

**RULES
OF
THE UNIVERSITY OF TENNESSEE (CHATTANOOGA)**

**CHAPTER 1720-02-01
HONOR CODE**

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1720-02-01-.01 PURPOSE.

- (1) Preamble. The Honor Code of the University of Tennessee at Chattanooga (“University” or “UTC”) is designed to foster and develop a climate of honesty and integrity by giving students a primary responsibility for upholding the standards under the Honor Code. The Honor Code is based upon the assumption that each student recognizes the fundamental importance of honesty. Students are responsible for conducting themselves in accordance with the rules and regulations of the Honor Code, and insuring that other members of the University community uphold the standards as well.
- (2) Honor Code Pledge.
 - (a) The University's Honor Code Pledge states: “As a student of the University of Tennessee at Chattanooga, I pledge that I will not give or receive any unauthorized assistance with academic work or engage in any academic dishonesty in order to gain an academic advantage. I will exert every effort to insure that the Honor Code is upheld by myself and others, affirming my commitment to a campus-wide climate of honesty and integrity.”
 - (b) By matriculating as a student at the University, a University student indicates his/her affirmation of the Honor Code Pledge, including the obligation to comply with the Honor Code.

Authority: T.C.A. § 49-9-209(e); *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; and Public Acts of Tennessee, 1807, Chapter 64. Administrative History:* Original rule filed September 15, 1976; effective October 15, 1976. Amendment filed August 22, 1980; effective December 1, 1980. Amendment filed August 30, 1981; effective November 30, 1981. Amendment filed August 31, 1982; effective November 15, 1982. Amendment filed October 16, 1984; effective January 14, 1985. Repeal and new rule filed May 27, 1986; effective August 12, 1986. Repeal and new rules filed September 30, 2019; effective December 29, 2019.

1720-02-01-.02 DEFINITIONS.

When used in this Chapter, the following words, terms, or phrases shall have the following meanings:

- (1) Academic dishonesty: Any act of cheating, plagiarism, or other type of academic misconduct.
- (2) Advisor: A person who provides assistance to a Complainant or Respondent during the Honor Code Process, as provided under Section .05(3) of this Chapter.

(Rule 1720-02-01-.02, continued)

- (3) **Business day:** An official workday during which the University conducts business. Typically, a business day is a weekday (Monday through Friday), excluding any weekdays designated by the University as a holiday or in which the University is administratively closed. Each business day commences at 8:00 a.m. and ends at 5:00 p.m.
- (4) **Chancellor:** The University's chief executive officer to whom the President of the University of Tennessee system has delegated primary responsibility for administration of University operations, policies, and procedures.
- (5) **Complainant:** Any member of the University community, including, without limitation, any University employee, student, organization, academic department, academic program, college, or unit, that reports an alleged violation of the Honor Code.
- (6) **Designee:** A University Official or office designated with the authority to carry out a duty or role on behalf of another University Official or office.
- (7) **Faculty:** A University employee who holds faculty rank and whose primary appointment is to engage in academic instruction, research, or service.
- (8) **Faculty Senate:** The representative body of the University's faculty composed of elected faculty representatives as well as administrators with *ex officio* status.
- (9) **Faculty Senate President:** The executive officer of the Faculty Senate elected from the faculty membership of the Faculty Senate.
- (10) **Faculty Senate Executive Committee:** A standing committee of the Faculty Senate composed of the faculty executive officers of the Faculty Senate.
- (11) **Formal Hearing:** A University hearing before a fair and impartial decision-maker in which a Respondent may contest charges of Honor Code violations and/or disciplinary sanctions issued against the Respondent, as provided under Section .07(1) of this Chapter.
- (12) **Honor Code:** The Honor Code of the University of Tennessee at Chattanooga and its related standards, processes and procedures, as set forth in this Chapter.
- (13) **Honor Code Board:** A hearing board consisting of students and faculty which serves as the decision-maker in an Honor Code Board Hearing, as provided under Section .09 of this Chapter.
- (14) **Honor Code Board Hearing:** A type of Formal Hearing in which an Honor Code Board serves as the decision-maker, as provided under Section .09 of this Chapter.
- (15) **Honor Code Officer:** A faculty member, appointed by the Faculty Senate, who serves on the Honor Code Board and is responsible for conducting an Honor Code Officer Hearing, as provided under Section .08 of this Chapter.
- (16) **Honor Code Officer Hearing:** A type of Formal Hearing in which an Honor Code Officer serves as the decision-maker, as provided under Section .08 of this Chapter.
- (17) **Honor Code Process:** The processes and procedures as set forth in rules within this Chapter for resolving alleged violations of the Honor Code.
- (18) **Member of the University community:** Any person who is a student, faculty member, staff employee, campus visitor, or participant in a University-sponsored or University-Affiliated Activity, or any organization that participates in a University-sponsored or University-Affiliated Activity.

(Rule 1720-02-01-.02, continued)

- (19) Notice: Notice given in writing and transmitted by one (1) or more of the following: (i) e-mail to a student's University-issued e-mail account; (ii) United States mail, (iii) courier service, and/or (iv) hand-delivery to the address the University's Records Office has on file for the student. When a notice is transmitted by e-mail, the notice is effective on the date the e-mail is sent. E-mail to a student's University-issued e-mail address is an official method of communication used by the University. When a notice is transmitted by United States mail or courier service, the notice is effective on the date that it is mailed or delivered to the courier service. When a notice is transmitted by hand-delivery, the notice is effective on the date that it is delivered to the person to whom the notice is addressed.
- (20) Office of the Dean of Students: The University office designated with primary responsibility for the administration of the Office of Student Conduct. The Office of the Dean of Students may act as or on behalf of the Office of Student Conduct.
- (21) Office of Student Conduct: The University office designated with responsibility for administering the Honor Code-related rules, processes, procedures, training, and education.
- (22) Provost: The University's chief academic officer and the University Official to whom the Chancellor has delegated primary responsibility for the administration and enforcement of the Honor Code.
- (23) Relevant information: Information having any tendency to make the existence of any fact that is of consequence to determining whether a Respondent violated the Honor Code more probable or less probable than it would be without the information.
- (24) Respondent: A student who has been accused of violating the Honor Code.
- (25) Staff: Any full-time or part-time University employee not primarily engaged in academic instruction, research, or service who holds either an exempt or non-exempt position with or without administrative, executive, or managerial responsibilities, excluding student employees of the University.
- (26) Student: A person who:
- (a) Is admitted, enrolled or registered for study at the University, either full-time or part-time, pursuing undergraduate, graduate, professional, and/or non-degree courses; or
 - (b) Has completed a preceding academic term at the University and is eligible for re-enrollment without re-applying for admission and/or otherwise has a continuing relationship with the University; or
 - (c) Attended the University during a previous academic term and engaged in academic misconduct during his or her time of enrollment; or
 - (d) Is admitted to the University and later matriculated at the University, and committed academic misconduct during the application process or during the period of time between admission and matriculation at the University.
- (27) Student Code of Conduct: The Student Code of Conduct of the University of Tennessee at Chattanooga, as set forth under Chapter 1720-02-05.
- (28) Student Conduct Record: The collective printed or electronic record of any cases involving alleged violations of the Student Code of Conduct by a student, including violations of the Honor Code. A Student Conduct Record may include, without limitation, incident report(s),

(Rule 1720-02-01-.02, continued)

correspondence, investigation report(s), interview records, demographic information, evidence, hearing records and recordings, and the student's conduct history.

- (29) UAPA: The Uniform Administrative Procedures Act, Tenn. Code Ann. §§ 4-5-101 *et seq.*
- (30) UAPA Administrative Judge: A hearing officer who presides over and serves as the decision-maker in a UAPA hearing.
- (31) UAPA Hearing: A type of Formal Hearing conducted by a UAPA Administrative Judge in accordance with Chapter 1720-01-05 and the UAPA.
- (32) University: The University of Tennessee at Chattanooga.
- (33) University-Affiliated Activity: Any activity, on or off University-controlled property, that is initiated, aided, authorized, sponsored, or supervised by the University.
- (34) University Official: A University employee when acting in the course and scope of his or her employment duties.
- (35) Vice Chancellor for Student Affairs: The University's chief student affairs officer to whom the Chancellor has delegated primary authority and responsibility for the administration of the Student Code of Conduct.

Authority: T.C.A. §§ 4-5-101, *et seq.* and 49-9-2019(e); *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; and Public Acts of Tennessee, 1807, Chapter 64. Administrative History:* Original rule filed September 15, 1976; effective October 15, 1976. Amendment filed August 31, 1982; effective November 15, 1982. Amendment filed October 16, 1984; effective January 14, 1985. Repeal and new rule filed May 27, 1986; effective August 12, 1986. Amendment filed June 18, 1996; effective October 28, 1996. Repeal and new rules filed September 30, 2019; effective December 29, 2019.

1720-02-01-.03 JURISDICTION AND APPLICATION.

- (1) Jurisdiction. The Honor Code applies to every student of the University, without regard to the student's academic program, standing, location, or type of activity. The Honor Code applies to a student's conduct relating to any University-Affiliated Activity, regardless of the location of the University-Affiliated Activity, including, without limitation, an overseas study program, clinical/field placement, internship, or in-service experience.
- (2) Time Period of Application to Students. The Honor Code applies to the conduct of a student from the time of the student's application for admission to the University through the entire time that the student is a candidate for and/or is awarded a degree from the University (even if a student's conduct which violates the Honor Code is not discovered by the University until after the University awards a degree to the student). The Honor Code applies to a student's conduct that occurs during the academic year, between semesters, and during periods between terms of actual enrollment at the University.
- (3) Withdrawal with Pending Allegations. If a student withdraws from the University while allegations of Honor Code violations are pending against the student, the University retains the right to investigate and resolve the allegations before the University may allow the student to re-enroll at the University, and the student's academic record and/or ability to register for classes may be encumbered until such time that the allegations are resolved.
- (4) Concurrent Non-Honor Code Violations of the Student Code of Conduct. In cases involving allegations of both Honor Code violations and non-Honor Code violations of the Student Code of Conduct, the alleged Honor Code violations will be resolved in accordance with the Honor Code procedures under this Chapter separately from resolution of the alleged non-Honor

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Code violations, which will be resolved pursuant to the procedures under Chapter 1720-02-05. In such cases, disciplinary sanctions may be issued against the Respondent for any Honor Code violations separate from and additional to disciplinary sanctions issued for any non-Honor Code violations of the Student Code of Conduct.

- (5) Violations of Professional Standards or Ethics. Graduate or professional programs within the University may take separate and independent action against students for alleged violations of professional and/or ethical standards using procedures other than those contained in the Honor Code.
- (6) Effect on Coursework. Coursework by a Respondent involving an alleged Honor Code violation and, if applicable, the Respondent's final grade for the course, will be recorded as incomplete during the pendency of the resolution of the alleged violation under the Honor Code Process. All other coursework performed by the Respondent during the Honor Code Process will be considered conditional. Credit for the Respondent's coursework involving the alleged Honor Code violation or performed during the pendency of the Honor Code Process may be affected, delayed, denied, and/or revoked based on a finding of an Honor Code violation and/or a disciplinary sanctions imposed against the Respondent under the Honor Code. In addition, subject to the other provisions of the Honor Code, a delay in the granting of a degree or diploma may be imposed, or a degree that is awarded prior to a decision under the Honor Code may be revoked.
- (7) Withdrawal During the Honor Code Process. If a Respondent voluntarily withdraws from the University before the conclusion of the Honor Code Process, the University retains the right to investigate and resolve the allegations against the Respondent as a condition of the Respondent being allowed to re-enroll in the University. A Disciplinary Hold on the Respondent's record, as provided under Section .13(2) of Chapter 1720-02-05, may be implemented or remain in place after the Respondent withdraws in order to enforce this Section .03(8).
- (8) Time Extensions and Rescheduling. Any time period specified under the Honor Code may be extended for good cause at the discretion of the Office of Student Conduct. Any hearing or meeting described in the Honor Code may be rescheduled for good cause at the discretion of the Office of Student Conduct.

Authority: T.C.A. § 49-9-209(e); *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; and Public Acts of Tennessee, 1807, Chapter 64. Administrative History:* Original rule filed September 15, 1976; effective October 15, 1976. Amendment filed August 31, 1982; effective November 15, 1982. Repeal and new rule filed May 27, 1986; effective August 12, 1986. Repeal and new rules filed September 30, 2019; effective December 29, 2019.

1720-02-01-.04 HONOR CODE STANDARDS.

All students are prohibited from engaging in the following acts of academic dishonesty:

- (1) Cheating: A form of academic dishonesty in which there is an intent to deceive and in which the use of unauthorized materials or assistance is exploited. Examples of cheating include, without limitation: (i) copying another's work; (ii) obtaining or giving unauthorized assistance on exams, papers, or other coursework; (iii) unauthorized collaboration or collusion with another person on an examination or academic assignment; (iv) having another person take an exam for the student by proxy; and (v) the use of unauthorized materials or devices, including, but not limited to, computers, calculators, cell phones, cheat sheets, or other resources not allowed by the course instructor.
- (2) Plagiarism: The use of intellectual property or work product of another without giving proper credit. Examples of plagiarism include, without limitation: (i) using written or spoken words,

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phrases, or sentences from any source without proper attribution or citation; (ii) summarizing ideas from another source without proper attribution or citation, unless such information is recognized as common knowledge; (iii) using facts, statistics, graphs, pictorial representations, or phrases in one's work without acknowledgment or proper attribution of the source of such information, unless such information is recognized as common knowledge; (iv) submitting work as one's own that is either in whole or in part created by a professional service; and (v) using previously submitted academic work by the student for any assignment without the permission of the course instructor.

- (3) **Falsification, Fabrication, or Misrepresentation:** Falsifying, fabricating, or misrepresenting data, laboratory results, research results, citations, or other information in connection with an academic assignment, or altering grades, answers, or marks in an effort to change the earned grade or credit.
- (4) **Use of Unauthorized Materials:** Providing, bringing, receiving, and/or using unauthorized material during an examination or for any academic assignment.
- (5) **Use of Unauthorized Assistance:** Providing, bringing, receiving, and/or using unauthorized assistance during an examination, laboratory work, field work, scholarship, or other academic assignment, or collaborating with another on a graded assignment without the instructor's approval.
- (6) **Gaining Unfair Advantage:** Gaining an objectively unfair academic advantage by failing to observe the expressed procedures or instructions relating to an exam or academic assignment.
- (7) **Causing Unfair Disadvantage:** Engaging in any conduct that unfairly places another student at a disadvantage, including, but not limited to, taking, hiding, or altering resource material or manipulating a grading system.
- (8) **Attempting or Assisting a Violation:** Attempting to commit a violation of the Honor Code or assisting others to commit a violation of the Honor Code.

Authority: T.C.A. § 49-9-209(e); *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; and Public Acts of Tennessee, 1807, Chapter 64.* **Administrative History:** Original rule filed September 15, 1976; effective October 15, 1976. Repeal and new rule filed May 27, 1986; effective August 12, 1986. Repeal and new rules filed September 30, 2019; effective December 29, 2019.

1720-02-01-.05 DUE PROCESS RIGHTS.

- (1) Rights of the Respondent.

A Respondent will have the following rights during the Honor Code Process:

- (a) The right to a prompt, thorough, and equitable investigation.
- (b) The right to be informed of all charges in writing.
- (c) To ask questions and receive information about the case, including, without limitation, the status of an investigation.
- (d) The right to remain silent in any investigation, meeting, or hearing.
- (e) The right to a fair and equitable hearing.
- (f) The right to receive notice of hearings at which the Respondent may be present.

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- (g) The right to access any information or documents that will be used during a hearing, unless prohibited by law.
 - (h) The right to challenge, for good cause, the fairness and/or impartiality of any Honor Code Officer, Honor Code Board Chairperson, Honor Code Board member, or UAPA Administrative Judge. The Provost (or his or her designee) will decide on challenges to Honor Code Officers or Honor Code Board Chairpersons. The Honor Code Board Chairperson will decide on challenges to Honor Code Board members. Challenges to UAPA Administrative Judges will be decided according to the UAPA hearing procedures under Chapter 1720-01-05.
 - (i) The right to challenge all charges and testimony presented; to present witnesses and other evidence; and to challenge the admissibility of evidence.
 - (j) The right not to be questioned directly by the Complainant during a hearing.
 - (k) The right to be informed in writing of the decision of the decision-maker in a case, and if applicable, the proper procedure for appealing the decision.
 - (l) The right to appeal the decision of the decision-maker in an Honor Code Officer Hearing, Honor Code Board Hearing, or UAPA Hearing.
 - (m) The right to be assisted by an advisor during all stages of the Honor Code Process in accordance with Section .05(3) of this Chapter.
- (2) Rights of the Complainant.

A Complainant will have the following rights during the Honor Code Process:

- (a) The right to a prompt, thorough, and equitable investigation.
- (b) The right to ask questions and receive information about the case, including, without limitation, the status of an investigation.
- (c) The right to remain silent in any investigation, meeting, or hearing.
- (d) The right to receive notice of any hearings at which the Complainant may be present.
- (e) The right to access any information or documents that may be used during a hearing, unless prohibited by law.
- (f) The right to challenge, for good cause, the fairness and/or impartiality of any Honor Code Officer, Honor Code Board Chairperson, Honor Code Board member, or UAPA Administrative Judge. The Provost (or his or her designee) will decide on challenges to Honor Code Officers or Honor Code Board Chairpersons. The Honor Code Board Chairperson will decide on challenges to Honor Code Board members. Challenges to UAPA Administrative Judges will be decided according to the UAPA hearing procedures under Chapter 1720-01-05.
- (g) The right to challenge all testimony presented; to present witnesses and other evidence; and to challenge the admissibility of evidence.
- (h) The right not to be questioned directly by the Respondent during a hearing.

(Rule 1720-02-01-.05, continued)

- (i) The right to be informed in writing of the decision of the decision-maker in a case, and if applicable, the proper procedure for appealing the decision.
 - (j) The right to appeal the decision of the decision-maker in an Honor Code Officer Hearing, Honor Code Board Hearing, or UAPA Hearing.
 - (k) The right to be assisted by an advisor during all stages of the Honor Code Process in accordance with Section .05(3) of this Chapter.
- (3) Right to an Advisor.
- (a) The Complainant and the Respondent each may choose to be assisted by one (1) advisor during all stages of the Honor Code Process.
 - (b) A student Complainant or a Respondent who chooses to be assisted by an advisor is encouraged to consider selecting a University employee who has received training about the Honor Code Process from the Office of Student Conduct. A student Complainant and the Respondent may obtain the names of trained advisors from the Office of Student Conduct. At their own expense, a student Complainant and the Respondent may choose a person who is not employed by the University to serve as an advisor. A student Complainant and the Respondent should select as an advisor a person whose schedule allows attendance at the scheduled date, time, and place for meetings and hearings, as delays will generally not be granted due to the scheduling conflicts of an advisor.
 - (c) A faculty or staff member Complainant who chooses to be assisted by an advisor is encouraged to consider selecting a supervisor as his or her advisor.
 - (d) The role of an advisor is limited to assisting, advising, and/or supporting a Complainant or Respondent during the Honor Code Process. An advisor is not permitted to speak for or on behalf of a Complainant or Respondent, appear in lieu of a Complainant or Respondent, participate as a witness, or participate directly in any other manner during any phase of the Honor Code Process, including, without limitation, an Honor Code Officer Hearing or Honor Code Board Hearing. However, in a UAPA Hearing, the Complainant and the Respondent are entitled to be represented by legal counsel at their own expense.

Authority: T.C.A. § 49-9-209(e); *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; and Public Acts of Tennessee, 1807, Chapter 64. Administrative History:* Original rule filed September 15, 1976; effective October 15, 1976. Amendment filed August 31, 1982; effective November 15, 1982. Repeal and new rule filed May 27, 1986; effective August 12, 1986. Amendment filed November 22, 1993; effective March 30, 1994. Repeal and new rules filed September 30, 2019; effective December 29, 2019.

1720-02-01-.06 HONOR CODE PROCESS – INITIAL AND PRE-RESOLUTION STAGES.

- (1) Initiation of the Honor Code Process.
 - (a) The University may initiate the Honor Code Process on the basis of written allegations received from a Complainant. The University may also initiate the Honor Code Process in the absence of written allegations if the University becomes aware, through other means, of potential Honor Code violations committed by a student.
 - (b) Upon receipt of written allegations or other information concerning potential Honor Code violations, the Office of Student Conduct (or designee), on behalf of the University, will review the information and initiate the Honor Code Process by

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scheduling a Preliminary Meeting with the Respondent as provided under Section .06(3) of this Chapter.

(2) Notice of Allegations.

- (a) If the Office of Student Conduct (or designee) determines to initiate the Honor Code Process, it will provide a Notice of Allegations to the Respondent.
- (b) The Notice of Allegations will:
 1. Inform the Respondent that the University has received allegations that the Respondent has violated the Honor Code and that the University has begun or will begin an investigation of the alleged violations;
 2. Provide a brief description of the alleged Honor Code violation(s);
 3. Notify the Respondent of his or her right to be assisted and/or supported by an advisor at all stages of the Honor Code Process;
 4. Either notify the Respondent of the date, time, and location of the Preliminary Meeting, or instruct the Respondent to contact the Office of Student Conduct (or designee) within five (5) business days of the effective date of the notice to schedule a Preliminary Meeting;
 5. Inform the Respondent of the consequences for failure to schedule or appear at a Preliminary Meeting, as provided under Section .06(3)(a) of this Chapter; and
 6. Provide the website address where the Respondent can review a copy of the Honor Code and instruct the Respondent to review the Honor Code rules for information about the Honor Code Process.

(3) Preliminary Meeting.

After a Notice of Allegations is issued to a Respondent, the Office of Student Conduct (or designee) will hold a Preliminary Meeting with the Respondent in accordance with Section .06(3)(b) of this Chapter, unless the Respondent fails to schedule a Preliminary Meeting or fails to appear at a scheduled Preliminary Hearing as provided under Section .06(3)(a) of this Chapter.

- (a) Failure to Schedule or Appear at Preliminary Meeting. If the Respondent fails to contact the Office of Student Conduct (or designee) within five (5) business days of the effective date of the Notice of Allegations to schedule a Preliminary Meeting or fails to appear at a scheduled Preliminary Meeting, the Respondent waives his or her right to a Preliminary Meeting and the right to select the type of Formal Hearing for resolution of the allegations, unless the Respondent's failure to schedule or appear at a Preliminary Meeting is excused by the Office of Student Conduct upon a showing of good cause. If the Respondent waives his or her right to a Preliminary Hearing as provided under this Section .06(3)(a) and the Office of Student Conduct (or designee) determines that charges should be issued based on the information available, the Office of Student Conduct (or designee) will select the type of Formal Hearing for resolution of the charge(s) and provide the Respondent with a Notice of Charges in accordance with Section .06(5) of this Chapter. Notwithstanding any provisions to the contrary in this Section .06(3)(a), in cases in which the Respondent has the right to a UAPA Hearing, the Respondent waives his or her right to a UAPA Hearing only as provided under Section .07(1)(d) of this Chapter.

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- (b) Appearance at Scheduled Preliminary Meeting. If the Respondent appears at a scheduled Preliminary Meeting, the Office of Student Conduct (or designee) will conduct a Preliminary Meeting with the Respondent in the following general manner:
 1. The Office of Student Conduct (or designee) will inform the Respondent of the allegations against the Respondent, and if requested, provide the Respondent with a reasonable opportunity to review the written allegations.
 2. The Office of Student Conduct (or designee) will provide the Respondent with an opportunity to respond to the allegations through various means, including, without limitation, the presentation of any information for consideration by the Office of Student Conduct (or designee) and/or the identification of any witnesses the Respondent believes have relevant information.
 3. Both the Office of Student Conduct (or designee) and the Respondent may ask questions and seek clarifying information about the allegations, possible sanction(s), and the Honor Code Process.
 4. If, based on the available information provided by the Respondent, the Office of Student Conduct (or designee) determines that no additional investigation of the allegations is needed, the Office of Student Conduct (or designee) will inform the Respondent of the Formal Hearing options available for resolution of the allegations. The Respondent will then be provided with the opportunity to select the type of Formal Hearing through which to contest the allegations. Upon the Respondent's selection of the type of Formal Hearing, the Preliminary Meeting will be concluded, and the Office of Student Conduct (or designee) will provide the Respondent with a Notice of Charges in accordance with Section .06(5) of this Chapter.
 5. If, based on the available information provided by the Respondent, the Office of Student Conduct (or designee) determines that additional investigation is needed, the Preliminary Meeting will be concluded, and the Office of Student Conduct (or designee) will continue its investigation in accordance with the applicable procedures under Section .06(4) of this Chapter.
- (4) Investigations.
 - (a) The Office of Student Conduct may delegate to and/or collaborate with the Office of Research Integrity or other designated University Official on the investigation of alleged Honor Code violations.
 - (b) Investigations will be conducted in a prompt, thorough, ethical, and equitable manner.
 - (c) When conducting an investigation, the Office of Student Conduct (or other designated investigator) will act as a fair and impartial party rather than as a representative of the person, office, unit, or organization that submitted the allegations.
 - (d) During an investigation, the Complainant(s), the Respondent(s), witnesses, or any other persons may be interviewed, and other relevant information and documentation will be obtained as applicable. The Office of Student Conduct (or other designated investigator) is not obligated to interview a witness identified by the Complainant or the Respondent if the Office of Student Conduct (or other designated investigator) believes the witness is not likely to possess relevant information, information from the witness is not likely to lead to the discovery of relevant information, or the information the witness is likely to possess is cumulative of other information already gathered. The Office of Student Conduct (or other designated investigator) may re-interview the

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Complainant(s), Respondent(s), witnesses, and/or any other person at any time during the investigation in order to obtain additional and/or clarifying information.

(5) Notice of Charges.

- (a) If the Office of Student Conduct (or designee) determines, either at the end of the Preliminary Meeting as provided under Section .06(3)(b) of this Chapter or at the conclusion of the investigation, that the Honor Code Process should proceed with respect to the allegations, then the Office of Student Conduct (or designee) will provide the Respondent with a Notice of Charges.
- (b) The Notice of Charges will include, without limitation, the following information:
1. A description of the conduct the Respondent is charged with committing, the specific Honor Code violation(s) charged against the Respondent, and the recommended disciplinary sanctions;
 2. The types of Formal Hearings available for resolution of the charge(s);
 3. That the Respondent must request one (1) of the available Formal Hearing options in writing within five (5) business days of the effective date of the Notice of Charges or otherwise waives the right to select the type of Formal Hearing for resolution of the charge(s); and
 4. The Respondent's right to be assisted and/or supported by an advisor at all stages of the Honor Code Process. In cases in which the UAPA requires the University to offer the Respondent a UAPA Hearing, the notice shall notify the Respondent of his or her right to be assisted or represented by legal counsel if the Respondent decides to contest the charge(s) through a UAPA Hearing.

Authority: T.C.A. §§ 4-5-101, et seq. and 49-9-209(e); Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; and Public Acts of Tennessee, 1807, Chapter 64. **Administrative History:** Original rule filed September 15, 1976; effective October 15, 1976. Amendment filed August 31, 1982; effective November 15, 1982. Repeal and new rule filed May 27, 1986; effective August 12, 1986. Repeal and new rules filed September 30, 2019; effective December 29, 2019.

1720-02-01-.07 HONOR CODE PROCESS – METHODS OF RESOLUTION.

Charges or allegations of violations of the Honor Code may be resolved in one (1) of the following ways:

- (1) Resolution by Formal Hearing. A Formal Hearing is a process for resolving charges of violations of the Honor Code in which the Respondent is provided the opportunity to contest the charges through the presentation of evidence at a hearing before a fair and impartial decision-maker.
- (a) Types of Formal Hearings. Charges of violations of the Honor Code may be resolved through one (1) of three (3) types of Formal Hearings, depending on the gravity of the disciplinary sanctions proposed for the charge:
1. Honor Code Officer Hearing. A hearing held before an Honor Code Officer in accordance with Section .08 of this Chapter. An Honor Code Officer Hearing will be offered in every case, except where a faculty or staff member Complainant requests that an Honor Code Officer Hearing not be offered as a hearing option for resolution of the charges.

(Rule 1720-02-01-.07, continued)

2. Honor Code Board Hearing. A hearing held before an Honor Code Board in accordance with Section .09 of this Chapter. An Honor Code Board Hearing will be offered in every case.
 3. UAPA Hearing. A “contested case” hearing under the UAPA held before a UAPA Administrative Judge in accordance with Chapter 1720-01-05. A Respondent has the right to a UAPA Hearing only when the UAPA requires the University to offer a UAPA Hearing as determined by the gravity of the disciplinary sanction(s) proposed for the charge.
- (b) Request for Type of Formal Hearing. Within five (5) business days of the effective date of the Notice of Charges, the Respondent must select in writing one (1) of the types of Formal Hearing available for resolution of the charge(s) using the form(s) provided by the Office of Student Conduct (or designee). A verbal request by the Respondent for a type of Formal Hearing will not constitute a valid request. By selecting a type of Formal Hearing, the Respondent waives the right to contest the charge(s) through another type of Formal Hearing.
 - (c) Failure to Request Type of Formal Hearing. If, within five (5) business days of the effective date of the Notice of Charges, the Respondent fails to request in writing the type of Formal Hearing, the Respondent waives the right to select the type of Formal Hearing for resolution of the charge(s), unless the Respondent's failure to select the type of Formal Hearing is excused by the Office of Student Conduct upon a showing of good cause. If the Respondent waives his or her right to select the type of Formal Hearing as provided under this Section .07(1)(c), the Office of Student Conduct (or designee) will select the type of Formal Hearing and will provide notice to the Respondent of the type of Formal Hearing selected and the date, time, and place of the hearing.
 - (d) Waiver of UAPA Hearing. Notwithstanding any provisions in this Chapter to the contrary, in a case in which the UAPA requires that the University offer the Respondent a UAPA Hearing, the Respondent waives his or her right to a UAPA Hearing only if the Respondent executes a voluntary written waiver of his or her right to a UAPA Hearing.
- (2) Resolution by Resolution Agreement. At any time during the Honor Code Process, a faculty member Complainant may propose to the Respondent to resolve allegations or charges of Honor Code violations by Resolution Agreement in lieu of a Formal Hearing. A proposed Resolution Agreement must be reduced to writing by the faculty member Complainant using the form(s) provided by the Office of Student Conduct (or designee). The Respondent may accept the proposed resolution and sanctions (if applicable) by signing the proposed Resolution Agreement. The Resolution Agreement will become binding and effective after it is signed by the Respondent and the faculty member Complainant. The faculty member Complainant must send the fully-executed Resolution Agreement to the Office of Student Conduct (or designee) within five (5) business days after the agreement has been fully-executed.
 - (a) By signing a Resolution Agreement, the Respondent: (i) accepts responsibility for the Honor Code violations stated in the agreement; (ii) agrees to the imposition of the disciplinary sanctions stated in the agreement (if applicable); and (iii) waives all rights the Respondent may have to resolve the allegations or charges through a Formal Hearing.
 - (b) A Respondent may not revoke or appeal a Resolution Agreement at any time after the Respondent signs the agreement.

(Rule 1720-02-01-.07, continued)

Authority: T.C.A. §§ 4-5-101, et seq. and 49-9-209(e); *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; and Public Acts of Tennessee, 1807, Chapter 64.* **Administrative History:** Original rule filed November 22, 1993; effective March 30, 1994. Repeal and new rules filed September 30, 2019; effective December 29, 2019.

1720-02-01-.08 HONOR CODE OFFICER HEARINGS.

An Honor Code Officer Hearing is held before and conducted by an Honor Code Officer. The Honor Code Officer serves as the decision-maker in determining whether the Respondent is responsible for the charged Honor Code violation(s) and the disciplinary sanction(s), if any, to be imposed.

- (1) Honor Code Officer. An Honor Code Officer is a faculty member selected by the Faculty Senate to serve on the Honor Code Board. Honor Code Officers are trained by the Office of Student Conduct to conduct Honor Code Officer Hearings in accordance with the Honor Code.
- (2) Fairness & Impartiality. The Honor Code Officer will be fair and impartial. Any party to an Honor Code Officer Hearing has the right to challenge the fairness or impartiality of the Honor Code Officer. Any Honor Code Officer lacking fairness or impartiality will recuse himself or herself or may, for good cause and at the discretion of the Provost (or his or her designee) or the Faculty Senate President (or his or her designee), be removed from serving as Honor Code Officer for the hearing.
- (3) Notice. If an Honor Code Officer Hearing is selected for resolution of the charge(s), the Honor Code Officer will send the Respondent and the Complainant notice of the time, place, and date of the hearing at least five (5) business days in advance of the date of the hearing.
- (4) Hearing Procedure. An Honor Code Officer will conduct an Honor Code Officer Hearing in accordance with the following general procedures and rules:
 - (a) The hearing will be closed to the public.
 - (b) The Honor Code Officer will determine all procedural questions. The Honor Code Officer may be assisted by a procedural advisor appointed by the Office of Student Conduct.
 - (c) Each Respondent and Complainant will be considered a party to the proceeding.
 - (d) Each party and his or her advisor (if any) will be allowed to attend the portion of the hearing during which questioning is conducted and information is received by the Honor Code Officer.
 - (e) Each party will be afforded a full and fair opportunity to present all evidence, including witness testimony that reasonably relates to the charge or action at issue.
 - (f) The Honor Code Officer may limit the presentation of evidence which is irrelevant or unreasonably repetitious or voluminous.
 - (g) The Honor Code Officer will consider all evidence presented and give due consideration to the credibility or weight of the information presented. Technical rules of evidence, such as evidentiary rules applicable to civil or criminal court proceedings, will not apply.
 - (h) The Honor Code Officer will apply the preponderance of the evidence standard in determining whether or not the Respondent is responsible for the charged Honor Code violations.

(Rule 1720-02-01-.08, continued)

- (i) An appropriate record of the hearing proceedings will be made. An audio or video record may be made of the hearing. Defects in the record will not invalidate the proceedings.
 - (j) Following the conclusion of the hearing, the Honor Code Officer will provide each party with a Notice of Decision setting forth the Honor Code Officer's decision on responsibility and, if applicable, the disciplinary sanctions to be issued against the Respondent and their effective date.
- (5) Multiple Respondents. In cases involving more than one (1) Respondent, the Honor Code Officer has the discretion to hold one (1) hearing for all of the Respondents or separate hearings for each Respondent. Any Respondent may, prior to the hearing, request that his or her hearing be conducted separately from the other Respondent(s). Such a request must be made in writing to the Honor Code Officer using the form(s) provided by the University. The Honor Code Officer will decide whether or not to grant such a request, and the Honor Code Officer's decision will be final.
- (6) Failure to Appear. If proper notice of the Honor Code Officer Hearing is provided to the Respondent in accordance with Section .08(3) of this Chapter but the Respondent fails to appear at the hearing, the Honor Code Officer has the discretion to hold the hearing in the party's absence or to reschedule the hearing. If the Honor Code Officer holds the hearing in a party's absence, the absent party will be subject to any decision(s) made by the Honor Code Officer, including any decision to issue disciplinary sanction(s) against the Respondent. Notwithstanding the foregoing provisions of this Section .08(6), the Honor Code Officer may decline to issue a Notice of Decision following the conclusion of the hearing and schedule a new hearing upon a showing of good cause by the absent party for his or her failure to appear.
- (7) Appeal. The decision of the Honor Code Officer may be appealed to the Provost (or his or her designee) in accordance with Section .11 of this Chapter.

Authority: T.C.A. § 49-9-209(e); Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; and Public Acts of Tennessee, 1807, Chapter 64. **Administrative History:** Original rule filed September 15, 1976; effective October 15, 1976. Amendment filed August 31, 1982; effective November 15, 1982. Amendment filed October 16, 1984; effective January 14, 1985. Repeal and new rule filed May 27, 1986; effective August 12, 1986. (Formerly 1720-02-01-.07) Amendment filed June 18, 1996; effective October 28, 1996. Repeal and new rules filed September 30, 2019; effective December 29, 2019.

1720-02-01-.09 HONOR CODE BOARD HEARINGS.

An Honor Code Board Hearing is held before a panel of Honor Code Board members and chaired by an Honor Code Board Chairperson. The Honor Code Board members serve as the decision-makers in determining whether the Respondent is responsible for the charged Honor Code violation(s) and the disciplinary sanction(s), if any, to be imposed.

- (1) Honor Code Board Chairperson. The Honor Code Board Chairperson is a faculty member appointed by the Faculty Senate to preside over and facilitate an Honor Code Board Hearing to ensure that the hearing is conducted in accordance with the Honor Code. Except as provided under Section .09(7)(j) of this Chapter, the Honor Code Board Chairperson will not vote on the issues to be decided by the Honor Code Board. The Honor Code Board Chairperson will be trained by the Office of Student Conduct on the procedures for conducting an Honor Code Board Hearing in accordance with the Honor Code. In the event the Honor Code Board Chairperson is absent or recused from a case, a faculty member on the Honor Code Board may serve as the acting Honor Code Board Chairperson for the case.

(Rule 1720-02-01-.09, continued)

- (2) Honor Code Board. The Honor Code Board is a panel of appointed students and faculty who are selected to serve as the decision-makers in an Honor Code Board Hearing.
 - (a) The full membership of the Honor Code Board consists of: (i) six (6) undergraduate students recommended by the Student Government Association and appointed by the Office of Student Conduct; (ii) six (6) graduate students recommended by the Graduate Student Association and appointed by the Office of Student Conduct; (iii) six (6) undergraduate-level faculty members appointed by the Faculty Senate; and (iv) six (6) graduate-level faculty members appointed by the Faculty Senate.
 - (b) For each Honor Code Board Hearing, (i) a minimum of six (6) Honor Code Board members is required to hear the case (excluding the Honor Code Board Chairperson); and (ii) the Honor Code Board hearing the case must consist of at least three (3) student members and at least three (3) faculty members who correspond to the academic level of the Respondent (e.g., for a case involving a Respondent who is an undergraduate student, the Honor Code Board hearing the case must consist of at least three (3) undergraduate students and at least three (3) undergraduate-level faculty members). Notwithstanding any provisions of this Section .09(2)(b) to the contrary, with the consent of the Complainant, Respondent and Honor Code Board Chairperson, an Honor Code Board hearing a case may consist of less than six (6) Honor Code Board members or be composed of less than three (3) student members and/or three (3) faculty members who correspond to the academic level of the Respondent.
- (3) Fairness & Impartiality. The Honor Code Board members and the Honor Code Board Chairperson will be fair and impartial. Any party to an Honor Code Board Hearing will have the right to challenge the fairness or impartiality of the Honor Code Board Chairperson or any Honor Code Board member hearing the case. Any Honor Code Board member hearing the case who lacks fairness or impartiality will recuse himself or herself, or for good cause and at the Honor Code Board Chairperson's discretion, be removed from hearing the case. Any Honor Code Board Chairperson lacking fairness or impartiality will recuse himself or herself, or for good cause and at the discretion of the Provost (or his or her designee), be removed from presiding over the hearing.
- (4) Notice. If an Honor Code Board Hearing is selected for resolution of the charge(s), the Office of Student Conduct will send the Respondent and the Complainant notice of the time, place, and date of the hearing at least five (5) business days in advance of the date of the hearing.
- (5) Pre-Hearing Submissions from Parties. At least five (5) business days in advance of the date of the hearing, the Respondent and the Complainant must provide the following information to the Office of Student Conduct:
 - (a) The names of all witnesses the party plans to present at the hearing and a brief summary of the information that the party reasonably anticipates each witness to provide.
 - (b) A copy of all tangible or electronic information that the party plans to present at the hearing (including, but not limited to, witness statements, video or audio recordings, photographs, e-mails, text messages, telephone records, medical bills, demonstrative exhibits, etc.). The party may provide photographs of items of evidence that cannot be produced in a copy form.
 - (c) A copy of a written statement, if any, that the party wants the Honor Code Board members to consider. A Complainant's statement may include recommended sanctions for the Respondent's alleged Honor Code violation(s). The Respondent's statement may include a description of any factors the Respondent believes mitigate the alleged Honor Code violation(s) or proposed disciplinary sanction(s).

(Rule 1720-02-01-.09, continued)

- (6) Pre-Hearing Review of Information. After notice of the Student Conduct Board Hearing is provided to the Respondent and Complainant in accordance with Section .09(4) of this Chapter, the Office of Student Conduct will make available to each party the materials submitted by each party and the University upon the request of a party. Notwithstanding any provision to the contrary in this Section .09(6), no less than one (1) business day prior to the hearing, the Office of Student Conduct will make the materials submitted by each party and the University available for review by each party and their respective advisors, the Honor Code Board Chairperson, and the Honor Code Board members hearing the case. The Office of Student Conduct will notify each party, the Honor Code Board Chairperson, and the Honor Code Board members hearing the case when the materials are ready for review in the Office of Student Conduct or when the materials will be sent to them electronically. The Office of Student Conduct may redact irrelevant and/or protected information from any materials made available for review.
- (7) Hearing Procedure. The Honor Code Board Chairperson will conduct an Honor Code Board Hearing in accordance with the following general procedures and rules:
 - (a) The hearing will be closed to the public.
 - (b) The Honor Code Board Chairperson will determine all procedural questions. The Honor Code Board Chairperson may be assisted by a procedural advisor appointed by the Office of Student Conduct.
 - (c) Each Respondent and Complainant will be considered a party to the proceeding.
 - (d) Each party and their respective advisors will be allowed to attend the portion of the hearing during which questioning is conducted and information is received by the Honor Code Board members. The parties (and their advisors) will not be allowed to attend the portion of the hearing during which deliberations by the Honor Code Board members occur.
 - (e) Each party will be afforded a full and fair opportunity to present an opening statement, any evidence, including witness testimony, that reasonably relates to the charge or action at issue, and a closing statement.
 - (f) The Honor Code Board Chairperson may bar or limit the presentation of evidence which is not provided to the Office of Student Conduct in advance of the hearing in accordance with Section .09(5) of this Chapter, or which (i) is irrelevant, (ii) unreasonably repetitious or voluminous, or (iii) protected from disclosure under federal, state, or local law.
 - (g) The Honor Code Board members will consider all evidence presented and give due consideration to the credibility or weight of the information presented. Technical rules of evidence, such as evidentiary rules applicable to civil or criminal court proceedings, will not apply.
 - (h) The Honor Code Board members will apply the preponderance of the evidence standard in determining whether or not the Respondent is responsible for the charged Honor Code violation(s).
 - (i) An appropriate record of the hearing proceedings will be made. An audio or video record will be made of the hearing, except for the portion of the hearing in which the Honor Code Board members deliberate and vote on their decision. Defects in the record will not invalidate the proceedings.

(Rule 1720-02-01-.09, continued)

- (j) After all information for consideration has been presented to the Honor Code Board members, the parties (and their advisors, if any) will be excused, and the Honor Code Board members will deliberate and vote on the following issues: (i) whether the Respondent is responsible for the charged Honor Code violation(s) and (ii) the disciplinary sanctions, if any, to be issued. The decision of the Honor Code Board members on each issue will be made by simple majority of the voting members' votes. In the event of a tie-vote among the voting members, the Honor Code Board Chairperson will cast the tie-breaking vote.
 - (k) At the conclusion of the hearing, the Honor Code Board Chairperson will provide each party with a Notice of Decision setting forth the decision of the Honor Code Board members on responsibility and, if applicable, the disciplinary sanctions to be issued against the Respondent and their effective date.
- (8) Multiple Respondents. In cases involving more than one (1) Respondent, the Honor Code Board Chairperson has the discretion to hold one (1) hearing for all of the Respondents or separate hearings for each Respondent. Any Respondent may, prior to the hearing, request that his or her hearing be conducted separately from the other Respondents' hearings. Such a request must be made in writing to the Honor Code Board Chairperson using the form(s) provided by the University. The Honor Code Board Chairperson will decide whether or not to grant such a request, and the Honor Code Board Chairperson's decision will be final.
- (9) Failure to Appear. If proper notice of the Honor Code Board Hearing is provided to a party in accordance with Section .09(4) of this Chapter but the party fails to appear at the hearing, the Honor Code Board Chairperson has the discretion to hold the hearing in the party's absence or to reschedule the hearing. If the Honor Code Board Chairperson holds the hearing in a party's absence, the absent party will be subject to any decision(s) made by the Honor Code Board members, including any decision to issue disciplinary sanction(s) against the Respondent. Notwithstanding the foregoing provisions of this Section .09(8), the Honor Code Board Chairperson may decline to issue a Notice of Decision following the conclusion of the hearing and schedule a new hearing upon a showing of good cause by the absent party for his or her failure to appear.
- (10) Appeal. The decision of the Honor Code Board members may be appealed to the Provost (or his or her designee) in accordance with Section .11 of this Chapter.

Authority: T.C.A. § 49-9-209(e); *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; and Public Acts of Tennessee, 1807, Chapter 64. Administrative History:* Original rule filed September 15, 1976; effective October 15, 1976. Amendment filed August 31, 1982; effective November 15, 1982. Amendment filed October 16, 1984; effective January 14, 1985. Repeal and new rule filed May 27, 1986; effective August 12, 1986. (Formerly 1720-02-01-.08) Repeal and new rules filed September 30, 2019; effective December 29, 2019.

1720-02-01-.10 DISCIPLINARY SANCTIONS.

- (1) Disciplinary sanctions are primarily intended to: (i) educate Respondents about appropriate behavior; (ii) encourage Respondents to take responsibility for Honor Code violation(s); (iii) encourage and promote the personal and professional development of Respondents; (iv) discourage other students from violating the Honor Code; and/or (v) protect the academic reputation of the University.
- (2) The disciplinary sanctions imposed on a Respondent should be appropriate for the particular case based on the gravity of the Honor Code violation, including, without limitation, how the violation affected or reasonably could have affected the academic reputation of the University and members of the University community. Consideration also may be given to other aggravating or mitigating factors, including, without limitation: (i) the Respondent's Student

(Rule 1720-02-01-.10, continued)

Conduct Record; (ii) the Respondent's academic record; (iii) the Respondent's responsiveness to the Honor Code Process; and (iv) the Respondent's academic classification.

- (3) A Respondent who accepts responsibility for an Honor Code violation pursuant to a Resolution Agreement may be subject only to a grade modification as provided under Section .10(4)(a) of this Chapter. No other disciplinary sanction may be imposed upon a Respondent pursuant to a Resolution Agreement. A Respondent who is found responsible for an Honor Code violation by the decision-maker in a Formal Hearing may be subject to one (1) or more disciplinary sanctions provided under Section .10(4) of this Chapter.
- (4) The following sanctions may be imposed on a student found to have violated the Honor Code:
 - (a) Grade Modification.
 1. Assignments. The University may impose a grade modification for an academic assignment if the Respondent is found to have violated the Honor Code in connection with performing or completing the assignment, including, without limitation, by providing another student with unauthorized assistance with the assignment.
 2. Examinations. The University may impose a grade modification for an examination if the Respondent is found to have violated the Honor Code in connection with taking or completing the examination, including, without limitation, by providing another student with unauthorized assistance on the examination.
 3. Courses. The University may impose a grade modification in a course if the Respondent is found to have violated the Honor Code in connection with taking or completing the course, including, without limitation, by providing another student unauthorized assistance with taking or completing the course.
 - (b) Disciplinary Reprimand. A disciplinary reprimand is a written warning that informs a Respondent that the Respondent is violating or has violated the Honor Code and must cease and desist from engaging in the Honor Code violation and/or prevent the Honor Code violation from occurring again. A disciplinary reprimand will also inform the Respondent that any further violations of the Honor Code may result in the imposition of more severe sanctions.
 - (c) Disciplinary Probation. A Respondent may be placed on disciplinary probation for serious or moderate Honor Code violations or in the case of multiple or repeated minor Honor Code violations. A Respondent may be placed on disciplinary probation for a definite or indefinite period of time, during which time the Respondent may continue to be enrolled at the University. While the Respondent is on disciplinary probation, conditions may be placed on the Respondent's continued enrollment at the University, and University departments, programs, and/or services may limit or prohibit participation in certain activities. If a Respondent commits any further Honor Code violations while on disciplinary probation, the Respondent may be subject to more severe sanctions up to and including permanent dismissal.
 - (d) Educational Sanction. A Respondent may be required to complete an educational assignment or program. Educational assignments and programs are designed to educate the Respondent about why certain conduct is inappropriate. Examples of educational assignments include, without limitation: (i) writing a reflection and/or research paper on a designated topic; (ii) completing a research project on a designated topic; (iii) giving a presentation on a designated topic; and (iv) issuing a

(Rule 1720-02-01-.10, continued)

formal apology in writing and/or in person. An educational program may include, without limitation, attending and satisfactorily completing an in-person or distance learning course, training, or workshop on alcohol or drug use, civility, ethics, or other topics deemed appropriate by the Office of Student Conduct. The Respondent will be responsible for all costs associated with the educational assignment or program.

- (e) **Suspension.** Suspension is an official separation from the University for a specific period of time and/or until certain conditions are met. A Respondent may be suspended from the University for serious Honor Code violations, multiple moderate Honor Code violations, multiple or repeated minor Honor Code violations, and/or any Honor Code violations while on disciplinary probation. While on suspension, a Respondent (i) loses all rights and privileges at the University; (ii) may not represent the University in any manner; and (iii) is ineligible to apply for readmission to the University during the suspension period and/or until certain conditions are met. If a Respondent is suspended, the Respondent is prohibited, without the prior approval of the Vice Chancellor for Student Affairs (or his or her designee), from entering upon all University-controlled property, including University residence halls, from the date the suspension period begins until such date that the Respondent is readmitted to the University (even if the suspension period ends prior to the date of the Respondent's readmission). Entering upon University-controlled property without prior approval from the Vice Chancellor for Student Affairs (or his or her designee) may result in criminal trespass charges against the Respondent under the criminal laws of the State of Tennessee. Respondents permitted to return to the University following a period of suspension will be automatically placed on disciplinary probation for a designated period of time following their return. A Respondent who commits any Student Code of Conduct violations while on suspension may be subject to suspension for an additional period of time or barred from readmission and/or re-enrollment at the University.
- (f) **Permanent Dismissal.** Permanent dismissal is an official and permanent separation from the University. A Respondent may be permanently dismissed from the University when the Respondent's commission of one (1) or more Honor Code violations is deemed so serious as to warrant total and permanent disassociation from the University or when, through repeated violations of the Honor Code and/or violations of the Honor Code while on disciplinary probation or suspension, the Respondent exhibits blatant disregard for (i) the academic integrity and reputation of the University or (ii) the University's right to establish rules of conduct. A Respondent who is permanently dismissed from the University: (i) loses all rights and privileges at the University; (ii) may not represent the University in any manner; (iii) is indefinitely prohibited, without prior approval of the Vice Chancellor for Student Affairs (or his or her designee) from entering upon all University-controlled property, including University residence halls; and (iv) is permanently barred from re-enrolling at the University. Entering upon University-controlled property without prior approval from the Vice Chancellor for Student Affairs (or his or her designee) may result in criminal trespass charges against the Respondent under the criminal laws of the State of Tennessee.
- (g) **Withholding of Degree.** The University may withhold awarding a degree to a Respondent who has violated any University rule or policy. The University may withhold a degree for a definite period of time and/or until the Respondent has completed or served all sanctions or other requirements imposed by the University for releasing its award of the degree.
- (h) **Revocation of Degree.** The University make revoke a degree awarded to a Respondent if the Respondent obtained the degree, in part, through cheating, plagiarism, academic dishonesty, research misconduct, or other serious violation of the Honor Code. The University may also revoke a Respondent's degree if, after the degree was awarded, the University determines that the Respondent committed a serious violation of the

(Rule 1720-02-01-.10, continued)

Honor Code while a student, but prior to being awarded the degree, that would have warranted permanent dismissal of the Respondent. Before a Respondent's degree may be revoked, the Chancellor must approve the revocation of the degree.

- (5) More than one (1) of the disciplinary sanctions provided in this Section .10 may be imposed on a Respondent for any single violation of the Honor Code.
- (6) Disciplinary sanctions may be applied retroactively to the date of the Honor Code violation committed by the Respondent.

Authority: T.C.A. § 49-9-209(e); *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; and Public Acts of Tennessee, 1807, Chapter 64. Administrative History:* Original rule filed August 31, 1982; effective November 15, 1982. Repeal and new rule filed May 27, 1986; effective August 12, 1986. (Formerly 1720-02-01-.09) Repeal and new rules filed September 30, 2019; effective December 29, 2019.

1720-02-01-.11 APPEALS.

- (1) Appeal to the Provost.
 - (a) Appeal Period. The decision of an Honor Code Officer in an Honor Code Officer Hearing or the Honor Code Board in an Honor Code Board Hearing may be appealed to the Provost by submitting a Notice of Appeal to the Office of Student Conduct in accordance with Section .11(1)(b) of this Chapter within five (5) business days of the effective date of the Notice of Decision to the appealing party. A Notice of Appeal not submitted within five (5) business days of the effective date of the Notice of Decision to the appealing party will not be considered.
 - (b) Notice of Appeal. A Notice of Appeal must state: (i) the name of the party appealing the decision; and (ii) the specific grounds for the appeal. Appeals not based on one (1) or more of the grounds provided under Section .11(1)(c) of this Chapter will not be considered.
 - (c) Grounds for Appeal. Appeals are limited to the following grounds:
 - 1. The party's rights were violated in the hearing process;
 - 2. New relevant and material information has become available that could not have been discovered at the time of the hearing;
 - 3. The information presented did not support the decision by a preponderance of the evidence standard; or
 - 4. The sanction(s) imposed were not appropriate for the violation.
 - (d) Response to Appeal by Non-Appealing Party. Upon receipt of a timely-submitted Notice of Appeal, the Office of Student Conduct will provide a copy of the Notice of Appeal to the non-appealing party, if applicable. The non-appealing party may respond to the appeal by submitting a written response to the Office of Student Conduct within three (3) business days of the effective date of the Notice of Appeal to the non-appealing party.
 - (e) Decision on Appeal.
 - 1. Within ten (10) business days of the Office of Student Conduct's receipt of the Notice of Appeal or the non-appealing party's response to the appeal, whichever

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- occurs later, the Provost (or his or her designee) will provide notice to the parties of his or her decision.
2. The Provost (or his or her designee) may (i) uphold, amend, or overturn the decision of the Honor Code Officer or Honor Code Board; or (ii) return the case to the Honor Code Officer or Honor Code Board for reconsideration.
 3. If the Provost (or his or her designee) decides to uphold, amend, or overturn the decision of the Honor Code Officer or Honor Code Board, the decision of the Provost (or his or her designee) is final.
 4. A decision by the Provost (or his or her designee) to return the case to the Honor Code Officer or Honor Code Board for reconsideration may not be appealed. Any decision by the Honor Code Officer or Honor Code Board on reconsideration may be appealed in accordance with this Section .11.
- (2) Any disciplinary sanction(s) issued by the Honor Code Officer or the Honor Code Board will remain in force throughout the pendency of an appeal, unless the Respondent requests that the disciplinary sanction(s) be stayed pending the Respondent's appeal and such a request is granted by the Honor Code Officer or Honor Code Board, as applicable.

Authority: T.C.A. § 49-9-209(e); *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; and Public Acts of Tennessee, 1807, Chapter 64. Administrative History:* Original rules filed September 30, 2019; effective December 29, 2019.

1720-02-01-.12 RECORDS OF HONOR CODE VIOLATIONS.

- (1) Maintenance. A student's records relating to violations of the Honor Code are maintained by the Office of Student Conduct as part of the student's Student Conduct Record. Records related to grade modifications or withdrawals resulting from violations of the Honor Code are also maintained by the University Records Office as part of a student's academic record.
- (2) Disclosure. A student may inspect and review his or her own Student Conduct Records upon request to the Office of Student Conduct. The Office of Student Conduct may disclose a student's Student Conduct Records to other persons upon written consent of the student. The Office of Student Conduct may disclose a student's Student Conduct Records to other persons, including other University Officials, without written consent from the student only in accordance with federal or state law.
- (3) Retention and Disposal of Student Conduct Records. The University will retain a student's Student Conduct Records for a period of seven (7) years after the student's last date of enrollment with the University, unless required to retain the records for a longer period of time by law or as otherwise provided in this Section .12(3). The Office of Student Conduct will permanently retain Student Conduct Records for students who receive one (1) or more of the following disciplinary sanctions (or equivalent sanctions under previous versions of the Honor Code and/or Student Code of Conduct) from the University: Suspension, Permanent Dismissal, Withholding of Degree, and Revocation of Degree.

Authority: T.C.A. § 49-9-209(e); *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; and Public Acts of Tennessee, 1807, Chapter 64. Administrative History:* Original rules filed September 30, 2019; effective December 29, 2019.