G.O.C. STAFF RULE ABSTRACT

DEPARTMENT:	University of Tennessee
DIVISION:	University of Tennessee Health Science Center
SUBJECT:	Student Conduct Code
STATUTORY AUTHORITY:	Tennessee Code Annotated, Section 49-9-209
EFFECTIVE DATES:	September 28, 2012 through June 30, 2013
FISCAL IMPACT:	Minimal

STAFF RULE ABSTRACT:

The University of Tennessee Health Science Center has revised its code of conduct for students. The following briefly summarizes the new rule and the key changes from the rule being repealed:

Rule 1720-03-03-.01 provides a description of the University's interests in students' conduct.

Rule 1720-03-03-.02 defines key terms used in the code of conduct.

Rule 1720-03-03-.03 sets forth the University's position on common jurisdictional issues that arise in student conduct cases.

Rule 1720-03-03-.04 sets forth the standards of conduct for University students and student organizations. The most significant additions and changes to former Rule 1720-03-03 relate to academic dishonesty, providing false information, physical harm, harassment, sexual assault or misconduct, invasion of privacy, arson, information technology, compliance with University instructions, alcohol, and drugs.

Rule 1720-03-03-.05 addresses penalties imposed for violations of the Standards of Conduct. The proposed rule adds guidance for administrators and hearing boards in determining the appropriate penalty for a violation of the standards of conduct; adds a non-exclusive list of aggravating and mitigating factors that an administrator or hearing board may consider in determining a penalty; informs students that intoxication or impairment because of alcohol, drugs, chemicals, or other substances does not excuse a violation of the standards of conduct; adds three (3) penalties; informs students about the University's policy concerning coursework and pending disciplinary charges; and informs student organizations about the penalties that may be imposed if a student organization violates the standards of conduct.

Rule 1720-03-03-.06 is a new rule describing a no-contact directive, which is a tool used by student affairs administrators in appropriate cases to prohibit a student from having verbal, physical, or written contact with specific persons for a definite or indefinite period of time.

Rule 1720-03-03-.07 is a new rule describing an interim suspension, which may be imposed on a student prior to the conclusion of a full due process hearing in certain situations.

Rule 1720-03-03-.08 changes former Rule 1720-03-03-.05 by providing a list of rights for victims in sexual assault cases, to comply with recent guidance by the United States Department of Education concerning Title IX of the Education Amendments of 1972.

Rule 1720-03-03-.09 and Rule 1720-03-03-.10 are the same as former Rule 1720-03-03-.03 and Rule 1720-0303-.07, respectively.

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Sequence Number: 04-12-12
Rule ID(s): 5194
File Date: 04/17/2012
Effective Date: 09/28/2012

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. §4-5-202, 4-5-207 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.

Agency/Board/Commission:	University of Tennessee
Division:	
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Revision Type (check all that apply):

___ Amendment
x New
x Repeal

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

Chapter Number	**Chapter Title**
1720-03-03	Student Conduct
Rule Number	**Rule Title**
1720-03-03-.01	Introduction
1720-03-03-.02	Standards of Conduct
1720-03-03-.03	Student Identification Cards
1720-03-03-.04	Investigations of Student Conduct
1720-03-03-.05	The Judicial Systems and Due Process
1720-03-03-.06	Repealed
1720-03-03-.07	Student Health Insurance

Chapter Number	**Chapter Title**
1720-03-03	Student Rights and Responsibilities
Rule Number	**Rule Title**
1720-03-03-.01	Introduction
1720-03-03-.02	Definitions
1720-03-03-.03	Jurisdiction
1720-03-03-.04	Standards of Conduct
1720-03-03-.05	Penalties
1720-03-03-.06	No Contact Directives

1720-03-03-.07	Interim Suspension
1720-03-03-.08	Hearing Procedures
1720-03-03-.09	Student Identification Cards
1720-03-03-.10	Student Health Insurance

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to http://state.tn.us/sos/rules/1360/1360.htm)

Substance of Proposed Rules
of
The University of Tennessee, Health Science Center

Repeal

Rule 1720-03-03 Student Rights and Responsibilities is repealed.

New Rule

Chapter 1720-03-03
Student Rights and Responsibilities

1720-03-03-.01 Introduction.

(1) Students at the University of Tennessee Health Science Center are members of both the University community and the larger community of which the University is a part. Accordingly, students are responsible for conducting themselves in a lawful manner and in compliance with University rules and policies. The University has established the following rules in order to advance the mission of the University by maintaining a safe and secure learning environment, protecting the rights and privileges of all members of the University community, providing a basis for orderly conduct of the affairs of the University, promoting a positive relationship between the University and its surrounding community, preserving institutional integrity and property, encouraging students to engage in conduct that brings credit to themselves and the University, and ensuring that each student who matriculates at the University graduates ready to contribute to society as an ethical and law-abiding citizen.

(2) The University of Tennessee is committed to respecting students' constitutional rights. Nothing in this chapter is intended or shall be interpreted to restrict students' constitutional rights, including, but not limited to, rights of freedom of speech and assembly.

(3) Students are responsible for being fully acquainted and for complying with the University catalog, student handbook, and other rules and policies relating to students. Failure or refusal to comply with the rules and policies established by the University may subject a student to disciplinary action up to and including permanent dismissal from the University.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-03-03-.02 Definitions.

(1) The term "University" means the University of Tennessee Health Science Center.

(2) The term "student" means a person admitted, enrolled or registered for study at the University of Tennessee, either full-time or part-time, pursuing undergraduate, graduate, or professional studies, as well as non-degree students. Persons not officially registered or enrolled for a particular term but who have a continuing relationship with the University also are considered students for purposes of these rules.

(3) The term "student organization" means an organization that is composed solely of University students that has submitted a pending application or has completed the process for registration

according to University rules.

(4) The term "University-controlled property" means all land, buildings, facilities, grounds, structures, or any other property owned, leased, used, maintained, or operated by the University. For purposes of this rule, University-controlled property includes all streets, alleys, sidewalks, and public ways abutting such property. University-controlled property also includes computers and network systems owned, maintained, or controlled by the University or funded by the University.

(5) The term "University-affiliated activity" means any activity on or off University-controlled property that is initiated, aided, authorized, sponsored, or supervised by the University.

(6) The term "University official" means an employee of the University, including faculty members and staff, or for purposes of this rule a University-recognized volunteer. Student employees may be considered University officials when acting in the performance of their duties (e.g., event staff, resident assistants, and teaching assistants).

(7) The term "member of the University community" means any person who is a student, University official, campus visitor, or participant in a University-sponsored or University-affiliated activity.

(8) The term "possession" means actual knowledge of a substance or property and/or being in such close proximity to the substance or property that it is a reasonable presumption that one had knowledge of the substance or property.

(9) The term "weapon" means any device, instrument, or substance that is designed to, or reasonably could be expected to, inflict a wound, incapacitate, or cause serious bodily injury or death, including, but not limited to, firearms (loaded and unloaded, real and replica), ammunition, electronic control devices (such as tasers and stun guns), devices designed to discharge an object (such as bb guns, air guns, pellet guns, potato guns, and slingshots), explosives, dangerous chemicals (such as mace, tear gas, and oleoresin capsicum), martial arts weapons, bows and arrows, artificial knuckles, nightsticks, blackjacks, dirks, daggers, swords, and knives with fixed blades longer than three (3) inches. The term "weapon" does not include chemical repellents available over-the-counter for self-defense; instruments used solely for personal hygiene, preparation of food, maintenance, University-related instruction, or University employment-related duties.

(10) The term "notice" means notice given in writing delivered by regular mail, courier service, or hand delivery to the address the University has on file for the student or student organization, or by e-mail to the student's or student organization's University-provided e-mail account.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-03-03-.03 Jurisdiction.

(1) The Standards of Conduct, Chapter 1720-03-03-.04, apply to conduct that occurs on University-controlled property.

(2) The University also has the discretion to discipline a student for an act in violation of the Standards of Conduct that occurs off University-controlled property if the conduct adversely affects the interests of the University, including, but not limited to, conduct which:

(a) Occurs in connection with a University-affiliated activity, including, but not limited to, an overseas study program or a clinical, field, internship, or in-service experience;

(b) Involves another member of the University community; or

(c) Threatens, or indicates that the student may pose a threat to, the health or safety of him/herself or others or the security of any person's property, including, but not limited to, alcohol-related offenses, drug-related offenses, arson, battery, fraud, hazing, participation

in group violence, rape, sexual assault or misconduct, stalking, and theft.

(3) The Standards of Conduct have been adopted in furtherance of the University's interests and serve to supplement, rather than substitute for, the enforcement of the civil and criminal law. Accordingly, University disciplinary action may be instituted against a student charged with conduct that potentially violates both the criminal law and the Standards of Conduct without regard to the pendency of criminal charges or civil litigation. At the discretion of the Chief Student Affairs Officer, or his/her designee, disciplinary action relating to a violation of the Standards of Conduct may be carried out prior to, simultaneously with, or following criminal proceedings. Students accused of violating the Standards of Conduct may not challenge the University disciplinary proceedings on the grounds that criminal charges, civil litigation, or other University proceedings regarding the same incident are pending or have been terminated, dismissed, reduced, or not yet adjudicated.

(4) Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if conduct is not discovered by the University until after a degree is awarded). Should a student withdraw from the University with disciplinary charges pending, the student's academic record and/or ability to register for classes may be encumbered by the appropriate University office.

(5) Graduate or professional programs within the University may initiate charges against students for alleged violations of professional standards or ethics as a separate issue or as an extension of alleged acts of academic dishonesty or other violations of the Standards of Conduct.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-03-03-.04 Standards of Conduct. A student or student organization may be disciplined for the following types of misconduct:

(1) Cheating, plagiarism, or any other act of academic dishonesty, including but not limited to an act in violation of the Honor Code.

(2) Providing false information to a University official.

(3) Falsifying, distorting, misrepresenting, or withholding information in connection with a University investigation or hearing.

(4) Forging, altering, destroying, falsifying, or misusing records, identification, or documents, whether in print or electronic form.

(5) Causing physical harm to any person (including oneself); endangering the health or safety of any person (including oneself); engaging in conduct that causes a reasonable person to fear harm to his/her health or safety; or making an oral or written statement (including electronically) that an objectively reasonable person hearing or reading the statement would interpret as a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals, although the speaker need not mean to carry out the act of unlawful violence in order to constitute a violation of this rule.

(6) Harassment, which is defined as unwelcome conduct that is so severe or pervasive, and objectively offensive, that it substantially interferes with the ability of a person to work, learn, live, or participate in or benefit from the services, activities, or privileges provided by the University. In no event shall this rule be construed to discipline a student for speech protected by the First Amendment to the United States Constitution (e.g., mere insulting or offensive speech).

(7) Sexual assault or misconduct. "Sexual assault" is defined as any sexual act or attempt to engage in any sexual act with another person without the consent of the other person, or in

circumstances in which the person is unable to give consent due to age, disability, or an alcohol/chemical or other impairment. "Sexual misconduct" is defined as any intimate touching of another person, or forcing a person to engage in intimate touching of another, without the consent of the other person, or in circumstances in which the person is unable to give consent due to age, disability, or an alcohol/chemical or other impairment. It is the responsibility of the person initiating sexual activity to ensure the other person is capable of consenting to that activity. Consent is given by an affirmative verbal response or acts that are unmistakable in their meaning. Consent to one form of sexual activity does not mean consent is given to another type of sexual activity.

(8) Invasion of another person's privacy when that person has a reasonable expectation of privacy, including, but not limited to, using electronic or other means to make a video or photographic record of any person in a location in which the person has a reasonable expectation of privacy, without the person's knowledge or consent. This includes, but is not limited to, making a video or photographic record of a person in shower/locker rooms or restrooms. The storing, sharing, and/or distributing of such unauthorized recordings by any means is also prohibited.

(9) Theft, misappropriation, unauthorized possession, or unauthorized sale of private or public property, including but not limited to University-controlled property.

(10) Vandalizing, destroying, damaging, engaging in conduct that reasonably could cause damage to, or misusing private or public property, including but not limited to University-controlled property.

(11) Participating in hazing. "Hazing" is defined as any intentional or reckless act, on or off University-controlled property, by one (1) student, acting alone or with others, which is directed against any other student, which endangers the mental or physical health or safety of that student, or which induces or coerces a student to endanger his or her 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.

(12) Engaging in disorderly, lewd, indecent, or obscene conduct. "Disorderly" conduct means fighting or other physically violent or threatening conduct; creating a hazardous or physically offensive condition by any act that serves no legitimate purpose; making noise that could unreasonably disturb others who are carrying on lawful activities; or conduct that breaches the peace. "Lewd, indecent, or obscene" conduct includes, but is not limited to, public exposure of one's sexual organs, public urinating, and public sexual acts.

(13) Engaging in speech, either orally or in writing, that is directed to inciting or producing imminent lawless action and is likely to incite or produce such action.

(14) Any act of arson; falsely reporting a fire, the presence of an explosive or incendiary device, or other emergency; setting off a false fire alarm; or tampering with, removing, or damaging fire alarms, fire extinguishers or any other safety or emergency equipment from its proper location except when removed in a situation in which there is a reasonable belief of the need for such equipment.

(15) Possessing, using, or duplicating University keys, access cards, or identification cards without authorization; possessing, using, or entering University-controlled property without authorization.

(16) Theft, misuse, or unauthorized use of information technology facilities, resources, or access codes, including, but not limited to: unauthorized entry into or transfer of a file; using another person's identification and/or password without that person's consent; using information technology facilities or resources to interfere with the work of another student, faculty member, staff member, or other member of the University community; using information technology facilities or resources to interfere with normal operation of a University information technology system or network; circumventing University information technology system or network security; using information technology facilities or resources in violation of copyright laws; falsifying an e-mail header; and conduct that violates the University's policy on the Acceptable Use of Information Technology Resources.

(17) Possessing, using, storing, or manufacturing any weapon or any facsimile of a weapon on University-controlled property or in connection with a University-affiliated activity, unless authorized in writing by the Chief of Police or his/her designee.

(18) Consuming, manufacturing, possessing, distributing, dispensing, selling, or being under the influence of alcoholic beverages on University-controlled property or in connection with a University-affiliated activity.

(19) Consuming, manufacturing, possessing, distributing, dispensing, selling, or being under the influence of alcoholic beverages, if prohibited by federal, state, or local law.

(20) Providing an alcoholic beverage to a person younger than twenty-one (21) years of age, unless permitted by law.

(21) Using, manufacturing, possessing, distributing, selling, dispensing, or being under the influence of drugs or drug paraphernalia, if prohibited by federal, state, or local law; using or possessing a prescription drug if the prescription was not issued to the student; or distributing or selling a prescription drug to a person to whom the prescription was not originally issued.

(22) Failing to pay a University bill, account, or other University financial obligation.

(23) Failing to respond to a request to report to a University administrative office; failing to comply with a lawful directive of a University employee or other public official acting within the scope of his/her duties; or failing to identify oneself to a University employee or other public official acting within the scope of his/her duties when requested to do so.

(24) Failing to appear at a University hearing, including, but not limited to, a hearing of a University judicial board, following a request to appear either as a party or as a witness.

(25) Violating the terms of an interim suspension, a no-contact directive, or a disciplinary penalty imposed by the University.

(26) Obstructing or disrupting teaching, learning, studying, research, public service, administration, disciplinary proceedings, emergency services, or any other University-affiliated activity, or the free flow of pedestrian or vehicular traffic on University-controlled property. In no event shall this rule be construed to discipline a student for speech protected by the First Amendment to the United States Constitution.

(27) Violating a University policy or rule, including but not limited to University policies or rules relating to facilities use, smoking, the acceptable use of information technology resources, research or service misconduct, finder's fees relating to clinical investigations involving human subjects or access to University data or materials, University libraries, dining services, parking or transportation, University identification card use, sexual harassment, residence halls, and registered student organizations.

(28) Committing an act that is prohibited by local, state, or federal law.

(29) Attempting to commit a violation of a Standard of Conduct or being an accessory to the commission of an act or attempted act in violation of a Standard of Conduct.

Authority: T.C.A. § 49-9-209(e), T.C.A. § 49-7-123, and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-03-03-.05 Penalties.

(1) Disciplinary penalties are primarily intended to educate students and student organizations about appropriate behavior, encourage students and student organizations to take responsibility for misconduct, promote the personal and professional development of students, discourage other

students and student organizations from violating the Standards of Conduct, and protect members of the University community. The penalties imposed should be appropriate for the particular case based on the gravity of the offense (including without limitation how the violation affected or reasonably could have affected other members of the University community). Efforts are made to keep penalties consistent with those applied to similar cases. In recognition of the fact that the University is an educational institution with a rehabilitative point of view, penalties are assessed in accordance with conditions accompanying each offense. Consideration may also be given to the student's or student organization's conduct record; the student's or student organization's responsiveness to the conduct process; whether the student acted in self-defense, and, if so, whether the amount of force used was reasonable under the circumstances; student academic classification; and other aggravating or mitigating factors. Penalties may be applied retroactively to the date of the offense. Intoxication or impairment because of alcohol, drugs, chemicals, or other substances does not diminish or excuse a student violation of the Standards of Conduct. Additionally, official violation notifications are given by the appropriate office, and official records are maintained in that office.

(2) The following penalties may be imposed on any student found to have violated the Standards of Conduct:

(a) Disciplinary Warning. A disciplinary warning is a notice that the student is violating or has violated the Standards of Conduct. It is used for minor violations and consists of a restatement of the regulation violated with an official warning concerning future action.

(b) Disciplinary Reprimand. A disciplinary reprimand is used for minor violations of the Standards of Conduct when it is evident the misconduct occurred with knowledge and awareness of applicable Standards of Conduct. A reprimand indicates that further violations will result in more severe disciplinary actions. Reprimands may be given to students in either verbal or written form.

(c) Loss of Privilege. Loss of privilege is a penalty imposed most commonly cases involving violation of University rules governing hours, social standards, intramural sports, or misuse of University facilities. The loss of privilege is ordinarily established for a specific period of time, and actions are recorded in appropriate records. Privileges that maybe lost include, but are not limited to, scholarships, stipends, participation in extracurricular activities (e.g. intramurals), participation in social activities, and use of certain University-controlled property (e.g., information technology resources).

(d) Education. Students may be required to attend classes, at their own expense, dealing with issues such as the consequences of alcohol or drug use, civility, ethics, or other topics as deemed appropriate by the Chief Student Affairs Officer or his/her designee.

(e) Restitution. Restitution may be required in situations that involve destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. Restitution may take the form of a monetary payment or appropriate service to repair or otherwise compensate for the destruction, damage, or loss.

(f) Disciplinary Probation. Disciplinary probation means that a student is permitted to remain in the University on a probationary status. Should a violation occur during probation, the student is normally suspended. Disciplinary probation is recorded on the student's personnel file in the Office of Student Affairs. Conditions of probation are specific to the individual case and may include loss of eligibility to serve as a student organization officer or participation in major student activities. Any specific probation conditions are described in a personal letter to the student. Other conditions of probation are specific to each individual case and may include a requirement of community service or other requirement or restriction.

(g) Suspension. The penalty of suspension is imposed in cases of serious or repeated misconduct or a violation of probation. A student who is suspended shall have his/her registration cancelled and is not eligible to apply for readmission for a designated period

of time. Suspensions are always recorded on the student's permanent record. (Persons suspended from the University may not return to the campus for the duration of their suspension, except to conduct official business with an administrative officer or faculty member).

(h) Permanent Dismissal. Permanent dismissal means that a student is permanently barred from matriculating as a student at the University of Tennessee Health Science Center. This penalty is used when the violation of one (1) or more of the Standards of Conduct is deemed so serious as to warrant total and permanent disassociation from the University community without the possibility of re-enrollment; or when, by his/her repeated violation of the Standards of Conduct, a student exhibits blatant disregard for the health and safety of other members of the University community or the University's right to establish rules of conduct.

(i) Revocation of Degree. Revocation of a degree means revoking a student's a degree already awarded by the University. Revocation of a degree shall be approved by the University of Tennessee Board of Trustees.

(3) A disciplinary hold may be placed on a student's account until the completion of the student disciplinary process and/or until the student satisfies the terms and conditions of any penalties imposed. A student who, at the time of commencement, is subject to a continuing disciplinary penalty or an unresolved disciplinary charge shall not be awarded a degree before the conclusion of all penalties and/or resolution of all disciplinary charges.

(4) The following penalties may be imposed on a student organization found to have violated the Standards of Conduct:

(a) Disciplinary Warning. A disciplinary warning is used for minor violations of the Standards of Conduct and consists of a restatement of the Standard of Conduct violated with an official warning concerning future action.

(b) Loss of Privilege. This penalty is intended to serve as a reminder of the Standards of Conduct and is for a specific period of time. Examples of privileges that may be lost include participating in extracurricular activities (e.g., intramurals), housing privileges, participating in social activities, and using certain University-controlled property.

(c) Education. Student organizations or their representatives may be required to attend classes, at their own expense, dealing with issues such as the consequences of alcohol or drug use, civility, ethics, or other topics as deemed appropriate by the Chief Student Affairs Officer, Student Conduct Officer, and/or his/her designee.

(d) Restitution. Restitution may be required in situations that involve destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. Restitution may take the form of a monetary payment or appropriate service to repair or otherwise compensate for the destruction, damage, or loss.

(e) Social Probation. This penalty prohibits a student organization from sponsoring or participating in specified social activities. While on social probation, a student organization may not host social events or participate in University-affiliated activities. Any exceptions to social probation must be approved, in advance, by the Chief Student Affairs Officer or his/her designee.

(f) Disciplinary Probation. Disciplinary probation means that a student organization is permitted to retain University registration on a probationary status. Violation of the Standards of Conduct during the period of disciplinary probation may result in more serious penalties, including revocation of University registration.

(g) Revocation of University Registration. In cases of serious misconduct, a student organization's University registration may be revoked.

(5) More than one (1) of the penalties listed above may be imposed for any single violation of the Standards of Conduct.

(6) Except for an interim suspension, disciplinary penalties shall not become effective until after opportunities for appeal have been exhausted. Penalties may be applied retroactively to the date of the offense. Coursework performed while disciplinary charges are pending or disciplinary proceedings are underway shall be considered conditional. Coursework may be affected or disregarded based on a final finding of misconduct or the penalty imposed, which may result in loss of course credit, a loss of tuition and/or fees, a delay in the awarding of a degree, or revocation of a degree that was awarded prior to a final decision in the disciplinary proceeding.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-03-03-.06 No Contact Directive. In cases involving allegations of assault, injury, sexual abuse, harassment, or in cases where there is reason to believe continued contact between a student/student organization and specific persons, including complainants and witnesses, may interfere with those persons' security, safety or ability to participate effectively in work or studies, the Chief Student Affairs Officer, or his/her designee, may require that the student/student organization not have verbal, physical, or written contact with specific persons for a definite or indefinite period of time. The student/student organization will receive notice of the no contact directive. Any student, faculty or staff member or other person with a reasonable justification may request that a no contact directive be issued to a student/student organization. In addition to an internal University no contact directive, complainants are advised that other similar options exist and can be obtained from law enforcement and civil and criminal courts.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-03-03-.07 Interim Suspension.

(1) When the Chief Student Affairs Officer or his/her designee has reasonable cause to believe that a student's or student organization's continued presence on University-controlled property or at University-affiliated activities poses a significant risk of substantial harm to the health or safety of others or to property or poses an ongoing threat to the disruption of, or interference with, the normal operations of the University, the Chief Student Affairs Officer or his/her designee may impose an interim suspension prior to the conclusion of a full hearing on the alleged misconduct.

(2) An interim suspension shall be confirmed by a notice that explains the basis for the interim suspension and shall remain in effect until the conclusion of a full hearing in accordance with the rules of the University of Tennessee, which shall be held without undue delay.

(3) Within three (3) business days of the imposition of the suspension, the student or student organization shall be offered an opportunity to appear personally before the Chief Student Affairs Officer or his/her designee in order to discuss the following issues only: (i) the reliability of the information concerning the student's or student organization's conduct; and (ii) whether the conduct and surrounding circumstances reasonably indicate that the student's or student organization's continued presence on University-controlled property or at University-affiliated activities poses a significant risk of substantial harm to the health or safety of others or to property or poses an imminent threat of disruption of or interference with the normal operations of the University.

(4) During an interim suspension, the student or student organization shall be denied access to University-controlled property, including residence halls, and all other University-affiliated activities or privileges for which the student might otherwise be eligible, as the Chief Student Affairs Officer or his/her designee determines in his/her sole discretion to be appropriate. A student or student organization who receives an interim suspension and violates the terms of the interim suspension shall be subject to further disciplinary action and may be treated as a

trespasser. Permission to be on University-controlled property or participate in University-affiliated activities may be granted by the Chief Student Affairs Officer or his/her designee.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-03-03-.08 Hearing Procedures.

(1) Unless otherwise specified in the published policies and procedures of the UT Health Science Center, a student charged with misconduct or who is entitled to an opportunity for a hearing will, upon request, be provided a hearing in accordance with the following procedures:

(a) Notice - A person charged with misconduct will receive written notification of the following:

1. The substance of the charge(s) against him/her.

2. The disciplinary action taken or proposed.

3. His/her right to a hearing should he/she wish to contest the charge(s) or action.

4. To whom a request for a hearing should be addressed.

5. That a request for a hearing must be made within five (5) days of the person's receipt of this notice.

6. His/her right to be accompanied by no more than one (1) advisor during the hearing, including but not limited to a parent, spouse, friend, or attorney. The role of the advisor shall be limited to providing advice or support to the accused student. Even if accompanied by an advisor, the accused student is responsible for presenting his/her own case to the hearing panel. An advisor is not permitted to: introduce evidence; raise objections; present arguments; address directly the members of the hearing panel, the student conduct officer, or any witnesses participating in the hearing; or otherwise participate in the hearing. In consideration of the limited role of the advisor, and of the compelling interest of the University to expeditiously conclude the matter, a hearing shall not be delayed due to the unavailability of an advisor.

7. His/her rights to a hearing in accordance with the contested case provisions of the Uniform Administrative Procedures Act, T.C.A. § 4-5-108 et seq. In the absence of a voluntary written waiver of his/her rights to a hearing under the provisions of the TUAPA, a requested hearing will be conducted in accordance with the University's TUAPA hearing procedures shall not apply.

(b) Hearing Panel - A requested hearing will be provided by a panel of individuals or a hearing examiner, selected in accordance with policies of UT Health Science Center or, in the absence of applicable policies or procedures, by the Chancellor of the UT Health Science Center or his/her designee. The hearing will be conducted by a panel chairman similarly selected. Panel members shall be impartial and anyone lacking such impartiality shall recuse himself or be removed by the Chancellor of the UT Health Science Center or his/her designee upon the request of any party to a hearing.

(c) Hearing Process - The chairman of a hearing panel or hearing examiner will conduct the hearing, without regard to technical rules of procedure, in such manner as will best serve the cause of justice within the following general guidelines:

1. Each party to a hearing will be afforded a full and fair opportunity to present all evidence including witnesses, reasonably relating to the charge or action at issue; evidence which is irrelevant, immaterial, repetitious or voluminous may be

limited.

2. The hearing panel or examiner will consider all evidence presented, giving due consideration to the credibility or weight of each item presented; technical rules of evidence will not apply.

3. Each party will have the right to question opposing witnesses.

4. A record will be made of the hearing procedures. However, defects in the record will not invalidate the proceedings.

5. The University will have the burden of providing, by a preponderance of the evidence, the truth of the charge(s) at issue. Where the charge(s) is found to be true, the person charged will have the burden of proving that the disciplinary action taken or proposed is arbitrary, capricious, or unreasonable.

6. Following the conclusion of the hearing, the hearing panel or examiner will consider the evidence and present written findings within a reasonable time.

7. In cases involving an allegation of sexual assault or misconduct, the hearing procedures shall be modified to afford the alleged victim all of the rights described in Chapter 1720-03-03-.08(1)(d).

(d) In cases involving a complaint of sexual assault or misconduct, the alleged victim shall have the right to:

1. Notice concerning the process by which the University will handle the complaint and an opportunity to ask questions about the process;

2. A prompt, thorough, and impartial investigation of the complaint;

3. The same opportunity as the accused student to present his/her explanation of the facts during the University's investigation;

4. Have the investigation of the complaint concluded within sixty (60) days of the University's receipt of a complaint, unless circumstances make it impracticable for the University to complete its investigation within that timeframe;

5. Notice of the outcome of the University's investigation;

6. Have a disciplinary hearing conducted within thirty (30) days of a University charge that the accused student committed sexual assault or misconduct, unless circumstances make it impracticable for the University to conduct a hearing within that timeframe;

7. Notice of the date, time, and location of the disciplinary hearing, the right to have the disciplinary hearing closed to the public, and the right to request rescheduling of the hearing for good cause;

8. The same access as the accused student to any information or documents that will be used by the University during a disciplinary hearing, unless prohibited by law;

9. Challenge the selection of any member of a hearing panel or a hearing examiner for good cause, which will be determined at the discretion of the Chancellor or his/her designee;

10. Be accompanied by an advisor of his/her choosing during the University's investigation or a disciplinary hearing, but the advisor shall not be permitted to speak for the victim during a disciplinary hearing;

11. The same opportunity as the accused student to be present during the hearing, present witnesses and other evidence, challenge the admissibility of evidence, and cross-examine adverse witnesses during the disciplinary hearing;

12. Testify or remain silent at his/her option; however, choosing to remain silent may result in the University dismissing the charges against the accused student or the hearing panel or examiner finding that there is insufficient evidence to find the accused student guilty of the charges against him/her;

13. Not to be questioned personally by the accused student during the disciplinary hearing;

14. Submit a written impact statement to the hearing panel or examiner for consideration during the sanctioning phase of the disciplinary hearing, if the accused student is found guilty of the charges against him/her;

15. Notice of the decision of the hearing panel or examiner within three (3) business days of the disciplinary hearing; and

16. Appeal the decision of the hearing panel or examiner to the Chancellor and the President.

(2) The decision of any board or administrative officer of The University of Tennessee is subject to review by the Chancellor and the President.

(3) For purposes of this rule, the term "student" shall mean a student or a student organization.

(4) When, in the judgment of the Chancellor of the University of Tennessee, Health Science Center, conditions are such than an emergency exists which makes it impossible for the system of judicial boards to function, he/she may suspend the procedural regulations described in this Chapter. If the procedures are suspended, he may substitute for them arrangements for handling disciplinary matters than will ensure the orderly functioning of the University and at the same time safeguard the basic rights of the students.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-03-03-.09 Student Identification Cards.

(1) All currently registered students are required to have a UT Health Science Center Student Identification Card. Lost and found I.D. cards should be reported to the Office of Campus Safety and Security. Replacement for lost cards may be obtained from the Office of Campus Safety and Security. A replacement charge will be assessed.

(2) In order to determine the identity of students, all students are required to present their University identification cards promptly on request of a University police officer or member of the administration or faculty of the University. Identification cards will not ordinarily be retained; however, a card may be retained if an emergency situation exists or if the card may be needed as evidence. The retained card, if valid, will be returned to the student as soon as possible

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-03-03-.10 Student Health Insurance. All students are required to obtain basic health care and medical care insurance to protect themselves, their families, their professional health care associates and providers. The

student may elect to enroll in the UT Health Science Center student health insurance plan or obtain equivalent health insurance with a private carrier. Students who fail to furnish proof of insurance coverage will be prevented from completing their registration for that academic term.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

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

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Governor Bill Haslam				x	
Commissioner Julius Johnson				x	
Commissioner Kevin Huffman				x	
Dr. Joe DiPietro	x				
Dr. Richard D. Rhoda			Non-voting		
Charles C. Anderson, Jr.	x				
Ann Holt Blackburn	x				
Dr. J.A.M. "Toby" Boulet	x				
William Y. Carroll	x				
George E. Cates	x				
Spruell Driver, Jr.	x				
Teresa K. Fowler			Non-voting		
John N. Foy	x				
Crawford Gallimore	x				
Monice Moore Hagler	x				
James E. Hall	x				
Douglas A. Horne	x				
Andrea J. Loughry	x				
James L. Murphy, III	x				
Karl A. Schledwitz	x				
Carey Smith	x				
Don Stansberry	x				
Robert S. Talbott	x				
Betty Ann Tanner	x				
Charles E. Wharton	x				
Dr. Janet M. Wilbert			Non-voting		

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the University of Tennessee Board of Trustees on June 23, 2011, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of sixty (60) days of the first day of the month subsequent to

~~RULES~~
~~OF~~
~~THE UNIVERSITY OF TENNESSEE, HEALTH SCIENCE CENTER~~

~~CHAPTER 1720-3-3~~
~~STUDENT RIGHTS AND RESPONSIBILITIES~~

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~~**1720-3-3-.01 INTRODUCTION.** It shall be the responsibility of each member of the University of Tennessee Health Science Center community to become acquainted with the policies and rules governing that community. Any violation of these policies and rules will be subject to disciplinary action that shall be stated in a later section entitled, "Disciplinary Regulations and Procedures".~~

~~***Authority:*** *T.C.A. §4-9-209(e).* ***Administrative History:*** *Original rule filed May 27, 1986; effective August 12, 1986. (For history prior to August 12, 1986, see pages (iii) - (v)). Amendment filed November 17, 2000; effective March 30, 2001.*~~

~~**1720-3-3-.02 STANDARDS OF CONDUCT.** Misconduct for which students are subject to discipline falls into the following categories:~~

~~(1) Violation of written University policies and regulations as stipulated herein or inciting other students to violate written University policies and regulations as promulgated and announced by authorized personnel.~~

~~(2) Failure to comply with directions of University officials acting in the performance of their duties.~~

~~(3) Violation of properly constituted rules and regulations governing the use of motor vehicles on University-owned or -controlled property.~~

~~(4) Failure to pay promptly all University bills, accounts, and other University financial obligations when due.~~

~~(5) Forgery, alteration, destruction or misuse of University documents, records, or identification.~~

~~(6) Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other University activities, including its public service functions, or other authorized activities on University premises.~~

~~(7) Physical abuse of any person, or other conduct which threatens or endangers the health or safety of any person, whether such conduct occurs on or off University property. In no event shall this rule be construed to prevent speech protected by the First Amendment to the United States Constitution.~~

~~(8) Theft, misappropriation or sale of or damage to property of the University or of an organization affiliated with the University or of a member of the University community or of (a) campus visitor(s).~~

~~(9) Unauthorized use of or entry to University facility and unauthorized possession and use of access cards and keys to University facilities.~~

~~(10) Disorderly conduct or lewd, indecent, or obscene conduct or expression on University-owned or -controlled property or at University sponsored or supervised functions.~~

~~(Rule 1720-3-3-.02, continued)~~

~~(11) Groups of students gathering on or adjacent to the campus in manner which causes damage to public or private property, causes injuries to persons, or interferes with the orderly functioning of the University or the normal flow of traffic.~~

~~(12) Violation of local, state, or federal law, whether on or off campus, when it appears that the student has acted in a way which adversely affects or seriously interferes with the University's normal educational function, or which injures or endangers the welfare of any member of the University community. Such violation includes, but is not limited to, violation of state or federal drug laws, commission of or attempt or threat to commit rape, murder, felonious assault, arson or any other felonious crime against person or property.~~

~~(13) Possession while on University-owned-controlled property or at University sponsored or supervised activities, of any weapons such as, but not limited to, rifles, shotguns, ammunition, handguns, and air guns, including explosives such as firecrackers, etc. unless authorized in writing by the Director of Safety and Security.~~

~~(14) Gambling on University-owned or -controlled property.~~

~~(15) Unlawful use, manufacture, possession, distribution or dispensing of drugs or alcohol on University property or during University activities.~~

~~(16) Possession or use of alcoholic beverages on University-owned or -controlled property.~~

~~(17) Violation of professional ethics in clinical work and in dealing with patients and members of the medical community.~~

~~(18) Finder's Fee: In order to maintain the highest ethical standards, to avoid any potential or perceived conflict of interest, and to protect its students and employees to the fullest extent possible. The University of Tennessee Health Science Center will not participate in and its employees and students are prohibited from participating in the payment of finder's fees to medical residents, physicians, nurses, or other individuals or entities for the recruitment of patients as participants in clinical investigations involving human subjects.~~

~~(19) Participation of students in hazing activities. "Hazing" means any intentional or reckless act, on or off University property, by one student, acting alone or with others, which is directed against any other student, that endangers the mental or physical health or safety of that student, or which induces or coerces a student to endanger his or her mental or physical health or safety, and includes treatment of a violent, abusive, shameful, insulting, or humiliating nature. Such action is prohibited when connected with initiation into or affiliation with an organization and does not include participation in customary athletic events or similar competition.~~

~~***Authority:*** *T.C.A. §4-9-209(e).* ***Administrative History:*** *Original rule filed May 27, 1986; effective August 12, 1986. (For history prior to August 12, 1986 see pages (iii) - (v)). Amendment filed October 31, 1990; effective January 29, 1991. Amendment filed November 20, 1990; effective February 27, 1991. Amendment filed September 3, 1992; effective December 29, 1992. Amendment filed June 18, 1996; effective October 28, 1996. Amendment filed November 17, 2000; effective March 30, 2001.~~

~~1720-3-3-.03 STUDENT IDENTIFICATION CARDS.~~

~~(1) All currently registered students are required to have a UT Health Science Center Student Identification Card. Lost and found I.D. cards should be reported to the office of campus Safety and Security. Replacement for lost cards may be obtained from the office of Safety and Security. A replacement charge will be assessed.~~

~~(2) In order to determine the identity of students, all students are required to present their University identification (2) In order to determine the identity of students, all students are required to present their University identification cards promptly on request of a University police officer or member of the administration or faculty of the University. Identification cards will not ordinarily be retained; however, a card may be retained if an emergency situation exists or if the card may be needed as evidence. The retained card, if valid, will be returned to the student as soon as possible.~~

~~Authority:~~ *~~T.C.A. §4-9-209(e).~~* ***~~Administrative History~~*** *~~Original rule filed May 27, 1986; effective August 12, 1986. (For history prior to August 12, 1986 see pages (iii) - (v)). Amendment filed November 17, 2000; effective March 30, 2001.~~*

~~1720-3-3-.04 INVESTIGATIONS OF STUDENT CONDUCT.~~

~~(1) All University investigations shall be conducted in an ethical manner. Keeping in mind the rights of students, the following regulations shall be strictly observed.~~

~~(2) Inspection and Search Policy: Entry by University authorities into occupied rooms in residence hall will be divided into three categories: inspection, search, and emergency. Inspection is defined as the entry into an occupied room by University authorities in order to ascertain the health and safety conditions in the room, or to check the physical condition of the room, or to make repairs on facilities, or to perform cleaning and janitorial operations. Search is defined as the entry into an occupied room by on-campus authorities for the purpose of investigating suspected violations of campus regulations and/or city, state, or federal law. An emergency situation exists when the delay necessary to obtain search authorization constitutes a danger to persons, property, or the building itself.~~

~~(3) Inspections: Scheduled inspections by campus authorities, with the exception of daily janitorial operations, shall be preceded, if possible, by twenty-four hours notice to the residents. During the inspection, there will be no search of drawers or closets or personal belongings.~~

~~(4) Search: On-campus authorities will not enter a room for purposes of search without the permission of the resident or the written permission of the Director of Student Housing of the University in compliance with state law. University authorities shall have, if possible, the head resident of the hall or his designee accompany them on the search.~~

~~(5) Resident Complaints: Should a resident believe that a University staff member has misused or abused his authority to inspect his room, the resident should file a complaint. The complaint may be filed orally or in writing with the Director of Housing and/or the Office of Student Life. The complaint will be investigated and appropriate action and response will be made.~~

~~Authority:~~ *~~T.C.A. §4-9-209(e).~~* ***~~Administrative History:~~*** *~~Original rule filed May 27, 1986; effective August 12, 1986. (For history prior to August 12, 1986 see pages (iii) - (v)). Amendment filed October 31, 1990; effective January 29, 1991. Amendment filed November 17, 2000; effective March 30, 2001.~~*

~~1720-3-3-.05 THE JUDICIAL SYSTEM AND DUE PROCESS.~~

~~(1)~~ ~~UT Health Science Center Hearing Procedures: Unless otherwise specified in the published policies and procedures of the UT Health Science Center, a student charged with misconduct or who is entitled to an opportunity for a hearing will, upon his request, be provided a hearing in accordance with the following procedures:~~

~~(a)~~ ~~Notice – A person charged with misconduct will receive written notification of the following:~~

~~1.~~ ~~The substance of the charge(s) against him;~~

~~2.~~ ~~The disciplinary action taken or proposed;~~

~~3.~~ ~~His right to a hearing should he wish to contest the charge(s) or action;~~

~~4.~~ ~~To whom a request for a hearing should be addressed;~~

~~5.~~ ~~That a request for a hearing must be made within five (5) days of the person's receipt of this notice;~~

~~6.~~ ~~His right to legal or other counsel. If representation by counsel is desired, he must provide notice of his intent to be represented by counsel concurrent with his request for a hearing; in the absence of such notice, the hearing panel will, within the dictates of justice, direct either that a hearing proceed without presence of counsel or that the hearing be postponed.~~

~~7.~~ ~~His rights to a hearing in accordance with the contested case provisions of the Uniform Administrative Procedures Act, T.C.A. § 4-5-108 *et seq.* In the absence of a voluntary written waiver of his rights to a hearing under the provisions of the UAPA, a requested hearing will be conducted in accordance with the University's APA hearing procedures shall not apply.~~

~~(b)~~ ~~Hearing Panel – A requested hearing will be provided by a panel of individuals or a hearing examiner, selected in accordance with policies of UT Health Science Center or, in the absence of applicable policies or procedures, by the Vice President for Health Affairs (or his designee). The hearing will be conducted by a panel chairman similarly selected. Panel members shall be impartial and anyone lacking such impartiality shall recuse himself or be removed by the Vice President for Health Affairs upon the request of any party to a hearing.~~

~~(c)~~ ~~Hearing Process – The chairman of a hearing will conduct the hearing, without regard to technical rules of procedure, in such manner as will best serve the cause of justice within the following general guidelines:~~

~~1.~~ ~~Each party to a hearing will be afforded a full and fair opportunity to present all evidence including witnesses, reasonably relating to the charge or action at issue; evidence which is irrelevant, immaterial, repetitious or voluminous may be limited;~~

~~2.~~ ~~The hearing panel will consider all evidence presented, giving due consideration to the credibility or weight of each item presented; technical rules of evidence will not apply;~~

~~3.~~ ~~Each party will have the right to question opposing witnesses;~~

~~4.~~ ~~An appropriate record will be made of the hearing procedures. However, defects in the record will not invalidate the proceedings;~~

~~(Rule 1720-3-3-.05, continued)~~

~~5. The University will have the burden of providing, by a preponderance of the evidence, the truth of the charge(s) at issue. Where the charge(s) is found to be true, the person charged will have the burden of proving that the disciplinary action taken or proposed is arbitrary, capricious, or unreasonable;~~

~~6. Following the conclusion of the hearing, the hearing panel will consider the evidence and present written findings.~~

~~(d) The decision of any board or administrative officer of The University of Tennessee is subject to review by the Vice President for Health Affairs and the President.~~

~~(e) Disciplinary Actions and Penalties - Disciplinary actions are taken and penalties are assigned by staff members or appropriate committees and councils on the basis of all attendant circumstances. Official notifications are given by the appropriate office, and official records are maintained in that office. Efforts are made to keep penalties consistent with those applied to similar cases. However, in recognition of the fact that the University is an educational institution with a rehabilitative point of view, penalties are assessed in accordance with conditions accompanying each offense. The penalties which may be assessed for violations of University regulations are:~~

~~1. Residence Hall Probation: Residence Hall probation means that a resident is permitted to remain in the Residence Hall on a probationary status. If, during his probationary period, the student violates another house regulation, he may be asked to move from the Residence Hall by the Director of Student Housing or may be subject to other disciplinary action.~~

~~2. Disciplinary Warning: A disciplinary warning is used for minor infractions and consists of restatement of the regulation violated with an official warning concerning future action.~~

~~3. Disciplinary Reprimand: Disciplinary reprimands are used for minor infractions or misconduct where it is evident the misconduct occurred with knowledge and awareness of applicable University regulations. Reprimands may be given to students in either verbal or written form.~~

~~4. Loss of Privilege: Loss of privilege is imposed in case of violations of a University standard. It is most commonly used in violation of regulations governing hours, residence halls, rushing, social standards and intramural sports, or misuse of University facilities. The loss of privilege is ordinarily established for a specific period of time, and actions are recorded in appropriate records.~~

~~5. Disciplinary Probation: Disciplinary probation means that a student is permitted to remain in the University on a probationary status. Should a violation of regulations occur during probation, the student is normally suspended. Disciplinary probation is recorded on the student's personnel file in the Office of Student Life. Conditions of probation are specific to the individual case and may include loss of eligibility to serve as a student organization officer or participation in major student activities. Any specific probation conditions are described in a personal letter to the student.~~

~~6. Suspension: Suspension, used in case of serious misconduct or violation of probation, means that the student is required to cancel his registration and is not eligible to apply for readmission for a designated period of time. Suspensions are always recorded on the student's permanent record. (Persons suspended from the University may not return to the campus for the duration of their suspension, except to conduct official business with an administrative officer or faculty member).~~

~~(Rule 1720-3-3-.05, continued)~~

~~7. Permanent Dismissal.~~

~~(f) Emergency Powers: When in the judgment of the Chancellor of The University of Tennessee, Health Science Center conditions are such than an emergency exists which makes it impossible for the system of judicial boards to function, he may suspend these procedural regulations. If the procedures are suspended, he may substitute for them arrangements for handling disciplinary matters than will ensure the orderly functioning of the University and at the same time safeguard the basic rights of the students.~~

~~***Authority:*** *T.C.A. §4-9-209(e).* ***Administrative History:*** *Original rule filed May 27, 1986; effective August 12, 1986. (For history prior to August 12, 1986 see pages (iii) - (v)). Amendment filed November 13, 1987; effective February 28, 1988. Amendment filed October 31, 1990; effective January 29, 1991. Amendment filed August 31, 1995; effective December 30, 1995. Amendment filed January 13, 1999; effective May 31, 1999. Amendment filed November 17, 2000; effective March 30, 2001.~~

~~**1720-3-3-.06 REPEALED.**~~

~~***Authority:*** *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5 and Public Acts of Tennessee, 1807, Chapter 64.* ***Administrative History:*** *Original rule filed May 27, 1986; effective August 12, 1986. (For history prior to August 12, 1986 see pages (iii) - (v)). Repeal filed November 13, 1987; effective February 28, 1988.~~

~~**1720-3-3-.07 STUDENT HEALTH INSURANCE.** All students are required to obtain basic health care and medical care insurance to protect themselves, their families, their professional health care associates and providers. The student may elect to enroll in the UT Health Science Center student health insurance plan or obtain equivalent health insurance with a private carrier. Students who fail to furnish proof of insurance coverage will be prevented from completing their registration for that academic term.~~

~~***Authority:*** *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5 and Public Acts of Tennessee, 1807, Chapter 64.* ***Administrative History:*** *Original rule filed May 27, 1986; effective August 12, 1986. (For history prior to August 12, 1986 see pages (iii) - (v)). Amendment filed October 31, 1990; effective January 29, 1991. Amendment filed August 31, 1995; effective December 30, 1995.~~

G.O.C. STAFF RULE ABSTRACT

DEPARTMENT**:**	University of Tennessee
DIVISION:	University of Tennessee at Martin
SUBJECT:	Traffic and Parking Regulations
STATUTORY AUTHORITY:	Tennessee Code Annotated, Section 49-9-209
EFFECTIVE DATES:	September 28, 2012 through June 30, 2013
FISCAL IMPACT:	Minimal

STAFF RULE ABSTRACT:

The University of Tennessee at Martin has revised its traffic and parking regulations to allow for a $200 fine for possessing, using, reproducing, or altering a University registration decal in a manner that would violate state or local law and to allow restitution to the victim.

The provision also states that University students and employees may be subject to discipline under other University policies and procedures.

The proposed changes are a result of the request of local officials, so that offenders are handled through university procedures rather than the Weakley County court system.

Impact on Local Governments

Pursuant to T.C.A. 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (http://state.tn.us/sos/acts/106/pub/pc1070.pdf) of the 2010 Session of the General Assembly)

The University of Tennessee anticipates that this rule change will have minimal impact on local governments. The rule change was made at the request of local government officials so that offenders are handled through university procedures rather than the Weakley County court system.

RULES
OF
THE UNIVERSITY OF TENNESSEE AT MARTIN

CHAPTER 1720-05-06
TRAFFIC AND PARKING REGULATIONS

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1720-05-06-.01 REGISTRATION OF VEHICLES.

(1) All motor vehicles operated by faculty, staff and students in connection with their employment or attendance at UTM must be registered at the UTM Department of Public Safety.

(2) All persons employed by other agencies who regularly use University facilities must annually register their vehicles with the University. "Vendor" decals will be used for this purpose. "Honorary" decals will be issued to all retired University personnel and "Special Guests" decals may be issued to all others who do not fit the vendor classification.

(3) Vehicle registration decals are issued at the time of student registration and must be properly displayed.

(4) Faculty and staff vehicle registration and collection of associated fees will be conducted prior to the beginning of each Fall Semester and will be valid for the entire academic year. Vehicle registration will not be completed until the previous year's citations have been cleared. New employees will be required to pay the registration fee at the time of their employment.

(5) Student vehicle registration and collection of associated fees must be renewed at, or prior to, the beginning of each fall semester and will be valid for the entire academic year.

(6) Student vehicle registrations must be completed prior to the first day of classes, or within 24 hours for those who enroll at a subsequent date or acquire a vehicle.

(7) Generally, a student vehicle can only be registered in one classification: commuter or non- commuter. However, students who meet certain requirements may register vehicles as staff. To register as a staff member the student must teach eight (8) semester hours or have a forty (40) hour work week specified on appointment papers. The registration of student vehicles as staff members will be by agreement between the appropriate department chairman or dean and the Department of Public Safety.

(8) The annual vehicle registration decal will be provided at no cost to anyone qualifying for a permanent disability sticker.

(9) The person to whom a vehicle is registered is responsible for that vehicle and all violation citations issued thereto. If the person operating the vehicle is other than the registrant when a violation is committed, both he and the registrant may be cited.

(10) Expired campus registration decals must be removed so that only the current registration decals are displayed.

(11) Only one parking decal may be purchased by each staff/faculty member or student, unless it is a replacement decal. The decal may be transferred to another vehicle either permanently or temporarily.

Authority: *T.C.A. §49-9-209(e), Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.*

1720-05-06-.02 PARKING.

(1) Staff parking areas are designated for all academic buildings. Students are not to park in these areas.

(2) Student parking areas are designated by letter, e.g., C-Commuting students, N-Non- commuting students. Student's vehicles may be parked only in lots designated on the student's registration decal.

(3) Parking lot designations are not applicable from 3:00 p.m. to 8:00 a.m. nor on weekends except where posted. The designations are for the hours between 8:00 a.m. and 3:00 p.m. Monday through Friday.

Authority: *§49-9-208(e), Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.*

1720-05-06-.03 VEHICLE OPERATION.

(1) All persons operating vehicles on University property or in the campus area, which includes city streets adjacent to University property, must be properly licensed operators

(2) Pedestrians have the right-of-way at established pedestrian crossings, except where regulated by traffic control lights or police officers.

(3) Under normal conditions the maximum speed limit on campus streets is 15 mph and 30 mph on the city streets. However, vehicles may not be operated at any speed which is excessive for the conditions which may exist as a result of weather, traffic congestion, pedestrians, etc.

(4) Traffic control signs and directions of police officers must be obeyed.

(5) All persons operating vehicles are responsible for maintaining control of the vehicle, safe operation, and observance of traffic control signs, barriers and devices.

(6) Operating or parking a motor vehicle in any area other than a street, roadway, or parking lot intended for motor vehicles is prohibited.

1720-05-06-.04 VIOLATIONS.

(1) Registration.

(a) Vehicles not registered.

(b) Registration decals not properly affixed to vehicle.

(c) Unauthorized possession of registration decals.

(d) Falsification of registration information.

(e) Illegal use, reproduction, or alteration of registration decals.

(2) Parking.

(a) In no parking areas, loading zones, or on grass.

(b) In unauthorized areas.

(c) In such a manner as to block or obstruct traffic, street, sidewalk, driveway, fire hydrant, building entrance or exit, or another vehicle.

(d) In areas where curb is painted yellow or where not marked as a parking area with painted white lines.

(e) Vehicles parked in such a manner as to prohibit the emptying of trash dumpsters will be towed away at the owner's expense.

(f) Disability parking violation, as defined by state law (e.g., an unauthorized use of a disabled parking space, ramp, plate, or placard; parking a vehicle so that a portion of the vehicle encroaches into a disabled parking space in a manner which restricts, or reasonably could restrict, a person confined to a wheelchair from exiting or entering a vehicle properly parked within the disabled parking space).

(3) Moving.

(a) Exceeding posted speed limit.

(b) Excessive speed for existing conditions.

(c) Failure to obey traffic control sign or signal.

(d) Failure to obey police officer.

(e) Operating vehicle without valid operator's license.

(f) Driving off of roadway or street.

(g) Reckless driving and/or racing.

(h) Failure to yield right-of-way at pedestrian crossing.

(i) Leaving scene of accident.

(j) Failure to signal turn or stop.

(k) Following too closely.

(l) Operating mechanically unsafe vehicle.

(m) Driving while under the influence of alcohol or narcotics.

(n) Operating vehicle causing loud or unnecessary noise, such as loud mufflers, horns, P.A. systems, etc.

1720-05-06-.05 PENALTIES.

(1) Fines and Other Penalties.

(a) The fine for registration or parking violations is twenty-five ($25) dollars, except for the following violations:

1. Registration decal not properly affixed to a vehicle – twenty ($20) dollars;

2. Parking in a no parking area or a loading zone – thirty ($30) dollars;

3. Parking in such a manner as to block or obstruct traffic, a street, a driveway, a fire hydrant, a building entrance or exit, or another vehicle – thirty ($30) dollars (the fine is twenty-five ($25) dollars for blocking a sidewalk or building entrance or exit);

4. Parking in an area where curb is painted red – forty ($40) dollars;

5. Parking in an area that is not marked as a parking area with painted white lines – twenty ($20) dollars;

6. Parking in such a manner as to prohibit the emptying of trash dumpsters – thirty ($30) dollars and the vehicle will be towed; and

7. The fine for a disability parking violation is set by State law, T.C.A. § 55-21-108. As of July 1, 2008, the fine was set at two-hundred ($200) dollars. The fine imposed under these regulations will increase or decrease automatically when increased or decreased by State law. The fine shall not be suspended or waived. In addition to the fine, not more than five (5) hours of community service work may be imposed. Any community service work requirements imposed shall be to assist the disabled community by monitoring disabled parking spaces, providing assistance to disability centers or to disabled veterans, or other such purposes.

8. Unauthorized possession of registration decals; falsification of registration information; and/or illegal use, reproduction, or alteration of registration decals – at the discretion of the University, up to two hundred dollars ($200) per violation and restitution to the victim; or referral to City or General Sessions Court. University students and employees also may be subject to discipline other University policies and procedures.

(b) A person who commits a moving violation ~~or illegally uses, reproduces, or alters a vehicle registration decal~~ will be referred to City or General Sessions Court.

(2) Disciplinary Action.

(a) Students who persist in violating these regulations or commit a single violation surrounded by aggravated circumstances will be referred to the Office of Student Affairs for disciplinary action.

(b) If more than five citations are issued to a student in one semester, the student will be notified that the vehicle is subject to being towed. If, after this notification, the student receives another citation during the same semester, the student's vehicle will be subject to towing for that citation and each subsequent citation for the remainder of that semester, even if the previous citations have been satisfied by paying fines or other penalties.

(c) Any student having outstanding citations (citations which have not been paid) will not be allowed to register for further work until all such charges have been paid.

No transcripts or other information will be made available for such students who are seeking entrance into other institutions.

(3) Enforcement.

(a) A citation for any type of parking violation must be paid or appealed within fourteen (14) calendar days after the issuance of the citation. If a fine is not paid or appealed within fourteen (14) calendar days after the issuance of the citation, a $15.00 late charge will be added.

(b) Windshield notices and/or other methods of notification will be used to provide the owner of the vehicle with: (1) advance notice of the University's intent to tow the owner's vehicle as a result of the owner receiving more than five citations in one semester and (2) the owner's right to a hearing. In the event the owner does not request a hearing or prevail at the hearing, his or her vehicle will be towed whenever it is next found upon the University property parked illegally.

(c) Vehicles parked in a fire lane, designated disability parking space, reserved parking space, or in such manner as to impede the flow of traffic or disrupt the orderly affairs of the University may be towed/booted/impounded. Owners of vehicles towed/booted/impounded for the above reasons have a right to a hearing by a University official that will be provided on request prior to the payment of any tow charges, fines, and penalties. If tow charges, fines, or penalties are assessed after such hearing, impounded/towed/booted vehicles will be released upon proper identification and receipt of payment of all tow charges, fines, and penalties.

Authority: *T.C.A. §49-9-209(e), Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.*

1720-05-06-.06 APPEALS.

(1) Appeals must be made within fourteen days of the date of citation issuance.

(2) Citations may be appealed to the Traffic Office and then to the Traffic Appeals Board. The Traffic Appeals Board, which is composed of faculty, staff and students, meets each semester.

Authority: *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.*

1720-05-06-.07 RESTRICTIONS.

(1) University streets or grounds may not be used by any firm, corporation, or unauthorized person for advertising or commercial purposes.

Authority: *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.*

1720-05-06-.08 PEDESTRIAN REGULATIONS.

(1) Students and staff members must not endanger their safety or constitute an unreasonable impediment to lawful vehicular traffic by crossing streets at other than authorized lanes or by willfully walking or congregating in the streets.

Authority: *§49-9-209(e), Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.*

1720-05-06-.09 SPECIAL OCCASIONS AND EMERGENCIES.

(1) On special occasions, such as athletic events, concerts, and graduation exercises, and in emergencies, parking and traffic limitations may be imposed by the Department of Public Safety as required by the conditions which prevail.

Authority: *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.*

G.O.C. STAFF RULE ABSTRACT

DEPARTMENT: University of Tennessee

DIVISION: University of Tennessee at Martin

SUBJECT: Student Conduct Code

STATUTORY AUTHORITY: Tennessee Code Annotated, Section 49-9-209

EFFECTIVE DATES: September 28, 2012 through June 30, 2013

FISCAL IMPACT: Minimal

STAFF RULE ABSTRACT:

The University of Tennessee at Martin has revised its code of conduct for students. The following briefly summarizes the new rule and the key changes from the rule being repealed:

Rule 1720-05-01-.01 provides a description of the University's interests in students' conduct.

Rule 1720-05-01-.02 defines key terms used in the code of conduct.

Rule 1720-05-01-.03 sets forth the University's position on common jurisdictional issues that arise in student conduct cases.

Rule 1720-05-01-.04 sets forth the standards of conduct for University students. UTM currently has twenty-two (22) Standards of Conduct. The proposed rule adds seven (7) new standards and combines other standards, for a total of twenty-nine (29) standards of conduct, which are the same standards of conduct being proposed by the other UT campuses. The most significant additions and changes to the new standards of conduct relate to academic dishonesty, physical harm, harassment, sexual assault or misconduct, invasion of privacy, information technology, compliance with University instructions, alcohol, and drugs.

Rule 1720-05-01-.05 addresses penalties imposed for violations of the Standards of Conduct in a separate rule, in contrast to the former Rule 1720-05-01-.04. The proposed rule adds guidance for administrators and hearing boards in determining the appropriate penalty for a violation of the standards of conduct; adds a non-exclusive list of aggravating and mitigating factors that an administrator or hearing board may consider in determining a penalty; informs students that intoxication or impairment because of alcohol, drugs, chemicals, or other substances does not excuse a violation of the

standards of conduct; adds four penalties; informs students about the University's policy concerning coursework and pending disciplinary charges; informs student organizations about the penalties that may be imposed if a student organization violates the standards of conduct; and clarifies the penalty of indefinite suspension.

Rule 1720-05-01-.06 is a new rule describing a no-contact directive, which is a tool used by student affairs administrators in appropriate cases to prohibit a student from having verbal, physical, or written contact with specific persons for a definite or indefinite period of time.

Rule 1720-05-01-.07 is a new rule describing an interim suspension, which may be imposed on a student or student organization prior to the conclusion of a full due process hearing in certain situations.

Rule 1720-05-01-.08 explains the ways in which a student or student organization may oppose a charge that he/she has violated the standards of conduct. The rule also provides a list of rights for victims in sexual assault cases, to comply with recent guidance by the United States Department of Education concerning Title IX of the Education Amendments of 1972.

Rule 1720-05-01-.09 explains the process by which a student or student organization may appeal the decision of a disciplinary board. The proposed rule also explains the types of the decisions that may be appealed, to whom decisions may be appealed, and the procedures for appeals.

Rule 1720-05-01-.10 is substantially the same as former Rule 1720-05-01-.04(1)(e).

Rule 1720-05-01-.11 is the same as former Rule 1720-05-01-.05, except the proposed rule addresses: (1) the issue of what grades a student may be assigned if he or she is involuntarily withdrawn or suspended; and (2) the procedures through which a student who has been involuntarily withdrawn or suspended may reapply for admission.

Rule 1720-05-01-.12 is substantially the same as former Rule 1720-05-01-.13.

Rule 1720-05-01-.13 sets forth the University 's expectations of students concerning academic integrity.

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Sequence Number: 04-14-12
Rule ID(s): 5693
File Date: 04/17/2012
Effective Date: 09/28/2012

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. §4-5-202, 4-5-207 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.

Agency/Board/Commission:	University of Tennessee
Division:	
Contact Person:	Matthew Scoggins, Assistant General Counsel
Address:	719 Andy Holt Tower, 1331 Circle Park, Knoxville, TN
Zip:	37996-0170
Phone:	865-974-3245
Email:	scoggins@tennessee.edu

Revision Type (check all that apply):

___ Amendment
x New
x Repeal

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

Chapter Number	**Chapter Title**
1720-05-01	Student Conduct
Rule Number	**Rule Title**
1720-05-01-.01	Introduction
1720-05-01-.02	Rights
1720-05-01-.03	Standards of Conduct
1720-05-01-.04	Hearing Procedures
1720-05-01-.05	Withdrawal or Temporary Suspension Due to Mental or Physical Problems

Chapter Number	**Chapter Title**
1720-05-01	Student Rights and Responsibilities
Rule Number	**Rule Title**
1720-05-01-.01	Introduction
1720-05-01-.02	Definitions
1720-05-01-.03	Jurisdiction
1720-05-01-.04	Standards of Conduct
1720-05-01-.05	Penalties
1720-05-01-.06	No Contact Directives
1720-05-01-.07	Interim Suspension
1720-05-01-.08	Hearing Procedures

1720-05-01-.09	Appeals
1720-05-01-.10	Emergency Powers
1720-05-01-.11	Involuntary Medical Withdrawal or Suspension
1720-05-01-.12	Inspection and Search Policies
1720-05-01-.13	Academic Dishonesty

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to http://state.tn.us/sos/rules/1360/1360.htm)

Substance of Proposed Rules
of
The University of Tennessee at Martin

Repeal

Rule 1720-05-01 Student Conduct is repealed.

New Rule

Chapter 1720-05-01
Student Rights and Responsibilities

1720-05-01-.01 Introduction.

(1) Students at the University of Tennessee at Martin are members of both the University community and the larger community of which the University is a part. Accordingly, students are responsible for conducting themselves in a lawful manner and in compliance with University rules and policies. The University has established the following rules in order to advance the mission of the University by maintaining a safe and secure learning environment; protecting the rights and privileges of all members of the University community; providing a basis for orderly conduct of the affairs of the University; promoting a positive relationship between the University and its surrounding community; preserving institutional integrity and property; encouraging students to engage in conduct that brings credit to themselves and the University; and ensuring that each student who matriculates at the University graduates ready to contribute to society as an ethical and law-abiding citizen.

(2) The University is committed to respecting students' constitutional rights. Nothing in this chapter is intended or shall be interpreted to restrict students' constitutional rights, including, but not limited to, rights of freedom of speech and assembly.

(3) Students are responsible for being fully acquainted and for complying with the University catalog, handbook, and other rules and policies relating to students. Failure or refusal to comply with the rules and policies established by the University may subject a student to disciplinary action up to and including permanent dismissal from the University.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-05-01-.02 Definitions.

(1) The term "University" means the University of Tennessee at Martin.

(2) The term "student" means a person admitted, enrolled or registered for study at the University of Tennessee, either full-time or part-time, pursuing undergraduate, graduate, or professional studies, as well as non-degree students. Persons not officially registered or enrolled for a particular term but who have a continuing relationship with the University also are considered students for purposes of these rules.

(3) The term "student organization" means an organization that is composed solely of University students that has submitted a pending application or has completed the process for registration according to University rules.

(4) The term "University-controlled property" means all land, buildings, facilities, grounds, structures, or any other property owned, leased, used, maintained, or operated by the University. For purposes of this rule, University-controlled property includes all streets, alleys, sidewalks, and public ways abutting such property. University-controlled property also includes computers and network systems owned, maintained, or controlled by the University or funded by the University.

(5) The term "University-affiliated activity" means any activity on or off University-controlled property that is initiated, aided, authorized, sponsored, or supervised by the University.

(6) The term "University official" means an employee of the University, including faculty members and staff, or for purposes of this rule a University-recognized volunteer. Student employees may be considered University officials when acting in the performance of their duties (e.g., event staff, resident assistants, and teaching assistants).

(7) The term "member of the University community" means any person who is a student, University official, campus visitor, or participant in a University-sponsored or University-affiliated activity.

(8) The term "possession" means actual knowledge of a substance or property and/or being in such close proximity to the substance or property that it is a reasonable presumption that one had knowledge of the substance or property.

(9) The term "weapon" means any device, instrument, or substance that is designed to, or reasonably could be expected to, inflict a wound, incapacitate, or cause serious bodily injury or death, including, but not limited to, firearms (loaded and unloaded, real and replica), ammunition, electronic control devices (such as tasers and stun guns), devices designed to discharge an object (such as bb guns, air guns, pellet guns, potato guns, and slingshots), explosives, dangerous chemicals (such as mace, tear gas, and oleoresin capsicum), martial arts weapons, bows and arrows, artificial knuckles, nightsticks, blackjacks, dirks, daggers, swords, and knives with fixed blades longer than three (3) inches. The term "weapon" does not include chemical repellents available over-the-counter for self-defense; instruments used solely for personal hygiene, preparation of food, maintenance, University-related instruction, or University employment-related duties.

(10) The term "notice" means notice given in writing delivered by regular mail, courier service, or hand delivery to the address the University has on file for the student or student organization, or by e-mail to the student's or student organization's University-provided e-mail account.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-05-01-.03 Jurisdiction.

(1) The Standards of Conduct, Chapter 1720-05-01-.04, apply to conduct that occurs on University-controlled property.

(2) The University also has the discretion to discipline a student for an act in violation of the Standards of Conduct that occurs off University-controlled property if the conduct adversely affects the interests of the University, including, but not limited to, conduct which:

(a) Occurs in connection with a University-affiliated activity, including, but not limited to, an overseas study program or a clinical, field, internship, or in-service experience;

(b) Involves another member of the University community; or

(c) Threatens, or indicates that the student may pose a threat to, the health or safety of

him/herself or others or the security of any person's property, including, but not limited to, alcohol-related offenses, drug-related offenses, arson, battery, fraud, hazing, participation in group violence, rape, sexual assault or misconduct, stalking, and theft.

(3) The Standards of Conduct have been adopted in furtherance of the University's interests and serve to supplement, rather than substitute for, the enforcement of the civil and criminal law. Accordingly, University disciplinary action may be instituted against a student charged with conduct that potentially violates both the criminal law and the Standards of Conduct without regard to the pendency of criminal charges or civil litigation. At the discretion of the Vice Chancellor for Student Affairs, or his/her designee, disciplinary action relating to a violation of the Standards of Conduct may be carried out prior to, simultaneously with, or following criminal proceedings. Students accused of violating the Standards of Conduct may not challenge the University disciplinary proceedings on the grounds that criminal charges, civil litigation, or other University proceedings regarding the same incident are pending or have been terminated, dismissed, reduced, or not yet adjudicated.

(4) Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if conduct is not discovered by the University until after a degree is awarded). Should a student withdraw from the University with disciplinary charges pending, the student's academic record and/or ability to register for classes may be encumbered by the appropriate University office.

(5) Graduate or professional programs within the University may initiate charges against students for alleged violations of professional standards or ethics as a separate issue or as an extension of alleged acts of academic dishonesty or other violations of the Standards of Conduct.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-05-01-.04 Standards of Conduct. A student or student organization may be disciplined for the following types of misconduct:

(1) Cheating, plagiarism, or any other act of academic dishonesty as described in Chapter 1720-05-01-.13.

(2) Providing false information to a University official.

(3) Falsifying, distorting, misrepresenting, or withholding information in connection with a University investigation or hearing.

(4) Forging, altering, destroying, falsifying, or misusing records, identification, or documents, whether in print or electronic form.

(5) Causing physical harm to any person (including oneself); endangering the health or safety of any person (including oneself); engaging in conduct that causes a reasonable person to fear harm to his/her health or safety; or making an oral or written statement (including electronically) that an objectively reasonable person hearing or reading the statement would interpret as a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals, although the speaker need not mean to carry out the act of unlawful violence in order to constitute a violation of this rule.

(6) Harassment, which is defined as unwelcome conduct that is so severe or pervasive, and objectively offensive, that it substantially interferes with the ability of a person to work, learn, live, or participate in or benefit from the services, activities, or privileges provided by the University. In no event shall this rule be construed to discipline a student for speech protected by the First Amendment to the United States Constitution (e.g., mere insulting or offensive speech).

(7) Sexual assault or misconduct. "Sexual assault" is defined as any sexual act or attempt to engage in any sexual act with another person without the consent of the other person, or in circumstances in which the person is unable to give consent due to age, disability, or an alcohol/chemical or other impairment. "Sexual misconduct" is defined as any intimate touching of another person, or forcing a person to engage in intimate touching of another, without the consent of the other person, or in circumstances in which the person is unable to give consent due to age, disability, or an alcohol/chemical or other impairment. It is the responsibility of the person initiating sexual activity to ensure the other person is capable of consenting to that activity. Consent is given by an affirmative verbal response or acts that are unmistakable in their meaning. Consent to one form of sexual activity does not mean consent is given to another type of sexual activity.

(8) Invasion of another person's privacy when that person has a reasonable expectation of privacy, including, but not limited to, using electronic or other means to make a video or photographic record of any person in a location in which the person has a reasonable expectation of privacy, without the person's knowledge or consent. This includes, but is not limited to, making a video or photographic record of a person in shower/locker rooms or restrooms. The storing, sharing, and/or distributing of such unauthorized recordings by any means is also prohibited.

(9) Theft, misappropriation, unauthorized possession, or unauthorized sale of private or public property, including but not limited to University-controlled property.

(10) Vandalizing, destroying, damaging, engaging in conduct that reasonably could cause damage to, or misusing private or public property, including but not limited to University-controlled property.

(11) Participating in hazing. "Hazing" is defined as any intentional or reckless act, on or off University-controlled property, by one (1) student, acting alone or with others, which is directed against any other student, which endangers the mental or physical health or safety of that student, or which induces or coerces a student to endanger his or her 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.

(12) Engaging in disorderly, lewd, indecent, or obscene conduct. "Disorderly" conduct means fighting or other physically violent or threatening conduct; creating a hazardous or physically offensive condition by any act that serves no legitimate purpose; making noise that could unreasonably disturb others who are carrying on lawful activities; or conduct that breaches the peace. "Lewd, indecent, or obscene" conduct includes, but is not limited to, public exposure of one's sexual organs, public urinating, and public sexual acts.

(13) Engaging in speech, either orally or in writing, which is directed to inciting or producing imminent lawless action and is likely to incite or produce such action.

(14) Any act of arson; falsely reporting a fire, the presence of an explosive or incendiary device, or other emergency; setting off a false fire alarm; or tampering with, removing, or damaging fire alarms, fire extinguishers or any other safety or emergency equipment from its proper location except when removed in a situation in which there is a reasonable belief of the need for such equipment.

(15) Possessing, using, or duplicating University keys, access cards, or identification cards without authorization; possessing, using, or entering University-controlled property without authorization.

(16) Theft, misuse, or unauthorized use of information technology facilities, resources, or access codes, including, but not limited to: unauthorized entry into or transfer of a file; using another person's identification and/or password without that person's consent; using information technology facilities or resources to interfere with the work of another student, faculty member, staff member, or other member of the University community; using information technology facilities or resources to interfere with normal operation of a University information technology system or network; circumventing University information technology system or network security; using information technology facilities or resources in violation of copyright laws; falsifying an e-

mail header; and conduct that violates the University's policy on the Acceptable Use of Information Technology Resources.

(17) Possessing, using, storing, or manufacturing any weapon or any facsimile of a weapon on University-controlled property or in connection with a University-affiliated activity, unless authorized in writing by the Department of Public Safety.

(18) Consuming, manufacturing, possessing, distributing, dispensing, selling, or being under the influence of alcoholic beverages on University-controlled property or in connection with a University-affiliated activity.

(19) Consuming, manufacturing, possessing, distributing, dispensing, selling, or being under the influence of alcoholic beverages, if prohibited by federal, state, or local law.

(20) Providing an alcoholic beverage to a person younger than twenty-one (21) years of age, unless permitted by law.

(21) Using, manufacturing, possessing, distributing, selling, dispensing, or being under the influence of drugs or drug paraphernalia, if prohibited by federal, state, or local law; using or possessing a prescription drug if the prescription was not issued to the student; or distributing or selling a prescription drug to a person to whom the prescription was not originally issued.

(22) Failing to pay a University bill, account, or other University financial obligation.

(23) Failing to respond to a request to report to a University administrative office; failing to comply with a lawful directive of a University employee or other public official acting within the scope of his/her duties; or failing to identify oneself to a University employee or other public official acting within the scope of his/her duties when requested to do so.

(24) Failing to appear at a University hearing, including, but not limited to, a hearing of a University judicial board, following a request to appear either as a party or as a witness.

(25) Violating the terms of an interim suspension, a no-contact directive, or a disciplinary penalty imposed by the University.

(26) Obstructing or disrupting teaching, learning, studying, research, public service, administration, disciplinary proceedings, emergency services, or any other University-affiliated activity, or the free flow of pedestrian or vehicular traffic on University-controlled property. In no event shall this rule be construed to discipline a student for speech protected by the First Amendment to the United States Constitution.

(27) Violating a University policy or rule, including but not limited to University policies or rules relating to facilities use, smoking, the acceptable use of information technology resources, research or service misconduct, finder's fees relating to clinical investigations involving human subjects or access to University data or materials, University libraries, dining services, parking or transportation, University identification card use, sexual harassment, residence halls, and registered student organizations.

(28) Committing an act that is prohibited by local, state, or federal law.

(29) Attempting to commit a violation of a Standard of Conduct or being an accessory to the commission of an act or attempted act in violation of a Standard of Conduct.

Authority: T.C.A. § 49-9-209(e), T.C.A. § 49-7-123, and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-05-01-.05 Penalties.

(1) Disciplinary penalties are primarily intended to educate students and student organizations about

appropriate behavior, encourage students and student organizations to take responsibility for misconduct, promote the personal and professional development of students, discourage other students and student organizations from violating the Standards of Conduct, and protect members of the University community. The penalties imposed should be appropriate for the particular case based on the gravity of the offense (including without limitation how the violation affected or reasonably could have affected other members of the University community). Consideration may also be given to the student's or student organization's conduct record; the student's or student organization's responsiveness to the conduct process; whether the student acted in self-defense, and, if so, whether the amount of force used was reasonable under the circumstances; student academic classification; and other aggravating or mitigating factors.

(2) The following penalties may be imposed on any student found to have violated the Standards of Conduct:

(a) Warning. A warning is a notice that the student is violating or has violated the Standards of Conduct. A disciplinary warning is used for minor infractions and consists of a restatement of the Standard(s) of Conduct violated with an official warning concerning future behavior.

(b) Loss of Privilege. A loss of privilege is intended to serve as a reminder of the Standards of Conduct and is for a specific period of time. Privileges that may be lost include, but are not limited to, scholarships, stipends, participation in extracurricular activities (e.g. intramurals), housing privileges, participation in social activities, and use of certain University-controlled property (e.g., information technology resources).

(c) Education. Students may be required to attend classes, at their own expense, dealing with issues such as the consequences of alcohol or drug use, civility, ethics, or other topics as deemed appropriate by the Vice Chancellor for Student Affairs or his/her designee.

(d) Restitution. Restitution may be required in situations that involve destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. Restitution may take the form of a monetary payment or appropriate service to repair or otherwise compensate for the destruction, damage, or loss.

(e) Disciplinary Probation. Disciplinary probation permits a student to remain at the University on probationary status but with the understanding that a future violation of the Standards of Conduct may result in suspension. Conditions of probation include loss of eligibility to join a student organization and to serve as an officer in a student organization. Other conditions are specific to the individual case and may include ineligibility to participate in certain student activities. Probation may be for a definite or indefinite period.

(f) Suspension for a Specific Period of Time. Suspension for a specific period of time means that the student is withdrawn from the University and is not eligible to apply for readmission for a designated period of time. Usually, the designated period of time does not exceed one (1) calendar year. Persons suspended from the University may not return to the campus for the duration of their suspension, except to conduct official business with an administrative officer or faculty member. Upon return to the University following a suspension for a specific period of time, the student shall be placed on indefinite disciplinary probation.

(g) Indefinite Suspension. Indefinite suspension is imposed in cases of serious or repeated misconduct or in cases in which the prognosis for rehabilitation is uncertain. Indefinite suspension means that the student is withdrawn from the University for an unspecified period of time but typically for a minimum of one (1) calendar year from the effective date of the indefinite suspension. A student who receives the penalty of indefinite suspension is not eligible to apply for readmission until the student successfully petitions the University Council to lift the suspension. Upon return to the University following an

indefinite suspension, the student shall be placed on indefinite disciplinary probation.

(h) Permanent Dismissal. Permanent dismissal means that a student is permanently barred from matriculating as a student on the Martin campus. This penalty is used when the violation of one (1) or more Standards of Conduct is deemed so serious as to warrant total and permanent disassociation from the University community without the possibility of re-enrollment; or when, by his/her repeated violation of the Standards of Conduct, a student exhibits blatant disregard for the health and safety of other members of the University community or the University's right to establish rules of conduct.

(i) Revocation of Degree. Revocation of a degree means revoking a degree already awarded to a student by the University. Revocation of a degree shall be approved by the University of Tennessee Board of Trustees.

(3) A disciplinary hold may be placed on a student's account until the completion of the student disciplinary process and/or until the student satisfies the terms and conditions of any penalties imposed. A student who, at the time of commencement, is subject to a continuing disciplinary penalty or an unresolved disciplinary charge shall not be awarded a degree before the conclusion of all penalties and/or resolution of all disciplinary charges.

(4) The following penalties may be imposed on a student organization found to have violated the Standards of Conduct:

(a) Warning. A warning is a notice that the student organization is violating or has violated the Standards of Conduct. A disciplinary warning is used for minor infractions and consists of a restatement of the Standard(s) of Conduct violated with an official warning concerning future behavior.

(b) Loss of Privilege. A loss of privilege is intended to serve as a reminder of the Standards of Conduct and is for a specific period of time. Examples of privileges that may be lost include participating in extracurricular activities (e.g., intramurals), housing privileges, participating in social activities, and using certain University-controlled property.

(c) Education. Student organizations and/or their representatives may be required to attend classes, at their own expense, dealing with issues such as the consequences of alcohol or drug use, civility, ethics, or other topics as deemed appropriate by the Vice Chancellor for Student Affairs or his/her designee.

(d) Restitution. Restitution may be required in situations that involve destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. Restitution may take the form of a monetary payment or appropriate service to repair or otherwise compensate for the destruction, damage, or loss.

(e) Social Probation. This penalty prohibits a student organization from sponsoring or participating in specified social activities. While on social probation, a student organization may not host social events (e.g., mixers, date parties, formals, and band parties) or participate in University-affiliated activities (e.g., Homecoming). Any exceptions to social probation must be approved, in advance, by the Vice Chancellor for Student Affairs or his/her designee.

(f) Disciplinary Probation. Disciplinary probation means that a student organization is permitted to retain University registration on a probationary status. Violation of the Standards of Conduct during the period of disciplinary probation may result in more serious penalties, including revocation of University registration.

(g) Revocation of University Registration. In cases of serious misconduct, a student organization's University registration may be revoked.

(5) More than one (1) of the penalties listed above may be imposed for any single violation of the

Standards of Conduct. Penalties may be applied retroactively to the date of the offense.

(6) Intoxication or impairment because of alcohol, drugs, chemicals, or other substances does not diminish or excuse a violation of the Standards of Conduct.

(7) Except for an interim suspension, disciplinary penalties shall not become effective until after opportunities for appeal have been exhausted. Penalties may be applied retroactively to the date of the offense. Coursework performed while disciplinary charges are pending or disciplinary proceedings are underway shall be considered conditional. Coursework may be affected or disregarded based on a final finding of misconduct or the penalty imposed, which may result in loss of course credit, a loss of tuition and/or fees, a delay in the awarding of a degree, or revocation of a degree that was awarded prior to a final decision in the disciplinary proceeding.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-05-01-.06 No Contact Directive. In cases involving allegations of assault, injury, sexual abuse, harassment, or in cases where there is reason to believe continued contact between a student/student organization and specific persons, including complainants and witnesses, may interfere with those persons' security, safety or ability to participate effectively in work or studies, the Vice Chancellor for Student Affairs, or his/her designee, may require that the student/student organization not have verbal, physical, or written contact with specific persons for a definite or indefinite period of time. The student/student organization will receive written or electronic notice of the no contact directive. Any student, faculty or staff member or other person with a reasonable justification may request that a no contact directive be issued to a student/student organization. In addition to an internal University no contact directive, complainants are advised that other similar options exist and can be obtained from law enforcement and civil and criminal courts.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-05-01-.07 Interim Suspension.

(1) When the Vice Chancellor for Student Affairs or his/her designee has reasonable cause to believe that a student's or student organization's continued presence on University-controlled property or at University-affiliated activities poses a significant risk of substantial harm to the health or safety of others or to property or poses an ongoing threat to the disruption of, or interference with, the normal operations of the University, the Vice Chancellor for Student Affairs or his/her designee may impose an interim suspension prior to the conclusion of a full hearing on the alleged misconduct.

(2) An interim suspension shall be confirmed by a written statement that explains the basis for the interim suspension and shall remain in effect until the conclusion of a full hearing in accordance with the rules of the University of Tennessee, which shall be held without undue delay. The statement shall be delivered to the student in person, to the address the University has on file for the student, or to the student's University-provided e-mail account. The statement shall be delivered in person or via e-mail to the advisor to the student organization.

(3) Within three (3) business days of the imposition of the suspension, the student or student organization shall be offered an opportunity to appear personally before the Vice Chancellor for Student Affairs or his/her designee in order to discuss the following issues only: (i) the reliability of the information concerning the student's conduct; and (ii) whether the conduct and surrounding circumstances reasonably indicate that the student's or student organization's continued presence on University-controlled property or at University-affiliated activities poses a significant risk of substantial harm to the health or safety of others or to property or poses an imminent threat of disruption of or interference with the normal operations of the University.

(4) During an interim suspension, the student or student organization shall be denied access to University-controlled property, including residence halls, and all other University-affiliated activities or privileges for which the student or student organization might otherwise be eligible, as

the Vice Chancellor for Student Affairs or his/her designee determines in his/her sole discretion to be appropriate. A student or student organization who receives an interim suspension and violates the terms of the interim suspension shall be subject to further disciplinary action and may be treated as a trespasser. Permission to be on University-controlled property or participate in University-affiliated activities may be granted by the Vice Chancellor for Student Affairs or his/her designee.

(5) When a student is placed on interim suspension from the University, he/she may be assigned a grade of "W" or "I," whichever is deemed appropriate by the faculty member involved.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-05-01-.08 Hearing Procedures.

(1) A student charged with violating the Standards of Conduct, Chapter 1720-05-01-.04, shall be provided written notice of:

(a) The substance of the charge(s) against him/her;

(b) The disciplinary action taken or proposed; and

(c) His/her rights to a hearing should he/she wish to contest the charge(s) and information concerning the process for requesting a hearing, including the requirement that a request for a hearing before the Disciplinary Hearing Board must be made within five (5) days of the student's receipt of the notice of the charges against him/her.

(2) A student charged with violating the Standards of Conduct, Chapter 1720-05-01-.04, shall have the following options for a hearing:

(a) An administrative hearing before the Student Conduct Officer;

(b) A hearing before the Disciplinary Hearing Board; or

(c) A hearing in accordance with the contested case provisions of the Tennessee Uniform Administrative Procedures Act ("TUAPA"). All disciplinary cases that may result in suspension or permanent dismissal of a student, the revocation of a degree, or the revocation of registration of a student organization are subject to the contested case provisions of the TUAPA. The University's procedures for conducting contested case hearings under the TUAPA are contained in Chapter 1720-01-05, and the University's rules concerning waivers of contested case hearings are contained in Chapter 1720-01-3. Disciplinary hearings will be conducted in accordance with the University's procedures for conducting contested case hearings under the TUAPA unless the student waives those procedures in writing and elects to have his or her case disposed of in accordance with the University procedures established by these rules.

(3) Administrative Hearing. A student charged with violating the Standards of Conduct has a right to resolve a disciplinary case through an administrative hearing with the Student Conduct Officer by accepting responsibility for violating the Standards of Conduct. Following the student's written acceptance of responsibility and written waiver of the right to a hearing under the TUAPA, the Student Conduct Officer will assess a penalty that is appropriate under Chapter 1720-05-01-.05. Following the assessment of the penalty, the student may acknowledge the acceptance of the penalty in writing or appeal the penalty to the Vice Chancellor for Student Affairs in accordance with Chapter 1720-05-01-.09. A student who resolves a disciplinary case through an administrative hearing with the Student Conduct Officer may only appeal the penalty to the Vice Chancellor for Student Affairs.

(4) Disciplinary Hearing Board.

(a) The Disciplinary Hearing Board is an ad hoc board composed of five (5) members of the University Council, in addition to the Vice Chancellor for Student Affairs, who shall serve as the non-voting chairperson of the Disciplinary Hearing Board. The Disciplinary Hearing Board hears cases of alleged violations of the Standards of Conduct and other cases deemed appropriate by the Vice Chancellor for Student Affairs. The Vice Chancellor for Student Affairs shall select the members of the Disciplinary Hearing Board from the membership of the University Council. A majority vote of the members present is required for all decisions of the board.

(b) A request for a hearing before the Disciplinary Hearing Board shall be made within five (5) days of the student's receipt of the notice of the charges against him/her. A hearing shall be scheduled promptly after receipt of the request for a hearing. A student shall be notified of the date, place, and time for the hearing at least seventy-two (72) hours in advance of the hearing. A student has no right to have a hearing before the Disciplinary Hearing Board unless the student waives the provisions of the TUAPA in writing.

(c) Members of the Disciplinary Hearing Board shall be impartial and anyone lacking such impartiality shall recuse himself/herself. The accused student has the right to challenge any member of the Disciplinary Hearing Board for good cause and request that he/she be dismissed and replaced. The chairperson of the Board determines whether to dismiss and replace a member of the Disciplinary Hearing Board.

(d) The chairperson of the Disciplinary Hearing Board will conduct the hearing, without regard to technical rules of procedures in such a manner as will best serve the cause of justice within the following general guidelines:

1. An accused student has a right to a hearing closed to the public. In cases involving more than one (1) student, the chairperson may permit the hearings concerning each student to be conducted separately.

2. The chairperson shall rule on all motions, objections, and other procedural issues. The chairperson shall ascertain that the accused student has been advised of the charges against him/her and shall then read a statement describing the charges. A student who fails to appear before the Disciplinary Hearing Board following proper notice shall be deemed to have waived his/her rights to be present during the hearing, to know the evidence against him/her, to present evidence in his/her own behalf, and to exercise reasonable cross-examination of witnesses appearing against him/her. This waiver shall become effective if the student fails to appear at the designated time and place of the hearing unless, at least twenty-four (24) hours prior to the hearing, the student communicates in writing to the Dean of Students good cause for granting a continuance of the hearing. However, no student may be found to have violated the Standards of Conduct solely because the student failed to appear before the Disciplinary Hearing Board. In all cases, the evidence in support of the charges shall be presented to and considered by the Disciplinary Hearing Board.

3. The accused shall enter a plea of guilty or not guilty. If a guilty plea is entered, he/she shall be advised of the maximum penalty, and the Board shall review the circumstances of the case and make appropriate decisions or recommendations regarding the penalty.

4. The accused student may be accompanied by no more than one (1) advisor during the hearing, including but not limited to a parent, spouse, friend, or attorney. The role of the advisor shall be limited to providing advice or support to the accused student. Even if accompanied by an advisor, the accused student is responsible for presenting his/her own case to the Disciplinary Hearing Board. An advisor is not permitted to: introduce evidence; raise objections; present arguments; directly address the members of the Disciplinary Hearing Board, the Student Conduct Officer, or any witnesses participating in the hearing; or

otherwise participate in the hearing. In consideration of the limited role of the advisor, and of the compelling interest of the University to expeditiously conclude the matter, a hearing shall not be delayed due to the unavailability of an advisor. The accused student shall inform the Student Conduct Officer of the name of the student's advisor, if any, at least three (3) days before the hearing before the Disciplinary Hearing Board.

5. Each party to a hearing shall be given an opportunity to make opening and closing statements.

6. Each party to a hearing shall be afforded a full and fair opportunity to present all evidence, including witnesses, reasonably relating to the charge or action at issue. Each party will have the right to question opposing witnesses. Technical rules of evidence will not apply. Evidence which is irrelevant, immaterial, repetitious or voluminous may be limited or excluded. Hearsay evidence is admissible. If a not guilty plea has been entered, evidence in mitigation of the alleged offense shall be presented only after the Board has determined the issue of innocence or guilt.

7. The Student Conduct Officer shall present the case on behalf of the University. The University shall have the burden of proving, by a preponderance of the evidence, the truth of the charge(s) at issue. Where the charge(s) is found to be true, the accused student shall have the burden of proving that the disciplinary action taken or proposed is arbitrary, capricious, or unreasonable.

8. The Board will consider all evidence presented, giving due consideration to the credibility or weight of each item presented. During Board deliberations all persons except the Board members shall be excused from the hearing room. The decision shall be based solely upon the evidence presented. No mention will be made during the hearing on innocence or guilt of the student's previous disciplinary record, unless appropriate as rebuttal to character evidence introduced by the accused.

9. After a determination of guilt by the Board, the Student Conduct Officer, on behalf of the University, shall present the previous disciplinary record of the accused student if any, and evidence of any other aggravating circumstances, to the Board together with the recommendation of the Student Conduct Officer as to an appropriate penalty.

10. After presentation of evidence by the Student Conduct Officer, the accused shall be allowed to present character evidence, evidence of mitigating circumstances, and an alternative penalty recommendation.

11. After the Board determines the penalty, the accused student shall be advised in writing of its decision within forty-eight (48) hours of the hearing.

12. A record will be made of the hearing procedures. However, defects in the record will not invalidate the proceedings. The results of the Board's decision shall be kept on official University forms. If a verbatim record of the hearing is prepared, it shall be retained in the custody of the Office of Student Conduct and considered a confidential disciplinary record.

13. Appeals from decisions of the Disciplinary Hearing Board may be made to the Vice Chancellor for Student Affairs in accordance with Chapter 1720-05-01-.09.

14. In cases involving an allegation of sexual assault or misconduct, the hearing procedures shall be modified to afford the alleged victim all of the rights described in Chapter 1720-05-01-.08(4)(e). The Disciplinary Hearing Board may consider evidence introduced by the alleged victim as part of the University's

proof.

(e) In cases involving a complaint of sexual assault or misconduct, the alleged victim shall have the right to:

1. Notice concerning the process by which the University will handle the complaint and an opportunity to ask questions about the process;

2. A prompt, thorough, and impartial investigation of the complaint;

3. The same opportunity as the accused student to present his/her explanation of the facts during the University's investigation;

4. Have the investigation of the complaint concluded within sixty (60) days of the University's receipt of a complaint, unless circumstances make it impracticable for the University to complete its investigation within that timeframe;

5. Notice of the outcome of the University's investigation;

6. Have a disciplinary hearing conducted by the Disciplinary Hearing Board within thirty (30) days of a University charge that the accused student committed sexual assault or misconduct, unless the accused student chooses an administrative hearing under Chapter 1720-05-01-.08(3) or the circumstances make it impracticable for the University to conduct a hearing within that timeframe;

7. Notice of the date, time, and location of the hearing before the Disciplinary Hearing Board, the right to have the hearing closed to the public, and the right to request rescheduling of the hearing for good cause;

8. The same access as the accused student to any information or documents that will be used by the Student Conduct Officer during the hearing before the Disciplinary Hearing Board, unless prohibited by law;

9. Challenge the seating of any Disciplinary Hearing Board member for good cause, which will be determined at the discretion of the Vice Chancellor for Student Affairs;

10. Be accompanied by an advisor of his/her choosing during the University's investigation or a hearing before the Disciplinary Hearing Board, but the advisor shall not be permitted to speak for the victim during a hearing;

11. The same opportunity as the accused student to be present during a hearing before the Disciplinary Hearing Board, present witnesses and other evidence, challenge the admissibility of evidence, and cross-examine adverse witnesses during a hearing before the Disciplinary Hearing Board;

12. Testify or remain silent at his/her option; however, choosing to remain silent may result in the University dismissing the charges against the accused student or the Disciplinary Hearing Board finding that there is insufficient evidence to find the accused student guilty of the charges against him/her;

13. Not to be questioned directly by the accused student during the hearing before the Disciplinary Hearing Board;

14. Submit a written impact statement to the Disciplinary Hearing Board or Student Conduct Officer for consideration during the sanctioning phase of an administrative or disciplinary hearing, if the accused student is found guilty of the charges against him/her;

15. Notice of the decision of the Student Conduct Officer or Disciplinary Hearing Board within three (3) business days of an administrative or disciplinary hearing; and

16. Appeal the decision of the Student Conduct Officer, following an administrative hearing, or the Disciplinary Hearing Board to the Vice Chancellor for Student Development.

(5) For purposes of this rule, the term "student" shall mean a student or a student organization.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-05-01-.09 Appeals.

(1) Appeal. A decision of the Disciplinary Hearing Board, or a decision of the Student Conduct Officer concerning a penalty following an administrative hearing, may be appealed to the Vice Chancellor for Student Affairs.

(a) The request for appeal shall be submitted in writing to the Vice Chancellor for Student Affairs within seven (7) calendar days of written notice of the decision of the Disciplinary Hearing Board or Student Conduct Officer. If the seventh day falls on a weekend or holiday, the time is extended to the next regular workday.

(b) The request for appeal shall contain:

1. A statement that the student or student organization appeals the decision of the Disciplinary Hearing Board or Student Conduct Officer; and

2. A brief statement of the grounds for the appeal.

(c) All appeals to the Vice Chancellor for Student Affairs are written and heard based upon the record made before the Disciplinary Hearing Board.

(d) Pending the outcome of an appeal, the penalty specified in the decision of the Disciplinary Hearing Board shall not be imposed.

(2) The Vice Chancellor for Student Affairs may:

(a) Affirm the decision of the Disciplinary Hearing Board or Student Conduct Officer;

(b) Amend the decision of the Disciplinary Hearing Board or Student Conduct Officer;

(c) Return the case to the Disciplinary Hearing Board or Student Conduct Officer with instructions for reconsideration of the case; or

(d) Overturn the decision of the Disciplinary Hearing Board.

(3) The decision of any board or administrative officer of the University of Tennessee at Martin is subject to review by the Chancellor.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-05-01-.10 Emergency Powers. When, in the judgment of the Chancellor of The University of Tennessee at Martin, conditions are such that an emergency exists which makes it impossible for the system of judicial boards to function, he/she may suspend these procedural regulations. If the procedures are suspended, he/she may substitute for them arrangements for handling disciplinary matters that will insure the orderly functioning of the

University and at the same time safeguard the basic rights of the students and student organizations.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-05-01-.11 Involuntary Medical Withdrawal or Suspension.

(1) When a student is unable to effectively pursue his/her academic work, or when his/her behavior is disruptive to the normal educational processes of the University, or constitutes a threat to members of the University community, due to, among other things, alcohol use, drug use, or a physical or mental incapacitating condition, he/she may be withdrawn or temporarily suspended from the University as hereinafter provided.

(1) Withdrawal. A student may be withdrawn from the University only after an evaluation of his/her mental and physical condition by a panel of at least three (3) persons appointed by the Vice Chancellor for Student Affairs. The student shall be notified of the reasons for the evaluation and given an opportunity to present evidence to the committee. The committee's findings and recommendations shall be forwarded to the Vice Chancellor for Student Affairs, who will notify the student in writing of his/her decision.

(2) Temporary Suspension. Whenever a student, because of his/her mental or physical condition constitutes a danger to persons or property, or when his/her behavior is disruptive to the normal educational processes of the University, he/she may be suspended from the University, for a reasonable period of time, by the Vice Chancellor for Student Affairs. If the University does not withdraw the student in accordance with procedures outlined above, he/she may return to the University at the end of the suspension period.

(3) Grades. When a student is withdrawn or temporarily suspended from the University, he/she may be assigned a grade of "W' or "I," whichever is deemed appropriate by the faculty member involved.

(4) Readmission.

(a) A student who is involuntarily withdrawn under this rule may not be readmitted to the University before the start of the next semester or without the approval of the Vice Chancellor for Student Affairs. The student shall also meet all of the admission requirements of the University and of the school or college in which he/she wishes to be readmitted.

(b) A student shall submit a written request for permission to reapply to the University with the Vice Chancellor for Student Affairs by October 1 for Spring enrollment, by February 1 for Summer enrollment, and by May 1 for Fall enrollment. The student's written request shall include an explanation of why the Vice Chancellor for Student Affairs should allow the student to reapply and an explanation of the student's plan to transition successfully back into the academic community.

(c) The Vice Chancellor for Student Affairs may require the student to provide the panel of individuals who recommended that the student be involuntarily withdrawn with proof that the condition that caused the withdrawal is no longer present or that the condition is under control through treatment such that the student does not present a direct threat to the health or safety of him/herself or others and will not disrupt the normal educational processes of the University. Proof may consist of a current medical or mental health evaluation, demonstration of ongoing medical or mental health treatment, and a plan for treatment upon readmission. The panel may request any other information or documentation that it deems necessary. In exceptional circumstances, the panel may request a second, independent opinion of a qualified medical or mental health professional paid for by the University. In cases where the Vice Chancellor for Student Affairs has imposed other conditions for readmission, it is the responsibility of the student to provide documentation of compliance with those conditions.

(d) The panel's recommendation concerning reenrollment or readmission shall be provided to the Vice Chancellor for Student Affairs, who will notify the student in writing of his/her decision. The decision of the Vice Chancellor for Student Affairs is final and may not be appealed.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-05-01-.12 Inspection and Search Policies.

(1) Entry by University authorities into occupied rooms in residence halls will be divided into three (3) categories; inspection, search, and emergency. Inspection is defined as the entry into an occupied room by University authorities in order to ascertain the health and safety conditions in the room, to check the physical condition of the room, to make repairs on facilities, or to perform cleaning and janitorial operations. Search is defined as the entry into an occupied room by on-campus authorities for the purpose of investigating suspected violations of campus regulations. An emergency situation exists when the delay necessary to obtain a search authorization constitutes an apparent danger to person, property, or the building itself.

(2) Inspection: Scheduled inspections by on-campus authorities with the exception of daily janitorial operations shall be preceded, if possible, by twenty-four (24) hours' notice to the residents. During the inspection there will be no search of drawers, closets, or personal belongings. This policy is applicable for residence halls and fraternity houses.

(3) Search: On-campus authorities will not enter a room for purposes of search without the permission of the resident unless they have a campus authorization to search, authorized by the Vice Chancellor for Student Affairs or his/her designee, which specifies the reasons for the search and the objects or information sought, or unless they enter in compliance with federal or state law. If possible, the student should be present during the search. Normally these searches will not be made unless the Vice Chancellor for Student Affairs or his/her designee is present.

(4) If the search reveals objects the possession of which violates a law or a University rule, the University may take appropriate disciplinary action even though the objects were not listed on the search authorization.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-05-01-.13 Academic Dishonesty. The University of Tennessee at Martin has chosen as its primary objective quality undergraduate education. Commitment to this objective must include an obligation by all members of the University community to promote and protect the highest standards of integrity in study, research, instruction and evaluation. Dishonesty or unethical behavior does not belong at an institution dedicated to the promotion of knowledge and learning. Integrity of the academic process requires fair and impartial evaluation by faculty and honest academic conduct by students. A student may be found to have violated this obligation if he/she:

(1) Refers during an academic evaluation to materials, sources, or devices not authorized by the instructor;

(2) Provides assistance during an academic evaluation or assignment to another person in a manner not authorized by the instructor;

(3) Receives assistance during an academic evaluation or assignment from another person in a manner not authorized by the instructor;

(4) Possesses, buys, sells, obtains, or uses a copy of any materials intended to be used as an instrument of academic evaluation in advance of its administration;

(5) Acts as a substitute for another person in any academic evaluation or assignment;

(6) Utilizes another person as a substitute for him/herself in any academic evaluation or assignment;

(7) Practices any form of deceit in an academic evaluation or assignment;

(8) Depends on the aid of others, in a manner expressly prohibited by the instructor, in the research, preparation, creation, writing, performing, or publication of work to be submitted for academic credit or evaluation;

(9) Provides aid to another person, knowing such aid is expressly prohibited by the instructor, in the research, preparation, creation, writing, performing, or publication of work to be submitted for academic credit or evaluation;

(10) Indulges in plagiarism by presenting as one's own, for academic evaluation or assignment, the ideas, representations, or works of another person or persons without customary and proper acknowledgment of sources;

(11) Submits the work of another person in a manner that represents the work to be one's own;

(12) Knowingly permits one's work to be submitted by another person without the instructor's authorization;

(13) Attempts deceitfully to influence or change one's academic evaluation or record; or

(14) Indulges in conduct that is so disruptive as to infringe upon the rights of an instructor or fellow students during a class or examination session.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

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

Board Member	**Aye**	**No**	**Abstain**	**Absent**	**Signature (if required)**
Governor Bill Haslam				x	
Commissioner Julius Johnson				x	
Commissioner Kevin Huffman				x	
Dr. Joe DiPietro	x				
Dr. Richard D. Rhoda			Non-voting		
Charles C. Anderson, Jr.	x				
Ann Holt Blackburn	x				
Dr. J.A.M. "Toby" Boulet	x				
William Y. Carroll	x				
George E. Cates	x				
Spruell Driver, Jr.	x				
Teresa K. Fowler			Non-voting		
John N. Foy	x				
Crawford Gallimore	x				
Monice Moore Hagler	x				
James E. Hall	x				

Douglas A. Horne	x				
Andrea J. Loughry	x				
James L. Murphy, III	x				
Karl A. Schledwitz	x				
Carey Smith	x				
Don Stansberry	x				
Robert S. Talbott	x				
Betty Ann Tanner	x				
Charles E. Wharton	x				
Dr. Janet M. Wilbert			Non-voting		

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the University of Tennessee Board of Trustees on June 23, 2011, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.

Date: March 16, 2012

Signature:

Name of Officer: Matthew Scoggins

Title of Officer: Assistant General Counsel

LYNETTE RUSSELL STATE OF TENNESSEE NOTARY PUBLIC SHELBY COUNTY

Subscribed and sworn to before me on: March 16, 2012

Notary Public Signature: Lynette Russell

My commission expires on: 1-27-15

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

Robert E. Cooper, Jr.
Attorney General and Reporter

4-6-12
Date

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Filed with the Department of State on: 04/17/2012

G.O.C. STAFF RULE ABSTRACT

DEPARTMENT:	University of Tennessee
DIVISION:	University of Tennessee at Chattanooga
SUBJECT:	Student Conduct Code
STATUTORY AUTHORITY:	Tennessee Code Annotated, Section 49-9-209
EFFECTIVE DATES:	September 28, 2012 through June 30, 2013
FISCAL IMPACT:	Minimal

STAFF RULE ABSTRACT:

The University of Tennessee at Chattanooga has revised its code of conduct for students. The following briefly summarizes the new rule and the key changes from the rule being repealed:

Rule 1720-02-05-.01 provides a description of the University's interests in students' conduct.

Rule 1720-02-05-.02 defines key terms used in the code of conduct.

Rule 1720-02-05-.03 sets forth the University's position on common jurisdictional issues that arise in student conduct cases.

Rule 1720-02-05-.04 sets forth the standards of conduct for University students. The number of standards of conduct have been increased from twenty-one (21) to twenty-nine (29). The new rule also eliminates unnecessary language, clarifies other language, and adds language to the former standards of conduct.

Rule 1720-02-05-.05 contains the same text as former Rule 1720-02-05.03 except for the deletion of section (1).

Rule 1720-02-05-.06 contains the same text as former Rule 1720-02-05-.04 except for the addition of a list of rights for victims in sexual assault cases, to comply with recent guidance by the United States Department of Education concerning Title IX of the Education Amendments of 1972. The new rule also clarifies that its provisions also apply to student organizations.

Rule 1720-02-05-.07 contains the same text as former Rule 1720-02-05-.05 except for the addition of a sentence describing how hearing procedures shall be modified in cases

of sexual assault and language clarifying that its provisions also apply to student organizations.

Rule 1720-02-05-.08 adds guidance for administrators and hearing boards in determining the appropriate penalty for a violation of the standards of conduct; adds a non-exclusive list of aggravating and mitigating factors that an administrator or hearing board may consider in determining a penalty; informs students that intoxication or impairment because of alcohol, drugs, chemicals, or other substances does not excuse a violation of the standards of conduct; and adds four penalties.

Rule 1720-02-05.09 is a new rule describing a no-contact directive, which is a tool used by student affairs administrators in appropriate cases to prohibit a student from having verbal, physical, or written contact with specific persons for a definite or indefinite period of time.

Rule 1720-02-05-.10 is a new rule describing an interim suspension, which may be imposed on a student or student organization prior to the conclusion of a full due process hearing in certain situations.

Rule 1720-02-05-.11 revises former Rule 1720-02-05-.07 to simplify and clarify the grounds for a student's appeal.

Rule 1720-02-05-.12 contains essentially the same text as the former rule.

Rules 1720-02-05-.13, 1720-02-05-.14, 1720-02-05-.15 contain the same text as former rules 1720-02-05-.08, 1720-02-05-.09, and 1720-02-05-.10, respectively.

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Sequence Number: 04-13-12
Rule ID(s): 5792
File Date: 04/17/2012
Effective Date: 09/28/2012

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. §4-5-202, 4-5-207 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.

Agency/Board/Commission:	University of Tennessee
Division:	
Contact Person:	Matthew Scoggins, Assistant General Counsel
Address:	719 Andy Holt Tower, 1331 Circle Park, Knoxville, TN
Zip:	37996-0170
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Email:	scoggins@tennessee.edu

Revision Type (check all that apply):

___ Amendment
x New
x Repeal

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

Chapter Number	**Chapter Title**
1720-03-03	Student Conduct
Rule Number	**Rule Title**
1720-03-03-.01	Introduction
1720-03-03-.02	Standards of Conduct
1720-03-03-.03	Student Identification Cards
1720-03-03-.04	Investigations of Student Conduct
1720-03-03-.05	The Judicial Systems and Due Process
1720-03-03-.06	Repealed
1720-03-03-.07	Student Health Insurance

Chapter Number	**Chapter Title**
1720-03-03	Student Rights and Responsibilities
Rule Number	**Rule Title**
1720-03-03-.01	Introduction
1720-03-03-.02	Definitions
1720-03-03-.03	Jurisdiction
1720-03-03-.04	Standards of Conduct
1720-03-03-.05	Penalties
1720-03-03-.06	No Contact Directives

1720-02-05-.03	Jurisdiction
1720-02-05-.04	Standards of Conduct
1720-02-05-.05	Residence Hall Inspections
1720-02-05-.06	Due Process, Student Rights, and Student Organization Rights
1720-02-05-.07	Student Conduct Hearing Procedures
1720-02-05-.08	Penalties
1720-02-05-.09	No Contact Directive
1720-02-05-.10	Interim Suspension
1720-02-05-.11	Appeals
1720-02-05-.12	Withdrawal or Temporary Suspension Due to Physical or Psychological Illness
1720-02-05-.13	Parking Appeals
1720-02-05-.14	Composition of Student Parking Appeals Board
1720-02-05-.15	Emergency Situations

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to http://state.tn.us/sos/rules/1360/1360.htm)

Substance of Proposed Rules
of
The University of Tennessee at Chattanooga

Repeal

Rule 1720-02-05 Student Code is repealed.

New Rule

Chapter 1720-02-05
Student Code

1720-02-05-.01 Introduction.

(1) Students at the University of Tennessee at Chattanooga are members of both the University community and the larger community of which the University is a part. Accordingly, students are responsible for conducting themselves in a lawful manner and in compliance with University rules and policies. The University has established the following rules in order to advance the mission of the University by maintaining a safe and secure learning environment, protecting the rights and privileges of all members of the University community, providing a basis for orderly conduct of the affairs of the University, promoting a positive relationship between the University and its surrounding community, preserving institutional integrity and property, encouraging students to engage in conduct that brings credit to themselves and the University, and ensuring that each student who matriculates at the University graduates ready to contribute to society as an ethical and law-abiding citizen.

(2) The University of Tennessee is committed to respecting students' constitutional rights. Nothing in this chapter is intended or shall be interpreted to restrict students' constitutional rights, including, but not limited to, rights of freedom of speech and assembly.

(3) Disputes between student organizations (including fraternity/sorority cases which may be within the jurisdiction of the appropriate Greek governing council and/or the Dean of Students office) shall be subject to the jurisdiction of the Vice Chancellor for Student Development or his or her designee.

(4) The Vice Chancellor for Student Development or his or her designee shall have jurisdiction over disputes between individual students and student organizations when such arbitration is requested by either of the parties involved.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public

Acts of Tennessee, 1807, Chapter 64.

1720-02-05-.02 Definitions.

(1) The term "University" means the University of Tennessee at Chattanooga.

(2) The term "student" means a person admitted, enrolled or registered for study at the University of Tennessee at Chattanooga, either full-time or part-time, pursuing undergraduate, graduate, or professional studies, as well as non-degree students. Persons not officially registered or enrolled for a particular term but who have a continuing relationship with the University also are considered students for purposes of these rules.

(3) The term "student organization" means an organization that is composed solely of University students that has submitted a pending application or has completed the process for registration according to University rules.

(4) The term "University-controlled property" means all land, buildings, facilities, grounds, structures, or any other property owned, leased, used, maintained, or operated by the University. For purposes of this rule, University-controlled property includes all streets, alleys, sidewalks, and public ways abutting such property. University-controlled property also includes computers and network systems owned, maintained, or controlled by the University or funded by the University.

(5) The term "University-affiliated activity" means any activity on or off University-controlled property that is initiated, aided, authorized, sponsored, or supervised by the University.

(6) The term "University official" means an employee of the University, including faculty members and staff, or a University-recognized volunteer. Student employees may be considered University officials when acting in the performance of their duties (e.g., event staff, resident assistants, and teaching assistants).

(7) The term "member of the University community" means any person who is a student, University official, campus visitor, or participant in a University-sponsored or University-affiliated activity.

(8) The term "possession" means actual knowledge of a substance or property and/or being in such close proximity to the substance or property that it is a reasonable presumption that one had knowledge of the substance or property.

(9) The term "weapon" means any device, instrument, or substance that is designed to, or reasonably could be expected to, inflict a wound, incapacitate, or cause serious bodily injury or death, including, but not limited to, firearms (loaded and unloaded, real and replica), ammunition, electronic control devices (such as tasers and stun guns), devices designed to discharge an object (such as bb guns, air guns, pellet guns, potato guns, and slingshots), explosives, dangerous chemicals (such as mace, tear gas, and oleoresin capsicum), martial arts weapons, bows and arrows, artificial knuckles, nightsticks, blackjacks, dirks, daggers, swords, and knives with fixed blades longer than three (3) inches. The term "weapon" does not include chemical repellents available over-the-counter for self-defense; instruments used solely for personal hygiene, preparation of food, maintenance, University-related instruction, or University employment-related duties.

(10) The term "notice" means notice given in writing delivered by regular mail, courier service, or hand delivery to the address the University has on file for the student or student organization, or by e-mail to the student's or student organization's University-provided e-mail account.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-02-05-.03 Jurisdiction.

(1) The Standards of Conduct, Chapter 1720-02-05-.04, apply to conduct that occurs on University-controlled property.

(2) The University also has the discretion to discipline a student for an act in violation of the Standards of Conduct that occurs off University-controlled property if the conduct adversely affects the interests of the University, including, but not limited to, conduct which:

(a) Occurs in connection with a University-affiliated activity, including, but not limited to, an overseas study program or a clinical, field, internship, or in-service experience;

(b) Involves another member of the University community; or

(c) Threatens, or indicates that the student may pose a threat to, the health or safety of him/herself or others or the security of any person's property, including, but not limited to, alcohol-related offenses, drug-related offenses, arson, battery, fraud, hazing, participation in group violence, rape, sexual assault or misconduct, stalking, and theft.

(3) The Standards of Conduct have been adopted in furtherance of the University's interests and serve to supplement, rather than substitute for, the enforcement of the civil and criminal law. Accordingly, University disciplinary action may be instituted against a student charged with conduct that potentially violates both the criminal law and the Standards of Conduct without regard to the pendency of criminal charges or civil litigation. At the discretion of the Vice Chancellor for Student Development, or his/her designee, disciplinary action relating to a violation of the Standards of Conduct may be carried out prior to, simultaneously with, or following criminal proceedings. Students accused of violating the Standards of Conduct may not challenge the University disciplinary proceedings on the grounds that criminal charges, civil litigation, or other University proceedings regarding the same incident are pending or have been terminated, dismissed, reduced, or not yet adjudicated.

(4) Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if conduct is not discovered by the University until after a degree is awarded). Should a student withdraw from the University with disciplinary charges pending, the student's academic record and/or ability to register for classes may be encumbered by the appropriate University office.

(5) Graduate or professional programs within the University may initiate charges against students for alleged violations of professional standards or ethics as a separate issue or as an extension of alleged acts of academic dishonesty or other violations of the Standards of Conduct.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-02-05-.04 Standards of Conduct. A student or student organization may be disciplined for the following types of misconduct:

(1) Cheating, plagiarism, or any other act of academic dishonesty, including, but not limited to, an act in violation of The Honor Code.

(2) Providing false information to a University official.

(3) Falsifying, distorting, misrepresenting, or withholding information in connection with a University investigation or hearing.

(4) Forging, altering, destroying, falsifying, or misusing records, identification, or documents, whether in print or electronic form.

(5) Causing physical harm to any person (including oneself); endangering the health or safety of any

person (including oneself); engaging in conduct that causes a reasonable person to fear harm to his/her health or safety; or making an oral or written statement (including electronically) that an objectively reasonable person hearing or reading the statement would interpret as a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals, although the speaker need not mean to carry out the act of unlawful violence in order to constitute a violation of this rule.

(6) Harassment, which is defined as unwelcome conduct that is so severe or pervasive, and objectively offensive, that it substantially interferes with the ability of a person to work, learn, live, or participate in or benefit from the services, activities, or privileges provided by the University. In no event shall this rule be construed to discipline a student for speech protected by the First Amendment to the United States Constitution (e.g., mere insulting or offensive speech).

(7) Sexual assault or misconduct. "Sexual assault" is defined as any sexual act or attempt to engage in any sexual act with another person without the consent of the other person, or in circumstances in which the person is unable to give consent due to age, disability, or an alcohol/chemical or other impairment. "Sexual misconduct" is defined as any intimate touching of another person, or forcing a person to engage in intimate touching of another, without the consent of the other person, or in circumstances in which the person is unable to give consent due to age, disability, or an alcohol/chemical or other impairment. It is the responsibility of the person initiating sexual activity to ensure the other person is capable of consenting to that activity. Consent is given by an affirmative verbal response or acts that are unmistakable in their meaning. Consent to one form of sexual activity does not mean consent is given to another type of sexual activity.

(8) Invasion of another person's privacy when that person has a reasonable expectation of privacy, including, but not limited to, using electronic or other means to make a video or photographic record of any person in a location in which the person has a reasonable expectation of privacy, without the person's knowledge or consent. This includes, but is not limited to, making a video or photographic record of a person in shower/locker rooms or restrooms. The storing, sharing, and/or distributing of such unauthorized recordings by any means is also prohibited.

(9) Theft, misappropriation, unauthorized possession, or unauthorized sale of private or public property, including but not limited to University-controlled property.

(10) Vandalizing, destroying, damaging, engaging in conduct that reasonably could cause damage to, or misusing private or public property, including but not limited to University-controlled property.

(11) Participating in hazing. "Hazing" is defined as any intentional or reckless act, on or off University-controlled property, by one (1) student, acting alone or with others, which is directed against any other student, which endangers the mental or physical health or safety of that student, or which induces or coerces a student to endanger his or her 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.

(12) Engaging in disorderly, lewd, indecent, or obscene conduct. "Disorderly" conduct means fighting or other physically violent or threatening conduct; creating a hazardous or physically offensive condition by any act that serves no legitimate purpose; making noise that could unreasonably disturb others who are carrying on lawful activities; or conduct that breaches the peace. "Lewd, indecent, or obscene" conduct includes, but is not limited to, public exposure of one's sexual organs, public urinating, and public sexual acts.

(13) Engaging in speech, either orally or in writing, which is directed to inciting or producing imminent lawless action and is likely to incite or produce such action.

(14) Any act of arson; falsely reporting a fire, the presence of an explosive or incendiary device, or other emergency; setting off a false fire alarm; or tampering with, removing, or damaging fire alarms, fire extinguishers or any other safety or emergency equipment from its proper location except when removed in a situation in which there is a reasonable belief of the need for such

equipment.

(15) Possessing, using, or duplicating University keys, access cards, or identification cards without authorization; possessing, using, or entering University-controlled property without authorization.

(16) Theft, misuse, or unauthorized use of information technology facilities, resources, or access codes, including, but not limited to: unauthorized entry into or transfer of a file; using another person's identification and/or password without that person's consent; using information technology facilities or resources to interfere with the work of another student, faculty member, staff member, or other member of the University community; using information technology facilities or resources to interfere with normal operation of a University information technology system or network; circumventing University information technology system or network security; using information technology facilities or resources in violation of copyright laws; falsifying an e-mail header; and conduct that violates the University's policy on the Acceptable Use of Information Technology Resources.

(17) Possessing, using, storing, or manufacturing any weapon or any facsimile of a weapon on University-controlled property or in connection with a University-affiliated activity, unless authorized in writing by the Chief of Police or his/her designee.

(18) Consuming, manufacturing, possessing, distributing, dispensing, selling, or being under the influence of alcoholic beverages on University-controlled property or in connection with a University-affiliated activity.

(19) Consuming, manufacturing, possessing, distributing, dispensing, selling, or being under the influence of alcoholic beverages, if prohibited by federal, state, or local law.

(20) Providing an alcoholic beverage to a person younger than twenty-one (21) years of age, unless permitted by law.

(21) Using, manufacturing, possessing, distributing, selling, dispensing, or being under the influence of drugs or drug paraphernalia, if prohibited by federal, state, or local law; using or possessing a prescription drug if the prescription was not issued to the student; or distributing or selling a prescription drug to a person to whom the prescription was not originally issued.

(22) Failing to pay a University bill, account, or other University financial obligation.

(23) Failing to respond to a request to report to a University administrative office; failing to comply with a lawful directive of a University employee or other public official acting within the scope of his/her duties; or failing to identify oneself to a University employee or other public official acting within the scope of his/her duties when requested to do so.

(24) Failing to appear at a University hearing, including, but not limited to, a hearing of a University judicial board, following a request to appear either as a party or as a witness.

(25) Violating the terms of an interim suspension, a no-contact directive, or a disciplinary penalty imposed by the University.

(26) Obstructing or disrupting teaching, learning, studying, research, public service, administration, disciplinary proceedings, emergency services, or any other University-affiliated activity, or the free flow of pedestrian or vehicular traffic on University-controlled property. In no event shall this rule be construed to discipline a student for speech protected by the First Amendment to the United States Constitution.

(27) Violating a University policy or rule, including but not limited to University policies or rules relating to facilities use, smoking, the acceptable use of information technology resources, research or service misconduct, finder's fees relating to clinical investigations involving human subjects or access to University data or materials, University libraries, dining services, parking or transportation, University identification card use, sexual harassment, residence halls, and

registered student organizations.

(28) Committing an act that is prohibited by local, state, or federal law.

(29) Attempting to commit a violation of a Standard of Conduct or being an accessory to the commission of an act or attempted act in violation of a Standard of Conduct.

Authority: T.C.A. § 49-9-209(e), T.C.A. § 49-7-123, and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-02-05-.05 Residence Hall Inspections.

(1) Entry by University officials into occupied rooms in residence halls will be divided into three categories: inspection, search, and emergency. Inspection is defined as the entry into an occupied room by University officials in order to ascertain the health and safety conditions in the room, or to make repairs on facilities, or to perform cleaning and janitorial operations. Search is defined as the entry into an occupied room by on-campus authorities for the purpose of investigating suspected violations of campus regulations and/or city, state, or federal law. An emergency situation exists when the delay necessary to obtain search authorization constitutes an apparent danger to persons, property, or the building itself.

(2) Inspection: Scheduled inspections by University officials, with the exception of daily janitorial and maintenance operations, shall be preceded, if possible, by twenty-four (24) hours' notice to the residents. During the inspection, there will be no search of drawers or closets or personal belongings.

(3) Search: University officials will not enter a room for purposes of a search except in compliance with state law or with the permission of the resident or the permission of the Vice Chancellor for Student Development or his or her designee. University officials shall have, if possible, the Resident Director or his or her designee accompany them on the search.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-02-05-.06 Due Process, Student Rights, and Student Organization Rights.

(1) Due process shall guarantee to the accused student or student organization the following:

(a) The right to be informed of charges in writing prior to the hearing.

(b) The right of reasonable time in which to prepare a defense.

(c) The right to a fair and just hearing.

(d) The right to challenge all charges and testimony used against the accused student or student organization and to question witnesses.

(e) The right to be informed in writing of:

1. The final decision of the case.

2. The proper procedure for appeal.

(f) The right to be accompanied by an advisor he/she/it chooses, at his/her/its own expense.

1. The accused student or student organization is responsible for presenting his/her/its own information, and therefore, advisors are not to speak or participate directly in a University hearing.

2. A student or student organization should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the University hearing.

3. Delays will not normally be allowed due to the scheduling conflicts of an advisor.

(2) Any student or student organization shall be formally charged in writing with the alleged offense. The date, time, and place of occurrence of the offense shall be stated on the statement of charges.

(3) The Dean of Students office must keep accurate records of each hearing and the disposition of each case.

(4) In cases involving a complaint of sexual assault or misconduct, the alleged victim shall have the right to:

(a) Notice concerning the process by which the University will handle the complaint and an opportunity to ask questions about the process;

(b) A prompt, thorough, and impartial investigation of the complaint;

(c) The same opportunity as the accused student to present his/her explanation of the facts during the University's investigation;

(d) Have the investigation of the complaint concluded within sixty (60) days of the University's receipt of a complaint, unless circumstances make it impracticable for the University to complete its investigation within that timeframe;

(e) Notice of the outcome of the University's investigation;

(f) Have a disciplinary hearing conducted within thirty (30) days of a University charge that the accused student committed sexual assault or misconduct, unless circumstances make it impracticable for the University to conduct a hearing within that timeframe;

(g) Notice of the date, time, and location of the disciplinary hearing, the right to have the disciplinary hearing closed to the public, and the right to request rescheduling of the hearing for good cause;

(h) The same access as the accused student to any information or documents that will be used by the University during a disciplinary hearing, unless prohibited by law;

(i) Challenge the seating of any Student Conduct Board member for good cause, which will be determined at the discretion of the University Hearing Officer;

(j) Be accompanied by an advisor of his/her choosing during the University's investigation or a disciplinary hearing, but the advisor shall not be permitted to speak for the victim during a disciplinary hearing;

(k) The same opportunity as the accused student to be present during the hearing, present witnesses and other evidence, challenge the admissibility of evidence, and cross-examine adverse witnesses during the disciplinary hearing;

(l) Testify or remain silent at his/her option; however, choosing to remain silent may result in the University dismissing the charges against the accused student or the Student Conduct Board or University Hearing Officer finding that there is insufficient evidence to find the accused student guilty of the charges against him/her;

(m) Not to be questioned personally by the accused student during the disciplinary hearing;

(n) Submit a written impact statement to the Student Conduct Board or University Hearing Officer for consideration during the sanctioning phase of the disciplinary hearing, if the accused student is found guilty of the charges against him/her;

(o) Notice of the decision of the Student Conduct Board or University Hearing Officer within three (3) business days of the disciplinary hearing; and

(p) Appeal the decision of the Student Conduct Board or University Hearing Officer to the Vice Chancellor for Student Development.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-02-05-.07 Student Conduct Hearing Procedures.

(1) Complaints

(a) Any member of the University community may present a complaint to the Dean of Students office against a student or student organization for violations of the Student Code. Any complaint should be submitted as soon as possible after the event takes place. Any charge(s) shall be prepared in writing by the Dean of Students office.

(b) All charges shall be presented to the accused student or student organization in written form.

(2) Hearing Options

(a) An accused student or student organization desiring to contest the charge(s) against them must do so by requesting a hearing within five (5) days of their receipt of written notice of the charge(s).

(b) The accused student or student organization may, at their option, request a hearing before a panel of individuals (Student Conduct Board) or by a University Hearing Officer selected by the Vice Chancellor for Student Development (or his or her designee). A hearing before a Student Conduct Board will be chaired by a University Hearing Officer similarly selected. Board members and hearing officers shall be impartial and anyone lacking such impartiality shall recuse him/herself or may be removed by the Vice Chancellor for Student Development upon request of any party to a University hearing.

(c) A requested hearing shall be scheduled promptly after receipt of the request.

(d) In the absence of a voluntary written waiver of the accused student's or student organization's right to a hearing under the provisions of the Tennessee Uniform Administrative Procedures Act (T.C.A. § 4-5-108, et seq.), a requested hearing will be conducted in accordance with the University's APA hearing procedures and these procedures shall not apply.

(3) Hearing Procedures – The Student Conduct Board or University Hearing Officer sitting alone will conduct the hearing within the following general guidelines:

(a) All University hearings shall be closed to the public.

(b) The accused student (and certain "victims" where permitted by law) or student organization, and their advisor, if any, shall be allowed to attend the entire portion of the University Hearing at which information is received (excluding deliberations).

(c) Each party will be afforded a full and fair opportunity to present all evidence, including witnesses, reasonably relating to the charge or action at issue; evidence which is irrelevant, immaterial, repetitious or voluminous may be limited.

(d) All procedural questions are determined by the University Hearing Officer.

(e) The Student Conduct Board or University Hearing Officer sitting alone will consider all evidence presented, giving due consideration to the credibility or weight of each item presented; technical rules of evidence will not apply.

(f) The standard for a finding of responsibility is a preponderance of the evidence.

(g) Following the conclusion of the University hearing, the Student Conduct Board or University Hearing Officer sitting alone will consider the evidence and present written findings.

(h) An appropriate record will be made of the hearing procedures. Deliberations shall not be recorded. Defects in the record will not invalidate the proceedings.

(4) In cases involving an allegation of sexual assault or misconduct, the hearing procedures shall be modified to afford the alleged victim all of the rights described in Chapter 1720-02-05-.06(4).

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-02-05-.08 Penalties.

(1) Disciplinary penalties are primarily intended to educate students and student organizations about appropriate behavior, encourage students and student organizations to take responsibility for misconduct, promote the personal and professional development of students, discourage other students and student organizations from violating the Standards of Conduct, and protect members of the University community. The penalties imposed should be appropriate for the particular case based on the gravity of the offense (including without limitation how the violation affected or reasonably could have affected other members of the University community). Consideration may also be given to the student's or student organization's conduct record, the student's or student organization's responsiveness to the conduct process, student academic classification, and other aggravating or mitigating factors.

(2) The following penalties may be imposed on any student found to have violated the Standards of Conduct:

(a) Warning. A warning is a notice that the student is violating or has violated the Standards of Conduct.

(b) Loss of Privilege. This penalty is intended to serve as a reminder of the Standards of Conduct and is for a specific period of time. Privileges that may be lost include, but are not limited to, scholarships, stipends, participation in extracurricular activities (e.g. intramurals), housing privileges, participation in social activities, and use of certain University-controlled property (e.g., information technology resources).

(c) Educational Sanction. Students may be required to attend classes, at their own expense, dealing with issues such as the consequences of alcohol or drug use, civility, ethics, or other topics as deemed appropriate by the Vice Chancellor for Student Development or his/her designee.

(d) Restitution. Restitution may be required in situations that involve destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. Restitution may take the form of a monetary payment or appropriate service to repair or otherwise compensate for the destruction, damage, or loss.

(e) Disciplinary Reprimand. A disciplinary reprimand is used for minor violations of the Standards of Conduct. A reprimand indicates that further violations will result in more severe disciplinary actions.

(f) Disciplinary Probation. This penalty permits a student to remain at the University on probationary status but with the understanding that a future violation of the Standards of Conduct may result in suspension. Probation may be for a defined or indefinite period. Other conditions of probation are specific to each individual case and may include a requirement of community service or other requirement or restriction.

(g) Suspension for a Specific Period of Time. Suspension for a specific period of time means that the student is withdrawn from the University and is not eligible to apply for readmission for a designated period of time. Usually, the period of designated suspension does not exceed one (1) calendar year. Other conditions of suspension are specific to each individual case and may include a requirement of community service or other requirement or restriction. Upon return to the University following a suspension for a specific period of time, the student may be placed on indefinite disciplinary probation.

(h) Permanent Dismissal. Permanent dismissal means that a student is permanently barred from matriculating as a student on the Chattanooga campus. This penalty is used when the violation of one (1) or more of the institution's Standards of Conduct is deemed so serious as to warrant total and permanent disassociation from the University community without the possibility of re-enrollment; or when, by his/her repeated violation of the institution's Standards of Conduct, a student exhibits blatant disregard for the health and safety of other members of the University community or the University's right to establish rules of conduct.

(i) Revocation of Admission or Degree. Revocation of admission or degree means revoking a student's admission to the University or revoking a degree already awarded by the University. Revocation of a degree shall be approved by the University of Tennessee Board of Trustees.

(3) A disciplinary hold may be placed on a student's account until the completion of the student disciplinary process and/or until the student satisfies the terms and conditions of any penalties imposed. A student who, at the time of commencement, is subject to a continuing disciplinary penalty or an unresolved disciplinary charge shall not be awarded a degree before the conclusion of all penalties and/or resolution of all disciplinary charges.

(4) The following penalties may be imposed on a student organization found to have violated the Standards of Conduct:

(a) Warning. A warning is a notice that the student organization is violating or has violated the Standards of Conduct.

(b) Educational Sanction. Representatives of student organizations may be required to attend classes, at their own expense, dealing with issues such as the consequences of alcohol or drug use, civility, ethics, or other topics as deemed appropriate by the Dean of Students or his/her designee.

(c) Loss of Privilege. This penalty is intended to serve as a reminder of the Standards of Conduct and is for a specific period of time. Examples of privileges that may be lost include participating in extracurricular activities (e.g., intramurals), housing privileges, participating in social activities, and using certain University-controlled property.

(d) Restitution. Restitution may be required in situations that involve destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. Restitution may take the form of a monetary payment or appropriate service to repair or otherwise compensate for the destruction, damage, or loss.

(e) Disciplinary Probation. Disciplinary probation means that a student organization is permitted to retain University registration on a probationary status. Probation may be for a defined or indefinite period. Violation of the Standards of Conduct during the period of disciplinary probation may result in more serious penalties, including revocation of University registration.

(f) Revocation of University Recognition. In cases of serious misconduct, a student organization's University registration may be revoked.

(5) More than one (1) of the penalties listed above may be imposed for any single violation of the Standards of Conduct. Penalties may be applied retroactively to the date of the offense.

(6) Intoxication or impairment because of alcohol, drugs, chemicals, or other substances does not diminish or excuse a violation of the Standards of Conduct.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-02-05-.09 No Contact Directive. In cases involving allegations of assault, injury, sexual abuse, harassment, or where there is reason to believe continued contact between a student/student organization and specific persons, including complainants and witnesses, may interfere with those persons' security, safety or ability to participate effectively in work or studies, the Vice Chancellor for Student Development, or his/her designee, may require that the student/student organization not have verbal, physical, or written contact with specific persons for a definite or indefinite period of time. The student/student organization will receive notice of the no contact directive. Any student, faculty or staff member or other person with a reasonable justification may request a no contact directive. In addition to an internal University no contact directive, complainants are advised that other similar options exist and can be obtained from law enforcement and civil and criminal courts.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-02-05-.10 Interim Suspension.

(1) When the Vice Chancellor for Student Development or his/her designee has reasonable cause to believe that a student's or student organization's continued presence on University-controlled property or at University-affiliated activities poses a significant risk of substantial harm to the health or safety of others or to property or poses an ongoing threat to the disruption of, or interference with, the normal operations of the University, the Vice Chancellor for Student Development or his/her designee may impose an interim suspension prior to the conclusion of a full hearing on the alleged misconduct.

(2) An interim suspension shall be confirmed by notice to the student or student organization that explains the basis for the interim suspension and shall remain in effect until the conclusion of a full hearing in accordance with the rules of the University of Tennessee, which shall be held without undue delay.

(3) Within three (3) business days of the imposition of the suspension, the student or student organization shall be offered an opportunity to appear personally before the Vice Chancellor for Student Development or his/her designee in order to discuss the following issues only: (i) the reliability of the information concerning the student's or student organization's conduct; and (ii) whether the conduct and surrounding circumstances reasonably indicate that the student's or student organization's continued presence on University-controlled property or at University-affiliated activities poses a significant risk of substantial harm to the health or safety of others or to property or poses an imminent threat of disruption of or interference with the normal operations of the University.

(4) During an interim suspension, the student or student organization shall be denied access to University-controlled property, including residence halls, and all other University-affiliated activities or privileges for which the student or student organization might otherwise be eligible, as

the Vice Chancellor for Student Development or his/her designee determines in his/her sole discretion to be appropriate. A student or student organization who receives an interim suspension and violates the terms of the interim suspension shall be subject to further disciplinary action and may be treated as a trespasser. Permission to be on University-controlled property or participate in University-affiliated activities may be granted by the Vice Chancellor for Student Development or his/her designee.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-02-05-.11 Appeals.

(1) Decisions of the Student Conduct Board or University Hearing Officer sitting alone may be appealed to the Vice Chancellor for Student Development by delivering a signed statement containing:

(a) A statement that he/she appeals the decision;

(b) A brief statement of the grounds for the appeal. The appeal shall be submitted within five (5) business days of receiving written notification of the decision. The basis for filing an appeal is limited to the following grounds:

1. The student's or student organization's rights were violated in the hearing process;

2. New relevant material evidence or information has been provided that could not have been discovered at the time of the hearing;

3. The information presented did not support the decision by a preponderance of the evidence (more likely than not) standard; or

4. The sanction(s) imposed were not appropriate for the violation.

(2) The Vice Chancellor for Student Development may:

(a) Uphold the decision;

(b) Amend the decision;

(c) Return the case for reconsideration; or

(d) Overturn the decision.

(3) Either party may appeal to the Chancellor of the University. In cases of involving a finding that a student is guilty of sexual assault or misconduct, the alleged victim shall have the right to appeal the decision of the Student Conduct Board or University Hearing Officer to the Vice Chancellor for Student Development.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-02-05-.12 Withdrawal or Temporary Suspension Due to Physical or Psychological Illness.

(1) When a student is unable to pursue his or her academic work effectively, or when his or her behavior is disruptive to the normal educational processes of the University, or constitutes a threat to members of the University community, due to, among other things, the use of alcohol, drugs, or a physical or mental incapacitating illness or condition, he or she may be withdrawn or temporarily suspended from the University as hereinafter provided.

(a) Withdrawal. A student may be withdrawn from the University only after an evaluation of his or her mental, physical condition, or behavior by a panel of at least three (3) persons appointed by the Vice Chancellor for Student Development. The student shall be notified of the reasons for the evaluation and given an opportunity to present evidence to the committee. He or she shall enjoy the rights of normal due process procedures. The committee's findings and recommendations shall be forwarded to the Vice Chancellor for Student Development who will notify the student in writing of his or her decision. A student withdrawn under this procedure shall not be readmitted to the University without the approval of the Vice Chancellor for Student Development.

(b) Grades. When a student is suspended or withdrawn from the University for reasons described in this section, he or she will be assigned a grade of "W" or "I".

(c) Committee Composition and Hearing. The panel referred to herein will include at least one (1) member of the faculty at large and representative of the Counseling Center or a psychologist. The Dean of Students or his or her designee would normally have responsibility for preparing the charges and presenting the case. The student in question would have the right to normal due process provisions.

(2) Temporary Suspension. Whenever a student, because of his or her mental or physical condition, is unable to pursue his or her academic work effectively, or is disruptive to educational processes or constitutes an apparent danger to persons or property, he or she may be suspended from the University for a reasonable period of time by the Vice Chancellor for Student Development. The University will then schedule a hearing within five (5) class days of the beginning of the suspension. If the University does not withdraw the student after the hearing, he or she may return to the University at the end of the suspension period.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-02-05-.13 Parking Appeals. Appeals of student parking tickets are reviewed by the Student Parking Appeals Board. Decisions concerning the appeals are based on a majority vote of the Board.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-02-05-.14 Composition of Student Parking Appeals Board.

(1) The Student Parking Appeals Board shall be composed of six (6) student members plus a Chair and six (6) alternates. Two (2) students will be appointed by the Student Senate from the general student body. Two (2) students will be appointed by the faculty, one (1) appointed by the President of SGA, and one (1) appointed by the Office of Student Development. Each appointing body shall also appoint the alternates. An alternate will serve when a regular member cannot be present or when a member is excused for reasons such as personal friendship with the principals.

(2) All members must have a 2.00 cumulative grade point average and be enrolled as full time students and not be on any form of probation.

(3) The Chair will be elected by the Board and votes in case of a tie.

(4) A temporary chair will be elected by the members of the Board in the event:

(a) The Chair is a party to the case;

(b) The Chair is absent; or

(c) The Chair removes himself/herself from the case.

(5) Once appointed, students remain on the Student Parking Appeals Board until they terminate at

the University, cease to be eligible to serve, or resign voluntarily.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-02-05-.15 Emergency Situations. When in the opinion of the Chancellor, conditions are such that there exists a clear and immediate danger to the physical safety or well-being of the members of the University community or safety of University property, he or she may direct that the accused student or organization be suspended pending initiation (and completion) of normal disciplinary proceedings provided those procedures are offered as soon as can reasonably be accomplished. The Chancellor may delegate this authority to the Vice Chancellor for Student Development.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

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

Board Member	**Aye**	**No**	**Abstain**	**Absent**	**Signature (if required)**
Governor Bill Haslam				x	
Commissioner Julius Johnson				x	
Commissioner Kevin Huffman				x	
Dr. Joe DiPietro	x				
Dr. Richard D. Rhoda			Non-voting		
Charles C. Anderson, Jr.	x				
Ann Holt Blackburn	x				
Dr. J.A.M. "Toby" Boulet	x				
William Y. Carroll	x				
George E. Cates	x				
Spruell Driver, Jr.	x				
Teresa K. Fowler			Non-voting		
John N. Foy	x				
Crawford Gallimore	x				
Monice Moore Hagler	x				
James E. Hall	x				
Douglas A. Horne	x				
Andrea J. Loughry	x				
James L. Murphy, III	x				
Karl A. Schledwitz	x				
Carey Smith	x				
Don Stansberry	x				
Robert S. Talbott	x				
Betty Ann Tanner	x				
Charles E. Wharton	x				

Dr. Janet M. Wilbert			Non-voting		

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the University of Tennessee Board of Trustees on June 23, 2011, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.

Date: March 16, 2012

Signature:

Name of Officer: Matthew Scoggins

Title of Officer: Assistant General Counsel

LYNETTE RUSSELL STATE OF TENNESSEE NOTARY PUBLIC KNOX COUNTY

Subscribed and sworn to before me on: March 16, 2012

Notary Public Signature: Lynette Russell

My commission expires on: 1-27-15

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

Robert E. Cooper, Jr.
Attorney General and Reporter

4-6-12
Date

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Filed with the Department of State on: 04/17/2012

Effective on: 09/28/2012

Tre Hargett by [illegible], RDA

Tre Hargett
Secretary of State

G.O.C. STAFF RULE ABSTRACT

DEPARTMENT:	University of Tennessee
DIVISION:	University of Tennessee at Knoxville
SUBJECT:	Student Conduct Code
STATUTORY AUTHORITY:	Tennessee Code Annotated, Section 49-9-209
EFFECTIVE DATES:	September 28, 2012 through June 30, 2013
FISCAL IMPACT:	Minimal

STAFF RULE ABSTRACT:

The University of Tennessee at Knoxville has revised its code of conduct for students. The following briefly summarizes the new rule and the key changes from the rule being repealed:

Rule 1720-04-03-.01 provides a description of the University's interests in students' conduct.

Rule 1720-04-03-.02 defines key terms used in the code of conduct.

Rule 1720-04-03-.03 sets forth the University's position on common jurisdictional issues that arise in student conduct cases.

Rule 1720-04-03-.04 sets forth: (1) the rights of students and student organizations charged with violating the University's standards of conduct; and (2) the rights of victims in sexual assault cases.

Rule 1720-04-03-.05 sets forth the standards of conduct for University students and student organizations. Some former standards have been combined, and three standards have been added (harassment, sexual assault, and invasion of privacy). However, the total number of standards of conduct is not changing under the new rule. The new rule also eliminates unnecessary language, clarifies other language, and adds language to the former standards of conduct.

Rule 1720-04-03-.06 differs from former Rule 1720-04-03-.11 by: (1) providing a non-exclusive list of examples of academic dishonesty in addition to cheating and plagiarism; (2) clarifying that the Office of Student Judicial Affairs, not the class instructor, is responsible for determining whether to charge a student with violating the standards of

conduct; (3) clarifying a student's right to appeal an instructor's imposition of an instructor's penalty for alleged academic dishonesty; and eliminating the "student appeal statement" as a part of a student's appeal to an Academic Review Board.

Rule 1720-04-03-.07 adds guidance for administrators and hearing boards in determining the appropriate penalty for a violation of the standards of conduct; adds a non-exclusive list of aggravating and mitigating factors that an administrator or hearing board may consider in determining a penalty; informs students that intoxication or impairment because of alcohol, drugs, chemicals, or other substances does not excuse a violation of the standards of conduct; adds four penalties; informs students about which penalties become part of the student's record; informs students about the University's policy concerning coursework and pending disciplinary charges; informs student organizations about the penalties that may be imposed if a student organization violates the standards of conduct; and clarifies the penalty of indefinite suspension.

Rule 1720-04-03-.08 is a new rule describing a no-contact directive, which is a tool used by student affairs administrators in appropriate cases to prohibit a student from having verbal, physical, or written contact with specific persons for a definite or indefinite period of time.

Rule 1720-04-03-.09 is a new rule describing an interim suspension, which may be imposed on a student prior to the conclusion of a full due process hearing in certain situations.

Rule 1720-04-03-.10 is substantially the same as former Rule 1720-04-03-.17.

Rule 1720-04-03-.11 differs from former Rule 1720-04-03-.08 by: (1) clarifying the original and appellate jurisdiction, membership, and hearing procedures for each hearing board; (2) including Academic Review Boards in the list of hearing boards (listed in a separate section of the current rule); (3) clarifying the process of appealing a decision of an Academic Review Board; (4) creating a single Greek judicial board by combining the Interfraternity Council Judicial Board and Panhellenic Judicial Board; and (5) creating a subgroup of the Student Life Council to hear appeals from the Student Tribunal or an Academic Review Board.

Rule 1720-04-03-.12 differs from former Rule 1720-04-03-.10 by adding procedures for appeal by victims in sexual assault cases.

Rule 1720-04-03-.13 is substantially the same as former Rule 1720-04-03-.05.

Rule 1720-04-03-.14 is substantially the same as former Rule 1720-04-03-.07.

Rule 1720-04-03-.15 is substantially the same as former Rule 1720-04-03-.13.

Rule 1720-04-03-.16 is substantially the same as former Rule 1720-04-03-.15.

Rule 1720-04-03-.17 is substantially the same as former Rule 1720-04-03-.16.

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For Department of State Use Only

Sequence Number: 04-11-12
Rule ID(s): 5190
File Date: 04/12/2012
Effective Date: 09/28/2012

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. §4-5-202, 4-5-207 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.

Agency/Board/Commission:	University of Tennessee
Division:	
Contact Person:	Matthew Scoggins, Assistant General Counsel
Address:	719 Andy Holt Tower, 1331 Circle Park, Knoxville, TN
Zip:	37996-0170
Phone:	865-974-3245
Email:	scoggins@tennessee.edu

Revision Type (check all that apply):

___ Amendment
x New
x Repeal

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

Chapter Number	**Chapter Title**
1720-04-03	Student Rights and Responsibilities
Rule Number	**Rule Title**
1720-04-03-.01	Introduction
1720-04-03-.02	Disciplinary Regulations and Procedures
1720-04-03-.03	Standards of Conduct
1720-04-03-.04	Fundamental Rights of the Accused
1720-04-03-.05	Inspection and Search Policy
1720-04-03-.06	Requests to Report to an Administrative Office
1720-04-03-.07	Administrative Procedures
1720-04-03-.08	The Hearing Boards
1720-04-03-.09	Penalties
1720-04-03-.10	Appeal and Scope of Review
1720-04-03-.11	Honor Statement
1720-04-03-.12	Student Academic Conduct
1720-04-03-.13	Emergency Powers
1720-04-03-.14	Training and Advising
1720-04-03-.15	Termination of Student Employees
1720-04-03-.16	Termination of Financial Assistance
1720-04-03-.17	Withdrawal or Temporary Suspension due to Mental or Physical Problems

Chapter Number	Chapter Title
1720-04-03	Student Rights and Responsibilities
Rule Number	**Rule Title**
1720-04-03-.01	Introduction
1720-04-03-.02	Definitions
1720-04-03-.03	Jurisdiction
1720-04-03-.04	Fundamental Rights of the Accused
1720-04-03-.05	Standards of Conduct
1720-04-03-.06	Honor Statement
1720-04-03-.07	Penalties
1720-04-03-.08	No Contact Directives
1720-04-03-.09	Interim Suspension
1720-04-03-.10	Involuntary Medical Withdrawal or Suspension
1720-04-03-.11	The Hearing Boards
1720-04-03-.12	Appeal and Scope of Review
1720-04-03-.13	Inspection and Search Policy
1720-04-03-.14	Administrative Procedures
1720-04-03-.15	Emergency Powers
1720-04-03-.16	Termination of Student Employees
1720-04-03-.17	Termination of Financial Assistance

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to http://state.tn.us/sos/rules/1360/1360.htm)

Substance of Proposed Rules
of
The University of Tennessee at Knoxville

Repeal

Rule 1720-04-03 Student Rights and Responsibilities is repealed.

New Rule

Chapter 1720-04-03
Student Rights and Responsibilities

1720-04-03-.01 Introduction.

(1) Students at the University of Tennessee at Knoxville are members of both the University community and the larger community of which the University is a part. Accordingly, students are responsible for conducting themselves in a lawful manner and in compliance with University rules and policies. The University has established the following rules in order to advance the mission of the University by maintaining a safe and secure learning environment; protecting the rights and privileges of all members of the University community; providing a basis for orderly conduct of the affairs of the University; promoting a positive relationship between the University and its surrounding community; preserving institutional integrity and property; encouraging students to engage in conduct that brings credit to themselves and the University; and ensuring that each student who matriculates at the University graduates ready to contribute to society as an ethical and law-abiding citizen.

(2) The University of Tennessee is committed to respecting students' constitutional rights. Nothing in this chapter is intended or shall be interpreted to restrict students' constitutional rights, including, but not limited to, rights of freedom of speech and assembly.

(3) Students are responsible for being fully acquainted and for complying with the University catalog,

handbook, and other rules and policies relating to students. Failure or refusal to comply with the rules and policies established by the University may subject a student to disciplinary action up to and including permanent dismissal from the University.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-04-03-.02 Definitions.

(1) The term "University" means the University of Tennessee at Knoxville.

(2) The term "student" means a person admitted, enrolled or registered for study at the University of Tennessee, either full-time or part-time, pursuing undergraduate, graduate, or professional studies, as well as non-degree students. Persons not officially registered or enrolled for a particular term but who have a continuing relationship with the University also are considered students for purposes of these rules.

(3) The term "student organization" means an organization that is composed solely of University students that has submitted a pending application or has completed the process for registration according to University rules.

(4) The term "University-controlled property" means all land, buildings, facilities, grounds, structures, or any other property owned, leased, used, maintained, or operated by the University. For purposes of this rule, University-controlled property includes all streets, alleys, sidewalks, and public ways abutting such property. University-controlled property also includes computers and network systems owned, maintained, or controlled by the University or funded by the University.

(5) The term "University-affiliated activity" means any activity on or off University-controlled property that is initiated, aided, authorized, sponsored, or supervised by the University.

(6) The term "University official" means an employee of the University, including faculty members and staff, or for purposes of this rule a University-recognized volunteer. Student employees may be considered University officials when acting in the performance of their duties (e.g., event staff, resident assistants, and teaching assistants).

(7) The term "member of the University community" means any person who is a student, University official, campus visitor, or participant in a University-sponsored or University-affiliated activity.

(8) The term "possession" means actual knowledge of a substance or property and/or being in such close proximity to the substance or property that it is a reasonable presumption that one had knowledge of the substance or property.

(9) The term "weapon" means any device, instrument, or substance that is designed to, or reasonably could be expected to, inflict a wound, incapacitate, or cause serious bodily injury or death, including, but not limited to, firearms (loaded and unloaded, real and replica), ammunition, electronic control devices (such as tasers and stun guns), devices designed to discharge an object (such as bb guns, air guns, pellet guns, potato guns, and slingshots), explosives, dangerous chemicals (such as mace, tear gas, and oleoresin capsicum), martial arts weapons, bows and arrows, artificial knuckles, nightsticks, blackjacks, dirks, daggers, swords, and knives with fixed blades longer than three (3) inches. The term "weapon" does not include chemical repellents available over-the-counter for self-defense; instruments used solely for personal hygiene, preparation of food, maintenance, University-related instruction, or University employment-related duties.

(10) The term "notice" means notice given in writing delivered by regular mail, courier service, or hand delivery to the address the University has on file for the student or student organization, or by e-mail to the student's or student organization's University-provided e-mail account.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public

Acts of Tennessee, 1807, Chapter 64.

1720-04-03-.03 Jurisdiction.

(1) The Standards of Conduct, Chapter 1720-04-03-.05, apply to conduct that occurs on University-controlled property.

(2) The University also has the discretion to discipline a student for an act in violation of the Standards of Conduct that occurs off University-controlled property if the conduct adversely affects the interests of the University, including, but not limited to, conduct which:

(a) Occurs in connection with a University-affiliated activity, including, but not limited to, an overseas study program or a clinical, field, internship, or in-service experience;

(b) Involves another member of the University community; or

(c) Threatens, or indicates that the student may pose a threat to, the health or safety of him/herself or others or the security of any person's property, including, but not limited to, alcohol-related offenses, drug-related offenses, arson, battery, fraud, hazing, participation in group violence, rape, sexual assault or misconduct, stalking, and theft.

(3) The Standards of Conduct have been adopted in furtherance of the University's interests and serve to supplement, rather than substitute for, the enforcement of the civil and criminal law. Accordingly, University disciplinary action may be instituted against a student charged with conduct that potentially violates both the criminal law and the Standards of Conduct without regard to the pendency of criminal charges or civil litigation. At the discretion of the Vice Chancellor for Student Life, or his/her designee, disciplinary action relating to a violation of the Standards of Conduct may be carried out prior to, simultaneously with, or following criminal proceedings. Students accused of violating the Standards of Conduct may not challenge the University disciplinary proceedings on the grounds that criminal charges, civil litigation, or other University proceedings regarding the same incident are pending or have been terminated, dismissed, reduced, or not yet adjudicated.

(4) Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if conduct is not discovered by the University until after a degree is awarded). Should a student withdraw from the University with disciplinary charges pending, the student's academic record and/or ability to register for classes may be encumbered by the appropriate University office.

(5) Graduate or professional programs within the University may initiate charges against students for alleged violations of professional standards or ethics as a separate issue or as an extension of alleged acts of academic dishonesty or other violations of the Standards of Conduct.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-04-03-.04 Fundamental Rights of the Accused.

(1) Students and student organizations charged with violating the Standards of Conduct, Chapter 1720-04-03-.05, are entitled to the following rights under the University of Tennessee at Knoxville's student judicial system:

(a) Notice of charge(s), account of the alleged misconduct, witnesses, and notice of the scheduled hearing delivered seventy-two (72) hours before the hearing. The student may request additional time by showing good cause.

(b) Notice of the maximum allowable penalty (i.e., permanent dismissal).

(c) The right to a hearing closed to the public.

(d) The right to: (i) a non-adversarial hearing before the Director of Student Judicial Affairs or his/her designee; or (ii) an adversarial hearing before a University hearing board with jurisdiction.

(e) The right to be assisted by a Student Judicial Advisor before a University hearing board. If an adversarial criminal proceeding has been initiated against a student (e.g., a criminal charge or indictment) arising out of the same conduct at issue in the disciplinary hearing, then the student also has a right to have an attorney present during the hearing before a University hearing board. The attorney's role shall be limited to advising the student about answering questions that may be self-incriminating.

(f) Testify or remain silent in a University hearing at his/her option. However, a University hearing board is not prohibited from drawing an adverse inference against a student if the student remains silent or refuses to attend a disciplinary hearing or testify in response to evidence offered against him/her. A University hearing board shall not base its decision solely on a student's failure to attend a hearing or a student's refusal to testify or remain silent.

(g) Present the testimony of witnesses and other evidence.

(h) The presumption of innocence. The burden of proof rests with the University, such that the University must prove the student's guilt by a preponderance of the evidence.

(i) A written decision specifying the rule violated, penalty assessed, and right of appeal.

(j) Challenge the seating of any board member for good cause. The dismissal of a challenged hearing board member shall be at the discretion of the hearing board chairperson. If the chairperson is challenged, he/she may be excused at the discretion of the majority of the hearing board.

(k) Have his/her case heard only on the misconduct specified in the written notice.

(l) Challenge the admissibility of evidence.

(m) Cross-examine all available adverse witnesses.

(n) Appeal the decision of a University disciplinary board in accordance with Chapter 1720-04-03-.12.

(2) In cases involving a complaint of sexual assault or misconduct, the alleged victim shall have the right to:

(a) Notice concerning the process by which the University will handle the complaint and an opportunity to ask questions about the process;

(b) A prompt, thorough, and impartial investigation of the complaint;

(c) The same opportunity as the accused student to present his/her explanation of the facts during the University's investigation;

(d) Have the investigation of the complaint concluded within sixty (60) days of the University's receipt of a complaint, unless circumstances make it impracticable for the University to complete its investigation within that timeframe;

(e) Notice of the outcome of the University's investigation;

(f) Have a disciplinary hearing conducted within thirty (30) days of a University charge that the accused student committed sexual assault or misconduct, unless circumstances make it impracticable for the University to conduct a hearing within that timeframe;

(g) Notice of the date, time, and location of the disciplinary hearing, the right to have the disciplinary hearing closed to the public, and the right to request rescheduling of the hearing for good cause;

(h) The same access as the accused student to any information or documents that will be used by the University during the disciplinary hearing, unless prohibited by law;

(i) Challenge the seating of any disciplinary board member for good cause, which will be determined at the discretion of the chairperson of the hearing board, or, if the seating of the chairperson is challenged, then at the discretion of the majority of the hearing board;

(j) Be accompanied by a person, other than a Student Judicial Advisor, of his/her choosing during the University's investigation or a disciplinary hearing, but the person shall not be permitted to speak for the victim during a disciplinary hearing;

(k) The same opportunity as the accused student to be present during the hearing, present witnesses and other evidence through a Student Judicial Advisor, challenge the admissibility of evidence through a Student Judicial Advisor, and cross-examine adverse witnesses through a Student Judicial Advisor during the disciplinary hearing;

(l) Testify or remain silent in a hearing at his/her option;

(m) Not to be questioned directly by the accused student during the disciplinary hearing;

(n) Submit a written impact statement to the Student Disciplinary Board for consideration of the sanctioning phase of the disciplinary hearing, if the accused student is found guilty of the charges against him/her, or to the Office of Student Judicial Affairs for consideration during the sanctioning phase of the administrative hearing, if the accused student pleads guilty to the charges against him/her;

(o) Notice of the decision of the Student Disciplinary Board or the outcome of an administrative hearing within three (3) business days of the hearing; and

(p) Appeal the decision of a University disciplinary board in accordance with Chapter 1720-04-03-.12(3).

(3) As an alternative to the procedures described in this Chapter, any student or student organization whose legal rights, duties or privileges are required by any statute or constitutional provision to be determined after an opportunity for a hearing shall be afforded that opportunity for hearing in accordance with the Tennessee Uniform Administrative Procedures Act, T.C.A. § 4-5-301, et seq. The University's procedures for conducting contested case hearings under the Tennessee Uniform Administrative Procedures Act are contained in Chapter 1720-01-05, and the University's rules concerning waivers of contested case hearings are contained in Chapter 1720-01-03.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-04-03-.05 Standards of Conduct. A student or student organization may be disciplined for the following types of misconduct:

(1) Cheating, plagiarism, or any other act of academic dishonesty, including, but not limited to, an act in violation of the Honor Statement.

(2) Providing false information to a University official.

(3) Falsifying, distorting, misrepresenting, or withholding information in connection with a University investigation or hearing.

(4) Forging, altering, destroying, falsifying, or misusing records, identification, or documents, whether in print or electronic form.

(5) Causing physical harm to any person (including oneself); endangering the health or safety of any person (including oneself); engaging in conduct that causes a reasonable person to fear harm to his/her health or safety; or making an oral or written statement (including electronically) that an objectively reasonable person hearing or reading the statement would interpret as a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals, although the speaker need not mean to carry out the act of unlawful violence in order to constitute a violation of this rule.

(6) Harassment, which is defined as unwelcome conduct that is so severe or pervasive, and objectively offensive, that it substantially interferes with the ability of a person to work, learn, live, or participate in or benefit from the services, activities, or privileges provided by the University. In no event shall this rule be construed to discipline a student for speech protected by the First Amendment to the United States Constitution (e.g., mere insulting or offensive speech).

(7) Sexual assault or misconduct. "Sexual assault" is defined as any sexual act or attempt to engage in any sexual act with another person without the consent of the other person, or in circumstances in which the person is unable to give consent due to age, disability, or an alcohol/chemical or other impairment. "Sexual misconduct" is defined as any intimate touching of another person, or forcing a person to engage in intimate touching of another, without the consent of the other person, or in circumstances in which the person is unable to give consent due to age, disability, or an alcohol/chemical or other impairment. It is the responsibility of the person initiating sexual activity to ensure the other person is capable of consenting to that activity. Consent is given by an affirmative verbal response or acts that are unmistakable in their meaning. Consent to one form of sexual activity does not mean consent is given to another type of sexual activity.

(8) Invasion of another person's privacy when that person has a reasonable expectation of privacy, including, but not limited to, using electronic or other means to make a video or photographic record of any person in a location in which the person has a reasonable expectation of privacy, without the person's knowledge or consent. This includes, but is not limited to, making a video or photographic record of a person in shower/locker rooms or restrooms. The storing, sharing, and/or distributing of such unauthorized recordings by any means is also prohibited.

(9) Theft, misappropriation, unauthorized possession, or unauthorized sale of private or public property, including but not limited to University-controlled property.

(10) Vandalizing, destroying, damaging, engaging in conduct that reasonably could cause damage to, or misusing private or public property, including but not limited to University-controlled property.

(11) Participating in hazing. "Hazing" is defined as any intentional or reckless act, on or off University-controlled property, by one (1) student, acting alone or with others, which is directed against any other student, which endangers the mental or physical health or safety of that student, or which induces or coerces a student to endanger his or her 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.

(12) Engaging in disorderly, lewd, indecent, or obscene conduct. "Disorderly" conduct means fighting or other physically violent or threatening conduct; creating a hazardous or physically offensive condition by any act that serves no legitimate purpose; making noise that could unreasonably disturb others who are carrying on lawful activities; or conduct that breaches the peace. "Lewd, indecent, or obscene" conduct includes, but is not limited to, public exposure of one's sexual organs, public urinating, and public sexual acts.

(13) Engaging in speech, either orally or in writing, that is directed to inciting or producing imminent lawless action and is likely to incite or produce such action.

(14) Any act of arson; falsely reporting a fire, the presence of an explosive or incendiary device, or other emergency; setting off a false fire alarm; or tampering with, removing, or damaging fire alarms, fire extinguishers or any other safety or emergency equipment from its proper location except when removed in a situation in which there is a reasonable belief of the need for such equipment.

(15) Possessing, using, or duplicating University keys, access cards, or identification cards without authorization; possessing, using, or entering University-controlled property without authorization.

(16) Theft, misuse, or unauthorized use of information technology facilities, resources, or access codes, including, but not limited to: unauthorized entry into or transfer of a file; using another person's identification and/or password without that person's consent; using information technology facilities or resources to interfere with the work of another student, faculty member, staff member, or other member of the University community; using information technology facilities or resources to interfere with normal operation of a University information technology system or network; circumventing University information technology system or network security; using information technology facilities or resources in violation of copyright laws; falsifying an e-mail header; and conduct that violates the University's policy on the Acceptable Use of Information Technology Resources.

(17) Possessing, using, storing, or manufacturing any weapon or any facsimile of a weapon on University-controlled property or in connection with a University-affiliated activity, unless authorized in writing by the Chief of Police or his/her designee.

(18) Consuming, manufacturing, possessing, distributing, dispensing, selling, or being under the influence of alcoholic beverages on University-controlled property or in connection with a University-affiliated activity.

(19) Consuming, manufacturing, possessing, distributing, dispensing, selling, or being under the influence of alcoholic beverages, if prohibited by federal, state, or local law.

(20) Providing an alcoholic beverage to a person younger than twenty-one (21) years of age, unless permitted by law.

(21) Using, manufacturing, possessing, distributing, selling, dispensing, or being under the influence of drugs or drug paraphernalia, if prohibited by federal, state, or local law; using or possessing a prescription drug if the prescription was not issued to the student; or distributing or selling a prescription drug to a person to whom the prescription was not originally issued.

(22) Failing to pay a University bill, account, or other University financial obligation.

(23) Failing to respond to a request to report to a University administrative office; failing to comply with a lawful directive of a University employee or other public official acting within the scope of his/her duties; or failing to identify oneself to a University employee or other public official acting within the scope of his/her duties when requested to do so.

(24) Failing to appear at a University hearing, including, but not limited to, a hearing of a University judicial board, following a request to appear either as a party or as a witness.

(25) Violating the terms of an interim suspension, a no-contact directive, or a disciplinary penalty imposed by the University.

(26) Obstructing or disrupting teaching, learning, studying, research, public service, administration, disciplinary proceedings, emergency services, or any other University-affiliated activity, or the free flow of pedestrian or vehicular traffic on University-controlled property. In no event shall this rule be construed to discipline a student for speech protected by the First Amendment to the United

States Constitution.

(27) Violating a University policy or rule, including but not limited to University policies or rules relating to facilities use, smoking, the acceptable use of information technology resources, research or service misconduct, finder's fees relating to clinical investigations involving human subjects or access to University data or materials, University libraries, dining services, parking or transportation, University identification card use, sexual harassment, residence halls, and registered student organizations.

(28) Committing an act that is prohibited by local, state, or federal law.

(29) Attempting to commit a violation of a Standard of Conduct or being an accessory to the commission of an act or attempted act in violation of a Standard of Conduct.

Authority: T.C.A. § 49-9-209(e), T.C.A. § 49-7-123, and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-04-03-.06 Honor Statement.

(1) Honor Statement. An essential feature of the University of Tennessee at Knoxville is a commitment to maintaining an atmosphere of intellectual integrity and academic honesty. As a student of the University, I pledge that I will neither knowingly give nor receive any inappropriate assistance in academic work, thus affirming my own personal commitment to honor and integrity.

(2) A thorough understanding of the Honor Statement is essential to the success of the honor system. To facilitate implementation of the Honor Statement, the following avenues will be utilized:

(a) The Honor Statement, with its attendant pledge, will appear on applications for admission (undergraduate and graduate); and applicants to the University will be required to acknowledge their affirmation by signing the document in a designated location.

(b) Information regarding the Honor Statement will be included in the catalogs (undergraduate and graduate), Hilltopics, and in a brochure specifically addressing the Honor Statement.

(c) The Honor Statement will be discussed during freshman, transfer, graduate student, and international student orientation programs.

(d) A thorough discussion of the Honor Statement in freshmen English is encouraged.

(e) Implementation methods and alternatives will be discussed during faculty orientation programs.

(f) The Honor Statement is furthered by Standard of Conduct No. 1, Chapter 1720-04-03-.05.

(3) Prohibited Conduct.

(a) The Honor Statement prohibits cheating, plagiarism, and any other type of academic dishonesty.

(b) Plagiarism is using the intellectual property or product of someone else without giving proper credit. The undocumented use of someone else's words or ideas in any medium of communication (unless such information is recognized as common knowledge) is a serious offense, subject to disciplinary action that may include failure in a course and/or dismissal from the university. Specific examples of plagiarism include, but are not limited to:

1. Using without proper documentation (quotation marks and a citation) written or spoken words, phrases, or sentences from any source;

2. Summarizing without proper documentation (usually a citation) ideas from another source (unless such information is recognized as common knowledge);

3. Borrowing facts, statistics, graphs, pictorial representations, or phrases without acknowledging the source (unless such information is recognized as common knowledge);

4. Collaborating on a graded assignment without the instructor's approval; and

5. Submitting work, either in whole or in part, created by a professional service and used without attribution (e.g., paper, speech, bibliography, or photograph).

(c) Specific examples of other types of academic dishonesty include, but are not limited to:

1. Providing or receiving unauthorized information during an examination or academic assignment, or the possession and/or use of unauthorized materials during an examination or academic assignment;

2. Providing or receiving unauthorized assistance in connection with laboratory work, field work, scholarship, or another academic assignment;

3. Falsifying, fabricating, or misrepresenting data, laboratory results, research results, citations, or other information in connection with an academic assignment;

4. Serving as, or enlisting the assistance of, a substitute for a student in the taking of an examination or the performance of an academic assignment;

5. Altering grades, answers, or marks in an effort to change the earned grade or credit;

6. Submitting without authorization the same assignment for credit in more than one course;

7. Forging the signature of another or allowing forgery by another on any class- or University-related document such as a class roll or drop/add sheet;

8. Failing to observe the expressed procedures or instructions relating to an exam or academic assignment; and

9. Engaging in an activity that unfairly places another student at a disadvantage, such as taking, hiding, or altering resource material, or manipulating a grading system.

(4) Responsibilities.

(a) All groups within the University community have responsibilities associated with the Honor Statement. These responsibilities are unique to each sector of the University community.

(b) Student Responsibilities. Each student is responsible for his/her own personal integrity in academic life. While there is no affirmative duty to report the academic dishonesty of another, each student, given the dictates of his/her own conscience, may choose to act on any violation of the Honor Statement. Each student is responsible for knowing and adhering to the terms and conditions of the Honor Statement and may acknowledge his/her adherence to the Honor Statement by writing "Pledged" and signing each graded

class assignment and examination.

(c) Instructor Responsibilities. Regulation of academic dishonesty is the immediate responsibility of the instructor. However, students are not excused from complying with the Honor Statement because of an instructor's failure to prevent or discourage academic dishonesty.

(5) Process.

(a) When an act of alleged academic dishonesty is discovered by or brought to the attention of an instructor, the instructor shall inform the student orally or in writing about the alleged academic dishonesty, describe the evidence supporting the allegation, and give the student an informal opportunity to respond to the allegation(s) and evidence. The instructor may proceed with imposing an academic penalty for academic dishonesty if the student has not responded to the instructor's notice to the student concerning the alleged academic dishonesty.

(b) After giving the student notice and an informal opportunity to respond, if the instructor concludes that the student engaged in academic dishonesty, then the instructor may take any or all of the following actions:

1. Impose an academic penalty of a failing or reduced grade in an academic exercise, assignment, examination, and/or course; loss of credit for the work involved; an assignment to repeat the work, to be graded on its merits; or an oral or written reprimand.

a. If the instructor decides to impose an academic penalty, then the instructor shall notify the student of the charges, evidence, findings, penalties imposed, and the procedures to appeal the findings and/or penalties. The notice should be countersigned by the department head.

b. Copies of the notice to the student shall be submitted to the Office of Student Judicial Affairs, the administrative head of the instructor's academic unit, and, where different, the head of the academic unit in which the student is enrolled.

c. After receiving notice from the instructor, the Office of Student Judicial Affairs shall provide the student with notice and information relating to an appeal of the instructor's findings of academic dishonesty and/or academic penalties.

2. Request that the Office of Student Judicial Affairs charge the student with violating Standard of Conduct No. 1, Chapter 1720-04-03-.05, and impose one or more of the disciplinary penalties described in Chapter 1720-04-03-.07. The instructor is not required to notify a student that a request has been made to the Office of Student Judicial Affairs.

(c) The Office of Student Judicial Affairs is responsible for determining whether to charge a student with violating Standard of Conduct No. 1. The decision of the Office of Student Judicial Affairs not to charge a student with violating Standard of Conduct No. 1 may not be used by the student to support an appeal of an academic penalty imposed by the instructor. The Office of Student Judicial Affairs may charge a student with violating Standard of Conduct No. 1 regardless of the response of the instructor to the alleged academic dishonesty.

(d) If a student denies a charge of academic dishonesty made by an instructor and/or the Office of Student Judicial Affairs, and/or if the student does not accept the academic penalties imposed by the instructor and/or the penalties recommended by the Office of Student Judicial Affairs, then the student may appeal to the appropriate Academic

Review Board within seven (7) days of the date of the notice of the academic penalty or disciplinary charge, whichever occurs later. If the student does not file a timely notice of appeal, then the determination of academic dishonesty and the recommended academic penalty and/or disciplinary penalty become final.

(6) The University of Tennessee College of Law has adopted and promulgated its own Code of Academic Conduct, Chapter 1720-04-09, which governs academic dishonesty by students enrolled in the College of Law and controls in the event of a conflict between this Chapter and Chapter 1720-04-09.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-04-03-.07 Penalties.

(1) Disciplinary penalties are primarily intended to educate students and student organizations about appropriate behavior, encourage students and student organizations to take responsibility for misconduct, promote the personal and professional development of students, discourage other students and student organizations from violating the Standards of Conduct, and protect members of the University community. The penalties imposed should be appropriate for the particular case based on the gravity of the offense (including without limitation how the violation affected or reasonably could have affected other members of the University community). Consideration may also be given to the student's or student organization's conduct record; the student's or student organization's responsiveness to the conduct process; whether the student acted in self-defense, and, if so, whether the amount of force used was reasonable under the circumstances; student academic classification; and other aggravating or mitigating factors.

(2) The following penalties may be imposed on any student found to have violated the Standards of Conduct:

(a) Warning. A warning is a notice that the student is violating or has violated the Standards of Conduct.

(b) Loss of Privilege. A loss of privilege is intended to serve as a reminder of the Standards of Conduct and is for a specific period of time. Privileges that may be lost include, but are not limited to, scholarships, stipends, participation in extracurricular activities (e.g. intramurals), housing privileges, participation in social activities, and use of certain University-controlled property (e.g., information technology resources).

(c) Education. Students may be required to attend classes, at their own expense, dealing with issues such as the consequences of alcohol or drug use, civility, ethics, or other topics as deemed appropriate by the Dean of Students or his/her designee.

(d) Restitution. Restitution may be required in situations that involve destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. Restitution may take the form of a monetary payment or appropriate service to repair or otherwise compensate for the destruction, damage, or loss.

(e) Disciplinary Reprimand. A disciplinary reprimand is used for minor violations of the Standards of Conduct. A reprimand indicates that further violations will result in more severe disciplinary actions.

(f) Disciplinary Probation. Disciplinary probation permits a student to remain at the University on probationary status but with the understanding that a future violation of the Standards of Conduct may result in suspension. Probation may be for a defined or indefinite period. Other conditions of probation are specific to each individual case and may include a requirement of community service or other requirement or restriction.

(g) Suspension for a Specific Period of Time. Suspension for a specific period of time

means that the student is withdrawn from the University and is not eligible to apply for readmission for a designated period of time. Usually, the period of designated suspension does not exceed one (1) calendar year. Upon return to the University following a suspension for a specific period of time, the student may be placed on indefinite disciplinary probation.

(h) Indefinite Suspension. Indefinite suspension is imposed in cases of serious or repeated misconduct or in cases in which the prognosis for rehabilitation is uncertain. Indefinite suspension means that the student is withdrawn from the University for an unspecified period of time but typically for a minimum of one (1) calendar year from the effective date of the indefinite suspension. A student who receives the penalty of indefinite suspension is not eligible to apply for readmission until the student successfully petitions the Student Life Council to lift the suspension. The student will be expected to meet regularly with the Dean of Students, or his/her designee, throughout the period of indefinite suspension. At a minimum, the student is expected to contact and begin meeting regularly with the Dean of Students, or his/her designee, at least fifteen (15) weeks prior to the semester for which the student desires to be readmitted to the University. Upon return to the University following an indefinite suspension, the student shall be placed on indefinite disciplinary probation.

(i) Permanent Dismissal. Permanent dismissal means that a student is permanently barred from matriculating as a student at the University of Tennessee at Knoxville. This penalty is used when the violation of one (1) or more of the Standards of Conduct is deemed so serious as to warrant total and permanent disassociation from the University community without the possibility of re-enrollment; or when, by his/her repeated violation of the Standards of Conduct, a student exhibits blatant disregard for the health and safety of other members of the University community or the University's right to establish rules of conduct. If a disciplinary hearing board desires to impose permanent dismissal, then the board shall communicate a recommendation of permanent dismissal to the Dean of Students. In the event a recommendation of permanent dismissal is not approved by the Dean of Students, he/she may substitute any less severe penalty; if probation is substituted, it may be for a greater period than the period specified for suspension. The Dean of Students shall notify the Director of Student Judicial Affairs when a recommendation for permanent dismissal is not approved.

(j) Revocation of Degree. Revocation of a degree means revoking a degree already awarded to a student by the University. If a disciplinary hearing board desires to revoke a degree, then the board shall communicate the recommendation to the Dean of Students, who shall either accept or reject the recommendation. Revocation of a degree shall be approved by the University of Tennessee Board of Trustees.

(3) The following penalties, by themselves, do not create a disciplinary record for a student in the Office of Student Judicial Affairs for purposes of reporting a student's conduct history: (a) warning; (b) loss of privilege; (c) education; and (d) restitution. However, those penalties may be considered as part of a student's conduct history for purposes of determining what penalty should be imposed for a future disciplinary offense.

(4) A disciplinary hold may be placed on a student's account until the completion of the student disciplinary process and/or until the student satisfies the terms and conditions of any penalties imposed. A student who, at the time of commencement, is subject to a continuing disciplinary penalty or an unresolved disciplinary charge shall not be awarded a degree before the conclusion of all penalties and/or resolution of all disciplinary charges.

(5) The following penalties may be imposed on a student organization found to have violated the Standards of Conduct:

(a) Warning. A warning is a notice that the student organization is violating or has violated the Standards of Conduct.

(b) Education. Student organizations or their representatives may be required to attend classes, at their own expense, dealing with issues such as the consequences of alcohol or drug use, civility, ethics, or other topics as deemed appropriate by the Dean of Students or his/her designee.

(c) Loss of Privilege. A loss of privilege is intended to serve as a reminder of the Standards of Conduct and is for a specific period of time. Examples of privileges that may be lost include participating in extracurricular activities (e.g., intramurals), housing privileges, participating in social activities, and using certain University-controlled property.

(d) Restitution. Restitution may be required in situations that involve destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. Restitution may take the form of a monetary payment or appropriate service to repair or otherwise compensate for the destruction, damage, or loss.

(e) Social Probation. Social probation prohibits a student organization from sponsoring or participating in specified social activities. While on social probation, a student organization may not host social events (e.g., mixers, date parties, formals, and band parties) or participate in University-affiliated activities (e.g., Homecoming, All Sing, Carnicus, intramurals). Any exceptions to social probation must be approved, in advance, by the Dean of Students or his/her designee.

(f) Disciplinary Probation. Disciplinary probation means that a student organization is permitted to retain University registration on a probationary status. Violation of the Standards of Conduct during the period of disciplinary probation may result in more serious penalties, including revocation of University registration.

(g) Revocation of University Registration. In cases of serious or repeated misconduct, a student organization's University registration may be revoked.

(6) More than one (1) of the penalties listed above may be imposed for any single violation of the Standards of Conduct.

(7) Except for an interim suspension, disciplinary penalties shall not become effective until after opportunities for appeal have been exhausted. Penalties may be applied retroactively to the date of the offense. Coursework performed while disciplinary charges are pending or disciplinary proceedings are underway shall be considered conditional. Coursework may be affected or disregarded based on a final finding of misconduct or the penalty imposed, which may result in loss of course credit, a loss of tuition and/or fees, a delay in the awarding of a degree, or revocation of a degree that was awarded prior to a final decision in the disciplinary proceeding.

(8) Intoxication or impairment because of alcohol, drugs, chemicals, or other substances does not diminish or excuse a violation of the Standards of Conduct.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-04-03-.08 No Contact Directive. In cases involving allegations of assault, injury, sexual abuse, harassment, or in cases where there is reason to believe continued contact between a student/student organization and specific persons, including complainants and witnesses, may interfere with those persons' security, safety or ability to participate effectively in work or studies, the Vice Chancellor for Student Life, or his/her designee, may require that the student/student organization not have verbal, physical, or written contact with specific persons for a definite or indefinite period of time. The student/student organization will receive notice of the no contact directive. Any student, faculty or staff member or other person with a reasonable justification may request that a no contact directive be issued to a student/student organization. In addition to an internal University no contact directive, complainants are advised that other similar options exist and can be obtained from law enforcement and civil and criminal courts.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public

Acts of Tennessee, 1807, Chapter 64.

1720-04-03-.09 Interim Suspension.

(1) When the Vice Chancellor for Student Life or his/her designee has reasonable cause to believe that a student's or student organization's continued presence on University-controlled property or at University-affiliated activities poses a significant risk of substantial harm to the health or safety of others or to property or poses an ongoing threat to the disruption of, or interference with, the normal operations of the University, the Vice Chancellor for Student Life or his/her designee may impose an interim suspension prior to the conclusion of a full hearing on the alleged misconduct.

(2) An interim suspension shall be confirmed by notice to the student or student organization that explains the basis for the interim suspension and shall remain in effect until the conclusion of a full hearing in accordance with the rules of the University of Tennessee, which shall be held without undue delay.

(3) Within three (3) business days of the imposition of the suspension, the student or student organization shall be offered an opportunity to appear personally before the Vice Chancellor for Student Life or his/her designee in order to discuss the following issues only: (i) the reliability of the information concerning the student's or student organization's conduct; and (ii) whether the conduct and surrounding circumstances reasonably indicate that the student's or student organization's continued presence on University-controlled property or at University-affiliated activities poses a significant risk of substantial harm to the health or safety of others or to property or poses an imminent threat of disruption of or interference with the normal operations of the University.

(4) During an interim suspension, the student or student organization shall be denied access to University-controlled property, including residence halls, and all other University-affiliated activities or privileges for which the student or student organization might otherwise be eligible, as the Vice Chancellor for Student Life or his/her designee determines in his/her sole discretion to be appropriate. A student or student organization who receives an interim suspension and violates the terms of the interim suspension shall be subject to further disciplinary action and may be treated as a trespasser. Permission to be on University-controlled property or participate in University-affiliated activities may be granted by the Vice Chancellor for Student Life or his/her designee.

(5) When a student is placed on interim suspension, he/she may be assigned a grade of "W" or "I," whichever is deemed appropriate by the faculty member involved.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-04-03-.10 Involuntary Medical Withdrawal or Suspension.

(1) When a student is unable to effectively pursue his/her academic work, or when his/her behavior is disruptive to the normal educational processes of the University, or constitutes a threat to members of the University community, due to, among other things, alcohol use, drug use, or a physical or mental incapacitating illness or condition, he/she may be withdrawn or temporarily suspended from the University as hereinafter provided.

(2) Withdrawal. A student may be withdrawn from the University only after an evaluation of his/her mental and physical condition by a panel of at least three (3) persons appointed by the Vice Chancellor for Student Life. The student shall be notified of the reasons for the evaluation and given an opportunity to present evidence to the committee. The committee's findings and recommendations shall be forwarded to the Vice Chancellor for Student Life, who will notify the student in writing of his/her decision. A student withdrawn under this procedure shall not be readmitted to the University without the approval of the Vice Chancellor for Student Life.

(3) Temporary Suspension. Whenever a student, because of his/her mental or physical condition

constitutes an apparent danger to persons or property, or when his/her behavior is disruptive to the normal educational processes of the University, he/she may be suspended from the University, for a reasonable period of time, by the Vice Chancellor for Student Life or the Dean of Students. If the University does not withdraw the student in accordance with procedures outlined above, he/she may return to the University at the end of the suspension period.

(4) Grades. When a student is withdrawn or temporarily suspended from the University, he/she may be assigned a grade of "W" or "I," whichever is deemed appropriate by the faculty member involved.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-04-03-.11 The Hearing Boards.

(1) Greek Judicial Board.

(a) This board has original jurisdiction in cases in which a Greek student organization has allegedly violated the InterFraternity Council (IFC), Panhellenic, or National Pan-Hellenic Council (NPHC) Rules, Constitution, or By-Laws, or University Standards of Conduct. Hearing procedures shall afford student organizations all of the rights set forth in Chapter 1720-04-03-.04 ("Fundamental Rights of the Accused") and be similar to the procedures used by the Student Disciplinary Board. Following a hearing, the board shall determine guilt or innocence and decide upon an appropriate penalty. Appeals from these decisions are to the Student Tribunal in accordance with Chapter 1720-04-03-.12.

(b) An individual(s) member of a Greek student organization alleged to have violated a University Standard of Conduct will be referred to the Office of Student Judicial Affairs for appropriate action. The Director of Student Judicial Affairs, who will decide all jurisdictional questions, may assign jurisdiction over cases of individual discipline to the Greek Judicial Board, except for cases involving allegations of sexual harassment, sexual assault, or sexual misconduct. In such cases the Greek Judicial Board will operate under the procedures established for the Student Disciplinary Board. Appeals from these decisions are to Student Disciplinary Board and must be filed with the Office of Student Judicial Affairs in accordance with Chapter 1720-04-03-.12.

(c) Students serving as members of the Greek Judicial Board must be active members of a Greek organization and in good standing during their terms of office. Guidelines for appointing, replacing and removing board members will be suggested by the Greek Council to the Office of Student Judicial Affairs for approval. Members of the Greek Judicial Board will be required to participate in training seminars scheduled by the Office of Student Judicial Affairs.

(2) Student Disciplinary Board.

(a) Jurisdiction. The Student Disciplinary Board has the following responsibilities:

1. To hear allegations of student misconduct involving violations of the Standards of Conduct;

2. To determine the innocence or guilt of the student charged and establish an appropriate penalty in cases where the student is found guilty; and

3. To hear individual discipline cases appealed from the Greek Judicial Board and to make decisions appropriate with appellate responsibility.

(b) Membership. Members of the Student Disciplinary Board must be sophomores or above. Undergraduate and law students must have at least a 2.0 overall grade point average. Graduate students must have at least a 3.0 grade point average in all graduate work

attempted. Members shall be screened and selected by a committee that consists of Office of Student Judicial Affairs staff. A member may be removed from office, for cause, by the Student Life Council following notice and a hearing.

(c) Hearing Procedures.

1. For each hearing, three (3) to seven (7) student board members will be selected from a pool of members. A quorum of three (3) board members must be present in order to hear a case. A majority vote of the members present is required for all decisions of the board. The chairperson votes in all cases.

2. Any board member who cannot hear the evidence fairly and objectively for any reason shall dismiss himself/herself from the case.

3. The Director of Student Judicial Affairs shall appoint a chairperson prior to the start of each hearing. The chairperson shall conduct the hearing and rule on all motions, objections, and other procedural issues. The chairperson shall ascertain that the accused has been advised of his/her rights and shall then read the statement of charges. A student who fails to appear before the Student Disciplinary Board in accordance with proper notification shall be deemed to have waived his/her rights to be present during the hearing, to know the evidence against him/her, to present evidence in his/her own behalf, and to exercise reasonable cross-examination of witnesses appearing against him/her. This waiver shall become effective if the student fails to appear at the designated time and place of the hearing unless, at least twenty-four (24) hours prior to the hearing, the student communicates in writing to the Office of Student Judicial Affairs good cause for granting a continuance of the hearing.

4. The accused shall enter a plea of guilty or not guilty. If a guilty plea is entered, he/she shall be advised of the maximum penalty.

5. The chairperson is responsible for maintaining an orderly discussion throughout the hearing. Proceedings should be conducted with fitting dignity and should reflect the importance and seriousness of the hearings. Any person who fails to follow the instructions of the chairperson, after a warning, shall be referred to the Director of Student Judicial Affairs for appropriate disciplinary action.

6. In the event that the accused pleads guilty, the board shall review the circumstances of the case and make appropriate decisions or recommendations regarding the penalty.

7. If accused's attorney is present, the accused's attorney shall not question any individual, introduce evidence, raise objections, present arguments, or otherwise participate in the hearing. The failure of an accused's attorney to attend the hearing shall not be grounds for delaying the proceeding or challenging the validity of the proceeding.

8. The Student Judicial Advisor, on behalf of the University, shall present such evidence as he/she has at the hearing, including any witnesses. He/she shall not present written statements as evidence, unless circumstances make such presentation necessary and unavoidable. Under similar restrictions the accused may present written statements in his/her defense. Unsigned statements shall not be admitted as evidence. However, a statement submitted via electronic mail may be admitted if party against whom the statement is offered does not object to its admission or the chairperson determines that the statement's authenticity and validity has been verified. Hearsay evidence is, however, admissible.

9. After the presentation of evidence by the Judicial Advisor, the accused shall be allowed to present all relevant evidence. If a not guilty plea has been entered,

evidence in mitigation of the alleged offense shall be presented only after the board has determined the issue of innocence or guilt.

10. During board deliberations all persons except the board members shall be excused from the hearing room. The decision shall be based solely upon the evidence presented. No mention will be made during the hearing on innocence or guilt of the student's previous disciplinary record, unless appropriate as rebuttal to character evidence introduced by the accused.

11. After a determination of guilt by the board, the Student Judicial Advisor, on behalf of the University, shall present the previous disciplinary record of the accused, if any, and evidence of any other aggravating circumstances, to the board together with the recommendation of the Director of Student Judicial Affairs as to an appropriate penalty.

12. After presentation of evidence by the Judicial Advisor, the accused shall be allowed to present character evidence, evidence of mitigating circumstances, and an alternative penalty recommendation.

13. After the board determines the penalty, the accused shall be advised in writing of its decision.

14. The results of the board's decision shall be kept on official University judicial forms. If a verbatim record of the hearing is prepared, it shall be retained in the custody of the Office of Student Judicial Affairs and considered a confidential disciplinary record. If necessary for adjudication of an appeal, the Director of Student Judicial Affairs may prepare a summary, certified by the chairperson of the Student Disciplinary Board, or provide that portion of the record that has been designated by the Student Tribunal or Student Life Council as material to the appeal.

15. A board member shall not discuss cases prior to or after the hearing. The information received by members of the board during a case is considered strictly confidential. Violations of this confidence by any board member could result in disciplinary action.

16. In cases involving an allegation of sexual assault or misconduct, the hearing procedures shall be modified to afford the alleged victim all of the rights described in Chapter 1720-04-03-.04(2). The board may consider evidence presented by the victim as part of the University's proof.

(d) Appeals. Appeals from decisions of the Student Disciplinary Board may be made to the Student Tribunal in accordance with Chapter 1720-04-03-.12.

(3) Academic Review Boards.

(a) Jurisdiction. Academic Review Boards have original jurisdiction over cases of alleged academic dishonesty (i.e., violations of Standard of Conduct No. 1, Chapter 1720-04-03-.05) that arise out of a course or program offered by the college or a student's appeal of an academic penalty imposed as a result of alleged academic dishonesty relating to a course or program offered by the college. Jurisdiction may include cases of academic dishonesty which involve violations of other Standards of Conduct, but such cases shall initially be referred to the Office of Student Judicial Affairs for determination of appropriate jurisdiction.

(b) Membership. The Academic Review Board of each college shall consist of an ad hoc group of three (3) faculty members and three (3) students selected from the college's membership by the administrative head of the college. Alternative methods of selection of the three faculty members and the three students may be adopted by an individual

college with the approval of the administrative head of the college. Also, under extenuating circumstances, a college may recommend, for approval by the Student Life Council, a board composition which differs from that prescribed above.

(c) Hearing Procedures.

1. A quorum shall consist of four (4) members. The college shall make provision for alternates to insure the availability of a quorum.

2. In order to establish continuity among the various Academic Review Boards and to ensure the maintenance of procedural due process, a member of the Dean of Students staff shall serve as the non-voting chairperson of each Academic Review Board. His/her responsibilities shall include the scheduling of meetings, notification of parties and witnesses, and other duties as needed to ensure due process is afforded.

3. Hearing procedures shall be established by the Office of Student Judicial Affairs. Hearing procedures shall afford students all of the rights set forth in Chapter 1720-04-03-.04 ("Fundamental Rights of the Accused") and be similar to the procedures used by the Student Disciplinary Board. All decisions shall be by a majority vote.

(d) Appeals.

1. Appeal of Decision Concerning Academic Dishonesty.

(i) Student Appeal. A student may appeal a decision of the Academic Review Board that a student is guilty of academic dishonesty to the Student Life Council in accordance with Chapter 1720-04-03-.12.

(ii) University Appeal. The University may appeal a decision of the Academic Review Board that a student is not guilty of academic dishonesty to the Student Life Council in accordance with Chapter 1720-04-03-.12. The administrative head of the college involved makes the decision whether to appeal.

2. Appeal of Decision Concerning Academic Penalty.

(i) A student may appeal a decision of the Academic Review Board concerning an academic penalty to the Student Life Council in accordance with Chapter 1720-04-03-.12.

(ii) If the Academic Review Board recommends that the instructor change the academic penalty proposed by the instructor, the Office of Student Judicial Affairs shall notify the instructor of the Academic Review Board's recommendation. The instructor may either accept or reject the Academic Review Board's recommendation to change an academic penalty, and the instructor or the administrative head of the college involved shall notify the Office of Student Judicial Affairs of the decision to accept or reject the Academic Review Board's recommendation within seven (7) days of the Academic Review Board's recommendation. If the instructor rejects the Academic Review Board's recommendation, then the Office of Student Judicial Affairs shall notify the student of the student's right to appeal the instructor's academic penalty in accordance with Chapter 1720-04-03-.12, in which case the student shall submit the request for appeal within seven (7) calendar days of the notice of the instructor's decision to reject the Academic Review Board's recommendation.

(iii) In the event the instructor rejects the recommendation of the Student Life Council following an appeal by the student of an academic penalty, then the student may appeal to the Chancellor, who, in consultation with the Provost, shall be the final decision maker concerning changes to student's grades on the student's official University academic record. The student must file a request for appeal within seven (7) calendar days of the notice to the student concerning the instructor's rejection of the recommendation of the Student Life Council.

(4) Student Tribunal.

(a) Original Jurisdiction. The Student Tribunal has original jurisdiction in cases of conflicts between (non-Greek) student organizations, conflicts between individuals and student organizations, cases which involve allegations that a student organization has violated the Standards of Conduct, cases which involve interpretation of the Student Government Constitution, cases of challenge to results of Student Government elections, and discipline cases involving charges of dishonesty in these elections.

(b) Appellate Jurisdiction. The Student Tribunal has appellate jurisdiction to review decisions of the Student Disciplinary Board and the Greek Judicial Board. Any other jurisdiction may be assigned by the Director of Student Judicial Affairs. The forms to be used on appeal and other procedural requirements shall be established by the Office of Student Judicial Affairs.

(c) Membership. The Student Tribunal consists of three (3) to seven (7) members, selected by the Director of Student Judicial Affairs or designee from the Student Disciplinary Board.

(d) Hearing Procedures. A quorum of three (3) members is required for a hearing before the Student Tribunal, and a majority vote of the members present is required for all decisions. Other hearing procedures shall be established by the Office of Student Judicial Affairs. In cases of original jurisdiction, the hearing procedures shall afford students all of the rights set forth in Chapter 1720-04-03-.04 ("Fundamental Rights of the Accused") and be consistent with the procedures used by the Student Disciplinary Board.

(e) Appeals. Appeals from decisions of the Student Tribunal may be made to the Student Life Council in accordance with Chapter 1720-04-03-.13.

(5) Student Life Council.

(a) Jurisdiction. The Student Life Council is the hearing board for appeals from decisions of the Student Tribunal, Academic Review Boards, and for appeals filed by the Dean of Students or his/her designee. It is the final decision making board in the judicial system. The Council also hears petitions to lift the disciplinary penalty of indefinite suspension. The Council may periodically review the status of student conduct and the judicial system and make appropriate recommendations.

(b) Membership. The Student Life Council is composed of the following members:

1. The Vice Chancellor for Student Life, who serves as the chairperson;

2. All the Deans of the University of Tennessee at Knoxville;

3. Three (3) faculty members, associate professor or above, appointed by the Faculty Senate (the initial appointments shall be staggered in terms so that one (1) new faculty member is appointed each year after the initial appointment); and

4. Eight (8) student members (one of whom shall be a graduate student), appointed by the Student Government Association, for a period of one (1) year.

(c) Except for appeals from the Student Tribunal, a majority of the Student Life Council shall constitute a quorum for the conducting of all business, and a majority vote of the members present is required for all decisions.

(d) Appeals from the Student Tribunal. A subgroup of eleven (11) members of the Student Life Council, four (4) of whom shall be students, shall hear appeals from the Student Tribunal or an Academic Review Board. The Vice Chancellor for Student Life or his/her designee shall serve as the chairperson of the subgroup and shall select the ten (10) other members of the subgroup from the general membership of the Student Life Council. The Student Life Council will hear appeals on the record, unless it elects by a majority vote of members present to hear the case de novo.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-04-03-.12 Appeal and Scope of Review.

(1) Appeal. The disciplinary action of any board may be appealed to the next higher board.

(a) In all cases the request for appeal must be submitted in writing to the Office of Student Judicial Affairs within seven (7) calendar days of written notice of the board decision. If the seventh day falls on a weekend or holiday, the time is extended to the next regular workday.

(b) If written briefs are submitted or if required by the appellate board's bylaws, they must be submitted within fourteen (14) calendar days of submission of the request for appeal. Under normal circumstances appeals will be heard within seven (7) days after written briefs have been submitted.

(c) All appeals (except those to the Student Life Council, which may elect to hear the case de novo) must be taken upon the record made before the original board.

(d) Pending the outcome of an appeal, the penalty specified in the original decision shall not be imposed.

(2) Scope of Review. The appellate board will review the request for appeal together with any written briefs or other supporting documents to determine if the appeal presents a substantial question within the scope of review. The scope of review shall be limited to the following:

(a) Appropriateness of the Penalty. In cases appealing the appropriateness of the penalty, the appeal board shall uphold the penalty unless the penalty is shown to be clearly unreasonable (i.e., that which has been clearly and fully proven to have no sound basis or justification in reason).

(b) New Evidence. In cases appealed on grounds of new evidence, the moving party must show that such evidence is material to the decision of the board on the issue of innocence or guilt, and that said evidence could not have been discovered by due diligence prior to the original hearing.

(c) Due Process. In cases appealed on the grounds of denial of due process, the moving party must show that the adjudicatory process of the initial hearing was not conducted in conformity with properly prescribed procedures. The moving party must also show that the alleged discrepancy was materially adverse to the moving party's interest. Nothing contained in the foregoing shall be construed as limiting the right of the Dean of Students to request the Student Life Council to review the decision of any judicial board.

(3) In cases of involving a finding that a student is guilty of sexual assault or misconduct, the alleged victim shall have the right to appeal the decision of a University disciplinary board to the next

higher board. The appellate board will review the request for appeal together with any written briefs or other supporting documents to determine if the appeal presents a substantial question within the scope of review. The scope of review shall be limited to the following:

(a) Appropriateness of the Penalty. In cases appealing the appropriateness of the penalty, the appeal board shall uphold the penalty unless the penalty is shown to be clearly unreasonable (i.e., that which has been clearly and fully proven to have no sound basis or justification in reason).

(b) New Evidence. An alleged victim may appeal a decision by showing that there is new evidence material to the decision of the board on the issue of innocence or guilt, and that the evidence could not have been discovered by the exercise of due diligence prior to the original disciplinary hearing.

(4) The decision of any board or administrative officer of the University of Tennessee at Knoxville is subject to review by the Chancellor and the President pursuant to the University of Tennessee Bylaws, Article V, Section 7.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-04-03-.13 Inspection and Search Policy.

(1) Entry by University authorities into occupied rooms in residence halls, fraternity houses, or sorority houses on University-controlled property will be divided into three (3) categories: inspection, search, and emergency. Inspection is defined as the entry into an occupied room by University authorities in order to ascertain the health and safety conditions in the room, to check the physical condition of the room, to make repairs on facilities, or to perform cleaning and janitorial operations. Search is defined as the entry into an occupied room by on-campus authorities for the purpose of investigating suspected violations of campus regulations. An emergency situation exists when the delay necessary to obtain a search authorization constitutes an apparent danger to person, property, or the building itself.

(a) Inspection: Scheduled inspections by on-campus authorities with the exception of daily janitorial operations shall be preceded, if possible, by twenty-four (24) hours' notice to the residents. During the inspection there will be no search of drawers, closets, or personal belongings.

(b) Search: On-campus authorities will not enter a room for purposes of search without permission from the resident(s) or prior permission from the Dean of Students, the Vice Chancellor for Student Life, or a designee of Dean of Students or Vice Chancellor for Student Life, unless in compliance with federal or state law.

(c) Procedure for Search in Residence Hall Rooms: A request for permission to search may be made by the Hall Director, Assistant Hall Director, or their superiors when reasonable cause exists to suspect that a violation is occurring or has occurred. If permission to search is verbally authorized, it must be verified in writing to the occupant(s) of the facility searched by the hall staff members requesting the search. A copy of the authorization form is presented to the occupant(s) or left in the room if the occupant(s) is absent. The authorization form shall contain the following:

1. Description of the place to be searched;

2. Name of the person authorizing the search;

3. Description of the item(s) sought; and

4. Name of the person requesting the search authorization.

(d) Procedure for Search in Fraternity or Sorority Houses: For purposes of search, the fraternity or sorority house will be divided into open and closed areas. The closed areas will be the dorm section and chapter room. University authorities may enter the open areas for purpose of inspection or search without permission, but there will be no search of personal belongings or closed areas of the house. University authorities will not enter the closed areas without the written permission of the Dean of Students, the Vice Chancellor for Student Life, or their designees, or in compliance with federal or state laws.

(e) Resident Complaint: Should a resident believe that a University staff member has misused or abused his/her authority to inspect his/her room, the resident should file a complaint. He/she may prepare a written statement for review by the Office of Student Judicial Affairs. Or, if he/she prefers, the resident may state his/her complaint to an Area Coordinator or to a staff member of the Office of Student Judicial Affairs. The complaint will then be investigated, appropriate action will be taken, and the student will be informed in writing of the results of the investigation.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-04-03-.14 Administrative Procedures.

(1) Residence Hall Regulations. Initially, violations of residence hall regulations will be handled by the Hall Director of the appropriate residence hall. Based upon the nature of the alleged violations and the past conduct of the accused, the Hall Director shall determine if the Hall Director Option is appropriate or refer the case to the Office of Student Judicial Affairs. If the Hall Director Option is deemed appropriate, it will be administered as follows:

(a) The accused student will be notified:

1. That he/she is suspected of an alleged violation;

2. Of circumstances of the violation;

3. Of his/her rights under the judicial system;

4. Of his/her rights to have his/her case heard by a student disciplinary board;

5. That the Hall Director Option does not include imposition of a penalty; and

6. That acceptance of the Hall Director Option constitutes an admission of guilt which may be introduced at any subsequent disciplinary hearing.

(b) If the student accepts the Hall Director Option he/she shall reply, in writing:

1. Acknowledging his/her participation in the alleged violation;

2. Waiving his/her right to a hearing before the Student Disciplinary Board; and

3. Waiving a right to appeal the administrative decision.

(c) If the student rejects the Hall Director Option, his/her case will be forwarded to the Office of Student Judicial Affairs for action in accordance with violations of Standards of Conduct.

(2) Standards of Conduct. When allegations of individual misconduct are referred to the Office of Student Judicial Affairs, the case will be adjudicated in accordance with procedures governing alleged violations of Standards of Conduct.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-04-03-.15 Emergency Powers. When, in the judgment of the Student Life Council of the University of Tennessee, conditions are such that it is impractical for the Student Disciplinary Boards to function, the Vice Chancellor for Student Life may suspend these procedural regulations and appoint an ad hoc committee to hear disciplinary matters. Any such ad hoc committee shall follow procedures that will insure the protection of the rights of the students involved, as stated herein. Any decisions by the ad hoc committee may be appealed to the Student Life Council.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-04-03-.16 Termination of Student Employees.

(1) General:

(a) The provisions of this policy statement apply to all student employees except those on college work-study (see policy statement on termination of financial assistance).

(b) The purpose of this statement is to provide procedures for the termination of student employees.

(2) Definitions:

(a) Student Employee. An employee who is classified as a "student employee" by the payroll section of the Office of the Treasurer, University of Tennessee.

(b) Contract Employee. A student employee who has a written contract with the University providing employment for a specified period of time.

(c) Non-Contract Employee. A student not employed for a specified period of time, whose employment is terminable at the will of the University irrespective of the quality of the performance of the student.

(d) Gross Misconduct. Theft or dishonesty, gross insubordination, destruction of University property, falsification of records, acts of moral turpitude, reporting to duty under the influence of intoxicants, using or selling illicit drugs on University premises, disorderly conduct, provoking a fight, and such other similar acts involving intolerable behavior by the employee.

(e) Grounds for Termination of Contract Employees. A contract employee may be terminated during the term of his or her employment for gross misconduct or inadequate job performance.

(3) Notice:

(a) Non-Contract Employee. Whenever, in the opinion of the supervisor, a non-contract employee should be terminated, he/she shall be notified in writing setting forth the date of termination. If the reason for termination involves gross misconduct, the supervisor will, prior to termination, consult with the Vice Chancellor having administrative responsibility for the employee.

(b) Contract Employee. Whenever a supervisor is of the opinion that a contract employee should be terminated, he/she shall notify the appropriate Vice Chancellor. The Vice Chancellor shall notify the employee in writing of the reasons for his/her immediate termination or suspension, as appropriate, and of his/her right to request a hearing in accordance with the Administrative Procedures Act (T.C.A. § 4-5-301, et seq.) or as hereinafter provided.

(4) Request for a Hearing:

(a) Contract Employee. The request of a contract employee for a hearing together with his/her election of an Administrative Procedures Act hearing or one under this policy statement shall be forwarded in writing within five (5) business days of the notice of termination to the Vice Chancellor having administrative responsibility for the employee.

1. If the employee elects a hearing under the provisions of the Administrative Procedures Act, the Vice Chancellor shall forward the file to the Chancellor for the appointment of a hearing officer.

2. If the employee elects a hearing under this policy statement, the Vice Chancellor shall immediately thereafter establish a three member hearing committee.

(b) Non-Contract Employee. A non-contract employee may appeal his or her termination through the appropriate Dean/Director and Vice Chancellor to the Chancellor. No right to a hearing accompanies this right of appeal.

(5) Responsibility of the Hearing Committee: It shall be the responsibility of the hearing committee to:

(a) Conduct a hearing within ten (10) business days of the employee's request for said hearing;

(b) Make findings of fact and recommendations to the appropriate Vice Chancellor;

(c) Notify the employee within five (5) business days after the hearing of the committee's findings and recommendations; and

(d) Prepare and forward as soon as it is practicable a written report of the hearing to the appropriate Vice Chancellor.

(6) Hearing Procedures: Employees who are entitled to a hearing as provided above are entitled to the following procedural rights:

(a) A written account of the alleged misconduct or grounds for inadequate work performance;

(b) Reasonable notice of the time and place of the requested hearing;

(c) The assistance of a representative of his/her choice; if the employee requesting a hearing desires to be represented by an attorney, the appropriate Vice Chancellor must be notified by the employee at least three (3) days prior to the scheduled hearing;

(d) To present all pertinent evidence including witnesses; and

(e) To confront and cross-examine all adverse witnesses.

(7) Decision and Appeal:

(a) Hearing Committee. The appropriate Vice Chancellor shall within five (5) business days after receipt of findings and recommendations of the hearing committee notify the employee in writing of his/her decision and of the employee's right to appeal as provided by Article 5, Section 7 of the University By-Laws. An employee's appeal must be submitted in writing to the Chancellor within ten (10) business days after receipt of the decision.

(b) Administrative Procedures Act. The decision of the Chancellor is final in all cases heard under the contested case provision of the Administrative Procedures Act. Further appeal shall be in accordance with the provisions of that Act.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

1720-04-03-.17 Termination of Financial Assistance.

(1) General:

(a) Coverage: The provisions of this policy apply to student financial assistance except graduate assistantships and fellowships.

(b) Purpose: The purpose of this policy is to provide procedures for the termination of student financial assistance.

(2) Definitions:

(a) Athletic Grant-in-aid: A contract for financial assistance which has been approved by the Advisory Committee on Student Financial Aid and awarded in accordance with the provisions of the Constitution and By-Laws of the Southeastern Conference and the National Collegiate Athletic Association.

(b) Financial Aid: Assistance awarded to a student in one (1) of the following categories: college work-study, scholarships (including graduate), loans, and grants.

(3) Notice:

(a) Athletic Grant-in-Aid.

1. Whenever the Athletic Department proposes that a student's financial assistance be terminated within the contract period, the student shall be notified in writing by the Director of Financial Aid of the proposed termination. The notice shall contain the reasons for termination, the student's right to a hearing in accordance with the contested case provision of the Administrative Procedures Act or in accordance with the provisions hereinafter provided.

2. Whenever athletic financial aid is not to be renewed at the end of the contract period, the student shall be notified of his/her right to a hearing, in accordance with the requirements of the Constitution of the National Collegiate Athletic Association, before the Advisory Committee on Student Financial Aid.

(b) Financial Aid. Whenever financial aid is to be modified or terminated, the student shall be notified of the reasons for the proposed modification or termination and of the right to appeal by contacting the Director of Financial Aid. If the Director of Financial Aid is unable to amiably resolve the student's appeal, it shall proceed as follows:

1. If the appeal concerns interpretation of policy, the student shall be afforded the right of further appeal through the Dean of Admissions and Records and the Vice Chancellor for Academic Affairs to the Chancellor.

2. If the appeal concerns a disputed question of fact, the student shall be advised of the right to a hearing before the Advisory Committee on Student Financial Aid or in accordance with the Administrative Procedures Act.

(4) Request for a Hearing: The request for a hearing together with his/her election of an Administrative Procedures hearing or one under this policy shall be made in writing to the Director of Financial Aid within five (5) calendar days of receipt of the notice of proposed termination.

(a) If the student elects a hearing under the provision of the Administrative Procedures Act, the Director of Financial Aid shall forward the file to the Provost for the appointment of a

hearing officer.

(b) If the student elects a hearing under this policy statement, the Director of Financial Aid shall immediately forward the request for a hearing together with a copy of the complete file to the Chairperson of the Advisory Committee on Student Financial Aid.

(5) Hearing Committee. At the beginning of each semester, the Chairperson of the Advisory Committee on Student Financial Aid shall appoint a hearing subcommittee of not less than three (3) persons who shall be charged with the responsibility of hearing all appeals during that semester.

(6) Responsibility of the Hearing Committee: It shall be the responsibility of the hearing committee to:

(a) Conduct a hearing within ten (10) business days of the student's request for said hearing. When the University is not in session, the hearing shall be held as soon as reasonably possible.

(b) Make findings of fact and a determination as to the termination of financial aid.

(c) Notify the student as soon as possible of the committee's decision.

(d) Notify the student of his/her right to appeal, as indicated below.

(7) Hearing Procedures: Students who are entitled to a hearing as above provided are entitled to the following procedural rights:

(a) A written notice of the alleged grounds for termination of financial assistance.

(b) To reasonable notice of the time and place of the requested hearing.

(c) The assistance of a representative of his/her choice. If the student requesting a hearing desires to be represented by an attorney, the University must be notified by the student at least three (3) days prior to the scheduled hearing.

(d) To present the testimony of witnesses and other evidence.

(e) To confront and cross-examine all adverse witnesses.

(8) Appeal:

(a) Hearing Committee Decision. The student may appeal the decision of the hearing committee in accordance with Article V, Section 7 of the University By-Laws. An appeal must be submitted in writing to the Chancellor within five (5) business days.

(b) Administrative Procedures Act. The decision of the Chancellor is final in all cases heard under the contested case provision of the Administrative Procedures Act. Further appeal shall be in accordance with the provisions of that Act.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64.

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

Board Member	**Aye**	**No**	**Abstain**	**Absent**	**Signature (if required)**
Governor Bill Haslam				x	
Commissioner Julius Johnson				x	

Commissioner Kevin Huffman				x	
Dr. Joe DiPietro	x				
Dr. Richard D. Rhoda			Non-voting		
Charles C. Anderson, Jr.	x				
Ann Holt Blackburn	x				
Dr. J.A.M. "Toby" Boulet	x				
William Y. Carroll	x				
George E. Cates	x				
Spruell Driver, Jr.	x				
Teresa K. Fowler			Non-voting		
John N. Foy	x				
Crawford Gallimore	x				
Monice Moore Hagler	x				
James E. Hall	x				
Douglas A. Horne	x				
Andrea J. Loughry	x				
James L. Murphy, III	x				
Karl A. Schledwitz	x				
Carey Smith	x				
Don Stansberry	x				
Robert S. Talbott	x				
Betty Ann Tanner	x				
Charles E. Wharton	x				
Dr. Janet M. Wilbert			Non-voting		

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the University of Tennessee Board of Trustees on June 23, 2011, and is in compliance with the provisions of TCA 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.

Date: March 16, 2012

Signature:

Name of Officer: Matthew Scoggins

Title of Officer: Assistant General Counsel

Subscribed and sworn to before me on: March 16, 2012

Notary Public Signature: Lynette Russell

~~RULES~~
~~OF~~
~~THE UNIVERSITY OF TENNESSEE~~

~~CHAPTER 1720-4-3~~
~~STUDENT RIGHTS AND RESPONSIBILITIES~~

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~~**1720-4-3-.01 INTRODUCTION.**~~

~~(1) The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the academic community. This University has a duty to develop policies and procedures which provide a safeguard to this freedom. Such policies and procedures are developed at this institution with the participation of all members of the academic community.~~

~~(2) By registering in the University, the student neither loses the rights nor escapes the duties of a citizen. Each student should conduct his/her personal life in the context of mutual regard for the rights and privileges of others. Therefore, it is expected that students will demonstrate respect for the law and for the necessity of orderly conduct in the affairs of the community.~~

~~(3) Students are responsible for being fully acquainted with the University catalog, handbook, and other regulations relating to students and for complying with them in the interest of an orderly and productive community. Failure or refusal to comply with the rules and policies established by the University may subject the offender to disciplinary action up to and including permanent dismissal from the University.~~

~~***Authority:*** *Public Acts of Tennessee, 1839-1840, chapter 98, Section 5 and Public Acts of Tennessee, 1807, chapter 64.* ***Administrative History:*** *Original rule filed September 15, 1976; effective October 15, 1976. Amendment filed March 29, 1978; effective June 14, 1978. Repealed by Public Chapter 575, effective July 1, 1986. New rule filed May 27, 1986; effective August 12, 1986. Amendment filed October 31, 1990; effective January 29, 1991. Amendment filed August 31, 1995; effective December 30, 1995.*~~

~~**1720-4-3-.02 DISCIPLINARY REGULATIONS AND PROCEDURES.** The policies and procedures described below have been established to insure the rights and privileges of all members of the University community, to communicate the expectations of the community to its members, and to provide a basis for orderly conduct of the affairs of the University.~~

~~***Authority:*** *Public Acts of Tennessee, 1839-1840, chapter 98, Section 5 and Public Acts of Tennessee, 1807, chapter 64.* ***Administrative History:*** *Original rule filed May 27, 1986; effective August 12, 1986. Amendment filed August 31, 1995; effective December 30, 1995.*~~

~~1720-4-3-.03 STANDARDS OF CONDUCT.~~

~~(1)~~ ~~Exclusion from the University or any lesser penalty may be the result from any of the following misconduct:~~

~~(a)~~ ~~Academic cheating or plagiarism;~~

~~(b)~~ ~~Furnishing false information to the University with the intent to deceive;~~

~~(c)~~ ~~Knowingly giving false information or testimony during the investigation or hearing of a disciplinary matter;~~

~~(d)~~ ~~Violation of the terms of probation;~~

~~(e)~~ ~~Vandalism, malicious destruction, damage, or misuse of private or public property, including library material;~~

~~(f)~~ ~~Forgery, alteration, destruction or misuse of University documents, records or identification;~~

~~(g)~~ ~~Obstruction or disruption of teaching, research, administration, disciplinary proceedings, or other University activities, including public service functions, or of any authorized activities on University premises;~~

~~(h)~~ ~~Physical abuse of any person, or other conduct which threatens or endangers the health or safety of any person, whether such conduct occurs on or off University property. In no event shall this rule be construed to prevent speech protected by the First Amendment to the United States Constitution.~~

~~(i)~~ ~~Theft, wrongful appropriation (i.e., theft with intent to temporarily deprive the owner of possession), unauthorized possession, or sale or damage to property of the University or of any organization affiliated with the University or of another member of the University community (i.e., faculty, staff, student, or campus visitor);~~

~~(j)~~ ~~Unauthorized use of or entry to University facilities and/or unauthorized possession of keys to University facilities;~~

~~(k)~~ ~~Unlawful use, manufacture, possession, distribution or dispensing of drugs or alcohol on University-owned or-controlled property or during University activities.~~

~~(l)~~ ~~Reserved.~~

~~(m)~~ ~~Possession, while on University-owned or -controlled property or at University-sponsored or –supervised activities, of any weapon such as, but not limited to, rifles, shotguns, ammunition, handguns, and air guns, including explosives, such as firecrackers unless authorized in writing by the Chief of Police;~~

~~(n)~~ ~~Disorderly conduct or lewd, indecent, or obscene conduct on University-owned or –controlled property or at University-sponsored or -supervised functions;~~

~~(o)~~ ~~Failure to pay promptly, after notice, all University bills, accounts, and other University financial obligations;~~

~~(p)~~ ~~Participation of students in group activities on or adjacent to the campus which causes damages to public or private property, causes injuries to persons, or interferes with the orderly functioning of the University or the normal flow of traffic;~~

~~(Rule 1720-4-3-.03, continued)~~

~~(q)~~ ~~Use, possession, or being under the influence of alcoholic beverages on University-owned or –controlled property;~~

~~(r)~~ ~~Violation of properly constituted rules and regulations governing the use of motor vehicles on University-owned or -controlled property;~~

~~(s)~~ ~~Refusal to respond to a request to report to a University administrative office;~~

~~(t)~~ ~~Failure to comply with directives of the University officials acting in the performance of their duty;~~

~~(u)~~ ~~Violation of written University policies and regulations as stipulated herein or as promulgated and announced by authorized personnel;~~

~~(v)~~ ~~Inciting other students to violate written University policies and regulations as promulgated and announced by authorized personnel;~~

~~(w)~~ ~~Falsely reporting the presence of an unlawful explosive or incendiary device with the intent to mislead, deceive, or disrupt the operation of the University or a scheduled event sponsored by the University;~~

~~(x)~~ ~~Any act of arson, falsely reporting a fire or other emergency, falsely setting off a fire alarm, tampering with or removing from its proper location fire extinguishers, hoses, or any other fire emergency equipment except when done with real need for such equipment;~~

~~(y)~~ ~~Willful failure to appear at a judicial board hearing following proper notification to appear either as a party or as a witness;~~

~~(z)~~ ~~An attempt to commit or to be accessory to the commission of any act in violation of other Standards of Conduct;~~

~~(aa)~~ ~~Commission of an act or an attempt to commit an act on University property or involving members of the University community (i.e., faculty, staff, student, or campus visitor) that would be in violation of state or federal law;~~

~~(bb)~~ ~~Unauthorized use or misuse of the University's computing facilities to include: logging on an account without the knowledge and permission of the owner; changing, deleting or adding to the programs, files and/or data without authorization of the owner; theft of program data or machine resources; attempts to thwart security of the computer system; attempts to disrupt the normal operations of the computer system, including hardware and software;~~

~~(cc)~~ ~~Violation of local, state, or federal law, whether on or off campus, when it appears that the student has acted in a way which adversely affects or seriously interferes with the University's normal educational function, or which injures or endangers the welfare of any member of the University community. Such violation includes, but is not limited to, violation of state or federal drug laws, commission of or attempt or threat to commit rape, murder, felonious assault, arson or any other felonious crime against person or property.~~

~~(dd)~~ ~~Participation of students in hazing activities. "Hazing" means any intentional or reckless act, on or off University property, by one student, acting alone or with others, which is directed against any other student, that endangers the mental or physical health or safety of that student, or which induces or coerces a student to endanger his or her mental or physical health or safety, and includes treatment of a violent, abusive, shameful,~~

(Rule 1720-4-3-.03, continued)

insulting, or humiliating nature. Such action is prohibited when connected with initiation into or affiliation with an organization and does not include participation in customary athletic events or similar competition.

Authority: *T.C.A. §49-7-123.* ***Administrative History:*** *Original rule filed May 27, 1986; effective August 12, 1986. Amendment filed March 22, 1990; effective June 26, 1990. Amendment filed October 31, 1990; effective January 29, 1991. Amendment filed November 20, 1990; effective February 27, 1991. Amendment filed September 3, 1992; effective December 29, 1992. Amendment filed August 31, 1995; effective December 30, 1995. Amendment filed June 18, 1996; effective October 28, 1996.*

1720-4-3-.04 FUNDAMENTAL RIGHTS OF THE ACCUSED.

(1) Under The University of Tennessee Judicial System, persons accused of violations of existing rules and/or regulations of the residence halls, food services, the Interfraternity Council, the Panhellenic Council, and The University of Tennessee are entitled to the following rights:

(a) Written notice of charge(s), account of the alleged misconduct, witnesses, and notice of the scheduled hearing delivered 72 hours before the hearing. The student may request additional time by showing good cause.

(b) The right to a public hearing. A public hearing can involve only a limited number of spectators and appropriate control measures will be established by the Dean of Students. If there is difficulty with crowd control, the hearing board chairperson can designate those parties to be present.

(c) Notice of the maximum allowable penalty (i.e., permanent dismissal).

(d) The assistance of the counsel of his/her choice.

(e) Testify or remain silent at his/her option.

(f) Present witnesses.

(g) The presumption of innocence. The burden of proof rests with the University, such that the University must prove the student's guilt by a preponderance of the evidence.

(h) A written decision specifying the rule violated, penalty assessed, and right of appeal.

(i) Challenge the seating of any board member for good cause. The dismissal of a challenged hearing board member shall be at the discretion of the hearing board chairperson. If the chairperson is challenged, he/she may be excused at the discretion of the majority of the hearing board.

(j) Have his/her case heard only on the misconduct specified in the written notice.

(k) Challenge the admissibility of evidence.

(l) Remain silent or confront or cross-examine all available adverse witnesses.

(m) Appeal to the next higher board.

Authority: *Public Acts of Tennessee, 1839-1840, chapter 98, Section 5 and Public Acts of Tennessee, 1807, chapter 64.* ***Administrative History:*** *Original rule filed May 27, 1986; effective August 12, 1986. Amendment filed March 22, 1990; effective June 26, 1990. Amendment filed October 31, 1990; effective January 29, 1991. Amendment filed August 31, 1995; effective December 30, 1995.*

~~1720-4-3-.05 INSPECTION AND SEARCH POLICY.~~

~~(1)~~ ~~Entry by University authorities into occupied rooms in residence halls will be divided into three categories; inspection, search, and emergency. Inspection is defined as the entry into an occupied room by University authorities in order to ascertain the health and safety conditions in the room, to check the physical condition of the room, to make repairs on facilities, or to perform cleaning and janitorial operations. Search is defined as the entry into an occupied room by on-campus authorities for the purpose of investigating suspected violations of campus regulations and/or city, state or federal law. An emergency situation exists when the delay necessary to obtain a search authorization constitutes a danger to person, property, or the building itself.~~

~~(a)~~ ~~Inspection: Scheduled inspections by on-campus authorities with the exception of daily janitorial operations shall be preceded, if possible, by twenty-four hours notice to the residents. During the inspection there will be no search of drawers, closets, or personal belongings. This policy is applicable for residence halls and fraternity houses.~~

~~(b)~~ ~~Search: On-campus authorities will not enter a room for purposes of search without permission from the resident(s) or prior permission from (1) Dean of Students, (2) the Vice Provost for Student Affairs, or (3) Designee of Dean of Students or Vice Provost for Student Affairs, unless in compliance with federal or state law.~~

~~(c)~~ ~~Procedure for Search in Residence Hall Rooms: A request for permission to search may be made by the Hall Director, Assistant Hall Director, or their superiors when reasonable cause exists to suspect that a violation is occurring or has occurred. If permission to search is verbally authorized, it must be verified in writing to the occupant(s) of the facility searched by the hall staff members requesting the search. A copy of the authorization form is presented to the occupant(s) or left in the room if the occupant(s) is absent. The authorization form shall contain the following:~~

~~1.~~ ~~Description of the place to be searched;~~

~~2.~~ ~~Name of the person authorizing the search;~~

~~3.~~ ~~Description of the item(s) sought; and~~

~~4.~~ ~~Name of the person requesting the search authorization.~~

~~(d)~~ ~~Procedure for Search in Fraternity Houses: For purposes of search, the fraternity house will be divided into open and closed areas. The closed areas will be the dorm section and chapter room. University authorities may enter the open areas for purpose of inspection or search without permission, but there will be no search of personal belongings or closed areas of the house. University authorities will not enter the closed areas without the written permission of the~~

~~1.~~ ~~The Dean of Students,~~

~~2.~~ ~~The Vice Provost for Student Affairs, or~~

~~3.~~ ~~Their designees, or in compliance with federal or state laws.~~

~~(e)~~ ~~Resident Complaint: should a resident believe that a University staff member has misused or abused his/her authority to inspect his/her room, the resident should file a complaint. He/she may prepare a written statement for review by the Judicial Advisory Board. The statement should be delivered to the Office of the Dean of Students. Or, if he/she prefers, the resident may state his/her complaint to an Area Coordinator or to a staff member of the Dean of Students Office. The complaint will then be investigated, appropriate action~~

~~(Rule 1720-4-3-.05, continued)~~

~~will be taken, and the student will be informed in writing of the results of the investigation.~~

~~***Authority:*** *T.C.A. §49-9-209(e).* ***Administrative History:*** *Original rule filed May 27, 1986; effective August 12, 1986. Amendment filed March 22, 1990; effective June 26, 1990. Amendment filed October 31, 1990; effective January 29, 1991. Amendment filed August 31, 1995; effective December 30, 1995. Amendment filed November 17, 2000; effective March 30, 2001.*~~

~~**1720-4-3-.06 REQUESTS TO REPORT TO AN ADMINISTRATIVE OFFICE.** Such requests, including a summons to any judicial hearing, must be promptly carried out. When the request to report at a specific date conflicts with a student's schedule, notification of class absence for such person will be issued by the Dean of Students or his/her designee.~~

~~***Authority:*** *Public Acts of Tennessee, 1839-1840, chapter 98, Section 5 and Public Acts of Tennessee, 1807, chapter 64.* ***Administrative History:*** *Original rule filed May 27, 1986; effective August 12, 1986. Amendment filed August 31, 1995; effective December 30, 1995.*~~

~~**1720-4-3-.07 ADMINISTRATIVE PROCEDURES.**~~

~~(1) Residence Hall Regulations. Initially, violations of residence hall regulations will be handled by the Hall Director of the appropriate residence hall. Based upon the nature of the alleged violations and the past conduct of the accused, the Hall Director shall determine if the Hall Director Option is appropriate or refer the case to the Dean of Students. If the Hall Director Option is deemed appropriate, it will be administered as follows:~~

~~(a) The accused student will be notified in writing;~~

~~1. That he/she is suspected of an alleged violation;~~

~~2. Of circumstances of the violation;~~

~~3. Of his/her rights under the judicial system;~~

~~4. Of his/her rights to have his/her case heard by a student disciplinary board;~~

~~5. That the Hall Director Option does not include imposition of a penalty; and~~

~~6. That acceptance of the Hall Director Option constitutes an admission of guilt which may be introduced at any subsequent disciplinary hearing.~~

~~(b) If the student accepts the Hall Director Option he/she shall reply, in writing.~~

~~1. Acknowledging his/her participation in the alleged offense;~~

~~2. Waiving his/her right to a hearing before the Student Disciplinary Board; and~~

~~3. Waiving a right to appeal the administrative decision.~~

~~(c) If the student requests that his/her case be heard by a Student Disciplinary Board, the case shall be referred to the Dean of Students for action in accordance with violations of Standards of Conduct.~~

~~(2) Standards of Conduct. When allegations of individual misconduct are referred to the Dean of Students, the student will be scheduled for a conference. In the event that the student wishes to waive his/her right to a hearing before the Student Disciplinary Board and have his/her case~~

~~(Rule 1720-4-3-.07, continued)~~

~~determined administratively, he/she may request the Dean of Students to assume jurisdiction. If the Dean accepts jurisdiction, he/she may, after determining that a violation was committed, impose an appropriate penalty. Once a student has been informed of his/her rights and has voluntarily waived, in writing, his/her right to a hearing before the board, the action of the Dean of Students shall be final, except in cases of indefinite suspension or permanent dismissal which may be appealed to the Student Affairs Council. If the matter is not resolved by the conference, the Dean of Students shall refer it to an appropriate board.~~

~~***Authority:*** *Public Acts of Tennessee, 1839-1840, chapter 98, Section 5 and Public Acts of Tennessee, 1807, chapter 64.* ***Administrative History:*** *Original rule filed May 27, 1986; effective August 12, 1986. Amendment filed March 22, 1990; effective June 26, 1990. Amendment filed October 31, 1990; effective January 29, 1991. Amendment filed August 31, 1995; effective December 30, 1995.*~~

~~**1720-4-3-.08 THE HEARING BOARDS.**~~

~~(1) Interfraternity Council Judicial Board.~~

~~(a) This board has primary jurisdiction in cases in which a fraternity, fraternities, or fraternity members having allegedly violated the IFC rules, Constitution, or By-Laws or University Standards of Conduct. Following a hearing, the board shall determine guilt or innocence and decide upon an appropriate penalty. Appeals of these decisions are to the Student Tribunal and must be made in writing within seven (7) calendar days of notice of decision.~~

~~(b) An individual(s) alleged to have violated a University Standard of Conduct will be referred to the Dean of Students for appropriate action. The Dean of Students, who will decide all jurisdictional questions, may assign jurisdiction over cases of individual discipline to the IFC Judicial Board. In such cases the board will operate under the procedures established for the Student Disciplinary Boards. Appeals from these decisions are to Student Disciplinary Boards and must be filed with the Dean of Students in accordance with the requirements of "Appeal and Scope of Review" (below).~~

~~(c) Students serving as members of the Interfraternity Council Judicial Board must be active members of fraternities, in good standing during their terms of office. Guidelines for appointing, replacing and removing board members will be suggested by the Interfraternity Council to the Dean of Students for approval. Members of this board will be required to participate in training seminars scheduled by the Dean of Students.~~

~~(2) Panhellenic Judicial Board: This board has primary jurisdiction in cases in which a sorority, sororities, or sorority members have allegedly violated the Panhellenic rules, Constitution, or By-Laws, or University Standards of Conduct. Appeals of these decisions are to the Student Tribunal and must be made in writing within seven (7) calendar days of notice of decision. Additionally, the Dean of Students may assign jurisdiction over cases of individual discipline to the Panhellenic Judicial Board. In such cases the board will operate under the procedures established for the Student Disciplinary Boards. Appeals of such decisions are to Student Disciplinary Boards and must be filed with the Dean of Students in accordance with the requirements of "Appeal and Scope of Review" (below).~~

~~(3) Student Publications Board: If, in the opinion of either the Manager of Student Publications or the appropriate student editor, a student staff member of a University publication has violated a standard in the Code of Ethics of the American Society of Newspaper Editors or other University regulation, and by doing so has compromised his/ her effectiveness in the position he/she holds, that student staff member may be temporarily suspended, for a period not to exceed ten (10) calendar days without financial penalty, until the Student Publications Board meets, considers, and~~

~~adjudicates the alleged infraction. A finding by the Student Publications Board may be appealed by either party through the appropriate administrative channels.~~

~~(4)~~ ~~Student Disciplinary boards.~~

~~(a)~~ ~~Jurisdiction. The primary hearing boards are the Student Disciplinary Boards, each comprised of five student members. The number of boards required will be determined by the Dean of Students. These boards share a pool of 15 alternate members to be used as needed during the year. The Student Disciplinary Boards have the following responsibilities:~~

~~1.~~ ~~To hear allegations of student misconduct involving violations of the Standards of Conduct or residence halls or food services rules and regulations referred to the board for original jurisdiction by the Dean of Students.~~

~~2.~~ ~~To determine the innocence or guilt of the student charged and establish an appropriate penalty.~~

~~3.~~ ~~To hear individual discipline cases appealed from the Interfraternity Council Judicial Board and to make decisions appropriate with appellate responsibility.~~

~~4.~~ ~~Appeals from the Student Disciplinary Boards may be made to the Student Tribunal or Student Affairs Council in accordance with the procedure provided in "Appeal and Scope of Review" (below).~~

~~(b)~~ ~~Membership: During Spring Term, and at other times when vacancies arise, the Dean of Students shall call for applications for membership on the Student Disciplinary Boards by placing an appropriate announcement in The Daily Beacon. Members or alternates selected for membership must be sophomores or above. Undergraduate and law students must have at least a 2.0 overall grade point average. Graduate students must have at least a 3.0 grade point average in all graduate work attempted. Members and alternates of the Student Disciplinary Boards shall be screened and selected by a committee composed of the Student Discipline Specialist, a chairperson of one of the Student Disciplinary Boards, and the Dean of Students, or their representatives. No person may serve more than one academic year (not including summer school) unless he/she has been reappointed to the board by the screening committee (screening is not required for reappointment). A member may be removed from office, for cause, by the Student Affairs Council following notice and a hearing. At the first meeting in the fall, or after a vacancy in the office, the Student Discipline Specialist shall appoint a chairperson for each board. Unless reappointed, the chairperson's term ends at the first meeting in the fall. In the absence of the chairperson, one of the members shall assume the duties of the chairperson and shall conduct the hearing and rule on all motions, subject to objection from other board members.~~

~~(c)~~ ~~Hearing Procedures:~~

~~1.~~ ~~A quorum of three board members must be present in order to hear a case. A majority vote of the members present is required for all decisions of the board.~~

~~2.~~ ~~Any board member who cannot hear the evidence fairly and objectively for any reason is obligated to dismiss himself/herself from the case.~~

~~3.~~ ~~The chairperson shall ascertain that the accused has been advised of his/her rights and shall then read the statement of charges. A student who fails to appear before the Student Disciplinary Board in accordance with proper notification~~

~~shall be deemed to have waived his/her rights to be present during the board's deliberation, to know the evidence against him/her, to present evidence in his/her own behalf, and to exercise reasonable cross-examination of witnesses appearing against him/her. This waiver shall become effective if the student fails to appear at the designated time and place of the hearing unless prior to the time set for the hearing, the student communicates in writing to the Dean of Students good cause for granting a continuance of a scheduled hearing.~~

~~4.~~ ~~The accused shall enter a plea of guilty or not guilty. If a guilty plea is entered, he/she shall be advised of the maximum penalty.~~

~~5.~~ ~~The chairperson is in charge of maintaining an orderly discussion throughout the hearing. Proceedings should be conducted with fitting dignity and should reflect the importance and seriousness of the hearings. Any person who fails to follow the instructions of the chairperson, after a warning, shall be referred to the Dean of Students for appropriate disciplinary action.~~

~~6.~~ ~~In the event that the accused pleads guilty, the board shall review the circumstances of the case and make appropriate decisions or recommendations regarding the penalty.~~

~~7.~~ ~~The Dean of Students or his/her designee shall present such evidence as he/she has at the hearing, including any witnesses. He/she shall not present written statements as evidence, unless circumstances make such presentation necessary and unavoidable. Under similar restrictions the accused may present written statements in his/her defense. Unsigned statements shall not be admitted as evidence. Hearsay evidence is, however, admissible.~~

~~8.~~ ~~After the presentation of evidence by the Dean of Students, the accused shall be allowed to present all relevant evidence. If a not guilty plea has been entered, evidence in mitigation of the alleged offense shall be presented only after the board has determined the issue of innocence or guilt.~~

~~9.~~ ~~During board deliberations all persons except the board members shall be excused from the hearing room. All matters upon which the decision may be based solely upon the evidence presented. No mention will be made during the hearing on innocence or guilt of the student's previous disciplinary record, unless appropriate as rebuttal to character evidence introduced by the accused.~~

~~10.~~ ~~After a determination of guilt by the board, the previous disciplinary record of the accused, if any, shall be given to the board together with the recommendation of the Dean of Students as to an appropriate penalty.~~

~~11.~~ ~~After the Board determines the penalty, the accused shall be advised in writing of its decision.~~

~~12.~~ ~~The results of the board's decision shall be kept on official University judicial forms, and such a record will be considered sufficient. If a verbatim record of the hearing is prepared, it shall be retained in the custody of the Dean of Students and considered a confidential disciplinary record. If necessary for adjudication of an appeal, the Dean of Students may prepare a summary, certified by the chairperson of the Student Disciplinary Board, or that portion of the record that has been designated by the Tribunal or Student Affairs Council as material to the appeal.~~

~~13. A board member shall not discuss cases prior to or after the hearing. The information received by members of a judicial board during a case is considered strictly confidential. Violations of this confidence by any board member could result in disciplinary action.~~

~~(5) Student Tribunal~~

~~(a) Appellate Jurisdiction: The Student Tribunal consists of seven members. It has appellate jurisdiction to review decisions of the Student Disciplinary Boards, the Panhellenic Judicial Board, and decisions of the Interfraternity Council Judicial Board in those cases concerning alleged violations of the IFC rules, Constitution, or By-Laws or violations of University Standards of Conduct by a Fraternity. Any other jurisdiction may be assigned by the Dean of Students. The forms to be used on appeal and other procedural requirements shall be established by Tribunal By-Laws. The Tribunal By-Laws must be approved by the Judicial Advisory Board and the Dean of Students.~~

~~(b) Original Jurisdiction: The Student Tribunal has original jurisdiction in cases of conflicts between student organizations or conflicts between individuals and student organizations, cases which involve interpretation of the Student Government Constitution, cases of challenge to results of Student Government elections, and discipline cases involving charges of dishonesty in these elections. Procedures for hearing are set forth in the Tribunal By-Laws.~~

~~(c) Membership: During Spring Term, and at other times when vacancies arise, the Dean of Students shall call for applications for membership by placing an appropriate announcement in The Daily Beacon. Members or alternates selected must be juniors or above. The minimum overall grade point average required is 2.0 for undergraduates and law students and 3.0 for graduate students. Members and alternates will be selected by a screening committee composed of the Student Discipline Specialist, the Chairperson of the Tribunal, and the Director of Student Judicial Affairs, or their representatives. Because of the basic appellate name of this board, special consideration will be given to an applicant with a legal background or previous experience on a Student Disciplinary Board. No person may serve more than one academic year (not including summer school) unless he/she has been reappointed to the board by the screening committee (screening is not required for reappointment).~~

~~(6) Student Affairs Council. The Student Affairs Council is the hearing board for appeals from decisions of the Academic Review Boards and the Student Tribunal and for appeals filed by the Dean of Students. It is the final decision making board in the judicial system. A majority of the Student Affairs Council shall constitute a quorum for the conducting of all business.~~

~~The council is composed of the following members:~~

~~(a) The Vice-Provost for Student Affairs, who serves as chairperson;~~

~~(b) All the Deans of The University of Tennessee, Knoxville;~~

~~(c) Three (3) faculty members, associate professor or above, appointed by the Faculty Senate (the initial appointments shall be staggered in terms so that one new faculty member is appointed each year after the initial appointment); and~~

~~(d) Eight (8) student members (one of whom shall be a graduate student), appointed by the Student Government Association, for a period of one year. The council shall periodically review the status of student conduct and the judicial system and make appropriate recommendations.~~

~~(Rule 1720-4-3-.08, continued)~~

~~***Authority:*** *T.C.A. §49-9-209(e).* ***Administrative History:*** *Original rule filed May 27, 1986; effective August 12, 1986. Amendment filed March 22, 1990; effective June 26, 1990. Amendment filed October 31, 1990; effective January 29, 1991. Amendment filed August 31, 1995; effective December 30, 1995. Amendment filed November 17, 2000; effective March 30, 2001.~~

~~**1720-4-3-.09 PENALTIES.** The penalties which may be assessed and brief explanatory notes are as follows:~~

~~(1) Loss of Privilege. These penalties are intended to serve as reminders of operating regulations, and are for specific periods of time. Such penalties may include loss of scholarship, stipend, right to participate in certain extracurricular activities, use of facilities, etc.~~

~~(2) Disciplinary Reprimand. Disciplinary reprimands are used for minor infractions. A reprimand indicates that further violations will result in more severe disciplinary actions. Reprimands may be issued to a student orally or in written form.~~

~~(3) Disciplinary Probation. Disciplinary Probation means that a student is permitted to remain in the University on a probationary status. Conviction of a similar violation during probation will result in suspension. Other conditions of probation are specific to the individual case and may include loss of eligibility to serve as a student organization officer or to participate in specified student activities. The Dean of Students and/or the Director of the Office of Probation Services, who is charged with the responsibility of supervising those on probation, may also specify the terms of probation.~~

~~(4) Suspension for a Specific Period of Time. Suspension for a specific period of time is used in cases of serious misconduct or repeat offenders and means that the student is withdrawn from the University and is not eligible to apply for readmission for the designated period of time. Usually, the period of designated suspension does not exceed one year.~~

~~(5) Indefinite Suspension. I ndefinite suspension means that no specific date has been recommended by the board for readmission of the suspended student. This penalty is used when the prognosis of rehabilitation is uncertain and the board desires that some additional evidence of rehabilitation be presented by the student before he/she is readmitted to the University. Applications for readmission shall be considered by the Student Affairs Council.~~

~~(6) Permanent Dismissal. Permanent dismissal means that a student is permanently barred from matriculating as a student on the Knoxville campus. This penalty is used when the violation of one or more of the institution's Standards of Conduct is deemed so serious as to warrant total and permanent disassociation from the University community without the possibility of re-enrollment; or when, by his/her repeated violation of the institution's Standards of Conduct, a student exhibits blatant disregard for the health and safety of other members of the University community or the University's right to establish rules of conduct. In cases where a board desires to impose permanent dismissal or suspension, it may be so recommended to the Dean of Students. In the event a recommendation for permanent dismissal or suspension is not approved by the Dean of Students, he may substitute any less severe penalty; if probation is substituted, it may be for a greater period than the period specified for suspension. The Dean of Students shall notify the Student Discipline Specialist when a recommendation for permanent dismissal or suspension is not approved.~~

~~***Authority:*** *T.C.A.§49-9-209(e).* ***Administrative History:*** *Original rule filed May 27, 1986; effective August 12, 1986. Amendment filed March 22, 1990; effective June 26, 1990. Amendment filed October 31, 1990; effective January 29, 1991. Amendment filed August 31, 1995; effective December 30, 1995. Amendment filed November 17, 2000; effective March 30, 2001.~~

~~1720-4-3-.10 APPEAL AND SCOPE OF REVIEW.~~

~~(1)~~ ~~Appeal. The disciplinary action of any board may be appealed to the next higher board.~~

~~(a)~~ ~~In all cases the request for appeal must be submitted in writing to the Dean of Students within seven (7) calendar days of written notice of the board decision. If the seventh day falls on a weekend or holiday, the time is extended to the next regular workday.~~

~~(b)~~ ~~If written briefs are submitted or if required by the appellate board's bylaws, they must be submitted within the same time allowed for filing a request for appeal. Under normal circumstances appeals will be heard within fourteen (14) days after they have been filed.~~

~~(c)~~ ~~All appeals (except those to the Student Affairs Council, which may elect to hear the case de novo) must be taken upon the record made before the original board.~~

~~(d)~~ ~~Pending the outcome of an appeal, the penalty specified in the original decision shall not be imposed.~~

~~(2)~~ ~~Appellate Jurisdiction. The appellate jurisdiction of each judicial board is set forth as follows:~~

~~(a)~~ ~~Student Disciplinary Board. Decisions of the Interfraternity Council Judicial Board, involving individual discipline.~~

~~(b)~~ ~~Student Tribunal. Decisions of the Student Disciplinary Boards, the Panhellenic Judicial Board, and decisions of the Interfraternity Council Judicial Board in cases of alleged violation of the IFC rules, Constitution, or By-Laws or violations of University Standards of Conduct by a Fraternity. If a student appeals a professorial penalty for alleged academic dishonesty to an Academic Review Board, and the board supports the instructor, the student may make an appeal based on procedural due process to Student Tribunal.~~

~~(c)~~ ~~Student Affairs Council. Decisions of Student Tribunal, Decisions of Academic Review Boards, except a Board's decision to support the instructor in a student's appeal of a professorial penalty. Appeals by the Dean of Students of any board's decision.~~

~~(d)~~ ~~The decision of any board or administrative officer of The University of Tennessee is subject to review by the Provost and the President.~~

~~(3)~~ ~~Scope of Review. The appellate board will review the request for appeal together with any written briefs or other supporting documents to determine if the appeal presents a substantial question within the scope of review. The scope of review shall be limited to the following:~~

~~(a)~~ ~~Appropriateness of the Penalty. In cases appealing the appropriateness of the penalty, the appeal board shall uphold the penalty unless the penalty is shown to be "clearly unreasonable" (i.e., "that which has been clearly and fully proven to have no sound basis or justification in reason").~~

~~(b)~~ ~~New Evidence. In cases appealed on grounds of new evidence, the moving party must show that such evidence is material to the decision of the board on the issue of innocence or guilt, and that said evidence could not have been discovered by due diligency prior to the original hearing.~~

~~(c)~~ ~~Due Process. In cases appealed on the grounds of denial of due process, the moving party must show that the adjudicatory process of the initial hearing was not conducted in conformity with properly prescribed procedures. In this regard, the moving party must also show that the alleged discrepancy was materially adverse to the moving party's~~

(Rule 1720-4-3-.10, continued)

~~interest. Nothing contained in the foregoing shall be construed as limiting the right of the Dean of Students to request the Student Affairs Council to review the decision of any judicial board.~~

~~***Authority:*** *T.C.A. §49-9-209(e).* ***Administrative History:*** *Original rule filed May 27, 1986; effective August 12, 1986. Amendment filed March 22, 1990; effective June 26, 1990. Amendment filed October 31, 1990; effective January 29, 1991. Amendment filed August 31, 1995; effective December 30, 1995. Amendment filed November 17, 2000; effective March 30, 2001.*~~

~~**1720-4-3-.11 HONOR STATEMENT.**~~

~~(1) An essential feature of The University of Tennessee, Knoxville is a commitment to maintaining an atmosphere of intellectual integrity and academic honesty. As a student of the University, I pledge that I will neither knowingly give nor receive any inappropriate assistance in academic work, thus affirming my own personal commitment to honor and integrity.~~

~~(2) A thorough understanding of the Honor Statement is essential to the success of the honor system. To facilitate implementation of the statement, the following avenues will be utilized:~~

~~(3) Implementation~~

~~(a) The Honor Statement, with its attendant pledge, will appear on applications for admission (undergraduate and graduate); and applicants to the University will be required to acknowledge their affirmation by signing the document in a designated location.~~

~~(b) Information regarding the Honor Statement will be included in the catalogs (undergraduate and graduate), Hilltopics: The Student Handbook, and in a brochure specifically addressing the Honor Statement at UT.~~

~~(c) The Honor Statement will be discussed during freshman, transfer, graduate student, and international student orientation programs.~~

~~(d) A thorough discussion of the Honor Statement in freshmen English is encouraged.~~

~~(e) Implementation methods and alternatives will be discussed during faculty orientation programs.~~

~~(4) Responsibilities~~

~~(a) All groups within the University community have responsibilities associated with the Honor Statement. These responsibilities are unique to each sector of the university community.~~

~~(b) Each student is responsible for his/her own personal integrity in academic life. While there is no affirmative duty to report the academic dishonesty of another, each student, given the dictates of his/her own conscience, may choose to act on any violation of the Honor Statement. Each student is responsible for knowing the terms and conditions of the Honor Statement and may acknowledge his/her adherence to the Honor Statement by writing "Pledged" and signing each graded class assignment and examination.~~

~~(c) Students shall not plagiarize. Plagiarism is using the intellectual property or product of someone else without giving proper credit. The undocumented use of someone else's words or ideas in any medium of communication (unless such information is recognized as common knowledge) is a serious offense, subject to disciplinary action that may include failure in a course and/or dismissal from the university.~~

~~(Rule 1720-4-3-.11, continued)~~

~~(d)~~ ~~Specific examples of plagiarism are:~~

~~1.~~ ~~Using without proper documentation (quotation marks and a citation) written or spoken words, phrases, or sentences from any source;~~

~~2.~~ ~~Summarizing without proper documentation (usually a citation) ideas from another source (unless such information is recognized as common knowledge);~~

~~3.~~ ~~Borrowing facts, statistics, graphs, pictorial representations, or phrases without acknowledging the source (unless such information is recognized as common knowledge);~~

~~4.~~ ~~Collaborating on a graded assignment without the instructor's approval;~~

~~5.~~ ~~Submitting work, either in whole or in part, created by a professional service and used without attribution (e.g., paper, speech, bibliography, or photograph).~~

~~***Authority:*** *Public Acts of Tennessee, 1839-1840, chapter 98, Section 5 and Public Acts of Tennessee, 1807, chapter 64.* ***Administrative History:*** *Original rule filed January 13, 1999; effective May 31, 1999.*~~

~~**1720-4-3-.12 STUDENT ACADEMIC CONDUCT.**~~

~~(1)~~ ~~Academic integrity is a responsibility of all members of the academic community. In a university as large and complex as The University of Tennessee, a system to monitor, supervise, and guarantee the essentials of academic integrity is necessary. To implement such a system an Academic Review Board has been created for each of the following academic units:~~

~~(a)~~ ~~Graduate School~~

~~(b)~~ ~~College of Agriculture~~

~~(c)~~ ~~School of Architecture~~

~~(d)~~ ~~College of Business Administration~~

~~(e)~~ ~~College of Communications~~

~~(f)~~ ~~College of Education~~

~~(g)~~ ~~College of Engineering~~

~~(h)~~ ~~College of Human Ecology~~

~~(i)~~ ~~College of Law~~

~~(j)~~ ~~College of Liberal Arts (includes Social Work and Air and Army ROTC)~~

~~(k)~~ ~~College of Nursing.~~

~~(l)~~ ~~College of Veterinary Medicine~~

~~(m)~~ ~~College of Social Work.~~

~~(Rule 1720-4-3-.12, continued)~~

~~(2)~~ ~~Academic Review Boards.~~

~~(a)~~ ~~Jurisdiction. A case of alleged academic dishonesty or a student's appeal of a professorial penalty shall be assigned to the Academic Review Board of the academic unit in which the instructor involved is a member. Each board shall have jurisdiction in the following areas:~~

~~1.~~ ~~Academic Dishonesty. To hear charges of alleged violation of Standard of Conduct 1., "academic cheating or plagiarism." (Academic units may adopt additional standards of academic conduct with the approval of the unit head and faculty). Jurisdiction may include cases of academic dishonesty which involve violations of other Standards of Conduct, but such cases shall initially be referred to the Dean of Students Office for determination of appropriate jurisdiction.~~

~~2.~~ ~~Student Appeal. To hear appeals by students against whom a penalty has been assessed by an instructor for alleged academic misconduct.~~

~~3.~~ ~~Review and Recommendation. At least annually, representatives of the Academic Review Boards shall meet and review the status of academic integrity on The University of Tennessee, Knoxville campus. The results of the review together with any recommendations shall be forwarded to the Student Affairs Council and Faculty Senate for appropriate action.~~

~~(b)~~ ~~Membership. The Academic Review Board of each academic unit shall consist of three faculty members and three students selected from the unit's membership by the administrative head of that academic unit. Alternative methods of selection of the three faculty members and the three students may be adopted by an individual academic unit with the approval of the administrative head of that unit. Also, under extenuating circumstances, an academic unit may recommend for approval by the Student Affairs Council, a board composition which differs from that prescribed above.~~

~~1.~~ ~~A quorum shall consist of six members. The academic unit shall make provision for alternates to insure the availability of a quorum.~~

~~2.~~ ~~Chairperson. In order to establish continuity among the various review boards and to insure the maintenance of procedural due process, a member of the Dean of Students staff shall serve as the non-voting chairperson of each of the Academic Review Boards. His/her responsibilities shall include the scheduling of meetings, notification of parties and witnesses, and reporting regularly to the Student Affairs Council, the activities of the Academic Review Boards.~~

~~(c)~~ ~~Decisions. All decisions shall be by a two-thirds vote.~~

~~(3)~~ ~~Instructor's Responsibilities:~~

~~(a)~~ ~~Academic Dishonesty. Student classroom conduct, including academic dishonesty, is the immediate responsibility of the instructor. He/she has full authority to suspend a student from his/her class, to assign an "F" in an exercise or examination, or to assign an "F" in the course. In addition to or prior to establishing a penalty, the instructor may refer the case to an Academic Review Board by notifying the administrative head of his/her academic unit and the Dean of Students, which shall prepare and present the case to the appropriate Academic Review Board. In all cases involving suspension of a student from his/her class, the student must be provided a hearing, as hereinafter described, prior to the effective date of such suspension.~~

~~(b)~~ ~~Notification. An instructor shall notify, in writing, countersigned by the department head, any student to whom a penalty is assigned, pointing out to the student the penalty and the route of appeal. Copies shall go to the Dean of Students, the administrative head of the instructor's academic unit, and where different, the head of the academic unit in which the student is enrolled.~~

~~(4)~~ ~~Appeal of Professorial Penalty.~~

~~(a)~~ ~~Initial Discussions. Initially, a student shall discuss the penalty with the instructor involved and, if necessary, the department head. (When no Department exist within the academic unit, the administrative head may appoint an individual to fulfill this responsibility). If the student is unable to resolve the penalty with the instructor and department head, he/she may appeal said penalty to the Academic Review Board by notifying the Dean of Students within seven calendar days of receipt of written notice of the penalty from the instructor.~~

~~(b)~~ ~~Student Appeal Statement. An appeal by a student to an Academic Review Board must be in writing. It is the responsibility of the student to make a complete and thorough case for the appeal to the board. This is particularly important because of the procedure which allows the Academic Review Board to make a determination based on documentary evidence without providing the student an opportunity to make an oral presentation. The appeal statement should contain the following information:~~

~~1.~~ ~~Name the person your appeal is against, what class (if any) is involved, and when and where the problem took place.~~

~~2.~~ ~~What is your complaint? In what way were you aggrieved, harmed, injured or denied your rights? (Example: unjust allegation of academic dishonesty).~~

~~3.~~ ~~Give specifics of the problem. A mere statement like, "I did not cheat, misuse material, etc. " is not sufficient. State why you feel the penalty is improper or unfair.~~

~~4.~~ ~~Verification: What papers, exams, reports, etc., exist which verify your statements? Is there anyone (another student, advisor, etc.) who can verify the facts?~~

~~5.~~ ~~History: What have you done to solve the problem? Have you talked to the person with whom you have the problem? Who else have you talked to or attempted to talk to? When?~~

~~6.~~ ~~Remedy: What solution do you want to your appeal?~~

~~7.~~ ~~Identification: Give your name, address, telephone number, and student identification number. Sign the appeal statement.~~

~~(c)~~ ~~Hearing.~~

~~1.~~ ~~Procedure. The procedure for this type of hearing shall be established by the Academic Review Board with the approval of the Student Affairs Council. The procedure adopted shall provide necessary safeguards to insure that fundamental fairness is extended both to the student and the instructor involved. The hearing procedure shall also provide for a two step process as follows:~~

~~(Rule 1720-4-3-.12, continued)~~

~~(i) Step One. The Academic Review Board shall review all written documentation and, if necessary, conduct a preliminary investigation to determine if a full evidentiary hearing by the board is necessary.~~

~~(ii) Step Two. If a formal hearing is approved by the Academic Review Board, the procedure for that hearing shall include the right to counsel, the right to cross examination, the right to a closed hearing, the right to challenge members of the board for cause, and right to receive a written decision of the board.~~

~~2. Decision and Right of Appeal.~~

~~(i) Supporting Penalty. If the board supports the determination made by the instructor, the case is terminated. However, an appeal based upon procedural due process may be made to the Student Tribunal in accordance with its prescribed procedure.~~

~~(ii) Not Supporting Penalty. If the board makes findings and recommendations at variance with the determination of the instructor, these recommendations shall be forwarded to the instructor, and to the administrative head of the academic unit.~~

~~(I) Instructor Accepts Recommendation. If the instructor accepts the recommendations of the board, the case is terminated.~~

~~(II) Instructor Does Not Accept Recommendation. If the instructor elects not to follow the recommendation of the Academic Review Board, the student may appeal the penalty to the Student Affairs Council by notifying the Office of the Dean of Students.~~

~~I. Student Affairs Council. If the Student Affairs Council supports the determination of the instructor, the case is terminated.~~

~~II. Provost. Any other recommendations of the Student Affairs Council will be forwarded to the Provost for final adjudication (when a case involves a graduate student, it shall be forwarded to the Dean of the Graduate School and the Provost for final adjudication).~~

~~III. The results of the appeal shall be forwarded by the Dean of Students to the administrative head of all academic units involved.~~

~~(5) Academic Dishonesty Cases.~~

~~(a) Procedure. The procedure for adjudication of alleged acts of academic dishonesty by the Academic Review Board shall be in accordance with the rules governing other violations of University Standards of Conduct.~~

~~(b) Appeal. An appeal of a decision of the Academic Review Board concerning alleged academic dishonesty is to the Student Affairs Council and shall be conducted in accordance with the appeal procedure specified in Hilltopics, XVI. The right of the~~

~~(Rule 1720-4-3-.12, continued)~~

~~University to appeal any decision of an Academic Review Board regarding alleged violations of academic dishonesty may be exercised by the head of the academic unit involved by notifying the Office of the Dean of Students.~~

~~(6) The decision of any board or administrative officer of The University of Tennessee is subject to review by the Provost and the President.~~

~~***Authority:*** *T.C.A. §49-9-209(e).* ***Administrative History:*** *Original rule filed May 27, 1986; effective August 12, 1986. Amendment filed March 22, 1990; effective June 26, 1990. Amendment filed October 31, 1990; effective January 29, 1991. Amendment filed August 31, 1995; effective December 30, 1995. Amendment to Renumber rule from 1720-4-3-.11 filed January 13, 1999; effective May 31, 1999. Amendment filed November 17, 2000; effective March 30, 2001.*~~

~~**1720-4-3-.13 EMERGENCY POWERS.** When, in the judgment of the Student Affairs Council of The University of Tennessee, conditions are such that it is impractical for the Student Disciplinary Boards to function, the Vice Provost for Student Affairs may suspend these procedural regulations and appoint an ad hoc committee to hear disciplinary matters. Any such ad hoc committee shall follow procedures that will insure the protection of the rights of the students involved, as stated herein. Any decisions by the ad hoc committee may be appealed to the Student Affairs Council.~~

~~***Authority:*** *T.C.A.§49-9-209(e).* ***Administrative History:*** *Original rule filed May 27, 1986; effective August 12, 1986. Amendment filed March 22, 1990; effective June 26, 1990. Amendment filed August 31, 1995; effective December 30, 1995. Amendment to Renumber rule from 1720-4-3-.12 filed January 13, 1999; effective May 31, 1999 Amendment filed November 17, 2000; effective March 30, 2001.*~~

~~**1720-4-3-.14 TRAINING AND ADVISING.**~~

~~(1) Judicial Advisory Board. The Judicial Advisory Board has a primary responsibility to observe and work with all judicial bodies in consultation, training, investigation, and evaluation. The Board shall consist of the chairperson or chairperson's designated representative of the following boards: Student Tribunal, each Student Disciplinary Board, Interfraternity Council Judicial Board and the Panhellenic Judicial Board.~~

~~(a) The Judicial Advisory Board shall meet at the call of the Student Discipline Specialist to discuss observations, make appropriate recommendations, and receive suggestions for consideration from the Dean of Students.~~

~~(b) At the beginning of each term, the respective boards shall designate their representative for that term.~~

~~(2) Training Seminars. Annually, and at such other times as is necessary, seminars on judicial and disciplinary procedures shall be conducted by the Office of the Dean of Students. All individuals serving on University judicial boards must attend these training seminars. A waiver of this regulation may be issued by the Dean of Students only for "good cause." Training seminars should commence as soon as possible following selection of new judicial board members. In addition to the Dean of Students, the Student Tribunal, the Judicial Advisory Board, the Student Discipline Specialist, and Residence Hall staff personnel will be involved in the annual seminar and in a continuing training program.~~

~~***Authority:*** *Public Acts of Tennessee, 1839-1840, chapter 98, Section 5 and Public Acts of Tennessee, 1807, chapter 64.* ***Administrative History:*** *Original rule filed May 27, 1986; effective August 12, 1986. Amendment filed March 22, 1990; effective June 26, 1990. Amendment filed August 31, 1995; effective December 30, 1995. Amendment to Renumber rule from 1720-4-3-.13 filed January 13, 1999; effective May 31, 1999.*~~

~~**1720-4-3-.15 TERMINATION OF STUDENT EMPLOYEES.**~~

~~(1) General:~~

~~(a) The provisions of this policy statement apply to all student employees except those on college workstudy (see policy statement on termination of financial assistance.)~~

~~(b) The purpose of this statement is to provide procedures for the termination of student employees.~~

~~(2) Definitions:~~

~~(a) Student Employee. An employee who is classified as a "student employee" by the payroll section of the Office of the Treasurer, University of Tennessee.~~

~~(b) Contract Employee. A student employee who has a written contract with the University providing employment for a specified period of time.~~

~~(c) Non-Contract Employees. All students not employed for a specified period of time, their employment being terminable at the will of either party irrespective of the quality of the performance of the other party.~~

~~(d) Gross Misconduct. Theft or dishonesty, gross insubordination, destruction of University property, falsification of records, acts of moral turpitude, reporting to duty under the influence of intoxicants, using or selling illicit drugs on University premises, disorderly conduct, provoking a fight, and such other similar acts involving intolerable behavior by the employee.~~

~~(e) Grounds for Termination of Contract Employees. Contract employees may be terminated during the term of their employment for gross misconduct or inadequate job performance.~~

~~(3) Notice:~~

~~(a) Non-Contract Employees. Whenever, in the opinion of the supervisor, a non-contract employee should be terminated, he/she shall be notified in writing setting forth the date of termination. If the reason for termination involves gross misconduct, the supervisor will, prior to termination, consult with the Vice Provost having administrative responsibility for the employee.~~

~~(b) Contract Employees. Whenever a supervisor is of the opinion that a contract employee should be terminated, he/she shall notify the appropriate Vice Provost. The Vice Provost shall notify the employee in writing of the reasons for his/her immediate termination or suspension, as appropriate, and of his/her right to request a hearing in accordance with the Administrative Procedures Act (T.C.A. § 4-507, *et seq.*) or as hereinafter provided.~~

~~(4) Request for a Hearing:~~

~~(a) Contract Employee. The request of the employee together with his/her election of an Administrative Procedures Act hearing or one under this policy statement shall be forwarded in writing within five working days to the Vice Provost having administrative responsibility for the employee.~~

~~1. If the employee elects a hearing under the provisions of the Administrative Procedures Act, the Vice Provost shall forward the file to the Provost for the appointment of a hearing officer.~~

~~(Rule 1720-4-3-.15, continued)~~

~~2. If the employee elects a hearing under this policy statement, the Vice Provost shall immediately thereafter establish a three member hearing committee.~~

~~(b) Non-Contract Employees. Non-contract employees may appeal their termination through the appropriate Dean/Director and Vice Provost to the Provost. No right to a hearing accompanies this right of appeal.~~

~~(5) Responsibility of the Hearing Committee: It shall be the responsibility of the hearing committee to:~~

~~(a) Conduct a hearing within ten working days of the employee's request for said hearing;~~

~~(b) Make findings of fact and recommendations to the appropriate Vice Provost;~~

~~(c) Notify the employee within five working days after the hearing of the committee's findings and recommendations;~~

~~(d) Prepare and forward as soon as it is practicable a written report of the hearing to the appropriate Vice Provost.~~

~~(6) Hearing Procedures: Employees who are entitled to a hearing as provided above are entitled to the following procedural rights:~~

~~(a) A written account of the alleged misconduct or grounds for inadequate work performance;~~

~~(b) Reasonable notice of the time and place of the requested hearing;~~

~~(c) The assistance of a representative of his/her choice; if the employee requesting a hearing desires to be represented by an attorney, the appropriate Vice Provost must be notified by the employee at least three days prior to the scheduled hearing;~~

~~(d) To present all pertinent evidence including witnesses;~~

~~(e) To confront and cross-examine all adverse witnesses.~~

~~(7) Decision and Appeal:~~

~~(a) Hearing Committee. The appropriate Vice Provost shall within five working days after receipt of findings and recommendations of the hearing committee notify the employee in writing of his/her decision and of the employee's right to appeal as provided by Article 5, Section 7 of the University By-Laws:~~

~~Officers, faculty and staff members, students, employees, alumni and all others who feel that they may have a grievance against the University shall have the right of appeal through the Provost to the President.~~

~~An employee's appeal must be submitted in writing to the Provost within ten working days after receipt of the decision.~~

~~(b) Administrative Procedures Act. The decision of the Provost is final in all cases heard under the contested case provision of the Administrative Procedures Act. Further appeal shall be in accordance with the provisions of that act.~~

~~(Rule 1720-4-3-.15, continued)~~

~~***Authority:*** *T.C.A.§49-9-209(e).* ***Administrative History:*** *Original rule filed May 27, 1986; effective August 12, 1986. Amendment filed August 31, 1995; effective December 31,1995. Amendment to Renumber rule from 1720-4-3-.14 filed January 13, 1999; effective May 31, 1999. Amendment filed November 17, 2000; effective March 30, 2001.*~~

~~**1720-4-3-.16 TERMINATION OF FINANCIAL ASSISTANCE.**~~

~~(1) General:~~

~~(a) Coverage: The provisions of this policy apply to student financial assistance except graduate assistantships and fellowships.~~

~~(b) Purpose: The purpose this policy is to provide procedures for the termination of financial assistance.~~

~~(2) Definitions:~~

~~(a) Athletic Grant-in-aid: A contract for financial assistance which has been approved by the Advisory Committee on Student Financial Aid and awarded in accordance with the provisions of the Constitution and By-Laws of the Southeastern Conference and the National Collegiate Athletic Association.~~

~~(b) Financial Aid: Assistance awarded to a student in one of the following categories: college workstudy, scholarships (including graduate), loans, and grants.~~

~~(3) Notice:~~

~~(a) Athletic Grant-in-Aid.~~

~~1. Whenever the Athletic Department proposes that the financial assistance be terminated within the contract period, the student shall be notified in writing by the Director of Financial Aid of the proposed termination. The notice shall contain the reasons for termination, the student's right to a hearing in accordance with the contested case provision of the Administrative Procedures Act or in accordance with the provisions hereinafter provided.~~

~~2. Whenever athletic financial aid is not to be renewed at the end of the contract period, the student shall be notified of his/her right to a hearing, in accordance with the requirements of the Constitution of the National Collegiate Athletic Association, before the Financial Aid Hearing Committee.~~

~~(b) Financial Aid. Whenever financial aid is to be modified or terminated, the student shall be notified of the reasons for the proposed modification or termination and of the right to appeal by contacting the Director of Financial Aid. If the Director of Financial Aid is unable to amiably resolve the student's appeal, it shall proceed as follows:~~

~~1. If the appeal concerns interpretation of policy, the student shall be afforded the right of further appeal through the Dean of Admissions and Records and the Vice Provost for Academic Affairs to the Provost.~~

~~2. If the appeal concerns a disputed question of fact, the student shall be advised of the right to a hearing before the Financial Aid Hearing Committee or in accordance with the Administrative Procedures Act.~~

~~(4) Request for a Hearing: The request for a hearing together with his/her election of an Administrative Procedures hearing or one under this policy shall be made in writing to the~~

~~(Rule 1720-4-3-.16, continued)~~

~~Director of Financial Aid within five (5) calendar days of receipt of the notice of proposed termination.~~

~~(a) If the student elects a hearing under the provision of the Administrative Procedures Act, the Director of Financial Aid shall forward the file to the Provost for the appointment of a hearing officer.~~

~~(b) If the student elects a hearing under this policy statement, the Director of Financial Aid shall immediately forward the request for a hearing together with a copy of the complete file to the Chairperson of the Advisory Committee on Student Financial Aid.~~

~~(5) Hearing Committee. At the beginning of each semester, the Chairperson of the advisory committee on Student Financial Aid shall appoint a hearing subcommittee of not less than three (3) persons who shall be charged with the responsibility of hearing all appeals during that semester.~~

~~(6) Responsibility of the Hearing Committee: It shall be the responsibility of the hearing committee to:~~

~~(a) Conduct a hearing within ten working days of the student's request for said hearing. When the University is not in session, the hearing shall be held as soon as reasonably possible.~~

~~(b) Make findings of fact and a determination as to the termination of financial aid.~~

~~(c) Notify the student as soon as possible of the committee's decision.~~

~~(d) Notify the student of his/her right to appeal, as indicated below.~~

~~(7) Hearing Procedures: Students who are entitled to a hearing as above provided are entitled to the following procedural rights:~~

~~(a) A written notice of the alleged grounds for termination of financial assistance.~~

~~(b) To reasonable notice of the time and place of the requested hearing.~~

~~(c) The assistance of a representative of his/her choice. If the student requesting a hearing desires to be represented by an attorney, the University must be notified by the student at least three days prior to the scheduled hearing.~~

~~(e) To confront and cross-examine all adverse witnesses.~~

~~(8) Appeal:~~

~~(a) Hearing Committee Decision. The student may appeal the decision of the hearing committee in accordance with Article V, Section 7 of the University By-Laws:~~

~~1. Officers, faculty and staff members, students, employees, alumni and all others who feel that they may have a grievance against the University shall have the right of appeal through the Provost to the President.~~

~~2. An appeal must be submitted in writing to the Provost within five (5) working days.~~

~~(Rule 1720-4-3-.16, continued)~~

~~(b) Administrative Procedures Act. The decision of the Provost is final in all cases heard under the contested case provision of the Administrative Procedures Act. Further appeal shall be in accordance with the provisions of that act.~~

~~***Authority:*** *T.C.A. §49-9-209(e).* ***Administrative History:*** *Original rule filed May 27, 1986; effective August 12, 1986. Amendment filed March 22, 1990; effective June 26, 1990. Repeal filed October 31, 1990; effective January 29, 1991. Amendment filed August 31, 1995; effective December 30, 1995. Amendment to Renumber rule from 1720-4-3-.15 filed January 13, 1999; effective May 31, 1999. Amendment filed November 17, 2000; effective March 30, 2001.~~

~~1720-4-3-.17 WITHDRAWAL OR TEMPORARY SUSPENSION DUE TO MENTAL OR PHYSICAL PROBLEMS.~~

~~(1) When a student is unable to effectively pursue his/her academic work, or when his/her behavior is disruptive to the normal educational processes of the University, or constitutes a threat to members of the University community, due to alcoholism, drug addiction, mental instability or other physical or psychologically incapacitating illness or condition, he/she may be withdrawn or temporarily suspended from the University as hereinafter provided.~~

~~(a) Withdrawal. A student may be withdrawn from the University only after an evaluation of his/her mental and physical condition by a panel of at least three persons appointed by the Vice Provost for Student Affairs. The student shall be notified of the reasons for the evaluation and given an opportunity to present evidence to the committee. The committee's findings and recommendations shall be forwarded to the Vice Provost, who will notify the student in writing of his/her decision. A student withdrawn under this procedure shall not be readmitted to the University without the approval of the Vice Provost.~~

~~(b) Temporary Suspension. Whenever a student, because of his/her mental or physical condition constitutes a danger to persons or property, or when his/her behavior is disruptive to the normal educational processes of the University, he/she may be suspended from the University, for a reasonable period of time, by the Vice Provost for Student Affairs or the Dean of Students. If the University does not withdraw the student in accordance with procedures outlined above, he/she may return to the University at the end of the suspension period.~~

~~(c) Grades. When a student is withdrawn or temporarily suspended from the University, he/she may be assigned a grade of "W" or "I" whichever is deemed appropriate by the faculty member involved.~~

~~***Authority:*** *T.C.A.§49-9-209(e).* ***Administrative History:*** *Original rule filed May 27, 1986; effective August 12, 1986. Amendment filed August 31, 1995; effective December 30, 1995. Amendment to Renumber rule from 1720-4-3-.16 filed January 13, 1999; effective May 31, 1999. Amendment filed November 17, 2000; effective March 30, 2001.~~