

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

**INSTITUTIONAL STUDENT DISCIPLINARY RULES**

**CHAPTER 0240-03-21  
TENNESSEE TECHNOLOGY CENTERS  
STUDENT DISCIPLINARY RULES**

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**0240-03-21-.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 community which it seeks to serve, the Tennessee Board of Regents has authorized the directors of the Tennessee Technology Centers under its jurisdiction to take such action as may be necessary to maintain campus conditions and preserve the integrity of the Tennessee Technology Centers and their 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 Tennessee 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 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 school's pursuit of its educational objectives, the 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 School whether or not such conduct is simultaneously violative of state, local or national laws.

**Authority:** T.C.A §49-8-203. **Administrative History:** Original rule filed July 29, 1986; effective October 39, 1986. Amendment filed November 26, 1997; effective March 30, 1998.

**0240-03-21-.02 DISCIPLINARY OFFENSES.**

- (1) Generally, through appropriate due process procedures, school disciplinary measures shall be imposed for conduct which adversely affects the 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 school or school controlled property.
- (2) Individual or organizational misconduct which is subject to disciplinary sanction shall include, but not be limited to, the following examples:

(Rule 0240-03-21-.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 school activities or facilities. Any intentional interference with or obstruction of any school activity, program, event, or facilities, including the following:
  - 1. Any authorized occupancy of school or school controlled facilities or blockage of access to or from such facilities.
  - 2. Interference with the right of any school member or other authorized person to gain access to any school or school controlled activity, program, event or facilities.
  - 3. Any obstruction or delay of a campus security officer or any school 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 school including, but not limited to, fire alarms, fire equipment, elevators, telephones, school keys, computer resources, library materials and/or safety devices: and any such act against a member of the school community or a guest of the school;
- (f) Theft, misappropriation, or unauthorized sale. Any act of theft, misappropriation, or sale of school property or any such act against a member of the school community or a guest of the school;
- (g) Misuse of documents or identification cards. Any forgery, alteration of or unauthorized use of school documents, forms, records of identification cards, including the giving of any false information, or withholding necessary information in connection with a student's admission enrollment or status in the school;
- (h) Firearms and other dangerous weapons. Any possession of or use of firearms or dangerous weapons of any kind is prohibited;
- (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;

(Rule 0240-03-21-.02, continued)

- (j) Alcohol. The use, possession, distribution, sale or manufacture of alcoholic beverages or public intoxication on property owned or controlled by the school, at a school-sponsored event or on property owned or controlled by an affiliated clinical site by students enrolled in a clinical program.
- (k) Drugs. The unlawful possession or use of any drug or controlled substance (including any stimulant, depressant, narcotic, hallucinogenic drug or substance, or marijuana), being under the influence of any drug or controlled substance, or the misuse of legally prescribed or "over-the-counter" drugs on property owned or controlled by the school, at a school-sponsored event or on property owned or controlled by an affiliated clinical site by students enrolled in a clinical program.
- (l) Gambling. Gambling in any form;
- (m) Financial responsibility. Failure to meet financial responsibilities to the school promptly, including, but not limited to, passing a worthless check or money order in payment to the school or to a member of the school community acting in an official capacity;
- (n) Unacceptable conduct in hearings. Any conduct at a school hearing involving contemptuous, disrespectful, or disorderly behavior, or the giving of false testimony or other evidence at any hearing;
- (o) Failure to cooperate with school officials. Failure to comply with directions of school 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 school as published in an official school 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 same action toward its commission);
- (r) Violation of state or federal laws. Any violation of state or federal laws or regulations prescribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference. State laws prescribe a maximum penalty of five (5) years imprisonment and a fine not to exceed \$2,500 for carrying weapons on school property.
- (s) Litter. Dispersing litter in any form onto the grounds or facilities of the campus.
- (t) Public Intoxication. Appearing on school owned or controlled property or at a school sponsored event while under the influence of a controlled substance or of any other intoxicating substance.
- (u) 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.
- (v) Financial Irresponsibility. Failure to meet financial responsibilities to the school promptly, including, but not limited to, knowingly passing a worthless check or money order in payment to the institution.

(Rule 0240-03-21-.02, continued)

- (w) Academic Misconduct, Plagiarism, Cheating, Fabrication, or Facilitating of Such Act. For purposes of this section, the following definitions apply:
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 study 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.
- (x) 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.
- (y) Sexual Misconduct. Sexual misconduct includes a sexual act or penetration which is accomplished by threat, coercion, use of restraint or force or any act where the respondent knows, or should have known, that the victim was unable or incapable of giving consent.
- (3) Disciplinary action may be taken against a student for violations of the foregoing regulations which occur on school owned, leased, or otherwise controlled property, or which occur off-campus when the conduct impairs, interferes with or obstructs any school activity or the missions, processes or functions of the school. 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 school community.
- (4) For the purposes of these regulations, a "student" shall mean any person who is registered for study in any Tennessee Technology Center of the state university and community college system of Tennessee for any academic 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 school.

**Authority:** T.C.A. §§49-7-123(a)(1) and 49-8-203. **Administrative History:** Original rule filed July 29, 1986; effective October 29, 1986. 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. Amendments filed September 20, 2007; effective January 28, 2008.

#### **0240-03-21-.03 ACADEMIC AND CLASSROOM CONDUCT.**

- (1) The instructor has the primary responsibility for control over classroom behavior and the 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 school. Extended or permanent exclusion can be effected only through appropriate procedures of the school.

(Rule 0240-03-21-.03, continued)

- (2) Plagiarism, cheating and the others form of academic dishonesty are prohibited. A student guilty of academic misconduct, either directly or indirectly through participation or assistance, is immediately responsible to the instructor of the class. In addition to other possible disciplinary sanctions which may be imposed through the regular 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" for the course.
  - (a) If a 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 school procedures.

**Authority:** T.C.A. §49-8-203. **Administrative History:** Original rule filed July 29, 1986; effective October 29, 1986.

#### **0240-03-21-.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 school official.
- (2) Definition of Sanctions.
  - (a) Restitution. A student who has committed an offense against property may be required to reimburse the school or other owner for damage or misappropriation of such property. Any such payment in restitution shall be limited to actual cost of repair or replacement.
  - (b) Warning. The appropriate school official may notify the student that continuation of repetition of specified conduct may be cause for other disciplinary action.
  - (c) Reprimand. A written reprimand, or censure, may be given any student whose conduct violates these regulations. Such a reprimand does not restrict the student in any way, but does have important consequences. It may signify 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 school community, but that any further violation will result in more serious penalties. In addition, a reprimand does remain on file in a student's personnel record for period of one year.
  - (d) Restriction. A restriction upon a student's privileges for a period of time may be imposed. This restriction may include, for example, denial of the right to be present at the school in any way, denial of use of facilities, parking privileges, or participation in extracurricular activities for a maximum of one year.
  - (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/she is separated from the 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 school. The imposition of this sanction does become a part of the student's permanent record, and is a permanent bar to his or her readmission to the school.

(Rule 0240-03-21-.04, continued)

- (h) Interim or summary suspension. Though as a general rule, the status of a student accused of violations of the regulations 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 appropriate 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 of any other member of the school 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 director of each technology center is authorized, at his/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:** Original rule filed July 29, 1986; effective October 29, 1986. Amendment filed November 26, 1997; effective March 30, 1998.

**0240-03-21-.05 DISCIPLINARY PROCEDURES.** A student who is subject to disciplinary proceedings based on charges of disciplinary offenses listed in the policy or academic misconduct (cheating, plagiarism, etc.) which could result in suspension or termination from the school has a right to an opportunity to hear the charges against her/him and have a meaningful opportunity to respond prior to such action being taken.

- (1) Hearing Process. This process will include:
  - (a) The right to an advisor of his/her choice. However, the advisor cannot actively participate in the hearing.
  - (b) The right to question the complainant.
  - (c) The right to present evidence in his/her behalf.
  - (d) The right to call witnesses in his/her behalf.
  - (e) The right to remain silent and have no inference drawn from such silence.
  - (f) The right to cross examination.
  - (g) The decision of the committee shall be final and may be appealed within five days to the Director. Any further appeal is limited by the terms of SBR Policy 1:02:11:00.
  - (h) A tape recording or summary transcription of the proceedings shall be kept and made available to the student upon request for the sole purpose of appeal. The student may also have a verbatim transcript made at his/her own expense.
- (2) Pending the Hearing. Usually the student will attend classes and attend required school functions until a hearing is held and a decision is rendered. Exceptions to these are:
  - (a) When a student's physical or emotional safety and well-being are endangered;
  - (b) When the general safety and well-being of the faculty, staff or other school personnel are endangered;

(Rule 0240-03-21-.05, continued)

- (c) When the orderly progression of the education objectives of the school may be disrupted;
  - (d) When the school property is in jeopardy.
- (3) Type of Hearing.
- (a) Tennessee Uniform Administrative Procedures Act (TUAPA)
 

The only cases which are subject to a TUAPA hearing are those which may result in: (1) suspensions or expulsions of a student from the school for disciplinary offenses; or (2) revocation of registration of an official student organization during the term of registration. In those cases, students shall be afforded the opportunity to elect either a proceeding conducted pursuant to the Uniform Contested Cases Procedures as outlined in the provisions of TUAPA or a proceeding conducted by the appropriate school committee as outlined in subparagraph (b) immediately below. A student may waive, in writing, his/her right to a hearing.
  - (b) School Hearings
 

If a student elects a hearing under applicable school procedures, then a review committee shall be established which has the responsibility of reviewing the facts and making a decision regarding appropriate disposition of the case. A student may waive, in writing, his/her right to a hearing. The review committee will be designated by the Director and be composed of one (1) student representative, one (1) faculty member and two (2) non-faculty staff members. An alternate will be designated for any committee member who is personally involved in a particular case or who cannot otherwise be in attendance.

    1. A student appearing before the review committee will be given a written statement of the cause for dismissal and a time established for the hearing. The hearing must be scheduled within five school days.
    2. The review committee may request testimony from any employee or student who they feel may have information pertinent to the case in question. A student may request assistance from an advisor who is not acting as an advocate (attorney) but offering help in explaining procedures and charges.
    3. The review committee will make a decision based on the facts presented within five (5) school days from the date of hearing. The decision will be in writing. The decision will be transmitted to the Director.
    4. If the final decision results in suspension or termination, the student will be given a formal statement of the findings. This written statement shall contain clear information concerning the student's right to appeal this decision to the Director with procedures for obtaining the same.
    5. In any case, where the Director makes a decision which is adverse to the charge or claim of either party, the Director shall advise the person of any right of appeal provided by Board policy.
- (4) 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 a disciplinary proceeding; and

(Rule 0240-03-21-.05, continued)

- (b) Both the accuser and the accused shall be informed of the outcome of any disciplinary proceeding involving allegations of sexual assault.
- (5) Informal Meetings
  - (a) All other matters (i.e., absenteeism, failing grades, etc.) shall be dealt with informally by the Director, but do not involve a right to a hearing unless there is a violation of state or federal law.

**Authority:** T.C.A. §49-8-203. **Administrative History:** Original rule filed July 29, 1986; effective October 29, 1986. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed June 28, 2005; effective October 28, 2005. Amendment filed September 20, 2007; effective January 28, 2008. Amendments filed November 12, 2008; effective March 30, 2009.

#### **0240-03-21-.06 TRAFFIC AND PARKING RULES.**

- (1) Parking Regulations.
  - (a) The school may require registration with the director's office for any motor vehicle that is driven to campus by a student, faculty, staff member, or any other person authorized to use campus facilities. Additionally, the school may require such persons to purchase and display a parking permit or decal on their vehicles. Information concerning any such requirements will be available through the director's office.
  - (b) Painted lines, markings, or other visible signs will be used to designate authorized parking areas for students, faculty, staff, other employees, visitors, or any other persons authorized to use the school's facilities.
  - (c) Inability to locate an authorized parking space on campus will not excuse improper parking.
  - (d) Improper parking includes, but is not limited to, the following:
    - 1. Parking in unauthorized spaces or areas;
    - 2. Parking in driveways, sidewalks, intersections, or loading zones;
    - 3. Parking in any manner that blocks properly parked vehicles, such as "double-parking";
    - 4. Parking in spaces designated for use by disabled persons only;
    - 5. Parking within 15 feet of a fire hydrant.
  - (e) Improperly parked vehicles may be towed at the owner's expense.
  - (f) A special red decal will be issued to those persons eligible for "disabled" parking. The red decal must always be displayed on any vehicle parked in spaces designated for those with disabilities.
- (3) Traffic Regulations.
  - (a) The responsibilities and duties of drivers of motor vehicles on campus include, but are not limited to, the following:

(Rule 0240-03-21-.06, continued)

1. Obeying all state and local laws regarding the operation of motor vehicles in addition to these regulations;
  2. Observing the maximum speed limit posted on campus;
  3. Exercising reasonable care under all circumstances and avoiding reckless driving of any kind;
  4. Obeying all traffic signs;
  5. Yielding right of way to all pedestrians at all times;
  6. Reporting all traffic accidents occurring on campus which involves injury to persons or property to the school's director or his/his designee.
  7. Refraining from littering from a vehicle.
- (b) A fine of \$100.00 shall be imposed for unauthorized parking in spaces designated for use by those with disabilities.
- (4) Penalties for violations of traffic and parking regulations.
- (a) The school may set and impose fines for violation of traffic and parking regulations. Information concerning fines will be available through the director's office.
  - (b) Violators may also be subject to disciplinary action in accordance with the system wide rule 0240-2-3-.02 governing student conduct and disciplinary sanctions.
  - (c) A citation for any traffic or parking violation may be appealed to the director or his/her designee in accordance with procedures established by the school.

**Authority:** T.C.A. §49-8-203. **Administrative History:** Original rule filed July 29, 1986; effective October 29, 1986. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed November 26, 1997; effective March 30, 1998. Amendments filed September 20, 2007; effective January 28, 2008.