

Proposed Rules  
of  
The Tennessee Board of Regents  
State University and Community College System of Tennessee  
Middle Tennessee State University

Chapter 0240-03-04  
Student Disciplinary Rules

Presented herein are proposed amendments of the Tennessee Board of Regents submitted pursuant to Tennessee Code Annotated, §4-5-202 in lieu of a rulemaking hearing. It is the intent of the Tennessee Board of Regents to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed amendments are published. Such petition to be effective must be filed in Suite 350 of the Genesco Park Building located at 1415 Murfreesboro Road, Nashville, TN 37217 and in the Department of State, Eighth Floor, William R. Snodgrass Tower, 312 Eighth Avenue, North, Nashville, TN 37243, and must be signed by twenty-five (25) persons who will be affected by the rules, or submitted by a municipality which will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of this proposed rule, contact: Mary M. Slater, 1415 Murfreesboro Road, Suite 350, Nashville, Tennessee 37217, Tennessee Board of Regents, 615-366-4437.

The text of the proposed amendments is as follows:

Amendments

1. Paragraphs (5) and (6) of Rule 0240-03-04-.01 General Provisions are amended by deleting the text of the paragraphs and substituting the following language, so that, as amended, paragraphs (5) and (6) shall read:

- (5) Dual Responsibilities. Students are responsible to both civil and criminal authorities and to the University for conduct that constitutes violations of law and of University regulations. Disciplinary actions pursuant to these regulations may be carried out prior to, simultaneously with, or following civil or criminal proceedings without pendency of civil or criminal litigation in court or criminal arrest and prosecution. Disciplinary outcomes including finding of responsibility and the imposition of sanctions shall not be subject to change as a result of criminal or civil outcome
  
- (6) Scope of Regulations. Disciplinary action may be taken against a student for violation of the regulations which occur on institutionally owned, leased, or otherwise controlled property or which occur off campus when the conduct impairs, interferes with, or obstructs any institutional activity or the mission, processes, and functions of the institution. In addition, disciplinary action may be taken on the basis of any conduct on or off campus that poses a substantial threat to persons or property within the institutional community. The Assistant Dean for Judicial Affairs and Mediation Services in consultation with appropriate university officials shall decide if disciplinary action shall be taken for off-campus conduct on a case-by-case basis. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree even when the conduct occurs prior to the beginning of classes and in between semesters. This includes conduct that is discovered after the awarding of a degree. Should a student choose to withdraw from the university with disciplinary action pending, the student's record will be encumbered by the Office of Judicial Affairs and Mediation Services.

Authority: T.C.A. §49-8-203.

2. Subparagraph (a) of paragraph (2) of Rule 0240-03-04-.02 Disciplinary Offenses is amended by deleting the text of the subparagraph, including parts 1 through 4 and substituting the following language, so that, as amended, subparagraph (a) and parts 1 through 4 shall read:

- (a) Conduct Dangerous to Self or Others. Any 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. Harassment of any kind
  - 4. Harm inflicted on self

3. Subparagraph (d) (including parts 1. through 3.) of paragraph (2) of Rule 0240-03-04-.02 Disciplinary Offenses is further amended by deleting the text of the subparagraph and its parts and substituting the following language, so that, as amended, subparagraph (d) shall read:

- (d) Obstruction of or interference with institutional activities or facilities. Any interference with or obstruction of any institutional activity, program, event, or facilities, including the following:
  - 1. Any unauthorized occupancy or entry of institution or institutionally controlled facilities or blockage of access to or from such facilities.
  - 2. Interference with the right of any institution member or other authorized person to gain access to any institution or institutionally controlled activity, program, event, or facility.
  - 3. Any obstruction or delay of a campus security officer, fireman, or any institution official in the performance of his or her duty.
  - 4. Participating in behavior that disrupts the scheduled and/or normal activities of the university.

5. Interference of either (1) the instructor's ability to conduct class, or (2) the ability of other students to participate in and profit from instructional activity.

- 4. Subparagraph (f) of paragraph (2) of Rule 0240-03-04-.02 Disciplinary Offenses is further amended by deleting the text of the subparagraph and substituting the following language, so that, as amended, subparagraph (f) shall read:
  - (f) Theft, Misappropriation, or Unauthorized Sale. Any act of theft, misappropriation, or unauthorized possession or sale of institution property or any such act against a member of the institution community or a guest of the institution, including identity theft;

5. Subparagraph (h) of paragraph (2) of Rule 0240-03-04-.02 Disciplinary Offenses is further amended by deleting the text of the subparagraph and substituting the following language, so that, as amended, subparagraph (h) shall read:

- (h) Firearms and Other Dangerous Weapons. Possession of or use of firearms or dangerous weapons of any kind. This includes the possession or use of any kind of ammunition;

6. Paragraph (2) of Rule 0240-03-04-.02 Disciplinary Offenses is further amended by adding a new subparagraphs (ff) through (ii). New subparagraphs (ff) through (ii) shall read:

- (ff) Abuse of computer resources and facilities. Misusing and/or abusing campus resources including, but not limited to, the following:
  - 1. Use of another person's identification and/or password.
  - 2. Use of university resources and facilities to violate copyright laws.
  - 3. Unauthorized access to a file, including but not limited to, altering, using, reading, copying, or deleting the file.
  - 4. Unauthorized transfer of a file.
  - 5. Use of computing resources and facilities to send abusive or obscene correspondence and/or interference with normal operation of the university computing system.
  - 6. Use of computing resources and facilities to interfere with the work of another student, faculty member, or university official.
  - 7. Violation of any published Information Technology Resources policy.
- (gg) Unauthorized access to institutional facilities and/or grounds. Any access and/or occupancy of institutional 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.
- (hh) Providing false information to a university official. Giving any false information to any identifiable university official acting in the performance of his/her duties, or withholding of necessary information, in connection with a student's admission, enrollment, or status in the institution.
- (ii) Unauthorized Surveillance. Making unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy. 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.

Authority: T.C.A. §49-8-203.

7. Paragraph (2) of Rule 0240-03-04-.03 Disciplinary Sanctions is amended by adding new subparagraphs (k) through (m). New subparagraphs (k) through (m) shall read:

- (k) Revocation of Admission and/or Degree following admission to the university and/or a degree awarded from the university may be revoked for serious violations committed by a student prior to beginning classes or prior to graduation.

- (l) Withholding of Degree. The awarding of a degree may be withheld until all disciplinary processes are complete and all sanctions, if any, are satisfactorily completed. The submission of false information at the time of admission or readmission is grounds for rejection of the application, withdrawal of any offer of acceptance, cancellation of enrollment, dismissal or other appropriate disciplinary action.
- (m) Educational Sanction – a student may be required to complete educational activities, programs, presentations, or any other learning experience deemed necessary by the judicial coordinator.

Authority: T.C.A. §49-8-203.

8. Subparagraph (e) of paragraph (4) of Rule 0240-03-04-.04 Disciplinary Procedures is amended by deleting the last sentence of the subparagraph, so that, as amended, subparagraph (e) shall read:

- (e) In the event a student believes he/she has been erroneously accused of academic misconduct, and at the discretion of the Assistant Dean of Student Life, a hearing before the University Discipline Committee may be arranged. If the student is found responsible for the allegation(s) of academic misconduct, the grade, as assigned by the instructor, will stand. Should the Discipline Committee absolve the student of the allegations of academic misconduct, the faculty member will reassess the student's grade based on the Discipline Committee's finding.

Authority: T. C. A. §49-8-203.

The proposed rules set out herein were properly filed in the Department of State on the 16th day of January, 2007 and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 31st day of May, 2007. (01-10-07)