This hearing has been cancelled. See page 21.

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Sequence Number: 02-25-20
Notice ID(s): 3072
File Date: 2/28/2020

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Tennessee State University Board of Trustees
Division:	
Contact Person:	Laurence Pendleton
Address:	3500 John A. Merritt Blvd, Nashville, TN 37209
Phone:	615-963-7925
Email:	Laurence.pendleton@tnstate.edu

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	Corey Harkey
Address:	
Phone:	615-963-7970
Email:	charkey@tnstate.edu

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Tennessee State University, Conference Room 242, Ned McWherter Administration Building		
Address 2:	3500 John A. Merritt Blvd		
City:	Nashville		
Zip:	37209		
Hearing Date :	04/27/2020		
Hearing Time:	1:00 pm CST/CDT	___CST/CDT ___EST/EDT	

Additional Hearing Information:

Revision Type (check all that apply):

___ Amendment
_X_ New
___ Repeal

Rule(s) (**ALL** chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	**Chapter Title**
0240-08-01	Student Conduct
Rule Number	**Rule Title**
0240-08-01-.01	Purpose
0240-08-01-.02	Scope
0240-08-01-.03	Definitions

0240-08-01-.04	General Provisions
0240-08-01-.05	Prohibited Conduct
0240-08-01-.06	Academic and Classroom Misconduct
0240-08-01-.07	Disciplinary Sanctions
0240-08-01-.08	Disciplinary Procedures
0240-08-01-.09	Appeals
0240-08-01-.10	Academic Misconduct Disciplinary Committee

Rules
Of Tennessee State University

Chapter 0240-08-01 Student Conduct

New Chapter

Table of Contents is added to Chapter 0240-08-01 Student Conduct and shall read as follows:

0240-08-01.01 Purpose
0240-08-01.02 Scope
0240-08-01.03 Definitions
0240-08-01.04 General Provisions
0240-08-01.05 Prohibited Conduct
0240-08-01.06 Academic and Classroom Misconduct
0240-08-01.07 Disciplinary Sanctions
0240-08-01.08 Disciplinary Procedures
0240-08-01.09 Appeals
0240-08-01.10 Academic Misconduct Disciplinary Committee

0240-08-01 -.01 Purpose is added to Chapter 0240-08-01 Student Conduct and shall read as follows:

0240-08-01-.01 Purpose

(1) Tennessee State University (TSU or University) is committed to fostering a campus environment that is devoted to learning, growth, and service. TSU accepts and practices the core values of honesty and integrity, respect for diversity, positive engagement in the community, and commitment to non-violence. Additionally, TSU has the responsibility and obligation to its students, faculty, and community to maintain an academic environment that promotes intellectual pursuits and harmonious interpersonal relationships between its various public and constituents.

(2) TSU Students are citizens of the state, local, and national governments and of the academic community and are, therefore, expected to conduct themselves as law-abiding members of each community at all times. Admission to TSU carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by non-students.

(3) In recognition of the special relationship that exists between TSU and the academic community which it seeks to serve, the TSU Board of Trustees has authorized the President to take such action as may be necessary to maintain campus conditions and preserve the integrity of the institution and its educational environment.

(4) The University recognizes its obligation to protect the rights and privileges of its students in accordance with the guarantees afforded all citizens under the Constitution of the United States and due process as interpreted by appropriate judicial authority.

240-08-01 -.02 Scope is added to Chapter 0240-08-01 Student Conduct and shall read as follows:
0240-08-01-.02 Scope

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

(2) This rule and related policies apply both to Student(s) or Registered Student Organization(s) (RSO) prohibited conduct on and off TSU Property.

(3) In the case of prohibited conduct that occurs off TSU property, TSU will take into account whether the prohibited conduct adversely affects the interests of TSU, including, but not limited to, prohibited conduct that:

(a) Occurs in connection with a TSU Activity, including, but not limited to, a study abroad program, clinical, internship, service learning placement, or similar program; or

(b) Involves another member of the TSU community; or

(c) Poses a credible, serious threat to the health or safety of the TSU community or TSU Property.

(4) TSU will take into consideration at least the following standards, but may consider others, when deciding whether misconduct is associated with a Registered Student Organization:

(a) The prohibited conduct is endorsed by the organization or any of its officers. "Endorsed by" includes, but is not limited to, the following: active or passive consent or support, having prior knowledge that the conduct was likely to occur, or helping to plan, advertise, or promote the conduct;

(b) The prohibited conduct took place during the course of an activity paid for by the organization or paid by members of the organization to support the activity or conduct in question;

(c) The prohibited conduct occurred on property owned, controlled, rented, leased, or used by the organization or any of its members for an organizational event;

(d) The prohibited conduct was related to initiation, admission into, affiliation with, or as a condition for continued membership in the organization;

(e) One or more officers of the organization had prior knowledge or reasonably should have known the prohibited conduct would likely take place.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).

0240-08-01 -.03 Definitions is added to Chapter 0240-08-01 Student Conduct and shall read as follows:

0240-08-01 -.03 Definitions

(1) Notice- For the purposes of this rule, a notice is a written communication sent to a Student or student organization. Notice to the Student or student organization may be provided in three ways: 1) hand delivered; 2) via the Student's official TSU email account; or, 3) a hard copy letter sent via US mail to the Student's local address on file with TSU. A notice sent to a student organization will be hand delivered or sent to the organization's president at that Student's TSU email address or his/her local address. Students have the responsibility to regularly check their University-issued email accounts and to ensure that the local address on file with TSU is current. The requirement to provide notice will be satisfied by any one of the three ways to provide notice, and any period for response will begin on the date the notice is hand delivered or the email and/or letter is sent/mailed, whichever occurs first.

(2) Student - any individual who is admitted, enrolled, or registered for credit courses at TSU or who may no longer be enrolled or registered for credit courses but engaged in prohibited conduct while a Student at TSU. For the purposes of this rule, "admitted" means in attendance at TSU on either the first day of classes, or on the first day residence halls are open, or the first day of the student orientation, advising, and registration program, whichever is earlier. It also includes 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 individual is under suspension or removal from campus as a sanction from an investigation or finding of a violation of the policy governing student conduct.

(3) Registered Student Organization (RSO) - Any organization comprised primarily of currently enrolled Students that have successfully completed the registration process with the Division of Student Activities and otherwise complied with TSU policies and requirements related to student organizations.

(4) TSU Property - all land, buildings, facilities, grounds, structures, or any other property including but not limited to movable objects owned, leased, used, maintained, or operated by TSU. For purposes of this rule, TSU Property includes all streets, alleys, sidewalks, and public ways abutting such property. TSU Property also includes computers and network systems owned, maintained, or controlled by TSU or funded by TSU.

(5) TSU Activity - any activity on or off TSU Property that is initiated, aided, authorized, sponsored, or supervised by TSU.

(6) University Official - an employee or agent of TSU, including but not limited to university police, faculty members and staff acting in the performance of his/her/its duties as well as Student employees (e.g., event staff, resident assistants, graduate or teaching assistants, etc.).

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).

0240-08-01 -.04 General Provisions is added to Chapter 0240-08-01 Student Conduct and shall read as follows:

0240-08-01 -.04 General Provisions

(1) Students and student organizations and its members while acting in their capacity as members of, or while attending or participating in any activity of the organization, shall be subject to all rules and policies of the University. The Office of Student Conduct shall have jurisdiction over all disciplinary matters involving Students and student organizations when the Student Code of Conduct is implicated.

(2) Each Student or RSO shall be responsible for his/her/its conduct from the time of admission to TSU through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms.

(3) A Student or RSO is responsible for his/her/its guests or visitors and may be held accountable for the behavior of his/her/its guests or visitors on TSU Property or in the handling or use of TSU Property.

(4) Any Student that chooses to take a leave of absence or withdraw from TSU during any academic period prior to graduation with a pending disciplinary matter will be subject to a disciplinary hold placed on the Student's account preventing reenrollment until resolution of the conduct in question. TSU will not confer a degree when a Student has a pending disciplinary meeting and/or disciplinary proceeding or during a Student's disciplinary suspension.

(5) In the event a Student is subject to a failing grade/class as a result of academic misconduct or to disciplinary sanction, including but not limited to suspension or expulsion, for any violation under this rule, the University shall have no obligation to make any refund for courses, housing, or otherwise, nor have any responsibility whatsoever for financial or administrative consequences that may occur as a result of the imposition of such sanction, except as otherwise required by applicable law.

(6) Any timelines included in this rule can be extended for good cause.

(7) This rule and any policy or procedure related to it may be changed to remain consistent with changes in applicable law.

(8) 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.

(9) Retention of Records. Disciplinary records are maintained by the Office of Student Conduct. A permanent disciplinary file will be maintained if a Student is suspended or expelled from the University. Files developed in cases in which a lesser sanction has been imposed will be retained for a period of five (5) years after date of action unless the sanction(s) specify that they should be retained for a longer period. Files developed in cases that are covered under the Clery Act will be retained for a period of seven (7) years after the date of action per federal requirements. Files developed in cases where a Student is found not responsible for student conduct rules violations will be maintained for statistical purposes; however, the record will not be reportable as an official disciplinary record in that Student's name.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).

0240-08-01-.05 Prohibited Conduct is added to Chapter 0240-08-01 Student Conduct and shall read as follows:

0240-08-01-.05 Prohibited Conduct

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

(2) Individual or organizational misconduct that is subject to disciplinary sanction shall include, but is not limited to, the following:

a. Conduct dangerous to others - Causing physical harm to any person; endangering the health, safety, or welfare of any person; engaging in conduct that causes a reasonable person to fear harm to his/her health, safety, or welfare; or making an oral or written statement that an objectively reasonable person hearing or reading the statement would interpret as a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals;

b. Hazing. Hazing, as defined in T.C.A. § 49-7-123(a) (1), means any intentional or reckless act, on or off the property, of any higher education institution by an individual acting alone, or with others, which is directed against any other person(s) that endangers the mental or physical health or safety of that person(s), or which induces or coerces a person(s) to endanger such person(s) mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization;

c. Disorderly conduct – Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, or disorderly or which unreasonably disturbs institutional function, operations, classrooms and other groups or individuals. Also includes, engaging in oral or written speech that is obscene; is defamatory; consists of fighting words; or is directed to inciting or producing imminent lawless action and is likely to incite or produce such action;

d. Obstruction of or interference with institutional activities or facilities – Any intentional interference with or obstruction of any institutional activity, program, event, or facilities including the following:

1. Any unauthorized occupancy of facilities owned or controlled by an institution or blockage of access to or from such facilities.

2. Interference with the right of any institution member or other authorized person to gain access to any institutional or institutional controlled activity, program, event, or facility sponsored by the institution.

3. Any obstruction or delay of a campus police officer, fireman, campus security officer, public safety officer, EMT or failure to comply with any emergency directive issued by such person

in the performance of his or her duty or any institutional official in the performance of his/her duty.

e. Misuse of or damage to property – Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring, or unauthorized use of property belonging to the institution, including but not limited to fire alarms, fire equipment, elevators, telephones, institution keys, or library materials, or any unwarranted destruction, defacing, disfiguring, or unauthorized duplication or use of property belonging to the institution or another, including but not limited to fire alarms, fire equipment, elevators, telephones, institution keys, library materials, and/or safety devices; or any such act against a member of the institution community or a guest of the institution.

f. Theft, misappropriation, or unauthorized sale of Property – Any act of theft, misappropriation, or unauthorized possession or sale of institution Property or any such act against a member of the institution community, a guest of the institution, or the personal property of a member or guest of the TSU community.

g. Misuse of documents or identification cards – Any forgery, alteration of or unauthorized use of institution documents, forms, records, institutional keys, or identification cards, including the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment, or status in the institution.

h. Firearms and other dangerous weapons – Any possession of or use of firearms, dangerous weapons of any kind, or replica/toy guns, e.g. BB guns, pellet guns, paintball guns, water guns, cap guns, toy knives or other items that simulate firearms or dangerous weapons.

i. Explosives, fireworks, and flammable materials – The unauthorized possession, ignition, or detonation of any object or article that could cause damage by fired or other means to people or property, or possession of any substance which could be considered to be and used as fireworks.

j. Alcoholic beverages – The use and/or possession of alcoholic beverages on institution owned or controlled property. This offense includes the violation of any local ordinance, state, or federal law concerning alcoholic beverages, on or off institution owned or controlled property, where an affiliated group or organization has alcoholic beverages present and available for consumption.

k. Drugs – The unlawful possession or use of any drug or controlled substance (including, but limited to, any stimulant, depressant, narcotic or hallucinogenic drug, or marijuana), or the sale or distribution of any such drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession or use of drugs, on or off institution owned or controlled property. TSU fully supports the "Drug Free Schools and Campuses Act" and the "Drug Free Schools and Communities Act Amendment of 1989."

l. Drug paraphernalia – The use or possession of equipment, products or materials that are used or intended for use in manufacturing, growing, using or distributing any drug or controlled substance. This offense includes the violation of any local ordinance state, or federal law concerning the unlawful possession of drug paraphernalia, on or off institution owned or controlled property.

m. Public intoxication – Appearing on institution owned or controlled property or at an institutional sponsored event while under the influence of a controlled substance or of any other intoxicating substance.

n. Gambling – Unlawful gambling in any form.

o. Misuse of computers or computing resources and facilities – Misusing and/or abusing campus computer resources including, but not limited to the following:

1. Use of another person's identification to gain access to institutional computer resources;
2. Use of institutional computer resources and facilities to violate copyright laws, including, but not limited to, the act of unauthorized distribution of copyrighted materials using institutional information technology systems;
3. Unauthorized access to a computer or network file, including but not limited to, altering, using, and reading, copying, or deleting the file;

4. Unauthorized transfer of a computer or network file;
5. Use of computing resources and facilities or the Student's personal electronics or social media accounts, to send abusive, obscene, or threatening correspondence;
6. Use of computing resources and facilities in a manner that interferes with normal operation of the institutional computing system,
7. Use of computing resources and facilities to interfere with the work of another student, faculty member, or institutional official;
8. Violation of any published information technology resources policy;
9. Unauthorized peer-to-peer file sharing.

p. Financial irresponsibility – Failure to meet financial responsibilities to the institution promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the institution or to a member of the institution community acting in an official capacity, or failure to pay outstanding bills.

q. Unacceptable conduct in disciplinary proceedings – Any conduct at any stage of an institutional disciplinary proceeding or investigation that is contemptuous, disrespectful, threatening, or disorderly, including but not limited to 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. This can include the willful failure to participate or otherwise obstruct the disciplinary proceedings or investigation.

r. Failure to cooperate with University Officials – Failure to comply with directions of University Officials, faculty, or staff acting in the performance of their duties.

s. Attempts at or aiding and abetting the commission of an offense – Any attempt to commit any of the offenses listed under this section or the aiding or abetting of the commission of any of the offenses listed under this section (an attempt to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission). Being present during the planning or commission of any offense listed under this section will be considered as aiding and abetting. Students who anticipate or observe an offense must remove themselves from the situation and are required to report the offense to the institution.

t. Failure to notify – Failure of students certified to receive educational benefits for veterans to notify the Office of Veteran Affairs of any changes in their program that will affect their certification status.

u. Discrimination, Harassment or Retaliation – Any act by an individual or group against another person or group in violation of University policy as may be amended, as well as federal and/or state laws prohibiting discrimination. These matters must be submitted to the Office of Equity and Inclusion for full investigation.

v. Sexual Misconduct. An offense including acts of sexual assault, domestic violence, dating violence and/or stalking in violation of University policy as may be amended, as well as federal and/or state laws prohibiting said acts. All matters involving allegations of sexual misconduct will be governed by the procedures set for in University policy and handled by the Office of Equity and Inclusion;

w. Academic Misconduct. Plagiarism, Cheating, Fabrication – For purposes of this section, the following definitions apply.
1. Plagiarism. The adoption or reproduction of ideas, words, statements, images or works of another person as one's own proper attribution.
2. Cheating. Includes, but is not limited to, using or attempting to use unauthorized materials, information, or aids in any academic exercise or test/examination. The term academic exercise includes all forms of work submitted for credit hours.
3. Fabrication. Unauthorized falsification or invention of any information or citation in an academic exercise.
4. Classroom Misconduct – Disruptive behavior in the classroom.

x. Litter. Dispersing litter in any form onto the grounds or facilities of the campus;

y. 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;

z. Unauthorized Access to Institutional Facilities and/or Grounds. Any unauthorized 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;

aa. Providing False Information. Giving any false information to, or withholding necessary information from, any institutional official acting in the performance of his/her duties in connection with a student's admission, enrollment, or status in the institution.

bb. Invasion of Privacy: Making, or causing to be made, unauthorized video/audio recordings 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 restrooms, as well as any storing, sharing, and/or distributing of such unauthorized recordings/images by any means. This can also include voyeurism without recording/photography.

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

dd. Disregarding fire drills – Failure to evacuate university facilities or willfully disregarding any emergency or fire alarm signal.

ee. Use of sirens and loudspeakers – Unauthorized use of sirens, loudspeakers, and other sound amplification equipment.

ff. Improper use of student identification cards - (i) Failure to possess at all times a valid student identification card. (ii) Failure to surrender identification card to university officials upon proper request. (iii) Transferring usage of identification card to other persons.

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

hh. Smoking Violations. Violation of any TSU smoking or other tobacco use rules or policies.

ii. Parking or Traffic Violations: Violation of any TSU parking or traffic rules or policies. In addition to the penalties described in TSU rules or policies related to traffic, parking, and safety and elsewhere in this rule, the possession or use of a motor vehicle on TSU Property may be limited or revoked for any of the following:

1. Possession or use of alcoholic beverages or drugs while operating a vehicle;

2. Irresponsible operation of a vehicle;

3. Leaving the scene of an accident;

4. Failure to report an accident involving personal injury or property damage;

5. Excessive violations of policies to include excessive parking citations;

6. Falsifying vehicle registration, gaining such registration under false pretense, or failing to register a motor vehicle; or

7. Possession, use, or sale of fraudulent parking permits;

jj. Violation of Policies: Any violation of the general rules and policies of TSU as published in a TSU publication including, but not limited to, rules, policies or procedures published on TSU's website, the Student Handbook or Residence Life Campus Living Brochure or Policies, including the intentional failure to respond to any required action or the intentional performance of any prohibited action.

kk. Violations of State or Federal Laws: Any violation of state or federal laws, rules, regulations, etc. proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference;

ll. Violation of Imposed Disciplinary Sanctions: Intentional or unintentional violation of a disciplinary sanction officially imposed by a University Official or a constituted body of the University, including but not limited to during a TSU hearing proceeding.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).

0240-08-01-.06 Academic and Classroom Misconduct is added to Chapter 0240-08-01 Student Conduct and shall read as follows:

0240-08-01-.06 Academic and Classroom Misconduct

(1) The instructor has the primary responsibility for control over classroom behavior and maintenance of academic integrity and can order the temporary, or one day, removal or exclusion from the classroom of any student engaging in disruptive conduct or conduct violating the general rules and regulations of the University. Any exclusion beyond the one class period where the student is being disruptive or further disciplinary action can be effected only through appropriate procedures established by the University. Removal from the classroom for one class period by faculty does not constitute a disciplinary suspension or expulsion.

(2) Academic dishonesty may be defined as any act of dishonesty in academic work. This includes, but is not limited to, plagiarism, the changing or falsifying of any academic documents or materials, cheating and giving or receiving of unauthorized aid in tests, examinations or other assigned work. Students guilty of academic misconduct, either directly or indirectly through participation or assistance, are immediately responsible to the instructor of the class. The instructor has the authority to assign an appropriate grade for the exercise or examination, proportional to the nature and extent of academic misconduct, including an "F" for the assignment/test or an "F" in the course. Such grading changes, even those that result in academic ineligibility for a program, do not constitute disciplinary suspensions or expulsions from the University. Disciplinary sanction beyond adjusted grades or a "F" in the course shall only be imposed through the appropriate University disciplinary process set forth in Rule 0240-08-01-.08 Disciplinary Procedures.

(3) Students may appeal a grade assignment or failing course associated with a finding of academic misconduct, as distinct from a student disciplinary action, through appropriate institutional academic grade appeal procedures. Courses may not be dropped pending the final resolution of an allegation of academic misconduct.

(4) Disruptive behavior in the classroom may be defined as, but is not limited to, behavior that obstructs or disrupts the learning environment (e.g., repeated outbursts from a student which disrupts the flow of instruction or prevents concentration on the subject taught, failure to cooperate in maintaining classroom decorum, the presence of non-enrolled visitors in the classroom, or the continued use of any electronic or other noise or light emitting device which disturbs or interrupts the concentration of others (e.g., disturbing noises from beepers, text messaging, cell phones, palm pilots, laptop computers, games, etc.)).

(5) Class attendance and punctuality requirements are established by the faculty through the printed syllabus for each course. Students are expected to attend class regularly and on time and are responsible for giving explanations/rationale for absences and lateness directly to the faculty member for each course in which they are enrolled. In cases where student absences are the result of emergency circumstances (e.g., death in the family, a student's serious injury or incapacitating illness), for which student(s) are unable to make immediate contact with faculty, the Student may contact the appropriate student affairs office for assistance in providing such immediate notification to faculty. However, the student remains responsible for verifying the emergency circumstances to faculty and for discussing arrangements with faculty for possible completion of coursework requirements, if feasible.

0240-08-01-.07 Disciplinary Sanctions is added to Chapter 0240-08-01 Student Conduct and shall read as follows:

0240-08-01-.07 Disciplinary Sanctions

(1) Upon a determination by a preponderance of evidence (unless otherwise required by federal or state law, rules, or regulation) that a Student or RSO has violated any of the rules, policies or disciplinary offenses set forth in this Code of Student Conduct, disciplinary sanctions that may be imposed, either singularly or in combination, by the appropriate University Official(s), include but are not limited to the sanctions referenced below.

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

b. Fine – Penalties in the form of monetary fines may be imposed whenever the appropriate University 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 being taken.

c. Warning – The appropriate University Official may notify the Student or RSO that continuation or repetition of specified conduct may be cause for further disciplinary action.

d. Reprimand – A written or verbal reprimand, or censure, may be given to any Student or organization whose conduct violates part of the Code of Conduct. Such a reprimand does not restrict the Student in any way, but it does have important consequences. It signifies to the Student that he or she is in effect being given another chance to conduct himself or herself as a proper member of the university community but that any further violation may result in more serious penalties.

e. Apology – A Student or RSO may be given the opportunity, under certain circumstances, to voluntarily apologize to an affected party, either verbally or in writing, as an alternative or in addition to the imposition of other disciplinary sanctions, for the behavior related to a disciplinary offense.

f. Restriction – A restriction upon a Student's or RSO's privileges for a period of time may be imposed. This restriction may include, for example, denial of the right to represent the University in any way, restrictions on university sponsored travel and events, denial of the use of facilities, parking privileges, restriction of application or use of TSU funds, or restrictions involving the participation in any extra-curricular activities, organizational privileges, athletic events, or on an athletic team.

g. Referral to the University Counseling Center or appropriate healthcare provider is never to be considered as a punishment for any specified behavior. Participation in counseling treatment is strictly voluntary and highly confidential, but the Student may be referred to the university-counseling center or an appropriate health care provider for an evaluation to determine if the student poses a threat to the campus community. The appropriate University Official may issue appropriate directives regarding a student's continued presence on campus in connection with the referral referenced herein.

h. Community or Educational Project – A project beneficial to the individual, campus, and/or community may be required. The project will be related to the offense the Student or RSO is guilty of violating.

i. Assignment of work hours – A specified number of supervised hours of work to be completed on campus may be assigned. This work will be commensurate to the offense the Student or RSO is guilty of violating.

j. No Contact Order: An order of no contact with any individuals who are complainants, victims or witnesses in the student conduct process. This includes, but is not limited to, verbal, written, electronic, cellular, physical, or social contact, or allowing others to make any similar contacts on a Student's behalf. An order of no contact can also be issued as an interim measure prior to the completion of the disciplinary process;

k. Probation. Continued enrollment of a Student or recognition of a RSO on probation may be dependent upon adherence to the Code of Student Conduct. Any Student or RSO placed on probation will be notified of such in writing and will also be notified of the terms and length of the probation. Probation may include restrictions upon the extracurricular activities, participation on athletic teams, or any other appropriate special conditions. Any conduct in violation of this Code while on probationary status may result in the imposition of a more serious disciplinary sanction.

l. Suspension. If a Student is suspended, he or she is deprived of student status and is separated from the University for a stated period of time with conditions of readmission stated in the notice of suspension. The suspension shall appear on the Student's disciplinary record regardless of whether or not such Student is successfully readmitted.

m. Expulsion. Expulsion entails a permanent separation from the University. The imposition of this sanction is a permanent bar to the Student's readmission or RSO to the institution. TSU policy requires that any Student or RSO receiving a penalty of expulsion shall be restricted from the campus of TSU during the period of expulsion unless on official business with the University verified in writing by an appropriate University Official.

n. Revocation. Revocation of admission, degree and/or credential, or of the RSO.

o. Withholding Degree: The awarding of a degree may be withheld until all disciplinary processes are complete and all sanctions, if any, are satisfactorily completed;

p. Housing Probation. Continued residence on campus or student housing may be conditioned upon adherence to this rule or related policies as well as institutional housing policies. Any resident placed on housing probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon the activities of the resident, including any other appropriate special condition(s).

q. Housing Suspension and Forfeiture. A resident suspended from housing may not reside, visit, or make any use whatsoever of a housing facility or participate in any housing activity during the period for which the sanction is in effect. A suspended resident shall be required to forfeit housing fees (including any unused portion thereof and the Housing Deposit). A suspended resident must vacate the housing unit. Housing suspension shall remain a part of the Student resident's disciplinary record. A Student may be immediately removed from campus or student housing for violations of the University's housing policy or residence agreement under the interim suspension standards.

r. Removal or suspension from an athletic team.

s. Interim Suspension. As a general rule, the status of a Student or RSO accused of violations of these regulations should not be altered until a final determination has been made in regard to the charges. However, interim suspension may be imposed upon a finding by the Dean of Students or designee that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused or of any other member of the University community or its guests, destruction of property, or substantial disruption of classroom, other campus activities, or the disciplinary investigation. During an interim suspension, the Student, or RSO, shall be denied access to campus facilities, classes, and/or all other university activities or privileges unless prior approval has been granted by the Dean of Students/Chief Judicial Officer. In any case of interim suspension, the Student, or RSO, shall be given an opportunity at the time of the decision, or as soon thereafter as reasonably possible, to contest the suspension. If a Student or RSO chooses to challenge the imposition of an interim suspension, such challenge will occur as prescribed in Rule 0240-08-01-.08(5) Procedures Related to Interim Measures or Interim Suspensions.

t. Interim Measures: The Dean of Students or designee may impose temporary measures prior to the beginning of a formal student conduct process. The imposition of interim measures under this rule is separate and apart from the imposition of any interim measure imposed pursuant to an investigation or finding of discrimination, harassment, and sexual misconduct in accordance with applicable TSU policies. If the Dean of Students or designee imposes an interim measure under this rule, the Student or RSO may contest the measure following the procedures prescribed in Rule 0240-08-01-.08(5) Procedures Related to Interim Measures or Interim Suspensions. Interim measures may

become permanent depending on the outcome of the formal disciplinary hearing. Interim measures may include, but are not limited to:

1. No contact orders;

2. Removal from or reassignment of housing;

3. Removal from or reassignment of on campus work study or work assignments;

4. Removal from or reassignment of a specific class or academic activity;

5. Restriction of access to specified buildings or TSU Property;

6. Restriction of privileges; or

7. Other types of temporary measures;

u. Any alternate sanction deemed necessary and appropriate to address the misconduct at issue.

(2) Parental or Legal Guardian Notification: Pursuant to T.C.A. § 49-7-146, TSU is required to notify a parent or legal guardian 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, or a controlled substance analogue that is a violation of any federal, state, or local law, or any rule or policy of [TSU], except as prohibited by the Federal Education Rights and Privacy Act (FERPA) (20 U.S.C. § 12329)."

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).

0240-08-01 -.08 Disciplinary Procedures is added to Chapter 0240-08-01 Student Conduct and shall read as follows:
0240-08-01-.08 Disciplinary Procedures

(1) Responsibility for Administration

(a) The maintenance of order and the enforcement of the rules and policies of the University are vested with the President or his/her designee. This responsibility is generally delegated to the Vice President for Student Affairs or designee who in turn delegates this authority to the Dean of Students/Chief Judicial Officer or designee and the faculty and students appointed to participate in the administration of this rule. The Division of Student Affairs is responsible for matters that are within the scope of this rule and related policies on student conduct. The Division of the Vice President for Academic Affairs is responsible for matters that fall within TSU policies related to student academic misconduct. In situations where the conduct could fall within both areas of responsibility, the two (2) Divisions will confer, decide which rule or policies will apply to the matter, and advise the Student in writing of their decision.

(b) Complaints related to discrimination, harassment, and sexual misconduct will be investigated in accordance with applicable TSU policies. If TSU determines that a discrimination, harassment, or sexual misconduct violation occurred, the Student will be subject to the disciplinary procedures outlined in this rule and related policies.

(c) Other than the matters listed in this Section (a) related to student academic misconduct and (b) related to discrimination, harassment, and sexual misconduct, reports of acts and incidents involving conduct of Students or RSOs should be referred to the Division of Student Affairs.

(d) Upon receipt of a referral or information potentially warranting disciplinary action, the Division of Student Affairs will investigate and/or review for possible action.

1. Cases which are not subject to the contested case procedures under the Uniform Administrative Procedures Act and which involve very minor first offenses by Students or student organizations may be discussed informally with Students or student organizations. In such cases, no formal record will be maintained in the judicial records of TSU. The Dean of Students or designee shall note the name of the Student or student organization involved for the purpose only of determining a Student's or student

organization's prior involvement in a minor offense, when and if a second offense occurs at a later date. If the Student or student organization is subsequently involved in another violation of the regulations, at the discretion of the hearing body, this informal record will become part of the Student's or student organization's disciplinary record.

2. In the event disciplinary action is deemed as potentially warranted, the following process will apply.

(2) Preliminary Conference

(a) A Student or RSO accused of violating TSU's disciplinary policies, rules, or regulations shall be called before the Dean of Students or designee for a preliminary conference. The purpose of a preliminary conference is to ensure proper investigation of an alleged violation of the student conduct rules and determine whether there is a preponderance of the evidence to support the charges, and if so, to determine responsibility and appropriate sanctions. The Dean of Students or designee may interview potential witnesses or victims necessary to conduct a thorough investigation of the alleged violation. During the preliminary conference with the Dean of Students or designee, the Student or RSO will have the opportunity to contest the alleged violation and present information.

(b) The Student or RSO shall be provided notice with details on the date, time, and location of the preliminary conference with the Dean of Students or designee and such notice shall provide a basic description of the conduct for which he/she/it has been accused of committing.

(c) During the preliminary conference with the Dean of Students or designee, the Student or RSO will have the opportunity to explain his/her/its version of the behavior or incident or otherwise refute the allegations and present information.

(d) A Student or RSO may waive the right to a preliminary conference.

(e) If the Student or student organization alleged to have engaged in misconduct does not respond after having been provided notice of the preliminary conference or fails to appear for the preliminary conference, a disciplinary hold may be placed on the student's account or the registered student organization's privileges may be suspended, and the Dean of Students or designee may make a determination as to responsibility for the conduct violation based on the information gathered at that point and impose a sanction as deemed appropriate.

(f) Following the preliminary conference and investigation of the complaint taking into account all information gathered pertinent to the matter, as well as the information provided by, or on behalf of the Student or RSO, the Dean of Students or designee will determine if, by a preponderance of the evidence, sufficient information exists for the disciplinary process to continue and make findings as to whether a disciplinary offense has occurred, and if so, an appropriate disciplinary sanction, including possible suspension or expulsion. The Dean of Students or designee shall issue a written decision that includes his/her findings and conclusions.

1. If the Dean of Students or designee concludes a violation did not occur, the conduct matter will be closed.

2. If the Dean of Students or designee determines there is sufficient information to proceed with the disciplinary process, the Student or RSO shall have the opportunity for a hearing regarding the alleged violation.

(g) The majority of student disciplinary cases are resolved at the preliminary conference level when the Student or student organization accepts responsibility for the violation and the recommended sanction(s). However, if this does not occur, the matter may proceed to a hearing.

(3) Hearing Options

(a) Hearing Options in Cases of Possible Suspension, Expulsion, or Revocation of Degree or RSO Registration- If the Dean of Students or designee determines the alleged misconduct warrants

consideration of suspension, expulsion or revocation of degree or credential of a Student or revocation of registration of an RSO, the Student or RSO will have the opportunity to:

1. Accept the Dean of Students' or designee's findings and recommended disciplinary suspension or expulsion from the University;

2. Contest the alleged violation(s) and request a hearing before the Student Affairs Disciplinary Committee; or,

3. Contest the alleged violation(s) under the Uniform Administration Procedures Act (UAPA) in accordance with provisions outlined in the Uniform Administrative Procedures Act, Tennessee Code Annotated§ 4-5-301 et seq. and related rules.

(b) Hearing Options in Cases Not Involving Possible Suspension, Expulsion, or Revocation of Degree or RSO Registration- If the Dean of Students or designee determines the alleged misconduct warrants disciplinary sanction but does not warrant the sanctions of suspension, expulsion or revocation of degree or credential of a Student or revocation of registration of an RSO, the Student or RSO will have the opportunity to:

1. Accept the Dean of Students' or designee's findings and recommended disciplinary suspension or expulsion from the University; or,

2. Contest the alleged violation(s) and request a hearing before the Student Affairs Disciplinary Committee.

(c) Once advised of the hearing options, which may occur during the preliminary conference, the accused Student or RSO may elect to accept the finding and sanction from the Dean of Students or designee, or elect a hearing pursuant to UAPA (where appropriate), or waive a hearing pursuant to UAPA (where appropriate) to elect a hearing before the Student Affairs Disciplinary Committee. The election must be made in writing within three (3) class days of receipt of notice of pending charges against him/her or the student organization. Once the election is made, the Student or student organization cannot elect another option or revert back to the original decision rendered by the Dean of Students or designee. If a Student or RSO fails to make an election within three (3) class days of receipt of notice of pending charges, the Student or RSO waives all rights to the hearing, and the Dean of Students or designee has the discretion to deem the Student or RSO to have accepted the findings and determination of responsibility for misconduct and may impose appropriate sanction(s) for the misconduct.

(d) Issuance of a failing grade or a course or dismissal from a program for failure to meet any academic requirements does not constitute a disciplinary suspension or expulsion from the University and is not subject to the process outlined in this section. Such academic misconduct is only subject to the process as proscribed in 0240-08-01-.10 Academic Misconduct Disciplinary Committee.

(4) Hearings before the designated Student Affairs Disciplinary Committee

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

(b) The Chairperson shall be appointed by the Vice President of Student Affairs or designee.

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

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

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

(f) The Student Affairs Disciplinary Committee may undergo training provided by the Dean of Students or, as deemed appropriate by the General Counsel, other University offices or external trainers, on TSU hearing procedures.

(g) Notice and Due Process Rights Related to the Student Affairs Disciplinary Committee Hearings: For proceedings before the Student Disciplinary Committee, TSU will send a notification letter at least seventy-two (72) hours prior to the disciplinary proceeding. The notification letter will include, at a minimum:

1. The time, place, and date of the disciplinary proceeding;

2. A written statement of the alleged violation and/or description of the alleged behavior including time, date, and place of occurrence if such information is available;

3. Notice of the right to present his/her/its case;

4. Notice of the right to be accompanied by an advisor of choice, including an attorney (the advisor may not speak on behalf of the Student or RSO in the disciplinary meeting and shall be limited to directly advising the Student or RSO);

5. Notice of the right to call witnesses who can speak on his/her/its behalf (It is the Student or RSO's responsibility to contact his/her/its witnesses and inform them of the hearing unless the witness is also a University witness), to question all witnesses, to present evidence;

6. Notice of the right to address any information that is used by TSU in a disciplinary proceeding; and

7. Notice of an appeal option, if applicable.

8. In cases involving sexual misconduct, the names of witnesses TSU expects to present at the disciplinary proceeding and the names of witnesses TSU may present if the need arises;

9. In cases involving sexual misconduct, an explanation of the Student's or RSO's right to request a copy of the investigative file, which will be redacted as required by federal and state law;

10. In cases involving sexual misconduct, an explanation of the Student's or RSO's right to request copies of all documents, copies of all electronically stored information, and access to tangible evidence that TSU has in its possession, custody, or control and may use to support claims or defenses, unless use would be solely for impeachment. All such documents will be redacted as required by federal and state law.

(h) As a preliminary matter and prior to the commencement of the hearing before the Student Affairs Disciplinary Committee, the Student or RSO shall have the right to challenge the seating of any Student Affairs Disciplinary Committee member for bias, prejudice, interest, or any other good cause. The dismissal of a challenged hearing board member will be determined at the discretion of the Chairperson. If the Chairperson is challenged, s/he may be excused by a majority vote of the Student Affairs Disciplinary Committee.

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

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

(k) If the Student Affairs Disciplinary Committee finds that the Student did engage in the offense(s) for which he/she is charged, it shall determine an appropriate disciplinary sanction based on all relevant information, including but not limited to the Student's past record.

(l) The Student Affairs Disciplinary Committee will issue a written decision within five (5) working days following the conclusion of the hearing and transmit it to the Office of Student Conduct. The decision shall specify any violations found and recommend appropriate sanctions. The Student or RSO will be advised in writing of the decision and all sanctions imposed as a result of the disciplinary hearing.

(m) Record (Discipline) – A record which may consist of a taped or similar electronic recording, shall be made of the proceedings. Such record may be transcribed upon request by a party at the party's expense. If the University elects to transcribe the proceedings, any party shall be provided copies of the transcript upon payment of cost to the University. The record includes all evidence, statement, affidavits, or matters officially noticed.

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

(o) All hearings shall be closed unless the respondent and the complainant both elect in writing to have an open hearing and the University determines that an open hearing is not prevented for student privacy reasons or other good cause.

(p) The Student Affairs Disciplinary Committee shall determine responsibility using the preponderance of the evidence standard of proof unless otherwise required by federal or state law, rule, regulation, or TSU policies. This means that based on the information and evidence presented to the committee, it is more likely than not that the Student has violated the Student Code of Conduct.

(5) Procedures Related to Interim Measures or Interim Suspensions

(a) If a Student or RSO chooses to challenge the imposition of an interim suspension, a preliminary hearing will be conducted by at least a three (3) person panel of the Student Affairs Disciplinary Committee, in consultation with University Officials. The hearing will be scheduled within five (5) working days of the Student's, or RSO's, request for a hearing. The preliminary hearing committee's sole charge will be to determine whether the Dean of Students' or designee's interim suspension decision was arbitrary and capricious or constituted an abuse of discretion. During this preliminary hearing, the Student or RSO will be advised of the allegations against him/her/it and provided a summary of the evidence that supports the interim suspension. The information presented at the preliminary hearing will be limited to that which is relevant to the basis asserted for imposition of the interim measures. The Student or RSO will be afforded an opportunity to respond to the allegations. The preliminary hearing committee may, at its sole discretion, call witnesses or permit the Dean of Students or designee and the Student or RSO to call witnesses in support of their respective presentations. If the preliminary hearing committee upholds the Dean of Students' or designee's interim suspension decision, a formal hearing under the disciplinary procedures set forth in this policy shall be held as soon as practical, if applicable. If the preliminary hearing committee reverses the Dean of Students' or designee decision, the Vice President for Student Affairs or designee may, in his or her sole discretion, review the decision and uphold, modify or reverse the preliminary hearing committee's decision if he or she determines that the evidence does not support the preliminary hearing committee's determination.

(b) The Student or RSO will be entitled to formal hearing in accordance with the procedures described in 0240-08-01-.09 Sections 2 (Preliminary Conference), Section 3 (Hearing Options) and/or Section 4 (Hearings Before the Designated Student Disciplinary Committee), as appropriate, before a permanent measure is imposed.

(6) Conflicts of Interest
Consistent with the Student Due Process Protection Act, T.C.A. § 49-7-1704, student disciplinary proceedings involving a student accused of sexual misconduct must include protection for respondents and complainants analogous to, and no less protective than the conflict of interest provisions of T.C.A. § 4-5-303.

(7) Petitions for Readmission

(a) A Student or student organization who has been suspended from the University is not an active member of the University community. Thus, Students that have been suspended from the University for disciplinary reasons must petition to re-enter the University. In such instances, the petitioner must demonstrate that they have served the prescribed period of suspension and completed all listed conditions of their sanction. In order for a petition to be considered:

1. The petitioner must present a valid petition letter to the Division of Student Affairs a minimum of thirty (30) days prior to the class day for which the petitioner wishes to enroll.

2. The petitioner must provide documentary evidence that all conditions associated with their suspension have been satisfactorily completed in the time period outlined in the sanction letter.

3. The petitioner should include a letter describing the reason for the suspension, the behavioral changes the petitioner has made during the period of separation, and the educational career goals the petitioner wishes to pursue upon returning to the University.

(c) After consideration of the petitioners request to re-enter the University, the Dean of Student or designee may:

1. Grant the petition for readmission;

2. Deny the petition for readmission based on the petitioner's failure to demonstrate completion of the conditions associated with the suspension.

Authority: T.C.A. § 49-7-1704; T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).

0240-08-01 -.09 Appeals is added to Chapter 0240-08-01 Student Conduct and shall read as follows:

0240-08-01-.09 Appeals

(1) A Student or RSO may appeal the decision of the Student Affairs Disciplinary Committee following the procedures in this section. Students or student organizations subject to disciplinary action that does not include suspension or expulsion from the University, or revocation of recognition of the student organization, do not have an appeals option. For UAPA decisions, the appeal procedures are set forth in university policy and the UAPA.

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

(a) Some material error in procedure;

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

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

(3) Review by the Vice President or Designee– Upon receipt of an appeal filed by the Student or RSO, the Vice President for Student Affairs or designee shall review the decision of the Committee and/or the sanction imposed. The Vice President or designee shall render a decision on the Student's appeal based upon the contents of the Student's appeal filing, the record made at the hearing, the written decision of the Committee, and any other information the Vice President or designee deems relevant. The Vice President or designee shall issue a written decision within ten (10) working days after the filing of the appeal and receipt of all relevant information. The Vice President or designee may, at his or her own discretion, within ten (10) working days after the date on which the Student's right to appeal has expired, review the decision of the Dean of Students or designee or Student Affairs Disciplinary Committee absent an appeal. Upon review, the Vice President or designee may uphold, modify or reverse the decision, or determine the case does not meet the standards of an appeal. Once the Vice President or designee has made a decision, said decision will be delivered to the Student, and a copy shall be delivered to the Dean of Students/Office of Student Conduct.

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

(5) Alternative Resolution Process – At all times during the disciplinary process, the Dean of Students or other designated University Official may pursue alternative measures to resolve disciplinary matters, including informal resolution meetings.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).

0240-08-01 -.10 Academic Misconduct Disciplinary Committee is added to Chapter 0240-08-01 Student Conduct and shall read as follows:

0240-08-01-.10 Academic Misconduct Disciplinary Committee

(1) The Academic Misconduct Disciplinary Committee is charged with the authority to hear cases where a Student has been determined to be engaged in academic misconduct and has received a reduced grade. A Student shall have the right to appeal that determination of a reduced grade to the Academic Misconduct Disciplinary Committee. A course instructor may choose to forward the allegations of academic misconduct to the Academic Misconduct Committee for the committee to make the initial determination of academic misconduct. In cases involving an appeal by a Student, or when an instructor requests review by the Committee, the Academic Misconduct Disciplinary Committee is only authorized to review the faculty member's decision to reduce a student grade; the Academic Misconduct Disciplinary Committee does not have authority to impose disciplinary action, including suspension or expulsion. Any request for disciplinary action may be referred to the Division of Student Affairs for review.

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

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 2/27/2020

Signature: Laurence Pendleton

Name of Officer: Laurence Pendleton

Title of Officer: General Counsel

Subscribed and sworn to before me on: February 27, 2020

Notary Public Signature:

My commission expires on: March 7, 2023

ARLENE M. NICHOLAS-PHILLIPS
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF DAVIDSON
My Comm. Expires March 7, 2023

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Filed with the Department of State on: 2/28/2020

Tre Hargett
Secretary of State

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Sequence Number: 04-06-20
File Date: 4/3/2020

Cancellation of Rulemaking Hearing Form

Agency/Board/Commission:	Tennessee State University Board of Trustees
Division:	
Contact Person:	Laurence Pendleton
Address:	3500 John A. Merritt Blvd
Zip:	37209
Phone:	615-963-7925
Email:	Laurence.pendleton@tnstate.edu

Cancelled Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Tennessee State University, Conference Room 242, Ned McWherter Administration Building		
Address 2:	3500 John A. Merritt Blvd		
City:	Nashville		
Zip:	37209		
Hearing Date:	04/27/2020		
Hearing Time:	1 pm CST/CDT	___CST/CDT ___EST/EDT	

This cancellation refers to the following Notice of Rulemaking Hearing:

Cancelled Rulemaking Hearing Sequence Number: 02-25-20

Cancelled Rulemaking Hearing File Date: February 28, 2020

Additional Hearing Cancellation Information:

Cancelled to reschedule for later date due to COVID-19 pandemic

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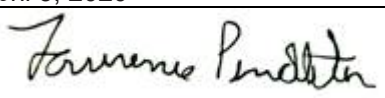
Signature: 

Name of Officer: Laurence Pendleton

Title of Officer: General Counsel and Board Secretary