

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

INSTITUTIONAL STUDENT DISCIPLINARY RULES

**CHAPTER 0240-03-08
CLEVELAND STATE COMMUNITY COLLEGE
STUDENT DISCIPLINARY RULES**

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0240-03-08-.01 INSTITUTION POLICY STATEMENT.

- (1) College students 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 of higher 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 and the academic community which it seeks to serve, the State Board of Regents has authorized the President of the College 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, the College has developed the following Regulations which are intended to govern student conduct on the 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 institution 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 institution whether or not such conduct is simultaneously violative of state, local or national laws.

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.

0240-03-08-.02 DISCIPLINARY OFFENSES.

- (1) Generally, through appropriate due process procedures, institutional disciplinary measures shall be imposed for conduct which adversely affects the institution'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 institution-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;

(Rule 0240-03-08-.02, continued)

- (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 unreasonable disturbs other groups or individuals;
- (d) Obstruction of or interference with institutional activities or facilities. Any intentional interference with or obstruction of any institutional activity, program, event or facilities, including the following:
 - 1. Any unauthorized occupancy of institution or institutionally controlled facilities or blockage of access to or from such facilities.
 - 2. Interference with the right of any institution member or other authorized person to gain access to any institution or institutionally controlled activity, program, event or facilities.
 - 3. Any obstruction or delay of a campus security officer, fireman, or any institution official in the performance of his/her duty.
- (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 including, but not limited to, fire alarms, fire equipment, elevators, telephones, institution keys, library materials and/or safety devices; and any such act against a member of the institution community or a guest of the institution;
- (f) Theft, misappropriation, or unauthorized sale. Any act of theft, misappropriation, or unauthorized possession or sale of institution property or any such act against a member of the institution community or a guest of the institution;
- (g) Misuse of documents or identification cards. Any forgery, alteration of or unauthorized use of institution 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;
- (h) Firearms and other dangerous weapons. Any 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 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 college owned or controlled property;

(Rule 0240-03-08-.02, continued)

- (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 institution promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the institution or to a member of the institution community acting in an official capacity;
 - (n) Unacceptable conduct in hearings. Any conduct at an institutional hearing involving contemptuous, disrespectful, or disorderly behavior, or the giving of false testimony or other evidence at any hearing;
 - (o) Failure to cooperate with institutional officials. Failure to comply with directions of institutional 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 institution as published in an official institutional 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.
- (3) Disciplinary action may be taken against a student for violations of the foregoing Regulations which occur on institutionally owned, leased, or otherwise controlled property, or which occur off-campus when the conduct impairs, interferes with or obstructs any institutional activity or the missions, processes and functions of the institution. 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 institutional community.
- (4) For the purposes of these Regulations, a "student" shall mean any person who is registered for study at the College 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. §§49-7-123(a)(1) and 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 July 3, 1996; effective November 28, 1996. Amendment filed November 20, 1996; effective March 28, 1997. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999.

0240-03-08-.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

(Rule 0240-03-08-.03, continued)

the classroom of any student engaged in disruptive conduct or conduct violative of the general rules and regulations of the institution. Extended or permanent exclusion from the classroom or further disciplinary action can be effected only through appropriate procedures of the institution.

- (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 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 the appropriate institutional procedures.

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.

0240-03-08-.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 officials.
- (2) Definition of Sanctions.
 - (a) Restitution. A student who has committed an offense against property may be required to reimburse the institution 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 institutional 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 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 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 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.

(Rule 0240-03-08-.04, continued)

- (f) Suspension. If a student is suspended, he or she is separated from the institution 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. The imposition of this sanction is a permanent bar to the student's readmission to the institution.
 - (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 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 of any other member of the institution community or its guests, destruction of property, or substantial disruption of classroom or other campus activities. In any case of 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.
- (3) The President of the College 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.

0240-03-08-.05 DISCIPLINARY PROCEDURES.

- (1) Purpose. The purpose of this policy is to provide for the processing of institutional disciplinary measures against any student.
- (2) Scope. These procedures are applicable in all cases involving disciplinary action against any student.
- (3) Initial Action.
 - (a) The Vice President for Student Services, or designee, is responsible for instituting disciplinary action against any student. Where alleged misconduct of any student is believed to be of such a nature to require the imposition of any disciplinary sanction, it should be brought to the attention of the Vice President for Student Services or designee.
 - (b) The Director of Student Life and Leadership, who shall investigate the allegations and hold a conference with the student involved, will advise the student while present of the allegations and of the proposed action. The student shall be afforded an opportunity to present any information considered pertinent. The student shall also be advised of the right to request a hearing before the Student Disciplinary Committee, if the student elects not to accept the proposed action. If the student elects to request a hearing before the Disciplinary Committee, the recommendation of the Director of Student Life and Leadership and the results of the investigation shall be forwarded to the Chairman of the Student Disciplinary Committee.
- (4) Tennessee Uniform Administrative Procedures Act. All cases which may result in (i) suspension or expulsion of a student from the institution for disciplinary reasons,

(Rule 0240-03-08-.05, continued)

(ii) assignment of a grade which results in the grade of "F" in a 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 and shall be processed in accordance with the uniform contested case procedures adopted by the Board of Regents unless the student waives those procedures in writing and elects to have his or her case disposed of in accordance with College procedures established by these rules.

(5) Student Disciplinary Committee.

(a) The President has appointed a Student Disciplinary Committee to hear cases when:

1. A student has elected to contest proposed disciplinary action and to request a hearing before the Disciplinary Committee pursuant to section (3)(b) above; and
2. A student has elected, pursuant to section (4) above, to proceed under College procedures rather than under the contested case provisions of the "Tennessee Uniform Administrative Procedures Act".

(b) The Student Disciplinary Committee shall afford the student a hearing within twenty (20) days after receipt of the case. The student shall be provided with reasonable written notice as to time, place, and nature of the hearing and of the procedures to be followed.

(c) The following minimal procedures shall be observed:

1. The student shall be advised of the time and place of any hearing.
2. The student shall be advised of the allegations of misconduct of which the student is charged.
3. The student shall be advised of the following rights:
 - (i) The right to present his/her case.
 - (ii) The right to be accompanied by an adviser.
 - (iii) The right to call witnesses in his/her behalf.
 - (iv) The right to confront adverse witnesses.
4. The student shall be advised of the method of appeal.
5. The Committee shall forward to the President its findings and recommendations within five (5) days after it completes its hearing.
6. The President shall make a decision based upon the findings and recommendations of the Student Disciplinary Committee and advise the student of any appeal provided by policies of the Board of Regents.
7. At any time after the commencement of the proceedings, informal dispositions may be made by stipulation, agreed settlement, consent or default, subject to approval of the President.

(Rule 0240-03-08-.05, continued)

- (6) Cases of Alleged Sexual Assault. In cases involving alleged sexual assault, both the accuser and the accused shall be informed of the following:
 - (a) Both the accuser and the accused are entitled to the same opportunity to have others present during disciplinary proceedings; and
 - (b) Both the accuser and the accused shall be informed of the outcome of any disciplinary proceeding involving allegations of sexual assault.

Authority: T.C.A. §49-8-203. **Administrative History:** Repeal of all rules of Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed June 11, 1990; effective September 26, 1990. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed September 20, 2007; effective January 28, 2008.

0240-03-08-.06 TRAFFIC AND PARKING REGULATIONS.

- (1) General Statement. These regulations apply to all who drive motor vehicles on any part of the Cleveland State Community College campus.
 - (a) The purpose of the regulations is to facilitate the safe and orderly operation of college business and to provide parking facilities for this operation within the limitations of available space.
 - (b) The responsibility for locating legal parking spaces rests with the operator of the motor vehicle. Lack of space will not be considered a valid reason for violating any parking regulations.
 - (c) The college shall have no responsibility for loss or damage to any vehicle or its contents operated or parked on the Cleveland State Community College campus.
- (2) On special occasions, athletic events, concerts, graduation exercise, all-day testing programs, and in emergencies, parking limitations may be imposed by the Security Department as required by the conditions which prevail.
- (3) Parking Restrictions
 - (a) Student parking is confined to areas designated as Student Parking.
- (4) Violations - The following examples constitute violations of these regulations.
 - (a) Registration Violations
 1. No current decal
 2. Current decal not properly displayed in/on vehicle
 3. Unauthorized possession of decal
 4. Falsification of decal registration information
 5. Illegal use, reproduction, or alteration of decal and/or parking permit
 - (b) Parking Violations

(Rule 0240-03-08-.06, continued)

1. Parking is not permitted in spaces marked No Parking, Fire Hydrant, Crosswalks, Service Vehicles, Reserved Spaces, and No Parking in Circle.
2. In unauthorized area, to include grass, seeded or recreation areas, blocking or obstructing traffic, street, sidewalk, driveway, fire hydrant, building entrance or exit, another vehicle, or trash dumpster.

(c) Moving Violations

1. Exceeding posted speed limit
2. Failure to obey traffic control signal or sign
3. Failure to obey Security Officers.

(5) Enforcement

- (a) A fine of \$100.00 will be assessed for the unauthorized use of parking spaces reserved for disabled individuals. A fine of \$10.00 will be assessed for all other violations.
- (b) Citations received for the above-listed violations should be paid within fifteen (15) weekdays after issuance.
- (c) Illegally parked vehicles will be impounded or moved upon receipt of a 4th ticket in an academic year. If the vehicle is impounded, the owner or operator is responsible for payment of the towing charge and storage fee, if any, to the wrecker service, prior to return of the vehicle.
- (d) Students who fail to pay motor vehicle related fines will be prohibited from re-entering the College, receiving an official transcript, or graduating until such time as payment for the fines is remitted to the College.
- (e) A staff member who persists in violating these regulations or fails to answer a citation will be reported to the Vice President.
- (f) Repeated violations of motor vehicle regulations may be grounds for administrative action.
- (g) Appeals
 1. Students may appeal a traffic violation citation to the Student Parking Ticket Appeals Committee within fifteen (15) week days. The decision of the Student Parking Ticket Appeals Committee may be appealed to the President.
 2. Faculty and staff may appeal a traffic citation to the Employee Parking Appeals Committee.
 3. Visitors who receive parking violation citations should appeal those to the Vice President for Finance and Administration within fifteen (15) calendar days.

Authority: T.C.A. §49-8-203. **Administrative History:** New rule filed August 28, 1984; effective November 13, 1984. Amendment filed June 11, 1990; effective September 26, 1990. Amendment filed May 13, 1991; effective August 28, 1991. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed August 8, 1995; effective December 29, 1995. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999. Amendment

filed August 29, 2000; effective December 29, 2000. Amendment filed August 11, 2004; effective December 29, 2004. Amendments filed June 28, 2005; effective October 28, 2005. Amendments filed November 12, 2008; effective March 30, 2009.

0240-03-08-.07 REGISTRATION OF MOTOR VEHICLES.

- (1) All motor vehicles parked on Cleveland State Community College property between 7:00 a.m. and 10:00 p.m. must have current Cleveland State Community College decals or a visitor's permit displayed on the windshield.
- (2) Decals
 - (a) Decals will be distributed at registration. After registration, they will be distributed at the information desk located in the Administration Building.
 - (b) The decal must be displayed on the right side of the rear window of the vehicle, or if hang-tag decal is used, it must be displayed on the rear view mirror.
 - (c) Replacement of Decals
 1. A new decal will be issued at no cost for a newly acquired vehicle which replaces a currently registered vehicle.
 2. If it is necessary for you to drive a vehicle other than your registered vehicle, place a signed note in the window above the steering wheel of the replacement vehicle indicating the person's name and reason for the situation.
 3. Lost or stolen decals will be replaced without charge upon proof of loss.
- (3) The person, to whom a vehicle is registered, is responsible for the vehicle and all pertinent motor vehicle citations.
- (4) Temporary parking permits for visiting groups and for special events are available. Requests should be made by the department or organization sponsoring the event to the Office of Campus Security.
- (5) Special permits for the physically disabled or for medical reasons are available. Details are available from the Campus Safety and Security Office located in the Security Building.

Authority: T.C.A. §49-8-203. **Administrative History:** *New rule filed August 28, 1984; effective November 13, 1984. Amendment filed May 13, 1991; effective August 28, 1991. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed August 8, 1995; effective December 29, 1995. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed August 11, 2004; effective December 29, 2004. Amendment filed June 28, 2005; effective October 28, 2005. Amendment filed November 12, 2008; effective March 30, 2009.*