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312 Rosa L. Parks Avenue, 8th Floor Snodgrass/TN Tower
Nashville, TN 37243
Phone: 615-741-2650
Fax: 615-741-5133
Email: register.information@tn.gov

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Proposed Rule(s) Filing Form

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

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

Revision Type (check all that apply):

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1720-03-03-.06	Repealed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

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

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

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

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

Repeal

Rule 1720-03-03 Student Rights and Responsibilities is repealed.

New Rule

Chapter 1720-03-03
Student Rights and Responsibilities

1720-03-03-.01 Introduction.

- (1) Students at the University of Tennessee Health Science Center are members of both the University community and the larger community of which the University is a part. Accordingly, students are responsible for conducting themselves in a lawful manner and in compliance with University rules and policies. The University has established the following rules in order to advance the mission of the University by maintaining a safe and secure learning environment, protecting the rights and privileges of all members of the University community, providing a basis for orderly conduct of the affairs of the University, promoting a positive relationship between the University and its surrounding community, preserving institutional integrity and property, encouraging students to engage in conduct that brings credit to themselves and the University, and ensuring that each student who matriculates at the University graduates ready to contribute to society as an ethical and law-abiding citizen.
- (2) The University of Tennessee is committed to respecting students' constitutional rights. Nothing in this chapter is intended or shall be interpreted to restrict students' constitutional rights, including, but not limited to, rights of freedom of speech and assembly.
- (3) Students are responsible for being fully acquainted and for complying with the University catalog, student handbook, and other rules and policies relating to students. Failure or refusal to comply with the rules and policies established by the University may subject a student to disciplinary action up to and including permanent dismissal from the University.

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

1720-03-03-.02 Definitions.

- (1) The term "University" means the University of Tennessee Health Science Center.
- (2) The term "student" means a person admitted, enrolled or registered for study at the University of Tennessee, either full-time or part-time, pursuing undergraduate, graduate, or professional studies, as well as non-degree students. Persons not officially registered or enrolled for a particular term but who have a continuing relationship with the University also are considered students for purposes of these rules.
- (3) The term "student organization" means an organization that is composed solely of University students that has submitted a pending application or has completed the process for registration

according to University rules.

- (4) The term "University-controlled property" means all land, buildings, facilities, grounds, structures, or any other property owned, leased, used, maintained, or operated by the University. For purposes of this rule, University-controlled property includes all streets, alleys, sidewalks, and public ways abutting such property. University-controlled property also includes computers and network systems owned, maintained, or controlled by the University or funded by the University.
- (5) The term "University-affiliated activity" means any activity on or off University-controlled property that is initiated, aided, authorized, sponsored, or supervised by the University.
- (6) The term "University official" means an employee of the University, including faculty members and staff, or for purposes of this rule a University-recognized volunteer. Student employees may be considered University officials when acting in the performance of their duties (e.g., event staff, resident assistants, and teaching assistants).
- (7) The term "member of the University community" means any person who is a student, University official, campus visitor, or participant in a University-sponsored or University-affiliated activity.
- (8) The term "possession" means actual knowledge of a substance or property and/or being in such close proximity to the substance or property that it is a reasonable presumption that one had knowledge of the substance or property.
- (9) The term "weapon" means any device, instrument, or substance that is designed to, or reasonably could be expected to, inflict a wound, incapacitate, or cause serious bodily injury or death, including, but not limited to, firearms (loaded and unloaded, real and replica), ammunition, electronic control devices (such as tasers and stun guns), devices designed to discharge an object (such as bb guns, air guns, pellet guns, potato guns, and slingshots), explosives, dangerous chemicals (such as mace, tear gas, and oleoresin capsicum), martial arts weapons, bows and arrows, artificial knuckles, nightsticks, blackjacks, dirks, daggers, swords, and knives with fixed blades longer than three (3) inches. The term "weapon" does not include chemical repellents available over-the-counter for self-defense; instruments used solely for personal hygiene, preparation of food, maintenance, University-related instruction, or University employment-related duties.
- (10) The term "notice" means notice given in writing delivered by regular mail, courier service, or hand delivery to the address the University has on file for the student or student organization, or by e-mail to the student's or student organization's University-provided e-mail account.

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

1720-03-03-.03 Jurisdiction.

- (1) The Standards of Conduct, Chapter 1720-03-03-.04, apply to conduct that occurs on University-controlled property.
- (2) The University also has the discretion to discipline a student for an act in violation of the Standards of Conduct that occurs off University-controlled property if the conduct adversely affects the interests of the University, including, but not limited to, conduct which:
 - (a) Occurs in connection with a University-affiliated activity, including, but not limited to, an overseas study program or a clinical, field, internship, or in-service experience;
 - (b) Involves another member of the University community; or
 - (c) Threatens, or indicates that the student may pose a threat to, the health or safety of him/herself or others or the security of any person's property, including, but not limited to, alcohol-related offenses, drug-related offenses, arson, battery, fraud, hazing, participation

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

- (3) The Standards of Conduct have been adopted in furtherance of the University's interests and serve to supplement, rather than substitute for, the enforcement of the civil and criminal law. Accordingly, University disciplinary action may be instituted against a student charged with conduct that potentially violates both the criminal law and the Standards of Conduct without regard to the pendency of criminal charges or civil litigation. At the discretion of the Chief Student Affairs Officer, or his/her designee, disciplinary action relating to a violation of the Standards of Conduct may be carried out prior to, simultaneously with, or following criminal proceedings. Students accused of violating the Standards of Conduct may not challenge the University disciplinary proceedings on the grounds that criminal charges, civil litigation, or other University proceedings regarding the same incident are pending or have been terminated, dismissed, reduced, or not yet adjudicated.
- (4) Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if conduct is not discovered by the University until after a degree is awarded). Should a student withdraw from the University with disciplinary charges pending, the student's academic record and/or ability to register for classes may be encumbered by the appropriate University office.
- (5) Graduate or professional programs within the University may initiate charges against students for alleged violations of professional standards or ethics as a separate issue or as an extension of alleged acts of academic dishonesty or other violations of the Standards of Conduct.

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

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

- (1) Cheating, plagiarism, or any other act of academic dishonesty, including but not limited to an act in violation of the Honor Code.
- (2) Providing false information to a University official.
- (3) Falsifying, distorting, misrepresenting, or withholding information in connection with a University investigation or hearing.
- (4) Forging, altering, destroying, falsifying, or misusing records, identification, or documents, whether in print or electronic form.
- (5) Causing physical harm to any person (including oneself); endangering the health or safety of any person (including oneself); engaging in conduct that causes a reasonable person to fear harm to his/her health or safety; or making an oral or written statement (including electronically) that an objectively reasonable person hearing or reading the statement would interpret as a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals, although the speaker need not mean to carry out the act of unlawful violence in order to constitute a violation of this rule.
- (6) Harassment, which is defined as unwelcome conduct that is so severe or pervasive, and objectively offensive, that it substantially interferes with the ability of a person to work, learn, live, or participate in or benefit from the services, activities, or privileges provided by the University. In no event shall this rule be construed to discipline a student for speech protected by the First Amendment to the United States Constitution (e.g., mere insulting or offensive speech).
- (7) Sexual assault or misconduct. "Sexual assault" is defined as any sexual act or attempt to engage in any sexual act with another person without the consent of the other person, or in

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

- (8) Invasion of another person's privacy when that person has a reasonable expectation of privacy, including, but not limited to, using electronic or other means to make a video or photographic record of any person in a location in which the person has a reasonable expectation of privacy, without the person's knowledge or consent. This includes, but is not limited to, making a video or photographic record of a person in shower/locker rooms or restrooms. The storing, sharing, and/or distributing of such unauthorized recordings by any means is also prohibited.
- (9) Theft, misappropriation, unauthorized possession, or unauthorized sale of private or public property, including but not limited to University-controlled property.
- (10) Vandalizing, destroying, damaging, engaging in conduct that reasonably could cause damage to, or misusing private or public property, including but not limited to University-controlled property.
- (11) Participating in hazing. "Hazing" is defined as any intentional or reckless act, on or off University-controlled property, by one (1) student, acting alone or with others, which is directed against any other student, which endangers the mental or physical health or safety of that student, or which induces or coerces a student to endanger his or her mental or physical health or safety. "Hazing" does not include customary athletic events or similar contests or competitions and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.
- (12) Engaging in disorderly, lewd, indecent, or obscene conduct. "Disorderly" conduct means fighting or other physically violent or threatening conduct; creating a hazardous or physically offensive condition by any act that serves no legitimate purpose; making noise that could unreasonably disturb others who are carrying on lawful activities; or conduct that breaches the peace. "Lewd, indecent, or obscene" conduct includes, but is not limited to, public exposure of one's sexual organs, public urinating, and public sexual acts.
- (13) Engaging in speech, either orally or in writing, that is directed to inciting or producing imminent lawless action and is likely to incite or produce such action.
- (14) Any act of arson; falsely reporting a fire, the presence of an explosive or incendiary device, or other emergency; setting off a false fire alarm; or tampering with, removing, or damaging fire alarms, fire extinguishers or any other safety or emergency equipment from its proper location except when removed in a situation in which there is a reasonable belief of the need for such equipment.
- (15) Possessing, using, or duplicating University keys, access cards, or identification cards without authorization; possessing, using, or entering University-controlled property without authorization.
- (16) Theft, misuse, or unauthorized use of information technology facilities, resources, or access codes, including, but not limited to: unauthorized entry into or transfer of a file; using another person's identification and/or password without that person's consent; using information technology facilities or resources to interfere with the work of another student, faculty member, staff member, or other member of the University community; using information technology facilities or resources to interfere with normal operation of a University information technology system or network; circumventing University information technology system or network security; using information technology facilities or resources in violation of copyright laws; falsifying an e-mail header; and conduct that violates the University's policy on the Acceptable Use of Information Technology Resources.

- (17) Possessing, using, storing, or manufacturing any weapon or any facsimile of a weapon on University-controlled property or in connection with a University-affiliated activity, unless authorized in writing by the Chief of Police or his/her designee.
- (18) Consuming, manufacturing, possessing, distributing, dispensing, selling, or being under the influence of alcoholic beverages on University-controlled property or in connection with a University-affiliated activity.
- (19) Consuming, manufacturing, possessing, distributing, dispensing, selling, or being under the influence of alcoholic beverages, if prohibited by federal, state, or local law.
- (20) Providing an alcoholic beverage to a person younger than twenty-one (21) years of age, unless permitted by law.
- (21) Using, manufacturing, possessing, distributing, selling, dispensing, or being under the influence of drugs or drug paraphernalia, if prohibited by federal, state, or local law; using or possessing a prescription drug if the prescription was not issued to the student; or distributing or selling a prescription drug to a person to whom the prescription was not originally issued.
- (22) Failing to pay a University bill, account, or other University financial obligation.
- (23) Failing to respond to a request to report to a University administrative office; failing to comply with a lawful directive of a University employee or other public official acting within the scope of his/her duties; or failing to identify oneself to a University employee or other public official acting within the scope of his/her duties when requested to do so.
- (24) Failing to appear at a University hearing, including, but not limited to, a hearing of a University judicial board, following a request to appear either as a party or as a witness.
- (25) Violating the terms of an interim suspension, a no-contact directive, or a disciplinary penalty imposed by the University.
- (26) Obstructing or disrupting teaching, learning, studying, research, public service, administration, disciplinary proceedings, emergency services, or any other University-affiliated activity, or the free flow of pedestrian or vehicular traffic on University-controlled property. In no event shall this rule be construed to discipline a student for speech protected by the First Amendment to the United States Constitution.
- (27) Violating a University policy or rule, including but not limited to University policies or rules relating to facilities use, smoking, the acceptable use of information technology resources, research or service misconduct, finder's fees relating to clinical investigations involving human subjects or access to University data or materials, University libraries, dining services, parking or transportation, University identification card use, sexual harassment, residence halls, and registered student organizations.
- (28) Committing an act that is prohibited by local, state, or federal law.
- (29) Attempting to commit a violation of a Standard of Conduct or being an accessory to the commission of an act or attempted act in violation of a Standard of Conduct.

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

1720-03-03-.05 Penalties.

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

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

- (2) The following penalties may be imposed on any student found to have violated the Standards of Conduct:
- (a) **Disciplinary Warning.** A disciplinary warning is a notice that the student is violating or has violated the Standards of Conduct. It is used for minor violations and consists of a restatement of the regulation violated with an official warning concerning future action.
 - (b) **Disciplinary Reprimand.** A disciplinary reprimand is used for minor violations of the Standards of Conduct when it is evident the misconduct occurred with knowledge and awareness of applicable Standards of Conduct. A reprimand indicates that further violations will result in more severe disciplinary actions. Reprimands may be given to students in either verbal or written form.
 - (c) **Loss of Privilege.** Loss of privilege is a penalty imposed most commonly in cases involving violation of University rules governing hours, social standards, intramural sports, or misuse of University facilities. The loss of privilege is ordinarily established for a specific period of time, and actions are recorded in appropriate records. Privileges that may be lost include, but are not limited to, scholarships, stipends, participation in extracurricular activities (e.g. intramurals), participation in social activities, and use of certain University-controlled property (e.g., information technology resources).
 - (d) **Education.** Students may be required to attend classes, at their own expense, dealing with issues such as the consequences of alcohol or drug use, civility, ethics, or other topics as deemed appropriate by the Chief Student Affairs Officer or his/her designee.
 - (e) **Restitution.** Restitution may be required in situations that involve destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. Restitution may take the form of a monetary payment or appropriate service to repair or otherwise compensate for the destruction, damage, or loss.
 - (f) **Disciplinary Probation.** Disciplinary probation means that a student is permitted to remain in the University on a probationary status. Should a violation occur during probation, the student is normally suspended. Disciplinary probation is recorded on the student's personnel file in the Office of Student Affairs. Conditions of probation are specific to the individual case and may include loss of eligibility to serve as a student organization officer or participation in major student activities. Any specific probation conditions are described in a personal letter to the student. Other conditions of probation are specific to each individual case and may include a requirement of community service or other requirement or restriction.
 - (g) **Suspension.** The penalty of suspension is imposed in cases of serious or repeated misconduct or a violation of probation. A student who is suspended shall have his/her registration cancelled and is not eligible to apply for readmission for a designated period

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

- (h) **Permanent Dismissal.** Permanent dismissal means that a student is permanently barred from matriculating as a student at the University of Tennessee Health Science Center. This penalty is used when the violation of one (1) or more of the Standards of Conduct is deemed so serious as to warrant total and permanent disassociation from the University community without the possibility of re-enrollment; or when, by his/her repeated violation of the Standards of Conduct, a student exhibits blatant disregard for the health and safety of other members of the University community or the University's right to establish rules of conduct.
 - (i) **Revocation of Degree.** Revocation of a degree means revoking a student's a degree already awarded by the University. Revocation of a degree shall be approved by the University of Tennessee Board of Trustees.
- (3) A disciplinary hold may be placed on a student's account until the completion of the student disciplinary process and/or until the student satisfies the terms and conditions of any penalties imposed. A student who, at the time of commencement, is subject to a continuing disciplinary penalty or an unresolved disciplinary charge shall not be awarded a degree before the conclusion of all penalties and/or resolution of all disciplinary charges.
- (4) The following penalties may be imposed on a student organization found to have violated the Standards of Conduct:
- (a) **Disciplinary Warning.** A disciplinary warning is used for minor violations of the Standards of Conduct and consists of a restatement of the Standard of Conduct violated with an official warning concerning future action.
 - (b) **Loss of Privilege.** This penalty is intended to serve as a reminder of the Standards of Conduct and is for a specific period of time. Examples of privileges that may be lost include participating in extracurricular activities (e.g., intramurals), housing privileges, participating in social activities, and using certain University-controlled property.
 - (c) **Education.** Student organizations or their representatives may be required to attend classes, at their own expense, dealing with issues such as the consequences of alcohol or drug use, civility, ethics, or other topics as deemed appropriate by the Chief Student Affairs Officer, Student Conduct Officer, and/or his/her designee.
 - (d) **Restitution.** Restitution may be required in situations that involve destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. Restitution may take the form of a monetary payment or appropriate service to repair or otherwise compensate for the destruction, damage, or loss.
 - (e) **Social Probation.** This penalty prohibits a student organization from sponsoring or participating in specified social activities. While on social probation, a student organization may not host social events or participate in University-affiliated activities. Any exceptions to social probation must be approved, in advance, by the Chief Student Affairs Officer or his/her designee.
 - (f) **Disciplinary Probation.** Disciplinary probation means that a student organization is permitted to retain University registration on a probationary status. Violation of the Standards of Conduct during the period of disciplinary probation may result in more serious penalties, including revocation of University registration.
 - (g) **Revocation of University Registration.** In cases of serious misconduct, a student organization's University registration may be revoked.

- (5) More than one (1) of the penalties listed above may be imposed for any single violation of the Standards of Conduct.
- (6) Except for an interim suspension, disciplinary penalties shall not become effective until after opportunities for appeal have been exhausted. Penalties may be applied retroactively to the date of the offense. Coursework performed while disciplinary charges are pending or disciplinary proceedings are underway shall be considered conditional. Coursework may be affected or disregarded based on a final finding of misconduct or the penalty imposed, which may result in loss of course credit, a loss of tuition and/or fees, a delay in the awarding of a degree, or revocation of a degree that was awarded prior to a final decision in the disciplinary proceeding.

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

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

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

1720-03-03-.07 Interim Suspension.

- (1) When the Chief Student Affairs Officer or his/her designee has reasonable cause to believe that a student's or student organization's continued presence on University-controlled property or at University-affiliated activities poses a significant risk of substantial harm to the health or safety of others or to property or poses an ongoing threat to the disruption of, or interference with, the normal operations of the University, the Chief Student Affairs Officer or his/her designee may impose an interim suspension prior to the conclusion of a full hearing on the alleged misconduct.
- (2) An interim suspension shall be confirmed by a notice that explains the basis for the interim suspension and shall remain in effect until the conclusion of a full hearing in accordance with the rules of the University of Tennessee, which shall be held without undue delay.
- (3) Within three (3) business days of the imposition of the suspension, the student or student organization shall be offered an opportunity to appear personally before the Chief Student Affairs Officer or his/her designee in order to discuss the following issues only: (i) the reliability of the information concerning the student's or student organization's conduct; and (ii) whether the conduct and surrounding circumstances reasonably indicate that the student's or student organization's continued presence on University-controlled property or at University-affiliated activities poses a significant risk of substantial harm to the health or safety of others or to property or poses an imminent threat of disruption of or interference with the normal operations of the University.
- (4) During an interim suspension, the student or student organization shall be denied access to University-controlled property, including residence halls, and all other University-affiliated activities or privileges for which the student might otherwise be eligible, as the Chief Student Affairs Officer or his/her designee determines in his/her sole discretion to be appropriate. A student or student organization who receives an interim suspension and violates the terms of the interim suspension shall be subject to further disciplinary action and may be treated as a

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

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

1720-03-03-.08 Hearing Procedures.

- (1) Unless otherwise specified in the published policies and procedures of the UT Health Science Center, a student charged with misconduct or who is entitled to an opportunity for a hearing will, upon request, be provided a hearing in accordance with the following procedures:
 - (a) Notice - A person charged with misconduct will receive written notification of the following:
 1. The substance of the charge(s) against him/her.
 2. The disciplinary action taken or proposed.
 3. His/her right to a hearing should he/she wish to contest the charge(s) or action.
 4. To whom a request for a hearing should be addressed.
 5. That a request for a hearing must be made within five (5) days of the person's receipt of this notice.
 6. His/her right to be accompanied by no more than one (1) advisor during the hearing, including but not limited to a parent, spouse, friend, or attorney. The role of the advisor shall be limited to providing advice or support to the accused student. Even if accompanied by an advisor, the accused student is responsible for presenting his/her own case to the hearing panel. An advisor is not permitted to: introduce evidence; raise objections; present arguments; address directly the members of the hearing panel, the student conduct officer, or any witnesses participating in the hearing; or otherwise participate in the hearing. In consideration of the limited role of the advisor, and of the compelling interest of the University to expeditiously conclude the matter, a hearing shall not be delayed due to the unavailability of an advisor.
 7. His/her rights to a hearing in accordance with the contested case provisions of the Uniform Administrative Procedures Act, T.C.A. § 4-5-108 et seq. In the absence of a voluntary written waiver of his/her rights to a hearing under the provisions of the TUAPA, a requested hearing will be conducted in accordance with the University's TUAPA hearing procedures shall not apply.
 - (b) Hearing Panel - A requested hearing will be provided by a panel of individuals or a hearing examiner, selected in accordance with policies of UT Health Science Center or, in the absence of applicable policies or procedures, by the Chancellor of the UT Health Science Center or his/her designee. The hearing will be conducted by a panel chairman similarly selected. Panel members shall be impartial and anyone lacking such impartiality shall recuse himself or be removed by the Chancellor of the UT Health Science Center or his/her designee upon the request of any party to a hearing.
 - (c) Hearing Process - The chairman of a hearing panel or hearing examiner will conduct the hearing, without regard to technical rules of procedure, in such manner as will best serve the cause of justice within the following general guidelines:
 1. Each party to a hearing will be afforded a full and fair opportunity to present all evidence including witnesses, reasonably relating to the charge or action at issue; evidence which is irrelevant, immaterial, repetitious or voluminous may be

limited.

2. The hearing panel or examiner will consider all evidence presented, giving due consideration to the credibility or weight of each item presented; technical rules of evidence will not apply.
 3. Each party will have the right to question opposing witnesses.
 4. A record will be made of the hearing procedures. However, defects in the record will not invalidate the proceedings.
 5. The University will have the burden of providing, by a preponderance of the evidence, the truth of the charge(s) at issue. Where the charge(s) is found to be true, the person charged will have the burden of proving that the disciplinary action taken or proposed is arbitrary, capricious, or unreasonable.
 6. Following the conclusion of the hearing, the hearing panel or examiner will consider the evidence and present written findings within a reasonable time.
 7. In cases involving an allegation of sexual assault or misconduct, the hearing procedures shall be modified to afford the alleged victim all of the rights described in Chapter 1720-03-03-.08(1)(d).
- (d) In cases involving a complaint of sexual assault or misconduct, the alleged victim shall have the right to:
1. Notice concerning the process by which the University will handle the complaint and an opportunity to ask questions about the process;
 2. A prompt, thorough, and impartial investigation of the complaint;
 3. The same opportunity as the accused student to present his/her explanation of the facts during the University's investigation;
 4. Have the investigation of the complaint concluded within sixty (60) days of the University's receipt of a complaint, unless circumstances make it impracticable for the University to complete its investigation within that timeframe;
 5. Notice of the outcome of the University's investigation;
 6. Have a disciplinary hearing conducted within thirty (30) days of a University charge that the accused student committed sexual assault or misconduct, unless circumstances make it impracticable for the University to conduct a hearing within that timeframe;
 7. Notice of the date, time, and location of the disciplinary hearing, the right to have the disciplinary hearing closed to the public, and the right to request rescheduling of the hearing for good cause;
 8. The same access as the accused student to any information or documents that will be used by the University during a disciplinary hearing, unless prohibited by law;
 9. Challenge the selection of any member of a hearing panel or a hearing examiner for good cause, which will be determined at the discretion of the Chancellor or his/her designee;

10. Be accompanied by an advisor of his/her choosing during the University's investigation or a disciplinary hearing, but the advisor shall not be permitted to speak for the victim during a disciplinary hearing;
 11. The same opportunity as the accused student to be present during the hearing, present witnesses and other evidence, challenge the admissibility of evidence, and cross-examine adverse witnesses during the disciplinary hearing;
 12. Testify or remain silent at his/her option; however, choosing to remain silent may result in the University dismissing the charges against the accused student or the hearing panel or examiner finding that there is insufficient evidence to find the accused student guilty of the charges against him/her;
 13. Not to be questioned personally by the accused student during the disciplinary hearing;
 14. Submit a written impact statement to the hearing panel or examiner for consideration during the sanctioning phase of the disciplinary hearing, if the accused student is found guilty of the charges against him/her;
 15. Notice of the decision of the hearing panel or examiner within three (3) business days of the disciplinary hearing; and
 16. Appeal the decision of the hearing panel or examiner to the Chancellor and the President.
- (2) The decision of any board or administrative officer of The University of Tennessee is subject to review by the Chancellor and the President.
 - (3) For purposes of this rule, the term "student" shall mean a student or a student organization.
 - (4) When, in the judgment of the Chancellor of the University of Tennessee, Health Science Center, conditions are such that an emergency exists which makes it impossible for the system of judicial boards to function, he/she may suspend the procedural regulations described in this Chapter. If the procedures are suspended, he may substitute for them arrangements for handling disciplinary matters that will ensure the orderly functioning of the University and at the same time safeguard the basic rights of the students.

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

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

- (1) All currently registered students are required to have a UT Health Science Center Student Identification Card. Lost and found I.D. cards should be reported to the Office of Campus Safety and Security. Replacement for lost cards may be obtained from the Office of Campus Safety and Security. A replacement charge will be assessed.
- (2) In order to determine the identity of students, all students are required to present their University identification cards promptly on request of a University police officer or member of the administration or faculty of the University. Identification cards will not ordinarily be retained; however, a card may be retained if an emergency situation exists or if the card may be needed as evidence. The retained card, if valid, will be returned to the student as soon as possible.

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

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

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

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

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

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

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

the filing of the proposed rule with the Secretary of State.

Date: March 16, 2012

Signature: [Signature]

Name of Officer: Matthew Scoggins

Title of Officer: Assistant General Counsel



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

Notary Public Signature: Lynette Russell

My commission expires on: 1-27-15

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

[Signature]

Robert E. Cooper, Jr.
Attorney General and Reporter

4-6-12

Date

Department of State Use Only

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

Effective on: 09/28/2012

[Signature]

Tre Hargett
Secretary of State

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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.

(If applicable, insert Regulatory Flexibility Addendum here)

Impact on Local Governments

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

The University of Tennessee anticipates that this rule will have no financial 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 TCA 4-5-226(i)(1).

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

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

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

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

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

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

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

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

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

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

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

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

T.C.A. §§ 49-9-209(e), 49-7-123, 49-7-146; Title IX, Education Amendments of 1972, U.S.C. § 1681 et seq.

- (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;

University administration, faculty, students, and visitors.

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

None.

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

Minimal.

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

Matthew Scoggins
Assistant General Counsel
University of Tennessee

Sonya Smith
Assistant Vice Chancellor for Student Affairs
University of Tennessee, Health Science Center

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

Matthew Scoggins
Assistant General Counsel
University of Tennessee

Sonya Smith
Assistant Vice Chancellor for Student Affairs
University of Tennessee, Health Science Center

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

Sonya Smith
Assistant Vice Chancellor for Student Affairs
University of Tennessee, Health Science Center
910 Madison Avenue, Suite 520
Memphis, TN 38163
sonya@uthsc.edu
901-448-5568

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

None.

**RULES
OF
THE UNIVERSITY OF TENNESSEE AT CHATTANOOGA**

**CHAPTER 1720-2-5
STUDENT CODE**

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1720-2-5-.01 JURISDICTION.

- (1) ~~The supervision of student discipline is delegated by the Chancellor to the Vice Chancellor for Student Development, and the Vice Chancellor for Student Development, may in turn, identify appropriate University officials to assist in this duty and/or to serve as University Hearing Officers.~~
- (2) ~~The University Student Code shall apply to conduct that occurs on University premises, at University sponsored activities, and to off campus conduct that adversely affects a member of the University Community. Each student shall be responsible for his or her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after a degree is awarded). The Student Code shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending.~~
- (3) ~~Disputes between organizations (except in fraternity/sorority cases which may be within the jurisdiction of the appropriate Greek governing council and/or the Dean of Students office) shall be subject to the jurisdiction of the Vice Chancellor for Student Development or his or her designee.~~
- (4) ~~The Vice Chancellor for Student Development or his or her designee shall have jurisdiction over disputes between individual students and organizations when such arbitration is requested by either of the parties involved.~~
- (5) ~~The Honor Code applies to academic matters primarily, although its purpose has implications for all student conduct. The Honor Code regulates certain activities of all students and faculty members in any college or division of the University during all sessions.~~

~~Authority: TCA §49-9-209(e). Administrative History: Original rule filed September 15, 1976; effective October 15, 1976. Repealed by Public Chapter 575; effective July 1, 1986. New rule filed May 27, 1986; effective August 12, 1986. Amendment filed March 12, 1987; effective June 29, 1987. Amendment filed June 22, 2006; effective October 27, 2006.~~

1720-2-5-.02 REGULATIONS GOVERNING STUDENT CONDUCT.

- (1) ~~All students violating Civil or Criminal Law, whether on University property or not, are answerable to civil or criminal authorities. In addition, students at the University will be responsible for abiding by the regulations governing student conduct. Specific violations are:~~
 - (a) ~~Failure to adhere to the Honor Code Pledge.~~

(Rule 1720-2-5-.02, continued)

- (b) ~~Forgery, alteration, destruction, falsification or misuse of University documents, records, or identification, or acting in a conspiracy or assisting others to perform or commit any of the aforementioned acts.~~
- (c) ~~Knowingly provide false information to the University or other similar forms of dishonesty in University-related affairs.~~
- (d) ~~Disruption, obstruction, or interruption of teaching, research, administration, conduct procedures or other University activities, including its public service functions, or other authorized University activities. In no event shall this rule be construed to prevent speech protected by the First Amendment to the United States Constitution.~~
- (e) ~~Threat or harassment of any person, or conduct which poses a clear and present danger to the health, safety or well being of any person on University-owned or controlled property or at University-supervised functions.~~
- (f) ~~Physical abuse of any person, or other conduct which threatens or endangers the health or safety of any person, whether such conduct occurs on or off University property. In no event shall this rule be construed to prevent speech protected by the First Amendment to the United States Constitution.~~
- (g) ~~Vandalism, malicious destruction, damage, or misuse of private or public property, including library material.~~
- (h) ~~Theft, misappropriation, unauthorized possession, sale, or damage to property belonging to the University, an organization affiliated with the University, a member of the University community, or a campus visitor.~~
- (i) ~~Violations of properly constituted rules and regulations governing the use of motor vehicles on University-owned property.~~
- (j) ~~Lewd, obscene, indecent, or disorderly conduct on University-owned or controlled property or at University-supervised functions.~~
- (k) ~~Possession, while on University-owned or controlled property or at University-supervised activity, of any weapon such as, but not limited to, rifles, shotguns, ammunition, handguns, air guns, explosives such as firecrackers, and bladed weapons, unless authorized by the Vice Chancellor for Student Development or his or her designee.~~
- (l) ~~Unauthorized use of or entry into University facilities and/or unauthorized possession or duplication of keys to University facilities.~~
- (m) ~~Use, possession, or being under the influence of alcoholic beverages on University-owned property.~~
- (n) ~~Gambling on University-owned or controlled property.~~
- (o) ~~Unlawful use, manufacture, possession, distribution or dispensing of drugs or alcohol on University property or during University activities.~~
- (p) ~~Failure to comply with the directions of any University official, acting in the normal discharge of their duties.~~

(Rule 1720-2-5-.02, continued)

- (q) ~~Any act of arson, falsely reporting a fire or other emergency, falsely setting off a fire alarm, tampering with or removing from its proper location fire extinguishers, hoses, or any other fire emergency equipment except when done with real need for such equipment.~~
- (r) ~~Violation of local, state, or federal law, whether on or off campus, when it appears that the student has acted in a way which adversely affects or seriously interferes with the University's normal educational function, or which injures or endangers the welfare of any member of the University community. Such violation includes, but is not limited to, violation of state or federal drug laws, commission of or attempt or threat to commit rape, violent or non-violent sexual offenses, murder, felonious assault, arson or any other felonious crime against person or property.~~
- (s) ~~Unauthorized use or misuse of the University's computing facilities. This includes:~~
 - 1. ~~Logging on an account without the knowledge and permission of the owner.~~
 - 2. ~~Changing, deleting, and adding to the programs, files and data without authorization of the owner.~~
 - 3. ~~Theft of program data and machine resources.~~
 - 4. ~~Attempts to thwart security of the computer system(s).~~
 - 5. ~~Attempts to disrupt the normal operations of the computer system(s), including hardware and software.~~
- (t) ~~An attempt to commit or to be an accessory to the commission of any act in violation of the student code.~~
- (u) ~~Participation of students in hazing activities. "Hazing" means any intentional or reckless act, on or off University property, by one student, acting alone or with others, which is directed against any other student, that endangers the mental or physical health or safety of that student, or which induces or coerces a student to endanger his or her mental or physical health or safety, and includes treatment of a violent, abusive, shameful, insulting, or humiliating nature, whether the student voluntarily participates or not. Such action is prohibited when connected with initiation into or affiliation with an organization and does not include participation in customary athletic events or similar competition.~~

Authority: ~~TCA §49-9-209(e). Administrative History: Original rule filed September 15, 1976; effective October 15, 1976. Repealed by Public Chapter 575; effective July 1, 1986. New rule filed May 27, 1986; effective August 12, 1986. Amendment filed October 31, 1990; effective January 29, 1991. Amendment filed November 20, 1990; effective February 27, 1991. Amendment filed September 3, 1992; effective December 29, 1992. Amendment filed June 18, 1996; effective October 28, 1996. Amendment filed June 22, 2006; effective October 27, 2006.~~

~~1720-2-5-.03 INVESTIGATIONS OF STUDENT CONDUCT.~~

- (1) ~~All University investigations shall be conducted in an ethical manner, keeping in mind the rights of students. The following regulations shall be strictly observed.~~
- (2) ~~Inspection and Search Policy. Entry by University officials into occupied rooms in residence halls will be divided into three categories: inspection, search, and emergency. Inspection is defined as the entry into an occupied room by University officials in order to ascertain the health and safety conditions in the room, or to make repairs on facilities, or to perform cleaning and janitorial operations. Search is defined as the entry into an occupied room by on campus authorities for the purpose of investigating~~

(Rule 1720-2-5-.03, continued)

~~suspected violations of campus regulations and/or city, state, or federal law. An emergency situation exists when the delay necessary to obtain search authorization constitutes a danger to persons, property, or the building itself.~~

- (a) ~~Inspection: Scheduled inspections by University officials, with the exception of daily janitorial and maintenance operations, shall be preceded, if possible, by twenty-four hours notice to the residents. During the inspection, there will be no search of drawers or closets or personal belongings.~~
- (b) ~~Search: University officials will not enter a room for purposes of search except in compliance with state law or with the permission of the resident or the written permission of the Vice Chancellor for Student Development or his or her designee. University officials shall have, if possible, the Resident Director or his or her designee accompany them on the search.~~

~~Authority: TCA §49-9-209(e). Administrative History: Original rule filed September 15, 1976; effective October 15, 1976. Repealed by Public Chapter 575; effective July 1, 1986. New rule filed May 27, 1986; effective August 12, 1986. Amendment filed March 12, 1987; effective June 29, 1987. Amendment filed June 22, 2006; effective October 27, 2006.~~

~~1720-2-5-.04 DUE PROCESS AND STUDENT RIGHTS.~~

- (1) ~~Due process shall guarantee to the accused student the following:~~
 - (a) ~~The right to be informed of charges in writing prior to the hearing.~~
 - (b) ~~The right of reasonable time in which to prepare a defense.~~
 - (c) ~~The right to a fair and just hearing.~~
 - (d) ~~The right to challenge all charges and testimony used against the accused student and to question witnesses.~~
 - (e) ~~The right to be informed in writing of:~~
 - 1. ~~The final decision of his or her case.~~
 - 2. ~~The proper procedure for appeal.~~
 - (f) ~~The right to be accompanied by an advisor he or she chooses, at his or her own expense.~~
 - 1. ~~The accused student is responsible for presenting his or her own information, and therefore, advisors are not to speak or participate directly in a University hearing.~~
 - 2. ~~Students should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the University hearing.~~
 - 3. ~~Delays will not normally be allowed due to the scheduling conflicts of an advisor.~~
- (2) ~~Any student or student organization shall be formally charged in writing with the alleged offense. The date, time, and place of occurrence of the offense shall be stated on the statement of charges.~~
- (3) ~~The Dean of Students office must keep accurate records of each hearing and the disposition of each case.~~

(Rule 1720-2-5-.04, continued)

Authority: ~~TCA §49-9-209(e). Administrative History: Original rule filed September 15, 1976; effective October 15, 1976. Repealed filed August 22, 1980; effective December 1, 1980. Repealed by Public Chapter 575; effective July 1, 1986. New rule filed May 27, 1986; effective August 12, 1986. Amendment filed June 22, 2006; effective October 27, 2006.~~

~~1720-2-5-.05 STUDENT CONDUCT HEARING PROCEDURES.~~

~~(1) Complaints.~~

- ~~(a) Any member of the University community may present a complaint to the Dean of Students office against a student for violations of the Student Code. Any complaint should be submitted as soon as possible after the event takes place. Any charge(s) shall be prepared in writing by the Dean of Students office.~~
- ~~(b) All charges shall be presented to the accused student in written form.~~

~~(2) Hearing Options.~~

- ~~(a) An accused student desiring to contest the charge(s) against him or her must do so by requesting a hearing within five (5) days of his or her receipt of written notice of the charge(s).~~
- ~~(b) The accused student(s) may, at his or her option, request a hearing before a panel of individuals (Student Conduct Board) or by a University Hearing Officer selected by the Vice Chancellor for Student Development (or his or her designee). A hearing before a Student Conduct Board will be chaired by a University Hearing Officer similarly selected. Board members and hearing officers shall be impartial and anyone lacking such impartiality shall recuse him/herself or may be removed by the Vice Chancellor for Student Development upon request of any party to a University hearing.~~
- ~~(c) A requested hearing shall be scheduled promptly after receipt of the request.~~
- ~~(d) In the absence of a voluntary written waiver of the accused student's right to a hearing under the provisions of the Tennessee Uniform Administrative Procedures Act (T.C.A. § 4-5-108 et seq.), a requested hearing will be conducted in accordance with the University's APA hearing procedures and these procedures shall not apply.~~

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

- ~~(a) All University hearings shall be closed to the public.~~
- ~~(b) The accused student (and certain "victims" where permitted by law) and his or her advisor, if any, shall be allowed to attend the entire portion of the University Hearing at which information is received (excluding deliberations).~~
- ~~(c) Each party will be afforded a full and fair opportunity to present all evidence, including witnesses, reasonably relating to the charge or action at issue; evidence which is irrelevant, immaterial, repetitious or voluminous may be limited.~~
- ~~(d) All procedural questions are determined by the University Hearing Officer.~~
- ~~(e) The Student Conduct Board or University Hearing Officer sitting alone will consider all evidence presented, giving due consideration to the credibility or weight of each item presented; technical rules of evidence will not apply.~~

(Rule 1720-2-5-.05, continued)

- (f) ~~The University will have the burden of proving, by a preponderance of the evidence, the truth of the charge(s) at issue.~~
- (g) ~~Following the conclusion of the University hearing, the Student Conduct Board or University Hearing Officer sitting alone will consider the evidence and present written findings.~~
- (h) ~~An appropriate record will be made of the hearing procedures. Deliberations shall not be recorded. Defects in the record will not invalidate the proceedings.~~

Authority: TCA §49-9-209(e). Administrative History: Original rule filed September 15, 1976; effective October 15, 1976. Repealed filed August 22, 1980; effective December 1, 1980. Repealed by Public Chapter 575; effective July 1, 1986. New rule filed May 27, 1986; effective August 12, 1986. Amendment filed June 22, 2006; effective October 27, 2006.

~~1720-2-5-.06 DISCIPLINARY ACTIONS AND PENALTIES.~~

- (1) ~~Disciplinary actions are taken and penalties are assigned by the Student Conduct Board or University Hearing Officer sitting alone on the basis of all attendant circumstances.~~
 - (a) ~~The penalties which may be assessed for violation of the Student Code are:~~
 1. ~~Loss of Privilege. This penalty may involve loss of scholarship, stipend, right to participate in certain extracurricular activities, etc.~~
 2. ~~Educational Sanction.~~
 3. ~~Housing Probation. Housing probation means a student is permitted to remain in University housing on a probationary status.~~
 4. ~~Disciplinary Reprimand. Disciplinary reprimands are used for minor infractions or misconduct where it is evident the misconduct occurred with knowledge and awareness of the University regulations. Reprimands are given to students in either verbal or written form. Any specific conditions on the student's behavior or activities may be described in a personal letter to the student.~~
 5. ~~Disciplinary Probation. Disciplinary probation means that a student is permitted to remain in the University with a probationary status. Should a violation of regulations occur during probation, the student is normally suspended. Any specific conditions are described in a personal letter to the student.~~
 6. ~~Suspension. Suspension is used in cases of serious misconduct, or violation of probation, and means that the student is required to cancel his registration and is not eligible to apply for readmission for a designated period of time. Suspension may be indefinite or for a specified time, and a suspension may be deferred pending good behavior. (Persons suspended from the University may not return to the campus for the duration of their suspension, except to conduct official business with an administrative officer or faculty member.)~~
 7. ~~Dismissal. Dismissal is used when the misconduct is serious enough to warrant the decision that the student is not to return to the University.~~
 - (b) ~~The following sanctions may be imposed upon groups or organizations:~~
 1. ~~Those sanctions listed above in sections 1., 2., 5., 6.~~

(Rule 1720-2-5-.06, continued)

2. ~~Deactivation. Loss of all privileges, including University recognition, for a specified period of time.~~

~~Authority: TCA §49-9-209(e). Administrative History: Original rule filed September 15, 1976; effective October 15, 1976. Repealed filed August 22, 1980; effective December 1, 1980. Repealed by Public Chapter 575; effective July 1, 1986. New rule filed May 27, 1986; effective August 12, 1986. Amendment filed June 22, 2006; effective October 27, 2006.~~

~~1720-2-5-.07 APPEALS.~~

- (1) ~~Decisions of the Student Conduct Board or University Hearing Officer sitting alone may be appealed to the Vice Chancellor for Student Development by delivering a signed statement containing:~~
- ~~(a) A statement that he/she appeals the decision;~~
 - ~~(b) A brief statement of grounds of appeal. The appeal must be submitted within five (5) business days of receiving written notification of the decision.~~
- (2) ~~The Vice Chancellor may:~~
- ~~(a) Uphold the decision~~
 - ~~(b) Amend the decision~~
 - ~~(c) Return case for reconsideration~~
 - ~~(d) Overturn decision~~
- (3) ~~Either Party may appeal to the Chancellor of the University.~~

~~Authority: TCA §49-9-209(e). Administrative History: Original rule filed September 15, 1976; effective October 15, 1976. Repealed by Public Chapter 575; effective July 1, 1986. New rule filed May 27, 1986; effective August 12, 1986. Amendment filed June 22, 2006; effective October 27, 2006~~

~~1720-2-5-.08 PARKING APPEALS~~

~~Parking Appeals. Appeals of student parking tickets are reviewed by the Student Parking Appeals Board. Decisions concerning the appeals are based on a majority vote of the Board.~~

~~Authority: TCA §49-9-209(e). Administrative History: Original rule filed September 15, 1976; effective October 15, 1976. Repealed by Public Chapter 575; effective July 1, 1986. New rule filed May 27, 1986; effective August 12, 1986. Amendment filed June 22, 2006; effective October 27, 2006.~~

~~1720-2-5-.09 COMPOSITION OF STUDENT PARKING APPEALS BOARD.~~

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

(Rule 1720-2-5.09, continued)

- (2) ~~All members must have a 2.00 cumulative grade point average and be enrolled as full-time students and not be on any form of probation.~~
- (3) ~~The Chair will be elected by the Board and votes in case of tie.~~
- (4) ~~A temporary chair will be elected by the members of the board in the event:~~
 - (a) ~~The Chair is a party to the case.~~
 - (b) ~~The Chair is absent.~~
 - (c) ~~The Chair removes himself from the case.~~
- (5) ~~Once appointed, students remain on the Student Parking Appeals Board until they terminate at the University, cease to be eligible to serve, or resign voluntarily.~~

~~Authority: TCA §49-9-209(e). Administrative History: Original rule filed May 27, 1986; effective August 12, 1986. Amendment filed June 22, 2006; effective October 27, 2006~~

~~1720-2-5.10 EMERGENCY SITUATIONS.~~

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

~~Authority: TCA §49-9-209(e). Administrative History: Original rule filed May 27, 1986; effective August 12, 1986. Amendment filed June 22, 2006; effective October 27, 2006~~

~~1720-2-5.11 WITHDRAWAL OR TEMPORARY SUSPENSION DUE TO PHYSICAL OR PSYCHOLOGICAL ILLNESS.~~

- (1) ~~When a student is unable to pursue his or her academic work effectively, or when his or her behavior is disruptive to the normal educational processes of the University, or constitutes a threat to members of the University community, due to, among other things, the use of alcohol, drugs, or other psychologically incapacitating illnesses or conditions, he or she may be withdrawn or temporarily suspended from the University as hereinafter provided:~~
 - (a) ~~Withdrawal. A student may be withdrawn from the University only after an evaluation of his or her mental, physical condition, or behavior by a panel of at least three persons appointed by the Vice Chancellor for Student Development. The student shall be notified of the reasons for the evaluation and given an opportunity to present evidence to the committee. He or she shall enjoy the rights of normal due process procedures. The committee's findings and recommendations shall be forwarded to the Vice Chancellor for Student Development who will notify the student in writing of his or her decision. A student withdrawn under this procedure shall not be readmitted to the University without the approval of the Vice Chancellor for Student Development.~~
 - (b) ~~Grades. When a student is suspended or withdrawn from the University for reasons described in this section, he or she will be assigned a grade of "W".~~
 - (c) ~~Committee Composition and Hearing. The panel referred to herein will include at least one member of the faculty at large and representative of the Counseling Center or a psychologist.~~

(Rule 1720-2-5.11, continued)

~~The Dean of Students or his or her designee would normally have responsibility for preparing the charges and presenting the case. The student in question would have the right to normal due process provisions.~~

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

~~Authority: TCA §49-9-209(e). Administrative History: Original rule filed May 27, 1986; effective August 12, 1986. Amendment filed March 12, 1987; effective June 29, 1987. Amendment filed June 22, 2006; effective October 27, 2006~~