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Sequence Number: 01-04-16
Rule ID(s): 6100
File Date: 1/6/16
Effective Date: 4/5/16

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to Tenn. Code Ann. §§ 4-5-202, 4-5-207, and 4-5-229 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 ninety (90) days of 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.

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	University of Tennessee
Division:	
Contact Person:	Matthew Scoggins, Deputy General Counsel
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Revision Type (check all that apply):

- Amendment
- New
- Repeal

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

Chapter Number	Chapter Title
1720-03-01	The Honor System
Rule Number	Rule Title
1720-03-01-.01	Preamble and Purpose
1720-03-01-.02	The Honor Code
1720-03-01-.03	The Honor Code Pledge
1720-03-01-.04	Administration of the Honor System
1720-03-01-.05	Honor Code Violation Penalties
1720-03-01-.06	Appeals
1720-03-01-.07	College Honor Councils

The University of Tennessee (Health Science Center)
Chapter 1720-03-01
Honor Code/The Honor System
Repealed/New Rule

Chapter 1720-03-01 Honor Code is repealed in its entirety and substituted with the following title and language, so that the new rule shall read:

The Honor System
1720-03-01

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1720-03-01-.04	Administration of the Honor System		

1720-03-01-.01 Preamble and Purpose.

- (1) The University of Tennessee Health Science Center ("UTHSC") expects and requires all students to exemplify personal integrity and responsibility in the classroom, laboratory, clinics, and other academic endeavors. UTHSC also expects and requires UTHSC students to interact with patients, colleagues, and other members of the university community in a professional and ethical manner. These expectations and requirements provide the foundation for the UTHSC Honor System ("Honor System").
- (2) The Honor System is composed of the following:
 - (a) The Honor Code, Chapter 1720-03-01-.02, which sets forth expected behaviors in the classroom, laboratories and clinical settings;
 - (b) The Honor Code Pledge, Chapter 1720-03-01-.03, which all students sign as a condition of enrollment;
 - (c) Rules relating to the administration of the Honor System, Chapter 1720-03-01-.04;
 - (d) Rules relating to penalties associated with violations of the Honor Code, Chapter 1720-03-01-.05;
 - (e) A process for appealing a finding of a violation of the Honor Code, Chapter 1720-03-01-.06; and
 - (f) The composition and functioning of the College Honor Councils, Chapter 1720-03-01-.07.

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.

1720-03-01-.02 The Honor Code.

- (1) UTHSC students must exhibit personal integrity and responsibility and conduct themselves in a professional and ethical manner with respect to:
 - (a) The classroom, including without limitation:
 1. Tests and examinations;

2. Oral, written, and practical reports and assignments in a student's academic or research program;
 3. The use of electronic technology; and
 4. Classroom requirements set by UTHSC, a college within UTHSC ("College"), or a UTHSC faculty member.
- (b) Laboratory work, including without limitation:
1. Completing individual and group assignments;
 2. Reporting laboratory results;
 3. Acknowledging contributions from other individuals and sources; and
 4. Laboratory requirements set by UTHSC, a College, or a faculty member.
- (c) Clinical work, including without limitation:
1. Attendance and participation in clinical teams;
 2. Use of patient records;
 3. Timely completion of reports;
 4. Patient care; and
 5. Clinical work requirements set by UTHSC, a College, or a faculty member.
- (2) Section .02(1) shall be referred to as the "Honor Code."
- (3) Violations of the Honor Code include, without limitation:
- (a) Using, receiving, or providing unauthorized assistance or possessing unauthorized information or materials: during tests, examinations, academic assignments, or scholarship; in the preparation of oral, written, or practical reports; or in clinical or laboratory work in the student's academic or research program.
 - (b) Recording or reporting fraudulent data relating to patient care, willfully neglecting clinical responsibilities, or otherwise compromising patient treatment through a lack of professional integrity.
 - (c) Plagiarizing (presenting another person's ideas, words, projects, creations, or work as the student's own).
 - (d) Falsifying, fabricating, or misrepresenting data, laboratory results, research results, citations, or other information in connection with academic assignments or clinical, field, or laboratory records.
 - (e) Substituting for another student or have another student substituting for oneself to take an exam or perform an academic, laboratory, clinical, or field assignment.
 - (f) Collaborating with others in assigned out-of-class activities, laboratory work, field work, scholarship, or other academic assignment when the instructions require individual effort.

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- (g) Altering grades, answers, marks, or documents in an effort to change academic records, the earned grade, or credit.
- (h) Submitting without authorization the same assignment for credit in more than one course.
- (i) Forging a signature or allowing forgery on any class- or university-related document, such as a class roll or drop/add sheet. Such forgeries could involve false identification by electronic, paper, or other means.
- (j) Failing to follow a faculty member's instructions about the integrity of an exam or academic assignment.
- (k) 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.
- (l) Maliciously and falsely accusing another student of violating the Honor Code.
- (m) Assisting another student in violating the Honor Code.
- (n) Failing to report to UTHSC in a timely manner one's reasonable belief that another person has violated the Honor Code.
- (o) Discussing or revealing confidential information or materials relating to allegations, investigations, charges, or hearings of a College Honor Council or the University Honor Court.
- (p) Engaging in unauthorized or inappropriate distribution or use of course materials (e.g., podcasts/lecture recordings), including without limitation:
 - 1. Sharing materials with individuals not enrolled in the UTHSC course;
 - 2. Posting lectures or portions of lectures to external sites;
 - 3. Creating clips for online video repositories; and
 - 4. Posting recordings of patient encounters in simulated or actual clinical settings.
- (q) Engaging in other similar acts of academic dishonesty.

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.

1720-03-01-.03 The Honor Code Pledge.

- (1) All UTHSC students must sign the following pledge ("Honor Code Pledge") within two (2) weeks of the start of classes:

I have read carefully the provisions of the Honor Code of the University of Tennessee Health Science Center and fully understand its meaning and significance, and I agree to abide by the Honor Code while a student enrolled at this institution and agree to accept all of its implications without reservation.

- (2) A student's signature under Section .03(1) indicates the student's pledge of personal integrity and responsibility and professional and ethical conduct and obligates the student to comply with the UTHSC Honor Code and the UTHSC Honor System.

Authority: T.C.A. § 49-9-209(e) and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public SS-7038 (November 2014)

Acts of Tennessee, 1807, Chapter 64.

1720-03-01-.04 Administration of the Honor System.

- (1) Responsibility and Procedures for Reporting Violations.
 - (a) UTHSC students, faculty, staff, and/or test administrators must timely report a reasonable belief that a student has violated the Honor Code, in accordance with the procedures outlined in Section .04(1)(b)(2).
 - (b) The procedures for reporting a violation of the Honor Code are as follows:
 1. Informal Notification. Faculty, staff, students, and/or test administrators who become aware of suspicious behavior but are uncertain whether the behavior violates the Honor Code may informally report the behavior to a College Honor Council member. The Honor Council member must notify the Honor Council president and then advise the suspected student that such actions are suspicious and, if continued, may lead to a formal complaint.
 2. Formal Complaints. Faculty, staff, students, and/or test administrators who reasonably believe that a student has violated the Honor Code must file a formal complaint against the student. A formal complaint is written and signed by the person alleging that a student has violated the Honor Code. A formal complaint is presented to a member of the appropriate College Honor Council. A formal complaint by one individual is sufficient to initiate an investigation against a student. Signed complaints shall be forwarded to the College Honor Council president and shall not be discussed with other students.
 - (c) The president or faculty advisor of the College Honor Council must immediately report any alleged violation of the Honor Code (under Section .01(b)(2)) to the faculty member/clinical supervisor/researcher at the site where the alleged violation occurred (assuming that the allegation was not initiated by this individual).
- (2) Responsibilities for Administering the Honor System.
 - (a) UTHSC offices relating to student affairs are responsible for providing guidance to students regarding Honor System procedures.
 - (b) A representative of each College will discuss the Honor System with entering students during orientation and ensure that they sign the Honor Code Pledge. The signed pledge will be sent to the Registrar's office and becomes a part of the student's official UTHSC file.
 - (c) Colleges are responsible for informing students of an appropriate style manual for citations.
 - (d) Each College has an Honor Council composed of current students that functions as a body for hearing cases of alleged violations of the Honor Code. UTHSC also has a University Honor Court composed of College Honor Council members. The University Honor Court also serves as a hearing body for Honor Code violation cases.
 - (e) Faculty advisors to College Honor Councils provide guidance to College Honor Council members regarding rules, procedures, and the appropriate methods of administering the Honor System.
 - (f) The Office of Vice Chancellor for Academic, Faculty and Student Affairs ("VCAFSA") provides guidance and orientation to College Honor Council members, faculty advisors,

and other students.

- (g) Any proposed change to the Honor System shall be presented in writing to the president of each College's Honor Council. A majority vote of each College Honor Council and the College Honor Council presidents must approve changes before they are submitted to the Student Government Association Executive Committee, the UTHSC Chancellor, and the University of Tennessee Board of Trustees for approval.
 - (h) Changes to a College Honor Council's procedures shall be presented in writing to the College's Honor Council president and must be approved by a majority vote of the College's Honor Council. Upon approval and concurrence by the Dean of the College, the change shall be submitted to the Chancellor for approval.
- (3) Procedures for Handling Alleged Violations of the Honor Code.
- (a) Upon receipt of a formal complaint, the president of the College Honor Council appoints a College Honor Council member to investigate and determine the facts of the alleged violation(s). The student investigator shall make an oral or written recommendation to the College Honor Council president concerning whether the president should issue a notice accusing a student of violating the Honor Code ("Notice of Charge"). A seven (7) university business day investigation period is recommended but is not mandatory.
 - (b) If the student investigator determines that a preponderance of the evidence does not support a finding that a violation of the Honor Code occurred, then the student investigator will recommend that the president dismiss the formal complaint. The president will review the student investigator's factual findings and assess the appropriateness of this recommendation. If the president agrees that a preponderance of the evidence does not support a finding that a violation of the Honor Code occurred, then the president will dismiss the formal complaint.
 - (c) If the student investigator concludes that a preponderance of the evidence supports the allegation, then the student investigator will recommend the president issue a Notice of Charge. The president will review the investigator's factual findings and determine whether to accept the recommendation. If the president concludes that a preponderance of the evidence supports the allegation that the student committed a Honor Code violation, then the president shall send the accused student a Notice of Charge in accordance with Section .04(4). The president shall also send a copy of the Notice of Charge to the VCAFSA.
 - (d) The identity of the person(s) who reported the allegation is confidential throughout the student investigator's investigation. If a Notice of Charge is issued, then the accused student will be notified of the name(s) of the accuser(s) upon request to the president of the College Honor Council.
- (4) Notice to the Accused Student and the Response from the Accused Student.
- (a) A student charged with violating the Honor Code shall be given a Notice of Charge(s) that states the following:
 - 1. Factual basis of the charge(s);
 - 2. The penalties that could be recommended to the Dean of the student's College;
 - 3. The student's right to a hearing if the student contests the charge(s) and/or proposed penalties;
 - 4. The name and address of the person to whom a request for a hearing should be

directed;

5. A statement indicating that a request for a hearing must be made within seven (7) university business days of the date that the Notice of Charge was sent; and
 6. A statement indicating the right to consult with a faculty advisor recommended by the College.
- (b) The accused student must respond to the Notice of Charge in writing within seven (7) university business days of the date the Notice of Charge was sent. The accused student's response must indicate either:
1. That he/she acknowledges a violation of the Honor Code and agrees to accept the penalty imposed by the Dean; or
 2. That he/she denies violation of the Honor Code and requests a hearing to contest the charge(s) under one of the hearing options outlined in Section .04(5).
- (c) If the accused student does not respond to the Notice of Charge in writing within seven (7) university business days of the date the Notice of Charge was sent, then the accused student will be found responsible for the charges indicated in the Notice of Charge and a penalty will be imposed by the Dean of the student's College.
- (d) A Notice of Charge will be sent to a student by:
1. U.S. mail or courier service to the address UTHSC's Registrar has on file for the student, in which case the notice is effectively sent upon mailing or delivery to the courier service; and
 2. Electronic means (e.g., e-mail) to the student's UTHSC e-mail account, in which case the notice is effectively sent upon transmission.
- (e) In computing a period of time that is referenced in the Honor System, the day of the event that triggered the period is excluded, and the last day of the period is included unless the last day of the period is a Saturday, Sunday, or legal holiday, in which case the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.
- (5) Hearing Options and Guidelines. An accused student who wants to contest a charge has the following hearing options:
- (a) UAPA Hearing. If it is reasonably likely that the penalty of suspension or expulsion will be imposed if the accused student is found responsible for violating the Honor Code, then the accused student has a right to a hearing under the University of Tennessee's rules for conducting contested cases under the Uniform Administrative Procedures Act, Chapter 1720-01-05 ("UAPA Hearing"). In accordance with Chapter 1720-01-03, whenever an accused student who is entitled to a UAPA hearing requests a hearing, that hearing will be conducted in accordance with Chapter 1720-01-05 unless the accused student executes a waiver of right to proceed under Chapter 1720-01-05 and elects a hearing under Section .04(5)(b) or Section .04(5)(c). An accused student who elects a UAPA hearing shall have no right to be heard on the same matter in a College Honor Council hearing or a University Honor Court hearing.
 - (b) College Honor Council Hearing. This hearing is held by members of the College Honor Council from the accused student's College. The composition of the College Honor Councils is set forth in Section .07. College Honor Council hearings shall be conducted in accordance with the following guidelines:

1. A hearing panel is convened from among the members of the College Honor Council.
2. The president of the College Honor Council serves as the chair of the hearing panel. The president of the College Honor Council may appoint another member of the College Honor Council to serve as the chair of the hearing panel if the president is unavailable.
3. The hearing should be scheduled as soon as possible following receipt of the accused student's request for a hearing.
4. At least five (5) calendar days before the hearing, the student investigator should provide the accused and the College Honor Council hearing panel with all documents the investigator reasonably anticipates presenting during the hearing.
5. Both the accused student and the student investigator have the right to request the participation of witnesses. Any individual who is a member of the UTHSC community (student, faculty or staff member) is expected to participate if such a request is made. If a witness is unable to participate for some reason, the accused student or the student investigator may ask the witness to provide a written statement documenting the witness' knowledge of the case. Then, the hearing panel will determine whether to consider the written statement as evidence, balancing the potential value of the information with the fact that the witness will not be questioned as part of the hearing process.
6. If he/she feels that a member of the College Honor Council may be biased, the accused student may request that the member be replaced by an alternate. Decisions for such removal will be made by the president of the College Honor Council in consultation with the faculty advisor to the College Honor Council. Unresolved disputes regarding such requests will be resolved by the VCAFSA.
7. Before the hearing, the College Honor Council hearing panel should meet to review the documentation, determine which (if any) witnesses should be invited to participate, discuss the procedure for the hearing, and determine the date of the hearing. After the details have been settled, the president/chairperson should schedule the hearing, inviting the accused student, his/her advisor, the student investigator, and witnesses as appropriate.
8. The student investigator will present the charge(s) to the hearing panel.
9. The accused student has the right to attend all parts of the formal hearing except the deliberation of the hearing panel. In addition, the accused has the right to question all witnesses and is afforded a full and fair opportunity to present all evidence, including witnesses, reasonably relating to the charge or action at issue. The accused student may have one (1) advisor present. This advisor shall be a member of the UTHSC community (e.g. a student, faculty or staff member) but shall not be an attorney. The advisor is allowed to provide advice to the accused student during the hearing but is not allowed to question any witness or hearing panel member, introduce evidence, raise objections, present arguments, or otherwise participate in the hearing.
10. College Honor Council hearings are not open to the public; family members, supporters and any other interested party who is not an advisor to the accused student will be provided with a waiting area but are not allowed to listen to, or otherwise participate in, the formal hearing.

11. Evidence that is irrelevant, immaterial, repetitious, or cumulative may be limited. Judicial rules of evidence and procedure do not apply.
 12. Allegations, investigations, charges and hearing records are confidential and shall be treated as student records that are protected by federal privacy laws (i.e., the Family Educational Rights and Privacy Act of 1974 - FERPA).
 13. A verbatim record shall be made of the hearing procedures. However, defects in the record do not invalidate the proceedings.
 14. After the hearing, the College Honor Council hearing panel will consider the evidence and present written findings, conclusions, and recommendations of possible penalties to the Dean of the College in which the violation occurred. The faculty advisor to the College Honor Council may attend these deliberations but should only provide advice on procedural issues.
 15. At least five (5) College Honor Council members are required for a quorum. A majority vote of the hearing panel is required for any decision. The student investigator does not vote.
 16. A finding of responsibility requires that the truth of the charge(s) at issue be supported by a preponderance of the evidence. The student investigator has the burden of proof.
 17. If the verdict is that the student did not violate the Honor Code, then the Notice of Charge is dismissed and no penalty is imposed on the accused student.
 18. Irrespective of the outcome of the hearing, all documents and recordings related to the case shall be transferred to the Office of Student Affairs as part of the official student disciplinary file.
 19. The president/chairperson shall notify the accused student, Dean of the College, the student investigator, and the Office of Student Affairs of the outcome of the case.
- (c) University Honor Court Hearing. The University Honor Court is composed of students from all Colleges at UTHSC. Each College nominates two (2) College Honor Council members to the University Honor Court pool. For each hearing, the VCAFSA will appoint a hearing panel of seven (7) members from the pool of nominees with at least two (2) panel members from the College of the accused student. The VCAFSA will select a chairperson from the panel members for the hearing. University Honor Court hearings shall be conducted in accordance with the same guidelines outlined in Section .04(5)(b).
- (6) Enrollment of Students During the Notice of Charge and Hearing.
- (a) Normally, an accused student may continue attending classes after the issuance of a Notice of Charge, assuming that the case does not extend for more than one (1) complete academic term after the alleged violation occurred. Should the case continue into the next academic term, the Grades for courses taken during that term will be listed as "I" (incomplete) until the case is finally adjudicated, converting to the grade earned if the finding of the hearing panel is that the student did not violate the Honor Code. If the student is found responsible for violating the Honor Code, the Dean of that student's College will determine the type of penalty to impose, which could include denying credit for courses attended while the case was being adjudicated. Depending on individual circumstances, students who are involved in clinical training when a Notice of Charge is filed may not be able to continue their clinical activities. The Dean (or designee) from the

student's College will decide whether the student can continue attending clinical training while the case is being adjudicated. If a case extends into a second academic term following the issuance of a Notice of Charge, then the accused student will normally not be allowed to continue coursework until the case has been resolved.

- (b) If an accused student leaves the University prior to the resolution of the case, the College Honor Council president shall send a letter to the Dean describing the accusation and stating the case was not resolved before the accused's departure from school. A copy of this letter with all accompanying documents related to the case shall be forwarded to the Office of Student Affairs to be placed in the accused student's permanent record.
- (c) If an accused student leaves the University without resolving a Notice of Charge and is later readmitted, the accused student will be required to appear before the College Honor Council and resolve the Notice of Charge. If the College Honor Council finds that the student did not violate the Honor Code, then the Dean shall inform the Office of Student Affairs and request removal of the letter and all accompanying documents from the student's permanent record.

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.

1720-03-01-.05 Honor Code Violation Penalties.

- (1) If a hearing panel finds that an accused student violated the Honor Code, then the hearing panel will report its findings to the Dean of the accused student's College and recommend possible penalties, including probation, suspension, dismissal, or any other action deemed appropriate by the hearing panel.
- (2) The Dean will consider the evidence, written findings, conclusions, and recommendations of the hearing panel and determine the penalty within ten (10) university business days of the Dean's receipt of the hearing panel's decision. If the Dean is not available to provide a timely penalty determination, then he/she may appoint a designee to make the penalty determination.
- (3) The Dean's decision on the penalty will be sent to the student by:
 - (a) U.S. mail or courier service to the address UTHSC's Registrar has on file for the student, in which case the notice is effectively sent upon mailing or delivery to the courier service; and
 - (b) Electronic means (e.g., e-mail) to the student's UTHSC e-mail account, in which case the notice is effectively sent upon transmission.
- (4) A copy of the Dean's (or designee's) decision will be sent to the president/chairperson of the hearing panel and to the Office of Student Affairs, which will file the decision as part of the student's permanent record.
- (5) Penalties in UAPA hearings will be determined by the administrative judge, hearing examiner, and/or Agency Head in accordance with Chapter 1720-01-05.

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.

1720-03-01-.06 Appeals.

- (1) The accused student may appeal the Dean's penalty determination in writing to the Chancellor within ten (10) university business days of receipt of the Dean's penalty determination. The accused student has the burden of proving that the penalty assigned by the Dean is unreasonable. Any appeal to the Chancellor may only address the penalty assigned by the Dean

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and not the decision of the College Honor Council or the University Honor Court.

- (2) The Chancellor (or designee) generally will respond to the student with a decision within ten (10) university business days of the receipt of the request for the appeal. A copy of the Chancellor's (or designee's) decision will be sent to the Office of Student Affairs and maintained in the student's permanent record.
- (3) Appeals in UAPA cases will be handled in accordance with Chapter 1720-01-05.

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.

1720-03-01-.07 College Honor Councils.

- (1) The general duties of a College Honor Council are to:
 - (a) Conduct hearings of alleged violations of the Honor Code;
 - (b) Keep adequate records of all hearings and transfer all case records of the case to the Office of Student Affairs; and
 - (c) Forward findings and recommendations in Honor Code violation proceedings to the Dean of the College.
- (2) Each College will establish policies and procedures governing the membership of the College Honor Council, including eligibility, how members are elected and removed, how alternates are elected and removed, how vacancies are filled, and which members may vote. Such policies and procedures described in Section .07(2) shall be published in the UTHSC student handbook.
- (3) The associate dean for student affairs may assist and advise any student(s) charged with an Honor Code violation.
- (4) The Dean of a College shall appoint one faculty advisor at each of its campuses to assist the College Honor Council. The Dean will determine whether a faculty advisor will be permitted to attend all College Honor Council proceedings and whether the faculty advisor may vote.
- (5) A College Honor Council may issue a letter of warning to a student in the event of multiple complaints describing suspicious behavior but no guilty verdict. A letter of warning would warn the student his/her behavior is raising concern among classmates, staff, and faculty that the activity in question may violate the Honor Code. If the activity or behavior continues, a formal Notice of Charge may follow.

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:

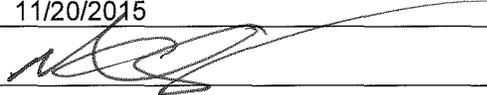
Board Member	Aye	No	Abstain	Absent	Signature (if required)
Governor Bill Haslam				x	
Commissioner Julius Johnson	x				
Commissioner Candice McQueen				x	
Dr. Joe DiPietro				x	
Dr. Russ Deaton (non-voting)					

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Charles C. Anderson, Jr.	x				
Jalen Blue	x				
Shannon Brown	x				
George E. Cates				x	
Dr. Brian Donavant (non-voting)					
Spruell Driver, Jr.	x				
Dr. William E. Evans				x	
John N. Foy	x				
Crawford Gallimore				x	
Dr. David Golden	x				
Vicky B. Gregg	x				
Raja J. Jubran	x				
Brad A. Lampley	x				
James L. Murphy, III	x				
Sharon J. Miller Pryse	x				
Miranda N. Rutan (non-voting)					
Rhedona Rose	x				
Julia T. Wells	x				
Charles E. Wharton	x				
Tommy G. Whittaker	x				

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 06/25/2015, 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 ninety (90) days of the filing of the proposed rule with the Secretary of State.

Date: 11/20/2015

Signature: 

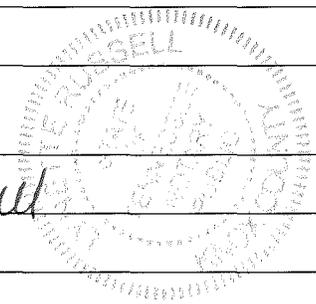
Name of Officer: Matthew Scoggins

Title of Officer: Deputy General Counsel

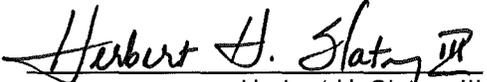
Subscribed and sworn to before me on: 11-20-15

Notary Public Signature: 

My commission expires on: 12-4-18



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.


Herbert H. Slatery III
Attorney General and Reporter
12/11/2015
Date

Department of State Use Only

Filed with the Department of State on: 1/6/16

Effective on: 4/5/16


Tre Hargett
Secretary of State

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SECRETARY OF STATE
PUBLICATIONS

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

The rules are not anticipated to have an effect on small businesses.

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 rules are not anticipated to have an impact on local governments.

Additional Information Required by Joint Government Operations Committee

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

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

The Honor Code of the University of Tennessee Health Science Center (UTHSC) guides students in behaving in a professional and ethical manner by establishing principles of appropriate behavior in the classroom, in the laboratory, and in clinical settings. UTHSC has completed a comprehensive review of its Honor Code for students, which included input from students and the UTHSC Committee on Academic and Student Affairs. As a result of that review, UTHSC proposes revisions to its Honor Code.

The proposed revisions change the name of the UAPA rule from "Honor Code" to "The Honor System." The term "Honor System" is a more accurate and complete term that encompasses the Honor Code, the Honor Code Pledge, and the procedures for investigating and resolving allegations of violations of the Honor Code.

The proposed revisions expand the list of specific types of violations of the Honor Code in order to comprehensively establish principles of appropriate behavior in the classroom, in the laboratory, and in clinical settings.

The proposed revisions also make various changes to the procedures relating to an alleged Honor Code violation, including: (1) resolving potential ambiguities in the procedure for reporting suspected violations of the Honor Code; (2) adding e-mail to the methods by which a Notice of Charge will be sent to an accused student; (3) adding a right for the accused student to be assisted by an advisor who is a UTHSC student or employee; (4) adding a right for the accused student to request that a hearing panel member be replaced on the grounds of bias; and (5) clarifying issues relating to an accused student's class attendance and grades while an allegation is pending.

The proposed revisions provide each college within UTHSC with greater flexibility in establishing policies and procedures governing the membership of each college's Honor Council, including eligibility, how members are elected and removed, how alternates are elected and removed, how vacancies are filled, and which members may vote. Such policies and procedures will be published in the UTHSC student handbook.

All other changes are non-substantive grammatical, spelling, or structural, or reflect changes to titles of administrative offices responsible for administering the Honor Code.

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

None.

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

Students and faculty of the University of Tennessee Health Science Center are most directly affected by this rule. Although no rulemaking hearing was held, the University's administration solicited comments from student and faculty leaders and received favorable comments concerning the rule. In addition, the student and faculty members of the UT Board of Trustees voted to approve the rule.

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

None.

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

None.

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

Matthew Scoggins
Deputy General Counsel
University of Tennessee

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

Matthew Scoggins
Deputy General Counsel
University of Tennessee

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

Matthew Scoggins
Deputy General Counsel
University of Tennessee
719 Andy Holt Tower
Knoxville, TN 37996-0170
scoggins@tennessee.edu
865-974-3245

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

None.

**RULES
OF
THE UNIVERSITY OF TENNESSEE
(HEALTH SCIENCE CENTER)**

**CHAPTER 1720-03-01
HONOR CODE/THE HONOR SYSTEM~~CODE~~**

1720-03-01-.01 PREAMBLE AND PURPOSE.

- (1) The University of Tennessee Health Science Center ("UTHSC") expects and requires all students to exemplify personal integrity and responsibility in the classroom, laboratory, clinics, and other academic endeavors. UTHSC also expects and requires UTHSC students to interact with patients, colleagues, and other members of the university community in a professional and ethical manner. These expectations and requirements provide the foundation for the UTHSC Honor System ("Honor System").

- (2) The Honor System is composed of the following:
 - (a) The Honor Code, Chapter 1720-03-01-.02, which sets forth expected behaviors in the classroom, laboratories and clinical settings;
 - (b) The Honor Code Pledge, Chapter 1720-03-01-.03, which all students sign as a condition of enrollment;
 - (c) Rules relating to the administration of the Honor System, Chapter 1720-03-01-.04;
 - (d) Rules relating to penalties associated with violations of the Honor Code, Chapter 1720-03-01-.05;
 - (e) A process for appealing a finding of a violation of the Honor Code, Chapter 1720-03-01-.06; and
 - (f) The composition and functioning of the College Honor Councils, Chapter 1720-03-01-.07.

~~1720-3-1-.01 THE HONOR CODE.~~

~~(1) PREAMBLE AND PURPOSE.~~

- ~~(a) The Honor Code of The University of Tennessee Health Science Center is promulgated so that student academic affairs are conducted under the~~

highest standards of individual responsibility. The Honor Code promotes personal honor and integrity, in the best traditions of the health science professions. The Honor Code promotes academic honesty and integrity in the classroom, laboratory, clinics and other academic endeavors. The Honor Code requires students to uphold its principles of fairness, professionalism, and ethical behavior, and it also provides procedures to adjudicate alleged violations. By their pledge to subscribe to and uphold this Honor Code, UT Health Science Center students assume the responsibility for the effective application of the Honor Code, and their own academic and professional honesty and integrity. Students are required to sign the honor code pledge as a condition for enrollment at UT Health Science Center.

————— (b) ——— Faculty and staff also have a responsibility to participate in the application, enforcement, and procedures of the Honor Code.

————— (2) ——— PRINCIPLES OF THE HONOR CODE

————— (a) ——— All UT Health Science Center students are bound by this Honor Code and pledge to act in accordance with the highest principles of ethical and professional conduct. These principles condemn any act of dishonor relating to the academic, clinical, research and professional programs at UT Health Science Center. The pledge states that any knowledge of a violation shall be reported in accordance with the provisions and procedures of the Honor Code.

————— (b) ——— The principles of this Honor Code apply to all:

- 1. ——— Tests or examinations.
- 2. ——— Oral, written, or practical reports that are a part of a student's academic and research program.
- 3. ——— Clinical and laboratory experiences.
- 4. ——— Scientific research.
- 5. ——— Other student activities relating to the academic, clinical, and research programs of UT Health Science Center.

————— (3) ——— VIOLATIONS OF THE HONOR CODE

————— (a) ——— It is a violation of the Honor Code for a student to:

- ~~1. Use, give, or receive any unauthorized aid during any test or examination, in the preparation of oral, written or practical reports, or in clinical or laboratory work, that are a part of a student's academic program.~~
 - ~~2. Record or report fraudulent data relating to patient care, willfully neglect clinical responsibilities, or otherwise compromise patient treatment through lack of professional integrity.~~
 - ~~3. Plagiarize present another person's work as one's own.~~
 - ~~4. Falsify data in scientific research and reports.~~
 - ~~5. Collaborate with others in assigned out of class activities, if directions or instructions, written or verbal, specify only individual application and effort is permitted.~~
 - ~~6. Falsify academic or clinical records.~~
 - ~~7. Maliciously and falsely accuse another student of an Honor Code violation.~~
 - ~~8. Assist another student in committing any of the specified violations.~~
 - ~~9. Fail to report a violation reasonably believed to have been committed.~~
 - ~~10. Discuss or reveal confidential information or materials relating to allegations, investigations, charges and Honor Court hearings.~~
 - ~~11. Engage in other similar acts of dishonesty.~~
- ~~(b) Students, faculty, staff and/or test administrators must report observed violations to a member of the college Honor Council, in accordance with Honor Code procedures.~~
- ~~1. Any alleged violation under Article III, Section A.2 or A.1 [Rule 1720-3-1-.01(3)(a) 2 or 4] shall be immediately reported by the President or Faculty Advisor of the Honor Council to the principal clinician or investigator after the alleged violation is received.~~
- ~~(c) Suspicious Activity: If someone witnesses suspicious behavior, but is uncertain of a Honor Code violation, the person may informally report~~

the behavior to a college Honor Council member. The Honor Council member will counsel with the suspected student and advise the student that such actions are suspicious and, if continued, may lead to a formal complaint. A Honor Council member receiving a report of suspicious behavior must notify the Honor Council President before counseling the student.

~~(4) ADMINISTRATION OF THE HONOR CODE~~

~~(a) PARTICIPANTS~~

~~1. STUDENTS: The Honor Code pledge is signed by all students enrolled at the UT Health Science Center. This signed pledge is a student's pledge of honesty and integrity. The pledge obligates the student to support the ethics and provisions of the UT Health Science Center Honor Code and to participate in its procedures and actions.~~

~~2. FACULTY AND STAFF: The faculty and staff participate in the Honor Code by endorsing and supporting the principles of the Code and by applying its rules and procedures.~~

~~3. ADMINISTRATION: Offices relating to student affairs are responsible for providing advice to students regarding Honor Code procedures.~~

~~(i) Faculty advisors to college Honor Councils support the Honor Code by providing advice and counsel to Honor Council members regarding rules, procedures and the appropriate methods of administering the rules and procedures.~~

~~(ii) The Office of Student Life provides advice and orientation to College Honor Council members, faculty advisors, and other students.~~

~~(iii) The UT Health Science Center Registrar (1) makes available to each new student a printed copy of the Honor Code prior to matriculation, (2) insures that the Honor Code pledge is signed by each new student, and (3) retains the signed Honor Code pledge as a part of each student's official file.~~

~~4. HONOR COUNCILS OF THE COLLEGES: Each college has an~~

~~Honor Council that functions under the rules delineated in this Honor Code. Alleged violations of the Honor Code are processed by the Honor Council of the college in which the alleged violation occurred.~~

1720-03-01-.02 THE HONOR CODE.

(1) UTHSC students must exhibit personal integrity and responsibility and conduct themselves in a professional and ethical manner with respect to:

(a) The classroom, including without limitation:

1. Tests and examinations;
2. Oral, written, and practical reports and assignments in a student's academic or research program;
3. The use of electronic technology; and
4. Classroom requirements set by UTHSC, a college within UTHSC ("College"), or a UTHSC faculty member.

(b) Laboratory work, including without limitation:

1. Completing individual and group assignments;
2. Reporting laboratory results;
3. Acknowledging contributions from other individuals and sources; and
4. Laboratory requirements set by UTHSC, a College, or a faculty member.

(c) Clinical work, including without limitation:

1. Attendance and participation in clinical teams;
2. Use of patient records;
3. Timely completion of reports;
4. Patient care; and

5. Clinical work requirements set by UTHSC, a College, or a faculty member.

(2) Section .02(1) shall be referred to as the "Honor Code."

(3) Violations of the Honor Code include, without limitation:

- (a) Using, receiving, or providing unauthorized assistance or possessing unauthorized information or materials; during tests, examinations, academic assignments, or scholarship; in the preparation of oral, written, or practical reports; or in clinical or laboratory work in the student's academic or research program.
- (b) Recording or reporting fraudulent data relating to patient care, willfully neglecting clinical responsibilities, or otherwise compromising patient treatment through a lack of professional integrity.
- (c) Plagiarizing (presenting another person's ideas, words, projects, creations, or work as the student's own).
- (d) Falsifying, fabricating, or misrepresenting data, laboratory results, research results, citations, or other information in connection with academic assignments or clinical, field, or laboratory records.
- (e) Substituting for another student or have another student substituting for oneself to take an exam or perform an academic, laboratory, clinical, or field assignment.
- (f) Collaborating with others in assigned out-of-class activities, laboratory work, field work, scholarship, or other academic assignment when the instructions require individual effort.
- (g) Altering grades, answers, marks, or documents in an effort to change academic records, the earned grade, or credit.
- (h) Submitting without authorization the same assignment for credit in more than one course.
- (i) Forging a signature or allowing forgery on any class- or university-related document, such as a class roll or drop/add sheet. Such forgeries could involve false identification by electronic, paper, or other means.
- (j) Failing to follow a faculty member's instructions about the integrity of an exam or academic assignment.

- (k) 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.
- (l) Maliciously and falsely accusing another student of violating the Honor Code.
- (m) Assisting another student in violating the Honor Code.
- (n) Failing to report to UTHSC in a timely manner one's reasonable belief that another person has violated the Honor Code.
- (o) Discussing or revealing confidential information or materials relating to allegations, investigations, charges, or hearings of a College Honor Council or the University Honor Court.
- (p) Engaging in unauthorized or inappropriate distribution or use of course materials (e.g., podcasts/lecture recordings), including without limitation:
 1. Sharing materials with individuals not enrolled in the UTHSC course;
 2. Posting lectures or portions of lectures to external sites;
 3. Creating clips for online video repositories; and
 4. Posting recordings of patient encounters in simulated or actual clinical settings.
- (q) Engaging in other similar acts of academic dishonesty.

~~1720-3-1-.02 PROCEDURES AND HEARING OPTIONS.~~

~~(1) PROCEDURE FOR REPORTING ALLEGED VIOLATIONS~~

- ~~(a) A complaint against any student may be filed by a student, faculty or staff member observing a suspected violation. Each complaint must be written and signed by the accuser and presented to any member of the appropriate Honor Council.~~
- ~~(b) Signed complaints are given or forwarded to the college Honor Council president and shall not be discussed with other students.~~

- ~~_____ (c) _____ The signed complaint of one individual is sufficient to initiate an investigation of charge(s) against a student.~~
- ~~_____ (d) _____ The president of the Honor Council appoints a council member to investigate alleged violation of the Honor Code. The investigator investigates the facts of the alleged violation(s). If the investigator finds probable cause to believe that a violation has been committed, the investigator recommends issuing a Notice of Charge. The president, upon the recommendation of the investigator, issues a Notice of Charge to the accused. The Notice of Charge is sent to the accused via certified mail. If the investigator determines there is no violation, the allegation is dismissed.~~
- ~~_____ (e) _____ The identity of the person(s) who reported the allegation is confidential throughout the initial investigation. In the event that a Notice of Charge is issued, the accused is notified of the name(s) of the accuser(s) upon request.~~
- ~~_____ (f) _____ Allegations, investigations, charges and Honor Court hearings are confidential.~~
- ~~_____ (g) _____ Role of the Investigator:
 - ~~_____ 1. _____ Upon receipt of a signed complaint, the college Honor Council president appoints an investigator who is charged with investigating the allegation.~~
 - ~~_____ 2. _____ The investigator makes a recommendation to the college Honor Council president within seven (7) University working days after the investigator receives the assignment to investigate the allegation. The investigator's report, either oral or written, recommends whether a formal charge of violation should be issued by the Honor Council president. The investigation period is advisory and not mandatory due to administrative closings, holidays and class schedules.~~
 - ~~_____ 3. _____ The investigator is responsible for prosecuting charge(s) before the College or University Honor Court if the accused requests a Honor Code hearing. A council member does not vote in any proceedings for which the member served as the investigator.~~~~

~~_____ (2) _____ RIGHTS AND PROCEDURES OF THE ACCUSED~~

~~_____ (a) Notice of Charge. A student charged with a violation of the Honor Code receives written notice of charge(s) stating the following:~~

~~_____ 1. The substance of the charge(s).~~

~~_____ 2. The possible penalties.~~

~~_____ 3. The right to a hearing if the student contests the charge(s) or action.~~

~~_____ 4. The name and address of the person to whom a request for a hearing should be directed.~~

~~_____ 5. A statement indicating that a request for a hearing must be made within five (5) University working days of receipt of this notice.~~

~~_____ (b) Procedure for the Accused.~~

~~_____ 1. On receipt of the Notice of Charge, the accused student, within five (5) University working days, must respond to the college Honor Council president indicating either~~

~~_____ (i) An intent to plead guilty to the violation and willingness to accept the penalty assigned by the Dean; or~~

~~_____ (ii) A denial of the charge and indicating a desire to make an appeal of the charge under one of the following hearing options:~~

~~_____ (I) Uniform Administrative Procedures Act (UAPA),~~

~~_____ (II) College Honor Court,~~

~~_____ (III) University Honor Court~~

~~_____ 2. The student who does not respond in writing within five (5) University work days, waives the option of having the case heard in a College or University Honor Court, and the charge will be adjudicated under the provisions of the UAPA.~~

~~_____ 3. Rights of the Accused.~~

~~_____ (i) The student has a right to a hearing in accordance with the~~

~~contested case provisions of the Uniform Administrative Procedures Act (UAPA), T.C.A. §§ 4-5-301 through 4-5-325. The hearing will be held under the provisions of the UAPA in the absence of a voluntary written waiver of this right. If the student waives the right to a hearing under UAPA, the hearing will be held in accordance with the UT Health Science Center Honor Council Hearing procedures listed under Article VII, Hearing Court Options 2 and 3. [Rule 1720 3-1-.02(3)(a) 2 and 3].~~

~~(ii) For UAPA Hearings, students may be represented by Legal Counsel. The option to obtain Legal Counsel is at the student's expense. If representation by Legal Counsel is desired, the student must provide notice of intent to be represented by Counsel concurrent with the request for the UAPA hearing. In College Honor Court and University Honor Court hearings, students may not be represented by legal counsel.~~

~~(iii) In College Honor Court and University Honor Court hearings, the College Honor Council President or the Director of Student Life will make available to an accused student, an advisor (student, faculty, or staff) knowledgeable of the Honor Code and hearing procedures. The advisor will be available to the accused prior to, and during the hearing.~~

~~(3) HEARING COURT OPTIONS~~

~~(a) An accused student who wishes to have a hearing on a charge has a choice of hearing options.~~

~~1. Uniform Administrative Procedures Act (UAPA). This act provides students a hearing under the State of Tennessee mandatory hearing option. A hearing under this law is held by a hearing officer appointed by the Vice President for Health Affairs of UT Health Science Center. The Office of General Counsel will prosecute the charge in UAPA hearings, even if the accused student is not represented by legal counsel. This hearing procedure is used in the absence of a voluntary written waiver of this right.~~

~~2. College Honor Court. Each UT Health Science Center college has an Honor Court. Rules of membership, assembly, quorum, and~~

voting are defined in each college's addendum. All proceedings of the college Honor Court hearing follow the procedures described in the Honor Code and in the respective college addendum. The college Honor Council president is responsible for administering the hearing, including selecting the date, appointing the Honor Court panel, notifying all parties, and recording and maintaining records of the college Honor Court hearings. The selection and service of the college Honor Court members shall follow the guidelines and procedures stated in the respective college Honor Court addendum. Members of the panel shall be impartial and members who believe they cannot be impartial shall recuse themselves from serving on the panel. The accused student may request the removal of any panel member he/she thinks might not be impartial. Decisions for such removal will be made by the college Honor Court president.

3. University Honor Court. The panel shall be composed of students from all colleges at the UT Health Science Center. Each college nominates two Honor Council members to the University Honor Court pool. The Director of Student Life will appoint seven (7) hearing panel members, from a pool of nominees, with at least two (2) panel members from the college of the accused. A chairperson will be selected from the panel and will be responsible for conducting the hearing. Members of the panel shall be impartial and members who believe they cannot be impartial shall recuse themselves from serving on the panel. The accused student may request the removal of any panel member he/she thinks might not be impartial. Decisions for such removal will be made by the Chairperson of the Hearing Court or by the Director of Student Life. The Director of Student Life or designee will be responsible for making the appropriate arrangements and notifying all parties of the time, date and place of the hearing. The Director of Student Life or designee shall also be responsible for tape recording the hearings and maintaining the records of the University Honor Court hearings.

(b) Guidelines for Honor Court Hearings. The following guidelines shall apply to College and University Honor Court hearings:

1. The hearing is held as soon as possible following receipt of the accused request for a hearing under the Honor Code system.

2. The accused has the right to be present at all times during the hearing, except during the deliberation of the Honor Court, and is

~~afforded a full and fair opportunity to present all evidence, including witnesses, reasonably relating to the charge or action at issue. Evidence that is irrelevant, immaterial, repetitious, or cumulative may be limited. Judicial rules of evidence and procedure do not apply.~~

- ~~3. The accused, the investigator and Honor Court members have the right to question all witnesses.~~
- ~~4. An appropriate record is made of the hearing procedures. However, defects in the record do not invalidate the proceedings. (A tape recording system is available and should be used).~~
- ~~5. The investigator has the responsibility of proving, by a preponderance of the evidence, the truth of the charge(s) at issue.~~
- ~~6. A majority vote of the panel is required for any decision.~~
- ~~7. Following the conclusion of the hearing, the hearing panel considers the evidence and presents written findings, conclusions, and recommendations to the dean of the college in which the violation occurred.~~
- ~~8. A faculty member will be notified of the outcome of any Honor Code investigation or hearing if they were an accuser or witness in the matter.~~

~~(4) PENALTIES~~

- ~~(a) Penalties for violating the UT Health Science Center Honor Code are assigned by the respective college Dean. Penalties may be probation, suspension, dismissal, or any other action deemed appropriate by the dean of the college in which the violation occurred. The Honor Court may make advisory recommendations or suggestions to the dean regarding the consequence and severity of the punishment.~~
- ~~(b) The Dean will determine the penalty to be assigned, if the accused is found guilty. The Dean considers the evidence, written findings, conclusions, and recommendations of the Honor Court in determining a punishment.~~
- ~~(c) The Dean must respond with a decision within 10 University working days of receipt of the hearing court decision. In instances in which the Dean is unavailable, a designee will be appointed.~~

~~(5) APPEALS~~

~~(a) The accused may appeal the action of the Dean by submitting an appeal, in writing, to the Vice President for Health Affairs within 10 days of receipt of the decision of the Dean. Where a charge is found to be true, the student charged has the burden of proving that the disciplinary action proposed is unreasonable.~~

~~1. Any appeal to the Vice President for Health Affairs can be only for the penalty assigned by the Dean. The decision of the Honor Court can not be appealed to the Vice President for Health Affairs.~~

~~(b) The Vice President for Health Affairs, or designee, must respond with a decision within ten (10) University working days of the request for the appeal.~~

1720-03-01-.03 THE HONOR CODE PLEDGE.

(1) All UTHSC students must sign the following pledge ("Honor Code Pledge") within two (2) weeks of the start of classes:

I have read carefully the provisions of the Honor Code of the University of Tennessee Health Science Center and fully understand its meaning and significance, and I agree to abide by the Honor Code while a student enrolled at this institution and agree to accept all of its implications without reservation.

(2) A student's signature under Section .03(1) indicates the student's pledge of personal integrity and responsibility and professional and ethical conduct and obligates the student to comply with the UTHSC Honor Code and the UTHSC Honor System.

~~1720-3-1-.03 HONOR COUNCILS, REPORTS AND AMENDMENTS.~~

~~(1) COLLEGE HONOR COUNCILS~~

~~(a) Composition and Elections: The composition of the Honor Council and the procedure for election of the Honor Council members/officers are determined by each college. Information describing the college councils provisions is provided in the Addenda.~~

~~(b) Officers of the Honor Councils:~~

~~1. Elections: Each Honor Council elects officers from its members for~~

the following offices: ~~president, vice president and secretary.~~

~~(i) President. The president (a) presides at all meetings of the Honor Council, (b) arranges for the hearing of any accused student, and (c) performs other duties as specified in this Honor Code.~~

~~(ii) Vice president. The vice president assumes the duties of the president in that officer's absence.~~

~~(iii) Secretary. The secretary (a) manages the correspondence of the Honor Council, (b) notifies all members of Honor Council meetings, (c) records attendance at meetings, and (d) keeps records of all meetings.~~

~~(c) Removal from Council: A member may be removed by two-thirds vote of the Council members for the following reasons:~~

~~1. Absence from two consecutive meetings of the Honor Council.~~

~~2. Failure to fulfill responsibilities in accordance with this Honor Code.~~

~~(d) Vacancies in an Honor Council are filled in accordance with college rules and regulations governing election of members.~~

~~(e) General Duties of the Honor Council:~~

~~1. To administer the Honor Code, the Honor Council meets at least once during the first month of each fall term and thereafter at its discretion.~~

~~2. Conducts hearings of alleged violations.~~

~~3. Keeps adequate records of all hearings that result from alleged violations of the Honor Code and reports findings to the Director of Student Life.~~

~~4. Forwards findings and recommendations in Honor Code violation proceedings to the Dean of the college.~~

~~5. Ensures that the information contained in this Honor Code is promulgated, discussed, and made readily available to all students of the college.~~

~~_____ (2) _____~~ REPORTS

~~_____ (a) _____~~ Information regarding the number of alleged Honor Code violations, hearings, and decisions resulting from these hearings must be kept by Honor Council presidents and reported to the Director of Student Life at the end of each academic term.

~~_____ (3) _____~~ AMENDMENTS

~~_____ (a) _____~~ A proposed amendment to this Honor Code shall be presented in writing to the President of each UT Health Science Center Honor Council. Amendments must be approved by a majority vote of the Council of each college, and by the College Honor Council Presidents, prior to submitting to the SGAEC, the UT Health Science Center Chancellor and the University's Board of Trustees.

~~_____ (b) _____~~ Approved amendments to a college addendum shall be presented in writing to the President of the Honor Council of the college affected by the proposed amendment and need only to be approved by a majority vote of that college Honor Council. Upon approval, and concurrence by the college Dean, the amendment shall be submitted to the Chancellor and to the University's Board of Trustees.

~~_____ (4) _____~~ PLEDGE

~~_____ (a) _____~~ Each UT Health Science Center student, before matriculation, or during the new student orientation period, is required to sign the following pledge: "I have read carefully the Honor Code of The University of Tennessee Health Science Center and fully understand its meaning, significance and application. I agree to abide by this Honor Code while a student in this institution and agree to accept all of its implications without reservation."

Signature _____ Date

Social Security Number _____ College

1720-03-01-.04 ADMINISTRATION OF THE HONOR SYSTEM.

(1) Responsibility and Procedures for Reporting Violations.

(a) UTHSC students, faculty, staff, and/or test administrators must timely report a reasonable belief that a student has violated the Honor Code, in accordance with the procedures outlined in Section .04(1)(b)(2).

(b) The procedures for reporting a violation of the Honor Code are as follows:

1. Informal Notification. Faculty, staff, students, and/or test administrators who become aware of suspicious behavior but are uncertain whether the behavior violates the Honor Code may informally report the behavior to a College Honor Council member. The Honor Council member must notify the Honor Council president and then advise the suspected student that such actions are suspicious and, if continued, may lead to a formal complaint.

2. Formal Complaints. Faculty, staff, students, and/or test administrators who reasonably believe that a student has violated the Honor Code must file a formal complaint against the student. A formal complaint is written and signed by the person alleging that a student has violated the Honor Code. A formal complaint is presented to a member of the appropriate College Honor Council. A formal complaint by one individual is sufficient to initiate an investigation against a student. Signed complaints shall be forwarded to the College Honor Council president and shall not be discussed with other students.

(c) The president or faculty advisor of the College Honor Council must immediately report any alleged violation of the Honor Code (under Section .01(b)(2)) to the faculty member/clinical supervisor/researcher at the site where the alleged violation occurred (assuming that the allegation was not initiated by this individual).

(2) Responsibilities for Administering the Honor System.

(a) UTHSC offices relating to student affairs are responsible for providing guidance to students regarding Honor System procedures.

(b) A representative of each College will discuss the Honor System with entering students during orientation and ensure that they sign the Honor Code Pledge. The signed pledge will be sent to the Registrar's office and becomes a part of the student's official UTHSC file.

- (c) Colleges are responsible for informing students of an appropriate style manual for citations.
 - (d) Each College has an Honor Council composed of current students that functions as a body for hearing cases of alleged violations of the Honor Code. UTHSC also has a University Honor Court composed of College Honor Council members. The University Honor Court also serves as a hearing body for Honor Code violation cases.
 - (e) Faculty advisors to College Honor Councils provide guidance to College Honor Council members regarding rules, procedures, and the appropriate methods of administering the Honor System.
 - (f) The Office of Vice Chancellor for Academic, Faculty and Student Affairs ("VCAFSA") provides guidance and orientation to College Honor Council members, faculty advisors, and other students.
 - (g) Any proposed change to the Honor System shall be presented in writing to the president of each College's Honor Council. A majority vote of each College Honor Council and the College Honor Council presidents must approve changes before they are submitted to the Student Government Association Executive Committee, the UTHSC Chancellor, and the University of Tennessee Board of Trustees for approval.
 - (h) Changes to a College Honor Council's procedures shall be presented in writing to the College's Honor Council president and must be approved by a majority vote of the College's Honor Council. Upon approval and concurrence by the Dean of the College, the change shall be submitted to the Chancellor for approval.
- (3) Procedures for Handling Alleged Violations of the Honor Code.
- (a) Upon receipt of a formal complaint, the president of the College Honor Council appoints a College Honor Council member to investigate and determine the facts of the alleged violation(s). The student investigator shall make an oral or written recommendation to the College Honor Council president concerning whether the president should issue a notice accusing a student of violating the Honor Code ("Notice of Charge"). A seven (7) university business day investigation period is recommended but is not mandatory.
 - (b) If the student investigator determines that a preponderance of the evidence does not support a finding that a violation of the Honor Code occurred, then the student investigator will recommend that the president

dismiss the formal complaint. The president will review the student investigator's factual findings and assess the appropriateness of this recommendation. If the president agrees that a preponderance of the evidence does not support a finding that a violation of the Honor Code occurred, then the president will dismiss the formal complaint.

(c) If the student investigator concludes that a preponderance of the evidence supports the allegation, then the student investigator will recommend the president issue a Notice of Charge. The president will review the investigator's factual findings and determine whether to accept the recommendation. If the president concludes that a preponderance of the evidence supports the allegation that the student committed a Honor Code violation, then the president shall send the accused student a Notice of Charge in accordance with Section .04(4). The president shall also send a copy of the Notice of Charge to the VCAFSA.

(d) The identity of the person(s) who reported the allegation is confidential throughout the student investigator's investigation. If a Notice of Charge is issued, then the accused student will be notified of the name(s) of the accuser(s) upon request to the president of the College Honor Council.

(4) Notice to the Accused Student and the Response from the Accused Student.

(a) A student charged with violating the Honor Code shall be given a Notice of Charge(s) that states the following:

1. Factual basis of the charge(s);
2. The penalties that could be recommended to the Dean of the student's College;
3. The student's right to a hearing if the student contests the charge(s) and/or proposed penalties;
4. The name and address of the person to whom a request for a hearing should be directed;
5. A statement indicating that a request for a hearing must be made within seven (7) university business days of the date that the Notice of Charge was sent; and
6. A statement indicating the right to consult with a faculty advisor recommended by the College.

- (b) The accused student must respond to the Notice of Charge in writing within seven (7) university business days of the date the Notice of Charge was sent. The accused student's response must indicate either:
1. That he/she acknowledges a violation of the Honor Code and agrees to accept the penalty imposed by the Dean; or
 2. That he/she denies violation of the Honor Code and requests a hearing to contest the charge(s) under one of the hearing options outlined in Section .04(5).
- (c) If the accused student does not respond to the Notice of Charge in writing within seven (7) university business days of the date the Notice of Charge was sent, then the accused student will be found responsible for the charges indicated in the Notice of Charge and a penalty will be imposed by the Dean of the student's College.
- (d) A Notice of Charge will be sent to a student by:
1. U.S. mail or courier service to the address UTHSC's Registrar has on file for the student, in which case the notice is effectively sent upon mailing or delivery to the courier service; and
 2. Electronic means (e.g., e-mail) to the student's UTHSC e-mail account, in which case the notice is effectively sent upon transmission.
- (e) In computing a period of time that is referenced in the Honor System, the day of the event that triggered the period is excluded, and the last day of the period is included unless the last day of the period is a Saturday, Sunday, or legal holiday, in which case the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.
- (5) Hearing Options and Guidelines. An accused student who wants to contest a charge has the following hearing options:
- (a) UAPA Hearing. If it is reasonably likely that the penalty of suspension or expulsion will be imposed if the accused student is found responsible for violating the Honor Code, then the accused student has a right to a hearing under the University of Tennessee's rules for conducting contested cases under the Uniform Administrative Procedures Act, Chapter 1720-01-05 ("UAPA Hearing"). In accordance with Chapter 1720-01-03, whenever an accused student who is entitled to a UAPA hearing

requests a hearing, that hearing will be conducted in accordance with Chapter 1720-01-05 unless the accused student executes a waiver of right to proceed under Chapter 1720-01-05 and elects a hearing under Section .04(5)(b) or Section .04(5)(c). An accused student who elects a UAPA hearing shall have no right to be heard on the same matter in a College Honor Council hearing or a University Honor Court hearing.

(b) College Honor Council Hearing. This hearing is held by members of the College Honor Council from the accused student's College. The composition of the College Honor Councils is set forth in Section .07. College Honor Council hearings shall be conducted in accordance with the following guidelines:

1. A hearing panel is convened from among the members of the College Honor Council.
2. The president of the College Honor Council serves as the chair of the hearing panel. The president of the College Honor Council may appoint another member of the College Honor Council to serve as the chair of the hearing panel if the president is unavailable.
3. The hearing should be scheduled as soon as possible following receipt of the accused student's request for a hearing.
4. At least five (5) calendar days before the hearing, the student investigator should provide the accused and the College Honor Council hearing panel with all documents the investigator reasonably anticipates presenting during the hearing.
5. Both the accused student and the student investigator have the right to request the participation of witnesses. Any individual who is a member of the UTHSC community (student, faculty or staff member) is expected to participate if such a request is made. If a witness is unable to participate for some reason, the accused student or the student investigator may ask the witness to provide a written statement documenting the witness' knowledge of the case. Then, the hearing panel will determine whether to consider the written statement as evidence, balancing the potential value of the information with the fact that the witness will not be questioned as part of the hearing process.
6. If he/she feels that a member of the College Honor Council may be biased, the accused student may request that the member be

replaced by an alternate. Decisions for such removal will be made by the president of the College Honor Council in consultation with the faculty advisor to the College Honor Council. Unresolved disputes regarding such requests will be resolved by the VCAFSA.

7. Before the hearing, the College Honor Council hearing panel should meet to review the documentation, determine which (if any) witnesses should be invited to participate, discuss the procedure for the hearing, and determine the date of the hearing. After the details have been settled, the president/chairperson should schedule the hearing, inviting the accused student, his/her advisor, the student investigator, and witnesses as appropriate.
8. The student investigator will present the charge(s) to the hearing panel.
9. The accused student has the right to attend all parts of the formal hearing except the deliberation of the hearing panel. In addition, the accused has the right to question all witnesses and is afforded a full and fair opportunity to present all evidence, including witnesses, reasonably relating to the charge or action at issue. The accused student may have one (1) advisor present. This advisor shall be a member of the UTHSC community (e.g. a student, faculty or staff member) but shall not be an attorney. The advisor is allowed to provide advice to the accused student during the hearing but is not allowed to question any witness or hearing panel member, introduce evidence, raise objections, present arguments, or otherwise participate in the hearing.
10. College Honor Council hearings are not open to the public; family members, supporters and any other interested party who is not an advisor to the accused student will be provided with a waiting area but are not allowed to listen to, or otherwise participate in, the formal hearing.
11. Evidence that is irrelevant, immaterial, repetitious, or cumulative may be limited. Judicial rules of evidence and procedure do not apply.
12. Allegations, investigations, charges and hearing records are confidential and shall be treated as student records that are protected by federal privacy laws (i.e., the Family Educational Rights and Privacy Act of 1974 - FERPA).

13. A verbatim record shall be made of the hearing procedures. However, defects in the record do not invalidate the proceedings.
14. After the hearing, the College Honor Council hearing panel will consider the evidence and present written findings, conclusions, and recommendations of possible penalties to the Dean of the College in which the violation occurred. The faculty advisor to the College Honor Council may attend these deliberations but should only provide advice on procedural issues.
15. At least five (5) College Honor Council members are required for a quorum. A majority vote of the hearing panel is required for any decision. The student investigator does not vote.
16. A finding of responsibility requires that the truth of the charge(s) at issue be supported by a preponderance of the evidence. The student investigator has the burden of proof.
17. If the verdict is that the student did not violate the Honor Code, then the Notice of Charge is dismissed and no penalty is imposed on the accused student.
18. Irrespective of the outcome of the hearing, all documents and recordings related to the case shall be transferred to the Office of Student Affairs as part of the official student file.
19. The president/chairperson shall notify the accused student, Dean of the College, the student investigator, and the Office of Student Affairs of the outcome of the case.

(c) University Honor Court Hearing. The University Honor Court is composed of students from all Colleges at UTHSC. Each College nominates two (2) College Honor Council members to the University Honor Court pool. For each hearing, the VCAFSA will appoint a hearing panel of seven (7) members from the pool of nominees with at least two (2) panel members from the College of the accused student. The VCAFSA will select a chairperson from the panel members for the hearing. University Honor Court hearings shall be conducted in accordance with the same guidelines outlined in Section .04(5)(b).

(6) Enrollment of Students During the Notice of Charge and Hearing.

(a) Normally, an accused student may continue attending classes after the

issuance of a Notice of Charge, assuming that the case does not extend for more than one (1) complete academic term after the alleged violation occurred. Should the case continue into the next academic term, the Grades for courses taken during that term will be listed as "I" (incomplete) until the case is finally adjudicated, converting to the grade earned if the finding of the hearing panel is that the student did not violate the Honor Code. If the student is found responsible for violating the Honor Code, the Dean of that student's College will determine the type of penalty to impose, which could include denying credit for courses attended while the case was being adjudicated. Depending on individual circumstances, students who are involved in clinical training when a Notice of Charge is filed may not be able to continue their clinical activities. The Dean (or designee) from the student's College will decide whether the student can continue attending clinical training while the case is being adjudicated. If a case extends into a second academic term following the issuance of a Notice of Charge, then the accused student will normally not be allowed to continue coursework until the case has been resolved.

- (b) If an accused student leaves the University prior to the resolution of the case, the College Honor Council president shall send a letter to the Dean describing the accusation and stating the case was not resolved before the accused's departure from school. A copy of this letter with all accompanying documents related to the case shall be forwarded to the Office of Student Affairs to be placed in the accused student's permanent record.
- (c) If an accused student leaves the University without resolving a Notice of Charge and is later readmitted, the accused student will be required to appear before the College Honor Council and resolve the Notice of Charge. If the College Honor Council finds that the student did not violate the Honor Code, then the Dean shall inform the Office of Student Affairs and request removal of the letter and all accompanying documents from the student's permanent record.

~~1720-3-1-04 — ADDENDUM (COLLEGE HONOR COUNCILS).~~

- ~~(1) COLLEGE OF GRADUATE HEALTH SCIENCES HONOR COUNCIL (including the School of Biomedical Engineering)~~
- ~~(a) Composition. The Honor Council of the College of Graduate Health Sciences consists of the Graduate Student Executive Council, who are voting members, and their alternates with voice but not vote. An alternate member may vote in the absence of a voting member for that~~

department.

- ~~(b) Election of Members. The members of the Honor Council are selected according to the Constitution of the Student Government Association of the UT Health Science Center College of Graduate Health Sciences, Articles IV and V.~~
- ~~(c) Vacancy. In the event of a vacancy occurring in the Honor Council, the alternate member from the department in which the vacancy occurs becomes the voting representative for that department.~~
- ~~(d) Faculty Advisor. Each year the Dean selects one advisor, with voice but not vote, and who may be present at hearings. The advisor is an ex officio member of the Graduate Student Executive Council.~~
- ~~(e) Quorum. Five members of the Honor Council are required for a quorum for an Honor Court hearing.~~

~~(2) COLLEGE OF ALLIED HEALTH SCIENCES HONOR COUNCIL~~

- ~~(a) Composition. The Honor Council of the College of Allied Health Sciences shall consist of at least one voting representative from each class of each program. Classes with more than forty (40) students enrolled shall be represented by two voting representatives. Each class in each program shall have one alternate representative with voice but no vote except when serving in the absence of a voting representative from the particular class. Both voting representatives and alternate representatives shall attend regular Honor Council meetings. The Honor Council president shall preside over all regular meetings and Honor Court hearings. The executive officers (President, Vice President, Secretary and Treasurer) of each class governed by the Honor Code, and those of the Student Government Association Council, are ineligible to be members of the Honor Council.~~
- ~~(b) Election of Members. Each class shall elect its Council representatives within four weeks of the first day of the beginning of classes in the first academic term. Council members shall serve a term of one academic year and may be reelected at the discretion of a class. It is recommended that Honor Council representatives be reelected, if satisfactory, to provide continuity.~~
- ~~(c) Vacancy. In the event of a vacancy occurring in the Honor Council, the particular class in which the vacancy occurs shall elect a replacement within four weeks of the vacancy. The class may, for continuity, select the~~

~~alternate representative to fill a vacancy and elect a new alternate representative.~~

~~(d) Faculty Advisor. There shall be two faculty advisors with voice but no vote, one selected annually by the Dean of the College, to serve staggered two year terms. The faculty advisor shall be permitted to attend all proceedings of the Honor Council with voice but no vote.~~

~~(e) Quorum. A quorum of (2/3) two-thirds of the currently elected and enrolled representatives, or their designated alternates, will be required to be in attendance for proceedings concerning an Honor Code violation.~~

~~(f) Proctoring. Faculty may be present during student tests or examinations, in accordance with the Honor Code of the University of Tennessee, Health Science Center.~~

~~(3) COLLEGE OF DENTISTRY HONOR COUNCIL~~

~~(a) Composition. The Honor Council of the College of Dentistry consists of three elected representatives from each class and one elected alternate representative from each class. The alternate representative attends all regular meetings and participates in hearings in the absence of a representative from that class or if needed in order to constitute a quorum of the Honor Council for a hearing. During the interval between the graduation of senior representatives and the installation of new freshmen representatives, the alternates function as full Council members and participate in hearings held during this period.~~

~~(b) Election of Members~~

~~1. Each new class elects its Council members within eight weeks of the first day of the beginning of classes.~~

~~2. The Honor Council representatives may be reelected at the discretion of a class. However, it is recommended that Honor Council representatives be retained, if satisfactory, to provide continuity.~~

~~(c) Vacancy. If any Council member is, for any reason, unable to sit in judicial capacity at the hearings, the respective class is represented by the elected Honor Council alternate representative, who assumes all the regular powers of a Council member. Should a regular Council member be removed from office, the vacant position is filled by the alternate member from that class and a new alternate member is elected by the~~

class.

- ~~(d) Faculty Advisors: Two Faculty Advisors are appointed by the Dean to assist the Council in its operation.~~
- ~~(e) Quorum. Two thirds of the active voting membership of the Honor Council shall constitute a quorum. Honor Court decisions are decided by a majority vote of the Hearing Court. A quorum may be established regardless of class distribution or alternate status.~~
- ~~(f) Letter of Warning: The purpose of this letter is to notify and warn a student that his/her behavior is raising concern among his/her classmates, staff and faculty and that the activity in question may be in violation of the Honor Code. If the activity or behavior continues, a formal notice of charge may follow.~~
- ~~(g) Advocacy. The associate Dean for student affairs shall also be available as the student's advocate and will assist and advise any student(s) charged with an Honor Code violation.~~

~~(4) COLLEGE OF MEDICINE HONOR COUNCIL~~

- ~~(a) Composition. The Honor Council of the College of Medicine consists of three elected representatives from each class and one elected alternate representative from each class. The alternate representative attends all regular meetings and participates in hearings in the absence of a representative from that class or if needed in order to constitute a quorum of the Honor Council for a hearing. During the interval between the graduation of senior representatives and the installation of new freshmen representatives, all alternates function as full Council members and participate in hearings held during this period.~~
- ~~(b) Election of Members~~
 - ~~1. Each new class elects its Council members within 6 weeks of the first day of the beginning of classes.~~
 - ~~2. The Honor Council representatives may be reelected at the discretion of a class. However, it is recommended that Honor Council representatives be retained, if satisfactory, to provide continuity.~~
- ~~(c) Vacancy. If any Council member is, for any reason, unable to sit in judicial capacity at the hearings, the respective class is represented by the~~

~~elected Honor Council alternate representative, who assumes all the regular powers of a Council member. Should a regular Council member be removed from office, the vacant position is filled by the alternate member from that class and a new alternate member is elected by the class.~~

~~(d) Faculty Advisor. The faculty advisor is appointed by the Dean, assists the Council in its operation, but shall not be present during Council hearings.~~

~~(e) Quorum. A quorum of two thirds (2/3) of the currently elected and enrolled representatives, available on campus, or their designated alternates, will be required to be in attendance for proceedings concerning an Honor Code violation.~~

~~(f) Letter of Warning. The College of Medicine Honor Council reserves the option to issue a letter of warning to a student in the event of multiple complaints describing suspicious behavior, but without a guilty verdict. The purpose of this letter is to notify and warn a student that his/her behavior is raising concern among his/her classmates that the activity in question may be in violation of the Honor Code. If the activity of behavior continues, a formal Notice of Charge may follow.~~

~~(g) Proctoring. Faculty are welcomed and appreciated during the beginning and conclusion of examination periods to answer questions concerning test proceedings and to supervise test administration. An avenue should be available to contact the course director or his/her representative during the exam in the event of problems. However, in the spirit of the Honor Code as a student run system, proctoring of written examinations is not allowed unless directed by an outside testing agency or certifying board. This "no proctoring" provision does not apply to practical examinations or examinations requiring proctoring.~~

~~(5) COLLEGE OF NURSING HONOR COUNCIL~~

~~(a) Composition. The Honor Council of the College of Nursing consists of one president, representing all classes, and two representatives from each of the following: a) entering four semester BSN option, b) four semester senior BSN option, c) entering three semester BSN option, d) three semester Senior BSN option, e) RN to BSN option, f) eleven month BSN option, and, g) the graduate program. The Honor Council President presides over all regular meetings and over Honor Council hearings. Both representatives from each class attend regular Honor Council meetings as voting members. In the event of an Honor Court hearing, one representative from each class is selected by the Honor Council president to serve as a member of the hearing panel, and the other representative~~

— serves as an alternate.

— (b) — Election of Members. The Honor Council president must be a member of the four semester senior class and is appointed by the president of the College of Nursing SGA. The two representatives are elected by each class during the fall election period. The executive officers of each class are ineligible to serve as members of the Honor Council.

— (c) — Vacancy. In the event of a vacancy occurring in the Honor Council, a class election is held within 4 weeks of the vacancy to elect a new representative. In the event of a vacancy of the Honor Council president, a new president is reappointed by the president of the College of Nursing SGA.

— (d) — Faculty Advisor. The Assistant Dean for Student Affairs shall be the College of Nursing Honor Council faculty advisor. The faculty advisor shall be permitted to attend all proceedings of the Honor Council with voice but not vote.

— (e) — Quorum. Two thirds of the active voting membership of the Honor Council shall constitute a quorum. Honor Court decisions are decided by a majority vote of the Hearing Court. A quorum may be established regardless of a class distribution or alternate status.

— (6) — COLLEGE OF PHARMACY HONOR COUNCIL

— (a) — Composition. The Honor Council of the College of Pharmacy consists of three elected representatives from each class governed by the Honor Code who shall be voting members and one alternate member from each class with voice but not vote. The alternate member may vote in the absence of a voting member from that particular class. The executive officers (president, vice president, secretary and treasurer) of each class governed by the Honor Code, and those of the SGA Council, are ineligible to be members of the Honor Council.

— (b) — Election of Members. The first year class elects its council members within 6 weeks of the first day of the beginning of classes in the first academic term. The other three classes elect their Council members in the spring Semester of each year, after class elections. Honor Council representatives may be reelected at the discretion of a class, but only at the reelection times specified above and only by majority vote. It is recommended that Honor Council representatives be reelected, if satisfactory, to provide continuity.

- ~~(c) Vacancy. In the event of a vacancy occurring in the Honor Council, the alternate member from the class in which the vacancy occurs becomes the voting representative for that class.~~
- ~~(d) Faculty Advisor. One faculty advisor, with voice but not vote, is not present at hearings unless at the request of the Honor Council. The faculty advisor is selected each year by the Dean of the college. This advisor must be satisfactory to both the Dean and the student body.~~
- ~~(e) Quorum. Two thirds of the membership of the Honor Council shall constitute a quorum. Honor Council decisions are decided by a majority vote of the Honor Council. A quorum may be established regardless of class representation or alternate status.~~

1720-03-01-.05 HONOR CODE VIOLATION PENALTIES.

- (1) If a hearing panel finds that an accused student violated the Honor Code, then the hearing panel will report its findings to the Dean of the accused student's College and recommend possible penalties, including probation, suspension, dismissal, or any other action deemed appropriate by the hearing panel.
- (2) The Dean will consider the evidence, written findings, conclusions, and recommendations of the hearing panel and determine the penalty within ten (10) university business days of the Dean's receipt of the hearing panel's decision. If the Dean is not available to provide a timely penalty determination, then he/she may appoint a designee to make the penalty determination.
- (3) The Dean's decision on the penalty will be sent to the student by:
 - (a) U.S. mail or courier service to the address UTHSC's Registrar has on file for the student, in which case the notice is effectively sent upon mailing or delivery to the courier service; and
 - (b) Electronic means (e.g., e-mail) to the student's UTHSC e-mail account, in which case the notice is effectively sent upon transmission.
- (4) A copy of the Dean's (or designee's) decision will be sent to the president/chairperson of the hearing panel and to the Office of Student Affairs, which will file the decision as part of the student's permanent record.
- (5) Penalties in UAPA hearings will be determined by the administrative judge, hearing examiner, and/or Agency Head in accordance with Chapter 1720-01-05.

1720-03-01-.06 APPEALS.

- (1) The accused student may appeal the Dean's penalty determination in writing to the Chancellor within ten (10) university business days of receipt of the Dean's penalty determination. The accused student has the burden of proving that the penalty assigned by the Dean is unreasonable. Any appeal to the Chancellor may only address the penalty assigned by the Dean and not the decision of the College Honor Council or the University Honor Court.
- (2) The Chancellor (or designee) generally will respond to the student with a decision within ten (10) university business days of the receipt of the request for the appeal. A copy of the Chancellor's (or designee's) decision will be sent to the Office of Student Affairs and maintained in the student's permanent record.
- (3) Appeals in UAPA cases will be handled in accordance with Chapter 1720-01-05.

1720-03-01-.07 COLLEGE HONOR COUNCILS.

- (1) The general duties of a College Honor Council are to:
 - (a) Conduct hearings of alleged violations of the Honor Code;
 - (b) Keep adequate records of all hearings and transfer all case records of the case to the Office of Student Affairs; and
 - (c) Forward findings and recommendations in Honor Code violation proceedings to the Dean of the College.
- (2) Each College will establish policies and procedures governing the membership of the College Honor Council, including eligibility, how members are elected and removed, how alternates are elected and removed, how vacancies are filled, and which members may vote. Such policies and procedures described in Section .07(2) shall be published in the UTHSC student handbook.
- (3) The associate dean for student affairs may assist and advise any student(s) charged with an Honor Code violation.
- (4) The Dean of a College shall appoint one faculty advisor at each of its campuses to assist the College Honor Council. The Dean will determine whether a faculty advisor will be permitted to attend all College Honor Council proceedings and whether the faculty advisor may vote.
- (5) A College Honor Council may issue a letter of warning to a student in the event of multiple complaints describing suspicious behavior but no guilty verdict. A

letter of warning would warn the student his/her behavior is raising concern among classmates, staff, and faculty that the activity in question may violate the Honor Code. If the activity or behavior continues, a formal Notice of Charge may follow.