

AUSTIN PEAY STATE UNIVERSITY
POLICIES AND PROCEDURES MANUAL

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Subject: Student Code of Conduct	
Initiating Authority: Dean of Students	SBR Policy/Guideline Reference: 3:02:00:01 & 3:02:01:00 Chapter 0240-3-1, As filed under TUAPA with the State Attorney General and Secretary of State (State Authority: T.C.A. Section 49-8-203
Approved:  President	

I. General Regulations

A. Policy Statement

1. Austin Peay State University (APSU) students are citizens of the state, local and national governments, and of the academic community. They are, therefore, expected to conduct themselves as law-abiding members of each community at all times. Admission to the University carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by non-students. In recognition of the special relationship that exists between the institution and the academic community which it seeks to serve, the State Board of Regents (SBR) has authorized the Presidents of the institutions under its jurisdiction to take such action as may be necessary to maintain campus conditions and preserve the integrity of the institution and its educational environment.
2. Pursuant to this authorization and in fulfillment of its duty to provide a secure and stimulating atmosphere in which individual and academic pursuits may flourish, the University has developed the following Regulations (known as the Student Code of Conduct)

which are intended to govern student conduct on the Austin Peay State University Campus.

In addition, students are subject to all national, state and local laws and ordinances. If a student's violation of such laws or ordinances also adversely affects the institution's pursuit of its educational objectives, the University may enforce its own regulations regardless of any proceedings instituted by other authorities. Conversely, violation of any section of these Regulations may subject a student to disciplinary measures by the University whether or not such conduct is simultaneously violative of state, local or national laws.

B. Disciplinary Offenses

1. Generally, through appropriate due process procedures, institutional disciplinary measures shall be imposed for conduct which adversely affects the University's pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property or persons on University or University-controlled property.
2. Individual or organizational misconduct which is subject to disciplinary sanction shall include but not be limited to the following examples:
 - a. Conduct dangerous to others. Any conduct which constitutes a serious danger to any person's health, safety or personal well-being, including any physical abuse or immediate threat of abuse;
 - b. Hazing. Any act of hazing of any variety by an individual or group. Hazing shall include, but is not limited to: any action taken, or situation created intentionally, to produce mental or physical discomfort, embarrassment or ridicule; any form of verbal or physical harassment or abuse; and engaging in public stunts, morally degrading or humiliating behavior or games, whether on or off campus. Excessive demands on a student's time so as to interfere with academic performance are prohibited. Threatening in any manner or form for the purpose of cajoling individuals into secrecy in regard to breaches (planned, threatened, attempted, or perpetrated) of hazing violations also is prohibited;
 - c. Disorderly conduct. Any individual or group behavior which is abusive, obscene, lewd,

indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs other groups or individuals;

- d. Obstruction of or interference with University activities or facilities. Any intentional interference with or obstruction of any University activity, program, event, or facility, including the following:
 - (1) Any unauthorized occupancy of University or University-controlled facilities or blockage of access to or from such facilities.
 - (2) Interference with the right of any University member or other authorized person to gain access to any University or University-controlled activity, program, event or facility.
 - (3) Any obstruction or delay of a campus security officer, fireman, or any University official in the performance of his/her duty.
- e. Misuse of or damage to property. Any act of misuse, vandalism, malicious or unwarranted damage, destruction, defacing, disfiguring or unauthorized use of property belonging to the University including, but not limited to, fire alarms, fire equipment, elevators, telephones, University keys, library materials, computing resources, and/or safety devices; and any such act against a member of the University community or a guest of the University;
- f. Theft, misappropriation, or unauthorized sale. Any act of theft, misappropriation, or unauthorized possession or sale of University property or any such act against a member of the University community or a guest of the University;
- g. Misuse of documents or identification cards. Any forgery, alteration of or unauthorized use of University documents, forms, records or identification cards, including the giving of any false information, in connection with a student's admission, enrollment or status in the University;
- h. Firearms and other dangerous weapons. Any unauthorized or illegal possession of or use of firearms or dangerous weapons of any kind;

- i. Explosives, fireworks, and flammable materials. The unauthorized possession, ignition or detonation of any object or article which could cause damage by fire or other means to persons or property or possession of any substance which could be considered to be and used as fireworks;
- j. Alcoholic beverages. The consumption or possession of alcoholic beverages;
- k. Drugs. The unlawful possession or use of any drug or controlled substance (including any stimulant, depressant, narcotic, or hallucinogenic drug or substance, or marijuana), or sale or distribution of any such drug or controlled substance;
- l. Gambling. Gambling in any form;
- m. Financial irresponsibility. Failure to meet financial responsibilities to the University promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the University or a member of the University community acting in an official capacity;
- n. Unacceptable conduct in hearings. Any conduct at a University hearing involving contemptuous, disrespectful, or disorderly behavior, or the giving of false testimony or other evidence at any hearing.
- o. Failure to cooperate with University officials. Failure to comply with directions of University officials acting in the performance of their duties.
- p. Violation of general rules and regulations. Any violation of the general rules and regulations of the University as published in an official University publication, including the intentional failure to perform any required action or the intentional performance of any prohibited action;
- q. Attempts and aiding and abetting the commission of offenses. Any attempt to commit any of the foregoing offenses, or the aiding and abetting of the commission of any of the foregoing offenses (an "attempt" to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission);

- r. Violations of state or federal laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference;
 - s. Violation of imposed disciplinary sanctions. Intentional or unintentional violation of a disciplinary sanction officially imposed by a University official or a constituted body including, but not limited to, sanctions contained herein.
 - t. Harassment. Any act of harassment by an individual or group against a student, faculty member or another group. Harassment shall include, but not be limited to insults, heckling, verbal abuse, threats of physical abuse, unwanted suggestions of a sexual nature, repeated teasing or annoyance to another, repeated unsolicited phone calls made with the intent to harass, or other actions considered disturbing to others.
3. Disciplinary action may be taken against a student for violations of the foregoing regulations which occur on University owned, leased, or otherwise controlled property, or which occur off-campus when the conduct impairs, interferes with or obstructs any University activity or the missions, processes and functions of the University. In addition, disciplinary action may be taken on the basis of any conduct, on or off-campus, which poses a substantial threat to persons or property within the University community.
4. For the purposes of the Regulations, a "student" shall mean any person who is registered for study at Austin Peay State University for any academic period. A person shall be considered a student during any period which follows the end of an academic period which the student has completed until the last day for registration for the next succeeding regular academic period, and during any period while the student is under suspension from the University.

C. Academic and Classroom Conduct

1. The instructor has the primary responsibility for control over classroom behavior and maintenance of academic integrity, and can order the temporary removal or exclusion from the classroom of any student engaged in disruptive conduct or conduct violative of the general rules and regulations of the University. Extended or permanent exclusion from the

classroom or further disciplinary action can be effected only through action by the Student Academic Grievance Committee or through regular disciplinary procedures.

2. Plagiarism, cheating and other forms of academic dishonesty are prohibited. Students guilty of academic misconduct, either directly or indirectly through participation or assistance, are immediately responsible to the instructor of the class. In addition to other possible disciplinary sanctions which may be imposed through the regular University procedures as a result of academic misconduct, the instructor has the authority to assign an "F" or a zero (0) for the exercise or examination, or to assign an "F" in the course.

If the student believes that he or she has been erroneously accused of academic misconduct and his or her final grade has been lowered as a result, and if the student has discussed the matter with the instructor, the student may appeal the case, in writing, to the following (in order of listing): Department Chairperson, Dean of the College, Vice President for Academic Affairs, and Academic Grievance Committee.

D. Disciplinary Sanctions

1. Upon a determination that a student or organization has violated any of the rules, regulations or disciplinary offenses set forth in these regulations, the following disciplinary sanctions may be imposed, either singly or in combination, by the appropriate University officials.
2. Definition of Sanctions
 - a. Restitution. A student who has committed an offense against property may be required to reimburse the University or other owner for damage to or misappropriation of such property. Any such payment in restitution shall be limited to actual cost of repair or replacement.
 - b. Warning. The appropriate University official may notify the student that continuation or repetition of specified conduct may be cause for other disciplinary action.
 - c. Reprimand. A written reprimand, or censure, may be given any student or organization whose conduct violated any part of these Regulations. Such a reprimand does not restrict the student in

any way, but does have important consequences. It signifies to the student that he/she is in effect being given another chance to conduct himself/herself as a proper member of the University community, but that any further violation may result in more serious penalties.

- d. Restriction. A restriction upon a student's or organization's privileges for a period of time may be imposed. This restriction may include, for example, denial of the right to represent the University in any way, denial of use of facilities, parking privileges, participation in extracurricular activities or restriction of organizational privileges.
- e. Probation. Continued enrollment of a student on probation may be conditioned upon adherence to the Regulations. Any student placed on probation will be notified of such in writing and will also be notified of the terms and length of the probation. Probation may include restrictions upon the extracurricular activities of a student. Any conduct in violation of the Regulations while on probationary status may result in the imposition of a more serious disciplinary sanction.
- f. Suspension. If a student is suspended, he/she is separated from the University for a stated period of time with conditions of readmission stated in the notice of suspension.
- g. 'Expulsion. Expulsion entails a permanent separation from the University. The imposition of this sanction is a permanent bar to the student's readmission to the University.
- h. Interim or summary suspension. Although the status of a student accused of violation of these Regulations generally should not be altered until a final determination has been made in regard to the charges against him/her, summary suspension may be imposed upon a finding by the Dean of Students or his/her designated representative that the continued presence of the accused on campus constitutes a threat to the physical safety and well-being of the accused, or any other member of the University community or its guests, risk of destruction of property, or disruption of classroom or other campus activity. A final determination of the charges against any student summarily suspended shall be made through appropriate hearing procedures within ten (10)

class days of such suspension, during which time the accused shall forfeit all University rights and privileges.

- i. Residence Hall Probation. A resident placed on residence hall probation is deemed not to be in good standing with the residence hall community, and his/her continued residence is conditioned upon adherence to these Regulations and the Housing Contract. Any resident placed on probation shall be notified in writing of the terms and length of the probation. Any conduct of a similar or more serious nature in violation of the probation shall result in suspension from the residence halls. Residence hall probation shall remain a part of the student's disciplinary record for the time of the probation.
 - j. Residence Hall Suspension and Forfeiture. A resident suspended from the residence halls may not reside, visit, or make any use whatsoever of a residence hall facility or participate in any residence hall activity during this period for which the sanctions in effect. A suspended resident shall be required to forfeit residence hall fees (including any unused portion thereof). A suspended resident must vacate the hall within forty-eight (48) hours. Residence hall suspension shall remain a part of the student's disciplinary record.
 - k. Service to the University. A student may be required to donate a specified number of service hours to the University, by way of performing reasonable tasks for the appropriate University office or official. This service shall be commensurate to the offense the student is guilty of violating (i.e., service for maintenance staff for defacing University property).
 - l. Special Educational Program. A student may be required to participate in any special educational programs relevant to the offense (i.e., alcohol education program for alcohol related offense, conflict resolution program for violent misconduct, etc.), to attend special seminars or educational programs, or to prepare a project or report concerning a relevant topic.
3. The President of the University is authorized, in his/her discretion, to subsequently convert any sanction imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases.

E. Disciplinary Procedure

1. Alternative Hearing Procedures:

- a. Procedures Conforming to the Tennessee Uniform Administrative Procedures Act. All cases which may result in (i) suspension or expulsion of a student from the University, a program, or a course for disciplinary reasons, (ii) the assignment of a grade which results in the grade of "F" in the course for academic misconduct, or (iii) revocation of registration of a student organization during the term of the registration are subject to the contested case provisions of the Tennessee Uniform Administrative Procedures Act (TUAPA) and shall be processed in accordance with the uniform contested case procedures adopted by the State Board of Regents, unless the student waives those procedures in writing and elects to have his or her case disposed of in accordance with the University Hearing Procedures.
- b. Cases which are not subject to the contested case procedures under the Tennessee Uniform Administrative Procedures Act and cases in which a student has waived the contested case procedures in writing shall be processed in accordance with University Hearing Procedures. The University has established two (2) alternate University Hearing Procedures:
 - (1) A hearing conducted by the Student Affairs Administrator. (NOTE: Please see the information in item #3 below.)
 - (2) A hearing conducted by the Student Tribunal.
- c. Jurisdiction of cases to be heard by Student Affairs Administrator:
 - (1) All cases involving incidents which occur in University Residence Halls and/or Apartments AND which involve on-campus residents shall be heard by the Director of Residence Life.
 - (2) All other cases shall be heard by the Associate Dean of Students, EXCEPT in cases where the Associate Dean of Students is NOT available or has a bias toward either party in the pending case. In such cases the Dean of Students shall assign an appropriate Student Affairs Administrator to hear the case.

- d. Cases which are not subject to the contested case procedures under the Tennessee Uniform Administrative Procedures Act and which involve very minor first offenses by students may be discussed informally with students. In such cases, no formal record will be maintained in the judicial records of the University. The University official responsible for conducting this Informal Disciplinary Discussion shall note the name of the student involved in his/her personal records. The purpose of this notation is only to determine a student's prior involvement in a minor offense, when and if a second offense occurs at a later date.

2. Commencement of Disciplinary Proceedings:

- a. A student accused of violating University disciplinary rules shall be called before the appropriate Student Affairs Administrator for a preliminary conference at which the student will be orally advised of the following:
 - (1) The charges against him/her;
 - (2) The rights afforded to him/her by the hearing procedures which are available; and
 - (3) The hearing procedures options available.
- b. In the absence of unusual mitigating circumstances, the preliminary conference should be held within five (5) class days from the date the accused student receives written notification that a charge is pending.
- c. Once the student elects the procedure to be followed, an Election of Procedure form and/or Waiver form shall be completed and signed by the accused student and the administrator conducting the conference. Once the student has made this choice, the decision concerning where the case will be heard is final and may not be changed during the course of the hearing.

3. University Hearing Rights. These rights shall be afforded the accused student in all University Hearings before the appropriate Student Affairs Administrator or Student Tribunal.

- a. The right to choose whether the appropriate Student Affairs Administrator or the Student Tribunal shall hear the case.

- b. The right to written notice of the time and place of the hearing at least three (3) days in advance. A justified delay may be granted. (This right may be waived in writing by the accused student.)
- c. The right to a written statement of the charges in detail sufficient to enable the student to prepare a defense.
- d. The right to be accompanied by an advisor of the student's choice, but such participation shall be limited to advising the student.
- e. The right to a statement of the possible sanctions that may be imposed as a result of a finding of a violation of the Code.
- f. The right to present witnesses in the student's behalf and to question any witnesses presented against the student. The student is responsible for the attendance of any witnesses to be present in the student's behalf.
- g. The right to be informed in writing of:
 - (1) The final administrative decision in the case.
 - (2) The proper procedure for appeal.

4. University Hearing Procedures

- a. Hearings Before a Student Affairs Administrator. The appropriate Student Affairs Administrator shall act as hearing officer in the hearing and shall determine both innocence or guilt and apply sanctions as appropriate.
- b. Hearings Before the Student Tribunal. The Student Tribunal shall conduct the hearing and shall determine innocence or guilt and shall recommend appropriate sanctions. The Student Tribunal is established by the Constitution of the Student Government Association. Procedures which have been established by the Student Tribunal include the following:
 - (1) There must be at least five (5) members of the Tribunal present in order to hear cases.
 - (2) A majority of the number of Tribunal members

present must be in agreement to reach a decision that a student is in violation of the Code.

- (3) After such a finding, a majority of the members present shall decide which disciplinary sanction(s) to recommend.
- (4) A more detailed description of the Tribunal's procedures is available through the Dean or Associate Dean of Students.

5. Appeals

- a. Any sanction imposed as the result of a hearing conducted under the Code shall be effective immediately upon notification of the student unless the hearing authority deems a stay of such sanction desirable pending appeal.
- b. In any case where the decision results in separation from the University, the decision shall be reviewed by the Dean of Students prior to notifying the Dean of Admissions and the Academic Department in which the student has been enrolled.
- c. Consideration of the appeal shall be limited to the record of the previous hearing on the following issues:
 - (1) Were the procedures of the Code properly followed in the hearing?
 - (2) Was the evidence presented at the hearing "substantial?"
 - (3) Was the sanction imposed in keeping with the gravity of the violation?
- d. An appeal in writing setting forth the ground for the appeal and addressed to the appropriate appellate authority (as outlined in the next section) must be received in the office of the Dean of Students within five (5) class days after the student is notified of the sanction imposed at any hearing or appellate level.

6. Route of Appeals

- a. A decision by a Student Affairs Administrator may be appealed first to the Dean of Students, then to the President.

- b. A decision by the Student Tribunal may be appealed first to the Dean of Students, then to the President.
 - c. The President of the University may in his/her discretion review any previous decision notwithstanding failure to submit a timely appeal.
- 7. Appellate Authority. The Dean of Students and President shall have the authority to do any of the following upon review of an appeal:
 - a. Sustain the previous decision including the penalty imposed, or
 - b. Sustain the previous decision but impose a lesser penalty, or
 - c. Remand the case for further consideration, or
 - d. Reverse the previous decision.
- 8. Student Organization Disciplinary Procedures
 - a. Types of Student Organizations

Student organizations may be either organizations sponsored by the University, such as student government association, associated student body organizations, and professional and honor societies, or organizations officially registered by the University. Organizations which may be registered to operate on campus include the following: (a) honors and leadership organizations and recognition societies; (b) departmental organizations and professional fraternities and sororities; (c) social fraternities and sororities and (d) special interest groups (political, religious, athletic, etc.). Registration of a student organization by the University shall neither constitute nor be construed as approval or endorsement by the University of the purposes or objectives of the organization.
 - b. General Policies on Student Organizations
 - (1) No student organization may carry on any activity on the campus unless the organization has been officially registered by the University.

- (2) The University shall not be responsible for injuries or damages to persons or property resulting from the activities of student organizations, or for any debts or liabilities incurred by such organizations.
 - (3) No student organization shall deny membership to any person on the basis of age, race, sex, religion, handicap or national origin, provided that social fraternities and sororities may have sex restricted membership.
 - (4) No student organization or individual shall engage in or condone and form of hazing. (See statement on hazing in section on Disciplinary Offenses.)
 - (5) Student organizations shall be vicariously responsible and liable for the conduct and actions of each member of the organization AND FOR THEIR GUESTS while acting in the capacity of a member or while attending or participating in any activity of the organization. Such actions must NOT be in violation of the Student Code of Conduct.
 - (6) No lease or other agreements affecting real property for a period in excess of one year or for rental in excess of \$12,000 per year shall be entered into between the University and an organization without the approval of the Chancellor of the State Board of Regents or his/her designee.
 - (7) No person, group or organization may use the name of the University in any manner, provided that registered student organizations may use the name of the University following the name of the organization. No person, group or organization may use the seal or any symbol of the University without the prior written approval of the President or his/her designee.
- c. Any registered student organization may be placed on PROBATION, SUSPENSION, RESTRICTION, or may have its REGISTRATION WITHDRAWN by the Associate Dean of Students, or by another Student Affairs Administrator appointed by the Dean of Students. Such actions may be taken after having a hearing conducted in accordance with the procedures outlined in this document for disciplinary

procedures. In the case of Withdrawal of Registration of an organization, the procedures to be used will be the contested case provisions of the Tennessee Uniform Administrative Procedures Act, unless those provisions have been waived in writing by an authorized representative of the student organization. Such action may be taken for any one of the following reasons:

- (1) The organization fails to maintain compliance with the initial requirements for registration.
- (2) The organization ceases to operate as an active organization.
- (3) The organization requests withdrawal of registration.
- (4) The organization operated or engaged in any activity in violation of the rules and regulations of the University, of any governing body, federal or state laws.

F. Involuntary Withdrawal or Temporary Suspension Due to Severe Psychological Disturbance

1. Policy. When students are unable effectively to pursue their academic work, or when their behavior is disruptive to the normal educational process of the University, or is detrimental to themselves or others, due to drug and/or alcohol abuse, or apparent physical and/or psychological disturbance they may voluntarily withdraw, be involuntarily withdrawn or be temporarily suspended from the University.
2. Procedure
 - a. An involuntary withdrawal will be undertaken when the student exhibits disruptive behavior resulting from drug and/or alcohol abuse, and/or apparent physical and/or psychological disturbance which is not attributable to voluntary conduct subject to disciplinary action under the "Student Code of Conduct." Such disruptive behavior shall include, but is not limited to:
 - (1) Posing a significant threat of danger and/or physical harm to himself/herself and for other members of the University community;
or

- (2) Interfering with the rights of other students, staff, faculty of the University, or the exercise of any activity or function of the University.
- b. Subsequent to the determination of the existence of grounds under Section (2), (a) above, the following procedure shall apply where involuntary withdrawal is recommended:
- (1) A student may be requested in writing and/or orally (depending upon the urgency of the situation) to attend an initial conference with the Associate Dean of Students (or his/her designee) and any party he/she requests as a consultant.
 - (2) The purpose of the initial conference is to review with the student the incident(s) leading to the initiation of this action, to provide an explanation of the reasons for the recommendation of an Involuntary Withdrawal, to review the rights of the student as outlined in Section (2), (b), 3 herein, and to afford the student the right to choose between a hearing before the Committee on Involuntary Withdrawals or a hearing under the Tennessee Uniform Administrative Procedures Act. The Associate Dean of Students shall provide an explanation of the Administrative Procedures Act and a description of the procedures available under it.
 - (3) The student shall be afforded the following rights when a hearing is requested before the Involuntary Withdrawal Committee:
 - (i) A written letter of the time and place of the hearing at least three (3) days in advance.
 - (ii) The right to be accompanied by an advisor, but the advisor's participation shall be limited to advising the student.
 - (iii) The right to present witnesses and/or evidence in his/her behalf and to question witnesses or object to evidence presented against him/her.

- (iv) The right to written statements of the Committee's findings and conclusions.
 - (v) The right to appeal the decision of the Committee to the Dean of Students within forty-eight (48) hours after notification of the decision. This review will be limited to grounds of prejudicial procedural error and/or actions which are arbitrary and capricious.
 - (vi) The decision of the student to appeal will not stay an initiation of the involuntary withdrawal.
4. If a hearing is requested before the Involuntary Withdrawal Committee, a meeting will be arranged within five (5) class days. The Committee is appointed by the President. Hearings are conducted by panels of the Committee normally consisting of, but not limited to, the University physician or the Student Health Services Nurse Practitioner, a member of the Counseling and Testing Center, a faculty member from the Psychology Department whose professional background is in the counseling or clinical field, and one or more members of the Student Affairs staff. The Committee shall determine by substantial weight of the evidence:
- (i) Whether the student exhibits disruptive behavior cited in Section (2), (a) above.
 - (ii) Whether the student should be involuntarily withdrawn for further medical and/or psychological evaluation and treatment.
5. If a hearing under the Tennessee Uniform Administrative Procedures Act is requested, the Associate Dean of Students will initiate the process.
- c. When the Associate Dean of Students initially assumes jurisdiction, in consultation with the Dean of Students, he/she may deem it necessary to exclude the student from the University campus. This "interim or summary suspension" shall be invoked only in cases where the presence of the student is considered to constitute a clear and

present danger to the student, to University personnel, or to the operation of the University.

In such cases, an initial conference and/or hearing before the Committee on Involuntary Withdrawals must be conducted within the ten (10) day period of the suspension.

- d. Upon determination that an Involuntary Withdrawal is necessary and is carried out, or when a student voluntarily withdraws, readmission to the University is dependent upon a written medical and/or psychological evaluation in addition to a favorable review by the Associate Dean of Students and the Director of the Counseling and Testing Center.

II. Supplemental Regulations

A. INDIVIDUAL DISCIPLINARY PROCEDURES

1. Initial Action

- a. The general responsibility for non-academic discipline of all students enrolled in Austin Peay State University shall be vested in the Dean of Students.
- b. Upon allegation or complaint that a violation of the Student Code of Conduct has been committed by an individual student or several students, the Associate Dean of Students or a Student Affairs Administrator appointed by the Dean shall determine the facts of the case. If the complaint is without merit, the investigation shall promptly cease.
- c. If the Student Affairs Administrator determines that there is probable cause to believe that a violation of the Code did occur, he/she shall notify the alleged offender of the charges levied against him/her and shall arrange a conference with the student in order to afford him/her the opportunity to present his/her statement of the alleged violation. The Administrator in charge may also call persons for their statements of the alleged violation.
 - (1) In the absence of unusual mitigating circumstances, initial conferences should be held within five (5) class days from the date of the complaint that a violation of the Code has occurred.

- (2) Failure of the student to agree to, or appear at, a conference or a formal hearing shall in itself constitute a violation of the Code.
- (3) After notifying the student of his/her rights as provided by this Code, the Student Affairs Administrator shall discuss the alternatives (as provided) available to the student for hearing the case.

2. Description of Hearing Procedure

This section contains a general description of the University's hearing procedures. These shall be used during any University hearing resulting from a possible violation of the Code. The definition of "hearing" shall be any University hearing conducted by University administrative personnel or the Student Tribunal. The hearing procedures shall be as follows:

- a. A record of the hearing shall be made and retained until after the student is notified of the decision for the purpose of appeal. A summary of the evidence, testimony of the hearing, a copy of the charges, and the disciplinary action to be taken shall be made a part of the student's disciplinary file.
- b. All written notices shall be delivered to the address of the student as it appears on the University record. The student is responsible for keeping the University Admissions and Records Office informed of his/her current address.
- c. Personal confidences and the identities of students appearing before a hearing authority under the auspices of this Code shall be protected.
- d. A mutually convenient time and place for the hearing shall be arranged by the individual in charge of conducting the hearing.
- e. Hearings shall proceed in the following order:
(1) reading of the charges, (2) the student's denial or admission, (3) presentation of evidence, (4) the student's evidence in answer, and (5) closing statements.
- f. At the conclusion of the hearing, the accused student shall absent himself or herself from the hearing room, and the hearing authority shall

make a determination based on evidence presented of the guilt or innocence of the student. A determination shall be made as to the appropriate sanction, in the event the student is found to have violated the Code. The student shall be notified in writing, within forty-eight (48) hours after the hearing, of the sanction imposed.

- g. Any sanction imposed as the result of a hearing conducted under this Code shall be effective immediately upon notification of the student unless the hearing authority deems a stay of such sanction desirable.
- h. In any case where the decision results in separation from the University, the case shall automatically be appealed to the Dean of Students. If the sanction is upheld, the Dean shall notify the Dean of Admissions and the Academic Department in which the student has been enrolled.

B. STUDENT ORGANIZATION DISCIPLINARY PROCEDURES

1. Rights

The organization shall be afforded the same rights as those stated for individual students.

2. Initial Action

- a. Violation of University Policies or the Code shall be reported to the Associate Dean of Students (or a Student Affairs Administrator appointed by the Dean) who shall hold a preliminary interview to determine if formal discipline action is warranted.
- b. Violation of Organizational Governing Body Rules shall be reported to the Governing Body's advisor, who shall hold a preliminary interview to determine if formal disciplinary action is warranted.
- c. If the Governing Body Advisor or Associate Dean of Students determines there is probable cause to believe that violation of the Code or Governing Body Rules has occurred, he/she shall arrange a conference with the organization's officers to notify them of the charge and to review the rights of the organization.
 - (1) In the absence of unusual mitigating circumstances, the initial conference should

be held within five (5) class days from the date of the complaint.

- (2) Failure of the officers to agree to, or appear at a conference or formal hearing, shall in itself constitute a violation of the Code and may result in a decision being rendered without organizational input.
- (3) After notifying the officers of their rights and explaining the hearing procedures set forth in the section below, the Governing Body Advisor or Associate Dean of Students shall solicit from the officers their choice of a hearing alternative. Once this election has been knowingly made, the choice will be binding on all parties.

3. Organizational Governing Body

For purposes of this Code, Organizational Governing Body shall mean any student body made up of representatives from several organizations, with a Constitution and By-Laws. Examples include, but are not limited to, the Inter-Fraternity Council and the Panhellenic Council.

4. Alternative Procedures

- a. Where the alleged violation involves University policy as set forth in this Code, the organization may choose to have its case heard in one of the following ways:
 - (1) A hearing conducted by the Associate Dean of Students or Student Affairs Administrator.
 - (2) A hearing conducted by the Student Tribunal.
 - (3) If the alleged violation may result in withdrawal of registration of the organization during the term of registration, a hearing conducted in accordance with the contested case provisions of the Tennessee Uniform Administrative Procedures Act.
- b. Where the alleged violation involves only the rules and regulations of an existing Governing Body, the organization may choose to have its case heard in one of the following ways:
 - (1) A hearing conducted by the Governing Body advisor.

- (2) A hearing conducted by the judicial branch of the Governing Body.

- c. Election of Procedure

Once the organization elects the procedure to be followed, an Election of Procedures form and waiver form shall be completed and signed by the chief executive officer of the organization and the Student Affairs Administrator. Once the election is made, the decision is final and may not be changed during the course of the hearing.

5. Appeal Procedures

- a. Any sanction imposed as the result of a hearing conducted under the Code shall be effective immediately upon notification of the student unless the hearing authority deems a stay of such sanction desirable pending appeal.
- b. In any case where the decision results in separation from the University, the decision shall be reviewed by the Dean of Students prior to notification.
- c. Consideration of the appeal shall be limited to the record of the previous hearing on the following issues:
 - (1) Were the procedures of the Code properly followed in the hearing?
 - (2) Was the evidence presented at the hearing "substantial?"
 - (3) Was the sanction imposed in keeping with the gravity of the violation?
 - (4) An appeal in writing setting forth the ground for the appeal and addressed to the appropriate appellate authority (as outlined in the next section) must be received in the office of the Dean of Students within five (5) class days after the student is notified of the sanction imposed at any hearing or appellate level.
- d. Route of Appeals
 - (1) A decision by the Governing Body advisor or Governing judicial branch may be appealed first to the Dean of Students, then to the President.

- (2) A decision by the Student Tribunal may be appealed to the Dean of Students.
- (3) The President of the University may in his/her discretion review any previous decision notwithstanding failure to submit a timely appeal.

6. Sanctions

Upon a proper determination that an organization has violated any rules or regulations of the University or of this Code, the following organizational sanctions may be imposed, either singly or in combination and shall be part of the permanent record.

- a. Reprimand. A written reprimand may be given to any organization in violation of University policy or of this Code. It signifies that the organization is to take necessary actions to bring it into compliance and to avoid further violation. Failure to do so will result in more severe penalties.
- b. Restitution. Any organization that has committed an offense against property may be required to reimburse the University or other owner. Any such payment shall be limited to actual cost of repair or replacement.
- c. Restriction. A restriction(s) may be imposed upon an organization. Such restrictions may include, but are not limited to: loss of privilege of meeting or using University facilities, denial of right to participate in intramurals or other campus events, denial of social functions, other restrictions consistent with the nature of the offense.
- d. Probation. An organization placed on probation is deemed not to be in good standing with the University. Its continued registration is conditioned by adherence to the rules, regulations, and provisions of the Code. An organization on probation may continue to hold meetings, but may lose selected privileges accorded, including but not limited to, access to University facilities and social privileges. Said organization must obtain advance approval for all activities from the Associate Dean of Students.

- e. Suspension or Withdrawal of Registration. Any organization which is suspended or has had its registration withdrawn may not engage in or sponsor any activity or program, and may not hold meetings. When registration is withdrawn, the organization shall cease to exist.

C. INVOLUNTARY WITHDRAWAL PROCEDURE

1. Initial Action

- a. A student may be requested in writing and/or orally (depending upon the urgency of the situation) to attend an initial conference with the Associate Dean of Students (or his/her designee) and any party he/she requests as a consultant. This request shall include:
 - (1) A statement of the reasons for the conference.
 - (2) A statement indicating that a recommendation has been made that the student be involuntarily withdrawn and that the student has the option to voluntarily withdraw (contingent upon the student's seeking medical and/or psychological evaluation and/or treatment) or to request a hearing before the Committee on Involuntary Withdrawal or a hearing under the Tennessee Uniform Administrative Procedures Act.
 - (3) A statement indicating that the election of a hearing waives the student's right to confidentiality of medical and/or psychological records for the purpose of the hearing. All discussions of confidential medical and/or psychological records by the Committee members on Involuntary withdrawals are bound by the American Association for Counseling and Development (AACD) and the American Psychological Association (APA) code of ethics.
 - (4) A statement outlining the rights of the student as provided.