

SOUTHWEST TENNESSEE COMMUNITY COLLEGE

SUBJECT: Student Due Process

EFFECTIVE DATE: July 1, 2000

I. DISCIPLINARY PROCEDURES

The following describes procedures followed by College officials in the administration of discipline. These procedures shall apply to students and registered student organizations. The term “student” shall be construed to include a registered student organization wherever the term appears in the procedures. Those rights described under “College Procedures” are available to a student anytime he or she is alleged to have violated a College rule.

- A. College Procedures. The administration of discipline is a function of the Director of Student Development and/or the appropriate adjudicating body.
- (1) In general, misconduct involving the violation of College rules is reported to the Director of Student Development. The Director will then investigate the alleged misconduct.
 - (2) After notifying the student as to what College regulation(s) have been allegedly violated, the Director of Student Development may solicit from the student an admission or denial of violation.
 - a. When a student admits to a violation, the Director shall discuss those disciplinary sanctions which might apply (restitution, warning, expulsion, etc.). A student’s admission of violation and acceptance of the sanction(s) imposed by the Director of Student Development will be reduced to writing, signed by the student, and notarized.

Source of Policy: Transition Team IV:
Student Affairs

Related Policy: N/A

Approved: _____

Responsible Administrator: Provost/Ex. V. P. for
Academic/Student Affairs
TBR Policy Reference: 3:02:01:00
TBR Guideline Reference: N/A

Date: July 1, 2000

- b. If a student pleads non-violation to an offense, he or she may choose to have the Director of Student Development adjudicate the case or request a formal hearing before the Student Disciplinary Committee.
- (3) The Student Disciplinary Committee is composed of five members: a chairman, two (2) student members, and two (2) faculty members. The two student members will be appointed by the President from a pool of students recommended by the President of the Student Government Association. In order to be eligible for the pool, a student must have completed a minimum of twenty-four (24) credit hours at Southwest Tennessee Community College, have a minimum of 2.5 GPA, and be in good standing. A majority of the Student Disciplinary Committee must be present in order to hear a case, and a majority of the number present must be in agreement to reach a decision.
- (4) If a hearing is requested, the following procedures shall be observed:
 - a. The student shall be notified in writing of the breach of regulations of which he or she is charged.
 - b. The student shall be advised in writing of the time and place of the hearing within ten (10) days of the date of notification.
 - c. The student shall be advised in writing of 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 or her behalf;
 - (iv) The right to confront witnesses against him or her;
 - (v) The student shall be advised in writing of the method of appeal.
 - d. All hearings shall be closed unless the student elects in writing to have an open hearing.

- e. If the Director of Student Development is to adjudicate the case, the following conditions must be met:
 - (i) The student requests the procedure;
 - (ii) The student is willing to accept the Director's action as final.

B. Appeals Procedures. In the interest of due process, only the recipient of disciplinary action has the right of an appeal. It is the responsibility of the body of the original jurisdiction to inform the disciplined student of the right to appeal and to whom the appeal should be presented. This appeal must be submitted in writing within 48 hours (excluding weekends and holidays) of the original decision and must specify grounds which would justify the granting of said appeal. The only basis for granting an appeal is:

- (1) An error in procedural due process by the body of the original jurisdiction.
- (2) The emergence of new evidence pertaining to the case.

General dissatisfaction with the outcome of the decision shall not be accorded as a basis for granting an appeal.

An appeal in writing, setting forth the grounds for the appeal, must be submitted via the Director of Student Development to the Dean of Students within 48 hours of the original decision.

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.

C. Tennessee Uniform Administrative Procedures Act. The College believes that the disciplinary procedures described above serve well the interest of students in obtaining full and fair hearing with a minimum of expense, complexity and inconvenience. An alternative to these procedures, applicable to cases involving student conduct serious enough to warrant:

- (1) suspension or expulsion from the College, a program or a course for disciplinary reason;
- (2) assignment of a grade which results in the grade of "F" in a course for academic misconduct; or

- (3) revocation of registration of a student organization during the term of the registration is provided by the “Tennessee Uniform Administrative Procedures Act.”
- D. Cases of alleged sexual assault. In cases involving alleged sexual assault, both the accuser and the accused shall be informed of the following:
1. Both the accuser and the accused are entitled to the same opportunity to have others present during a disciplinary proceeding; and
 2. Both the accuser and the accused shall be informed of the outcome of any disciplinary proceeding involving allegations of sexual assault.