

**RULES
OF
THE TENNESSEE BOARD OF REGENTS
STATE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF TENNESSEE**

SYSTEMWIDE STUDENT RULES

**CHAPTER 0240-02-03
STUDENT CONDUCT AND DISCIPLINARY SANCTIONS**

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0240-02-03-.01 INSTITUTION POLICY STATEMENT.

- (1) Students enrolled in postsecondary educational institutions and schools are citizens of the state, local and national governments, and of the academic community, and are, therefore, expected to conduct themselves as law-abiding members of each community at all times. Admission to an institution or school of postsecondary education carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by non students. In recognition of the special relationship that exists between the institution or school and the academic community which it seeks to serve, the State Board of Regents has authorized the presidents of the institutions and directors of the area vocational-technical schools under its jurisdiction to take such action as may be necessary to maintain campus conditions and preserve the integrity of the institution or school and its educational environment.
- (2) Pursuant to this authorization and in fulfillment of its duties to provide a secure and stimulating atmosphere in which individual and academic pursuits may flourish, the State Board of Regents has developed the following regulations which are intended to govern student conduct on the several campuses under its jurisdiction, and which regulations may be expanded or supplemented by each institution and school subject to Board approval. In addition, students are subject to all national, state and local laws and ordinances. If a student's violation of such laws or ordinances also adversely affects the institution's or school's pursuit of its educational objectives, the institutions and schools may enforce their own regulations regardless of any proceedings instituted by other authorities. Conversely, violation of any section of these regulations may subject a student to disciplinary measures by the institution or school whether or not such conduct is simultaneously violative of state, local or national laws.
- (3) For the purpose of these regulations, a "student" shall mean any person who is registered for study at a State Board of Regents institution 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 institution.

Authority: T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed August 28, 1984; effective November 13, 1984. Amendment filed November 12, 2008; effective March 30, 2009.

0240-02-03-.02 DISCIPLINARY OFFENSES.

- (1) Generally, through appropriate due process procedures, institutional or school disciplinary measures shall be imposed for conduct which adversely affects the institution's or school's pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property or persons on property owned or controlled by an institution or school.
- (2) Individual or organizational misconduct which is subject to disciplinary sanction shall include but not be limited to the following examples:
 - (a) Conduct Dangerous to Self or Others. Any conduct which constitutes a danger to any person's health, safety, or personal well being, including, but not limited to, the following:
 1. Physical and/or verbal abuse
 2. Threats and/or intimidation
 3. Harassment of any kind
 4. Harm inflicted on self;
 - (b) Hazing. Hazing means any intentional or reckless act in Tennessee on or off the property of any higher education institution by one (1) 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 such student's mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.
 - (c) Disorderly conduct. Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs other groups or individuals;
 - (d) Obstruction of or interference with institutional or school activities or facilities. Any intentional interference with or obstruction of any institutional or school activity, program, event, or facilities including the following:
 1. Any unauthorized occupancy of facilities owned or controlled by an institution or school or blockage of access to or from such facilities.
 2. Interference with the right of any institution or school member or other authorized person to gain access to any activity, program, event or facilities sponsored or controlled by an institution or school.
 3. An obstruction or delay of a campus security officer, fireman, or any official of an institution or school in the performance of his or her duty.
 4. Any form of disruptive behavior in the classroom, during any institutional event or activity, or at any facility controlled or owned by the institution.
 - (e) Misuse of or damage to property. Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to the institution or school including, but not limited to, fire alarms, fire equipment, elevators, telephones, institution or school keys, library materials and/or

(Rule 0240-02-03-.02, continued)

safety devices; and any such act against a member of the institution or school community or a guest of the institution or school;

- (f) Theft, misappropriation, or unauthorized sale. Any act of theft, misappropriation, or unauthorized possession or sale of institution or school property or any such act against a member of the institution or school community or a guest of the institution or school;
- (g) Misuse of documents or identification cards. Any forgery, alteration of or unauthorized use of institutional or school documents, forms, records or identification cards, including the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment or status in the institution or school;
- (h) Firearms and Other Dangerous Weapons. Any possession of or use of firearms or dangerous weapons of any kind including BB guns, Pellet guns, Paintball guns, water guns, cap guns, or other weapons that simulate a firearm;
- (i) Explosives, fireworks, and flammable materials. The unauthorized possession, ignition or detonation of any object or article which would cause damage by fire or other means to persons or property or possession of any substance which could be considered to be and used as fireworks;
- (j) Alcoholic Beverages. The use and/or possession of alcoholic beverages on institution or school owned or controlled property. This offense includes the violation of any local ordinance or state, or federal law concerning alcoholic beverages, on or off institution or school owned or controlled property, where an affiliated group or organization has alcoholic beverages present and available for consumption.
- (k) Drugs. The unlawful possession or use of any drug or controlled substance (including any stimulant, depressant, narcotic or hallucinogenic drug, substance or marijuana), sale or distribution of any such drug or controlled substance. This offense includes the violation of any local ordinance or controlled property where an affiliated group or organization has drugs or controlled substances present and available for consumption;
- (l) Drug Paraphernalia. The use or possession of equipment, products or materials which is used or intended for use in manufacturing, growing, using or distributing any drug or controlled substance;
- (m) Public Intoxication. Appearing on institution owned or controlled property or at an institutional sponsored event while under the influence of a controlled substance or of any other intoxicating substance;
- (n) Gambling. Gambling in any form;
- (o) Financial Irresponsibility. Failure to meet financial responsibilities to the institution or school promptly including, but not limited to knowingly passing a worthless check or money order in payment to the institution or school or to a member of the institution or school community acting in an official capacity;
- (p) Unacceptable Conduct in Hearings. Any conduct at any institution or school hearing involving contemptuous, disrespectful or disorderly behavior, giving false testimony or other evidence at any hearing, any attempt to influence the impartiality of a member of a judicial body, verbal or physical harassment or intimidation of a judicial board member, complainant, respondent or witness in a judicial proceeding;

(Rule 0240-02-03-.02, continued)

- (q) Failure to cooperate with institutional or school officials. Failure to comply with directions of institutional or school officials acting in the performance of their duties;
- (r) Violation of general rules and regulations. Any violation of the general rules and regulations of the institution or school as published in an official institutional or school publication, including the intentional failure to perform any required action or the intentional performance of any prohibited action;
- (s) Attempts and Aiding and Abetting the Commission of Offenses. Any attempt to commit any of the offenses listed under this section, or the aiding or abetting of the commission of any of the offenses listed under this section (an attempt to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission). Being present during the planning or commission of any offense listed under this section will be considered as aiding and abetting. Students who anticipate or observe an offense should remove themselves from the situation and are encouraged to report the offense.
- (t) 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 the offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission).
- (u) Violations of state or federal laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference.
- (v) Violation of imposed disciplinary sanctions. Intentional or unintentional violation of a disciplinary sanction officially imposed by an institution or school official or a constituted body of the institution or school.
- (w) Sexual battery or rape. Committing any act of sexual battery or rape as defined by state law.
- (x) 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.
- (y) Pets. With the exception of "service animals" and the exception of animals used for academic research purposes, animals are prohibited on institution or school owned or controlled facilities. The term "service animal" is defined as any animal individually trained to do work or perform tasks for the benefit of a person with a disability (e.g., guide dog, signal dog, etc.). "Service animals" perform some of the functions and tasks that the individual with a disability cannot perform for him/herself. The institution or school may require reasonable documentation that the individual seeking the assistance of a "service animal" while on its premises, provide appropriate certification of the medical necessity for the same prior to approval.
- (z) Academic Misconduct. Plagiarism, cheating, fabrication or facilitating any such act. For purposes of this section, the following definitions apply:

(Rule 0240-02-03-.02, continued)

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

(Rule 0240-02-03-.02, continued)

Students are hereby notified that engaging in acts of unauthorized copying, performance and distribution of copyrighted material, including but not limited to, unauthorized peer to peer file sharing, may subject them to civil and criminal penalties in addition to institutional disciplinary sanctions. The law provides that infringers can be imprisoned and subjected to criminal fines in cases where there has been a willful infringement. The potential civil penalties as set forth in the federal copyright law for violations of the copyright laws include, but are not limited to, imposition of an award of statutory damages for all infringements involved in the action, with respect to any one (1) work in a sum of not less than seven hundred fifty dollars (\$750.00) or more than thirty thousand dollars (\$30,000.00) as the court considers just and if the court finds, that infringement was committed willfully, the court in its discretion may increase the award of statutory damages to a sum of not more than one hundred fifty thousand dollars (\$150,000.00). In addition, the court can also impose injunctive relief against the infringer to prevent or restrain infringement of a copyright and require forfeiture, impoundment, or destruction of the infringing articles / material in the possession of the infringer and require payment of actual damages and disgorgement of any profit; as well as payment of costs and attorney's fees;

- (ee) Unauthorized Access to Institutional Facilities and/or Grounds. Any access and/or occupancy of institutional facilities and grounds is prohibited, including, but not limited to, gaining access to facilities and grounds that are closed to the public, being present in areas of campus that are open to limited guests only, being present in academic buildings after hours without permission, and being present in buildings when the student has no legitimate reason to be present;
 - (ff) Providing False Information to an Institutional Official. Giving any false information to any identifiable institutional official acting in the performance of his/her duties, or withholding of necessary information, in connection with a student's admission, enrollment, or status in the institution;
 - (gg) Unauthorized Surveillance. Making or causing to be made unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, and men's or women's restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means.
 - (hh) Filing a false complaint or statement. Any behavior whereby a student knowingly submits a false complaint or statement alleging a violation of these regulations by a student, organization, institution, or school employee.
- (3) Disciplinary action may be taken against a student for violations of the foregoing regulations which occur at or in association with enrollment at an institution or school governed by the State Board of Regents for any academic period. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree even when the conduct occurs prior to the beginning of classes and in between semesters. This includes conduct that is discovered after the awarding of a degree. Should a student choose to withdraw from the institution with disciplinary action or academic misconduct action pending, the student's record may be encumbered by the appropriate institutional office.

(Rule 0240-02-03-.02, continued)

Authority: T.C.A. §§49-7-123(a)(1) and 49-8-203. **Administrative History:** Repeal of all rules by the Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed August 28, 1984; effective November 13, 1984. Amendment filed May 13, 1991; effective August 28, 1991. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed November 20, 1996; effective March 28, 1997. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed August 11, 2004; effective December 29, 2004. Amendments filed November 12, 2008; effective March 30, 2009.

0240-02-03-.03 ACADEMIC AND CLASSROOM MISCONDUCT.

- (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 institution or school. Extended or permanent exclusion from the classroom or further disciplinary action can be effected only through appropriate procedures of the institution or school.
- (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 institutional or school procedures as a result of academic misconduct, the instructor has the authority to assign an F or a zero for the exercise or examination, or to assign an F in the course.
- (3) If the student believes that he or she has been erroneously accused of academic misconduct, and if his or her final grade has been lowered as a result, the student may appeal the case through appropriate institutional or school procedures.
- (4) Disruptive behavior in the classroom may be defined as, but not limited to, behavior that obstructs or disrupts the learning environment (e.g., offensive language, harassment of students and professors, repeated outbursts from a student which disrupt the flow of instruction or prevent concentration on the subject taught, failure to cooperate in maintaining classroom decorum, etc.), the continued use of any electronic or other noise or light emitting device which disturbs others (e.g., disturbing noises from beepers, cell phones, palm pilots, lap-top computers, games, etc.).
- (5) Class attendance and punctuality requirements are contracted between the faculty and the students, through specific expectations for attendance and punctuality and specific consequences that are outlined by individual faculty members in the printed syllabus for each course.

Students are expected to attend classes regularly and on time and are responsible for giving explanations/rationale for absences and lateness directly to the faculty member for each course in which they are enrolled.

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

Authority: T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed August 28, 1984; effective November 13, 1984. Amendment filed August 11, 2004; effective December 29, 2004.

0240-02-03-.04 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 institution or school officials.
- (2) Definition of Sanctions.
 - (a) Restitution may be required in situations which involve destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or student organization is obligated by the appropriate judicial authority to compensate a party or parties for a loss suffered as a result of the violation(s). Any such payment in restitution shall be limited to actual cost of repair, replacement or financial loss.
 - (b) Warning. The appropriate institutional or school official may notify the student that continuation or repetition of specified conduct may be cause for other disciplinary action.
 - (c) Written Reprimand. A written reprimand or censure may be given to any student or organization whose conduct violates 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 or she is in effect being given another chance to conduct himself or herself as a proper member of the institution/school 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 institution or school 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 these Regulations. Any student placed on probation will be notified of such in writing and will also be notified of the terms and length of the probation. Probation may include restrictions upon the extracurricular activities of a student. Any conduct in violation of these Regulations while on probationary status may result in the imposition of a more serious disciplinary sanction.
 - (f) Suspension. If a student is suspended, he or she is separated from the institution or school 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 institution or school. The imposition of this sanction is a permanent bar to the student's readmission to the institution or school.
 - (h) Interim or summary suspension. Though as a general rule, the status of a student accused of violations of these regulations should not be altered until a final determination has been made in regard to the charges against him, summary suspension may be imposed upon a finding by the appropriate institutional or school official that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused, or any other member of the institution or school community or its guests, destruction of property, or substantial disruption of classroom or other campus activities. In any case of

(Rule 0240-02-03-.04, continued)

immediate suspension, the student shall be given an opportunity at the time of the decision or immediately thereafter to contest the suspension, and if there are disputed issues of fact or cause and effect, the student shall be provided a hearing on the suspension as soon as possible.

- (i) **Housing Probation.** A resident placed on housing probation is deemed not to be in good standing with the housing community, and his or 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. Parents may be notified.

Any conduct of a similar or more serious nature in violation of the probation shall result in suspension from housing.

- (j) **Housing Suspension and Forfeiture.** A resident suspended from housing may not reside, visit, or make any use whatsoever of a housing facility or participate in any housing activity during the period for which the sanction is in effect. A suspended resident shall be required to forfeit housing fees (including any unused portion thereof and the Housing Deposit). A suspended resident must vacate the housing unit within forty-eight (48) hours. Housing suspension shall remain a part of the student's disciplinary record. Parents may be notified.
- (k) **Service to the Institution.** A student may be required to donate a specified number of service hours to the institution, by way of performing reasonable tasks for the appropriate institution office or officials. The service shall be commensurate to the offense the student is guilty of violating (e.g., service for maintenance staff for defacing institutional property).
- (l) **Special Educational Program.** A student may be required to participate in any special educational programs relevant to the offense, to attend special seminars or educational programs, or to prepare a project or report concerning a relevant topic.
- (m) **Fines.** Penalties in the form of fines may be enforced against a student or an organization whenever the appropriate hearing officer(s) or hearing body deems appropriate. The sanction of fines may be imposed in addition to other forms of disciplinary sanctions. Failure to pay fines to the Business Office within two (2) weeks of the decision will result in further disciplinary action.

- (3) The president of each institution and the director of each area vocational-technical school is authorized, in his or her discretion, to subsequently convert any sanction imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases.

Authority: T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed August 28, 1984; effective November 13, 1984. Amendment filed August 11, 2004; effective December 29, 2004. Amendments filed November 12, 2008; effective March 30, 2009.