge the ability of a judicial member to render an impartial judgment and may request the member's removal at that time. The judicial board will rule on the request. If any members of a judicial board feel that their relationship with either the case or the individuals involved would affect their ability to render an impartial judgment, they may disqualify themselves
6. The complainant and the accused have the right to be assisted by any advisor they choose, at their own expense. The advisor may be an attorney. The accused is responsible for presenting his or her own case and advisors are not permitted to speak or to participate directly in any hearing before a judicial body.
7. The university, the accused, the complainant and the judicial body shall all have the privilege of presenting witnesses, subject to the right of questioning by the judicial body.
8. Pertinent records, exhibits and written statements may be accepted as evidence for consideration by a judicial body at the discretion of the chairperson
9. The accused student and the complainant are entitled to ask questions of the hearing officer, of the judicial board, and of any witnesses called before the administrative or judicial hearing.
10. Hearings shall proceed in the following order:
 - i. Reading of the charges
 - ii. The student's denial or admission of the charges
 - iii. Presentation of evidence by the university and questions by the student charged and/or the hearing body
 - iv. Presentation of evidence by the student charged and questions by the university and/or the hearing body, and
 - v. Closing statement by both parties
11. After the hearing, the judicial body shall determine (by majority vote if the judicial body consists of more than one person) whether the student has violated each section of the Student Code of Conduct which the student is charged with violating.
12. The judicial body's determination shall be made on the basis of the "preponderance of the evidence", meaning, whether it is "more likely than not" that the accused student violated the Student Code of Conduct.
13. The student shall be notified in writing of the decision of the hearing body/authority within five (5) days of the hearing or the judicial body's decision. Every attempt will be made to verbally notify the student of the decision prior to the five (5)-day period. In cases involving alleged sexual assault and/or sexual misconduct, both the accused and accuser shall be notified in writing within five (5) days of the judicial body's decision.

14. There shall be a single record, such as minutes or a tape recording, of all hearings before a judicial body.

The record shall be the property of the university.

15. Any question of interpretation regarding the Student Code of Conduct shall be referred to the ~~Vice Provost and Dean of Students~~ Vice President for Student Affairs or the Associate Dean of Students

16. The student shall be advised of the method and time limitations for appeal, if any is applicable

(b) Victim's Rights

1. Some actions that violate the university regulations involve victimization of one or more students by another student(s). This behavior may include acts of theft or damage to property, physical violence, and other acts that endanger the safety of others in the university community. If a student has filed a complaint and is identified as a victim, that student is entitled to certain rights during the disciplinary process.
2. If a charge is filed with the appropriate judicial official, it is important to remember that the accused student is being charged with violating a university rule or regulation. Although a victim's input may be sought during the disciplinary process, the ultimate disposition of the case rests with the university. If a victim withdraws his or her complaint during the course of the disciplinary proceeding, the university reserves the right to proceed with the case on the basis of evidence other than the testimony of the victim.
3. During the course of a disciplinary proceeding, victims have the following rights:
 - i. During the course of a disciplinary proceeding, victims have the following rights:
 - ii. To submit a written account of the alleged incident.
 - iii. To be advised of the date, time and location of the disciplinary hearing, and to request rescheduling of the hearing for good cause.
 - iv. To be accompanied by an advisor of the victim's choosing during the hearing process, although the advisor will not be permitted to speak for the victim during the hearing.
 - v. To testify as a witness during the hearing.
 - vi. To decline to testify, with knowledge that such action could result in dismissal of the university's charges for lack of evidence.
 - vii. To submit a written impact statement to the hearing panel for consideration during the sanctioning phase of the disciplinary process

(c) All matters involving allegations of impermissible discrimination, harassment (including, but not limited to, sexual violence or misconduct), or retaliation will be governed by the procedures outlined in TBR Guideline P-080 Subject: Discrimination and Harassment – Complaint and Investigation Procedure and/or an institutional policy that reflects the requirements of that Guideline. In cases involving alleged sexual assault and/or misconduct, both the accuser and the accused shall be entitled the following:

1. a pre-hearing meeting in which rights, procedures, and process are reviewed.
2. the same opportunity to have others present during a disciplinary proceeding
3. to be informed of the outcome of any disciplinary proceeding involving allegations of sexual assault and/or sexual misconduct,
4. to be informed at least 2 business days in advance of the judicial board members or hearing officer who will hear a case and of any witnesses who are being called
5. that the judicial board members or hearing officer has received sexual assault/misconduct adjudication training
6. the accuser will have the same right to appeal (if any) as those afforded the accused
7. the accuser will also be notified when the complaint is delivered to the accused

(6) Academic Misconduct Procedures

Academic misconduct will be subject to disciplinary action. Any act of dishonesty in academic work constitutes academic misconduct. Penalties for academic misconduct, beginning with the first offense, will vary with the seriousness of the offense and may include, but are not limited to: a grade of "F" on the work in question, a grade of "F" of the course, reprimand, probation, suspension, and/or expulsion. For a second academic misconduct offense the penalty may be permanent expulsion from the University. Allegations of academic misconduct will be handled pursuant to the procedures described below as distinct from other student disciplinary matters. In any cases where suspension or expulsion are possible sanctions, the student shall be entitled to the option of having a TUAPA hearing (detailed in Part 6 Disciplinary Procedures, Paragraph (2) TUAPA) and shall be given at least five (5) days in which to choose the TUAPA or the formal hearing process .

(a) Administration of Discipline Procedures

1. Charges of academic misconduct may be brought by members of the faculty, staff, or student body.
2. For undergraduate and graduate students, cases in which an instructor, or other individual, determines that a student has committed an act of academic misconduct, the matter will be reported in writing to both the student and to the dean of the school or college in which the alleged misconduct occurred. Cases of alleged academic misconduct involving graduate students (including those enrolled in the Ph.D. program in Biomedical Sciences within the College of Medicine) will be reported to the Dean of the Graduate School. Alleged violations of students at the Quillen College of Medicine (COM) or the Gatton College of Pharmacy

(COP) will be adjudicated through the respective college procedure: the Student Honor System as detailed in the COM Student Handbook and the Academic Misconduct section of the COP Student Handbook.

3. The dean of the school or college in which the alleged misconduct occurred or their designee will investigate the report of misconduct and will obtain all information pertinent to the investigation. After having made this investigation, the official will arrange a conference with the student against whom the allegations of misconduct have been made. At this conference the student will be informed, in writing, of the allegations.
4. The student will not be subjected to any form of pressure to coerce admission of guilt or information about his/her conduct or that of others after gathering all the facts of the case
5. Based on the investigation of the reported misconduct, including any information provided by the accused student, the official shall determine whether the allegations have been substantiated. In cases where the charges are substantiated, the official shall determine an appropriate sanction, and attempt to resolve the matter without initiating a formal disciplinary hearing. Potential sanctions may include any penalty up to, but not including, suspension or expulsion from the institution.
6. The student may accept the proposed resolution of the matter or elect to have a formal hearing. In the event the student elects to waive the hearing and accept the suggested punishment the official shall prepare a waiver of hearing for the student's signature.

(b) Formal Hearing Procedures

For undergraduate and graduate students, the student will be informed, in writing, of the time and place of the hearing, as well as the specific allegations. The student also will be advised of the structure and procedure for the hearing, the range of possible punishment, and his/her right to be accompanied by an advisor. Such notice should be given at least seven (7) days in advance of the hearing. The dean or designee will designate three (3) faculty members and three (3) students, from a standing college or school committee on academic misconduct to hear the charges. The standing committee shall be appointed by the Dean of each school or college for one year and shall consist of a minimum of eight (8) members, four (4) faculty members and four (4) students). Neither the individual bringing the charges, nor the dean or his/her agent shall be members of the hearing committee.

1. Both the accused and the accuser shall be entitled to be present throughout the hearing, until the hearing committee goes into executive session.
2. At the hearing, it shall be the responsibility of the dean or designee to be present and to coordinate the presentation of evidence relevant to the alleged misconduct.
3. The student will bear the burden of proof by a preponderance of the evidence.
4. The student may be accompanied by an advisor.
5. The student shall be given an opportunity to testify and present evidence and witnesses relevant to the charges and penalties involved and to cross-examine any witnesses. In no case will the committee consider statements against the student unless he/she has been advised of their contents and the names of those who made them and given opportunity to rebut any unfavorable inferences which might be drawn from them. The student may decline to testify, with knowledge that silence may be considered as evidence.
6. The committee is not bound by strict rules of evidence. Determinations as to the admissibility of evidence in the hearings rest solely in the discretion of the committee.
7. The disciplinary hearing shall be private, unless otherwise requested by the student, in writing, and a record of it shall be made.
8. After all evidence has been presented; members of the committee will meet in executive session to deliberate on the charges. The committee's decision and recommendation shall be based on a majority vote of the six committee members, all of whom must be present at the hearing.
9. Upon a finding against the student, the committee shall recommend such penalty as deemed appropriate.
10. If the committee recommends expulsion or suspension and the dean concurs, the approval of the vice president for academic affairs must be obtained. The dean then advises the student of the dean's decision and of the student's right to appeal to the president

(c) Appeals

Appeal from a finding of guilt of academic misconduct and the imposition of a sanction for the offense may be taken to the president of the university. (See Part 6 Disciplinary Procedures, Paragraph (3) Institutional Procedures, Subpart (d) Appeals)

- (7) **Interim Suspension Hearings:** Hearings conducted with regard to interim suspensions imposed pending the outcome of a disciplinary investigation or proceeding shall be conducted consistent with the minimum requirements of due process applicable to an institutional hearing, taking into account the need for a timely hearing. The evidence presented at the hearing shall be limited to that which is relevant to the basis asserted for imposition of the interim suspension.
- (8) The president of East Tennessee State University is authorized, at his or her discretion, to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or, subsequently, to convert any finding

or sanction imposed to a lesser finding or sanction, or to rescind any previous finding or sanction, in appropriate cases.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.06 Disciplinary Procedures and due Process. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Student Disciplinary Policies

- Part 1 Institution Policy Statement
- Part 2 Disciplinary Offenses
- Part 3 Academic and Classroom Misconduct
- Part 4 Disciplinary Sanctions
- Part 5 Traffic and Parking
- Part 6 Disciplinary Procedures

Part 1: INSTITUTION POLICY STATEMENT

- (1) Students enrolled in postsecondary educational institutions are citizens of their civic communities as well as the academic community. As such they are expected to conduct themselves as law-abiding members of each community at all times. Admission to an institution of postsecondary education carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by non-students. In recognition of the special relationship that exists between the institution and the academic community which it seeks to serve, the Tennessee Board of Regents ("TBR" or "the Board") has authorized the presidents of the institutions and directors of the technology centers under its jurisdiction to take such action as may be necessary to maintain campus conditions and preserve the integrity of the institution and its educational environment.
- (2) Pursuant to this authorization and in fulfillment of its duties to provide a secure and stimulating atmosphere in which individual and academic pursuits may flourish, the TBR has developed rules, which are intended to govern student conduct on the several campuses under its jurisdiction. Each institution under the jurisdiction of the TBR is directed to implement policies subject to, and consistent with, these regulations. In student discipline policies, each institution may expand on these regulations, subject to Board approval. Following are East Tennessee State University's ("ETSU" or "the University") policies, implemented in compliance with TBR's student rules. In addition, students are subject to all federal, state and local laws and ordinances. If a student's violation of such laws or ordinances also adversely affects the institution's pursuit of its educational objectives, the institutions may enforce their own regulations regardless of the status or outcome of any external proceedings instituted by other civil or criminal authorities.
- (3) For the purpose of these regulations, a "student" shall mean any person who is admitted and/or registered for study at the University for any academic period. This shall include any period of time following admission and/or registration, but preceding the start of classes for any academic period. It will also include any period which follows the end of an academic period through the last day for registration for the succeeding academic period, and during any period while the student is under suspension from the institution. Finally, "student" shall also include any person subject to a period of suspension or removal from campus as a sanction which results from a finding of a violation of the regulations governing student conduct. Students are responsible for compliance with the Rules of Student Conduct and with similar institutional policies at all times.
- (4) Disciplinary action may be taken against a student for violation of the regulations which occur on institutionally owned, leased or otherwise controlled property, while participating in international or distance learning programs, and off campus, when the conduct impairs, interferes with, or obstructs any institutional activity or the mission, processes, and functions of the institution. Institutions may enforce their own regulations regardless of the status or outcome of any external proceedings instituted in any other forum, including any civil or criminal proceeding.
- (5) These regulations, and related material incorporated herein by reference, are applicable to student organizations as well as individual students. Student organizations are subject to discipline for the conduct and actions of individual members of the organization while acting in their capacity as members of, or while attending or participating in any activity of, the organization.
- (6) Confidentiality of Discipline Process. Subject to the exceptions provided pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g and/or the Tennessee Open Records Act, T.C.A. § 10-7-504(a)(4), a student's disciplinary files are considered "educational records" and are confidential within the meaning of those Acts.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.01, Institution Policy Statement. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 2: Disciplinary Offenses

- (1) Institutional disciplinary measures shall be imposed, through appropriate due process procedures, for conduct which adversely affects the institution's pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property or persons on property owned or controlled by an institution.
- (2) ETSU has adopted the following non-exclusive list providing notice of offenses for which both individuals and organizations may be subject to disciplinary action:
 - (a) **Conduct Dangerous to Self or Others.** Any conduct, or attempted conduct, which constitutes a danger to any person's health, safety, or personal well-being, including, but not limited to, the following:
 1. Physical and/or verbal abuse,
 2. Threats and/or intimidation,
 3. Harm inflicted on self;
 - (b) **Hazing.** Hazing, as defined in T.C.A. § 49-7-123(a)(1), means any intentional or reckless act, on or off the property, of any higher education institution by an individual acting alone, or with others, which is directed against any other person(s) that endangers the mental or physical health or safety of that person(s), or which induces or coerces a person(s) to endanger such person(s) mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization;
 - (c) **Disorderly Conduct.** Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs institutional functions, operations, classrooms, other groups or individuals;
 - (d) **Obstruction of or Interference with institutional activities or facilities.** Any intentional interference with or obstruction of any institutional, program, event, or facility including the following:
 1. Any unauthorized occupancy of institution or institutionally controlled facilities or blockage of access to or from such facilities
 2. Interference with the right of any institution member or other authorized person to gain access to any activity, program, event or facilities sponsored or controlled by an institution,
 3. Any obstruction or delay of a campus security officer, public safety officer, police officer, firefighter, EMT, or any official of an institution, or failure to comply with any emergency directive issued by such person in the performance of his or her duty;
 - (e) **Misuse of or Damage to Property.** Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to another including, but not limited to, any personal property, fire alarms, fire equipment, elevators, telephones, institution keys, library materials and/or safety devices;
 - (f) **Theft, Misappropriation, or Unauthorized Sale of Property;**
 - (g) **Misuse of Documents or Identification Cards.** Any forgery, alteration of or unauthorized use of institutional documents, forms, records or identification cards, including the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment or status in the institution;
 - (h) **Firearms and Other Dangerous Weapons.** Any possession of or use of firearms, dangerous weapons of any kind, or replica/toy guns, e.g. BB guns, pellet guns, paintball guns, water guns, cap guns, toy knives or other items that simulate firearms or dangerous weapons;
 - (i) **Explosives, Fireworks, and Flammable Materials.**
 - (j) **Alcoholic Beverages.** The use and/or possession of alcoholic beverages on institution owned or controlled property. This offense includes the violation of any local ordinance, state, or federal law concerning alcoholic beverages, on or off institution owned or controlled property, including but not limited to where an affiliated group or organization has alcoholic beverages present and available for consumption;
 - (k) **Drugs.** The unlawful possession or use of any drug or controlled substance (including, but not limited to, any stimulant, depressant, narcotic or hallucinogenic drug, or marijuana), sale or distribution of any such drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession or use of drugs and the misuse of legally prescribed or "over the counter" drugs on or off institution owned or controlled property;
 - (l) **Drug Paraphernalia.** The use or possession of equipment, products or materials that are used or intended for use in manufacturing, growing, using or distributing any drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession of drug paraphernalia, on or off institution owned or controlled property;

- (m) **Public Intoxication.** Appearing on institution owned or controlled property or at an institutional sponsored event while under the influence of a controlled substance or of any other intoxicating substance;
- (n) **Gambling.** Unlawful gambling in any form;
- (o) **Financial Irresponsibility.** Failure to meet financial responsibilities to the institution promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the institution or to a member of the institution community acting in an official capacity;
- (p) **Unacceptable Conduct in Disciplinary Proceedings.** Any conduct at any stage of an institutional disciplinary proceeding or investigation that is contemptuous, disrespectful, threatening, or disorderly, including false complaints, testimony or other evidence, and attempts to influence the impartiality of a member of a judicial body, verbal or physical harassment or intimidation of a judicial board member, complainant, respondent or witness;
- (q) **Failure to Cooperate with Institutional Officials.** Failure to comply with directions of institutional officials acting in the performance of their duties;
- (r) **Violation of General Rules and Regulations.** Any violation of the general rules and regulations of the institution as published in an official institutional publication, including the intentional failure to perform any required action or the intentional performance of any prohibited action;
- (s) **Attempts, Aiding and Abetting.** Any attempt to commit any of the offenses listed under this section or the aiding or abetting of the commission of any of the offenses listed under this section (an attempt to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission). Being present during the planning or commission of any offense listed under this section will be considered as aiding and abetting. Students who anticipate or observe an offense must remove themselves from the situation and are required to report the offense to the institution;
- (t) **Violations of State or Federal Laws.** Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference;
- (u) **Violation of Imposed Disciplinary Sanctions.** Intentional or unintentional violation of a disciplinary sanction officially imposed by an institution official or a constituted body of the institution;
- (v) **Sexual Misconduct, Sexual Battery or Rape.** Committing any act of sexual battery or rape as defined by state law; May include any sexual act or penetration which is accompanied by threat, coercion, use of restraint or force, or any sexual act where the respondent knows, or should have known, that the victim was unable or incapable of giving consent.
- (w) **Harassment or Retaliation.** Any act by an individual or group against another person or group in violation of TBR policies, as well as federal and/or state laws prohibiting discrimination, including, but not limited to, TBR policies 5:01:02:00,(F), 5:01:02:00, 2:02:10:01 and TBR Guideline P-080;
- (x) **Academic Misconduct.** Plagiarism, cheating, fabrication. For purposes of this section the following definitions apply:
 - 1. **Plagiarism.** The adoption or reproduction of ideas, words, statements, images, or works of another person as one's own without proper attribution,
 - 2. **Cheating.** Using or attempting to use unauthorized materials, information, or aids in any academic exercise or test/examination. The term academic exercise includes all forms of work submitted for credit or hours,
 - 3. **Fabrication.** Unauthorized falsification or invention of any information or citation in an academic exercise.
- (y) **Unauthorized Duplication or Possession of Keys.** Making, causing to be made or the possession of any key for an institutional facility without proper authorization;
- (z) **Litter.** Dispersing litter in any form onto the grounds or facilities of the campus;
- (aa) **Pornography.** Public display of literature, films, pictures or other materials which an average person applying contemporary community standards would find, (1) taken as a whole, appeals to the prurient interest, (2) depicts or describes sexual conduct in a patently offensive way, and (3) taken as a whole, lacks serious literary, artistic, political or scientific value;
- (bb) **Abuse of Computer Resources and Facilities.** Misusing and/or abusing campus computer resources including, but not limited to the following:
 - 1. Use of another person's identification to gain access to institutional computer resources,
 - 2. Use of institutional computer resources and facilities to violate copyright laws, including, but not limited to, the act of unauthorized distribution of copyrighted materials using institutional information technology systems,
 - 3. Unauthorized access to a computer or network file, including but not limited to, altering, using, reading, copying, or deleting the file,
 - 4. Unauthorized transfer of a computer or network file,
 - 5. Use of computing resources and facilities to send abusive or obscene correspondence,
 - 6. Use of computing resources and facilities in a manner that interferes with normal operation of the institutional computing system,

7. Use of computing resources and facilities to interfere with the work of another student, faculty member, or institutional official;
 8. Violation of any published information technology resources policy;
 9. Unauthorized peer-to-peer file sharing;
 - (cc) **Unauthorized Access to Institutional Facilities and/or Grounds.** Any unauthorized access and/or occupancy of institutional facilities and grounds is prohibited, including, but not limited to, gaining access to facilities and grounds that are closed to the public, being present in areas of campus that are open to limited guests only, being present in academic buildings after hours without permission, and being present in buildings when the student has no legitimate reason to be present;
 - (dd) **Providing False Information.** Giving any false information to, or withholding necessary information from, any institutional official acting in the performance of his/her duties in connection with a student's admission, enrollment, or status in the institution;
 - (ee) **Unauthorized Surveillance.** Making or causing to be made unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, and men's or women's restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means;
 - (ff) **Smoking Violations.** Violation of any TBR and/or institutional smoking or other tobacco use rules or policies.
3. Disciplinary action may be taken against a student for violations of the foregoing regulations which occur at or in association with enrollment at an institution governed by the TBR for any academic period. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree including periods prior to or between semesters. Conduct occurring while a student is registered or enrolled at the institution, but not discovered until after the awarding of a degree is actionable under these provisions and may result in the retroactive application of a disciplinary sanction. Should a student withdraw from the institution with disciplinary action or academic misconduct action pending, the student's record may be encumbered by the appropriate institutional office until the proceedings have been concluded.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.02, Disciplinary Offenses. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 3: ACADEMIC AND CLASSROOM MISCONDUCT

- (1) The instructor has the primary responsibility for maintenance of academic integrity and controlling classroom behavior, and can order the temporary removal or exclusion from the classroom of any student engaged in disruptive conduct or conduct that violates the general rules and regulations of the institution for each class session during which the conduct occurs. Extended or permanent exclusion from the classroom, beyond the session in which the conduct occurred, or further disciplinary action can be effected only through appropriate procedures of the institution.
- (2) Plagiarism, cheating, and other forms of academic dishonesty are prohibited. Students guilty of academic misconduct, either directly or indirectly, through participation or assistance, are immediately responsible to the instructor of the class. In addition to other possible disciplinary sanctions which may be imposed through the university's academic misconduct policy as a result of academic misconduct, the instructor has the authority to assign an "F" or a zero ("0") for the exercise or examination, or to assign an "F" in the course.
- (3) Students may appeal a grade assignment associated with a finding of academic misconduct, as distinct from a student disciplinary sanction, through the university's academic misconduct procedure. Courses may not be dropped pending the final resolution of an allegation of academic misconduct. (See Part 6 Disciplinary Procedures, Paragraph (6) Academic Misconduct Procedures).
- (4) Disruptive behavior in the classroom may be defined as, but not limited to, behavior that obstructs or disrupts the learning environment (e.g., offensive language, harassment of students and professors, repeated outbursts from a student which disrupt the flow of instruction or prevent concentration on the subject taught, failure to cooperate in maintaining classroom decorum, etc.), text messaging, and the continued use of any electronic or other noise or light emitting device which disturbs others (e.g., disturbing noises from beepers, cell phones, PDAs (personal digital assistants), palm pilots, lap-top computers, games, etc.).

- (5) Class attendance and punctuality requirements are established by the faculty in the printed syllabus for each course. Students are expected to attend classes regularly and on time and are responsible for giving explanations/rationale for absences and lateness directly to the faculty member for each course in which they are enrolled. In cases where student absences are the result of emergency circumstances (e.g., death in the family, a student's serious injury or incapacitating illness), for which students are unable to make immediate contact with faculty, the student may contact the Office of Student Affairs for assistance in providing such immediate notification to faculty. However, the student remains responsible for verifying the emergency circumstances to faculty and for discussing arrangements with faculty for completion of coursework requirements. Both give guidance and clarification to both students and faculty on matters of classroom conduct and attendance requirements.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.03 Academic and Classroom Misconduct. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 4: Disciplinary Sanctions

- (1) Upon a determination that a student or student organization has violated any of the disciplinary offenses set forth in these regulations, institutional disciplinary policies, or the general policies of the institution, disciplinary sanctions may be imposed, either singly or in combination, by the appropriate institution officials.
- (2) Definition of Sanctions:
 - (a) **Restitution.** Restitution may be required in situations which involve destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or student organization is obligated by the appropriate judicial authority to compensate a party or parties for a loss suffered as a result of disciplinary violation(s). Any such payment in restitution shall be limited to actual cost of repair, replacement or financial loss;
 - (b) **Warning.** The appropriate institutional official may notify the student or student organization that continuation or repetition of specified conduct may be cause for other disciplinary action;
 - (c) **Reprimand.** A written or verbal reprimand or censure may be given to any student or student organization whose conduct violates any part of these regulations and provides notice that any further violation(s) may result in more serious penalties;
 - (d) **Service to the Institution or Community.** A student, or student organization, may be required to donate a specified number of service hours to the institution performing reasonable tasks for an appropriate institution office, official(s), or the local community. The service required shall be commensurate to the offense (e.g., service for maintenance staff for defacing institutional property);
 - (e) **Specified Educational/Counseling Program.** A student or student organization may be required to participate in specified educational or counseling program(s) relevant to the offense, or to prepare a project or report concerning a relevant topic. This may include but is not limited to a mandated visit to the University Counseling Center for an initial evaluation and documented follow through on any prescribed treatment program;
 - (f) **Apology.** A student or student organization may be required to apologize to an affected party, either verbally or in writing, for the behavior related to a disciplinary offense;
 - (g) **Fines.** Penalties in the form of fines may be imposed against a student or student organization whenever the appropriate institutional authority deems appropriate. The sanction of fines may be imposed in addition to other forms of disciplinary sanctions. Failure to pay fines may result in further disciplinary action. All funds from fines for violation of university drug and/or alcohol policies will be used to support the university's alcohol and drug education and awareness programs.
 - (h) **Restriction.** A restriction upon a student's or student organization's privileges for a period of time may be imposed. This restriction may include, for example, denial of the ability to represent the institution at any event, ability to participate in institution or TBR sponsored travel, use of facilities, parking privileges, participation in extracurricular activities or restriction of organizational privileges;
 - (i) **Probation.** Continued enrollment of a student or recognition of a student organization on probation may be conditioned upon adherence to these regulations. Any student or organization placed on probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon extracurricular activities, or any other appropriate special condition(s). Any conduct in further violation of these regulations while on probationary status or the failure to comply with the terms of the probationary period may result in the imposition of further disciplinary action;
 - (j) **Suspension.** Suspension is the separation of a student or student organization from the institution for a specified period of time. Suspension may be accompanied by special conditions for readmission or recognition;

- (k) **Expulsion.** Expulsion entails a permanent separation from the institution. The imposition of this sanction is a permanent bar to the student's admission, or a student organization's recognition to the institution. A student or organization that has been expelled may not enter institution property or facilities without obtaining prior approval from an appropriate campus official with knowledge of the expulsion directive;
 - (l) **Delay and/or Denial of Degree Award.** During the period disciplinary charges are pending against a student, the university may deny and/or delay issuance of a degree. Further, the university may refuse to issue a degree to a student who is serving a suspension or has been expelled from the university;
 - (m) **Revocation of Admission, Degree, or Credential;**
 - (n) **Housing Probation.** Continued residence in campus or student housing may be conditioned upon adherence to these regulations as well as institutional housing regulations. Any resident placed on housing probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon the activities of the resident, including any other appropriate special condition(s);
 - (o) **Housing Suspension and Forfeiture.** A resident suspended from housing may not reside, visit, or make any use whatsoever of a housing facility or participate in any housing activity during the period for which the sanction is in effect. A suspended resident shall be required to forfeit housing fees (including any unused portion thereof and the Housing Deposit). A suspended resident must vacate the housing unit. Housing suspension shall remain a part of the student resident's disciplinary record.
 - (p) **Any alternate sanction** deemed necessary and appropriate to address the misconduct at issue;
 - (q) **Interim Suspension.** As a general rule, the status of a student or student organization accused of violation of these regulations should not be altered until a final determination has been made in regard to the charges. However, interim suspension, pending the completion of disciplinary procedures, may be imposed upon a finding by the appropriate institutional official that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused, any other member of the institution its guests, property, or substantial disruption of classroom or other campus activities. In any case of interim suspension, the student, or student organization, shall be given an opportunity at the time of the decision, or as soon thereafter as reasonably possible, to contest the suspension.
 - (r) **Student Organization Suspension.** In the event that a student organization is suspended from the University, the organization may not during the term of the suspension may not engage in or sponsor any activity or program, and may not hold meetings nor recruit members; engage in social functions of any type; use university buildings, facilities, property, and equipment; use university resources, services, or funds; participate or attempt to participate as an organization in any University event; or co-sponsor or participate as an organization in another registered/recognized organization's activities. Suspension may be accompanied by special conditions for readmission or recognition.
- (3) The president of East Tennessee State University is authorized, at his or her discretion, to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or, subsequently, to convert any sanction imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.04 Disciplinary Sanctions. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 5: Traffic and Parking

- (1) **General:**
 - (a) The purpose of these regulations shall be to facilitate the orderly and efficient flow of traffic on those campuses, to provide a safe atmosphere for both pedestrians and motor vehicle operators, and to provide order with regard to parking within limited space. Institutional policies enacted in compliance with this rule shall be subject to prior review and approval of the TBR.
 - (b) East Tennessee State University (ETSU) reserves the right to regulate the use of motor vehicles, including motorcycles, motor scooters, mopeds, and bicycles on campus as applicable to the Tennessee State Law and ETSU Rules and Regulations.
 - (c) The parking and traffic rules and regulations are published annually in the Parking and Traffic Regulations brochure and on the ETSU parking website.
- (2) **Registration of Automobiles/Permits/Decals:**
 - (a) Students taking one or more courses are issued a parking permit upon providing their student E-Number and their vehicle's state-issued license plate number.
 - (b) Students will be assessed a \$25 parking permit fee as part of their program services fee each term.
 - (c) All students (including University High School, medical school, and pharmacy school) who intend to park a motor vehicle (automobiles, motorcycles, motorized scooters) on the general academic campus and the VA

Medical Center Campus must be registered with the Parking Services office and properly display an appropriate parking permit when parked on campus. Failure to register does not negate the operator's responsibility to adhere to this policy. Student parking permits are effective from the date obtained to the following August 31st.

- (d) Students with state-issued Disability license plates and placards must also obtain a parking permit. This parking permit allows one to park in any faculty/staff or student space. Students requiring temporary ETSU disability parking permits must provide appropriate medical records to Disability Services. Students will receive a temporary ETSU disability parking permit upon approval by Disability Services.
- (e) All motorcycles, motor scooters, and mopeds are categorized and referred to as motorcycles. All students who intend to park a motorcycle on ETSU campus must obtain and display a motorcycle parking permit.
- (f) All visitors are required to obtain and properly display a visitor parking permit from the Parking Services office or on the website.
- (g) All students requiring a temporary parking permit may request a permit at the Parking Services office or on the website.
- (h) Carpool parking is available for commuters and carpoolers. Carpool permits are issued at the Parking Services office upon application approval. All carpool permits, in addition to ETSU Student permits, must be properly displayed when parking in carpool locations.
- (i) Defective permits will be replaced at no cost.
- (j) All lost or stolen parking permits may be replaced at the Parking Services office.
- (k) The acceptance by any person of a parking permit, temporary or permanent, shall constitute acceptance of the responsibility to observe and abide by all regulations, ordinances, and/or laws that govern the parking of vehicles on the general academic campus and on the ETSU VA campus.

(3) Parking:

- (a) Designated parking is denoted by signage at the entrance to the parking lots. There are also curb markings to designate the category of parking. Designated parking will be enforced during hours listed in the yearly Parking and Regulations brochure. Any vehicle parking on ETSU general academic campus and on the ETSU VA campus must properly display an appropriate parking permit. The signs and curb markings are displayed as follows:
 - 1. Faculty/Staff parking – blue or white sign labeled “Faculty/Staff Parking” or a blue curb marking
 - 2. Student parking – gold sign labeled “Student Parking” or a gold curb marking
 - 3. Carpool parking – green sign labeled “Carpool Parking” or a green curb marking
 - 4. Undesignated parking – white sign labeled “Faculty/Staff and Student Parking”
- (b) 24-hour reserved designated spaces are displayed as follows:
 - 1. Disability parking – labeled with marking on the pavement and a blue “Disability” sign
 - 2. Service Vehicle parking – labeled with a sign or a marking on the pavement “Service Vehicles Only”
 - 3. Motorcycle parking – labeled with a sign “Motorcycle Reserved”
 - 4. Other specifically reserved spaces are denoted by signage and/or listed in the yearly Parking Rules and Regulations brochure
- (c) Vehicles may not be parked in:
 - 1. Any area specified as “No Parking”
 - 2. Sidewalks, lawns, or grassy areas
 - 3. Within 20 feet of a fire hydrant
 - 4. Fire Lanes
 - 5. Other areas impeding pedestrian or vehicular traffic, across or outside of designated lines of parking spaces.
- (d) Motorcycles parking on campus are required to park in designated areas only. Motorcycles are not authorized to:
 - 1. Be parked in automobile spaces, fire lanes, disability spaces, driveways, lawns, sidewalks, bicycle racks;
 - 2. Be chained to utility poles, trees, railings, signposts, meter posts, or any other object.
- (e) Issuance of parking permit does not guarantee a parking space.
- (f) If a vehicle is determined to be abandoned, as defined by T.C.A. §55-16-103, Parking Services will make every effort to contact the owner and reserves the right to tow a vehicle at owner's expense.

(4) Traffic:

- (a) The speed limit on the general academic campus is 15 miles per hour, except where a higher speed limit is posted.
- (b) The speed limit on the ETSU VA campus is 20 miles per hour, except where otherwise posted.
- (c) Vehicles may not be operated in the manner to constitute traffic hazards or to impede the flow of vehicular or pedestrian traffic.
- (d) Motorists are to yield the right of way to all pedestrians on campus. Pedestrians must use designated sidewalks.

(5) Fines/Penalties:

- (a) All fines are subject to TBR approval.
- (b) All parking citations must be paid prior to registering for the subsequent academic term. A registration hold will be placed on all student accounts with an outstanding balance.
- (c) Chronic violators are defined as individuals who accumulate 20 or more violations during an academic year. If chronic violators are found illegally parked, they will be issued a \$50 fine in addition to the original citation based on the chronic violator status.
- (d) Habitual offenders are defined as individuals who accumulate 50 or more violations during an academic year. If habitual offenders are found illegally parked, they will be issued a \$50 fine in addition to the original citation and a \$50 chronic violator fine, based on the habitual offender status.
- (e) The following is a list of offenses and fines:
 - 1. A fine of \$10 will be imposed for the following violations:
 - i. Improper permit display
 - ii. Littering
 - iii. Illegally/Facing wrong direction
 - iv. Backed in or pulled through
 - v. Not parked in lines
 - vi. Exceeded time limit
 - 2. A fine of \$20 will be imposed for the following violations:
 - i. Failure to stop at a stop sign or yield right-of-way
 - ii. Driving wrong way on one-way street
 - iii. Failure to yield to a pedestrian
 - iv. Making an unlawful U-turn
 - v. No Permit Displayed
 - vi. Parked on grass/curb
 - vii. No parking zone
 - viii. Parking in designated or reserved spaces. This includes:
 - BucSports Reserved
 - Carpool Reserved
 - Faculty/Staff Reserved
 - Health or Dental Clinic Reserved
 - Departmental Reserved
 - Family Medicine Reserved
 - Reserved for Resident Director
 - Student Reserved
 - Service Vehicle Reserved
 - Motorcycle Reserved
 - Little Bucs Reserved
 - Special Event Reserved
 - 3. A fine of \$35 will be imposed for the following violation:
 - i. Violation of posted speed limit - \$35 fine. An additional fine of \$4.00 will be assessed for each mile over the posted speed limit. The mph must be verified by radar.
 - 4. A fine of \$50 will be imposed for the following violations:
 - i. Parking in a fire lane (zone)
 - ii. Blocking a fire hydrant
 - iii. Reckless driving. If a person drives a motor vehicle with such a lack of ordinary care as to indicate his conscious indifference to the health and safety of himself or others (TCA 55-10-205).
 - iv. Chronic violator citation
 - v. Habitual offender citation
 - 5. A fine of \$75 will be imposed for the following violations:
 - i. Parking in a fire lane (zone), second offense
 - ii. Blocking a fire hydrant, second offense
 - 6. A fine of \$100 will be imposed for the following violations:
 - i. Blocking a disability ramp
 - 7. A fine of \$200 will be imposed for the following violations:
 - i. Parking in a disability parking space (The fine for disabled/handicapped parking violations is established by statute and will be adjusted to comply with state law.)
- (f) Vehicles may be towed at owner's expense and citations may be issued for the following violations:
 - 1. Blocking a fire hydrant
 - 2. Blocking a roadway, walkway, driveway, or other access way
 - 3. Parking in a fire lane

4. Stolen, abandoned, or unregistered vehicle (no tag, switched tag, etc.)
5. Parking in a disability reserved space
6. Blocking a disability access ramp
7. Revocation of parking privileges
8. Violation of closed lot

(6) Appeals:

- (a) Any person who receives a parking/traffic citation may appeal the citation within thirty (30) calendar days of issuance by filing an appeal form at the Parking Services office or on the web site.
- (b) If appealing after 30 days, a written explanation for the late appeal must be submitted along with the appeal form.
- (c) The appeal is forwarded to the Traffic and Appeals Court for disposition. Parking Services will notify appellants of the decisions after the Appeal Court hearing.
- (d) The Appeals Court consists of one faculty, staff, and student member from the Parking, Traffic, and Security Advisory Committee. It takes two out of the three members to form a quorum.
- (e) The Parking, Traffic, and Security Advisory committee is divided into 3 voting categories: Faculty, Staff, and Student. Each category consists of 4 members. Faculty and Staff are appointed for 3 years, while the Student appointment changes annually. They are each appointed by their respective Senate. One member from each category rotates and meets bi-monthly to conduct the Appeals Court hearings.
- (f) The Appeals Court shall hear all cases on a bi-monthly basis. Appellants have the option to appeal in writing or appear before the Appeals Court in person.
- (g) If appealing in writing, the appellant must complete an Appeals form explaining the reason for the appeal and attach any supporting documentation, if available.
- (h) If appealing in person, the appellant must complete an Appeals form and they are notified of the date, time, and location of the next Appeals court hearing.
- (i) Following the Appeals Court hearing, all appellants are notified via e-mail of the Appeals Court decision. The decision of the Appeals court shall be final.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.05 Traffic and Parking. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 6: Disciplinary Procedures

- (1) **General:** Institutions governed by the TBR, in the implementation of TBR 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. In furtherance of this mandate, East Tennessee State University has established the following policies setting forth the disciplinary procedures for the institution.
- (2) **TUAPA:** All cases which may result in: (a) suspension or expulsion of a student, or student organization, from the institution, for disciplinary reasons or (b) revocation of registration of a student organization, are subject to the contested case provisions of the Tennessee Uniform Administrative Procedures Act (TUAPA), T.C.A. § 9-8-01 et seq., and shall be processed in accord with the Uniform Contested Case procedures adopted by the Board of Regents unless the student or organization, after receiving written notice, waives those procedures and elects to have the case disposed of in accord with institutional procedures or waives all right to contest the case under any procedure. These procedures shall be described in the institution's policy.
- (3) **Institutional Procedures:** For matters not subject to the requirements of TUAPA, or matters in which a student has waived his/her right to a TUAPA hearing, East Tennessee State University has established the following procedures to address complaints of student or student organization misconduct.
 - (a) **Determination of Procedure to be Used**
 1. A disciplinary case involving violations of university regulations or infringements upon student rights may be reviewed under Institutional Administrative Procedures or may be referred to the appropriate judicial board for review under Institutional Judicial Procedures, as determined by the appropriate university official.
 2. The university official who shall determine who shall hear a case and whether an alleged violation of university regulations shall be processed under the Institutional Administrative Procedures or the Institutional Judicial Procedures is as follows:
 - i. The Director of Housing or designee, where the alleged violation is of the regulations of the Residence Hall Association (RHA).

- ii. The Associate Dean of Students or designee, where the alleged violation of university regulations are other than those of the RHA.
 - 3. Determinations of which procedures shall be utilized for processing an alleged violation of university regulations shall be at the discretion of the appropriate university official; provided, however, the relationship between the hearing officer and the accused student must be one which is free from duress or coercion, and is a relationship which is objective and conducive to the purpose of an administrative hearing.
 - 4. If a student chooses to admit to a violation of law or university regulations, the student may request that the sanction be imposed by the appropriate university official. At this hearing, the student may present witnesses and other evidence relevant to the offense that may mitigate the disciplinary sanction in the student's favor.
- (b)Description of Institutional Administrative Procedures
- 1. The university official hearing each case, in cases held under Institutional Administrative Procedures, shall be as follows:
 - i. The Director of Housing, Assistant Director of Housing, Area Coordinators, or Apartment Managers, or designee where the alleged violation is of the Residence Hall Association (RHA).
 - ii. The Associate Dean of Students or designee where the alleged violation is of university regulations other than those of the RHA.
 - 2. Due process procedures shall be observed in all administrative hearings under Institutional Administrative Procedures.
 - 3. Appeals Under Institutional Administrative Procedures (See Part 6 Disciplinary Procedures, Paragraph (3) Institutional Procedures, Subpart (d) Appeals)
 - i. Cases heard by the Director of Housing or designee may be appealed to the Associate Dean of Students or designee.
 - ii. Cases heard by the Associate Dean of Students or designee may be appealed to the Vice President for Student Affairs or designee.
- (c)Description of Institutional Judicial Procedures
- 1. Purpose of the Judiciary. The purpose of Institutional Judicial Procedures shall be to provide fair and just treatment in cases involving either violation of university regulations or infringements upon students' rights, and to take appropriate measures for those found guilty.
 - 2. Due process procedures shall be observed in all hearings under Institutional Judicial Procedures
 - 3. Components of the Judiciary. The Judiciary of East Tennessee State University shall consist of the following components:
 - i. The University Judicial Committee shall be the highest court authorized by the university president.
 - ii. The Student Court shall be the next highest court within the student judicial system.
 - iii. The Residence Hall Association (RHA), Inter-Fraternity Council (IFC), Panhellenic Council (PC), and the Pan-Hellenic Council (PHC) Judicial Boards shall each be lower courts within the student judicial system.
- (d)Appeals
- 1. All cases may be appealed by the student or organization in question to the next higher judicial authority in accordance with the Appeal Procedures provided below.
 - 2. Appeals for decisions of the University Judicial Board will be reviewed by the Vice President for Student Affairs, or designee. The decision of the Vice President for Student Affairs is final.
 - 3. Appeal Procedures
 - i. If the accused desires to appeal, a statement of reasons for appealing must be forwarded to the Associate Dean of Students (or designated College official for academic misconduct cases). This statement must be filed within three (3) days following receipt by the accused of a copy of the decision being appealed.
 - ii. The statement of reasons for appeal will be forwarded to the appropriate appeal board or officer, which will set a date for reviewing the case and notify the accuser.
 - iii. Appeal hearings are not new disciplinary hearings; they are a review of the existing case. It is not the function of the appeals process to permit a rehearing of the factual issues presented to the adjudicating body, but rather it is to ensure that the disciplinary procedures has been implemented fairly and consistently with these rules.
 - iv. Grounds for Appeal. The appeal must specify grounds which would justify consideration. The written appeal must contain the substantive proof upon which the appellant is basing the appeal. Appeals that do not include the specific information that substantiates the appeal will be immediately denied. General dissatisfaction with the outcome of the decision shall not be accorded as a basis for consideration of an appeal. An appeal may be filed based on one of the following conditions:
 - 1. an error in procedural due process by the body of original jurisdiction which prejudiced the disciplined student to the extent that he/she was denied a fundamentally fair hearing as a result of the error; or

2. the emergence of new evidence which could not have been previously discovered by the exercise of due diligence and which, had it been presented at the initial hearing, would have substantially affected the original decision of the adjudicating body; or
 3. the respondent feels that the assigned sanctions are unduly harsh.
- v. Appeals which do not allege sufficient grounds shall be denied consideration and dismissed. Appeals which do allege sufficient grounds will be accepted for consideration and forwarded to the appellate body. The appellate body may, at its own discretion, permit written or oral statements from the concerned parties at the time the appeal is considered.
 - vi. The appeal board or officer, upon reviewing the case, will have several options. The original decision may be affirmed or reversed. In cases where the original action is inappropriate as a result of issues involved in the appeal, the appeal board or officer may revert the case back to the original board or hearing officer, modify the original action, or hold a completely new hearing
 - vii. The appeal board or officer will notify the accused of the outcome of the appeal in writing within fifteen (15) business days.
4. Special Provisions Applicable to Both Institutional Administrative Procedures and Institutional Judicial Procedures
 - i. Failure to Appear. If the accused student fails to appear at the scheduled hearing or provide adequate notice of excuse, the hearing officer or court may:
 - ii. Reset a formal hearing of the case for the next scheduled meeting.
 - iii. Dispose of the case in whatever manner it deems just based upon available information

(4) Institutional Judicial Hearings:

(a) Composition and Selection of the Courts. The composition of the University Judiciary Courts shall be as follows:

1. The University Judicial Committee shall be composed of the Associate Dean of Students or designee, President of the Student Government Association (SGA) or designee, Chief Justice of SGA, an Associate Justice, and three of the faculty members appointed to serve by the Vice-Provost and Dean of Students. Alternates for the Chief Justice and Associate Justice shall be selected by the SGA to hear cases on appeal from the Student Court. Members are appointed to renewable one year terms. Quorum is 2/3 of the composition of the court. Each member shall have (1) vote.
2. The Student Court shall be composed of a Chief Justice and seven (7) Associate Justices, one of whom shall be designated to serve as the alternate Chief Justice. Each member shall be appointed by the SGA president and confirmed by a majority of the Student Senate present and voting. Members are appointed to renewable one year terms. Quorum is 2/3 of the composition of the court. Each justice shall have (1) vote, with the Chief Justice voting only to break a tie.
3. The Residence Hall Association Judicial Board shall be composed of five members appointed by the Director of Housing after being confirmed by a majority of the Residence Hall Association present and voting. Members are appointed to renewable one year terms. At least three members must be present to have quorum. Each member shall have (1) vote.
4. The Inter-Fraternity Council Judicial Board shall be composed of one representative from each member organization. The Executive Vice-President of IFC shall chair the Committee. Members are appointed to renewable one year terms. Quorum is 2/3 of the composition of the court. Each member shall have (1) vote, with the Chair voting only to break a tie.
5. The Panhellenic Council (PC) Judicial Board shall be composed of one representative from each member organization. The Executive Vice-President of the PC shall chair the Committee. The Vice-President for Internal Communication shall serve as Vice-Chair. Members are appointed to renewable one year terms. Quorum is 2/3 of the composition of the court. Each member shall have (1) vote.
6. The Pan-Hellenic Council (PHC) Judiciary Committee shall be composed of the president from each member organization. The Vice-President of the PHC shall chair the Committee. Members are appointed to renewable one year terms. Quorum is 2/3 of the composition of the court. Each member shall have (1) vote, with the Chair voting only to break a tie.

(b) Powers and Limitations. The relative powers of the components of the Judiciary are as follows:

1. The University Judicial Committee shall exercise the highest judicial authority on campus, next to that of the Vice President for Student Affairs and the University President or his/her designee. This committee's authority shall include the right to suspend or expel a student.
2. The next highest judicial authority shall be vested in the Student Court. All sanctions, with the exception of suspension and expulsion, are available to the Student Court. The Student Court shall have the power to request any member of the student body, a representative from any campus organization, or any faculty

member or administrator to appear before the court, provided that the subpoena/request is issued in writing at least five (5) days prior to the appearance.

3. The Residence Hall Association, the Inter-Fraternity, Panhellenic, and the Pan-Hellenic Judicial Boards shall provide, through their respective constitutions, the powers and limitations of their respective judicial boards, all of which shall be subordinate to the Student Court.

(c) Operation of the Courts. All cases that enter the University Judiciary shall be administered through the appropriate channel:

1. Any member of the university community may file a complaint against any student for misconduct. Complaints shall be submitted in writing and directed to the Associate Dean of Students. A complaint should be submitted as soon as possible after the event takes place, preferably within ten (10) days of the alleged misconduct.
 - i. Violations of official university regulations other than regulations of the RHA, IFC, the PC's, or General Policies on Student Organizations shall be reported directly to the Associate Dean of Students, who shall either direct that the case be reviewed under the Institutional Administrative Procedures or referred to the appropriate judicial board.
 - ii. Violations of the internal standards of the RHA, the IFC, or PC's shall be reported to the authorities designated in their respective constitutions. Violations of General Policies on Student Organizations shall be reported to the Director of Student Activities.
 - iii. The RHA authorities shall report the case to the Housing office, where the Director of Housing or designee shall either direct that the case be reviewed under the Institutional Administrative Procedures or referred to the Residence Hall Judicial Board.
 - iv. The IFC, PC, and PHC authorities shall report the case to the Director of Student Activities who shall refer the case to the Associate Dean of Students who will either direct that the case be reviewed under the Institutional Administrative Procedures or referred to the Inter-Fraternity Judicial Board, the Panhellenic Judicial Board, or the Pan-Hellenic Judicial Committee.
 - v. Violations of the Student Government Constitution or Code of Laws shall be reported to the Student Government Vice President, who shall refer the case to the Associate Dean of Students. The Associate Dean of Students shall direct that the case be heard by the Student Court.
2. All judicial decisions must be reported in writing to the Associate Dean of Students within two (2) class days from such time as the decision has been reached.
3. Due process procedures shall be observed in all hearings under Institutional Judicial Procedures.
4. The circumstances surrounding all cases handled by the University Judiciary shall be confidential
5. The official records of all cases shall be maintained by the Student Affairs office.
6. All official correspondence concerning the decision of a judicial board, court, or committee shall be by the Associate Dean of Students or designee, except in cases involving interpretation of the Student Government Constitution or Code of Laws. The Chief Justice of the Student Court shall make written report of the decision and the circumstances surrounding it, taking care to exclude any information of a personal nature, to the Secretary of Legislative Affairs.
7. All hearings by the judicial boards, court, or committee shall be held in closed session unless otherwise requested by the defendant.
8. All subsequent meetings concerning readmission of students or reinstatement of organizational charters shall be initiated through the Associate Dean of Students or designee.

(d) Jurisdiction of the Courts

1. Each judicial board or court may serve as a court of original jurisdiction
 - i. The University Judicial Committee shall hear those cases involving a student who is accused of violating general university regulations, and if found guilty, may be subject to suspension or expulsion from the institution, who have waived their right to a hearing pursuant to TUAPA procedures. The Committee shall also hear other cases deemed appropriate by the Associate Dean of Students.
 - ii. The Student Court shall have original jurisdiction in those cases involving alleged violations of general university regulations which do not warrant suspension or expulsion. The Student Court shall also hear those cases involving alleged violations of the Student Government Constitution or Code of Laws, and any other cases deemed appropriate by the Associate Dean of Students.
 - iii. The Residence Hall Judicial Board shall have the original jurisdiction in cases involving violation of Housing regulations, standards established by its constitution, and any other cases referred to it by the Director of Housing.
 - iv. The IFC, the PC, or PHC Judicial Boards shall have the original jurisdiction only in cases involving violations of regulations specified in their own Constitution and By-Laws.

- (5) **Minimum Requirements of Due Process for Institutional Hearings:** Students subject to any disciplinary sanction are entitled to a due process hearing unless that right is waived by the student after receiving written notice of the available procedures. For matters not subject to the requirements of TUAPA, or matters in which a

student has waived his/her right to a TUAPA, East Tennessee State University has established the following guidelines and rights to address complaints of student or student organization misconduct.

(a)Hearing Guidelines

1. At least seventy-two (72) hours prior to the hearing the accused student is entitled to written notification of the time, date, and place of the hearing and of his rights as outlined below.
2. At least seventy-two (72) hours prior to the hearing the accused student is entitled to a written statement of the charges in sufficient detail as to enable the student to prepare a case, including how the alleged violation came to the attention of the university.
3. All administrative hearings and hearings of judicial bodies will be closed, except to the accused, his/her advisor, the complainant, his/her advisor, the members of the appropriate judicial board/committee, or individual administrator assigned to the case. Witnesses may also appear upon request of the members of the appropriate judicial board/committee, or individual administrator assigned to the case, the accused, or the complainant.
4. In hearings involving more than one accused student, the chairperson of the judicial body or individual administrator assigned to the case, in his or her discretion, may permit the hearings concerning each student to be conducted separately
5. In cases heard by a judicial board, the accused student or complainant may challenge the ability of a judicial member to render an impartial judgment and may request the member's removal at that time. The judicial board will rule on the request. If any members of a judicial board feel that their relationship with either the case or the individuals involved would affect their ability to render an impartial judgment, they may disqualify themselves
6. The complainant and the accused have the right to be assisted by any advisor they choose, at their own expense. The advisor may be an attorney. The accused is responsible for presenting his or her own case and advisors are not permitted to speak or to participate directly in any hearing before a judicial body.
7. The university, the accused, the complainant and the judicial body shall all have the privilege of presenting witnesses, subject to the right of questioning by the judicial body.
8. Pertinent records, exhibits and written statements may be accepted as evidence for consideration by a judicial body at the discretion of the chairperson
9. The accused student and the complainant are entitled to ask questions of the hearing officer, of the judicial board, and of any witnesses called before the administrative or judicial hearing.
10. Hearings shall proceed in the following order:
 - i. Reading of the charges
 - ii. The student's denial or admission of the charges
 - iii. Presentation of evidence by the university and questions by the student charged and/or the hearing body
 - iv. Presentation of evidence by the student charged and questions by the university and/or the hearing body, and
 - v. Closing statement by both parties
11. After the hearing, the judicial body shall determine (by majority vote if the judicial body consists of more than one person) whether the student has violated each section of the Student Code of Conduct which the student is charged with violating.
12. The judicial body's determination shall be made on the basis of the "preponderance of the evidence", meaning, whether it is "more likely than not" that the accused student violated the Student Code of Conduct.
13. The student shall be notified in writing of the decision of the hearing body/authority within five (5) days of the hearing or the judicial body's decision. Every attempt will be made to verbally notify the student of the decision prior to the five (5)-day period. In cases involving alleged sexual assault and/or sexual misconduct, both the accused and accuser shall be notified in writing within five (5) days of the judicial body's decision.
14. There shall be a single record, such as minutes or a tape recording, of all hearings before a judicial body. The record shall be the property of the university.
15. Any question of interpretation regarding the Student Code of Conduct shall be referred to the Vice President for Student Affairs or the Associate Dean of Students
16. The student shall be advised of the method and time limitations for appeal, if any is applicable

(b)Victim's Rights

1. Some actions that violate the university regulations involve victimization of one or more students by another student(s). This behavior may include acts of theft or damage to property, physical violence, and other acts that endanger the safety of others in the university community. If a student has filed a complaint and is identified as a victim, that student is entitled to certain rights during the disciplinary process.
2. If a charge is filed with the appropriate judicial official, it is important to remember that the accused student is being charged with violating a university rule or regulation. Although a victim's input may be sought during the disciplinary process, the ultimate disposition of the case rests with the university. If a victim

withdraws his or her complaint during the course of the disciplinary proceeding, the university reserves the right to proceed with the case on the basis of evidence other than the testimony of the victim.

3. During the course of a disciplinary proceeding, victims have the following rights:
 - i. During the course of a disciplinary proceeding, victims have the following rights:
 - ii. To submit a written account of the alleged incident.
 - iii. To be advised of the date, time and location of the disciplinary hearing, and to request rescheduling of the hearing for good cause.
 - iv. To be accompanied by an advisor of the victim's choosing during the hearing process, although the advisor will not be permitted to speak for the victim during the hearing.
 - v. To testify as a witness during the hearing.
 - vi. To decline to testify, with knowledge that such action could result in dismissal of the university's charges for lack of evidence.
 - vii. To submit a written impact statement to the hearing panel for consideration during the sanctioning phase of the disciplinary process
- (c) All matters involving allegations of impermissible discrimination, harassment (including, but not limited to, sexual violence or misconduct), or retaliation will be governed by the procedures outlined in TBR Guideline P-080 Subject: Discrimination and Harassment – Complaint and Investigation Procedure and/or an institutional policy that reflects the requirements of that Guideline. In cases involving alleged sexual assault and/or misconduct, both the accuser and the accused shall be entitled the following:
 1. a pre-hearing meeting in which rights, procedures, and process are reviewed.
 2. the same opportunity to have others present during a disciplinary proceeding
 3. to be informed of the outcome of any disciplinary proceeding involving allegations of sexual assault and/or sexual misconduct,
 4. to be informed at least 2 business days in advance of the judicial board members or hearing officer who will hear a case and of any witnesses who are being called
 5. that the judicial board members or hearing officer has received sexual assault/misconduct adjudication training
 6. the accuser will have the same right to appeal (if any) as those afforded the accused
 7. the accuser will also be notified when the complaint is delivered to the accused

(6) Academic Misconduct Procedures

Academic misconduct will be subject to disciplinary action. Any act of dishonesty in academic work constitutes academic misconduct. Penalties for academic misconduct, beginning with the first offense, will vary with the seriousness of the offense and may include, but are not limited to: a grade of "F" on the work in question, a grade of "F" of the course, reprimand, probation, suspension, and/or expulsion. For a second academic misconduct offense the penalty may be permanent expulsion from the University. Allegations of academic misconduct will be handled pursuant to the procedures described below as distinct from other student disciplinary matters. In any cases where suspension or expulsion are possible sanctions, the student shall be entitled to the option of having a TUAPA hearing (detailed in Part 6 Disciplinary Procedures, Paragraph (2) TUAPA) and shall be given at least five (5) days in which to choose the TUAPA or the formal hearing process .

(a) Administration of Discipline Procedures

1. Charges of academic misconduct may be brought by members of the faculty, staff, or student body.
2. For undergraduate and graduate students, cases in which an instructor, or other individual, determines that a student has committed an act of academic misconduct, the matter will be reported in writing to both the student and to the dean of the school or college in which the alleged misconduct occurred. Cases of alleged academic misconduct involving graduate students (including those enrolled in the Ph.D. program in Biomedical Sciences within the College of Medicine) will be reported to the Dean of the Graduate School. Alleged violations of students at the Quillen College of Medicine (COM) or the Gatton College of Pharmacy (COP) will be adjudicated through the respective college procedure: the Student Honor System as detailed in the COM Student Handbook and the Academic Misconduct section of the COP Student Handbook.
3. The dean of the school or college in which the alleged misconduct occurred or their designee will investigate the report of misconduct and will obtain all information pertinent to the investigation. After having made this investigation, the official will arrange a conference with the student against whom the allegations of misconduct have been made. At this conference the student will be informed, in writing, of the allegations.
4. The student will not be subjected to any form of pressure to coerce admission of guilt or information about his/her conduct or that of others after gathering all the facts of the case
5. Based on the investigation of the reported misconduct, including any information provided by the accused student, the official shall determine whether the allegations have been substantiated. In cases where the charges are substantiated, the official shall determine an appropriate sanction, and attempt to resolve the

matter without initiating a formal disciplinary hearing. Potential sanctions may include any penalty up to, but not including, suspension or expulsion from the institution.

6. The student may accept the proposed resolution of the matter or elect to have a formal hearing. In the event the student elects to waive the hearing and accept the suggested punishment the official shall prepare a waiver of hearing for the student's signature.

(b) Formal Hearing Procedures

For undergraduate and graduate students, the student will be informed, in writing, of the time and place of the hearing, as well as the specific allegations. The student also will be advised of the structure and procedure for the hearing, the range of possible punishment, and his/her right to be accompanied by an advisor. Such notice should be given at least seven (7) days in advance of the hearing. The dean or designee will designate three (3) faculty members and three (3) students, from a standing college or school committee on academic misconduct to hear the charges. The standing committee shall be appointed by the Dean of each school or college for one year and shall consist of a minimum of eight (8) members, four (4) faculty members and four (4) students). Neither the individual bringing the charges, nor the dean or his/her agent shall be members of the hearing committee.

1. Both the accused and the accuser shall be entitled to be present throughout the hearing, until the hearing committee goes into executive session.
2. At the hearing, it shall be the responsibility of the dean or designee to be present and to coordinate the presentation of evidence relevant to the alleged misconduct.
3. The student will bear the burden of proof by a preponderance of the evidence.
4. The student may be accompanied by an advisor.
5. The student shall be given an opportunity to testify and present evidence and witnesses relevant to the charges and penalties involved and to cross-examine any witnesses. In no case will the committee consider statements against the student unless he/she has been advised of their contents and the names of those who made them and given opportunity to rebut any unfavorable inferences which might be drawn from them. The student may decline to testify, with knowledge that silence may be considered as evidence.
6. The committee is not bound by strict rules of evidence. Determinations as to the admissibility of evidence in the hearings rest solely in the discretion of the committee.
7. The disciplinary hearing shall be private, unless otherwise requested by the student, in writing, and a record of it shall be made.
8. After all evidence has been presented; members of the committee will meet in executive session to deliberate on the charges. The committee's decision and recommendation shall be based on a majority vote of the six committee members, all of whom must be present at the hearing.
9. Upon a finding against the student, the committee shall recommend such penalty as deemed appropriate.
10. If the committee recommends expulsion or suspension and the dean concurs, the approval of the vice president for academic affairs must be obtained. The dean then advises the student of the dean's decision and of the student's right to appeal to the president

(c) Appeals

Appeal from a finding of guilt of academic misconduct and the imposition of a sanction for the offense may be taken to the president of the university. (See Part 6 Disciplinary Procedures, Paragraph (3) Institutional Procedures, Subpart (d) Appeals)

- (7) **Interim Suspension Hearings:** Hearings conducted with regard to interim suspensions imposed pending the outcome of a disciplinary investigation or proceeding shall be conducted consistent with the minimum requirements of due process applicable to an institutional hearing, taking into account the need for a timely hearing. The evidence presented at the hearing shall be limited to that which is relevant to the basis asserted for imposition of the interim suspension.
- (8) The president of East Tennessee State University is authorized, at his or her discretion, to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or, subsequently, to convert any finding or sanction imposed to a lesser finding or sanction, or to rescind any previous finding or sanction, in appropriate cases.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.06 Disciplinary Procedures and due Process. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.



TENNESSEE BOARD OF REGENTS

MEETING: March Quarterly Board Meeting

SUBJECT: Revision of Student Disciplinary Policy
Middle Tennessee State University

DATE: March 28, 2014

PRESENTER: Vice Chancellor Tristan Denley

ACTION REQUIRED: Voice Vote

STAFF'S RECOMMENDATION: Approval

BACKGROUND INFORMATION:

At its meeting on December 8, 2011, the Board approved a separate Student Disciplinary Policy for each TBR university and community college as well as a Student Disciplinary Policy for the Tennessee Colleges of Applied Technology (formerly known as the Tennessee Technology Centers). These policies describe disciplinary behaviors, disciplinary sanctions, and due process in keeping with the systemwide rule and applicable statutes. Furthermore, these policies include traffic and parking procedures including statements of traffic and parking related fees and fines.

The revised system-wide rule provides for institutions to amend their student disciplinary policies as such: "In student discipline policies, each institution may expand on these regulations, subject to Board approval" [Rule 0240-02-030.01 (2)]. The revision process has included institution-specific processes and approvals as well as review by institutions' counsel and by the Office of Academic Affairs.

Middle Tennessee State University requests modifications to Section 5: Traffic and Parking to include minor word changes for clarity and consistency, and on adding a section providing regulations for bicycle use, where bicycles may and may not be parked, and impounding processes for bicycles improperly parked; Section 6: Disciplinary Procedures to remove a paragraph regarding jurisdiction for academic misconduct matters, which are heard exclusively by an Academic Misconduct Committee; and throughout the policy, to include minor word changes for clarity and consistency, as well as the removal of the terms "rules and regulations" in lieu of "policies".

Middle Tennessee State University

Student Disciplinary Policy

Part 1 Institution Policy Statement

Part 2 Disciplinary Offenses

Part 3 Academic and Classroom Misconduct

Part 4 Disciplinary Sanctions

Part 5 Traffic and Parking

Part 6 Disciplinary Procedures

Part 1 Institution Policy Statement

- (1) Students enrolled in Middle Tennessee State University (“MTSU,” “the Institution” or “the University”) are citizens of their civic communities as well as the academic community. As such, they are expected to conduct themselves as law-abiding members of each community at all times. Admission to an institution of postsecondary education carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by non-students. In recognition of the special relationship that exists between the institution and the academic community which it seeks to serve, the Tennessee Board of Regents (“TBR” or “the Board”) has authorized the President of MTSU to take such action as may be necessary to maintain campus conditions and preserve the integrity of the Institution and its educational environment.
- (2) Pursuant to this authorization and in fulfillment of its duties to provide a secure and stimulating atmosphere in which individual and academic pursuits may flourish, the Institution has developed the following policy which is intended to govern student conduct. This policy is implemented consistent with directives of the TBR and is subject to Board approval. In addition, students are subject to all federal, state and local laws and ordinances. If a student’s violation of such laws or ordinances also adversely affects the Institution’s pursuit of its educational objectives, the Institution may enforce its own ~~regulations policies~~ regardless of the status or outcome of any external proceedings instituted by other civil or criminal authorities.
- (3) With the exception set out in (4) below, the responsibility for the administration of student discipline at MTSU is a function of the Dean of Student Life’s office and/or the appropriate adjudicating body. The Dean of Student Life’s designee is the Office of Judicial Affairs and Mediation Services, specifically the Assistant Dean for Judicial Affairs and the Judicial Coordinator (“University officials”). The Assistant Dean and/or Judicial Coordinator is authorized to make the determination and/or recommendation of the method of hearing each complaint or allegation and to provide other opportunities for conflict resolution outside of the judicial process consistent with these ~~rules policies~~. The Assistant Dean and/or Judicial Coordinator shall implement policies and procedures for the administration of the judicial program and procedures for the conduct of hearings which are consistent with those in the General ~~Regulations Policies~~ on Student Conduct.
- (4) Matters concerning academic misconduct are the responsibility of the Office of the University Provost and/or the Academic Misconduct Committee. This process is set out in detail in Policy

III:00:08 Academic Misconduct.

- (5) For the purpose of these ~~regulations-policies~~, a “student” shall mean any person who is admitted and/or registered for study at MTSU for any academic period. This shall include any period of time following admission and/or registration, but preceding the start of classes for any academic period. It will also include any period which follows the end of an academic period through the last day for registration for the succeeding academic period, and during any period while the student is under suspension from the institution. Finally, “student” shall also include any person subject to a period of suspension or removal from campus as a sanction which results from a finding of a violation of the policy governing student conduct. Students are responsible for compliance with Institutional policies at all times.
- (6) Disciplinary action may be taken against a student for violations of the policy which occur on Institutionally owned, leased or otherwise controlled property, while participating in international or distance learning programs, and off campus, when the conduct impairs, interferes with, or obstructs any Institutional activity or the mission, processes, and functions of the Institution. MTSU may enforce its policy regardless of the status or outcome of any external proceedings instituted in any other forum, including any civil or criminal proceeding.
- (7) This policy, and related material incorporated herein by reference, is applicable to student organizations as well as individual students. Student organizations are subject to discipline for the conduct and actions of individual members of the organization while acting in their capacity as members of, or while attending or participating in any activity of, the organization.
- (8) Confidentiality of Discipline Process. Subject to the exceptions provided pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g and/or the Tennessee Open Records Act, T.C.A. § 10-7-504(a)(4), a student’s disciplinary files are considered “educational records” and are confidential within the meaning of those Acts.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.01, Institution Policy Statement. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 2 Disciplinary Offenses

- (1) Institutional disciplinary measures shall be imposed, through appropriate due process procedures, for conduct which adversely affects the Institution’s pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property or persons on property owned or controlled by the Institution.
- (2) MTSU has adopted the following non-exclusive list providing notice of offenses for which both individuals and organizations may be subject to disciplinary action:
 - (a) Conduct Dangerous to Others. Any conduct, or attempted conduct, which constitutes a danger to any person’s health, safety, or personal well-being, including, but not limited to, the following:

1. Physical and/or verbal abuse,
 2. Threats and/or intimidation,
 3. Harm inflicted on self;
- (b) Hazing. Hazing, as defined in T.C.A. § 49-7-123(a)(1), means any intentional or reckless act, on or off the property, of any higher education institution by an individual acting alone, or with others, which is directed against any other person(s) that endangers the mental or physical health or safety of that person(s), or which induces or coerces a person(s) to endanger such person(s) mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization;
- (c) Disorderly Conduct. Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs institutional functions, operations, classrooms, other groups or individuals;
- (d) Obstruction of or Interference with Institutional Activities or Facilities. Any intentional interference with or obstruction of any Institutional program, event, or facility including the following:
1. Any unauthorized occupancy of facilities owned or controlled by the Institution or blockage of access to or from such facilities,
 2. Interference with the right of any institution member or other authorized person to gain access to any activity, program, event or facilities sponsored or controlled by the Institution,
 3. Any obstruction or delay of a campus security officer, public safety officer, police officer, firefighter, EMT, or any official of the Institution, or failure to comply with any emergency directive issued by such person in the performance of his/~~or~~ her duty;
 4. Leading or inciting others to disrupt scheduled and/or normal activities of the University;
 5. Participating in behavior that disrupts the scheduled and/or normal activities of the University;
 6. Interference of either: (1) the instructor's ability to conduct class; or, (2) the ability of other students to participate in and profit from instructional activity.
- (e) Misuse of or Damage to Property. Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to another including, but not limited to, any personal property, fire alarms, fire equipment, elevators, telephones, Institution keys, library materials and/or safety

devices;

- (f) Theft, Misappropriation, or Unauthorized Sale of Property. Any act of theft, misappropriation, or unauthorized possession or sale of institution property, or any such act against a member of the institutional community or a guest of the institution, including identity theft.
- (g) Misuse of Documents or Identification Cards. Any forgery, alteration of or unauthorized use of institutional documents, forms, records or identification cards, including the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment or status in the Institution;
- (h) Firearms and Other Dangerous Weapons. Any possession of or use of firearms, dangerous weapons of any kind, or replica/toy guns, e.g. BB guns, pellet guns, paintball guns, water guns, cap guns, toy knives or other items that simulate firearms or dangerous weapons. This includes the possession or use of any kind of ammunition;
- (i) Explosives, Fireworks, and Flammable Materials. The unauthorized possession, ignition or detonation of any object or article which would cause damage by fire or other means to persons or property or possession of any substance which could be considered to be and used as fireworks;
- (j) Alcoholic Beverages. The use and/or possession of alcoholic beverages on institution owned or controlled property. This offense includes the violation of any local ordinance, state, or federal law concerning alcoholic beverages, on or off institution owned or controlled property, where an affiliated group or organization has alcoholic beverages present and available for consumption;
- (k) Drugs. The unlawful possession or use of any drug or controlled substance (including, but not limited to, any stimulant, depressant, narcotic or hallucinogenic drug, or marijuana), sale or distribution of any such drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession or use of drugs, on or off institution owned or controlled property;
- (l) Drug Paraphernalia. The use or possession of equipment, products or materials that are used or intended for use in manufacturing, growing, using or distributing any drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession of drug paraphernalia, on or off institution owned or controlled property;
- (m) Public Intoxication. Appearing on institution owned or controlled property or at an institutional sponsored event while under the influence of a controlled substance or of any other intoxicating substance;
- (n) Gambling. Unlawful gambling in any form;
- (o) Financial Irresponsibility. Failure to meet financial responsibilities to the institution promptly including, but not limited to, knowingly passing a worthless check or money

order in payment to the institution;

- (p) Unacceptable Conduct in Disciplinary Proceedings. Any conduct at any stage of an institutional disciplinary proceeding or investigation that is contemptuous, disrespectful, threatening, or disorderly, including false complaints, testimony or other evidence, and attempts to influence the impartiality of a member of a judicial body, verbal or physical harassment or intimidation of a judicial board member, complainant, respondent or witness;
- (q) Failure to Cooperate with Institutional Officials. Failure to comply with directions of institutional officials acting in the performance of their duties;
- (r) Violation of General ~~Rules and Regulations Policies~~. Any violation of the general ~~rules and regulations~~, policies or procedures of the institution as published in an official institutional publication, including the intentional failure to perform any required action or the intentional performance of any prohibited action;
- (s) Attempts, Aiding and Abetting. Any attempt to commit any of the offenses listed under this section or the aiding or abetting of the commission of any of the offenses listed under this section (an attempt to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission). Being present during the planning or commission of any offense listed under this section will be considered as aiding and abetting. Students who anticipate or observe an offense must remove themselves from the situation and are required to report the offense to the institution;
- (t) Violations of State or Federal Laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference;
- (u) Violation of Imposed Disciplinary Sanctions. Intentional or unintentional violation of a disciplinary sanction officially imposed by an institution official or a constituted body of the institution;
- (v) Sexual Battery or Rape. Committing any act of sexual battery or rape as defined by state law;
- (w) Harassment or Retaliation. Any act by an individual or group against another person or group in violation of TBR or MTSU policies, as well as federal and/or state laws prohibiting discrimination, including, but not limited to, TBR policies 5:01:02:00, 2:02:10:01 and TBR Guideline P-080; and MTSU Policies I:01:10 and I:01:22.
- (x) Academic Misconduct. Plagiarism, cheating, fabrication. For purposes of this section the following definitions apply:
 - 1. Plagiarism. The adoption or reproduction of ideas, words, statements, images, or works of another person as one's own without proper attribution,

2. Cheating. Using or attempting to use unauthorized materials, information, or aids in any academic exercise or test/examination. The term academic exercise includes all forms of work submitted for credit or hours,
 3. Fabrication. Unauthorized falsification or invention of any information or citation in an academic exercise.
- (y) Unauthorized Duplication or Possession of Keys. Making, causing to be made or the possession of any key for an institutional facility without proper authorization;
- (z) Litter. Dispersing litter in any form onto the grounds or facilities of the campus;
- (aa) Pornography. Public display of literature, films, pictures or other materials which an average person applying contemporary community standards would find, (1) taken as a whole, appeals to the prurient interest, (2) depicts or describes sexual conduct in a patently offensive way, and (3) taken as a whole, lacks serious literary, artistic, political or scientific value;
- (bb) Abuse of Computer Resources and Facilities. Misusing and/or abusing campus computer resources including, but not limited to the following:
1. Use of another person's identification to gain access to institutional computer resources,
 2. Use of institutional computer resources and facilities to violate copyright laws, including, but not limited to, the act of unauthorized distribution of copyrighted materials using institutional information technology systems,
 3. Unauthorized access to a computer or network file, including but not limited to, altering, using, reading, copying, or deleting the file,
 4. Unauthorized transfer of a computer or network file,
 5. Use of computing resources and facilities to send abusive or obscene correspondence,
 6. Use of computing resources and facilities in a manner that interferes with normal operation of the institutional computing system,
 7. Use of computing resources and facilities to interfere with the work of another student, faculty member, or institutional official,
 8. Violation of any published information technology resources policy,
 9. Unauthorized peer-to-peer file sharing;
- (cc) Unauthorized Access to Institutional Facilities and/or Grounds. Any unauthorized access and/or occupancy of institutional facilities and grounds is prohibited, including, but not

limited to, gaining access to facilities and grounds that are closed to the public, being present in areas of campus that are open to limited guests only, being present in academic buildings after hours without permission, and being present in buildings when the student has no legitimate reason to be present;

- (dd) Providing False Information. Giving any false information to, or withholding necessary information from, any institutional official acting in the performance of his/her duties in connection with a student's admission, enrollment, or status in the institution;
- (ee) Unauthorized Surveillance. Making or causing to be made unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, and men's or women's restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means;
- (ff) Smoking Violations. Violation of any TBR and/or institutional smoking or other tobacco use ~~rules or~~ policies. Tobacco use is not permitted in any MTSU-owned or leased property. This includes all grounds, vehicles and buildings owned or leased by MTSU, including off-campus property. See MTSU Policy I:01:03.
- (gg) Fire Drills. Failure to evacuate University facilities or willfully disregarding any emergency or fire alarm signal.
- (hh) Motor Vehicles. (1) Failure to register a motor vehicle which is used on campus with Parking and Transportation Services. (2) Failure to comply with the provisions of the Middle Tennessee State University Parking and Traffic ~~Regulations Policies~~.
- (ii) Sirens and Loudspeakers. Unauthorized use of sirens, loudspeakers, and other sound amplification equipment.
- (jj) Student Identification Cards. (1) Failure to possess at all times a valid student identification card; (2) failure to surrender ID card to University official upon proper request.
- (kk) Sexual Misconduct. Sexual misconduct may include any sexual act or penetration accompanied by threat, coercion, use of restraint or force, or any act where the respondent knows or should have known that the victim was unable or incapable of giving consent.
- (ll) Graffiti. Damage or defacement of MTSU property by painting, chalking, writing, stenciling, or by any other means of application on such property.
- (mm) Violation of Housing policies ~~or regulations~~. The Office of Housing and Residential Life has established conduct expectations for residents of residence halls, apartment complexes and houses on the university campus. These are specified in the Student Housing License Agreement and the MTSU Student Code of Conduct.

- (3) Disciplinary action may be taken against a student for violations of the foregoing which occur at or in association with enrollment at the Institution for any academic period. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree including periods prior to or between semesters. Conduct in violation of this policy occurring while a student is registered or enrolled at the Institution, but not discovered until after the awarding of a degree is actionable under these provisions and may result in the retroactive application of a disciplinary sanction. Should a student withdraw from the institution with disciplinary action or academic misconduct action pending, the student's record may be encumbered by the appropriate institutional office until the proceedings have been concluded.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.02, Disciplinary Offenses. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 3 Academic and Classroom Misconduct

- (1) The instructor has the primary responsibility for maintenance of academic integrity and controlling classroom behavior, and can order the temporary removal or exclusion from the classroom of any student engaged in disruptive conduct or conduct that violates the general ~~rules~~ **and regulations policies** of the institution for each class session during which the conduct occurs. Extended or permanent exclusion from the classroom, beyond the session in which the conduct occurred, or further disciplinary action can be effected only through appropriate procedures of the institution. If an instructor wishes to remove a student from the classroom for a longer period of time or permanently, he/she must refer the student to the Office of Judicial Affairs and Mediation Services.
- (2) Disruptive behavior in the classroom may be defined as, but not limited to, behavior that obstructs or disrupts the learning environment (e.g., offensive language, harassment of students and professors, repeated outbursts from a student which disrupts the flow of instruction or prevents concentration on the subject taught, failure to cooperate in maintaining classroom decorum, etc.), text messaging, and the continued use of any electronic or other noise or light emitting device which disturbs others (e.g., disturbing noises from beepers, cell phones, palm pilots, lap-top computers, games, etc.).
- (3) Plagiarism, cheating, and other forms of academic dishonesty are prohibited. Students guilty of academic misconduct, either directly or indirectly, through participation or assistance, are immediately responsible to the instructor of the class. In addition to other possible disciplinary sanctions which may be imposed through the process provided in Policy III:00:08 Academic Misconduct, the instructor has the authority to assign an appropriate grade for the exercise or examination, or to assign an F in the course, as is proportional to the nature and extent of the academic misconduct. When a student has engaged in academic misconduct, the faculty member shall ensure that the student is made aware of his/her appeal rights.

- (4) All matters involving academic misconduct will be processed as set out in Policy III:00:08 Academic Misconduct. If not resolved prior to a hearing, these matters will be heard by the Academic Misconduct Committee which will convene a hearing to determine whether the conduct constitutes academic misconduct and, if so, whether additional disciplinary sanctions should be imposed. If the Committee determines there was no academic misconduct, it will direct any grade assigned to be changed as it determines is appropriate. Courses may not be dropped pending the final resolution of an allegation of academic misconduct.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.03 Academic and Classroom Misconduct. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 4 Disciplinary Sanctions

- (1) The following potential disciplinary sanctions are applicable to both individuals and organizations. Upon a determination that a student or student organization has violated any of the disciplinary offenses set forth in this policy or the general policies of the University, disciplinary sanctions may be imposed, either singly or in combination, by the appropriate institution or school officials.
- (2) Definition of Sanctions:
 - (a) Restitution. Restitution may be required in situations which involve destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or student organization is obligated by the appropriate judicial authority to compensate a party or parties for a loss suffered as a result of disciplinary violation(s). Any such payment in restitution shall be limited to actual cost of repair, replacement or financial loss;
 - (b) Warning. The appropriate institutional official may notify the student or student organization that continuation or repetition of specified conduct may be cause for other disciplinary action;
 - (c) Reprimand. A written or verbal reprimand or censure may be given to any student or student organization whose conduct violates any part of these ~~regulations~~ policies and provides notice that any further violation(s) may result in more serious penalties;
 - (d) Service to the Institution or Community. A student, or student organization, may be required to donate a specified number of service hours to the institution performing reasonable tasks for an appropriate institution office, official(s), or the local community. The service required shall be commensurate to the offense (e.g., service for maintenance staff for defacing institutional property). Community service hours must be approved by the Office of Judicial Affairs and Mediation Services prior to a student beginning the service.
 - (e) Specified Educational/Counseling Program. A student or student organization may be required to participate in specified educational or counseling program(s) relevant to the offense, or to prepare a project or report concerning a relevant topic;

- (f) Apology. A student or student organization may be required to apologize to an affected party, either verbally or in writing, for the behavior related to a disciplinary offense;
- (g) Fines. Penalties in the form of fines may be imposed against a student or student organization whenever the appropriate institutional authority deems appropriate. The sanction of fines may be imposed in addition to other forms of disciplinary sanctions. Failure to pay fines may result in further disciplinary action;
- (h) Restriction. A restriction upon a student's or student organization's privileges for a period of time may be imposed. This restriction may include, for example, denial of the ability to represent the institution at any event, ability to participate in institution or TBR sponsored travel, use of facilities, parking privileges, participation in extracurricular activities or restriction of organizational privileges;
- (i) Probation. Continued enrollment of a student or recognition of a student organization on probation may be conditioned upon adherence to these ~~regulations~~ policies. Any student or organization placed on probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon extracurricular activities, or any other appropriate special condition(s). Any conduct in further violation of these ~~regulations~~ policies while on probationary status or the failure to comply with the terms of the probationary period may result in the imposition of further disciplinary action;
- (j) Suspension. Suspension is the separation of a student or student organization from the institution for a specified period of time. Suspension may be accompanied by special conditions for readmission or recognition. Any student receiving a sanction of suspension shall be restricted from the campus of MTSU during the period of separation unless on official business with the University verified in writing by the Dean of Student Life. A suspended student must submit a written request to be on campus to the Dean of Student Life a minimum of 48 hours in advance of the scheduled time of his/her business on campus. The request must specify the specific reason to be on campus and the location that the student wishes to visit. Students who have been suspended are not permitted to live or board in University facilities or housing unless otherwise approved or provided by the University;
- (k) Expulsion. Expulsion entails a permanent separation from the institution. The imposition of this sanction is a permanent bar to the student's admission, or a student organization's recognition to the institution. A student or organization that has been expelled may not enter institution property or facilities without obtaining prior approval from an appropriate campus official with knowledge of the expulsion directive. Any student receiving a sanction of expulsion shall be restricted from the campus of MTSU unless on official business with the University verified in writing by the Dean of Student Life. An expelled student must submit a written request to be on campus to the Dean of Student Life a minimum of 48 hours in advance of the scheduled time of his/her business on campus. The request must specify the specific reason to be on campus and the location that the student wishes to visit. Students who have been expelled are not permitted to live or board in University facilities or housing unless otherwise approved or provided by the University;

- (l) Revocation of Admission, Degree, or Credential;
 - (m) Any alternate sanction deemed necessary and appropriate to address the misconduct at issue;
 - (n) Interim Suspension. As a general rule, the status of a student or student organization accused of violation of these ~~regulations~~ policies should not be altered until a final determination has been made in regard to the charges. However, interim suspension, pending the completion of disciplinary procedures, may be imposed upon a finding by the appropriate institutional official that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused, any other member of the institution its guests, property, or substantial disruption of classroom or other campus activities. In any case of interim suspension, the student, or student organization, shall be given an opportunity at the time of the decision, or as soon thereafter as reasonably possible, to contest the interim suspension. During an interim suspension, the student shall be denied access to residence halls, campus (including classes), and/or all other University activities or privileges for which the student might otherwise be eligible, as the Dean of Student Life or a designee may determine to be appropriate. A preliminary hearing will be held by a designee of the Dean of Student Life in consultation with appropriate University officials and the Vice President for Student Affairs, within four (4) working days of the interim suspension to determine if the interim suspension should continue until a formal hearing of the charges by a University adjudicating body can be held. During this preliminary hearing, the student will be given notice of the allegations supporting the imposition of interim suspension against him/her and a summary of the evidence that supports the allegations. The student will be afforded an opportunity to respond to the allegations. If the interim suspension is upheld, the formal hearing concerning suspension or expulsion shall be held as soon as practical. The student also has the option of having the case adjudicated by a Student Life Dean;
 - (o) Housing Probation. Continued residence in campus or student housing may be conditioned upon adherence to this policy as well as institutional housing ~~regulations~~ policies. Any resident placed on housing probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon the activities of the resident, including any other appropriate special condition(s);
 - (p) Involuntary Reassignment. A student may be involuntarily moved to another housing assignment if warranted by his/~~or~~ her behavior.
 - (q) Housing Suspension and Forfeiture. A resident suspended from housing may not reside, visit, or make any use whatsoever of a housing facility or participate in any housing activity during the period for which the sanction is in effect. A suspended resident shall be required to forfeit housing fees (including any unused portion thereof and the Housing Deposit). A suspended resident must vacate the housing unit. Housing suspension shall remain a part of the student resident's disciplinary record.
- (3) The President is authorized, at his/~~or~~ her discretion, to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or, subsequently, to convert any sanction

imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.04 Disciplinary Sanctions. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 5 Traffic and Parking

(1) General Information

- (a) The purpose of these ~~rules~~ policies shall be to facilitate the orderly and efficient flow of traffic on the MTSU campus, to provide a safe atmosphere for both pedestrians and motor vehicle operators, and to provide order with regard to parking within limited space. These ~~rules~~ policies shall be published, at least annually, and, as appropriate, through signage, traffic/parking handbooks, student/faculty handbooks and institutional websites. They shall also serve to acquaint all administrators, faculty, staff, and students of the ~~rules~~ policies pertaining to registration of motor vehicles, traffic and parking ~~regulations~~ policies, and the penalties for violation of said ~~regulations~~ policies.
- (b) The University reserves the right to regulate the use of all vehicles, including motorcycles, motor scooters, mopeds, and bicycles, on the campus and to forbid the use of a vehicle by any person whose conduct indicates that he or she is not complying with University ~~regulations~~ policies, City of Murfreesboro ordinances, and/or state laws pertaining to motor vehicles.
- (c) The registrant of a permit is held responsible for the safe and lawful operation of the vehicle, the parking of the vehicle, and all traffic/parking citations issued against the vehicle, regardless of who is operating the vehicle at the time of the incident. A violation notice is not excused on the plea that another person was driving the vehicle or using another's parking permit.
- (d) Parking on the MTSU campus is permitted only in those areas designated for parking. Parking in all other areas is prohibited.
- (e) The University regards the possession and use of a vehicle on the campus as a privilege which may be revoked for justifiable reason. These reasons may include, but are not limited to, any of the following:
 - 1. Operating a vehicle while under the influence of alcohol/drugs.
 - 2. Failure to observe the ~~regulations~~ policies, ordinances, and laws governing the operation and parking of a vehicle.
 - 3. Leaving the scene of an accident.
 - 4. Five or more parking citations in a semester.

5. Obtaining an MTSU parking permit through false pretenses. Parking Services may remove any permit which has been forged, altered, or obtained illegally.
 6. Failure to yield the right-of-way to an emergency vehicle when displaying red/blue flashing lights.
 7. Failure to obey an officer directing traffic.
- (f) Unless noted otherwise, all traffic and parking ~~regulations~~ policies are enforced 24 hours a day, 7 days a week.
- (g) The University assumes no responsibility for damage or loss to a vehicle while it is parked or operated on the campus.
- (h) Any vehicle receiving two (2) or more citations in one semester for "No Campus Permit" or failure to have a permit displayed as required by these ~~rules~~ policies will receive a written warning. If after three (3) working days following the issuance of the warning, the vehicle is found parked on campus without being properly registered and having the permit properly displayed as set forth in these ~~rules~~ policies, the vehicle will be towed at the owner's/registrant's expense. A working day is defined as a weekday unless it is an official University holiday.

(2) Registration of Motor Vehicles

- (a) All motorized vehicles operated on the campus of MTSU must be registered with the Parking Services Office. Any vehicle parked on campus must have a current valid parking permit displayed in the vehicle.
- (b) Parking permits are issued only after all registration fees are paid. Permits are issued at the Parking and Transportation Services Office located at 1403 East Main Street in the rear of the building. In order to receive a parking permit, a photo ID and the vehicle's license plate number will be needed. The issuance of permits will be limited to one permit per person with the exception of Womack Lane Apartments residents (who will be allowed two permits per family) and those who also have a motorcycle (who will be allowed a permit for a vehicle and one (1) sticker permit for a motorcycle). All registrants will be responsible for their issued permits throughout the academic year.
- (c) The registrant of a permit will be responsible for parking violations received by any vehicle bearing his/her parking permit. Permits may only be used by the permit holder registered with Parking Services. Dependents, friends, and/or associates of any authorized permit holder are not authorized to use that person's permit while parking for their personal convenience.
- (d) Students are eligible to receive a student parking permit upon payment of all registration fees and completion of the registration form available on PipelineMT. Faculty and staff permits are payable at the Parking and Transportation Services Office located at 1403 East

Main Street after completing the registration form available on PipelineMT. A completed vehicle registration form to receive a parking permit.

(e) Cost of permits.

1. Faculty/Administrators/Staff

(i) White - \$125.00.

(ii) Green - \$105.00.

2. Students: no more than \$88.61.

(f) Parking permits will be denied for faculty/administration/staff who have outstanding fines from prior semester(s) until they are paid in full. The first fine after permit expiration will result in towing of vehicle.

(g) Permit colors. The area authorized for parking is denoted by the color of the permit.

1. White - Available to Faculty/Administrators/Staff (including resident directors and graduate assistants). Vehicles displaying white permits also are permitted in Green parking areas. Faculty, administrators, and staff may not transfer their permit to any student (or student vehicle).

2. Green - Available to administrators, faculty, staff, and students.

3. Blue - Students and Employees with Disabilities: Available to qualified students and employees.

4. Purple - Available to residents of Womack Lane Apartments only.

5. Red - Available to residents of Scarlett Commons only.

6. Gold - Available to residents of Greek Row only.

(h) Any person who changes parking category should bring his/her original permit to Parking Services. Any additional fees associated with the change in permit will be paid at this time.

(i) Damaged permits must be replaced within three (3) working days. The remnants must be turned in to Parking Services at the time of replacement. Failure to do so will result in the individual having to pay the full registration fee.

(j) Temporary Parking Permits will be issued as follows:

1. To any employee or student operating a vehicle as a temporary substitute for a registered vehicle. The permit will be valid for seven (7) days from the date of issuance and a total of three (3) may be issued during any semester. The permit will indicate

the appropriate color code area in which the vehicle may park. This permit is subject to a fee.

2. Temporary Parking Permits may be issued to visitors and will be valid for green color coded areas that are not marked as reserved.
 3. Temporary Loading/Unloading Permits may be issued at the discretion of Parking Services. This permit allows the operator of the vehicle up to but not to exceed thirty (30) minutes parking in a loading/unloading zone for the express purpose of loading or unloading his/her vehicle.
- (k) Disabled Parking Permits-Any person, whether student or employee, may apply for disabled parking privileges.
1. For parking on MTSU campus, persons must have a state-issued license plate or placard to obtain a Disabled Parking Permit. Persons must prove ownership of the state-issued plate or placard.
 2. Temporary disabled permits will be issued for injuries or disabilities of limited duration as specified by a physician's statement certifying an impairment. Those with temporary permits must park in white or green spaces only. The blue disabled parking spaces are reserved for those holding permanent disabled parking permits. Those holding temporary state-issued disabled placards may also park in the blue disabled parking spaces.
 3. Applicants denied a parking permit have the right to appeal to the Committee on Programs for Students and Employees with Disabilities, who will make the final decision as to whether someone receives a decal.
- (l) If a parking permit is lost or stolen, a "Parking Permit Loss Report" must be provided to Parking Services along with a replacement fee to obtain a new parking permit.
- (m) The acceptance by any person of a parking permit, whether temporary or permanent, shall constitute the acceptance of the ~~regulations~~ policies, ordinances, and/or laws governing the safe and responsible operation and parking of a vehicle on the campus.
- (n) The MTSU parking permit must be properly attached to the front windshield in the extreme lower corner on the driver's side or hung from the rearview mirror of the vehicle being operated with the decal number facing the outside of the car and clearly readable. In those cases where compliance with the above is not feasible, the permit must be clearly visible through front windshield when viewed from outside or the registrant must consult with Parking Services for proper placement of the permit. The responsibility of transferring and properly displaying the hang tag rests with the individuals to whom the permit was originally issued. If for some reason the hang tag is not transferred to the vehicle being parked on campus, the individual originally purchasing the hang tag will be required to obtain a temporary one-day permit. If an individual with a current permit receives a citation for a display violation, the citation will be cancelled only if the citation

is taken to the Parking Services Office within seven (7) class days of issuance of the citation and the violator can show the current permit at that time. (Vehicle must be parked in designated parking area according to permit color for citation to be cancelled). No more than three (3) such citations will be cancelled per semester. (Note: In the event that a vehicle receives more than one "No Campus Permit" ticket while parked in the same location during a calendar day, those tickets will be reviewed as one offense.) A class day is considered Monday through Friday, unless it is an official University holiday for faculty, staff, and/or students.

- (o) Immediate family members of faculty, administrators, staff, and students must park at meters or register their vehicles with Parking Services by obtaining a temporary parking permit. Failure to comply may result in the vehicle being issued a "No Campus Permit" citation, and the fine will not be waived as it is assumed the student, faculty, or staff members parked the unregistered vehicle on campus.
- (p) It is considered fraudulent for a registered permit holder to give his/her permit to another person for use on the campus. Permits are transferable from vehicle to vehicle. Permits are not transferable from person to person. When a permit is reported as lost or stolen, but is found in another vehicle on campus, an inquiry will be made into the permit. In the event it is found that an individual reported a permit lost or stolen, but in fact gave the permit to another individual for use, both parties will be cited with a fine for their actions.

(3) Bicycle Registration and Parking

(a) Authority

1. The Tennessee Rules of the Road (TENN. CODE ANN. § 55-8-101 *et seq.*) govern the operation of bicycles on public roadways as set forth in TENN. CODE ANN. § 55-8-172.
2. MTSU Public Safety is responsible for the regulation of moving vehicles and bicycles on University property.
3. Parking and Transportation Services is responsible for the regulation of vehicles and bicycles that are parked on University property.

- (b) All bicycles should be registered with Parking and Transportation Services. Bicycles can be marked with an identifying number by MTSU Public Safety to ensure proper return if recovered after theft or confiscation due to illegal parking or abandonment. All bicycles on University property must be operated in accordance with University rules and appropriate Tennessee motor vehicle laws.

- (c) Laws and regulations are designed for the safety of cyclists. When a person rides a bicycle on a roadway within the MTSU campus, the person is a driver and must operate under Tennessee Rules of the Road. He/she must follow state laws, give signals, obey stop signs and yield right of way just as car drivers do, including stopping at stop signs and red lights, yielding to pedestrians in crosswalks, displaying proper illumination, and riding with the traffic flow.

(d) Bicycle Operating Regulations

1. Persons operating bicycles and other non-motorized devices on public roadways, including roadways on campus, shall follow the Tennessee Rules of the Road as required by TENN. CODE ANN. § 55-8-172.
 2. Persons operating bicycles and other non-motorized devices on campus shall practice courteous, defensive riding, giving right-of-way to pedestrians, traveling at safe speeds, and having their bicycles under control at all times.
 3. Every person operating a bicycle should obey regulatory signs and rules for MTSU, and these regulations.
 4. Bicycles shall not be operated in parking garages or in any areas where bicycles are restricted by regulation or signs.
 5. No person operating a bicycle on University property, including bike paths, should exceed a speed that is reasonable and prudent with respect to the number of pedestrians or other cyclists present, visibility, traffic, weather, and surface conditions that exist at the time, or that endangers property or the safety of any person.
- (e) Bicycle parking is available throughout campus and is designated by the presence of bicycle racks. Bicycles must be parked within the boundaries of designated bike racks. Parking and/or placement of any non-motorized devices not covered under these regulations must be approved by Parking and Transportation Services.
- (f) The following are general guidelines regarding bicycle parking on campus:
1. Racks are not to be utilized as long term bicycle storage.
 2. Bicycle related gear (or other items) should not be left at the bicycle racks.
 3. Bicycles shall be parked in accordance with federal, state, and local fire and safety regulations.
- (g) Bicycles shall not be parked or stored:
1. In any public access, ingress, or egress area inside any University building (e.g. hallways, classrooms or parking structures) without express permission of the appropriate department head, such as a director or dean, in academic space. For policies regarding the storage or parking of bicycles inside residence halls, please refer to the Code of Conduct section of the MTSU Housing Policy.
 2. Against or fastened to any tree, plant, bush, or foliage;
 3. Against or fastened to any water, steam or gas pipe, fitting, electrical fixture, fence, sign post, railing, public seating fixture, or emergency safety device;
 4. Upon or attached to any ingress/egress ramp, stairway or stairwell railing or otherwise fastened to or blocking any exit/entrance or handicap access to any University building;
 5. In any other area not designated for bicycle parking or where parking is specifically prohibited by these regulations or by signs.
- (h) Impounding may be necessary in an effort to have bicycle parking available for those using their bicycles and to address improperly parked bicycles:

1. Bicycles that are inappropriately parked, in a state of disrepair or which appear to be abandoned are subject to impoundment. Bicycles subject to impoundment will be booted and/or tagged before impounding, giving the bicycle owner time to remedy the situation before impoundment.
 - i. State of disrepair means the bicycle has flat tire(s), bent rims, rusted or broken chain links, broken or rusted brakes, etc., and is otherwise in poor condition.
 - ii. Signs of abandonment include, but are not limited to, appearance of non-use, spider webs, missing parts, etc.
 2. It may be necessary to move a bicycle before it is booted or tagged for impoundment due to safety because it is blocking or impeding ingress or egress to a fire exit, stairwell, or handicapped ramp. If moving the bicycle is necessary, it will be moved to a nearby bicycle rack and booted to maintain security of the bicycle or immediately impounded.
 3. In cases that result in the removal of the chain/lock, the owner will absorb the cost of replacement.
 4. After the close of the spring semester, all abandoned bicycles will be removed from all on-campus racks. Bicycles that appear to be abandoned will be impounded. In cases that result in the removal of the chain/lock, the owner will absorb the cost of replacement.
- (i) MTSU is not responsible for the safety of bicycles that are booted or impounded as a result of violations of this policy or State, Federal, or local law. MTSU will attempt to take reasonable steps necessary to contact bicycle owners in the event that their bicycles are booted or impounded and to confirm the identity of the individual claiming booted or impounded bicycles. Obviously, if MTSU does not know who owns a booted or impounded bicycle (e.g., because it was not registered) it will not be able to contact the owner and will have a difficult time conclusively determining the ownership of the bicycle when it is claimed. The best course of action to ensure that MTSU can contact the bicycle owner in the event that the bicycle is booted or impounded is to register the bicycle with MTSU and ensure that the registration information remains up-to-date.
1. After booting or impounding a bicycle that has been registered under this part, MTSU will use reasonable efforts to attempt to contact the owner using the owner's registration information. Registered bicycles will only be released to the registered owner with valid photo identification.
 2. An owner of a bicycle that has not been registered may still reclaim his/her bicycle as long as the purported owner can provide an accurate description of the bicycle, a valid MTSU identification card (for students, faculty, and employees) or photo identification (for outside parties), and the key or combination to the lock that was being used to secure the booted or impounded bicycle. Parking services will verify the information provided and confirm that the key/combination provided opens the bicycle lock. The bicycle owner will be required to register the bicycle before the bicycle will be released.
 3. Impounded bicycles that are not claimed will be disposed of in accordance with the Tennessee Uniform Disposition of Unclaimed Property Act, TENN. CODE ANN. § 66-29-103 *et seq.*

(34) Parking ~~Regulations~~-Policies

- (a) Color-coded parking is used to regulate the parking of vehicles. The color of the parking permit denotes the area in which a person may park.
- (b) The following spaces are reserved as noted:
 - 1. Students and employees with disabilities - reserved 24 hours a day
 - 2. Health Services - reserved 24 hours a day
 - 3. Library staff - reserved 24 hours a day
 - 4. Housing staff - reserved 24 hours a day
 - 5. Womack Lane Apartments parking area - reserved 24 hours a day
 - 6. Maintenance spaces - reserved 24 hours a day
 - 7. Scarlett Commons - reserved 24 hours a day
 - 8. Greek Row - reserved 24 hours a day
 - 9. Speech Clinic spaces - reserved Monday through Thursday from 8:00 a.m. to 4:00 p.m.
 - 10. CDC Parent spaces in Fairview parking lot - reserved Monday through Thursday from 8:00 a.m. to 4:00 p.m.
 - 11. University Deans – reserved 24 hours per day
- (c) Special Event Parking - It may occasionally be necessary to close spaces or a lot due to construction, a workshop or conference, or a special event. Parking and Transportation Services will give advance notice of closings whenever possible.
- (d) Vehicles are not to be parked at any time where parking is not designated, where curbing is painted yellow, where sidewalks intersect streets, on sidewalks, across parking lines, on campus lawns (grass), or other places where signs indicate no parking. Parking is allowed only in clearly designated parking spaces. Vehicles that are parked or waiting in a fire lane will be towed. In gravel lots, legal parking spaces are designated by concrete bumper blocks, except for those painted yellow. Only one (1) vehicle/motorcycle is permitted to park per space.
- (e) Vehicles are not to be parked in any manner as to constitute a traffic/pedestrian hazard or to impede the flow of traffic/pedestrians.

- (f) Every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of the vehicle parallel to and within eighteen (18) inches of the right-hand curb.
- (g) All students and employees are to park in their assigned areas, Monday through Friday, 7:00 a.m. to 6:30 p.m., except for the following parking lots which will open for all permitted parking at 5:30 p.m.:
 - 1. Lot 19: The ROTC lot which is west of Forrest Hall and north of the Todd Building.
 - 2. Lot 23: The Jones field lot which is south of the baseball field.
 - 3. Lot 25: The lot located north of the Cason-Kennedy Nursing Building.
 - 4. Lot 36: The lot located south of the Walker Library.
 - 5. Lot 59: The lot located west of the Ellington Human Sciences Building.
 - 6. Lot 73: The lot located east of the Walker Library and south of the Bragg Mass Communication Building.
 - 7. Lot 76: The lot located east of Voorhies Industrial Studies and north of the Midgett Business Building.
- (h) After 6:30 p.m. Monday through Friday and on weekends, White and Green permit parking areas are open for any permitted vehicle. Yellow curbs, no parking zones, disabled and reserved spaces are in effect 24 hours a day, seven days a week.
- (i) Short-term parking is governed by parking meters. The parking meters are considered in operation from 7:30 a.m. to 6:30 p.m., Monday through Friday. A charge of fifty cents (50¢) for 30 minutes is required while parked in these spaces. Any bagged meter is considered to be white permit parking.
- (j) Vehicles are not permitted to park in campus directory drives. This is enforced 24 hours a day.
- (k) Vehicles will be towed from campus streets, parking areas, lawns, drives, restricted areas, loading areas, etc., if the vehicles are parked or left in violation of University ~~regulations~~ **policies**, City of Murfreesboro ordinances, and/or state laws pertaining to motor vehicles, or if said vehicle constitutes a traffic/pedestrian hazard. The cost of towing and any penalties will be the responsibility of the owner/registrant. All tow zones are enforced 24 hours a day.
- (l) The operator of any disabled vehicle parked in violation of University ~~regulations~~ **policies** must report the vehicle immediately to Parking Services. Failure to report may result in traffic citations and/or towing. The vehicle must be called in each day it is disabled and parked in violation of University ~~regulations~~ **policies**.

- (m) No personal recreational or work travel trailers should be parked or stored on campus property, except for equipment purchased by academic/administrative departments for University related purposes.
- (n) Advertising vehicles "For Sale" in University parking lots is prohibited. Any vehicle identified for such wrongful display for a period of 48 hours or more will be identified as a disabled vehicle and may result in traffic citations and/or towing.

(4 5) Operation of Motor Vehicles

- (a) All state laws, City of Murfreesboro ordinances, and University ~~regulations~~ policies pertaining to motor vehicles are applicable 24 hours a day, unless otherwise noted.
- (b) Speed limits are posted throughout the campus. All speed limits are radar enforced.
- (c) Passing on campus is prohibited.
- (d) All vehicles must come to a complete stop at intersections where a stop sign (either mounted on a post or painted on the street surface) is displayed.
- (e) Motorists are to yield the right-of-way to all pedestrians in a cross walk.
- (f) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals, or a police vehicle properly and lawfully making use of an audible signal only, the drivers of all other vehicles shall yield the right-of-way and shall immediately drive to a position parallel to and as close as possible to, the right hand edge or curb of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.
- (g) All persons riding on a motorcycle, either as operator or passenger, must wear a helmet of the type approved by the Commissioner of Safety for the State of Tennessee.
- (h) All vehicles must come to a complete stop for a school bus loading or unloading children.
- (i) Littering from a vehicle (as well as littering in general) is prohibited and subject to a fine.
- (j) Any person who drives in willful and wanton disregard for the safety of persons or property is guilty of reckless driving.
- (k) The driver of any vehicle shall obey the instructions of any official traffic-control device unless otherwise directed by a traffic or police officer.
- (l) U-turns are prohibited on the campus.
- (m) Loud mufflers, cut-outs, and any other noise-making devices attached to or located within or on any vehicle are prohibited.

- (n) Excessive loud playing of radios and stereos in vehicles is prohibited. The playing shall be deemed excessively loud if it is disturbing the academic environment of the campus.

(56) Towing/Booting of Vehicles

- (a) Vehicles will be towed/booted if the vehicle is parked or left in violation of University ~~regulations-policies~~, City of Murfreesboro ordinances, and/or state laws pertaining to motor vehicles, or if said vehicle constitutes a traffic/pedestrian hazard. The owner/registrant of the vehicle will be responsible for any fines assessed against the vehicle and the cost of towing/booting. Vehicles may be towed/booted for, but not limited to, the following:

1. Parking in a disabled parking space/ramp without disability permit.
2. Blocking a fire hydrant.
3. Parked in a fire lane.
4. Blocking the roadway, walkway, or disabled ramp.
5. Parking so as to constitute a traffic/pedestrian hazard.
6. Parking in a loading zone.
7. Abandoned/immobile.
8. Five or more traffic/parking citations (paid or not paid) in a semester.
9. Parking in a campus directory drive.
10. Excessive No-Campus-Permit violations.
11. Displaying a forged or altered permit.
12. Parking on campus while parking privileges have been revoked.
13. Displaying a lost or stolen permit.
14. Any vehicle parked on campus with no visible means of identification; i.e. the license tag has been removed and the vehicle identification number covered or removed.
15. Faculty/staff/administration with outstanding fines from prior semester who receive first fine after permit expiration.

- (b) Any person whose vehicle is impounded may appeal such action.

- (c) If a boot is removed by the owner/registrant of the vehicle and damaged, the owner/registrant will be responsible for the cost of the boot as well as the ticket fine and boot removal fee. The owner/registrant of the vehicle will be prosecuted if a boot is improperly removed and damaged.

~~(67)~~ Visitors

- (a) A visitor is any person who has business or other reason to be on the campus but who is not a current student member of the faculty, staff, or administration.
- (b) All visitors are requested to use parking meters or to report to the Parking Services Office at 1403 East Main Street to secure a visitor's parking permit. This permit will be made available free of charge. Visitor parking permits will not be issued to vehicles registered to current students or employees. Everyone must pay to park at a meter.
- (c) Visitors are welcome on the campus and may park in any green color-coded space that is not marked as reserved. Visitors are reminded that they are subject to the ~~regulations~~ ~~policies~~, ordinances, and laws pertaining to motor vehicles while on the campus and that violation of such may result in a citation and/or towing of the vehicle.
- (d) Visitors receiving an unregistered violation should sign the ticket and mail or deliver the ticket to Parking Services, P.O. Box 147, MTSU, Murfreesboro, TN 37132.
- (e) Requests for special guest parking should be submitted to the Parking Services Office as far in advance as possible. Special event parking requests should be submitted at least seven (7) days in advance. This time is needed to coordinate because of the numerous parking requests received.

~~(78)~~ Womack Lane Apartments, Scarlett Commons, and Greek Row

- (a) All residents of Womack Lane Apartments, Scarlett Commons and Greek Row are required to obtain a parking permit according to their residential area. A maximum of two permits may be obtained by any family residing at Womack Lane Apartments.
- (b) Any resident of Womack Lane Apartments, Scarlett Commons or Greek Row who holds a valid Blue parking permit or White parking permit is also required to receive a special validation sticker that is to be placed adjacent to the MTSU parking permit. This validation sticker may be received through the director of Womack Lane Apartments, Scarlett Commons or Greek Row. (The validation sticker will be issued free of charge. There will be a different validation sticker for each resident area.)
- (c) Abandoned/immobile vehicles parked at Womack Lane Apartments, Scarlett Commons, and/or Greek Row will be towed at the owner's/registrant's expense.
- (d) The parking areas within Womack Lane Apartments, Scarlett Commons, and Greek Row are reserved for the residents of these areas only. All other vehicles are subject to be cited and/or removed at the owner's/registrant's expense.

- (e) The residents of Womack Lane Apartments, Scarlett Commons, and Greek Row are not allowed to park elsewhere on campus, except in the housing area in which they reside. Any designated overflow parking will be announced by public notice by the Parking Services Office to the residents.
- (f) Any resident of Womack Lane Apartments, Scarlett Commons, or Greek Row who holds a valid MTSU Blue parking permit may park in any legal Blue, White, or Green parking space as well as the parking meters.
- (g) Any resident of Womack Lane Apartments, Scarlett Commons or Greek Row who holds a valid MTSU White parking permit may park in any legal White or Green permit parking area.
- (h) Any resident of Womack Lane Apartments, Scarlett Commons or Greek Row who holds a valid MTSU parking permit may park in any legal green parking permit area during the Summer session time period. At all other time periods, residents must park in the housing area in which they reside or in the designated overflow parking areas that are announced by public notice by the Parking Services Office.

~~(89)~~ Judicial Procedures

- (a) Any student, other than one holding a faculty/administrative/staff permit, who receives a parking/traffic citation may appeal the citation within seven (7) days of issuance by going to the SGA web site at <http://www.mtsu.edu/sga>. Specific hearing procedures are described in Part 6 of this policy, below.
- (b) Any employee or student holding a faculty/administrative/staff permit who receives a citation may appeal the citation within seven (7) days of issuance by filing an appeal form or by going to the Parking and Transportation Services web site at <http://www.mtsu.edu/parking>. An appeal form may be obtained at the Parking and Transportation Services Office. Attach the citation to the appeal form and forward to Parking and Transportation Services, P.O. Box 147. The MTSU Parking and Traffic Committee will handle disposition of the appeal. Specific hearing procedures are described in Part 6 of this policy, below.
- (c) Any student or employee who has his/her vehicle towed may appeal such action to the appropriate judicial body. This can be done only after the vehicle has been secured from impoundment and within seven (7) days of the towing date. Specific hearing procedures are described in Part 6 of this policy, below.
- (d) The payment of citations will in no way restrict the Office of Judicial Affairs or the University Parking and Traffic Committee from revoking parking privileges.

~~(910)~~ Accidents

- (a) All accidents involving a vehicle must be reported to the Department of Public Safety as soon as possible. The vehicle(s) are not to be moved until the investigating officer

instructs the parties to do so. Failure to comply with the provisions of this paragraph may result in criminal prosecution.

- (b) A copy of the accident report will be furnished to all involved parties at \$1.00 per page. The copy may be secured at the Department of Public Safety, Monday through Friday, 8:00 a.m. - 4:00 p.m.

~~(1011)~~ Violations and Penalties

- (a) The following fines will be assessed for the listed violation:

1. Parked in unassigned space \$25.00
2. No campus permit \$30.00
3. Overtime parking \$10.00
4. Parked in reserved space \$30.00
5. Parked by yellow curb \$30.00
6. Improperly parked \$20.00
7. Disabled space/ramp \$200.00 [The fine for disabled/handicapped parking violations is established by statute and will be adjusted to comply with state law.]
8. Permit not displayed properly \$20.00
9. Permit not legible \$20.00
10. Parked in tow zone \$50.00
11. Parked in a fire lane \$100.00
12. Blocking fire hydrant \$100.00
13. Blocking walk/road \$20.00
14. Parked on grass \$20.00
15. Failure to display permit \$20.00
16. Parked in campus directory drive \$20.00
17. Littering \$20.00
18. Careless driving \$30.00
19. Speeding \$30.00
20. Failure to obey traffic control signal/sign \$20.00
21. One-way street \$20.00
22. Improper turn \$20.00
23. Displaying a White lost/stolen permit \$200.00
24. Displaying a Green lost/stolen permit \$185.00
25. Displaying a Blue lost/stolen permit \$200.00
26. Displaying a forged/altered permit \$200.00
27. Displaying an unauthorized permit \$200.00
28. Unidentifiable vehicle \$50.00

- (b) Vehicles of violators with five (5) or more citations (paid or not paid) in a semester will be towed/booted at the owner's/registrator's expense.

- (c) Citations may be given every four (4) hours. No more than two (2) tickets will be issued per day for the same violation at the same location. This does not apply to being parked in a parking meter.

- (d) Overtime parking citations (meters) will be given every hour.
- (e) All fines are to be paid at the Business Office in the Cope Administration Building, Monday through Friday, 8:00 a.m.-4:00 p.m.
- (f) Any student with unpaid parking fines will not receive grades or transcripts or be able to register for the next semester until the fines are paid.

(~~11~~12) Parking Services/Public Safety

- (a) The Parking Services Office is located in 1403 East Main Street. The phone number is 898-2850. The office is open Monday through Friday from 7:30 a.m. to 4:30 p.m.
- (b) The Department of Public Safety is recognized by the State of Tennessee as an independent police agency and is empowered to perform all duties required by law.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.05 Traffic and Parking. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 6 Disciplinary Procedures

- (1) Responsibility for Administration. The administration of discipline is a function of the Dean of Student Life's Office and/or the appropriate adjudicating body with the exception of matters concerning academic misconduct which is a function of the Office of the University Provost and/or the Academic Misconduct Committee, referenced in section (11) below and set out with specificity in Policy III:00:08.
- (2) Disciplinary Referral. Reports of acts and incidents involving students may be referred for evaluation and possible disciplinary action by the Department of Public Safety, residence hall staff members, faculty, students, and other members of the University community. Reports should be directed to the Assistant Dean for Judicial Affairs and Mediation Services located in Keathley University Center, Room 128. All referrals are required to be submitted in writing.
- (3) Preliminary Review and Investigation.
 - (a) When an incident involving allegations of student misconduct is brought to the attention of the appropriate student personnel dean, an investigation shall be conducted. Such an investigation may include but not be limited to visiting the scene of an alleged incident, interviewing interested parties, and gathering relevant evidence.
 - (b) A student or student organization (hereinafter referred to as "student") alleged to have acted in violation of University ~~regulation(s)~~policy/policies will be interviewed by the appropriate staff member. During this disciplinary conference, the student will be advised as to which University ~~regulation(s)~~policy/policies have allegedly been violated and will be given an opportunity to explain his/her version of the act or incident, or to otherwise

refute the allegations. The staff member will review the incident taking into account the information provided by the student. A determination will be made and the student will be advised as to whether or not sustained disciplinary proceedings are indicated, and if so, whether a sanction of suspension or expulsion will be sought by the University.

- (c) In the event that the alleged misconduct is such that the University seeks to impose a penalty of (1) suspension or expulsion of a student from the University, a program, or a course for disciplinary reasons, or (2) revocation of registration of a student organization during the term of registration, the appropriate staff members shall inform the student as follows:

1. The student in such a case who desires to contest the charge(s) of misconduct is entitled to a hearing in accordance with the uniform contested case procedures adopted by the Tennessee Board of Regents in compliance with the Tennessee Uniform Administrative Procedures Act ~~("TUAPA")~~.
2. The student may elect to have the charge(s) against him/her disposed of in accordance with the University procedures or under the Tennessee Uniform Administrative Procedures Act in accordance with the Board's uniform contested case procedures.

- (4) Hearing Procedures. The following procedures are available to students who are subject to disciplinary sanctions:

- (a) Tennessee Uniform Administrative Procedures Act ~~(TUAPA)~~. All cases which may result in: (a) suspension or expulsion of a student, or student organization, from the institution for disciplinary reasons; or, (2) revocation of the registration of a student organization, are subject to the contested case provisions of the Tennessee Uniform Administrative Procedures Act (TUAPA), T.C.A. Sec. 9-8-301, et. seq., and shall be processed in accord with the Uniform Contested Case procedures adopted by the Board of Regents unless the student or student organization, after receiving written notice, waives those procedures and elects to have the case disposed of in accord with institutional procedures or waives all right to contest the case under any procedure.
1. In all cases involving a hearing under the TUAPA contested case provisions, the president or his/her designee shall determine, based upon the nature of the case, whether the hearing shall be before a hearing officer alone or a Hearing Committee presided over by a hearing officer.
 2. The case will proceed pursuant to the provisions of the TUAPA and TBR Policy 1:06:00:05 Uniform Procedures for Cases Subject to the Tennessee Uniform Administrative Procedures Act. <http://tbr.edu/policies/default.aspx?id=4886>
- (b) Students subject to a sanction of suspension or expulsion who waive the option of a TUAPA hearing ~~in writing~~ shall be accorded a hearing before the appropriate University adjudicating body. The following institutional hearing procedures shall be observed:

1. The respondent shall be advised in writing of the time and place of the hearing at least five (5) business days in advance of the hearing.
 2. The respondent shall be advised in writing of the breach of ~~regulations~~ policies of which he/she is charged.
 3. The respondent shall be advised in writing of the following rights:
 - (i) the right to present his/her case;
 - (ii) the right to be accompanied by an advisor whose participation shall be limited to advising the respondent. The respondent may also be accompanied by legal counsel; however, counsel's participation shall be limited to directly advising the student, i.e., legal counsel may not conduct direct or cross-examination, make opening or closing statements, or engage in argument. The respondent may be accompanied by more than one advisor at the discretion of the adjudicating officer or body. The intent of the respondent to be accompanied by an advisor or counsel shall be indicated to the judicial coordinator in writing prior to the ~~disciplinary-conference~~ hearing;
 - (iii) the right to call witnesses on his/her behalf. It is the respondent's responsibility to contact his/her witnesses and inform them of the hearing unless the witness is also a university witness. University witnesses are contacted by the Office of Judicial Affairs and Mediation Services;
 - (iv) the right to confront and question witnesses;
 - (v) the respondent shall be advised in writing of the adjudicating body's decision and of the method of appeal, if applicable.
 4. All hearings shall be closed unless the respondent and the complainant both elect in writing to have an open hearing.
 5. Formal rules of evidence shall not be applicable. The adjudicating body may exclude evidence which in its judgment is immaterial, irrelevant, or unduly repetitious.
 6. Decisions of the adjudicating body relative to the responsibility of the respondent involved in an alleged violation shall be by majority vote of members present and voting. The chair of the adjudicating body votes only in the case of a tie.
 7. The standard of proof required for a finding of violation of the student code of conduct shall be the preponderance of the evidence.
- (c) A student subject to suspension or expulsion may choose to have the appropriate staff member adjudicate the case. The following conditions must be met:
1. The student, in writing, requests the procedure and thereby waives his/~~or~~ her right to have the case heard pursuant to the TUAPA and the institutional hearing process.

2. The ~~dean~~ appropriate University official consents to adjudicate the case.
 3. The student is willing to accept the ~~dean's~~ appropriate University official's adjudication as final and waives his/her right to appeal.
- (d) Students who are subject to imposition of disciplinary sanctions other than suspension or expulsion will be accorded a disciplinary conference with the appropriate university official. A preliminary review conference may be converted to a disciplinary conference at the student's election. The university official may refer any case which is unduly complex or which contains a genuinely disputed issue of material fact(s) for a hearing by the appropriate adjudicatory body. The following procedural protections will be afforded the student at and/or during the disciplinary conference:
1. The student shall be advised of the breach of ~~regulations~~ policy/policies of which he/~~or~~ she is charged.
 2. The student shall be given an opportunity to call witnesses or present other evidence on his/~~or~~ her behalf.
 3. The student may be accompanied by an advisor of his/her choice.
 4. The student will be advised in writing of the sanctions imposed.
- (e) Mediation. Students involved in conflict(s) with another individual(s) may elect to have the conflict(s) mediated with the assistance of a third party mediator assigned by the appropriate university official. Mediation may never be used for disciplinary matters concerning allegations of sexual violence. The following conditions must be accepted by the parties:
1. All parties involved must agree to the mediation process.
 2. The resolution that results from the mediation process will be written, must be signed by all parties, and will bind the parties to abide by the agreed terms until such terms are completed or an alternative agreement is developed by the parties.
 3. The agreement reached through mediation is not subject to any appeals process.
 4. If no form of resolution can be determined by mutual consent, the staff member may recommend that the matter be referred to the appropriate judicial body.
- (f) Interim Suspension Hearings: Hearings conducted with regard to interim suspensions imposed pending the outcome of a disciplinary investigation or proceeding shall be conducted consistent with the minimum requirements of due process applicable to an institutional hearing, taking into account the need for a timely hearing. The evidence presented at the hearing shall be limited to that which is relevant to the basis asserted for imposition of the interim suspension.

- (5) Victim's Rights. Students who are victimized by violations of the University ~~rules~~ policies shall be provided with certain rights. Additionally, although the victim's input shall be sought during the disciplinary process, the right and responsibility for disposition of any individual complaint is reserved by the University. If a victim withdraws his/her complaint or refuses to offer testimony during the course of a disciplinary proceeding, the University reserves the right to proceed with a disposition of the allegations consistent with these ~~rules~~ policies. The rights referred to above are as follows:
- (a) The victim shall be advised in writing of the time and place of the hearing at least five (5) business days in advance.
 - (b) The victim shall be given the opportunity to meet with the appropriate staff member to discuss the disciplinary process.
 - (c) The victim shall be given an opportunity to submit a written account of the alleged incident.
 - (d) The victim shall have the right to be accompanied at all stages of the ~~discipline~~ disciplinary process by an advisor whose participation shall be limited to advising the victim. The victim may also be accompanied by legal counsel; however, counsel's participation shall be limited to directly advising the victim, i.e., legal counsel may not conduct direct or cross-examination, make opening or closing statements, or engage in argument. The victim may be accompanied by more than one advisor at the discretion of the adjudicating officer or body. The intent of the victim to be accompanied by an advisor shall be indicated in writing to the judicial coordinator prior to the disciplinary conference.
 - (e) The victim shall be afforded an opportunity to testify as a witness during a disciplinary hearing.
 - (f) The victim may reserve the right to decline to testify during a disciplinary hearing, with the knowledge that such action could result in dismissal of allegations of University rules violations for lack of evidence.
 - (g) In addition to the written account of the alleged incident, the victim shall be allowed to submit a written impact statement to the adjudicating body for their consideration during the sanction phase of the disciplinary hearing.
- (6) Effect of Noncooperation. Students alleged to have violated University ~~rules or regulations~~ policies shall be provided notice of the allegation(s). A student who fails to respond to a notice of allegations within the specified time frame will have a hold placed on his/her records and transcripts. The hold will be removed at such time as the student has appropriately responded to a notice of an alleged violation(s). ~~of these rules.~~ In the event a student fails to cooperate, ignores, or otherwise does not respond after a reasonable amount of time, he/she may be referred for a hearing before the appropriate University adjudicating body and shall be deemed to have waived the election of a hearing pursuant to the TUAPA. In this instance, a decision may be made in the student's absence.
- (7) Retention of Records. Disciplinary files developed will be voided if the student is not found to be responsible for a ~~rules~~ policy violation. A permanent file will be maintained if a student is suspended

or expelled as a result of his/her being found to be responsible for a ~~rules~~ policy violation. No reference to the suspension or expulsion will be made on the student's transcript unless the sanction so specifies. Files developed in cases in which a lesser sanction has been imposed will be retained for a period of five (5) years after date of action unless sanctions specify that they should be retained for a longer period. Files developed in cases that are covered under the Clery Act will be retained for a period of seven (7) years after the date of action per federal requirements.

- (8) Procedure for Traffic Court. A student who receives a traffic citation that he/she believes was issued in error or was the result of actions by the student in response to a legitimate emergency may appeal such a citation in the SGA Traffic Court. The student will be afforded the opportunity for a hearing wherein the following procedures will be observed:

(a) The student will be advised of the following rights:

1. the right to present his/ ~~or~~ her cause;
2. the right to call witnesses in his/her behalf;
3. in the case of a moving violation or tow, the right to confront the officer who wrote the citation and/or authorized the tow.

(b) The citation(s) issued will be considered sufficient on its face to establish the violation and will remain sufficient to support a judgment if not contradicted or rebutted.

- (9) Structure of Judicial System.

(a) The student judicial system of MTSU is organized as follows:

1. The Assistant Dean for Judicial Affairs and Mediation Services and/or the Judicial Coordinator shall review all disciplinary referrals and shall hear cases that are not subject to other conditions described herein.
2. The Student Judicial Board shall consist of seven (7) members and three (3) alternates selected from eligible members of the student body. Members shall be selected for one (1)-year terms, and are eligible to serve additional terms with reapplication and approval as ~~prescribed~~ prescribed herein. The chair and vice-chair of the Student Judicial Board will be selected by a majority vote of the committee members. Recruitment shall be campus-wide and the pool of candidates should reflect the diversity of the University community. The selection process includes an application and interview. Interviews for the Student Judicial Board will be conducted by a selection committee that shall be appointed by the Associate Vice President for Student Affairs or his/her designee and the President of the Student Government Association. The composition of the selection committee shall represent the diversity of the campus community.

The Student Judicial Board shall hear cases referred to it by the Office of Judicial Affairs and Mediation Services. In these cases, the board makes its recommendation to the Dean of Student Life or his/her designee.

3. The Student Traffic Court shall hear cases appealing traffic and parking citations. The decision of the Student Traffic Court will be final in such cases. Student Justices are appointed for an academic year term by the president of the Student Government Association with the consent of the Student Senate.
4. The University Discipline Committee should be composed of one (1) faculty member from each undergraduate college, four (4) at-large faculty members, and six (6) students; four (4) undergraduates and two (2) graduates when possible. The Dean of Students should serve as an ex-officio member. Faculty representation on this committee should reflect as closely as is practical the ethnic and gender makeup of the University community. Faculty members of the University Discipline Committee are appointed for a two (2) year term by the University president. Student members of the University Discipline Committee are appointed for a one (1) year term by the University President.

The University Discipline Committee hears cases referred to it by the Office of Judicial Affairs and Mediation Services and makes its recommendations to the Vice President for Student Affairs and Vice Provost for Enrollment and Academic Services.

~~The University Discipline Committee also has exclusive jurisdiction over cases involving academic misconduct. In these instances, a sub-committee composed only of faculty members of the University Discipline Committee will hear such matters.~~

5. The Student Appeals Committee should be composed of one(1) faculty member from each undergraduate college, and four (4) students; three (3) undergraduates and one (1) graduate, when possible. The Assistant Vice President for Student Affairs, a representative from the Admissions Office, a representative from Graduate Admissions and a representative from Undergraduate International Admissions should serve as ex-officio members.

The Student Appeals Committee shall hear (a) appeals in cases heard by the University Discipline Committee, (b) appeals in ~~original~~ cases ~~initially~~ heard by the Student Judicial Board, (c) adverse decisions regarding the initial or continued registration of student organizations, (d) appeals of decisions resulting from the interpretation and application of the Family Educational Rights and Privacy Act by institutional agencies and officials, and (e) appeals of decisions regarding classification of students for fee-paying purposes. Members of the Student Appeals Committee are appointed by the University president.

- (b) Committee Recommendations. Recommendations by the Student Judicial Board and the University Discipline Committee will be reviewed by the appropriate approving authority and are subject to the following alternatives: (1) the recommended sanction may be affirmed, (2) the decision may be reversed (overruled), or (3) the case may be returned to the original judicial body for reconsideration of the sanction(s) only (a finding of responsibility will not be reconsidered).

- (10) All matters involving allegations of impermissible sexual discrimination or harassment (including, but not limited to, sexual violence), or retaliation will be governed by the procedures outlined in TBR Guideline P-080 *Subject: Discrimination and Harassment – Complaint and Investigation Procedure* and/or MTSU policy that reflects the requirements of that Guideline.
- (11) Procedure for Academic Misconduct. The procedure for matters concerning academic misconduct is set out in Policy III:00:08 Academic Misconduct.
- (12) Appeals
 - (a) Generally. A student who has been suspended or expelled as the result of disciplinary action has the right to appeal. It is the responsibility of the body of original jurisdiction to inform the student of the right to appeal and to whom the appeal should be presented. Disciplinary sanctions imposed through institutional hearings do not become effective until the sanctions assessed by the judicial body have been approved by the appropriate approving authority. (See “Committee Recommendations,” above.) It is not the function of the appeals process to permit a rehearing of the factual issues presented to the adjudicating body, but rather it is to ensure that the disciplinary procedure has been implemented fairly and consistently with these ~~rules~~ policies.
 - (b) Time Limitations. An appeal must be submitted in writing to the Dean of Students within forty-eight (48) hours of notice to the respondent or victim of the approving authority’s decision to affirm the sanction. The appropriate university official will attempt to contact the respondent or victim so that he/she may pick up the notification in person. An official email will also be sent to the student’s MTSU email account which shall serve as notice. A student cannot extend the time limitations by refusing to acknowledge the notice, ignoring the notice, and/or because he/she does not agree with the decision.
 - (c) Grounds for Appeal. The appeal must specify grounds which would justify consideration. The written appeal must contain the substantive proof the appellant is basing the appeal on. Appeals that do not include the specific information that substantiates the appeal will be immediately denied. General dissatisfaction with the outcome of the decision shall not be accorded as a basis for consideration of an appeal. An appeal may be filed based on one or both of the following conditions:
 - 1. an error in procedural due process by the body of original jurisdiction which prejudiced the disciplined student to the extent that he/she was denied a fundamentally fair hearing as a result of the error; or
 - 2. the emergence of new evidence which could not have been previously discovered by the exercise of due diligence and which, had it been presented at the initial hearing, would have substantially affected the original decision of the adjudicating body.
 - (d) Appellate procedure. The Dean of Students will review the written appeal to determine if the appellant has met the requirements for filing an appeal. Appeals which do not allege sufficient grounds shall be denied consideration and dismissed. Appeals which do allege sufficient grounds will be accepted for consideration and forwarded to the appellate

body. The appellate body shall not conduct a de novo hearing (a re-hearing), but will consider only the record made by the adjudicating body. The appellate body may, at its own discretion, permit written or oral statements from the concerned parties in interest at the time the appeal is considered.

(e) Action by appellate body. The alternatives available to the appellate body are:

1. The recommended sanction may be affirmed;
2. The decision may be reversed (overruled); or
3. The case may be returned to the original judicial body for reconsideration of the sanction(s) only (a finding of responsibility will not be reconsidered).

- (13) Authority of the president. The president of the University retains final authority on all campus matters, including disciplinary decisions. Therefore, any disciplinary action is subject to final review by the president of the University. At his/her discretion, the president may determine to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or subsequently, to convert any finding or sanction imposed to a lesser finding or sanction, or to rescind any previous finding or sanction, in appropriate cases.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.06 Disciplinary Procedures and due Process. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Middle Tennessee State University

Student Disciplinary Policy

Part 1 Institution Policy Statement

Part 2 Disciplinary Offenses

Part 3 Academic and Classroom Misconduct

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Part 1 Institution Policy Statement

- (1) Students enrolled in Middle Tennessee State University (“MTSU,” “the Institution” or “the University”) are citizens of their civic communities as well as the academic community. As such, they are expected to conduct themselves as law-abiding members of each community at all times. Admission to an institution of postsecondary education carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by non-students. In recognition of the special relationship that exists between the institution and the academic community which it seeks to serve, the Tennessee Board of Regents (“TBR” or “the Board”) has authorized the President of MTSU to take such action as may be necessary to maintain campus conditions and preserve the integrity of the Institution and its educational environment.
- (2) Pursuant to this authorization and in fulfillment of its duties to provide a secure and stimulating atmosphere in which individual and academic pursuits may flourish, the Institution has developed the following policy which is intended to govern student conduct. This policy is implemented consistent with directives of the TBR and is subject to Board approval. In addition, students are subject to all federal, state and local laws and ordinances. If a student’s violation of such laws or ordinances also adversely affects the Institution’s pursuit of its educational objectives, the Institution may enforce its own policies regardless of the status or outcome of any external proceedings instituted by other civil or criminal authorities.
- (3) With the exception set out in (4) below, the responsibility for the administration of student discipline at MTSU is a function of the Dean of Student Life’s office and/or the appropriate adjudicating body. The Dean of Student Life’s designee is the Office of Judicial Affairs and Mediation Services, specifically the Assistant Dean for Judicial Affairs and the Judicial Coordinator (“University officials”). The Assistant Dean and/or Judicial Coordinator is authorized to make the determination and/or recommendation of the method of hearing each complaint or allegation and to provide other opportunities for conflict resolution outside of the judicial process consistent with these policies. The Assistant Dean and/or Judicial Coordinator shall implement policies and procedures for the administration of the judicial program and procedures for the conduct of hearings which are consistent with those in the General Policies on Student Conduct.
- (4) Matters concerning academic misconduct are the responsibility of the Office of the University Provost and/or the Academic Misconduct Committee. This process is set out in detail in Policy

III:00:08 Academic Misconduct.

- (5) For the purpose of these policies, a “student” shall mean any person who is admitted and/or registered for study at MTSU for any academic period. This shall include any period of time following admission and/or registration, but preceding the start of classes for any academic period. It will also include any period which follows the end of an academic period through the last day for registration for the succeeding academic period, and during any period while the student is under suspension from the institution. Finally, “student” shall also include any person subject to a period of suspension or removal from campus as a sanction which results from a finding of a violation of the policy governing student conduct. Students are responsible for compliance with Institutional policies at all times.
- (6) Disciplinary action may be taken against a student for violations of the policy which occur on Institutionally owned, leased or otherwise controlled property, while participating in international or distance learning programs, and off campus, when the conduct impairs, interferes with, or obstructs any Institutional activity or the mission, processes, and functions of the Institution. MTSU may enforce its policy regardless of the status or outcome of any external proceedings instituted in any other forum, including any civil or criminal proceeding.
- (7) This policy, and related material incorporated herein by reference, is applicable to student organizations as well as individual students. Student organizations are subject to discipline for the conduct and actions of individual members of the organization while acting in their capacity as members of, or while attending or participating in any activity of, the organization.
- (8) Confidentiality of Discipline Process. Subject to the exceptions provided pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g and/or the Tennessee Open Records Act, T.C.A. § 10-7-504(a)(4), a student’s disciplinary files are considered “educational records” and are confidential within the meaning of those Acts.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.01, Institution Policy Statement. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 2 Disciplinary Offenses

- (1) Institutional disciplinary measures shall be imposed, through appropriate due process procedures, for conduct which adversely affects the Institution’s pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property or persons on property owned or controlled by the Institution.
- (2) MTSU has adopted the following non-exclusive list providing notice of offenses for which both individuals and organizations may be subject to disciplinary action:
 - (a) Conduct Dangerous to Others. Any conduct, or attempted conduct, which constitutes a danger to any person’s health, safety, or personal well-being, including, but not limited to, the following:

1. Physical and/or verbal abuse,
 2. Threats and/or intimidation,
 3. Harm inflicted on self;
- (b) Hazing. Hazing, as defined in T.C.A. § 49-7-123(a)(1), means any intentional or reckless act, on or off the property, of any higher education institution by an individual acting alone, or with others, which is directed against any other person(s) that endangers the mental or physical health or safety of that person(s), or which induces or coerces a person(s) to endanger such person(s) mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization;
- (c) Disorderly Conduct. Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs institutional functions, operations, classrooms, other groups or individuals;
- (d) Obstruction of or Interference with Institutional Activities or Facilities. Any intentional interference with or obstruction of any Institutional program, event, or facility including the following:
1. Any unauthorized occupancy of facilities owned or controlled by the Institution or blockage of access to or from such facilities,
 2. Interference with the right of any institution member or other authorized person to gain access to any activity, program, event or facilities sponsored or controlled by the Institution,
 3. Any obstruction or delay of a campus security officer, public safety officer, police officer, firefighter, EMT, or any official of the Institution, or failure to comply with any emergency directive issued by such person in the performance of his/her duty;
 4. Leading or inciting others to disrupt scheduled and/or normal activities of the University;
 5. Participating in behavior that disrupts the scheduled and/or normal activities of the University;
 6. Interference of either: (1) the instructor's ability to conduct class; or, (2) the ability of other students to participate in and profit from instructional activity.
- (e) Misuse of or Damage to Property. Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to another including, but not limited to, any personal property, fire alarms, fire equipment, elevators, telephones, Institution keys, library materials and/or safety

devices;

- (f) Theft, Misappropriation, or Unauthorized Sale of Property. Any act of theft, misappropriation, or unauthorized possession or sale of institution property, or any such act against a member of the institutional community or a guest of the institution, including identity theft.
- (g) Misuse of Documents or Identification Cards. Any forgery, alteration of or unauthorized use of institutional documents, forms, records or identification cards, including the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment or status in the Institution;
- (h) Firearms and Other Dangerous Weapons. Any possession of or use of firearms, dangerous weapons of any kind, or replica/toy guns, e.g. BB guns, pellet guns, paintball guns, water guns, cap guns, toy knives or other items that simulate firearms or dangerous weapons. This includes the possession or use of any kind of ammunition;
- (i) Explosives, Fireworks, and Flammable Materials. The unauthorized possession, ignition or detonation of any object or article which would cause damage by fire or other means to persons or property or possession of any substance which could be considered to be and used as fireworks;
- (j) Alcoholic Beverages. The use and/or possession of alcoholic beverages on institution owned or controlled property. This offense includes the violation of any local ordinance, state, or federal law concerning alcoholic beverages, on or off institution owned or controlled property, where an affiliated group or organization has alcoholic beverages present and available for consumption;
- (k) Drugs. The unlawful possession or use of any drug or controlled substance (including, but not limited to, any stimulant, depressant, narcotic or hallucinogenic drug, or marijuana), sale or distribution of any such drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession or use of drugs, on or off institution owned or controlled property;
- (l) Drug Paraphernalia. The use or possession of equipment, products or materials that are used or intended for use in manufacturing, growing, using or distributing any drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession of drug paraphernalia, on or off institution owned or controlled property;
- (m) Public Intoxication. Appearing on institution owned or controlled property or at an institutional sponsored event while under the influence of a controlled substance or of any other intoxicating substance;
- (n) Gambling. Unlawful gambling in any form;
- (o) Financial Irresponsibility. Failure to meet financial responsibilities to the institution promptly including, but not limited to, knowingly passing a worthless check or money

order in payment to the institution;

- (p) Unacceptable Conduct in Disciplinary Proceedings. Any conduct at any stage of an institutional disciplinary proceeding or investigation that is contemptuous, disrespectful, threatening, or disorderly, including false complaints, testimony or other evidence, and attempts to influence the impartiality of a member of a judicial body, verbal or physical harassment or intimidation of a judicial board member, complainant, respondent or witness;
- (q) Failure to Cooperate with Institutional Officials. Failure to comply with directions of institutional officials acting in the performance of their duties;
- (r) Violation of General Policies. Any violation of the general policies or procedures of the institution as published in an official institutional publication, including the intentional failure to perform any required action or the intentional performance of any prohibited action;
- (s) Attempts, Aiding and Abetting. Any attempt to commit any of the offenses listed under this section or the aiding or abetting of the commission of any of the offenses listed under this section (an attempt to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission). Being present during the planning or commission of any offense listed under this section will be considered as aiding and abetting. Students who anticipate or observe an offense must remove themselves from the situation and are required to report the offense to the institution;
- (t) Violations of State or Federal Laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference;
- (u) Violation of Imposed Disciplinary Sanctions. Intentional or unintentional violation of a disciplinary sanction officially imposed by an institution official or a constituted body of the institution;
- (v) Sexual Battery or Rape. Committing any act of sexual battery or rape as defined by state law;
- (w) Harassment or Retaliation. Any act by an individual or group against another person or group in violation of TBR or MTSU policies, as well as federal and/or state laws prohibiting discrimination, including, but not limited to, TBR policies 5:01:02:00, 2:02:10:01 and TBR Guideline P-080; and MTSU Policies I:01:10 and I:01:22.
- (x) Academic Misconduct. Plagiarism, cheating, fabrication. For purposes of this section the following definitions apply:
 - 1. Plagiarism. The adoption or reproduction of ideas, words, statements, images, or works of another person as one's own without proper attribution,

2. Cheating. Using or attempting to use unauthorized materials, information, or aids in any academic exercise or test/examination. The term academic exercise includes all forms of work submitted for credit or hours,
 3. Fabrication. Unauthorized falsification or invention of any information or citation in an academic exercise.
- (y) Unauthorized Duplication or Possession of Keys. Making, causing to be made or the possession of any key for an institutional facility without proper authorization;
- (z) Litter. Dispersing litter in any form onto the grounds or facilities of the campus;
- (aa) Pornography. Public display of literature, films, pictures or other materials which an average person applying contemporary community standards would find, (1) taken as a whole, appeals to the prurient interest, (2) depicts or describes sexual conduct in a patently offensive way, and (3) taken as a whole, lacks serious literary, artistic, political or scientific value;
- (bb) Abuse of Computer Resources and Facilities. Misusing and/or abusing campus computer resources including, but not limited to the following:
1. Use of another person's identification to gain access to institutional computer resources,
 2. Use of institutional computer resources and facilities to violate copyright laws, including, but not limited to, the act of unauthorized distribution of copyrighted materials using institutional information technology systems,
 3. Unauthorized access to a computer or network file, including but not limited to, altering, using, reading, copying, or deleting the file,
 4. Unauthorized transfer of a computer or network file,
 5. Use of computing resources and facilities to send abusive or obscene correspondence,
 6. Use of computing resources and facilities in a manner that interferes with normal operation of the institutional computing system,
 7. Use of computing resources and facilities to interfere with the work of another student, faculty member, or institutional official,
 8. Violation of any published information technology resources policy,
 9. Unauthorized peer-to-peer file sharing;
- (cc) Unauthorized Access to Institutional Facilities and/or Grounds. Any unauthorized access and/or occupancy of institutional facilities and grounds is prohibited, including, but not

limited to, gaining access to facilities and grounds that are closed to the public, being present in areas of campus that are open to limited guests only, being present in academic buildings after hours without permission, and being present in buildings when the student has no legitimate reason to be present;

- (dd) Providing False Information. Giving any false information to, or withholding necessary information from, any institutional official acting in the performance of his/her duties in connection with a student's admission, enrollment, or status in the institution;
- (ee) Unauthorized Surveillance. Making or causing to be made unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, and men's or women's restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means;
- (ff) Smoking Violations. Violation of any TBR and/or institutional smoking or other tobacco use policies. Tobacco use is not permitted in any MTSU-owned or leased property. This includes all grounds, vehicles and buildings owned or leased by MTSU, including off-campus property. See MTSU Policy I:01:03.
- (gg) Fire Drills. Failure to evacuate University facilities or willfully disregarding any emergency or fire alarm signal.
- (hh) Motor Vehicles. (1) Failure to register a motor vehicle which is used on campus with Parking and Transportation Services. (2) Failure to comply with the provisions of the Middle Tennessee State University Parking and Traffic Policies.
- (ii) Sirens and Loudspeakers. Unauthorized use of sirens, loudspeakers, and other sound amplification equipment.
- (jj) Student Identification Cards. (1) Failure to possess at all times a valid student identification card; (2) failure to surrender ID card to University official upon proper request.
- (kk) Sexual Misconduct. Sexual misconduct may include any sexual act or penetration accompanied by threat, coercion, use of restraint or force, or any act where the respondent knows or should have known that the victim was unable or incapable of giving consent.
- (ll) Graffiti. Damage or defacement of MTSU property by painting, chalking, writing, stenciling, or by any other means of application on such property.
- (mm) Violation of Housing policies. The Office of Housing and Residential Life has established conduct expectations for residents of residence halls, apartment complexes and houses on the university campus. These are specified in the Student Housing License Agreement and the MTSU Student Code of Conduct.

- (3) Disciplinary action may be taken against a student for violations of the foregoing which occur at or in association with enrollment at the Institution for any academic period. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree including periods prior to or between semesters. Conduct in violation of this policy occurring while a student is registered or enrolled at the Institution, but not discovered until after the awarding of a degree is actionable under these provisions and may result in the retroactive application of a disciplinary sanction. Should a student withdraw from the institution with disciplinary action or academic misconduct action pending, the student's record may be encumbered by the appropriate institutional office until the proceedings have been concluded.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.02, Disciplinary Offenses. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 3 Academic and Classroom Misconduct

- (1) The instructor has the primary responsibility for maintenance of academic integrity and controlling classroom behavior, and can order the temporary removal or exclusion from the classroom of any student engaged in disruptive conduct or conduct that violates the general policies of the institution for each class session during which the conduct occurs. Extended or permanent exclusion from the classroom, beyond the session in which the conduct occurred, or further disciplinary action can be effected only through appropriate procedures of the institution. If an instructor wishes to remove a student from the classroom for a longer period of time or permanently, he/she must refer the student to the Office of Judicial Affairs and Mediation Services.
- (2) Disruptive behavior in the classroom may be defined as, but not limited to, behavior that obstructs or disrupts the learning environment (e.g., offensive language, harassment of students and professors, repeated outbursts from a student which disrupts the flow of instruction or prevents concentration on the subject taught, failure to cooperate in maintaining classroom decorum, etc.), text messaging, and the continued use of any electronic or other noise or light emitting device which disturbs others (e.g., disturbing noises from beepers, cell phones, palm pilots, lap-top computers, games, etc.).
- (3) Plagiarism, cheating, and other forms of academic dishonesty are prohibited. Students guilty of academic misconduct, either directly or indirectly, through participation or assistance, are immediately responsible to the instructor of the class. In addition to other possible disciplinary sanctions which may be imposed through the process provided in Policy III:00:08 Academic Misconduct, the instructor has the authority to assign an appropriate grade for the exercise or examination, or to assign an F in the course, as is proportional to the nature and extent of the academic misconduct. When a student has engaged in academic misconduct, the faculty member shall ensure that the student is made aware of his/her appeal rights.

- (4) All matters involving academic misconduct will be processed as set out in Policy III:00:08 Academic Misconduct. If not resolved prior to a hearing, these matters will be heard by the Academic Misconduct Committee which will convene a hearing to determine whether the conduct constitutes academic misconduct and, if so, whether additional disciplinary sanctions should be imposed. If the Committee determines there was no academic misconduct, it will direct any grade assigned to be changed as it determines is appropriate. Courses may not be dropped pending the final resolution of an allegation of academic misconduct.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.03 Academic and Classroom Misconduct. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 4 Disciplinary Sanctions

- (1) The following potential disciplinary sanctions are applicable to both individuals and organizations. Upon a determination that a student or student organization has violated any of the disciplinary offenses set forth in this policy or the general policies of the University, disciplinary sanctions may be imposed, either singly or in combination, by the appropriate institution or school officials.
- (2) Definition of Sanctions:
 - (a) Restitution. Restitution may be required in situations which involve destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or student organization is obligated by the appropriate judicial authority to compensate a party or parties for a loss suffered as a result of disciplinary violation(s). Any such payment in restitution shall be limited to actual cost of repair, replacement or financial loss;
 - (b) Warning. The appropriate institutional official may notify the student or student organization that continuation or repetition of specified conduct may be cause for other disciplinary action;
 - (c) Reprimand. A written or verbal reprimand or censure may be given to any student or student organization whose conduct violates any part of these policies and provides notice that any further violation(s) may result in more serious penalties;
 - (d) Service to the Institution or Community. A student, or student organization, may be required to donate a specified number of service hours to the institution performing reasonable tasks for an appropriate institution office, official(s), or the local community. The service required shall be commensurate to the offense (e.g., service for maintenance staff for defacing institutional property). Community service hours must be approved by the Office of Judicial Affairs and Mediation Services prior to a student beginning the service.
 - (e) Specified Educational/Counseling Program. A student or student organization may be required to participate in specified educational or counseling program(s) relevant to the offense, or to prepare a project or report concerning a relevant topic;

- (f) Apology. A student or student organization may be required to apologize to an affected party, either verbally or in writing, for the behavior related to a disciplinary offense;
- (g) Fines. Penalties in the form of fines may be imposed against a student or student organization whenever the appropriate institutional authority deems appropriate. The sanction of fines may be imposed in addition to other forms of disciplinary sanctions. Failure to pay fines may result in further disciplinary action;
- (h) Restriction. A restriction upon a student's or student organization's privileges for a period of time may be imposed. This restriction may include, for example, denial of the ability to represent the institution at any event, ability to participate in institution or TBR sponsored travel, use of facilities, parking privileges, participation in extracurricular activities or restriction of organizational privileges;
- (i) Probation. Continued enrollment of a student or recognition of a student organization on probation may be conditioned upon adherence to these policies. Any student or organization placed on probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon extracurricular activities, or any other appropriate special condition(s). Any conduct in further violation of these policies while on probationary status or the failure to comply with the terms of the probationary period may result in the imposition of further disciplinary action;
- (j) Suspension. Suspension is the separation of a student or student organization from the institution for a specified period of time. Suspension may be accompanied by special conditions for readmission or recognition. Any student receiving a sanction of suspension shall be restricted from the campus of MTSU during the period of separation unless on official business with the University verified in writing by the Dean of Student Life. A suspended student must submit a written request to be on campus to the Dean of Student Life a minimum of 48 hours in advance of the scheduled time of his/her business on campus. The request must specify the specific reason to be on campus and the location that the student wishes to visit. Students who have been suspended are not permitted to live or board in University facilities or housing unless otherwise approved or provided by the University;
- (k) Expulsion. Expulsion entails a permanent separation from the institution. The imposition of this sanction is a permanent bar to the student's admission, or a student organization's recognition to the institution. A student or organization that has been expelled may not enter institution property or facilities without obtaining prior approval from an appropriate campus official with knowledge of the expulsion directive. Any student receiving a sanction of expulsion shall be restricted from the campus of MTSU unless on official business with the University verified in writing by the Dean of Student Life. An expelled student must submit a written request to be on campus to the Dean of Student Life a minimum of 48 hours in advance of the scheduled time of his/her business on campus. The request must specify the specific reason to be on campus and the location that the student wishes to visit. Students who have been expelled are not permitted to live or board in University facilities or housing unless otherwise approved or provided by the University;

- (l) Revocation of Admission, Degree, or Credential;
 - (m) Any alternate sanction deemed necessary and appropriate to address the misconduct at issue;
 - (n) Interim Suspension. As a general rule, the status of a student or student organization accused of violation of these policies should not be altered until a final determination has been made in regard to the charges. However, interim suspension, pending the completion of disciplinary procedures, may be imposed upon a finding by the appropriate institutional official that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused, any other member of the institution its guests, property, or substantial disruption of classroom or other campus activities. In any case of interim suspension, the student, or student organization, shall be given an opportunity at the time of the decision, or as soon thereafter as reasonably possible, to contest the interim suspension. During an interim suspension, the student shall be denied access to residence halls, campus (including classes), and/or all other University activities or privileges for which the student might otherwise be eligible, as the Dean of Student Life or a designee may determine to be appropriate. A preliminary hearing will be held by a designee of the Dean of Student Life in consultation with appropriate University officials and the Vice President for Student Affairs, within four (4) working days of the interim suspension to determine if the interim suspension should continue until a formal hearing of the charges by a University adjudicating body can be held. During this preliminary hearing, the student will be given notice of the allegations supporting the imposition of interim suspension against him/her and a summary of the evidence that supports the allegations. The student will be afforded an opportunity to respond to the allegations. If the interim suspension is upheld, the formal hearing concerning suspension or expulsion shall be held as soon as practical. The student also has the option of having the case adjudicated by a Student Life Dean;
 - (o) Housing Probation. Continued residence in campus or student housing may be conditioned upon adherence to this policy as well as institutional housing policies. Any resident placed on housing probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon the activities of the resident, including any other appropriate special condition(s);
 - (p) Involuntary Reassignment. A student may be involuntarily moved to another housing assignment if warranted by his/her behavior.
 - (q) Housing Suspension and Forfeiture. A resident suspended from housing may not reside, visit, or make any use whatsoever of a housing facility or participate in any housing activity during the period for which the sanction is in effect. A suspended resident shall be required to forfeit housing fees (including any unused portion thereof and the Housing Deposit). A suspended resident must vacate the housing unit. Housing suspension shall remain a part of the student resident's disciplinary record.
- (3) The President is authorized, at his/her discretion, to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or, subsequently, to convert any sanction

imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.04 Disciplinary Sanctions. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 5 Traffic and Parking

(1) General Information

- (a) The purpose of these policies shall be to facilitate the orderly and efficient flow of traffic on the MTSU campus, to provide a safe atmosphere for both pedestrians and motor vehicle operators, and to provide order with regard to parking within limited space. These policies shall be published, at least annually, and, as appropriate, through signage, traffic/parking handbooks, student/faculty handbooks and institutional websites. They shall also serve to acquaint all administrators, faculty, staff, and students of the policies pertaining to registration of motor vehicles, traffic and parking policies, and the penalties for violation of said policies.
- (b) The University reserves the right to regulate the use of all vehicles, including motorcycles, motor scooters, mopeds, and bicycles, on the campus and to forbid the use of a vehicle by any person whose conduct indicates that he or she is not complying with University policies, City of Murfreesboro ordinances, and/or state laws pertaining to motor vehicles.
- (c) The registrant of a permit is held responsible for the safe and lawful operation of the vehicle, the parking of the vehicle, and all traffic/parking citations issued against the vehicle, regardless of who is operating the vehicle at the time of the incident. A violation notice is not excused on the plea that another person was driving the vehicle or using another's parking permit.
- (d) Parking on the MTSU campus is permitted only in those areas designated for parking. Parking in all other areas is prohibited.
- (e) The University regards the possession and use of a vehicle on the campus as a privilege which may be revoked for justifiable reason. These reasons may include, but are not limited to, any of the following:
 - 1. Operating a vehicle while under the influence of alcohol/drugs.
 - 2. Failure to observe the policies, ordinances, and laws governing the operation and parking of a vehicle.
 - 3. Leaving the scene of an accident.
 - 4. Five or more parking citations in a semester.

5. Obtaining an MTSU parking permit through false pretenses. Parking Services may remove any permit which has been forged, altered, or obtained illegally.
 6. Failure to yield the right-of-way to an emergency vehicle when displaying red/blue flashing lights.
 7. Failure to obey an officer directing traffic.
- (f) Unless noted otherwise, all traffic and parking policies are enforced 24 hours a day, 7 days a week.
- (g) The University assumes no responsibility for damage or loss to a vehicle while it is parked or operated on the campus.
- (h) Any vehicle receiving two (2) or more citations in one semester for "No Campus Permit" or failure to have a permit displayed as required by these policies will receive a written warning. If after three (3) working days following the issuance of the warning, the vehicle is found parked on campus without being properly registered and having the permit properly displayed as set forth in these policies, the vehicle will be towed at the owner's/registrant's expense. A working day is defined as a weekday unless it is an official University holiday.

(2) Registration of Motor Vehicles

- (a) All motorized vehicles operated on the campus of MTSU must be registered with the Parking Services Office. Any vehicle parked on campus must have a current valid parking permit displayed in the vehicle.
- (b) Parking permits are issued only after all registration fees are paid. Permits are issued at the Parking and Transportation Services Office located at 1403 East Main Street in the rear of the building. In order to receive a parking permit, a photo ID and the vehicle's license plate number will be needed. The issuance of permits will be limited to one permit per person with the exception of Womack Lane Apartments residents (who will be allowed two permits per family) and those who also have a motorcycle (who will be allowed a permit for a vehicle and one (1) sticker permit for a motorcycle). All registrants will be responsible for their issued permits throughout the academic year.
- (c) The registrant of a permit will be responsible for parking violations received by any vehicle bearing his/her parking permit. Permits may only be used by the permit holder registered with Parking Services. Dependents, friends, and/or associates of any authorized permit holder are not authorized to use that person's permit while parking for their personal convenience.
- (d) Students are eligible to receive a student parking permit upon payment of all registration fees and completion of the registration form available on PipelineMT. Faculty and staff permits are payable at the Parking and Transportation Services Office located at 1403 East

Main Street after completing the registration form available on PipelineMT. A completed vehicle registration form to receive a parking permit.

(e) Cost of permits.

1. Faculty/Administrators/Staff

(i) White - \$125.00.

(ii) Green - \$105.00.

2. Students: no more than \$88.61.

(f) Parking permits will be denied for faculty/administration/staff who have outstanding fines from prior semester(s) until they are paid in full. The first fine after permit expiration will result in towing of vehicle.

(g) Permit colors. The area authorized for parking is denoted by the color of the permit.

1. White - Available to Faculty/Administrators/Staff (including resident directors and graduate assistants). Vehicles displaying white permits also are permitted in Green parking areas. Faculty, administrators, and staff may not transfer their permit to any student (or student vehicle).

2. Green - Available to administrators, faculty, staff, and students.

3. Blue - Students and Employees with Disabilities: Available to qualified students and employees.

4. Purple - Available to residents of Womack Lane Apartments only.

5. Red - Available to residents of Scarlett Commons only.

6. Gold - Available to residents of Greek Row only.

(h) Any person who changes parking category should bring his/her original permit to Parking Services. Any additional fees associated with the change in permit will be paid at this time.

(i) Damaged permits must be replaced within three (3) working days. The remnants must be turned in to Parking Services at the time of replacement. Failure to do so will result in the individual having to pay the full registration fee.

(j) Temporary Parking Permits will be issued as follows:

1. To any employee or student operating a vehicle as a temporary substitute for a registered vehicle. The permit will be valid for seven (7) days from the date of issuance and a total of three (3) may be issued during any semester. The permit will indicate

the appropriate color code area in which the vehicle may park. This permit is subject to a fee.

2. Temporary Parking Permits may be issued to visitors and will be valid for green color coded areas that are not marked as reserved.
 3. Temporary Loading/Unloading Permits may be issued at the discretion of Parking Services. This permit allows the operator of the vehicle up to but not to exceed thirty (30) minutes parking in a loading/unloading zone for the express purpose of loading or unloading his/her vehicle.
- (k) Disabled Parking Permits-Any person, whether student or employee, may apply for disabled parking privileges.
1. For parking on MTSU campus, persons must have a state-issued license plate or placard to obtain a Disabled Parking Permit. Persons must prove ownership of the state-issued plate or placard.
 2. Temporary disabled permits will be issued for injuries or disabilities of limited duration as specified by a physician's statement certifying an impairment. Those with temporary permits must park in white or green spaces only. The blue disabled parking spaces are reserved for those holding permanent disabled parking permits. Those holding temporary state-issued disabled placards may also park in the blue disabled parking spaces.
 3. Applicants denied a parking permit have the right to appeal to the Committee on Programs for Students and Employees with Disabilities, who will make the final decision as to whether someone receives a decal.
- (l) If a parking permit is lost or stolen, a "Parking Permit Loss Report" must be provided to Parking Services along with a replacement fee to obtain a new parking permit.
- (m) The acceptance by any person of a parking permit, whether temporary or permanent, shall constitute the acceptance of the policies, ordinances, and/or laws governing the safe and responsible operation and parking of a vehicle on the campus.
- (n) The MTSU parking permit must be properly attached to the front windshield in the extreme lower corner on the driver's side or hung from the rearview mirror of the vehicle being operated with the decal number facing the outside of the car and clearly readable. In those cases where compliance with the above is not feasible, the permit must be clearly visible through front windshield when viewed from outside or the registrant must consult with Parking Services for proper placement of the permit. The responsibility of transferring and properly displaying the hang tag rests with the individuals to whom the permit was originally issued. If for some reason the hang tag is not transferred to the vehicle being parked on campus, the individual originally purchasing the hang tag will be required to obtain a temporary one-day permit. If an individual with a current permit receives a citation for a display violation, the citation will be cancelled only if the citation

is taken to the Parking Services Office within seven (7) class days of issuance of the citation and the violator can show the current permit at that time. (Vehicle must be parked in designated parking area according to permit color for citation to be cancelled). No more than three (3) such citations will be cancelled per semester. (Note: In the event that a vehicle receives more than one "No Campus Permit" ticket while parked in the same location during a calendar day, those tickets will be reviewed as one offense.) A class day is considered Monday through Friday, unless it is an official University holiday for faculty, staff, and/or students.

- (o) Immediate family members of faculty, administrators, staff, and students must park at meters or register their vehicles with Parking Services by obtaining a temporary parking permit. Failure to comply may result in the vehicle being issued a "No Campus Permit" citation, and the fine will not be waived as it is assumed the student, faculty, or staff members parked the unregistered vehicle on campus.
- (p) It is considered fraudulent for a registered permit holder to give his/her permit to another person for use on the campus. Permits are transferable from vehicle to vehicle. Permits are not transferable from person to person. When a permit is reported as lost or stolen, but is found in another vehicle on campus, an inquiry will be made into the permit. In the event it is found that an individual reported a permit lost or stolen, but in fact gave the permit to another individual for use, both parties will be cited with a fine for their actions.

(3) Bicycle Registration and Parking

(a) Authority

1. The Tennessee Rules of the Road (TENN. CODE ANN. § 55-8-101 *et seq.*) govern the operation of bicycles on public roadways as set forth in TENN. CODE ANN. § 55-8-172.
2. MTSU Public Safety is responsible for the regulation of moving vehicles and bicycles on University property.
3. Parking and Transportation Services is responsible for the regulation of vehicles and bicycles that are parked on University property.

- (b) All bicycles should be registered with Parking and Transportation Services. Bicycles can be marked with an identifying number by MTSU Public Safety to ensure proper return if recovered after theft or confiscation due to illegal parking or abandonment. All bicycles on University property must be operated in accordance with University rules and appropriate Tennessee motor vehicle laws.

- (c) Laws and regulations are designed for the safety of cyclists. When a person rides a bicycle on a roadway within the MTSU campus, the person is a driver and must operate under Tennessee Rules of the Road. He/she must follow state laws, give signals, obey stop signs and yield right of way just as car drivers do, including stopping at stop signs and red lights, yielding to pedestrians in crosswalks, displaying proper illumination, and riding with the traffic flow.

(d) Bicycle Operating Regulations

1. Persons operating bicycles and other non-motorized devices on public roadways, including roadways on campus, shall follow the Tennessee Rules of the Road as required by TENN. CODE ANN. § 55-8-172.
 2. Persons operating bicycles and other non-motorized devices on campus shall practice courteous, defensive riding, giving right-of-way to pedestrians, traveling at safe speeds, and having their bicycles under control at all times.
 3. Every person operating a bicycle should obey regulatory signs and rules for MTSU, and these regulations.
 4. Bicycles shall not be operated in parking garages or in any areas where bicycles are restricted by regulation or signs.
 5. No person operating a bicycle on University property, including bike paths, should exceed a speed that is reasonable and prudent with respect to the number of pedestrians or other cyclists present, visibility, traffic, weather, and surface conditions that exist at the time, or that endangers property or the safety of any person.
- (e) Bicycle parking is available throughout campus and is designated by the presence of bicycle racks. Bicycles must be parked within the boundaries of designated bike racks. Parking and/or placement of any non-motorized devices not covered under these regulations must be approved by Parking and Transportation Services.
- (f) The following are general guidelines regarding bicycle parking on campus:
1. Racks are not to be utilized as long term bicycle storage.
 2. Bicycle related gear (or other items) should not be left at the bicycle racks.
 3. Bicycles shall be parked in accordance with federal, state, and local fire and safety regulations.
- (g) Bicycles shall not be parked or stored:
1. In any public access, ingress, or egress area inside any University building (e.g. hallways, classrooms or parking structures) without express permission of the appropriate department head, such as a director or dean, in academic space. For policies regarding the storage or parking of bicycles inside residence halls, please refer to the Code of Conduct section of the MTSU Housing Policy.
 2. Against or fastened to any tree, plant, bush, or foliage;
 3. Against or fastened to any water, steam or gas pipe, fitting, electrical fixture, fence, sign post, railing, public seating fixture, or emergency safety device;
 4. Upon or attached to any ingress/egress ramp, stairway or stairwell railing or otherwise fastened to or blocking any exit/entrance or handicap access to any University building;
 5. In any other area not designated for bicycle parking or where parking is specifically prohibited by these regulations or by signs.
- (h) Impounding may be necessary in an effort to have bicycle parking available for those using their bicycles and to address improperly parked bicycles:

1. Bicycles that are inappropriately parked, in a state of disrepair or which appear to be abandoned are subject to impoundment. Bicycles subject to impoundment will be booted and/or tagged before impounding, giving the bicycle owner time to remedy the situation before impoundment.
 - i. State of disrepair means the bicycle has flat tire(s), bent rims, rusted or broken chain links, broken or rusted brakes, etc., and is otherwise in poor condition.
 - ii. Signs of abandonment include, but are not limited to, appearance of non-use, spider webs, missing parts, etc.
 2. It may be necessary to move a bicycle before it is booted or tagged for impoundment due to safety because it is blocking or impeding ingress or egress to a fire exit, stairwell, or handicapped ramp. If moving the bicycle is necessary, it will be moved to a nearby bicycle rack and booted to maintain security of the bicycle or immediately impounded.
 3. In cases that result in the removal of the chain/lock, the owner will absorb the cost of replacement.
 4. After the close of the spring semester, all abandoned bicycles will be removed from all on-campus racks. Bicycles that appear to be abandoned will be impounded. In cases that result in the removal of the chain/lock, the owner will absorb the cost of replacement.
- (i) MTSU is not responsible for the safety of bicycles that are booted or impounded as a result of violations of this policy or State, Federal, or local law. MTSU will attempt to take reasonable steps necessary to contact bicycle owners in the event that their bicycles are booted or impounded and to confirm the identity of the individual claiming booted or impounded bicycles. Obviously, if MTSU does not know who owns a booted or impounded bicycle (e.g., because it was not registered) it will not be able to contact the owner and will have a difficult time conclusively determining the ownership of the bicycle when it is claimed. The best course of action to ensure that MTSU can contact the bicycle owner in the event that the bicycle is booted or impounded is to register the bicycle with MTSU and ensure that the registration information remains up-to-date.
1. After booting or impounding a bicycle that has been registered under this part, MTSU will use reasonable efforts to attempt to contact the owner using the owner's registration information. Registered bicycles will only be released to the registered owner with valid photo identification.
 2. An owner of a bicycle that has not been registered may still reclaim his/her bicycle as long as the purported owner can provide an accurate description of the bicycle, a valid MTSU identification card (for students, faculty, and employees) or photo identification (for outside parties), and the key or combination to the lock that was being used to secure the booted or impounded bicycle. Parking services will verify the information provided and confirm that the key/combination provided opens the bicycle lock. The bicycle owner will be required to register the bicycle before the bicycle will be released.
 3. Impounded bicycles that are not claimed will be disposed of in accordance with the Tennessee Uniform Disposition of Unclaimed Property Act, TENN. CODE ANN. § 66-29-103 *et seq.*

(4) Parking Policies

- (a) Color-coded parking is used to regulate the parking of vehicles. The color of the parking permit denotes the area in which a person may park.
- (b) The following spaces are reserved as noted:
 - 1. Students and employees with disabilities - reserved 24 hours a day
 - 2. Health Services - reserved 24 hours a day
 - 3. Library staff - reserved 24 hours a day
 - 4. Housing staff - reserved 24 hours a day
 - 5. Womack Lane Apartments parking area - reserved 24 hours a day
 - 6. Maintenance spaces - reserved 24 hours a day
 - 7. Scarlett Commons - reserved 24 hours a day
 - 8. Greek Row - reserved 24 hours a day
 - 9. Speech Clinic spaces - reserved Monday through Thursday from 8:00 a.m. to 4:00 p.m.
 - 10. CDC Parent spaces in Fairview parking lot - reserved Monday through Thursday from 8:00 a.m. to 4:00 p.m.
 - 11. University Deans – reserved 24 hours per day
- (c) Special Event Parking - It may occasionally be necessary to close spaces or a lot due to construction, a workshop or conference, or a special event. Parking and Transportation Services will give advance notice of closings whenever possible.
- (d) Vehicles are not to be parked at any time where parking is not designated, where curbing is painted yellow, where sidewalks intersect streets, on sidewalks, across parking lines, on campus lawns (grass), or other places where signs indicate no parking. Parking is allowed only in clearly designated parking spaces. Vehicles that are parked or waiting in a fire lane will be towed. In gravel lots, legal parking spaces are designated by concrete bumper blocks, except for those painted yellow. Only one (1) vehicle/motorcycle is permitted to park per space.
- (e) Vehicles are not to be parked in any manner as to constitute a traffic/pedestrian hazard or to impede the flow of traffic/pedestrians.

- (f) Every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of the vehicle parallel to and within eighteen (18) inches of the right-hand curb.
- (g) All students and employees are to park in their assigned areas, Monday through Friday, 7:00 a.m. to 6:30 p.m., except for the following parking lots which will open for all permitted parking at 5:30 p.m.:
 - 1. Lot 19: The ROTC lot which is west of Forrest Hall and north of the Todd Building.
 - 2. Lot 23: The Jones field lot which is south of the baseball field.
 - 3. Lot 25: The lot located north of the Cason-Kennedy Nursing Building.
 - 4. Lot 36: The lot located south of the Walker Library.
 - 5. Lot 59: The lot located west of the Ellington Human Sciences Building.
 - 6. Lot 73: The lot located east of the Walker Library and south of the Bragg Mass Communication Building.
 - 7. Lot 76: The lot located east of Voorhies Industrial Studies and north of the Midgett Business Building.
- (h) After 6:30 p.m. Monday through Friday and on weekends, White and Green permit parking areas are open for any permitted vehicle. Yellow curbs, no parking zones, disabled and reserved spaces are in effect 24 hours a day, seven days a week.
- (i) Short-term parking is governed by parking meters. The parking meters are considered in operation from 7:30 a.m. to 6:30 p.m., Monday through Friday. A charge of fifty cents (50¢) for 30 minutes is required while parked in these spaces. Any bagged meter is considered to be white permit parking.
- (j) Vehicles are not permitted to park in campus directory drives. This is enforced 24 hours a day.
- (k) Vehicles will be towed from campus streets, parking areas, lawns, drives, restricted areas, loading areas, etc., if the vehicles are parked or left in violation of University policies, City of Murfreesboro ordinances, and/or state laws pertaining to motor vehicles, or if said vehicle constitutes a traffic/pedestrian hazard. The cost of towing and any penalties will be the responsibility of the owner/registrant. All tow zones are enforced 24 hours a day.
- (l) The operator of any disabled vehicle parked in violation of University policies must report the vehicle immediately to Parking Services. Failure to report may result in traffic citations and/or towing. The vehicle must be called in each day it is disabled and parked in violation of University policies.

- (m) No personal recreational or work travel trailers should be parked or stored on campus property, except for equipment purchased by academic/administrative departments for University related purposes.
- (n) Advertising vehicles "For Sale" in University parking lots is prohibited. Any vehicle identified for such wrongful display for a period of 48 hours or more will be identified as a disabled vehicle and may result in traffic citations and/or towing.

(5) Operation of Motor Vehicles

- (a) All state laws, City of Murfreesboro ordinances, and University policies pertaining to motor vehicles are applicable 24 hours a day, unless otherwise noted.
- (b) Speed limits are posted throughout the campus. All speed limits are radar enforced.
- (c) Passing on campus is prohibited.
- (d) All vehicles must come to a complete stop at intersections where a stop sign (either mounted on a post or painted on the street surface) is displayed.
- (e) Motorists are to yield the right-of-way to all pedestrians in a cross walk.
- (f) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals, or a police vehicle properly and lawfully making use of an audible signal only, the drivers of all other vehicles shall yield the right-of-way and shall immediately drive to a position parallel to and as close as possible to, the right hand edge or curb of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.
- (g) All persons riding on a motorcycle, either as operator or passenger, must wear a helmet of the type approved by the Commissioner of Safety for the State of Tennessee.
- (h) All vehicles must come to a complete stop for a school bus loading or unloading children.
- (i) Littering from a vehicle (as well as littering in general) is prohibited and subject to a fine.
- (j) Any person who drives in willful and wanton disregard for the safety of persons or property is guilty of reckless driving.
- (k) The driver of any vehicle shall obey the instructions of any official traffic-control device unless otherwise directed by a traffic or police officer.
- (l) U-turns are prohibited on the campus.
- (m) Loud mufflers, cut-outs, and any other noise-making devices attached to or located within or on any vehicle are prohibited.

- (n) Excessive loud playing of radios and stereos in vehicles is prohibited. The playing shall be deemed excessively loud if it is disturbing the academic environment of the campus.

(6) Towing/Booting of Vehicles

- (a) Vehicles will be towed/booted if the vehicle is parked or left in violation of University policies, City of Murfreesboro ordinances, and/or state laws pertaining to motor vehicles, or if said vehicle constitutes a traffic/pedestrian hazard. The owner/registrator of the vehicle will be responsible for any fines assessed against the vehicle and the cost of towing/booting. Vehicles may be towed/booted for, but not limited to, the following:

1. Parking in a disabled parking space/ramp without disability permit.
2. Blocking a fire hydrant.
3. Parked in a fire lane.
4. Blocking the roadway, walkway, or disabled ramp.
5. Parking so as to constitute a traffic/pedestrian hazard.
6. Parking in a loading zone.
7. Abandoned/immobile.
8. Five or more traffic/parking citations (paid or not paid) in a semester.
9. Parking in a campus directory drive.
10. Excessive No-Campus-Permit violations.
11. Displaying a forged or altered permit.
12. Parking on campus while parking privileges have been revoked.
13. Displaying a lost or stolen permit.
14. Any vehicle parked on campus with no visible means of identification; i.e. the license tag has been removed and the vehicle identification number covered or removed.
15. Faculty/staff/administration with outstanding fines from prior semester who receive first fine after permit expiration.

- (b) Any person whose vehicle is impounded may appeal such action.

- (c) If a boot is removed by the owner/registrator of the vehicle and damaged, the owner/registrator will be responsible for the cost of the boot as well as the ticket fine and

boot removal fee. The owner/registrant of the vehicle will be prosecuted if a boot is improperly removed and damaged.

(7) Visitors

- (a) A visitor is any person who has business or other reason to be on the campus but who is not a current student member of the faculty, staff, or administration.
- (b) All visitors are requested to use parking meters or to report to the Parking Services Office at 1403 East Main Street to secure a visitor's parking permit. This permit will be made available free of charge. Visitor parking permits will not be issued to vehicles registered to current students or employees. Everyone must pay to park at a meter.
- (c) Visitors are welcome on the campus and may park in any green color-coded space that is not marked as reserved. Visitors are reminded that they are subject to the policies, ordinances, and laws pertaining to motor vehicles while on the campus and that violation of such may result in a citation and/or towing of the vehicle.
- (d) Visitors receiving an unregistered violation should sign the ticket and mail or deliver the ticket to Parking Services, P.O. Box 147, MTSU, Murfreesboro, TN 37132.
- (e) Requests for special guest parking should be submitted to the Parking Services Office as far in advance as possible. Special event parking requests should be submitted at least seven (7) days in advance. This time is needed to coordinate because of the numerous parking requests received.

(8) Womack Lane Apartments, Scarlett Commons, and Greek Row

- (a) All residents of Womack Lane Apartments, Scarlett Commons and Greek Row are required to obtain a parking permit according to their residential area. A maximum of two permits may be obtained by any family residing at Womack Lane Apartments.
- (b) Any resident of Womack Lane Apartments, Scarlett Commons or Greek Row who holds a valid Blue parking permit or White parking permit is also required to receive a special validation sticker that is to be placed adjacent to the MTSU parking permit. This validation sticker may be received through the director of Womack Lane Apartments, Scarlett Commons or Greek Row. (The validation sticker will be issued free of charge. There will be a different validation sticker for each resident area.)
- (c) Abandoned/immobile vehicles parked at Womack Lane Apartments, Scarlett Commons, and/or Greek Row will be towed at the owner's/registrant's expense.
- (d) The parking areas within Womack Lane Apartments, Scarlett Commons, and Greek Row are reserved for the residents of these areas only. All other vehicles are subject to be cited and/or removed at the owner's/registrant's expense.

- (e) The residents of Womack Lane Apartments, Scarlett Commons, and Greek Row are not allowed to park elsewhere on campus, except in the housing area in which they reside. Any designated overflow parking will be announced by public notice by the Parking Services Office to the residents.
- (f) Any resident of Womack Lane Apartments, Scarlett Commons, or Greek Row who holds a valid MTSU Blue parking permit may park in any legal Blue, White, or Green parking space as well as the parking meters.
- (g) Any resident of Womack Lane Apartments, Scarlett Commons or Greek Row who holds a valid MTSU White parking permit may park in any legal White or Green permit parking area.
- (h) Any resident of Womack Lane Apartments, Scarlett Commons or Greek Row who holds a valid MTSU parking permit may park in any legal green parking permit area during the Summer session time period. At all other time periods, residents must park in the housing area in which they reside or in the designated overflow parking areas that are announced by public notice by the Parking Services Office.

(9) Judicial Procedures

- (a) Any student, other than one holding a faculty/administrative/staff permit, who receives a parking/traffic citation may appeal the citation within seven (7) days of issuance by going to the SGA web site at <http://www.mtsu.edu/sga>. Specific hearing procedures are described in Part 6 of this policy, below.
- (b) Any employee or student holding a faculty/administrative/staff permit who receives a citation may appeal the citation within seven (7) days of issuance by filing an appeal form or by going to the Parking and Transportation Services web site at <http://www.mtsu.edu/parking>. An appeal form may be obtained at the Parking and Transportation Services Office. Attach the citation to the appeal form and forward to Parking and Transportation Services, P.O. Box 147. The MTSU Parking and Traffic Committee will handle disposition of the appeal. Specific hearing procedures are described in Part 6 of this policy, below.
- (c) Any student or employee who has his/her vehicle towed may appeal such action to the appropriate judicial body. This can be done only after the vehicle has been secured from impoundment and within seven (7) days of the towing date. Specific hearing procedures are described in Part 6 of this policy, below.
- (d) The payment of citations will in no way restrict the Office of Judicial Affairs or the University Parking and Traffic Committee from revoking parking privileges.

(10) Accidents

- (a) All accidents involving a vehicle must be reported to the Department of Public Safety as soon as possible. The vehicle(s) are not to be moved until the investigating officer

instructs the parties to do so. Failure to comply with the provisions of this paragraph may result in criminal prosecution.

- (b) A copy of the accident report will be furnished to all involved parties at \$1.00 per page. The copy may be secured at the Department of Public Safety, Monday through Friday, 8:00 a.m. - 4:00 p.m.

(11) Violations and Penalties

- (a) The following fines will be assessed for the listed violation:

1. Parked in unassigned space \$25.00
2. No campus permit \$30.00
3. Overtime parking \$10.00
4. Parked in reserved space \$30.00
5. Parked by yellow curb \$30.00
6. Improperly parked \$20.00
7. Disabled space/ramp \$200.00 [The fine for disabled/handicapped parking violations is established by statute and will be adjusted to comply with state law.]
8. Permit not displayed properly \$20.00
9. Permit not legible \$20.00
10. Parked in tow zone \$50.00
11. Parked in a fire lane \$100.00
12. Blocking fire hydrant \$100.00
13. Blocking walk/road \$20.00
14. Parked on grass \$20.00
15. Failure to display permit \$20.00
16. Parked in campus directory drive \$20.00
17. Littering \$20.00
18. Careless driving \$30.00
19. Speeding \$30.00
20. Failure to obey traffic control signal/sign \$20.00
21. One-way street \$20.00
22. Improper turn \$20.00
23. Displaying a White lost/stolen permit \$200.00
24. Displaying a Green lost/stolen permit \$185.00
25. Displaying a Blue lost/stolen permit \$200.00
26. Displaying a forged/altered permit \$200.00
27. Displaying an unauthorized permit \$200.00
28. Unidentifiable vehicle \$50.00

- (b) Vehicles of violators with five (5) or more citations (paid or not paid) in a semester will be towed/booted at the owner's/registrator's expense.

- (c) Citations may be given every four (4) hours. No more than two (2) tickets will be issued per day for the same violation at the same location. This does not apply to being parked in a parking meter.

- (d) Overtime parking citations (meters) will be given every hour.
- (e) All fines are to be paid at the Business Office in the Cope Administration Building, Monday through Friday, 8:00 a.m.-4:00 p.m.
- (f) Any student with unpaid parking fines will not receive grades or transcripts or be able to register for the next semester until the fines are paid.

(12) Parking Services/Public Safety

- (a) The Parking Services Office is located in 1403 East Main Street. The phone number is 898-2850. The office is open Monday through Friday from 7:30 a.m. to 4:30 p.m.
- (b) The Department of Public Safety is recognized by the State of Tennessee as an independent police agency and is empowered to perform all duties required by law.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.05 Traffic and Parking. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 6 Disciplinary Procedures

- (1) Responsibility for Administration. The administration of discipline is a function of the Dean of Student Life's Office and/or the appropriate adjudicating body with the exception of matters concerning academic misconduct which is a function of the Office of the University Provost and/or the Academic Misconduct Committee, referenced in section (11) below and set out with specificity in Policy III:00:08.
- (2) Disciplinary Referral. Reports of acts and incidents involving students may be referred for evaluation and possible disciplinary action by the Department of Public Safety, residence hall staff members, faculty, students, and other members of the University community. Reports should be directed to the Assistant Dean for Judicial Affairs and Mediation Services located in Keathley University Center, Room 128. All referrals are required to be submitted in writing.
- (3) Preliminary Review and Investigation.
 - (a) When an incident involving allegations of student misconduct is brought to the attention of the appropriate student personnel dean, an investigation shall be conducted. Such an investigation may include but not be limited to visiting the scene of an alleged incident, interviewing interested parties, and gathering relevant evidence.
 - (b) A student or student organization (hereinafter referred to as "student") alleged to have acted in violation of University policy/policies will be interviewed by the appropriate staff member. During this disciplinary conference, the student will be advised as to which University policy/policies have allegedly been violated and will be given an opportunity to explain his/her version of the act or incident, or to otherwise refute the allegations. The

staff member will review the incident taking into account the information provided by the student. A determination will be made and the student will be advised as to whether or not sustained disciplinary proceedings are indicated, and if so, whether a sanction of suspension or expulsion will be sought by the University.

- (c) In the event that the alleged misconduct is such that the University seeks to impose a penalty of (1) suspension or expulsion of a student from the University, a program, or a course for disciplinary reasons, or (2) revocation of registration of a student organization during the term of registration, the appropriate staff members shall inform the student as follows:
 - 1. The student in such a case who desires to contest the charge(s) of misconduct is entitled to a hearing in accordance with the uniform contested case procedures adopted by the Tennessee Board of Regents in compliance with the Tennessee Uniform Administrative Procedures Act.
 - 2. The student may elect to have the charge(s) against him/her disposed of in accordance with the University procedures or under the Tennessee Uniform Administrative Procedures Act in accordance with the Board's uniform contested case procedures.
- (4) Hearing Procedures. The following procedures are available to students who are subject to disciplinary sanctions:
 - (a) Tennessee Uniform Administrative Procedures Act. All cases which may result in: (a) suspension or expulsion of a student, or student organization, from the institution for disciplinary reasons; or, (2) revocation of the registration of a student organization, are subject to the contested case provisions of the Tennessee Uniform Administrative Procedures Act (TUAPA), T.C.A. Sec. 9-8-301, et. seq., and shall be processed in accord with the Uniform Contested Case procedures adopted by the Board of Regents unless the student or student organization, after receiving written notice, waives those procedures and elects to have the case disposed of in accord with institutional procedures or waives all right to contest the case under any procedure.
 - 1. In all cases involving a hearing under the TUAPA contested case provisions, the president or his/her designee shall determine, based upon the nature of the case, whether the hearing shall be before a hearing officer alone or a Hearing Committee presided over by a hearing officer.
 - 2. The case will proceed pursuant to the provisions of the TUAPA and TBR Policy 1:06:00:05 Uniform Procedures for Cases Subject to the Tennessee Uniform Administrative Procedures Act. <http://tbr.edu/policies/default.aspx?id=4886>
 - (b) Students subject to a sanction of suspension or expulsion who waive the option of a TUAPA hearing in writing shall be accorded a hearing before the appropriate University adjudicating body. The following institutional hearing procedures shall be observed:

1. The respondent shall be advised in writing of the time and place of the hearing at least five (5) business days in advance of the hearing.
 2. The respondent shall be advised in writing of the breach of policies of which he/she is charged.
 3. The respondent shall be advised in writing of the following rights:
 - (i) the right to present his/her case;
 - (ii) the right to be accompanied by an advisor whose participation shall be limited to advising the respondent. The respondent may also be accompanied by legal counsel; however, counsel's participation shall be limited to directly advising the student, i.e., legal counsel may not conduct direct or cross-examination, make opening or closing statements, or engage in argument. The respondent may be accompanied by more than one advisor at the discretion of the adjudicating officer or body. The intent of the respondent to be accompanied by an advisor or counsel shall be indicated to the judicial coordinator in writing prior to the hearing;
 - (iii) the right to call witnesses on his/her behalf. It is the respondent's responsibility to contact his/her witnesses and inform them of the hearing unless the witness is also a university witness. University witnesses are contacted by the Office of Judicial Affairs and Mediation Services;
 - (iv) the right to confront and question witnesses;
 - (v) the respondent shall be advised in writing of the adjudicating body's decision and of the method of appeal, if applicable.
 4. All hearings shall be closed unless the respondent and the complainant both elect in writing to have an open hearing.
 5. Formal rules of evidence shall not be applicable. The adjudicating body may exclude evidence which in its judgment is immaterial, irrelevant, or unduly repetitious.
 6. Decisions of the adjudicating body relative to the responsibility of the respondent involved in an alleged violation shall be by majority vote of members present and voting. The chair of the adjudicating body votes only in the case of a tie.
 7. The standard of proof required for a finding of violation of the student code of conduct shall be the preponderance of the evidence.
- (c) A student subject to suspension or expulsion may choose to have the appropriate staff member adjudicate the case. The following conditions must be met:
1. The student, in writing, requests the procedure and thereby waives his/her right to have the case heard pursuant to the TUAPA and the institutional hearing process.

2. The appropriate University official consents to adjudicate the case.
 3. The student is willing to accept the appropriate University official's adjudication as final and waives his/her right to appeal.
- (d) Students who are subject to imposition of disciplinary sanctions other than suspension or expulsion will be accorded a disciplinary conference with the appropriate university official. A preliminary review conference may be converted to a disciplinary conference at the student's election. The university official may refer any case which is unduly complex or which contains a genuinely disputed issue of material fact(s) for a hearing by the appropriate adjudicatory body. The following procedural protections will be afforded the student at and/or during the disciplinary conference:
1. The student shall be advised of the breach of policy/policies of which he/she is charged.
 2. The student shall be given an opportunity to call witnesses or present other evidence on his/her behalf.
 3. The student may be accompanied by an advisor of his/her choice.
 4. The student will be advised in writing of the sanctions imposed.
- (e) Mediation. Students involved in conflict(s) with another individual(s) may elect to have the conflict(s) mediated with the assistance of a third party mediator assigned by the appropriate university official. Mediation may never be used for disciplinary matters concerning allegations of sexual violence. The following conditions must be accepted by the parties:
1. All parties involved must agree to the mediation process.
 2. The resolution that results from the mediation process will be written, must be signed by all parties, and will bind the parties to abide by the agreed terms until such terms are completed or an alternative agreement is developed by the parties.
 3. The agreement reached through mediation is not subject to any appeals process.
 4. If no form of resolution can be determined by mutual consent, the staff member may recommend that the matter be referred to the appropriate judicial body.
- (f) Interim Suspension Hearings: Hearings conducted with regard to interim suspensions imposed pending the outcome of a disciplinary investigation or proceeding shall be conducted consistent with the minimum requirements of due process applicable to an institutional hearing, taking into account the need for a timely hearing. The evidence presented at the hearing shall be limited to that which is relevant to the basis asserted for imposition of the interim suspension.

- (5) **Victim's Rights.** Students who are victimized by violations of the University policies shall be provided with certain rights. Additionally, although the victim's input shall be sought during the disciplinary process, the right and responsibility for disposition of any individual complaint is reserved by the University. If a victim withdraws his/her complaint or refuses to offer testimony during the course of a disciplinary proceeding, the University reserves the right to proceed with a disposition of the allegations consistent with these policies. The rights referred to above are as follows:
- (a) The victim shall be advised in writing of the time and place of the hearing at least five (5) business days in advance.
 - (b) The victim shall be given the opportunity to meet with the appropriate staff member to discuss the disciplinary process.
 - (c) The victim shall be given an opportunity to submit a written account of the alleged incident.
 - (d) The victim shall have the right to be accompanied at all stages of the disciplinary process by an advisor whose participation shall be limited to advising the victim. The victim may also be accompanied by legal counsel; however, counsel's participation shall be limited to directly advising the victim, i.e., legal counsel may not conduct direct or cross-examination, make opening or closing statements, or engage in argument. The victim may be accompanied by more than one advisor at the discretion of the adjudicating officer or body. The intent of the victim to be accompanied by an advisor shall be indicated in writing to the judicial coordinator prior to the disciplinary conference.
 - (e) The victim shall be afforded an opportunity to testify as a witness during a disciplinary hearing.
 - (f) The victim may reserve the right to decline to testify during a disciplinary hearing, with the knowledge that such action could result in dismissal of allegations of University rules violations for lack of evidence.
 - (g) In addition to the written account of the alleged incident, the victim shall be allowed to submit a written impact statement to the adjudicating body for their consideration during the sanction phase of the disciplinary hearing.
- (6) **Effect of Noncooperation.** Students alleged to have violated University policies shall be provided notice of the allegation(s). A student who fails to respond to a notice of allegations within the specified time frame will have a hold placed on his/her records and transcripts. The hold will be removed at such time as the student has appropriately responded to a notice of an alleged violation(s). In the event a student fails to cooperate, ignores, or otherwise does not respond after a reasonable amount of time, he/she may be referred for a hearing before the appropriate University adjudicating body and shall be deemed to have waived the election of a hearing pursuant to the TUAPA. In this instance, a decision may be made in the student's absence.
- (7) **Retention of Records.** Disciplinary files developed will be voided if the student is not found to be responsible for a policy violation. A permanent file will be maintained if a student is suspended or expelled as a result of his/her being found to be responsible for a policy violation. No reference to

the suspension or expulsion will be made on the student's transcript unless the sanction so specifies. Files developed in cases in which a lesser sanction has been imposed will be retained for a period of five (5) years after date of action unless sanctions specify that they should be retained for a longer period. Files developed in cases that are covered under the Clery Act will be retained for a period of seven (7) years after the date of action per federal requirements.

- (8) Procedure for Traffic Court. A student who receives a traffic citation that he/she believes was issued in error or was the result of actions by the student in response to a legitimate emergency may appeal such a citation in the SGA Traffic Court. The student will be afforded the opportunity for a hearing wherein the following procedures will be observed:

(a) The student will be advised of the following rights:

1. the right to present his/her cause;
2. the right to call witnesses in his/her behalf;
3. in the case of a moving violation or tow, the right to confront the officer who wrote the citation and/or authorized the tow.

(b) The citation(s) issued will be considered sufficient on its face to establish the violation and will remain sufficient to support a judgment if not contradicted or rebutted.

- (9) Structure of Judicial System.

(a) The student judicial system of MTSU is organized as follows:

1. The Assistant Dean for Judicial Affairs and Mediation Services and/or the Judicial Coordinator shall review all disciplinary referrals and shall hear cases that are not subject to other conditions described herein.
2. The Student Judicial Board shall consist of seven (7) members and three (3) alternates selected from eligible members of the student body. Members shall be selected for one (1)-year terms, and are eligible to serve additional terms with reapplication and approval as prescribed herein. The chair and vice-chair of the Student Judicial Board will be selected by a majority vote of the committee members. Recruitment shall be campus-wide and the pool of candidates should reflect the diversity of the University community. The selection process includes an application and interview. Interviews for the Student Judicial Board will be conducted by a selection committee that shall be appointed by the Associate Vice President for Student Affairs or his/her designee and the President of the Student Government Association. The composition of the selection committee shall represent the diversity of the campus community.

The Student Judicial Board shall hear cases referred to it by the Office of Judicial Affairs and Mediation Services. In these cases, the board makes its recommendation to the Dean of Student Life or his/her designee.

3. The Student Traffic Court shall hear cases appealing traffic and parking citations. The decision of the Student Traffic Court will be final in such cases. Student Justices are appointed for an academic year term by the president of the Student Government Association with the consent of the Student Senate.
4. The University Discipline Committee should be composed of one (1) faculty member from each undergraduate college, four (4) at-large faculty members, and six (6) students; four (4) undergraduates and two (2) graduates when possible. The Dean of Students should serve as an ex-officio member. Faculty representation on this committee should reflect as closely as is practical the ethnic and gender makeup of the University community. Faculty members of the University Discipline Committee are appointed for a two (2) year term by the University president. Student members of the University Discipline Committee are appointed for a one (1) year term by the University President.

The University Discipline Committee hears cases referred to it by the Office of Judicial Affairs and Mediation Services and makes its recommendations to the Vice President for Student Affairs and Vice Provost for Enrollment and Academic Services.

5. The Student Appeals Committee should be composed of one(1) faculty member from each undergraduate college, and four (4) students; three (3) undergraduates and one (1) graduate, when possible. The Assistant Vice President for Student Affairs, a representative from the Admissions Office, a representative from Graduate Admissions and a representative from Undergraduate International Admissions should serve as ex-officio members.

The Student Appeals Committee shall hear (a) appeals in cases heard by the University Discipline Committee, (b) appeals in cases initially heard by the Student Judicial Board, (c) adverse decisions regarding the initial or continued registration of student organizations, (d) appeals of decisions resulting from the interpretation and application of the Family Educational Rights and Privacy Act by institutional agencies and officials, and (e) appeals of decisions regarding classification of students for fee-paying purposes. Members of the Student Appeals Committee are appointed by the University president.

- (b) Committee Recommendations. Recommendations by the Student Judicial Board and the University Discipline Committee will be reviewed by the appropriate approving authority and are subject to the following alternatives: (1) the recommended sanction may be affirmed, (2) the decision may be reversed (overruled), or (3) the case may be returned to the original judicial body for reconsideration of the sanction(s) only (a finding of responsibility will not be reconsidered).
- (10) All matters involving allegations of impermissible sexual discrimination or harassment (including, but not limited to, sexual violence), or retaliation will be governed by the procedures outlined in TBR Guideline P-080 *Subject: Discrimination and Harassment – Complaint and Investigation Procedure* and/or MTSU policy that reflects the requirements of that Guideline.

(11) Procedure for Academic Misconduct. The procedure for matters concerning academic misconduct is set out in Policy III:00:08 Academic Misconduct.

(12) Appeals

(a) Generally. A student who has been suspended or expelled as the result of disciplinary action has the right to appeal. It is the responsibility of the body of original jurisdiction to inform the student of the right to appeal and to whom the appeal should be presented. Disciplinary sanctions imposed through institutional hearings do not become effective until the sanctions assessed by the judicial body have been approved by the appropriate approving authority. (See "Committee Recommendations," above.) It is not the function of the appeals process to permit a rehearing of the factual issues presented to the adjudicating body, but rather it is to ensure that the disciplinary procedure has been implemented fairly and consistently with these policies.

(b) Time Limitations. An appeal must be submitted in writing to the Dean of Students within forty-eight (48) hours of notice to the respondent or victim of the approving authority's decision to affirm the sanction. The appropriate university official will attempt to contact the respondent or victim so that he/she may pick up the notification in person. An official email will also be sent to the student's MTSU email account which shall serve as notice. A student cannot extend the time limitations by refusing to acknowledge the notice, ignoring the notice, and/or because he/she does not agree with the decision.

(c) Grounds for Appeal. The appeal must specify grounds which would justify consideration. The written appeal must contain the substantive proof the appellant is basing the appeal on. Appeals that do not include the specific information that substantiates the appeal will be immediately denied. General dissatisfaction with the outcome of the decision shall not be accorded as a basis for consideration of an appeal. An appeal may be filed based on one or both of the following conditions:

1. an error in procedural due process by the body of original jurisdiction which prejudiced the disciplined student to the extent that he/she was denied a fundamentally fair hearing as a result of the error; or
2. the emergence of new evidence which could not have been previously discovered by the exercise of due diligence and which, had it been presented at the initial hearing, would have substantially affected the original decision of the adjudicating body.

(d) Appellate procedure. The Dean of Students will review the written appeal to determine if the appellant has met the requirements for filing an appeal. Appeals which do not allege sufficient grounds shall be denied consideration and dismissed. Appeals which do allege sufficient grounds will be accepted for consideration and forwarded to the appellate body. The appellate body shall not conduct a de novo hearing (a re-hearing), but will consider only the record made by the adjudicating body. The appellate body may, at its own discretion, permit written or oral statements from the concerned parties in interest at the time the appeal is considered.

(e) Action by appellate body. The alternatives available to the appellate body are:

1. The recommended sanction may be affirmed;
 2. The decision may be reversed (overruled); or
 3. The case may be returned to the original judicial body for reconsideration of the sanction(s) only (a finding of responsibility will not be reconsidered).
- (13) Authority of the president. The president of the University retains final authority on all campus matters, including disciplinary decisions. Therefore, any disciplinary action is subject to final review by the president of the University. At his/her discretion, the president may determine to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or subsequently, to convert any finding or sanction imposed to a lesser finding or sanction, or to rescind any previous finding or sanction, in appropriate cases.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.06 Disciplinary Procedures and due Process. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.



TENNESSEE BOARD OF REGENTS

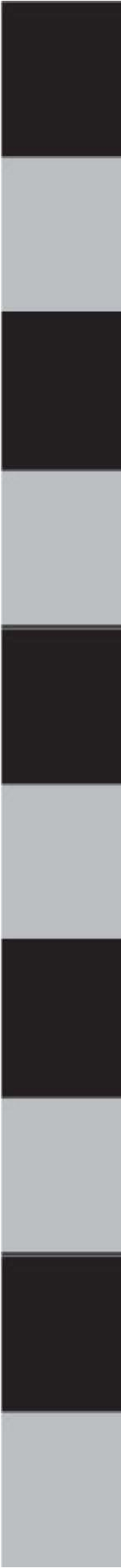
MEETING:	March Quarterly Board Meeting
SUBJECT:	Revision of Student Disciplinary Policy University of Memphis
DATE:	March 28, 2014
PRESENTER:	Vice Chancellor Tristan Denley
ACTION REQUIRED:	Voice Vote
STAFF'S RECOMMENDATION:	Approval

BACKGROUND INFORMATION:

At its meeting on December 8, 2011, the Board approved a separate Student Disciplinary Policy for each TBR university and community college as well as a Student Disciplinary Policy for the Tennessee Colleges of Applied Technology (formerly known as the Tennessee Technology Centers). These policies describe disciplinary behaviors, disciplinary sanctions, and due process in keeping with the systemwide rule and applicable statutes. Furthermore, these policies include traffic and parking procedures including statements of traffic and parking related fees and fines.

The revised system-wide rule provides for institutions to amend their student disciplinary policies as such: "In student discipline policies, each institution may expand on these regulations, subject to Board approval" [Rule 0240-02-030.01 (2)]. The revision process has included institution-specific processes and approvals as well as review by institutions' counsel and by the Office of Academic Affairs.

The University of Memphis requests modifications to Part 1: Institutional Policy State to clarify the definition of 'student', amend its jurisdiction statement to be consistent with student discipline practice and to include online behavior; Part 2: Disciplinary Offenses to clarify role of the University Committee on Student Conduct, insert links to related TBR and University policies, amend sexual misconduct definition, and clarify academic misconduct violations; Part 3: Academic and Classroom Misconduct to assign suspension decisions to the Associate Dean of Students for Student Conduct; Part 4: Disciplinary Sanctions to amend language for warning, censure and interim suspension; and Part 5: Disciplinary Procedures to outline the content of charge letters, the standard hearing process and the self-harm assessment protocol; to amend the retention of records by acknowledging FERPA requirements; and to inform student organizations that they will follow the same appeal process previously provided in this section; and to Part 6: Traffic and Parking to amend fines to include a \$2.00 per day late fee (\$30.00 maximum) for return of a parking pass for the main campus, which will assist as an enforcement mechanism to ensure return of parking pass.

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Code of Student Rights and Responsibilities

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I. Institution Policy Statement

(1) Students enrolled at the University of Memphis are citizens of their civic communities as well as the academic community. As such they are expected to conduct themselves as law-abiding members of the University at all times. Admission to the University of Memphis carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by non-students. In recognition of the special relationship that exists between the University and the academic community which it seeks to serve, the Tennessee Board of Regents (“TBR” or “the Board”) has authorized the President of the University of Memphis to take such action as may be necessary to maintain campus conditions and preserve the integrity of the University and its educational environment. The community of scholars at The University of Memphis is committed to the development of personal and academic excellence. The essence of a university is the pursuit, dissemination and application of knowledge. Members of the University of Memphis community should engage vigorously in the University’s academic life. As voluntary members of the University community, students are expected to act with civility towards others in order to foster and promote an educational environment conducive to the University’s mission.

(2) Pursuant to this authorization and in fulfillment of its duties to provide a secure and stimulating atmosphere in which individual and academic pursuits may flourish, the University of Memphis has developed the following policies, which are intended to govern student conduct. These policies are implemented consistent with directives of the Tennessee Board of Regents and are subject to Board approval. In addition, students are subject to all federal, state and local laws and ordinances. Students are responsible to both civil and criminal authorities and to the University for conduct that constitutes violation of the law and the University Code of Student Rights and Responsibilities. If a student’s violation of such laws or ordinances also adversely affects the University’s pursuit of its educational objectives, the University may enforce its own regulations regardless of the status or outcome of any external proceedings instituted by other civil or criminal authorities. Disciplinary action pursuant to these policies may be carried out prior to, simultaneously with, or following civil or criminal proceedings. Disciplinary outcomes including finding of responsibility and the imposition of sanctions shall not be subject to change as a result of criminal or civil outcomes.

(3) Responsibility for the administration of the student or organizational discipline process at the University of Memphis is a function of the Office of the Dean of Students. The Office of the Dean of Students has designated the Office of Student Conduct (OSC), specifically the Director of the Office of Student Conduct, as the coordinator of the University discipline process. The Director of the Office of Student Conduct is authorized to determine the appropriate form and method of disciplinary proceeding that a student or organization will be provided consistent with University procedures. The Director of the Office of Student Conduct shall also be charged with the implementation of policies and procedures for the administration of judicial investigations, hearings and appeals.

~~(4) For the purpose of these policies, a “student” shall mean any person who is admitted and/or registered for study at the University of Memphis for any academic period. This shall include any period of time following admission and/or registration, but preceding the start of classes for any academic~~

~~period. It will also include any period which follows the end of an academic period through the last day for registration for the succeeding academic period, and during any period while the student is under suspension from the University. Finally, "student" shall also include any person subject to a period of suspension or removal from campus as a sanction which results from a finding of a violation of the University's policies governing student conduct. Students are responsible for compliance with University policies at all times.~~

~~(5) Disciplinary action may be taken against a student for violation of policy which occurs on University owned, leased or otherwise controlled property, while participating in international or distance learning programs, and off campus, when the conduct impairs, interferes with, or obstructs any University activity or its mission, processes, and functions.~~

(4) The Code of Student Rights and Responsibilities and the student conduct process apply to the conduct of all individual students, both undergraduate and graduate, including law students and as well as all University affiliated student organizations. For the purposes of student conduct, the University of Memphis considers an individual to be a student when an offer of admission has been extended and thereafter as long as the individual has a continuing educational interest in the University. An individual will also be considered a student if they are enrolled in any course offered by the University of Memphis [See Prohibited Conduct (1)].

(5) The University of Memphis retains conduct jurisdiction over students who choose to take a leave of absence or withdraw from any academic period prior to graduation from the University. If sanctioned, a disciplinary hold may be placed on the student's ability to re-enroll until such time as the student is in compliance with all sanctions outlined in the disciplinary resolution of the conduct in question. In the case of serious misconduct committed while enrolled but not discovered until after graduation, the University may revoke the involved student's degree(s).

(6) The Code of Student Rights and Responsibilities applies to behavior that takes place on the University of Memphis campus, at University sponsored events and may also apply off-campus in cases in which it is determined that said conduct affects a substantial University interest. A substantial University interest may include but is not limited to the following:

(a) Any behavior that presents a danger or threat to the health or safety of any member of the University community.

(b) Any behavior that significantly impinges upon the rights, property, or achievements of any member of the University community or which breaches the peace, and/or causes social disorder.

(c) Any behavior that is detrimental to the educational mission and/or interests of the University of Memphis.

(7) The Code of Student Rights and Responsibilities may also be applied to behavior conducted online, via email or other electronic medium.

~~(6) This policy, and related material incorporated herein by reference, is applicable to student organizations as well as individual students. Student organizations are subject to discipline for the conduct and actions of individual members of the organization while acting in their capacity as members of, or while attending or participating in any activity of, the organization.~~

(78) Confidentiality of Discipline Process. Subject to the exceptions provided pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g and/or the Tennessee Open Records Act, T.C.A. § 10-7-504(a)(4), a student's disciplinary files are considered "educational records" and are confidential within the meaning of those Acts.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.01, Institution Policy Statement. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

II. Disciplinary Offenses

Definitions: For the purpose of the student disciplinary rules, the following definitions apply:

- (1) "University" refers to The University of Memphis.
- (2) "Student" is defined in the previous section of this document (see number ~~3~~ 4 above).
- (3) "Faculty member, Instructor, or Professor" means any person employed by the University to conduct academic activities.
- (4) "Staff member" means any person employed by the University in a nonteaching or nonacademic capacity.
- (5) "University official" includes any person employed by the University performing assigned academic, administrative, professional, or staff responsibilities.
- (6) "Member of the University community" includes any person who is a student, member of the faculty or staff, University official, or any other person employed by the University.
- (7) "Code" or "the Code" refers to the University of Memphis Code of Student Rights and Responsibilities.
- (8) "University premises" includes all land, buildings, facilities, and other property in the possession of, or owned, used, or controlled by the University or by organizations chartered and registered with the University, including adjacent streets and sidewalks.

- (9) "Student organization," unless otherwise indicated, means any group that has complied with the formal requirements and been approved for University registration.
- (10) "University activity" means any activity sponsored by the University, any agency of the University, or any University organization which may be attended in part or whole by students, faculty members, staff members, or other members of the general public and conducted on or off University premises.
- (11) "Discipline Officer, Hearing Officer and/or Judicial Officer" means a University official authorized by the University to determine whether a student or organization has violated the Code of Student Rights and Responsibilities.
- (12) "Judicial Body or Judicial Board" refers to any group of faculty and/or students authorized by the University to determine whether a student or organization has violated the Code of Student Rights and Responsibilities.
- (13) "Hearing Body" refers to any University official or group authorized by the University to determine whether a student or organization has violated the Code of Student Rights and Responsibilities.
- (14) "Appeal Body" refers to any University official or group authorized by the University to hear appeals of decisions implemented by a hearing body.
- (16) "Appellant" refers to a student or organization who is appealing the decision of a hearing body.
- (15) "Shall," "should," and "will" are used in the imperative sense.
- (16) "May" is used in the permissive sense.
- (17) "Policy" is defined as the written regulations of the University as found in official University publications or other online documents but not limited to the Code of Student Rights and Responsibilities. [see <http://policies.memphis.edu/umpolicies.asp?>]
- (18) "Complainant" is defined as the University of Memphis or the person making a referral to the Office of Student Conduct relevant to a person or group alleged to be in violation of the Code of Student Rights and Responsibilities.
- (19) "Respondent" is defined as the student or group alleged to have violated the University Code of Student Rights and Responsibilities.
- (20) "Original Jurisdiction" refers to a hearing body's authority to hear the facts of a case and take disciplinary action if a violation of University policy is determined to exist.
- (21) "Summary Discipline" refers to the authority of a faculty member to take action when it is determined that a student has violated the University Academic Integrity Policy.

- (22) “TBR” refers to the Tennessee Board of Regents.

Disciplinary Authority

- (1) Dean of Students- The Dean of Students is the Chair of the Behavioral Intervention Team (BIT). The Dean of Students (or designee) also has the authority to invoke Interim Suspension in cases where a student or organization is determined to be a significant danger to the University community.
- (2) Director of the Office of Student Conduct - The Director of the Office of Student Conduct is the primary student conduct officer for the University. The Director administers the student and organizational disciplinary processes at the University and serves as the executive administrator for all hearing and appeal bodies.
- (3) University Committee on Student Conduct- The University Committee on Student Conduct (UCSC) serves as an appeal body for Hearing Officer decisions related to behavioral issues and under certain circumstances in academic integrity cases (when the Academic Integrity Committee has made an original jurisdiction decision in a matter referred by an instructor) ~~Academic Integrity Committee decisions in academic integrity matters~~. The UCSC also serves as an appeal body ~~for instructor decisions to permanently regarding the removal~~ permanent removal of a student from the classroom for inappropriate behavior.
- (4) Academic Integrity Committee- The Academic Integrity Committee adjudicates Academic Integrity cases that have been referred by faculty. The Academic Integrity Committee also serves as an appeal body for faculty summary discipline decisions regarding student violation(s) of the University Academic Misconduct Policy.
- (5) Student Government Court- Student Government Court administers the Student Government Constitution bylaws and acts as a sovereign body in response to appeals of student traffic tickets and election code violations. Members of the Student Government Court also serve as members of the University Committee on Student Conduct and the Academic Integrity Committee.
- (6) Behavioral Intervention Team (BIT) - The Behavioral Intervention Team addresses student behavioral concerns that are inconsistent with the University’s mission. Within this context, the BIT has the authority to mandate assessment with a mental health professional and to recommend interim suspension be imposed in cases where a student has been determined to be a risk to the safety of others or themselves.
- (7) Tennessee Uniform Administrative Procedure Act (TUAPA) - Disciplinary charges that may result in suspension or expulsion from the University may, at a student’s or organization’s request, be heard in conformance with the requirements of the

Tennessee Uniform Administrative Procedures Act. The TUAPA is an official state act defining certain procedures that are required when a student chooses to have their case heard through the Act's provisions. [see Section 2 of General Disciplinary Procedures (TUAPA)]

Prohibited Conduct

~~(1) Disciplinary measures shall be imposed, through appropriate due process procedures, for conduct which adversely affects the University's pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property or persons on property owned or controlled by the University.~~

(1) The University of Memphis considers behavior(s) described in the following articles as inappropriate for students and organizations at the University. Any student or organization found to have committed or to have attempted to commit the following misconduct is subject to the sanctions outlined in Section IV- Disciplinary Sanctions. Those subject to student discipline include:

(a) Those enrolled at the University of Memphis (taking classes), including those between academic terms.

(b) Those who are not currently enrolled (or taking classes) but do have an ongoing relationship with the University of Memphis.

(c) Those who have been admitted to the University of Memphis.

(d) Organizations affiliated with the University of Memphis.

(2) The University of Memphis has adopted the following non-exclusive list providing notice of offenses for which both individuals and organizations may be subject to disciplinary action:

(a) Conduct Dangerous to Self or Others. Any conduct, or attempted conduct, which constitutes a danger to any person's health, safety, or personal well-being, including, but not limited to, the following:

(1) Physical abuse, including, but not limited to actions causing bodily harm to another person, or reckless disregard for the health, safety and welfare of any person. Also, engaging in threatening/intimidating behavior which is so persistent, pervasive, or severe as to deny a person's ability to participate in the University community,

- (2) Verbal threats and/or attempts to intimidate, including, but not limited to statements meant to provoke conflict with another person or which cause a reasonable fear for a person's safety.

(b) Hazing. Hazing, as defined in T.C.A. § 49-7-123(a)(1), means any intentional or reckless act, on or off the property, of any higher education institution by an individual acting alone, or with others, which is directed against any other person(s) that endangers the mental or physical health or safety of that person(s), or which induces or coerces a person(s) to endanger such person(s) mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization. Hazing also includes the following: any action taken or situation created for the purpose of initiation into, admission into, affiliation with (or continued membership in), any group or organization which is intended to produce physical discomfort, injury, mental discomfort, embarrassment, or ridicule. Such actions or situations include but are not limited to the following: use of alcohol, paddling in any form, branding, creation of excessive fatigue; wearing of apparel which is conspicuous or not in good taste; engaging in public stunts; participation in degrading or humiliating games and activities. All acts (active and passive) of hazing as well as allowing oneself to be hazed are prohibited.

(c) Disorderly Conduct. Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs institutional functions, operations, classrooms, other groups or individuals (e.g. public urination/defecation, participation in a disruptive or coercive demonstration);

(d) Obstruction of or Interference with institutional activities or facilities. Any intentional interference with or obstruction of any institutional program, event, or facility including the following:

- (1) Any unauthorized occupancy of facilities owned or controlled by an institution or blockage of access to or from such facilities,
- (2) Interference with the right of any institution member or other authorized person to gain access to any activity, program, event or facilities sponsored or controlled by an institution,
- (3) Any obstruction or delay of a campus security officer, public safety officer, police officer, firefighter, EMT, or any official of an institution, or failure to comply with any emergency directive issued by such person in the performance of his or her duty,

- (4) The use of force or violence (actual or threatened) to deny, impede, obstruct, impair, or interfere with the freedom of movement of any person, the performance of duties of any University employee, or the occupation of University property after being given due notice to depart,
- (5) Participation in a disruptive or coercive demonstration. A demonstration is considered disruptive or coercive if it substantially impedes University operations, interferes with the rights of others, or takes place on premises or at times where students are not authorized to be,
- (6) Obstruction of the free flow of pedestrian or vehicular traffic on University property or at University sponsored/supervised functions.

(e) Misuse of or Damage to University, or Private Property. Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to another including, but not limited to, any personal property, fire alarms, fire equipment, elevators, telephones, institution keys, library materials and/or safety devices;

(f) Theft, Misappropriation, or Unauthorized Sale of Property. Any act of theft, misappropriation, or unauthorized possession of University or personal property;

(g) Misuse of Documents. Any forgery, alteration of or unauthorized use of institutional documents, forms, records, including the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment or status in the University. This includes, but is not limited to failure to disclose complete official transcripts of all domestic and/or international coursework for the purpose of admission into the University or for consideration of transfer articulation.

(h) Firearms, Ammunition and Other Dangerous Weapons. Any possession of or use of firearms, ammunition, dangerous weapons of any kind, or replica/toy guns (e.g., BB guns, pellet guns, paintball guns, water guns, cap guns, toy knives or other items that simulate firearms or dangerous weapons);

(i) Explosives, Fireworks, and Flammable Materials. The unauthorized possession, ignition or detonation of any object or article which would cause damage by fire or other means to persons, or possession of any substance which could be considered to be fireworks or an explosive device;

(j) Alcoholic Beverages. The use and/or possession of alcoholic beverages on institution owned or controlled property. This offense includes the violation of any University policy, local ordinance, state, or federal law concerning alcoholic beverages, on or off University owned or controlled property, where an affiliated group or organization has alcoholic beverages present and available for consumption. This rule includes any violation of the following:

- (1) Possession or consumption of alcoholic beverages by students under the age of 21,
- (2) The intentional or unintentional furnishing or sale of alcohol to any person under the age of 21,
- (3) Consumption of alcohol ~~ic beverages~~ associated with disruptive behavior,
- (4) Possession or use of false forms of identification to enter a liquor establishment or to procure alcoholic beverages,
- (5) Use of alcohol resulting in incapacitation that requires hospitalization or the recommendation of medical personnel that hospitalization occur,
- (6) Driving under the influence of alcohol.

(k) Drugs and other Controlled Substances. The unlawful possession, use, or sale of any drug or controlled substance (including, but not limited to, any stimulant, depressant, narcotic, hallucinogenic drug, or marijuana), This offense includes the violation of any local ordinance, state, or federal law concerning drugs or controlled substances, on or off University owned or controlled property. This rule includes the following:

- (1) The unlawful possession or consumption of drugs or controlled substances,
- (2) The intentional or unintentional unlawful furnishing or sale of drugs or controlled substances to any person,
- (3) Consumption of drugs or controlled substances associated with disruptive behavior,
- (4) Obtaining prescription drugs under false pretenses,
- (5) Knowing misuse, possession or sale of prescription drugs,

(6) Improper use of drugs or controlled substances resulting in incapacitation that requires hospitalization or the recommendation of medical personnel that hospitalization occur,

(7) Driving under the influence of drugs,

(l) Drug Paraphernalia. The use or possession of equipment, products or materials that are used or intended for use in the unlawful manufacturing, growing, using or distributing any drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession of drug paraphernalia, on or off University owned or controlled property;

(m) Public Intoxication. Appearing on University owned or controlled property or at a University sponsored event while under the influence of a controlled substance or of any other intoxicating substance;

(n) Gambling. Unlawful gambling in any form;

(o) Financial Irresponsibility. Failure to meet financial responsibilities to the University including, but not limited to, knowingly passing a worthless check or money order in payment to the University;

(p) Unacceptable Conduct in Disciplinary Proceedings. Any conduct at any stage of a disciplinary proceeding or investigation that is contemptuous, disrespectful, threatening, or disorderly, including:

(1) Failure to obey the directives of a disciplinary body or University official(s) in the performance of their duties,

(2) Knowing falsification, distortion or misrepresentation of information before a disciplinary body,

(3) Deliberate disruption or interference with the orderly conduct of a disciplinary proceeding,

(4) Making false statements to any University disciplinary body,

(5) Attempting to influence the impartiality of a member of a disciplinary body prior to, or during the course of, a disciplinary proceeding,

(6) Harassment or intimidation of any participant in the University disciplinary process;

(q) Failure to Cooperate with a University ~~Off~~official or ~~Pp~~police. Failure to comply with directions of University officials or police acting in the performance of their duties, including failure to comply with the reasonable directions of a member or agent of the University acting in the performance of his or her duty. Giving any false information to, or withholding necessary information from, any institutional official acting in the performance of his/her duties in connection with a student's admission, enrollment, or status in the institution;

(r) Repeated Traffic and Parking Violations. Any student who receives \$100.00 or more in traffic and/or parking violations on University controlled property during any semester;

(s) Violation of General Rules and Regulations. Any violation of the general rules and regulations of the University of Memphis as published in official institutional publications, including the intentional failure to perform any required action or the intentional performance of any prohibited action;

(t) Attempting to violate the rules governing student conducts, or Aiding/~~and~~ Abetting. Any attempt to commit any of the offenses listed under this section or the aiding ~~or~~/~~abetting~~ of the commission of any of the offenses listed under this section (an attempt to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission). Being present during the planning or commission of any offense listed under this section will be considered as aiding and abetting. Students who anticipate or observe an offense must remove themselves from the situation and are required to report the offense to the University;

(u) Violations of State or Federal Laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference;

(v) Violation of Imposed Disciplinary Sanctions. Intentional or unintentional violation of a disciplinary sanction officially imposed by a University hearing body;

(w) Sexual Misconduct. The University of Memphis defines sexual misconduct as any sexual activity that does not involve the knowing consent of each individual. The University defines consent as informed, freely and actively given, mutually understandable words or actions which indicate a willingness to participate in mutually agreed upon sexual activity. Consent is not effective if it results from force, threats, intimidation or coercion. In addition, to engage in sexual activity with someone known to be unable to give consent is a violation of this policy (e.g. an intoxicated person, a person who is incapacitated, or a

person with a mental or emotional impairment). Prohibited behavior under this policy includes but is not limited to:

- (1) Any form of sexual penetration without consent,
- (2) Any intentional touching or fondling, direct or through clothing, of the sex organs, buttocks, or breasts for the purpose of sexual gratification,
- (3) Indecent exposure with sexual intent,
- (4) Sexual harassment (see UM 1391 in University Policies and Procedures- TBR policy P-080 available at:
<http://policies.memphis.edu/umpolicies.asp?>
<https://policies.tbr.edu/guidelines/discrimination-harassment-complaint-investigation-procedure>)
- (5) The use of e-mail, text message, phone, or other forms of communication to send unwelcomed sexually explicit materials.
- (6) Recording (audio or video), photographing, or in any way transmitting sexual images or acts without the consent of all involved subjects.
- (7) Engaging in voyeurism of sexual activities without the consent of all involved parties.

(x) Harassment, Stalking or Retaliation. Any act by an individual or group against another person or group in violation of TBR policies (5:01:02:00, 2:02:10:01 and TBR Guideline P-080), University of Memphis policies, as well as federal and/or state laws prohibiting discrimination. Specifically, harassment is considered to be conduct based on a person's race, color, religion, creed, ethnic or national origin, sex, sexual orientation, gender, disability, age, status as a veteran, or genetic information which (a) adversely affects a term or condition of employment, education, participation in educational activities or living environment, (b) unreasonably interferes with employment or academic performance or creates a hostile or abusive environment, or (c) is used as a basis or factor in a decision that tangibly affects employment, education, participation in educational activities or living environment.

(y) Academic Misconduct. Plagiarism, cheating, fabrication. For purposes of this section the following definitions apply:

- (1) Plagiarism. The adoption or reproduction of ideas, words, statements, images, or works of another person as one's own

without proper attribution, or the reuse of one's own academic work previously submitted for academic credit at any academic institution (including the University of Memphis),

(2) Cheating. Using or attempting to use unauthorized materials, information, or aids in any academic exercise or test/examination. The term academic exercise includes all forms of work submitted for credit or hours,

(3) Fabrication. Unauthorized falsification or invention of any information or citation in an academic exercise-

(4) Any attempt to interfere or tamper with the academic work of another student,

(5) Unauthorized sale and/or distribution of course notes or other course materials. Any sale, delivery or distribution of course materials without the consent of the author and/or the course instructor.

(z) Unauthorized Duplication or Possession of Keys. Making, causing to be made or the possession of any key for a University facility without proper authorization;

(aa) Litter. Dispersing litter in any form onto the grounds or facilities of the campus;

(bb) Identification Cards. The alteration or misuse of a University of Memphis student identification card is prohibited. Misuse of a student ID card includes:

- (1) Failure to provide University ID to any staff member upon request,
- (2) Allowing others to use your University ID,
- (3) Representing an invalid University ID as valid to a University official or for the purpose of entry into a University function.

(cc) Abuse of Computer Resources and Facilities. Misusing and/or abusing campus computer resources including, but not limited to the following:

- (1) Use of another person's identification to gain access to University computer resources;
- (2) Use of University computer resources and facilities to violate copyright laws, including, but not limited to, the act of

unauthorized distribution of copyrighted materials using institutional information technology systems;

- (3) Unauthorized access to a computer or network file, including but not limited to, altering, using, reading, copying, or deleting the file;
- (4) Unauthorized transfer of a computer or network file;
- (5) Use of computing resources and facilities to send abusive or obscene correspondence;
- (6) Use of computing resources and facilities in a manner that interferes with normal operation of the institutional computing system;
- (7) Use of computing resources and facilities to interfere with the work of another student, faculty member, or institutional official;
- (8) Violation of any published information technology resources policy (see Acceptable Use Policy available at: <http://policies.memphis.edu/umpolicies.asp?>);
- (9) Unauthorized peer-to-peer file sharing;
- (10) Accessing child pornography.

(dd) Unauthorized Access to University of Memphis Facilities and/or Grounds. Any unauthorized access or occupancy of institutional facilities and/or grounds is prohibited, including, but not limited to, gaining access to facilities and/or grounds that are closed to the public, being present in areas of campus that are open to limited guests only, being present in academic buildings after hours without permission, and being present in buildings with no legitimate reason;

(ee) Unauthorized Surveillance. Making or causing to be made unauthorized video/audio recordings or photographic images of a person in a location in which that person has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, and restrooms, as well as any storing, sharing, and/or distributing of such unauthorized recordings/images by any means;

(ff) Smoking Violations. Violation of any University or TBR smoking or other tobacco use rules or policies. [\[see University of Memphis policy on limited tobacco use available here: http://policies.memphis.edu/UM1738.htm\]](http://policies.memphis.edu/UM1738.htm)

(gg) Unauthorized use, abuse, or interference with fire safety equipment, building security systems, security or fire personnel or any other warning devices, including but not limited to:

- (1) Alteration, or misuse of fire hoses, fire hydrants, fire extinguishers, fire alarms or any other fire safety equipment (or apparatus pertaining to such equipment),
- (2) Violation of any University policy as well as any federal, state or local law concerning fire protection equipment or firefighting personnel,
- (3) Tampering with locks, other door hardware, cameras or other equipment used to provide security on campus,
- (4) Failure to exit any University building during a fire drill or fire alarm,
- (5) Failure to comply with the directives of fire safety personnel acting in the performance of their duties.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.02, Disciplinary Offenses. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

III. Academic and Classroom Misconduct

Disruptive Behavior in the Classroom

(1) May be defined as, but not limited to, behavior that obstructs or disrupts the learning environment (e.g., ~~repeated~~ outbursts ~~from a student~~ which disrupt the flow of instruction or prevent concentration on the subject taught, failure to cooperate in maintaining classroom decorum, ~~etc.~~), text messaging, and the continued use of any electronic or other noise or light emitting device which disturbs others (~~e.g., disturbing noises from electronic devices~~).

(2) At the University of Memphis, the instructor has responsibility for maintaining control over classroom behavior and can order the temporary removal or exclusion from the classroom of any student engaged in disruptive conduct or conduct that violates the general rules and regulations of the institution for each class session during which the conduct occurs. Extended or permanent exclusion from the classroom, beyond the session in which the conduct occurred,

or further disciplinary action can be affected only through appropriate procedures of the institution. The instructor may also report incidents of classroom misconduct to the Office of Student Conduct and/or the Department Chair.

- (a) In instances where the instructor wishes that a student be permanently removed from the classroom, the matter will be referred to the Director of the Office of Student Conduct who will investigate the matter to determine the appropriateness of such action.
- (b) If a student wishes to appeal being permanently removed from a class, they may do so by submitting a written letter of appeal to the University Committee on Student Conduct. An appeal hearing shall be conducted within ten (10) days of receipt of the appeal request.

(3) The University may choose to initiate formal disciplinary action outside of and in addition to the action taken by the instructor related to incidents of classroom misconduct.

Academic Integrity

- (1) Plagiarism, cheating, and other forms of academic dishonesty are prohibited. Students guilty of academic misconduct, either directly or indirectly, through participation or assistance, are immediately responsible to the instructor of the class in addition to other possible disciplinary sanctions which may be imposed through the regular institutional disciplinary procedures.
- (2) An instructor who believes a student has committed an act of academic misconduct shall notify the student in writing of the basis for the belief and allow the student five (5) business days to respond to the allegation. The student shall respond to the allegation by scheduling a meeting with the instructor to discuss the matter. After meeting with the student to review the alleged misconduct, the instructor has two options: (a) they may make a decision regarding appropriate action, or (b) they may refer the matter to the Academic Integrity Committee.
 - (a) Summary Discipline- If, after the student has had the opportunity to respond to the alleged violation, the instructor finds sufficient evidence exists to conclude that a violation did occur, the instructor may make a decision regarding the appropriate penalty. The instructor may issue a failing or diminished grade for the course or issue a failing or diminished grade on the assignment or examination in question. The instructor will communicate their decision to the Chair of the Department within five (5) business days of their meeting with the student. After receiving notice of the action taken, the Chair will then notify the student of the instructor's decision within five (5) business days.

- (b) Academic Integrity Committee- Rather than making a decision, the instructor may instead choose to defer disciplinary action to the Academic Integrity Committee. At this meeting, both the student and the instructor will be invited to present to provide information to support their case. The Academic Integrity Committee may issue a failing or diminished grade for the course or issue a failing or diminished grade on the assignment or examination in question.
- (3) At the conclusion of the disciplinary process, all decisions regarding acts of academic misconduct will be communicated to the Office of Student Conduct.
 - (a) Once a student has been accused of an act of academic misconduct, the student may not drop or withdraw from the class until such time as the matter has been resolved. A student found responsible for academic misconduct is not permitted to withdraw from the course to avoid summary discipline.
 - (b) In cases where more than one student is suspected of academic misconduct, each student's case will be adjudicated separately.
- (4) Students found responsible for multiple acts of academic misconduct may be subject to further disciplinary action including suspension from the University. In the event the sanction may be suspension from the University (determined by the Associate Dean of Students for Student Conduct), the student will have the choice to ~~appeal the decision~~ select adjudication pursuant to the Tennessee Uniform Administrative Procedures Act (TUAPA).

Appeals of Academic Integrity Violations

- (1) A student found responsible by their instructor for act(s) of academic misconduct may seek a review by the Chair of the Department. A request for such a review must be submitted (in writing) within five (5) business days of receipt of notice of the instructor's decision. During this review, the student and instructor will present information to support their case. After reviewing the material presented by the instructor and the student, the Chair may:
 - (a) Uphold the action taken by the instructor, or
 - (b) Modify the action taken by the instructor.

- (2) Following this review, the student may request an appeal of the decision of the Department Chair by submitting a letter of appeal (in writing) to the Academic Integrity Committee within five (5) business days of the Department Chair's review meeting. The Office of Student Conduct will then schedule an appeal hearing before the Academic Integrity Committee. The appeal hearing will be conducted pursuant to ~~paragraph (11)~~the process set forth in Disciplinary Procedures (Appeals) contained below.
- (3) In cases where the faculty member has deferred disciplinary action to the Academic Integrity Committee, a student may appeal the original jurisdiction decision of the Academic Integrity Committee by submitting a letter of appeal (in writing) to the University Committee on Student Conduct within five (5) business days of being notified of the Academic Integrity Committee's decision. The Office of Student Conduct will then schedule an appeal hearing before the University Committee on Student Conduct. The appeal hearing will be conducted pursuant to paragraph (11) set forth in Disciplinary Procedures contained below.
- (4) A student may appeal a grade assignment for course work not associated with a finding of academic misconduct (as distinct from a student disciplinary sanction) through the appropriate University grade appeal procedures. [see http://www.memphis.edu/ugcatalog/acad_reg/ug_grade_appeal.php or <http://www.memphis.edu/gradcatalog/gradeappeals.php>]

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.03 Academic and Classroom Misconduct. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

IV. Disciplinary Sanctions

- (1) The following disciplinary sanctions are applicable to both individual students as well as student organizations. Upon determination that a student or organization has violated any of the policies set forth in this document and/or the general policies of the University, disciplinary sanctions may be imposed by the appropriate hearing body.
- (2) Definition of Sanctions:

- (a) ~~Warning/Reprimand. The appropriate hearing body may notify a~~ A warning constitutes official written notice that a student or organization has violated University rules governing conduct and that ~~student or student organization~~

~~that continuation or~~ repetition of ~~specified inappropriate~~ conduct ~~may would~~ be cause for ~~further more serious~~ disciplinary action. A warning/~~reprimand~~ will remain in the student's active disciplinary file for a period of one year from the issuance of the sanction (unless applicable State/Federal law dictates otherwise) and would be used as a basis for future sanctioning should further violation(s) of Code of Student Rights and Responsibilities occur in that period;

- (b) Censure. A censure may be given to any student or ~~student~~ organization whose conduct violates ~~any part of these regulations- University rules~~ and provides notice that any further violation(s) will result in more serious ~~penalties~~ disciplinary action. A censure will remain in the student's active disciplinary file until graduation from the issuance of the sanction and would be used as a basis for future sanctioning should further violation(s) of Code of Student Rights and Responsibilities occur in that period;
- (c) Probation. Any student or organization placed on probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon extracurricular activities, or any other appropriate special condition(s). Continued enrollment of a student or recognition of a student organization on probation may be conditioned upon adherence to these policies. Any conduct in further violation of these policies while on probationary status or the failure to comply with the terms of the probationary period may result in the imposition of further disciplinary action;
- (d) Suspension. Suspension involves the separation of a student or student organization from the University for a specified period of time. Suspension may be accompanied by special conditions for readmission or recognition. All students suspended from the University of Memphis will be issued a No Trespass Directive barring them from University owned or controlled property and all University sanctioned events or functions. A student suspended from the University of Memphis must submit a written request to the Director of the Office of Student Conduct (or designee) 3 business days in advance to request permission to be present on University property. This request must specifically identify the nature of the official University business which the suspended student wishes to conduct as well as the location(s) that the student wishes to visit. A student suspended from the University must petition for permission to re-enroll;
- (e) Interim Suspension. As a general rule, the status of a student or student organization accused of violation of these policies should not be affected until a final determination has been made in regard to the charges. However, interim suspension, pending the completion of disciplinary procedures, may be imposed upon a finding by the Dean of Students (or designee) that the continued

presence of the accused on campus would constitute an immediate threat to the physical safety and well-being of the accused, any other member of the University, its guests, property, or would create a substantial disruption of classroom or other University activities. The authority for interim suspension exists independently of the jurisdiction of the Office for Office of Student Conduct and/or all University hearing bodies. The Dean of Students (or designee) also has the authority to revoke interim suspension if information becomes available which indicates such action is no longer necessary to ensure the safety of the campus community. All students/organizations placed on interim suspension status will be barred from University owned or controlled property and all University sanctioned events or functions. ~~A student or organization interim suspended from the University of Memphis must submit a written request to the Dean of Students (or designee) 3 business days in advance to request permission to be present on University property. This request must specifically identify the nature of the official university business which the suspended student wishes to conduct as well as the location(s) that the student wishes to visit~~ A student or organization placed on interim suspension status must obtain advance permission to be present on University property. Such permission may be granted by the Dean of Students (or designee). In such instances, permission will be granted only in cases where a legitimate cause for presence on campus has been identified. In instances where approval is granted, the suspended student will arrive to campus at the University Police Services office located on Zach Curlin Boulevard to be escorted to their destination [for further information, see Disciplinary Procedures, Interim Suspension in section V of this document];

- (f) Revocation of Admission, Degree, or Credential;
- (g) Service to the University or Community. A student, or student organization, may be required to donate a specified number of service hours to the University performing reasonable tasks for an appropriate institution office, official(s), or the local community. The service required shall be commensurate to the offense;
- (h) Restriction. A restriction upon a student's or student organization's privileges for a period of time may be imposed. This restriction may include, for example, denial of the ability to represent the institution at any event, ability to participate in University of Memphis sponsored travel, use of facilities, parking privileges, participation in extracurricular activities or restriction of organizational privileges;
- (i) Specified Educational/Counseling Program. A student or student organization may be required to participate in specified assessment, educational or

counseling program(s) relevant to the offense, or to prepare a project or report concerning a relevant topic;

- (j) Apology. A student or student organization may be required to apologize to an affected party, either verbally or in writing, for the behavior related to a disciplinary offense;
 - (k) Fines. Penalties in the form of fines may be imposed against a student or student organization whenever the appropriate institutional authority deems appropriate. The sanction of fines may be imposed in addition to other forms of disciplinary sanctions. Failure to pay fines may result in further disciplinary action;
 - (l) Housing Probation. Continued residence in campus or student housing may be conditioned upon adherence to these regulations as well as institutional housing regulations. Any resident placed on housing probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon the activities of the resident, including any other appropriate special condition(s);
 - (m) Housing Suspension and Forfeiture. A resident suspended from housing may not reside, visit, or make any use whatsoever of a housing facility or participate in any housing activity during the period for which the sanction is in effect. A suspended resident shall be required to forfeit housing fees (including any unused portion thereof and the Housing Deposit). A suspended resident must vacate the housing unit. Housing suspension shall remain a part of the student resident's disciplinary record;
 - (n) Restitution. Restitution may be required in situations which involve destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or student organization is obligated by the appropriate judicial authority to compensate a party or parties for a loss suffered as a result of disciplinary violation(s). Any such payment in restitution shall be limited to actual cost of repair, replacement or financial loss;
 - (o) Other educational conditions and/or sanction(s) deemed appropriate by the disciplinary hearing body charged with the adjudication of an alleged disciplinary violation.
- (3) The President of the University is authorized, at his or her discretion, to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or, subsequently, to convert any sanction imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases.

- (4) Parental Notification. The University of Memphis recognizes that students, parents, and the University are in a partnership in which each has the responsibility to promote a safe and healthy educational environment. The University discipline process exists in an effort to provide such an environment and to protect the campus community. Pursuant to Tennessee Code Annotated §49-7-146, the University of Memphis 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 any rule or policy of the University of Memphis, except as prohibited by the Federal Education Rights and Privacy Act (FERPA). The trigger for notification will be 1) an admission of responsibility to the applicable code of conduct violation, or 2) a final finding of responsibility pursuant to the disciplinary procedures.

V. Disciplinary Procedures

- (1) A student or organization ~~accused of violation of~~ ~~alleged to have violated~~ the University of Memphis Code of Student Rights and Responsibilities will be given notice of the alleged violation(s) in the form of a charge letter. The charge letter will be communicated to the student in writing and will identify the alleged violation(s) and direct the respondent how to proceed to the next step of the University disciplinary process. In cases involving interim suspension, the Dean of Student’s notice to the student informing them of the interim suspension will serve as official notice of alleged violation(s) of the Code of Student Rights and Responsibilities.
- (2) All matters involving allegations of impermissible sexual discrimination or harassment (including but not limited to sexual violence), or retaliation will be governed by the procedures outlined in TBR Guideline P-080 [Discrimination and Harassment- Compliant and Investigation Procedure] and/or University policy that reflects the requirements of that Guideline. [These procedures are located at: <http://www.tbr.edu/policies/>]
- (3) The charge letter will generally direct the respondent to contact the Office of Student Conduct to arrange an appointment to meet with a University Hearing Officer.
- (a) Charge letters will be delivered to respondents via their University e-mail account. The University considers e-mail a valid form of communication. As such, it is every student’s responsibility to check their University e-mail account on a regular basis. A charge letter will inform the respondent of the following:
- 1. The right to present their case to the appropriate disciplinary authority.
 - 2. The right to be accompanied by an advisor.

3. The right to identify witnesses who can speak on the respondents behalf.

4. The right to address any information being used by the University to come to a decision in the respondents case.

- (b) If a respondent fails to make an appointment with the Hearing Officer in a timely manner, a disciplinary hold will be placed on the student's University accounts. In such instances, the University may also move forward with appropriate adjudication of the alleged misconduct [see Effect of Non-Cooperation]
- (4) During this meeting, the charged student/organization will have the opportunity to contest the alleged violation(s) of the Student Code of Rights and Responsibilities and to present information on their behalf, ~~including witness statements pertaining to the matter in question.~~
- (5) The charged student/organization has the right to be accompanied by an advisor of their choice, including legal counsel, but that advisor may not speak on behalf of the student.
- (6) All disciplinary meetings are conducted in private in order to protect the confidential nature of the proceedings.
- (7) ~~After meeting with the respondent, t~~The Hearing Officer may identify potential witnesses or victims necessary to conduct a thorough investigation of the alleged violation(s). ~~After gathering all pertinent information, the Hearing Officer will determine whether sufficient information exists to continue with the University disciplinary process. The standard used in determining responsibility for alleged violation(s) of the Code of Student Rights and Responsibilities shall be a preponderance of the evidence.~~
- (8) In the event that the Hearing Officer determines that sufficient information exists for the disciplinary process to continue, the ~~Hearing Officer~~ Director of the Office of Student Conduct (or designee) will determine: (a) if the alleged misconduct would warrant consideration of suspension from the University for disciplinary reasons (or revocation of registration of a student organization during the term of registration) or (b) the alleged misconduct would not warrant consideration of suspension of the student or organization from the University.
- (9) In cases where the alleged misconduct would warrant consideration of suspension:
 - (a) A student or organization in such a case who desires to contest the charge(s) of misconduct is entitled to a hearing in accordance with the uniform contested case procedures adopted by the Tennessee Board of Regents in compliance with the Tennessee Uniform Administrative

Procedures Act (TUAPA).

[see <http://tbr.edu/policies/default.aspx?id=4886>]

- (b) A student or organization may elect to waive a hearing pursuant to the Tennessee Uniform Administrative Procedures Act (TUAPA) and have the charge(s) addressed by an appropriate University Hearing ~~Body~~ in Officer in accordance with the University disciplinary procedures.

~~(c) A student or organization may accept a sanction imposed by the University and waive all rights to appeal.~~

- (10) In all cases involving a hearing under the TUAPA contested case provisions, the President or his/her designee shall determine, based upon the nature of the case, whether the hearing shall be before a Hearing Officer alone or a Hearing Committee presided over by a Hearing Officer. The case will proceed pursuant to the provisions of the TUAPA and TBR Policy 1:06:00:05 Uniform Procedures for Cases Subject to the Tennessee Uniform Administrative Procedures Act.

[see <http://tbr.edu/policies/default.aspx?id=4886>]

- (11) If a student or organization subject to a sanction of suspension waives the option of a TUAPA hearing and elects a to have the matter resolved by a hearing before the appropriate University Hearing ~~Officer~~ Body, the ~~following institutional hearing procedures shall be observed; disciplinary procedures will be the same as those identified below related to non-dismissal offenses (see article 12 below).~~

~~(a) The student/organization shall be advised of the time and place of any formal hearing (in the event one takes place) at least five (5) business days in advance.~~

~~(b) The student/organization shall be advised of the alleged violation(s) of the University of Memphis Code of Student Rights and Responsibilities.~~

~~(c) The student/organization shall be advised of the following rights:~~

~~(1) The right to present their case;~~

~~(2) The right to be accompanied by an advisor whose participation shall be limited to advising the respondent. The student/organization may also be accompanied by legal counsel; however, counsel's participation shall be limited to directly advising the student/organization, i.e., legal counsel may not conduct direct or cross-examination, make opening or closing statements, or engage in argument. The student/organization may be accompanied by more than one advisor at the discretion of the Hearing Body. The intent of the~~

~~student/organization to be accompanied by an advisor or counsel shall be indicated to the Office of Student Conduct in writing prior to the disciplinary proceeding;~~

~~(3) The right to call witnesses on their behalf. It is the student's/organization's responsibility to contact witnesses and inform them of the hearing unless the witness is also a University witness. University witnesses are contacted by the Office of Student Conduct;~~

~~(4) The right to be present for all witness testimony and to question witnesses;~~

~~(5) The student/organization shall be advised in writing of the Hearing Body's decision and of the method of appeal (if applicable).~~

~~(12) A student or organization subject to suspension may choose to have the Director of the Office of Student Conduct (or designee) adjudicate the case. The following conditions must be met, however:~~

~~(a) The student waives his or her right to have the case heard pursuant to the TUAPA.~~

~~(b) The Director of the Office of Student Conduct (or designee) consents to adjudicate the case.~~

~~(c) The student is willing to accept the University's adjudication through the processes outlined in the University Code of Student Rights and Responsibilities.~~

(12) Students or organizations subject to imposition of disciplinary sanctions other than suspension (or those subject to suspension who waive their right to the TUAPA process) will be accorded a disciplinary hearing with a University Hearing Officer. The following procedural protections will be afforded the student/organization during a disciplinary hearing:

(a) The student/organization shall be advised of the breach of regulations of which he or she is charged.

(b) The student/organization shall be given an opportunity to identify relevant witnesses and present evidence on his or her behalf.

(c) The student/organization may be accompanied by an advisor of his/her choice.

- (d) The student/organization will be advised in writing via University e-mail (and USPS mail if requested by the student) of all sanctions imposed as a result of the disciplinary hearing.
- (134) All hearings shall be closed ~~unless the respondent and the complainant both elect in writing to have an open hearing.~~
- (145) Formal rules of evidence shall not be applicable. The Hearing Officer Body may exclude evidence which in their its judgment is immaterial, irrelevant, or unduly repetitious. The standard used for determining responsibility for alleged violation(s) of the University of Memphis Code of Student Rights and Responsibilities shall be a preponderance of the evidence.
- (156) If, at the conclusion of the ~~eis -process disciplinary hearing~~, the Hearing Officer Body concludes that insufficient information exists to continue the University discipline process, a decision letter will be issued by the Hearing Officer. That decision letter will indicate:
 - (a) Dropped Charges- a Hearing Officer Body may drop charges in instances where insufficient evidence exists to determine whether a violation occurred. In such instances, the University reserves the right to re-open an investigation if further information regarding the alleged violation(s) becomes available.
 - (b) Not in Violation- a Hearing Officer-Body may find a respondent not in violation in instances where it believes that no violation of the Code of Student Rights and Responsibilities exists.
- (16) If, at the conclusion of this process, the Hearing Officer concludes that sufficient information exists to find the respondent responsible for the alleged violation(s), the Hearing Officer will notify the respondent of this decision and any disciplinary action associated with this action [see Section IV- Disciplinary Sanctions].

Interim Suspension

- (1) The Dean of Students (or designee) has the authority to temporarily remove a student or organization from the University if that student/organization meets the requirements set forth in Disciplinary Sanctions (Article 2.e.) as described earlier in this document.
 - (a) The Dean (or designee) will inform any student/organization in writing of an interim suspension. This notice will serve the same role as a charge letter.
 - (b) If the student/organization elects to contest the interim suspension, the Office for Office of Student Conduct will then be responsible for

scheduling a hearing before the appropriate Hearing Body within (10) business days of receipt of such a request. This hearing will follow regular University procedures. ~~However,~~

(c) ~~if~~ if the individual or organization selects a hearing pursuant to the Tennessee Uniform Administrative Procedures Act (TUAPA), the Interim Suspension will remain in effect until the conclusion of the TUAPA process.

- (2) During the interim suspension period, the student/organization will be barred from University owned or controlled property and all University sanctioned events or functions without the consent of the Dean of Students (or designee).

Appeals

- (1) A student/organization found responsible for ~~in~~ violation(s) of the Code of Student Rights and Responsibilities shall have the right to appeal the decision of a Hearing ~~Officer Body~~. A student may appeal a disciplinary sanction on the following grounds:
 - (a) New information, not available at the time of the original hearing, has become available which would substantially alter the outcome of the hearing.
 - (b) The University failed to conduct the disciplinary process fairly, or violated its procedures in such a way as to disadvantage the respondent.
 - (c) The decision of the ~~the~~ Hearing ~~Officer body~~ is unduly harsh in relation to the violation(s) of the University Code of Student Rights and Responsibilities.
- (2) All appeals of Hearing Officer decisions will be heard by the University Committee on Student Conduct.
- (3) Appeal hearings are not new disciplinary hearings; they are a review of the existing case materials. The Respondent will be asked to prepare a written statement which will be considered by the ~~Appeal Body committee~~ at the time of the appeal hearing. ~~A representative of the original Hearing Body~~ The Hearing Officer will also prepare a statement for consideration by the Appeal Body. Appeal hearings are conducted in private and are not open to the respondent.
- (4) The ~~a~~Appeal ~~b~~Body may take the following action upon consideration of the merit of the appeal:

- (a) Affirm the original decision;
 - (b) Reverse (overrule) the original decision;
 - (c) Amend the sanction prescribed in the original decision. The Appeal Body may lessen or strengthen the severity of the sanction;
 - (d) Remand the matter to the original Hearing Body for reconsideration.
- (5) The standard of proof required to overturn a finding of violation of the University of Memphis Code of Student Rights and Responsibilities previously made by a Hearing ~~Body~~ Officer shall be the preponderance of the evidence and the appellant charged student/organization bears the burden of proof.

University Committee on Student Conduct (UCSC)- Procedures

- (1) Upon receipt of an appeal request, the Office for Office of Student Conduct will convene a meeting of the UCSC. The Director of the Office of Student Conduct (or designee) will direct the Hearing Officer to prepare an investigative summary consisting of all the information used by the original Hearing Body in adjudicating the case. The ~~respondent must~~ appellant must submit any materials they wish to be reviewed by the ~~Committee~~ UCSC three (3) business days prior to the appeal hearing. Any information submitted subsequently will be considered at the discretion of the Chair of the UCSC. All UCSC appeal hearings are conducted in private in order to protect the confidential nature of the proceedings.

Petitions for Readmission

- (1) A student/organization who has been suspended from the University of Memphis is not an active member of the University community. Thus, students/organizations that have been separated from the University for disciplinary reasons must petition to re-enter the University. In such instances, the petitioner must demonstrate that they have served the prescribed period of suspension and completed all listed conditions of their sanction. In order for a petition to be considered:
- (2) The petitioner must present a valid petition letter to the Office of Student Conduct a minimum of thirty (30) days prior to the first day of classes of the semester for which the petitioner wishes to enroll.

- (3) The petitioner must provide documentary evidence that all conditions associated with their suspension have been satisfactorily completed in the time period outlined in the sanction letter.
- (4) The petitioner should include a letter describing the reason for the suspension, the behavioral changes they have made during the period of separation, and the educational career goals the petitioner wishes to pursue upon returning to the University.
- (5) After consideration of the petitioners request to re-enter the University, the Director of the Office of Student Conduct (or designee) may:
 - (a) Grant the petition for readmission;
 - (b) Deny the petition for readmission based on the petitioner's failure to demonstrate completion of the conditions associated with the suspension.

Victim's Rights

- (1) Students who are victimized through violation of the University rules shall be provided with certain rights. Additionally, although the victim's input shall be sought during the disciplinary process, the right and responsibility for disposition of any individual complaint is reserved by the University. If a victim withdraws a complaint or refuses to offer testimony during the course of a disciplinary proceeding, the University reserves the right to proceed with ~~a disposition of the allegations consistent with these rules~~ investigation and adjudication of the alleged misconduct. The rights referred to above are as follows:
 - (a) The victim shall be given the opportunity to meet with a Hearing Officer ~~the Director of the Office of Student Conduct (or designee)~~ to discuss the disciplinary process.
 - (b) The victim shall be given an opportunity to submit a written account of the alleged incident.
 - (c) The victim shall have the right to be accompanied at all stages of the discipline process by an advisor or counsel whose participation shall be limited to advising the victim.
 - (d) The victim shall be afforded an opportunity to testify as a witness during the disciplinary process.

- (e) The victim may decline to testify during the disciplinary process, with the knowledge that such action could result in dismissal of allegations of University rules violations for lack of evidence.
- (f) The victim will be allowed, if he/she chooses, to submit a written impact statement to the Hearing Body University for consideration.

Behavioral Intervention Team (BIT)

- (1) The University of Memphis is concerned about the care, welfare and safety of all of its students, faculty, and staff. It is part of the mission of the University to try to promote an environment where individuals are free to learn, teach and work unencumbered and uninhibited by threats of intimidation and harm. The purpose of the Behavioral Intervention Team (BIT) is to address student behavioral concerns that are inconsistent with the University's mission. The members of this team act with a common purpose to address critical student behavioral or mental health concerns through review of situations/incidents, information gathering and sharing, and take action to ensure the safety and educational success of the student. The BIT does not replace other classroom management or disciplinary processes nor does it address student behaviors that require immediate health, police or mental health attention.
- (2) Once an assessment has been made and a risk identified, the BIT will consider the most appropriate source of support for that student, with the goal of maximizing the student's chance of educational success. This may include, but is not limited to:
 - (a) Referral for professional mental health evaluation;
 - (b) Documentation from a mental health professional of a student's ability to return to the University and to resume participation in current educational programs, activities and services;
 - (c) Imposition of sanctions or limits designed to protect the individual or the University community;
 - (d) Voluntary withdrawal from the University for either a specified or unspecified period of time;
 - (e) Involuntary withdrawal or suspension from the University for either a specified or unspecified period of time.
- (3) A student may appeal the action of the BIT by submitting a written request of appeal to the Director of the Office of Student Conduct for consideration by the University Committee on Student Conduct.

- (4) Self-Harm Assessment Protocol- Students who make statements or take actions which indicate intent to harm themselves will be directed to be assessed by staff at the University's Counseling Center. This assessment will not constitute disciplinary action but is required to assure the students wellbeing and safety as a member of the University community.

Retention of Records

- (1) Disciplinary files will be destroyed if the student/organization is not found to be responsible for a rules violation. A permanent file will be maintained if a student is suspended or interim suspended for violation(s) of the Code of Student Rights and Responsibilities. No reference to the suspension or expulsion will be made on the student's transcript unless the sanction so specifies. Student disciplinary files in cases in which a lesser sanction has been imposed will be retained for a period of four (4) years after date of action or for one (1) year after the student has graduated (unless sanction ~~species-specifies~~ that they should be retained for a longer period). Disciplinary files in cases covered under The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act will be retained for a period of seven (7) years after the date of action per Federal requirements.
- (2) The outcome of the University's disciplinary process is part of the educational record of the respondent and is protected from release under the Federal Education Rights and Privacy Act (FERPA), except under certain conditions.

Effect of Noncooperation

- (1) Students and organizations alleged to have violated University rules or regulations shall be provided notice of the allegation(s). A respondent that fails to respond to notice of allegations and/or an Interim Suspension notice shall be deemed to have waived all hearing rights (including those provided under the provisions of the TUAPA). In this instance, a decision may be made in the respondent's absence and/or a sanction imposed. In addition, a hold will be placed on the respondent's records. The hold will be removed at such time as the student/organization has appropriately responded to notice of an alleged violation(s) of these rules.

Student Organizations ~~Disciplinary Procedures~~

- (1) Student organizations are subject to jurisdiction of the University's disciplinary system. The University may take disciplinary action if one (or more) of the following is substantiated:

- (a) Any member of an organization violates University policy where the proscribed activity is deemed to have been in relation to the organization.
 - (b) Any member of an organization violates University policy where it is determined that organizational funds have been used to facilitate the commission of the proscribed behavior.
 - (c) A violation of University policy occurs in connection with an organization sponsored function.
 - (d) Any member of an organization fails to cooperate during an investigation into alleged violation(s) of University policy as related to numbers 1 through 3 above.
- (2) Alleged violation(s) of University policy shall be reported immediately to the Office of Student Conduct. A preliminary meeting with the president and or members of the executive body of the organization will be conducted within ten (10) business days to determine if further investigation is warranted.
 - (a) During this preliminary meeting, the organization's representative will present information ~~to the hearing body~~ related to the events/actions in question.
 - (b) If an organization fails to provide an appropriate representative during the preliminary meeting, a decision to pursue formal disciplinary action will be made in its absence [see Effect of Non-Cooperation].
- (3) If the University decides to pursue formal disciplinary action against the organization, the Office of Student Conduct shall use the stated procedures outlined in section V- Disciplinary Procedures. ~~conduct an investigation into the alleged violation(s) of the Code of Student Rights and Responsibilities. If warranted, a summary of the investigation will be presented to the appropriate hearing body as determined by the Director of the Office of Student Conduct.~~
 - ~~(a) — All alleged violations of the Code of Student Rights and Responsibilities must be communicated to the organization in the form of a charge letter at least five (5) business days prior to any formal hearing.~~
 - ~~(b) — All formal hearings will be conducted in a timely manner.~~
 - ~~(c) — Organizations will have the opportunity to have a member present at the formal hearing and to speak on the organization's behalf if appropriate. The number of members that will be allowed to be~~

~~present at a formal hearing will be determined by the hearing officer or chair of the hearing body.~~

- (4) TUAPA: All cases which may result in: (a) suspension or expulsion of a student or organization from the University of Memphis, for disciplinary reasons or (b) revocation of registration of a student organization, are subject to the contested case provisions of the Tennessee Uniform Administrative Procedures Act (TUAPA), T.C.A. § 9-8-01 et seq., and shall be processed in accord with the Uniform Contested Case procedures adopted by the Board of Regents unless the student or organization, after receiving written notice, waives those procedures and elects to have the case disposed of in accord with University procedures or waives all right to contest the case under any procedure.
- (5) Appeals of any formal action taken in relation to violation(s) of the Code of Student Rights and Responsibilities will be directed to the Office of Student Conduct within five (5) days of the organization being informed of the outcome of the formal disciplinary hearing. The appeal process will follow the procedures outlined in Section V- Disciplinary Procedures (Appeals).
- ~~(6) All appeals will be submitted to the Director of the Office of Student Conduct in writing and should outline the grounds for the appeal and any relief/accommodation requested from the decision of the original hearing body.~~
- ~~(7) The Director of the Office of Student Conduct will forward the organization appeal to the appropriate appeal body for a review the record of the original hearing. The appeal body has the authority to:~~
 - ~~(a) Affirm the original decision;~~
 - ~~(b) Reverse (overrule) the original decision;~~
 - ~~(c) Amend the sanction prescribed in the original decision. The appeal body may lessen or strengthen the severity of the sanction. In the event the sanction is suspension, expulsion or revocation of registration, the organization has the right to appeal pursuant to paragraph (4) above in this section;~~
 - ~~(d) Remand the matter to the original hearing body for reconsideration.~~
- ~~(8) The appeal body will communicate a decision to the organization within five (5) business days of the date of the appeal.~~

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.06 Disciplinary Procedures and due Process. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

VII. TRAFFIC AND PARKING REGULATIONS

(1) **PURPOSE.** The purpose of this code is to establish uniform procedures for facilitating the safe and expeditious flow of traffic, preventing accidents and informing vehicle operators and pedestrians of traffic laws and safety regulations in effect on the Campus of The University of Memphis.

(2) **GENERAL.**

- (a) The entry, operation and control of motor vehicles on The University of Memphis property are as authorized and directed by the President of The University of Memphis, who may exercise such controls as deemed necessary. The Director of Public Safety, as the President's representative, is responsible for the enforcement of this code. The Director of Public Safety and the Director of Parking Services may exclude or remove from the campus any vehicle that is used as an instrument in a crime; suspected of being stolen or abandoned; mechanically unfit; being operated by a person under the influence of intoxicants or drugs; remove one that has been registered in accordance with this code; or one that parks in violation of these regulations.
- (b) Violators of this code are subject to appropriate disciplinary and/or administrative action.
- (c) The issuance of a parking permit does not guarantee a parking space on University property. The inability to locate a legal parking space does not diminish the responsibility to park in accordance with these parking regulations.
- (d) Motorists may obtain assistance or information from any campus Parking Assistant or Public Safety officer on patrol or by calling Parking Services (678-2212) or Police Services (678-4357[HELP]).

POLICE OFFICERS, PARKING ASSISTANTS, FACULTY OR STAFF EMPLOYEES ARE NOT EMPOWERED TO ALLOW ANYONE TO VIOLATE UNIVERSITY TRAFFIC AND PARKING REGULATIONS.

(3) **DEFINITIONS**

- (a) **STUDENT** – Any person registered in a credit or non-credit course offered on campus by The University of Memphis, including Graduate Students.
- (b) **FACULTY** – Any regular employee who holds academic rank and who is engaged in instruction, departmental research or public service.
- (c) **ADMINISTRATIVE/PROFESSIONAL** – All regular employees other than faculty who primarily have executive, administrative or professional responsibilities.
- (d) **CLASSIFIED STAFF** – Any regular employee not exempt from the Federal Fair Labor Standards Act.
- (e) **TEMPORARY AND ADJUNCT FACULTY** – Any person employed temporarily by The University of Memphis who holds academic rank and who is engaged in instruction, departmental research or public service other than graduate assistants.

- (f) INVITED VISITOR – Any person invited by a University department for official business with The University of Memphis.
- (g) VISITOR – Any person not invited by a University department for official business with The University of Memphis.

(4) PARKING REGULATIONS. These regulations will be enforced at all times. If any of these regulations are violated, the operator of the offending vehicle will be issued a citation and the vehicle may be towed. All unattended vehicles will be considered parking.

(a) IMPROPER PARKING. Vehicles parked as described below will be issued a citation for Improper Parking. Citation amounts (fines) are set forth in section 1 listed below.

1. In marked Fire Lanes designated by a red painted curb or by signs.
2. Within fifteen (15) feet of a fire hydrant.
3. In driveways, blocking a driveway, at the end of a parking row, in a traffic lane or in a street so as to impede traffic (double parked).
4. In areas designated “No Parking” by signs, yellow painted curb or by yellow striped areas in parking lots.
5. In areas designated “Loading Zones” by signs or markings for a period of fifteen (15) minutes or more. Extended loading periods must be arranged through Parking Services.
6. On sidewalks or on grounds (grass or unpaved areas).
7. Outside of a parking space as delineated by white lines.
8. In a manner so as to block a ramp constructed to facilitate the movement of disabled individuals.
9. Opposing traffic on a University street so that leaving the parking space is hazardous.
10. Occupying more than one parking space.

(b) PARKING PERMITS. Only vehicles properly displaying The University of Memphis parking permit (designated by a hangtag or bumper sticker, visitor pass or those legally parking at parking meters or in any parking garage may be parked on property owned or leased by The University of Memphis. All other vehicles parked on The University of Memphis controlled property will receive a citation.

1. PRIORITY – Only vehicles displaying current The University of Memphis Parking permits designated by a hangtag or bumper sticker for the current semester may be parked in spaces designated for the use of that permit’s assignment. All other vehicles parked in that area will receive a citation. Vehicles parking in a reserved space will receive a citation. Vehicles parking in a reserved space or in Priority parking lots without proper permits will receive a citation and may be towed.

2. RESERVED - Spaces marked with a name, number or title are reserved for the exclusive use of the person designated. Only vehicles registered to these individuals are authorized to park in these spaces. All other vehicles parked in a reserved space will receive a citation and may be towed.
3. DISABLED – Only vehicles displaying The University of Memphis parking disabled designator and/or State Placard may park in spaces marked as Disabled Spaces. All other vehicles parked in spaces marked as Disabled spaces will receive a citation and may be towed.
4. ON CAMPUS RESIDENT – Only vehicles displaying The University of Memphis resident parking permits for the current semester may be parked in spaces marked as Resident Only. All other vehicles parked in resident spaces will receive a citation. Residency status will be confirmed.
5. PATIENT PARKING – Only vehicles displaying The University of Memphis parking permits for the current semester and a parking pass from the Health Center may park in spaces designated for patient parking. The parking pass is available from the Health Center reception desk. All other vehicles parked in patient parking spaces will receive a citation.
6. PARKING METERS – All vehicles parked in spaces regulated by a parking meter will receive a citation for overtime if the “time expired” flag is up unless the vehicle has displayed a Visitor or Emeriti parking permit. Citations for overtime violations may be issued every hour in which the violation exists. Students and employees are not allowed to park in metered spaces.
7. VISITOR – Only visitors may park at parking meters marked “Visitors Only”. Registered vehicles parked at meters marked for “Visitors Only” will receive a citation for parking in a restricted parking area.
8. GARAGE PARKING – Students, faculty, staff and visitors may park in the Innovation or the Zach Curlin Parking Garage without permit access and will be charged an hourly rate or all-day rate. Students, faculty and staff will be charged a fee for permit access.
9. MOTORCYCLE PARKING – Only motor vehicles displaying The University of Memphis motorcycle/bumper sticker including motorcycles, motor bikes, and motor scooters regardless of size may park in spaces designated “Motorcycle Parking” or regularly marked parking spaces. Operating these vehicles on any surface other than designated streets or parking areas is expressly prohibited. These vehicles may park only in designated and/or marked parking spaces. Parking on sidewalks or chaining these vehicles to lampposts and other similar structures is specifically prohibited.

- (5) MOVING VIOLATIONS. These regulations will be enforced at all times. Citations will be issued for violation of the following moving violations. Citation amounts (fines) are set forth at 0240-3-3-.08(8)(b). Drivers who drive so as to jeopardize the safety of others may also have their driving privileges revoked while on The University of Memphis property.

- (a) STOP SIGN – A vehicle shall come to a complete halt at stop signs or pavement markings indicating “STOP” and remain stationary until it is safe to proceed.
- (b) RECKLESS DRIVING – Vehicles shall not be operated in a manner so as to endanger life or property.
- (c) SPEEDING – The maximum speed limit on The University of Memphis property, or on property leased by The University of Memphis, is 15 miles per hour. The maximum speed limit on Walker, Patterson and Zach Curlin streets is 25 miles per hour.
- (d) FAILURE TO OBEY DIRECTIONS – Vehicle operators must obey the lawful directions of a Police Officer or Parking Assistant.
- (e) ONE-WAY STREET – Vehicles shall not be driven in violation of posted traffic direction signs.
- (f) DRIVING ON SIDEWALK or in PEDESTRIAN WALKWAYS – Vehicles shall not be driven on sidewalks or in areas marked for pedestrian use only.
- (g) ILLEGAL ENTRY – Vehicles shall not enter an area marked “Do Not Enter” or a gated parking lot by driving on sidewalks, grounds, by using a permit illegally or by tail-gating another vehicle to gain access.

- (6) CITATION APPEALS AND ADMINISTRATION

- (a) ADMINISTRATION – Regardless of the University status or classification of the violator, citations are to be paid or appealed within fifteen (15) working days of the issuance date of the citation. Citations may be paid by appearing at the Bursar’s Office with the violator’s copy of the citation or by mailing a check to the Bursar’s Office, The University of Memphis, PO Box 1000, Department 313, Memphis, Tennessee, 38152, accompanied by the violator’s copy of the citation. If the violator’s copy has been lost or destroyed, a copy can be obtained from Parking Services located at 120 Zach Curlin Parking Garage. Please include your Social Security Number on the check or money order.
- (b) STUDENT APPEALS – If a student believes he or she has justification, an appeal may be filed with the Student Government Association office located on the 9th floor of Wilder Tower within fifteen (15) working days of the issuance date of the citation. Appeal forms are available online at: <http://bf.memphis.edu/parking>, in the SGA office or in Parking Services. Decisions made by the SGA for student appeals can be found online at <http://saweb.memphis.edu/judicialaffairs/citationdockets.htm>

Student appeals may also be submitted online using your TigerPark account. All decisions are final.

Grades and records will be withheld, and students will not be allowed to register for subsequent terms, for outstanding parking fines.

- (c) FACULTY/STAFF/EMPLOYEE APPEALS – If a faculty/staff employee believes he or she has justification, an appeal may be filed with the Faculty/Staff Appeals Committee. Appeal forms may be obtained and filed in Parking Services. Outstanding fines for faculty/staff employees will be recouped pursuant to Tennessee Board of Regents Guideline B-010.
- (d) VISITOR APPEALS – If a visitor believes he or she has justification, an appeal may be filed with the Assistant Manager in Parking Services. A letter of justification along with the citation may be sent to Parking Services, or an appeal form may be obtained online at <http://bf.memphis.edu/parking> or in Parking Services.

(7) TOWING/STORAGE

- (a) Agents designated by the University shall have authority to remove to a place of storage at the owner's expense, any vehicle(s):
 - 1. Blocking disabled or handicapped curb cut or ramp
 - 2. Blocking a fire lane or fire hydrant (within fifteen (15) feet) or hindering movement of emergency vehicles.
 - 3. Blocking or parking in a driveway or traffic lane, or impeding traffic flow (double parked).
 - 4. Abandoned.
 - 5. Without license, parking permit or Vehicle Identification Number information visible.
 - 6. Upon which an Intent to Tow notice has been placed.
 - 7. Parked in lots not designated for parking permit purchased or reserved space without authorization.
 - 8. Parking in a restricted-disabled or handicapped space without authorization.
 - 9. Parked in violation of Traffic and Parking Regulations.
 - 10. Parked in no parking zones.
 - 11. Parked on sidewalks or on grounds (grass or unpaved areas).
 - 12. Parked opposing traffic on the University streets.
 - 13. Occupying more than one parking space.
 - 14. Parked in designated loading zones for longer than 15 minutes.
 - 15. Unregistered.
 - 16. Parked overtime in a metered space.

17. Registered and parked in visitor spaces.
18. Upon which a University Official determines it is necessary for facilitating the expeditious flow of traffic.
 - a. In addition to any appropriate fine, the owner or operator of the offending vehicle shall be liable for payment of towing and storage fees. The University of Memphis is not responsible for damage to any vehicle resulting from towing or storage. Appeal procedures for towing are the same as described at rule 0240-3 3-.08(6).

(8) FINES

(a) Parking Violations

1. Registration Violation (No Parking Permit)	\$15.00
2. Expired permit / Hangtag / Bumper Sticker	\$15.00
3. Improperly Parked	\$15.00
4. Restricted (With Parking Permit)	\$25.00
5. Improperly displayed parking permit	\$10.00
6. Restricted-Disabled	\$200.00
7. Resident Parking Violation	\$25.00
8. Patient's Parking Violation	\$25.00
9. Overtime at Meter	\$10.00
10. Blocking Driveway	\$15.00
11. Double Parked	\$15.00
12. Fire Lane	\$25.00
13. Blocking Fire Hydrant	\$25.00
14. No Parking Zone	\$15.00
15. Loading Zone	\$15.00
16. Outside of Lines	\$15.00

17. Opposing Traffic	\$15.00
18. Impeding Traffic	\$15.00
19. Parked in two spaces	\$15.00
20. Blocking Disabled curb (sidewalk curb cuts)	\$200.00
21. Restricted – Visitor Parking Violation	\$25.00
22. Parked on Sidewalk or grounds	\$15.00
23. Illegal Entry	\$100.00
24. Breaking Gate – Gate Replacement	\$125.00
25. Gate Mechanism Labor (repair or replacement)	\$12.00 per hour

26. Law School – Return Permit Late Fee \$2/day - \$30/max

(b) MOVING VIOLATIONS

1. Stop Sign	\$25.00
2. Reckless Driving	\$25.00
3. Speeding	\$10.00
4. Failure to Obey Public Safety / Parking Officer	\$25.00
5. One-Way Street Violation	\$10.00
6. Driving on Sidewalk or Pedestrian Way	\$25.00

(c) ANY STUDENT WHO RECEIVES \$100.00 OR MORE IN TRAFFIC AND/OR PARKING VIOLATIONS ON UNIVERSITY CONTROLLED PROPERTY DURING ANY SEMESTER WILL BE SUBJECT TO DISCIPLINARY ACTION IN ACCORDANCE WITH SECTION V OF THE CODE OF STUDENT CONDUCT.

MOTOR VEHICLE REGISTRATION AND PARKING

(1) REGISTRATION

- (a) Persons eligible to operate vehicles on the campus of The University of Memphis, including employees and students enrolled in credit courses to whom a state issued distinctive license plate or placard for disabled drivers and passengers has been issued, must register with Parking Services. Any student or employee who obtains vehicle registration through misrepresentation may be subject to disciplinary and/or administrative action.
- (b) No vehicle is considered to be properly registered until The University of Memphis parking permit (hangtag) is visibly displayed from the inside rear view mirror post or affixed to the exterior upper center of the front windshield. (Taping permit inside of the window is not acceptable). Parking permits are issued in the form of a hangtag, bumper sticker to be displayed on all vehicles authorized to park on property owned and/or leased by The University of Memphis. Permits are issued on a three-year cycle with validation stickers designated for student enrollment each semester. General parking permits allow parking only in general parking lots. Resident parking permits allow parking in one resident gated parking lot and ungated resident areas. Disabled/handicap permits allow parking access to all parking lots and handicapped parking spaces.
- (c) A TEMPORARY PARKING PERMIT MUST BE OBTAINED FOR ANY VEHICLE BEING DRIVEN BY A STUDENT, FACULTY, STAFF OR EMPLOYEE WHEN THEIR PARKING REGISTRATION PERMIT IS NOT AVAILABLE. TEMPORARY PARKING PERMITS MAY BE OBTAINED FROM PARKING SERVICES FOR A PERIOD OF TIME NOT TO EXCEED TWO (2) WEEKS. A FEE IS CHARGED FOR TEMPORARY PARKING PERMITS.

(2) VISITOR PARKING

- (a) Invited Visitor parking permits are available for University guests invited by a department and may be arranged through Parking Services for the inviting department's distribution. Parking Services is open from 7:00am – 6:00pm Monday through Thursday, and 7:00am – 4:30pm Friday.
- (b) Visitor parking permits are available at Parking Services. A fee is charged for visitor parking permits.
- (c) Visitors may also park in the Innovation Garage and Zach Curlin Garage without a permit. An hourly fee is charged for parking in the garages.

(3) SALE OF PERMITS Authorized Faculty, staff, students and employees may purchase only one parking permit per semester, and they will be sold according to the priority as follows:

(a) PRIORITY PARKING

1. Faculty, administrative/professional staff and classified staff
2. Students

Parking lots designated in the Priority group are reserved for the exclusive use of those persons assigned to that lot, and are sold to students on a first come/first serve basis.

(b) ON CAMPUS RESIDENT PARKING- Parking areas designated in the Resident Parking group are restricted for the exclusive use of persons assigned to the Resident Parking area. Assignments will approximate one and one-half parking permits per parking space and are sold on a first come/first serve basis. Residency status will be confirmed.

(c) GENERAL PERMIT PARKING- Parking areas designated in the General Permit group are available to any person eligible to operate a vehicle on campus: students, faculty, staff, vendors and visitors with the proper permit.

(d) PHYSICALLY DISABLED PARKING- Designated disabled parking areas are available to persons with physical disabilities who have a registered University of Memphis parking permit and a valid disabled parking permit issued to the student or employee by a State Department of Safety. No additional fee will be assessed to **STUDENTS** for physically disabled parking permits. The priority parking permit fee will be assessed to **FACULTY/STAFF** for physically disabled parking permits. This permit authorizes the permit holder to park in disabled parking spaces in priority parking lots and in other non-reserved, general permit parking spaces on campus.

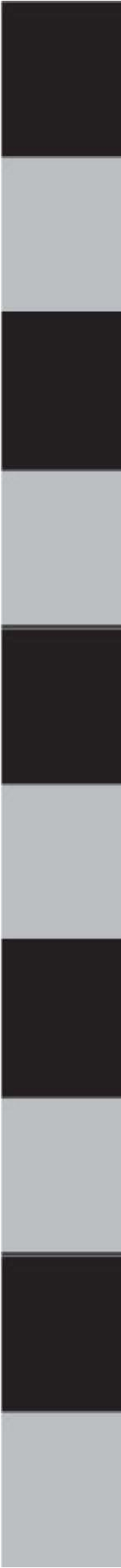
(e) RESERVED PARKING- Spaces restricted for use by specific individuals as approved by the President.

(4) REPLACEMENT OF PARKING PERMITS OR DEVICES

(a) Lost or stolen parking permits must be reported to Parking Services and will be replaced only after receipt of an additional fee.

(b) Parking privileges revoked through administrative or disciplinary action will be replaced only after receipt of an additional fee.

(c) Anyone losing a remote gate control device by accident or theft will be assessed a fee.

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Code of Student Rights and Responsibilities

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I. Institution Policy Statement

(1) Students enrolled at the University of Memphis are citizens of their civic communities as well as the academic community. As such they are expected to conduct themselves as law-abiding members of the University at all times. Admission to the University of Memphis carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by non-students. In recognition of the special relationship that exists between the University and the academic community which it seeks to serve, the Tennessee Board of Regents (“TBR” or “the Board”) has authorized the President of the University of Memphis to take such action as may be necessary to maintain campus conditions and preserve the integrity of the University and its educational environment. The community of scholars at The University of Memphis is committed to the development of personal and academic excellence. The essence of a university is the pursuit, dissemination and application of knowledge. Members of the University of Memphis community should engage vigorously in the University’s academic life. As voluntary members of the University community, students are expected to act with civility towards others in order to foster and promote an educational environment conducive to the University’s mission.

(2) Pursuant to this authorization and in fulfillment of its duties to provide a secure and stimulating atmosphere in which individual and academic pursuits may flourish, the University of Memphis has developed the following policies, which are intended to govern student conduct. These policies are implemented consistent with directives of the Tennessee Board of Regents and are subject to Board approval. In addition, students are subject to all federal, state and local laws and ordinances. Students are responsible to both civil and criminal authorities and to the University for conduct that constitutes violation of the law and the University Code of Student Rights and Responsibilities. If a student’s violation of such laws or ordinances also adversely affects the University’s pursuit of its educational objectives, the University may enforce its own regulations regardless of the status or outcome of any external proceedings instituted by other civil or criminal authorities. Disciplinary action pursuant to these policies may be carried out prior to, simultaneously with, or following civil or criminal proceedings. Disciplinary outcomes including finding of responsibility and the imposition of sanctions shall not be subject to change as a result of criminal or civil outcomes.

(3) Responsibility for the administration of the student or organizational discipline process at the University of Memphis is a function of the Office of the Dean of Students. The Office of the Dean of Students has designated the Office of Student Conduct (OSC), specifically the Director of the Office of Student Conduct, as the coordinator of the University discipline process. The Director of the Office of Student Conduct is authorized to determine the appropriate form and method of disciplinary proceeding that a student or organization will be provided consistent with University procedures. The Director of the Office of Student Conduct shall also be charged with the implementation of policies and procedures for the administration of judicial investigations, hearings and appeals.

(4) The Code of Student Rights and Responsibilities and the student conduct process apply to the conduct of all individual students, both undergraduate and graduate, including law students and as well as all University affiliated student organizations. For the purposes of student conduct, the University of Memphis considers an individual to be a student when an offer of admission has been extended and thereafter as long as the individual has a continuing educational interest in the University. An individual will also be considered a student if they are enrolled in any course offered by the University of Memphis [See Prohibited Conduct (1)].

(5) The University of Memphis retains conduct jurisdiction over students who choose to take a leave of absence or withdraw from any academic period prior to graduation from the University. If sanctioned, a disciplinary hold may be placed on the student's ability to re-enroll until such time as the student is in compliance with all sanctions outlined in the disciplinary resolution of the conduct in question. In the case of serious misconduct committed while enrolled but not discovered until after graduation, the University may revoke the involved student's degree(s).

(6) The Code of Student Rights and Responsibilities applies to behavior that takes place on the University of Memphis campus, at University sponsored events and may also apply off-campus in cases in which it is determined that said conduct affects a substantial University interest. A substantial University interest may include but is not limited to the following:

(a) Any behavior that presents a danger or threat to the health or safety of any member of the University community.

(b) Any behavior that significantly impinges upon the rights, property, or achievements of any member of the University community or which breaches the peace, and/or causes social disorder.

(c) Any behavior that is detrimental to the educational mission and/or interests of the University of Memphis.

(7) The Code of Student Rights and Responsibilities may also be applied to behavior conducted online, via email or other electronic medium.

(8) Confidentiality of Discipline Process. Subject to the exceptions provided pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g and/or the Tennessee Open Records Act, T.C.A. § 10-7-504(a)(4), a student's disciplinary files are considered "educational records" and are confidential within the meaning of those Acts.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.01, Institution Policy Statement. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

II. Disciplinary Offenses

Definitions: For the purpose of the student disciplinary rules, the following definitions apply:

- (1) "University" refers to The University of Memphis.
- (2) "Student" is defined in the previous section of this document (see number 4 above).
- (3) "Faculty member, Instructor, or Professor" means any person employed by the University to conduct academic activities.
- (4) "Staff member" means any person employed by the University in a nonteaching or nonacademic capacity.
- (5) "University official" includes any person employed by the University performing assigned academic, administrative, professional, or staff responsibilities.
- (6) "Member of the University community" includes any person who is a student, member of the faculty or staff, University official, or any other person employed by the University.
- (7) "Code" or "the Code" refers to the University of Memphis Code of Student Rights and Responsibilities.
- (8) "University premises" includes all land, buildings, facilities, and other property in the possession of, or owned, used, or controlled by the University or by organizations chartered and registered with the University, including adjacent streets and sidewalks.
- (9) "Student organization," unless otherwise indicated, means any group that has complied with the formal requirements and been approved for University registration.
- (10) "University activity" means any activity sponsored by the University, any agency of the University, or any University organization which may be attended in part or whole by students, faculty members, staff members, or other members of the general public and conducted on or off University premises.
- (11) "Discipline Officer, Hearing Officer and/or Judicial Officer" means a University official authorized by the University to determine whether a student or organization has violated the Code of Student Rights and Responsibilities.
- (12) "Judicial Body or Judicial Board" refers to any group of faculty and/or students authorized by the University to determine whether a student or organization has violated the Code of Student Rights and Responsibilities.

- (13) "Hearing Body" refers to any University official or group authorized by the University to determine whether a student or organization has violated the Code of Student Rights and Responsibilities.
- (14) "Appeal Body" refers to any University official or group authorized by the University to hear appeals of decisions implemented by a hearing body.
- (16) "Appellant" refers to a student or organization who is appealing the decision of a hearing body.
- (15) "Shall," "should," and "will" are used in the imperative sense.
- (16) "May" is used in the permissive sense.
- (17) "Policy" is defined as the written regulations of the University as found in official University publications or other online documents but not limited to the Code of Student Rights and Responsibilities. [see <http://policies.memphis.edu/umpolicies.asp?>]
- (18) "Complainant" is defined as the University of Memphis or the person making a referral to the Office of Student Conduct relevant to a person or group alleged to be in violation of the Code of Student Rights and Responsibilities.
- (19) "Respondent" is defined as the student or group alleged to have violated the University Code of Student Rights and Responsibilities.
- (20) "Original Jurisdiction" refers to a hearing body's authority to hear the facts of a case and take disciplinary action if a violation of University policy is determined to exist.
- (21) "Summary Discipline" refers to the authority of a faculty member to take action when it is determined that a student has violated the University Academic Integrity Policy.
- (22) "TBR" refers to the Tennessee Board of Regents.

Disciplinary Authority

- (1) Dean of Students- The Dean of Students is the Chair of the Behavioral Intervention Team (BIT). The Dean of Students (or designee) also has the authority to invoke Interim Suspension in cases where a student or organization is determined to be a significant danger to the University community.
- (2) Director of the Office of Student Conduct - The Director of the Office of Student Conduct is the primary student conduct officer for the University. The Director administers the student and organizational disciplinary processes at the University and serves as the executive administrator for all hearing and appeal bodies.

- (3) University Committee on Student Conduct- The University Committee on Student Conduct (UCSC) serves as an appeal body for Hearing Officer decisions related to behavioral issues and under certain circumstances in academic integrity cases (when the Academic Integrity Committee has made an original jurisdiction decision in a matter referred by an instructor) . The UCSC also serves as an appeal body regarding the permanent removal of a student from the classroom for inappropriate behavior.
- (4) Academic Integrity Committee- The Academic Integrity Committee adjudicates Academic Integrity cases that have been referred by faculty. The Academic Integrity Committee also serves as an appeal body for faculty summary discipline decisions regarding student violation(s) of the University Academic Misconduct Policy.
- (5) Student Government Court- Student Government Court administers the Student Government Constitution bylaws and acts as a sovereign body in response to appeals of student traffic tickets and election code violations. Members of the Student Government Court also serve as members of the University Committee on Student Conduct and the Academic Integrity Committee.
- (6) Behavioral Intervention Team (BIT) - The Behavioral Intervention Team addresses student behavioral concerns that are inconsistent with the University's mission. Within this context, the BIT has the authority to mandate assessment with a mental health professional and to recommend interim suspension be imposed in cases where a student has been determined to be a risk to the safety of others or themselves.
- (7) Tennessee Uniform Administrative Procedure Act (TUAPA) - Disciplinary charges that may result in suspension or expulsion from the University may, at a student's or organization's request, be heard in conformance with the requirements of the Tennessee Uniform Administrative Procedures Act. The TUAPA is an official state act defining certain procedures that are required when a student chooses to have their case heard through the Act's provisions. [see Section 2 of General Disciplinary Procedures (TUAPA)]

Prohibited Conduct

(1) The University of Memphis considers behavior(s) described in the following articles as inappropriate for students and organizations at the University. Any student or organization found to have committed or to have attempted to commit the following misconduct is subject to the sanctions outlined in Section IV- Disciplinary Sanctions. Those subject to student discipline include:

- (a) Those enrolled at the University of Memphis (taking classes), including those between academic terms.

(b) Those who are not currently enrolled (or taking classes) but do have an ongoing relationship with the University of Memphis.

(c) Those who have been admitted to the University of Memphis.

(d) Organizations affiliated with the University of Memphis.

(2) The University of Memphis has adopted the following non-exclusive list providing notice of offenses for which both individuals and organizations may be subject to disciplinary action:

(a) Conduct Dangerous to Self or Others. Any conduct, or attempted conduct, which constitutes a danger to any person's health, safety, or personal well-being, including, but not limited to, the following:

- (1) Physical abuse, including, but not limited to actions causing bodily harm to another person, or reckless disregard for the health, safety and welfare of any person. Also, engaging in threatening/intimidating behavior which is so persistent, pervasive, or severe as to deny a person's ability to participate in the University community,
- (2) Verbal threats and/or attempts to intimidate, including, but not limited to statements meant to provoke conflict with another person or which cause a reasonable fear for a person's safety.

(b) Hazing. Hazing, as defined in T.C.A. § 49-7-123(a)(1), means any intentional or reckless act, on or off the property, of any higher education institution by an individual acting alone, or with others, which is directed against any other person(s) that endangers the mental or physical health or safety of that person(s), or which induces or coerces a person(s) to endanger such person(s) mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization. Hazing also includes the following: any action taken or situation created for the purpose of initiation into, admission into, affiliation with (or continued membership in), any group or organization which is intended to produce physical discomfort, injury, mental discomfort, embarrassment, or ridicule. Such actions or situations include but are not limited to the following: use of alcohol, paddling in any form, branding, creation of excessive fatigue; wearing of apparel which is conspicuous or not in good taste; engaging in public stunts; participation in degrading or humiliating games and activities. All acts (active and passive) of hazing as well as allowing oneself to be hazed are prohibited.

(c) Disorderly Conduct. Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs institutional functions, operations, classrooms, other groups or individuals (e.g. public urination/defecation, participation in a disruptive or coercive demonstration);

(d) Obstruction of or Interference with institutional activities or facilities. Any intentional interference with or obstruction of any institutional program, event, or facility including the following:

- (1) Any unauthorized occupancy of facilities owned or controlled by an institution or blockage of access to or from such facilities,
- (2) Interference with the right of any institution member or other authorized person to gain access to any activity, program, event or facilities sponsored or controlled by an institution,
- (3) Any obstruction or delay of a campus security officer, public safety officer, police officer, firefighter, EMT, or any official of an institution, or failure to comply with any emergency directive issued by such person in the performance of his or her duty,
- (4) The use of force or violence (actual or threatened) to deny, impede, obstruct, impair, or interfere with the freedom of movement of any person, the performance of duties of any University employee, or the occupation of University property after being given due notice to depart,
- (5) Participation in a disruptive or coercive demonstration. A demonstration is considered disruptive or coercive if it substantially impedes University operations, interferes with the rights of others, or takes place on premises or at times where students are not authorized to be,
- (6) Obstruction of the free flow of pedestrian or vehicular traffic on University property or at University sponsored/supervised functions.

(e) Misuse of or Damage to University, or Private Property. Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to another including, but not limited to, any personal property, fire alarms, fire equipment, elevators, telephones, institution keys, library materials and/or safety devices;

(f) Theft, Misappropriation, or Unauthorized Sale of Property. Any act of theft, misappropriation, or unauthorized possession of University or personal property;

(g) Misuse of Documents. Any forgery, alteration of or unauthorized use of institutional documents, forms, records, including the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment or status in the University. This includes, but is not limited to failure to disclose complete official transcripts of all domestic and/or international coursework for the purpose of admission into the University or for consideration of transfer articulation.

(h) Firearms, Ammunition and Other Dangerous Weapons. Any possession of or use of firearms, ammunition, dangerous weapons of any kind, or replica/toy guns (e.g., BB guns, pellet guns, paintball guns, water guns, cap guns, toy knives or other items that simulate firearms or dangerous weapons);

(i) Explosives, Fireworks, and Flammable Materials. The unauthorized possession, ignition or detonation of any object or article which would cause damage by fire or other means to persons, or possession of any substance which could be considered to be fireworks or an explosive device;

(j) Alcoholic Beverages. The use and/or possession of alcoholic beverages on institution owned or controlled property. This offense includes the violation of any University policy, local ordinance, state, or federal law concerning alcoholic beverages, on or off University owned or controlled property, where an affiliated group or organization has alcoholic beverages present and available for consumption. This rule includes any violation of the following:

- (1) Possession or consumption of alcoholic beverages by students under the age of 21,
- (2) The intentional or unintentional furnishing or sale of alcohol to any person under the age of 21,
- (3) Consumption of alcohol associated with disruptive behavior,
- (4) Possession or use of false forms of identification to enter a liquor establishment or to procure alcoholic beverages,
- (5) Use of alcohol resulting in incapacitation that requires hospitalization or the recommendation of medical personnel that hospitalization occur,
- (6) Driving under the influence of alcohol.

(k) Drugs and other Controlled Substances. The unlawful possession, use, or sale of any drug or controlled substance (including, but not limited to, any stimulant, depressant, narcotic, hallucinogenic drug, or marijuana), This offense includes the violation of any local ordinance, state, or federal law concerning drugs or controlled substances, on or off University owned or controlled property. This rule includes the following:

- (1) The unlawful possession or consumption of drugs or controlled substances,
- (2) The intentional or unintentional unlawful furnishing or sale of drugs or controlled substances to any person,
- (3) Consumption of drugs or controlled substances associated with disruptive behavior,
- (4) Obtaining prescription drugs under false pretenses,
- (5) Knowing misuse, possession or sale of prescription drugs,
- (6) Improper use of drugs or controlled substances resulting in incapacitation that requires hospitalization or the recommendation of medical personnel that hospitalization occur,
- (7) Driving under the influence of drugs,

(l) Drug Paraphernalia. The use or possession of equipment, products or materials that are used or intended for use in the unlawful manufacturing, growing, using or distributing any drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession of drug paraphernalia, on or off University owned or controlled property;

(m) Public Intoxication. Appearing on University owned or controlled property or at a University sponsored event while under the influence of a controlled substance or of any other intoxicating substance;

(n) Gambling. Unlawful gambling in any form;

(o) Financial Irresponsibility. Failure to meet financial responsibilities to the University including, but not limited to, knowingly passing a worthless check or money order in payment to the University;

(p) Unacceptable Conduct in Disciplinary Proceedings. Any conduct at any stage of a disciplinary proceeding or investigation that is contemptuous, disrespectful, threatening, or disorderly, including:

- (1) Failure to obey the directives of a disciplinary body or University official(s) in the performance of their duties,
- (2) Knowing falsification, distortion or misrepresentation of information before a disciplinary body,
- (3) Deliberate disruption or interference with the orderly conduct of a disciplinary proceeding,
- (4) Making false statements to any University disciplinary body,
- (5) Attempting to influence the impartiality of a member of a disciplinary body prior to, or during the course of, a disciplinary proceeding,
- (6) Harassment or intimidation of any participant in the University disciplinary process;

(q) Failure to Cooperate with a University Official or Police. Failure to comply with directions of University officials or police acting in the performance of their duties, including failure to comply with the reasonable directions of a member or agent of the University acting in the performance of his or her duty. Giving any false information to, or withholding necessary information from, any institutional official acting in the performance of his/her duties in connection with a student's admission, enrollment, or status in the institution;

(r) Repeated Traffic and Parking Violations. Any student who receives \$100.00 or more in traffic and/or parking violations on University controlled property during any semester;

(s) Violation of General Rules and Regulations. Any violation of the general rules and regulations of the University of Memphis as published in official institutional publications, including the intentional failure to perform any required action or the intentional performance of any prohibited action;

(t) Attempting to violate the rules governing student conduct, or Aiding/Abetting. Any attempt to commit any of the offenses listed under this section or the aiding /abetting of the commission of any of the offenses listed under this section (an attempt to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission). Being present during the planning or commission of any offense

listed under this section will be considered as aiding and abetting. Students who anticipate or observe an offense must remove themselves from the situation and are required to report the offense to the University;

(u) Violations of State or Federal Laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference;

(v) Violation of Imposed Disciplinary Sanctions. Intentional or unintentional violation of a disciplinary sanction officially imposed by a University hearing body;

(w) Sexual Misconduct. The University of Memphis defines sexual misconduct as any sexual activity that does not involve the knowing consent of each individual. The University defines consent as informed, freely and actively given, mutually understandable words or actions which indicate a willingness to participate in mutually agreed upon sexual activity. Consent is not effective if it results from force, threats, intimidation or coercion. In addition, to engage in sexual activity with someone known to be unable to give consent is a violation of this policy (e.g. an intoxicated person, a person who is incapacitated, or a person with a mental or emotional impairment). Prohibited behavior under this policy includes but is not limited to:

- (1) Any form of sexual penetration without consent,
- (2) Any intentional touching or fondling, direct or through clothing, of the sex organs, buttocks, or breasts for the purpose of sexual gratification,
- (3) Indecent exposure with sexual intent,
- (4) Sexual harassment (see TBR policy P-080 available at: <https://policies.tbr.edu/guidelines/discrimination-harassment-complaint-investigation-procedure>)
- (5) The use of e-mail, text message, phone, or other forms of communication to send unwelcomed sexually explicit materials.
- (6) Recording (audio or video), photographing, or in any way transmitting sexual images or acts without the consent of all involved subjects.
- (7) Engaging in voyeurism of sexual activities without the consent of all involved parties.

(x) Harassment, Stalking or Retaliation. Any act by an individual or group against another person or group in violation of TBR policies (5:01:02:00, 2:02:10:01 and TBR Guideline P-080), University of Memphis policies, as well as federal and/or state laws prohibiting discrimination. Specifically, harassment is considered to be conduct based on a person's race, color, religion, creed, ethnic or national origin, sex, sexual orientation, gender, disability, age, status as a veteran, or genetic information which (a) adversely affects a term or condition of employment, education, participation in educational activities or living environment, (b) unreasonably interferes with employment or academic performance or creates a hostile or abusive environment, or (c) is used as a basis or factor in a decision that tangibly affects employment, education, participation in educational activities or living environment.

(y) Academic Misconduct. Plagiarism, cheating, fabrication. For purposes of this section the following definitions apply:

- (1) Plagiarism. The adoption or reproduction of ideas, words, statements, images, or works of another person as one's own without proper attribution, or the reuse of one's own academic work previously submitted for academic credit at any academic institution (including the University of Memphis),
- (2) Cheating. Using or attempting to use unauthorized materials, information, or aids in any academic exercise or test/examination. The term academic exercise includes all forms of work submitted for credit or hours,
- (3) Fabrication. Unauthorized falsification or invention of any information or citation in an academic exercise
- (4) Any attempt to interfere or tamper with the academic work of another student,
- (5) Unauthorized sale and/or distribution of course notes or other course materials. Any sale, delivery or distribution of course materials without the consent of the author and/or the course instructor.

(z) Unauthorized Duplication or Possession of Keys. Making, causing to be made or the possession of any key for a University facility without proper authorization;

(aa) Litter. Dispersing litter in any form onto the grounds or facilities of the campus;

(bb) Identification Cards. The alteration or misuse of a University of Memphis student identification card is prohibited. Misuse of a student ID card includes:

- (1) Failure to provide University ID to any staff member upon request,
- (2) Allowing others to use your University ID,
- (3) Representing an invalid University ID as valid to a University official or for the purpose of entry into a University function.

(cc) Abuse of Computer Resources and Facilities. Misusing and/or abusing campus computer resources including, but not limited to the following:

- (1) Use of another person's identification to gain access to University computer resources;
- (2) Use of University computer resources and facilities to violate copyright laws, including, but not limited to, the act of unauthorized distribution of copyrighted materials using institutional information technology systems;
- (3) Unauthorized access to a computer or network file, including but not limited to, altering, using, reading, copying, or deleting the file;
- (4) Unauthorized transfer of a computer or network file;
- (5) Use of computing resources and facilities to send abusive or obscene correspondence;
- (6) Use of computing resources and facilities in a manner that interferes with normal operation of the institutional computing system;
- (7) Use of computing resources and facilities to interfere with the work of another student, faculty member, or institutional official;
- (8) Violation of any published information technology resources policy (see Acceptable Use Policy available at: <http://policies.memphis.edu/umpolicies.asp?>);
- (9) Unauthorized peer-to-peer file sharing;
- (10) Accessing child pornography.

(dd) Unauthorized Access to University of Memphis Facilities and/or Grounds. Any unauthorized access or occupancy of institutional facilities and/or grounds is prohibited, including, but not limited to, gaining access to facilities and/or grounds that are closed to the public, being present in areas of campus that are open to limited guests only, being present in academic buildings after hours without permission, and being present in buildings with no legitimate reason;

(ee) Unauthorized Surveillance. Making or causing to be made unauthorized video/audio recordings or photographic images of a person in a location in which that person has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, and restrooms, as well as any storing, sharing, and/or distributing of such unauthorized recordings/images by any means;

(ff) Smoking Violations. Violation of any University or TBR smoking or other tobacco use rules or policies. [see University of Memphis policy on limited tobacco use available here: <http://policies.memphis.edu/UM1738.htm>]

(gg) Unauthorized use, abuse, or interference with fire safety equipment, building security systems, security or fire personnel or any other warning devices, including but not limited to:

- (1) Alteration, or misuse of fire hoses, fire hydrants, fire extinguishers, fire alarms or any other fire safety equipment (or apparatus pertaining to such equipment),
- (2) Violation of any University policy as well as any federal, state or local law concerning fire protection equipment or firefighting personnel,
- (3) Tampering with locks, other door hardware, cameras or other equipment used to provide security on campus,
- (4) Failure to exit any University building during a fire drill or fire alarm,
- (5) Failure to comply with the directives of fire safety personnel acting in the performance of their duties.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.02, Disciplinary Offenses. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

III. Academic and Classroom Misconduct

Disruptive Behavior in the Classroom

- (1) May be defined as, but not limited to, behavior that obstructs or disrupts the learning environment (e.g., outbursts which disrupt the flow of instruction or prevent concentration on the subject taught, failure to cooperate in maintaining classroom decorum,, text messaging, and the continued use of any electronic or other noise or light emitting device which disturbs others).
- (2) At the University of Memphis, the instructor has responsibility for maintaining control over classroom behavior and can order the temporary removal or exclusion from the classroom of any student engaged in disruptive conduct or conduct that violates the general rules and regulations of the institution for each class session during which the conduct occurs. Extended or permanent exclusion from the classroom, beyond the session in which the conduct occurred, or further disciplinary action can be affected only through appropriate procedures of the institution. The instructor may also report incidents of classroom misconduct to the Office of Student Conduct and/or the Department Chair.
 - (a) In instances where the instructor wishes that a student be permanently removed from the classroom, the matter will be referred to the Director of the Office of Student Conduct who will investigate the matter to determine the appropriateness of such action.
 - (b) If a student wishes to appeal being permanently removed from a class, they may do so by submitting a written letter of appeal to the University Committee on Student Conduct. An appeal hearing shall be conducted within ten (10) days of receipt of the appeal request.
- (3) The University may choose to initiate formal disciplinary action outside of and in addition to the action taken by the instructor related to incidents of classroom misconduct.

Academic Integrity

- (1) Plagiarism, cheating, and other forms of academic dishonesty are prohibited. Students guilty of academic misconduct, either directly or indirectly, through participation or assistance, are immediately responsible to the instructor of the class in addition to other possible disciplinary sanctions which may be imposed through the regular institutional disciplinary procedures.
- (2) An instructor who believes a student has committed an act of academic misconduct shall notify the student in writing of the basis for the belief and allow the student five (5) business days to respond to the allegation. The student shall respond to the allegation by scheduling a meeting with the instructor to discuss the matter. After

meeting with the student to review the alleged misconduct, the instructor has two options: (a) they may make a decision regarding appropriate action, or (b) they may refer the matter to the Academic Integrity Committee.

- (a) Summary Discipline- If, after the student has had the opportunity to respond to the alleged violation, the instructor finds sufficient evidence exists to conclude that a violation did occur, the instructor may make a decision regarding the appropriate penalty. The instructor may issue a failing or diminished grade for the course or issue a failing or diminished grade on the assignment or examination in question. The instructor will communicate their decision to the Chair of the Department within five (5) business days of their meeting with the student. After receiving notice of the action taken, the Chair will then notify the student of the instructor's decision within five (5) business days.
 - (b) Academic Integrity Committee- Rather than making a decision, the instructor may instead choose to defer disciplinary action to the Academic Integrity Committee. At this meeting, both the student and the instructor will be invited to present to provide information to support their case. The Academic Integrity Committee may issue a failing or diminished grade for the course or issue a failing or diminished grade on the assignment or examination in question.
- (3) At the conclusion of the disciplinary process, all decisions regarding acts of academic misconduct will be communicated to the Office of Student Conduct.
 - (a) Once a student has been accused of an act of academic misconduct, the student may not drop or withdraw from the class until such time as the matter has been resolved. A student found responsible for academic misconduct is not permitted to withdraw from the course to avoid summary discipline.
 - (b) In cases where more than one student is suspected of academic misconduct, each student's case will be adjudicated separately.
- (4) Students found responsible for multiple acts of academic misconduct may be subject to further disciplinary action including suspension from the University. In the event the sanction may be suspension from the University (determined by the Associate Dean of Students for Student Conduct), the student will have the choice to select adjudication pursuant to the Tennessee Uniform Administrative Procedures Act (TUAPA).

Appeals of Academic Integrity Violations

- (1) A student found responsible by their instructor for act(s) of academic misconduct may seek a review by the Chair of the Department. A request for such a review must be submitted (in writing) within five (5) business days of receipt of notice of the instructor's decision. During this review, the student and instructor will present information to support their case. After reviewing the material presented by the instructor and the student, the Chair may:
 - (a) Uphold the action taken by the instructor, or
 - (b) Modify the action taken by the instructor.
- (2) Following this review, the student may request an appeal of the decision of the Department Chair by submitting a letter of appeal (in writing) to the Academic Integrity Committee within five (5) business days of the Department Chair's review meeting. The Office of Student Conduct will then schedule an appeal hearing before the Academic Integrity Committee. The appeal hearing will be conducted pursuant to the process set forth in Disciplinary Procedures (Appeals) contained below.
- (3) In cases where the faculty member has deferred disciplinary action to the Academic Integrity Committee, a student may appeal the original jurisdiction decision of the Academic Integrity Committee by submitting a letter of appeal (in writing) to the University Committee on Student Conduct within five (5) business days of being notified of the Academic Integrity Committee's decision. The Office of Student Conduct will then schedule an appeal hearing before the University Committee on Student Conduct. The appeal hearing will be conducted pursuant to paragraph (11) set forth in Disciplinary Procedures contained below.
- (4) A student may appeal a grade assignment for course work not associated with a finding of academic misconduct (as distinct from a student disciplinary sanction) through the appropriate University grade appeal procedures. [see http://www.memphis.edu/ugcatalog/acad_reg/ug_grade_appeal.php or <http://www.memphis.edu/gradcatalog/gradeappeals.php>]

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.03 Academic and Classroom Misconduct. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

IV. Disciplinary Sanctions

(1) The following disciplinary sanctions are applicable to both individual students as well as student organizations. Upon determination that a student or organization has violated any of the policies set forth in this document and/or the general policies of the University, disciplinary sanctions may be imposed by the appropriate hearing body.

(2) Definition of Sanctions:

- (a) **Warning.** A warning constitutes official written notice that a student or organization has violated University rules governing conduct and that repetition of inappropriate conduct would be cause for more serious disciplinary action. A warning will remain in the student's active disciplinary file for a period of one year from the issuance of the sanction (unless applicable State/Federal law dictates otherwise) and would be used as a basis for future sanctioning should further violation(s) of Code of Student Rights and Responsibilities occur in that period;
- (b) **Censure.** A censure may be given to any student or organization whose conduct violates University rules and provides notice that any further violation(s) will result in more serious disciplinary action. A censure will remain in the student's active disciplinary file until graduation from the issuance of the sanction and would be used as a basis for future sanctioning should further violation(s) of Code of Student Rights and Responsibilities occur in that period;
- (c) **Probation.** Any student or organization placed on probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon extracurricular activities, or any other appropriate special condition(s). Continued enrollment of a student or recognition of a student organization on probation may be conditioned upon adherence to these policies. Any conduct in further violation of these policies while on probationary status or the failure to comply with the terms of the probationary period may result in the imposition of further disciplinary action;
- (d) **Suspension.** Suspension involves the separation of a student or student organization from the University for a specified period of time. Suspension may be accompanied by special conditions for readmission or recognition. All students suspended from the University of Memphis will be issued a No Trespass Directive barring them from University owned or controlled property and all University sanctioned events or functions. A student suspended from the University of Memphis must submit a written request to the Director of the Office of Student Conduct (or designee) 3 business days in advance to request permission to be present on University property. This request must specifically

identify the nature of the official University business which the suspended student wishes to conduct as well as the location(s) that the student wishes to visit. A student suspended from the University must petition for permission to re-enroll;

- (e) Interim Suspension. As a general rule, the status of a student or student organization accused of violation of these policies should not be affected until a final determination has been made in regard to the charges. However, interim suspension, pending the completion of disciplinary procedures, may be imposed upon a finding by the Dean of Students (or designee) that the continued presence of the accused on campus would constitute an immediate threat to the physical safety and well-being of the accused, any other member of the University, its guests, property, or would create a substantial disruption of classroom or other University activities. The authority for interim suspension exists independently of the jurisdiction of the Office for Office of Student Conduct and/or all University hearing bodies. The Dean of Students (or designee) also has the authority to revoke interim suspension if information becomes available which indicates such action is no longer necessary to ensure the safety of the campus community. All students/organizations placed on interim suspension status will be barred from University owned or controlled property and all University sanctioned events or functions. A student or organization placed on interim suspension status must obtain advance permission to be present on University property. Such permission may be granted by the Dean of Students (or designee). In such instances, permission will be granted only in cases where a legitimate cause for presence on campus has been identified. In instances where approval is granted, the suspended student will arrive to campus at the University Police Services office located on Zach Curlin Boulevard to be escorted to their destination [for further information, see Disciplinary Procedures Interim Suspension in section V of this document];
- (f) Revocation of Admission, Degree, or Credential;
- (g) Service to the University or Community. A student, or student organization, may be required to donate a specified number of service hours to the University performing reasonable tasks for an appropriate institution office, official(s), or the local community. The service required shall be commensurate to the offense;
- (h) Restriction. A restriction upon a student's or student organization's privileges for a period of time may be imposed. This restriction may include, for example, denial of the ability to represent the institution at any event, ability to participate in University of Memphis sponsored travel, use of facilities, parking

privileges, participation in extracurricular activities or restriction of organizational privileges;

- (i) Specified Educational/Counseling Program. A student or student organization may be required to participate in specified assessment, educational or counseling program(s) relevant to the offense, or to prepare a project or report concerning a relevant topic;
- (j) Apology. A student or student organization may be required to apologize to an affected party, either verbally or in writing, for the behavior related to a disciplinary offense;
- (k) Fines. Penalties in the form of fines may be imposed against a student or student organization whenever the appropriate institutional authority deems appropriate. The sanction of fines may be imposed in addition to other forms of disciplinary sanctions. Failure to pay fines may result in further disciplinary action;
- (l) Housing Probation. Continued residence in campus or student housing may be conditioned upon adherence to these regulations as well as institutional housing regulations. Any resident placed on housing probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon the activities of the resident, including any other appropriate special condition(s);
- (m) Housing Suspension and Forfeiture. A resident suspended from housing may not reside, visit, or make any use whatsoever of a housing facility or participate in any housing activity during the period for which the sanction is in effect. A suspended resident shall be required to forfeit housing fees (including any unused portion thereof and the Housing Deposit). A suspended resident must vacate the housing unit. Housing suspension shall remain a part of the student resident's disciplinary record;
- (n) Restitution. Restitution may be required in situations which involve destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or student organization is obligated by the appropriate judicial authority to compensate a party or parties for a loss suffered as a result of disciplinary violation(s). Any such payment in restitution shall be limited to actual cost of repair, replacement or financial loss;
- (o) Other educational conditions and/or sanction(s) deemed appropriate by the disciplinary hearing body charged with the adjudication of an alleged disciplinary violation.

- (3) The President of the University is authorized, at his or her discretion, to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or, subsequently, to convert any sanction imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases.
- (4) Parental Notification. The University of Memphis recognizes that students, parents, and the University are in a partnership in which each has the responsibility to promote a safe and healthy educational environment. The University discipline process exists in an effort to provide such an environment and to protect the campus community. Pursuant to Tennessee Code Annotated §49-7-146, the University of Memphis 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 any rule or policy of the University of Memphis, except as prohibited by the Federal Education Rights and Privacy Act (FERPA). The trigger for notification will be 1) an admission of responsibility to the applicable code of conduct violation, or 2) a final finding of responsibility pursuant to the disciplinary procedures.

V. Disciplinary Procedures

- (1) A student or organization accused of violation of the University of Memphis Code of Student Rights and Responsibilities will be given notice of the alleged violation(s) in the form of a charge letter. The charge letter will be communicated to the student in writing and will identify the alleged violation(s) and direct the respondent how to proceed to the next step of the University disciplinary process. In cases involving interim suspension, the Dean of Student’s notice to the student informing them of the interim suspension will serve as official notice of alleged violation(s) of the Code of Student Rights and Responsibilities.
- (2) All matters involving allegations of impermissible sexual discrimination or harassment (including but not limited to sexual violence), or retaliation will be governed by the procedures outlined in TBR Guideline P-080 [Discrimination and Harassment- Compliant and Investigation Procedure] and/or University policy that reflects the requirements of that Guideline. [These procedures are located at: <http://www.tbr.edu/policies/>]
- (3) The charge letter will generally direct the respondent to contact the Office of Student Conduct to arrange an appointment to meet with a University Hearing Officer.
 - (a) Charge letters will be delivered to respondents via their University e-mail account. The University considers e-mail a valid form of communication. As such, it is every student’s responsibility to check

their University e-mail account on a regular basis. A charge letter will inform the respondent of the following:

1. The right to present their case to the appropriate disciplinary authority.
2. The right to be accompanied by an advisor.
3. The right to identify witnesses who can speak on the respondents behalf.
4. The right to address any information being used by the University to come to a decision in the respondents case.

- (b) If a respondent fails to make an appointment with the Hearing Officer in a timely manner, a disciplinary hold will be placed on the student's University accounts. In such instances, the University may also move forward with appropriate adjudication of the alleged misconduct [see Effect of Non-Cooperation]

- (4) During this meeting, the charged student/organization will have the opportunity to contest the alleged violation(s) of the Student Code of Rights and Responsibilities and to present information on their behalf..
- (5) The charged student/organization has the right to be accompanied by an advisor of their choice, including legal counsel, but that advisor may not speak on behalf of the student.
- (6) All disciplinary meetings are conducted in private in order to protect the confidential nature of the proceedings.
- (7) The Hearing Officer may identify potential witnesses or victims necessary to conduct a thorough investigation of the alleged violation(s). (8) In the event that the Hearing Officer determines that sufficient information exists for the disciplinary process to continue, the Hearing Officer will determine: (a) if the alleged misconduct would warrant consideration of suspension from the University for disciplinary reasons (or revocation of registration of a student organization during the term of registration) or (b) the alleged misconduct would not warrant consideration of suspension of the student or organization from the University.
- (9) In cases where the alleged misconduct would warrant consideration of suspension:
 - (a) A student or organization in such a case who desires to contest the charge(s) of misconduct is entitled to a hearing in accordance with the uniform contested case procedures adopted by the Tennessee Board of Regents in compliance with the Tennessee Uniform Administrative Procedures Act (TUAPA).
[see <http://tbr.edu/policies/default.aspx?id=4886>]

- (b) A student or organization may elect to waive a hearing pursuant to the Tennessee Uniform Administrative Procedures Act (TUAPA) and have the charge(s) addressed by an appropriate University Hearing Officer in accordance with the University disciplinary procedures.
- (10) In all cases involving a hearing under the TUAPA contested case provisions, the President or his/her designee shall determine, based upon the nature of the case, whether the hearing shall be before a Hearing Officer alone or a Hearing Committee presided over by a Hearing Officer. The case will proceed pursuant to the provisions of the TUAPA and TBR Policy 1:06:00:05 Uniform Procedures for Cases Subject to the Tennessee Uniform Administrative Procedures Act.
[see <http://tbr.edu/policies/default.aspx?id=4886>]
- (11) If a student or organization subject to a sanction of suspension waives the option of a TUAPA hearing and elects a to have the matter resolved by a University Hearing Officer , the disciplinary procedures will be the same as those identified below related to non-dismissal offenses (see article 12 below).
- (12) Students or organizations subject to imposition of disciplinary sanctions other than suspension (or those subject to suspension who waive their right to the TUAPA process) will be accorded a disciplinary hearing with a University Hearing Officer. The following procedural protections will be afforded the student/organization during a disciplinary hearing:
 - (a) The student/organization shall be advised of the breach of regulations of which he or she is charged.
 - (b) The student/organization shall be given an opportunity to identify relevant witnesses and present evidence on his or her behalf.
 - (c) The student/organization may be accompanied by an advisor of his/her choice.
 - (d) The student/organization will be advised in writing via University e-mail (and USPS mail if requested by the student) of all sanctions imposed as a result of the disciplinary hearing.
- (13) All hearings shall be closed.
- (14) Formal rules of evidence shall not be applicable. The Hearing Officer may exclude evidence which in their judgment is immaterial, irrelevant, or unduly repetitious. The standard used for determining responsibility for alleged violation(s) of the University of

Memphis Code of Student Rights and Responsibilities shall be a preponderance of the evidence.

- (15) If, at the conclusion of this process, the Hearing Officer concludes that insufficient information exists to continue the University discipline process, a decision letter will be issued by the Hearing Officer. That decision letter will indicate:
 - (a) Dropped Charges- a Hearing Officer may drop charges in instances where insufficient evidence exists to determine whether a violation occurred. In such instances, the University reserves the right to re-open an investigation if further information regarding the alleged violation(s) becomes available.
 - (b) Not in Violation- a Hearing Officer may find a respondent not in violation in instances where it believes that no violation of the Code of Student Rights and Responsibilities exists.
- (16) If, at the conclusion of this process, the Hearing Officer concludes that sufficient information exists to find the respondent responsible for the alleged violation(s), the Hearing Officer will notify the respondent of this decision and any disciplinary action associated with this action [see Section IV- Disciplinary Sanctions].

Interim Suspension

- (1) The Dean of Students (or designee) has the authority to temporarily remove a student or organization from the University if that student/organization meets the requirements set forth in Disciplinary Sanctions (Article 2.e.) as described earlier in this document.
 - (a) The Dean (or designee) will inform any student/organization in writing of an interim suspension. This notice will serve the same role as a charge letter.
 - (b) If the student/organization elects to contest the interim suspension, the Office for Office of Student Conduct will then be responsible for scheduling a hearing before the appropriate Hearing Body within (10) business days of receipt of such a request. This hearing will follow regular University procedures.
 - (c) If the individual or organization selects a hearing pursuant to the Tennessee Uniform Administrative Procedures Act (TUAPA), the Interim Suspension will remain in effect until the conclusion of the TUAPA process.

- (2) During the interim suspension period, the student/organization will be barred from University owned or controlled property and all University sanctioned events or functions without the consent of the Dean of Students (or designee).

Appeals

- (1) A student/organization found responsible for violation(s) of the Code of Student Rights and Responsibilities shall have the right to appeal the decision of a Hearing Officer. A student may appeal a disciplinary sanction on the following grounds:
 - (a) New information, not available at the time of the original hearing, has become available which would substantially alter the outcome of the hearing.
 - (b) The University failed to conduct the disciplinary process fairly, or violated its procedures in such a way as to disadvantage the respondent.
 - (c) The decision of the Hearing Officer is unduly harsh in relation to the violation(s) of the University Code of Student Rights and Responsibilities.
- (2) All appeals of Hearing Officer decisions will be heard by the University Committee on Student Conduct.
- (3) Appeal hearings are not new disciplinary hearings; they are a review of the existing case materials. The Respondent will be asked to prepare a written statement which will be considered by the Appeal Body at the time of the appeal hearing. The Hearing Officer will also prepare a statement for consideration by the Appeal Body. Appeal hearings are conducted in private and are not open to the respondent.
- (4) The Appeal Body may take the following action upon consideration of the merit of the appeal:
 - (a) Affirm the original decision;
 - (b) Reverse (overrule) the original decision;
 - (c) Amend the sanction prescribed in the original decision. The Appeal Body may lessen or strengthen the severity of the sanction;
 - (d) Remand the matter to the original Hearing Body for reconsideration.
- (5) The standard of proof required to overturn a finding of violation of the University of Memphis Code of Student Rights and Responsibilities previously made by a Hearing

Officer shall be the preponderance of the evidence and the appellant bears the burden of proof.

University Committee on Student Conduct (UCSC)- Procedures

(1) Upon receipt of an appeal request, the Office for Office of Student Conduct will convene a meeting of the UCSC. The Director of the Office of Student Conduct (or designee) will direct the Hearing Officer to prepare an investigative summary consisting of all the information used by the original Hearing Body in adjudicating the case. The appellant must submit any materials they wish to be reviewed by the UCSC three (3) business days prior to the appeal hearing. Any information submitted subsequently will be considered at the discretion of the Chair of the UCSC. All appeal hearings are conducted in private in order to protect the confidential nature of the proceedings.

Petitions for Readmission

- (1) A student/organization who has been suspended from the University of Memphis is not an active member of the University community. Thus, students/organizations that have been separated from the University for disciplinary reasons must petition to re-enter the University. In such instances, the petitioner must demonstrate that they have served the prescribed period of suspension and completed all listed conditions of their sanction. In order for a petition to be considered:
- (2) The petitioner must present a valid petition letter to the Office of Student Conduct a minimum of thirty (30) days prior to the first day of classes of the semester for which the petitioner wishes to enroll.
- (3) The petitioner must provide documentary evidence that all conditions associated with their suspension have been satisfactorily completed in the time period outlined in the sanction letter.
- (4) The petitioner should include a letter describing the reason for the suspension, the behavioral changes they have made during the period of separation, and the educational career goals the petitioner wishes to pursue upon returning to the University.
- (5) After consideration of the petitioners request to re-enter the University, the Director of the Office of Student Conduct (or designee) may:
 - (a) Grant the petition for readmission;
 - (b) Deny the petition for readmission based on the petitioner's failure to demonstrate completion of the conditions associated with the suspension.

Victim's Rights

- (1) Students who are victimized through violation of the University rules shall be provided with certain rights. Additionally, although the victim's input shall be sought during the disciplinary process, the right and responsibility for disposition of any individual complaint is reserved by the University. If a victim withdraws a complaint or refuses to offer testimony during the course of a disciplinary proceeding, the University reserves the right to proceed with investigation and adjudication of the alleged misconduct. The rights referred to above are as follows:
 - (a) The victim shall be given the opportunity to meet with a Hearing Officer to discuss the disciplinary process.
 - (b) The victim shall be given an opportunity to submit a written account of the alleged incident.
 - (c) The victim shall have the right to be accompanied at all stages of the discipline process by an advisor or counsel whose participation shall be limited to advising the victim.
 - (d) The victim shall be afforded an opportunity to testify as a witness during the disciplinary process.
 - (e) The victim may decline to testify during the disciplinary process, with the knowledge that such action could result in dismissal of allegations of University rules violations for lack of evidence.
 - (f) The victim will be allowed, if he/she chooses, to submit a written impact statement to the University for consideration.

Behavioral Intervention Team (BIT)

- (1) The University of Memphis is concerned about the care, welfare and safety of all of its students, faculty, and staff. It is part of the mission of the University to try to promote an environment where individuals are free to learn, teach and work unencumbered and uninhibited by threats of intimidation and harm. The purpose of the Behavioral Intervention Team (BIT) is to address student behavioral concerns that are inconsistent with the University's mission. The members of this team act with a common purpose to address critical student behavioral or mental health concerns through review of situations/incidents, information gathering and sharing, and take action to ensure the safety and educational success of the student. The BIT does not replace other classroom management or disciplinary processes nor does it address student behaviors that require immediate health, police or mental health attention.

- (2) Once an assessment has been made and a risk identified, the BIT will consider the most appropriate source of support for that student, with the goal of maximizing the student's chance of educational success. This may include, but is not limited to:
- (a) Referral for professional mental health evaluation;
 - (b) Documentation from a mental health professional of a student's ability to return to the University and to resume participation in current educational programs, activities and services;
 - (c) Imposition of sanctions or limits designed to protect the individual or the University community;
 - (d) Voluntary withdrawal from the University for either a specified or unspecified period of time;
 - (e) Involuntary withdrawal or suspension from the University for either a specified or unspecified period of time.
- (3) A student may appeal the action of the BIT by submitting a written request of appeal to the Director of the Office of Student Conduct for consideration by the University Committee on Student Conduct.
- (4) Self-Harm Assessment Protocol- Students who make statements or take actions which indicate intent to harm themselves will be directed to be assessed by staff at the University's Counseling Center. This assessment will not constitute disciplinary action but is required to assure the students wellbeing and safety as a member of the University community.

Retention of Records

- (1) Disciplinary files will be destroyed if the student/organization is not found to be responsible for a rules violation. A permanent file will be maintained if a student is suspended or interim suspended for violation(s) of the Code of Student Rights and Responsibilities. No reference to the suspension or expulsion will be made on the student's transcript unless the sanction so specifies. Student disciplinary files in cases in which a lesser sanction has been imposed will be retained for a period of four (4) years after date of action or for one (1) year after the student has graduated (unless sanction specifies that they should be retained for a longer period). Disciplinary files in cases covered under The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act will be retained for a period of seven (7) years after the date of action per Federal requirements.

- (2) The outcome of the University's disciplinary process is part of the educational record of the respondent and is protected from release under the Federal Education Rights and Privacy Act (FERPA), except under certain conditions.

Effect of Noncooperation

- (1) Students and organizations alleged to have violated University rules or regulations shall be provided notice of the allegation(s). A respondent that fails to respond to notice of allegations and/or an Interim Suspension notice shall be deemed to have waived all hearing rights (including those provided under the provisions of the TUAPA). In this instance, a decision may be made in the respondent's absence and/or a sanction imposed. In addition, a hold will be placed on the respondent's records. The hold will be removed at such time as the student/organization has appropriately responded to notice of an alleged violation(s) of these rules.

Student Organizations

- (1) Student organizations are subject to jurisdiction of the University's disciplinary system. The University may take disciplinary action if one (or more) of the following is substantiated:
 - (a) Any member of an organization violates University policy where the proscribed activity is deemed to have been in relation to the organization.
 - (b) Any member of an organization violates University policy where it is determined that organizational funds have been used to facilitate the commission of the proscribed behavior.
 - (c) A violation of University policy occurs in connection with an organization sponsored function.
 - (d) Any member of an organization fails to cooperate during an investigation into alleged violation(s) of University policy as related to numbers 1 through 3 above.
- (2) Alleged violation(s) of University policy shall be reported immediately to the Office of Student Conduct. A preliminary meeting with the president and or members of the executive body of the organization will be conducted within ten (10) business days to determine if further investigation is warranted.

- (a) During this preliminary meeting, the organization's representative will present information related to the events/actions in question.
 - (b) If an organization fails to provide an appropriate representative during the preliminary meeting, a decision to pursue formal disciplinary action will be made in its absence [see Effect of Non-Cooperation].
- (3) If the University decides to pursue formal disciplinary action against the organization, the Office of Student Conduct shall use the stated procedures outlined in section V-Disciplinary Procedures.
- (4) TUAPA: All cases which may result in: (a) suspension or expulsion of a student or organization from the University of Memphis, for disciplinary reasons or (b) revocation of registration of a student organization, are subject to the contested case provisions of the Tennessee Uniform Administrative Procedures Act (TUAPA), T.C.A. § 9-8-01 et seq., and shall be processed in accord with the Uniform Contested Case procedures adopted by the Board of Regents unless the student or organization, after receiving written notice, waives those procedures and elects to have the case disposed of in accord with University procedures or waives all right to contest the case under any procedure.
- (5) Appeals of any formal action taken in relation to violation(s) of the Code of Student Rights and Responsibilities will be directed to the Office of Student Conduct within five (5) days of the organization being informed of the outcome of the formal disciplinary hearing. The appeal process will follow the procedures outlined in Section V-Disciplinary Procedures (Appeals).

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.06 Disciplinary Procedures and due Process. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

VII. TRAFFIC AND PARKING REGULATIONS

(1) PURPOSE. The purpose of this code is to establish uniform procedures for facilitating the safe and expeditious flow of traffic, preventing accidents and informing vehicle operators and pedestrians of traffic laws and safety regulations in effect on the Campus of The University of Memphis.

(2) GENERAL.

- (a) The entry, operation and control of motor vehicles on The University of Memphis property are as authorized and directed by the President of The University of Memphis, who may exercise such controls as deemed necessary. The Director of Public Safety, as the President's representative, is responsible for the enforcement of this code. The Director of Public Safety and the Director of Parking Services may exclude or remove from the campus any vehicle that is used as an instrument in a crime; suspected of being stolen or abandoned; mechanically unfit; being operated by a person under the influence of intoxicants or drugs; remove one that has been registered in accordance with this code; or one that parks in violation of these regulations.
- (b) Violators of this code are subject to appropriate disciplinary and/or administrative action.
- (c) The issuance of a parking permit does not guarantee a parking space on University property. The inability to locate a legal parking space does not diminish the responsibility to park in accordance with these parking regulations.
- (d) Motorists may obtain assistance or information from any campus Parking Assistant or Public Safety officer on patrol or by calling Parking Services (678-2212) or Police Services (678-4357[HELP]).

POLICE OFFICERS, PARKING ASSISTANTS, FACULTY OR STAFF EMPLOYEES ARE NOT EMPOWERED TO ALLOW ANYONE TO VIOLATE UNIVERSITY TRAFFIC AND PARKING REGULATIONS.

(3) DEFINITIONS

- (a) STUDENT – Any person registered in a credit or non-credit course offered on campus by The University of Memphis, including Graduate Students.
- (b) FACULTY – Any regular employee who holds academic rank and who is engaged in instruction, departmental research or public service.
- (c) ADMINISTRATIVE/PROFESSIONAL – All regular employees other than faculty who primarily have executive, administrative or professional responsibilities.
- (d) CLASSIFIED STAFF – Any regular employee not exempt from the Federal Fair Labor Standards Act.
- (e) TEMPORARY AND ADJUNCT FACULTY – Any person employed temporarily by The University of Memphis who holds academic rank and who is engaged in instruction, departmental research or public service other than graduate assistants.

- (f) INVITED VISITOR – Any person invited by a University department for official business with The University of Memphis.
- (g) VISITOR – Any person not invited by a University department for official business with The University of Memphis.

(4) PARKING REGULATIONS. These regulations will be enforced at all times. If any of these regulations are violated, the operator of the offending vehicle will be issued a citation and the vehicle may be towed. All unattended vehicles will be considered parking.

(a) IMPROPER PARKING. Vehicles parked as described below will be issued a citation for Improper Parking. Citation amounts (fines) are set forth in section 1 listed below.

1. In marked Fire Lanes designated by a red painted curb or by signs.
2. Within fifteen (15) feet of a fire hydrant.
3. In driveways, blocking a driveway, at the end of a parking row, in a traffic lane or in a street so as to impede traffic (double parked).
4. In areas designated “No Parking” by signs, yellow painted curb or by yellow striped areas in parking lots.
5. In areas designated “Loading Zones” by signs or markings for a period of fifteen (15) minutes or more. Extended loading periods must be arranged through Parking Services.
6. On sidewalks or on grounds (grass or unpaved areas).
7. Outside of a parking space as delineated by white lines.
8. In a manner so as to block a ramp constructed to facilitate the movement of disabled individuals.
9. Opposing traffic on a University street so that leaving the parking space is hazardous.
10. Occupying more than one parking space.

(b) PARKING PERMITS. Only vehicles properly displaying The University of Memphis parking permit (designated by a hangtag or bumper sticker, visitor pass or those legally parking at parking meters or in any parking garage may be parked on property owned or leased by The University of Memphis. All other vehicles parked on The University of Memphis controlled property will receive a citation.

1. PRIORITY – Only vehicles displaying current The University of Memphis Parking permits designated by a hangtag or bumper sticker for the current semester may be parked in spaces designated for the use of that permit’s assignment. All other vehicles parked in that area will receive a citation. Vehicles parking in a reserved space will receive a citation. Vehicles parking in a reserved space or in Priority parking lots without proper permits will receive a citation and may be towed.

2. RESERVED - Spaces marked with a name, number or title are reserved for the exclusive use of the person designated. Only vehicles registered to these individuals are authorized to park in these spaces. All other vehicles parked in a reserved space will receive a citation and may be towed.
3. DISABLED – Only vehicles displaying The University of Memphis parking disabled designator and/or State Placard may park in spaces marked as Disabled Spaces. All other vehicles parked in spaces marked as Disabled spaces will receive a citation and may be towed.
4. ON CAMPUS RESIDENT – Only vehicles displaying The University of Memphis resident parking permits for the current semester may be parked in spaces marked as Resident Only. All other vehicles parked in resident spaces will receive a citation. Residency status will be confirmed.
5. PATIENT PARKING – Only vehicles displaying The University of Memphis parking permits for the current semester and a parking pass from the Health Center may park in spaces designated for patient parking. The parking pass is available from the Health Center reception desk. All other vehicles parked in patient parking spaces will receive a citation.
6. PARKING METERS – All vehicles parked in spaces regulated by a parking meter will receive a citation for overtime if the “time expired” flag is up unless the vehicle has displayed a Visitor or Emeriti parking permit. Citations for overtime violations may be issued every hour in which the violation exists. Students and employees are not allowed to park in metered spaces.
7. VISITOR – Only visitors may park at parking meters marked “Visitors Only”. Registered vehicles parked at meters marked for “Visitors Only” will receive a citation for parking in a restricted parking area.
8. GARAGE PARKING – Students, faculty, staff and visitors may park in the Innovation or the Zach Curlin Parking Garage without permit access and will be charged an hourly rate or all-day rate. Students, faculty and staff will be charged a fee for permit access.
9. MOTORCYCLE PARKING – Only motor vehicles displaying The University of Memphis motorcycle/bumper sticker including motorcycles, motor bikes, and motor scooters regardless of size may park in spaces designated “Motorcycle Parking” or regularly marked parking spaces. Operating these vehicles on any surface other than designated streets or parking areas is expressly prohibited. These vehicles may park only in designated and/or marked parking spaces. Parking on sidewalks or chaining these vehicles to lampposts and other similar structures is specifically prohibited.

- (5) MOVING VIOLATIONS. These regulations will be enforced at all times. Citations will be issued for violation of the following moving violations. Citation amounts (fines) are set forth at 0240-3-3-.08(8)(b). Drivers who drive so as to jeopardize the safety of others may also have their driving privileges revoked while on The University of Memphis property.

- (a) STOP SIGN – A vehicle shall come to a complete halt at stop signs or pavement markings indicating “STOP” and remain stationary until it is safe to proceed.
- (b) RECKLESS DRIVING – Vehicles shall not be operated in a manner so as to endanger life or property.
- (c) SPEEDING – The maximum speed limit on The University of Memphis property, or on property leased by The University of Memphis, is 15 miles per hour. The maximum speed limit on Walker, Patterson and Zach Curlin streets is 25 miles per hour.
- (d) FAILURE TO OBEY DIRECTIONS – Vehicle operators must obey the lawful directions of a Police Officer or Parking Assistant.
- (e) ONE-WAY STREET – Vehicles shall not be driven in violation of posted traffic direction signs.
- (f) DRIVING ON SIDEWALK or in PEDESTRIAN WALKWAYS – Vehicles shall not be driven on sidewalks or in areas marked for pedestrian use only.
- (g) ILLEGAL ENTRY – Vehicles shall not enter an area marked “Do Not Enter” or a gated parking lot by driving on sidewalks, grounds, by using a permit illegally or by tail-gating another vehicle to gain access.

- (6) CITATION APPEALS AND ADMINISTRATION

- (a) ADMINISTRATION – Regardless of the University status or classification of the violator, citations are to be paid or appealed within fifteen (15) working days of the issuance date of the citation. Citations may be paid by appearing at the Bursar’s Office with the violator’s copy of the citation or by mailing a check to the Bursar’s Office, The University of Memphis, PO Box 1000, Department 313, Memphis, Tennessee, 38152, accompanied by the violator’s copy of the citation. If the violator’s copy has been lost or destroyed, a copy can be obtained from Parking Services located at 120 Zach Curlin Parking Garage. Please include your Social Security Number on the check or money order.
- (b) STUDENT APPEALS – If a student believes he or she has justification, an appeal may be filed with the Student Government Association office located on the 9th floor of Wilder Tower within fifteen (15) working days of the issuance date of the citation. Appeal forms are available online at: <http://bf.memphis.edu/parking>, in the SGA office or in Parking Services. Decisions made by the SGA for student appeals can be found online at <http://saweb.memphis.edu/judicialaffairs/citationdockets.htm>

Student appeals may also be submitted online using your TigerPark account. All decisions are final.

Grades and records will be withheld, and students will not be allowed to register for subsequent terms, for outstanding parking fines.

- (c) FACULTY/STAFF/EMPLOYEE APPEALS – If a faculty/staff employee believes he or she has justification, an appeal may be filed with the Faculty/Staff Appeals Committee. Appeal forms may be obtained and filed in Parking Services. Outstanding fines for faculty/staff employees will be recouped pursuant to Tennessee Board of Regents Guideline B-010.
- (d) VISITOR APPEALS – If a visitor believes he or she has justification, an appeal may be filed with the Assistant Manager in Parking Services. A letter of justification along with the citation may be sent to Parking Services, or an appeal form may be obtained online at <http://bf.memphis.edu/parking> or in Parking Services.

(7) TOWING/STORAGE

- (a) Agents designated by the University shall have authority to remove to a place of storage at the owner's expense, any vehicle(s):
 - 1. Blocking disabled or handicapped curb cut or ramp
 - 2. Blocking a fire lane or fire hydrant (within fifteen (15) feet) or hindering movement of emergency vehicles.
 - 3. Blocking or parking in a driveway or traffic lane, or impeding traffic flow (double parked).
 - 4. Abandoned.
 - 5. Without license, parking permit or Vehicle Identification Number information visible.
 - 6. Upon which an Intent to Tow notice has been placed.
 - 7. Parked in lots not designated for parking permit purchased or reserved space without authorization.
 - 8. Parking in a restricted-disabled or handicapped space without authorization.
 - 9. Parked in violation of Traffic and Parking Regulations.
 - 10. Parked in no parking zones.
 - 11. Parked on sidewalks or on grounds (grass or unpaved areas).
 - 12. Parked opposing traffic on the University streets.
 - 13. Occupying more than one parking space.
 - 14. Parked in designated loading zones for longer than 15 minutes.
 - 15. Unregistered.
 - 16. Parked overtime in a metered space.

17. Registered and parked in visitor spaces.
18. Upon which a University Official determines it is necessary for facilitating the expeditious flow of traffic.
 - a. In addition to any appropriate fine, the owner or operator of the offending vehicle shall be liable for payment of towing and storage fees. The University of Memphis is not responsible for damage to any vehicle resulting from towing or storage. Appeal procedures for towing are the same as described at rule 0240-3 3-.08(6).

(8) FINES

(a) Parking Violations

1. Registration Violation (No Parking Permit)	\$15.00
2. Expired permit / Hangtag / Bumper Sticker	\$15.00
3. Improperly Parked	\$15.00
4. Restricted (With Parking Permit)	\$25.00
5. Improperly displayed parking permit	\$10.00
6. Restricted-Disabled	\$200.00
7. Resident Parking Violation	\$25.00
8. Patient's Parking Violation	\$25.00
9. Overtime at Meter	\$10.00
10. Blocking Driveway	\$15.00
11. Double Parked	\$15.00
12. Fire Lane	\$25.00
13. Blocking Fire Hydrant	\$25.00
14. No Parking Zone	\$15.00
15. Loading Zone	\$15.00
16. Outside of Lines	\$15.00

17. Opposing Traffic	\$15.00
18. Impeding Traffic	\$15.00
19. Parked in two spaces	\$15.00
20. Blocking Disabled curb (sidewalk curb cuts)	\$200.00
21. Restricted – Visitor Parking Violation	\$25.00
22. Parked on Sidewalk or grounds	\$15.00
23. Illegal Entry	\$100.00
24. Breaking Gate – Gate Replacement	\$125.00
25. Gate Mechanism Labor (repair or replacement)	\$12.00 per hour
26. Law School – Return Permit Late Fee	\$2/day - \$30/max

(b) MOVING VIOLATIONS

1. Stop Sign	\$25.00
2. Reckless Driving	\$25.00
3. Speeding	\$10.00
4. Failure to Obey Public Safety / Parking Officer	\$25.00
5. One-Way Street Violation	\$10.00
6. Driving on Sidewalk or Pedestrian Way	\$25.00

(c) ANY STUDENT WHO RECEIVES \$100.00 OR MORE IN TRAFFIC AND/OR PARKING VIOLATIONS ON UNIVERSITY CONTROLLED PROPERTY DURING ANY SEMESTER WILL BE SUBJECT TO DISCIPLINARY ACTION IN ACCORDANCE WITH SECTION V OF THE CODE OF STUDENT CONDUCT.

MOTOR VEHICLE REGISTRATION AND PARKING

(1) REGISTRATION

- (a) Persons eligible to operate vehicles on the campus of The University of Memphis, including employees and students enrolled in credit courses to whom a state issued distinctive license plate or placard for disabled drivers and passengers has been issued, must register with Parking Services. Any student or employee who obtains vehicle registration through misrepresentation may be subject to disciplinary and/or administrative action.
- (b) No vehicle is considered to be properly registered until The University of Memphis parking permit (hangtag) is visibly displayed from the inside rear view mirror post or affixed to the exterior upper center of the front windshield. (Taping permit inside of the window is not acceptable). Parking permits are issued in the form of a hangtag, bumper sticker to be displayed on all vehicles authorized to park on property owned and/or leased by The University of Memphis. Permits are issued on a three-year cycle with validation stickers designated for student enrollment each semester. General parking permits allow parking only in general parking lots. Resident parking permits allow parking in one resident gated parking lot and ungated resident areas. Disabled/handicap permits allow parking access to all parking lots and handicapped parking spaces.
- (c) A TEMPORARY PARKING PERMIT MUST BE OBTAINED FOR ANY VEHICLE BEING DRIVEN BY A STUDENT, FACULTY, STAFF OR EMPLOYEE WHEN THEIR PARKING REGISTRATION PERMIT IS NOT AVAILABLE. TEMPORARY PARKING PERMITS MAY BE OBTAINED FROM PARKING SERVICES FOR A PERIOD OF TIME NOT TO EXCEED TWO (2) WEEKS. A FEE IS CHARGED FOR TEMPORARY PARKING PERMITS.

(2) VISITOR PARKING

- (a) Invited Visitor parking permits are available for University guests invited by a department and may be arranged through Parking Services for the inviting department's distribution. Parking Services is open from 7:00am – 6:00pm Monday through Thursday, and 7:00am – 4:30pm Friday.
- (b) Visitor parking permits are available at Parking Services. A fee is charged for visitor parking permits.
- (c) Visitors may also park in the Innovation Garage and Zach Curlin Garage without a permit. An hourly fee is charged for parking in the garages.

(3) SALE OF PERMITS Authorized Faculty, staff, students and employees may purchase only one parking permit per semester, and they will be sold according to the priority as follows:

(a) PRIORITY PARKING

1. Faculty, administrative/professional staff and classified staff
2. Students

Parking lots designated in the Priority group are reserved for the exclusive use of those persons assigned to that lot, and are sold to students on a first come/first serve basis.

(b) ON CAMPUS RESIDENT PARKING- Parking areas designated in the Resident Parking group are restricted for the exclusive use of persons assigned to the Resident Parking area. Assignments will approximate one and one-half parking permits per parking space and are sold on a first come/first serve basis. Residency status will be confirmed.

(c) GENERAL PERMIT PARKING- Parking areas designated in the General Permit group are available to any person eligible to operate a vehicle on campus: students, faculty, staff, vendors and visitors with the proper permit.

(d) PHYSICALLY DISABLED PARKING- Designated disabled parking areas are available to persons with physical disabilities who have a registered University of Memphis parking permit and a valid disabled parking permit issued to the student or employee by a State Department of Safety. No additional fee will be assessed to **STUDENTS** for physically disabled parking permits. The priority parking permit fee will be assessed to **FACULTY/STAFF** for physically disabled parking permits. This permit authorizes the permit holder to park in disabled parking spaces in priority parking lots and in other non-reserved, general permit parking spaces on campus.

(e) RESERVED PARKING- Spaces restricted for use by specific individuals as approved by the President.

(4) REPLACEMENT OF PARKING PERMITS OR DEVICES

(a) Lost or stolen parking permits must be reported to Parking Services and will be replaced only after receipt of an additional fee.

(b) Parking privileges revoked through administrative or disciplinary action will be replaced only after receipt of an additional fee.

(c) Anyone losing a remote gate control device by accident or theft will be assessed a fee.



TENNESSEE BOARD OF REGENTS

MEETING: March Quarterly Board Meeting

SUBJECT: Revision of Student Disciplinary Policy
Cleveland State Community College

DATE: March 28, 2014

PRESENTER: Vice Chancellor Tristan Denley

ACTION REQUIRED: Voice Vote

STAFF'S RECOMMENDATION: Approval

BACKGROUND INFORMATION:

At its meeting on December 8, 2011, the Board approved a separate Student Disciplinary Policy for each TBR university and community college as well as a Student Disciplinary Policy for the Tennessee Colleges of Applied Technology (formerly known as the Tennessee Technology Centers). These policies describe disciplinary behaviors, disciplinary sanctions, and due process in keeping with the systemwide rule and applicable statutes. Furthermore, these policies include traffic and parking procedures including statements of traffic and parking related fees and fines.

The revised system-wide rule provides for institutions to amend their student disciplinary policies as such: "In student discipline policies, each institution may expand on these regulations, subject to Board approval" [Rule 0240-02-030.01 (2)]. The revision process has included institution-specific processes and approvals as well as review by institutions' counsel and by the Office of Academic Affairs.

Cleveland State Community College requests modifications to Section 5: Traffic and Parking to make appropriate changes to titles and names of offices resulting from the college's decision to move from a Safety and Security Department to a state-approved Campus Police Department throughout this section, to include reference to state citations where appropriate, and to clarify that the type of citation issued for parking violations, either campus or state, is at the officer's discretion.

Cleveland State Community College

CSCC Policy 3:02:00:01 General Regulations on Student Conduct & Disciplinary Sanctions

Part 1 Institution Policy Statement

Part 2 Disciplinary Offenses

Part 3 Academic and Classroom Misconduct

Part 4 Disciplinary Sanctions

Part 5 Traffic and Parking

Part 6 Disciplinary Procedures

Purpose:

The purpose of this Policy is to provide conduct and administration of rules governing student disciplinary offenses, academic and classroom misconduct, student disciplinary sanctions, traffic and parking regulations, and student disciplinary procedures.

Part 1 Institution Policy Statement

- (1) Students enrolled in postsecondary educational institutions are citizens of their civic communities as well as the academic community. As such they are expected to conduct themselves as law-abiding members of each community at all times. Admission to an institution of postsecondary education carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by non-students. In recognition of the special relationship that exists between the institution and the academic community which it seeks to serve, the State Board of Regents (TBR) has authorized the presidents of the institutions and directors of the technology centers under its jurisdiction to take such action as may be necessary to maintain campus conditions and preserve the integrity of the institution and its educational environment.
- (2) Pursuant to this authorization and in fulfillment of its duties to provide a secure and stimulating atmosphere in which individual and academic pursuits may flourish, the State Board of Regents has developed regulations, which are intended to govern student conduct on the several campuses under its jurisdiction. As a TBR institution, Cleveland State Community College has implemented policies subject to, and consistent with, these regulations. In addition, students are subject to all federal, state and local laws and ordinances. If a student's violation of such laws or ordinances also adversely affects the institution's pursuit of its educational objectives, the college may enforce its policies regardless of the status or outcome of any external proceedings instituted by other civil or criminal authorities.
- (3) For the purpose of these policies, a "student" shall mean a person who is admitted and/or registered for study at Cleveland State Community College for any academic period. This shall include any period of time following admission and/or registration, but preceding the start of classes for any academic period. It will also include any period which follows the end of an

academic period through the last day for registration for the succeeding academic period, and during any period while the student is under suspension from the institution. Finally, “student” shall also include any person subject to a period of suspension or removal from campus as a sanction which results from a finding of a violation of the regulations governing student conduct. Students are responsible for compliance with the Rules of Student Conduct and with similar institutional policies at all times.

- (4) Disciplinary action may be taken against a student for violation of the policies which occur on institutionally owned, leased or otherwise controlled property, while participating in international or distance learning programs, and off campus, when the conduct impairs, interferes with, or obstructs any institutional activity or the mission, processes, and functions of the institution. The college may enforce these policies regardless of the status or outcome of any external proceedings instituted in any other forum, including any civil or criminal proceeding.
- (5) These policies, and related material incorporated herein by reference, are applicable to student organizations as well as individual students. Student organizations are subject to discipline for the conduct and actions of individual members of the organization while acting in their capacity as members of, or while attending or participating in any activity of, the organization.
- (6) Confidentiality of Discipline Process. Subject to the exceptions provided pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA) 20 U.S.C. 1232g , and/or the Tennessee Open Records Act, T.C.A. § 10-7-504(a)(4), a student’s disciplinary files are considered “educational records” and are confidential within the meaning of those Acts.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.01, Institution Policy Statement. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 2 Disciplinary Offenses

- (1) Disciplinary measures shall be imposed, through appropriate due process procedures, for conduct which adversely affects the institution’s pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property or persons on property owned or controlled by CSCC.
- (2) The following non-exclusive list provides notice of offenses for which both individuals and organizations may be subject to disciplinary action:
 - (a) Conduct Dangerous to Self or Others. Any conduct, or attempted conduct, which constitutes a danger to any person’s health, safety, or personal well-being, including, but not limited to, the following:

1. Physical and/or verbal abuse
 2. Threats and/or intimidation
 3. Harm inflicted on self;
- (b) Hazing. Hazing, as defined in T.C.A. § 49-7-123(a)(1), means any intentional or reckless act, on or off the property, of any higher education institution by an individual acting alone, or with others, which is directed against any other person(s), that endangers the mental or physical health or safety of that person(s), or which induces or coerces a person(s) to endanger such person(s) mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization;
- (c) Disorderly Conduct. Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs institutional functions, operations, classrooms, other groups or individuals;
- (d) Obstruction of or Interference with institutional activities or facilities. Any intentional interference with or obstruction of any institutional program, event, or facility including the following:
1. Any unauthorized occupancy of facilities owned or controlled by an institution or blockage of access to or from such facilities.
 2. Interference with the right of any institution member or other authorized person to gain access to any activity, program, event or facilities sponsored or controlled by an institution.
 3. Any obstruction or delay of a campus security officer, public safety officer, police officer, firefighter, EMT, or any official of an institution, or failure to comply with any emergency directive issued by such person in the performance of his or her duty.
- (e) Misuse of or Damage to Property. Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to another including, but not limited to, personal property, fire alarms, fire equipment, elevators, telephones, institution keys, library materials and/or safety devices;
- (f) Theft, Misappropriation, or Unauthorized Sale of Property;
- (g) Misuse of Documents or Identification Cards. Any forgery, alteration of or unauthorized use of institutional documents, forms, records or identification cards, including the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment or status in the institution;

- (h) Firearms and Other Dangerous Weapons. Any possession of or use of firearms, dangerous weapons of any kind, or replica/toy guns, e.g. BB guns, pellet guns, paintball guns, water guns, cap guns, toy knives or other items that simulate firearms or dangerous weapons;
- (i) Explosives, Fireworks, and Flammable Materials. The unauthorized possession, ignition or detonation of any object or article which would cause damage by fire or other means to persons or property or possession of any substance which could be considered to be and used as fireworks;
- (j) Alcoholic Beverages. The use and/or possession of alcoholic beverages on institution owned or controlled property. This offense includes the violation of any local ordinance, state, or federal law concerning alcoholic beverages, on or off institution owned or controlled property, where an affiliated group or organization has alcoholic beverages present and available for consumption;
- (k) Drugs. The unlawful possession or use of any drug or controlled substance (including, but not limited to, any stimulant, depressant, narcotic or hallucinogenic drug, substance or marijuana), sale or distribution of any such drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession or use of drugs, on or off institution owned or controlled property;
- (l) Drug Paraphernalia. The use or possession of equipment, products or materials that are used or intended for use in manufacturing, growing, using or distributing any drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession of drug paraphernalia, on or off institution owned or controlled property;
- (m) Public Intoxication. Appearing on institution owned or controlled property or at an institutional sponsored event while under the influence of a controlled substance or of any other intoxicating substance;
- (n) Gambling. Unlawful gambling in any form;
- (o) Financial Irresponsibility. Failure to meet financial responsibilities to the institution promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the institution;
- (p) Unacceptable Conduct in Disciplinary Proceedings. Any conduct at any stage of an institutional disciplinary proceeding or investigation that is contemptuous, disrespectful, threatening, or disorderly, including false complaints, testimony or other evidence, and attempts to influence the impartiality of a member of a judicial body, verbal or physical harassment or intimidation of a judicial board member, complainant, respondent or witness;
- (q) Failure to Cooperate with Institutional Officials. Failure to comply with directions of institutional officials acting in the performance of their duties;

- (r) Violation of General Rules and Regulations. Any violation of the general rules and regulations of the institution as published in an official institutional publication, including the intentional failure to perform any required action or the intentional performance of any prohibited action;
- (s) Attempts, Aiding and Abetting. Any attempt to commit any of the offenses listed under this section or the aiding or abetting of the commission of any of the offenses listed under this section (an attempt to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission). Being present during the planning or commission of any offense listed under this section will be considered as aiding and abetting. Students who anticipate or observe an offense must remove themselves from the situation and are required to report the offense to the institution;
- (t) Violations of State or Federal Laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference;
- (u) Violation of Imposed Disciplinary Sanctions. Intentional or unintentional violation of a disciplinary sanction officially imposed by an institution official or a constituted body of the institution;
- (v) Sexual Battery or Rape. Committing any act of sexual battery or rape as defined by state law;
- (w) Harassment or Retaliation. Any act by an individual or group against another person or group in violation of TBR policies, as well as federal and/or state laws prohibiting discrimination, including, but not limited to, TBR policies 5:01:02:00, (F), 501:02:00, 2:02:10:01 and TBR Guideline P-080.
- (x) Academic Misconduct. Plagiarism, cheating, fabrication. For purposes of this section, the following definitions apply:
 - 1. Plagiarism. The adoption or reproduction of ideas, words, statements, images, or works of another person as one's own without proper attribution;
 - 2. Cheating. Using or attempting to use unauthorized materials, information, or aids in any academic exercise or test/examination. The term academic exercise includes all forms of work submitted for credit or hours;
 - 3. Fabrication. Unauthorized falsification or invention of any information or citation in an academic exercise;
- (y) Unauthorized Duplication or Possession of Keys. Making, causing to be made or the possession of any key for an institutional facility without proper authorization;
- (z) Litter. Dispersing litter in any form onto the grounds or facilities of the campus;

- (aa) Pornography. Public display of literature, films, pictures or other materials which an average person applying contemporary community standards would find, (1) taken as a whole, appeals to the prurient interest, (2) depicts or describes sexual conduct in a patently offensive way, and (3) taken as a whole, lacks serious literary, artistic, political or scientific value;
- (bb) Abuse of Computer Resources and Facilities. Misusing and/or abusing campus computer resources including, but not limited to, the following:
1. Use of another person's identification to gain access to institutional computer resources;
 2. Use of institutional computer resources and facilities to violate copyright laws, including, but not limited to, the act of unauthorized distribution of copyrighted materials using institutional information technology systems;
 3. Unauthorized access to a computer or network file, including but not limited to, altering, using, reading, copying, or deleting the file;
 4. Unauthorized transfer of a computer or network file;
 5. Use of computing resources and facilities to send abusive or obscene correspondence;
 6. Use of computing resources and facilities in a manner that interferes with normal operation of the institutional computing system;
 7. Use of computing resources and facilities to interfere with the work of another student, faculty member, or institutional official;
 8. Violation of any published information technology resources policy;
 9. Unauthorized peer to peer file sharing;
- (cc) Unauthorized Access to Institutional Facilities and/or Grounds. Any unauthorized access and/or occupancy of institutional facilities and grounds is prohibited, including, but not limited to, gaining access to facilities and grounds that are closed to the public, being present in areas of campus that are open to limited guests only, being present in academic buildings after hours without permission, and being present in buildings when the student has no legitimate reason to be present;
- (dd) Providing False Information. Giving any false information to, or withholding necessary information from, any institutional official acting in the performance of his/her duties in connection with a student's admission, enrollment, or status in the institution;
- (ee) Unauthorized Surveillance. Making or causing to be made unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of

a minor, without the prior effective consent of the minor's parent or guardian. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, and men's or women's restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means;

(ff) Use of Tobacco Products on Campus. Cleveland State Policy 1:14:00:00 prohibits smoking or the use of tobacco products of any type on any property owned by, or leased and operated on behalf of, Cleveland State Community College.

- (3) Disciplinary action may be taken against a student for violations of these policies which occur at or in association with enrollment at the college for any academic period. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree including periods prior to or between semesters. Conduct occurring while a student is registered or enrolled at the college, but not discovered until after the awarding of a degree is actionable under these provisions and may result in the retroactive application of a disciplinary sanction. Should a student withdraw from the college with disciplinary action or academic misconduct action pending, the student's record may be encumbered by the appropriate institutional office until the proceedings have been concluded.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.02, Disciplinary Offenses. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 3 Academic and Classroom Misconduct

- (1) The instructor has the primary responsibility for maintenance of academic integrity and controlling classroom behavior, and can order the temporary removal or exclusion from the classroom of any student engaged in disruptive conduct or conduct that violates the general rules and regulations of the institution. Extended or permanent exclusion from the classroom or further disciplinary action can be effected only through appropriate procedures of the institution.
- (2) Disruptive behavior in the classroom may be defined as, but not limited to, behavior that obstructs or disrupts the learning environment (e.g., offensive language, harassment of students and professors, repeated outbursts from a student which disrupt the flow of instruction or prevent concentration on the subject taught, failure to cooperate in maintaining classroom decorum, etc.), text messaging, and the continued use of any electronic or other noise or light emitting device which disturbs others (e.g., disturbing noises from beepers, cell phones, palm pilots, lap-top computers, games, etc.).
- (3) Plagiarism, cheating, and other forms of academic dishonesty are prohibited. Students guilty of academic misconduct, either directly or indirectly, through participation or assistance, are immediately responsible to the instructor of the class. In addition to other possible disciplinary sanctions which may be imposed through the regular institutional disciplinary procedures, the instructor has the authority to assign an appropriate grade for the exercise, examination, or

course due to academic misconduct. A faculty member who determines that a student has engaged in academic misconduct in connection with a course taught by the faculty member or an examination proctored by the faculty member or his or her designee may choose to exercise Discipline as outlined below:

- (a) A student's grade in the course or the assignment or examination affected by the alleged academic misconduct may be lowered to any extent including a grade of "F".
- (b) The faculty member exercising this authority shall notify the appropriate department Chairperson and/or Dean of the action. The department Chairperson/Dean shall notify the affected student in writing of the faculty member's decision and advise the student of his or her right to a hearing with regard to the decision to the Student Disciplinary Committee. A copy of the student notification must also be sent to the Vice President for Student Services. Hearings will be conducted pursuant to the process set forth in this policy for hearings before the Student Disciplinary Committee.
- (c) Student Appeal: To initiate a hearing to contest the finding or grade sanction related to academic misconduct, the student must contact the Chair of the Student Disciplinary Committee or the Vice President for Student Services within five (5) class days of receipt of notification of the summary action.
- (d) A student who is found responsible for academic misconduct will not be permitted to withdraw from the course to avoid grade sanctions and/or other discipline.
- (e) A student who is found responsible for academic misconduct may be subject to additional educational sanctions imposed by the Vice President for Student Services through campus disciplinary processes as outlined in Section 6 of this policy.
- (f) Multiple Acts of Academic Misconduct: A student who is found to have committed more than one act of academic misconduct may be summoned to appear before the Student Disciplinary Committee and may be subject to additional disciplinary sanctions described in Section 6 of this policy.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.03 Academic and Classroom Misconduct. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 4 Disciplinary Sanctions

- (1) Upon a determination that a student or student organization has violated any of the disciplinary offenses set forth in these policies, the following disciplinary sanctions may be imposed, either singly or in combination.
- (2) Definition of Sanctions.

- (a) Restitution: may be required to compensate a party or parties for a loss suffered as a result of disciplinary violation(s). Restitution shall be limited to actual cost of repair, replacement or financial loss;
- (b) Warning. The Vice President for Student Services or designee may notify the student or student organization that continuation or repetition of specified conduct may be cause for other disciplinary action;
- (c) Reprimand. A written or verbal reprimand or censure may be given to any student or student organization whose conduct violates any part of these regulations.
- (d) Service to the Institution or Community. A student or student organization may be required to donate a specified number of service hours to the institution performing reasonable tasks for an appropriate institution office, official(s), or the local community. The service required shall be commensurate to the offense (e.g., service for maintenance staff for defacing institutional property);
- (e) Specified Educational/Counseling Program. A student or student organization may be required to participate in specified educational or counseling program(s) relevant to the offense, or to prepare a project or report concerning a relevant topic;
- (f) Apology. A student or student organization may be required to apologize to an affected party, either verbally or in writing, for the behavior related to a disciplinary offense;
- (g) Fines. Penalties in the form of fines may be imposed against a student or an organization. The sanction of fines may be imposed in addition to other forms of disciplinary sanctions. Failure to pay fines may result in further disciplinary action;
- (h) Restriction. A restriction upon a student's or student organization's privileges for a period of time may be imposed. This restriction may include, for example, denial of the ability to represent the institution at any event, ability to participate in institution or TBR sponsored travel, use of facilities, parking privileges, participation in extracurricular activities or restriction of organizational privileges;
- (i) Probation. Continued enrollment of a student or recognition of a student organization on probation may be conditioned upon adherence to these regulations. Any student or organization placed on probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon extracurricular activities or any other appropriate special condition(s). Any conduct in further violation of these regulations while on probationary status or the failure to comply with the terms of the probationary period may result in the imposition of further disciplinary action;
- (j) Suspension: is the separation of a student or student organization from the institution for a specified period of time. Suspension may be accompanied by special conditions for readmission or recognition;

(k) Expulsion. Expulsion entails a permanent separation from the institution. The imposition of this sanction is a permanent bar to the student's admission to or the organization's recognition by the institution. A student or organization that has been expelled may not enter institution property or facilities without obtaining prior approval from an appropriate campus official with knowledge of the expulsion directive;

(l) Revocation of Admission, Degree, or Credential;

(m) Any alternate sanction deemed necessary and appropriate to address the misconduct at issue;

(n) Interim Suspension. As a general rule, the status of a student or student organization accused of a violation of these regulations should not be altered until a final determination has been made in regard to the charges. However, interim suspension, pending the completion of disciplinary procedures, may be imposed upon a finding that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused, any other member of the institution its guests, property, or substantial disruption of classroom or other campus activities. In any case of interim suspension, the student or student organization shall be given an opportunity at the time of the decision or as soon thereafter as reasonably possible to contest the suspension;

(4) The president is authorized, at his or her discretion, to convert any sanction imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.04 Disciplinary Sanctions. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 5 Traffic and Parking

Campus Traffic Regulations: These regulations apply to all who drive motor vehicles on any part of the Cleveland State Community College properties.

(1) General Vehicle Operation/Parking/Traffic Regulations

(a) The purpose of this policy is to facilitate the safe and orderly operation of college business and to provide parking facilities for this operation within the limitations of available space.

(b) ~~Security Officers are~~ The Campus Police Department is responsible for implementation and enforcement of this policy.

(c) The responsibility for locating a proper parking space rests with the operator of the motor vehicle. Lack of space will not be considered a valid excuse for violating any provision of the parking policy.

- (d) The college shall have no responsibility for loss or damage to any vehicle or its contents operated or parked on the CSCC campus. All persons operating a vehicle on college property must be properly licensed operators.
 - (e) Pedestrians have the right-of-way at established pedestrian crossings.
 - (f) Under normal conditions the maximum speed limit on campus is 15 mph.
 - (g) Traffic control signs, devices and directions of Security Officers must be obeyed.
 - (h) All persons operating vehicles are responsible for maintaining control of the vehicle, safe operations, and observance of traffic control signs, barriers, devices, and ~~Security Officers~~ all personnel of the Campus Police Department.
 - (i) Operating a motor vehicle in any area other than a street or roadway intended for motor vehicles is prohibited.
 - (j) The use of skateboards, bicycles, roller skates and in-line skates is prohibited on any Cleveland State Community College property.
 - (k) All motor vehicle related accidents must be reported to the CSCC ~~Safety and Security Department~~ Campus Police Department at (423) 472-7141, (423) 618-1720 or (423) 478-6236. All vehicle break-ins or incidents should be reported immediately.
- (2) Registration of Automobiles/Permits/Decals:
- (a) Parking permits are required for all Staff, Faculty, and Adjunct Faculty and are issued by the Office of the Vice President for Finance and Administration located in the Administration Building, Room A111. Lost or stolen decals will be replaced without charge.
 - (b) Guest parking permits are available upon request at the CSCC ~~Safety and Security~~ Campus Police Department.
 - (c) CSCC handicap permits are available upon request to the Coordinator of Disabilities Support Services. CSCC handicap parking decals are issued by the CSCC ~~Safety and Security~~ Campus Police Department, are for use on CSCC properties only, and are issued upon proper medical documentation being submitted to and approved by the Coordinator of Disabilities Support Services located in the George L. Mathis Student Center, Room U118. CSCC temporary handicap permits are also available for medical reasons upon request and proper medical documentation and the approval of the Coordinator of Disabilities Support Services.
- (3) Parking Restrictions: Parking is restricted to authorized areas.
- (a) Student parking is confined to areas designated as student parking.
 - (b) Visitor parking is confined to those areas designated as visitors parking. Visitors are those individuals whom are not currently enrolled at CSCC.
 - (c) Staff, Faculty, Adjunct Faculty, and Students should refrain from parking in visitor parking spaces and service vehicles spaces.
- (4) Violations: The following examples constitute violations of this policy.
- (a) Parking:

1. Parking in “no parking” or “loading” zones
 2. Parking in unauthorized area, to include grass, seeded or recreation areas, blocking or obstructing traffic, street, sidewalk, driveway, fire hydrant, building entrance or exit, another vehicle, or trash dumpster.
 3. Parking where curbs or lines are painted yellow
 4. Parking in motorcycle space
 5. Blocking loading zone
 6. Blocking driveway, intersection or sidewalks
 7. Parking on grass
 8. Parking in visitor, staff, or service vehicles spaces
 9. Parking in front of fire hydrants or fire lanes (Vehicle subject to immobilization and a city/state citation)
 10. Backing into a parking space
 11. Parking in crosswalks
 12. Parking in handicap zone (Vehicle subject to immobilization and a city/state citation)
 13. Parking in reserved areas
- (b) Moving:
1. Exceeding posted speed limit. (15 mph max.)
 2. Exceeding safe speed for conditions
 3. Failure to obey traffic control signal or sign
 4. Failure to obey traffic officer
- (5) Fines/Penalties
- (a) All violation fines must be paid within fifteen (15) weekdays at the Business Office located in the Administration Building. Do not send cash payments by mail. Checks are to be written out to Cleveland State Community College.
- (b) Parking Violation..... \$25.00
- (c) Obstruction of Traffic..... \$30.00
- (d) Fire Hydrant..... \$50.00 (TN Traffic Statute 55-8-160 (4))
- (e) Handicap Violation..... \$200.00 (TN Traffic Statute 55-21-108)

~~It is the policy of Cleveland State Community College not to waive handicap citations once issued.~~ Anyone who parks illegally in handicap designated parking areas is in violation of Tennessee Traffic Laws, "Unauthorized use of disabled parking space or handicapped permit" 55-21-108, and is subject to a Cleveland City Traffic Citation, State Citation, and Vehicle Immobilization (booting). If a person's vehicle has been immobilized, the CSCC Safety and Security Campus Police Department may be reached at 423-618-1720 for assistance.

(6) Penalties

- (a) A faculty or staff member who persists in violating these regulations (three or more violations in an academic term) or fails to pay a citation will be reported to their appropriate supervisor for disciplinary action.
- (b) Students who persist in violating these regulations (three or more violations in an academic term) or who fail to pay fines will not be allowed to receive an official transcript, be subject to administrative and/or disciplinary actions, and not allowed to graduate.
- (c) Cleveland State Community College Vehicle Immobilization Guidelines: In regard to vehicles that are parked illegally in a parking space that is designated and marked as handicap, fire hydrant, or fire lane; or vehicles that may be impeding or obstructing the normal/natural flow of traffic, or blocking drive ways or cross walks upon any property owned or leased by Cleveland State Community College, CSCC Security Campus Police Officers are authorized to immobilize (boot) said vehicle and ~~request that local law enforcement officers (CPD)~~ issue either a municipal traffic Campus or state citation. It is the officer's discretion on which particular citation is issued.

The issuance of ~~municipal state~~ traffic citations will be in accordance with the Tennessee Traffic Law/Statute Titles 39, 54, & 55:

- A. 55-21-108 Unauthorized use of disabled parking space or handicap permit
- B. 55-21-105(d) Reciprocal Agreement Clause for out of state tags/placards
- C. 55-21-103(a) Parent/Legal Guardian Clause for those disabled persons who do not hold a valid driver's license.
- D. 55-8-160 Stopping, standing or parking prohibited in specific places:
 - (A) (2) Blocking Public or Private Drive Way,
 - (4) Fire Hydrant/Lane,
 - (5) Cross Walk,
 - (11) Obstructing Traffic Flow

Procedure: Officers shall be absolutely certain that a vehicle is in fact in violation of CSCC parking rules and regulations or Tennessee Traffic Laws/Statutes before proceeding with the immobilization (booting) of said vehicle; if possible and logical (officer discretion), officers should endeavor to make contact with vehicle owner(s) and advise them that their vehicle is in violation of CSCC parking rules and regulations, as well as Tennessee Traffic Laws/Statutes, the nature of the violation, and that their vehicle is about to be immobilized (booted) and cited ~~by local law enforcement officers (CPD)~~ Campus Police Department officers unless moved immediately.

Upon the issuance of the ~~municipal-state~~ citation and the ~~CPD-Campus Police~~ Officer has indicated that he/~~she~~ is finished, ~~CSCC Security~~ Officers are to remove the Immobilization device (boot) as well as the green sticker.

If CSCC ~~Security-Campus Police~~ Officers are questioned at any time about the ~~municipal-state~~ citation that has been issued, they will refer the individual(s) to the ~~Cleveland City Bradley County~~ Court System advising that the court date is on the citation.

(7) Parking Violation Appeals

- (a) Students may submit an appeal, in writing, to the Student Parking Appeals Committee within fifteen (15) weekdays from issuance of the citation. Forms may be picked up at the Information Desk, Business Office, or the CSCC ~~Safety and Security-Campus Police~~ Department and turned in to the Office of the Vice President for Student Services (U110a) or the Student Senate Office (U100).
- (b) The Student Parking Appeals Committee consists of the Vice President of Student Senate as chair and three (3) to five (5) students who volunteer and are approved by the Student Senate. Committee members serve for an academic year.
- (c) Student appeals are to be submitted and determined on the basis set forth in the written appeal document(s) submitted by the student. The Appeals Committee meets every other week to study the appeals and vote to approve or deny all pending appeals.
- (d) The student will be notified in writing of the committee's decision. If an appeal is successful, the Business Office will be notified. If the fine already has been paid, a refund will be provided by the college in a timely manner.
- (e) Students may submit an appeal from a decision of the Student Parking Appeals Committee to the President of the College within fifteen (15) days of the Committee's decision. The appeal shall be submitted in writing and must clearly state the basis for the appeal. The President will consider the appeal based on the information provided by the student and the record of the decision from the Student Parking Appeals Committee, and will notify the student and the committee of his/her decision within ten (10) days from the receipt of the appeal.
- (f) Staff and Faculty may appeal a citation to the Employee Parking Ticket Appeals Committee by submitting a Parking Appeal Form at the college Information Desk. Appeals must be submitted within 15 weekdays from the date of the citation.
- (g) The Employee Parking Appeals Committee consists of one (1) faculty member from each academic division of the college selected by the Faculty Senate and two (2) staff members selected by the Staff Senate, with the Committee Chair elected by the committee membership. Committee members serve for the academic year.
- (h) The Appeals Committee will base decisions on the content of the Parking Appeal Form and will issue its determination in writing.

- (i) If an appeal is successful, the Business Office will be notified. If the fine already has been paid, a refund will be provided by the College in a timely manner.
- (j) Staff and Faculty may submit an appeal from a decision of the Employee Parking Ticket Appeals Committee to the President of the College within fifteen (15) days of the Committee's decision. The appeal shall be submitted in writing and must clearly state the basis for the appeal. The President will consider the appeal based on the information provided by the employee and the record of the decision from the Employee Parking Appeals Committee, and will notify the employee and the Committee of his/her decision within ten (10) days from the receipt of the appeal.
- (8) Special Occasions and Emergencies: On special occasions (for example; athletic events, concerts, graduation exercises, etc.) and in emergencies, parking and traffic limitations may be imposed by the Office of Security as required by the conditions which prevail.
- (9) The Institution reserves the right to tow any vehicle that is improperly parked. Any fees associated with towing will be the responsibility of the owner of the vehicle.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.05 Traffic and Parking. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12

Part 6 Disciplinary Procedures

- (1) General: Cleveland State Community College, in the implementation of TBR regulations pertaining to discipline and conduct of students, insures the constitutional rights of students by affording a system of constitutionally and legally sound procedures which provide the protection of due process of law.
- (2) Institutional Procedures: For matters not subject to the requirements of TUAPA, the Vice President for Student Services (VPSS), or designee, is responsible for initiating disciplinary action against any student.
 - (a) Where alleged misconduct of any student is believed to be of such a nature to require the imposing of any disciplinary sanction, it should be brought to the attention of the office of the Vice President for Student Services.
 - (b) The VPSS or designee shall inform the student, in person if possible, of the charges against him/her and proceed to gather information concerning the case including, but not limited to, interviews with all relevant parties (accused, accuser, and possible witnesses).
 - (c) The VPSS or designee shall review the evidence, determine whether there appears to have been a violation of the College regulations and, if so, decide upon a proper disciplinary sanction within five (5) class days.

- (d) Following completion of the investigation, the VPSS or designee may: (a) determine that there is an insufficient basis, in fact, and dismiss the matter; (b) conclude that there is a sufficient factual basis for discipline and that discipline less than suspension or expulsion or removal of the college privileges would be appropriate; or (c) conclude that there is a sufficient factual basis for discipline and that discipline, including the possibility of suspension or expulsion or removal of college privileges, would be appropriate.
 - (e) The student will be notified of the conclusion of the VPSS or designee, and the proposed sanction. The student shall be informed of his/her right to accept the VPSS or designee's decision and/or the right to a hearing before the Student Disciplinary Committee. In cases where suspension or expulsion are proposed as sanctions, the student shall additionally be notified, in writing, that he/she may request either a hearing conducted pursuant to TUAPA (Tennessee Uniform Administrative Procedures Act) or a hearing before the Student Disciplinary Committee. The student, after notice, may elect to waive the right to either, or both, a Student Disciplinary Committee hearing, and/or a TUAPA hearing. Failure to elect a hearing shall constitute waiver.
- (3) Hearings before the Student Disciplinary Committee.
- (a) The following procedures shall apply:
 - 1. The Student Disciplinary Committee is a standing committee of Cleveland State Community College composed of students and faculty. The Student Disciplinary Committee is comprised of: One (1) faculty member from each academic department selected by the Faculty Senate, the President of the Student Senate, four (4) students selected by the Student Senate, the Vice President for Student Services (ex officio), and the President of the College (ex officio).
 - 2. The accused student shall be informed in writing of the date, time, and place of the hearing, not less than five (5) working days prior to the day of the hearing. The Student Disciplinary Committee shall afford the student a hearing within twenty (20) days after receipt of the case.
 - 3. All hearings shall be closed unless the student requests an open hearing in writing.
 - 4. The VPSS or designee shall read the charges and present the results of the investigation.
 - 5. The student shall be given an opportunity to respond to the evidence against him/her. He/she shall have an opportunity to present his/her position, make such admissions, denials, or explanations as he/she thinks appropriate and testify or present such other evidence as is available to him/her. The technical rules of evidence normally followed in civil and criminal trial shall not apply.

6. The student may be accompanied by an advisor whose participation shall be limited to advising the student and shall not include representing the student.
 7. The student shall have the right to call witnesses on his/her behalf and the right to hear and question the witnesses against him/her.
 8. Members of the Committee shall have the right to ask questions.
 9. All evidence upon which the decision is made shall be presented at the proceedings before the Committee.
 10. After all the presentations of evidence and testimony, the Committee shall retire to discuss the case and render a decision.
 11. The student shall be notified of the decision, in writing, within five (5) days of the hearing and shall be advised of his/her right to appeal the decision of the Student Disciplinary Committee to the President of the College. The appeal shall be submitted in writing and must clearly state the basis for the appeal. The President will consider the appeal based on the information provided by the student, as well as the record of the proceedings and decision from the Student Disciplinary Committee, and will notify the student and the Committee of his/her decision within ten (10) days from the receipt of the appeal.
- (4) TUAPA: All cases which may result in: (a) suspension or expulsion of a student or student organization from the institution for disciplinary reasons or (b) revocation of registration of a student organization are subject to the contested case provisions of the Tennessee Uniform Administrative Procedures Act (TUAPA), T.C.A. §4-5-301 *et seq.*, and shall be processed in accord with the Uniform Contested Case procedures adopted by the Board of Regents unless the student or organization, after receiving written notice, waives those procedures and elects to have the case disposed of in accord with institutional procedures or waives all right to contest the case under any procedure. The Vice President for Student Services has the authority and responsibility for coordination and administration of cases involving students that may be subject to the Tennessee Uniform Administrative Procedures Act.
- (5) Interim Suspension Hearings: Interim suspension, pending the completion of disciplinary procedures, may be imposed upon a finding that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused, any other member of the institution its guests, property, or substantial disruption of classroom or other campus activities. In any case of interim suspension, the student or student organization shall be given an opportunity at the time of the decision or as soon thereafter as reasonably possible to contest the suspension. Hearings conducted with regard to interim suspensions imposed pending the outcome of a disciplinary investigation or proceeding shall be conducted consistent with the minimum requirements of due process applicable to an

institutional hearing, taking into account the need for a timely hearing. If such a hearing is initiated, the following procedures shall apply:

- (a) The VPSS will convene as many members of the Student Disciplinary Committee as may be assembled within two (2) business days of the notification of summary suspension to hear the student's appeal. A minimum of three (3) voting members of the committee must be present to hear the student's appeal.
- (b) The Student Disciplinary Committee will apply the same procedures for interim suspension hearings as those used by the committee for other hearings described in Part 6, section (3)(a) of this policy.
- (6) All matters involving allegations of impermissible discrimination, harassment, or retaliation will be governed by the procedures outlined in TBR Guideline P-080 Subject: Discrimination and Harassment – Complaint and Investigation Procedure and/or an institutional policy that reflects the requirements of that Guideline.
- (7) The president of the college is authorized, at his or her discretion, to subsequently convert any finding or sanction imposed to a lesser finding or sanction, or to rescind any previous finding or sanction, in appropriate cases.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.06 Disciplinary Procedures and due Process. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Approved by President's Cabinet: November 7, 2011; January 8, 2013

Revised by Tennessee Board of Regents: March 29, 2012

Approved by President: _____
(Date)

Cleveland State Community College

CSCC Policy 3:02:00:01 General Regulations on Student Conduct & Disciplinary Sanctions

Part 1 Institution Policy Statement

Part 2 Disciplinary Offenses

Part 3 Academic and Classroom Misconduct

Part 4 Disciplinary Sanctions

Part 5 Traffic and Parking

Part 6 Disciplinary Procedures

Purpose:

The purpose of this Policy is to provide conduct and administration of rules governing student disciplinary offenses, academic and classroom misconduct, student disciplinary sanctions, traffic and parking regulations, and student disciplinary procedures.

Part 1 Institution Policy Statement

- (1) Students enrolled in postsecondary educational institutions are citizens of their civic communities as well as the academic community. As such they are expected to conduct themselves as law-abiding members of each community at all times. Admission to an institution of postsecondary education carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by non-students. In recognition of the special relationship that exists between the institution and the academic community which it seeks to serve, the State Board of Regents (TBR) has authorized the presidents of the institutions and directors of the technology centers under its jurisdiction to take such action as may be necessary to maintain campus conditions and preserve the integrity of the institution and its educational environment.
- (2) Pursuant to this authorization and in fulfillment of its duties to provide a secure and stimulating atmosphere in which individual and academic pursuits may flourish, the State Board of Regents has developed regulations, which are intended to govern student conduct on the several campuses under its jurisdiction. As a TBR institution, Cleveland State Community College has implemented policies subject to, and consistent with, these regulations. In addition, students are subject to all federal, state and local laws and ordinances. If a student's violation of such laws or ordinances also adversely affects the institution's pursuit of its educational objectives, the college may enforce its policies regardless of the status or outcome of any external proceedings instituted by other civil or criminal authorities.
- (3) For the purpose of these policies, a "student" shall mean a person who is admitted and/or registered for study at Cleveland State Community College for any academic period. This shall include any period of time following admission and/or registration, but preceding the start of classes for any academic period. It will also include any period which follows the end of an

academic period through the last day for registration for the succeeding academic period, and during any period while the student is under suspension from the institution. Finally, "student" shall also include any person subject to a period of suspension or removal from campus as a sanction which results from a finding of a violation of the regulations governing student conduct. Students are responsible for compliance with the Rules of Student Conduct and with similar institutional policies at all times.

- (4) Disciplinary action may be taken against a student for violation of the policies which occur on institutionally owned, leased or otherwise controlled property, while participating in international or distance learning programs, and off campus, when the conduct impairs, interferes with, or obstructs any institutional activity or the mission, processes, and functions of the institution. The college may enforce these policies regardless of the status or outcome of any external proceedings instituted in any other forum, including any civil or criminal proceeding.
- (5) These policies, and related material incorporated herein by reference, are applicable to student organizations as well as individual students. Student organizations are subject to discipline for the conduct and actions of individual members of the organization while acting in their capacity as members of, or while attending or participating in any activity of, the organization.
- (6) Confidentiality of Discipline Process. Subject to the exceptions provided pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA) 20 U.S.C. 1232g , and/or the Tennessee Open Records Act, T.C.A. § 10-7-504(a)(4), a student's disciplinary files are considered "educational records" and are confidential within the meaning of those Acts.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.01, Institution Policy Statement. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 2 Disciplinary Offenses

- (1) Disciplinary measures shall be imposed, through appropriate due process procedures, for conduct which adversely affects the institution's pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property or persons on property owned or controlled by CSCC.
- (2) The following non-exclusive list provides notice of offenses for which both individuals and organizations may be subject to disciplinary action:
 - (a) Conduct Dangerous to Self or Others. Any conduct, or attempted conduct, which constitutes a danger to any person's health, safety, or personal well-being, including, but not limited to, the following:

1. Physical and/or verbal abuse
 2. Threats and/or intimidation
 3. Harm inflicted on self;
- (b) Hazing. Hazing, as defined in T.C.A. § 49-7-123(a)(1), means any intentional or reckless act, on or off the property, of any higher education institution by an individual acting alone, or with others, which is directed against any other person(s), that endangers the mental or physical health or safety of that person(s), or which induces or coerces a person(s) to endanger such person(s) mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization;
- (c) Disorderly Conduct. Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs institutional functions, operations, classrooms, other groups or individuals;
- (d) Obstruction of or Interference with institutional activities or facilities. Any intentional interference with or obstruction of any institutional program, event, or facility including the following:
1. Any unauthorized occupancy of facilities owned or controlled by an institution or blockage of access to or from such facilities.
 2. Interference with the right of any institution member or other authorized person to gain access to any activity, program, event or facilities sponsored or controlled by an institution.
 3. Any obstruction or delay of a campus security officer, public safety officer, police officer, firefighter, EMT, or any official of an institution, or failure to comply with any emergency directive issued by such person in the performance of his or her duty.
- (e) Misuse of or Damage to Property. Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to another including, but not limited to, personal property, fire alarms, fire equipment, elevators, telephones, institution keys, library materials and/or safety devices;
- (f) Theft, Misappropriation, or Unauthorized Sale of Property;
- (g) Misuse of Documents or Identification Cards. Any forgery, alteration of or unauthorized use of institutional documents, forms, records or identification cards, including the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment or status in the institution;

- (h) Firearms and Other Dangerous Weapons. Any possession of or use of firearms, dangerous weapons of any kind, or replica/toy guns, e.g. BB guns, pellet guns, paintball guns, water guns, cap guns, toy knives or other items that simulate firearms or dangerous weapons;
- (i) Explosives, Fireworks, and Flammable Materials. The unauthorized possession, ignition or detonation of any object or article which would cause damage by fire or other means to persons or property or possession of any substance which could be considered to be and used as fireworks;
- (j) Alcoholic Beverages. The use and/or possession of alcoholic beverages on institution owned or controlled property. This offense includes the violation of any local ordinance, state, or federal law concerning alcoholic beverages, on or off institution owned or controlled property, where an affiliated group or organization has alcoholic beverages present and available for consumption;
- (k) Drugs. The unlawful possession or use of any drug or controlled substance (including, but not limited to, any stimulant, depressant, narcotic or hallucinogenic drug, substance or marijuana), sale or distribution of any such drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession or use of drugs, on or off institution owned or controlled property;
- (l) Drug Paraphernalia. The use or possession of equipment, products or materials that are used or intended for use in manufacturing, growing, using or distributing any drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession of drug paraphernalia, on or off institution owned or controlled property;
- (m) Public Intoxication. Appearing on institution owned or controlled property or at an institutional sponsored event while under the influence of a controlled substance or of any other intoxicating substance;
- (n) Gambling. Unlawful gambling in any form;
- (o) Financial Irresponsibility. Failure to meet financial responsibilities to the institution promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the institution;
- (p) Unacceptable Conduct in Disciplinary Proceedings. Any conduct at any stage of an institutional disciplinary proceeding or investigation that is contemptuous, disrespectful, threatening, or disorderly, including false complaints, testimony or other evidence, and attempts to influence the impartiality of a member of a judicial body, verbal or physical harassment or intimidation of a judicial board member, complainant, respondent or witness;
- (q) Failure to Cooperate with Institutional Officials. Failure to comply with directions of institutional officials acting in the performance of their duties;

- (r) Violation of General Rules and Regulations. Any violation of the general rules and regulations of the institution as published in an official institutional publication, including the intentional failure to perform any required action or the intentional performance of any prohibited action;
- (s) Attempts, Aiding and Abetting. Any attempt to commit any of the offenses listed under this section or the aiding or abetting of the commission of any of the offenses listed under this section (an attempt to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission). Being present during the planning or commission of any offense listed under this section will be considered as aiding and abetting. Students who anticipate or observe an offense must remove themselves from the situation and are required to report the offense to the institution;
- (t) Violations of State or Federal Laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference;
- (u) Violation of Imposed Disciplinary Sanctions. Intentional or unintentional violation of a disciplinary sanction officially imposed by an institution official or a constituted body of the institution;
- (v) Sexual Battery or Rape. Committing any act of sexual battery or rape as defined by state law;
- (w) Harassment or Retaliation. Any act by an individual or group against another person or group in violation of TBR policies, as well as federal and/or state laws prohibiting discrimination, including, but not limited to, TBR policies 5:01:02:00, (F), 501:02:00, 2:02:10:01 and TBR Guideline P-080.
- (x) Academic Misconduct. Plagiarism, cheating, fabrication. For purposes of this section, the following definitions apply:
 - 1. Plagiarism. The adoption or reproduction of ideas, words, statements, images, or works of another person as one's own without proper attribution;
 - 2. Cheating. Using or attempting to use unauthorized materials, information, or aids in any academic exercise or test/examination. The term academic exercise includes all forms of work submitted for credit or hours;
 - 3. Fabrication. Unauthorized falsification or invention of any information or citation in an academic exercise;
- (y) Unauthorized Duplication or Possession of Keys. Making, causing to be made or the possession of any key for an institutional facility without proper authorization;
- (z) Litter. Dispersing litter in any form onto the grounds or facilities of the campus;

- (aa) Pornography. Public display of literature, films, pictures or other materials which an average person applying contemporary community standards would find, (1) taken as a whole, appeals to the prurient interest, (2) depicts or describes sexual conduct in a patently offensive way, and (3) taken as a whole, lacks serious literary, artistic, political or scientific value;
- (bb) Abuse of Computer Resources and Facilities. Misusing and/or abusing campus computer resources including, but not limited to, the following:
1. Use of another person's identification to gain access to institutional computer resources;
 2. Use of institutional computer resources and facilities to violate copyright laws, including, but not limited to, the act of unauthorized distribution of copyrighted materials using institutional information technology systems;
 3. Unauthorized access to a computer or network file, including but not limited to, altering, using, reading, copying, or deleting the file;
 4. Unauthorized transfer of a computer or network file;
 5. Use of computing resources and facilities to send abusive or obscene correspondence;
 6. Use of computing resources and facilities in a manner that interferes with normal operation of the institutional computing system;
 7. Use of computing resources and facilities to interfere with the work of another student, faculty member, or institutional official;
 8. Violation of any published information technology resources policy;
 9. Unauthorized peer to peer file sharing;
- (cc) Unauthorized Access to Institutional Facilities and/or Grounds. Any unauthorized access and/or occupancy of institutional facilities and grounds is prohibited, including, but not limited to, gaining access to facilities and grounds that are closed to the public, being present in areas of campus that are open to limited guests only, being present in academic buildings after hours without permission, and being present in buildings when the student has no legitimate reason to be present;
- (dd) Providing False Information. Giving any false information to, or withholding necessary information from, any institutional official acting in the performance of his/her duties in connection with a student's admission, enrollment, or status in the institution;
- (ee) Unauthorized Surveillance. Making or causing to be made unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of

a minor, without the prior effective consent of the minor's parent or guardian. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, and men's or women's restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means;

(ff) Use of Tobacco Products on Campus. Cleveland State Policy 1:14:00:00 prohibits smoking or the use of tobacco products of any type on any property owned by, or leased and operated on behalf of, Cleveland State Community College.

- (3) Disciplinary action may be taken against a student for violations of these policies which occur at or in association with enrollment at the college for any academic period. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree including periods prior to or between semesters. Conduct occurring while a student is registered or enrolled at the college, but not discovered until after the awarding of a degree is actionable under these provisions and may result in the retroactive application of a disciplinary sanction. Should a student withdraw from the college with disciplinary action or academic misconduct action pending, the student's record may be encumbered by the appropriate institutional office until the proceedings have been concluded.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.02, Disciplinary Offenses. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 3 Academic and Classroom Misconduct

- (1) The instructor has the primary responsibility for maintenance of academic integrity and controlling classroom behavior, and can order the temporary removal or exclusion from the classroom of any student engaged in disruptive conduct or conduct that violates the general rules and regulations of the institution. Extended or permanent exclusion from the classroom or further disciplinary action can be effected only through appropriate procedures of the institution.
- (2) Disruptive behavior in the classroom may be defined as, but not limited to, behavior that obstructs or disrupts the learning environment (e.g., offensive language, harassment of students and professors, repeated outbursts from a student which disrupt the flow of instruction or prevent concentration on the subject taught, failure to cooperate in maintaining classroom decorum, etc.), text messaging, and the continued use of any electronic or other noise or light emitting device which disturbs others (e.g., disturbing noises from beepers, cell phones, palm pilots, lap-top computers, games, etc.).
- (3) Plagiarism, cheating, and other forms of academic dishonesty are prohibited. Students guilty of academic misconduct, either directly or indirectly, through participation or assistance, are immediately responsible to the instructor of the class. In addition to other possible disciplinary sanctions which may be imposed through the regular institutional disciplinary procedures, the instructor has the authority to assign an appropriate grade for the exercise, examination, or

course due to academic misconduct. A faculty member who determines that a student has engaged in academic misconduct in connection with a course taught by the faculty member or an examination proctored by the faculty member or his or her designee may choose to exercise Discipline as outlined below:

- (a) A student's grade in the course or the assignment or examination affected by the alleged academic misconduct may be lowered to any extent including a grade of "F".
- (b) The faculty member exercising this authority shall notify the appropriate department Chairperson and/or Dean of the action. The department Chairperson/Dean shall notify the affected student in writing of the faculty member's decision and advise the student of his or her right to a hearing with regard to the decision to the Student Disciplinary Committee. A copy of the student notification must also be sent to the Vice President for Student Services. Hearings will be conducted pursuant to the process set forth in this policy for hearings before the Student Disciplinary Committee.
- (c) Student Appeal: To initiate a hearing to contest the finding or grade sanction related to academic misconduct, the student must contact the Chair of the Student Disciplinary Committee or the Vice President for Student Services within five (5) class days of receipt of notification of the summary action.
- (d) A student who is found responsible for academic misconduct will not be permitted to withdraw from the course to avoid grade sanctions and/or other discipline.
- (e) A student who is found responsible for academic misconduct may be subject to additional educational sanctions imposed by the Vice President for Student Services through campus disciplinary processes as outlined in Section 6 of this policy.
- (f) Multiple Acts of Academic Misconduct: A student who is found to have committed more than one act of academic misconduct may be summoned to appear before the Student Disciplinary Committee and may be subject to additional disciplinary sanctions described in Section 6 of this policy.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.03 Academic and Classroom Misconduct. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 4 Disciplinary Sanctions

- (1) Upon a determination that a student or student organization has violated any of the disciplinary offenses set forth in these policies, the following disciplinary sanctions may be imposed, either singly or in combination.
- (2) Definition of Sanctions.

- (a) Restitution: may be required to compensate a party or parties for a loss suffered as a result of disciplinary violation(s). Restitution shall be limited to actual cost of repair, replacement or financial loss;
- (b) Warning. The Vice President for Student Services or designee may notify the student or student organization that continuation or repetition of specified conduct may be cause for other disciplinary action;
- (c) Reprimand. A written or verbal reprimand or censure may be given to any student or student organization whose conduct violates any part of these regulations.
- (d) Service to the Institution or Community. A student or student organization may be required to donate a specified number of service hours to the institution performing reasonable tasks for an appropriate institution office, official(s), or the local community. The service required shall be commensurate to the offense (e.g., service for maintenance staff for defacing institutional property);
- (e) Specified Educational/Counseling Program. A student or student organization may be required to participate in specified educational or counseling program(s) relevant to the offense, or to prepare a project or report concerning a relevant topic;
- (f) Apology. A student or student organization may be required to apologize to an affected party, either verbally or in writing, for the behavior related to a disciplinary offense;
- (g) Fines. Penalties in the form of fines may be imposed against a student or an organization. The sanction of fines may be imposed in addition to other forms of disciplinary sanctions. Failure to pay fines may result in further disciplinary action;
- (h) Restriction. A restriction upon a student's or student organization's privileges for a period of time may be imposed. This restriction may include, for example, denial of the ability to represent the institution at any event, ability to participate in institution or TBR sponsored travel, use of facilities, parking privileges, participation in extracurricular activities or restriction of organizational privileges;
- (i) Probation. Continued enrollment of a student or recognition of a student organization on probation may be conditioned upon adherence to these regulations. Any student or organization placed on probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon extracurricular activities or any other appropriate special condition(s). Any conduct in further violation of these regulations while on probationary status or the failure to comply with the terms of the probationary period may result in the imposition of further disciplinary action;
- (j) Suspension: is the separation of a student or student organization from the institution for a specified period of time. Suspension may be accompanied by special conditions for readmission or recognition;

- (k) Expulsion. Expulsion entails a permanent separation from the institution. The imposition of this sanction is a permanent bar to the student's admission to or the organization's recognition by the institution. A student or organization that has been expelled may not enter institution property or facilities without obtaining prior approval from an appropriate campus official with knowledge of the expulsion directive;
 - (l) Revocation of Admission, Degree, or Credential;
 - (m) Any alternate sanction deemed necessary and appropriate to address the misconduct at issue;
 - (n) Interim Suspension. As a general rule, the status of a student or student organization accused of a violation of these regulations should not be altered until a final determination has been made in regard to the charges. However, interim suspension, pending the completion of disciplinary procedures, may be imposed upon a finding that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused, any other member of the institution its guests, property, or substantial disruption of classroom or other campus activities. In any case of interim suspension, the student or student organization shall be given an opportunity at the time of the decision or as soon thereafter as reasonably possible to contest the suspension;
- (4) The president is authorized, at his or her discretion, to convert any sanction imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.04 Disciplinary Sanctions. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 5 Traffic and Parking

Campus Traffic Regulations: These regulations apply to all who drive motor vehicles on any part of the Cleveland State Community College properties.

- (1) General Vehicle Operation/Parking/Traffic Regulations
 - (a) The purpose of this policy is to facilitate the safe and orderly operation of college business and to provide parking facilities for this operation within the limitations of available space.
 - (b) The Campus Police Department is responsible for implementation and enforcement of this policy.
 - (c) The responsibility for locating a proper parking space rests with the operator of the motor vehicle. Lack of space will not be considered a valid excuse for violating any provision of the parking policy.

- (d) The college shall have no responsibility for loss or damage to any vehicle or its contents operated or parked on the CSCC campus. All persons operating a vehicle on college property must be properly licensed operators.
 - (e) Pedestrians have the right-of-way at established pedestrian crossings.
 - (f) Under normal conditions the maximum speed limit on campus is 15 mph.
 - (g) Traffic control signs, devices and directions of Security Officers must be obeyed.
 - (h) All persons operating vehicles are responsible for maintaining control of the vehicle, safe operations, and observance of traffic control signs, barriers, devices, and all personnel of the Campus Police Department.
 - (i) Operating a motor vehicle in any area other than a street or roadway intended for motor vehicles is prohibited.
 - (j) The use of skateboards, bicycles, roller skates and in-line skates is prohibited on any Cleveland State Community College property.
 - (k) All motor vehicle related accidents must be reported to the CSCC Campus Police Department at (423) 472-7141, (423) 618-1720 or (423) 478-6236. All vehicle break-ins or incidents should be reported immediately.
- (2) Registration of Automobiles/Permits/Decals:
- (a) Parking permits are required for all Staff, Faculty, and Adjunct Faculty and are issued by the Office of the Vice President for Finance and Administration located in the Administration Building, Room A111. Lost or stolen decals will be replaced without charge.
 - (b) Guest parking permits are available upon request at the CSCC Campus Police Department.
 - (c) CSCC handicap permits are available upon request to the Coordinator of Disabilities Support Services. CSCC handicap parking decals are issued by the CSCC Campus Police Department, are for use on CSCC properties only, and are issued upon proper medical documentation being submitted to and approved by the Coordinator of Disabilities Support Services located in the George L. Mathis Student Center, Room U118. CSCC temporary handicap permits are also available for medical reasons upon request and proper medical documentation and the approval of the Coordinator of Disabilities Support Services.
- (3) Parking Restrictions: Parking is restricted to authorized areas.
- (a) Student parking is confined to areas designated as student parking.
 - (b) Visitor parking is confined to those areas designated as visitors parking. Visitors are those individuals whom are not currently enrolled at CSCC.
 - (c) Staff, Faculty, Adjunct Faculty, and Students should refrain from parking in visitor parking spaces and service vehicles spaces.
- (4) Violations: The following examples constitute violations of this policy.
- (a) Parking:
 - 1. Parking in "no parking" or "loading" zones

2. Parking in unauthorized area, to include grass, seeded or recreation areas, blocking or obstructing traffic, street, sidewalk, driveway, fire hydrant, building entrance or exit, another vehicle, or trash dumpster.
 3. Parking where curbs or lines are painted yellow
 4. Parking in motorcycle space
 5. Blocking loading zone
 6. Blocking driveway, intersection or sidewalks
 7. Parking on grass
 8. Parking in visitor, staff, or service vehicles spaces
 9. Parking in front of fire hydrants or fire lanes (Vehicle subject to immobilization and a city/state citation)
 10. Backing into a parking space
 11. Parking in crosswalks
 12. Parking in handicap zone (Vehicle subject to immobilization and a city/state citation)
 13. Parking in reserved areas
- (b) Moving:
1. Exceeding posted speed limit. (15 mph max.)
 2. Exceeding safe speed for conditions
 3. Failure to obey traffic control signal or sign
 4. Failure to obey traffic officer
- (5) Fines/Penalties
- (a) All violation fines must be paid within fifteen (15) weekdays at the Business Office located in the Administration Building. Do not send cash payments by mail. Checks are to be written out to Cleveland State Community College.
- (b) Parking Violation..... \$25.00
- (c) Obstruction of Traffic..... \$30.00
- (d) Fire Hydrant..... \$50.00 (TN Traffic Statute 55-8-160 (4))
- (e) Handicap Violation..... \$200.00 (TN Traffic Statute 55-21-108)

Anyone who parks illegally in handicap designated parking areas is in violation of Tennessee Traffic Laws, "Unauthorized use of disabled parking space or handicapped permit" 55-21-108, and is subject to a Cleveland City Traffic Citation, State Citation, and Vehicle Immobilization (booting). If a person's vehicle has been immobilized, the CSCC Campus Police Department may be reached at 423-618-1720 for assistance.

(6) Penalties

- (a) A faculty or staff member who persists in violating these regulations (three or more violations in an academic term) or fails to pay a citation will be reported to their appropriate supervisor for disciplinary action.
- (b) Students who persist in violating these regulations (three or more violations in an academic term) or who fail to pay fines will not be allowed to receive an official transcript, be subject to administrative and/or disciplinary actions, and not allowed to graduate.
- (c) Cleveland State Community College Vehicle Immobilization Guidelines: In regard to vehicles that are parked illegally in a parking space that is designated and marked as handicap, fire hydrant, or fire lane; or vehicles that may be impeding or obstructing the normal/natural flow of traffic, or blocking drive ways or cross walks upon any property owned or leased by Cleveland State Community College, CSCC Campus Police Officers are authorized to immobilize (boot) said vehicle and issue either a Campus or state citation. It is the officer's discretion on which particular citation is issued.

The issuance of state traffic citations will be in accordance with the Tennessee Traffic Law/Statute Titles 39, 54, & 55:

- A. 55-21-108 Unauthorized use of disabled parking space or handicap permit
- B. 55-21-105(d) Reciprocal Agreement Clause for out of state tags/placards
- C. 55-21-103(a) Parent/Legal Guardian Clause for those disabled persons who do not hold a valid driver's license.
- D. 55-8-160 Stopping, standing or parking prohibited in specific places:
 - (A) (2) Blocking Public or Private Drive Way,
 - (4) Fire Hydrant/Lane,
 - (5) Cross Walk,
 - (11) Obstructing Traffic Flow

Procedure: Officers shall be absolutely certain that a vehicle is in fact in violation of CSCC parking rules and regulations or Tennessee Traffic Laws/Statutes before proceeding with the immobilization (booting) of said vehicle; if possible and logical (officer discretion), officers should endeavor to make contact with vehicle owner(s) and advise them that their vehicle is in violation of CSCC parking rules and regulations, as well as Tennessee Traffic Laws/Statutes, the nature of the violation, and that their vehicle is about to be immobilized (booted) and cited Campus Police Department officers unless moved immediately.

Upon the issuance of the state citation and the Campus Police Officer has indicated that he/she is finished, Officers are to remove the Immobilization device (boot) as well as the green sticker.

If CSCC Campus Police Officers are questioned at any time about the state citation that has been issued, they will refer the individual(s) to the Bradley County Court System advising that the court date is on the citation.

(7) Parking Violation Appeals

- (a) Students may submit an appeal, in writing, to the Student Parking Appeals Committee within fifteen (15) weekdays from issuance of the citation. Forms may be picked up at the Information Desk, Business Office, or the CSCC Campus Police Department and turned in to the Office of the Vice President for Student Services (U110a) or the Student Senate Office (U100).
- (b) The Student Parking Appeals Committee consists of the Vice President of Student Senate as chair and three (3) to five (5) students who volunteer and are approved by the Student Senate. Committee members serve for an academic year.
- (c) Student appeals are to be submitted and determined on the basis set forth in the written appeal document(s) submitted by the student. The Appeals Committee meets every other week to study the appeals and vote to approve or deny all pending appeals.
- (d) The student will be notified in writing of the committee's decision. If an appeal is successful, the Business Office will be notified. If the fine already has been paid, a refund will be provided by the college in a timely manner.
- (e) Students may submit an appeal from a decision of the Student Parking Appeals Committee to the President of the College within fifteen (15) days of the Committee's decision. The appeal shall be submitted in writing and must clearly state the basis for the appeal. The President will consider the appeal based on the information provided by the student and the record of the decision from the Student Parking Appeals Committee, and will notify the student and the committee of his/her decision within ten (10) days from the receipt of the appeal.
- (f) Staff and Faculty may appeal a citation to the Employee Parking Ticket Appeals Committee by submitting a Parking Appeal Form at the college Information Desk. Appeals must be submitted within 15 weekdays from the date of the citation.
- (g) The Employee Parking Appeals Committee consists of one (1) faculty member from each academic division of the college selected by the Faculty Senate and two (2) staff members selected by the Staff Senate, with the Committee Chair elected by the committee membership. Committee members serve for the academic year.
- (h) The Appeals Committee will base decisions on the content of the Parking Appeal Form and will issue its determination in writing.
- (i) If an appeal is successful, the Business Office will be notified. If the fine already has been paid, a refund will be provided by the College in a timely manner.
- (j) Staff and Faculty may submit an appeal from a decision of the Employee Parking Ticket Appeals Committee to the President of the College within fifteen (15) days of the

Committee's decision. The appeal shall be submitted in writing and must clearly state the basis for the appeal. The President will consider the appeal based on the information provided by the employee and the record of the decision from the Employee Parking Appeals Committee, and will notify the employee and the Committee of his/her decision within ten (10) days from the receipt of the appeal.

- (8) Special Occasions and Emergencies: On special occasions (for example; athletic events, concerts, graduation exercises, etc.) and in emergencies, parking and traffic limitations may be imposed by the Office of Security as required by the conditions which prevail.
- (9) The Institution reserves the right to tow any vehicle that is improperly parked. Any fees associated with towing will be the responsibility of the owner of the vehicle.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.05 Traffic and Parking. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12

Part 6 Disciplinary Procedures

- (1) General: Cleveland State Community College, in the implementation of TBR regulations pertaining to discipline and conduct of students, insures the constitutional rights of students by affording a system of constitutionally and legally sound procedures which provide the protection of due process of law.
- (2) Institutional Procedures: For matters not subject to the requirements of TUAPA, the Vice President for Student Services (VPSS), or designee, is responsible for initiating disciplinary action against any student.
 - (a) Where alleged misconduct of any student is believed to be of such a nature to require the imposing of any disciplinary sanction, it should be brought to the attention of the office of the Vice President for Student Services.
 - (b) The VPSS or designee shall inform the student, in person if possible, of the charges against him/her and proceed to gather information concerning the case including, but not limited to, interviews with all relevant parties (accused, accuser, and possible witnesses).
 - (c) The VPSS or designee shall review the evidence, determine whether there appears to have been a violation of the College regulations and, if so, decide upon a proper disciplinary sanction within five (5) class days.
 - (d) Following completion of the investigation, the VPSS or designee may: (a) determine that there is an insufficient basis, in fact, and dismiss the matter; (b) conclude that there is a sufficient factual basis for discipline and that discipline less than suspension or expulsion or removal of the college privileges would be appropriate; or (c) conclude that there is a

sufficient factual basis for discipline and that discipline, including the possibility of suspension or expulsion or removal of college privileges, would be appropriate.

- (e) The student will be notified of the conclusion of the VPSS or designee, and the proposed sanction. The student shall be informed of his/her right to accept the VPSS or designee's decision and/or the right to a hearing before the Student Disciplinary Committee. In cases where suspension or expulsion are proposed as sanctions, the student shall additionally be notified, in writing, that he/she may request either a hearing conducted pursuant to TUAPA (Tennessee Uniform Administrative Procedures Act) or a hearing before the Student Disciplinary Committee. The student, after notice, may elect to waive the right to either, or both, a Student Disciplinary Committee hearing, and/or a TUAPA hearing. Failure to elect a hearing shall constitute waiver.
- (3) Hearings before the Student Disciplinary Committee.
- (a) The following procedures shall apply:
 - 1. The Student Disciplinary Committee is a standing committee of Cleveland State Community College composed of students and faculty. The Student Disciplinary Committee is comprised of: One (1) faculty member from each academic department selected by the Faculty Senate, the President of the Student Senate, four (4) students selected by the Student Senate, the Vice President for Student Services (ex officio), and the President of the College (ex officio).
 - 2. The accused student shall be informed in writing of the date, time, and place of the hearing, not less than five (5) working days prior to the day of the hearing. The Student Disciplinary Committee shall afford the student a hearing within twenty (20) days after receipt of the case.
 - 3. All hearings shall be closed unless the student requests an open hearing in writing.
 - 4. The VPSS or designee shall read the charges and present the results of the investigation.
 - 5. The student shall be given an opportunity to respond to the evidence against him/her. He/she shall have an opportunity to present his/her position, make such admissions, denials, or explanations as he/she thinks appropriate and testify or present such other evidence as is available to him/her. The technical rules of evidence normally followed in civil and criminal trial shall not apply.
 - 6. The student may be accompanied by an advisor whose participation shall be limited to advising the student and shall not include representing the student.
 - 7. The student shall have the right to call witnesses on his/her behalf and the right to hear and question the witnesses against him/her.

8. Members of the Committee shall have the right to ask questions.
 9. All evidence upon which the decision is made shall be presented at the proceedings before the Committee.
 10. After all the presentations of evidence and testimony, the Committee shall retire to discuss the case and render a decision.
 11. The student shall be notified of the decision, in writing, within five (5) days of the hearing and shall be advised of his/her right to appeal the decision of the Student Disciplinary Committee to the President of the College. The appeal shall be submitted in writing and must clearly state the basis for the appeal. The President will consider the appeal based on the information provided by the student, as well as the record of the proceedings and decision from the Student Disciplinary Committee, and will notify the student and the Committee of his/her decision within ten (10) days from the receipt of the appeal.
- (4) TUAPA: All cases which may result in: (a) suspension or expulsion of a student or student organization from the institution for disciplinary reasons or (b) revocation of registration of a student organization are subject to the contested case provisions of the Tennessee Uniform Administrative Procedures Act (TUAPA), T.C.A. §4-5-301 *et seq.*, and shall be processed in accord with the Uniform Contested Case procedures adopted by the Board of Regents unless the student or organization, after receiving written notice, waives those procedures and elects to have the case disposed of in accord with institutional procedures or waives all right to contest the case under any procedure. The Vice President for Student Services has the authority and responsibility for coordination and administration of cases involving students that may be subject to the Tennessee Uniform Administrative Procedures Act.
- (5) Interim Suspension Hearings: Interim suspension, pending the completion of disciplinary procedures, may be imposed upon a finding that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused, any other member of the institution its guests, property, or substantial disruption of classroom or other campus activities. In any case of interim suspension, the student or student organization shall be given an opportunity at the time of the decision or as soon thereafter as reasonably possible to contest the suspension. Hearings conducted with regard to interim suspensions imposed pending the outcome of a disciplinary investigation or proceeding shall be conducted consistent with the minimum requirements of due process applicable to an institutional hearing, taking into account the need for a timely hearing. If such a hearing is initiated, the following procedures shall apply:
- (a) The VPSS will convene as many members of the Student Disciplinary Committee as may be assembled within two (2) business days of the notification of summary suspension to hear the student's appeal. A minimum of three (3) voting members of the committee must be present to hear the student's appeal.

- (b) The Student Disciplinary Committee will apply the same procedures for interim suspension hearings as those used by the committee for other hearings described in Part 6, section (3)(a) of this policy.
- (6) All matters involving allegations of impermissible discrimination, harassment, or retaliation will be governed by the procedures outlined in TBR Guideline P-080 Subject: Discrimination and Harassment – Complaint and Investigation Procedure and/or an institutional policy that reflects the requirements of that Guideline.
- (7) The president of the college is authorized, at his or her discretion, to subsequently convert any finding or sanction imposed to a lesser finding or sanction, or to rescind any previous finding or sanction, in appropriate cases.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.06 Disciplinary Procedures and due Process. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Approved by President's Cabinet: November 7, 2011; January 8, 2013

Revised by Tennessee Board of Regents: March 29, 2012

Approved by President: _____
(Date)



TENNESSEE BOARD OF REGENTS

MEETING: March Quarterly Board Meeting

SUBJECT: Revision of Student Disciplinary Policy
Columbia State Community College

DATE: March 28, 2014

PRESENTER: Vice Chancellor Tristan Denley

ACTION REQUIRED: Voice Vote

STAFF'S RECOMMENDATION: Approval

BACKGROUND INFORMATION:

At its meeting on December 8, 2011, the Board approved a separate Student Disciplinary Policy for each TBR university and community college as well as a Student Disciplinary Policy for the Tennessee Colleges of Applied Technology (formerly known as the Tennessee Technology Centers). These policies describe disciplinary behaviors, disciplinary sanctions, and due process in keeping with the systemwide rule and applicable statutes. Furthermore, these policies include traffic and parking procedures including statements of traffic and parking related fees and fines.

The revised system-wide rule provides for institutions to amend their student disciplinary policies as such: "In student discipline policies, each institution may expand on these regulations, subject to Board approval" [Rule 0240-02-030.01 (2)]. The revision process has included institution-specific processes and approvals as well as review by institutions' counsel and by the Office of Academic Affairs.

Columbia State Community College requests modifications to Section 3: Academic and Classroom Misconduct to clarify the instructor's authority to impose sanctions relevant to the academic dishonesty in coursework, to clarify the academic dean's role in informing of the student's right to appeal, and to assure that the dean be notified of the outcome of appeals adjudicated by the Provost; and to Section 5: Traffic and Parking to add three parking violations for blocking a fire lane, roadway or taking up two spaces each at the set fine amount of \$10, to reflect the elimination of required student parking decals, and to direct the administration of employee parking decals to Human Resources.

**Columbia State Community College
Student Disciplinary Policy**

Part 1 Institution Policy Statement

Part 2 Disciplinary Offenses

Part 3 Academic and Classroom Misconduct

Part 4 Disciplinary Sanctions

Part 5 Traffic and Parking

Part 6 Disciplinary Procedures

Part 1 Institution Policy Statement

- (1) Students enrolled in postsecondary educational institutions are citizens of their civic communities as well as the academic community. As such they are expected to conduct themselves as law-abiding members of each community at all times. Admission to an institution of postsecondary education carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by non-students. In recognition of the special relationship that exists between the institution and the academic community which it seeks to serve, the Tennessee Board of Regents ("TBR" or "the Board") has authorized the presidents of the institutions and directors of the technology centers under its jurisdiction to take such action as may be necessary to maintain campus conditions and preserve the integrity of the institution and its educational environment.
- (2) In fulfillment of its duties to provide a secure and stimulating atmosphere in which individual and academic pursuits may flourish, Columbia State has developed the following policies that are consistent with Tennessee Board of Regents regulations. In addition, students are subject to all federal, state and local laws and ordinances. If a student's violation of such laws or ordinances also adversely affects the institution's pursuit of its educational objectives, the College may enforce its own regulations regardless of the status or outcome of any external proceedings instituted by other civil or criminal authorities.
- (3) For the purpose of these policies, a "student" shall mean any person who is admitted and/or registered for study at the College for any academic period. This shall include any period of time following admission and/or registration, but preceding the start of classes for any academic period. It will also include any period which follows the end of an academic period through the last day for registration for the succeeding academic period, and during any period while the student is under suspension from the institution. Finally, "student" shall also include any person subject to a period of suspension or removal from campus as a sanction which results from a finding of a violation of the policies governing student conduct. Students are responsible for compliance with the Student Conduct and Discipline policies and with similar institutional policies at all times.
- (4) For the purpose of these policies, "class days" shall mean regular business days when classes are in session.

- (5) Disciplinary action may be taken against a student for violation of the policies which occur on institutionally owned, leased or otherwise controlled property, while participating in international or distance learning programs, and off campus, when the conduct impairs, interferes with, or obstructs any institutional activity or the mission, processes, and functions of the institution. Institutions may enforce their own policies regardless of the status or outcome of any external proceedings instituted in any other forum, including any civil or criminal proceeding.
- (6) These policies, and related material incorporated herein by reference, are applicable to student organizations as well as individual students. Student organizations are subject to discipline for the conduct and actions of individual members of the organization while acting in their capacity as members of, or while attending or participating in any activity of, the organization.
- (7) Students in health science programs are required to complete clinical objectives as a major component of the educational experience. Clinical objectives can only be completed at designated clinical facilities that enter into contractual agreements with the Institution to provide experiences for students. As outlined in clinical affiliation agreements, students are subject to facility expectations for behavior and conduct during clinical rotations. These expectations may include random drug screens and criminal background checks. Per program policies, any students denied access by a clinical facility based on established criteria will be unable to complete clinical objectives for the program of study and will be ineligible to continue enrollment.
- (8) Confidentiality of Discipline Process. Subject to the exceptions provided pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g and/or the Tennessee Open Records Act, T.C.A. § 10-7-504(a)(4), a student's disciplinary files are considered "education records" and are confidential within the meaning of those Acts.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.01, Institution Policy Statement. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 2 Disciplinary Offenses

- (1) Institutional disciplinary measures shall be imposed, through appropriate due process procedures, for conduct which adversely affects the institution's pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property or persons on property owned or controlled by Columbia State Community College.
- (2) Individual or organizational misconduct which is subject to disciplinary sanction shall include but not be limited to the following examples:
 - (a) Conduct Dangerous to Self or Others. Any conduct, or attempted conduct, which constitutes a danger to any person's health, safety, or personal well-being, including, but not limited to, the following:

1. Physical and/or verbal abuse,
 2. Threats and/or intimidation,
 3. Harm inflicted on self;
- (b) Hazing. Hazing, as defined in T.C.A. § 49-7-123(a) (1), means any intentional or reckless act, on or off the property, of any higher education institution by an individual acting alone, or with others, which is directed against any other person(s) that endangers the mental or physical health or safety of that person(s), or which induces or coerces a person(s) to endanger such person(s) mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization;
- (c) Disorderly Conduct. Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs institutional functions, operations, classrooms, other groups or individuals;
- (d) Obstruction of or Interference with institutional activities or facilities. Any intentional interference with or obstruction of any institutional, program, event, or facility including the following:
1. Any unauthorized occupancy of facilities owned or controlled by Columbia State or blockage of access to or from such facilities,
 2. Interference with the right of any institution member or other authorized person to gain access to any activity, program, event or facilities sponsored or controlled by Columbia State,
 3. Any obstruction or delay of a campus security officer, public safety officer, police officer, firefighter, EMT, or any official of the College, or failure to comply with any emergency directive issued by such person in the performance of his or her duty;
- (e) Misuse of or Damage to Property. Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to another including, but not limited to, any personal property, fire alarms, fire equipment, elevators, telephones, institution keys, library materials and/or safety devices;
- (f) Theft, Misappropriation, or Unauthorized Sale of Property;
- (g) Misuse of Documents or Identification Cards. Any forgery, alteration of or unauthorized use of institutional documents, forms, records or identification cards, including the giving of any false information, or withholding of necessary

information, in connection with a student's admission, enrollment or status in the institution;

- (h) Firearms and Other Dangerous Weapons. Any possession of or use of firearms, dangerous weapons of any kind, or replica/toy guns, e.g. BB guns, pellet guns, paintball guns, water guns, cap guns, toy knives or other items that simulate firearms or dangerous weapons;
- (i) Explosives, Fireworks, and Flammable Materials. The unauthorized possession, ignition or detonation of any object or article which would cause damage by fire or other means to persons or property or possession of any substance which could be considered to be and used as fireworks;
- (j) Alcoholic Beverages. The use and/or possession of alcoholic beverages on institution owned or controlled property. This offense includes the violation of any local ordinance, state, or federal law concerning alcoholic beverages, on or off institution owned or controlled property, where an affiliated group or organization has alcoholic beverages present and available for consumption; it also includes any violation of any term of the Columbia State Drug/Alcohol-Free Communities Statement and Policy. Pursuant to Tennessee Code Annotated §49-7-146, Columbia State 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 of possession of alcohol or a controlled substance that is a violation of any federal, state, or local law, or any rule or policy of Columbia State, 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 the disciplinary procedures.
- (k) Drugs. The unlawful possession or use of any drug or controlled substance (including, but not limited to, any stimulant, depressant, narcotic or hallucinogenic drug, or marijuana), sale or distribution of any such drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession or use of drugs, on or off institution owned or controlled property or property owned or controlled by an affiliated clinical site. Pursuant to Tennessee Code Annotated §49-7-146, Columbia State 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 of possession of alcohol or a controlled substance that is a violation of any federal, state, or local law, or any rule or policy of Columbia State, 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 the disciplinary procedures.
- (l) Drug Paraphernalia. The use or possession of equipment, products or materials that are used or intended for use in manufacturing, growing, using or distributing any drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession of drug paraphernalia, on or off institution owned or controlled property or property owned or controlled by an affiliated clinical site.

- (m) **Public Intoxication.** Appearing on institution owned or controlled property or at an institutional sponsored event while under the influence of a controlled substance or of any other intoxicating substance;
- (n) **Gambling.** Unlawful gambling in any form;
- (o) **Financial Irresponsibility.** Failure to meet financial responsibilities to the institution promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the institution;
- (p) **Unacceptable Conduct in Disciplinary Proceedings.** Any conduct at any stage of an institutional disciplinary proceeding or investigation that is contemptuous, disrespectful, threatening, or disorderly, including false complaints, testimony or other evidence, and attempts to influence the impartiality of a member of a judicial body, verbal or physical harassment or intimidation of a judicial board member, complainant, respondent or witness;
- (q) **Failure to Cooperate with Institutional Officials.** Failure to comply with directions of institutional officials acting in the performance of their duties;
- (r) **Violation of General Rules and Regulations.** Any violation of the general rules and regulations of the College as published in an official institutional publication, including the intentional failure to perform any required action or the intentional performance of any prohibited action;
- (s) **Attempts, Aiding and Abetting.** Any attempt to commit any of the offenses listed under this section or the aiding or abetting of the commission of any of the offenses listed under this section (an attempt to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission). Being present during the planning or commission of any offense listed under this section will be considered as aiding and abetting. Students who anticipate or observe an offense must remove themselves from the situation and are required to report the offense to the institution;
- (t) **Violations of State or Federal Laws.** Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference;
- (u) **Violation of Imposed Disciplinary Sanctions.** Intentional or unintentional violation of a disciplinary sanction officially imposed by an institution official or a constituted body of the institution;
- (v) **Sexual Battery or Rape.** Committing any act of sexual battery or rape as defined by state law;
- (w) **Harassment or Retaliation.** Any act by an individual or group against another person or group in violation of TBR policies, as well as federal and/or state laws prohibiting

discrimination, including, but not limited to, TBR policies 5:01:02:00,(F), 5:01:02:00, 2:02:10:01 and TBR Guideline P-080; All matters involving allegations of impermissible discrimination, harassment or retaliation will be governed by the procedures outlined in Tennessee Board of Regents Guideline P-080 *Subject: Discrimination and Harassment-Complaint and Investigation Procedure* or an institutional policy that reflects the current requirements of that Guideline.

- (x) Academic Misconduct. Plagiarism, cheating, fabrication. For purposes of this section the following definitions apply:
 - 1. Plagiarism. The adoption or reproduction of ideas, words, statements, images, or works of another person as one's own without proper attribution,
 - 2. Cheating. Using or attempting to use unauthorized materials, information, or aids in any academic exercise or test/examination. The term academic exercise includes all forms of work submitted for credit or hours,
 - 3. Fabrication. Unauthorized falsification or invention of any information or citation in an academic exercise.
- (y) Unauthorized Duplication or Possession of Keys. Making, causing to be made or the possession of any key for any Columbia State facility without proper authorization;
- (z) Violations of conduct requirements described in handbooks for specific programs of study;
- (aa) Litter. Dispersing litter in any form onto the grounds or facilities of the campus;
- (bb) Pornography. Public display of literature, films, pictures or other materials which an average person applying contemporary community standards would find, (1) taken as a whole, appeals to the prurient interest, (2) depicts or describes sexual conduct in a patently offensive way, and (3) taken as a whole, lacks serious literary, artistic, political or scientific value;
- (cc) Abuse of Computer Resources and Facilities. Misusing and/or abusing campus computer resources including, but not limited to the following:
 - 1. Use of another person's identification to gain access to institutional computer resources,
 - 2. Use of institutional computer resources and facilities to violate copyright laws, including, but not limited to, the act of unauthorized distribution of copyrighted materials using institutional information technology systems,
 - 3. Unauthorized access to a computer or network file, including but not limited to, altering, using, reading, copying, or deleting the file,
 - 4. Unauthorized transfer of a computer or network file,

5. Use of computing resources and facilities to send abusive or obscene Correspondence,
 6. Use of computing resources and facilities in a manner that interferes with normal operation of the institutional computing system,
 7. Use of computing resources and facilities to interfere with the work of another student, faculty member, or institutional official,
 8. Violation of any published information technology resources policy,
 9. Unauthorized peer-to-peer file sharing;
 10. Any violation of the terms of the Columbia State Policy No. 07:04:00 Use of Information Technology Resources.
- (dd) Unauthorized Access to Institutional Facilities and/or Grounds. Any unauthorized access and/or occupancy of institutional facilities and grounds is prohibited, including, but not limited to, gaining access to facilities and grounds that are closed to the public, being present in areas of campus that are open to limited guests only, being present in academic buildings after hours without permission, and being present in buildings when the student has no legitimate reason to be present;
- (ee) Providing False Information. Giving any false information to, or withholding necessary information from, any institutional official acting in the performance of his/her duties in connection with a student's admission, enrollment, or status in the institution;
- (ff) Unauthorized Surveillance. Making or causing to be made unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian. This includes, but is not limited to, taking video or photographic images in shower/locker rooms and men's or women's restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means;
- (gg) Smoking Violations. Violation of any Columbia State and/or TBR smoking or other tobacco use rules or policies.
- (3) Disciplinary action may be taken against a student for violations of the foregoing regulations which occur at or in association with enrollment at Columbia State for any academic period. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree including periods prior to or between semesters. Conduct occurring while a student is registered or enrolled at the institution, but not discovered until after the awarding of a degree is actionable under these provisions and may result in the retroactive application of a disciplinary sanction. Should a student withdraw from the institution with disciplinary action or academic misconduct action

pending, the student's record may be encumbered by the appropriate institutional office until the proceedings have been concluded.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.02, Disciplinary Offenses. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 3 Academic and Classroom Misconduct

- (1) The instructor has the primary responsibility for maintenance of academic integrity and controlling classroom behavior, and can order the temporary removal or exclusion from the classroom of any student engaged in disruptive conduct or conduct that violates the general rules and regulations of the institution for each class session during which the conduct occurs. Extended or permanent exclusion from the classroom, beyond the session in which the conduct occurred, or further disciplinary action can be effected only through appropriate procedures of Columbia State.

~~(2) Academic Misconduct: Plagiarism, cheating, and other forms of academic dishonesty are prohibited. Students responsible for academic misconduct, either directly or indirectly, through participation or assistance, are immediately responsible to the instructor of the class. In addition to other possible disciplinary sanctions which may be imposed through the regular institutional disciplinary procedures, the instructor has the authority to exercise Summary Academic Discipline.~~

(2) Academic Misconduct: Plagiarism, cheating, and other forms of academic dishonesty are prohibited. Students guilty of academic misconduct, either directly or indirectly, through participation or assistance, are immediately responsible to their instructors. Based on their professional judgment, instructors have the authority to impose the following academic sanctions: (a) require the student to repeat the assignment for full or partial credit; (b) assign a zero, an F, or any other grade appropriate for the assignment or examination; (c) assign an F for the course. In addition, disciplinary sanctions may be imposed through the regular institutional procedures.

~~Summary Academic Discipline: An instructor who has good cause to believe that a student engaged in academic misconduct in connection with a course taught by the instructor or an examination proctored by the instructor, or his or her designee may choose to exercise Summary Academic Discipline as outlined below:~~

- ~~(a) The instructor will gather information relevant to the misconduct, discuss with the division dean, and meet with the offending student, presenting the information relevant to the misconduct and explaining the sanction imposed.~~
- ~~(b) A student's grade in the course, or the assignment or examination affected by the alleged academic misconduct may be lowered to any extent, including a grade of "F" as long as the failing grade is proportional to the nature and extent of the academic misconduct.~~

~~(c)~~(a) If the instructor assigns a lower grade or an F or zero to the student because of academic misconduct, the instructor must complete the top half of the Student Academic Misconduct Form and submit to the division dean. The form includes the violations and the sanctions imposed.

~~(d)~~(b) The division dean must notify the student of the actions and of the appeals process that is available if the student opts to appeal the instructor's decision. The dean must also send a copy of the written notification to the Executive Vice President-Provost and the Associate Vice President, Student Services of the action to advise the student of his or her right to appeal the ~~Summary Academic Discipline~~ disciplinary sanction to the Executive Vice President – Provost. The student should continue to attend class during the appeals process.

~~(e)~~(c) After being confronted with information relevant to academic misconduct, the accused student may accept the sanction imposed by the instructor, or he/she may initiate the appeal of ~~summary academic discipline~~ the disciplinary sanction within five (5) class days. If he/she accepts the instructor-imposed sanction, he/she also waives the right to an appeal, and the decision of the instructor will be final.

~~(f)~~(d) Student Appeal of ~~Summary Academic Discipline~~ Disciplinary Sanction: If a student believes he/she has been erroneously accused of academic misconduct or if he/she believes the actions or sanctions are too severe for the incident, the student may appeal an exercise of ~~Summary Academic Discipline~~ to the division dean. The student must contact the division dean in writing within five (5) class days of receipt of notification of the ~~summary~~ action. The division dean governing the course where the the incident occurred will review the appeal and render a decision within five (5) class days. If, after receiving the dean's decision, the student wants to appeal to a higher authority, he/she will need to provide a written request to the dean within five (5) class days of receiving the dean's decision.

~~(g)~~(e) The division dean will forward the appeal to the Executive Vice President-Provost within five (5) class days. The Executive Vice President-Provost may adjudicate the case, or he/she may, at his or her sole discretion, appoint an Academic Misconduct Appeals Committee to review and resolve the issue within five (5) class days of having received the appeal from the division dean. The committee will consist of at least three faculty members and two students, all of whom shall serve for the duration of the appeal. The committee should arrive at a decision within thirty (30) class days, absent good cause.

~~(h)~~(f) The Academic Misconduct Appeals Committee will then determine when the appeal hearing will be held. The student must be notified of the date, time and location of the hearing so he/she can be in attendance. The student should be notified as soon as possible, but given a minimum of one week's notice. The student will be advised of the following rights applicable at the hearing:

1. The right to present his/her information. However, the student's nonattendance, absent good cause, will not hinder the Committee from meeting and making a decision.

2. The right to be accompanied by an advisor. The hearing committee may restrict the advisor's right to speak at the hearing.
3. The right to call witnesses in his or her behalf.
4. The right to confront witnesses against him or her
5. The method and time limitations for appeal, if any are applicable.

~~(j)~~(g) _____ The committee will then conduct the appeal hearing, consider all of the information presented and make a decision by simple majority vote. The committee can either uphold or overturn the sanctions of the instructor. If the committee upholds the sanction, the decision will be reported to the Executive Vice President-Provost and dean, for record maintenance, to the Associate Vice President, Student Services. If the committee decides to overturn the sanctions of the instructor, the student must receive grades on all assignments and the course in accordance with the normal grading policies of the instructor (unless some other instance of academic misconduct occurs).

~~(j)~~(h) _____ The Executive Vice President-Provost will send the student a written copy of the decision of the Academic Misconduct Appeals Committee within five class days of the Committee's decision.

~~(k)~~(i) _____ The student will be advised of his or her right to appeal to the President of Columbia State within five (5) class days following receipt of the academic misconduct appeals committee's decision. Appeals must be made in writing. The President will make a determination within ten (10) class days. The decision of the President is final.

- (i) A student who is found responsible for academic misconduct will not be permitted to withdraw from the course to avoid Summary Academic Discipline.
- (ii) A student who is found responsible for academic misconduct may be subject to additional disciplinary sanctions imposed by the Associate Vice President, Student Services or the Student Discipline and Procedures Committee if he/she is found to be involved in multiple incidents that involve other classes or other students.

~~(3)~~(2) _____ Classroom Misconduct: Disruptive behavior in the classroom may be defined as, but not limited to, behavior that obstructs or disrupts the learning environment (e.g., offensive language, harassment of students and professors, repeated outbursts from a student which disrupt the flow of instruction or prevent concentration on the subject taught, failure to cooperate in maintaining classroom decorum, etc.), text messaging, and the continued use of any electronic or other noise or light emitting device which disturbs others (e.g., disturbing noises from beepers, cell phones, palm pilots, lap-top computers, games, etc.).

~~(4)~~(3) _____ Faculty establish class attendance and punctuality requirements, subject to state or federal laws, and inform students of those requirements, along with the consequences for failing to meet those requirements, through the published syllabi for each course.

~~(5)~~(4) In cases where student absences are the result of emergency circumstances (e.g., death in the family, a student's serious injury, or incapacitating illness), for which students were unable to make immediate contact with faculty, the student may contact the Office of Student Services for assistance in providing such immediate notification to faculty. However, the student remains responsible for verifying the emergency circumstances to faculty and for discussing arrangements with faculty for completion of course work requirements.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.03 Academic and Classroom Misconduct. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 4 Disciplinary Sanctions

- (1) Upon a determination that a student or student organization has violated any of the disciplinary offenses set forth in these policies or the general policies of an institution, disciplinary sanctions may be imposed, either singly or in combination, by the appropriate institutional officials.
- (2) Sanctions that may be imposed include, but are not limited to:
 - (a) Restitution. Restitution may be required in situations which involve destruction, damage or loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or student organization is obligated by the appropriate judicial authority to compensate a party or parties for a loss suffered as a result of disciplinary violation(s). Any such payment in restitution shall be limited to actual cost of repair, replacement or financial loss;
 - (b) Warning. The Associate Vice President, Student Services may notify the student or student organization that continuation or repetition of specified conduct may be cause for other disciplinary action;
 - (c) Reprimand. A written or verbal reprimand or censure may be given to any student or student organization whose conduct violates any part of these regulations and provides notice that that any further violation(s) may result in more serious penalties;
 - (d) Service to the Institution or Community. A student, or student organization, may be required to donate a specified number of service hours to Columbia State performing reasonable tasks for an appropriate institution office, official(s), or the local community. The service required shall be commensurate to the offense (e.g., service for maintenance staff for defacing College property);
 - (e) Specified Educational/Counseling Program. A student or student organization may be required to participate in specified educational or counseling program(s) relevant to the offense, or to prepare a project or report concerning a relevant topic;

- (f) Apology. A student or student organization may be encouraged to issue an apology that is appropriate for the circumstances and relates to the behavior giving rise to the disciplinary offense;
- (g) Fines. Penalties in the form of fines may be imposed against a student or student organization whenever the appropriate institutional authority deems appropriate. The sanction of fines may be imposed in addition to other forms of disciplinary sanctions. Failure to pay fines may result in further disciplinary action;
- (h) Restriction. A restriction upon a student's or student organization's privileges for a period of time may be imposed. This restriction may include, for example, denial of the ability to represent the institution at any event, ability to participate in Columbia State or TBR sponsored travel, use of facilities, parking privileges, participation in extracurricular activities or restriction of organizational privileges;
- (i) Probation. Continued enrollment of a student or recognition of a student organization on probation may be conditioned upon adherence to these regulations. Any student or organization placed on probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon extracurricular activities, or any other appropriate special condition(s). Any conduct in further violation of these regulations while on probationary status or the failure to comply with the terms of the probationary period may result in the imposition of further disciplinary action;
- (j) Suspension. Suspension is the separation of a student or student organization from the institution for a specified period of time. Suspension may be accompanied by special conditions for readmission or recognition;
- (k) Expulsion. Expulsion entails a permanent separation from the institution. The imposition of this sanction is a permanent bar to the student's admission, or a student organization's recognition to the institution. A student or organization that has been expelled may not enter Columbia State property or facilities without obtaining prior approval from an appropriate campus official with knowledge of the expulsion directive;
- (l) Revocation of Admission, Degree, or Credential;
- (m) Interim Suspension. As a general rule, the status of a student or student organization accused of violation of these regulations should not be altered until a final determination has been made in regard to the charges. However, interim suspension, pending the completion of disciplinary procedures, may be imposed upon a finding by the appropriate institutional official that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused, any other member of the institution its guests, property, or substantial disruption of classroom or other campus activities. In any case of interim suspension, the student, or student organization, shall be given an opportunity at the time of the decision, or as soon thereafter as reasonably possible, to contest the suspension;
- (n) Any alternate sanction deemed necessary and appropriate to address the misconduct.

- (3) The President of the College is authorized, at his or her discretion, to uphold the decision, to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or, subsequently, to convert any sanction imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases. The decision of the President is final.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.04 Disciplinary Sanctions. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 5 Traffic and Parking

- (1) Columbia State has implemented institutional Traffic and Parking Policies which govern traffic and parking on all of the campuses. The purpose of these policies is to facilitate the orderly and efficient flow of traffic, to provide a safe atmosphere for both pedestrians and motor vehicle operators, and to provide order with regard to parking within limited space. Institutional policies are published annually through signage and in the Columbia State Traffic and Parking Policies brochure, the Student Handbook, and on the Columbia State website.

- (2) All vehicles driven on campus by, or on behalf of, ~~students,~~ faculty or staff must be registered in Human Resources for the purpose of obtaining a parking permit. the Office of Student Services. The driver of a vehicle not properly registered ~~with a current permit,~~ may be subject to a fine for parking in employee parking without a current permit. ~~Drivers should notify the Office of Student Services of special circumstances prior to receiving a ticket.~~

~~(1) (3) A campus access fee will be charged per semester to all students. Each student will be given one parking Columbia State permit decal at no charge. Additional or replacement permits may be secured from the Office of Student Services for a fee. Students at extended campuses may secure their permits from the administrative staff at the respective campuses.~~

~~(1) — Parking permits are to be hung on the inside rear-view mirror with the number visible from outside the vehicle.~~

(3) General

- (a) Rules of courtesy and safety require that all drivers pull into their parking spaces, leave vehicles between the painted lines and refrain from blocking entrances, exits, or walkways.
- (b) Valuables and keys should not be left in vehicles.
- (c) Designated Parking

1. Visitors

~~(+)~~ Visitors may park in marked areas

~~(ii) Visitor parking permits should be secured from the Office of Student Services or Campus Directors' offices for conferences and extended visits.~~

2. Faculty and Staff. Faculty and staff may park in the designated lots immediately in front of the Pryor Administration Building, south of the Clement Building, west of the Jones Student Center, along the street access from the gymnasium, and in front of the Walter Building in Columbia. At all the campus locations, employee spaces are designated by blue lines.
 - (i) Students. Students may park in either of four large lots north of the Pryor Building, west of the Jones Student Center, and south of the Clement Building at the Columbia campus. At all campus locations, student spaces are designated by white lines. Cycles should be parked in designated spaces at various locations across all of the campuses.
 - (ii) Disabled. Spaces for persons with disabilities are provided at several locations across all campuses.

(3). Fines/Penalties

Violations and Fines

- (a.) All fines are payables in the Business Office
- (b.) Fines assessed for violations are as follows:

Parking in:

No valid permit displayed in Employee areas	\$25.00
No Parking zone	\$15.00
Visitor parking areas	\$10.00
Faculty/Staff parking areas	\$10.00
<u>Fire Lane</u>	<u>\$10.00</u>
<u>Blocking vehicles/roadway</u>	<u>\$10.00</u>
<u>Occupying Two Spaces</u>	<u>\$10.00</u>

- (c.) The fine for disabled/handicapped parking violations is established by statute and will be adjusted as required. All unpaid tickets double in cost at the close of each semester.
- (d.) Columbia State reserves the right to tow any vehicle that is parked improperly.
- (e.) Appeals: All appeals are made to the Associate Vice President, Student Services within five (5) class days. If the student disagrees with the Associate Vice President's disposition, he or she may request of the Chair of the Student Discipline and Procedures Committee a hearing within five (5) class days of receipt of the Associate Vice

President's disposition. When such a hearing is initiated, the following procedures shall apply:

1. In five class days, the student shall be advised, in writing, of the breach of regulation(s) of which she/he is charged.
2. The student shall be advised of the time, date, and place of the hearing allowing reasonable time for preparation. A hearing date will be scheduled within 10 class days after the student receives notification of the charges.
3. The student shall be advised of the following rights applicable at the hearing:
 - (i) The right to present his or her information,
 - (ii) The right to be accompanied by an advisor. The Committee may restrict the advisor's right to speak during the hearing.
 - (iii) The right to call witnesses in his or her behalf,
 - (iv) The right to confront witnesses against him or her, and
 - (v) The student shall be advised of the method and time limitations for appeal, if any are applicable
4. The Student Discipline and Procedures Committee shall be charged to hear relevant information, to make findings of fact, to make decisions based on those facts, and to submit in writing the decision to the Associate Vice President, Student Services within thirty (30) class days of receipt of the appeal.
5. The Student Discipline and Procedures Committee is appointed by the President and consists of four active faculty members, four alternate faculty members, two student members, the Director of Financial Aid, and two non-voting, ex-officio members, the Executive Vice President-Provost and the Associate Vice President, Student Services, all of whom shall serve for two years or until leaving the college, whichever comes first.
6. Any individual on the Committee who has an interest in the case should disqualify himself or herself.
7. All hearings shall be closed unless the student or organizations requests an open hearing in writing.
8. The student shall receive a written copy of the decision of the Committee hearing from the Associate Vice President, Student Services within five (5) class days of the hearing and shall be advised of his/her right to appeal the decision of the Student Discipline and Procedures Committee to the President of the College.

9. A student may appeal a decision of the Student Discipline and Procedures Committee to the President of the College by writing the President of the College within five (5) class days of receipt of the Committee's decision.
10. The President of the College is authorized, at his or her discretion, to uphold the decision, to intervene in order to negotiate a mutually acceptable resolution to any parking fines or penalties, or subsequently, to convert any fines or penalties to a lesser amount or sanction, or to rescind any previous finding, in appropriate cases. The decision of the President is final.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.05 Traffic and Parking. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 6 Disciplinary Procedures

- (1) In the implementation of TBR regulations related to the discipline and conduct of students, Columbia State insures the constitutional rights of students by providing a system of procedures which afford the protection of due process of law. Columbia State has enacted policies that are compliance with TBR Policy 3:02:01:00, as well as applicable state and federal law. All disciplinary procedures are affirmatively communicated to the faculty, staff, and students of the institution as well as published in appropriate websites, handbooks, or manuals.
- (2) TUAPA: All cases which may result in: (a) suspension or expulsion of a student, or student organization, from the institution, for disciplinary reasons or (b) revocation of registration of a student organization, are subject to the contested case provisions of the Tennessee Uniform Administrative Procedures Act (TUAPA), T.C.A. § 9-8-01 et seq., and shall be processed in accord with the Uniform Contested Case procedures adopted by the Board of Regents unless the student or organization, after receiving written notice, waives those procedures and elects to have the case disposed of through the informal adjudication by the Associate Vice President, Student Services or through the Columbia State institutional hearing process.
- (3) Institutional Hearings: For matters not subject to the requirements of TUAPA or when a student has waived his/her right to a TUAPA hearing, Columbia State vests the authority to hear student/organizational misconduct or traffic/parking violations with the Associate Vice President, Student Services, or designee, and with the Student Discipline and Procedures Committee.
 - (a.) The steps to resolution are as follows:
 1. Preliminary Conference. Misconduct involving the violation of College regulations shall be reported to the Associate Vice President, Student Services or appropriate

designee. Within five (5) class days of the reported allegation, the Associate Vice President for Student Services shall call the accused student to a preliminary conference where the student shall be informed of the charges against him/her and apprised of his/her rights as stated in these policies. The Associate Vice President, Student Services or appropriate designee shall investigate the validity of alleged misconduct within fifteen (15) class days of the reported charge.

2. Following completion of the informal investigation, the Associate Vice President, Student Services or appropriate designee may:
 - i. Determine that there is an insufficient basis, in fact, and dismiss the matter; or
 - ii. Conclude that there is a sufficient factual basis for discipline and that discipline less than suspension or expulsion or removal of college privileges would be appropriate; or
 - iii. Conclude that there is a sufficient factual basis for discipline and that discipline, including the possibility of suspension or expulsion or removal of college privileges, would be appropriate.
3. The Associate Vice President, Student Services or appropriate designee may, after an informal investigation, notify the student in writing of the charge(s), as well as the options for adjudication of the case within five (5) class days. The due process rights associated with each option will also be included. The student will have five class days following receipt of written notification to select an option.
4. The options are as follows:
 - (i) Disposition by the by the Associate Vice President, Student Services. In discipline cases other than academic dishonesty, a student or organization may request that the Associate Vice President, Student Services adjudicate the case informally. The student will have the opportunity to present argument and information on his or her behalf. The Associate Vice President, Student Services will inform the student of the findings, the basis for the conclusions, and impose discipline specified in Disciplinary Sanctions as he/she deems to be appropriate. The student or organization will be informed in writing of the specific disciplinary offenses and sanctions within 10 class days. In informally adjudicated cases, the decision of the Associate Vice President will be final.
 - (ii) No contest of the case.
 - (iii) Student election of the use of informal adjudication or to not contest the case requires that the student waive, in writing, his/her right to due process. Selection of one option constitutes waiver of all other options.

- (iv) Discipline and Procedures Committee hearing. A student or organization may choose to have the case heard by the Student Discipline and Procedures Committee.
5. If such a hearing is initiated, the following procedures shall apply:
- (i) The student or organization shall be advised, in writing, of the breach of regulation(s) of which she/he is charged.
 - (ii) The student shall be advised of the time, date, and place of the hearing allowing reasonable time for preparation. A hearing date will be scheduled within 10 class days after the student or organization receives notification of the charges.
 - (iii) The student shall be advised of the following rights applicable at the hearing:
 - (1) The right to present his or her case. However, the student's nonattendance, absent good cause, will not hinder the Committee from meeting and making a decision.
 - (2) The right to be accompanied by an advisor (for example, a friend, family member, faculty or staff member). The advisor must agree to abide by the confidentiality restrictions set forth in the proceedings. The Committee may restrict the advisor's right to speak during the hearing.
 - (3) The right to call witnesses in his or her behalf,
 - (4) The right to confront witnesses against him or her, and
 - (5) The student shall be advised of the method and time limitations for appeal, if any is applicable.
6. The Student Discipline and Procedures Committee shall be charged to hear relevant information, to make findings of fact, and to make decisions based on those facts.
7. The Student Discipline and Procedures Committee is appointed by the President and consists of four active faculty members, four alternate faculty members, two student members, the Director of Financial Aid, and two non-voting, ex-officio members, the Executive Vice President-Provost and the Associate Vice President, Student Services, all of whom shall serve for two years or until leaving the college, whichever comes first.
8. Any individual on the Committee who has an interest in the case should disqualify himself or herself.

9. All hearings shall be closed unless the student or organizations requests an open hearing in writing.
 10. The student or organization shall receive a written copy of the decision of the Committee hearing with any sanctions within five class (5) days of the hearing and shall be advised of his or her right to appeal the decision of the Student Discipline and Procedures Committee.
 11. If a student, absent good cause, fails to return the Election of Waiver of Hearing Procedures Form in a timely manner, the student will be deemed to have waived a right to the processes described above and Columbia State may proceed as it deems, in its sole discretion, appropriate in the circumstances.
- (4) Interim Suspension Hearings: Hearings conducted with regard to interim suspensions imposed pending the outcome of a disciplinary investigation or proceeding shall be conducted consistent with the minimum requirements of due process applicable to an institutional hearing, taking into account the need for a timely hearing. The evidence presented at the hearing shall be limited to that which is relevant to the basis asserted for imposition of the interim suspension.
- (5) Alternative Resolution Procedures: Columbia State is authorized to establish alternative or multiple methods/bodies for hearings and/or for the resolution of disciplinary matters, with the consent of all relevant parties. Alternative resolution methods may include, but are not limited to, mediation, diversion programs, and/or negotiated resolutions.
- (6) Appeal Procedures
- (a) Appeal of decision of a hearing held pursuant to TUAPA. A student's right to appeal a decision resulting from a hearing held pursuant to the TUAPA shall be governed by the provisions of the TUAPA.
 - (b) Appeal of decision of Student Discipline and Procedures Committee. A student may appeal a decision of the Student Discipline and Procedures Committee to the President of the College. The appeal must be filed in writing within five (5) class days of receipt of the Committee's decision.
 - (c) The President of the College is authorized, at his or her discretion, to uphold the decision, to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or, subsequently, to convert any finding or sanction imposed to a lesser finding or sanction, or to rescind any previous finding or sanction, in appropriate cases. The decision of the President is final.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.06 Disciplinary Procedures and due Process. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Columbia State Community College
Student Disciplinary Policy

Part 1 Institution Policy Statement

Part 2 Disciplinary Offenses

Part 3 Academic and Classroom Misconduct

Part 4 Disciplinary Sanctions

Part 5 Traffic and Parking

Part 6 Disciplinary Procedures

Part 1 Institution Policy Statement

- (1) Students enrolled in postsecondary educational institutions are citizens of their civic communities as well as the academic community. As such they are expected to conduct themselves as law-abiding members of each community at all times. Admission to an institution of postsecondary education carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by non-students. In recognition of the special relationship that exists between the institution and the academic community which it seeks to serve, the Tennessee Board of Regents ("TBR" or "the Board") has authorized the presidents of the institutions and directors of the technology centers under its jurisdiction to take such action as may be necessary to maintain campus conditions and preserve the integrity of the institution and its educational environment.
- (2) In fulfillment of its duties to provide a secure and stimulating atmosphere in which individual and academic pursuits may flourish, Columbia State has developed the following policies that are consistent with Tennessee Board of Regents regulations. In addition, students are subject to all federal, state and local laws and ordinances. If a student's violation of such laws or ordinances also adversely affects the institution's pursuit of its educational objectives, the College may enforce its own regulations regardless of the status or outcome of any external proceedings instituted by other civil or criminal authorities.
- (3) For the purpose of these policies, a "student" shall mean any person who is admitted and/or registered for study at the College for any academic period. This shall include any period of time following admission and/or registration, but preceding the start of classes for any academic period. It will also include any period which follows the end of an academic period through the last day for registration for the succeeding academic period, and during any period while the student is under suspension from the institution. Finally, "student" shall also include any person subject to a period of suspension or removal from campus as a sanction which results from a finding of a violation of the policies governing student conduct. Students are responsible for compliance with the Student Conduct and Discipline policies and with similar institutional policies at all times.
- (4) For the purpose of these policies, "class days" shall mean regular business days when classes are in session.

- (5) Disciplinary action may be taken against a student for violation of the policies which occur on institutionally owned, leased or otherwise controlled property, while participating in international or distance learning programs, and off campus, when the conduct impairs, interferes with, or obstructs any institutional activity or the mission, processes, and functions of the institution. Institutions may enforce their own policies regardless of the status or outcome of any external proceedings instituted in any other forum, including any civil or criminal proceeding.
- (6) These policies, and related material incorporated herein by reference, are applicable to student organizations as well as individual students. Student organizations are subject to discipline for the conduct and actions of individual members of the organization while acting in their capacity as members of, or while attending or participating in any activity of, the organization.
- (7) Students in health science programs are required to complete clinical objectives as a major component of the educational experience. Clinical objectives can only be completed at designated clinical facilities that enter into contractual agreements with the Institution to provide experiences for students. As outlined in clinical affiliation agreements, students are subject to facility expectations for behavior and conduct during clinical rotations. These expectations may include random drug screens and criminal background checks. Per program policies, any students denied access by a clinical facility based on established criteria will be unable to complete clinical objectives for the program of study and will be ineligible to continue enrollment.
- (8) Confidentiality of Discipline Process. Subject to the exceptions provided pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g and/or the Tennessee Open Records Act, T.C.A. § 10-7-504(a)(4), a student's disciplinary files are considered "education records" and are confidential within the meaning of those Acts.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.01, Institution Policy Statement. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 2 Disciplinary Offenses

- (1) Institutional disciplinary measures shall be imposed, through appropriate due process procedures, for conduct which adversely affects the institution's pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property or persons on property owned or controlled by Columbia State Community College.
- (2) Individual or organizational misconduct which is subject to disciplinary sanction shall include but not be limited to the following examples:
 - (a) Conduct Dangerous to Self or Others. Any conduct, or attempted conduct, which constitutes a danger to any person's health, safety, or personal well-being, including, but not limited to, the following:

1. Physical and/or verbal abuse,
 2. Threats and/or intimidation,
 3. Harm inflicted on self;
- (b) Hazing. Hazing, as defined in T.C.A. § 49-7-123(a) (1), means any intentional or reckless act, on or off the property, of any higher education institution by an individual acting alone, or with others, which is directed against any other person(s) that endangers the mental or physical health or safety of that person(s), or which induces or coerces a person(s) to endanger such person(s) mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization;
- (c) Disorderly Conduct. Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs institutional functions, operations, classrooms, other groups or individuals;
- (d) Obstruction of or Interference with institutional activities or facilities. Any intentional interference with or obstruction of any institutional, program, event, or facility including the following:
1. Any unauthorized occupancy of facilities owned or controlled by Columbia State or blockage of access to or from such facilities,
 2. Interference with the right of any institution member or other authorized person to gain access to any activity, program, event or facilities sponsored or controlled by Columbia State,
 3. Any obstruction or delay of a campus security officer, public safety officer, police officer, firefighter, EMT, or any official of the College, or failure to comply with any emergency directive issued by such person in the performance of his or her duty;
- (e) Misuse of or Damage to Property. Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to another including, but not limited to, any personal property, fire alarms, fire equipment, elevators, telephones, institution keys, library materials and/or safety devices;
- (f) Theft, Misappropriation, or Unauthorized Sale of Property;
- (g) Misuse of Documents or Identification Cards. Any forgery, alteration of or unauthorized use of institutional documents, forms, records or identification cards, including the giving of any false information, or withholding of necessary

information, in connection with a student's admission, enrollment or status in the institution;

- (h) Firearms and Other Dangerous Weapons. Any possession of or use of firearms, dangerous weapons of any kind, or replica/toy guns, e.g. BB guns, pellet guns, paintball guns, water guns, cap guns, toy knives or other items that simulate firearms or dangerous weapons;
- (i) Explosives, Fireworks, and Flammable Materials. The unauthorized possession, ignition or detonation of any object or article which would cause damage by fire or other means to persons or property or possession of any substance which could be considered to be and used as fireworks;
- (j) Alcoholic Beverages. The use and/or possession of alcoholic beverages on institution owned or controlled property. This offense includes the violation of any local ordinance, state, or federal law concerning alcoholic beverages, on or off institution owned or controlled property, where an affiliated group or organization has alcoholic beverages present and available for consumption; it also includes any violation of any term of the Columbia State Drug/Alcohol-Free Communities Statement and Policy. Pursuant to Tennessee Code Annotated §49-7-146, Columbia State 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 of possession of alcohol or a controlled substance that is a violation of any federal, state, or local law, or any rule or policy of Columbia State, 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 the disciplinary procedures.
- (k) Drugs. The unlawful possession or use of any drug or controlled substance (including, but not limited to, any stimulant, depressant, narcotic or hallucinogenic drug, or marijuana), sale or distribution of any such drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession or use of drugs, on or off institution owned or controlled property or property owned or controlled by an affiliated clinical site. Pursuant to Tennessee Code Annotated §49-7-146, Columbia State 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 of possession of alcohol or a controlled substance that is a violation of any federal, state, or local law, or any rule or policy of Columbia State, 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 the disciplinary procedures.
- (l) Drug Paraphernalia. The use or possession of equipment, products or materials that are used or intended for use in manufacturing, growing, using or distributing any drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession of drug paraphernalia, on or off institution owned or controlled property or property owned or controlled by an affiliated clinical site.

- (m) **Public Intoxication.** Appearing on institution owned or controlled property or at an institutional sponsored event while under the influence of a controlled substance or of any other intoxicating substance;
- (n) **Gambling.** Unlawful gambling in any form;
- (o) **Financial Irresponsibility.** Failure to meet financial responsibilities to the institution promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the institution;
- (p) **Unacceptable Conduct in Disciplinary Proceedings.** Any conduct at any stage of an institutional disciplinary proceeding or investigation that is contemptuous, disrespectful, threatening, or disorderly, including false complaints, testimony or other evidence, and attempts to influence the impartiality of a member of a judicial body, verbal or physical harassment or intimidation of a judicial board member, complainant, respondent or witness;
- (q) **Failure to Cooperate with Institutional Officials.** Failure to comply with directions of institutional officials acting in the performance of their duties;
- (r) **Violation of General Rules and Regulations.** Any violation of the general rules and regulations of the College as published in an official institutional publication, including the intentional failure to perform any required action or the intentional performance of any prohibited action;
- (s) **Attempts, Aiding and Abetting.** Any attempt to commit any of the offenses listed under this section or the aiding or abetting of the commission of any of the offenses listed under this section (an attempt to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission). Being present during the planning or commission of any offense listed under this section will be considered as aiding and abetting. Students who anticipate or observe an offense must remove themselves from the situation and are required to report the offense to the institution;
- (t) **Violations of State or Federal Laws.** Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference;
- (u) **Violation of Imposed Disciplinary Sanctions.** Intentional or unintentional violation of a disciplinary sanction officially imposed by an institution official or a constituted body of the institution;
- (v) **Sexual Battery or Rape.** Committing any act of sexual battery or rape as defined by state law;
- (w) **Harassment or Retaliation.** Any act by an individual or group against another person or group in violation of TBR policies, as well as federal and/or state laws prohibiting

discrimination, including, but not limited to, TBR policies 5:01:02:00,(F), 5:01:02:00, 2:02:10:01 and TBR Guideline P-080; All matters involving allegations of impermissible discrimination, harassment or retaliation will be governed by the procedures outlined in Tennessee Board of Regents Guideline P-080 *Subject: Discrimination and Harassment-Complaint and Investigation Procedure* or an institutional policy that reflects the current requirements of that Guideline.

- (x) Academic Misconduct. Plagiarism, cheating, fabrication. For purposes of this section the following definitions apply:
 - 1. Plagiarism. The adoption or reproduction of ideas, words, statements, images, or works of another person as one's own without proper attribution,
 - 2. Cheating. Using or attempting to use unauthorized materials, information, or aids in any academic exercise or test/examination. The term academic exercise includes all forms of work submitted for credit or hours,
 - 3. Fabrication. Unauthorized falsification or invention of any information or citation in an academic exercise.
- (y) Unauthorized Duplication or Possession of Keys. Making, causing to be made or the possession of any key for any Columbia State facility without proper authorization;
- (z) Violations of conduct requirements described in handbooks for specific programs of study;
- (aa) Litter. Dispersing litter in any form onto the grounds or facilities of the campus;
- (bb) Pornography. Public display of literature, films, pictures or other materials which an average person applying contemporary community standards would find, (1) taken as a whole, appeals to the prurient interest, (2) depicts or describes sexual conduct in a patently offensive way, and (3) taken as a whole, lacks serious literary, artistic, political or scientific value;
- (cc) Abuse of Computer Resources and Facilities. Misusing and/or abusing campus computer resources including, but not limited to the following:
 - 1. Use of another person's identification to gain access to institutional computer resources,
 - 2. Use of institutional computer resources and facilities to violate copyright laws, including, but not limited to, the act of unauthorized distribution of copyrighted materials using institutional information technology systems,
 - 3. Unauthorized access to a computer or network file, including but not limited to, altering, using, reading, copying, or deleting the file,
 - 4. Unauthorized transfer of a computer or network file,

5. Use of computing resources and facilities to send abusive or obscene Correspondence,
 6. Use of computing resources and facilities in a manner that interferes with normal operation of the institutional computing system,
 7. Use of computing resources and facilities to interfere with the work of another student, faculty member, or institutional official,
 8. Violation of any published information technology resources policy,
 9. Unauthorized peer-to-peer file sharing;
 10. Any violation of the terms of the Columbia State Policy No. 07:04:00 Use of Information Technology Resources.
- (dd) Unauthorized Access to Institutional Facilities and/or Grounds. Any unauthorized access and/or occupancy of institutional facilities and grounds is prohibited, including, but not limited to, gaining access to facilities and grounds that are closed to the public, being present in areas of campus that are open to limited guests only, being present in academic buildings after hours without permission, and being present in buildings when the student has no legitimate reason to be present;
- (ee) Providing False Information. Giving any false information to, or withholding necessary information from, any institutional official acting in the performance of his/her duties in connection with a student's admission, enrollment, or status in the institution;
- (ff) Unauthorized Surveillance. Making or causing to be made unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian. This includes, but is not limited to, taking video or photographic images in shower/locker rooms and men's or women's restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means;
- (gg) Smoking Violations. Violation of any Columbia State and/or TBR smoking or other tobacco use rules or policies.
- (3) Disciplinary action may be taken against a student for violations of the foregoing regulations which occur at or in association with enrollment at Columbia State for any academic period. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree including periods prior to or between semesters. Conduct occurring while a student is registered or enrolled at the institution, but not discovered until after the awarding of a degree is actionable under these provisions and may result in the retroactive application of a disciplinary sanction. Should a student withdraw from the institution with disciplinary action or academic misconduct action

pending, the student's record may be encumbered by the appropriate institutional office until the proceedings have been concluded.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.02, Disciplinary Offenses. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 3 Academic and Classroom Misconduct

- (1) The instructor has the primary responsibility for maintenance of academic integrity and controlling classroom behavior, and can order the temporary removal or exclusion from the classroom of any student engaged in disruptive conduct or conduct that violates the general rules and regulations of the institution for each class session during which the conduct occurs. Extended or permanent exclusion from the classroom, beyond the session in which the conduct occurred, or further disciplinary action can be effected only through appropriate procedures of Columbia State.
- (2) Academic Misconduct: Plagiarism, cheating, and other forms of academic dishonesty are prohibited. Students guilty of academic misconduct, either directly or indirectly, through participation or assistance, are immediately responsible to their instructors. Based on their professional judgment, instructors have the authority to impose the following academic sanctions: (a) require the student to repeat the assignment for full or partial credit; (b) assign a zero, an F, or any other grade appropriate for the assignment or examination; (c) assign an F for the course. In addition, disciplinary sanctions may be imposed through the regular institutional procedures.
 - (a) If the instructor assigns a lower grade or an F or zero to the student because of academic misconduct, the instructor must complete the top half of the Student Academic Misconduct Form and submit to the division dean. The form includes the violations and the sanctions imposed.
 - (b) The division dean must notify the student of the actions and of the appeals process that is available if the student opts to appeal the instructor's decision. The dean must also send a copy of the written notification to the Executive Vice President-Provost and the Associate Vice President, Student Services of the action to advise the student of his or her right to appeal the disciplinary sanction to the Executive Vice President – Provost. The student should continue to attend class during the appeals process.
 - (c) After being confronted with information relevant to academic misconduct, the accused student may accept the sanction imposed by the instructor, or he/she may initiate the appeal of the disciplinary sanction within five (5) class days. If he/she accepts the instructor-imposed sanction, he/she also waives the right to an appeal, and the decision of the instructor will be final.
 - (d) Student Appeal of Academic Disciplinary Sanction: If a student believes he/she has been erroneously accused of academic misconduct or if he/she believes the actions or

sanctions are too severe for the incident, the student may appeal an exercise of Academic Discipline to the division dean. The student must contact the division dean in writing within five (5) class days of receipt of notification of the action. The division dean governing the course where the incident occurred will review the appeal and render a decision within five (5) class days. If, after receiving the dean's decision, the student wants to appeal to a higher authority, he/she will need to provide a written request to the dean within five (5) class days of receiving the dean's decision.

- (e) The division dean will forward the appeal to the Executive Vice President-Provost within five (5) class days. The Executive Vice President-Provost may adjudicate the case, or he/she may, at his or her sole discretion, appoint an Academic Misconduct Appeals Committee to review and resolve the issue within five (5) class days of having received the appeal from the division dean. The committee will consist of at least three faculty members and two students, all of whom shall serve for the duration of the appeal. The committee should arrive at a decision within thirty (30) class days, absent good cause.
- (f) The Academic Misconduct Appeals Committee will then determine when the appeal hearing will be held. The student must be notified of the date, time and location of the hearing so he/she can be in attendance. The student should be notified as soon as possible, but given a minimum of one week's notice. The student will be advised of the following rights applicable at the hearing:
 - 1. The right to present his/her information. However, the student's nonattendance, absent good cause, will not hinder the Committee from meeting and making a decision.
 - 2. The right to be accompanied by an advisor. The hearing committee may restrict the advisor's right to speak at the hearing.
 - 3. The right to call witnesses in his or her behalf.
 - 4. The right to confront witnesses against him or her
 - 5. The method and time limitations for appeal, if any are applicable.
- (g) The committee will then conduct the appeal hearing, consider all of the information presented and make a decision by simple majority vote. The committee can either uphold or overturn the sanctions of the instructor. If the committee upholds the sanction, the decision will be reported to the Executive Vice President-Provost and dean, for record maintenance, to the Associate Vice President, Student Services. If the committee decides to overturn the sanctions of the instructor, the student must receive grades on all assignments and the course in accordance with the normal grading policies of the instructor (unless some other instance of academic misconduct occurs).
- (h) The Executive Vice President-Provost will send the student a written copy of the decision of the Academic Misconduct Appeals Committee within five class days of the Committee's decision.
- (i) The student will be advised of his or her right to appeal to the President of Columbia

State within five (5) class days following receipt of the academic misconduct appeals committee's decision. Appeals must be made in writing. The President will make a determination within ten (10) class days. The decision of the President is final.

- (i) A student who is found responsible for academic misconduct will not be permitted to withdraw from the course to avoid Summary Academic Discipline.
 - (ii) A student who is found responsible for academic misconduct may be subject to additional disciplinary sanctions imposed by the Associate Vice President, Student Services or the Student Discipline and Procedures Committee if he/she is found to be involved in multiple incidents that involve other classes or other students.
- (2) Classroom Misconduct: Disruptive behavior in the classroom may be defined as, but not limited to, behavior that obstructs or disrupts the learning environment (e.g., offensive language, harassment of students and professors, repeated outbursts from a student which disrupt the flow of instruction or prevent concentration on the subject taught, failure to cooperate in maintaining classroom decorum, etc.), text messaging, and the continued use of any electronic or other noise or light emitting device which disturbs others (e.g., disturbing noises from beepers, cell phones, palm pilots, lap-top computers, games, etc.).
- (3) Faculty establish class attendance and punctuality requirements, subject to state or federal laws, and inform students of those requirements, along with the consequences for failing to meet those requirements, through the published syllabi for each course.
- (4) In cases where student absences are the result of emergency circumstances (e.g., death in the family, a student's serious injury, or incapacitating illness), for which students were unable to make immediate contact with faculty, the student may contact the Office of Student Services for assistance in providing such immediate notification to faculty. However, the student remains responsible for verifying the emergency circumstances to faculty and for discussing arrangements with faculty for completion of course work requirements.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.03 Academic and Classroom Misconduct. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 4 Disciplinary Sanctions

- (1) Upon a determination that a student or student organization has violated any of the disciplinary offenses set forth in these policies or the general policies of an institution, disciplinary sanctions may be imposed, either singly or in combination, by the appropriate institutional officials.
- (2) Sanctions that may be imposed include, but are not limited to:

- (a) Restitution. Restitution may be required in situations which involve destruction, damage or loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or student organization is obligated by the appropriate judicial authority to compensate a party or parties for a loss suffered as a result of disciplinary violation(s). Any such payment in restitution shall be limited to actual cost of repair, replacement or financial loss;
- (b) Warning. The Associate Vice President, Student Services may notify the student or student organization that continuation or repetition of specified conduct may be cause for other disciplinary action;
- (c) Reprimand. A written or verbal reprimand or censure may be given to any student or student organization whose conduct violates any part of these regulations and provides notice that that any further violation(s) may result in more serious penalties;
- (d) Service to the Institution or Community. A student, or student organization, may be required to donate a specified number of service hours to Columbia State performing reasonable tasks for an appropriate institution office, official(s), or the local community. The service required shall be commensurate to the offense (e.g., service for maintenance staff for defacing College property);
- (e) Specified Educational/Counseling Program. A student or student organization may be required to participate in specified educational or counseling program(s) relevant to the offense, or to prepare a project or report concerning a relevant topic;
- (f) Apology. A student or student organization may be encouraged to issue an apology that is appropriate for the circumstances and relates to the behavior giving rise to the disciplinary offense;
- (g) Fines. Penalties in the form of fines may be imposed against a student or student organization whenever the appropriate institutional authority deems appropriate. The sanction of fines may be imposed in addition to other forms of disciplinary sanctions. Failure to pay fines may result in further disciplinary action;
- (h) Restriction. A restriction upon a student's or student organization's privileges for a period of time may be imposed. This restriction may include, for example, denial of the ability to represent the institution at any event, ability to participate in Columbia State or TBR sponsored travel, use of facilities, parking privileges, participation in extracurricular activities or restriction of organizational privileges;
- (i) Probation. Continued enrollment of a student or recognition of a student organization on probation may be conditioned upon adherence to these regulations. Any student or organization placed on probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon extracurricular activities, or any other appropriate special condition(s). Any conduct in further violation of these regulations while on probationary status or the failure to comply with the terms of the probationary period may result in the imposition of further disciplinary action;

- (j) Suspension. Suspension is the separation of a student or student organization from the institution for a specified period of time. Suspension may be accompanied by special conditions for readmission or recognition;
 - (k) Expulsion. Expulsion entails a permanent separation from the institution. The imposition of this sanction is a permanent bar to the student's admission, or a student organization's recognition to the institution. A student or organization that has been expelled may not enter Columbia State property or facilities without obtaining prior approval from an appropriate campus official with knowledge of the expulsion directive;
 - (l) Revocation of Admission, Degree, or Credential;
 - (m) Interim Suspension. As a general rule, the status of a student or student organization accused of violation of these regulations should not be altered until a final determination has been made in regard to the charges. However, interim suspension, pending the completion of disciplinary procedures, may be imposed upon a finding by the appropriate institutional official that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused, any other member of the institution its guests, property, or substantial disruption of classroom or other campus activities. In any case of interim suspension, the student, or student organization, shall be given an opportunity at the time of the decision, or as soon thereafter as reasonably possible, to contest the suspension;
 - (n) Any alternate sanction deemed necessary and appropriate to address the misconduct.
- (3) The President of the College is authorized, at his or her discretion, to uphold the decision, to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or, subsequently, to convert any sanction imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases. The decision of the President is final.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.04 Disciplinary Sanctions. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 5 Traffic and Parking

- (1) Columbia State has implemented institutional Traffic and Parking Policies which govern traffic and parking on all of the campuses. The purpose of these policies is to facilitate the orderly and efficient flow of traffic, to provide a safe atmosphere for both pedestrians and motor vehicle operators, and to provide order with regard to parking within limited space. Institutional policies are published annually through signage and in the Columbia State Traffic and Parking Policies brochure, the Student Handbook, and on the Columbia State website.
- (2) All vehicles driven on campus by, or on behalf of faculty or staff must be registered in Human Resources for the purpose of obtaining a parking permit. . The driver of a

vehicle not properly registered may be subject to a fine for parking in employee parking without a current permit. .

~~(1)~~ (3) A campus access fee will be charged per semester to all students. Each student will be given one Columbia State decal at no charge

(3) General

(a) Rules of courtesy and safety require that all drivers pull into their parking spaces, leave vehicles between the painted lines and refrain from blocking entrances, exits, or walkways.

(b) Valuables and keys should not be left in vehicles.

(c) Designated Parking

1. Visitors

Visitors may park in marked areas

2. Faculty and Staff. Faculty and staff may park in the designated lots immediately in front of the Pryor Administration Building, south of the Clement Building, west of the Jones Student Center, along the street access from the gymnasium, and in front of the Walter Building in Columbia. At all the campus locations, employee spaces are designated by blue lines.

(i) Students. Students may park in either of four large lots north of the Pryor Building, west of the Jones Student Center, and south of the Clement Building at the Columbia campus. At all campus locations, student spaces are designated by white lines. Cycles should be parked in designated spaces at various locations across all of the campuses.

(ii) Disabled. Spaces for persons with disabilities are provided at several locations across all campuses.

(3). Fines/Penalties

Violations and Fines

(a.) All fines are payables in the Business Office

(b.) Fines assessed for violations are as follows:

No valid permit displayed in Employee areas	\$25.00
No Parking zone	\$15.00
Visitor parking areas	\$10.00

Fire Lane	\$10.00
Blocking vehicles/roadway	\$10.00
Occupying Two Spaces	\$10.00

(c.) The fine for disabled/handicapped parking violations is established by statute and will be adjusted as required. All unpaid tickets double in cost at the close of each semester.

(d.) Columbia State reserves the right to tow any vehicle that is parked improperly.

(e.) Appeals: All appeals are made to the Associate Vice President, Student Services within five (5) class days. If the student disagrees with the Associate Vice President's disposition, he or she may request of the Chair of the Student Discipline and Procedures Committee a hearing within five (5) class days of receipt of the Associate Vice President's disposition. When such a hearing is initiated, the following procedures shall apply:

1. In five class days, the student shall be advised, in writing, of the breach of regulation(s) of which she/he is charged.
2. The student shall be advised of the time, date, and place of the hearing allowing reasonable time for preparation. A hearing date will be scheduled within 10 class days after the student receives notification of the charges.
3. The student shall be advised of the following rights applicable at the hearing:
 - (i) The right to present his or her information,
 - (ii) The right to be accompanied by an advisor. The Committee may restrict the advisor's right to speak during the hearing.
 - (iii) The right to call witnesses in his or her behalf,
 - (iv) The right to confront witnesses against him or her, and
 - (v) The student shall be advised of the method and time limitations for appeal, if any are applicable
4. The Student Discipline and Procedures Committee shall be charged to hear relevant information, to make findings of fact, to make decisions based on those facts, and to submit in writing the decision to the Associate Vice President, Student Services within thirty (30) class days of receipt of the appeal.
5. The Student Discipline and Procedures Committee is appointed by the President and consists of four active faculty members, four alternate faculty members, two student members, the Director of Financial Aid, and two non-voting, ex-officio members, the Executive Vice President-Provost and the Associate Vice President,

Student Services, all of whom shall serve for two years or until leaving the college, whichever comes first.

6. Any individual on the Committee who has an interest in the case should disqualify himself or herself.
7. All hearings shall be closed unless the student or organizations requests an open hearing in writing.
8. The student shall receive a written copy of the decision of the Committee hearing from the Associate Vice President, Student Services within five (5) class days of the hearing and shall be advised of his/her right to appeal the decision of the Student Discipline and Procedures Committee to the President of the College.
9. A student may appeal a decision of the Student Discipline and Procedures Committee to the President of the College by writing the President of the College within five (5) class days of receipt of the Committee's decision.
10. The President of the College is authorized, at his or her discretion, to uphold the decision, to intervene in order to negotiate a mutually acceptable resolution to any parking fines or penalties, or subsequently, to convert any fines or penalties to a lesser amount or sanction, or to rescind any previous finding, in appropriate cases. The decision of the President is final.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.05 Traffic and Parking. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 6 Disciplinary Procedures

- (1) In the implementation of TBR regulations related to the discipline and conduct of students, Columbia State insures the constitutional rights of students by providing a system of procedures which afford the protection of due process of law. Columbia State has enacted policies that are compliance with TBR Policy 3:02:01:00, as well as applicable state and federal law. All disciplinary procedures are affirmatively communicated to the faculty, staff, and students of the institution as well as published in appropriate websites, handbooks, or manuals.
- (2) TUAPA: All cases which may result in: (a) suspension or expulsion of a student, or student organization, from the institution, for disciplinary reasons or (b) revocation of registration of a student organization, are subject to the contested case provisions of the Tennessee Uniform Administrative Procedures Act (TUAPA), T.C.A. § 9-8-01 et seq., and shall be processed in accord with the Uniform Contested Case procedures adopted by the Board of

Regents unless the student or organization, after receiving written notice, waives those procedures and elects to have the case disposed of through the informal adjudication by the Associate Vice President, Student Services or through the Columbia State institutional hearing process.

- (3) Institutional Hearings: For matters not subject to the requirements of TUAPA or when a student has waived his/her right to a TUAPA hearing, Columbia State vests the authority to hear student/organizational misconduct or traffic/parking violations with the Associate Vice President, Student Services, or designee, and with the Student Discipline and Procedures Committee.

(a.) The steps to resolution are as follows:

1. Preliminary Conference. Misconduct involving the violation of College regulations shall be reported to the Associate Vice President, Student Services or appropriate designee. Within five (5) class days of the reported allegation, the Associate Vice President for Student Services shall call the accused student to a preliminary conference where the student shall be informed of the charges against him/her and apprised of his/her rights as stated in these policies. The Associate Vice President, Student Services or appropriate designee shall investigate the validity of alleged misconduct within fifteen (15) class days of the reported charge.
2. Following completion of the informal investigation, the Associate Vice President, Student Services or appropriate designee may:
 - i. Determine that there is an insufficient basis, in fact, and dismiss the matter; or
 - ii. Conclude that there is a sufficient factual basis for discipline and that discipline less than suspension or expulsion or removal of college privileges would be appropriate; or
 - iii. Conclude that there is a sufficient factual basis for discipline and that discipline, including the possibility of suspension or expulsion or removal of college privileges, would be appropriate.
3. The Associate Vice President, Student Services or appropriate designee may, after an informal investigation, notify the student in writing of the charge(s), as well as the options for adjudication of the case within five (5) class days. The due process rights associated with each option will also be included. The student will have five class days following receipt of written notification to select an option.
4. The options are as follows:
 - (i) Disposition by the by the Associate Vice President, Student Services. In discipline cases other than academic dishonesty, a student or organization may request that the Associate Vice President, Student Services adjudicate the case informally. The student will have the opportunity to present argument and information on his or her behalf. The Associate Vice President, Student Services will inform the student of the findings, the basis

for the conclusions, and impose discipline specified in Disciplinary Sanctions as he/she deems to be appropriate. The student or organization will be informed in writing of the specific disciplinary offenses and sanctions within 10 class days. In informally adjudicated cases, the decision of the Associate Vice President will be final.

- (ii) No contest of the case.
 - (iii) Student election of the use of informal adjudication or to not contest the case requires that the student waive, in writing, his/her right to due process. Selection of one option constitutes waiver of all other options.
 - (iv) Discipline and Procedures Committee hearing. A student or organization may choose to have the case heard by the Student Discipline and Procedures Committee.
5. If such a hearing is initiated, the following procedures shall apply:
- (i) The student or organization shall be advised, in writing, of the breach of regulation(s) of which she/he is charged.
 - (ii) The student shall be advised of the time, date, and place of the hearing allowing reasonable time for preparation. A hearing date will be scheduled within 10 class days after the student or organization receives notification of the charges.
 - (iii) The student shall be advised of the following rights applicable at the hearing:
 - (1) The right to present his or her case. However, the student's nonattendance, absent good cause, will not hinder the Committee from meeting and making a decision.
 - (2) The right to be accompanied by an advisor (for example, a friend, family member, faculty or staff member). The advisor must agree to abide by the confidentiality restrictions set forth in the proceedings. The Committee may restrict the advisor's right to speak during the hearing.
 - (3) The right to call witnesses in his or her behalf,
 - (4) The right to confront witnesses against him or her, and
 - (5) The student shall be advised of the method and time limitations for appeal, if any is applicable.

6. The Student Discipline and Procedures Committee shall be charged to hear relevant information, to make findings of fact, and to make decisions based on those facts.
 7. The Student Discipline and Procedures Committee is appointed by the President and consists of four active faculty members, four alternate faculty members, two student members, the Director of Financial Aid, and two non-voting, ex-officio members, the Executive Vice President-Provost and the Associate Vice President, Student Services, all of whom shall serve for two years or until leaving the college, whichever comes first.
 8. Any individual on the Committee who has an interest in the case should disqualify himself or herself.
 9. All hearings shall be closed unless the student or organizations requests an open hearing in writing.
 10. The student or organization shall receive a written copy of the decision of the Committee hearing with any sanctions within five class (5) days of the hearing and shall be advised of his or her right to appeal the decision of the Student Discipline and Procedures Committee.
 11. If a student, absent good cause, fails to return the Election of Waiver of Hearing Procedures Form in a timely manner, the student will be deemed to have waived a right to the processes described above and Columbia State may proceed as it deems, in its sole discretion, appropriate in the circumstances.
- (4) Interim Suspension Hearings: Hearings conducted with regard to interim suspensions imposed pending the outcome of a disciplinary investigation or proceeding shall be conducted consistent with the minimum requirements of due process applicable to an institutional hearing, taking into account the need for a timely hearing. The evidence presented at the hearing shall be limited to that which is relevant to the basis asserted for imposition of the interim suspension.
- (5) Alternative Resolution Procedures: Columbia State is authorized to establish alternative or multiple methods/bodies for hearings and/or for the resolution of disciplinary matters, with the consent of all relevant parties. Alternative resolution methods may include, but are not limited to, mediation, diversion programs, and/or negotiated resolutions.
- (6) Appeal Procedures
- (a) Appeal of decision of a hearing held pursuant to TUAPA. A student's right to appeal a decision resulting from a hearing held pursuant to the TUAPA shall be governed by the provisions of the TUAPA.

- (b) Appeal of decision of Student Discipline and Procedures Committee. A student may appeal a decision of the Student Discipline and Procedures Committee to the President of the College. The appeal must be filed in writing within five (5) class days of receipt of the Committee's decision.
- (c) The President of the College is authorized, at his or her discretion, to uphold the decision, to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or, subsequently, to convert any finding or sanction imposed to a lesser finding or sanction, or to rescind any previous finding or sanction, in appropriate cases. The decision of the President is final.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.06 Disciplinary Procedures and due Process. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.



TENNESSEE BOARD OF REGENTS

MEETING: March Quarterly Board Meeting

SUBJECT: Revision of Student Disciplinary Policy
Jackson State Community College

DATE: March 28, 2014

PRESENTER: Vice Chancellor Tristan Denley

ACTION REQUIRED: Voice Vote

STAFF'S RECOMMENDATION: Approval

BACKGROUND INFORMATION:

At its meeting on December 8, 2011, the Board approved a separate Student Disciplinary Policy for each TBR university and community college as well as a Student Disciplinary Policy for the Tennessee Colleges of Applied Technology (formerly known as the Tennessee Technology Centers). These policies describe disciplinary behaviors, disciplinary sanctions, and due process in keeping with the systemwide rule and applicable statutes. Furthermore, these policies include traffic and parking procedures including statements of traffic and parking related fees and fines.

The revised system-wide rule provides for institutions to amend their student disciplinary policies as such: "In student discipline policies, each institution may expand on these regulations, subject to Board approval" [Rule 0240-02-030.01 (2)]. The revision process has included institution-specific processes and approvals as well as review by institutions' counsel and by the Office of Academic Affairs.

Jackson State Community College requests modifications to Section 5: Traffic and Parking to include current information about access fees; to clarify the location for obtaining parking decals and temporary parking permits as well as the processes by which they can be obtained; and to require disabled students and employees to display both a state-issued disability placard and a JSCC decal to use designated disabled parking spots.

Jackson State Community College
Student Discipline, Traffic and Parking Policies

Part 1 Institution Policy Statement

Part 2 Disciplinary Offenses

Part 3 Academic and Classroom Misconduct

Part 4 Disciplinary Sanctions

Part 5 Traffic and Parking

Part 6 Disciplinary Procedures

Part 1 Institution Policy Statement

- (1) Students enrolled in postsecondary educational institutions are citizens of their civic communities as well as the academic community. As such they are expected to conduct themselves as law-abiding members of each community at all times. Admission to an institution of postsecondary education carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by non-students. In recognition of the special relationship that exists between the institution and the academic community which it seeks to serve, the Tennessee Board of Regents ("TBR" or "the Board") has authorized the presidents of the institutions and directors of the technology centers under its jurisdiction to take such action as may be necessary to maintain campus conditions and preserve the integrity of the institution and its educational environment.
- (2) Pursuant to this authorization and in fulfillment of its duties to provide a secure and stimulating atmosphere in which individual and academic pursuits may flourish, the TBR has developed the following regulations, which are intended to govern student conduct on the several campuses under its jurisdiction. Each institution under the jurisdiction of the TBR is directed to implement policies subject to, and consistent with, these regulations. Following are Jackson State Community College's student discipline, traffic and parking policies to comply with TBR's system-wide student discipline, traffic and parking rules. In addition, students are subject to all federal, state and local laws and ordinances. If a student's violation of such laws or ordinances also adversely affects the institution's pursuit of its educational objectives, the institutions may enforce their own regulations regardless of the status or outcome of any external proceedings instituted by other civil or criminal authorities.
- (3) For the purpose of these regulations, a "student" shall mean any person who is admitted and/or registered for study at a TBR institution for any academic period. This shall include any period of time following admission and/or registration, but preceding the start of classes for any academic period. It will also include any period which follows the end of an academic period through the last day for registration for the succeeding academic period, and during any period while the student is under suspension from the institution. Finally, "student" shall also include any person subject to a period of suspension or removal from campus as a sanction which results from a finding of a violation of the regulations governing student conduct. Students are responsible for compliance with the Rules of Student Conduct and with similar institutional policies at all times.

- (4) Disciplinary action may be taken against a student for violation of the regulations which occur on institutionally owned, leased or otherwise controlled property, while participating in international or distance learning programs, and off campus, when the conduct impairs, interferes with, or obstructs any institutional activity or the mission, processes, and functions of the institution. Institutions may enforce their own regulations regardless of the status or outcome of any external proceedings instituted in any other forum, including any civil or criminal proceeding.
- (5) These regulations, and related material incorporated herein by reference, are applicable to student organizations as well as individual students. Student organizations are subject to discipline for the conduct and actions of individual members of the organization while acting in their capacity as members of, or while attending or participating in any activity of, the organization.
- (6) Confidentiality of Discipline Process. Subject to the exceptions provided pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g and/or the Tennessee Open Records Act, T.C.A. § 10-7-504(a)(4), a student's disciplinary files are considered "educational records" and are confidential within the meaning of those Acts.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.01, Institution Policy Statement. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 2 Disciplinary Offenses

- (1) Institutional disciplinary measures shall be imposed, through appropriate due process procedures, for conduct which adversely affects the institution's pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property or persons on property owned or controlled by an institution.
- (2) Jackson State has determined that individual or organizational misconduct, which is subject to disciplinary sanction, shall include, but not be limited to, the following examples
 - (a) Conduct Dangerous to Self or Others. Any conduct, or attempted conduct, which constitutes a danger to any person's health, safety, or personal well-being, including, but not limited to, the following:
 1. Physical and/or verbal abuse,
 2. Threats and/or intimidation,
 3. Harm inflicted on self;
 - (b) Hazing. Hazing, as defined in T.C.A. § 49-7-123(a)(1), means any intentional or reckless act, on or off the property, of any higher education institution by an individual acting alone, or with others, which is directed against any other person(s) that endangers the mental or physical health or safety of that person(s), or which induces or coerces a person(s) to endanger such person(s) mental or physical health or safety. Hazing does not include

customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization;

- (c) Disorderly Conduct. Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs institutional functions, operations, classrooms, other groups or individuals;
- (d) Obstruction of or Interference with institutional activities or facilities. Any intentional interference with or obstruction of any institutional, program, event, or facility including the following:
 - 1. Any unauthorized occupancy of facilities owned or controlled by an institution or blockage of access to or from such facilities,
 - 2. Interference with the right of any institution member or other authorized person to gain access to any activity, program, event or facilities sponsored or controlled by an institution,
 - 3. Any obstruction or delay of a campus security officer, public safety officer, police officer, firefighter, EMT, or any official of the institution, or failure to comply with any emergency directive issued by such person in the performance of his or her duty;
- (e) Misuse of or Damage to Property. Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to another including, but not limited to, any personal property, fire alarms, fire equipment, elevators, telephones, institution keys, library materials and/or safety devices;
- (f) Theft, Misappropriation, or Unauthorized Sale of Property;
- (g) Misuse of Documents or Identification Cards. Any forgery, alteration of or unauthorized use of institutional documents, forms, records or identification cards, including the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment or status in the institution;
- (h) Firearms and Other Dangerous Weapons. Any possession of or use of firearms, dangerous weapons of any kind, or replica/toy guns, e.g. BB guns, pellet guns, paintball guns, water guns, cap guns, toy knives or other items that simulate firearms or dangerous weapons;
- (i) Explosives, Fireworks, and Flammable Materials. The unauthorized possession, ignition or detonation of any object or article which would cause damage by fire or other means to persons or property or possession of any substance which could be considered to be and used as fireworks;
- (j) Alcoholic Beverages. The use and/or possession of alcoholic beverages on institution owned or controlled property. This offense includes the violation of any local ordinance, state,

or federal law concerning alcoholic beverages, on or off institution owned or controlled property, where an affiliated group or organization has alcoholic beverages present and available for consumption;

- (k) **Drugs.** The unlawful possession or use of any drug or controlled substance (including, but not limited to, any stimulant, depressant, narcotic or hallucinogenic drug, or marijuana), sale or distribution of any such drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession or use of drugs, on or off institution owned or controlled property;
- (l) **Drug Paraphernalia.** The use or possession of equipment, products or materials that are used or intended for use in manufacturing, growing, using or distributing any drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession of drug paraphernalia, on or off institution owned or controlled property;
- (m) **Public Intoxication.** Appearing on institution owned or controlled property or at an institutional sponsored event while under the influence of a controlled substance or of any other intoxicating substance;
- (n) **Gambling.** Unlawful gambling in any form;
- (o) **Financial Irresponsibility.** Failure to meet financial responsibilities to the institution promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the institution;
- (p) **Unacceptable Conduct in Disciplinary Proceedings.** Any conduct at any stage of an institutional disciplinary proceeding or investigation that is contemptuous, disrespectful, threatening, or disorderly, including false complaints, testimony or other evidence, and attempts to influence the impartiality of a member of a judicial body, verbal or physical harassment or intimidation of a judicial board member, complainant, respondent or witness;
- (q) **Failure to Cooperate with Institutional Officials.** Failure to comply with directions of institutional officials acting in the performance of their duties;
- (r) **Violation of General Rules and Regulations.** Any violation of the general rules and regulations of the institution as published in an official institutional publication, including the intentional failure to perform any required action or the intentional performance of any prohibited action;
- (s) **Attempts, Aiding and Abetting.** Any attempt to commit any of the offenses listed under this section or the aiding or abetting of the commission of any of the offenses listed under this section (an attempt to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission). Being present during the planning or commission of any offense listed under this section will be considered as aiding and abetting. Students who anticipate or observe an offense must remove themselves from the situation and are required to report the offense to the

institution;

- (t) Violations of State or Federal Laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference;
- (u) Violation of Imposed Disciplinary Sanctions. Intentional or unintentional violation of a disciplinary sanction officially imposed by an institution official or a constituted body of the institution;
- (v) Sexual Battery or Rape. Committing any act of sexual battery or rape as defined by state law;
- (w) Harassment or Retaliation. Any act by an individual or group against another person or group in violation of TBR policies, as well as federal and/or state laws prohibiting discrimination, including, but not limited to, TBR policies 5:01:02:00,(F), 5:01:02:00, 2:02:10:01 and TBR Guideline P-080;
- (x) Academic Misconduct. Plagiarism, cheating, fabrication. For purposes of this section the following definitions apply:
 - 1. Plagiarism. The adoption or reproduction of ideas, words, statements, images, or works of another person as one's own without proper attribution,
 - 2. Cheating. Using or attempting to use unauthorized materials, information, or aids in any academic exercise or test/examination. The term academic exercise includes all forms of work submitted for credit or hours,
 - 3. Fabrication. Unauthorized falsification or invention of any information or citation in an academic exercise.
- (y) Unauthorized Duplication or Possession of Keys. Making, causing to be made or the possession of any key for an institutional facility without proper authorization;
- (z) Litter. Dispersing litter in any form onto the grounds or facilities of the campus;
- (aa) Pornography. Public display of literature, films, pictures or other materials which an average person applying contemporary community standards would find, (1) taken as a whole, appeals to the prurient interest, (2) depicts or describes sexual conduct in a patently offensive way, and (3) taken as a whole, lacks serious literary, artistic, political or scientific value;
- (bb) Abuse of Computer Resources and Facilities. Misusing and/or abusing campus computer resources including, but not limited to the following:
 - 1. Use of another person's identification to gain access to institutional computer resources,

2. Use of institutional computer resources and facilities to violate copyright laws, including, but not limited to, the act of unauthorized distribution of copyrighted materials using institutional information technology systems,
 3. Unauthorized access to a computer or network file, including but not limited to, altering, using, reading, copying, or deleting the file,
 4. Unauthorized transfer of a computer or network file,
 5. Use of computing resources and facilities to send abusive or obscene correspondence,
 6. Use of computing resources and facilities in a manner that interferes with normal operation of the institutional computing system,
 7. Use of computing resources and facilities to interfere with the work of another student, faculty member, or institutional official,
 8. Violation of any published information technology resources policy,
 9. Unauthorized peer-to-peer file sharing;
- (cc) Unauthorized Access to Institutional Facilities and/or Grounds. Any unauthorized access and/or occupancy of institutional facilities and grounds is prohibited, including, but not limited to, gaining access to facilities and grounds that are closed to the public, being present in areas of campus that are open to limited guests only, being present in academic buildings after hours without permission, and being present in buildings when the student has no legitimate reason to be present;
- (dd) Providing False Information. Giving any false information to, or withholding necessary information from, any institutional official acting in the performance of his/her duties in connection with a student's admission, enrollment, or status in the institution;
- (ee) Unauthorized Surveillance. Making or causing to be made unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, and men's or women's restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means;
- (ff) Smoking Violations. Violation of any TBR and/or institutional smoking or other tobacco use rules or policies.
- (3) Disciplinary action may be taken against a student for violations of the foregoing regulations which occur at or in association with enrollment at an institution governed by the TBR for any academic period. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree including periods prior to or between

semesters. Conduct occurring while a student is registered or enrolled at the institution, but not discovered until after the awarding of a degree is actionable under these provisions and may result in the retroactive application of a disciplinary sanction. Should a student withdraw from the institution with disciplinary action or academic misconduct action pending, the student's record may be encumbered by the appropriate institutional office until the proceedings have been concluded.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.02, Disciplinary Offenses. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 3 Academic and Classroom Misconduct

- (1) The instructor has the primary responsibility for maintenance of academic integrity and controlling classroom behavior, and can order the temporary removal or exclusion from the classroom of any student engaged in disruptive conduct or conduct that violates the general rules and regulations of the institution for each class session during which the conduct occurs. Extended or permanent exclusion from the classroom, beyond the session in which the conduct occurred, or further disciplinary action will be enacted through Jackson State's Disciplinary Procedures set forth below.
- (2) The following remedies are available for faculty where it is determined that a student has engaged in academic misconduct:
 - (a) Review and correction by student – no action
 - (b) Oral reprimand with emphasis on counseling toward prevention of further occurrences and a requirement that work be repeated.
 - (c) Assignment of a reduced score/"F"/zero (0) for the specific assignment. (subject to grade appeal process only)
 - (d) Assignment of reduced/failing final course grade. (Subject to review pursuant to "Jackson State Procedures for Academic Misconduct" below)
 1. Assignment of an "F" for the course for academic misconduct must be accompanied by an articulable basis/evidence to support the finding. Such evidence may include, but not be limited to; documentary or physical evidence, personal observation or testimony. Prior cheating or plagiarism in other courses is not reasonable evidence.
 - (e) A student found responsible for academic misconduct may be subject to additional disciplinary actions enacted through the Jackson State Disciplinary Procedures.
 - (f) Additionally, a student who receives more than one "F" for academic misconduct may also be subject to additional disciplinary actions enacted through the Jackson State Disciplinary Procedures.
- (3) Courses may not be dropped pending the final resolution of an allegation of academic misconduct.
- (4) Disruptive behavior in the classroom may be defined as, but not limited to, behavior that obstructs or disrupts the learning environment (e.g., offensive language, harassment of students and professors, repeated outbursts from a student which disrupt the flow of instruction or prevent concentration on the subject taught, failure to cooperate in maintaining classroom decorum, etc.), text messaging, and the continued use of any electronic or other noise or light

emitting device which disturbs others (e.g., disturbing noises from beepers, cell phones, palm pilots, lap-top computers, games, etc.).

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.03 Academic and Classroom Misconduct. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 4 Disciplinary Sanctions

- (1) Upon determination that a Jackson State student or organization has violated any of the institution's rules, policies or disciplinary offenses set forth in these regulations, the following are appropriate sanctions which may be imposed, either singly or in combination, by the appropriate institution officials.
- (2) Definition of Sanctions:
 - (a) Restitution. Restitution may be required in situations which involve destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or student organization is obligated by the appropriate judicial authority to compensate a party or parties for a loss suffered as a result of disciplinary violation(s). Any such payment in restitution shall be limited to actual cost of repair, replacement or financial loss;
 - (b) Warning. The appropriate institutional official may notify the student or student organization that continuation or repetition of specified conduct may be cause for other disciplinary action;
 - (c) Reprimand. A written or verbal reprimand or censure may be given to any student or student organization whose conduct violates any part of these regulations and provides notice that any further violation(s) may result in more serious penalties;
 - (d) Service to the Institution or Community. A student, or student organization, may be required to donate a specified number of service hours to the institution performing reasonable tasks for an appropriate institution office, official(s), or the local community. The service required shall be commensurate to the offense (e.g., service for maintenance staff for defacing institutional property);
 - (e) Specified Educational/Counseling Program. A student or student organization may be required to participate in specified educational or counseling program(s) relevant to the offense, or to prepare a project or report concerning a relevant topic;
 - (f) Apology. A student or student organization may be required to apologize to an affected party, either verbally or in writing, for the behavior related to a disciplinary offense;
 - (g) Fines. Penalties in the form of fines may be imposed against a student or student organization whenever the appropriate institutional authority deems appropriate. The sanction of fines may be imposed in addition to other forms of disciplinary sanctions.

Failure to pay fines may result in further disciplinary action;

- (h) Restriction. A restriction upon a student's or student organization's privileges for a period of time may be imposed. This restriction may include, for example, denial of the ability to represent the institution at any event, ability to participate in institution or TBR sponsored travel, use of facilities, parking privileges, participation in extracurricular activities or restriction of organizational privileges;
 - (i) Probation. Continued enrollment of a student or recognition of a student organization on probation may be conditioned upon adherence to these regulations. Any student or organization placed on probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon extracurricular activities, or any other appropriate special condition(s). Any conduct in further violation of these regulations while on probationary status or the failure to comply with the terms of the probationary period may result in the imposition of further disciplinary action;
 - (j) Suspension. Suspension is the separation of a student or student organization from the institution for a specified period of time. Suspension may be accompanied by special conditions for readmission or recognition;
 - (k) Expulsion. Expulsion entails a permanent separation from the institution. The imposition of this sanction is a permanent bar to the student's admission, or a student organization's recognition to the institution. A student or organization that has been expelled may not enter institution property or facilities without obtaining prior approval from an appropriate campus official with knowledge of the expulsion directive;
 - (l) Revocation of Admission, Degree, or Credential;
 - (m) Assignment of a Failing Course Grade
 - (n) Any alternate sanction deemed necessary and appropriate to address the misconduct at issue;
 - (o) Interim Suspension. As a general rule, the status of a student or student organization accused of violation of these regulations should not be altered until a final determination has been made in regard to the charges. However, interim suspension, pending the completion of disciplinary procedures, may be imposed upon a finding by the appropriate institutional official that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused, any other member of the institution its guests, property, or substantial disruption of classroom or other campus activities. In any case of interim suspension, the student, or student organization, shall be given an opportunity at the time of the decision, or as soon thereafter as reasonably possible, to contest the suspension.
- (3) The president of Jackson State is authorized, at his/her discretion, to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or, subsequently, to convert any sanction imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.04 Disciplinary Sanctions. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 5 Traffic and Parking

(1) Registration

- (a) All motor vehicles operated on Jackson State's Jackson or satellite campuses by faculty, staff, and students must be registered with the college. The registration period extends from September 1 through August 31 of the following year. Each student registered with Jackson State for one or more classes will be assessed a \$10 12 per semester campus access fee for maintenance of college streets and parking lots.
- (b) Students that attend classes on Jackson State campuses that are registered through a Technology Center should obtain a parking decal during their registration for classes. Students taking any other institution's courses on any Jackson State campus should obtain a parking decal at the JSCC Business Services Office or Night Office- Student Assistance Center located in the Student Union building for the same \$10 12 per semester fee.
- (c) Regular faculty and full-time staff members shall pay an annual \$10 access fee for parking privileges in restricted parking lots. ~~Part-time faculty and staff will be assessed a \$5 per semester access fee for parking privileges in restricted parking lots if they anticipate association with the college just one semester.~~
- (d) Registration of all motor vehicles should be done during the first week of the first semester of employment or enrollment. ~~Parking decals may be obtained during the semester in the Business Services Office, located in Room 28 of the Administration Building, between 8 a.m. and 4:30 p.m. Monday through Friday, or in the Night Office between 4:30 and 8:30 p.m. Monday through Thursday when school is in session. Employee parking decals may be obtained during the semester in the Business Services Office, located in the Administration Building. Students can obtain parking decals in the Student Assistance Center, located in the Student Union building, during normal business hours.~~
- (e) Temporary and permanently disabled students and employees with a state-issued disability placard for disabled parking should clearly display the placard when parking in a handicapped space. In addition, an official Jackson State decal must be displayed. Disabled students and employees with a state-issued disability placard for disabled parking should clearly display the placard when parking in a handicapped space. In addition, a Jackson State decal specifically for disabled persons may be displayed. To obtain the Jackson State decal, people shall provide documentation, such as their state-issued placard, to the Dean of Students. Once their status is verified, that person will be authorized to obtain a parking decal specific for persons with disabilities from the Business Services Office during regular office hours. Obtaining such decals provides the college with necessary information to better provide for parking needs of our disabled students, staff and visitors. To obtain a state-issued disability placard for disabled parking, students and employees must contact

the Tennessee Department of Transportation (TDOT) Driver's License and Testing Center or the County Courthouse Title and License office.

~~(f) Students, faculty or staff with a temporary disability may receive a special handicapped parking permit by providing documentation of need to the Dean of Students before parking in a handicapped parking space.~~

~~(g)~~(f) No vehicle will be considered officially registered unless a current Jackson State parking decal is displayed. The decal must be clearly visible.

- (1) Faculty, staff, or students who change cars may secure a replacement decal by presenting the number of the original decal in the Business Services Office. ~~The original decal should be destroyed.~~ Business Services will input the updated vehicle information and the patron can transfer the original decal to the new car. All violations against an old decal or previously used decal will be charged to the person to whom it was originally issued.
- (2) Visitor and temporary parking permits may be obtained from the office of Business Services in the Administration Building, ~~or the Assessment Center in the Student Union Building.~~ Temporary permits shall be secured to drive an unregistered vehicle in an emergency situation.
- (3) Each student, faculty, or staff member intending to drive/park one or more vehicles on campus must register each vehicle. Failure to comply with this regulation may result in disciplinary action.
- (4) Registration must include name of registrant, student identification number, license plate number, ~~county~~ and state of plate issue, and year, make, color, and model of vehicle.
- (5) Changes in license plates must be reported to the Business Services Office within five (5) days of such changes. Failure to do so may be grounds for revocation of parking privileges.
- (6) Illegible and/or damaged decals must be replaced. Failure to replace a damaged decal within five (5) days of notification will result in a ticket. Damaged decals will be replaced at no cost to the student or employee when the scrapping from the old decal is turned in to the Business Services Office.
- (7) The acceptance of a parking decal by any person shall constitute the acceptance of the responsibility to ensure that no vehicle owned or registered in his or her name is parked or operated in violation of these regulations.

(2) Parking

(a) Students should park in parking spaces or areas appropriately designated. Students are not to park:

1. In reserved spaces marked "employee only."
2. In reserved spaces indicating handicapped parking unless that student displays ~~either~~ a state-issued placard ~~or~~ and a JSCC handicapped decal on their vehicle
3. In reserved spaces marked for visitors or prospective students.
4. In these prohibited areas: loading zones, sidewalks, campus streets, grassy areas and within 15 feet of fire hydrants.

(b) Enforcement of parking in reserved parking spaces or designated employee lots will be enforced from 6 a.m. to 5 p.m.

(c) Vehicles may be towed at the owner's expense and citations will be issued for the following violations:

1. Blocking a fire hydrant
2. Blocking the roadway, walkway, driveways, or other access ways
3. Parking in a fire lane
4. Stolen, abandoned, or unregistered vehicle (no tag, switched tag, etc.)
5. Parking in a disability reserved space
6. Blocking a disability access ramp
7. Parking in "Service Vehicle Only" space
8. Information about location and retrieval of the vehicle may be obtained by contacting the Environmental Health and Safety Office, located in the Administration Building room 14, between 8 a.m. and 4:30 p.m. Monday through Friday and paying the cost of the tow.

(d) Citations for violations must be paid promptly and within the semester issued. Fines may be paid in the Business Services Office. The violator's copy of the citation must be presented at the time of payment.

(e) Traffic citations not paid by the last day of final exam week each semester prohibit release of the student violator's grade report and official transcript. The student may not register for the ensuing semester and, in cases where a student has registered early, he/she may be withdrawn from the College.

(3) Violations and Fines

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|--|-----------|
| (a) Parked in disabled area | \$200.00* |
| (b) Parking in designated employee or visitor area | \$50.00 |
| (c) Parked within 15ft of a fire hydrant | \$50.00 |
| (d) Reckless Driving/Speeding | \$50.00 |

Tennessee Code Annotated 55-10-205 dictates that you may be charged with reckless driving if there is probable cause to believe that you are driving "in willful or wanton disregard for the safety of persons or property." Driving 30mph over the posted speed limit is considered a reckless driving charge under Tennessee law. Posted speed limit on the campuses of Jackson State is 15 mph.

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|----------------------------|---------|
| (e) No parking decal | \$25.00 |
| (f) Parking on grass | \$25.00 |
| (g) Parked in loading zone | \$25.00 |
| (h) Double parked | \$25.00 |

Parallel parking alongside another car so that all or part of your vehicle is in the street blocking the normal flow of traffic.

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|------------------------------|---------|
| (i) Improper/reverse parking | \$25.00 |
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Reverse parking is the parking in a diagonal parking spot facing against the flow of traffic upon exit. Improper parking is occupying more than one parking space at one time or not completely being in a parking spot impeding the flow of traffic

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| (j) Impeding traffic | \$25.00 |
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Tennessee Code Annotated section 55-8-154(a), which provides: "No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable

movement of traffic, except when reduced speed is necessary for safe operation or compliance with law.”

* The fine for disabled/handicapped parking violations is established by statute and will be adjusted to comply with state law.

(4) Appeals

- (a) Citations issued to students may be appealed, in writing, to the Student Government Association (SGA) within five (5) working days of the issuance of the citation.
- (b) The SGA Senate hears student traffic and parking appeals at their bi-weekly senate meetings during the fall and spring semesters and at monthly meetings during summer terms.
 - 1. The SGA President shall chair the meeting with no voting rights.
 - 2. Voting shall be conducted only when quorum is present. A quorum is defined as a simple majority of the SGA Senate.
 - 3. The SGA Senate is comprised of the vice president, secretary, three (3) sophomore senators, three (3) freshman senators and one (1) SGA representative of each officially registered student organization for the academic year.
 - 4. SGA Senate shall make a recommendation to the Director of Athletics and Activities no more than two (2) business days following the review for each parking ticket heard, using the Traffic and Parking Ticket Recommendation Form.
 - 5. The Director of Athletics and Activities shall review the recommendation and either concur with or deny the recommendation.
 - 6. The Director of Athletics and Activities shall sign in agreement or overriding the SGA's recommendation and forward copies of the decision to the student and Business Services Office. The notification shall be mailed and/or emailed at the student's request within two business days of the final decision.
 - 7. Students who disagree with the final decision of their appeal to the Senate and Director of Athletics and Activities shall have the opportunity to appeal to the Vice President for Student Services in writing and within five (5) business days of receiving the final decision. They shall be notified by mail and/or email per the student's request within two business days of the final decision.
- (c) Appeals submitted while classes are not in session shall be heard by the Director of Athletics and Activities no more than ten 10 business days from the date of issue on the ticket. The student shall be notified by mail and/or email per the student's request within two business days of the final decision. That decision can be appealed to the Vice President for Student Services following the procedures listed above.
- (d) Visitors and employees may appeal traffic citations, in writing or in person with a copy of the citation, to the office of Environmental Health & Safety in the Administration Building within five (5) working days of receiving the citation. The Director of Environmental Health and Safety will make a decision on the validity of the citation after hearing and/or reading the appeal and will make a final determination within five (5) working days.

- (e) All decisions regarding traffic citations for visitors and employees may be appealed in writing to the Vice President for Student Services within two (2) business days of the previous determination.
 - 1. The Vice President for Student Services will obtain information from the Director of Environmental Health and Safety, regarding the previous appeal decision.
 - 2. The Vice President for Student Services will issue a decision, in writing, to the visitor or employee and Business Services Office, within five (5) working days of receipt of the appeal.

(5) Accidents

- (a) All motor vehicle accidents involving injury to persons, equipment, cars, etc., must be reported immediately to the Environmental Health and Safety Office at ext. 50244 or the Security Officer on duty at (731)225-5952.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.05 Traffic and Parking. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 6 Disciplinary Procedures

- (1) Institutions governed by the TBR, in the implementation of TBR 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. In furtherance of this mandate, Jackson State has established the following policies assuring that each student accused of a disciplinary offense or academic misconduct will receive due process. These policies shall be communicated to faculty, staff and students through the college's official catalog and student handbook, on the college's website, and through other avenues available to make the information easily accessible.
- (2) Jackson State Institutional Procedures
 - (a) Upon receipt of a complaint regarding a student or organization, the Dean of Students will initiate an investigation into the facts of the case, including interviews with the accused, other persons involved and witnesses.
 - (b) The Dean of Students will make a decision based on the facts of the case, and issue a written determination to the accused, including sanctions if applicable, and informing the student or organization of their right to an appeal through a Student Disciplinary Committee hearing or through a TUAPA hearing if the possibility of suspension or expulsion, or revocation of a student organization's registration, are possible.
 - (c) TUAPA: All cases which may result in: (a) suspension or expulsion of a student, or student organization, from the institution, for disciplinary reasons or (b) revocation of registration of a student organization, are subject to the contested case provisions of the Tennessee Uniform Administrative Procedures Act (TUAPA), T.C.A. § 4-5-301 *et seq.*, and shall be processed in accord with the Uniform Contested Case procedures adopted by the Board

of Regents unless the student or organization, after receiving written notice, waives those procedures and elects to have the case disposed of in accord with institutional procedures or waives all right to contest the case under any procedure.

- (3) Hearing before the Student Disciplinary Committee, which is comprised of One (1) faculty member elected by Faculty Council; one (1) administrator, one (1) student services staff member and one (1) faculty member elected by administrators in Academic Affairs, Student Services and Financial and Administrative Affairs (deans and above); one (1) student selected by the student facing disciplinary action; and two (2) students selected by the Student Government Association. The Officers include a Chair and Secretary elected from the membership of the committee
 - (a) A student or organization accused of committing a disciplinary offense may request a hearing before the Student Disciplinary Committee, in writing, by submitting it to the Dean of Students within five (5) business day of the initial decision. When such a hearing is initiated, the following procedures shall apply:
 - (i) The accused student or organization shall be informed in writing of the date, time and place of the hearing not less than ten (10) days prior to the day of the hearing and shall be advised of the following rights:
 - (I) The right to present their case;
 - (II) The right to be accompanied by an advisor;
 - (III) The right to call witnesses in their behalf;
 - (IV) The right to confront witnesses against them.
 - (ii) The Chairperson of the Student Disciplinary Committee shall preside at the hearing.
 - (iii) The Dean of Students shall present the results of the investigation and make a recommendation to the Committee. Witnesses and/or statements from witnesses may be entered as evidence.
 - (iv) The accused shall have an opportunity to present their case in exercising any of the rights cited above.
 - (v) Members of the Committee shall have an opportunity to ask questions.
 - (vi) After all presentations and examinations of witnesses, the Committee shall retire to discuss the case and render a decision.
 - (vii) The decision shall be announced by the presiding officer of the hearing and provided in writing to the student or organization representative(s) within 5 days after the conclusion of the hearing. A written record of the proceedings and determination shall be maintained in the office of the Dean of Students.
 - (viii) The student or organization representative(s) shall be advised of their right to appeal the decision of the Student Disciplinary Committee in writing to the Vice President for Student Services or designee within five (5) working days of the Committee's decision.
 - (ix) The Vice President for Student Services or designee will issue a written decision to the student or organization in writing within three (3) working days.
 - b. The Vice President for Student Services' decision may be appealed, in writing, within five (5) working days of the decision, to the President of the College.
 - c. The President will issue a written decision to the student or organization within three (3) working days.
- (4) All matters involving allegations of impermissible discrimination, harassment, or retaliation, including, but not limited to allegations of sexual violence, will be governed by the procedures

outlined in TBR Guideline P-080 *Subject: Discrimination and Harassment – Complaint and Investigation Procedure* and/or an institutional policy that reflects the requirements of that Guideline.

(5) Jackson State Procedures for Academic Misconduct:

- (a) When an instructor determines that a student has engaged in academic misconduct, prompting them to assign an “F” for the course, the following steps must be followed:
 - 1. The faculty member shall arrange for a conference with the student(s) within seven (7) working days of the offense to discuss the issues and potential courses of action. At the conference, the student shall be notified by the faculty member of the charge and supporting evidence. For an incident which occurs during, or as part of, a final examination, the instructor must notify the student by certified mail or return receipt email.
 - 2. After meeting with the student(s), the faculty member shall complete the “Academic Misconduct Report Form” that identifies the student(s) responsible, the nature of the offense, the action taken, and the recommendation as to whether or not further disciplinary sanctions should be imposed through Jackson State’s student disciplinary process. This form shall be submitted to the Academic Integrity Committee, through the appropriate Academic Dean’s office, within two (2) working days of having met with the student(s). The Academic Dean’s office shall provide a copy to the Dean of Students and send a copy to the student(s) via certified mail. The certified mailing shall include written notice that the student(s) have the right to due process by submitting a hearing request to the Academic Integrity Committee through the appropriate Academic Dean’s office.
- (b) The Academic Integrity Committee is a standing committee whose membership is appointed by the President. It is comprised of:
 - 1. Academic Dean – Chair of the Committee with no voting rights except in the case of a tie.
 - 2. Program Director (when appropriate)
 - 3. Two (2) Faculty members, not including the one who assigned the grade
 - 4. Two (2) students, one of which will be the SGA President or their designee
- (c) A student accused of academic misconduct may submit a written request for a hearing to the Academic Integrity Committee through the office of the Academic Dean supervising the course in question within five (5) working days of having received the instructor’s “Academic Misconduct Report Form.” When such a hearing is initiated, the following procedures shall apply:
 - 1. The student shall be informed in writing of the date, time and place of the hearing not less than ten (10) days prior to the day of the hearing and shall be advised of the following rights:
 - i. The right to present their case;
 - ii. The right to be accompanied by an advisor;
 - iii. The right to call witnesses in their behalf;
 - iv. The right to confront witnesses against them.
- (d) The Chairperson of the Academic Integrity Committee shall preside at the hearing.
 - 1. There must be at least four (4) members of the committee present, including the chairperson, to constitute a quorum and to hear cases, unless the student charged with academic misconduct knowingly waives the right to a quorum.

- (e) The instructor who submitted the "Academic Misconduct Report Form" shall present their evidence and reasoning for their decision to the Committee. Witnesses and/or statements from witnesses may be entered as evidence.
 - (f) The student accused of academic misconduct shall have an opportunity to present their case in exercising any of the rights cited above.
 - (g) Members of the Committee shall have an opportunity to ask questions.
 - (h) After all presentations and examinations of witnesses, the Committee shall retire to discuss the case and render a decision.
 - 1. The Committee's decision(s) shall be by majority vote.
 - (i) The decision shall be announced by the Chairperson of the Committee and issued in writing to the student and to the instructor involved within 5 days after the conclusion of the hearing. A written record of the proceedings and determination shall be maintained in the office of the Vice President for Academic Affairs and the Dean of Students.
 - (j) The student may appeal the decision of the Committee, in writing, to the Vice President of Academic Affairs within five (5) working days of the Academic Integrity Committee's decision.
 - (k) The Vice President of Academic Affairs will issue a written decision to the student within three (3) working days.
 - (l) The Vice President of Academic Affairs' decision may be appealed, in writing, within five (5) working days of the decision, to the President of the College.
 - (m) The President will issue a written decision to the student or organization within three (3) working days.
 - (n) An instructor cannot be required to change an assigned grade, but the institution may amend the student's grade on their academic transcript, based on the Academic Integrity Committee's decision or an ensuing appeal, and a note of explanation be placed in the student's file.
- (6) Jackson State Procedures for Interim Suspension Hearings:
- (a) Within one working day of receipt of a written complaint, the Dean of Students will investigate and, where appropriate, notify the accused by verbal, electronic, written, and/or other device that they are being suspended on an interim basis and describing their rights and procedures. Interim suspension will only occur when it is deemed that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused, any other member of the institution, its guests, property, or substantial disruption of classroom or other campus activities.
 - (b) Hearing Before the Interim Suspension Committee:
 - 1. A student may challenge an interim suspension in writing to the Dean of Students within two (2) business days of receipt of notice of the interim suspension. Failure to request a hearing on the interim suspension within two (2) business days of receipt of notice serves as a waiver of the right to a hearing.
 - 2. A student's challenge will be heard by the Interim Suspension Committee, comprised of the Dean of Students, the Vice President for Student Services or designee, and the Director of Environmental Health and Safety. The following procedures shall apply:
 - i. The accused student shall be informed verbally, electronically, and/or in writing of the date, time and place of the hearing not less one (1) full day prior to the day of the hearing and shall be advised of the following rights:
 - (I) The right to present their case;

- (II) The right to be accompanied by an advisor;
 - (II) The right to call witnesses in their behalf;
 - (IV) The right to confront witnesses against them.
- ii. The Vice President for Student Services, or designee, shall preside at the hearing.
- iii. Witnesses and/or statements from witnesses may be entered as evidence. Evidence presented shall be limited to that which is relevant to the basis asserted for imposition of the interim suspension.
- iv. The accused shall have an opportunity to present their case in exercising any of the rights cited above. Evidence presented shall be limited to that which is relevant to the basis asserted for imposition of the interim suspension.
- v. Members of the Committee shall have an opportunity to ask questions.
- vi. After all presentations and examinations of witnesses, the Committee shall retire to discuss the case and render a decision that day.
- vii. The decision shall be announced by the presiding officer of the hearing and provided in writing to the student. A written record of the proceedings and determination shall be retained in the office of the Dean of Students.
 - 1. The student shall be advised of their right to appeal the decision to the President.
 - 2. The student may appeal the decision of the Committee, in writing, to the President within one (1) working day of the Interim Suspension Committee's decision.
- viii. The President will issue a written decision to the student within one (1) working day.
- ix. Whether or not the interim suspension is affirmed, the Dean of Students will complete an investigation, and initiate the disciplinary process as described in this section.

(7) The President of the College is authorized, at his or her discretion, to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or, subsequently, to convert any finding or sanction imposed to a lesser finding or sanction, or to rescind any previous finding or sanction, in appropriate cases.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.06 Disciplinary Procedures and due Process. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Jackson State Community College
Student Discipline, Traffic and Parking Policies

Part 1 Institution Policy Statement

Part 2 Disciplinary Offenses

Part 3 Academic and Classroom Misconduct

Part 4 Disciplinary Sanctions

Part 5 Traffic and Parking

Part 6 Disciplinary Procedures

Part 1 Institution Policy Statement

- (1) Students enrolled in postsecondary educational institutions are citizens of their civic communities as well as the academic community. As such they are expected to conduct themselves as law-abiding members of each community at all times. Admission to an institution of postsecondary education carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by non-students. In recognition of the special relationship that exists between the institution and the academic community which it seeks to serve, the Tennessee Board of Regents ("TBR" or "the Board") has authorized the presidents of the institutions and directors of the technology centers under its jurisdiction to take such action as may be necessary to maintain campus conditions and preserve the integrity of the institution and its educational environment.
- (2) Pursuant to this authorization and in fulfillment of its duties to provide a secure and stimulating atmosphere in which individual and academic pursuits may flourish, the TBR has developed the following regulations, which are intended to govern student conduct on the several campuses under its jurisdiction. Each institution under the jurisdiction of the TBR is directed to implement policies subject to, and consistent with, these regulations. Following are Jackson State Community College's student discipline, traffic and parking policies to comply with TBR's system-wide student discipline, traffic and parking rules. In addition, students are subject to all federal, state and local laws and ordinances. If a student's violation of such laws or ordinances also adversely affects the institution's pursuit of its educational objectives, the institutions may enforce their own regulations regardless of the status or outcome of any external proceedings instituted by other civil or criminal authorities.
- (3) For the purpose of these regulations, a "student" shall mean any person who is admitted and/or registered for study at a TBR institution for any academic period. This shall include any period of time following admission and/or registration, but preceding the start of classes for any academic period. It will also include any period which follows the end of an academic period through the last day for registration for the succeeding academic period, and during any period while the student is under suspension from the institution. Finally, "student" shall also include any person subject to a period of suspension or removal from campus as a sanction which results from a finding of a violation of the regulations governing student conduct. Students are responsible for compliance with the Rules of Student Conduct and with similar institutional policies at all times.

- (4) Disciplinary action may be taken against a student for violation of the regulations which occur on institutionally owned, leased or otherwise controlled property, while participating in international or distance learning programs, and off campus, when the conduct impairs, interferes with, or obstructs any institutional activity or the mission, processes, and functions of the institution. Institutions may enforce their own regulations regardless of the status or outcome of any external proceedings instituted in any other forum, including any civil or criminal proceeding.
- (5) These regulations, and related material incorporated herein by reference, are applicable to student organizations as well as individual students. Student organizations are subject to discipline for the conduct and actions of individual members of the organization while acting in their capacity as members of, or while attending or participating in any activity of, the organization.
- (6) Confidentiality of Discipline Process. Subject to the exceptions provided pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g and/or the Tennessee Open Records Act, T.C.A. § 10-7-504(a)(4), a student's disciplinary files are considered "educational records" and are confidential within the meaning of those Acts.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.01, Institution Policy Statement. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 2 Disciplinary Offenses

- (1) Institutional disciplinary measures shall be imposed, through appropriate due process procedures, for conduct which adversely affects the institution's pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property or persons on property owned or controlled by an institution.
- (2) Jackson State has determined that individual or organizational misconduct, which is subject to disciplinary sanction, shall include, but not be limited to, the following examples
 - (a) Conduct Dangerous to Self or Others. Any conduct, or attempted conduct, which constitutes a danger to any person's health, safety, or personal well-being, including, but not limited to, the following:
 1. Physical and/or verbal abuse,
 2. Threats and/or intimidation,
 3. Harm inflicted on self;
 - (b) Hazing. Hazing, as defined in T.C.A. § 49-7-123(a)(1), means any intentional or reckless act, on or off the property, of any higher education institution by an individual acting alone, or with others, which is directed against any other person(s) that endangers the mental or physical health or safety of that person(s), or which induces or coerces a person(s) to endanger such person(s) mental or physical health or safety. Hazing does not include

customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization;

- (c) Disorderly Conduct. Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs institutional functions, operations, classrooms, other groups or individuals;
- (d) Obstruction of or Interference with institutional activities or facilities. Any intentional interference with or obstruction of any institutional, program, event, or facility including the following:
 - 1. Any unauthorized occupancy of facilities owned or controlled by an institution or blockage of access to or from such facilities,
 - 2. Interference with the right of any institution member or other authorized person to gain access to any activity, program, event or facilities sponsored or controlled by an institution,
 - 3. Any obstruction or delay of a campus security officer, public safety officer, police officer, firefighter, EMT, or any official of the institution, or failure to comply with any emergency directive issued by such person in the performance of his or her duty;
- (e) Misuse of or Damage to Property. Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to another including, but not limited to, any personal property, fire alarms, fire equipment, elevators, telephones, institution keys, library materials and/or safety devices;
- (f) Theft, Misappropriation, or Unauthorized Sale of Property;
- (g) Misuse of Documents or Identification Cards. Any forgery, alteration of or unauthorized use of institutional documents, forms, records or identification cards, including the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment or status in the institution;
- (h) Firearms and Other Dangerous Weapons. Any possession of or use of firearms, dangerous weapons of any kind, or replica/toy guns, e.g. BB guns, pellet guns, paintball guns, water guns, cap guns, toy knives or other items that simulate firearms or dangerous weapons;
- (i) Explosives, Fireworks, and Flammable Materials. The unauthorized possession, ignition or detonation of any object or article which would cause damage by fire or other means to persons or property or possession of any substance which could be considered to be and used as fireworks;
- (j) Alcoholic Beverages. The use and/or possession of alcoholic beverages on institution owned or controlled property. This offense includes the violation of any local ordinance, state,

or federal law concerning alcoholic beverages, on or off institution owned or controlled property, where an affiliated group or organization has alcoholic beverages present and available for consumption;

- (k) **Drugs.** The unlawful possession or use of any drug or controlled substance (including, but not limited to, any stimulant, depressant, narcotic or hallucinogenic drug, or marijuana), sale or distribution of any such drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession or use of drugs, on or off institution owned or controlled property;
- (l) **Drug Paraphernalia.** The use or possession of equipment, products or materials that are used or intended for use in manufacturing, growing, using or distributing any drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession of drug paraphernalia, on or off institution owned or controlled property;
- (m) **Public Intoxication.** Appearing on institution owned or controlled property or at an institutional sponsored event while under the influence of a controlled substance or of any other intoxicating substance;
- (n) **Gambling.** Unlawful gambling in any form;
- (o) **Financial Irresponsibility.** Failure to meet financial responsibilities to the institution promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the institution;
- (p) **Unacceptable Conduct in Disciplinary Proceedings.** Any conduct at any stage of an institutional disciplinary proceeding or investigation that is contemptuous, disrespectful, threatening, or disorderly, including false complaints, testimony or other evidence, and attempts to influence the impartiality of a member of a judicial body, verbal or physical harassment or intimidation of a judicial board member, complainant, respondent or witness;
- (q) **Failure to Cooperate with Institutional Officials.** Failure to comply with directions of institutional officials acting in the performance of their duties;
- (r) **Violation of General Rules and Regulations.** Any violation of the general rules and regulations of the institution as published in an official institutional publication, including the intentional failure to perform any required action or the intentional performance of any prohibited action;
- (s) **Attempts, Aiding and Abetting.** Any attempt to commit any of the offenses listed under this section or the aiding or abetting of the commission of any of the offenses listed under this section (an attempt to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission). Being present during the planning or commission of any offense listed under this section will be considered as aiding and abetting. Students who anticipate or observe an offense must remove themselves from the situation and are required to report the offense to the

institution;

- (t) Violations of State or Federal Laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference;
- (u) Violation of Imposed Disciplinary Sanctions. Intentional or unintentional violation of a disciplinary sanction officially imposed by an institution official or a constituted body of the institution;
- (v) Sexual Battery or Rape. Committing any act of sexual battery or rape as defined by state law;
- (w) Harassment or Retaliation. Any act by an individual or group against another person or group in violation of TBR policies, as well as federal and/or state laws prohibiting discrimination, including, but not limited to, TBR policies 5:01:02:00,(F), 5:01:02:00, 2:02:10:01 and TBR Guideline P-080;
- (x) Academic Misconduct. Plagiarism, cheating, fabrication. For purposes of this section the following definitions apply:
 - 1. Plagiarism. The adoption or reproduction of ideas, words, statements, images, or works of another person as one's own without proper attribution,
 - 2. Cheating. Using or attempting to use unauthorized materials, information, or aids in any academic exercise or test/examination. The term academic exercise includes all forms of work submitted for credit or hours,
 - 3. Fabrication. Unauthorized falsification or invention of any information or citation in an academic exercise.
- (y) Unauthorized Duplication or Possession of Keys. Making, causing to be made or the possession of any key for an institutional facility without proper authorization;
- (z) Litter. Dispersing litter in any form onto the grounds or facilities of the campus;
- (aa) Pornography. Public display of literature, films, pictures or other materials which an average person applying contemporary community standards would find, (1) taken as a whole, appeals to the prurient interest, (2) depicts or describes sexual conduct in a patently offensive way, and (3) taken as a whole, lacks serious literary, artistic, political or scientific value;
- (bb) Abuse of Computer Resources and Facilities. Misusing and/or abusing campus computer resources including, but not limited to the following:
 - 1. Use of another person's identification to gain access to institutional computer resources,

2. Use of institutional computer resources and facilities to violate copyright laws, including, but not limited to, the act of unauthorized distribution of copyrighted materials using institutional information technology systems,
 3. Unauthorized access to a computer or network file, including but not limited to, altering, using, reading, copying, or deleting the file,
 4. Unauthorized transfer of a computer or network file,
 5. Use of computing resources and facilities to send abusive or obscene correspondence,
 6. Use of computing resources and facilities in a manner that interferes with normal operation of the institutional computing system,
 7. Use of computing resources and facilities to interfere with the work of another student, faculty member, or institutional official,
 8. Violation of any published information technology resources policy,
 9. Unauthorized peer-to-peer file sharing;
- (cc) Unauthorized Access to Institutional Facilities and/or Grounds. Any unauthorized access and/or occupancy of institutional facilities and grounds is prohibited, including, but not limited to, gaining access to facilities and grounds that are closed to the public, being present in areas of campus that are open to limited guests only, being present in academic buildings after hours without permission, and being present in buildings when the student has no legitimate reason to be present;
- (dd) Providing False Information. Giving any false information to, or withholding necessary information from, any institutional official acting in the performance of his/her duties in connection with a student's admission, enrollment, or status in the institution;
- (ee) Unauthorized Surveillance. Making or causing to be made unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, and men's or women's restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means;
- (ff) Smoking Violations. Violation of any TBR and/or institutional smoking or other tobacco use rules or policies.
- (3) Disciplinary action may be taken against a student for violations of the foregoing regulations which occur at or in association with enrollment at an institution governed by the TBR for any academic period. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree including periods prior to or between

semesters. Conduct occurring while a student is registered or enrolled at the institution, but not discovered until after the awarding of a degree is actionable under these provisions and may result in the retroactive application of a disciplinary sanction. Should a student withdraw from the institution with disciplinary action or academic misconduct action pending, the student's record may be encumbered by the appropriate institutional office until the proceedings have been concluded.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.02, Disciplinary Offenses. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 3 Academic and Classroom Misconduct

- (1) The instructor has the primary responsibility for maintenance of academic integrity and controlling classroom behavior, and can order the temporary removal or exclusion from the classroom of any student engaged in disruptive conduct or conduct that violates the general rules and regulations of the institution for each class session during which the conduct occurs. Extended or permanent exclusion from the classroom, beyond the session in which the conduct occurred, or further disciplinary action will be enacted through Jackson State's Disciplinary Procedures set forth below.
- (2) The following remedies are available for faculty where it is determined that a student has engaged in academic misconduct:
 - (a) Review and correction by student – no action
 - (b) Oral reprimand with emphasis on counseling toward prevention of further occurrences and a requirement that work be repeated.
 - (c) Assignment of a reduced score/"F"/zero (0) for the specific assignment. (subject to grade appeal process only)
 - (d) Assignment of reduced/failing final course grade. (Subject to review pursuant to "Jackson State Procedures for Academic Misconduct" below)
 1. Assignment of an "F" for the course for academic misconduct must be accompanied by an articulable basis/evidence to support the finding. Such evidence may include, but not be limited to; documentary or physical evidence, personal observation or testimony. Prior cheating or plagiarism in other courses is not reasonable evidence.
 - (e) A student found responsible for academic misconduct may be subject to additional disciplinary actions enacted through the Jackson State Disciplinary Procedures.
 - (f) Additionally, a student who receives more than one "F" for academic misconduct may also be subject to additional disciplinary actions enacted through the Jackson State Disciplinary Procedures.
- (3) Courses may not be dropped pending the final resolution of an allegation of academic misconduct.
- (4) Disruptive behavior in the classroom may be defined as, but not limited to, behavior that obstructs or disrupts the learning environment (e.g., offensive language, harassment of students and professors, repeated outbursts from a student which disrupt the flow of instruction or prevent concentration on the subject taught, failure to cooperate in maintaining classroom decorum, etc.), text messaging, and the continued use of any electronic or other noise or light

emitting device which disturbs others (e.g., disturbing noises from beepers, cell phones, palm pilots, lap-top computers, games, etc.).

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.03 Academic and Classroom Misconduct. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 4 Disciplinary Sanctions

- (1) Upon determination that a Jackson State student or organization has violated any of the institution's rules, policies or disciplinary offenses set forth in these regulations, the following are appropriate sanctions which may be imposed, either singly or in combination, by the appropriate institution officials.
- (2) Definition of Sanctions:
 - (a) Restitution. Restitution may be required in situations which involve destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or student organization is obligated by the appropriate judicial authority to compensate a party or parties for a loss suffered as a result of disciplinary violation(s). Any such payment in restitution shall be limited to actual cost of repair, replacement or financial loss;
 - (b) Warning. The appropriate institutional official may notify the student or student organization that continuation or repetition of specified conduct may be cause for other disciplinary action;
 - (c) Reprimand. A written or verbal reprimand or censure may be given to any student or student organization whose conduct violates any part of these regulations and provides notice that any further violation(s) may result in more serious penalties;
 - (d) Service to the Institution or Community. A student, or student organization, may be required to donate a specified number of service hours to the institution performing reasonable tasks for an appropriate institution office, official(s), or the local community. The service required shall be commensurate to the offense (e.g., service for maintenance staff for defacing institutional property);
 - (e) Specified Educational/Counseling Program. A student or student organization may be required to participate in specified educational or counseling program(s) relevant to the offense, or to prepare a project or report concerning a relevant topic;
 - (f) Apology. A student or student organization may be required to apologize to an affected party, either verbally or in writing, for the behavior related to a disciplinary offense;
 - (g) Fines. Penalties in the form of fines may be imposed against a student or student organization whenever the appropriate institutional authority deems appropriate. The sanction of fines may be imposed in addition to other forms of disciplinary sanctions.

Failure to pay fines may result in further disciplinary action;

- (h) Restriction. A restriction upon a student's or student organization's privileges for a period of time may be imposed. This restriction may include, for example, denial of the ability to represent the institution at any event, ability to participate in institution or TBR sponsored travel, use of facilities, parking privileges, participation in extracurricular activities or restriction of organizational privileges;
 - (i) Probation. Continued enrollment of a student or recognition of a student organization on probation may be conditioned upon adherence to these regulations. Any student or organization placed on probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon extracurricular activities, or any other appropriate special condition(s). Any conduct in further violation of these regulations while on probationary status or the failure to comply with the terms of the probationary period may result in the imposition of further disciplinary action;
 - (j) Suspension. Suspension is the separation of a student or student organization from the institution for a specified period of time. Suspension may be accompanied by special conditions for readmission or recognition;
 - (k) Expulsion. Expulsion entails a permanent separation from the institution. The imposition of this sanction is a permanent bar to the student's admission, or a student organization's recognition to the institution. A student or organization that has been expelled may not enter institution property or facilities without obtaining prior approval from an appropriate campus official with knowledge of the expulsion directive;
 - (l) Revocation of Admission, Degree, or Credential;
 - (m) Assignment of a Failing Course Grade
 - (n) Any alternate sanction deemed necessary and appropriate to address the misconduct at issue;
 - (o) Interim Suspension. As a general rule, the status of a student or student organization accused of violation of these regulations should not be altered until a final determination has been made in regard to the charges. However, interim suspension, pending the completion of disciplinary procedures, may be imposed upon a finding by the appropriate institutional official that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused, any other member of the institution its guests, property, or substantial disruption of classroom or other campus activities. In any case of interim suspension, the student, or student organization, shall be given an opportunity at the time of the decision, or as soon thereafter as reasonably possible, to contest the suspension.
- (3) The president of Jackson State is authorized, at his/her discretion, to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or, subsequently, to convert any sanction imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.04 Disciplinary Sanctions. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 5 Traffic and Parking

(1) Registration

- (a) All motor vehicles operated on Jackson State's Jackson or satellite campuses by faculty, staff, and students must be registered with the college. The registration period extends from September 1 through August 31 of the following year. Each student registered with Jackson State for one or more classes will be assessed a \$12 per semester campus access fee for maintenance of college streets and parking lots.
- (b) Students that attend classes on Jackson State campuses that are registered through a Technology Center should obtain a parking decal during their registration for classes. Students taking any other institution's courses on any Jackson State campus should obtain a parking decal at the Student Assistance Center located in the Student Union building for the same \$12 per semester fee.
- (c) Regular faculty and full-time staff members shall pay an annual \$10 access fee for parking privileges in restricted parking lots.
- (d) Registration of all motor vehicles should be done during the first week of the first semester of employment or enrollment. Employee parking decals may be obtained during the semester in the Business Services Office, located in the Administration Building. Students can obtain parking decals in the Student Assistance Center, located in the Student Union building, during normal business hours.
- (e) Temporary and permanently disabled students and employees with a state-issued disability placard for disabled parking should clearly display the placard when parking in a handicapped space. In addition, an official Jackson State decal must be displayed. To obtain a state-issued disability placard for disabled parking, students and employees must contact the Tennessee Department of Transportation (TDOT) Driver's License and Testing Center or the County Courthouse Title and License office.
- (f) No vehicle will be considered officially registered unless a current Jackson State parking decal is displayed. The decal must be clearly visible.
 - (1) Faculty, staff, or students who change cars may secure a replacement decal by presenting the number of the original decal in the Business Services Office. Business Services will input the updated vehicle information and the patron can transfer the original decal to the new car. All violations against an old decal or previously used decal will be charged to the person to whom it was originally issued.

- (2) Visitor and temporary parking permits may be obtained from the office of Business Services in the Administration Building. Temporary permits shall be secured to drive an unregistered vehicle in an emergency situation.
- (3) Each student, faculty, or staff member intending to drive/park one or more vehicles on campus must register each vehicle. Failure to comply with this regulation may result in disciplinary action.
- (4) Registration must include name of registrant, student identification number, license plate number, and state of plate issue, and year, make, color, and model of vehicle.
- (5) Changes in license plates must be reported to the Business Services Office within five (5) days of such changes. Failure to do so may be grounds for revocation of parking privileges.
- (6) Illegible and/or damaged decals must be replaced. Failure to replace a damaged decal within five (5) days of notification will result in a ticket. Damaged decals will be replaced at no cost to the student or employee when the scrapping from the old decal is turned in to the Business Services Office.
- (7) The acceptance of a parking decal by any person shall constitute the acceptance of the responsibility to ensure that no vehicle owned or registered in his or her name is parked or operated in violation of these regulations.

(2) Parking

(a) Students should park in parking spaces or areas appropriately designated. Students are not to park:

1. In reserved spaces marked "employee only."
2. In reserved spaces indicating handicapped parking unless that student displays a state-issued placard and a JSCC handicapped decal on their vehicle
3. In reserved spaces marked for visitors or prospective students.
4. In these prohibited areas: loading zones, sidewalks, campus streets, grassy areas and within 15 feet of fire hydrants.

(b) Enforcement of parking in reserved parking spaces or designated employee lots will be enforced from 6 a.m. to 5 p.m.

(c) Vehicles may be towed at the owner's expense and citations will be issued for the following violations:

1. Blocking a fire hydrant
2. Blocking the roadway, walkway, driveways, or other access ways
3. Parking in a fire lane
4. Stolen, abandoned, or unregistered vehicle (no tag, switched tag, etc.)
5. Parking in a disability reserved space
6. Blocking a disability access ramp
7. Parking in "Service Vehicle Only" space
8. Information about location and retrieval of the vehicle may be obtained by contacting the Environmental Health and Safety Office, located in the Administration Building room 14, between 8 a.m. and 4:30 p.m. Monday through Friday and paying the cost of the tow.

- (d) Citations for violations must be paid promptly and within the semester issued. Fines may be paid in the Business Services Office. The violator's copy of the citation must be presented at the time of payment.
- (e) Traffic citations not paid by the last day of final exam week each semester prohibit release of the student violator's grade report and official transcript. The student may not register for the ensuing semester and, in cases where a student has registered early, he/she may be withdrawn from the College.

(3) Violations and Fines

- (a) Parked in disabled area \$200.00*
- (b) Parking in designated employee or visitor area \$50.00
- (c) Parked within 15ft of a fire hydrant \$50.00
- (d) Reckless Driving/Speeding \$50.00
Tennessee Code Annotated 55-10-205 dictates that you may be charged with reckless driving if there is probable cause to believe that you are driving "in willful or wanton disregard for the safety of persons or property." Driving 30mph over the posted speed limit is considered a reckless driving charge under Tennessee law. Posted speed limit on the campuses of Jackson State is 15 mph.
- (e) No parking decal \$25.00
- (f) Parking on grass \$25.00
- (g) Parked in loading zone \$25.00
- (h) Double parked \$25.00
Parallel parking alongside another car so that all or part of your vehicle is in the street blocking the normal flow of traffic.
- (i) Improper/reverse parking \$25.00
Reverse parking is the parking in a diagonal parking spot facing against the flow of traffic upon exit. Improper parking is occupying more than one parking space at one time or not completely being in a parking spot impeding the flow of traffic
- (j) Impeding traffic \$25.00
Tennessee Code Annotated section 55-8-154(a), which provides: "No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or compliance with law."

* The fine for disabled/handicapped parking violations is established by statute and will be adjusted to comply with state law.

(4) Appeals

- (a) Citations issued to students may be appealed, in writing, to the Student Government Association (SGA) within five (5) working days of the issuance of the citation.
- (b) The SGA Senate hears student traffic and parking appeals at their bi-weekly senate meetings during the fall and spring semesters and at monthly meetings during summer terms.
 - 1. The SGA President shall chair the meeting with no voting rights.
 - 2. Voting shall be conducted only when quorum is present. A quorum is defined as a simple majority of the SGA Senate.

3. The SGA Senate is comprised of the vice president, secretary, three (3) sophomore senators, three (3) freshman senators and one (1) SGA representative of each officially registered student organization for the academic year.
 4. SGA Senate shall make a recommendation to the Director of Athletics and Activities no more than two (2) business days following the review for each parking ticket heard, using the Traffic and Parking Ticket Recommendation Form.
 5. The Director of Athletics and Activities shall review the recommendation and either concur with or deny the recommendation.
 6. The Director of Athletics and Activities shall sign in agreement or overriding the SGA's recommendation and forward copies of the decision to the student and Business Services Office. The notification shall be mailed and/or emailed at the student's request within two business days of the final decision.
 7. Students who disagree with the final decision of their appeal to the Senate and Director of Athletics and Activities shall have the opportunity to appeal to the Vice President for Student Services in writing and within five (5) business days of receiving the final decision. They shall be notified by mail and/or email per the student's request within two business days of the final decision.
- (c) Appeals submitted while classes are not in session shall be heard by the Director of Athletics and Activities no more than ten 10 business days from the date of issue on the ticket. The student shall be notified by mail and/or email per the student's request within two business days of the final decision. That decision can be appealed to the Vice President for Student Services following the procedures listed above.
- (d) Visitors and employees may appeal traffic citations, in writing or in person with a copy of the citation, to the office of Environmental Health & Safety in the Administration Building within five (5) working days of receiving the citation. The Director of Environmental Health and Safety will make a decision on the validity of the citation after hearing and/or reading the appeal and will make a final determination within five (5) working days.
- (e) All decisions regarding traffic citations for visitors and employees may be appealed in writing to the Vice President for Student Services within two (2) business days of the previous determination.
1. The Vice President for Student Services will obtain information from the Director of Environmental Health and Safety, regarding the previous appeal decision.
 2. The Vice President for Student Services will issue a decision, in writing, to the visitor or employee and Business Services Office, within five (5) working days of receipt of the appeal.
- (5) Accidents
- (a) All motor vehicle accidents involving injury to persons, equipment, cars, etc., must be reported immediately to the Environmental Health and Safety Office at ext. 50244 or the Security Officer on duty at (731)225-5952.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.05 Traffic and Parking. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR:

12/8/11. Effective: 1/29/12.

Part 6 Disciplinary Procedures

- (1) Institutions governed by the TBR, in the implementation of TBR 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. In furtherance of this mandate, Jackson State has established the following policies assuring that each student accused of a disciplinary offense or academic misconduct will receive due process. These policies shall be communicated to faculty, staff and students through the college's official catalog and student handbook, on the college's website, and through other avenues available to make the information easily accessible.
- (2) Jackson State Institutional Procedures
 - (a) Upon receipt of a complaint regarding a student or organization, the Dean of Students will initiate an investigation into the facts of the case, including interviews with the accused, other persons involved and witnesses.
 - (b) The Dean of Students will make a decision based on the facts of the case, and issue a written determination to the accused, including sanctions if applicable, and informing the student or organization of their right to an appeal through a Student Disciplinary Committee hearing or through a TUAPA hearing if the possibility of suspension or expulsion, or revocation of a student organization's registration, are possible.
 - (c) TUAPA: All cases which may result in: (a) suspension or expulsion of a student, or student organization, from the institution, for disciplinary reasons or (b) revocation of registration of a student organization, are subject to the contested case provisions of the Tennessee Uniform Administrative Procedures Act (TUAPA), T.C.A. § 4-5-301 *et seq.*, and shall be processed in accord with the Uniform Contested Case procedures adopted by the Board of Regents unless the student or organization, after receiving written notice, waives those procedures and elects to have the case disposed of in accord with institutional procedures or waives all right to contest the case under any procedure.
- (3) Hearing before the Student Disciplinary Committee, which is comprised of One (1) faculty member elected by Faculty Council; one (1) administrator, one (1) student services staff member and one (1) faculty member elected by administrators in Academic Affairs, Student Services and Financial and Administrative Affairs (deans and above); one (1) student selected by the student facing disciplinary action; and two (2) students selected by the Student Government Association. The Officers include a Chair and Secretary elected from the membership of the committee
 - (a) A student or organization accused of committing a disciplinary offense may request a hearing before the Student Disciplinary Committee, in writing, by submitting it to the Dean of Students within five (5) business day of the initial decision. When such a hearing is initiated, the following procedures shall apply:
 - (i) The accused student or organization shall be informed in writing of the date, time and place of the hearing not less than ten (10) days prior to the day of the hearing and shall be advised of the following rights:
 - (I) The right to present their case;

- (II) The right to be accompanied by an advisor;
 - (III) The right to call witnesses in their behalf;
 - (IV) The right to confront witnesses against them.
 - (ii) The Chairperson of the Student Disciplinary Committee shall preside at the hearing.
 - (iii) The Dean of Students shall present the results of the investigation and make a recommendation to the Committee. Witnesses and/or statements from witnesses may be entered as evidence.
 - (iv) The accused shall have an opportunity to present their case in exercising any of the rights cited above.
 - (v) Members of the Committee shall have an opportunity to ask questions.
 - (vi) After all presentations and examinations of witnesses, the Committee shall retire to discuss the case and render a decision.
 - (vii) The decision shall be announced by the presiding officer of the hearing and provided in writing to the student or organization representative(s) within 5 days after the conclusion of the hearing. A written record of the proceedings and determination shall be maintained in the office of the Dean of Students.
 - (viii) The student or organization representative(s) shall be advised of their right to appeal the decision of the Student Disciplinary Committee in writing to the Vice President for Student Services or designee within five (5) working days of the Committee's decision.
 - (ix) The Vice President for Student Services or designee will issue a written decision to the student or organization in writing within three (3) working days.
 - b. The Vice President for Student Services' decision may be appealed, in writing, within five (5) working days of the decision, to the President of the College.
 - c. The President will issue a written decision to the student or organization within three (3) working days.
- (4) All matters involving allegations of impermissible discrimination, harassment, or retaliation, including, but not limited to allegations of sexual violence, will be governed by the procedures outlined in TBR Guideline P-080 *Subject: Discrimination and Harassment – Complaint and Investigation Procedure* and/or an institutional policy that reflects the requirements of that Guideline.
- (5) Jackson State Procedures for Academic Misconduct:
- (a) When an instructor determines that a student has engaged in academic misconduct, prompting them to assign an "F" for the course, the following steps must be followed:
 - 1. The faculty member shall arrange for a conference with the student(s) within seven (7) working days of the offense to discuss the issues and potential courses of action. At the conference, the student shall be notified by the faculty member of the charge and supporting evidence. For an incident which occurs during, or as part of, a final examination, the instructor must notify the student by certified mail or return receipt email.
 - 2. After meeting with the student(s), the faculty member shall complete the "Academic Misconduct Report Form" that identifies the student(s) responsible, the nature of the offense, the action taken, and the recommendation as to whether or not further disciplinary sanctions should be imposed through Jackson State's student disciplinary process. This form shall be submitted to the Academic Integrity Committee, through the appropriate Academic Dean's

- office, within two (2) working days of having met with the student(s). The Academic Dean's office shall provide a copy to the Dean of Students and send a copy to the student(s) via certified mail. The certified mailing shall include written notice that the student(s) have the right to due process by submitting a hearing request to the Academic Integrity Committee through the appropriate Academic Dean's office.
- (b) The Academic Integrity Committee is a standing committee whose membership is appointed by the President. It is comprised of:
 - 1. Academic Dean – Chair of the Committee with no voting rights except in the case of a tie.
 - 2. Program Director (when appropriate)
 - 3. Two (2) Faculty members, not including the one who assigned the grade
 - 4. Two (2) students, one of which will be the SGA President or their designee
 - (c) A student accused of academic misconduct may submit a written request for a hearing to the Academic Integrity Committee through the office of the Academic Dean supervising the course in question within five (5) working days of having received the instructor's "Academic Misconduct Report Form." When such a hearing is initiated, the following procedures shall apply:
 - 1. The student shall be informed in writing of the date, time and place of the hearing not less than ten (10) days prior to the day of the hearing and shall be advised of the following rights:
 - i. The right to present their case;
 - ii. The right to be accompanied by an advisor;
 - iii. The right to call witnesses in their behalf;
 - iv. The right to confront witnesses against them.
 - (d) The Chairperson of the Academic Integrity Committee shall preside at the hearing.
 - 1. There must be at least four (4) members of the committee present, including the chairperson, to constitute a quorum and to hear cases, unless the student charged with academic misconduct knowingly waives the right to a quorum.
 - (e) The instructor who submitted the "Academic Misconduct Report Form" shall present their evidence and reasoning for their decision to the Committee. Witnesses and/or statements from witnesses may be entered as evidence.
 - (f) The student accused of academic misconduct shall have an opportunity to present their case in exercising any of the rights cited above.
 - (g) Members of the Committee shall have an opportunity to ask questions.
 - (h) After all presentations and examinations of witnesses, the Committee shall retire to discuss the case and render a decision.
 - 1. The Committee's decision(s) shall be by majority vote.
 - (i) The decision shall be announced by the Chairperson of the Committee and issued in writing to the student and to the instructor involved within 5 days after the conclusion of the hearing. A written record of the proceedings and determination shall be maintained in the office of the Vice President for Academic Affairs and the Dean of Students.
 - (j) The student may appeal the decision of the Committee, in writing, to the Vice President of Academic Affairs within five (5) working days of the Academic Integrity Committee's decision.
 - (k) The Vice President of Academic Affairs will issue a written decision to the student within three (3) working days.
 - (l) The Vice President of Academic Affairs' decision may be appealed, in writing, within five (5)

working days of the decision, to the President of the College.

- (m) The President will issue a written decision to the student or organization within three (3) working days.
- (n) An instructor cannot be required to change an assigned grade, but the institution may amend the student's grade on their academic transcript, based on the Academic Integrity Committee's decision or an ensuing appeal, and a note of explanation be placed in the student's file.

(6) Jackson State Procedures for Interim Suspension Hearings:

- (a) Within one working day of receipt of a written complaint, the Dean of Students will investigate and, where appropriate, notify the accused by verbal, electronic, written, and/or other device that they are being suspended on an interim basis and describing their rights and procedures. Interim suspension will only occur when it is deemed that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused, any other member of the institution, its guests, property, or substantial disruption of classroom or other campus activities.

(b) Hearing Before the Interim Suspension Committee:

1. A student may challenge an interim suspension in writing to the Dean of Students within two (2) business days of receipt of notice of the interim suspension. Failure to request a hearing on the interim suspension within two (2) business days of receipt of notice serves as a waiver of the right to a hearing.
2. A student's challenge will be heard by the Interim Suspension Committee, comprised of the Dean of Students, the Vice President for Student Services or designee, and the Director of Environmental Health and Safety. The following procedures shall apply:
 - i. The accused student shall be informed verbally, electronically, and/or in writing of the date, time and place of the hearing not less one (1) full day prior to the day of the hearing and shall be advised of the following rights:
 - (I) The right to present their case;
 - (II) The right to be accompanied by an advisor;
 - (II) The right to call witnesses in their behalf;
 - (IV) The right to confront witnesses against them.
 - ii. The Vice President for Student Services, or designee, shall preside at the hearing.
 - iii. Witnesses and/or statements from witnesses may be entered as evidence. Evidence presented shall be limited to that which is relevant to the basis asserted for imposition of the interim suspension.
 - iv. The accused shall have an opportunity to present their case in exercising any of the rights cited above. Evidence presented shall be limited to that which is relevant to the basis asserted for imposition of the interim suspension.
 - v. Members of the Committee shall have an opportunity to ask questions.
 - vi. After all presentations and examinations of witnesses, the Committee shall retire to discuss the case and render a decision that day.
 - vii. The decision shall be announced by the presiding officer of the hearing and provided in writing to the student. A written record of the proceedings and determination shall be retained in the office of the Dean of Students.
 1. The student shall be advised of their right to appeal the decision to the President.

2. The student may appeal the decision of the Committee, in writing, to the President within one (1) working day of the Interim Suspension Committee's decision.
- viii. The President will issue a written decision to the student within one (1) working day.
- ix. Whether or not the interim suspension is affirmed, the Dean of Students will complete an investigation, and initiate the disciplinary process as described in this section.

(7) The President of the College is authorized, at his or her discretion, to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or, subsequently, to convert any finding or sanction imposed to a lesser finding or sanction, or to rescind any previous finding or sanction, in appropriate cases.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.06 Disciplinary Procedures and due Process. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.



TENNESSEE BOARD OF REGENTS

MEETING: March Quarterly Board Meeting

SUBJECT: Revision of Student Disciplinary Policy
Nashville State Community College

DATE: March 28, 2014

PRESENTER: Vice Chancellor Tristan Denley

ACTION REQUIRED: Voice Vote

STAFF'S RECOMMENDATION: Approval

BACKGROUND INFORMATION:

At its meeting on December 8, 2011, the Board approved a separate Student Disciplinary Policy for each TBR university and community college as well as a Student Disciplinary Policy for the Tennessee Colleges of Applied Technology (formerly known as the Tennessee Technology Centers). These policies describe disciplinary behaviors, disciplinary sanctions, and due process in keeping with the systemwide rule and applicable statutes. Furthermore, these policies include traffic and parking procedures including statements of traffic and parking related fees and fines.

The revised system-wide rule provides for institutions to amend their student disciplinary policies as such: "In student discipline policies, each institution may expand on these regulations, subject to Board approval" [Rule 0240-02-030.01 (2)]. The revision process has included institution-specific processes and approvals as well as review by institutions' counsel and by the Office of Academic Affairs.

Nashville State Community College requests modifications to Section 3: Academic and Classroom Misconduct to clarify the instructor's authority concerning disruptive behavior in the classroom to include removal of a disruptive student for one class period for classroom misconduct. The instructor's responsibility to inform students of charges, sanctions, and appeal processes associated with such misconduct is provided; and Section 5: Traffic and Parking to increase the fine for traffic and parking violations from \$10.00 to \$25.00 for each violation except for disabled parking violations, the fine for which is established by statute. This increase will help deter drivers from committing moving violations that threaten the safety of students, faculty, staff and visitors and is in keeping with the amount of such fines at other TBR institutions.

Nashville State Community College

14-15 Student Conduct Policy

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Part 1 Institution Policy Statement

- (1) Students enrolled in postsecondary educational institutions are citizens of their civic communities as well as the academic community. As such, they are expected to conduct themselves as law-abiding members of each community at all times. Admission to an institution of postsecondary education carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by non-students. In recognition of the special relationship that exists between Nashville State Community College and the academic community which it seeks to serve, the Tennessee Board of Regents ("TBR" or "the Board") has authorized the president of Nashville State Community College ("NSCC" or "institution") to take such action as may be necessary to maintain campus conditions and preserve the integrity of the institution and its educational environment.
- (2) Pursuant to this authorization and in fulfillment of its duties to provide a secure and stimulating atmosphere in which individual and academic pursuits may flourish, NSCC has developed the following policies, which are intended to govern student conduct on all of the campuses under its jurisdiction. In addition, students are subject to all federal, state and local laws and ordinances. If a student's violation of such laws or ordinances also adversely affects the institution's pursuit of its educational objectives, NSCC may enforce their own policies regardless of the status or outcome of any external proceedings instituted by other civil or criminal authorities.
- (3) For the purpose of these policies, a "student" shall mean any person who is admitted and/or registered for study at NSCC for any academic period. This shall include any period of time following admission and/or registration, but preceding the start of classes for any academic period. It will also include any period which follows the end of an academic period through the last day for registration for the succeeding academic period, and during any period while the student is under suspension from the institution. Finally, "student" shall also include any person subject to a period of suspension or removal from campus as a sanction which results from a finding of a violation of the policies governing student conduct. Students are responsible for compliance with the Student Code of Conduct and with similar institutional policies at all times.
- (4) Disciplinary action may be taken against a student for violation of the policies which occur on institutionally owned, leased or otherwise controlled property, while participating in international or distance learning programs, and off campus, including clinical affiliation sites, when the

conduct impairs, interferes with, or obstructs any institutional activity or the mission, processes, and functions of the institution. NSCC may enforce their own policies regardless of the status or outcome of any external proceedings instituted in any other forum, including any civil or criminal proceeding.

- (5) These policies, and related material incorporated herein by reference, are applicable to student organizations as well as individual students. Student organizations are subject to discipline for the conduct and actions of individual members of the organization while acting in their capacity as members of, or while attending or participating in any activity of, the organization.
- (6) Confidentiality of Discipline Process. Subject to the exceptions provided pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g and/or the Tennessee Open Records Act, T.C.A. § 10-7-504(a)(4), a student's disciplinary files are considered "educational records" and are confidential within the meaning of those Acts.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.01, Institution Policy Statement. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 2 Disciplinary Offenses

- (1) Institutional disciplinary measures shall be imposed, through appropriate due process procedures, for conduct which adversely affects the institution's pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property or persons on property owned or controlled by NSCC.
- (2) NSCC has adopted this non-exclusive list, providing notice of offenses for which both individuals and organizations may be subject to disciplinary action.
 - (a) Conduct Dangerous to Self or Others. Any conduct, or attempted conduct, which constitutes a danger to any person's health, safety, or personal well-being, including, but not limited to, the following:
 - 1. Physical and/or verbal abuse,
 - 2. Threats and/or intimidation,
 - 3. Harm inflicted on self.
 - (b) Hazing. Hazing, as defined in T.C.A. § 49-7-123(a)(1), means any intentional or reckless act, on or off the property, of any higher education institution by an individual acting alone, or with others, which is directed against any other person(s) that endangers the mental or physical health or safety of that person(s), or which induces or coerces a person(s) to endanger such person(s) mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.

(c) **Disorderly Conduct.** Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs institutional functions, operations, classrooms, or other groups or individuals.

(d) **Obstruction of or Interference with institutional activities or facilities.** Any intentional interference with or obstruction of any institutional, program, event, or facility including the following:

1. Any unauthorized occupancy of facilities owned or controlled by an institution or blockage of access to or from such facilities,
2. Interference with the right of any institution member or other authorized person to gain access to any activity, program, event or facilities sponsored or controlled by an institution,
3. Any obstruction or delay of a campus security officer, public safety officer, police officer, firefighter, EMT, or any official of the institution, or failure to comply with any emergency directive issued by such person in the performance of his or her duty.

(e) **Misuse of or Damage to Property.** Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to another including, but not limited to, any personal property, fire alarms, fire equipment, elevators, telephones, institution keys, library materials and/or safety devices.

(f) **Theft, Misappropriation, or Unauthorized Sale of Property.** Any act of theft, misappropriation, or unauthorized possession or sale of institution property or any such act against the property of a member of the NSCC community or a guest of the institution.

(g) **Misuse of Documents or Identification Cards.** Any forgery, alteration of or unauthorized use of institutional documents, forms, records or identification cards, including the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment or status in the institution.

(h) **Firearms and Other Dangerous Weapons.** Any possession of or use of firearms, dangerous weapons of any kind, or replica/toy guns, e.g. BB guns, pellet guns, paintball guns, water guns, cap guns, toy knives or other items that simulate firearms or dangerous weapons.

(i) **Explosives, Fireworks, and Flammable Materials.** The unauthorized possession, ignition or detonation of any object or article which would cause damage by fire or other means to persons or property or possession of any substance which could be considered to be and used as fireworks.

(j) **Alcoholic Beverages.** The use, possession, distribution, sale or manufacture of alcoholic beverages, or public intoxication on NSCC owned or controlled property, at an

NSCC sponsored event, or property owned or controlled by an affiliated clinical site is prohibited. This includes the violation of any local ordinance, state, or federal law concerning alcoholic beverages, on or off NSCC owned or controlled property, where an affiliated group or organization has alcoholic beverages present and available for consumption. It also includes any violation of any term of the NSCC Drug/Alcohol-Free Communities Statement and Policy. Pursuant to Tennessee Code Annotated §49-7-146, NSCC 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 of possession of alcohol or a controlled substance that is a violation of any federal, state, or local law, or any rule or policy of NSCC, 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 the disciplinary procedures, including completion of an appeal.

(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 NSCC; at an NSCC sponsored event; on property owned or controlled by an affiliated clinical site is prohibited. This includes any violation of any term of the NSCC Drug/Alcohol-Free Communities Statement and Policy. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession or use of drugs, on or off institution owned or controlled property. Pursuant to Tennessee Code Annotated §49-7-146, NSCC 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 of possession of alcohol or a controlled substance that is a violation of any federal, state, or local law, or any rule or policy of NSCC, 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 the disciplinary procedures, including completion of an appeal.

(l) **Drug Paraphernalia.** The use or possession of equipment, products or materials that are used or intended for use in manufacturing, growing, using or distributing any drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession of drug paraphernalia, on or off institution owned or controlled property.

(m) **Public Intoxication.** Appearing on institution owned or controlled property or at an institutional sponsored event while under the influence of a controlled substance or of any other intoxicating substance.

(n) **Gambling.** Unlawful gambling in any form.

(o) **Financial Irresponsibility.** Failure to meet financial responsibilities to the institution promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the institution.

(p) **Unacceptable Conduct in Disciplinary Proceedings.** Any conduct at any stage of

an institutional disciplinary proceeding or investigation that is contemptuous, disrespectful, threatening, or disorderly, including false complaints, testimony or other evidence, and attempts to influence the impartiality of a member of the Institutional Hearing Committee, verbal or physical harassment or intimidation of a hearing committee member, complainant, respondent or witness.

(q) Failure to Cooperate with Institutional Officials. Failure to comply with directions of institutional officials acting in the performance of their duties. This includes providing proof of identification when requested by college officials.

(r) Violation of General Rules and Policies. Any violation of the general rules and policies of the institution as published in an official institutional publication, including the intentional failure to perform any required action or the intentional performance of any prohibited action.

(s) Attempts, Aiding and Abetting. Any attempt to commit any of the offenses listed under this section or the aiding or abetting of the commission of any of the offenses listed under this section (an attempt to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission). Being present during the planning or commission of any offense listed under this section will be considered as aiding and abetting. Students who anticipate or observe an offense must remove themselves from the situation and are required to report the offense to the institution.

(t) Violations of State or Federal Laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference.

(u) Violation of Imposed Disciplinary Sanctions. Intentional or unintentional violation of a disciplinary sanction officially imposed by an institution official or a constituted body of the institution.

(v) Sexual Battery or Rape. Committing any act of sexual battery or rape as defined by state law.

(w) Harassment or Retaliation. Any act by an individual or group against another person or group in violation of TBR regulations, as well as federal and/or state laws prohibiting discrimination, including, but not limited to, TBR policies 5:01:02:00,(F), 5:01:02:00, 2:02:10:01 and TBR Guideline P-080. All matters involving allegations of impermissible discrimination, harassment or retaliation will be governed by the procedures outlined in Tennessee Board of Regents *Guideline P-080 Subject: Discrimination and Harassment – Complaint and Investigation Procedures* or an institutional policy that reflects the current requirements of that Guideline.

(x) Academic Misconduct. Plagiarism, cheating, fabrication. For purposes of this section the following definitions apply:

1. Plagiarism. The adoption or reproduction of ideas, words, statements, images,

or works of another person as one's own without proper attribution,

2. Cheating. Using or attempting to use unauthorized materials, information, or aids in any academic exercise or test/examination. The term academic exercise includes all forms of work submitted for credit or hours,

3. Fabrication. Unauthorized falsification or invention of any information or citation in an academic exercise.

(y) Unauthorized Duplication or Possession of Keys. Making, causing to be made or the possession of any key for an institutional facility without proper authorization.

(z) Littering. Dispersing litter in any form onto the grounds or facilities of the campus.

(aa) Pornography. Public display of literature, films, pictures or other materials which an average person applying contemporary community standards would find, (1) taken as a whole, appeals to the prurient interest, (2) depicts or describes sexual conduct in a patently offensive way, and (3) taken as a whole, lacks serious literary, artistic, political or scientific value.

(bb) Abuse of Computer Resources and Facilities. Misusing and/or abusing campus computer resources including, but not limited to the following:

1. Use of another person's identification to gain access to institutional computer resources,
2. Use of institutional computer resources and facilities to violate copyright laws, including, but not limited to, the act of unauthorized distribution of copyrighted materials using institutional information technology systems,
3. Unauthorized access to a computer or network file, including but not limited to, altering, using, reading, copying, or deleting the file,
4. Unauthorized transfer of a computer or network file,
5. Use of computing resources and facilities to send abusive or obscene correspondence,
6. Use of computing resources and facilities in a manner that interferes with normal operation of the institutional computing system,
7. Use of computing resources and facilities to interfere with the work of another student, faculty member, or institutional official,
8. Violation of any published information technology resources policy,
9. Unauthorized peer-to-peer file sharing.

10. Any violation of the terms of the NSCC Acceptable Use and Wireless Policy and Procedures.

(cc) Unauthorized Access to Institutional Facilities and/or Grounds. Any unauthorized access and/or occupancy of institutional facilities and grounds is prohibited, including, but not limited to, gaining access to facilities and grounds that are closed to the public, being present in areas of campus that are open to limited guests only, being present in academic buildings after hours without permission, and being present in buildings when the student has no legitimate reason to be present;

(dd) Providing False Information. Giving any false information to, or withholding necessary information from, any institutional official acting in the performance of his/her duties in connection with a student's admission, enrollment, or status in the institution;

(ee) Unauthorized Surveillance. Making or causing to be made unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian. This includes, but is not limited to, taking video or photographic images in men's or women's restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means;

(ff) Smoking Violations. Violation of the NSCC Tobacco-Free Campus Policy as outlined in the NSCC Student Policy Handbook on the NSCC website. The use of any tobacco product on any NSCC owned or leased property constitutes a violation.

(gg) Violations of conduct requirements described in handbooks for specific programs

- (3) Disciplinary action may be taken against a student for violations of the foregoing policies which occur at or in association with enrollment at NSCC for any academic period. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree including periods prior to or between semesters. Conduct occurring while a student is registered or enrolled at the institution, but not discovered until after the awarding of a degree is actionable under these provisions and may result in the retroactive application of a disciplinary sanction. Should a student withdraw from the institution with disciplinary action or academic misconduct action pending, the student's record may be encumbered by the appropriate institutional office until the proceedings have been concluded.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.02, Disciplinary Offenses. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 3 Academic and Classroom Misconduct

- (1) Classroom Misconduct: Nashville State Community College has a zero tolerance policy for disruptive conduct in the classroom. Students whose behavior disrupts the classroom will be subject to disciplinary sanctions.

- (a) The instructor has the primary responsibility for maintenance of academic integrity and controlling classroom behavior, and can ~~order the temporary removal or exclusion from the classroom of~~ dismiss from the class period any student engaged in disruptive conduct or conduct that violates the general rules and policies of the institution for each class session during which the conduct occurs. Extended or permanent exclusion from the classroom, beyond the session in which the conduct occurred, or further disciplinary action can be effected only through appropriate procedures of the institution.
 - (b) If a student is dismissed from a class period, the student must meet with the academic dean or the Dean for Student Services prior to the next class meeting. Failure to meet with the dean prior to returning to class constitutes a separate violation of the Student Code of Conduct.
 - (c) Instructors may bring formal student code of conduct charges for acts of classroom misconduct including disruptive and disrespectful behavior. Disciplinary sanctions may include removal from the class.
 - (d) Disruptive behavior in the classroom may be defined as, but not limited to, behavior that obstructs or disrupts the learning environment (e.g., offensive language, harassment of students and professors, repeated outbursts from a student which disrupt the flow of instruction or prevent concentration on the subject taught, failure to cooperate in maintaining classroom decorum, etc.), text messaging, and the continued use of any electronic or other noise or light emitting device which disturbs others (e.g., disturbing noises from beepers, cell phones, palm pilots, lap-top computers, games, etc.).
 - (e) Faculty establish class attendance and punctuality requirements, subject to state or federal laws, and inform students through the published syllabi for each course of those requirements, along with the consequences for failing to meet those requirements.
- (2) Academic Misconduct: Plagiarism, cheating, and other forms of academic dishonesty are prohibited. Students guilty of academic misconduct, either directly or indirectly, through participation or assistance, are immediately responsible to their instructors. Based on their professional judgment, instructors have the authority to impose the following academic sanctions: (a) require the student to repeat the assignment for full or partial credit; (b) assign a zero, an F, or any other grade appropriate for the assignment or examination; (c) assign an F for the course. In addition, disciplinary sanctions may be imposed through the regular institutional procedures.
- (a) An instructor may reduce a student's grade to any extent, including a grade of "F" on an assignment, test, or a course where it is determined that the student engaged in academic misconduct.
 - (b) The instructor must provide written notification to student that a sanction for academic misconduct has been imposed. Notification of the academic misconduct charge, underlying facts, and the academic misconduct sanction will be provided to the student in the form of an email or on the assignment itself. Notification of the right to appeal and the appeal process will be provided to the student through the course syllabus or with the notification of sanction.
 - ~~(c) Within five (5) business days of determining that academic misconduct has occurred, the faculty member will notify the affected student(s) and the Dean for Student Services, in writing, of~~

~~academic misconduct charge, underlying facts, the academic misconduct sanction, and the right to appeal the determination and sanction.~~

~~(d)~~(c) To initiate an appeal, the student(s) must contact the Dean for Student Services, in writing, within five (5) days of receipt of the notification of the faculty action. Failure to do so within five (5) days will constitute a waiver of appeal hearing rights.

~~(e)~~(d) The Dean for Student Services will respond within ten (10) days of receipt of the written appeal request from the student(s) to schedule a pre-hearing conference.

~~(f)~~(e) If a resolution is not reached at the conference, the Dean shall issue a hearing notice, providing a hearing date together with all other required notices.

~~(g)~~(f) Appeals hearings of academic misconduct determinations and/or sanctions shall be conducted in accordance with the process outlined in this document under Part 6 (4).

~~(h)~~(g) A student subject to a determination of academic misconduct will not be permitted to withdraw from the course to avoid sanction.

~~(i)~~(h) A student who is found responsible for Academic Misconduct may be subject to additional Disciplinary Sanctions imposed through the office of the Dean for Student Services.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.03 Academic and Classroom Misconduct. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 4 Disciplinary Sanctions

- (1) Upon a determination that a student or student organization has violated any of the disciplinary offenses set forth in these policies, institutional disciplinary policies, or the general policies of an institution, disciplinary sanctions may be imposed, either singly or in combination, by the appropriate institution officials.
- (2) Definition of Sanctions:
 - (a) Restitution. Restitution may be required in situations which involve destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or student organization is obligated by the appropriate judicial authority to compensate a party or parties for a loss suffered as a result of disciplinary violation(s). Any such payment in restitution shall be limited to actual cost of repair, replacement or financial loss;
 - (b) Warning. The appropriate institutional official may notify the student or student organization that continuation or repetition of specified conduct may be cause for other disciplinary action;

- (c) Reprimand. A written or verbal reprimand or censure may be given to any student or student organization whose conduct violates any part of these policies and provides notice that any further violation(s) may result in more serious penalties;
- (d) Service to the Institution or Community. A student, or student organization, may be required to donate a specified number of service hours to the institution performing reasonable tasks for an appropriate institution office, official(s), or the local community. The service required shall be commensurate to the offense (e.g., service for maintenance staff for defacing institutional property);
- (e) Specified Educational/Counseling Program. A student or student organization may be required to participate in specified educational or counseling program(s) relevant to the offense, or to prepare a project or report concerning a relevant topic;
- (f) Apology. A student or student organization may be required to apologize to an affected party, either verbally or in writing, for the behavior related to a disciplinary offense;
- (g) Fines. Penalties in the form of fines may be imposed against a student or student organization whenever the appropriate institutional authority deems appropriate. The sanction of fines may be imposed in addition to other forms of disciplinary sanctions. Failure to pay fines may result in further disciplinary action;
- (h) Restriction. A restriction upon a student's or student organization's privileges for a period of time may be imposed. This restriction may include, for example, denial of the ability to represent the institution at any event, ability to participate in institution or TBR sponsored travel, use of facilities, parking privileges, participation in extracurricular activities or restriction of organizational privileges;
- (i) Probation. Continued enrollment of a student or recognition of a student organization on probation may be conditioned upon adherence to these policies. Any student or organization placed on probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon extracurricular activities, or any other appropriate special condition(s). Any conduct in further violation of these policies while on probationary status or the failure to comply with the terms of the probationary period may result in the imposition of further disciplinary action;
- (j) Suspension. Suspension is the separation of a student or student organization from the institution for a specified period of time. Suspension may be accompanied by special conditions for readmission or recognition;
- (k) Expulsion. Expulsion entails a permanent separation from the institution. The imposition of this sanction is a permanent bar to the student's admission, or a student organization's recognition to the institution. A student or organization that has been expelled may not enter institution property or facilities without obtaining prior approval from an appropriate campus official with knowledge of the expulsion directive;
- (l) Revocation of Admission, Degree, or Credential;

- (m) Interim Suspension. As a general rule, the status of a student or student organization accused of violation of these policies should not be altered until a final determination has been made in regard to the charges. However, interim suspension, pending the completion of disciplinary procedures, may be imposed upon a finding by the appropriate institutional official that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused, any other member of the institution its guests, property, or substantial disruption of classroom or other campus activities. In any case of interim suspension, the student, or student organization, shall be given an opportunity at the time of the decision, or as soon thereafter as reasonably possible, to contest the suspension;
 - (n) Any alternate sanction deemed necessary and appropriate to address the misconduct.
- (4) The president of NSCC is authorized, at his or her discretion, to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or, subsequently, to convert any sanction imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.04 Disciplinary Sanctions. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 5 Traffic and Parking

- (1) NSCC has adopted an institutional Traffic and Parking Policy which governs traffic and parking on all of the campuses. The purpose of these policies is to facilitate the orderly and efficient flow of traffic, to provide a safe atmosphere for both pedestrians and motor vehicle operators, and to provide order with regard to parking within limited space. Institutional policies are published annually through signage and in the NSCC Traffic and Parking brochure and on the NSCC website.
- (2) Registration of Automobiles/Decals: All privately owned and/or operated vehicles for use on campus by students and faculty/staff must be registered with the college and must bear an official registration decal. Decals must be purchased by all students for \$15.00, and faculty and staff for \$15.00 plus tax, on an annual basis. Vehicles include motorcycles, motorbikes, scooters, pick-up trucks, vans and jeeps as well as automobiles. Large trucks and trailers are prohibited. The license plate number and driver license number must be given prior to issuance of decal.
- (a) No student will be permitted to register another student's vehicle without the approval of the security officer on duty. Possession of a current decal to which an individual is not entitled is a violation.
 - (b) The entire vehicle registration decal must be adhered as designed and may not be taped or attached in a way that allows for easy removal. The decal should be adhered to the exterior lower corner of the rear window on the driver's side of the vehicle or on the rear bumper on the driver's side of the vehicle. Decals will be displayed on motorcycles, motor bikes, and scooters in the same manner in a position that can be clearly read by security personnel.
 - (c) Replacement decals may be purchased for vehicles that are traded, wrecked or sold for a

\$15.00 fee. Decals that are lost or stolen may be purchased for a \$15.00 fee.

- (d) Students who are employed part-time at Nashville State are to obtain student decals, not faculty/staff decals.
- (3) Parking: NSCC has adopted designated parking zones for faculty, staff, students, visitors, and other appropriate groups. The institution reserves the right to tow any vehicle that is improperly parked.
- (a) Circumstances may necessitate that an individual drive a vehicle that is not registered. A temporary permit will be issued in the Security Office or at the Security Station in the Student Services Center lobby. Temporary permits are good for two weeks only.
 - (b) Special parking areas are provided for disabled students. Disabled parking is governed by the laws of the State of Tennessee. Handicapped parking is enforced 24 hours a day, every day. Cars parked in Handicapped parking must have a state issued permit. An NSCC parking decal is not required for disabled students, faculty or staff.
 - (c) The owner of a vehicle will be responsible for informing others who may use the vehicle concerning campus parking regulations, and will be responsible for any citations issued. Vehicles are not to be left overnight without approval from Security. Bicycles must use bike racks and rollerblading/skateboarding are prohibited on campus.
 - (d) Parking zones are identified by color and students are required to park in zones identified by their color white as student parking. Retired employees of Nashville State or persons who have been issued a retired or honorary decal may park anywhere on campus except in designated parking areas and disabled areas. Parking restrictions will not be enforced on Sundays or school holidays. There is not designated parking on campus after 3:00 p.m. Monday through Friday except for handicapped parking which is enforced 24 hours a day, every day.
 - (e) The following constitute parking violations:
 - (a) Backed into a parking space/rear bumper not facing the nearest driveway;
 - (b) Parked too far from the curb;
 - (c) Parked in unmarked area (grass, sidewalks, road, fire lane, commercial, etc.);
 - (d) Parked in a restricted area;
 - (e) Parking in zone other than one designated for student use;
 - (f) Parked on or over lines;
 - (g) No official parking decal or expired vehicle registration;
 - (h) Parked on wrong side of street;
 - (i) Obstructing driveway;
 - (j) Improper display of decal;
 - (k) Parked within 10 feet of fire hydrant;
 - (l) Unauthorized parking in disabled zones.
 - (m) Possession of a current decal to which an individual is not entitled.
- (4) Traffic: NSCC has adopted policies with regard to motor and other vehicular traffic on institution owned, operated, or controlled sites. Those policies reflect the nature of traffic patterns, roads, and physical limitations of the campus. In addition to violations of the NSCC Traffic and Parking Policy,

violations may include, but are not limited to, all traffic offenses provided under state, county, or municipal ordinance applicable to the locality of each institutional site.

- (a) The speed limit for all vehicles is 15 miles per hour. Pedestrians always have the right of way. Loading and commercial zones are reserved for service vehicles. Unnecessary noise from horns, muffler, and stereos is prohibited.
- (b) The following constitute traffic violations:
 - 1. Speeding (15 miles per hour)
 - 2. Excessive noise
 - 3. Reckless driving
 - 4. Failure to yield to pedestrians
 - 5. Cutting diagonally across parking spaces
 - 6. Failure to come to a complete stop at stop signs'
 - 7. Littering

- (5) Fines/Penalties: Parking and traffic violations are subject to fines and/or disciplinary sanctions. Fines are set by NSCC and approved by TBR, but shall not exceed the amounts provided for by the higher of state law, county, or municipal ordinance for the same offense. The fine for traffic and parking violations is ~~\$10.00~~ \$25.00 for each violation except for disabled parking violations which is a \$200.00 fine. The fine for disabled/handicapped parking violations is established by statute and will be adjusted to comply with state law. The fine for littering violations is \$50.00 for each violation.

Fines for violations must be paid to the Bursar's Office. Payment of any outstanding fines shall be prerequisite to completing registration for any semester. Any car, motorcycle, motor scooter, pickup truck, or van parking in a no parking zone, fire lane, loading zone, sidewalk, handicap space, or parking in zones other than one designated for student parking may be towed away at the owner's expense without notice. Individuals who receive five (5) or more traffic and parking citations will be towed or barred from parking on Nashville State campuses.

- (6) Appeals: NSCC has established an appeal process for appealing traffic/parking violations or fines which will be distributed to all persons purchasing a parking decal. The procedures applicable to appeals of traffic/parking citations are set forth below.
 - (a) An appeal form must be completed, and filed, within three (3) days (excluding weekends and holidays) from the issuance of a citation. Appeal forms are available at the Office of Security and in the lobby of the Student Services Center. Failure to file an appeal form within three (3) days shall constitute a waiver of any appeal, absent good cause.
 - (b) The Director of Safety and Security (Director) will review each appeal. The Director will either approve an appeal or submit the appeal to the Traffic Violation Citation Appeals committee (TVCA) for further review within seven (7) days.
 - (c) The TVCA committee consists of the following members:
 - 1. One (1) SGA Representative
 - 2. One (1) Faculty Senate Representative
 - 3. One (1) Staff Assembly Representative
 - 4. One (1) Administrative Assembly Representative

- (d) The Dean of Student Services and the VP Finance and Administrative Services serve as advisors to the TVCA Committee.
- (e) The Appeal forms will be emailed to each TVCA committee member. Appeal forms will be reviewed by each member and he/she will make a decision to uphold the ticket or grant the appeal based on the following:
 - 1. NSCC's parking and traffic policies along with applicable state laws and TVCA regulations.
 - 2. The written explanation on the appeal form requesting that the citation be dismissed along with any supporting documentation.
- (f) Decisions of the TVCA shall be made by majority of the Committee and will be issued within seven (7) days of his/her receipt of the appeal. Each TVCA committee member will email his/her decision with a brief explanation supporting his/her decision to uphold the ticket or grant the appeal to the TVCA email account. In the event of a tie vote, the Dean for Student Services (for student appeals) or Vice President of Finance and Administrative Services (for faculty/staff appeals) will cast the tie breaking vote.
- (g) Resolution of the appeal will be mailed by the Director of Security to the student within 7 business days of the TVCA decision.
- (h) A TVCA committee meeting will be held once a year to review TVCA committee decisions.
- (i) Appeal decisions are final.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.05 Traffic and Parking. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 6 Disciplinary Procedures

- (1) General: NSCC, in the implementation of TBR regulations pertaining to discipline and conduct of students, insures the constitutional rights of students by affording a system of constitutionally and legally sound procedures which provide the protection of due process of law. NSCC has enacted policies which are in compliance with this TBR Policy 3:02:01:00, as well as state and federal law. All disciplinary procedures are affirmatively communicated to the faculty, staff, and students of NSCC as well as published on the NSCC website as part of the Student Policy Handbook.
- (2) TUAPA: All cases which may result in: (a) suspension or expulsion of a student, or student organization, from the institution, for disciplinary reasons or (b) revocation of registration of a student organization, are subject to the contested case provisions of the Tennessee Uniform Administrative Procedures Act (TUAPA), T.C.A. § 4-5-101 et seq., and shall be processed in accord with the Uniform Contested Case procedures adopted by the Board of Regents unless the student or organization, after receiving written notice, waives those procedures and elects to have the

case disposed of through the NSCC Institutional Hearing process or informal adjudication by the Dean for Student Services.

- (3) Additional Institutional Options: For students facing disciplinary action, four potential processes exist for adjudication of the case. The student shall be informed in writing of each option, including which options may be utilized based on the case, and the due process rights associated with each option. Options include election of 1) an NSCC Institutional Hearing; 2) informal adjudication of the case by the Dean for Student Services; 3) to not contest the case, or 4) TUAPA hearing in the circumstances described in Part 6 (2). Election of use of TUAPA or the NSCC Institutional Hearing options entitle the student to due process. Student election of the use of informal adjudication or to not contest the case requires that the student waive, in writing, his/her right to due process. Selection of one option constitutes waiver of all other options. The student shall have five business days following written notification to select an option. In cases in which the student elects to have the Dean for Student Services informally adjudicate the case, the case shall be adjudicated according to the Informal Adjudication Procedure and the decision of the Dean will be final. If a student, absent good cause, fails to return the Election of Waiver of Hearing Procedures Form in a timely manner, the student will be deemed to have waived a right to the processes described above and NSCC may proceed as it deems, in its sole discretion, appropriate in the circumstances.
- (4) Student Due Process for Institutional Hearings: Students subject to any disciplinary sanction are entitled to a due process hearing unless that right is waived by the student after receiving written notice of the available adjudication options.
 - (a) The student will be advised by the Dean of Student Services, in writing, of the breach of policy or policies of which she/he is charged. Written charges of alleged violations will include: the alleged rule violation, a statement of the facts to be presented, a statement that a hearing will be conducted before an Institutional Hearing Committee on the charges, together with notice of the date, time and place of hearing. The hearing date will be scheduled within 10 days of student election of and Institutional Hearing. The hearing will be conducted at the date, time, and place specified, unless postponed for good cause.
 - (b) Written charges and hearing determinations will be served by handing a copy to the person or by mailing via certified mail a copy to the person at his residence or last known residence. The student will have five business days to select a hearing option. Student failure to respond in writing within five days of receipt will constitute a waiver of all hearing options.
 - (c) The student accused of misconduct will be given an explanation of the evidence against her or him.
 - (d) The student accused of misconduct will be given a copy of the institutional rules and regulations concerning due process procedures.
 - (e) The student shall be advised of the following rights applicable at the hearing:
 - (1) The right to present his or her case. However, the student's absence, absent good cause, will not hinder the Institutional Hearing Committee from meeting and rendering a decision.

- (2) The right to be accompanied by an advisor. The hearing committee may restrict the advisor's right to speak at the hearing. The advisor can be an attorney if NSCC is equally represented.
- (3) The right to call witnesses in his or her behalf.
- (4) The right to confront witnesses against him or her.
- (f) The Dean for Student Services will appoint an Institutional Hearing Committee which will consist of not less than three faculty members who will serve for one year or until leaving the institution, whichever comes first. Committee members may serve for multiples years. The Institutional Hearing Committee will be charged to hear evidence, to make findings of fact, and to make decisions based on those facts. The Dean for Student Services will coordinate the hearing committee, but will not vote as to the final committee decision.
- (g) Any individual who has an interest in the case will not sit in judgment as a member of the hearing committee.
- (h) The student will receive from the Dean for Student Services a written copy of the decision of the hearing committee with any sanctions within 10 days of the hearing.
- (i) The student will be advised of their right to appeal to the president of NSCC within five business days following receipt of the Institutional Hearing Committee's decision. Appeals must be made by written communication. The President will send a written copy of his or her decision to the student within 10 days of receipt of the appeal. The decision of the President is final.
- (6) Interim Suspension Hearings: Interim suspension hearings are conducted to determine if the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well being of the accused, any member of the college community or its guests, the destruction of property, or substantial disruption of classroom or other campus activities. Hearings conducted with regard to interim suspensions imposed pending the outcome of a disciplinary investigation or proceeding shall be conducted consistent with the minimum requirements of due process applicable to an institutional hearing, taking into account the need for a timely hearing. The evidence presented at the hearing shall be limited to that which is relevant to the basis asserted for imposition of the interim suspension.
- (7) The president of NSCC is authorized, at his or her discretion, to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or, subsequently, to convert any finding or sanction imposed to a lesser finding or sanction, or to rescind any previous finding or sanction, in appropriate cases.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.06 Disciplinary Procedures and due Process. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Nashville State Community College

14-15 Student Conduct Policy

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Part 1 Institution Policy Statement

- (1) Students enrolled in postsecondary educational institutions are citizens of their civic communities as well as the academic community. As such, they are expected to conduct themselves as law-abiding members of each community at all times. Admission to an institution of postsecondary education carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by non-students. In recognition of the special relationship that exists between Nashville State Community College and the academic community which it seeks to serve, the Tennessee Board of Regents ("TBR" or "the Board") has authorized the president of Nashville State Community College ("NSCC" or "institution") to take such action as may be necessary to maintain campus conditions and preserve the integrity of the institution and its educational environment.
- (2) Pursuant to this authorization and in fulfillment of its duties to provide a secure and stimulating atmosphere in which individual and academic pursuits may flourish, NSCC has developed the following policies, which are intended to govern student conduct on all of the campuses under its jurisdiction. In addition, students are subject to all federal, state and local laws and ordinances. If a student's violation of such laws or ordinances also adversely affects the institution's pursuit of its educational objectives, NSCC may enforce their own policies regardless of the status or outcome of any external proceedings instituted by other civil or criminal authorities.
- (3) For the purpose of these policies, a "student" shall mean any person who is admitted and/or registered for study at NSCC for any academic period. This shall include any period of time following admission and/or registration, but preceding the start of classes for any academic period. It will also include any period which follows the end of an academic period through the last day for registration for the succeeding academic period, and during any period while the student is under suspension from the institution. Finally, "student" shall also include any person subject to a period of suspension or removal from campus as a sanction which results from a finding of a violation of the policies governing student conduct. Students are responsible for compliance with the Student Code of Conduct and with similar institutional policies at all times.
- (4) Disciplinary action may be taken against a student for violation of the policies which occur on institutionally owned, leased or otherwise controlled property, while participating in international or distance learning programs, and off campus, including clinical affiliation sites, when the

conduct impairs, interferes with, or obstructs any institutional activity or the mission, processes, and functions of the institution. NSCC may enforce their own policies regardless of the status or outcome of any external proceedings instituted in any other forum, including any civil or criminal proceeding.

- (5) These policies, and related material incorporated herein by reference, are applicable to student organizations as well as individual students. Student organizations are subject to discipline for the conduct and actions of individual members of the organization while acting in their capacity as members of, or while attending or participating in any activity of, the organization.
- (6) Confidentiality of Discipline Process. Subject to the exceptions provided pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g and/or the Tennessee Open Records Act, T.C.A. § 10-7-504(a)(4), a student's disciplinary files are considered "educational records" and are confidential within the meaning of those Acts.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.01, Institution Policy Statement. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 2 Disciplinary Offenses

- (1) Institutional disciplinary measures shall be imposed, through appropriate due process procedures, for conduct which adversely affects the institution's pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property or persons on property owned or controlled by NSCC.
- (2) NSCC has adopted this non-exclusive list, providing notice of offenses for which both individuals and organizations may be subject to disciplinary action.
 - (a) Conduct Dangerous to Self or Others. Any conduct, or attempted conduct, which constitutes a danger to any person's health, safety, or personal well-being, including, but not limited to, the following:
 - 1. Physical and/or verbal abuse,
 - 2. Threats and/or intimidation,
 - 3. Harm inflicted on self.
 - (b) Hazing. Hazing, as defined in T.C.A. § 49-7-123(a)(1), means any intentional or reckless act, on or off the property, of any higher education institution by an individual acting alone, or with others, which is directed against any other person(s) that endangers the mental or physical health or safety of that person(s), or which induces or coerces a person(s) to endanger such person(s) mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.

(c) **Disorderly Conduct.** Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs institutional functions, operations, classrooms, or other groups or individuals.

(d) **Obstruction of or Interference with institutional activities or facilities.** Any intentional interference with or obstruction of any institutional, program, event, or facility including the following:

1. Any unauthorized occupancy of facilities owned or controlled by an institution or blockage of access to or from such facilities,
2. Interference with the right of any institution member or other authorized person to gain access to any activity, program, event or facilities sponsored or controlled by an institution,
3. Any obstruction or delay of a campus security officer, public safety officer, police officer, firefighter, EMT, or any official of the institution, or failure to comply with any emergency directive issued by such person in the performance of his or her duty.

(e) **Misuse of or Damage to Property.** Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to another including, but not limited to, any personal property, fire alarms, fire equipment, elevators, telephones, institution keys, library materials and/or safety devices.

(f) **Theft, Misappropriation, or Unauthorized Sale of Property.** Any act of theft, misappropriation, or unauthorized possession or sale of institution property or any such act against the property of a member of the NSCC community or a guest of the institution.

(g) **Misuse of Documents or Identification Cards.** Any forgery, alteration of or unauthorized use of institutional documents, forms, records or identification cards, including the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment or status in the institution.

(h) **Firearms and Other Dangerous Weapons.** Any possession of or use of firearms, dangerous weapons of any kind, or replica/toy guns, e.g. BB guns, pellet guns, paintball guns, water guns, cap guns, toy knives or other items that simulate firearms or dangerous weapons.

(i) **Explosives, Fireworks, and Flammable Materials.** The unauthorized possession, ignition or detonation of any object or article which would cause damage by fire or other means to persons or property or possession of any substance which could be considered to be and used as fireworks.

(j) **Alcoholic Beverages.** The use, possession, distribution, sale or manufacture of alcoholic beverages, or public intoxication on NSCC owned or controlled property, at an

NSCC sponsored event, or property owned or controlled by an affiliated clinical site is prohibited. This includes the violation of any local ordinance, state, or federal law concerning alcoholic beverages, on or off NSCC owned or controlled property, where an affiliated group or organization has alcoholic beverages present and available for consumption. It also includes any violation of any term of the NSCC Drug/Alcohol-Free Communities Statement and Policy. Pursuant to Tennessee Code Annotated §49-7-146, NSCC 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 of possession of alcohol or a controlled substance that is a violation of any federal, state, or local law, or any rule or policy of NSCC, 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 the disciplinary procedures, including completion of an appeal.

(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 NSCC; at an NSCC sponsored event; on property owned or controlled by an affiliated clinical site is prohibited. This includes any violation of any term of the NSCC Drug/Alcohol-Free Communities Statement and Policy. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession or use of drugs, on or off institution owned or controlled property. Pursuant to Tennessee Code Annotated §49-7-146, NSCC 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 of possession of alcohol or a controlled substance that is a violation of any federal, state, or local law, or any rule or policy of NSCC, 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 the disciplinary procedures, including completion of an appeal.

(l) **Drug Paraphernalia.** The use or possession of equipment, products or materials that are used or intended for use in manufacturing, growing, using or distributing any drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession of drug paraphernalia, on or off institution owned or controlled property.

(m) **Public Intoxication.** Appearing on institution owned or controlled property or at an institutional sponsored event while under the influence of a controlled substance or of any other intoxicating substance.

(n) **Gambling.** Unlawful gambling in any form.

(o) **Financial Irresponsibility.** Failure to meet financial responsibilities to the institution promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the institution.

(p) **Unacceptable Conduct in Disciplinary Proceedings.** Any conduct at any stage of

an institutional disciplinary proceeding or investigation that is contemptuous, disrespectful, threatening, or disorderly, including false complaints, testimony or other evidence, and attempts to influence the impartiality of a member of the Institutional Hearing Committee, verbal or physical harassment or intimidation of a hearing committee member, complainant, respondent or witness.

(q) Failure to Cooperate with Institutional Officials. Failure to comply with directions of institutional officials acting in the performance of their duties. This includes providing proof of identification when requested by college officials.

(r) Violation of General Rules and Policies. Any violation of the general rules and policies of the institution as published in an official institutional publication, including the intentional failure to perform any required action or the intentional performance of any prohibited action.

(s) Attempts, Aiding and Abetting. Any attempt to commit any of the offenses listed under this section or the aiding or abetting of the commission of any of the offenses listed under this section (an attempt to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission). Being present during the planning or commission of any offense listed under this section will be considered as aiding and abetting. Students who anticipate or observe an offense must remove themselves from the situation and are required to report the offense to the institution.

(t) Violations of State or Federal Laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference.

(u) Violation of Imposed Disciplinary Sanctions. Intentional or unintentional violation of a disciplinary sanction officially imposed by an institution official or a constituted body of the institution.

(v) Sexual Battery or Rape. Committing any act of sexual battery or rape as defined by state law.

(w) Harassment or Retaliation. Any act by an individual or group against another person or group in violation of TBR regulations, as well as federal and/or state laws prohibiting discrimination, including, but not limited to, TBR policies 5:01:02:00,(F), 5:01:02:00, 2:02:10:01 and TBR Guideline P-080. All matters involving allegations of impermissible discrimination, harassment or retaliation will be governed by the procedures outlined in Tennessee Board of Regents *Guideline P-080 Subject: Discrimination and Harassment – Complaint and Investigation Procedures* or an institutional policy that reflects the current requirements of that Guideline.

(x) Academic Misconduct. Plagiarism, cheating, fabrication. For purposes of this section the following definitions apply:

1. Plagiarism. The adoption or reproduction of ideas, words, statements, images,

or works of another person as one's own without proper attribution,

2. Cheating. Using or attempting to use unauthorized materials, information, or aids in any academic exercise or test/examination. The term academic exercise includes all forms of work submitted for credit or hours,

3. Fabrication. Unauthorized falsification or invention of any information or citation in an academic exercise.

(y) Unauthorized Duplication or Possession of Keys. Making, causing to be made or the possession of any key for an institutional facility without proper authorization.

(z) Littering. Dispersing litter in any form onto the grounds or facilities of the campus.

(aa) Pornography. Public display of literature, films, pictures or other materials which an average person applying contemporary community standards would find, (1) taken as a whole, appeals to the prurient interest, (2) depicts or describes sexual conduct in a patently offensive way, and (3) taken as a whole, lacks serious literary, artistic, political or scientific value.

(bb) Abuse of Computer Resources and Facilities. Misusing and/or abusing campus computer resources including, but not limited to the following:

1. Use of another person's identification to gain access to institutional computer resources,
2. Use of institutional computer resources and facilities to violate copyright laws, including, but not limited to, the act of unauthorized distribution of copyrighted materials using institutional information technology systems,
3. Unauthorized access to a computer or network file, including but not limited to, altering, using, reading, copying, or deleting the file,
4. Unauthorized transfer of a computer or network file,
5. Use of computing resources and facilities to send abusive or obscene correspondence,
6. Use of computing resources and facilities in a manner that interferes with normal operation of the institutional computing system,
7. Use of computing resources and facilities to interfere with the work of another student, faculty member, or institutional official,
8. Violation of any published information technology resources policy,
9. Unauthorized peer-to-peer file sharing.

10. Any violation of the terms of the NSCC Acceptable Use and Wireless Policy and Procedures.

(cc) Unauthorized Access to Institutional Facilities and/or Grounds. Any unauthorized access and/or occupancy of institutional facilities and grounds is prohibited, including, but not limited to, gaining access to facilities and grounds that are closed to the public, being present in areas of campus that are open to limited guests only, being present in academic buildings after hours without permission, and being present in buildings when the student has no legitimate reason to be present;

(dd) Providing False Information. Giving any false information to, or withholding necessary information from, any institutional official acting in the performance of his/her duties in connection with a student's admission, enrollment, or status in the institution;

(ee) Unauthorized Surveillance. Making or causing to be made unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian. This includes, but is not limited to, taking video or photographic images in men's or women's restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means;

(ff) Smoking Violations. Violation of the NSCC Tobacco-Free Campus Policy as outlined in the NSCC Student Policy Handbook on the NSCC website. The use of any tobacco product on any NSCC owned or leased property constitutes a violation.

(gg) Violations of conduct requirements described in handbooks for specific programs

- (3) Disciplinary action may be taken against a student for violations of the foregoing policies which occur at or in association with enrollment at NSCC for any academic period. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree including periods prior to or between semesters. Conduct occurring while a student is registered or enrolled at the institution, but not discovered until after the awarding of a degree is actionable under these provisions and may result in the retroactive application of a disciplinary sanction. Should a student withdraw from the institution with disciplinary action or academic misconduct action pending, the student's record may be encumbered by the appropriate institutional office until the proceedings have been concluded.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.02, Disciplinary Offenses. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 3 Academic and Classroom Misconduct

- (1) Classroom Misconduct: Nashville State Community College has a zero tolerance policy for disruptive conduct in the classroom. Students whose behavior disrupts the classroom will be subject to disciplinary sanctions.

- (a) The instructor has the primary responsibility for maintenance of academic integrity and controlling classroom behavior, and can dismiss from the class period any student engaged in disruptive conduct or conduct that violates the general rules and policies of the institution for each class session during which the conduct occurs. Extended or permanent exclusion from the classroom, beyond the session in which the conduct occurred, or further disciplinary action can be effected only through appropriate procedures of the institution.
 - (b) If a student is dismissed from a class period, the student must meet with the academic dean or the Dean for Student Services prior to the next class meeting. Failure to meet with the dean prior to returning to class constitutes a separate violation of the Student Code of Conduct.
 - (c) Instructors may bring formal student code of conduct charges for acts of classroom misconduct including disruptive and disrespectful behavior. Disciplinary sanctions may include removal from the class.
 - (d) Disruptive behavior in the classroom may be defined as, but not limited to, behavior that obstructs or disrupts the learning environment (e.g., offensive language, harassment of students and professors, repeated outbursts from a student which disrupt the flow of instruction or prevent concentration on the subject taught, failure to cooperate in maintaining classroom decorum, etc.), text messaging, and the continued use of any electronic or other noise or light emitting device which disturbs others (e.g., disturbing noises from beepers, cell phones, palm pilots, lap-top computers, games, etc.).
 - (e) Faculty establish class attendance and punctuality requirements, subject to state or federal laws, and inform students through the published syllabi for each course of those requirements, along with the consequences for failing to meet those requirements.
- (2) Academic Misconduct: Plagiarism, cheating, and other forms of academic dishonesty are prohibited. Students guilty of academic misconduct, either directly or indirectly, through participation or assistance, are immediately responsible to their instructors. Based on their professional judgment, instructors have the authority to impose the following academic sanctions: (a) require the student to repeat the assignment for full or partial credit; (b) assign a zero, an F, or any other grade appropriate for the assignment or examination; (c) assign an F for the course. In addition, disciplinary sanctions may be imposed through the regular institutional procedures.
- (a) An instructor may reduce a student's grade to any extent, including a grade of "F" on an assignment, test, or a course where it is determined that the student engaged in academic misconduct.
 - (b) The instructor must provide written notification to student that a sanction for academic misconduct has been imposed. Notification of the academic misconduct charge, underlying facts, and the academic misconduct sanction will be provided to the student in the form of an email or on the assignment itself. Notification of the right to appeal and the appeal process will be provided to the student through the course syllabus or with the notification of sanction.

- (c) To initiate an appeal, the student(s) must contact the Dean for Student Services, in writing, within five (5) days of receipt of the notification of the faculty action. Failure to do so within five (5) days will constitute a waiver of appeal hearing rights.
- (d) The Dean for Student Services will respond within ten (10) days of receipt of the written appeal request from the student(s) to schedule a pre-hearing conference.
- (e) If a resolution is not reached at the conference, the Dean shall issue a hearing notice, providing a hearing date together with all other required notices.
- (f) Appeals hearings of academic misconduct determinations and/or sanctions shall be conducted in accordance with the process outlined in this document under Part 6 (4).
- (g) A student subject to a determination of academic misconduct will not be permitted to withdraw from the course to avoid sanction.
- (h) A student who is found responsible for Academic Misconduct may be subject to additional Disciplinary Sanctions imposed through the office of the Dean for Student Services.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.03 Academic and Classroom Misconduct. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 4 Disciplinary Sanctions

- (1) Upon a determination that a student or student organization has violated any of the disciplinary offenses set forth in these policies, institutional disciplinary policies, or the general policies of an institution, disciplinary sanctions may be imposed, either singly or in combination, by the appropriate institution officials.
- (2) Definition of Sanctions:
 - (a) Restitution. Restitution may be required in situations which involve destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or student organization is obligated by the appropriate judicial authority to compensate a party or parties for a loss suffered as a result of disciplinary violation(s). Any such payment in restitution shall be limited to actual cost of repair, replacement or financial loss;
 - (b) Warning. The appropriate institutional official may notify the student or student organization that continuation or repetition of specified conduct may be cause for other disciplinary action;
 - (c) Reprimand. A written or verbal reprimand or censure may be given to any student or student organization whose conduct violates any part of these policies and provides notice that any further violation(s) may result in more serious penalties;

- (d) Service to the Institution or Community. A student, or student organization, may be required to donate a specified number of service hours to the institution performing reasonable tasks for an appropriate institution office, official(s), or the local community. The service required shall be commensurate to the offense (e.g., service for maintenance staff for defacing institutional property);
- (e) Specified Educational/Counseling Program. A student or student organization may be required to participate in specified educational or counseling program(s) relevant to the offense, or to prepare a project or report concerning a relevant topic;
- (f) Apology. A student or student organization may be required to apologize to an affected party, either verbally or in writing, for the behavior related to a disciplinary offense;
- (g) Fines. Penalties in the form of fines may be imposed against a student or student organization whenever the appropriate institutional authority deems appropriate. The sanction of fines may be imposed in addition to other forms of disciplinary sanctions. Failure to pay fines may result in further disciplinary action;
- (h) Restriction. A restriction upon a student's or student organization's privileges for a period of time may be imposed. This restriction may include, for example, denial of the ability to represent the institution at any event, ability to participate in institution or TBR sponsored travel, use of facilities, parking privileges, participation in extracurricular activities or restriction of organizational privileges;
- (i) Probation. Continued enrollment of a student or recognition of a student organization on probation may be conditioned upon adherence to these policies. Any student or organization placed on probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon extracurricular activities, or any other appropriate special condition(s). Any conduct in further violation of these policies while on probationary status or the failure to comply with the terms of the probationary period may result in the imposition of further disciplinary action;
- (j) Suspension. Suspension is the separation of a student or student organization from the institution for a specified period of time. Suspension may be accompanied by special conditions for readmission or recognition;
- (k) Expulsion. Expulsion entails a permanent separation from the institution. The imposition of this sanction is a permanent bar to the student's admission, or a student organization's recognition to the institution. A student or organization that has been expelled may not enter institution property or facilities without obtaining prior approval from an appropriate campus official with knowledge of the expulsion directive;
- (l) Revocation of Admission, Degree, or Credential;
- (m) Interim Suspension. As a general rule, the status of a student or student organization accused of violation of these policies should not be altered until a final determination has been made in regard to the charges. However, interim suspension, pending the

completion of disciplinary procedures, may be imposed upon a finding by the appropriate institutional official that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused, any other member of the institution its guests, property, or substantial disruption of classroom or other campus activities. In any case of interim suspension, the student, or student organization, shall be given an opportunity at the time of the decision, or as soon thereafter as reasonably possible, to contest the suspension;

- (n) Any alternate sanction deemed necessary and appropriate to address the misconduct.
- (4) The president of NSCC is authorized, at his or her discretion, to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or, subsequently, to convert any sanction imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.04 Disciplinary Sanctions. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 5 Traffic and Parking

- (1) NSCC has adopted an institutional Traffic and Parking Policy which governs traffic and parking on all of the campuses. The purpose of these policies is to facilitate the orderly and efficient flow of traffic, to provide a safe atmosphere for both pedestrians and motor vehicle operators, and to provide order with regard to parking within limited space. Institutional policies are published annually through signage and in the NSCC Traffic and Parking brochure and on the NSCC website.
- (2) Registration of Automobiles/Decals: All privately owned and/or operated vehicles for use on campus by students and faculty/staff must be registered with the college and must bear an official registration decal. Decals must be purchased by all students for \$15.00, and faculty and staff for \$15.00 plus tax, on an annual basis. Vehicles include motorcycles, motorbikes, scooters, pick-up trucks, vans and jeeps as well as automobiles. Large trucks and trailers are prohibited. The license plate number and driver license number must be given prior to issuance of decal.
 - (a) No student will be permitted to register another student's vehicle without the approval of the security officer on duty. Possession of a current decal to which an individual is not entitled is a violation.
 - (b) The entire vehicle registration decal must be adhered as designed and may not be taped or attached in a way that allows for easy removal. The decal should be adhered to the exterior lower corner of the rear window on the driver's side of the vehicle or on the rear bumper on the driver's side of the vehicle. Decals will be displayed on motorcycles, motor bikes, and scooters in the same manner in a position that can be clearly read by security personnel.
 - (c) Replacement decals may be purchased for vehicles that are traded, wrecked or sold for a \$15.00 fee. Decals that are lost or stolen may be purchased for a \$15.00 fee.
 - (d) Students who are employed part-time at Nashville State are to obtain student decals, not

faculty/staff decals.

- (3) Parking: NSCC has adopted designated parking zones for faculty, staff, students, visitors, and other appropriate groups. The institution reserves the right to tow any vehicle that is improperly parked.
- (a) Circumstances may necessitate that an individual drive a vehicle that is not registered. A temporary permit will be issued in the Security Office or at the Security Station in the Student Services Center lobby. Temporary permits are good for two weeks only.
 - (b) Special parking areas are provided for disabled students. Disabled parking is governed by the laws of the State of Tennessee. Handicapped parking is enforced 24 hours a day, every day. Cars parked in Handicapped parking must have a state issued permit. An NSCC parking decal is not required for disabled students, faculty or staff.
 - (c) The owner of a vehicle will be responsible for informing others who may use the vehicle concerning campus parking regulations, and will be responsible for any citations issued. Vehicles are not to be left overnight without approval from Security. Bicycles must use bike racks and rollerblading/skateboarding are prohibited on campus.
 - (d) Parking zones are identified by color and students are required to park in zones identified by their color white as student parking. Retired employees of Nashville State or persons who have been issued a retired or honorary decal may park anywhere on campus except in designated parking areas and disabled areas. Parking restrictions will not be enforced on Sundays or school holidays. There is not designated parking on campus after 3:00 p.m. Monday through Friday except for handicapped parking which is enforced 24 hours a day, every day.
 - (e) The following constitute parking violations:
 - (a) Backed into a parking space/rear bumper not facing the nearest driveway;
 - (b) Parked too far from the curb;
 - (c) Parked in unmarked area (grass, sidewalks, road, fire lane, commercial, etc.);
 - (d) Parked in a restricted area;
 - (e) Parking in zone other than one designated for student use;
 - (f) Parked on or over lines;
 - (g) No official parking decal or expired vehicle registration;
 - (h) Parked on wrong side of street;
 - (i) Obstructing driveway;
 - (j) Improper display of decal;
 - (k) Parked within 10 feet of fire hydrant;
 - (l) Unauthorized parking in disabled zones.
 - (m) Possession of a current decal to which an individual is not entitled.
- (4) Traffic: NSCC has adopted policies with regard to motor and other vehicular traffic on institution owned, operated, or controlled sites. Those policies reflect the nature of traffic patterns, roads, and physical limitations of the campus. In addition to violations of the NSCC Traffic and Parking Policy, violations may include, but are not limited to, all traffic offenses provided under state, county, or municipal ordinance applicable to the locality of each institutional site.

(a) The speed limit for all vehicles is 15 miles per hour. Pedestrians always have the right of way. Loading and commercial zones are reserved for service vehicles. Unnecessary noise from horns, muffler, and stereos is prohibited.

(b) The following constitute traffic violations:

1. Speeding (15 miles per hour)
2. Excessive noise
3. Reckless driving
4. Failure to yield to pedestrians
5. Cutting diagonally across parking spaces
6. Failure to come to a complete stop at stop signs'
7. Littering

(5) Fines/Penalties: Parking and traffic violations are subject to fines and/or disciplinary sanctions. Fines are set by NSCC and approved by TBR, but shall not exceed the amounts provided for by the higher of state law, county, or municipal ordinance for the same offense. The fine for traffic and parking violations is \$25.00 for each violation except for disabled parking violations which is a \$200.00 fine. The fine for disabled/handicapped parking violations is established by statute and will be adjusted to comply with state law. The fine for littering violations is \$50.00 for each violation.

Fines for violations must be paid to the Bursar's Office. Payment of any outstanding fines shall be prerequisite to completing registration for any semester. Any car, motorcycle, motor scooter, pickup truck, or van parking in a no parking zone, fire lane, loading zone, sidewalk, handicap space, or parking in zones other than one designated for student parking may be towed away at the owner's expense without notice. Individuals who receive five (5) or more traffic and parking citations will be towed or barred from parking on Nashville State campuses.

(6) Appeals: NSCC has established an appeal process for appealing traffic/parking violations or fines which will be distributed to all persons purchasing a parking decal. The procedures applicable to appeals of traffic/parking citations are set forth below.

(a) An appeal form must be completed, and filed, within three (3) days (excluding weekends and holidays) from the issuance of a citation. Appeal forms are available at the Office of Security and in the lobby of the Student Services Center. Failure to file an appeal form within three (3) days shall constitute a waiver of any appeal, absent good cause.

(b) The Director of Safety and Security (Director) will review each appeal. The Director will either approve an appeal or submit the appeal to the Traffic Violation Citation Appeals committee (TVCA) for further review within seven (7) days.

(c) The TVCA committee consists of the following members:

1. One (1) SGA Representative
2. One (1) Faculty Senate Representative
3. One (1) Staff Assembly Representative
4. One (1) Administrative Assembly Representative

(d) The Dean of Student Services and the VP Finance and Administrative Services serve as advisors to the TVCA Committee.

- (e) The Appeal forms will be emailed to each TVCA committee member. Appeal forms will be reviewed by each member and he/she will make a decision to uphold the ticket or grant the appeal based on the following:
 - 1. NSCC's parking and traffic policies along with applicable state laws and TVCA regulations.
 - 2. The written explanation on the appeal form requesting that the citation be dismissed along with any supporting documentation.
- (f) Decisions of the TVCA shall be made by majority of the Committee and will be issued within seven (7) days of his/her receipt of the appeal. Each TVCA committee member will email his/her decision with a brief explanation supporting his/her decision to uphold the ticket or grant the appeal to the TVCA email account. In the event of a tie vote, the Dean for Student Services (for student appeals) or Vice President of Finance and Administrative Services (for faculty/staff appeals) will cast the tie breaking vote.
- (g) Resolution of the appeal will be mailed by the Director of Security to the student within 7 business days of the TVCA decision.
- (h) A TVCA committee meeting will be held once a year to review TVCA committee decisions.
- (i) Appeal decisions are final.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.05 Traffic and Parking. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 6 Disciplinary Procedures

- (1) General: NSCC, in the implementation of TBR regulations pertaining to discipline and conduct of students, insures the constitutional rights of students by affording a system of constitutionally and legally sound procedures which provide the protection of due process of law. NSCC has enacted policies which are in compliance with this TBR Policy 3:02:01:00, as well as state and federal law. All disciplinary procedures are affirmatively communicated to the faculty, staff, and students of NSCC as well as published on the NSCC website as part of the Student Policy Handbook.
- (2) TUAPA: All cases which may result in: (a) suspension or expulsion of a student, or student organization, from the institution, for disciplinary reasons or (b) revocation of registration of a student organization, are subject to the contested case provisions of the Tennessee Uniform Administrative Procedures Act (TUAPA), T.C.A. § 4-5-101 et seq., and shall be processed in accord with the Uniform Contested Case procedures adopted by the Board of Regents unless the student or organization, after receiving written notice, waives those procedures and elects to have the case disposed of through the NSCC Institutional Hearing process or informal adjudication by the Dean for Student Services.

- (3) Additional Institutional Options: For students facing disciplinary action, four potential processes exist for adjudication of the case. The student shall be informed in writing of each option, including which options may be utilized based on the case, and the due process rights associated with each option. Options include election of 1) an NSCC Institutional Hearing; 2) informal adjudication of the case by the Dean for Student Services; 3) to not contest the case, or 4) TUAPA hearing in the circumstances described in Part 6 (2). Election of use of TUAPA or the NSCC Institutional Hearing options entitle the student to due process. Student election of the use of informal adjudication or to not contest the case requires that the student waive, in writing, his/her right to due process. Selection of one option constitutes waiver of all other options. The student shall have five business days following written notification to select an option. In cases in which the student elects to have the Dean for Student Services informally adjudicate the case, the case shall be adjudicated according to the Informal Adjudication Procedure and the decision of the Dean will be final. If a student, absent good cause, fails to return the Election of Waiver of Hearing Procedures Form in a timely manner, the student will be deemed to have waived a right to the processes described above and NSCC may proceed as it deems, in its sole discretion, appropriate in the circumstances.
- (4) Student Due Process for Institutional Hearings: Students subject to any disciplinary sanction are entitled to a due process hearing unless that right is waived by the student after receiving written notice of the available adjudication options.
- (a) The student will be advised by the Dean of Student Services, in writing, of the breach of policy or policies of which she/he is charged. Written charges of alleged violations will include: the alleged rule violation, a statement of the facts to be presented, a statement that a hearing will be conducted before an Institutional Hearing Committee on the charges, together with notice of the date, time and place of hearing. The hearing date will be scheduled within 10 days of student election of and Institutional Hearing. The hearing will be conducted at the date, time, and place specified, unless postponed for good cause.
 - (b) Written charges and hearing determinations will be served by handing a copy to the person or by mailing via certified mail a copy to the person at his residence or last known residence. The student will have five business days to select a hearing option. Student failure to respond in writing within five days of receipt will constitute a waiver of all hearing options.
 - (c) The student accused of misconduct will be given an explanation of the evidence against her or him.
 - (d) The student accused of misconduct will be given a copy of the institutional rules and regulations concerning due process procedures.
 - (e) The student shall be advised of the following rights applicable at the hearing:
 - (1) The right to present his or her case. However, the student's absence, absent good cause, will not hinder the Institutional Hearing Committee from meeting and rendering a decision.
 - (2) The right to be accompanied by an advisor. The hearing committee may restrict the advisor's right to speak at the hearing. The advisor can be an attorney if NSCC

is equally represented.

- (3) The right to call witnesses in his or her behalf.
 - (4) The right to confront witnesses against him or her.
 - (f) The Dean for Student Services will appoint an Institutional Hearing Committee which will consist of not less than three faculty members who will serve for one year or until leaving the institution, whichever comes first. Committee members may serve for multiples years. The Institutional Hearing Committee will be charged to hear evidence, to make findings of fact, and to make decisions based on those facts. The Dean for Student Services will coordinate the hearing committee, but will not vote as to the final committee decision.
 - (g) Any individual who has an interest in the case will not sit in judgment as a member of the hearing committee.
 - (h) The student will receive from the Dean for Student Services a written copy of the decision of the hearing committee with any sanctions within 10 days of the hearing.
 - (i) The student will be advised of their right to appeal to the president of NSCC within five business days following receipt of the Institutional Hearing Committee's decision. Appeals must be made by written communication. The President will send a written copy of his or her decision to the student within 10 days of receipt of the appeal. The decision of the President is final.
- (6) Interim Suspension Hearings: Interim suspension hearings are conducted to determine if the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well being of the accused, any member of the college community or its guests, the destruction of property, or substantial disruption of classroom or other campus activities. Hearings conducted with regard to interim suspensions imposed pending the outcome of a disciplinary investigation or proceeding shall be conducted consistent with the minimum requirements of due process applicable to an institutional hearing, taking into account the need for a timely hearing. The evidence presented at the hearing shall be limited to that which is relevant to the basis asserted for imposition of the interim suspension.
- (7) The president of NSCC is authorized, at his or her discretion, to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or, subsequently, to convert any finding or sanction imposed to a lesser finding or sanction, or to rescind any previous finding or sanction, in appropriate cases.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.06 Disciplinary Procedures and due Process. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.



TENNESSEE BOARD OF REGENTS

MEETING: March Quarterly Board Meeting

SUBJECT: Revision of Student Disciplinary Policy
Southwest Tennessee Community College

DATE: March 28, 2014

PRESENTER: Vice Chancellor Tristan Denley

ACTION REQUIRED: Voice Vote

STAFF'S RECOMMENDATION: Approval

BACKGROUND INFORMATION:

At its meeting on December 8, 2011, the Board approved a separate Student Disciplinary Policy for each TBR university and community college as well as a Student Disciplinary Policy for the Tennessee Colleges of Applied Technology (formerly known as the Tennessee Technology Centers). These policies describe disciplinary behaviors, disciplinary sanctions, and due process in keeping with the systemwide rule and applicable statutes. Furthermore, these policies include traffic and parking procedures including statements of traffic and parking related fees and fines.

The revised system-wide rule provides for institutions to amend their student disciplinary policies as such: "In student discipline policies, each institution may expand on these regulations, subject to Board approval" [Rule 0240-02-030.01 (2)]. The revision process has included institution-specific processes and approvals as well as review by institutions' counsel and by the Office of Academic Affairs.

Southwest Tennessee Community College requests modifications to Part 5: Disciplinary Procedures to clarify a student's appeal options to include his/her appealing a decision rendered by a judicial officer.

Southwest Tennessee Community College

Student Disciplinary Rules

Part 1 Institution Policy Statement

Part 2 Disciplinary Offenses

Part 3 Academic and Classroom Misconduct

Part 4 Disciplinary Sanctions

Part 5 Disciplinary Procedures

Part 6 Traffic and Parking

Part 1 Institution Policy Statement

- (1) Students enrolled in Southwest Tennessee Community College are citizens of their civic communities as well as the academic community. As such they are expected to conduct themselves as law-abiding members of each community at all times. Admission to Southwest carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by non-students. In recognition of the special relationship that exists between the College and the academic community which it seeks to serve, the Tennessee Board of Regents ("TBR" or "the Board") has authorized the president to take such action as may be necessary to maintain campus conditions and preserve the integrity of the College and its educational environment.
- (2) Pursuant to this authorization and in fulfillment of its duties to provide a secure and stimulating atmosphere in which individual and academic pursuits may flourish, the TBR has developed the following regulations, which are intended to govern student conduct on the several campuses under its jurisdiction. Each College under the jurisdiction of the TBR is directed to implement policies subject to, and consistent with, these regulations. In addition, students are subject to all federal, state and local laws and ordinances. If a student's violation of such laws or ordinances also adversely affects the College's pursuit of its educational objectives, the College may enforce their own regulations regardless of the status or outcome of any external proceedings instituted by other civil or criminal authorities
- (3) Responsibility for the administration of the student or organizational discipline process at Southwest Tennessee Community College is a function of the Vice President for Student Services and Enrollment Management. The Vice President for Student Services and Enrollment Management has designated the Director of Student Activities or designee, as the coordinator of the discipline process. The Director of Student Activities is authorized to determine the appropriate form and method of disciplinary proceeding that a student or organization will be provided consistent with College procedures. The Director of Student Activities or designee shall also be charged with the implementation of policies and procedures for the administration of conduct investigations, hearings and appeals.
- (4) For the purpose of these regulations, a "student" shall mean any person who is admitted and/or registered for study at a TBR College for any academic period. This shall include

any period of time following admission and/or registration, but preceding the start of classes for any academic period. It will also include any period which follows the end of an academic period through the last day for registration for the succeeding academic period, and during any period while the student is under suspension from the College. Finally, "student" shall also include any person subject to a period of suspension or removal from campus as a sanction which results from a finding of a violation of the regulations governing student conduct. Students are responsible for compliance with the Rules of Student Conduct and with similar College policies at all times.

- (5) Disciplinary action may be taken against a student for violation of the regulations which occur on College owned, leased or otherwise controlled property, while participating in international or distance learning programs, and off campus, when the conduct impairs, interferes with, or obstructs any College activity or the mission, processes, and functions of the College. Colleges may enforce their own regulations regardless of the status or outcome of any external proceedings instituted in any other forum, including any civil or criminal proceeding.
- (6) These regulations, and related material incorporated herein by reference, are applicable to student organizations as well as individual students. Student organizations are subject to discipline for the conduct and actions of individual members of the organization while acting in their capacity as members of, or while attending or participating in any activity of, the organization.
- (7) Confidentiality of Discipline Process. Subject to the exceptions provided pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g and/or the Tennessee Open Records Act, T.C.A. §10-7-504(a)(4), a student's disciplinary files are considered "educational records" and are confidential within the meaning of those Acts.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.01, Institution Policy Statement. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Definitions

- (1) The term "College" or "Southwest" means Southwest Tennessee Community College.
- (2) "Student" is defined in the previous section of this document (see number 4 above)
- (3) The term "faculty member" means any person hired by the College to conduct instructional activities or who is otherwise considered by the College to be a member of its faculty.
- (4) "Staff member" means any person employed by the College in a nonteaching or nonacademic capacity.
- (5) "Member of the College community" includes any person who is a student, member of the faculty or staff, College official, or any other person employed by the College.

- (6) "Code" or "the Code" refers to the Southwest Tennessee Community College Code of Conduct and Discipline.
- (7) The term "College premises" includes all land, buildings, facilities and other property in the possession of or owned, used or controlled by Southwest Tennessee Community College (including adjacent streets and sidewalks).
- (8) "Student organization," unless otherwise indicated, means any group that has complied with the formal requirements and been approved for College registration/recognition.
- (9) "College activity" means any activity sponsored by the College, any agency of the College, or any College organization which may be attended in part or whole by students, faculty members, staff members, or other members of the general public and conducted on or off College premises.
- (10) "Judicial Officer" means a College official authorized by the College to determine whether a student or organization has violated the Code of Conduct and Discipline.
- (11) "Hearing Body" refers to any College official or group authorized by the College to determine whether a student or organization has violated the Code of Conduct and Discipline
- (12) "Appeal Body" refers to any College official or group authorized by the College to hear appeals of decisions implemented by a hearing body.
- (13) "Appellant" refers to a student or organization who is appealing the decision of a hearing body.
- (14) "Complainant" is defined as Southwest Tennessee Community College or the person making a referral to the Director of Student Activities relevant to a person or group alleged to be in violation of the Code of Conduct and Discipline.
- (15) "Accused" is defined as the student or group alleged to have violated the College Code of Conduct and Discipline.
- (16) "Business days" means days that Southwest Tennessee Community College is open for business (excluding holidays) even if no classes are scheduled.

Disciplinary Authority

- (1) The Vice President for Student Services and Enrollment Management (or designee) has the authority to invoke Interim Suspension. As a general rule, the status of a student or student organization accused of violation of these regulations should not be altered until a final determination has been made in regard to the charges. However, interim suspension, pending the completion of disciplinary procedures, may be imposed upon a finding by the appropriate institutional official that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused, any other member of the institution its guests, property, or substantial disruption of classroom or other campus activities. In any case of interim suspension, the

student, or student organization, shall be given an opportunity at the time of the decision, or as soon thereafter as reasonably possible, to contest the suspension.

- (2) The Director of Student Activities is the primary Conduct Officer for the College. The Director (or designee) administers the student and organizational disciplinary processes at the College.
- (3) Student Disciplinary Committee has the authority to hear student and organizational misconduct matter. The Student Disciplinary Committee is composed of five (5) members: a chairman, two (2) student members, and two (2) faculty members. The two (2) student members will be appointed by the President of the College from a pool of students recommended by the President of the Student Government Association. Eligible student participants must have completed a minimum of twenty-four (24) credit hours at Southwest Tennessee Community College, have a minimum 2.5 cumulative GPA, and be in good standing. The two (2) faculty members are appointed by the President, and the chairperson of the Committee is appointed by the Vice President for Student Services and Enrollment Management. Committee members will be appointed annually and/or on an as needed basis. A quorum must be present in order for a hearing to be conducted by the Committee. However, a quorum may be waived at the request of the accused. A majority of the Committee members will constitute a quorum.
- (4) The Academic Appeals Committee is a standing committee appointed by the President of the College. The Committee is comprised of three (3) faculty members and two (2) students. Ordinarily, one (1) of the faculty members should be a Department Chairperson. The Committee will be chaired by one (1) of the faculty members of the Committee. Committee members will be appointed annually and/or on an as needed basis. A quorum must be present in order for a hearing to be conducted by the Committee. However, a quorum may be waived at the request of the accused. A majority of the Committee members will constitute a quorum.
- (5) Tennessee Uniform Administrative Procedures Act (TUAPA) – disciplinary charges which may result in: (a) suspension or expulsion of a student or student organization, from the College, for disciplinary reasons or (b) revocation of registration of a student organization, are subject to the contested case provisions of the Tennessee Uniform Administrative Procedures Act (TUAPA), T.C.A. §4-5-301 *et seq.*, and shall be processed in accord with the Uniform Contested Case procedures adopted by the Board of Regents unless the student or organization, after receiving written notice, waives those procedures and elects to have the case disposed of in accord with College procedures or waives all right to contest the case under any procedure. These procedures shall be described in the College's policy

Part 2 Disciplinary Offenses

Southwest's disciplinary measures shall be imposed, through appropriate due process procedures, for conduct which adversely affects the College's pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property or persons on property owned or

controlled by the College.

- (2) Southwest has adopted and published a non-exclusive list, providing notice of offenses for which both individuals and organizations may be subject to disciplinary action, in the form set forth immediately below.
- (a) Conduct Dangerous to Self or Others. Any conduct, or attempted conduct, which constitutes a danger to any person's health, safety, or personal well-being, including, but not limited to, the following:
 - 1. Physical and/or verbal abuse,
 - 2. Threats and/or intimidation,
 - 3. Harm inflicted on self;
 - (b) Hazing. Hazing, as defined in T.C.A. §49-7-123(a)(1), means any intentional or reckless act, on or off the property, of any higher education by an individual acting alone, or with others, which is directed against any other person(s) that endangers the mental or physical health or safety of that person(s), or which induces or coerces a person(s) to endanger such person(s) mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization;
 - (c) Disorderly Conduct. Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs College functions, operations, classrooms, other groups or individuals;
 - (d) Obstruction of or Interference with College activities or facilities. Any intentional interference with or obstruction of any College program, event, or facility including the following:
 - 1. Any unauthorized occupancy of facilities owned or controlled by the College or blockage of access to or from such facilities,
 - 2. Interference with the right of any College member or other authorized person to gain access to any activity, program, event or facilities sponsored or controlled by the College,
 - 3. Any obstruction or delay of a campus security officer, public safety officer, police officer, firefighter, EMT, or any official of the College, or failure to comply with any emergency directive issued by such person in the performance of his or her duty;
 - (e) Misuse of or Damage to Property. Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to another including, but not limited to, any personal property, fire alarms, fire equipment, elevators, telephones, College keys, library

materials and/or safety devices;

- (f) Theft, Misappropriation, or Unauthorized Sale of Property;
- (g) Misuse of Documents or Identification Cards. Any forgery, alteration of or unauthorized use of College documents, forms, records or identification cards, including the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment or status in the College;
- (h) Firearms and Other Dangerous Weapons. Any possession of or use of firearms, dangerous weapons of any kind, or replica/toy guns, e.g. BB guns, pellet guns, paintball guns, water guns, cap guns, toy knives or other items that simulate firearms or dangerous weapons;
- (i) Explosives, Fireworks, and Flammable Materials. The unauthorized possession, ignition or detonation of any object or article which would cause damage by fire or other means to persons or property or possession of any substance which could be considered to be and used as fireworks;
- (j) Alcoholic Beverages. The use and/or possession of alcoholic beverages on College owned or controlled property. This offense includes the violation of any local ordinance, state, or federal law concerning alcoholic beverages, on or off College owned or controlled property, where an affiliated group or organization has alcoholic beverages present and available for consumption;
- (k) Drugs. The unlawful possession or use of any drug or controlled substance (including, but not limited to, any stimulant, depressant, narcotic or hallucinogenic drug, or marijuana), sale or distribution of any such drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession or use of drugs, on or off College owned or controlled property;
- (l) Drug Paraphernalia. The use or possession of equipment, products or materials that are used or intended for use in manufacturing, growing, using or distributing any drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession of drug paraphernalia, on or off College owned or controlled property;
- (m) Public Intoxication. Appearing on College owned or controlled property or at an College sponsored event while under the influence of a controlled substance or of any other intoxicating substance;
- (n) Gambling. Unlawful gambling in any form;
- (o) Financial Irresponsibility. Failure to meet financial responsibilities to the College promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the College;

- (p) Unacceptable Conduct in Disciplinary Proceedings. Any conduct at any stage of the College's disciplinary proceeding or investigation that is contemptuous, disrespectful, threatening, or disorderly, including false complaints, testimony or other evidence, and attempts to influence the impartiality of a member of a judicial body, verbal or physical harassment or intimidation of a judicial board member, complainant, respondent or witness;
- (q) Failure to Cooperate with College Officials. Failure to comply with directions of College officials acting in the performance of their duties;
- (r) Violation of General Rules and Regulations. Any violation of the general rules and regulations of the College as published in an official College publication, including the intentional failure to perform any required action or the intentional performance of any prohibited action;
- (s) Attempts, Aiding and Abetting. Any attempt to commit any of the offenses listed under this section or the aiding or abetting of the commission of any of the offenses listed under this section (an attempt to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission). Being present during the planning or commission of any offense listed under this section will be considered as aiding and abetting. Students who anticipate or observe an offense must remove themselves from the situation and are required to report the offense to the College;
- (t) Violations of State or Federal Laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference;
- (u) Violation of Imposed Disciplinary Sanctions. Intentional or unintentional violation of a disciplinary sanction officially imposed by a College official or a constituted body of the College;
- (v) Sexual Battery or Rape. Committing any act of sexual battery or rape as defined by state law;
- (w) Harassment or Retaliation. Any act by an individual or group against another person or group in violation of TBR policies, as well as federal and/or state laws prohibiting discrimination, including, but not limited to, TBR policies 5:01:02:00,(F), 5:01:02:00, 2:02:10:01 and TBR Guideline P-080;
- (x) Academic Misconduct. Plagiarism, cheating, fabrication. For purposes of this section the following definitions apply:
 - 1. Plagiarism. The adoption or reproduction of ideas, words, statements, images, or works of another person as one's own without proper attribution,

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2. Cheating. Using or attempting to use unauthorized materials, information, or aids in any academic exercise or test/examination. The term academic exercise includes all forms of work submitted for credit or hours,
 3. Fabrication. Unauthorized falsification or invention of any information or citation in an academic exercise.
- (y) Unauthorized Duplication or Possession of Keys. Making, causing to be made or the possession of any key for an College facility without proper authorization;
- (z) Litter. Dispersing litter in any form onto the grounds or facilities of the campus;
- (aa) Pornography. Public display of literature, films, pictures or other materials which an average person applying contemporary community standards would find, (1) taken as a whole, appeals to the prurient interest, (2) depicts or describes sexual conduct in a patently offensive way, and (3) taken as a whole, lacks serious literary, artistic, political or scientific value;
- (bb) Abuse of Computer Resources and Facilities. Misusing and/or abusing campus computer resources including, but not limited to the following:
1. Use of another person's identification to gain access to College computer resources,
 2. Use of College computer resources and facilities to violate copyright laws, including, but not limited to, the act of unauthorized distribution of copyrighted materials using College information technology systems,
 3. Unauthorized access to a computer or network file, including but not limited to, altering, using, reading, copying, or deleting the file,
 4. Unauthorized transfer of a computer or network file,
 5. Use of computing resources and facilities to send abusive or obscene correspondence,
 6. Use of computing resources and facilities in a manner that interferes with normal operation of the al computing system,
 7. Use of computing resources and facilities to interfere with the work of another student, faculty member, or College official,
 8. Violation of any published information technology resources policy,
 9. Unauthorized peer-to-peer file sharing;
- (cc) Unauthorized Access to College Facilities and/or Grounds. Any unauthorized

access and/or occupancy of College facilities and grounds is prohibited, including, but not limited to, gaining access to facilities and grounds that are closed to the public, being present in areas of campus that are open to limited guests only, being present in academic buildings after hours without permission, and being present in buildings when the student has no legitimate reason to be present;

- (dd) Providing False Information. Giving any false information to, or withholding necessary information from, any College official acting in the performance of his/her duties in connection with a student's admission, enrollment, or status in the College;
 - (ee) Unauthorized Surveillance. Making or causing to be made unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, and men's or women's restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means;
 - (ff) Smoking Violations. Violation of any TBR and/or College smoking or other tobacco use rules or policies.
- (17) Disciplinary action may be taken against a student for violations of the foregoing regulations which occur at or in association with enrollment at Southwest for any academic period. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree including periods prior to or between semesters. Conduct occurring while a student is registered or enrolled at the College, but not discovered until after the awarding of a degree is actionable under these provisions and may result in the retroactive application of a disciplinary sanction. Should a student withdraw from the College with disciplinary action or academic misconduct action pending, the student's record may be encumbered by the appropriate College office until the proceedings have been concluded.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.02, Disciplinary Offenses. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12

Part 3 Academic and Classroom Misconduct

All students are accountable for their behavior when it leads to a breach of conduct.

- (1) Classroom Misconduct
 - (a) The instructor has the primary responsibility for control of classroom behavior.
 - (b) Disruptive behavior in the classroom may be defined as, but not limited to, behavior that obstructs or disrupts the learning environment (e.g., offensive

language, harassment of students and professors, repeated outbursts from a student which disrupt the flow of instruction or prevent concentration on the subject taught, failure to cooperate in maintaining classroom decorum, etc.), text messaging, and the continued use of any electronic or other noise or light emitting device which disturbs others (e.g., disturbing noises from beepers, cell phones, palm pilots, lap-top computers, games, etc.).

- (c) If a student(s) engages in disruptive conduct or conduct that violates the general rules and regulations of the College, the instructor can order the temporary removal or exclusion of the student from the classroom for each class session during which the conduct occurs. Extended or permanent exclusion from the classroom, beyond the session in which the conduct occurred, or further disciplinary action can be effected only through appropriate procedures of the College.
- (d) 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 and complete a Police Services Incident Report which provides a formal record of the incident should further administrative discipline be necessary.
- (e) 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.

(2) Academic Misconduct (Academic Dishonesty)

Southwest expects students to conduct themselves with a high level of academic honesty and integrity in all of their academic work. An instructor who determines that a student has engaged in academic misconduct either directly or indirectly, through participation or assistance has the authority to impose an academic sanction such as assign an "F" or a zero for the exercise or examination with no opportunity for a make-up , or to assign an "F" in the course. In addition, other disciplinary sanctions such as probation, suspension or expulsion may be imposed through the regular College procedures as a result of academic misconduct. A student has the right to appeal such sanctions.

- (a) Definition of Academic Dishonesty is any behavior on the part of a student that results in that student's or any other students' giving or receiving unauthorized assistance in an academic exercise or receiving credit for work which is not their own. Academic Dishonesty includes but is not limited to:

1. Cheating

- (f) Knowingly discovering or attempting to discover the content of an examination before the content is presented by the instructor.

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- (ii) Obtaining or attempting to obtain, use or supply any person with unauthorized material or device when contemplating or taking an examination.
- (iii) Using or attempting to use or supply any person any material or device dishonestly for an examination.
- (iv) Willfully receiving or supplying any aid not authorized by the instructor.
- (v) Intentionally sharing of information or working together in an academic exercise when such collaboration was not approved by the instructor.

2. Plagiarism

- (i) Representing to be his or her own, any work which is not the product of his or her own effort or study, if the work would affect his grade, credit, or status in the College.
- (ii) Using another individual's or group's words or ideas without clearly acknowledging the source of that information, resulting in their false representation as one's own individual work.
- (iii) Plagiarism may be either deliberate or unwitting; that is, it is the responsibility of a college student to know what constitutes plagiarism so that ignorance is not a legitimate defense against a charge of plagiarism.
- (iv) Facilitating Academic Dishonesty is intentionally or knowingly helping or attempting to help another to violate any provision of this policy on academic dishonesty.

(b) Procedures

- 1. An instructor who determines that a student has engaged in academic dishonesty shall inform the Chair and the Dean in writing of the finding of Academic Misconduct including the grade penalty within five (5) days of the incident. Once the instructor has charged a student with academic dishonesty, a hold will be placed on the student's record preventing the student from withdrawing. Once the charge is resolved, and if the student is exonerated, the student may withdraw from the course. Students should continue to attend class until all appeal options are final.
- 2. The instructor shall meet with the student to provide him/her with a copy of the Academic Misconduct form and the Academic Appeals Process. If the student admits to the charge, he/she will sign the form and accept

the penalty. A copy of the signed form shall be submitted to the Chair and the Dean.

3. If the student refuses to meet with the instructor, the Department Chair will send a letter, with a copy of the Academic Misconduct form which outlines the Academic Appeals process to the student, via e-mail.
4. Upon receipt of the Academic Misconduct form by signature or e-mail, the student will have five (5) days to return the Academic Misconduct form to the department chair stating the basis on which the student contests the allegation. Failure to return the form within five (5) days, either accepting the determination and grade sanction, or requesting a hearing shall operate as a waiver of hearing rights. The grade sanction will thereupon become final.
5. A copy of the Academic Misconduct form shall be maintained for five (5) years in the offices of the Chairperson and Dean. A copy shall be sent to the Office of Student Activities which shall maintain a record of each incident of Academic Misconduct and may take steps to initiate further disciplinary sanctions where it is determined appropriate to do so based on the nature of the event or number of other instances of academic misconduct by the same student.

(c) Hearing

1. If the student wishes to contest the allegation, he/she must return the Academic Misconduct form to the department chair stating the basis on which the student contests the allegation within five (5) days after notification of the charges. Failure to submit the Academic Misconduct form within the five (5) day period will operate as a waiver of all hearing right.
2. The Chair will notify the Dean of the division in which the incident occurred, regarding the student's hearing request. The Dean will convene the Academic Appeals Committee within ten (10) days to review the matter.
3. The student shall be advised in writing of the breach of regulation(s) of which the student is charged and the time and place of the hearing within ten (10) days, but no less than one (1) day of the student's written request for a hearing and will be advised the following rights.
 - (i) The right to present his or her case
 - (ii) The right to be accompanied by an advisor or counsel whose participation shall be limited to advising the student
 - (iii) The right to call witnesses on his/her behalf
 - (iv) The right to confront witnesses against him/her; and
 - (v) The method of appeal and time limitations for appeal, if any are

applicable.

4. The student will carry the burden of proof by “a preponderance of the evidence” that the academic misconduct did not occur.
5. The committee will either uphold or reverse the previous determination of academic misconduct. The student will be informed, in writing, of the Committee’s determination within five (5) days after the hearing is concluded.
6. The Committee will also forward a copy of its written determination to the faculty member, the chair, and the dean.
7. If the Committee upholds the previous determination of academic misconduct, the penalty determined by the instructor will be imposed.
8. A student may appeal the Committee's decision by submitting a written request to the Office of the Provost within five (5) business days after issuance of the Committee’s decision. The Office of the Provost will review the matter on the basis of the existing record, including but not limited to the Committee’s written decision, and the student’s appeal submission. The Office of the Provost will issue a written determination, within 5 days after the submission of the appeal, either upholding or reversing the Committee's decision.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.03 Academic and Classroom Misconduct. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 4 Disciplinary Sanctions

- (1) Upon a determination that a student or student organization has violated any of the disciplinary offenses set forth in these regulations, College disciplinary policies, or the general policies of the College, disciplinary sanctions may be imposed, either singularly or in combination, by the appropriate College officials.
- (2) Sanctions that may be imposed include, but are not limited to:
 - (a) Restitution. Restitution may be required in situations which involve destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or student organization is obligated by the appropriate judicial authority to compensate a party or parties for a loss suffered as a result of disciplinary violation(s). Any such payment in restitution shall be limited to actual cost of repair, replacement or financial loss;
 - (b) Warning. The appropriate College official may notify the student or student

organization that continuation or repetition of specified conduct may be cause for other disciplinary action;

- (c) Reprimand. A written or verbal reprimand or censure may be given to any student or student organization whose conduct violates any part of these regulations and provides notice that any further violation(s) may result in more serious penalties;
- (d) Service to the College or Community. A student, or student organization, may be required to donate a specified number of service hours to the College performing reasonable tasks for an appropriate College office, official(s), or the local community. The service required shall be commensurate to the offense (e.g., service for maintenance staff for defacing College property);
- (e) Specified Educational/Counseling Program. A student or student organization may be required to participate in specified educational or counseling program(s) relevant to the offense, or to prepare a project or report concerning a relevant topic;
- (f) Apology. A student or student organization may be required to apologize to an affected party, either verbally or in writing, for the behavior related to a disciplinary offense;
- (g) Fines. Penalties in the form of fines may be imposed against a student or student organization whenever the appropriate College authority deems appropriate. The sanction of fines may be imposed in addition to other forms of disciplinary sanctions. Failure to pay fines may result in further disciplinary action;
- (h) Restriction. A restriction upon a student's or student organization's privileges for a period of time may be imposed. This restriction may include, for example, denial of the ability to represent the College at any event, ability to participate in College or TBR sponsored travel, use of facilities, parking privileges, participation in extracurricular activities or restriction of organizational privileges;
- (i) Probation. Continued enrollment of a student or recognition of a student organization on probation may be conditioned upon adherence to these regulations. Any student or organization placed on probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon extracurricular activities, or any other appropriate special condition(s). Any conduct in further violation of these regulations while on probationary status or the failure to comply with the terms of the probationary period may result in the imposition of further disciplinary action;
- (j) Suspension. Suspension is the separation of a student or student organization from the College for a specified period of time. Suspension may be accompanied by special conditions for readmission or recognition;
- (k) Expulsion. Expulsion entails a permanent separation from the College. The imposition of this sanction is a permanent bar to the student's admission, or a

student organization's recognition to the College. A student or organization that has been expelled may not enter College property or facilities without obtaining prior approval from an appropriate campus official with knowledge of the expulsion directive;

- (l) Revocation of Admission, Degree, or Credential;
 - (m) Any alternate sanction deemed necessary and appropriate to address the misconduct at issue.
 - (n) Interim Suspension. As a general rule, the status of a student or student organization accused of violation of these regulations should not be altered until a final determination has been made in regard to the charges. However, interim suspension, pending the completion of disciplinary procedures, may be imposed upon a finding by the appropriate College official that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused, any other member of the College its guests, property, or substantial disruption of classroom or other campus activities. In any case of interim suspension, the student, or student organization, shall be given an opportunity at the time of the decision, or as soon thereafter as reasonably possible, to contest the suspension;
- (3) The President of the College is authorized, at his or her discretion, to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or, subsequently, to convert any sanction imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases.
- (4) Parental Notification. Pursuant to Tennessee Code Annotated §49-7-146, the 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 any rule or policy of the College, except as prohibited by the Federal Education Rights and Privacy Act (FERPA). The trigger for notification will be 1) an admission of responsibility to the applicable code of conduct violation, or 2) a final finding of responsibility pursuant to the disciplinary procedures.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.04 Disciplinary Sanctions. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 5 Disciplinary Procedures

- (1) Southwest is governed by the Tennessee Board of Regents, in the implementation of TBR 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. In furtherance of

this mandate, all TBR institutions shall enact policies setting forth the disciplinary procedures for the College. All such policies shall be enacted in compliance with, TBR APA Rule 0240-02-03-.01 *et seq.*, and TBR Policy 3:02:01:00, applicable state and federal law. All policies adopted shall be subject to prior review and approval by the Board of Regents. Once adopted or amended, all disciplinary procedures shall be affirmatively communicated to the faculty, staff, and students of the College as well as published in appropriate websites, handbooks, or manuals.

- (2) A student alleged to have violated the College's Code of Conduct and Discipline will be given notice of the alleged violation in the form of a charge letter. The charge letter will be communicated to the student in writing and will identify the alleged violation(s) and direct the accused how to proceed to the next step of the College disciplinary process. In cases involving interim suspension, the Vice President for Student Services and Enrollment Management or designee's notice to the student informing him/her of the interim suspension will serve as official notice of alleged violation(s) of the Code of Conduct and Discipline.
- (3) All matters involving allegations of impermissible discrimination or harassment (including but not limited to sexual violence), or retaliation will be governed by the procedures outlined in TBR Guideline P-080 [Discrimination and Harassment- Compliant and Investigation Procedure] and/or College policy that reflects the requirements of that Guideline.
- (4) The charge letter will generally direct the respondent to contact the Director of Student Activities or designee to arrange an appointment to meet with a College Conduct Officer.
 - (a) Charge letters will be delivered to respondents via their College e-mail account. The College considers e-mail a valid form of communication. As such, it is every student's responsibility to check their College e-mail account on a regular basis.
 - (b) If a respondent fails to make an appointment with the Conduct Officer in a timely manner, a disciplinary hold will be placed on the student's College accounts.
- (5) During the meeting, the charged student will have the opportunity to contest the alleged violation(s) of the Code of Conduct and Discipline and to present information on their behalf, including witness statements pertaining to the matter in question.
- (6) The accused student has the right to be accompanied by an advisor of their choice, including legal counsel, but that advisor may not speak on behalf of the student.
- (7) All disciplinary meetings are conducted in private in order to protect the confidential nature of the proceedings.
- (8) Students or organizations alleged to have violated College rules or regulations shall be provided notice of the allegation(s). A student or organization who fails to respond to a notice of allegations shall be deemed to have waived all hearing rights (including those

provided under the provisions of the TUAPA). In this instance, a decision may be made in the student's absence and/or a sanction imposed. In addition, a hold will be placed on his/her records. The hold will be removed at such time as the student has appropriately responded to a notice of an alleged violation(s) of these rules.

- (9) After meeting with the accused, the Judicial Officer will identify potential witnesses or victims necessary to conduct a thorough investigation of the alleged violation. After gathering all pertinent information, the Judicial Officer will determine whether sufficient information exists to continue with the College disciplinary process. The standard used in determining responsibility for alleged violation(s) of the Code of Conduct and Discipline shall be a preponderance of the evidence.
- (10) In the event that the Judicial Officer determines that sufficient information exists for the disciplinary process to continue, the Director of Student Activities or designee will determine: (a) if the alleged misconduct would warrant consideration of suspension or expulsion of a student from the College for disciplinary reasons (or revocation of registration of a student organization during the term of registration) or (b) the alleged misconduct would not warrant consideration of suspension of the student or organization from the College
- (11) In cases where the alleged misconduct would warrant consideration of suspension or expulsion of the offending student or organization:
 - (a) A student or organization in such a case who desires to contest the charge(s) of misconduct is entitled to a hearing in accordance with the uniform contested case procedures adopted by the Tennessee Board of Regents in compliance with the Tennessee Uniform Administrative Procedures Act (TUAPA).
 - (b) A student or organization may elect to waive a hearing pursuant to the Tennessee Uniform Administrative Procedures Act (TUAPA) in accordance with the Board's uniform contested case procedures and have the charge(s) against him/her disposed of before an appropriate College Hearing Body in accordance with the College Disciplinary Procedures.
 - (c) A student or organization may accept the sanction imposed by the Conduct Officer and waive all rights to appeal.
- (12) If a students or organization subject to a sanction of suspension waives the option of a TUAPA hearing and elects a hearing before the appropriate College Hearing Body, the following institutional hearing procedures shall be observed:
 - (a) The respondent shall be advised in writing of the time and place of the hearing at least five (5) business days in advance of the hearing.
 - (b) The respondent shall be advised in writing of the alleged violation(s) of the Code of Conduct and Discipline.
 - (c) The respondent shall be advised in writing of the following rights:

- (1) The right to present his/her case;
 - (2) The right to be accompanied by an advisor whose participation shall be limited to advising the respondent. The respondent may also be accompanied by legal counsel; however, counsel's participation shall be limited to directly advising the student.
 - (3) The right to call witnesses on his/her behalf. It is the respondent's responsibility to contact his/her witnesses and inform them of the hearing unless the witness is also a College witness. College witnesses are contacted by the Director of Student Activities or designee;
 - (4) The right to be present for all witness testimony and to question witnesses;
 - (5) The respondent shall be advised in writing of the Hearing Body's decision and of the method of appeal (if applicable).
- (13) A student subject to suspension may choose to have the Director of Student Activities or designee adjudicate the case. The following conditions must be met, however:
 - (a) The student waives his or her right to have the case heard pursuant to the TUAPA.
 - (b) The Director of Student Activities or designee consents to adjudicate the case.
 - (c) The student is willing to accept the College's adjudication through the processes outlined in the Code of Conduct and Discipline.
- (14) Students who are subject to imposition of disciplinary sanctions other than suspension will be accorded a disciplinary hearing with a College Judicial Officer. The following procedural protections will be afforded the student during a disciplinary hearing:
 - (a) The student shall be advised of the breach of regulations of which he or she is charged.
 - (b) The student shall be given an opportunity to identify relevant witnesses and present evidence on his or her behalf.
 - (c) The student may be accompanied by an advisor of his or her choice.
 - (d) The student will be advised in writing via College e-mail (and USPS mail if requested by the student) of all sanctions imposed as a result of the disciplinary hearing
- (15) Formal rules of evidence shall not be applicable. The adjudicating body may exclude evidence which in its judgment is immaterial, irrelevant, or unduly repetitious.
- (16) If, at the conclusion of the disciplinary hearing, the Judicial Officer concludes that insufficient information exists to continue the College discipline process, a decision letter will be issued by the Judicial Officer. The decision letter will indicate that that

charges have been dropped as a result of insufficient evidence to determine whether a violation occurred. In such instances, the College reserves the right to re-open an investigation if further information regarding the alleged violation(s) becomes available. Also, a Hearing Body may find a respondent not in violation in instances where it believes that no violation of the Code of Conduct and Discipline exists.

- (17) The Vice President for Student Services and Enrollment Management or designee has the authority to temporarily remove (Interim Suspension) a student or organization from the College if that student/organization meets the requirements set forth in Disciplinary Sanction(Part 6, 2.n.).
- (18) The Vice President for Student Services and Enrollment Management or designee will inform any student/organization in writing of an interim suspension. This notice will serve the same role as a charge letter.
- (19) If the student elects to contest the interim suspension, the Director of Student Activities or designee will then be responsible for scheduling a hearing before the appropriate hearing body soon as practical of the interim suspension going into effect. This hearing will follow regular College procedures. However, if the individual or organization selects a hearing pursuant to the Tennessee Uniform Administrative Procedures Act (TUAPA), the Interim Suspension will remain in effect until the conclusion of the TUAPA process.
- (20) During the interim suspension period, the student/organization will be barred from College owned or controlled property and all College sanctioned events or functions without the consent of the Vice President for Student Services and Enrollment Management or designee.
- (21) Appeals
 - (a) Students may appeal a decision of the Student Disciplinary Committee.
 - (b) Appeals must be submitted, via the Director of Student Activities, to the Vice President of Student Services and Enrollment Management, in writing, within five (5) business days from the issuance of Student Disciplinary Committee's decision, and must specify grounds upon which the appeal is based. The only bases for appeal are:
 - 1. An error in procedural due process by the Student Disciplinary Committee,
 - 2. The emergence of new evidence pertaining to the case, and
 - 3. Insufficient evidence to support the finding
 - (c) General dissatisfaction with the outcome of the decision shall not be accorded as a basis for granting an appeal.

- (d) The Vice President of Student Services and Enrollment Management will review the findings and render a decision, in writing, within 5 business days.
- (e) The appeal body may take the following action upon consideration of the merit of the appeal:
 - (1) Affirm the original decision;
 - (2) Reverse (overrule) the original decision;
 - (3) Amend the sanction prescribed in the original decision. The Appeal Body may lessen the severity of the sanction;
 - (4) Remand the matter to the original Hearing Body for reconsideration.
- (f) The standard of proof required to overturn a finding of violation of the Code of Conduct and Discipline previously made by the Hearing Body shall be the preponderance of the evidence and the charged student bears the burden of proof.
- (g) All appeals of a Judicial Officer's decision will be heard by the Student Discipline Committee
- (gh) The President of the College retains final authority on all campus matters, including disciplinary decisions. Therefore, any disciplinary action is subject to final review by the President of the College. The president of the College is authorized, at his or her discretion, to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or, subsequently, to convert any finding or sanction imposed to a lesser finding or sanction, or to rescind any previous finding or sanction, in appropriate cases.

All matters involving allegations of impermissible discrimination, harassment, or retaliation will be governed by the procedures outlined in TBR Guideline P-080 *Subject: Discrimination and Harassment – Complaint and Investigation Procedure* and/or an institutional policy that reflects the requirements of that Guideline. All institutions are being instructed to add this language following the recent "Dear Colleague Letter issued by U.S. Dept. of Education, OCR.

(22) Retention of Records

- (a) Disciplinary files will be destroyed if the student is not found to be responsible for a rules violation. A permanent file will be maintained if a student is suspended, expelled, or interim suspended for violation(s) of the Code. Student disciplinary files in cases in which a lesser sanction has been imposed will be retained for a period of four (4) years after date of action or for one (1) year after the student has graduated (unless sanction species that they should be retained for a longer period).

Part 6 Traffic and Parking

(1) General

- (a) The Director of Police Services is responsible for the enforcement of this code.
- (b) The Director of Police Services may exclude or remove (tow) from the campus any vehicle used as an instrument in a crime, suspected of being stolen, abandoned or mechanically unfit, operated by a person under the apparent influence of intoxicants, or one that has not been properly registered in accordance with this code.
- (c) While the State of Tennessee and Southwest Tennessee Community College has no legal responsibility for the care and/or protection of any vehicle operated or parked on a Southwest facility, there is a moral concern for the safety of such vehicles.
- (d) If a vehicle and/or its contents are stolen or damaged in any way while on Southwest property, this information should be immediately reported to the Police Services Office. Police Services will offer assistance in processing reports and/or claims to the appropriate agencies.
- (e) Bicycle riding is considered regular traffic.

(2) Definitions

- (a) Student - Any person registered in a course offered by Southwest Tennessee Community College.
- (b) Employee - Any non-student employed by Southwest Tennessee Community College.
- (c) Visitor - Any individual on official business with, or present as a guest of Southwest Tennessee Community College.
- (d) Parking Area - College designated locations where individuals are allowed to park a motor vehicle. Some locations may have designations for employees to park, as opposed to students.
- (e) Campus – All areas falling within the jurisdiction of Southwest Tennessee Community College.
- (f) Permit - The official motor vehicle authorization, which is a hang tag type permit that must be displayed by hanging from the inside rear view mirror.
- (g) Temporary Parking Permit - A permit issued by the Police Services Office for a brief period of time, usually no more than three (3) working days. This permit is also issued to visitors and guests.
- (h) Revocation or Suspension of On-Campus Driving Privilege - The withdrawal of an individual's privilege to operate and/or park a motor vehicle on campus.

(3) Registration of Vehicles/Permits/Decals

- (a) Vehicle Registration
 - (i) Police Services will issue a parking permit for each registered vehicle.

- (ii) Any individual who obtains vehicle registration by misrepresentation will be subject to disciplinary and/or administrative action.
- (21) A temporary visitor/guest permit will be issued from Police Services. Visitors must acquire and display the permit and must adhere to all Southwest Tennessee Community College parking regulations.
- (22) Non-registered vehicles are not permitted to park in any Southwest Tennessee Community College parking facility unless a temporary permit is obtained.
- (23) Proper registration allows the registrant to operate a vehicle on campus and to park in available designated spaces. It does not assure the registrant of a parking space and does not permit usage of parking facilities other than those outlined in the Traffic Code.
- (24) Bicycles need not be registered.

(b) Permit Display

- (i) Cars, trucks, and vans must hang the permit from the rear view mirror.
 - (ii) Motorcycles and motor bikes must permanently affix the permit to the windshield headlamp, or gas tank in a position where it is readily visible.
- (4) Parking Regulations
 - (a) Parking regulations are enforced twenty-four (24) hours a day, seven (7) days a week. On-campus parking areas are designated in the following manner:
 - (i) Students - Students are allowed to park in any Southwest Tennessee Community College parking facility that is not designated as Employee Parking, Restricted Parking, Reserved Parking, Handicapped Parking, or State Vehicle Parking.
 - (ii) Employees - Employees are allowed to park in any Southwest Tennessee Community College parking facility that is not designated for individuals with Restricted Permits, Handicapped or Disabled Permits, Reserved spaces, or State Vehicle spaces.
 - (iii) Restricted - Those individuals with Restricted Parking permits may park in any parking facility that is not designated as Handicap or Disabled, State Vehicle, or Reserved.
 - (iv) Handicap or Disabled - Specific spaces have been reserved within all parking facilities for students and employees with disabilities who have handicap/disabled permits or handicap license plates. These individuals may utilize these spaces, as well as any non-reserved spaces on campus.
 - (v) Reserved - Specific places have been designated for a specific college official such as the President. Only those individuals that the space is designated for may utilize this space.
 - (vi) Bicycles shall be parked in designated areas and are not permitted inside any College building.

(b) Prohibited Parking

- (i) In any fire lanes. All drive-through areas in parking lots are considered fire lanes.
- (ii) Within fifteen (15) feet of a fire hydrant.
- (iii) In a driveway, unless there is a marked parking space within the driveway.
- (iv) On sidewalks or grassed areas.
- (v) In any area designated as "No Parking" zone.
- (vi) In service or delivery areas (official vehicles are exempt)
- (vii) The standing or stopping of a vehicle in a traffic lane next to a parking space (double parking) is not permitted. If traffic is blocked by standing or stopping, the person for whom the vehicle is waiting may be held liable for the violation.

(5) Traffic

(a) Standing Violations

- (i) An unattended vehicle will be considered parked.
- (ii) Double parking is not permitted. If traffic is blocked by standing or stopping of a vehicle, the person for who the vehicle is waiting may be held liable for the violation.
- (iii) Parking must be within the designated lines of a parking space, no line straddling.
- (iv) Parallel parked vehicles must be parked in the same direction as the flow of traffic.

(b) Moving Violations

- (i) All vehicles must come to a complete stop at stop signs.
- (ii) Reckless driving (defined as the operation of a vehicle in a manner endangering life and property).
- (iii) Exceeding the speed limit on campus (15 Miles per hour).
- (iv) Driving wrong way in a one-way lane.
- (v) Driving across parking spaces.
- (vi) Bicycle riding is not allowed on campus sidewalks or grounds.

(6) Fines/Penalties

- (a) Citations issued for violations are payable within thirty (30) days at the Cashier's Office.
- (b) Once a citation is issued to a student, notice of such is entered into the computer by Police Services, which results in a "hold" being placed on the student's records and denial of permission to register.
- (c) Students who fail to pay parking fines or appeal the citation will be denied registration in further courses at Southwest Tennessee Community College, and will be denied academic transcripts.
- (d) Employees who fail to pay parking fines or appeal the citation will have the amount of the fine deducted from subsequent payroll checks.

(e) Violations

(i)	No vehicle registration permit	15.00
(ii)	Parking permit not properly displayed	15.00
(iii)	Parked in fire lane	50.00
(iv)	Handicapped or Disabled space violations	200.00*
(v)	Moving Violation	15.00
(vi)	Parking vehicle outside legal parking space or over stall lines or blocking legally parked car in space	15.00
(vii)	Unauthorized overnight parking	15.00
(viii)	Parking a vehicle on campus for the purpose of habitation, repair or storage	15.00
(ix)	Parking in a reserved space	15.00
(x)	Processing fee for replacing a lost or stolen parking permit	15.00
(xi)	All other violations	15.00

* The fine for disabled/handicapped parking violations is established by statute and will be adjusted to comply with state law.

(8) Appeals

- (a) A student wishing to appeal a traffic/parking citation must submit a "Request to Void Ticket" form to the Office of Student Activities within seventy-two (72) hours after receiving the traffic citation. The citation issued by Police Services must be attached to the form.
- (b) A Committee for Traffic Appeals, composed of three (3) students. One (1) student appointed by the Student Government Association (SGA) Vice President and two (2) students from the student body appointed by the Advisor to the SGA Vice President. Appointments are one year.
- (c) The Committee will meet bi-weekly to review traffic appeals.

- (d) Decisions of the Committee will be made by majority vote and based upon the regulations set forth in the Southwest Tennessee Traffic Code (which is given to all students when they obtain a parking decal) and the relevant facts . The Committee will have the authority to either affirm or invalidate citations.
- (e) If the committee affirms the citation, fines must be paid in accordance with established procedures.
- (f) Decisions of the Committee will be issued in writing within five (5) days of the hearing/review. A copy of the decision of the Committee will be sent to the student, Police Services, and the Office of Student Activities who will notify the student.
- (g) A student may appeal the Committee's decision by submitting a written request to the Director of Student Activities within seventy-two (72) hours after issuance of the Committee's decision. The Director of Student Activities will review the matter on the basis of the existing record, including but not limited to the Committee's written decision, and the student's appeal submission. The Director of Student Activities will issue a written determination, within 5 days after the submission of the appeal, either upholding or reversing the Committee's decision.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.05 Traffic and Parking. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.06 Disciplinary Procedures and due Process. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Southwest Tennessee Community College

Student Disciplinary Rules

Part 1 Institution Policy Statement

Part 2 Disciplinary Offenses

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Part 1 Institution Policy Statement

- (1) Students enrolled in Southwest Tennessee Community College are citizens of their civic communities as well as the academic community. As such they are expected to conduct themselves as law-abiding members of each community at all times. Admission to Southwest carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by non-students. In recognition of the special relationship that exists between the College and the academic community which it seeks to serve, the Tennessee Board of Regents ("TBR" or "the Board") has authorized the president to take such action as may be necessary to maintain campus conditions and preserve the integrity of the College and its educational environment.
- (2) Pursuant to this authorization and in fulfillment of its duties to provide a secure and stimulating atmosphere in which individual and academic pursuits may flourish, the TBR has developed the following regulations, which are intended to govern student conduct on the several campuses under its jurisdiction. Each College under the jurisdiction of the TBR is directed to implement policies subject to, and consistent with, these regulations. In addition, students are subject to all federal, state and local laws and ordinances. If a student's violation of such laws or ordinances also adversely affects the College's pursuit of its educational objectives, the College may enforce their own regulations regardless of the status or outcome of any external proceedings instituted by other civil or criminal authorities
- (3) Responsibility for the administration of the student or organizational discipline process at Southwest Tennessee Community College is a function of the Vice President for Student Services and Enrollment Management. The Vice President for Student Services and Enrollment Management has designated the Director of Student Activities or designee, as the coordinator of the discipline process. The Director of Student Activities is authorized to determine the appropriate form and method of disciplinary proceeding that a student or organization will be provided consistent with College procedures. The Director of Student Activities or designee shall also be charged with the implementation of policies and procedures for the administration of conduct investigations, hearings and appeals.
- (4) For the purpose of these regulations, a "student" shall mean any person who is admitted and/or registered for study at a TBR College for any academic period. This shall include

any period of time following admission and/or registration, but preceding the start of classes for any academic period. It will also include any period which follows the end of an academic period through the last day for registration for the succeeding academic period, and during any period while the student is under suspension from the College. Finally, "student" shall also include any person subject to a period of suspension or removal from campus as a sanction which results from a finding of a violation of the regulations governing student conduct. Students are responsible for compliance with the Rules of Student Conduct and with similar College policies at all times.

- (5) Disciplinary action may be taken against a student for violation of the regulations which occur on College owned, leased or otherwise controlled property, while participating in international or distance learning programs, and off campus, when the conduct impairs, interferes with, or obstructs any College activity or the mission, processes, and functions of the College. Colleges may enforce their own regulations regardless of the status or outcome of any external proceedings instituted in any other forum, including any civil or criminal proceeding.
- (6) These regulations, and related material incorporated herein by reference, are applicable to student organizations as well as individual students. Student organizations are subject to discipline for the conduct and actions of individual members of the organization while acting in their capacity as members of, or while attending or participating in any activity of, the organization.
- (7) Confidentiality of Discipline Process. Subject to the exceptions provided pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g and/or the Tennessee Open Records Act, T.C.A. §10-7-504(a)(4), a student's disciplinary files are considered "educational records" and are confidential within the meaning of those Acts.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.01, Institution Policy Statement. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Definitions

- (1) The term "College" or "Southwest" means Southwest Tennessee Community College.
- (2) "Student" is defined in the previous section of this document (see number 4 above)
- (3) The term "faculty member" means any person hired by the College to conduct instructional activities or who is otherwise considered by the College to be a member of its faculty.
- (4) "Staff member" means any person employed by the College in a nonteaching or nonacademic capacity.
- (5) "Member of the College community" includes any person who is a student, member of the faculty or staff, College official, or any other person employed by the College.

- (6) "Code" or "the Code" refers to the Southwest Tennessee Community College Code of Conduct and Discipline.
- (7) The term "College premises" includes all land, buildings, facilities and other property in the possession of or owned, used or controlled by Southwest Tennessee Community College (including adjacent streets and sidewalks).
- (8) "Student organization," unless otherwise indicated, means any group that has complied with the formal requirements and been approved for College registration/recognition.
- (9) "College activity" means any activity sponsored by the College, any agency of the College, or any College organization which may be attended in part or whole by students, faculty members, staff members, or other members of the general public and conducted on or off College premises.
- (10) "Judicial Officer" means a College official authorized by the College to determine whether a student or organization has violated the Code of Conduct and Discipline.
- (11) "Hearing Body" refers to any College official or group authorized by the College to determine whether a student or organization has violated the Code of Conduct and Discipline
- (12) "Appeal Body" refers to any College official or group authorized by the College to hear appeals of decisions implemented by a hearing body.
- (13) "Appellant" refers to a student or organization who is appealing the decision of a hearing body.
- (14) "Complainant" is defined as Southwest Tennessee Community College or the person making a referral to the Director of Student Activities relevant to a person or group alleged to be in violation of the Code of Conduct and Discipline.
- (15) "Accused" is defined as the student or group alleged to have violated the College Code of Conduct and Discipline.
- (16) "Business days" means days that Southwest Tennessee Community College is open for business (excluding holidays) even if no classes are scheduled.

Disciplinary Authority

- (1) The Vice President for Student Services and Enrollment Management (or designee) has the authority to invoke Interim Suspension. As a general rule, the status of a student or student organization accused of violation of these regulations should not be altered until a final determination has been made in regard to the charges. However, interim suspension, pending the completion of disciplinary procedures, may be imposed upon a finding by the appropriate institutional official that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused, any other member of the institution its guests, property, or substantial disruption of classroom or other campus activities. In any case of interim suspension, the

student, or student organization, shall be given an opportunity at the time of the decision, or as soon thereafter as reasonably possible, to contest the suspension.

- (2) The Director of Student Activities is the primary Conduct Officer for the College. The Director (or designee) administers the student and organizational disciplinary processes at the College.
- (3) Student Disciplinary Committee has the authority to hear student and organizational misconduct matter. The Student Disciplinary Committee is composed of five (5) members: a chairman, two (2) student members, and two (2) faculty members. The two (2) student members will be appointed by the President of the College from a pool of students recommended by the President of the Student Government Association. Eligible student participants must have completed a minimum of twenty-four (24) credit hours at Southwest Tennessee Community College, have a minimum 2.5 cumulative GPA, and be in good standing. The two (2) faculty members are appointed by the President, and the chairperson of the Committee is appointed by the Vice President for Student Services and Enrollment Management. Committee members will be appointed annually and/or on an as needed basis. A quorum must be present in order for a hearing to be conducted by the Committee. However, a quorum may be waived at the request of the accused. A majority of the Committee members will constitute a quorum.
- (4) The Academic Appeals Committee is a standing committee appointed by the President of the College. The Committee is comprised of three (3) faculty members and two (2) students. Ordinarily, one (1) of the faculty members should be a Department Chairperson. The Committee will be chaired by one (1) of the faculty members of the Committee. Committee members will be appointed annually and/or on an as needed basis. A quorum must be present in order for a hearing to be conducted by the Committee. However, a quorum may be waived at the request of the accused. A majority of the Committee members will constitute a quorum.
- (5) Tennessee Uniform Administrative Procedures Act (TUAPA) – disciplinary charges which may result in: (a) suspension or expulsion of a student or student organization, from the College, for disciplinary reasons or (b) revocation of registration of a student organization, are subject to the contested case provisions of the Tennessee Uniform Administrative Procedures Act (TUAPA), T.C.A. §4-5-301 *et seq.*, and shall be processed in accord with the Uniform Contested Case procedures adopted by the Board of Regents unless the student or organization, after receiving written notice, waives those procedures and elects to have the case disposed of in accord with College procedures or waives all right to contest the case under any procedure. These procedures shall be described in the College's policy

Part 2 Disciplinary Offenses

Southwest's disciplinary measures shall be imposed, through appropriate due process procedures, for conduct which adversely affects the College's pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property or persons on property owned or

controlled by the College.

- (2) Southwest has adopted and published a non-exclusive list, providing notice of offenses for which both individuals and organizations may be subject to disciplinary action, in the form set forth immediately below.
- (a) Conduct Dangerous to Self or Others. Any conduct, or attempted conduct, which constitutes a danger to any person's health, safety, or personal well-being, including, but not limited to, the following:
 - 1. Physical and/or verbal abuse,
 - 2. Threats and/or intimidation,
 - 3. Harm inflicted on self;
 - (b) Hazing. Hazing, as defined in T.C.A. §49-7-123(a)(1), means any intentional or reckless act, on or off the property, of any higher education by an individual acting alone, or with others, which is directed against any other person(s) that endangers the mental or physical health or safety of that person(s), or which induces or coerces a person(s) to endanger such person(s) mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization;
 - (c) Disorderly Conduct. Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs College functions, operations, classrooms, other groups or individuals;
 - (d) Obstruction of or Interference with College activities or facilities. Any intentional interference with or obstruction of any College program, event, or facility including the following:
 - 1. Any unauthorized occupancy of facilities owned or controlled by the College or blockage of access to or from such facilities,
 - 2. Interference with the right of any College member or other authorized person to gain access to any activity, program, event or facilities sponsored or controlled by the College,
 - 3. Any obstruction or delay of a campus security officer, public safety officer, police officer, firefighter, EMT, or any official of the College, or failure to comply with any emergency directive issued by such person in the performance of his or her duty;
 - (e) Misuse of or Damage to Property. Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to another including, but not limited to, any personal property, fire alarms, fire equipment, elevators, telephones, College keys, library

materials and/or safety devices;

- (f) Theft, Misappropriation, or Unauthorized Sale of Property;
- (g) Misuse of Documents or Identification Cards. Any forgery, alteration of or unauthorized use of College documents, forms, records or identification cards, including the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment or status in the College;
- (h) Firearms and Other Dangerous Weapons. Any possession of or use of firearms, dangerous weapons of any kind, or replica/toy guns, e.g. BB guns, pellet guns, paintball guns, water guns, cap guns, toy knives or other items that simulate firearms or dangerous weapons;
- (i) Explosives, Fireworks, and Flammable Materials. The unauthorized possession, ignition or detonation of any object or article which would cause damage by fire or other means to persons or property or possession of any substance which could be considered to be and used as fireworks;
- (j) Alcoholic Beverages. The use and/or possession of alcoholic beverages on College owned or controlled property. This offense includes the violation of any local ordinance, state, or federal law concerning alcoholic beverages, on or off College owned or controlled property, where an affiliated group or organization has alcoholic beverages present and available for consumption;
- (k) Drugs. The unlawful possession or use of any drug or controlled substance (including, but not limited to, any stimulant, depressant, narcotic or hallucinogenic drug, or marijuana), sale or distribution of any such drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession or use of drugs, on or off College owned or controlled property;
- (l) Drug Paraphernalia. The use or possession of equipment, products or materials that are used or intended for use in manufacturing, growing, using or distributing any drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession of drug paraphernalia, on or off College owned or controlled property;
- (m) Public Intoxication. Appearing on College owned or controlled property or at an College sponsored event while under the influence of a controlled substance or of any other intoxicating substance;
- (n) Gambling. Unlawful gambling in any form;
- (o) Financial Irresponsibility. Failure to meet financial responsibilities to the College promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the College;

- (p) Unacceptable Conduct in Disciplinary Proceedings. Any conduct at any stage of the College's disciplinary proceeding or investigation that is contemptuous, disrespectful, threatening, or disorderly, including false complaints, testimony or other evidence, and attempts to influence the impartiality of a member of a judicial body, verbal or physical harassment or intimidation of a judicial board member, complainant, respondent or witness;
- (q) Failure to Cooperate with College Officials. Failure to comply with directions of College officials acting in the performance of their duties;
- (r) Violation of General Rules and Regulations. Any violation of the general rules and regulations of the College as published in an official College publication, including the intentional failure to perform any required action or the intentional performance of any prohibited action;
- (s) Attempts, Aiding and Abetting. Any attempt to commit any of the offenses listed under this section or the aiding or abetting of the commission of any of the offenses listed under this section (an attempt to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission). Being present during the planning or commission of any offense listed under this section will be considered as aiding and abetting. Students who anticipate or observe an offense must remove themselves from the situation and are required to report the offense to the College;
- (t) Violations of State or Federal Laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference;
- (u) Violation of Imposed Disciplinary Sanctions. Intentional or unintentional violation of a disciplinary sanction officially imposed by a College official or a constituted body of the College;
- (v) Sexual Battery or Rape. Committing any act of sexual battery or rape as defined by state law;
- (w) Harassment or Retaliation. Any act by an individual or group against another person or group in violation of TBR policies, as well as federal and/or state laws prohibiting discrimination, including, but not limited to, TBR policies 5:01:02:00,(F), 5:01:02:00, 2:02:10:01 and TBR Guideline P-080;
- (x) Academic Misconduct. Plagiarism, cheating, fabrication. For purposes of this section the following definitions apply:
 - 1. Plagiarism. The adoption or reproduction of ideas, words, statements, images, or works of another person as one's own without proper attribution,

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2. Cheating. Using or attempting to use unauthorized materials, information, or aids in any academic exercise or test/examination. The term academic exercise includes all forms of work submitted for credit or hours,
 3. Fabrication. Unauthorized falsification or invention of any information or citation in an academic exercise.
- (y) Unauthorized Duplication or Possession of Keys. Making, causing to be made or the possession of any key for an College facility without proper authorization;
- (z) Litter. Dispersing litter in any form onto the grounds or facilities of the campus;
- (aa) Pornography. Public display of literature, films, pictures or other materials which an average person applying contemporary community standards would find, (1) taken as a whole, appeals to the prurient interest, (2) depicts or describes sexual conduct in a patently offensive way, and (3) taken as a whole, lacks serious literary, artistic, political or scientific value;
- (bb) Abuse of Computer Resources and Facilities. Misusing and/or abusing campus computer resources including, but not limited to the following:
1. Use of another person's identification to gain access to College computer resources,
 2. Use of College computer resources and facilities to violate copyright laws, including, but not limited to, the act of unauthorized distribution of copyrighted materials using College information technology systems,
 3. Unauthorized access to a computer or network file, including but not limited to, altering, using, reading, copying, or deleting the file,
 4. Unauthorized transfer of a computer or network file,
 5. Use of computing resources and facilities to send abusive or obscene correspondence,
 6. Use of computing resources and facilities in a manner that interferes with normal operation of the al computing system,
 7. Use of computing resources and facilities to interfere with the work of another student, faculty member, or College official,
 8. Violation of any published information technology resources policy,
 9. Unauthorized peer-to-peer file sharing;
- (cc) Unauthorized Access to College Facilities and/or Grounds. Any unauthorized

access and/or occupancy of College facilities and grounds is prohibited, including, but not limited to, gaining access to facilities and grounds that are closed to the public, being present in areas of campus that are open to limited guests only, being present in academic buildings after hours without permission, and being present in buildings when the student has no legitimate reason to be present;

- (dd) Providing False Information. Giving any false information to, or withholding necessary information from, any College official acting in the performance of his/her duties in connection with a student's admission, enrollment, or status in the College;
 - (ee) Unauthorized Surveillance. Making or causing to be made unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, and men's or women's restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means;
 - (ff) Smoking Violations. Violation of any TBR and/or College smoking or other tobacco use rules or policies.
- (17) Disciplinary action may be taken against a student for violations of the foregoing regulations which occur at or in association with enrollment at Southwest for any academic period. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree including periods prior to or between semesters. Conduct occurring while a student is registered or enrolled at the College, but not discovered until after the awarding of a degree is actionable under these provisions and may result in the retroactive application of a disciplinary sanction. Should a student withdraw from the College with disciplinary action or academic misconduct action pending, the student's record may be encumbered by the appropriate College office until the proceedings have been concluded.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.02, Disciplinary Offenses. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12

Part 3 Academic and Classroom Misconduct

All students are accountable for their behavior when it leads to a breach of conduct.

- (1) Classroom Misconduct
 - (a) The instructor has the primary responsibility for control of classroom behavior.
 - (b) Disruptive behavior in the classroom may be defined as, but not limited to, behavior that obstructs or disrupts the learning environment (e.g., offensive

language, harassment of students and professors, repeated outbursts from a student which disrupt the flow of instruction or prevent concentration on the subject taught, failure to cooperate in maintaining classroom decorum, etc.), text messaging, and the continued use of any electronic or other noise or light emitting device which disturbs others (e.g., disturbing noises from beepers, cell phones, palm pilots, lap-top computers, games, etc.).

- (c) If a student(s) engages in disruptive conduct or conduct that violates the general rules and regulations of the College, the instructor can order the temporary removal or exclusion of the student from the classroom for each class session during which the conduct occurs. Extended or permanent exclusion from the classroom, beyond the session in which the conduct occurred, or further disciplinary action can be effected only through appropriate procedures of the College.
- (d) 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 and complete a Police Services Incident Report which provides a formal record of the incident should further administrative discipline be necessary.
- (e) 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.

(2) Academic Misconduct (Academic Dishonesty)

Southwest expects students to conduct themselves with a high level of academic honesty and integrity in all of their academic work. An instructor who determines that a student has engaged in academic misconduct either directly or indirectly, through participation or assistance has the authority to impose an academic sanction such as assign an "F" or a zero for the exercise or examination with no opportunity for a make-up , or to assign an "F" in the course. In addition, other disciplinary sanctions such as probation, suspension or expulsion may be imposed through the regular College procedures as a result of academic misconduct. A student has the right to appeal such sanctions.

- (a) Definition of Academic Dishonesty is any behavior on the part of a student that results in that student's or any other students' giving or receiving unauthorized assistance in an academic exercise or receiving credit for work which is not their own. Academic Dishonesty includes but is not limited to:

1. Cheating

- (f) Knowingly discovering or attempting to discover the content of an examination before the content is presented by the instructor.

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- (ii) Obtaining or attempting to obtain, use or supply any person with unauthorized material or device when contemplating or taking an examination.
- (iii) Using or attempting to use or supply any person any material or device dishonestly for an examination.
- (iv) Willfully receiving or supplying any aid not authorized by the instructor.
- (v) Intentionally sharing of information or working together in an academic exercise when such collaboration was not approved by the instructor.

2. Plagiarism

- (i) Representing to be his or her own, any work which is not the product of his or her own effort or study, if the work would affect his grade, credit, or status in the College.
- (ii) Using another individual's or group's words or ideas without clearly acknowledging the source of that information, resulting in their false representation as one's own individual work.
- (iii) Plagiarism may be either deliberate or unwitting; that is, it is the responsibility of a college student to know what constitutes plagiarism so that ignorance is not a legitimate defense against a charge of plagiarism.
- (iv) Facilitating Academic Dishonesty is intentionally or knowingly helping or attempting to help another to violate any provision of this policy on academic dishonesty.

(b) Procedures

- 1. An instructor who determines that a student has engaged in academic dishonesty shall inform the Chair and the Dean in writing of the finding of Academic Misconduct including the grade penalty within five (5) days of the incident. Once the instructor has charged a student with academic dishonesty, a hold will be placed on the student's record preventing the student from withdrawing. Once the charge is resolved, and if the student is exonerated, the student may withdraw from the course. Students should continue to attend class until all appeal options are final.
- 2. The instructor shall meet with the student to provide him/her with a copy of the Academic Misconduct form and the Academic Appeals Process. If the student admits to the charge, he/she will sign the form and accept

the penalty. A copy of the signed form shall be submitted to the Chair and the Dean.

3. If the student refuses to meet with the instructor, the Department Chair will send a letter, with a copy of the Academic Misconduct form which outlines the Academic Appeals process to the student, via e-mail.
4. Upon receipt of the Academic Misconduct form by signature or e-mail, the student will have five (5) days to return the Academic Misconduct form to the department chair stating the basis on which the student contests the allegation. Failure to return the form within five (5) days, either accepting the determination and grade sanction, or requesting a hearing shall operate as a waiver of hearing rights. The grade sanction will thereupon become final.
5. A copy of the Academic Misconduct form shall be maintained for five (5) years in the offices of the Chairperson and Dean. A copy shall be sent to the Office of Student Activities which shall maintain a record of each incident of Academic Misconduct and may take steps to initiate further disciplinary sanctions where it is determined appropriate to do so based on the nature of the event or number of other instances of academic misconduct by the same student.

(c) Hearing

1. If the student wishes to contest the allegation, he/she must return the Academic Misconduct form to the department chair stating the basis on which the student contests the allegation within five (5) days after notification of the charges. Failure to submit the Academic Misconduct form within the five (5) day period will operate as a waiver of all hearing right.
2. The Chair will notify the Dean of the division in which the incident occurred, regarding the student's hearing request. The Dean will convene the Academic Appeals Committee within ten (10) days to review the matter.
3. The student shall be advised in writing of the breach of regulation(s) of which the student is charged and the time and place of the hearing within ten (10) days, but no less than one (1) day of the student's written request for a hearing and will be advised the following rights.
 - (i) The right to present his or her case
 - (ii) The right to be accompanied by an advisor or counsel whose participation shall be limited to advising the student
 - (iii) The right to call witnesses on his/her behalf
 - (iv) The right to confront witnesses against him/her; and
 - (v) The method of appeal and time limitations for appeal, if any are

applicable.

4. The student will carry the burden of proof by “a preponderance of the evidence” that the academic misconduct did not occur.
5. The committee will either uphold or reverse the previous determination of academic misconduct. The student will be informed, in writing, of the Committee’s determination within five (5) days after the hearing is concluded.
6. The Committee will also forward a copy of its written determination to the faculty member, the chair, and the dean.
7. If the Committee upholds the previous determination of academic misconduct, the penalty determined by the instructor will be imposed.
8. A student may appeal the Committee's decision by submitting a written request to the Office of the Provost within five (5) business days after issuance of the Committee’s decision. The Office of the Provost will review the matter on the basis of the existing record, including but not limited to the Committee’s written decision, and the student’s appeal submission. The Office of the Provost will issue a written determination, within 5 days after the submission of the appeal, either upholding or reversing the Committee's decision.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.03 Academic and Classroom Misconduct. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 4 Disciplinary Sanctions

- (1) Upon a determination that a student or student organization has violated any of the disciplinary offenses set forth in these regulations, College disciplinary policies, or the general policies of the College, disciplinary sanctions may be imposed, either singularly or in combination, by the appropriate College officials.
- (2) Sanctions that may be imposed include, but are not limited to:
 - (a) Restitution. Restitution may be required in situations which involve destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or student organization is obligated by the appropriate judicial authority to compensate a party or parties for a loss suffered as a result of disciplinary violation(s). Any such payment in restitution shall be limited to actual cost of repair, replacement or financial loss;
 - (b) Warning. The appropriate College official may notify the student or student

organization that continuation or repetition of specified conduct may be cause for other disciplinary action;

- (c) Reprimand. A written or verbal reprimand or censure may be given to any student or student organization whose conduct violates any part of these regulations and provides notice that any further violation(s) may result in more serious penalties;
- (d) Service to the College or Community. A student, or student organization, may be required to donate a specified number of service hours to the College performing reasonable tasks for an appropriate College office, official(s), or the local community. The service required shall be commensurate to the offense (e.g., service for maintenance staff for defacing College property);
- (e) Specified Educational/Counseling Program. A student or student organization may be required to participate in specified educational or counseling program(s) relevant to the offense, or to prepare a project or report concerning a relevant topic;
- (f) Apology. A student or student organization may be required to apologize to an affected party, either verbally or in writing, for the behavior related to a disciplinary offense;
- (g) Fines. Penalties in the form of fines may be imposed against a student or student organization whenever the appropriate College authority deems appropriate. The sanction of fines may be imposed in addition to other forms of disciplinary sanctions. Failure to pay fines may result in further disciplinary action;
- (h) Restriction. A restriction upon a student's or student organization's privileges for a period of time may be imposed. This restriction may include, for example, denial of the ability to represent the College at any event, ability to participate in College or TBR sponsored travel, use of facilities, parking privileges, participation in extracurricular activities or restriction of organizational privileges;
- (i) Probation. Continued enrollment of a student or recognition of a student organization on probation may be conditioned upon adherence to these regulations. Any student or organization placed on probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon extracurricular activities, or any other appropriate special condition(s). Any conduct in further violation of these regulations while on probationary status or the failure to comply with the terms of the probationary period may result in the imposition of further disciplinary action;
- (j) Suspension. Suspension is the separation of a student or student organization from the College for a specified period of time. Suspension may be accompanied by special conditions for readmission or recognition;
- (k) Expulsion. Expulsion entails a permanent separation from the College. The imposition of this sanction is a permanent bar to the student's admission, or a

student organization's recognition to the College. A student or organization that has been expelled may not enter College property or facilities without obtaining prior approval from an appropriate campus official with knowledge of the expulsion directive;

- (l) Revocation of Admission, Degree, or Credential;
 - (m) Any alternate sanction deemed necessary and appropriate to address the misconduct at issue.
 - (n) Interim Suspension. As a general rule, the status of a student or student organization accused of violation of these regulations should not be altered until a final determination has been made in regard to the charges. However, interim suspension, pending the completion of disciplinary procedures, may be imposed upon a finding by the appropriate College official that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused, any other member of the College its guests, property, or substantial disruption of classroom or other campus activities. In any case of interim suspension, the student, or student organization, shall be given an opportunity at the time of the decision, or as soon thereafter as reasonably possible, to contest the suspension;
- (3) The President of the College is authorized, at his or her discretion, to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or, subsequently, to convert any sanction imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases.
- (4) Parental Notification. Pursuant to Tennessee Code Annotated §49-7-146, the 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 any rule or policy of the College, except as prohibited by the Federal Education Rights and Privacy Act (FERPA). The trigger for notification will be 1) an admission of responsibility to the applicable code of conduct violation, or 2) a final finding of responsibility pursuant to the disciplinary procedures.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.04 Disciplinary Sanctions. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 5 Disciplinary Procedures

- (1) Southwest is governed by the Tennessee Board of Regents, in the implementation of TBR 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. In furtherance of

this mandate, all TBR institutions shall enact policies setting forth the disciplinary procedures for the College. All such policies shall be enacted in compliance with, TBR APA Rule 0240-02-03-.01 *et seq.*, and TBR Policy 3:02:01:00, applicable state and federal law. All policies adopted shall be subject to prior review and approval by the Board of Regents. Once adopted or amended, all disciplinary procedures shall be affirmatively communicated to the faculty, staff, and students of the College as well as published in appropriate websites, handbooks, or manuals.

- (2) A student alleged to have violated the College's Code of Conduct and Discipline will be given notice of the alleged violation in the form of a charge letter. The charge letter will be communicated to the student in writing and will identify the alleged violation(s) and direct the accused how to proceed to the next step of the College disciplinary process. In cases involving interim suspension, the Vice President for Student Services and Enrollment Management or designee's notice to the student informing him/her of the interim suspension will serve as official notice of alleged violation(s) of the Code of Conduct and Discipline.
- (3) All matters involving allegations of impermissible discrimination or harassment (including but not limited to sexual violence), or retaliation will be governed by the procedures outlined in TBR Guideline P-080 [Discrimination and Harassment- Compliant and Investigation Procedure] and/or College policy that reflects the requirements of that Guideline.
- (4) The charge letter will generally direct the respondent to contact the Director of Student Activities or designee to arrange an appointment to meet with a College Conduct Officer.
 - (a) Charge letters will be delivered to respondents via their College e-mail account. The College considers e-mail a valid form of communication. As such, it is every student's responsibility to check their College e-mail account on a regular basis.
 - (b) If a respondent fails to make an appointment with the Conduct Officer in a timely manner, a disciplinary hold will be placed on the student's College accounts.
- (5) During the meeting, the charged student will have the opportunity to contest the alleged violation(s) of the Code of Conduct and Discipline and to present information on their behalf, including witness statements pertaining to the matter in question.
- (6) The accused student has the right to be accompanied by an advisor of their choice, including legal counsel, but that advisor may not speak on behalf of the student.
- (7) All disciplinary meetings are conducted in private in order to protect the confidential nature of the proceedings.
- (8) Students or organizations alleged to have violated College rules or regulations shall be provided notice of the allegation(s). A student or organization who fails to respond to a notice of allegations shall be deemed to have waived all hearing rights (including those

provided under the provisions of the TUAPA). In this instance, a decision may be made in the student's absence and/or a sanction imposed. In addition, a hold will be placed on his/her records. The hold will be removed at such time as the student has appropriately responded to a notice of an alleged violation(s) of these rules.

- (9) After meeting with the accused, the Judicial Officer will identify potential witnesses or victims necessary to conduct a thorough investigation of the alleged violation. After gathering all pertinent information, the Judicial Officer will determine whether sufficient information exists to continue with the College disciplinary process. The standard used in determining responsibility for alleged violation(s) of the Code of Conduct and Discipline shall be a preponderance of the evidence.
- (10) In the event that the Judicial Officer determines that sufficient information exists for the disciplinary process to continue, the Director of Student Activities or designee will determine: (a) if the alleged misconduct would warrant consideration of suspension or expulsion of a student from the College for disciplinary reasons (or revocation of registration of a student organization during the term of registration) or (b) the alleged misconduct would not warrant consideration of suspension of the student or organization from the College
- (11) In cases where the alleged misconduct would warrant consideration of suspension or expulsion of the offending student or organization:
 - (a) A student or organization in such a case who desires to contest the charge(s) of misconduct is entitled to a hearing in accordance with the uniform contested case procedures adopted by the Tennessee Board of Regents in compliance with the Tennessee Uniform Administrative Procedures Act (TUAPA).
 - (b) A student or organization may elect to waive a hearing pursuant to the Tennessee Uniform Administrative Procedures Act (TUAPA) in accordance with the Board's uniform contested case procedures and have the charge(s) against him/her disposed of before an appropriate College Hearing Body in accordance with the College Disciplinary Procedures.
 - (c) A student or organization may accept the sanction imposed by the Conduct Officer and waive all rights to appeal.
- (12) If a students or organization subject to a sanction of suspension waives the option of a TUAPA hearing and elects a hearing before the appropriate College Hearing Body, the following institutional hearing procedures shall be observed:
 - (a) The respondent shall be advised in writing of the time and place of the hearing at least five (5) business days in advance of the hearing.
 - (b) The respondent shall be advised in writing of the alleged violation(s) of the Code of Conduct and Discipline.
 - (c) The respondent shall be advised in writing of the following rights:

- (1) The right to present his/her case;
 - (2) The right to be accompanied by an advisor whose participation shall be limited to advising the respondent. The respondent may also be accompanied by legal counsel; however, counsel's participation shall be limited to directly advising the student.
 - (3) The right to call witnesses on his/her behalf. It is the respondent's responsibility to contact his/her witnesses and inform them of the hearing unless the witness is also a College witness. College witnesses are contacted by the Director of Student Activities or designee;
 - (4) The right to be present for all witness testimony and to question witnesses;
 - (5) The respondent shall be advised in writing of the Hearing Body's decision and of the method of appeal (if applicable).
- (13) A student subject to suspension may choose to have the Director of Student Activities or designee adjudicate the case. The following conditions must be met, however:
 - (a) The student waives his or her right to have the case heard pursuant to the TUAPA.
 - (b) The Director of Student Activities or designee consents to adjudicate the case.
 - (c) The student is willing to accept the College's adjudication through the processes outlined in the Code of Conduct and Discipline.
- (14) Students who are subject to imposition of disciplinary sanctions other than suspension will be accorded a disciplinary hearing with a College Judicial Officer. The following procedural protections will be afforded the student during a disciplinary hearing:
 - (a) The student shall be advised of the breach of regulations of which he or she is charged.
 - (b) The student shall be given an opportunity to identify relevant witnesses and present evidence on his or her behalf.
 - (c) The student may be accompanied by an advisor of his or her choice.
 - (d) The student will be advised in writing via College e-mail (and USPS mail if requested by the student) of all sanctions imposed as a result of the disciplinary hearing
- (15) Formal rules of evidence shall not be applicable. The adjudicating body may exclude evidence which in its judgment is immaterial, irrelevant, or unduly repetitious.
- (16) If, at the conclusion of the disciplinary hearing, the Judicial Officer concludes that insufficient information exists to continue the College discipline process, a decision letter will be issued by the Judicial Officer. The decision letter will indicate that that

charges have been dropped as a result of insufficient evidence to determine whether a violation occurred. In such instances, the College reserves the right to re-open an investigation if further information regarding the alleged violation(s) becomes available. Also, a Hearing Body may find a respondent not in violation in instances where it believes that no violation of the Code of Conduct and Discipline exists.

- (17) The Vice President for Student Services and Enrollment Management or designee has the authority to temporarily remove (Interim Suspension) a student or organization from the College if that student/organization meets the requirements set forth in Disciplinary Sanction(Part 6, 2.n.).
- (18) The Vice President for Student Services and Enrollment Management or designee will inform any student/organization in writing of an interim suspension. This notice will serve the same role as a charge letter.
- (19) If the student elects to contest the interim suspension, the Director of Student Activities or designee will then be responsible for scheduling a hearing before the appropriate hearing body soon as practical of the interim suspension going into effect. This hearing will follow regular College procedures. However, if the individual or organization selects a hearing pursuant to the Tennessee Uniform Administrative Procedures Act (TUAPA), the Interim Suspension will remain in effect until the conclusion of the TUAPA process.
- (20) During the interim suspension period, the student/organization will be barred from College owned or controlled property and all College sanctioned events or functions without the consent of the Vice President for Student Services and Enrollment Management or designee.

(21) Appeals

- (a) Students may appeal a decision of the Student Disciplinary Committee.
- (b) Appeals must be submitted, via the Director of Student Activities, to the Vice President of Student Services and Enrollment Management, in writing, within five (5) business days from the issuance of Student Disciplinary Committee's decision, and must specify grounds upon which the appeal is based. The only bases for appeal are:
 - 1. An error in procedural due process by the Student Disciplinary Committee,
 - 2. The emergence of new evidence pertaining to the case, and
 - 3. Insufficient evidence to support the finding
- (c) General dissatisfaction with the outcome of the decision shall not be accorded as a basis for granting an appeal.

- (d) The Vice President of Student Services and Enrollment Management will review the findings and render a decision, in writing, within 5 business days.
- (e) The appeal body may take the following action upon consideration of the merit of the appeal:
 - (1) Affirm the original decision;
 - (2) Reverse (overrule) the original decision;
 - (3) Amend the sanction prescribed in the original decision. The Appeal Body may lessen the severity of the sanction;
 - (4) Remand the matter to the original Hearing Body for reconsideration.
- (f) The standard of proof required to overturn a finding of violation of the Code of Conduct and Discipline previously made by the Hearing Body shall be the preponderance of the evidence and the charged student bears the burden of proof.
- (g) All appeals of a Judicial Officer's decision will be heard by the Student Discipline Committee
- (h) The President of the College retains final authority on all campus matters, including disciplinary decisions. Therefore, any disciplinary action is subject to final review by the President of the College. The president of the College is authorized, at his or her discretion, to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or, subsequently, to convert any finding or sanction imposed to a lesser finding or sanction, or to rescind any previous finding or sanction, in appropriate cases.

All matters involving allegations of impermissible discrimination, harassment, or retaliation will be governed by the procedures outlined in TBR Guideline P-080 *Subject: Discrimination and Harassment – Complaint and Investigation Procedure* and/or an institutional policy that reflects the requirements of that Guideline. All institutions are being instructed to add this language following the recent "Dear Colleague Letter issued by U.S. Dept. of Education, OCR.

(22) Retention of Records

- (a) Disciplinary files will be destroyed if the student is not found to be responsible for a rules violation. A permanent file will be maintained if a student is suspended, expelled, or interim suspended for violation(s) of the Code. Student disciplinary files in cases in which a lesser sanction has been imposed will be retained for a period of four (4) years after date of action or for one (1) year after the student has graduated (unless sanction species that they should be retained for a longer period).

Part 6 Traffic and Parking

(1) General

- (a) The Director of Police Services is responsible for the enforcement of this code.
- (b) The Director of Police Services may exclude or remove (tow) from the campus any vehicle used as an instrument in a crime, suspected of being stolen, abandoned or mechanically unfit, operated by a person under the apparent influence of intoxicants, or one that has not been properly registered in accordance with this code.
- (c) While the State of Tennessee and Southwest Tennessee Community College has no legal responsibility for the care and/or protection of any vehicle operated or parked on a Southwest facility, there is a moral concern for the safety of such vehicles.
- (d) If a vehicle and/or its contents are stolen or damaged in any way while on Southwest property, this information should be immediately reported to the Police Services Office. Police Services will offer assistance in processing reports and/or claims to the appropriate agencies.
- (e) Bicycle riding is considered regular traffic.

(2) Definitions

- (a) Student - Any person registered in a course offered by Southwest Tennessee Community College.
- (b) Employee - Any non-student employed by Southwest Tennessee Community College.
- (c) Visitor - Any individual on official business with, or present as a guest of Southwest Tennessee Community College.
- (d) Parking Area - College designated locations where individuals are allowed to park a motor vehicle. Some locations may have designations for employees to park, as opposed to students.
- (e) Campus – All areas falling within the jurisdiction of Southwest Tennessee Community College.
- (f) Permit - The official motor vehicle authorization, which is a hang tag type permit that must be displayed by hanging from the inside rear view mirror.
- (g) Temporary Parking Permit - A permit issued by the Police Services Office for a brief period of time, usually no more than three (3) working days. This permit is also issued to visitors and guests.
- (h) Revocation or Suspension of On-Campus Driving Privilege - The withdrawal of an individual's privilege to operate and/or park a motor vehicle on campus.

(3) Registration of Vehicles/Permits/Decals

- (a) Vehicle Registration

Southwest Tennessee Community College Student Disciplinary Rules...

- (i) Police Services will issue a parking permit for each registered vehicle.
 - (ii) Any individual who obtains vehicle registration by misrepresentation will be subject to disciplinary and/or administrative action.
- (21) A temporary visitor/guest permit will be issued from Police Services. Visitors must acquire and display the permit and must adhere to all Southwest Tennessee Community College parking regulations.
- (22) Non-registered vehicles are not permitted to park in any Southwest Tennessee Community College parking facility unless a temporary permit is obtained.
- (23) Proper registration allows the registrant to operate a vehicle on campus and to park in available designated spaces. It does not assure the registrant of a parking space and does not permit usage of parking facilities other than those outlined in the Traffic Code.
- (24) Bicycles need not be registered.
- (b) Permit Display
 - (i) Cars, trucks, and vans must hang the permit from the rear view mirror.
 - (ii) Motorcycles and motor bikes must permanently affix the permit to the windshield headlamp, or gas tank in a position where it is readily visible.
- (4) Parking Regulations
 - (a) Parking regulations are enforced twenty-four (24) hours a day, seven (7) days a week. On-campus parking areas are designated in the following manner:
 - (i) Students - Students are allowed to park in any Southwest Tennessee Community College parking facility that is not designated as Employee Parking, Restricted Parking, Reserved Parking, Handicapped Parking, or State Vehicle Parking.
 - (ii) Employees - Employees are allowed to park in any Southwest Tennessee Community College parking facility that is not designated for individuals with Restricted Permits, Handicapped or Disabled Permits, Reserved spaces, or State Vehicle spaces.
 - (iii) Restricted - Those individuals with Restricted Parking permits may park in any parking facility that is not designated as Handicap or Disabled, State Vehicle, or Reserved.
 - (iv) Handicap or Disabled - Specific spaces have been reserved within all parking facilities for students and employees with disabilities who have handicap/disabled permits or handicap license plates. These individuals may utilize these spaces, as well as any non-reserved spaces on campus.
 - (v) Reserved - Specific places have been designated for a specific college official such as the President. Only those individuals that the space is designated for may utilize this space.
 - (vi) Bicycles shall be parked in designated areas and are not permitted inside any

College building.

(b) Prohibited Parking

- (i) In any fire lanes. All drive-through areas in parking lots are considered fire lanes.
- (ii) Within fifteen (15) feet of a fire hydrant.
- (iii) In a driveway, unless there is a marked parking space within the driveway.
- (iv) On sidewalks or grassed areas.
- (v) In any area designated as "No Parking" zone.
- (vi) In service or delivery areas (official vehicles are exempt)
- (vii) The standing or stopping of a vehicle in a traffic lane next to a parking space (double parking) is not permitted. If traffic is blocked by standing or stopping, the person for whom the vehicle is waiting may be held liable for the violation.

(5) Traffic

(a) Standing Violations

- (i) An unattended vehicle will be considered parked.
- (ii) Double parking is not permitted. If traffic is blocked by standing or stopping of a vehicle, the person for who the vehicle is waiting may be held liable for the violation.
- (iii) Parking must be within the designated lines of a parking space, no line straddling.
- (iv) Parallel parked vehicles must be parked in the same direction as the flow of traffic.

(b) Moving Violations

- (i) All vehicles must come to a complete stop at stop signs.
- (ii) Reckless driving (defined as the operation of a vehicle in a manner endangering life and property).
- (iii) Exceeding the speed limit on campus (15 Miles per hour).
- (iv) Driving wrong way in a one-way lane.
- (v) Driving across parking spaces.

Southwest Tennessee Community College Student Disciplinary Rules...

- (vi) Bicycle riding is not allowed on campus sidewalks or grounds.

(6) Fines/Penalties

- (a) Citations issued for violations are payable within thirty (30) days at the Cashier's Office.
- (b) Once a citation is issued to a student, notice of such is entered into the computer by Police Services, which results in a "hold" being placed on the student's records and denial of permission to register.
- (c) Students who fail to pay parking fines or appeal the citation will be denied registration in further courses at Southwest Tennessee Community College, and will be denied academic transcripts.
- (d) Employees who fail to pay parking fines or appeal the citation will have the amount of the fine deducted from subsequent payroll checks.

(e) Violations

(i)	No vehicle registration permit	15.00
(ii)	Parking permit not properly displayed	15.00
(iii)	Parked in fire lane	50.00
(iv)	Handicapped or Disabled space violations	200.00*
(v)	Moving Violation	15.00
(vi)	Parking vehicle outside legal parking space or over stall lines or blocking legally parked car in space	15.00
(vii)	Unauthorized overnight parking	15.00
(viii)	Parking a vehicle on campus for the purpose of habitation, repair or storage	15.00
(ix)	Parking in a reserved space	15.00
(x)	Processing fee for replacing a lost or stolen parking permit	15.00
(xi)	All other violations	15.00

* The fine for disabled/handicapped parking violations is established by statute and will be adjusted to comply with state law.

(8) Appeals

- (a) A student wishing to appeal a traffic/parking citation must submit a "Request to Void Ticket" form to the Office of Student Activities within seventy-two (72) hours after receiving the traffic citation. The citation issued by Police Services must be attached to the form.
- (b) A Committee for Traffic Appeals, composed of three (3) students. One (1) student appointed by the Student Government Association (SGA) Vice President and two (2) students from the student body appointed by the Advisor to the SGA Vice President. Appointments are one year.
- (c) The Committee will meet bi-weekly to review traffic appeals.

- (d) Decisions of the Committee will be made by majority vote and based upon the regulations set forth in the Southwest Tennessee Traffic Code (which is given to all students when they obtain a parking decal) and the relevant facts . The Committee will have the authority to either affirm or invalidate citations.
- (e) If the committee affirms the citation, fines must be paid in accordance with established procedures.
- (f) Decisions of the Committee will be issued in writing within five (5) days of the hearing/review. A copy of the decision of the Committee will be sent to the student, Police Services, and the Office of Student Activities who will notify the student.
- (g) A student may appeal the Committee's decision by submitting a written request to the Director of Student Activities within seventy-two (72) hours after issuance of the Committee's decision. The Director of Student Activities will review the matter on the basis of the existing record, including but not limited to the Committee's written decision, and the student's appeal submission. The Director of Student Activities will issue a written determination, within 5 days after the submission of the appeal, either upholding or reversing the Committee's decision.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.05 Traffic and Parking. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.06 Disciplinary Procedures and due Process. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.



TENNESSEE BOARD OF REGENTS

MEETING: March Quarterly Board Meeting

SUBJECT: Revision of Student Disciplinary Policy
Volunteer State Community College

DATE: March 28, 2014

PRESENTER: Vice Chancellor Tristan Denley

ACTION REQUIRED: Voice Vote

STAFF'S RECOMMENDATION: Approval

BACKGROUND INFORMATION:

At its meeting on December 8, 2011, the Board approved a separate Student Disciplinary Policy for each TBR university and community college as well as a Student Disciplinary Policy for the Tennessee Colleges of Applied Technology (formerly known as the Tennessee Technology Centers). These policies describe disciplinary behaviors, disciplinary sanctions, and due process in keeping with the systemwide rule and applicable statutes. Furthermore, these policies include traffic and parking procedures including statements of traffic and parking related fees and fines.

The revised system-wide rule provides for institutions to amend their student disciplinary policies as such: "In student discipline policies, each institution may expand on these regulations, subject to Board approval" [Rule 0240-02-030.01 (2)]. The revision process has included institution-specific processes and approvals as well as review by institutions' counsel and by the Office of Academic Affairs.

Volunteer State Community College requests modifications to Part V: Traffic and Parking to remove repetitive language, insert correct titles for offices, and revise the explanations regarding employee vehicle registration, parking decals, parking and traffic regulations; also to clarify the traffic violations appeals process by differentiating between students and faculty/staff/visitors processes; and Part VI: Disciplinary Procedures to include department chairs, program directors and/or coordinators in the Academic Misconduct appeals process; also to remove authority from a Division Dean to change a grade due to academic misconduct and rest that responsibility with the Academic Integrity Committee; and also to reduce the time to file an appeal of a grade to five (5) business days to facilitate a shorter turnaround time in the appeal process.

VOLUNTEER STATE COMMUNITY COLLEGE

POLICY NO.: III:00:05

DATE: 3/29~~8~~/13~~4~~

SUPERSEDES POLICY NO.: III:00:05

DATED: ~~13~~/29/12

SUBJECT: STUDENT CONDUCT AND DISCIPLINE POLICY

APPROVED: JERRY L. FAULKNER, President

Part I. Institution Policy Statement
Part II. Disciplinary Offenses
Part III. Academic and Classroom Misconduct
Part IV. Disciplinary Sanctions
Part V. Traffic and Parking
Part VI. Disciplinary Procedures

Part I: Institution Policy Statement

Purpose

The purpose of this policy is to outline a Student Conduct and Discipline Policy, including disciplinary hearing procedures, academic misconduct, traffic and parking regulations applicable to the Volunteer State Community College (VSCC) community.

A. Policy

1. Volunteer State Community College (VSCC) students are considered citizens of their civic communities and of the VSCC academic community and are, therefore, expected to conduct themselves as law-abiding members of each community at all times. Admission to VSCC carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by non-students. In recognition of the special relationship that exists between VSCC and the academic community, which it seeks to serve, the Tennessee Board of Regents (TBR) has authorized the President of Volunteer State Community College, under its jurisdiction, to take such action as may be necessary to maintain campus conditions and preserve the integrity of VSCC and its educational environment.
2. Pursuant to this authorization and in fulfillment of its duty to provide a secure and stimulating atmosphere in which individual and academic pursuits may flourish, Volunteer State Community College adheres to the following policies, consistent with the regulations developed by the TBR which are intended to govern student conduct and which may be expanded or supplemented by VSCC subject to TBR approval. In addition, students are subject to all national, state and local laws and ordinances. If a student's violation of such laws or ordinances also adversely affects VSCC's pursuit of its educational objectives, VSCC may enforce its own regulations regardless of any proceedings instituted by other civil or criminal authorities. Conversely, violation of any section of these Regulations may subject a student to disciplinary measures by Volunteer State Community College whether or not such conduct is simultaneously violative of state, local or national laws.

3. The regulations, and related material incorporated herein by reference, are applicable to student organizations as well as individual students. Student organizations are subject to discipline for the conduct and actions of individual members of the organization while acting in their capacity as members of, or while attending or participating in any activity of, the student organization.
4. Subject to the exceptions provided pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g and/or the Tennessee Open Records Act, T.C.A. § 10-7-504(a)(4), a student's disciplinary files are considered "educational records" and are confidential within the meaning of those Acts. [NOTE: MOVED FROM PART 2 TO COINCIDE WITH SYSTEMWIDE RULE]

(B). Definitions

1. For the purpose of these regulations, a "student" shall mean any person who is admitted and/or registered for study at VSCC for any academic period. This shall include any period of time following admission and/or registration, but preceding the start of classes for any academic period. It will also include any period which follows the end of an academic period through the last day for registration for the succeeding academic period, and during any period while the student is under suspension from VSCC. Finally, "student" shall also include any person subject to a period of suspension or removal from campus as a sanction which results from a finding of a violation of the regulations governing student conduct. Students are responsible for compliance with the Rules of Student Conduct contained in this policy and with similar VSCC policies at all times.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.01, Institution Policy Statement. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part II: Disciplinary Offenses

- A. VSCC disciplinary measures shall be imposed, through appropriate due process procedures, for conduct which adversely affects VSCC's pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property or persons on property owned or controlled by VSCC.
- B. Disciplinary offenses are listed below and disciplinary action may be taken against a student for violation of the regulations which occur on VSCC owned, leased or otherwise controlled property, while participating in international or distance learning programs and off campus, when the conduct impairs, interferes with, or obstructs any VSCC activity or the mission, processes, and functions of VSCC.
 1. Conduct Dangerous to Self or Others. Any conduct, or attempted conduct, which constitutes a danger to any person's health, safety, or personal well-being, including, but not limited to, the following:
 - a. Physical and/or verbal abuse,

- b. Threats and/or intimidation,
 - c. Harm inflicted on self;
- 2. Hazing. Hazing, as defined in T.C.A. § 49-7-123(a)(1), means any intentional or reckless act, on or off the property, of any higher education institution by an individual acting alone, or with others, which is directed against any other person(s) that endangers the mental or physical health or safety of that person(s), or which induces or coerces a person(s) to endanger such person(s) mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization;
- 3. Disorderly Conduct. Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs VSCC functions, operations, classrooms, other groups or individuals;
- 4. Obstruction of or Interference with VSCC activities or facilities. Any intentional interference with or obstruction of any VSCC program, event, or facility including the following:
 - a. Any unauthorized occupancy of facilities owned or controlled by VSCC or blockage of access to or from such facilities,
 - b. Interference with the right of any VSCC member or other authorized person to gain access to any activity, program, event or facilities sponsored or controlled by VSCC,
 - c. Any obstruction or delay of a campus security officer, public safety officer, police officer, firefighter, EMT, or any official of VSCC, or failure to comply with any emergency directive issued by such person(s) in the performance of his or her duty;
- 5. Misuse of or Damage to Property. Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to another including, but not limited to, any personal property, fire alarms, fire equipment, elevators, telephones, VSCC keys, library materials and/or safety devices;
- 6. Theft, Misappropriation, or Unauthorized Sale of Property;
- 7. Misuse of Documents or Identification Cards. Any forgery, alteration of or unauthorized use of VSCC documents, forms, records or identification cards, including the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment or status in VSCC;
- 8. Firearms and Other Dangerous Weapons. Any possession of or use of firearms, dangerous weapons of any kind, or replica/toy guns, e.g. BB guns, pellet guns, paintball guns, water guns, cap guns, toy knives or other items that simulate firearms or dangerous weapons;
- 9. Explosives, Fireworks, and Flammable Materials. The unauthorized possession, ignition or detonation of any object or article which would cause damage by fire or other means to

persons or property or possession of any substance which could be considered to be and used as fireworks;

10. Alcoholic Beverages. The use and/or possession of alcoholic beverages on VSCC owned, leased, or controlled property. This offense includes the violation of any local ordinance, state, or federal law concerning alcoholic beverages, on or off VSCC owned, leased, or controlled property, where an affiliated group or organization has alcoholic beverages present and available for consumption;
11. Drugs. The unlawful possession or use of any drug or controlled substance (including, but not limited to, any stimulant, depressant, narcotic or hallucinogenic drug, or marijuana), sale or distribution of any such drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession or use of drugs, on or off VSCC owned or controlled property;
12. Drug Paraphernalia. The use or possession of equipment, products or materials that are used or intended for use in manufacturing, growing, using or distributing any drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession of drug paraphernalia, on or off VSCC owned or controlled property;
13. Public Intoxication. Appearing on VSCC owned or controlled property or at a VSCC sponsored event while under the influence of a controlled substance or of any other intoxicating substance;
14. Gambling. Unlawful gambling in any form;
15. Financial Irresponsibility. Failure to meet financial responsibilities to VSCC promptly including, but not limited to, knowingly passing a worthless check or money order in payment to VSCC;
16. Unacceptable Conduct in Disciplinary Proceedings. Any conduct at any stage of an institutional disciplinary proceeding or investigation that is contemptuous, disrespectful, threatening, or disorderly, including false complaints, testimony or other evidence, and attempts to influence the impartiality of a member of a judicial body, verbal or physical harassment or intimidation of a judicial board member, complainant, respondent or witness;
17. Failure to Cooperate with VSCC Officials. Failure to comply with directions of VSCC officials acting in the performance of their duties;
18. Violation of General Rules and Regulations. Any violation of the general rules and regulations of VSCC as published in VSCC policies, the VSCC catalog and/or the VSCC Student Handbook, including the intentional failure to perform any required action or the intentional performance of any prohibited action;
19. Attempts, Aiding and Abetting. Any attempt to commit any of the offenses listed under this section or the aiding or abetting of the commission of any of the offenses listed under this section (an attempt to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission). Being present during the

planning or commission of any offense listed under this section will be considered as aiding and abetting. Students who anticipate or observe an offense must remove themselves from the situation and are required to report the offense to VSCC;

20. Violations of State or Federal Laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference;
21. Violation of Imposed Disciplinary Sanctions. Intentional or unintentional violation of a disciplinary sanction officially imposed by a VSCC official or a constituted body of VSCC;
22. Sexual Battery or Rape. Committing any act of sexual battery or rape as defined by state law;
23. Harassment or Retaliation. Any act by an individual or group against another person or group in violation of TBR policies, as well as federal and/or state laws prohibiting discrimination, including, but not limited to, TBR policies 5:01:02:00,(F), 5:01:02:00, 2:02:10:01 and TBR Guideline P-080;
24. Academic Misconduct. Plagiarism, cheating, fabrication. For purposes of this section the following definitions apply:
 - a. Plagiarism. The adoption or reproduction of ideas, words, statements, images, or works of another person as one's own without proper attribution,
 - b. Cheating. Using or attempting to use unauthorized materials, information, or aids in any academic exercise or test/examination. The term academic exercise includes all forms of work submitted for credit or hours,
 - c. Fabrication. Unauthorized falsification or invention of any information or citation in an academic exercise.
25. Unauthorized Duplication or Possession of Keys. Making, causing to be made or the possession of any key for a VSCC facility without proper authorization;
26. Litter. Dispersing litter in any form onto the grounds or facilities of VSCC;
27. Pornography. Public display of literature, films, pictures or other materials which an average person applying contemporary community standards would find, (1) taken as a whole, appeals to the prurient interest, (2) depicts or describes sexual conduct in a patently offensive way, and (3) taken as a whole, lacks serious literary, artistic, political or scientific value;
28. Abuse of Computer Resources and Facilities. Misusing and/or abusing VSCC computer resources including, but not limited to the following:
 - a. Use of another person's identification to gain access to VSCC computer resources,
 - b. Use of VSCC computer resources and facilities to violate copyright laws, including, but not limited to, the act of unauthorized distribution of copyrighted materials using VSCC

information technology systems,

- c. Unauthorized access to a computer or network file, including but not limited to, altering, using, reading, copying, or deleting the file,
 - d. Unauthorized transfer of a computer or network file,
 - e. Use of VSCC computing resources and facilities to send abusive or obscene correspondence,
 - f. Use of VSCC computing resources and facilities in a manner that interferes with normal operation of the VSCC computing system,
 - g. Use of VSCC computing resources and facilities to interfere with the work of another student, faculty member, or VSCC official,
 - h. Violation of any published VSCC information technology resources policy,
 - i. Unauthorized peer-to-peer file sharing;
29. Unauthorized Access to VSCC Facilities and/or Grounds. Any unauthorized access and/or occupancy of VSCC facilities and grounds is prohibited, including, but not limited to, gaining access to facilities and grounds that are closed to the public, being present in areas of campus that are open to limited guests only, being present in academic buildings after hours without permission, and being present in buildings when the student has no legitimate reason to be present;
30. Providing False Information. Giving any false information to, or withholding necessary information from, any VSCC official acting in the performance of his/her duties in connection with a student's admission, enrollment, or status in the institution;
31. Unauthorized Surveillance. Making or causing to be made unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, and men's or women's restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means;
32. Smoking Violations. Violation of any TBR and/or VSCC smoking or other tobacco use rules or policies.
- C. Disciplinary action may be taken against a student for violations of the foregoing regulations which occur at or in association with enrollment at VSCC which is governed by the TBR for any academic period. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree including periods prior to or between semesters. Conduct occurring while a student is registered or enrolled at VSCC, but not discovered until after the awarding of a degree is actionable under these provisions and may result in the retroactive application of a disciplinary sanction. Should a student withdraw from VSCC with

disciplinary action or academic misconduct action pending, the student's record may be encumbered by the Office of Records and Registration upon the recommendation of the Vice President for Student Services and/or the President until the proceedings have been concluded.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.02, Disciplinary Offenses. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part III: Academic and Classroom Misconduct

- A. The instructor has the primary responsibility for maintenance of academic integrity and controlling classroom behavior, and can order the temporary removal or exclusion from the classroom of any student engaged in disruptive conduct or conduct that violates the general rules and regulations of VSCC for each class session during which the conduct occurs. Extended or permanent exclusion from the classroom, beyond the session in which the conduct occurred, or further disciplinary action can be effected only through appropriate procedures of the institution.
- B. Plagiarism, cheating, and other forms of academic dishonesty are prohibited. Students guilty of academic misconduct, either directly or indirectly, through participation or assistance, are immediately responsible to the instructor of the class. The instructor may make a decision regarding the appropriate action including assigning a grade of "F" for the exercise, examination, project or the course. In addition, other possible disciplinary sanctions may be imposed through the regular institutional disciplinary procedures. Other disciplinary sanctions will be imposed only through the appropriate institutional student disciplinary processes found in section VI, subsections A and B of this policy, which will include faculty reporting instances of academic dishonesty/misconduct to the Vice President for Student Services.
- C. Students may contest a grade assignment for the exercise, examination, project or the course associated with a finding of academic misconduct, as distinct from a student disciplinary sanction, through the applicable institutional academic misconduct procedures set forth in Sections VI, Disciplinary Procedures, below. The student shall be informed of his/her hearing rights, in writing, at the time the grade decision is made. Courses may not be dropped pending the final resolution of an allegation of academic misconduct.
- D. Disruptive behavior in the classroom may be defined as, but not limited to, behavior that obstructs or disrupts the learning environment (e.g., offensive language, harassment of students and professors, repeated outbursts from a student which disrupts the flow of instruction or prevents concentration on the subject taught, failure to cooperate in maintaining classroom decorum, etc.), text messaging, and the continued use of any electronic or other noise or light emitting device which disturbs others (e.g., disturbing noises from beepers, cell phones, palm pilots, lap-top computers, games, etc.). In instances where it appears a student may be a physical threat to self and/or the campus community the Student Assistance Coordinating Committee will be consulted to conduct a threat assessment to ensure the safety of the individual and the campus community.
- E. Class attendance and punctuality requirements are established by individual faculty members in the printed syllabus for each course. Along with these requirements individual faculty members

will outline in the course syllabus the consequences associated with a student(s) not meeting the class attendance and punctuality requirements. Students are expected to attend classes regularly and are responsible for absences or lateness directly to the faculty member for each course in which they are enrolled.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.03 Academic and Classroom Misconduct. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part IV: Disciplinary Sanctions

- A. Upon a determination that a student or student organization has violated any of the disciplinary offenses set forth in these regulations, VSCC disciplinary policies, or the general policies of VSCC, disciplinary sanctions may be imposed, either singly or in combination, by the Vice President for Student Services or designee.
- B. Sanctions that may be imposed include, but are not limited to:
 - 1. Restitution. Restitution may be required in situations which involve destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or student organization is obligated by the appropriate judicial authority to compensate a party or parties for a loss suffered as a result of disciplinary violation(s). Any such payment in restitution shall be limited to actual cost of repair, replacement or financial loss;
 - 2. Warning. The Vice President for Student Services or designee may notify the student or student organization that continuation or repetition of specified conduct may be cause for other disciplinary action;
 - 3. Reprimand. A written or verbal reprimand or censure may be given to any student or student organization whose conduct violates any part of these regulations and provides notice that any further violation(s) may result in more serious penalties;
 - 4. Service to VSCC or Community. A student, or student organization, may be required to donate a specified number of service hours to VSCC performing reasonable tasks for an appropriate VSCC office, official(s), or the local community. The service required shall be commensurate to the offense (e.g., service for maintenance staff for defacing VSCC property);
 - 5. Specified Educational/Counseling Program. A student or student organization may be required to participate in specified educational or counseling program(s) relevant to the offense, or to prepare a project or report concerning a relevant topic;
 - 6. Apology. A student or student organization may be required to apologize to an affected party, either verbally or in writing, for the behavior related to a disciplinary offense;
 - 7. Fines. Penalties in the form of fines may be imposed against a student or student organization whenever the Vice President for Student Services or designee deems appropriate. The sanction

of fines may be imposed in addition to other forms of disciplinary sanctions. Failure to pay fines may result in further disciplinary action;

8. Restriction. A restriction upon a student's or student organization's privileges for a period of time may be imposed. This restriction may include, for example, denial of the ability to represent VSCC at any event, ability to participate in VSCC or TBR sponsored travel, use of facilities, parking privileges, participation in extracurricular activities or restriction of organizational privileges;
9. Probation. Continued enrollment of a student or recognition of a student organization on probation may be conditioned upon adherence to these regulations. Any student or organization placed on probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon extracurricular activities, or any other appropriate special condition(s). Any conduct in further violation of these regulations while on probationary status or the failure to comply with the terms of the probationary period may result in the imposition of further disciplinary action;
10. Suspension. Suspension is the separation of a student or student organization from VSCC for a specified period of time. Suspension may be accompanied by special conditions for readmission or recognition;
11. Expulsion. Expulsion entails a permanent separation from VSCC. The imposition of this sanction is a permanent bar to the student's admission, or a student organization's recognition to VSCC. A student or organization that has been expelled may not enter VSCC property or facilities without obtaining prior approval from the Vice President for Student Services or designee with knowledge of the expulsion directive;
12. Revocation of Admission, Degree, or Credential;
13. Any alternate sanction deemed necessary and appropriate to address the misconduct at issue.
14. Interim Suspension. As a general rule, the status of a student or student organization accused of violation of these regulations should not be altered until a final determination has been made in regard to the charges. However, interim suspension, pending the completion of disciplinary procedures, may be imposed upon a finding by the Vice President for Student Services or designee that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused, any other member of VSCC its guests, property, or substantial disruption of classroom or other campus activities. In any case of interim suspension, the student, or student organization, shall be given an opportunity at the time of the decision and no later than seven (7) business days after the decision to contest the suspension;

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.04 Disciplinary Sanctions. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

A. The purpose of these traffic and parking regulations is to facilitate the orderly and efficient flow of traffic, to provide a safe atmosphere for both pedestrians and motor vehicle operators, and to provide order with regard to parking within limited space. The entry, operation and control of motor vehicles on college property are authorized by this policy. Enforcement of traffic and parking violations is for the purpose of controlling congestion, assuring that only authorized persons are using the facilities of Volunteer State Community College and controlling the proper utilization of parking spaces. Citations will be issued when, in the judgment of the officer, a specific vehicle is in violation of the College's parking and traffic policies. Persons operating a vehicle on campus are responsible for compliance with all state, county and city ordinances relating to ownership, registration, and operation of motor vehicles. The Chief of Campus Police is responsible for the enforcement of this policy, ~~the~~ Tennessee Motor Vehicle Laws and related city ordinances.

B. Volunteer State Community College parking areas are restricted for use by its faculty, staff, students and guests for events approved by the College. Volunteer State Community College assumes no responsibility for the care or protection of any vehicle or vehicle contents while parked or driven on College property. In addition, the College assumes no responsibility for the care and protection of any vehicle or contents during its removal or subsequent storage for violation of College traffic and parking regulations. Any violation of these regulations by a VSCC student, faculty or staff is subject to appropriate disciplinary action. Additionally, all traffic accidents, which occur on campus and involve injury to persons or damage to equipment, property or vehicles, must be reported to the Campus Police Department. one of the following offices:

- ~~1. Campus Police Department, Wood Campus Center, Room 105, on campus ext. 3595 or 230-3595.~~
- ~~2. Vice-President for Student Services, Room 217, Wood Campus Center, on campus ext. 3441 or 230-3441.~~

C. Decals/Motor Vehicle Registration

1. All VSCC employees, students and Foundation trustees will display a VSCC parking decal. Failure to display this decal will result in a citation and fine.

2. Student Vehicle Registration - Students can register a vehicle and obtain a decal at the following locations:

~~a.● Ramer Building, Business Office Rm. 181 from 8:00 am – 4:30 pm Monday through Friday~~Wood Campus Center, Student Life, Rm. 215, 8:00am – 4:30pm.

~~b.● Wood Campus Center, Student Services, Rm. 217, from 8 am – 8 pm Monday – Thursday, 8:00am – 5:30pm Friday.~~

~~c.a. Wood Campus Center, Campus Police, Rm. 105 from 7 am – 10 pm.~~

~~d.● Off-Campus Sites – McGavock High School, Wilson Central High School, Highland Crest, and VSCC Livingston Center.~~

~~b. Each student must present current Student ID to obtain a decal.~~

e- ~~3. Each student must present a current Student ID to obtain a decal.~~

~~4. Campus Access Fee – A campus access fee is charged each semester to all students as part of the tuition and fees and covers the cost of parking decals.~~

~~3.–~~5. Employee Vehicle Registration

~~a. Current Each Full-~~t~~Time Faculty and Staff employee- A campus access fee will be automatically~~

deducted annually from all full-time employees' September 30th paycheck. To request a decal, employees must complete the Parking Permit Application by going to https://volstate.edu/campuspolice/ParkingPermit_form.php. Current full-time employees will receive their decal(s) through campus mail. In order to avoid a delay in receiving your decal(s), please complete all required fields. ~~must pay the campus access fee annually through payroll deduction unless otherwise specified.~~

b. All Newly Hired Employees, Current Temporary Employees and Current Adjunct Faculty – All newly hired employees, current temporary employees and current adjunct faculty will request a decal by completing the Parking Permit Application at https://volstate.edu/campuspolice/ParkingPermit_form.php. Upon completing the application, print the confirmation/thank you page and present it to:

- Main campus – Business Office Cashier – Ramer Administration Building, Suite 181 between 8:00am and 4:30pm or Evening Services in Wood Campus Center, Suite 217 after 4:30pm to pay the campus access fee and to receive the parking decal(s).

- 4. • Satellite Campuses – Highland Crest/Springfield Site – Suite 114 between 8:00am and 7:00pm and VSCC Livingston – Suite 101A between 8:00am and 4:30pm to pay the campus access fee and to receive the parking decal(s).

6. Persons are expected to read and familiarize themselves with VSCC Traffic and Parking Regulations. Ignorance of the regulations is no defense for a violation.

5. 7. The College has two (2) types of parking decals available: exterior and interior display. Vehicles with tinted glass are not permitted to use the interior decals. When placing parking decals on vehicles other than soft top jeeps and convertibles, the exterior decal is to be placed on the outside of the rear tinted window, bottom left corner on the driver's side. When displaying an interior decal, it is to be placed on the interior bottom left corner of the driver's side of the rear window. Soft top jeeps and convertibles may display either an exterior or an interior decal on the driver's side lower corner of the front windshield.

6. Part time employees and adjunct faculty must come to Campus Police to obtain a parking decal.

8. A VSCC parking decal is valid for one year beginning each August.

7. A student worker is eligible to obtain a staff parking decal provided the student is enrolled in only one class. In that case, the student worker would be considered predominately on campus for employment purposes. If the student worker is enrolled in more than one class, the student worker would be considered predominately on campus for educational purposes and would not be eligible for a staff decal (unless they are a full-time employee).

9. Temporary parking permits must be displayed on any non-registered vehicle, which is parked on campus. It is the responsibility of students and employees to obtain a temporary decal when using an alternate vehicle without a parking decal, etc. These individuals may obtain a temporary permit from the Campus Police Department.

8. Employees failing to pay parking violations within 30 days of the receipt of such violation will be subject to sanctions set forth in TBR Guideline B-010.

10. Vehicle owners/operators are responsible to notify Campus Police of any vehicle being left on campus overnight or for an extended period.

9. Current VSCC employee parking decals are issued by Campus Police, Wood Campus Center, Rm. 105.

11. Lost or stolen decals must be reported immediately to Campus Police.

3. Special guest parking permits are issued by Campus Police, Room 105, Wood Campus Center.

10. 12. Misrepresentation – Any person who obtains a decal through misrepresentation will be subject

to disciplinary action. No person shall obtain a decal for anyone other than himself or herself to park in employee or designated restricted parking spaces.

~~11. The College has two types of parking decals available; exterior and interior display. Vehicles with tinted glass are not allowed to use the interior decals. When placing parking decals on vehicles other than jeeps and convertibles, the exterior decal is to be placed on the outside of the rear tinted window, bottom left corner on the driver's side. When displaying an interior decal, it is to be placed on the interior bottom left corner on the driver's side of the rear window. Jeeps and convertibles may display either an exterior or interior decal on the driver-side lower corner of the front windshield.~~

13. All visitors, vendors and contractors conducting college business on campus are required to obtain and display a temporary parking pass, which can be obtained from the Campus Police Department. A VSCC parking decal is valid for one year beginning each August.

~~12. 14. The Campus Police Department will recognize current parking decals from all universities and colleges that hold classes on Volunteer State Community College campuses.~~

~~13. Guest parking permits are valid only when dated and signed by the Chief of Campus Police or designee and must be properly displayed on any non-registered vehicle, which is parked on campus. A guest parking permit is properly displayed when it is face-up on the dashboard of the parked car or when hung from the rearview mirror.~~

~~4. 15. The following ten (10) campus organization offices will receive faculty/staff decals entitling them to faculty/staff parking privileges during their tenure in the following positions: SGA President, SGA Vice President, SGA Secretary, SGA Attorney General, SGA Secretary of Treasury, ACE President, ACE Vice President, Settler Editor, Settler Distribution Editor, and Pioneer Editor. It is the responsibility of students and employees to notify Campus Police if any vehicles will be on campus left overnight or for an extended period of time.~~

~~14. 16. Students participating in the Federal Work Study Program are not eligible for a staff decal.~~

~~15. It is the responsibility of students and employees to notify Campus Police to obtain a temporary decal when using an alternate vehicle without a parking decal, etc. These individuals may obtain a day pass from the Campus Police Office, Wood Campus Center Rm. 105.~~

~~16. Persons operating a vehicle on campus are responsible for compliance with all state, county and city ordinances relating to ownership registration and operation of motor vehicles.~~

~~17. Lost or stolen decals must be reported immediately to Campus Police.~~

~~18. Misrepresentation~~

~~a. Any person who obtains a decal through misrepresentation will be subject to disciplinary action.~~

~~i. No person shall obtain a decal for anyone other than himself or herself to park in employee or designated restricted parking spaces.~~

~~ii. Any person who materially adjusts a traffic citation will be subject to disciplinary action.~~

~~19. The following 12 campus organization officers will receive faculty/staff decals from Student Services entitling them to faculty/staff parking privileges during their tenure in the position specified below:~~

~~a. SGA President~~

~~b. SGA Vice President~~

~~c. SGA Secretary~~

~~d. ACE President~~

~~e. ACE Vice President~~

~~f. Settler Editor~~

~~g. 2 Assistant Settler Editors~~

- ~~h. Settler Distribution Editor~~
- ~~i. Pioneer Editor~~
- ~~j. 2 Assistant Pioneer Editors~~
- ~~20. All work study personnel and employees utilizing the loading zone space to conduct college business (i.e. delivering computers, boxes, packages, etc.) will display a visitor pass, which can be obtained from the Campus Police Department.~~
- ~~21. All vendors and contractors conducting college business on campus are required to obtain and display a visitor parking pass and a vendors ID badge, which can be obtained from the Campus Police Department.~~
- ~~22. The Campus Police Department will recognize current parking decals from all university and colleges that hold class on Volunteer State Community College Campuses.~~

D. Parking Regulations

The inability to locate a legal parking space in an approved parking area on campus does not justify improper parking unless approved by the Chief of Campus Police or designee.

- ~~1.~~
- ~~2. Parking violations include but are not limited to: Improper parking includes but is not limited to parking:~~
 - ~~a.i. Parking Aalong painted curbs~~
 - ~~b.ii. Parking in driveways and intersections~~
 - ~~c.iii. Parking Oon grass or lawns~~
 - ~~d.iv. Parking Oin roadways~~
 - ~~e.v. Parking Oon sidewalks~~
 - ~~f.vi. Parking across painted lines in such a way as to take up more than one designated parking spaceStraddled on a painted line~~
 - ~~g.vii. Parking which obstructs traffic as in double parkingToo far from curb~~
 - ~~h.viii. Parking in a fire laneWhich obstructs traffic as in double parking~~
 - ~~i.ix. Parking within fifteen (15) feet of a fire hydrantIn a fire lane~~
 - ~~x. Improper or no display of parking decalWithin fifteen feet of a fire hydrant~~
 - ~~xi. Blocking access to trash dumpsters or recycle containers~~
 - ~~j.xii. Use of college parking facilities for purposes other than its designated use~~
- ~~3.1. Students and employees must will not park in "Visitor" parking spaces during regular business hours. *Parking is allowed in "visitor" and "staff" after 5:00 pm Monday through Friday and all day on Saturday and Sunday unless designated otherwise.~~
- ~~4. General parking is allowed after the hour of 5:00 p.m. on weekdays and all day on weekends.~~
- ~~5.2. "Accessible" parking is enforced at all times7 days a week, 24 hours a day. The fine for an accessible disabled/handicapped parking violation is established by statute, and will be adjusted as necessary to remain in compliance with State law (T.C.A. 55-21-108 Amendment Chapter 909 Bill No. SB2706). *Other disabled persons displaying a valid license plate, placard, etc. may park in staff parking when the accessible parking area is occupied.Disabled or wheelchair confined persons displaying the appropriate license plate, placard, etc. may park in staff parking when the accessible parking area is occupied.~~
- ~~6.3. Only pPersons who have temporary mobility impairments or visual impairments may report parking needs to the Office of Disability Services on main campus or the Student Services Coordinator at off-campus sites. A VSCC Temporary accessible permit will be issued upon receipt of appropriate medical documentation. are authorized to park in areas designated as~~

"accessible". ~~Persons with mobility or visual impairments must report parking needs to the ADA Coordinator. Students, staff and visitors with disabilities desiring to park in marked accessible parking spaces must have a state issued parking license plate or tag. For individuals with temporary disabilities, a VSCC temporary tag will be issued upon receipt of appropriate medical documentation.~~ The expiration of the temporary ~~tag permit~~ will be dependent upon the expected duration of the ~~disabling~~ condition as indicated in the documentation. A temporary ~~tag permit~~ will additionally be issued to individuals who have ~~made application~~applied to the state and are awaiting a state tag. Individuals requesting a temporary ~~tag accessible permit~~ will complete the request form, providing vehicle registration information. The form will be forwarded to the Office of Disability Services Campus Police and a tag who will be issued a temporary permit. ~~by the Office of Disability Services. Except as authorized by the Chief of Campus Police, no one must not park a vehicle in areas designated as "no parking", "loading zone", and "VSCC car".~~

~~7. Parking will be only within the designated lines.~~

~~8.4.~~ Any unattended vehicles will be considered as parked.

~~9.5.~~ Motorcycles, motorbikes and bicycles will park in designated areas. Only motorcycles and motorbikes may park in motorcycle spaces.

~~10.6.~~ No bicycles are allowed inside campus buildings unless secured in an office. Bicycles should be secured when left unattended. Parking bicycles in walkways or on the grass is prohibited.

~~11.7.~~ All parallel-parked vehicles should be parked in the same direction as the flow of traffic~~Reserved Parking/Special Event parking requests are to be submitted to the Campus Police Department no later than one (1) week prior to the event.~~

~~12.8.~~ Students attending off-campus degree centers and/or sites will adhere to that specific center and/or site parking policies and procedures. Special Event parking requests are to be submitted to the Campus Police Department no later than one week prior to the event.

~~9.~~ Students attending off-campus degree centers and/or sites will adhere to that specific center and/or sites parking policies and procedures.

~~13.~~ *Volunteer State Community College reserves the right to tow and/or impound any vehicle that is parked in such a way to constitute a serious hazard, impede vehicular or pedestrian traffic movement, hinder the operation of emergency equipment, or hinder the access to make essential repairs or services. The owner and/or driver will be responsible for any costs or charges incurred for towing, the removal, impounding or storage of towed vehicles.

E. Traffic Regulations

Traffic Regulations include but are not limited to:

1. Speed limit on campus is 15 mph.
2. All vehicles shall come to a complete stop at stop signs and crosswalks.
3. Driving vehicles on the grass is prohibited. Exception – VSCC service vehicles including trucks, cars and gasoline powered utility vehicles.

1. ~~Moving Vehicle Regulations~~

- a. ~~Maximum speed on campus is 15 mph.~~
- b. ~~All vehicles shall come to a complete halt at stop signs and crosswalks.~~
- c. ~~Reckless driving (defined as the operation of a vehicle in a manner endangering life and/or property) is prohibited.~~
- d. ~~Driving while under the influence of intoxicants or drugs is forbidden.~~
- e. ~~Riding bicycles or other vehicles on the grass is prohibited. An exception is made for VSCC service vehicles including trucks, cars and gasoline powered utility vehicles.~~

2. ~~Violations~~F. Traffic Violations

Traffic Violations include but are not limited to:

- ~~a. 1. Failure to obey stop sign or traffic signal.~~
- ~~b. 2. Failure to yield to pedestrians at crosswalk.~~
- ~~c. 3. Speeding (exceeding maximum speed limit). Operation of motor vehicle in violation of provisions of state motor vehicle license laws.~~
- ~~d. 4. Failure to yield right-of-way. Improper or no display of parking decal.~~
- ~~e. 5. Operating or riding a motorcycle without protective headgear. Blocking access to trash dumpsters or recycle containers.~~
- ~~f. 6. Failure to obey the lawful direction of an officer. Parking in such a way as to take up more than one designated parking space.~~
- ~~g. 7. Failure to yield to an emergency vehicle. Speeding (exceeding maximum speed limits).~~
- ~~h. Failure to yield right-of-way.~~
- ~~i. Operating or riding motorcycle without protective headgear.~~
- ~~j. Failure to obey the lawful direction of an officer.~~
- ~~k. Failure to yield to an emergency vehicle.~~
- 8. Failure to adhere to parking rules/regulations.

G. Criminal Traffic Violations

Criminal Traffic Violations include but are not limited to the following and are subject to arrest:

- 1. Reckless driving
- 2. Driving while intoxicated
- 3. Leaving the scene of an accident with injury
- 4. Leaving the scene of an accident with property damage
- 5. Racing or drag racing with motor vehicle
- 6. Pacing a school bus (loading or unloading)
- 7. Operating a vehicle with a revoked or suspended license

*State citations require a court appearance in the county/city where the citation was issued (i.e. Highland Crest – Robertson County, Main Campus – Sumner County, Livingston – Overton County).

H. Fines/Penalties

1. Citations, Penalties & Fines

- a. Fines for traffic and parking violations are \$25 each. The fine for accessible parking violations is established by statute and will be adjusted to comply with state law.

- b. Citations are to be paid in person at the Business Office or by phone at 615-230-3585 with credit or debit card within 14 days of issuance. A copy of the citation/citation number must be presented at the time of payment.
- c. Penalties for non-payment: Registration for the subsequent semester will be blocked until all fines are paid. Transcripts will not be released until all fines are paid. Employees failing to pay will be subject to sanctions set forth in TBR Guideline B-010.
- d. A student who receives three (3) or more citations during a semester (regardless of whether or not the citations have been paid) may be charged under the student code of conduct and appropriate disciplinary action taken which may include the suspension of parking/driving privileges on campus for the remainder of the semester. The student will have ten (10) days to appeal the suspension of driving/parking privileges to the Student Traffic Appeals Committee. In the absence of an appeal, the suspension will go into effect and subsequently the vehicle may be towed if found on campus.
- e. Operation of a vehicle in such a manner to show complete disregard for the rights and safety of other members of the College community may cause immediate suspension of driving/parking privileges or other disciplinary action.
- f. Any person who alters or attempts to alter a traffic citation will be subject to disciplinary action.

2. Towing/Impoundment of Vehicles

Volunteer State Community College reserves the right to remove any vehicle by towing that is in violation of this policy. The owner/driver will be responsible for any costs or charges incurred for towing, the removal, impounding or storage of towed vehicles.

Violations, which may result in towing of vehicles, include but are not limited to the following:

- a. Unauthorized vehicles parked in spaces designated “accessible”.
- b. Parking in “no parking” or restricted areas.
- c. A car parked in such a manner to block a driveway or roadway, block a service entrance, create a hazard to the safety of the public, or impede construction and/or maintenance requirements.
- d. Display of a counterfeit, altered, transferred or otherwise fraudulent parking decal, or a decal obtained by an applicant giving false information on the application.
- e. Operation of any vehicle used as an instrument in a crime or suspected of being stolen.
- f. Abandoned Vehicle – Any motor vehicle left unattended longer than five (5) business days without notifying Campus Police, will be considered abandoned. All efforts will be made by Campus Police to notify the owner.

I. Citation Appeals

Individuals who choose to file an appeal must do so within fourteen (14) business days from the date of the citation. Citation appeal forms are to be completed online and can be found on the Volunteer State Community College Police Department website. Failure to file an appeal within fourteen (14) business days from the date of the citation will constitute a waiver of the right to appeal.

The appellant may submit any pertinent evidence to support the appeal (i.e. Photographs, eye witnesses, proof of parking decal and/or hardship, etc.). Reviewers reserve the right to request additional information before a decision is rendered.

Student Traffic Appeals

The Student Traffic Appeals Committee is a Student Government Association (SGA) committee charged to hear student traffic appeals and is comprised of the SGA Judicial Committee and the SGA Attorney General, as defined in the Student Government Association Constitution. A student who chooses to appeal a citation will appear before the SGA Judicial Committee and SGA Attorney General, present testimony and related documents to support their appeal and answer any questions from the committee members.

The Student Traffic Appeals Committee shall:

- i. Have at least four (4) members of the committee present in order to hear appeals.
- ii. Conduct hearings on an as needed basis. The appellant will be notified of hearing time and date two (2) weeks prior to hearing.
- iii. Vote to uphold or deny the citation by a majority of the committee members present.
- iv. Will notify the appellant of the committee's decision.
- v. Keep a current file of all decisions by the Student Traffic Appeals Committee maintained by the recorder and kept in the SGA office.
- vi. Reach a final decision no later than five (5) days after a student's case is heard.

*The Chief of Campus Police or designee is available for all appeal hearings for evidentiary and clarification purposes. During those times when the committee does not meet, the Chief of Campus Police of designee shall serve as the appellate authority.

When an appeal has been denied, the appellant must:

- Pay the prevailing traffic fine to the Business Office, no later than ten (10) business days after notification of decision; or
- Request a second review by the Vice President for Student Services no later than ten (10) business days after notification of the decision. The appellant must submit a request for a second review to the Office of the Vice President for Student Services and will be notified by the office concerning the decision of the Vice President for Student Services or designee.
- If the appellant wishes to appeal further he/she will appeal to the President.

Faculty, Staff, and Visitor Traffic Appeals

The Assistant Chief of Campus Police or designee is charged to hear faculty, staff, and visitor traffic appeals. The appellant may provide any pertinent evidence to support the appeal (i.e. Photographs, eye witnesses, proof of parking decal and/or hardship, etc.).

The Assistant Chief of Campus Police of designee shall:

- i. Conduct appeal reviews on an as needed basis.
- ii. Make a decision to uphold or deny the citation.
- iii. Reach a final decision no later than five (5) days after the appeal is received.
- iv. Notify the appellant and the Business Office of the outcome.
- v. Maintain a current file of all decisions.

When an appeal has been denied, the appellant must:

- Pay the prevailing traffic fine to the Business Office no later than ten (10) days after notification of decision; or
- Request a second review by the Chief of Campus Police no later than ten (10) days after notification of the decision. The appellant must submit a request for a second review in person at the Campus Police Department. The appellant will be notified of the final outcome.
- If the appellant wishes to appeal further he/she will appeal to the Vice President for Business and Finance and subsequently to the President.

1. 2.

~~The following violations pertain to both students and non-students; and if arrested, he/she will be subject to booking at the Sumner County Jail and mandatory court appearance in the General Sessions Court of Sumner County, Gallatin, Tennessee:~~

Reckless Driving	TCA 55-10-205
Driving while intoxicated	TCA 55-10-401
Leaving the scene of an accident with injury	TCA 55-10-101
Leaving the scene of an accident with property damage	TCA 55-10-102
Racing or drag racing with motor vehicle	TCA 55-10-502
School bus passing (loading or unloading)	TCA 55-8-151
Operating a vehicle with a revoked or suspended license	TCA 55-50-504

~~In compliance with the Digest of Tennessee Motor Vehicle Laws, any offense listed in the digest may require mandatory court appearance where there are personal injury or property damages in excess of \$100.00 or where, in the opinion of the citing officer the incident was an aggravated offense.~~

~~F. Fines/Penalties~~

~~1. Citations, Penalties & Fines~~

- ~~a. Each citation for violation of traffic and parking regulations carries a fine. Citations issued for campus violations are to be paid at the Business Office, Ramer 181. The violator's copy of the citation must be presented at time of payment. State citation fines will be paid at Sumner County General Sessions Court, Gallatin TN.~~
- ~~b. Automobiles bearing a faded or obliterated decal will be issued one warning citation. Additional citations will result in appropriate penalties.~~
- ~~c. After a registered vehicle receives a third citation in one (1) semester, parking/driving privileges on campus may be suspended for the remainder of the semester. The registered student may also be referred for disciplinary action. The suspension of campus_driving/parking privileges will occur after notice is issued to the registered owner/operator of the vehicle. The owner/operator of the vehicle will have ten (10) days to appeal the suspension of driving/parking privileges to the Student Traffic Appeals Committee. In the absence of an appeal, the suspension will go into effect and subsequently the vehicle may be towed if found on campus.~~
- ~~d. The following violations may cause immediate suspension of parking privileges or other disciplinary action:~~
 - ~~i. Operation of a vehicle in such a manner to show complete disregard for the rights and safety of other members of the College community;~~

- ii. Or receipt of three or more parking violations in one academic semester.
 - e. A student who receives three (3) or more citations (regardless of whether or not the citations have been paid) may be charged under the student code of conduct and appropriate disciplinary action taken.
 - f. Penalties for non-payment: Registration for subsequent semester will be blocked until all fines are paid. Transcripts will not be released until all fines are paid.
 - g. Fines for traffic and parking violations are \$25.00. The fine for disabled/handicapped parking violations is established by statute and will be adjusted to comply with state law.
- ~~**All fines for campus violations may be paid in the Business Office located in the Ramer Building.~~

~~2. Towing, Booting and Impoundment~~

- a. Volunteer State Community College reserves the right to remove by towing and impounding any vehicle that is parked in such a way to constitute a serious hazard, impede vehicular or pedestrian traffic movement, hinder the operation of emergency equipment, hinder the making of essential repairs or services. A vehicle may be booted in instances where it is parked in a restricted area or in an authorized space. The owner/driver will be responsible for any costs or charges incurred for towing, the removal, impounding or storage of towed vehicles.
- b. Violations, which may result in towing of vehicles, include the following:
 - i. Unauthorized vehicles parked in spaces designated "accessible".
 - ii. Parking in "no parking" or restricted areas.
 - iii. A car parked in such a manner as to block a driveway or roadway, block a service entrance, create a hazard to the safety of the public, or impede construction and/or maintenance requirements.
 - iv. After a registered vehicle receives a third citation in one (1) semester, parking/driving privileges on campus will be suspended for the remainder of the semester. The registered student may also be referred for disciplinary action. The suspension of driving/parking privileges will occur after notice is issued to the registered owner/operator of the vehicle. The owner/operator of the vehicle will have ten (10) days to appeal the suspension of driving/parking privileges to the Student Traffic Appeals Committee. In the absence of an appeal, the suspension will go into effect and subsequently the vehicle may be booted or towed if found on campus.
 - v. If a vehicle displays a counterfeit, altered, transferred or otherwise fraudulent parking decal, or a decal obtained by an applicant giving false information on the application, the vehicle can be booted or towed.
 - vi. Operation of any vehicle used as an instrument in a crime or suspected of being stolen may be towed.
 - vii. Operation of a vehicle by a person under the influence of intoxicants or drugs may be booted or towed.
 - viii. Abandoned Vehicle — Any motor vehicle left unattended longer than five (5) business days without notifying Campus Police, will be considered abandoned. All efforts will be made by Campus Police to notify the owner.

~~G. Traffic Appeals~~

~~Students wishing to appeal a student traffic citation given for the first offense will speak with the~~

~~Chief of Campus Police and/or the Assistant Chief of Campus Police, and complete the proper paperwork and provide any required documentation. All first offense appeals will be examined on a case-by-case basis. The appellant can provide any pertinent evidence to support the appeal (i.e. photographs, eye witnesses, proof of parking decal and/or hardship, etc.). The Chief of Campus Police and/or Assistant Chief of Campus Police will review each appeal along with any pertinent evidence presented and reach a decision concerning the outcome of the appeal. First offense appeals will be reviewed, at minimum on a weekly basis. The Chief of Campus Police or designee will notify the student, in writing, of the outcome within 48 hours of the decision being made. The same appeals process will apply for a first offense by faculty, staff and community patrons.~~

~~Students wishing to appeal a student citation given for a subsequent violation must present their request to the Student Traffic Appeals Committee. The Student Traffic Appeals Committee is a Student Government Association (SGA) Committee charged to hear student traffic appeals and is comprised of the SGA Judicial Committee and the SGA Attorney General, as defined in the Student Government Association Constitution. Appeals must be filed within 10 business days after issuance of the second or subsequent citation.~~

- ~~1. The Student Traffic Appeals Committee shall hear student citation appeals for second and subsequent traffic violations.~~
 - ~~a. There must be at least (3) members of the committee present in order to hear appeals.~~
 - ~~b. Hearings occur on an as-needed basis. The appellant will be notified of hearing time and date two weeks prior to hearing.~~
 - ~~c. The student who wishes to appeal their ticket will come before the Student Government Association (SGA) Judicial Committee and SGA Attorney General, present testimony and related documents to support their appeal and answer any questions from the committee members.~~
 - ~~d. The committee will vote to uphold or invalidate the ticket by a majority of the committee members present.~~
 - ~~e. The decision of the committee will be forwarded to the Vice President for Student Services or designee, who will render the final decision on the appeal.~~
 - ~~f. Appellants will be notified of the committee's and the Vice President for Student Services' or designee's decision both verbally and in written form.~~
- ~~2. All faculty/staff appeals will be filed with the Campus Police department and decided by the Chief of Campus Police or designee.~~
- ~~3. During those times when the committee does not meet, the Vice President for Student Services or designee shall serve as the appellate authority. Students shall be notified by letter of the decision.~~
- ~~4. Procedure for Appeals:~~
 - ~~a. Failure to file a traffic appeal within 10 business days from the date of the citation will constitute a waiver of the right to appeal a traffic citation.~~
 - ~~b. An official traffic appeal form must be secured from the Office of Student Life, Room 215, Wood Campus Center or from the Student Government Association Office in the Wood Campus Center.~~
 - ~~c. The student must complete the top portion of the appeal legibly and submit any evidence i.e.; doctors note, proof of tag, etc. at the same time the appeal is submitted. The Traffic Appeals Committee reserves the right to request additional information before a decision is rendered. The completed form must be submitted to Student Services.~~

- ~~d. Hearings occur on an as needed basis. The appellant will be notified of hearing time and date two weeks prior to hearing. Meetings will be held in the SGA office located in the Wood Campus Center.~~
- ~~e. Students may appeal to the committee in person or submit their statement in writing.~~
- ~~f. The Student Traffic Appeals Committee must reach a final decision no later than fifteen (15) days after a student's case is heard.~~
- ~~g. After the Student Traffic Appeals Committee renders a decision in writing, the appeal will be taken to the Office of the Vice President for Student Services by the committee's chairperson.~~
- ~~h. A current file of all decisions by the Student Traffic Appeals Committee will be maintained by the recorder and kept in the SGA office.~~
- ~~i. When an appeal has been denied, the prevailing traffic fine must be paid to the Business Office, no later than ten days after notification of decision.~~
- ~~j. The Chief of Campus Police or designee is available for all appeal hearings for evidentiary and clarification purposes.~~

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.05 Traffic and Parking. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part VI: Disciplinary Procedures

- A. Volunteer State Community College, which is governed by the TBR, in the implementation of TBR regulations pertaining to discipline and conduct of students, insures the constitutional rights of students by affording a system of constitutionally and legally sound procedures which provide the protection of due process of law.

B. General Discipline

The Vice President for Student Services, or his/her designee, is responsible for the enforcement of the College student disciplinary rules and procedures. When an allegation or charge of student misconduct is made, the Vice President for Student Services, or his/her designee, shall conduct an initial investigation. The investigation shall include, at minimum, an interview with any complaining witness, an interview with the responding student, and any witness identified by the responding student. In addition, the Vice President for Student Services, or his/her designee, may consider any other witness, or other evidence relevant to the allegations. At the conclusion of the investigation, the Vice President for Student Services, or his/her designee, will issue a written summary which will include a finding of essential facts, a determination of which student misconduct offenses or other policy violation, if any, has occurred, as well as any appropriate sanction.

When an adverse finding or disciplinary sanction(s) has been made/imposed by the Vice President for Student Services, or his/her designee, the student will be given notice of his/her hearing options. The student or student organization will have the option to accept the decision or to request an appropriate hearing. The student must make the election within ten (10) business days of receiving the Vice President's, or his/her designee's, decision. Once a student has made an election it shall be considered irrevocable. Failure to make an election within ten (10) business days constitutes a waiver of all hearing alternatives. Decision timeframes for

institutional decision makers may be extended due to extenuating circumstances with notice to involved parties.

C. Hearing Alternatives. The student shall be advised of his/her opportunity to elect one (1) of the following procedural options toward the disposition of the findings made by the Vice President of Student Services or his/her designee as specified below:

1. Hearing before College Ad Hoc Committee on Discipline Pursuant to College Procedures. The Ad Hoc Committee on Discipline is comprised of two (2) faculty members, three (3) Student Services staff members, two (2) students (one (1) being a member of the Student Government Association) and three (3) at-large members. This committee is selected through the committee membership process which allows College faculty and staff to indicate a preference of which committee(s) he/she would like to be a member and it is subsequently approved by the President's Cabinet. Faculty and staff members shall serve a three (3) year term. Student members shall serve a one (1) year term. A chairperson shall be appointed on a bi-annual basis by the President's Cabinet. The Ad Hoc Committee on Discipline shall report to the Vice President for Student Services or his/her designee in matters concerning disciplinary appeals of a non-academic nature. In all hearings, the Ad Hoc Committee on Discipline shall observe the procedures described in College Hearing Procedures below, consider all evidence, determine the facts, render a decision and recommend to the Vice President for Student Services or his/her designee, the appropriate disciplinary sanctions. Hearings under this procedure are available to students or student organizations charged with any violation of College rules.
2. Hearing Pursuant to Tennessee Uniform Administrative Procedure Act. A hearing shall be held in accordance with uniform contested case procedures adopted by the Tennessee Board of Regents. Hearings under these procedures are available, only and, in all cases which may result in (i) suspension or expulsion of a student from the institution, a program, or a course for disciplinary reasons, or (ii) revocation of recognition of a student organization for disciplinary reasons and shall be utilized unless the student or student organization waives those procedures and elects to have his/her/their case disposed of in accordance with other procedures established by this policy.
3. College Hearing Procedures. The following procedures shall apply to all College Hearings in matters of student disciplinary issues conducted by the Ad Hoc Committee on Discipline or in matters of academic misconduct conducted by the Academic Integrity Committee:
 - a. Hearings occur on an as needed basis.
 - b. Prior to the Hearing:
 - i. The student shall be advised on the time, date and place of the hearing at least fourteen (14) days prior to the hearing.
 - ii. The student shall be advised, in writing, of the conduct violation(s);
 - iii. The student shall be advised of the following rights:
 1. The right to present his/her case;
 2. The right to be accompanied by an advisor whose participation shall be limited to counseling the student and shall not include representation;
 3. The right to call witnesses on his/her behalf; and,
 4. The right to confront witnesses against him/her; and,

- iv. The student shall be advised of the right and method and time limitations of the appeal.
- c. The Vice President for Student Services, or designee, will present the evidence supporting the initial determination and sanction to the Ad Hoc Committee on Discipline concerning disciplinary matters of a non-academic nature. In cases of academic misconduct, the faculty member alleging academic misconduct will present the evidence supporting the allegation to the Academic Integrity Committee.
- d. The student will be permitted the opportunity to present testimony and related documents to support their position, and will answer any questions from the Committee members.
- e. The Committee may hear any other witness testimony, or consider any other evidence, that it determines to be relevant to issues presented at the hearing.
- f. At the conclusion of the hearing, the Committee will render a decision by majority vote.
- g. The findings and decision of the Committee in relation to disciplinary matters of a non-academic nature will be issued in writing and forwarded to both the student and the Vice President for Student Services or his/her designee within ten (10) business days after the conclusion of the hearing. In matters of academic misconduct, the findings of the committee will be issued in writing and forwarded to both the student and the Vice President for Academic Affairs or his/her designee within ten (10) business days after the conclusion of the hearing.
- h. The student may appeal the decision of the Ad Hoc Committee on Discipline to the President of the College.

D. Academic Misconduct

When an instructor determines a student has committed an act of academic misconduct (i.e. plagiarism, cheating or other forms of academic dishonesty) the following procedures shall apply:

1. The instructor shall notify the student, in writing, of the basis for the misconduct allegation once the misconduct has been verified.
2. ~~The instructor may then refer the matter directly to the Academic Integrity Committee for an investigation and hearing of the matter, or may proceed as described in 3–5 below.~~
32. The student shall have the opportunity to respond to the allegation and request a meeting with the instructor to discuss the matter. Decision by a student not to respond, or request a meeting, within ~~ten (10)~~five (5) business days, shall constitute a waiver of the right to contest the finding or related grade sanction.
43. When requested, the instructor shall document the response and /or meeting. Following the meeting the instructor may choose one of the following options:
 - a. If the instructor and student agree on a resolution, the agreement should be written and signed by both parties. If the student is penalized, the ~~Division Dean~~Department Chair, Program Director or Coordinator will be notified, regardless whether the student and instructor agree on the penalty.
 - b. If the instructor and student do not resolve the matter at the meeting, notice of the instructor's determination will be sent to the student and the ~~Division Dean~~Department Chair, Program Director or Coordinator within ~~ten (10)~~five (5) business days. In all cases, the Vice President for Student Services will be copied on the instructor's decision for review regarding any additional disciplinary procedures.

54. The student may appeal the instructor's decision to the ~~Division Dean~~Department Chair, Program Director or Coordinator. The appeal must be filed within ~~ten (10)~~five (5) business days of the instructor's decision.
65. The ~~Division Dean~~Department Chair, Program Director or Coordinator will review the record generated by the instructor and student. The parties may request an in-person meeting with the ~~Division Dean~~Department Chair, Program Director or Coordinator as part of the appeal review. The ~~Division Dean~~Department Chair, Program Director or Coordinator will issue a written decision within ~~ten (10)~~five (5) business days after receipt of the appeal or any in-person meeting and provide any further recommendation(s) to assist with a resolution. ~~The Division Dean may sustain or reverse the instructor's decision, and may additionally reverse, sustain, or increase the related sanction.~~
76. The student may appeal the ~~Division Dean's~~Department Chair, Program Director or Coordinator's decision to the ~~Academic Integrity Committee~~Division Dean. The appeal must be filed within ~~ten (10)~~five (5) business days from the date of the ~~Division Dean's~~Department Chair, Program Director or Coordinator's decision.
7. The Division Dean will review the record generated by the instructor, student, and Department Chair, Program Director or Coordinator. The parties may request an in-person meeting with the Division Dena as part of the appeal review. The Division Dean will issue a written decision within five (5) business days after receipt of the appeal or any in-person meeting providing any further recommendation(s) to assist with a resolution.
8. The student may appeal the Division Dean's decision to the Academic Integrity Committee. The appeal must be filed within five (5) business days from the date of the Division Dean's decision. The student appealing an allegation of academic misconduct and the faculty member alleging the academic misconduct are required to attend the appeal hearing before the Academic Integrity Committee (see subsection C above).
9. A student accused of academic misconduct who has been assigned a grade of "F" for the course and is subsequently appealing the grade and finding will not be permitted to withdraw from the course in which the allegation of academic misconduct has been made.

- E. Academic Misconduct Hearings Before the Academic Integrity Committee Pursuant to College Procedures
 1. The Academic Integrity Committee hears all grade appeals including those related to academic misconduct. In matters of academic misconduct the committee membership shall consist of at least two (2) faculty members from each academic division, and two (2) students from the Student Government Association appointed by the SGA President. At least five (5) faculty members must be present in order to meet quorum. Faculty and students have voting rights in the committee in matters of academic misconduct. Hearing procedures for the Academic Integrity committee are the same as those outlined in section VI, C.3. a – h above. The Vice President for Student Services or his/her designee will attend the hearing to ensure proper due process. In matters of academic misconduct the Academic Integrity Committee will report to the Vice President for Academic Affairs or his/her designee.

2. The student may appeal the decision of the Academic Integrity Committee to the Vice President for Academic Affairs or his/her designee.
3. The appeal must be filed, in writing, within ~~ten-five~~ (105) business days of receipt of the decision from the Academic Integrity Committee.
4. The appeal document shall set forth the complete basis for the student's appeal from the decision of the Academic Integrity Committee as well as the relief the student seeks.
5. Review by the Vice President for Academic Affairs or his/her designee shall be limited to the original allegation of academic misconduct and the record created at the hearing before the Academic Integrity Committee. In addition, newly discovered evidence may be considered by the Vice President for Academic Affairs or his/her designee. If newly discovered evidence is included in the appeal, the Vice President for Academic Affairs or his/her designee may return the matter to the Academic Integrity Committee for review for the committee members involved in the original academic misconduct hearing to consider the new evidence and determine what impact it may have had on the original decision.
6. The Vice President for Academic Affairs or his/her designee will render a decision, in writing, within ~~ten-five~~ (105) business days after receipt of the appeal.
7. The student may appeal the decision of the Vice President for Academic Affairs or his/her designee to the President. Such appeal will be governed by the procedures set forth in section VI , G below.

F. Academic Misconduct Appeals Procedures

1. In instances related to academic misconduct, the student may appeal the decision of the Academic Integrity Committee to the Vice President for Academic Affairs or his/her designee.
2. The appeal must be filed, in writing, within ten (10) business days of receipt of the decision from the Academic Integrity Committee.
3. The appeal document shall set forth the complete basis for the student's appeal from the decision of the Academic Integrity Committee.
4. The Vice President for Academic Affairs or his/her designee will review the grounds submitted in the student's appeal document together with the Academic Integrity Committee written decision, and the information developed in the hearing.
5. The Vice President for Academic Affairs or his/her designee will render a decision, in writing, to uphold or deny the decision of the Academic Integrity Committee within ten (10) business days after receipt of the appeal.

G. Appeals to the President

1. A student may appeal the decision of the Academic Integrity Committee in cases of general student discipline, or in cases of academic misconduct, the decision of the Vice President of Academic Affairs or his/her designee, to the President of the College.
2. The appeal to the President must be filed, in writing, within ten (10) business days of receiving the decision.

3. The appeal document shall set forth the complete basis for the student's appeal from the decision below.
 4. The President will review, in all cases, all of the information associated with the initial investigation, and decision, the subsequent hearing before the Ad Hoc Committee on Discipline or the Vice President for Academic Affairs or his/her designee.
 5. The President will reserve the right to speak with anyone involved with the disciplinary offense as well as anyone involved with the initial investigation and/or prior appeal procedures.
 6. The President shall issue a decision, in writing within ten (10) business days of the receipt of the appeal.
 7. The decision of the President shall be final, subject only to any appeal provided by policies of the Tennessee Board of Regents.
- H. Students found responsible for multiple acts of academic misconduct may be subject to further disciplinary action up to and including suspension or expulsion from the College. In the event the sanction is suspension or expulsion, the student will have the additional option to appeal the decision pursuant to the Tennessee Uniform Administrative Procedures Act (TUAPA) found in Section VI, (c) subsection 3.
- I. All adverse findings of academic misconduct will be recorded on the student's academic record at the conclusion of all proceedings and at the direction of the Vice President for Academic Affairs. The final decision shall additionally be copied to the Vice President for Student Services.
- J. Students may not drop or withdraw from any course while an allegation of Academic Misconduct remains pending. If the student receives a failing or diminished grade for the course, the student may not subsequently drop or withdraw from the course. If the student is found to have not committed academic misconduct, he or she may drop or withdraw even if the deadlines for such action have passed.
- K. In cases where more than one student is suspected of academic misconduct, each student's case will be adjudicated separately.
- L. Decision timeframes for institutional decision makers may be extended ordinarily with notice to involved parties.
- M. Privacy of Disciplinary Proceedings. Personal confidences and the identities of students involved in disciplinary proceedings will be protected to the extent reasonably possible [see Part 1 (5) of these policies].
- N. The President of Volunteer State Community College is authorized, at his or her discretion, to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or, subsequently, to convert any finding or sanction imposed to a lesser finding or sanction, or

to rescind any previous finding or sanction, in appropriate cases.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.06 Disciplinary Procedures and due Process. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

TBR Source: 3:02:00:01: SBR Meetings, December 2, 1977; March 3, 1978; March 18, 1983; September 30, 1983

TBR Source: 3:02:01:00: TBR Meetings, August 17, 1973; September 30, 1983; March 29, 2013

VSCC Source: November 3, 2008, President's Cabinet; September 3, 2009, President; July 23, 2010, President; November 11, 2011, President's Cabinet by email, to be effective January 29, 2012; February 11, 2013, President's Cabinet, to be effective April 1, 2013; President's Cabinet, January 22, 2014

VOLUNTEER STATE COMMUNITY COLLEGE

POLICY NO.: III:00:05

DATE: 3/28/14

SUPERSEDES POLICY NO.: III:00:05

DATED: 3/29/12

SUBJECT: STUDENT CONDUCT AND DISCIPLINE POLICY

APPROVED: JERRY L. FAULKNER, President

- Part I. Institution Policy Statement
- Part II. Disciplinary Offenses
- Part III. Academic and Classroom Misconduct
- Part IV. Disciplinary Sanctions
- Part V. Traffic and Parking
- Part VI. Disciplinary Procedures

Part I: Institution Policy Statement

Purpose

The purpose of this policy is to outline a Student Conduct and Discipline Policy, including disciplinary hearing procedures, academic misconduct, traffic and parking regulations applicable to the Volunteer State Community College (VSCC) community.

A. Policy

1. Volunteer State Community College (VSCC) students are considered citizens of their civic communities and of the VSCC academic community and are, therefore, expected to conduct themselves as law-abiding members of each community at all times. Admission to VSCC carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by non-students. In recognition of the special relationship that exists between VSCC and the academic community, which it seeks to serve, the Tennessee Board of Regents (TBR) has authorized the President of Volunteer State Community College, under its jurisdiction, to take such action as may be necessary to maintain campus conditions and preserve the integrity of VSCC and its educational environment.
2. Pursuant to this authorization and in fulfillment of its duty to provide a secure and stimulating atmosphere in which individual and academic pursuits may flourish, Volunteer State Community College adheres to the following policies, consistent with the regulations developed by the TBR which are intended to govern student conduct and which may be expanded or supplemented by VSCC subject to TBR approval. In addition, students are subject to all national, state and local laws and ordinances. If a student's violation of such laws or ordinances also adversely affects VSCC's pursuit of its educational objectives, VSCC may enforce its own regulations regardless of any proceedings instituted by other civil or criminal authorities. Conversely, violation of any section of these Regulations may subject a student to disciplinary measures by Volunteer State Community College whether or not such conduct is simultaneously violative of state, local or national laws.

3. The regulations, and related material incorporated herein by reference, are applicable to student organizations as well as individual students. Student organizations are subject to discipline for the conduct and actions of individual members of the organization while acting in their capacity as members of, or while attending or participating in any activity of, the student organization.
4. Subject to the exceptions provided pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g and/or the Tennessee Open Records Act, T.C.A. § 10-7-504(a)(4), a student's disciplinary files are considered "educational records" and are confidential within the meaning of those Acts. [NOTE: MOVED FROM PART 2 TO COINCIDE WITH SYSTEMWIDE RULE]

(B). Definitions

1. For the purpose of these regulations, a "student" shall mean any person who is admitted and/or registered for study at VSCC for any academic period. This shall include any period of time following admission and/or registration, but preceding the start of classes for any academic period. It will also include any period which follows the end of an academic period through the last day for registration for the succeeding academic period, and during any period while the student is under suspension from VSCC. Finally, "student" shall also include any person subject to a period of suspension or removal from campus as a sanction which results from a finding of a violation of the regulations governing student conduct. Students are responsible for compliance with the Rules of Student Conduct contained in this policy and with similar VSCC policies at all times.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.01, Institution Policy Statement. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part II: Disciplinary Offenses

- A. VSCC disciplinary measures shall be imposed, through appropriate due process procedures, for conduct which adversely affects VSCC's pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property or persons on property owned or controlled by VSCC.
- B. Disciplinary offenses are listed below and disciplinary action may be taken against a student for violation of the regulations which occur on VSCC owned, leased or otherwise controlled property, while participating in international or distance learning programs and off campus, when the conduct impairs, interferes with, or obstructs any VSCC activity or the mission, processes, and functions of VSCC.
 1. Conduct Dangerous to Self or Others. Any conduct, or attempted conduct, which constitutes a danger to any person's health, safety, or personal well-being, including, but not limited to, the following:
 - a. Physical and/or verbal abuse,

- b. Threats and/or intimidation,
 - c. Harm inflicted on self;
- 2. Hazing. Hazing, as defined in T.C.A. § 49-7-123(a)(1), means any intentional or reckless act, on or off the property, of any higher education institution by an individual acting alone, or with others, which is directed against any other person(s) that endangers the mental or physical health or safety of that person(s), or which induces or coerces a person(s) to endanger such person(s) mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization;
- 3. Disorderly Conduct. Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs VSCC functions, operations, classrooms, other groups or individuals;
- 4. Obstruction of or Interference with VSCC activities or facilities. Any intentional interference with or obstruction of any VSCC program, event, or facility including the following:
 - a. Any unauthorized occupancy of facilities owned or controlled by VSCC or blockage of access to or from such facilities,
 - b. Interference with the right of any VSCC member or other authorized person to gain access to any activity, program, event or facilities sponsored or controlled by VSCC,
 - c. Any obstruction or delay of a campus security officer, public safety officer, police officer, firefighter, EMT, or any official of VSCC, or failure to comply with any emergency directive issued by such person(s) in the performance of his or her duty;
- 5. Misuse of or Damage to Property. Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to another including, but not limited to, any personal property, fire alarms, fire equipment, elevators, telephones, VSCC keys, library materials and/or safety devices;
- 6. Theft, Misappropriation, or Unauthorized Sale of Property;
- 7. Misuse of Documents or Identification Cards. Any forgery, alteration of or unauthorized use of VSCC documents, forms, records or identification cards, including the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment or status in VSCC;
- 8. Firearms and Other Dangerous Weapons. Any possession of or use of firearms, dangerous weapons of any kind, or replica/toy guns, e.g. BB guns, pellet guns, paintball guns, water guns, cap guns, toy knives or other items that simulate firearms or dangerous weapons;
- 9. Explosives, Fireworks, and Flammable Materials. The unauthorized possession, ignition or detonation of any object or article which would cause damage by fire or other means to

persons or property or possession of any substance which could be considered to be and used as fireworks;

10. Alcoholic Beverages. The use and/or possession of alcoholic beverages on VSCC owned, leased, or controlled property. This offense includes the violation of any local ordinance, state, or federal law concerning alcoholic beverages, on or off VSCC owned, leased, or controlled property, where an affiliated group or organization has alcoholic beverages present and available for consumption;
11. Drugs. The unlawful possession or use of any drug or controlled substance (including, but not limited to, any stimulant, depressant, narcotic or hallucinogenic drug, or marijuana), sale or distribution of any such drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession or use of drugs, on or off VSCC owned or controlled property;
12. Drug Paraphernalia. The use or possession of equipment, products or materials that are used or intended for use in manufacturing, growing, using or distributing any drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession of drug paraphernalia, on or off VSCC owned or controlled property;
13. Public Intoxication. Appearing on VSCC owned or controlled property or at a VSCC sponsored event while under the influence of a controlled substance or of any other intoxicating substance;
14. Gambling. Unlawful gambling in any form;
15. Financial Irresponsibility. Failure to meet financial responsibilities to VSCC promptly including, but not limited to, knowingly passing a worthless check or money order in payment to VSCC;
16. Unacceptable Conduct in Disciplinary Proceedings. Any conduct at any stage of an institutional disciplinary proceeding or investigation that is contemptuous, disrespectful, threatening, or disorderly, including false complaints, testimony or other evidence, and attempts to influence the impartiality of a member of a judicial body, verbal or physical harassment or intimidation of a judicial board member, complainant, respondent or witness;
17. Failure to Cooperate with VSCC Officials. Failure to comply with directions of VSCC officials acting in the performance of their duties;
18. Violation of General Rules and Regulations. Any violation of the general rules and regulations of VSCC as published in VSCC policies, the VSCC catalog and/or the VSCC Student Handbook, including the intentional failure to perform any required action or the intentional performance of any prohibited action;
19. Attempts, Aiding and Abetting. Any attempt to commit any of the offenses listed under this section or the aiding or abetting of the commission of any of the offenses listed under this section (an attempt to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission). Being present during the

planning or commission of any offense listed under this section will be considered as aiding and abetting. Students who anticipate or observe an offense must remove themselves from the situation and are required to report the offense to VSCC;

20. Violations of State or Federal Laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference;
21. Violation of Imposed Disciplinary Sanctions. Intentional or unintentional violation of a disciplinary sanction officially imposed by a VSCC official or a constituted body of VSCC;
22. Sexual Battery or Rape. Committing any act of sexual battery or rape as defined by state law;
23. Harassment or Retaliation. Any act by an individual or group against another person or group in violation of TBR policies, as well as federal and/or state laws prohibiting discrimination, including, but not limited to, TBR policies 5:01:02:00,(F), 5:01:02:00, 2:02:10:01 and TBR Guideline P-080;
24. Academic Misconduct. Plagiarism, cheating, fabrication. For purposes of this section the following definitions apply:
 - a. Plagiarism. The adoption or reproduction of ideas, words, statements, images, or works of another person as one's own without proper attribution,
 - b. Cheating. Using or attempting to use unauthorized materials, information, or aids in any academic exercise or test/examination. The term academic exercise includes all forms of work submitted for credit or hours,
 - c. Fabrication. Unauthorized falsification or invention of any information or citation in an academic exercise.
25. Unauthorized Duplication or Possession of Keys. Making, causing to be made or the possession of any key for a VSCC facility without proper authorization;
26. Litter. Dispersing litter in any form onto the grounds or facilities of VSCC;
27. Pornography. Public display of literature, films, pictures or other materials which an average person applying contemporary community standards would find, (1) taken as a whole, appeals to the prurient interest, (2) depicts or describes sexual conduct in a patently offensive way, and (3) taken as a whole, lacks serious literary, artistic, political or scientific value;
28. Abuse of Computer Resources and Facilities. Misusing and/or abusing VSCC computer resources including, but not limited to the following:
 - a. Use of another person's identification to gain access to VSCC computer resources,
 - b. Use of VSCC computer resources and facilities to violate copyright laws, including, but not limited to, the act of unauthorized distribution of copyrighted materials using VSCC

information technology systems,

- c. Unauthorized access to a computer or network file, including but not limited to, altering, using, reading, copying, or deleting the file,
 - d. Unauthorized transfer of a computer or network file,
 - e. Use of VSCC computing resources and facilities to send abusive or obscene correspondence,
 - f. Use of VSCC computing resources and facilities in a manner that interferes with normal operation of the VSCC computing system,
 - g. Use of VSCC computing resources and facilities to interfere with the work of another student, faculty member, or VSCC official,
 - h. Violation of any published VSCC information technology resources policy,
 - i. Unauthorized peer-to-peer file sharing;
29. Unauthorized Access to VSCC Facilities and/or Grounds. Any unauthorized access and/or occupancy of VSCC facilities and grounds is prohibited, including, but not limited to, gaining access to facilities and grounds that are closed to the public, being present in areas of campus that are open to limited guests only, being present in academic buildings after hours without permission, and being present in buildings when the student has no legitimate reason to be present;
30. Providing False Information. Giving any false information to, or withholding necessary information from, any VSCC official acting in the performance of his/her duties in connection with a student's admission, enrollment, or status in the institution;
31. Unauthorized Surveillance. Making or causing to be made unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, and men's or women's restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means;
32. Smoking Violations. Violation of any TBR and/or VSCC smoking or other tobacco use rules or policies.
- C. Disciplinary action may be taken against a student for violations of the foregoing regulations which occur at or in association with enrollment at VSCC which is governed by the TBR for any academic period. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree including periods prior to or between semesters. Conduct occurring while a student is registered or enrolled at VSCC, but not discovered until after the awarding of a degree is actionable under these provisions and may result in the retroactive application of a disciplinary sanction. Should a student withdraw from VSCC with

disciplinary action or academic misconduct action pending, the student's record may be encumbered by the Office of Records and Registration upon the recommendation of the Vice President for Student Services and/or the President until the proceedings have been concluded.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.02, Disciplinary Offenses. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part III: Academic and Classroom Misconduct

- A. The instructor has the primary responsibility for maintenance of academic integrity and controlling classroom behavior, and can order the temporary removal or exclusion from the classroom of any student engaged in disruptive conduct or conduct that violates the general rules and regulations of VSCC for each class session during which the conduct occurs. Extended or permanent exclusion from the classroom, beyond the session in which the conduct occurred, or further disciplinary action can be effected only through appropriate procedures of the institution.
- B. Plagiarism, cheating, and other forms of academic dishonesty are prohibited. Students guilty of academic misconduct, either directly or indirectly, through participation or assistance, are immediately responsible to the instructor of the class. The instructor may make a decision regarding the appropriate action including assigning a grade of "F" for the exercise, examination, project or the course. In addition, other possible disciplinary sanctions may be imposed through the regular institutional disciplinary procedures. Other disciplinary sanctions will be imposed only through the appropriate institutional student disciplinary processes found in section VI, subsections A and B of this policy, which will include faculty reporting instances of academic dishonesty/misconduct to the Vice President for Student Services.
- C. Students may contest a grade assignment for the exercise, examination, project or the course associated with a finding of academic misconduct, as distinct from a student disciplinary sanction, through the applicable institutional academic misconduct procedures set forth in Sections VI, Disciplinary Procedures, below. The student shall be informed of his/her hearing rights, in writing, at the time the grade decision is made. Courses may not be dropped pending the final resolution of an allegation of academic misconduct.
- D. Disruptive behavior in the classroom may be defined as, but not limited to, behavior that obstructs or disrupts the learning environment (e.g., offensive language, harassment of students and professors, repeated outbursts from a student which disrupts the flow of instruction or prevents concentration on the subject taught, failure to cooperate in maintaining classroom decorum, etc.), text messaging, and the continued use of any electronic or other noise or light emitting device which disturbs others (e.g., disturbing noises from beepers, cell phones, palm pilots, lap-top computers, games, etc.). In instances where it appears a student may be a physical threat to self and/or the campus community the Student Assistance Coordinating Committee will be consulted to conduct a threat assessment to ensure the safety of the individual and the campus community.
- E. Class attendance and punctuality requirements are established by individual faculty members in the printed syllabus for each course. Along with these requirements individual faculty members

will outline in the course syllabus the consequences associated with a student(s) not meeting the class attendance and punctuality requirements. Students are expected to attend classes regularly and are responsible for absences or lateness directly to the faculty member for each course in which they are enrolled.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.03 Academic and Classroom Misconduct. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part IV: Disciplinary Sanctions

- A. Upon a determination that a student or student organization has violated any of the disciplinary offenses set forth in these regulations, VSCC disciplinary policies, or the general policies of VSCC, disciplinary sanctions may be imposed, either singly or in combination, by the Vice President for Student Services or designee.
- B. Sanctions that may be imposed include, but are not limited to:
 - 1. Restitution. Restitution may be required in situations which involve destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or student organization is obligated by the appropriate judicial authority to compensate a party or parties for a loss suffered as a result of disciplinary violation(s). Any such payment in restitution shall be limited to actual cost of repair, replacement or financial loss;
 - 2. Warning. The Vice President for Student Services or designee may notify the student or student organization that continuation or repetition of specified conduct may be cause for other disciplinary action;
 - 3. Reprimand. A written or verbal reprimand or censure may be given to any student or student organization whose conduct violates any part of these regulations and provides notice that any further violation(s) may result in more serious penalties;
 - 4. Service to VSCC or Community. A student, or student organization, may be required to donate a specified number of service hours to VSCC performing reasonable tasks for an appropriate VSCC office, official(s), or the local community. The service required shall be commensurate to the offense (e.g., service for maintenance staff for defacing VSCC property);
 - 5. Specified Educational/Counseling Program. A student or student organization may be required to participate in specified educational or counseling program(s) relevant to the offense, or to prepare a project or report concerning a relevant topic;
 - 6. Apology. A student or student organization may be required to apologize to an affected party, either verbally or in writing, for the behavior related to a disciplinary offense;
 - 7. Fines. Penalties in the form of fines may be imposed against a student or student organization whenever the Vice President for Student Services or designee deems appropriate. The sanction

of fines may be imposed in addition to other forms of disciplinary sanctions. Failure to pay fines may result in further disciplinary action;

8. Restriction. A restriction upon a student's or student organization's privileges for a period of time may be imposed. This restriction may include, for example, denial of the ability to represent VSCC at any event, ability to participate in VSCC or TBR sponsored travel, use of facilities, parking privileges, participation in extracurricular activities or restriction of organizational privileges;
9. Probation. Continued enrollment of a student or recognition of a student organization on probation may be conditioned upon adherence to these regulations. Any student or organization placed on probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon extracurricular activities, or any other appropriate special condition(s). Any conduct in further violation of these regulations while on probationary status or the failure to comply with the terms of the probationary period may result in the imposition of further disciplinary action;
10. Suspension. Suspension is the separation of a student or student organization from VSCC for a specified period of time. Suspension may be accompanied by special conditions for readmission or recognition;
11. Expulsion. Expulsion entails a permanent separation from VSCC. The imposition of this sanction is a permanent bar to the student's admission, or a student organization's recognition to VSCC. A student or organization that has been expelled may not enter VSCC property or facilities without obtaining prior approval from the Vice President for Student Services or designee with knowledge of the expulsion directive;
12. Revocation of Admission, Degree, or Credential;
13. Any alternate sanction deemed necessary and appropriate to address the misconduct at issue.
14. Interim Suspension. As a general rule, the status of a student or student organization accused of violation of these regulations should not be altered until a final determination has been made in regard to the charges. However, interim suspension, pending the completion of disciplinary procedures, may be imposed upon a finding by the Vice President for Student Services or designee that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused, any other member of VSCC its guests, property, or substantial disruption of classroom or other campus activities. In any case of interim suspension, the student, or student organization, shall be given an opportunity at the time of the decision and no later than seven (7) business days after the decision to contest the suspension;

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.04 Disciplinary Sanctions. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

- A. The purpose of these traffic and parking regulations is to facilitate the orderly and efficient flow of traffic, to provide a safe atmosphere for both pedestrians and motor vehicle operators, and to provide order with regard to parking within limited space. The entry, operation and control of motor vehicles on college property are authorized by this policy. Enforcement of traffic and parking violations is for the purpose of controlling congestion, assuring that only authorized persons are using the facilities of Volunteer State Community College and controlling the proper utilization of parking spaces. Citations will be issued when, in the judgment of the officer, a specific vehicle is in violation of the College's parking and traffic policies. Persons operating a vehicle on campus are responsible for compliance with all state, county and city ordinances relating to ownership, registration, and operation of motor vehicles. The Chief of Campus Police is responsible for the enforcement of this policy, Tennessee Motor Vehicle Laws and related city ordinances.
- B. Volunteer State Community College parking areas are restricted for use by its faculty, staff, students and guests for events approved by the College. Volunteer State Community College assumes no responsibility for the care or protection of any vehicle or vehicle contents while parked or driven on College property. In addition, the College assumes no responsibility for the care and protection of any vehicle or contents during its removal or subsequent storage for violation of College traffic and parking regulations. Any violation of these regulations by a VSCC student, faculty or staff is subject to appropriate disciplinary action. Additionally, all traffic accidents, which occur on campus and involve injury to persons or damage to equipment, property or vehicles, must be reported to the Campus Police Department. :
- C. Decals/Motor Vehicle Registration
1. All VSCC employees, students and Foundation trustees will display a VSCC parking decal. Failure to display this decal will result in a citation and fine.
 2. Student Vehicle Registration - Students can register a vehicle and obtain a decal at the following locations:
 - Wood Campus Center, Student Life, Rm. 215, 8:00am – 4:30pm.
 - Wood Campus Center, Student Services, Rm. 217, from 8 am – 8 pm Monday – Thursday, 8:00am – 5:30pm Friday.
 - Off-Campus Sites – McGavock High School, Wilson Central High School, Highland Crest, and VSCC Livingston Center.
 3. Each student must present a current Student ID to obtain a decal.
 4. Campus Access Fee – A campus access fee is charged each semester to all students as part of the tuition and fees and covers the cost of parking decals.
 5. Employee Vehicle Registration Current Full-Time Faculty and Staff - A campus access fee will be automatically deducted annually from all full-time employees' September 30th paycheck. To request a decal, employees must complete the Parking Permit Application by going to https://volstate.edu/campuspolice/ParkingPermit_form.php. Current full-time employees will receive their decal(s) through campus mail. In order to avoid a delay in receiving your decal(s), please complete all required fields.

All Newly Hired Employees, Current Temporary Employees and Current Adjunct Faculty – All newly hired employees, current temporary employees and current adjunct faculty will request

a decal by completing the Parking Permit Application at https://volstate.edu/campuspolice/ParkingPermit_form.php. Upon completing the application, print the confirmation/thank you page and present it to:

- Main campus – Business Office Cashier – Ramer Administration Building, Suite 181 between 8:00am and 4:30pm or Evening Services in Wood Campus Center, Suite 217 after 4:30pm to pay the campus access fee and to receive the parking decal(s).
 - Satellite Campuses – Highland Crest/Springfield Site – Suite 114 between 8:00am and 7:00pm and VSCC Livingston – Suite 101A between 8:00am and 4:30pm to pay the campus access fee and to receive the parking decal(s).
6. Persons are expected to read and familiarize themselves with VSCC Traffic and Parking Regulations. Ignorance of the regulations is no defense for a violation.
 7. The College has two (2) types of parking decals available: exterior and interior display. Vehicles with tinted glass are not permitted to use the interior decals. When placing parking decals on vehicles other than soft top jeeps and convertibles, the exterior decal is to be placed on the outside of the rear tinted window, bottom left corner on the driver's side. When displaying an interior decal, it is to be placed on the interior bottom left corner of the driver's side of the rear window. Soft top jeeps and convertibles may display either an exterior or an interior decal on the driver's side lower corner of the front windshield.
 8. A VSCC parking decal is valid for one year beginning each August.
 9. Temporary parking permits must be displayed on any non-registered vehicle, which is parked on campus. It is the responsibility of students and employees to obtain a temporary decal when using an alternate vehicle without a parking decal, etc. These individuals may obtain a temporary permit from the Campus Police Department.
 10. Vehicle owners/operators are responsible to notify Campus Police of any vehicle being left on campus overnight or for an extended period.
 11. Lost or stolen decals must be reported immediately to Campus Police.
 12. Misrepresentation – Any person who obtains a decal through misrepresentation will be subject to disciplinary action. No person shall obtain a decal for anyone other than himself or herself to park in employee or designated restricted parking spaces.
 13. All visitors, vendors and contractors conducting college business on campus are required to obtain and display a temporary parking pass, which can be obtained from the Campus Police Department.
 14. The Campus Police Department will recognize current parking decals from all universities and colleges that hold classes on Volunteer State Community College campuses.
 15. The following ten (10) campus organization offices will receive faculty/staff decals entitling them to faculty/staff parking privileges during their tenure in the following positions: SGA President, SGA Vice President, SGA Secretary, SGA Attorney General, SGA Secretary of Treasury, ACE President, ACE Vice President, Settler Editor, Settler Distribution Editor, and Pioneer Editor.
 16. Students participating in the Federal Work Study Program are not eligible for a staff decal.

D. Parking Regulations

The inability to locate a legal parking space in an approved parking area on campus does not justify improper parking unless approved by the Chief of Campus Police or designee.

Parking violations include but are not limited to:

- i. Parking along curbs

- ii. Parking in driveways and intersections
 - iii. Parking on grass or lawns
 - iv. Parking in roadways
 - v. Parking on sidewalks
 - vi. Parking across painted lines in such a way as to take up more than one designated parking space
 - vii. Parking which obstructs traffic as in double parking
 - viii. Parking in a fire lane
 - ix. Parking within fifteen (15) feet of a fire hydrant
 - x. Improper or no display of parking decal
 - xi. Blocking access to trash dumpsters or recycle containers
 - xii. Use of college parking facilities for purposes other than its designated use
1. Students and employees will not park in "Visitor" parking spaces during regular business hours.
*Parking is allowed in "visitor" and "staff" after 5:00 pm Monday through Friday and all day on Saturday and Sunday unless designated otherwise.
 2. "Accessible" parking is enforced at all times. The fine for an accessible parking violation is established by statute, and will be adjusted as necessary to remain in compliance with State law (T.C.A. 55-21-108 Amendment Chapter 909 Bill No. SB2706). *Other disabled persons displaying a valid license plate, placard, etc. may park in staff parking when the accessible parking area is occupied.
 3. Persons who have temporary mobility or visual impairments may report parking needs to the Office of Disability Services on main campus or the Student Services Coordinator at off-campus sites. A VSCC Temporary accessible permit will be issued upon receipt of appropriate medical documentation. The expiration of the temporary permit will be dependent upon the expected duration of the condition as indicated in the documentation. A temporary permit will additionally be issued to individuals who have applied to the state and are awaiting a state tag. Individuals requesting a temporary accessible permit will complete the request form, providing vehicle registration information. The form will be forwarded to the Office of Disability Services who will issue a temporary permit.
 4. Any unattended vehicles will be considered as parked.
 5. Motorcycles, motorbikes and bicycles will park in designated areas. Only motorcycles and motorbikes may park in motorcycle spaces.
 6. No bicycles are allowed inside campus buildings unless secured in an office. Bicycles should be secured when left unattended. Parking bicycles in walkways or on the grass is prohibited.
 7. Reserved Parking/Special Event parking requests are to be submitted to the Campus Police Department no later than one (1) week prior to the event.
 8. Students attending off-campus degree centers and/or sites will adhere to that specific center and/or site parking policies and procedures.

*Volunteer State Community College reserves the right to tow and/or impound any vehicle that is parked in such a way to constitute a serious hazard, impede vehicular or pedestrian traffic movement, hinder the operation of emergency equipment, or hinder the access to make essential repairs or services. The owner and/or driver will be responsible for any costs or charges incurred for towing, the removal, impounding or storage of towed vehicles.

E. Traffic Regulations

Traffic Regulations include but are not limited to:

1. Speed limit on campus is 15 mph.
2. All vehicles shall come to a complete stop at stop signs and crosswalks.
3. Driving vehicles on the grass is prohibited. Exception – VSCC service vehicles including trucks, cars and gasoline powered utility vehicles.

F. Traffic Violations

Traffic Violations include but are not limited to:

1. Failure to obey stop sign or traffic signal.
2. Failure to yield to pedestrians at crosswalk.
3. Speeding (exceeding maximum speed limit).
4. Failure to yield right-of-way.
5. Operating or riding a motorcycle without protective headgear.
6. Failure to obey the lawful direction of an officer.
7. Failure to yield to an emergency vehicle.

G. Criminal Traffic Violations

Criminal Traffic Violations include but are not limited to the following and are subject to arrest:

1. Reckless driving
2. Driving while intoxicated
3. Leaving the scene of an accident with injury
4. Leaving the scene of an accident with property damage
5. Racing or drag racing with motor vehicle
6. Pacing a school bus (loading or unloading)
7. Operating a vehicle with a revoked or suspended license

*State citations require a court appearance in the county/city where the citation was issued (i.e. Highland Crest – Robertson County, Main Campus – Sumner County, Livingston – Overton County).

H. Fines/Penalties

1. Citations, Penalties & Fines

- a. Fines for traffic and parking violations are \$25 each. The fine for accessible parking violations is established by statute and will be adjusted to comply with state law.
- b. Citations are to be paid in person at the Business Office or by phone at 615-230-3585 with credit or debit card within 14 days of issuance. A copy of the citation/citation number must be presented at the time of payment.
- c. Penalties for non-payment: Registration for the subsequent semester will be blocked until all fines are paid. Transcripts will not be released until all fines are paid. Employees failing to pay will be subject to sanctions set forth in TBR Guideline B-010.
- d. A student who receives three (3) or more citations during a semester (regardless of whether or not the citations have been paid) may be charged under the student code of conduct and

appropriate disciplinary action taken which may include the suspension of parking/driving privileges on campus for the remainder of the semester. The student will have ten (10) days to appeal the suspension of driving/parking privileges to the Student Traffic Appeals Committee. In the absence of an appeal, the suspension will go into effect and subsequently the vehicle may be towed if found on campus.

- e. Operation of a vehicle in such a manner to show complete disregard for the rights and safety of other members of the College community may cause immediate suspension of driving/parking privileges or other disciplinary action.
- f. Any person who alters or attempts to alter a traffic citation will be subject to disciplinary action.

2. Towing/Impoundment of Vehicles

Volunteer State Community College reserves the right to remove any vehicle by towing that is in violation of this policy. The owner/driver will be responsible for any costs or charges incurred for towing, the removal, impounding or storage of towed vehicles.

Violations, which may result in towing of vehicles, include but are not limited to the following:

- a. Unauthorized vehicles parked in spaces designated “accessible”.
- b. Parking in “no parking” or restricted areas.
- c. A car parked in such a manner to block a driveway or roadway, block a service entrance, create a hazard to the safety of the public, or impede construction and/or maintenance requirements.
- d. Display of a counterfeit, altered, transferred or otherwise fraudulent parking decal, or a decal obtained by an applicant giving false information on the application.
- e. Operation of any vehicle used as an instrument in a crime or suspected of being stolen.
- f. Abandoned Vehicle – Any motor vehicle left unattended longer than five (5) business days without notifying Campus Police, will be considered abandoned. All efforts will be made by Campus Police to notify the owner.

I. Citation Appeals

Individuals who choose to file an appeal must do so within fourteen (14) business days from the date of the citation. Citation appeal forms are to be completed online and can be found on the Volunteer State Community College Police Department website. Failure to file an appeal within fourteen (14) business days from the date of the citation will constitute a waiver of the right to appeal.

The appellant may submit any pertinent evidence to support the appeal (i.e. Photographs, eye witnesses, proof of parking decal and/or hardship, etc.). Reviewers reserve the right to request additional information before a decision is rendered.

Student Traffic Appeals

The Student Traffic Appeals Committee is a Student Government Association (SGA) committee charged to hear student traffic appeals and is comprised of the SGA Judicial Committee and the SGA Attorney General, as defined in the Student Government Association Constitution. A student who chooses to appeal a citation will appear before the SGA Judicial Committee and SGA Attorney

General, present testimony and related documents to support their appeal and answer any questions from the committee members.

The Student Traffic Appeals Committee shall:

- i. Have at least four (4) members of the committee present in order to hear appeals.
- ii. Conduct hearings on an as needed basis. The appellant will be notified of hearing time and date two (2) weeks prior to hearing.
- iii. Vote to uphold or deny the citation by a majority of the committee members present.
- iv. Will notify the appellant of the committee's decision.
- v. Keep a current file of all decisions by the Student Traffic Appeals Committee maintained by the recorder and kept in the SGA office.
- vi. Reach a final decision no later than five (5) days after a student's case is heard.

*The Chief of Campus Police or designee is available for all appeal hearings for evidentiary and clarification purposes. During those times when the committee does not meet, the Chief of Campus Police or designee shall serve as the appellate authority.

When an appeal has been denied, the appellant must:

- Pay the prevailing traffic fine to the Business Office, no later than ten (10) business days after notification of decision; or
- Request a second review by the Vice President for Student Services no later than ten (10) business days after notification of the decision. The appellant must submit a request for a second review to the Office of the Vice President for Student Services and will be notified by the office concerning the decision of the Vice President for Student Services or designee.
- If the appellant wishes to appeal further he/she will appeal to the President.

Faculty, Staff, and Visitor Traffic Appeals

The Assistant Chief of Campus Police or designee is charged to hear faculty, staff, and visitor traffic appeals. The appellant may provide any pertinent evidence to support the appeal (i.e. Photographs, eye witnesses, proof of parking decal and/or hardship, etc.).

The Assistant Chief of Campus Police or designee shall:

- i. Conduct appeal reviews on an as needed basis.
- ii. Make a decision to uphold or deny the citation.
- iii. Reach a final decision no later than five (5) days after the appeal is received.
- iv. Notify the appellant and the Business Office of the outcome.
- v. Maintain a current file of all decisions.

When an appeal has been denied, the appellant must:

- Pay the prevailing traffic fine to the Business Office no later than ten (10) days after notification of decision; or
- Request a second review by the Chief of Campus Police no later than ten (10) days after

notification of the decision. The appellant must submit a request for a second review in person at the Campus Police Department. The appellant will be notified of the final outcome.

- If the appellant wishes to appeal further he/she will appeal to the Vice President for Business and Finance and subsequently to the President.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.05 Traffic and Parking. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part VI: Disciplinary Procedures

- A. Volunteer State Community College, which is governed by the TBR, in the implementation of TBR regulations pertaining to discipline and conduct of students, insures the constitutional rights of students by affording a system of constitutionally and legally sound procedures which provide the protection of due process of law.

B. General Discipline

The Vice President for Student Services, or his/her designee, is responsible for the enforcement of the College student disciplinary rules and procedures. When an allegation or charge of student misconduct is made, the Vice President for Student Services, or his/her designee, shall conduct an initial investigation. The investigation shall include, at minimum, an interview with any complaining witness, an interview with the responding student, and any witness identified by the responding student. In addition, the Vice President for Student Services, or his/her designee, may consider any other witness or other evidence relevant to the allegations. At the conclusion of the investigation, the Vice President for Student Services, or his/her designee, will issue a written summary which will include a finding of essential facts, a determination of which student misconduct offenses or other policy violation, if any, has occurred, as well as any appropriate sanction.

When an adverse finding or disciplinary sanction(s) has been made/imposed by the Vice President for Student Services, or his/her designee, the student will be given notice of his/her hearing options. The student or student organization will have the option to accept the decision or to request an appropriate hearing. The student must make the election within ten (10) business days of receiving the Vice President's, or his/her designee's, decision. Once a student has made an election it shall be considered irrevocable. Failure to make an election within ten (10) business days constitutes a waiver of all hearing alternatives. Decision timeframes for institutional decision makers may be extended due to extenuating circumstances with notice to involved parties.

- C. Hearing Alternatives. The student shall be advised of his/her opportunity to elect one (1) of the following procedural options toward the disposition of the findings made by the Vice President of Student Services or his/her designee as specified below:

1. Hearing before College Ad Hoc Committee on Discipline Pursuant to College Procedures. The Ad Hoc Committee on Discipline is comprised of two (2) faculty members, three (3) Student Services staff members, two (2) students (one (1) being a member of the Student

Government Association) and three (3) at-large members. This committee is selected through the committee membership process which allows College faculty and staff to indicate a preference of which committee(s) he/she would like to be a member and it is subsequently approved by the President's Cabinet. Faculty and staff members shall serve a three (3) year term. Student members shall serve a one (1) year term. A chairperson shall be appointed on a bi-annual basis by the President's Cabinet. The Ad Hoc Committee on Discipline shall report to the Vice President for Student Services or his/her designee in matters concerning disciplinary appeals of a non-academic nature. In all hearings, the Ad Hoc Committee on Discipline shall observe the procedures described in College Hearing Procedures below, consider all evidence, determine the facts, render a decision and recommend to the Vice President for Student Services or his/her designee, the appropriate disciplinary sanctions. Hearings under this procedure are available to students or student organizations charged with any violation of College rules.

2. Hearing Pursuant to Tennessee Uniform Administrative Procedure Act. A hearing shall be held in accordance with uniform contested case procedures adopted by the Tennessee Board of Regents. Hearings under these procedures are available, only and, in all cases which may result in (i) suspension or expulsion of a student from the institution, a program, or a course for disciplinary reasons, or (ii) revocation of recognition of a student organization for disciplinary reasons and shall be utilized unless the student or student organization waives those procedures and elects to have his/her/their case disposed of in accordance with other procedures established by this policy.
3. College Hearing Procedures. The following procedures shall apply to all College Hearings in matters of student disciplinary issues conducted by the Ad Hoc Committee on Discipline or in matters of academic misconduct conducted by the Academic Integrity Committee:
 - a. Hearings occur on an as needed basis.
 - b. Prior to the Hearing:
 - i. The student shall be advised on the time, date and place of the hearing at least fourteen (14) days prior to the hearing.
 - ii. The student shall be advised, in writing, of the conduct violation(s);
 - iii. The student shall be advised of the following rights:
 1. The right to present his/her case;
 2. The right to be accompanied by an advisor whose participation shall be limited to counseling the student and shall not include representation;
 3. The right to call witnesses on his/her behalf; and,
 4. The right to confront witnesses against him/her; and,
 - iv. The student shall be advised of the right and method and time limitations of the appeal.
 - c. The Vice President for Student Services, or designee, will present the evidence supporting the initial determination and sanction to the Ad Hoc Committee on Discipline concerning disciplinary matters of a non-academic nature. In cases of academic misconduct, the faculty member alleging academic misconduct will present the evidence supporting the allegation to the Academic Integrity Committee.
 - d. The student will be permitted the opportunity to present testimony and related documents to support their position, and will answer any questions from the Committee members.
 - e. The Committee may hear any other witness testimony, or consider any other evidence,

- that it determines to be relevant to issues presented at the hearing.
- f. At the conclusion of the hearing, the Committee will render a decision by majority vote.
 - g. The findings and decision of the Committee in relation to disciplinary matters of a non-academic nature will be issued in writing and forwarded to both the student and the Vice President for Student Services or his/her designee within ten (10) business days after the conclusion of the hearing. In matters of academic misconduct, the findings of the committee will be issued in writing and forwarded to both the student and the Vice President for Academic Affairs or his/her designee within ten (10) business days after the conclusion of the hearing.
 - h. The student may appeal the decision of the Ad Hoc Committee on Discipline to the President of the College.

D. Academic Misconduct

When an instructor determines a student has committed an act of academic misconduct (i.e. plagiarism, cheating or other forms of academic dishonesty) the following procedures shall apply:

1. The instructor shall notify the student, in writing, of the basis for the misconduct allegation once the misconduct has been verified.
2. The student shall have the opportunity to respond to the allegation and request a meeting with the instructor to discuss the matter. Decision by a student not to respond, or request a meeting, within five (5) business days, shall constitute a waiver of the right to contest the finding or related grade sanction.
3. When requested, the instructor shall document the response and /or meeting. Following the meeting the instructor may choose one of the following options:
 - a. If the instructor and student agree on a resolution, the agreement should be written and signed by both parties. If the student is penalized, the Department Chair, Program Director or Coordinator will be notified, regardless whether the student and instructor agree on the penalty.
 - b. If the instructor and student do not resolve the matter at the meeting, notice of the instructor's determination will be sent to the student and the Department Chair, Program Director or Coordinator within five (5) business days. In all cases, the Vice President for Student Services will be copied on the instructor's decision for review regarding any additional disciplinary procedures.
4. The student may appeal the instructor's decision to the Department Chair, Program Director or Coordinator. The appeal must be filed within five (5) business days of the instructor's decision.
5. The Department Chair, Program Director or Coordinator will review the record generated by the instructor and student. The parties may request an in-person meeting with the Department Chair, Program Director or Coordinator as part of the appeal review. The Department Chair, Program Director or Coordinator will issue a written decision within five (5) business days after receipt of the appeal or any in-person meeting and provide any further recommendation(s) to assist with a resolution.
6. The student may appeal the Department Chair, Program Director or Coordinator's decision to the Division Dean. The appeal must be filed within five (5) business days from the date of the Department Chair, Program Director or Coordinator's decision.

7. The Division Dean will review the record generated by the instructor, student, and Department Chair, Program Director or Coordinator. The parties may request an in-person meeting with the Division Dean as part of the appeal review. The Division Dean will issue a written decision within five (5) business days after receipt of the appeal or any in-person meeting providing any further recommendation(s) to assist with a resolution.
8. The student may appeal the Division Dean's decision to the Academic Integrity Committee. The appeal must be filed within five (5) business days from the date of the Division Dean's decision. The student appealing an allegation of academic misconduct and the faculty member alleging the academic misconduct are required to attend the appeal hearing before the Academic Integrity Committee (see subsection C above).
9. A student accused of academic misconduct who has been assigned a grade of "F" for the course and is subsequently appealing the grade and finding will not be permitted to withdraw from the course in which the allegation of academic misconduct has been made.

E. Academic Misconduct Hearings Before the Academic Integrity Committee Pursuant to College Procedures

1. The Academic Integrity Committee hears all grade appeals including those related to academic misconduct. In matters of academic misconduct the committee membership shall consist of at least two (2) faculty members from each academic division, and two (2) students from the Student Government Association appointed by the SGA President. At least five (5) faculty members must be present in order to meet quorum. Faculty and students have voting rights in the committee in matters of academic misconduct. Hearing procedures for the Academic Integrity committee are the same as those outlined in section VI, C.3. a – h above. The Vice President for Student Services or his/her designee will attend the hearing to ensure proper due process. In matters of academic misconduct the Academic Integrity Committee will report to the Vice President for Academic Affairs or his/her designee.
2. The student may appeal the decision of the Academic Integrity Committee to the Vice President for Academic Affairs or his/her designee.
3. The appeal must be filed, in writing, within five (5) business days of receipt of the decision from the Academic Integrity Committee.
4. The appeal document shall set forth the complete basis for the student's appeal from the decision of the Academic Integrity Committee as well as the relief the student seeks.
5. Review by the Vice President for Academic Affairs or his/her designee shall be limited to the original allegation of academic misconduct and the record created at the hearing before the Academic Integrity Committee. In addition, newly discovered evidence may be considered by the Vice President for Academic Affairs or his/her designee. If newly discovered evidence is included in the appeal, the Vice President for Academic Affairs or his/her designee may return the matter to the Academic Integrity Committee for review for the committee members involved in the original academic misconduct hearing to consider the new evidence and determine what impact it may have had on the original decision.
6. The Vice President for Academic Affairs or his/her designee will render a decision, in writing, within five (5) business days after receipt of the appeal.

7. The student may appeal the decision of the Vice President for Academic Affairs or his/her designee to the President. Such appeal will be governed by the procedures set forth in section VI, G below.

F. Academic Misconduct Appeals Procedures

1. In instances related to academic misconduct, the student may appeal the decision of the Academic Integrity Committee to the Vice President for Academic Affairs or his/her designee.
2. The appeal must be filed, in writing, within ten (10) business days of receipt of the decision from the Academic Integrity Committee.
3. The appeal document shall set forth the complete basis for the student's appeal from the decision of the Academic Integrity Committee.
4. The Vice President for Academic Affairs or his/her designee will review the grounds submitted in the student's appeal document together with the Academic Integrity Committee written decision, and the information developed in the hearing.
5. The Vice President for Academic Affairs or his/her designee will render a decision, in writing, to uphold or deny the decision of the Academic Integrity Committee within ten (10) business days after receipt of the appeal.

G. Appeals to the President

1. A student may appeal the decision of the Academic Integrity Committee in cases of general student discipline, or in cases of academic misconduct, the decision of the Vice President of Academic Affairs or his/her designee, to the President of the College.
2. The appeal to the President must be filed, in writing, within ten (10) business days of receiving the decision.
3. The appeal document shall set forth the complete basis for the student's appeal from the decision below.
4. The President will review, in all cases, all of the information associated with the initial investigation, and decision, the subsequent hearing before the Ad Hoc Committee on Discipline or the Vice President for Academic Affairs or his/her designee.
5. The President will reserve the right to speak with anyone involved with the disciplinary offense as well as anyone involved with the initial investigation and/or prior appeal procedures.
6. The President shall issue a decision, in writing within ten (10) business days of the receipt of the appeal.
7. The decision of the President shall be final, subject only to any appeal provided by policies

of the Tennessee Board of Regents.

- H. Students found responsible for multiple acts of academic misconduct may be subject to further disciplinary action up to and including suspension or expulsion from the College. In the event the sanction is suspension or expulsion, the student will have the additional option to appeal the decision pursuant to the Tennessee Uniform Administrative Procedures Act (TUAPA) found in Section VI, (c) subsection 3.
- I. All adverse findings of academic misconduct will be recorded on the student's academic record at the conclusion of all proceedings and at the direction of the Vice President for Academic Affairs. The final decision shall additionally be copied to the Vice President for Student Services.
- J. Students may not drop or withdraw from any course while an allegation of Academic Misconduct remains pending. If the student receives a failing or diminished grade for the course, the student may not subsequently drop or withdraw from the course. If the student is found to have not committed academic misconduct, he or she may drop or withdraw even if the deadlines for such action have passed.
- K. In cases where more than one student is suspected of academic misconduct, each student's case will be adjudicated separately.
- L. Decision timeframes for institutional decision makers may be extended ordinarily with notice to involved parties.
- M. Privacy of Disciplinary Proceedings. Personal confidences and the identities of students involved in disciplinary proceedings will be protected to the extent reasonably possible [see Part 1 (5) of these policies].
- N. The President of Volunteer State Community College is authorized, at his or her discretion, to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or, subsequently, to convert any finding or sanction imposed to a lesser finding or sanction, or to rescind any previous finding or sanction, in appropriate cases.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.06 Disciplinary Procedures and due Process. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

TBR Source: 3:02:00:01: SBR Meetings, December 2, 1977; March 3, 1978; March 18, 1983; September 30, 1983

TBR Source: 3:02:01:00: TBR Meetings, August 17, 1973; September 30, 1983; March 29, 2013

VSCC Source: November 3, 2008, President's Cabinet; September 3, 2009, President; July 23, 2010, President; November 11, 2011, President's Cabinet by email, to be effective January 29, 2012; February 11, 2013, President's Cabinet, to be effective April 1, 2013; President's Cabinet, January 22, 2014



TENNESSEE BOARD OF REGENTS

MEETING: March Quarterly Board Meeting

SUBJECT: Revision of Student Disciplinary Policy
Tennessee Colleges of Applied Technology

DATE: March 28, 2014

PRESENTER: Vice Chancellor Tristan Denley

ACTION REQUIRED: Voice Vote

STAFF'S RECOMMENDATION: Approval

BACKGROUND INFORMATION:

At its meeting on December 8, 2011, the Board approved a separate Student Disciplinary Policy for each TBR university and community college as well as a Student Disciplinary Policy for the Tennessee Colleges for Applied Technology. These policies describe disciplinary behaviors, disciplinary sanctions, and due process in keeping with the systemwide rule and applicable statutes. Furthermore, these policies include traffic and parking procedures including statements of traffic and parking related fees and fines.

The revised system-wide rule provides for institutions to amend their student disciplinary policies as such: "In student discipline policies, each institution may expand on these regulations, subject to Board approval" [Rule 0240-02-030.01 (2)]. The revision process has included institution-specific processes and approvals as well as review by institutions' counsel and by the Office of Academic Affairs.

The Tennessee Colleges of Applied Technology request modifications to insert the name Tennessee Colleges of Applied Technology in the place of Tennessee Technology Centers and to insert the abbreviation TCAT in place of TTC in all instances throughout the document. The Tennessee Technology Centers were renamed Tennessee Colleges of Applied Technology as of July 1, 2013. This change more accurately reflects the post-secondary training provided at the 27 campuses and many satellite locations across the state.

Student Disciplinary Policy

Part 1 Institution Policy Statement

Part 2 Disciplinary Offenses

Part 3 Academic and Classroom Misconduct

Part 4 Disciplinary Sanctions

Part 5 Traffic and Parking

Part 6 Disciplinary Procedures

Part 1 Institution Policy Statement

- (1) Students enrolled in Tennessee ~~Colleges of Applied Technology~~ ~~Technology Centers~~ (“~~TTCs~~”) are citizens of the state, local and national governments, and of the academic community and are, therefore, expected to conduct themselves as law-abiding members of each community at all times. Admission to a ~~TCAT~~ ~~TTC~~ carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by non-students. In recognition of the special relationship that exists between the ~~TCAT~~ ~~TTC~~ and the community which it seeks to serve, the Tennessee Board of Regents (“TBR” or “Board”) has authorized the directors of the ~~TCATs~~ ~~TTCs~~ under its jurisdiction to take such action as may be necessary to maintain campus conditions and preserve the integrity of the ~~TCATs~~ ~~TTCs~~ and their educational environment.
- (2) Pursuant to this authorization and in fulfillment of its duty to provide a secure and stimulating atmosphere in which individual and academic pursuits may flourish, the Board has developed regulations which are intended to govern student conduct on the ~~TCATs~~ ~~TTCs~~ under its jurisdiction and which regulations may be expanded or supplemented by the ~~TCATs~~ ~~TTCs~~ subject to Board approval. In addition, students are subject to all national, state and local laws and ordinances. If a student’s violation of such laws or ordinances also adversely affects the ~~TCATs~~ ~~TTCs~~ pursuit of its educational objectives, the ~~TCATs~~ ~~TTCs~~ may enforce their own regulations regardless of any proceedings instituted by other authorities. Conversely, violation of any section of these regulations may subject a student to disciplinary measures by the ~~TCAT~~ ~~TTC~~ whether or not such conduct is simultaneously violative of state, local or national laws.
- (3) For the purpose of these regulations, a “student” shall mean any person who is admitted and/or registered for study at a ~~TCAT~~ ~~TTC~~ for any academic period. This shall include any period of time following admission and/or registration, but preceding the start of classes for any academic period. It will also include any period which follows the end of an academic period through the last day for registration for the succeeding academic period, and during any period while the student is under suspension from the ~~TCAT~~ ~~TTC~~. Finally, “student” shall also include any person subject to a period of suspension or removal from campus as a sanction which results from a finding of a violation of the regulations governing student conduct. Students are responsible for compliance with the Student Disciplinary Policy and with similar ~~TCAT~~ ~~TTC~~ policies at all times.

- (4) Disciplinary action may be taken against a student for violation of the regulations which occur on TCAT ~~TTC~~ owned, leased or otherwise controlled property, while participating in international or distance learning programs, and off campus, when the conduct impairs, interferes with, or obstructs any TCAT ~~TTC~~ activity or the mission, processes, and functions of the TCAT ~~TTC~~. TCATs ~~TTCs~~ may enforce their own regulations regardless of the status or outcome of any external proceedings instituted in any other forum, including any civil or criminal proceeding.
- (5) These regulations, and related material incorporated herein by reference, are applicable to student organizations as well as individual students. Student organizations are subject to discipline for the conduct and actions of individual members of the organization while acting in their capacity as members of, or while attending or participating in any activity of, the organization.
- (6) Confidentiality of Discipline Process. Subject to the exceptions provided pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g and/or the Tennessee Open Records Act, T.C.A. § 10-7-504(a)(4), a student's disciplinary files are considered "educational records" and are confidential within the meaning of those Acts.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.01, Institution Policy Statement. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 2 Disciplinary Offenses

- (1) TCAT ~~TTC~~ disciplinary measures shall be imposed, through appropriate due process procedures, for conduct which adversely affects the TCAT's ~~TTC's~~ pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property or persons on property owned or controlled by a TCAT ~~TTC~~.
- (2) TCATs ~~TTCs~~ shall adopt and publish a non-exclusive list, providing notice of offenses for which both individuals and organizations may be subject to disciplinary action. The list may include any appropriate offense given the specific needs of the individual TCAT ~~TTC~~, subject to prior review and approval of the Board. TCATs ~~TTCs~~ are pre-authorized to implement any or all of the disciplinary offenses, in the form set forth immediately below, without need for prior review or approval by the Board:
 - (a) Conduct Dangerous to Self or Others. Any conduct, or attempted conduct, which constitutes a danger to any person's health, safety, or personal well-being, including, but not limited to, the following:
 1. Physical and/or verbal abuse,
 2. Threats and/or intimidation,
 3. Harm inflicted on self;

- (b) Hazing. Hazing, as defined in T.C.A. § 49-7-123(a)(1), means any intentional or reckless act, on or off the property, of any TCAT ~~TTG~~ by an individual acting alone, or with others, which is directed against any other person(s) that endangers the mental or physical health or safety of that person(s), or which induces or coerces a person(s) to endanger such person(s) mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization;
- (c) Disorderly Conduct. Any individual or group behavior or attire which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs TCAT ~~TTG~~ functions, operations, classrooms, other groups or individuals;
- (d) Obstruction of or Interference with TCAT ~~TTG~~ activities or facilities. Any intentional interference with or obstruction of any TCAT ~~TTG~~, program, event, or facility including the following:
 - 1. Any unauthorized occupancy of facilities owned or controlled by a TCAT ~~TTG~~ or blockage of access to or from such facilities;
 - 2. Interference with the right of any TCAT ~~TTG~~ member or other authorized person to gain access to any activity, program, event or facilities sponsored or controlled by a TCAT ~~TTG~~;
 - 3. Any obstruction or delay of a campus security officer, public safety officer, police officer, firefighter, EMT, or any official of a TCAT ~~TTG~~, or failure to comply with any emergency directive issued by such person in the performance of his or her duty;
- (e) Misuse of or Damage to Property. Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to another including, but not limited to, any personal property, fire alarms, fire equipment, elevators, telephones, TCAT ~~TTG~~ keys, library materials and/or safety devices;
- (f) Theft, Misappropriation, or Unauthorized Sale of Property. Any act of theft, misappropriation, or sale of school property or any such act against a member of the school community or a guest of the school;
- (g) Misuse of Documents or Identification Cards. Any forgery, alteration of or unauthorized use of TCAT ~~TTG~~ documents, forms, records or identification cards, including the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment or status in the TCAT ~~TTG~~;
- (h) Firearms and Other Dangerous Weapons. Any possession of or use of firearms, dangerous weapons of any kind, or replica/toy guns, e.g. BB guns, pellet guns, paintball guns, water guns, cap guns, toy knives or other items that simulate firearms or

dangerous weapons;

- (i) Explosives, Fireworks, and Flammable Materials. The unauthorized possession, ignition or detonation of any object or article which would cause damage by fire or other means to persons or property or possession of any substance which could be considered to be and used as fireworks;
- (j) Alcoholic Beverages. The use and/or possession of alcoholic beverages on TCAT ~~TTG~~ owned or controlled property. This offense includes the violation of any local ordinance, state, or federal law concerning alcoholic beverages, on or off TCAT ~~TTG~~ owned or controlled property, where an affiliated group or organization has alcoholic beverages present and available for consumption;
- (k) Drugs. The unlawful possession or use of any drug or controlled substance (including, but not limited to, any stimulant, depressant, narcotic or hallucinogenic drug, or marijuana), sale or distribution of any such drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession or use of drugs, on or off TCAT ~~TTG~~ owned or controlled property;
- (l) Drug Paraphernalia. The use or possession of equipment, products or materials that are used or intended for use in manufacturing, growing, using or distributing any drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession of drug paraphernalia, on or off TCAT ~~TTG~~ owned or controlled property;
- (m) Public Intoxication. Appearing on TCAT ~~TTG~~ owned or controlled property or at a TCAT ~~TTG~~ sponsored event while under the influence of a controlled substance or of any other intoxicating substance;
- (n) Gambling. Unlawful gambling in any form;
- (o) Financial Irresponsibility. Failure to meet financial responsibilities to the TCAT ~~TTG~~ promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the TCAT ~~TTG~~;
- (p) Unacceptable Conduct in Disciplinary Proceedings. Any conduct at any stage of a TCAT ~~TTG~~ disciplinary proceeding or investigation that is contemptuous, disrespectful, threatening, or disorderly, including false complaints, testimony or other evidence, and attempts to influence the impartiality of a member of a judicial body, verbal or physical harassment or intimidation of a judicial board member, complainant, respondent or witness;
- (q) Failure to Cooperate with TCAT ~~TTG~~ Officials. Failure to comply with directions of TCAT ~~TTG~~ officials acting in the performance of their duties;
- (r) Violation of General Rules and Regulations. Any violation of the general rules and regulations of the TCAT ~~TTG~~ as published in an official TCAT ~~TTG~~ publication, including

the intentional failure to perform any required action or the intentional performance of any prohibited action;

- (s) Attempts, Aiding and Abetting. Any attempt to commit any of the offenses listed under this section or the aiding or abetting of the commission of any of the offenses listed under this section (an attempt to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission). Being present during the planning or commission of any offense listed under this section will be considered as aiding and abetting. Students who anticipate or observe an offense must remove themselves from the situation and are required to report the offense to the TCAT ~~TC~~;
- (t) Violations of State or Federal Laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference;
- (u) Violation of Imposed Disciplinary Sanctions. Intentional or unintentional violation of a disciplinary sanction officially imposed by an TCAT ~~TC~~ official or a constituted body of the TCAT ~~TC~~;
- (v) Sexual Battery or Rape. Committing any act of sexual battery or rape as defined by state law;
- (w) Harassment or Retaliation. Any act by an individual or group against another person or group in violation of TBR policies, as well as federal and/or state laws prohibiting discrimination, including, but not limited to, TBR policies 5:01:02:00,(F), 5:01:02:00, 2:02:10:01 and TBR Guideline P-080;
- (x) Academic Misconduct. Plagiarism, cheating, fabrication. For purposes of this section the following definitions apply:
 - 1. Plagiarism. The adoption or reproduction of ideas, words, statements, images, or works of another person as one's own without proper attribution,
 - 2. Cheating. Using or attempting to use unauthorized materials, information, or aids in any academic exercise or test/examination. The term academic exercise includes all forms of work submitted for credit or hours,
 - 3. Fabrication. Unauthorized falsification or invention of any information or citation in an academic exercise.
 - 4. Facilitation. Helping or attempting to help another to violate a provision of the TCAT ~~TC~~ code of academic misconduct.
- (y) Unauthorized Duplication or Possession of Keys. Making, causing to be made or the possession of any key for an TCAT ~~TC~~ facility without proper authorization;

- (z) Litter. Dispersing litter in any form onto the grounds or facilities of the campus;
- (aa) Pornography. Public display of literature, films, pictures or other materials which an average person applying contemporary community standards would find, (1) taken as a whole, appeals to the prurient interest, (2) depicts or describes sexual conduct in a patently offensive way, and (3) taken as a whole, lacks serious literary, artistic, political or scientific value;
- (bb) Abuse of Computer Resources and Facilities. Misusing and/or abusing campus computer resources including, but not limited to the following:
 - 1. Use of another person's identification to gain access to TCAT ~~TTG~~ computer resources,
 - 2. Use of TCAT ~~TTG~~ computer resources and facilities to violate copyright laws, including, but not limited to, the act of unauthorized distribution of copyrighted materials using TCAT ~~TTG~~ information technology systems,
 - 3. Unauthorized access to a computer or network file, including but not limited to, altering, using, reading, copying, or deleting the file,
 - 4. Unauthorized transfer of a computer or network file,
 - 5. Use of computing resources and facilities to send abusive or obscene correspondence,
 - 6. Use of computing resources and facilities in a manner that interferes with normal operation of the TCAT ~~TTG~~-computing system,
 - 7. Use of computing resources and facilities to interfere with the work of another student, faculty member, or TCAT ~~TTG~~ official,
 - 8. Violation of any published information technology resources policy,
 - 9. Unauthorized peer-to-peer file sharing;
- (cc) Unauthorized Access to TCAT ~~TTG~~ Facilities and/or Grounds. Any unauthorized access and/or occupancy of TCAT ~~TTG~~ facilities and grounds is prohibited, including, but not limited to, gaining access to facilities and grounds that are closed to the public, being present in areas of campus that are open to limited guests only, being present in academic buildings after hours without permission, and being present in buildings when the student has no legitimate reason to be present;
- (dd) Providing False Information. Giving any false information to, or withholding necessary information from, any TCAT ~~TTG~~ official acting in the performance of his/her duties in connection with a student's admission, enrollment, or status in the TCAT ~~TTG~~;

- (ee) Unauthorized Surveillance. Making or causing to be made unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, and men's or women's restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means;
 - (ff) Smoking Violations. Violation of any TBR and/or TCAT~~TTC~~ smoking or other tobacco use rules or policies.
- (3) Disciplinary action may be taken against a student for violations of the foregoing regulations which occur at or in association with enrollment at a TCAT~~TTC~~ for any academic period. Each student shall be responsible for his/her conduct from the time of application for admission through the actual issuing of an award including periods prior to or between trimesters. Conduct occurring while a student is registered or enrolled at the TCAT~~TTC~~, but not discovered until after the awarding of a credential is actionable under these provisions and may result in the retroactive application of a disciplinary sanction. Should a student withdraw from the TCAT~~TTC~~ with disciplinary action or academic misconduct action pending, the student's record may be encumbered by the appropriate TCAT~~TTC~~ office until the proceedings have been concluded.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.02, Disciplinary Offenses. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 3 Academic and Classroom Misconduct

- (1) The instructor has the primary responsibility for maintenance of academic integrity and controlling classroom behavior, and can order the temporary removal or exclusion from the classroom, for no more than one (1) day, of any student engaged in disruptive conduct or conduct that violates the general rules and regulations of the TCAT~~TTC~~ for each class session during which the conduct occurs. Extended or permanent exclusion from the classroom, beyond the session in which the conduct occurred, or further disciplinary action can be effected only through appropriate procedures of the TCAT~~TTC~~.
- (2) Academic misconduct may be defined as any act of dishonesty in academic work. This includes, but is not limited to, plagiarism, the changing or falsifying of any academic documents or materials, cheating and giving or receiving of unauthorized aid in tests, examinations or other assigned work. Students guilty of academic misconduct, either directly or indirectly, through participation or assistance, are immediately responsible to the instructor of the class. Penalties for academic misconduct will vary with the seriousness of the offense and may include, but are not limited to, a grade of "F" on the work in question, a grade of "F" in the course, reprimand, probation, suspension and expulsion. Upon a finding of academic misconduct, the student will

be advised of his/her hearing rights. The student may accept the instructor's finding, grade reduction, and/or other sanction and waive his/her hearing rights. In the event a student believes he/she has been erroneously accused of academic misconduct, he/she may request a hearing. Hearings will be conducted pursuant to the procedures set forth at Part 6, Disciplinary Procedures, below. If the student is found responsible for the allegation(s) of academic misconduct, the grade as assigned by the instructor will stand. Should the hearing source absolve the student of the allegations of academic misconduct, the faculty member will reassess the student's grade based upon the hearing source's finding.

- (3) Disruptive behavior in the classroom may be defined as, but not limited to, behavior that obstructs or disrupts the learning environment (e.g., offensive language, harassment of students and instructors, repeated outbursts from a student which disrupt the flow of instruction or prevent concentration on the subject taught, failure to cooperate in maintaining classroom decorum, etc.), text messaging, and the continued use of any electronic or other noise or light emitting device which disturbs others (e.g., disturbing noises from beepers, cell phones, palm pilots, lap-top computers, games, etc.).
- (4) *This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.03 Academic and Classroom Misconduct. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.*

Part 4 Disciplinary Sanctions

- (1) Upon a determination that a student or organization has violated any of the rules, regulations or disciplinary offenses set forth in these regulations, the following disciplinary sanctions may be imposed, either singly or in combination, by the appropriate TCAT official.
- (2) Definition of Sanctions.
 - (a) Restitution. A student who has committed an offense against property may be required to reimburse the school or other owner for damage or misappropriation of such property. Any such payment in restitution shall be limited to actual cost of repair or replacement.
 - (b) Warning. The appropriate school official may notify the student that continuation of repetition of specified conduct may be cause for other disciplinary action.
 - (c) Reprimand. A written and/or verbal reprimand, or censure, may be given any student whose conduct violates these regulations. Such a reprimand does not restrict the student in any way, but does have important consequences. It may signify to the student that he or she is, in effect, being given another chance to conduct himself or herself as a proper member of the school community, but that any further violation will result in more serious penalties. In addition, a reprimand does remain on file in a student's personnel record for period of one year.

- (d) Service to the TCAT~~TTT~~ or Community. A student, or student organization, may be required to donate a specified number of service hours to the TCAT~~TTT~~ performing reasonable tasks for an appropriate TCAT~~TTT~~ office, official(s), or the local community. The service required shall be commensurate to the offense (e.g., service for maintenance staff for defacing TCAT~~TTT~~ property);
- (e) Specified Educational/Counseling Program. A student or student organization may be required to participate in specified educational or counseling program(s) relevant to the offense, or to prepare a project or report concerning a relevant topic;
- (f) Apology. A student or student organization may be required to apologize to an affected party, either verbally or in writing, for the behavior related to a disciplinary offense;
- (g) Fines. Penalties in the form of fines may be imposed against a student or student organization whenever the appropriate TCAT~~TTT~~ authority deems appropriate. The sanction of fines may be imposed in addition to other forms of disciplinary sanctions. Failure to pay fines may result in further disciplinary action;
- (h) Restriction. A restriction upon a student's privileges for a period of time may be imposed. This restriction may include, for example, denial of the right to be present at the school in any way, denial of use of facilities, parking privileges, or participation in extracurricular activities for a maximum of one year.
- (i) Probation. Continued enrollment of a student on probation may be conditioned upon adherence to these regulations. Any student placed on probation will be notified of such in writing and will also be notified of the terms and length of the probation. Probation may include restrictions upon the extracurricular activities of a student. Any conduct in violation of these regulations while on probationary status may result in the imposition of a more serious disciplinary sanction.
- (j) Suspension. If a student is suspended, he/she is separated from the school for a stated period of time with conditions of readmission stated in the notice of suspension.
- (k) Expulsion. Expulsion entails a permanent separation from the school. The imposition of this sanction does become a part of the student's permanent record, and is a permanent bar to his or her readmission to the school.
- (l) Revocation of Admission, Award or Credentials;
- (m) Any alternate sanction deemed necessary and appropriate to address the misconduct.
- (n) Interim suspension. Though as a general rule, the status of a student accused of violations of the regulations should not be altered until a final determination has been made in regard to the charges against him/her, summary suspension may be imposed upon a finding by the appropriate school official 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 school community or its guests,

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.

- (3) The director of each college of applied technology ~~technology center~~ is authorized, at his/her discretion, to subsequently convert any sanction imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.04 Disciplinary Sanctions. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 5 Traffic and Parking

- (1) The purpose of these regulations shall be to facilitate the orderly and efficient flow of traffic on TCAT ~~TTC~~ campuses, to provide a safe atmosphere for both pedestrians and motor vehicle operators, and to provide order with regard to parking within limited space
- (2) Parking Regulations.
- (a) The school may require registration with the director's office for all motor vehicles that are driven to campus by a student, faculty, staff member, or any other person authorized to use campus facilities. Additionally, the school may require students and faculty to display a parking permit or decal on their vehicles. Information concerning any such requirements will be available through the Student Services' office.
- (b) Painted lines, markings, or other visible signs will be used to designate authorized parking areas for students, faculty, staff, other employees, visitors, or any other persons authorized to use the school's facilities.
- (c) Inability to locate an authorized parking space on campus will not excuse improper parking.
- (d) Improper parking includes, but is not limited to, the following:
1. Parking in unauthorized spaces or areas;
 2. Parking in driveways, sidewalks, intersections, or loading zones;
 3. Parking in any manner that blocks properly parked vehicles, such as "doubleparking";
 4. Parking in spaces designated for use by disabled persons only;
 5. Parking within 15 feet of a fire hydrant.

- (e) Improperly parked vehicles may be towed at the owner's expense.
- (3) Traffic Regulations.
- (a) The responsibilities and duties of drivers of motor vehicles on campus include, but are not limited to, the following:
 - 1. Obeying all state and local laws regarding the operation of motor vehicles in addition to these regulations;
 - 2. Observing the maximum speed limit posted on campus;
 - 3. Exercising reasonable care under all circumstances and avoiding reckless driving of any kind;
 - 4. Obeying all traffic signs;
 - 5. Yielding right of way to all pedestrians at all times;
 - 6. Reporting all traffic accidents occurring on campus which involves injury to persons or property to the school's director or his/his designee.
 - 7. Refraining from littering from a vehicle.
- (4) Penalties for violations of traffic and parking regulations.
- (a) Faculty, students and visitors are expected to comply with all state laws, county and municipal ordinances governing traffic/parking in their locality. State and local law enforcement authorities will enforce those provisions on TCATs ~~TCs~~ campuses.
 - (b) Violators may also be subject to disciplinary action in accordance with the in accordance with the TCATs ~~TCs~~ Student Disciplinary Policy governing student conduct and disciplinary sanctions.
 - (c) The fine for a disabled/handicapped parking violation is established by statute and will be adjusted as necessary to comply with state law.
 - (d) The TCATs ~~TCs~~ Central Office specifically authorizes each of its constituent TCATs ~~TCs~~ to reserve the right to tow any vehicle that is improperly parked or abandoned. Any fees associated with towing will be the responsibility of the owner/driver of the vehicle.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.05 Traffic and Parking. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 6 Disciplinary Procedures

(1) Hearing Process.

(a) Disciplinary Investigations

1. Violations of the Student Disciplinary Rules should be reported to the campus administration.
2. The Director, or designee, shall inform the student of the allegation(s) and proceed to gather information concerning the case including, but not limited to, interviews with all relevant parties (accused, accuser, and possible witnesses).
3. The Director, or designee, shall review the evidence and determine whether a violation has occurred. If so, a proper disciplinary sanction will be determined.
4. The student will be notified of the findings of the investigation and the proposed sanction. The student shall be informed of his/her right to accept the decision and/or right to a hearing. The student may elect a hearing, or accept the findings and sanction, waive the right to a hearing after receiving written notice of those rights. Failure to make an election will be treated as a waiver.

(b) 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 TCAT~~TTC~~ committee as outlined in subparagraph (c) immediately below. A student may waive, in writing, his/her right to a hearing after receiving written notice of those rights.

(c) Institutional Hearings

If a student elects a hearing under applicable TCAT~~TTC~~ procedures, then a review committee shall be established. The review committee will be appointed by the Director and be composed of two (2) student representatives, two (2) faculty members and one (1) non-faculty staff member. An alternate will be designated for any committee member be in attendance.

1. The student shall be advised, in writing, of the breach of regulation(s) of which she/he is charged;
2. The student shall be advised of the time, date, and place of the hearing allowing reasonable time for preparation;
3. The student shall be advised of the following rights applicable at the hearing:

- a. The right to present his or her case,
- b. The right to be accompanied by an advisor,
- c. The right to call witnesses in his or her behalf,
- d. The right to confront witnesses against him or her, and
- e. The student shall be advised of the method and time limitations for appeal, if any is applicable.

(d) Conduct of the Hearing

1. A student appearing before the review committee will be given a written statement of the cause for discipline and a time established for the hearing. The hearing must be scheduled no sooner than one (1) day and no more than five (5) school days after the statement is provided.
2. The review committee will receive evidence and/or testimony from any source relevant to the issues in the proceeding. This will include, but not be limited to all relevant evidence/witnesses identified by the responding student. A student may be accompanied by an advisor. The advisor may not participate in the hearing, but may be present and advise the responding student during any hearing.
3. The review committee will make a decision based on the facts presented within five (5) school days from the date of hearing. The decision will be in writing. The decision will be transmitted to the Director.
4. This written statement shall contain clear information concerning the student's right to appeal this decision to the Director with procedures for obtaining the same.
5. A student has two (2) school days to appeal the review committee's decision, in writing, to the Director.
6. Upon receipt of written notice for appeal from the student, the Director will make a decision within two (2) school days and respond to the student in writing.
7. The Director's decision will be final.

- (2) Interim Suspension Hearings: Hearings conducted with regard to interim suspensions imposed pending the outcome of a disciplinary investigation or proceeding shall be conducted consistent with the minimum requirements of due process applicable to an institutional hearing, taking into account the need for a timely hearing. The evidence presented at the hearing shall be limited to that which is relevant to the basis asserted for imposition of the interim suspension.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.06 Disciplinary Procedures and due Process. To the extent that a conflict exists between this policy and TBR rule,

policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Tennessee Colleges of Applied Technology

Student Disciplinary Policy

Part 1 Institution Policy Statement

Part 2 Disciplinary Offenses

Part 3 Academic and Classroom Misconduct

Part 4 Disciplinary Sanctions

Part 5 Traffic and Parking

Part 6 Disciplinary Procedures

Part 1 Institution Policy Statement

- (1) Students enrolled in Tennessee Colleges of Applied Technology ("TCATs") are citizens of the state, local and national governments, and of the academic community and are, therefore, expected to conduct themselves as law-abiding members of each community at all times. Admission to a TCAT carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by non-students. In recognition of the special relationship that exists between the TCAT and the community which it seeks to serve, the Tennessee Board of Regents ("TBR" or "Board") has authorized the directors of the TCATs under its jurisdiction to take such action as may be necessary to maintain campus conditions and preserve the integrity of the TCATs and their educational environment.
- (2) Pursuant to this authorization and in fulfillment of its duty to provide a secure and stimulating atmosphere in which individual and academic pursuits may flourish, the Board has developed regulations which are intended to govern student conduct on the TCATs under its jurisdiction and which regulations may be expanded or supplemented by the TCATs subject to Board approval. In addition, students are subject to all national, state and local laws and ordinances. If a student's violation of such laws or ordinances also adversely affects the TCATs pursuit of its educational objectives, the TCATs may enforce their own regulations regardless of any proceedings instituted by other authorities. Conversely, violation of any section of these regulations may subject a student to disciplinary measures by the TCAT whether or not such conduct is simultaneously violative of state, local or national laws.
- (3) For the purpose of these regulations, a "student" shall mean any person who is admitted and/or registered for study at a TCAT for any academic period. This shall include any period of

time following admission and/or registration, but preceding the start of classes for any academic period. It will also include any period which follows the end of an academic period through the last day for registration for the succeeding academic period, and during any period while the student is under suspension from the TCAT. Finally, "student" shall also include any person subject to a period of suspension or removal from campus as a sanction which results from a finding of a violation of the regulations governing student conduct. Students are responsible for compliance with the Student Disciplinary Policy and with similar TCAT policies at all times.

- (4) Disciplinary action may be taken against a student for violation of the regulations which occur on TCAT owned, leased or otherwise controlled property, while participating in international or distance learning programs, and off campus, when the conduct impairs, interferes with, or obstructs any TCAT activity or the mission, processes, and functions of the TCAT. TCATs may enforce their own regulations regardless of the status or outcome of any external proceedings instituted in any other forum, including any civil or criminal proceeding.
- (5) These regulations, and related material incorporated herein by reference, are applicable to student organizations as well as individual students. Student organizations are subject to discipline for the conduct and actions of individual members of the organization while acting in their capacity as members of, or while attending or participating in any activity of, the organization.
- (6) Confidentiality of Discipline Process. Subject to the exceptions provided pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g and/or the Tennessee Open Records Act, T.C.A. § 10-7-504(a)(4), a student's disciplinary files are considered "educational records" and are confidential within the meaning of those Acts.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.01, Institution Policy Statement. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 2 Disciplinary Offenses

- (1) TCAT disciplinary measures shall be imposed, through appropriate due process procedures, for conduct which adversely affects the TCAT's pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property or persons on property owned or controlled by a TCAT.
- (2) TCATs shall adopt and publish a non-exclusive list, providing notice of offenses for which both individuals and organizations may be subject to disciplinary action. The list may include any appropriate offense given the specific needs of the individual TCAT, subject to prior review and approval of the Board. TCATs are pre-authorized to implement any or all of the disciplinary offenses, in the form set forth immediately below, without need for prior review or approval by the Board:
 - (a) Conduct Dangerous to Self or Others. Any conduct, or attempted conduct, which constitutes a danger to any person's health, safety, or personal well-being, including, but not limited to, the following:
 1. Physical and/or verbal abuse,
 2. Threats and/or intimidation,
 3. Harm inflicted on self;
 - (b) Hazing. Hazing, as defined in T.C.A. § 49-7-123(a)(1), means any intentional or reckless act, on or off the property, of any TCAT by an individual acting alone, or with others, which is directed against any other person(s) that endangers the mental or physical health or safety of that person(s), or which induces or coerces a person(s) to endanger such person(s) mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization;
 - (c) Disorderly Conduct. Any individual or group behavior or attire which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which

unreasonably disturbs TCAT functions, operations, classrooms, other groups or individuals;

(d) Obstruction of or Interference with TCAT activities or facilities. Any intentional interference with or obstruction of any TCAT, program, event, or facility including the following:

1. Any unauthorized occupancy of facilities owned or controlled by a TCAT or blockage of access to or from such facilities;
2. Interference with the right of any TCAT member or other authorized person to gain access to any activity, program, event or facilities sponsored or controlled by a TCAT;
3. Any obstruction or delay of a campus security officer, public safety officer, police officer, firefighter, EMT, or any official of a TCAT, or failure to comply with any emergency directive issued by such person in the performance of his or her duty;

(e) Misuse of or Damage to Property. Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to another including, but not limited to, any personal property, fire alarms, fire equipment, elevators, telephones, TCAT keys, library materials and/or safety devices;

(f) Theft, Misappropriation, or Unauthorized Sale of Property. Any act of theft, misappropriation, or sale of school property or any such act against a member of the school community or a guest of the school;

(g) Misuse of Documents or Identification Cards. Any forgery, alteration of or unauthorized use of TCAT documents, forms, records or identification cards, including the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment or status in the TCAT;

- (h) Firearms and Other Dangerous Weapons. Any possession of or use of firearms, dangerous weapons of any kind, or replica/toy guns, e.g. BB guns, pellet guns, paintball guns, water guns, cap guns, toy knives or other items that simulate firearms or dangerous weapons;
- (i) Explosives, Fireworks, and Flammable Materials. The unauthorized possession, ignition or detonation of any object or article which would cause damage by fire or other means to persons or property or possession of any substance which could be considered to be and used as fireworks;
- (j) Alcoholic Beverages. The use and/or possession of alcoholic beverages on TCAT owned or controlled property. This offense includes the violation of any local ordinance, state, or federal law concerning alcoholic beverages, on or off TCAT owned or controlled property, where an affiliated group or organization has alcoholic beverages present and available for consumption;
- (k) Drugs. The unlawful possession or use of any drug or controlled substance (including, but not limited to, any stimulant, depressant, narcotic or hallucinogenic drug, or marijuana), sale or distribution of any such drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession or use of drugs, on or off TCAT owned or controlled property;
- (l) Drug Paraphernalia. The use or possession of equipment, products or materials that are used or intended for use in manufacturing, growing, using or distributing any drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession of drug paraphernalia, on or off TCAT owned or controlled property;
- (m) Public Intoxication. Appearing on TCAT owned or controlled property or at a TCAT sponsored event while under the influence of a controlled substance or of any other intoxicating substance;

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- (n) Gambling. Unlawful gambling in any form;
- (o) Financial Irresponsibility. Failure to meet financial responsibilities to the TCAT promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the TCAT;
- (p) Unacceptable Conduct in Disciplinary Proceedings. Any conduct at any stage of a TCAT disciplinary proceeding or investigation that is contemptuous, disrespectful, threatening, or disorderly, including false complaints, testimony or other evidence, and attempts to influence the impartiality of a member of a judicial body, verbal or physical harassment or intimidation of a judicial board member, complainant, respondent or witness;
- (q) Failure to Cooperate with TCAT Officials. Failure to comply with directions of TCAT officials acting in the performance of their duties;
- (r) Violation of General Rules and Regulations. Any violation of the general rules and regulations of the TCAT as published in an official TCAT publication, including the intentional failure to perform any required action or the intentional performance of any prohibited action;
- (s) Attempts, Aiding and Abetting. Any attempt to commit any of the offenses listed under this section or the aiding or abetting of the commission of any of the offenses listed under this section (an attempt to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission). Being present during the planning or commission of any offense listed under this section will be considered as aiding and abetting. Students who anticipate or observe an offense must remove themselves from the situation and are required to report the offense to the TCAT;
- (t) Violations of State or Federal Laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference;

- (u) Violation of Imposed Disciplinary Sanctions. Intentional or unintentional violation of a disciplinary sanction officially imposed by an TCAT official or a constituted body of the TCAT;
- (v) Sexual Battery or Rape. Committing any act of sexual battery or rape as defined by state law;
- (w) Harassment or Retaliation. Any act by an individual or group against another person or group in violation of TBR policies, as well as federal and/or state laws prohibiting discrimination, including, but not limited to, TBR policies 5:01:02:00,(F), 5:01:02:00, 2:02:10:01 and TBR Guideline P-080;
- (x) Academic Misconduct. Plagiarism, cheating, fabrication. For purposes of this section the following definitions apply:
 - 1. Plagiarism. The adoption or reproduction of ideas, words, statements, images, or works of another person as one's own without proper attribution,
 - 2. Cheating. Using or attempting to use unauthorized materials, information, or aids in any academic exercise or test/examination. The term academic exercise includes all forms of work submitted for credit or hours,
 - 3. Fabrication. Unauthorized falsification or invention of any information or citation in an academic exercise.
 - 4. Facilitation. Helping or attempting to help another to violate a provision of the TCAT code of academic misconduct.
- (y) Unauthorized Duplication or Possession of Keys. Making, causing to be made or the possession of any key for an TCAT facility without proper authorization;

- (z) Litter. Dispersing litter in any form onto the grounds or facilities of the campus;

- (aa) Pornography. Public display of literature, films, pictures or other materials which an average person applying contemporary community standards would find, (1) taken as a whole, appeals to the prurient interest, (2) depicts or describes sexual conduct in a patently offensive way, and (3) taken as a whole, lacks serious literary, artistic, political or scientific value;

- (bb) Abuse of Computer Resources and Facilities. Misusing and/or abusing campus computer resources including, but not limited to the following:
 - 1. Use of another person's identification to gain access to TCAT computer resources,

 - 2. Use of TCAT computer resources and facilities to violate copyright laws, including, but not limited to, the act of unauthorized distribution of copyrighted materials using TCAT information technology systems,

 - 3. Unauthorized access to a computer or network file, including but not limited to, altering, using, reading, copying, or deleting the file,

 - 4. Unauthorized transfer of a computer or network file,

 - 5. Use of computing resources and facilities to send abusive or obscene correspondence,

 - 6. Use of computing resources and facilities in a manner that interferes with normal operation of the TCAT computing system,

7. Use of computing resources and facilities to interfere with the work of another student, faculty member, or TCAT official,
 8. Violation of any published information technology resources policy,
 9. Unauthorized peer-to-peer file sharing;
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- (cc) Unauthorized Access to TCAT Facilities and/or Grounds. Any unauthorized access and/or occupancy of TCAT facilities and grounds is prohibited, including, but not limited to, gaining access to facilities and grounds that are closed to the public, being present in areas of campus that are open to limited guests only, being present in academic buildings after hours without permission, and being present in buildings when the student has no legitimate reason to be present;
 - (dd) Providing False Information. Giving any false information to, or withholding necessary information from, any TCAT official acting in the performance of his/her duties in connection with a student's admission, enrollment, or status in the TCAT;
 - (ee) Unauthorized Surveillance. Making or causing to be made unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, and men's or women's restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means;
 - (ff) Smoking Violations. Violation of any TBR and/or TCAT smoking or other tobacco use rules or policies.
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- (3) Disciplinary action may be taken against a student for violations of the foregoing regulations which occur at or in association with enrollment at a TCAT for any academic period. Each student shall be responsible for his/her conduct from the time of application for admission through the actual issuing of an award including periods prior to or between trimesters. Conduct occurring while a student is registered or enrolled at the TCAT, but not discovered

until after the awarding of a credential is actionable under these provisions and may result in the retroactive application of a disciplinary sanction. Should a student withdraw from the TCAT with disciplinary action or academic misconduct action pending, the student's record may be encumbered by the appropriate TCAT office until the proceedings have been concluded.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.02, Disciplinary Offenses. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 3 Academic and Classroom Misconduct

- (1) The instructor has the primary responsibility for maintenance of academic integrity and controlling classroom behavior, and can order the temporary removal or exclusion from the classroom, for no more than one (1) day, of any student engaged in disruptive conduct or conduct that violates the general rules and regulations of the TCAT for each class session during which the conduct occurs. Extended or permanent exclusion from the classroom, beyond the session in which the conduct occurred, or further disciplinary action can be effected only through appropriate procedures of the TCAT.

- (2) Academic misconduct may be defined as any act of dishonesty in academic work. This includes, but is not limited to, plagiarism, the changing or falsifying of any academic documents or materials, cheating and giving or receiving of unauthorized aid in tests, examinations or other assigned work. Students guilty of academic misconduct, either directly or indirectly, through participation or assistance, are immediately responsible to the instructor of the class. Penalties for academic misconduct will vary with the seriousness of the offense and may include, but are not limited to, a grade of "F" on the work in question, a grade of "F" in the course, reprimand, probation, suspension and expulsion. Upon a finding of academic misconduct, the student will be advised of his/her hearing rights. The student may accept the instructor's finding, grade reduction, and/or other sanction and waive his/her hearing rights. In the event a student believes he/she has been erroneously accused of academic misconduct, he/she may request a hearing. Hearings will be conducted pursuant to the procedures set forth at Part 6, Disciplinary Procedures, below. If the student is found responsible for the allegation(s) of academic misconduct, the grade as assigned by the instructor will stand. Should the hearing source absolve the student of the allegations of academic misconduct, the faculty member will reassess the student's grade based upon the hearing source's finding.

- (3) Disruptive behavior in the classroom may be defined as, but not limited to, behavior that obstructs or disrupts the learning environment (e.g., offensive language, harassment of students and instructors, repeated outbursts from a student which disrupt the flow of instruction or prevent concentration on the subject taught, failure to cooperate in maintaining classroom decorum, etc.), text messaging, and the continued use of any electronic or other noise or light emitting device which disturbs others (e.g., disturbing noises from beepers, cell phones, palm pilots, lap-top computers, games, etc.).
- (4) *This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.03 Academic and Classroom Misconduct. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.*

Part 4 Disciplinary Sanctions

- (1) Upon a determination that a student or organization has violated any of the rules, regulations or disciplinary offenses set forth in these regulations, the following disciplinary sanctions may be imposed, either singly or in combination, by the appropriate TCAT official.
- (2) Definition of Sanctions.
 - (a) Restitution. A student who has committed an offense against property may be required to reimburse the school or other owner for damage or misappropriation of such property. Any such payment in restitution shall be limited to actual cost of repair or replacement.
 - (b) Warning. The appropriate school official may notify the student that continuation of repetition of specified conduct may be cause for other disciplinary action.
 - (c) Reprimand. A written and/or verbal reprimand, or censure, may be given any student whose conduct violates these regulations. Such a reprimand does not restrict the student in any way, but does have important consequences. It may signify to the student that he or she is, in effect, being given another chance to conduct himself or

herself as a proper member of the school community, but that any further violation will result in more serious penalties. In addition, a reprimand does remain on file in a student's personnel record for period of one year.

- (d) Service to the TCAT or Community. A student, or student organization, may be required to donate a specified number of service hours to the TCAT performing reasonable tasks for an appropriate TCAT office, official(s), or the local community. The service required shall be commensurate to the offense (e.g., service for maintenance staff for defacing TCA property);
- (e) Specified Educational/Counseling Program. A student or student organization may be required to participate in specified educational or counseling program(s) relevant to the offense, or to prepare a project or report concerning a relevant topic;
- (f) Apology. A student or student organization may be required to apologize to an affected party, either verbally or in writing, for the behavior related to a disciplinary offense;
- (g) Fines. Penalties in the form of fines may be imposed against a student or student organization whenever the appropriate TCAT authority deems appropriate. The sanction of fines may be imposed in addition to other forms of disciplinary sanctions. Failure to pay fines may result in further disciplinary action;
- (h) Restriction. A restriction upon a student's privileges for a period of time may be imposed. This restriction may include, for example, denial of the right to be present at the school in any way, denial of use of facilities, parking privileges, or participation in extracurricular activities for a maximum of one year.
- (i) Probation. Continued enrollment of a student on probation may be conditioned upon adherence to these regulations. Any student placed on probation will be notified of such in writing and will also be notified of the terms and length of the probation. Probation may include restrictions upon the extracurricular activities of a student. Any conduct in violation of these regulations while on probationary status may result in the imposition of a more serious disciplinary sanction.

- (j) Suspension. If a student is suspended, he/she is separated from the school for a stated period of time with conditions of readmission stated in the notice of suspension.
 - (k) Expulsion. Expulsion entails a permanent separation from the school. The imposition of this sanction does become a part of the student's permanent record, and is a permanent bar to his or her readmission to the school.
 - (l) Revocation of Admission, Award or Credentials;
 - (m) Any alternate sanction deemed necessary and appropriate to address the misconduct.
 - (n) Interim suspension. Though as a general rule, the status of a student accused of violations of the regulations should not be altered until a final determination has been made in regard to the charges against him/her, summary suspension may be imposed upon a finding by the appropriate school official 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 school community or its guests, 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.
- (3) The director of each college of applied technology is authorized, at his/her discretion, to subsequently convert any sanction imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.04 Disciplinary Sanctions. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 5 Traffic and Parking

(1) The purpose of these regulations shall be to facilitate the orderly and efficient flow of traffic on TCAT campuses, to provide a safe atmosphere for both pedestrians and motor vehicle operators, and to provide order with regard to parking within limited space

(2) Parking Regulations.

(a) The school may require registration with the director's office for all motor vehicles that are driven to campus by a student, faculty, staff member, or any other person authorized to use campus facilities. Additionally, the school may require students and faculty to display a parking permit or decal on their vehicles. Information concerning any such requirements will be available through the Student Services' office.

(b) Painted lines, markings, or other visible signs will be used to designate authorized parking areas for students, faculty, staff, other employees, visitors, or any other persons authorized to use the school's facilities.

(c) Inability to locate an authorized parking space on campus will not excuse improper parking.

(d) Improper parking includes, but is not limited to, the following:

1. Parking in unauthorized spaces or areas;
2. Parking in driveways, sidewalks, intersections, or loading zones;
3. Parking in any manner that blocks properly parked vehicles, such as "doubleparking";

4. Parking in spaces designated for use by disabled persons only;

5. Parking within 15 feet of a fire hydrant.

(e) Improperly parked vehicles may be towed at the owner's expense.

(3) Traffic Regulations.

(a) The responsibilities and duties of drivers of motor vehicles on campus include, but are not limited to, the following:

1. Obeying all state and local laws regarding the operation of motor vehicles in addition to these regulations;
2. Observing the maximum speed limit posted on campus;
3. Exercising reasonable care under all circumstances and avoiding reckless driving of any kind;
4. Obeying all traffic signs;
5. Yielding right of way to all pedestrians at all times;
6. Reporting all traffic accidents occurring on campus which involves injury to persons or property to the school's director or his/his designee.

7. Refraining from littering from a vehicle.

(4) Penalties for violations of traffic and parking regulations.

- (a) Faculty, students and visitors are expected to comply with all state laws, county and municipal ordinances governing traffic/parking in their locality. State and local law enforcement authorities will enforce those provisions on TCAT campuses.
- (b) Violators may also be subject to disciplinary action in accordance with the in accordance with the TCAT Student Disciplinary Policy governing student conduct and disciplinary sanctions.
- (c) The fine for a disabled/handicapped parking violation is established by statute and will be adjusted as necessary to comply with state law.
- (d) The TCAT Central Office specifically authorizes each of its constituent TCATs to reserve the right to tow any vehicle that is improperly parked or abandoned. Any fees associated with towing will be the responsibility of the owner/driver of the vehicle.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.05 Traffic and Parking. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Part 6 Disciplinary Procedures

(1) Hearing Process.

- (a) Disciplinary Investigations

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1. Violations of the Student Disciplinary Rules should be reported to the campus administration.
2. The Director, or designee, shall inform the student of the allegation(s) and proceed to gather information concerning the case including, but not limited to, interviews with all relevant parties (accused, accuser, and possible witnesses).
3. The Director, or designee, shall review the evidence and determine whether a violation has occurred. If so, a proper disciplinary sanction will be determined.
4. The student will be notified of the findings of the investigation and the proposed sanction. The student shall be informed of his/her right to accept the decision and/or right to a hearing. The student may elect a hearing, or accept the findings and sanction, waive the right to a hearing after receiving written notice of those rights. Failure to make an election will be treated as a waiver.

(b) 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 TCAT committee as outlined in subparagraph (c) immediately below. A student may waive, in writing, his/her right to a hearing after receiving written notice of those rights.

(c) Institutional Hearings

If a student elects a hearing under applicable TCAT procedures, then a review committee shall be established. The review committee will be appointed by the Director and be composed of two (2)

student representatives, two (2) faculty members and one (1) non-faculty staff member. An alternate will be designated for any committee member be in attendance.

1. The student shall be advised, in writing, of the breach of regulation(s) of which she/he is charged;
2. The student shall be advised of the time, date, and place of the hearing allowing reasonable time for preparation;
3. The student shall be advised of the following rights applicable at the hearing:
 - a. The right to present his or her case,
 - b. The right to be accompanied by an advisor,
 - c. The right to call witnesses in his or her behalf,
 - d. The right to confront witnesses against him or her, and
 - e. The student shall be advised of the method and time limitations for appeal, if any is applicable.

(d) Conduct of the Hearing

1. A student appearing before the review committee will be given a written statement of the cause for discipline and a time established for the hearing. The hearing must be scheduled no sooner than one (1) day and no more than five (5) school days after the statement is provided.
2. The review committee will receive evidence and/or testimony from any source relevant to the issues in the proceeding. This will include, but not be limited to all

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relevant evidence/witnesses identified by the responding student. A student may be accompanied by an advisor. The advisor may not participate in the hearing, but may be present and advise the responding student during any hearing.

3. The review committee will make a decision based on the facts presented within five (5) school days from the date of hearing. The decision will be in writing. The decision will be transmitted to the Director.
4. This written statement shall contain clear information concerning the student's right to appeal this decision to the Director with procedures for obtaining the same.
5. A student has two (2) school days to appeal the review committee's decision, in writing, to the Director.
6. Upon receipt of written notice for appeal from the student, the Director will make a decision within two (2) school days and respond to the student in writing.
7. The Director's decision will be final.

- (2) Interim Suspension Hearings: Hearings conducted with regard to interim suspensions imposed pending the outcome of a disciplinary investigation or proceeding shall be conducted consistent with the minimum requirements of due process applicable to an institutional hearing, taking into account the need for a timely hearing. The evidence presented at the hearing shall be limited to that which is relevant to the basis asserted for imposition of the interim suspension.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.06 Disciplinary Procedures and due Process. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.