

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

INSTITUTIONAL STUDENT DISCIPLINARY RULES

**CHAPTER 0240-03-15
VOLUNTEER STATE COMMUNITY COLLEGE
STUDENT DISCIPLINARY RULES**

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0240-03-15-.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 Tennessee 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 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. Amendment filed July 14, 1992; effective October 28, 1992.

0240-03-15-.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 person on institution or institution-controlled property.
- (2) Individual or organizational misconduct which is subject to disciplinary sanction shall include but not be limited to the following offenses:

(Rule 0240-03-15-.02, continued)

- (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. 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 activities or facilities. Any intentional interference with or obstruction of any institutional activity, program, event or facility, 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;

(Rule 0240-03-15-.02, continued)

- (j) Alcoholic beverages. The use and/or possession of alcoholic beverages on college owned or controlled property. This offense includes the violation of any local ordinance or state or federal law concerning alcoholic beverages, on or off institutions 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 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.
- (s) Harassment. Any act of harassment by an individual or group against a student, College employee or campus group. Harassment shall include but not be limited to: insults, heckling, verbal abuse, threats of physical abuse, unwanted suggestions of sexual nature, repeated teasing or annoyance to another, repeated unsolicited phone calls made with the intent to harass or other actions intended to disturb others.
- (t) 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., a 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.

(Rule 0240-03-15-.02, continued)

- (u) 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 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 November 3, 1989; effective February 28, 1990. 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. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed August 11, 2004; effective December 29, 2004. Amendments filed June 28, 2005; effective October 28, 2005.

0240-03-15-.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 expulsion from the classroom of any student engaged in disruptive conduct or conduct that violates the general rules and regulations of the institution. Extended or permanent expulsion 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. Amendment filed August 11, 2004; effective December 29, 2004. Amendment filed June 28, 2005; effective October 28, 2005.

0240-03-15-.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.

(Rule 0240-03-15-.04, continued)

- (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 those Regulations. Such a reprimand does not restrict the student in any way, but does have important consequences. It signifies 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 those Regulations while on probationary status may result in the imposition of a serious disciplinary sanction.
 - (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.

(Rule 0240-03-15-.04, continued)

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 January 11, 2002; effective May 31, 2002. Amendment filed August 11, 2004; effective December 29, 2004.

0240-03-15-.05 DISCIPLINARY PROCEDURES.

- (1) General Statement. When a student fails to abide by the rules and regulations of the College or fails to obey the ordinances of local, state and national governments, disciplinary action may be taken in accordance with the procedures described herein. Institutional measures shall be imposed for conduct which adversely affects the College's pursuit of its educational objectives; which violates or shows a disregard for the rights of members of the College community; or which endangers property or person of the College.
- (2) "Tennessee Uniform Administrative Procedures Act." All cases which may result in (i) suspension or expulsion of a student from the institution for disciplinary reasons, or (ii) revocation of recognition of a student organization for disciplinary reasons are subject to the contested case provision of the "Tennessee Uniform Administrative Procedures Act" (TUAPA) 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 hearing procedures established by these rules.
- (3) Enforcement. The Vice President for Student Services is responsible for the enforcement of the College student disciplinary rules and procedures.
- (4) Preliminary Conference. The Vice President for Student Services shall call the accused student to a preliminary conference where the student shall be apprised of his/her basic rights as stated in these rules.
- (5) Hearing Alternatives. If a student denies guilt, the student shall be advised of his/her opportunity to elect the procedure he/she wishes to pursue toward the disposition of a proposed action against him/her as specified below.
 - (a) Hearing Before Vice President for Student Services. The Vice President for Student Services shall hold a hearing, observe the procedures described in section (6) below, consider all evidence, determine the facts, render a decision and impose appropriate disciplinary sanctions as necessary. Hearings under this procedure shall be available to students charged with any violation of College rules; however, the Vice President for Student Services may refer any disciplinary case to the Ad Hoc Committee on Student Discipline if fairness and justice would require referral.
 - (b) Hearing Before College Ad Hoc Committee on Discipline Pursuant to College Procedures. The Ad Hoc Committee on Discipline shall hold a hearing, observe the procedures described in section (6) below, consider all evidence, determine the facts, render a decision and impose appropriate disciplinary sanctions as necessary. Hearings under this procedure are available to students charged with any violation of College rules.
 - (c) Hearing Before College Ad Hoc Committee on Discipline Pursuant to TUAPA. The Ad Hoc Committee on Discipline shall hold a hearing in accordance with uniform contested case procedures adopted by the Board of Regents. Hearings under these procedures are available in all cases which may result in (i) suspension or expulsion of a student from the institution, a program, or a course for disciplinary reasons, or (ii) revocation of recognition of a student organization for disciplinary reasons and shall be utilized unless the student waives those procedures in writing and elects to have

(Rule 0240-03-15-.05, continued)

his/her case disposed of in accordance with other procedures established by these rules.

- (d) Cases of Alleged Sexual Assault. In all cases involving alleged sexual assault, both the accuser and the accused shall be informed of the following:
 - 1. Both the accuser and the accused are entitled to the same opportunity to have others present during a disciplinary proceeding;
 - 2. Both the accuser and the accused shall be informed of the outcome of any disciplinary proceeding involving allegations of sexual assault.
- (6) College Hearing Procedures. In all disciplinary hearings conducted before the Vice President for Student Services and the Ad Hoc Committee on Discipline, other than cases conducted pursuant to the contested case provisions of the Tennessee Uniform Administrative Procedures Act, the following procedures shall be observed:
 - (a) The student shall be advised of the time and place of the hearing at least five (5) days prior to the hearing;
 - (b) The student shall be advised of the breach of rules or regulations of which he/she is charged;
 - (c) The student shall be advised of the following rights:
 - 1. The right to present his/her case;
 - 2. The right to be accompanied by an adviser whose participation shall be limited to counseling the student and shall not include representation;
 - 3. The right to call witnesses on his/her behalf; and
 - 4. The right to confront witnesses against him/her; and
 - (d) The student shall be advised of the right and method of appeal.
- (7) Appeal Procedures.
 - (a) Appeal from Decisions of the Vice President for Student Services.
 - 1. A student who wishes to challenge the disciplinary sanction(s) imposed by the Vice President for Student Services must file a Petition for Appeal of Disciplinary Sanction(s) with the Chairman of the Ad Hoc Committee on Discipline.
 - 2. The petition may be secured from the Office of the Vice President for Student Services and must be filed within forty-eight (48) hours after sanction(s) was/were imposed.
 - 3. The Committee shall consider the grounds of the student's appeal toward determining:
 - (i) Was due process followed?
 - (ii) Was the evidence in the case substantial enough to justify a decision against the student as imposed by the Vice President for Student Services.

(Rule 0240-03-15-.05, continued)

- (iii) Has new and substantial evidence been discovered to justify a probable reversal of the previous decision?
 - (iv) Was the sanction imposed by the Vice President for Student Services in keeping with the gravity of the wrongdoing?
 - 4. The Committee shall secure and review all evidence of record in the case and render a decision.
 - 5. The Committee shall notify the student, in writing, that his/her petition has been granted or denied.
 - (b) Appeal from Decisions of Ad Hoc Committee on Discipline (Hearing Held Pursuant to College Procedures). A student may appeal the decision of the Ad Hoc Committee on Discipline in a hearing held pursuant to College procedures to the President of the College. The decision of the President shall be final subject only to any appeal provided by policies of the Board of Regents.
 - (c) Appeal from Decisions of Ad Hoc Committee on Discipline (Hearings Held Pursuant to TUAPA). A student's right of appeal of a decision of the Ad Hoc Committee on Discipline in a hearing held pursuant to the TUAPA shall be governed by the provisions of the "Tennessee Uniform Administrative Procedures Act".
- (8) Privacy of Disciplinary Proceedings. Personal confidences and the identities of students involved in disciplinary proceedings will be protected to the extent reasonably possible.

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 November 3, 1989; effective February 28, 1990. Amendment filed July 14, 1992; effective October 28, 1992. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed May 18, 1994; effective September 28, 1994. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed January 11, 2002; effective May 31, 2002. Amendments filed September 20, 2007; effective January 28, 2008.

0240-03-15-.06 TRAFFIC AND PARKING REGULATIONS.

- (1) Traffic and Parking Regulations.
 - (a) Enforcement of traffic and parking violations is for the purpose of controlling congestion, assuring that only authorized persons are using the facilities of Volunteer State Community College and controlling the proper utilization of parking spaces. Citations will be issued when, in the judgment of the officer, a specific vehicle is in violation of the College's parking and traffic policies. All VSCC employees, students, and Foundation Trustees are required to display a parking decal.
 - (b) The Chief of Campus Police is responsible for the enforcement of these regulations.
- (2) Traffic Regulations.
 - (a) All traffic accidents which occur on campus and involve injury to persons or damage to equipment, property or vehicles must be reported to the Switchboard Operator or Campus Police.
 - (b) The following are examples of citation issuance:

(Rule 0240-03-15-.06, continued)

Speeding, reckless driving, and failure to yield to pedestrians.

(3) Parking Regulations.

- (a) Inability to locate a legal parking space on campus in an approved parking area does not justify improper parking.
- (b) Parking in unauthorized parking areas will result in citation issuance. Examples include but are not limited to:
 - 1. Disabled Parking.
 - 2. Fire Lane.
 - 3. Loading and unloading zones.
 - 4. Faculty and staff parking areas.
 - 5. Within fifteen (15) feet of a fire hydrant.
- (c) Improper parking will result in citation issuance. Examples include but are not limited to:
 - 1. Along painted curbs.
 - 2. In driveways and intersections.
 - 3. On grass or lawns.
 - 4. On roadways.
 - 5. On sidewalks.
 - 6. Double parking.
- (d) Parking regulations are enforced from 6:00 a.m. to 5:00 p.m., five (5) days a week. Exception: On Saturday and Sunday, individuals may park in staff parking. "Disabled" parking is enforced seven (7) days a week, twenty-four (24) hours a day. Parking decal display will be enforced during campus operating hours 6:00 a.m. to 11:00 p.m. Note: A Student Safety Handbook/Parking Policy can be found in its entirety on the VSCC Campus Police Website (<http://www.volstate.edu/CampusPolice>). The Handbook is also available in the Campus Police Department located in Wood Campus Center.
- (e) Except as authorized by the Chief of Campus Police, student, faculty/staff must not park a vehicle in areas designated as "no parking," "loading zone," or "VSCC car."

(4) Penalties.

- (a) Citation(s)/Tickets
 - 1. Each citation for violation of traffic and parking regulations carries a monetary fine at the rate established by action of the Tennessee Board of Regents. The amount of the fine shall be delineated in applicable College publications.

(Rule 0240-03-15-.06, continued)

2. After the third citation is received, the student's vehicle may be towed from campus and parking/driving privileges suspended on campus.
3. A monetary fine will be assessed for illegal parking in spaces designated with the wheelchair disabled sign. The amount of the fine shall be equivalent to the fine for such a violation as set forth in the Tennessee Code Annotated. The amount of the fine, as established by Tennessee law, shall be delineated in applicable College publications.
4. All fines are paid in the Business Office.

(b) Appeal of Traffic Ticket

1. Failure to file a traffic appeal within two weeks from the date of the citation voids the right to an appeal before the Student Traffic Appeals Committee.
2. Procedure
 - (i) An official Traffic Appeal form must be secured from the Office of Student Life.
 - (ii) The completed form may be returned to the Office of Student Life or submitted to the Student Traffic Appeals Committee for review.
3. A written decision of the Student Traffic Appeals Committee will be mailed to each student who has filed an appeal.
4. The student has the right to appeal a denied decision to the Vice President for Student Services.
5. When an appeal has been denied, the prevailing traffic fine must be paid to the Business Office.

Authority: T.C.A. §49-8-203. **Administrative History:** New rule filed August 28, 1984; effective November 13, 1984. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed June 11, 1990; effective September 26, 1990. Amendment filed July 14, 1992; effective October 28, 1992. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed May 18, 1994; effective September 28, 1994. Amendment filed August 8, 1995; effective December 29, 1995. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed August 11, 2004; effective December 29, 2004. Amendment filed January 16, 2007; effective May 31, 2007. Amendments filed September 20, 2007; effective January 28, 2008. Amendments filed November 12, 2008; effective March 30, 2009.

0240-03-15-.07 REPEALED.

Authority: T.C.A. §49-8-203. **Administrative History:** New rule filed August 28, 1984; effective November 13, 1984. Amendment filed January 31, 1986; effective April 15, 1986. Amendment filed July 29, 1986; effective October 29, 1986. Repeal filed November 3, 1989; effective February 28, 1990.