

NON-DISCRIMINATION & AFFIRMATIVE ACTION STATEMENT

Tennessee State University does not discriminate against students, employees, or applicants for admission or employment on the basis of race, color, religion, creed, national origin, sex, sexual orientation, gender identity/expression, disability, age, status as a protected veteran, genetic information, or any other legally protected class with respect to all employment, programs and activities sponsored by Tennessee State University. The following person has been designated to handle inquiries regarding non-discrimination policies: Stephanie A. Roth, Director, Office of Equity and Inclusion, equity@tnstate.edu, or the Assistant Director, Office of Equity and Inclusion, 3500 John Merritt Blvd., General Services Building, Second Floor, Nashville, TN 37209, 615-963-7435. The Tennessee State University policy on nondiscrimination can be found at www.tnstate.edu/nondiscrimination.

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin in programs or activities receiving federal financial assistance. To file a Title VI complaint please contact:

Stephanie A. Roth, Director
Office of Equity and Inclusion
3500 John A. Merritt Blvd.
General Services Building, Second Floor
Nashville, TN 37209 (615) 963-7435 (office) (615) 963-7463 (fax) www.equity@tnstate.edu

Complaints of discrimination based on race, national origin, gender and disability may also be filed with the U.S. Department of Education Office for Civil Rights (OCR) at:

Lyndon Baines Johnson Department of Education Bldg.
400 Maryland Avenue, SW Washington, DC 20202-1100
800-421-3481 <http://www2.ed.gov/about/offices/list/ocr>

Code of Student Conduct

GENERAL REGULATIONS ON STUDENT CONDUCT AND DISCIPLINARY SANCTIONS

Part 1. Institution Policy Statement

1. College and university 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 Presidents of the institutions and Directors of the technology center under its jurisdiction to take such action as may be necessary to maintain campus conditions and preserve the integrity of the institution and its educational environment.

2. Pursuant to this authorization and in fulfillment of its duty to provide a secure and stimulating atmosphere in which individual and academic pursuits may flourish, Tennessee State University ("TSU," "the university" or the "institution") has developed the following policy which is intended to govern student conduct on the campuses under its jurisdiction.

3. For the purpose of this policy, a "student" shall mean any person who is admitted and/or registered for study at TSU for any academic period. This shall include any period of time following admission and/or registration, but preceding the start of classes for any academic period. It will also include any period, which follows the end of an academic period through the last day for registration for the succeeding academic period, and during any period while the student is under suspension from the institution. Finally, "student" shall also include any person subject to a period of suspension or removal from campus as a sanction, which results from a finding of a violation of the policy governing student conduct. Students are responsible for compliance with Institutional policy at all times

4. Disciplinary action may be taken against a student for violations of this policy which occur on institutionally owned, leased or otherwise controlled property, while participating in international or distance learning programs, and off campus, when the conduct impairs, interferes with, or obstructs any institutional activity of the mission, processes, and functions of the institution. If a student's violation of applicable laws or ordinances adversely effects the University's pursuit of its educational objectives, it may enforce its policies, including this policy, regardless of any proceedings instituted by other civil or criminal authorities. Conversely, violation of any section of this policy may subject a student to disciplinary measures by the University whether or not such conduct is simultaneously in violation of state, local or national laws.

5. This policy, and related material incorporated herein by reference, is applicable to student organizations as well as individual students. Student organizations are subject to discipline for the conduct and actions of individual members of the organization while acting in their capacity as members of, or while attending or participating in any activity of, the organization.

6. Confidentiality of Discipline Process. Subject to the exceptions provided pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g and/or the Tennessee Open Records Act, T.C.A. § 10-7-504(a) (4), a student's disciplinary files are considered "educational records" and are confidential within the meaning of those Acts.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.01, Institution Policy Statement. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

Jurisdiction/Application

The University reserves the right to take necessary and appropriate action to protect the safety and well-being of persons, property or the campus community. Such action may include taking disciplinary action against those students whose behavior on or off campus premises indicates that they pose a substantial danger to others.

UNIVERSITY GENERAL STATEMENT ON DRUGS AND ALCOHOL

The unlawful use, possession, distribution, sale or manufacture of controlled substances or alcoholic beverages, including the improper use of prescription medicines by TSU students, is strictly prohibited. Any student found in violation of this policy will be subject to disciplinary action.

Drug Policy

Tennessee State University does not condone the misuse or abuse of drugs or controlled substances. Although the Student Conduct Administrator will determine on a case-by-case basis the nature of the sanctions against students who violate this policy, specific sanctions may include, but are not limited to:

1. Disciplinary probation for first-time violators of the policy (includes possession or consumption).

2. Suspension from the College for first-time violators of the policy on possession, distribution, sale or manufacture of illegal drugs.
3. Expulsion from the College for second-time violators of the policy on possession, distribution, sale or manufacture of illegal drugs.

Alcoholic Beverage Policy

The University does not condone the misuse or abuse of alcoholic beverages. Members of the University community are held accountable for their decisions regarding their use of alcohol, as well as behavior that occurs as a result of alcohol use. For students who violate this policy, specific sanctions may include, but are not limited to, the following:

1. Disciplinary probation for first-time violators of the policy (includes possession or consumption).
2. Suspension from the College for second-time violators of the policy (includes possession or consumption).
3. Expulsion from the College for third-time violators of the policy (includes possession or consumption).

Part 2: Disciplinary Offenses

1. Generally, through appropriate due process procedures, the University's disciplinary measures shall be imposed for conduct, which adversely affects the institution's pursuit of its educational objective, that violates or shows a disregard for the rights of other members of the academic community, or which endangers property or persons on institution or institutional-controlled property

2. Students and student organizations and its members while acting in their capacity as members of, or while attending or participating in any activity of the organization shall be subject to all rules and policy of the University and Tennessee Board of Regents. The Office of Student Conduct and Mediation Services shall have jurisdiction over all disciplinary matters involving students and student organizations when the Student Code of Conduct is implicated. Individual or organizational misconduct that is subject to disciplinary sanction shall include, but is not limited to, the following examples:

a. Conduct dangerous to others - Any conduct or attempted conduct, which constitutes a serious 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. Harm inflicted on self

b. Hazing. Hazing, as defined in T.C.A. § 49-7-123(a) (1), means any intentional or reckless act, on or off the property, of any higher education institution by an individual acting alone, or with others, which is directed against any other person(s) that endangers the mental or physical health or safety of that person(s), or which induces or coerces a person(s) to endanger such person(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, or disorderly or which unreasonably disturbs institutional function, operations, classrooms and 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 facilities owned or controlled by an institution 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 institutional or institutional controlled activity, program, event, or facility sponsored by the institution.
3. Any obstruction or delay of a campus police officer, fireman, campus security officer, public safety officer, EMT or failure to comply with any emergency directive issued by such person in the performance of his or her duty or any institutional 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 or unwarranted destruction, defacing, disfiguring, or unauthorized use of property belonging to the institution or another, 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 of Property – 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, dangerous weapons of any kind, or replica/toy guns, e.g. BB guns, pellet guns, paintball guns, water guns, cap guns, toy knives or other items that simulate firearms or dangerous weapons.
 - i. Explosives, fireworks, and flammable materials – The unauthorized possession, ignition, or detonation of any object or article that causes damage by fire or other means 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 owned or controlled property. This offense includes the violation of any local ordinance, state, or federal law concerning alcoholic beverages, on or off institution 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, but limited to, any stimulant, depressant, narcotic or hallucinogenic drug, or marijuana) sale or distribution of any such drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession or use of drugs, on or off institution owned or controlled property.
 - l. Drug paraphernalia – The use or possession of equipment, products or materials that are used or intended for use in manufacturing, growing, using or distributing any drug or controlled substance. This offense includes the violation of any local ordinance state, or federal law concerning the unlawful possession of drug paraphernalia, on or off institution owned or controlled property.
 - 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 – Unlawful gambling in any form.
 - o. Misuse of computers or computing 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, and 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.
- p. 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, or failure to pay outstanding bills.
- q. Unacceptable conduct in disciplinary proceedings – Any conduct at any stage of an institutional disciplinary proceeding or investigation that is contemptuous, disrespectful, threatening, or disorderly, including false complaints, testimony or other evidence, and attempts 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.
- r. Failure to cooperate with university officials – Failure to comply with directions of institutional acting in the performance of their duties.
- s. Violation of general rules and policies – Any violation of the general rules and policies of the institution as published in an official institutional publication, such as Student Handbook or Residence Life Campus Living Brochure, including the intentional failure to respond to any required action or the intentional performance of any prohibited action.
- t. Attempts at and aiding and abetting the commission of an offense – 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 must remove themselves from the situation and are required to report the offense to the institution;
- u. Violations 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.
- v. Failure to notify – Failure of students certified to receive educational benefits for veterans to notify the Office of Veteran Affairs of any changes in their program that will affect their certification status.
- w. Violation of imposed disciplinary sanctions – Intentional or unintentional violation of a disciplinary sanction officially imposed by an institution official or a constituted body of the institution.
- x. Discrimination, Harassment or Retaliation – Any act by an individual or group against another person or group in violation of University or TBR policy, as well as federal and/or state laws prohibiting discrimination, including, but not limited to, TBR policy 5:01:02:00, (F), 5:01:02:00, 2:02:10:01 and TSR Guideline P-080. These matters must be submitted to the Office of EO/AA for full investigation.
- y. Sexual Misconduct. An offense including acts of sexual assault, domestic violence, dating violence and/or stalking as defined in TBR Policy P-080. All matters involving allegations of sexual misconduct will be governed by the procedures set for in the TBR Policy P-080;

z. Academic Misconduct. Plagiarism, Cheating, Fabrication – 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 proper attribution.
2. Cheating. Shall mean, but is limited to, using or attempting to use unauthorized materials, information, or aids in any academic exercise or test/examination. The term academic exercise includes all forms of work submitted for credit hours.
3. Fabrication. Unauthorized falsification or invention of any information or citation in an academic exercise.
4. Classroom Misconduct – Disruptive behavior in the classroom.

Part 3: 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 violating 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 established by the institution.
2. Academic dishonesty may be defined as any act of dishonesty in academic work. This includes, but is not limited to, plagiarism, the changing or falsifying of any academic documents or materials, cheating and giving or receiving of unauthorized aid in tests, examinations or other assigned work. Students guilty of academic misconduct, either directly or indirectly through participation or assistance, are immediately responsible to the instructor of the class. The instructor has the authority to assign an appropriate grade for the exercise or examination, proportional to the nature and extent of academic misconduct, including an "F" for the assignment/test or an "F" in the course. Disciplinary sanction will be imposed only through the appropriate institutional disciplinary process.
3. Students may appeal a grade assignment associated with a finding of academic misconduct, as distinct from a student disciplinary action, through appropriate institutional academic grade appeal procedures. Courses may not be dropped pending the final resolution of an allegation of academic misconduct.
4. Disruptive behavior in the classroom may be defined, but is not limited to, behavior that obstructs or disrupts the learning environment (e.g., repeated outbursts from a student which disrupts the flow of instruction or prevents concentration on the subject taught, failure to cooperate in maintaining classroom decorum, the presence of non-enrolled visitors in the classroom, the continued use of any electronic or other noise or light emitting device which disturbs or interrupts the concentration of others (e.g., disturbing noises from beepers, text messaging, cell phones, palm pilots, laptop computers, games, etc.).
5. Class attendance and punctuality requirements are established by the faculty through the printed syllabus for each course. Students are expected to attend class 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 student(s) are unable to make immediate contact with faculty, the student may contact the Office of the Vice President of Student Affairs, the Office of Academic Affairs and the One Stop Center 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 possible completion of coursework requirements, if feasible.

Part 4: Disciplinary Sanctions

1. Upon a determination that a student or student organization has violated any of the rules, policies or disciplinary offenses set forth in this Code of Student Conduct, disciplinary sanctions that may be imposed, either singularly or in combination, by the appropriate university officials include but are not limited to the sanctions referenced below.

a. Restitution. A student who has committed an offense against property may be required to reimburse the university or other owner for damage to or misappropriation of such property or unreimbursed medical expenses resulting from physical injury. Any such payment in restitution shall be defined by the university.

- b. Fine – Fine of not more than \$200. This sanction shall apply to violations of the following disciplinary offenses: misuse of documents or identification card and failure to cooperate with university officials. Failure to pay fines may result in further disciplinary action.
- c. Warning – The appropriate university official may notify the student or student organization that continuation or repetition of specified conduct may be cause for further disciplinary action.
- d. Reprimand – A written or verbal reprimand, or censure, may be given to any student or organization whose conduct violates part of the Code of Conduct. Such a reprimand does not restrict the student in any way, but it 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 university community but that any further violation may result in more serious penalties.
- e. Apology – A student or student organization may be given the opportunity, under certain circumstances, to apologize to an affected party, either verbally or in writing, as an alternative or in addition to the imposition of other disciplinary sanctions, for the behavior related to a disciplinary offense.
- f. Restriction – A restriction upon a student's or organization's privileges for a period of time may be imposed. This restriction may include, for example, denial of the right to represent the University in any way, restrictions on university or TBR sponsored travel and events, denial of the use of facilities, parking privileges, or restrictions involving the participation in any extra-curricular activities, organizational privileges, athletic events, or on an athletic team.
- This restriction may include, for example, denial of the right to represent the university in any way, university or TBR sponsored travel, denial of the use of facilities, parking privileges, or participation in extra-curricular activities or restriction of organization privileges.
- g. Referral to the University Counseling Center or appropriate healthcare provider is never to be considered as a punishment for any specified behavior. Participation in counseling treatment is strictly voluntary and highly confidential, but the student may be referred to the university-counseling center or an appropriate health care provider for an evaluation to determine if the student poses a threat to the campus community. The University Behavior Intervention Team may, in coordination with the Judicial Affairs Office or other University officials, issue appropriate directives regarding a student's continued presence on campus in connection with the Referral referenced herein.
- h. Community or Educational Project – A project beneficial to the individual, campus, and/or community may be required. The project will be related to the offense the student is guilty of violating.
- i. Assignment of work hours – A specified number of supervised hours of work to be completed on campus may be assigned. This work will be commensurate to the offense the student is guilty of violating.
- j. Probation. Continued enrollment of a student or recognition of a student organization on probation may be dependent upon adherence to the Code of Student Conduct. Any student or organization 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 or any other appropriate special conditions. Any conduct in violation of this Code while on probationary status may result in the imposition of a more serious disciplinary sanction.
- k. Suspension. If a student is suspended, he or she is deprived of student status and is separated from the university for a stated period of time with conditions of readmission stated in the notice of suspension. The suspension shall appear on the student's disciplinary record regardless of whether or not such student is successfully readmitted.
- l. Expulsion. Expulsion entails a permanent separation from the institution. The imposition of this sanction is a permanent bar to the student's readmission or student organization to the institution. Tennessee State University policy requires that any student or organization receiving a penalty of expulsion shall be restricted from the campus of Tennessee State University during the period of expulsion unless on official business with the university verified in writing by the Judicial Officer/Dean Students.

- m. Any alternate sanction deemed necessary and appropriate to address the misconduct at issue. n.
Revocation of Admission, Degree or Credential
 - o. Housing Probation. Continued residence in campus or student housing may be conditioned upon adherence to this policy as well as institutional housing policies. Any resident placed on housing probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon the activities of the resident, including any other appropriate special condition(s).
 - p. 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. Housing suspension shall remain a part of the student resident's disciplinary record. A student may be immediately removed from campus or student housing for violations of the University's housing policy or residence agreement under the interim suspension standards set forth in paragraph m. above.
 - q. Removal or suspension from an athletic team.
 - r. Interim Suspension. Though as a general rule, the status of a student or student organization accused of violations of these regulations should not be altered until a final determination has been made in regard to the charges. Interim suspension may be imposed upon a finding by the Chief Judicial Officer or designee 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 University community or its guests, destruction of property, or substantial disruption of classroom or other campus activities. In any case of interim suspension, the student, or student organization, shall be given an opportunity at the time of the decision, or as soon thereafter as reasonably possible, to contest the suspension.
 - 1. During an interim suspension, the student shall be denied access to campus facilities, classes, and/or all other university activities or privileges unless prior approval has been granted by the Dean of Students/Chief Judicial Officer.
 - 2. If a student chooses to challenge the imposition of an interim suspension, a preliminary hearing will be conducted by the Student Affairs Disciplinary Committee, in consultation with university officials. The hearing will be scheduled within five (5) working days of the student's request for a hearing. The preliminary hearing committee's sole charge will be to determine whether the Dean of Students' (or designee) interim suspension decision was arbitrary and capricious or constituted an abuse of discretion. During this preliminary hearing, the student will be given notice of the allegations against him/her and provided a summary of the evidence that supports the interim suspension. The student will be afforded an opportunity to respond to the allegations. The preliminary hearing committee may, at its sole discretion, call witnesses or permit the Dean of Students (or designee) and the student to call witnesses in support of their respective presentations. If the preliminary hearing committee upholds the Dean of Students' interim suspension decision, a formal hearing under the disciplinary procedures set forth in this policy shall be held as soon as practical, if applicable. If the preliminary hearing committee reverses the Dean of Students' (or designee) decision, the Vice President for Student Affairs may, in his or her sole discretion, review the decision and uphold, modify or reverse the preliminary hearing committee's decision if he or she determines that the evidence does not support the preliminary hearing committee's determination.
- This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.04 Disciplinary Sanctions. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR:
12/8/11. Effective: 1/29/12.

Part 5: Procedures and Guidelines for the Enforcement of Student Discipline

- 1. A university has the responsibility and obligation to its students, faculty, and community to maintain an academic environment that promotes intellectual pursuits and harmonious interpersonal relationships between its various publics and constituents. Toward this end, TSU has established and published a uniform Code of Conduct, which spells out and informs students at the university the parameters of appropriate student conduct.
- 2. The following is a description of the procedures by which the university enforces its standards of student conduct.

3. Inherent in these procedures is the university's recognition of its obligation to protect the rights and privileges of its students in accordance with the guarantees afforded all citizens under the Constitution of the United States and due process as interpreted by appropriate judicial authority.

4. The maintenance of order and the enforcement of the rules and policies of the university and the Tennessee Board of Regents are vested with the president of the university or his/her designee. This responsibility is delegated to the Vice President for Student Affairs who in turn delegates this authority to the Dean of Students/Chief Judicial Officer and the faculty and students appointed to participate in the administration of these procedures.

5. The university believes that the disciplinary procedures described below will serve the interests of students in obtaining full and fair hearings.

A. Pre-Hearing Procedures

1. The Dean of Students/Chief Judicial Officer for Student Affairs shall conduct an investigation of the alleged violation(s).

2. All matters involving allegations of impermissible discrimination, harassment, or retaliation will be governed by the procedures outlined in TBR Guideline P-080 Subject: Discrimination and Harassment – Complaint and Investigation Procedure and/or an institutional policy that reflects the requirements of that Guideline as well as the TSU Policy governing Sexual Misconduct.

3. At the conclusion of the investigation, the Dean of Students/Chief Judicial Officer for Student Affairs shall conduct a preliminary conference and shall advise the student of the charge(s) and proposed sanction(s), if any. The student may admit the violation(s) and accept sanction(s) or may elect to contest the charge. Admission of the violation(s) and sanction(s) shall constitute a waiver of hearing, and shall be in writing when possible. Such admission shall be binding and may not be subsequently revoked without Concurrence of the Dean. At the conclusion of the preliminary conference, the Dean of Students/Chief Judicial Officer shall execute the "Preliminary Conference Form" reflecting the action taken or to be taken in the case. If the student fails to appear for the preliminary conference, the student shall be deemed to have waived his/her right to contest the charges and sanctions and said sanctions shall become final. A student has five (5) working days from the date of the preliminary conference to make an election.

For all cases where suspension or expulsion are not possible sanctions, if the student chooses to contest the charge, it shall be heard pursuant to the Institutional Hearing Procedures set forth in section D below.

B. Tennessee Uniform Administrative Procedures Act (TUAPA)

1. All cases which may result in: (a) suspension or expulsion of a student, or student organization, from the institution, for disciplinary reasons or (b) revocation of registration of a student organization, are subject to the contested case provisions of the Tennessee Uniform Administrative Procedures Act (TUAPA), T.C.A. § 4-5-301 et seq., and shall be processed in accord with the Uniform Contested Case procedures adopted by the Tennessee Board of Regents unless the student or organization, after receiving written notice, waives those procedures and elects to have the case disposed of in accord with institutional procedures or waives all right to contest the case under any procedure.

C. Function and Composition of the Student Affairs Disciplinary Committee

1. The Student Affairs Disciplinary Committee is the principal judicial body for hearing violations of the university's Code of Student Conduct, making relevant findings, and recommending sanctions, where appropriate.

2. The student Affairs Disciplinary Committee shall be comprised of 12 members and two (2) alternates. The Committee shall include six (6) students with one (1) student alternate. Student members will be selected by the Vice President for Student Affairs from a group nominated by the Dean of Students/Chief Judicial Officer, and shall serve a (2) year term. An additional six (6) members shall be members of the faculty or staff, with one (1) alternate. The faculty or staff members of the committee shall be selected for two (2) year terms by the Vice President for Student Affairs from a group nominated by academic deans, dean of students, or department heads.

3. **A Chairperson shall be appointed by the Vice President of Student Affairs or designee.**

4. The Chairperson of the Student Affairs Disciplinary Committee is responsible for directing the conduct of any hearing, and shall make necessary procedural rulings including, but not limited to, rulings regarding the admissibility of evidence, and shall be responsible for drafting all written determinations by the Committee. The Chairperson shall only vote when there is a tie, and the vote is needed to break said tie.

5. No less than four (4) members of the committee, including at least one faculty or staff representative, must be present to constitute a quorum.

6. Meetings of the Committee are irregular and called by the Chairperson upon being informed that an alleged violation of the Code of Student Conduct exists and that a hearing is necessary.

D. Student Affairs Disciplinary Committee Hearing Procedures.

Standard of Proof

The standard of proof required for a finding of violation of the student code of conduct shall be the preponderance of the evidence. This means that based on the information and evidence presented to the committee, it is more likely than not that the student has violated the Student Code of Conduct.

1. The following procedures shall govern conduct of an Institutional Hearing by the Student Affairs Disciplinary Committee:

a. The student shall be advised of the date, time, and place of the hearing.

b. The students shall be advised, in writing, of the breach of policy of which he or she is charged.

c. The student shall be advised of the following rights: (i) the right of the accused student to present or state his/her case; (ii) the right to be accompanied by an advisor (An advisor shall not be permitted to participate in the hearing and shall be limited to directly advising the student); (iii) the right to call witnesses in his/her behalf; (iv) the right to confront witnesses against him/ her.

d. The date of the hearing shall be set no later than ten (10) calendar days but no sooner than two (2) days following the student's notice of intent to contest the charge.

e. The hearing notice should be delivered in person to the student by an appropriate official of the university. The person making personal service on a party shall make a record as to the time and place of service. If the student is not available for service in person, the notice should be delivered by return receipt mail to the student's last known address.

f. The notice shall contain a description of the procedures under which the hearing will be conducted.

g. The Student Affairs Disciplinary Committee shall conduct a hearing providing for the receipt of evidence, including calling witnesses and the review of other evidence in rendering a decision.

h. The student at issue shall be permitted to call witnesses and submit documentation at the hearing in support of his/her defense. The student may also be accompanied by legal counsel or some other representative. However, legal counsel or a representative may not speak or present evidence on behalf of the student.

i. The Student Affairs Disciplinary Committee shall make a determination of the case based on the evidence presented at the hearing. This is an administrative process; therefore, the Student Affairs Disciplinary Committee shall exercise discretion as to the application of the federal rules of evidence at the hearing. The decision of the committee shall be by majority vote.

j. The Chairperson will vote only when needed to break a tie vote.

k. If the Committee finds that the student did engage in the offense (s) for which he/she is charged, it shall recall the Dean and the student for a review of the student's past record in determining the appropriate recommendation of sanction.

l. The Committee will issue a written decision within five (5) days following the conclusion of the hearing. The decision shall specify any violations found and recommend appropriate sanctions.

m. Record (Discipline) – A record which may consist of a taped or similar electronic recording, shall be made of the proceedings.

Such record may be transcribed upon request by a party at the party's expense. If the university elects to transcribe the proceedings, any party shall be provided copies of the transcript upon payment of cost to the university. The record includes all evidence, statement, affidavits, or matters officially noticed.

n. The Committee shall not take into account any student's grade point average or academic success or lack thereof in determining whether or not the student has violated the Student Code of Conduct.

2. Appeal to the Vice President for Student Affairs – A student may appeal the decision of the Student Affairs Disciplinary Committee to the Vice President for Student Affairs. The appeal must be submitted, in writing, to the Vice President for Student Affairs or designee within five (5) days of the date of the decision and must specify in detail the grounds for the relief sought. Petitions for appeal will be considered on the following grounds only:

a. Some material error in procedure;

b. Some material error in the committee's finding or fact or conclusions of law;

c. Discovery of new evidence, unavailable at the time of hearing, sufficiently strong to reverse or modify the decision which could not have been previously discovered by due diligence;

3. Review by the Vice President or Designee— Upon receipt of an appeal by the student, the Vice President for Student Affairs or designee shall review the decision of the Committee and/or the sanction imposed. The Vice President shall render a decision on the student's appeal based upon the contents of the student's appeal filing, the record made at the hearing, the written decision and decision of the Committee, and any other information the Vice President deems relevant. The Vice President shall issue a written decision within five (5) working days after the filing of the appeal. The Vice President may, at his or her own discretion, within ten (10) working days after the date on which the student's right to appeal has expired, review the decision of the Student Affairs Committee absent an appeal. Upon review, the Vice President may uphold, modify or reverse the Committee's decision. Once the Vice President or designee has made a decision, said decision will be delivered to the student, and a copy shall be delivered to the Dean of Students/Office of Student Conduct.

4. Appeal to the President – The decision of the Vice President for Student Affairs or designee may be appealed to the President of the university within five (5) days of its filing. The appeal must be submitted, in writing, to the President within five (5) days of the date of the decision and must specify in detail the grounds for the relief sought. The President may affirm or overturn the decision of the Vice President for Student Affairs in whole or in part. The President may also reduce or set aside the sanctions imposed. The President's determination shall constitute the final decision at the institutional level.

E. Academic Misconduct Disciplinary Committee

1. The Academic Misconduct Disciplinary Committee is charged with the authority to hear cases where a student has been determined to be engaged in academic misconduct and has received a reduced grade. A student shall have the right to appeal that determination to the Academic Misconduct Disciplinary Committee. A course instructor may choose to forward the allegations of academic misconduct to the Academic Misconduct Committee for the committee to make the initial determination of academic misconduct. In cases involving an appeal by a student, or when an instructor requests review by the committee, the Academic Misconduct Disciplinary Committee may also recommend the imposition of additional disciplinary action, including suspension or expulsion. That recommendation shall be forwarded to the Dean of Students for further action.

2. Academic Misconduct Disciplinary Committee Meetings, Members, Procedures, Decision and Record – The provisions governing meetings, members, procedures, decision and record of the Student Disciplinary Committee and all review/appeal, as set forth above, are hereby applicable to the Academic Misconduct Disciplinary Committee. Appeals from decisions of the Academic Misconduct Disciplinary Committee will be to the Vice President of Academic Affairs and will be governed by the same procedures applicable to an appeal to the Vice President for Student Affairs from a decision of the Student Affairs Disciplinary Committee.

3. Alternative Resolution Process – At all times during the disciplinary process, the Dean or other designated university official may pursue alternative measures to resolve disciplinary matters, including informal resolution meetings.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.06 Disciplinary Procedures and due Process. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.

ADDITIONAL CAMPUS REGULATIONS

The following regulations specifically apply to Tennessee State University. Students found in violation of any of these regulations will be subject to the action listed previously under "Disciplinary Sanctions."

In keeping with the desire to establish an environment conducive to quality education and social maturity, the following practices are prohibited:

Distribution of advertisement fliers and brochures – Distribution or placement of advertising fliers and related literature onto parked vehicles on campus unless (i) the vehicle is owned by the person distributing the fliers, or (ii) the person distributing the fliers has the express consent of the vehicle owner and the TSU Police Department to place the material on the vehicle.

Duplication of keys – Making or causing to be made any key for a university facility without proper authorization.
Disregarding fire drills – Failure to evacuate university facilities or willfully disregarding any emergency or fire alarm signal.
Harassment and/or intimidation – Actions or statements that, by design or consequence, amount to harassment and/or intimidation.
Littering – Dispersing litter in any form onto the grounds or facilities of the campus.
Display of pornography – Public display of pornographic literature, films, or pictures.

Resident hall visitation – Visiting in the residence hall rooms except as specified in the Residence Life Campus Living Brochure.

Use of sirens and loudspeakers – Unauthorized use of sirens, loudspeakers, and other sound amplification equipment.
Improper use of student identification cards. (i) Failure to possess at all times a valid student identification card. (ii) Failure to surrender identification card to university officials upon proper request. (iii) Transferring usage of identification card to other persons.

Allowing pets on premises - Pets are not allowed in buildings unless they are designated to serve as Service Animals for individuals with disabilities in the residence halls or other campus facilities

Drug use or possession - Tennessee State University fully supports the "Drug Free Schools and Campuses Act" and the "Drug Free Schools and Communities Act Amendment of 1989."

Parental Notification—Changes to the Family Educational Rights and Privacy Act (FERPA) have given colleges/universities the option to release specific types of information from a student's discipline record. Parents or guardians will be notified when a student under the age of 21 is found to have violated the Code of Student Conduct policies on the use and possession of alcohol and when one or more of the following occurs: (i) when there is significant property damage; (ii) when there is evidence that the student's alcohol-related behavior negatively impacted the living and learning environment; (iii) when the student demonstrates reckless disregard for his/her personal safety or the safety of others; (iv) when medical attention to any person, including the student, is required as a result of the student's alcohol- related behavior.

DRUG-FREE SCHOOLS AND COMMUNITIES ACT

The following information is presented in compliance with the Drug- Free Schools and Communities Act Amendment of 1989.

1. Tennessee State University prohibits the possession, use, or distribution of illegal drugs or alcohol on the campus property or on institutionally owned, leased, or otherwise controlled property.
2. Various federal and state statutes make it unlawful to manufacture, distribute, dispense, deliver, possess with intent to manufacture, distribute, dispense, deliver or sell controlled substances. The penalty imposed depends upon many factors, which the type and amount of controlled substance involved, the number of prior offenses, if any,

and whether any other crimes were committed in connection with the use of the controlled substance. Possible sanctions include incarceration up to and including life imprisonment and imposition of substantial money fines.

Tennessee statutes provide that it is unlawful for any person under the age of 21 to buy, possess, transport (unless in the course of employment), or consume alcoholic beverages, wine, or beer, such offense being classified as a Class A misdemeanor punishable by imprisonment for not more than 11 months and 29 days or a fine of not more than \$2,500 or both. The receipt, possession, or transportation of alcoholic beverages without the required revenue stamp is also a misdemeanor punishable by imprisonment of not more than 30 (thirty) days or a fine of not more than \$50, or both.

3. The use of alcohol can lead to serious health risks:

- ☛ Alcoholism
- ☛ Damage to brain cells
- ☛ Increased risk of cirrhosis, ulcers, heart disease, heart attack, and cancers of liver, mouth, throat, and stomach
- ☛ Hallucinations
- ☛ Personality disorders

Health risks associated with the use of illegal drugs include:

- ☛ Increased susceptibility to disease due to a less efficient immune system
- ☛ Increased likelihood of accidents
- ☛ Personality disorders
- ☛ Addiction
- ☛ Death by overdose
- ☛ Anemia
- ☛ Poor concentration

(Additional information about how the use of drugs and/or alcohol affect one's health is available in the Office of Student Health Services.)

4. Tennessee State University provides drug/alcohol counseling.

5. Tennessee State University does not currently provide drug/alcohol treatment or rehabilitation programs for students. Referral to the community treatment facilities may be made in appropriate cases.

6. Tennessee State University will impose sanctions against individuals who are determined to have violated rules prohibiting the use, possession, or distribution of illegal drugs or alcohol.

Sanctions for students using or possessing illegal drugs or alcohol include disciplinary probation and, in appropriate cases, suspension from the university. In addition, residence hall students will be removed from the housing system for the use or possession of illegal drugs. Referral for criminal prosecution may be made in appropriate cases.

Individuals involved in the sale or distribution of illegal drugs will be expelled from the university and referred to the appropriate authorities for criminal prosecution. All employees, including students, agree as a condition of employment to abide by this policy. Sanctions against employees for use or possession of illegal drugs or alcohol in the workplace include termination of employment.

Additionally, employees are required to notify the institution of any drug conviction resulting from a violation in the workplace no later than five (5) days after the conviction.

HONORS, SCHOLARSHIPS AND AWARDS

ACADEMIC AWARDS

The W. J. Hale Memorial Scholarship Foundation Award

The Alma Dunn Jones Essay Award

The Harold Mitchell Freshman Honors Award

The Prem S. Kahlon Junior Honors Award

The McDonald Williams Senior Honors Award

The Jo Helen Railsback Sophomore Literature Award

The Donald C. Page Mass Communication Award

The Lawrence B. James Theatre and Forensics Award

The Jayme C. Williams Communication Award

The Sadie C. Gassaway Memorial Award

The Mathematics/Physics Faculty Award

The Donelson-Gordon Scholarship Award

The Ralston-Purina Scholarship Award

The Nashville Pacesetter, Inc. Memorial Scholarship Award

The Tennessee Intercollegiate Legislature Award

The Government and Public Relations Award The Legislative Intern Award (space here) The Lewis-Rose Holland Scholarship Award The Nashville Dental Award
The Hu-Friedy Golden Scaler Award

The Quintessence Award