

SOUTHWEST TENNESSEE COMMUNITY COLLEGE

SUBJECT: Student Disciplinary Rules

EFFECTIVE DATE: July 1, 2000; Revised March 29, 2013

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Part 1 Institution Policy Statement

- (1) Students enrolled in Southwest Tennessee Community College are citizens of their civic communities as well as the academic community. As such they are expected to conduct themselves as law-abiding members of each community at all times. Admission to Southwest 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 College and the academic community which it seeks to serve, the Tennessee Board of Regents (“TBR” or “the Board”) has authorized the president to take such action as may be necessary to maintain campus conditions and preserve the integrity of the College and its educational environment.
- (2) Pursuant to this authorization and in fulfillment of its duties to provide a secure and stimulating atmosphere in which individual and academic pursuits may flourish, the TBR has developed the following regulations, which are intended to govern student conduct on the several campuses under its jurisdiction. Each College under the jurisdiction of the TBR is directed to implement policies subject to, and consistent with, these regulations. In addition, students are subject to all federal, state and local laws and ordinances. If a student’s violation of such laws or ordinances also adversely affects the College’s pursuit of its educational objectives, the College may enforce their own regulations regardless of the status or outcome of any external proceedings instituted by other civil or criminal authorities

- (3) Responsibility for the administration of the student or organizational discipline process at Southwest Tennessee Community College is a function of the Vice President for Student Services and Enrollment Management. The Vice President for Student Services and Enrollment Management has designated the Director of Student Activities or designee, as the coordinator of the discipline process. The Director of Student Activities is authorized to determine the appropriate form and method of disciplinary proceeding that a student or organization will be provided consistent with College procedures. The Director of Student Activities or designee shall also be charged with the implementation of policies and procedures for the administration of conduct investigations, hearings and appeals.
- (4) For the purpose of these regulations, a “student” shall mean any person who is admitted and/or registered for study at a TBR College 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 College. 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 regulations governing student conduct. Students are responsible for compliance with the Rules of Student Conduct and with similar College policies at all times.
- (5) Disciplinary action may be taken against a student for violation of the regulations which occur on College 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 College activity or the mission, processes, and functions of the College. Colleges may enforce their own regulations regardless of the status or outcome of any external proceedings instituted in any other forum, including any civil or criminal proceeding.
- (6) These regulations, and related material incorporated herein by reference, are 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.
- (7) 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.

Definitions

- (1) The term “College” or “Southwest” means Southwest Tennessee Community College.
- (2) “Student” is defined in the previous section of this document (see number 4 above).
- (3) The term “faculty member” means any person hired by the College to conduct instructional activities or who is otherwise considered by the College to be a member of its faculty.
- (4) “Staff member” means any person employed by the College in a nonteaching or nonacademic capacity.
- (5) “Member of the College community” includes any person who is a student, member of the faculty or staff, College official, or any other person employed by the College.
- (6) “Code” or “the Code” refers to the Southwest Tennessee Community College Code of Conduct and Discipline.
- (7) The term “College premises” includes all land, buildings, facilities and other property in the possession of or owned, used or controlled by Southwest Tennessee Community College (including adjacent streets and sidewalks).
- (8) “Student organization,” unless otherwise indicated, means any group that has complied with the formal requirements and been approved for College registration/recognition.
- (9) “College activity” means any activity sponsored by the College, any agency of the College, or any College organization which may be attended in part or whole by students, faculty members, staff members, or other members of the general public and conducted on or off College premises.
- (10) “Judicial Officer” means a College official authorized by the College to determine whether a student or organization has violated the Code of Conduct and Discipline.
- (11) “Hearing Body” refers to any College official or group authorized by the College to determine whether a student or organization has violated the Code of Conduct and Discipline.
- (12) “Appeal Body” refers to any College official or group authorized by the College to hear appeals of decisions implemented by a hearing body.
- (13) “Appellant” refers to a student or organization who is appealing the decision of a hearing body.
- (14) “Complainant” is defined as Southwest Tennessee Community College or the person making a referral to the Director of Student Activities relevant to a person or group alleged to be in violation of the Code of Conduct and Discipline.

- (15) "Accused" is defined as the student or group alleged to have violated the College Code of Conduct and Discipline.
- (16) "Business days" means days that Southwest Tennessee Community College is open for business (excluding holidays) even if no classes are scheduled.

Disciplinary Authority

- (1) The Vice President for Student Services and Enrollment Management (or designee) has the authority to invoke Interim Suspension. As a general rule, the status of a student or student organization accused of violation of these regulations should not be altered until a final determination has been made in regard to the charges. However, interim suspension, pending the completion of disciplinary procedures, 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, any other member of the institution its guests, 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.
- (2) The Director of Student Activities is the primary Conduct Officer for the College. The Director (or designee) administers the student and organizational disciplinary processes at the College.
- (3) Student Disciplinary Committee has the authority to hear student and organizational misconduct matter. The Student Disciplinary Committee is composed of five (5) members: a chairman, two (2) student members, and two (2) faculty members. The two (2) student members will be appointed by the President of the College from a pool of students recommended by the President of the Student Government Association. Eligible student participants must have completed a minimum of twenty-four (24) credit hours at Southwest Tennessee Community College, have a minimum 2.5 cumulative GPA, and be in good standing. The two (2) faculty members are appointed by the President, and the chairperson of the Committee is appointed by the Vice President for Student Services and Enrollment Management. Committee members will be appointed annually and/or on an as needed basis. A quorum must be present in order for a hearing to be conducted by the Committee. However, a quorum may be waived at the request of the accused. A majority of the Committee members will constitute a quorum.
- (4) The Academic Appeals Committee is a standing committee appointed by the President of the College. The Committee is comprised of three (3) faculty members and two (2) students. Ordinarily, one (1) of the faculty members should be a Department Chairperson. The Committee will be chaired by one (1) of the faculty members of the Committee. Committee members will be appointed annually and/or on an as needed basis. A quorum must be present in order for a hearing to be conducted by the

Committee. However, a quorum may be waived at the request of the accused. A majority of the Committee members will constitute a quorum.

- (5) Tennessee Uniform Administrative Procedures Act (TUAPA) – disciplinary charges which may result in: (a) suspension or expulsion of a student or student organization, from the College, 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 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 College procedures or waives all right to contest the case under any procedure. These procedures shall be described in the College’s policy

Part 2 Disciplinary Offenses

- (1) Southwest’s disciplinary measures shall be imposed, through appropriate due process procedures, for conduct which adversely affects the College’s pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property or persons on property owned or controlled by the College.
- (2) Southwest has adopted and published a non-exclusive list, providing notice of offenses for which both individuals and organizations may be subject to disciplinary action, in the form set forth immediately below.
 - (a) Conduct Dangerous to Self or Others. Any conduct, or attempted conduct, which constitutes a danger to any person’s health, safety, or personal well-being, including, but not limited to, the following:
 1. Physical and/or verbal abuse,
 2. Threats and/or intimidation,
 3. 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 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, disorderly, or which unreasonably disturbs College functions, operations, classrooms, other groups or individuals;

- (d) Obstruction of or Interference with College activities or facilities. Any intentional interference with or obstruction of any College program, event, or facility including the following:
1. Any unauthorized occupancy of facilities owned or controlled by the College or blockage of access to or from such facilities,
 2. Interference with the right of any College member or other authorized person to gain access to any activity, program, event or facilities sponsored or controlled by the College,
 3. Any obstruction or delay of a campus security officer, public safety officer, police officer, firefighter, EMT, or any official of the College, or failure to comply with any emergency directive issued by such person in the performance of his or 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 another including, but not limited to, any personal property, fire alarms, fire equipment, elevators, telephones, College keys, library materials and/or safety devices;
- (f) Theft, Misappropriation, or Unauthorized Sale of Property;
- (g) Misuse of Documents or Identification Cards. Any forgery, alteration of or unauthorized use of College 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 College;
- (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 which would cause damage by fire or other means to persons or property or possession of any substance which could be considered to be and used as fireworks;
- (j) Alcoholic Beverages. The use and/or possession of alcoholic beverages on College owned or controlled property. This offense includes the violation of any

local ordinance, state, or federal law concerning alcoholic beverages, on or off College 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 not 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 College 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 College owned or controlled property;
- (m) **Public Intoxication.** Appearing on College owned or controlled property or at an College sponsored event while under the influence of a controlled substance or of any other intoxicating substance;
- (n) **Gambling.** Unlawful gambling in any form;
- (o) **Financial Irresponsibility.** Failure to meet financial responsibilities to the College promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the College;
- (p) **Unacceptable Conduct in Disciplinary Proceedings.** Any conduct at any stage of the College's 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;
- (q) **Failure to Cooperate with College Officials.** Failure to comply with directions of College officials acting in the performance of their duties;
- (r) **Violation of General Rules and Regulations.** Any violation of the general rules and regulations of the College as published in an official College publication, including the intentional failure to perform any required action or the intentional performance of any prohibited action;
- (s) **Attempts, Aiding and Abetting.** 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 College;

- (t) 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;
- (u) Violation of Imposed Disciplinary Sanctions. Intentional or unintentional violation of a disciplinary sanction officially imposed by a College official or a constituted body of the College;
- (v) Sexual Battery or Rape. Committing any act of sexual battery or rape as defined by state law;
- (w) Harassment or Retaliation. Any act by an individual or group against another person or group in violation of TBR policies, as well as federal and/or state laws prohibiting discrimination, including, but not limited to, TBR policies 5:01:02:00,(F), 5:01:02:00, 2:02:10:01 and TBR Guideline P-080;
- (x) 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 without proper attribution,
 - 2. Cheating. 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 or hours,
 - 3. Fabrication. Unauthorized falsification or invention of any information or citation in an academic exercise.
- (y) Unauthorized Duplication or Possession of Keys. Making, causing to be made or the possession of any key for an College facility without proper authorization;
- (z) Litter. Dispersing litter in any form onto the grounds or facilities of the campus;
- (aa) 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;

- (bb) Abuse of Computer Resources and Facilities. Misusing and/or abusing campus computer resources including, but not limited to the following:
1. Use of another person's identification to gain access to College computer resources,
 2. Use of College computer resources and facilities to violate copyright laws, including, but not limited to, the act of unauthorized distribution of copyrighted materials using College information technology systems,
 3. Unauthorized access to a computer or network file, including but not limited to, altering, using, reading, copying, or deleting the file,
 4. Unauthorized transfer of a computer or network file,
 5. Use of computing resources and facilities to send abusive or obscene correspondence,
 6. Use of computing resources and facilities in a manner that interferes with normal operation of the al computing system,
 7. Use of computing resources and facilities to interfere with the work of another student, faculty member, or College official,
 8. Violation of any published information technology resources policy,
 9. Unauthorized peer-to-peer file sharing;
- (cc) Unauthorized Access to College Facilities and/or Grounds. Any unauthorized access and/or occupancy of College facilities and grounds is prohibited, including, but not limited to, gaining access to facilities and grounds that are closed to the public, being present in areas of campus that are open to limited guests only, being present in academic buildings after hours without permission, and being present in buildings when the student has no legitimate reason to be present;
- (dd) Providing False Information. Giving any false information to, or withholding necessary information from, any College official acting in the performance of his/her duties in connection with a student's admission, enrollment, or status in the College;
- (ee) Unauthorized Surveillance. Making or causing to be made unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian. This includes, but is not limited to, taking video or

photographic images in shower/locker rooms, residence hall rooms, and men's or women's restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means;

- (ff) Smoking Violations. Violation of any TBR and/or College smoking or other tobacco use rules or policies.

- (17) Disciplinary action may be taken against a student for violations of the foregoing regulations which occur at or in association with enrollment at Southwest for any academic period. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree including periods prior to or between semesters. Conduct occurring while a student is registered or enrolled at the College, but not discovered until after the awarding of a degree is actionable under these provisions and may result in the retroactive application of a disciplinary sanction. Should a student withdraw from the College with disciplinary action or academic misconduct action pending, the student's record may be encumbered by the appropriate College office until the proceedings have been concluded.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.02, Disciplinary Offenses. 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 3 Academic and Classroom Misconduct

All students are accountable for their behavior when it leads to a breach of conduct.

- (1) Classroom Misconduct
 - (a) The instructor has the primary responsibility for control of classroom behavior.
 - (b) Disruptive behavior in the classroom may be defined as, but not limited to, behavior that obstructs or disrupts the learning environment (e.g., offensive language, harassment of students and professors, repeated outbursts from a student which disrupt the flow of instruction or prevent concentration on the subject taught, failure to cooperate in maintaining classroom decorum, etc.), text messaging, and the continued use of any electronic or other noise or light emitting device which disturbs others (e.g., disturbing noises from beepers, cell phones, palm pilots, lap-top computers, games, etc.).
 - (c) If a student(s) engages in disruptive conduct or conduct that violates the general rules and regulations of the College, the instructor can order the temporary removal or exclusion of the student from the classroom for each class session during which the conduct occurs. Extended or permanent exclusion from the classroom, beyond the session in which the conduct occurred, or further

disciplinary action can be effected only through appropriate procedures of the College.

- (d) Should the student impose any harm to him/herself or to others, continue to be disruptive to the class, and refuse to leave at the instructor's request, the instructor should call Police Services immediately to have the student removed and complete a Police Services Incident Report which provides a formal record of the incident should further administrative discipline be necessary.
- (e) The instructor shall report to the Director of Student Activities and the Academic Department chairperson any incident of disruptive conduct that results in the student being asked to leave the classroom. The Director of Student Activities will meet with the instructor and chairperson to determine the appropriate action before the next class period.

(2) Academic Misconduct (Academic Dishonesty)

Southwest expects students to conduct themselves with a high level of academic honesty and integrity in all of their academic work. An instructor who determines that a student has engaged in academic misconduct either directly or indirectly, through participation or assistance has the authority to impose an academic sanction such as assign an "F" or a zero for the exercise or examination with no opportunity for a make-up, or to assign an "F" in the course. In addition, other disciplinary sanctions such as probation, suspension or expulsion may be imposed through the regular College procedures as a result of academic misconduct. A student has the right to appeal such sanctions.

- (a) Definition of Academic Dishonesty is any behavior on the part of a student that results in that student's or any other students' giving or receiving unauthorized assistance in an academic exercise or receiving credit for work which is not their own. Academic Dishonesty includes but is not limited to:

1. Cheating

- (f) Knowingly discovering or attempting to discover the content of an examination before the content is presented by the instructor.
- (ii) Obtaining or attempting to obtain, use or supply any person with unauthorized material or device when contemplating or taking an examination.
- (iii) Using or attempting to use or supply any person any material or device dishonestly for an examination.
- (iv) Willfully receiving or supplying any aid not authorized by the instructor.

- (v) Intentionally sharing of information or working together in an academic exercise when such collaboration was not approved by the instructor.

2. Plagiarism

- (i) Representing to be his or her own, any work which is not the product of his or her own effort or study, if the work would affect his grade, credit, or status in the College.
- (ii) Using another individual's or group's words or ideas without clearly acknowledging the source of that information, resulting in their false representation as one's own individual work.
- (iii) Plagiarism may be either deliberate or unwitting; that is, it is the responsibility of a college student to know what constitutes plagiarism so that ignorance is not a legitimate defense against a charge of plagiarism.
- (iv) Facilitating Academic Dishonesty is intentionally or knowingly helping or attempting to help another to violate any provision of this policy on academic dishonesty.

(b) Procedures

1. An instructor who determines that a student has engaged in academic dishonesty shall inform the Chair and the Dean in writing of the finding of Academic Misconduct including the grade penalty within five (5) days of the incident. Once the instructor has charged a student with academic dishonesty, a hold will be placed on the student's record preventing the student from withdrawing. Once the charge is resolved, and if the student is exonerated, the student may withdraw from the course. Students should continue to attend class until all appeal options are final.
2. The instructor shall meet with the student to provide him/her with a copy of the Academic Misconduct form and the Academic Appeals Process. If the student admits to the charge, he/she will sign the form and accept the penalty. A copy of the signed form shall be submitted to the Chair and the Dean.
3. If the student refuses to meet with the instructor, the Department Chair will send a letter, with a copy of the Academic Misconduct form which outlines the Academic Appeals process to the student, via e-mail.
4. Upon receipt of the Academic Misconduct form by signature or e-mail, the student will have five (5) days to return the Academic Misconduct

form to the department chair stating the basis on which the student contests the allegation. Failure to return the form within five (5) days, either accepting the determination and grade sanction, or requesting a hearing shall operate as a waiver of hearing rights. The grade sanction will thereupon become final.

5. A copy of the Academic Misconduct form shall be maintained for five (5) years in the offices of the Chairperson and Dean. A copy shall be sent to the Office of Student Activities which shall maintain a record of each incident of Academic Misconduct and may take steps to initiate further disciplinary sanctions where it is determined appropriate to do so based

on the nature of the event or number of other instances of academic misconduct by the same student.

(c) Hearing

1. If the student wishes to contest the allegation, he/she must return the Academic Misconduct form to the department chair stating the basis on which the student contests the allegation within five (5) days after notification of the charges. Failure to submit the Academic Misconduct form within the five (5) day period will operate as a waiver of all hearing right.
2. The Chair will notify the Dean of the division in which the incident occurred, regarding the student's hearing request. The Dean will convene the Academic Appeals Committee within ten (10) days to review the matter.
3. The student shall be advised in writing of the breach of regulation(s) of which the student is charged and the time and place of the hearing within ten (10) days, but no less than one (1) day of the student's written request for a hearing and will be advised the following rights.
 - (i) The right to present his or her case
 - (ii) The right to be accompanied by an advisor or counsel whose participation shall be limited to advising the student
 - (iii) The right to call witnesses on his/her behalf
 - (iv) The right to confront witnesses against him/her; and
 - (v) The method of appeal and time limitations for appeal, if any are applicable.
4. The student will carry the burden of proof by "a preponderance of the evidence" that the academic misconduct did not occur.
5. The committee will either uphold or reverse the previous determination of academic misconduct. The student will be informed, in writing, of the

Committee's determination within five (5) days after the hearing is concluded.

6. The Committee will also forward a copy of its written determination to the faculty member, the chair, and the dean.
7. If the Committee upholds the previous determination of academic misconduct, the penalty determined by the instructor will be imposed.
8. A student may appeal the Committee's decision by submitting a written request to the Office of the Provost within five (5) business days after issuance of the Committee's decision. The Office of the Provost will review the matter on the basis of the existing record, including but not limited to the Committee's written decision, and the student's appeal submission. The Office of the Provost will issue a written determination, within 5 days after the submission of the appeal, either upholding or reversing the Committee's decision.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.03 Academic and Classroom Misconduct. 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 4 Disciplinary Sanctions

- (1) Upon a determination that a student or student organization has violated any of the disciplinary offenses set forth in these regulations, College disciplinary policies, or the general policies of the College, disciplinary sanctions may be imposed, either singularly or in combination, by the appropriate College officials.
- (2) Sanctions that may be imposed include, but are not limited to:
 - (a) Restitution. Restitution may be required in situations which involve destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or student organization is obligated by the appropriate judicial authority to compensate a party or parties for a loss suffered as a result of disciplinary violation(s). Any such payment in restitution shall be limited to actual cost of repair, replacement or financial loss;
 - (b) Warning. The appropriate College official may notify the student or student organization that continuation or repetition of specified conduct may be cause for other disciplinary action;
 - (c) Reprimand. A written or verbal reprimand or censure may be given to any student or student organization whose conduct violates any part of these regulations and provides notice that any further violation(s) may result in more

serious penalties;

- (d) Service to the College or Community. A student, or student organization, may be required to donate a specified number of service hours to the College performing reasonable tasks for an appropriate College office, official(s), or the local community. The service required shall be commensurate to the offense (e.g., service for maintenance staff for defacing College property);
- (e) Specified Educational/Counseling Program. A student or student organization may be required to participate in specified educational or counseling program(s) relevant to the offense, or to prepare a project or report concerning a relevant topic;
- (f) Apology. A student or student organization may be required to apologize to an affected party, either verbally or in writing, for the behavior related to a disciplinary offense;
- (g) Fines. Penalties in the form of fines may be imposed against a student or student organization whenever the appropriate College authority deems appropriate. The sanction of fines may be imposed in addition to other forms of disciplinary sanctions. Failure to pay fines may result in further disciplinary action;
- (h) Restriction. A restriction upon a student's or student organization's privileges for a period of time may be imposed. This restriction may include, for example, denial of the ability to represent the College at any event, ability to participate in College or TBR sponsored travel, use of facilities, parking privileges, participation in extracurricular activities or restriction of organizational privileges;
- (i) Probation. Continued enrollment of a student or recognition of a student organization on probation may be conditioned upon adherence to these regulations. Any student or organization placed on probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon extracurricular activities, or any other appropriate special condition(s). Any conduct in further violation of these regulations while on probationary status or the failure to comply with the terms of the probationary period may result in the imposition of further disciplinary action;
- (j) Suspension. Suspension is the separation of a student or student organization from the College for a specified period of time. Suspension may be accompanied by special conditions for readmission or recognition;
- (k) Expulsion. Expulsion entails a permanent separation from the College. The imposition of this sanction is a permanent bar to the student's admission, or a student organization's recognition to the College. A student or organization

that has been expelled may not enter College property or facilities without obtaining prior approval from an appropriate campus official with knowledge of the expulsion directive;

- (l) Revocation of Admission, Degree, or Credential;
- (m) Any alternate sanction deemed necessary and appropriate to address the misconduct at issue.
- (n) Interim Suspension. As a general rule, the status of a student or student organization accused of violation of these regulations should not be altered until a final determination has been made in regard to the charges. However, interim suspension, pending the completion of disciplinary procedures, may be imposed upon a finding by the appropriate College official that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused, any other member of the College its guests, 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;

- (3) The President of the College is authorized, at his or her discretion, to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or, subsequently, to convert any sanction imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases.
- (4) Parental Notification. Pursuant to Tennessee Code Annotated §49-7-146, the College is required to notify a parent of a student under age twenty-one (21) if the student “has committed a disciplinary violation” with respect to the use or possession of alcohol or a controlled substance that is a violation of any federal, state, or local law, or any rule or policy of the College, except as prohibited by the Federal Education Rights and Privacy Act (FERPA). The trigger for notification will be 1) an admission of responsibility to the applicable code of conduct violation, or 2) a final finding of responsibility pursuant to the disciplinary procedures.

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 Disciplinary Procedures

- (1) Southwest is governed by the Tennessee Board of Regents, in the implementation of TBR regulations pertaining to discipline and conduct of students, shall insure the constitutional rights of students by affording a system of constitutionally and legally sound procedures which provide the protection of due process of law. In furtherance of this mandate, all TBR institutions shall enact policies setting forth the disciplinary

procedures for the College. All such policies shall be enacted in compliance with, TBR APA Rule 0240-02-03-.01 *et seq.*, and TBR Policy 3:02:01:00, applicable state and federal law. All policies adopted shall be subject to prior review and approval by the Board of Regents. Once adopted or amended, all disciplinary procedures shall be affirmatively communicated to the faculty, staff, and students of the College as well as published in appropriate websites, handbooks, or manuals.

- (2) A student alleged to have violated the College's Code of Conduct and Discipline will be given notice of the alleged violation in the form of a charge letter. The charge letter will be communicated to the student in writing and will identify the alleged violation(s) and direct the accused how to proceed to the next step of the College disciplinary process. In cases involving interim suspension, the Vice President for Student Services and Enrollment Management or designee's notice to the student informing him/her of the interim suspension will serve as official notice of alleged violation(s) of the Code of Conduct and Discipline.
- (3) All matters involving allegations of impermissible discrimination or harassment (including but not limited to sexual violence), or retaliation will be governed by the procedures outlined in TBR Guideline P-080 [Discrimination and Harassment- Compliant and Investigation Procedure] and/or College policy that reflects the requirements of that Guideline.
- (4) The charge letter will generally direct the respondent to contact the Director of Student Activities or designee to arrange an appointment to meet with a College Conduct Officer.
 - (a) Charge letters will be delivered to respondents via their College e-mail account. The College considers e-mail a valid form of communication. As such, it is every student's responsibility to check their College e-mail account on a regular basis.
 - (b) If a respondent fails to make an appointment with the Conduct Officer in a timely manner, a disciplinary hold will be placed on the student's College accounts.
- (5) During the meeting, the charged student will have the opportunity to contest the alleged violation(s) of the Code of Conduct and Discipline and to present information on their behalf, including witness statements pertaining to the matter in question.
- (6) The accused student has the right to be accompanied by an advisor of their choice, including legal counsel, but that advisor may not speak on behalf of the student.
- (7) All disciplinary meetings are conducted in private in order to protect the confidential nature of the proceedings.
- (8) Students or organizations alleged to have violated College rules or regulations shall be provided notice of the allegation(s). A student or organization who fails to respond to a

notice of allegations shall be deemed to have waived all hearing rights (including those provided under the provisions of the TUAPA). In this instance, a decision may be made in the student's absence and/or a sanction imposed. In addition, a hold will be placed on his/her records. The hold will be removed at such time as the student has appropriately responded to a notice of an alleged violation(s) of these rules.

- (9) After meeting with the accused, the Judicial Officer will identify potential witnesses or victims necessary to conduct a thorough investigation of the alleged violation. After gathering all pertinent information, the Judicial Officer will determine whether sufficient information exists to continue with the College disciplinary process. The standard used in determining responsibility for alleged violation(s) of the Code of Conduct and Discipline shall be a preponderance of the evidence.
- (10) In the event that the Judicial Officer determines that sufficient information exists for the disciplinary process to continue, the Director of Student Activities or designee will determine: (a) if the alleged misconduct would warrant consideration of suspension or expulsion of a student from the College for disciplinary reasons (or revocation of registration of a student organization during the term of registration) or (b) the alleged misconduct would not warrant consideration of suspension of the student or organization from the College
- (11) In cases where the alleged misconduct would warrant consideration of suspension or expulsion of the offending student or organization:
 - (a) A student or organization in such a case who desires to contest the charge(s) of misconduct is entitled to a hearing in accordance with the uniform contested case procedures adopted by the Tennessee Board of Regents in compliance with the Tennessee Uniform Administrative Procedures Act (TUAPA).
 - (b) A student or organization may elect to waive a hearing pursuant to the Tennessee Uniform Administrative Procedures Act (TUAPA) in accordance with the Board's uniform contested case procedures and have the charge(s) against him/her disposed of before an appropriate College Hearing Body in accordance with the College Disciplinary Procedures.
 - (c) A student or organization may accept the sanction imposed by the Conduct Officer and waive all rights to appeal.
- (12) If a students or organization subject to a sanction of suspension waives the option of a TUAPA hearing and elects a hearing before the appropriate College Hearing Body, the following institutional hearing procedures shall be observed:
 - (a) The respondent shall be advised in writing of the time and place of the hearing at least five (5) business days in advance of the hearing.

- (b) The respondent shall be advised in writing of the alleged violation(s) of the Code of Conduct and Discipline.
 - (c) The respondent shall be advised in writing of the following rights:
 - (1) The right to present his/her case;
 - (2) The right to be accompanied by an advisor whose participation shall be limited to advising the respondent. The respondent may also be accompanied by legal counsel; however, counsel's participation shall be limited to directly advising the student.
 - (3) The right to call witnesses on his/her behalf. It is the respondent's responsibility to contact his/her witnesses and inform them of the hearing unless the witness is also a College witness. College witnesses are contacted by the Director of Student Activities or designee;
 - (4) The right to be present for all witness testimony and to question witnesses;
 - (5) The respondent shall be advised in writing of the Hearing Body's decision and of the method of appeal (if applicable).
- (13) A student subject to suspension may choose to have the Director of Student Activities or designee adjudicate the case. The following conditions must be met, however:
- (a) The student waives his or her right to have the case heard pursuant to the TUAPA.
 - (b) The Director of Student Activities or designee consents to adjudicate the case.
 - (c) The student is willing to accept the College's adjudication through the processes outlined in the Code of Conduct and Discipline.
- (14) Students who are subject to imposition of disciplinary sanctions other than suspension will be accorded a disciplinary hearing with a College Judicial Officer. The following procedural protections will be afforded the student during a disciplinary hearing:
- (a) The student shall be advised of the breach of regulations of which he or she is charged.
 - (b) The student shall be given an opportunity to identify relevant witnesses and present evidence on his or her behalf.
 - (c) The student may be accompanied by an advisor of his or her choice.
 - (d) The student will be advised in writing via College e-mail (and USPS mail if requested by the student) of all sanctions imposed as a result of the disciplinary hearing
- (15) Formal rules of evidence shall not be applicable. The adjudicating body may exclude evidence which in its judgment is immaterial, irrelevant, or unduly repetitious.

- (16) If, at the conclusion of the disciplinary hearing, the Judicial Officer concludes that insufficient information exists to continue the College discipline process, a decision letter will be issued by the Judicial Officer. The decision letter will indicate that that charges have been dropped as a result of insufficient evidence to determine whether a violation occurred. In such instances, the College reserves the right to re-open an investigation if further information regarding the alleged violation(s) becomes available. Also, a Hearing Body may find a respondent not in violation in instances where it believes that no violation of the Code of Conduct and Discipline exists.
- (17) The Vice President for Student Services and Enrollment Management or designee has the authority to temporarily remove (Interim Suspension) a student or organization from the College if that student/organization meets the requirements set forth in Disciplinary Sanction(Part 6, 2.n.).
- (18) The Vice President for Student Services and Enrollment Management or designee will inform any student/organization in writing of an interim suspension. This notice will serve the same role as a charge letter.
- (19) If the student elects to contest the interim suspension, the Director of Student Activities or designee will then be responsible for scheduling a hearing before the appropriate hearing body soon as practical of the interim suspension going into effect. This hearing will follow regular College procedures. However, if the individual or organization selects a hearing pursuant to the Tennessee Uniform Administrative Procedures Act (TUAPA), the Interim Suspension will remain in effect until the conclusion of the TUAPA process.
- (20) During the interim suspension period, the student/organization will be barred from College owned or controlled property and all College sanctioned events or functions without the consent of the Vice President for Student Services and Enrollment Management or designee.
- (21) Appeals
- (a) Students may appeal a decision of the Student Disciplinary Committee.
 - (b) Appeals must be submitted, via the Director of Student Activities, to the Vice President of Student Services and Enrollment Management, in writing, within five (5) business days from the issuance of Student Disciplinary Committee's decision, and must specify grounds upon which the appeal is based. The only bases for appeal are:
 - 1. An error in procedural due process by the Student Disciplinary Committee,
 - 2. The emergence of new evidence pertaining to the case, and

3. Insufficient evidence to support the finding
- (c) General dissatisfaction with the outcome of the decision shall not be accorded as a basis for granting an appeal.
 - (d) The Vice President of Student Services and Enrollment Management will review the findings and render a decision, in writing, within 5 business days.
 - (e) The appeal body may take the following action upon consideration of the merit of the appeal:
 - (1) Affirm the original decision;
 - (2) Reverse (overrule) the original decision;
 - (3) Amend the sanction prescribed in the original decision. The Appeal Body may lessen the severity of the sanction;
 - (4) Remand the matter to the original Hearing Body for reconsideration.
 - (f) The standard of proof required to overturn a finding of violation of the Code of Conduct and Discipline previously made by the Hearing Body shall be the preponderance of the evidence and the charged student bears the burden of proof.
 - (g) The President of the College retains final authority on all campus matters, including disciplinary decisions. Therefore, any disciplinary action is subject to final review by the President of the College. The president of the College is authorized, at his or her discretion, to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or, subsequently, to convert any finding or sanction imposed to a lesser finding or sanction, or to rescind any previous finding or sanction, in appropriate cases.

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. All institutions are being instructed to add this language following the recent “Dear Colleague Letter issued by U.S. Dept. of Education, OCR.

(22) Retention of Records

- (a) Disciplinary files will be destroyed if the student is not found to be responsible for a rules violation. A permanent file will be maintained if a student is suspended, expelled, or interim suspended for violation(s) of the Code. Student disciplinary files in cases in which a lesser sanction has been imposed will be

retained for a period of four (4) years after date of action or for one (1) year after the student has graduated (unless sanction species that they should be retained for a longer period).

Part 6 Traffic and Parking

(1) General

- (a) The Director of Police Services is responsible for the enforcement of this code.
- (b) The Director of Police Services may exclude or remove (tow) from the campus any vehicle used as an instrument in a crime, suspected of being stolen, abandoned or mechanically unfit, operated by a person under the apparent influence of intoxicants, or one that has not been properly registered in accordance with this code.
- (c) While the State of Tennessee and Southwest Tennessee Community College has no legal responsibility for the care and/or protection of any vehicle operated or parked on a Southwest facility, there is a moral concern for the safety of such vehicles.
- (d) If a vehicle and/or its contents are stolen or damaged in any way while on Southwest property, this information should be immediately reported to the Police Services Office. Police Services will offer assistance in processing reports and/or claims to the appropriate agencies.
- (e) Bicycle riding is considered regular traffic.

(2) Definitions

- (a) Student - Any person registered in a course offered by Southwest Tennessee Community College.
- (b) Employee - Any non-student employed by Southwest Tennessee Community College.
- (c) Visitor - Any individual on official business with, or present as a guest of Southwest Tennessee Community College.
- (d) Parking Area - College designated locations where individuals are allowed to park a motor vehicle. Some locations may have designations for employees to park, as opposed to students.
- (e) Campus – All areas falling within the jurisdiction of Southwest Tennessee Community College.
- (f) Permit - The official motor vehicle authorization, which is a hang tag type permit that must be displayed by hanging from the inside rear view mirror.
- (g) Temporary Parking Permit - A permit issued by the Police Services Office for a brief period of time, usually no more than three (3) working days. This permit is also issued to visitors and guests.
- (h) Revocation or Suspension of On-Campus Driving Privilege - The withdrawal of an individual's privilege to operate and/or park a motor vehicle on campus.

- (3) Registration of Vehicles/Permits/Decals
 - (a) Vehicle Registration
 - (i) Police Services will issue a parking permit for each registered vehicle.
 - (ii) Any individual who obtains vehicle registration by misrepresentation will be subject to disciplinary and/or administrative action.
 - (21) A temporary visitor/guest permit will be issued from Police Services. Visitors must acquire and display the permit and must adhere to all Southwest Tennessee Community College parking regulations.
 - (22) Non-registered vehicles are not permitted to park in any Southwest Tennessee Community College parking facility unless a temporary permit is obtained.
 - (23) Proper registration allows the registrant to operate a vehicle on campus and to park in available designated spaces. It does not assure the registrant of a parking space and does not permit usage of parking facilities other than those outlined in the Traffic Code.
 - (24) Bicycles need not be registered.
 - (b) Permit Display
 - (i) Cars, trucks, and vans must hang the permit from the rear view mirror.
 - (ii) Motorcycles and motor bikes must permanently affix the permit to the windshield headlamp, or gas tank in a position where it is readily visible.
- (4) Parking Regulations
 - (a) Parking regulations are enforced twenty-four (24) hours a day, seven (7) days a week. On-campus parking areas are designated in the following manner:
 - (i) Students - Students are allowed to park in any Southwest Tennessee Community College parking facility that is not designated as Employee Parking, Restricted Parking, Reserved Parking, Handicapped Parking, or State Vehicle Parking.
 - (ii) Employees - Employees are allowed to park in any Southwest Tennessee Community College parking facility that is not designated for individuals with Restricted Permits, Handicapped or Disabled Permits, Reserved spaces, or State Vehicle spaces.
 - (iii) Restricted - Those individuals with Restricted Parking permits may park in any parking facility that is not designated as Handicap or Disabled, State Vehicle, or Reserved.
 - (iv) Handicap or Disabled - Specific spaces have been reserved within all parking facilities for students and employees with disabilities who have handicap/disabled permits or handicap license plates. These

individuals may utilize these spaces, as well as any non-reserved spaces on campus.

(v) Reserved - Specific places have been designated for a specific college official such as the President. Only those individuals that the space is designated for may utilize this space.

(vi) Bicycles shall be parked in designated areas and are not permitted inside any College building.

(b) Prohibited Parking

(i) In any fire lanes. All drive-through areas in parking lots are considered fire lanes.

(ii) Within fifteen (15) feet of a fire hydrant.

(iii) In a driveway, unless there is a marked parking space within the driveway.

(iv) On sidewalks or grassed areas.

(v) In any area designated as "No Parking" zone.

(vi) In service or delivery areas (official vehicles are exempt)

(vii) The standing or stopping of a vehicle in a traffic lane next to a parking space (double parking) is not permitted. If traffic is blocked by standing

or stopping, the person for whom the vehicle is waiting may be held liable for the violation.

(5) Traffic

(a) Standing Violations

(i) An unattended vehicle will be considered parked.

(ii) Double parking is not permitted. If traffic is blocked by standing or stopping of a vehicle, the person for who the vehicle is waiting may be held liable for the violation.

(iii) Parking must be within the designated lines of a parking space, no line straddling.

(iv) Parallel parked vehicles must be parked in the same direction as the flow of traffic.

(b) Moving Violations

(i) All vehicles must come to a complete stop at stop signs.

- (ii) Reckless driving (defined as the operation of a vehicle in a manner endangering life and property).
- (iii) Exceeding the speed limit on campus (15 Miles per hour).
- (iv) Driving wrong way in a one-way lane.
- (v) Driving across parking spaces.
- (vi) Bicycle riding is not allowed on campus sidewalks or grounds.

(6) Fines/Penalties

- (a) Citations issued for violations are payable within thirty (30) days at the Cashier's Office.
- (b) Once a citation is issued to a student, notice of such is entered into the computer by Police Services, which results in a "hold" being placed on the student's records and denial of permission to register.
- (c) Students who fail to pay parking fines or appeal the citation will be denied registration in further courses at Southwest Tennessee Community College, and will be denied academic transcripts.
- (d) Employees who fail to pay parking fines or appeal the citation will have the amount of the fine deducted from subsequent payroll checks.
- (e) Violations

(i)	No vehicle registration permit	15.00
(ii)	Parking permit not properly displayed	15.00
(iii)	Parked in fire lane	50.00
(iv)	Handicapped or Disabled space violations	200.00*
(v)	Moving Violation	15.00
(vi)	Parking vehicle outside legal parking space or over stall lines or blocking legally parked car in space	15.00
(vii)	Unauthorized overnight parking	15.00
(viii)	Parking a vehicle on campus for the purpose of habitation, repair or storage	15.00
(ix)	Parking in a reserved space	15.00
(x)	Processing fee for replacing a lost or stolen parking permit	15.00
(xi)	All other violations	15.00

* The fine for disabled/handicapped parking violations is established by statute and will be adjusted to comply with state law.

(8) Appeals

- (a) A student wishing to appeal a traffic/parking citation must submit a "Request to Void Ticket" form to the Office of Student Activities within seventy-two (72) hours after receiving the traffic citation. The citation issued by Police Services must be attached to the form.
- (b) A Committee for Traffic Appeals composed of three (3) students. One (1) student appointed by the Student Government Association (SGA) Vice President and two (2) students from the student body appointed by the Advisor to the SGA Vice President. Appointments are one year.
- (c) The Committee will meet weekly to review traffic appeals.
- (d) Decisions of the Committee will be made by majority vote and based upon the regulations set forth in the Southwest Tennessee Traffic Code (which is given to all students when they obtain a parking decal) and the relevant facts. The Committee will have the authority to either affirm or invalidate citations.
- (e) If the committee affirms the citation, fines must be paid in accordance with established procedures.
- (f) Decisions of the Committee will be issued in writing within five (5) days of the hearing/review. A copy of the decision of the Committee will be sent to the student, Police Services, and the Office of Student Activities who will notify the student.
- (g) A student may appeal the Committee's decision by submitting a written request to the Vice President of Student Services and Enrollment

Management within seventy-two (72) hours after issuance of the Committee's decision. The Vice President of Student Services and Enrollment

Management will review the matter on the basis of the existing record, including but not limited to the Committee's written decision, and the student's appeal submission. The Vice President of Student Services and Enrollment Management will issue a written determination, within 5 days after the submission of the appeal, either upholding or reversing the Committee's decision.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.05 Traffic and Parking. 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.

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.