

**DRAFT**

**REVISED STUDENT CODE OF CONDUCT**

**Table of Contents**

Introduction..... 1

Principles of Civility and Community ..... 2

Jurisdiction and Authority..... 3

Principles of Academic Integrity ..... 4

- Honor Statement ..... 4
- Prohibited Conduct ..... 4

Academic Integrity Responsibilities ..... 5

Standards of Conduct..... 6

Student Rights and Responsibilities..... 8-18

Student Conduct Process..... 10

- Filing a Complaint and Investigations of Misconduct..... 11
  - 1. Filing a Complaint ..... 11
  - 2. Standard of Responsibility ..... 11
  - 3. Investigating a Complaint ..... 11
- Informal and Formal Resolution of Complaint..... 11
  - 1. Respondent Notification ..... 11
  - 2. Educational Conference (Informal Resolution)..... 11
  - 3. Formal Resolution Process ..... 12
    - a. Administrative Hearing..... 12
    - b. Student Conduct Board Hearing ..... 12
    - c. Uniform Administrative Procedures Act ..... 12
- Formal Hearing Guidelines..... 13
- Formal Hearing Format..... 15
- Appeal of SCB Hearing Decision ..... 16
- Resolution of Academic Misconduct..... 17
  - 1. Academic Department Resolution Process ..... 17
  - 2. Office of Student Conduct Resolution Process..... 17
  - 3. College of Law Resolution Process ..... 18

Sanctions..... 18-24

Administrative Sanctions ..... 18

- Developmental Sanctions..... 21
- Interim Suspension..... 21
- No Contact Directive ..... 22

Amnesty and Good Samaritan Policy ..... 22

Emergency Powers..... 24

Definitions..... 24

**DRAFT REVISION #6**  
**The University of Tennessee, Knoxville**  
**Student Code of Conduct**

**I. INTRODUCTION**

Students at the University of Tennessee, Knoxville are members of both the University community and the larger community of which the University is a part. Accordingly, students are responsible for conducting themselves in a lawful manner as well as in compliance with University rules and policies. The University has established the following process and standards in order to advance the mission of the University by maintaining a safe learning environment; protecting the rights and privileges of all members of the University community; providing a basis for orderly conduct of the affairs of the University; promoting a positive relationship between the University and its surrounding community; preserving institutional integrity and property; encouraging students to engage in conduct that brings credit to themselves and the University; and ensuring that each student who matriculates at the University graduates ready to contribute to society as an ethical and law-abiding citizen.

The University of Tennessee is committed to respecting students' constitutional rights. Nothing in the Student Code of Conduct is intended or shall be interpreted to restrict students' constitutional rights. Students are responsible for being fully acquainted and for complying with the University Catalog, *Hilltopics*, the student handbook, **the Student Code of Conduct** and other rules and policies relating to students.

**The University of Tennessee seeks to sustain a culture of excellence, and requires its students to conduct themselves in ways that allow for their personal growth and development as well as others, in the most positive manner possible. The University fosters the fullest development of students in an atmosphere of care and concern. Members of the University community are held to a high standard of behavior because of the nature of the University's enterprise – education and the development of students.**

**Students who engage in conduct not consistent with the University's behavioral standards as set forth in the Student Code of Conduct are subject to University disciplinary action. The student conduct process is an educational process that is designed to promote learning and development as it relates to appropriate decision making. This consistent and fair-minded process provides a means of resolution that is commensurate with the skills and abilities of the participants. The effectiveness of the student conduct process rests upon the participation of all members of the University community. Active participation in the process by students, faculty, and staff reflects a willingness to address the difficult issues brought before them for the betterment of individual students and the University community.**

**The Vice Chancellor for Student Life is responsible for enforcing the Student Code of Conduct though certain responsibilities relative to the student conduct process have been delegated to the Office of Student Conduct and Community Standards. Given the developmental focus of the student conduct process, the conduct officer responsible for the**

resolution of a conduct matter will communicate directly with the involved student(s) when resolving the issue and not with the parents of the student(s) or others.

## II. **PRINCIPLES OF CIVILITY AND COMMUNITY**

In 2011, the university adopted the Principles of Civility and Community. They are designed to work in concert with all existing codes of conduct. The principles encourage all members of the campus community to foster a learning environment where the differences of our diverse culture are valued, respected and celebrated. Civility is an act of showing regard and respect for others including: politeness, consideration, tact, good manners, graciousness, cordiality, affability, amiability and courteousness. Ultimately, civility is treating others as we would like to be treated. Our community consists of students, faculty, staff, alumni, parents, and campus visitors. Community members affect each other's well-being and have a shared interest in creating and sustaining an environment where all community members and their points of view are valued and respected.

By affirming the value of each member of the university community, the campus asks that all of its members adhere to the following principles:

- **INCLUSIVITY** - We are welcoming to all and hostile to none. We foster an open community in which educational goals may be pursued.
- **DIVERSITY** - We respect the diverse backgrounds of all members of our community and welcome the opportunity for interpersonal and group interactions.
- **DIALOGUE** - We value and encourage, and facilitate free exchange of diverse ideas and points-of-view along with free speech and expression. However, we discourage uncivil speech or expression that infringes upon the ability of others to express themselves.
- **COLLEGIALITY** - We value an environment that facilitates collegial relationships, encourages mutual understanding among diverse individuals, and leads to addressing issues and differences in an atmosphere of mutual respect and civility.
- **RESPECT** - We believe that a person's views, ideas, and behavior best reflect the goals of the academic community when the dignity of each individual is respected and when members of the community are considerate of the feelings, circumstances, and individuality of others.
- **KNOWLEDGE** - We encourage development of a civil community that values critical inquiry, debate, discovery, and innovation to better the world through teaching, research and service.
- **INTEGRITY** - We value academic honesty and integrity by all members of the academic community.
- **LEARNING** - We believe that learning is an interpersonal growth experience that fosters appreciation for diversity.
- **AWARENESS** - We believe it is important to recognize how others view and relate to the community and recognize that we are part of a larger community.

- **RESPONSIVENESS** - We encourage all community members to speak out against incidents involving bigotry and other types of incivility so the university can fulfill its responsibility of responding in a fair, timely and consistent fashion.

### **III. JURISDICTION AND AUTHORITY**

- A. The **Student** Code of Conduct applies to conduct that occurs on University-controlled property.
- B. The University also has the discretion to discipline a student for an act in violation of the **Student** Code of Conduct that occurs outside of University-controlled property if the conduct adversely affects the interests of the University, including, but not limited to, conduct that:
  1. Occurs in connection with a University-affiliated activity, including, but not limited to, an overseas study program or a clinical, field, internship, or in-service experience;
  2. Involves another member of the University community; or
  3. Threatens, or indicates that the student may pose a threat to, the health or safety of him/herself or others or the security of any person's property, including, but not limited to, alcohol-related offenses, drug-related offenses, arson, battery, fraud, hazing, participation in group violence, rape, sexual assault or misconduct, stalking, and theft.
- C. The Student Code of Conduct has been adopted in furtherance of the University's interests and serve to supplement, rather than substitute for, the enforcement of civil and criminal law. Accordingly, University disciplinary action may be instituted against a student charged with conduct that potentially violates both criminal law and the Standards of Conduct without regard to the pending status of criminal charges or civil litigation. At the discretion of the Vice Chancellor for Student Life, disciplinary action relating to a violation of the Standards of Conduct may be carried out prior to, simultaneously with, or following criminal proceedings. Students charged with violating the Standards of Conduct may not challenge the University disciplinary proceedings on the grounds that criminal charges, civil litigation, or other University proceedings regarding the same incident are pending or have been terminated, dismissed, reduced, or not yet adjudicated.
- D. **When a student is charged by federal, state or local authorities with a violation of law, the University will not request or agree to special consideration for that individual because of his or her status as a student. However, if the alleged offense is also the subject of a proceeding before a conduct body under the Student Code of Conduct, the University may advise off-campus authorities of the existence of the Student Code of Conduct and the conduct process. The University will cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators.**
- E. Each student shall be responsible for his/her conduct from the time of application for admission 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 of actual enrollment (and even if conduct is not discovered by the University until after a degree is awarded). Should a student withdraw from the University with disciplinary charges pending, the student's academic record and/or

ability to register for classes may be **placed on hold** by the appropriate University office.

- F. Graduate or professional programs within the University may initiate charges against students for alleged violations of professional standards or ethics as a separate issue or as an extension of alleged acts of academic dishonesty or other violations of the Standards of Conduct.
- G. **If a student withdraws from the University for any reason after receiving notice that they have allegedly engaged in a minor or moderate violation of the Student Code of Conduct that is not likely to result in the sanction of suspension or expulsion, the University, at its discretion, retains the right to adjudicate the pending matter before a student seeks re-enrollment. The University will note in the student's record when a pending disciplinary matter exists.**
- H. **If a student withdraws from the University for any reason after receiving notice that they have allegedly engaged in a serious violation of the Student Code of Conduct, but before the case is fully adjudicated (including any period of appeal), the student forfeits the right to re-enroll at the University. A serious violation is defined as any violation of the Student Code of Conduct that is likely to result in a sanction of suspension or expulsion. The University will note in the student's record that the student did not contest the pending charges and the case file will be closed. The University will proceed with the Student Conduct process despite the student's withdrawal from the University.**

#### **IV. PRINCIPLES OF ACADEMIC INTEGRITY**

##### **A. Honor Statement**

An essential feature of the University is a commitment to maintaining an atmosphere of intellectual integrity and academic honesty. As such the University utilizes an Honor Statement that reads, *“As a student of the University, I pledge that I will neither knowingly give nor receive any inappropriate assistance in academic work, thus affirming my own personal commitment to honor and integrity.”*

A thorough understanding of the Honor Statement is essential to the success of the honor system. To facilitate **the spirit and** implementation of the Honor Statement, the following avenues will be utilized:

1. The Honor Statement, with its attendant pledge, appears on applications for admission (undergraduate and graduate); and applicants to the University will be required to acknowledge their affirmation by signing the document in a designated location.
2. Information regarding the Honor Statement **is** included in the catalogs (undergraduate and graduate), Hilltopics, and in a brochure specifically addressing the Honor Statement.
3. The Honor Statement **is** discussed during **all** student orientation programs.
4. A thorough discussion of the Honor Statement in **freshmen** English is encouraged.
5. Implementation methods and alternatives **are** discussed during faculty orientation programs.
6. The Honor Statement is further **supported** by Standard of Conduct #1.

##### **B. Honor Statement Prohibited Conduct**

1. The Honor Statement prohibits cheating, plagiarism, and any other type of academic dishonesty.
2. Plagiarism is using the intellectual property or product of someone else without giving proper credit. The undocumented use of someone else's words or ideas in any medium of communication (unless such information is recognized as common knowledge) is a serious offense, subject to disciplinary action that may include failure in a course and/or dismissal from the University. Specific examples of plagiarism include, but are not limited to:
  - a. Using without proper documentation (quotation marks and a citation) written or spoken words, phrases, or sentences from any source;
  - b. Summarizing without proper documentation (usually a citation) ideas from another source (unless such information is recognized as common knowledge);
  - c. Borrowing facts, statistics, graphs, pictorial representations, or phrases without acknowledging the source (unless such information is recognized as common knowledge);
  - d. Collaborating on a graded assignment without the instructor's approval; and
  - e. Submitting work, either in whole or in part, created by a professional service or used without attribution (e.g., paper, speech, bibliography, or photograph).
3. Specific examples of other types of academic dishonesty include, but are not limited to:
  - a. Providing or receiving unauthorized information during an examination or academic assignment, or the possession and/or use of unauthorized materials during an examination or academic assignment;
  - b. Providing or receiving unauthorized assistance in connection with laboratory work, field work, scholarship, or another academic assignment;
  - c. Falsifying, fabricating, or misrepresenting data, laboratory results, research results, citations, or other information in connection with an academic assignment;
  - d. Serving as, or enlisting the assistance of, a substitute for a student in the taking of an examination or the performance of an academic assignment;
  - e. Altering grades, answers, or marks in an effort to change the earned grade or credit;
  - f. Submitting without authorization the same assignment for credit in more than one course;
  - g. Forging the signature of another or allowing forgery by another on any class or University-related document such as a class roll or drop/add sheet;
  - h. Failing to observe the expressed procedures or instructions relating to an exam or academic assignment; and,
  - i. Engaging in an activity that unfairly places another student at a disadvantage, such as taking, hiding, or altering resource material, or manipulating a grading system.

## **V. ACADEMIC INTEGRITY RESPONSIBILITIES**

- A. All groups within the University community have responsibilities associated with the Honor Statement. These responsibilities are unique to each sector of the University community.

1. Student Responsibilities. Each student is responsible for his/her own personal integrity in academic life. While there is no affirmative duty to report the academic dishonesty of another, each student, given the dictates of his/her own conscience, may choose to act on any violation of the Honor Statement. Each student is responsible for knowing and adhering to the terms and conditions of the Honor Statement and may acknowledge his/her adherence to the Honor Statement by writing “Pledged” and signing each graded class assignment and examination.
  2. Instructor Responsibilities. Regulation of academic dishonesty is the immediate responsibility of the instructor. However, students are not excused from complying with the Honor Statement because of an instructor’s failure to prevent or discourage academic dishonesty.
- B. **When an alleged violation of the Honor Statement is reported to the Office of Student Conduct and Community Standards, the process used to resolve the matter is defined in Section F. Resolution of Academic Misconduct ( page xx of this document).**

## **VI. STANDARDS OF CONDUCT**

**For the benefit of individual students and the entire University community, students, their guests, and student organizations are prohibited from engaging in the following types of misconduct:**

1. Cheating, plagiarism, or any other act of academic dishonesty, including, but not limited to, an act in violation of the Honor Statement.
2. Providing false information to a University official.
3. Falsifying, distorting, misrepresenting, or withholding information in connection with a University investigation or hearing.
4. Forging, altering, destroying, falsifying, or misusing records, identification, or documents, whether in print or electronic form.
5. Causing physical harm to any person (including oneself) **How does this comport with Title II?**; endangering the health or safety of any person (including oneself); engaging in conduct that causes a reasonable person to fear harm to his/her health or safety; or making an oral or written statement (including electronically) 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, although the speaker need not mean to carry out the act of unlawful violence in order to constitute a violation of this rule.
6. Harassment, which is defined as unwelcome conduct that is so severe or pervasive, and objectively offensive, that it substantially interferes with the ability of a person to work, learn, live, or participate in or benefit from the services, activities, or privileges provided by the University. In no event shall this rule be construed to discipline a student for speech protected by the First Amendment to the United States Constitution (e.g., mere insulting or offensive speech).
7. **Engaging in Sexual Misconduct, Relationship Violence, and/or Retaliation. The terms “Sexual Misconduct,” “Relationship Violence,” and “Retaliation” are defined in the University Policy titled, “Policy on Sexual Misconduct, Relationship Violence, and Stalking,” a copy of which can be found at <http://sexualassault.utk.edu>.**
8. Invasion of another person’s privacy when that person has a reasonable expectation of privacy, including, but not limited to, using electronic or other means to make a video or

photographic record of any person in a location in which the person has a reasonable expectation of privacy, without the person's knowledge or consent. This includes, but is not limited to, making a video or photographic record of a person in shower/locker rooms or restrooms. The storing, sharing, and/or distributing of such unauthorized recordings by any means is also prohibited.

9. Theft, misappropriation, unauthorized possession, or unauthorized sale of private or public property, including but not limited to University-controlled property.
10. Vandalizing, destroying, damaging, engaging in conduct that reasonably could cause damage to, or misusing private or public property, including but not limited to University-controlled property.
11. Participating in hazing. "Hazing" is defined as any intentional or reckless act, on or off University-controlled property, by one (1) student, acting alone or with others, which is directed against any other student, which endangers the mental or physical health or safety of that student, or which induces or coerces a student to endanger his or her 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.
12. Engaging in disorderly, lewd, indecent, or obscene conduct. "Disorderly" conduct means fighting or other physically violent or threatening conduct; creating a hazardous or physically offensive condition by any act that serves no legitimate purpose; making noise that could unreasonably disturb others who are carrying on lawful activities; or conduct that breaches the peace. "Lewd, indecent, or obscene" conduct includes, but is not limited to, public exposure of one's sexual organs, public urinating, and public sexual acts.
13. Engaging in speech either orally or in writing that is directed to inciting or producing imminent lawless action and is likely to incite or produce such action.
14. Any act of arson; falsely reporting a fire, the presence of an explosive or incendiary device, or other emergency; setting off a false fire alarm; or tampering with, removing, or damaging fire alarms, fire extinguishers or any other safety or emergency equipment from its proper location except when removed in a situation in which there is a reasonable belief of the need for such equipment.
15. Possessing, using, or duplicating University keys, access cards, or identification cards without authorization; possessing, using, or entering University-controlled property without authorization.
16. Theft, misuse, or unauthorized use of information technology facilities, resources, or access codes, including, but not limited to: unauthorized entry into or transfer of a file; using another person's identification and/or password without that person's consent; using information technology facilities or resources to interfere with the work of another student, faculty member, staff member, or other member of the University community; using information technology facilities or resources to interfere with normal operation of a University information technology system or network; circumventing University information technology system or network security; using information technology facilities or resources in violation of copyright laws; falsifying an e-mail header; and conduct that violates the University's policy on the Acceptable Use of Information Technology Resources.

17. Possessing, using, storing, or manufacturing any weapon or any facsimile of a weapon on University-controlled property or in connection with a University-affiliated activity, unless authorized in writing by the Chief of Police or his/her designee.
18. Consuming, manufacturing, possessing, distributing, dispensing, selling, or being under the influence of alcoholic beverages on University-controlled property or in connection with a University-affiliated activity.
19. Consuming, manufacturing, possessing, distributing, dispensing, selling, or being under the influence of alcoholic beverages, if prohibited by federal, state, or local law.
20. Providing an alcoholic beverage to a person younger than twenty-one (21) years of age, unless permitted by law.
21. Using, manufacturing, possessing, distributing, selling, dispensing, or being under the influence of drugs or drug paraphernalia, if prohibited by federal, state, or local law; using or possessing a prescription drug if the prescription was not issued to the student; or distributing or selling a prescription drug to a person to whom the prescription was not originally issued.
22. Failing to pay a University bill, account, or other University financial obligation.
23. Failing to respond to a request to report to a University administrative office; failing to comply with a lawful directive of a University employee or other public official acting within the scope of his/her duties; or failing to identify oneself to a University employee or other public official acting within the scope of his/her duties when requested to do so.
24. Failing to appear at a University hearing, including, but not limited to, a hearing of a University judicial board, following a request to appear either as a party or as a witness.
25. Violating the terms of an interim suspension, a no-contact directive, or a disciplinary penalty imposed by the University.
26. Obstructing or disrupting teaching, learning, studying, research, public service, administration, disciplinary proceedings, emergency services, or any other University-affiliated activity, or the free flow of pedestrian or vehicular traffic on University-controlled property. In no event shall this rule be construed to discipline a student for speech protected by the First Amendment to the United States Constitution.
27. Violating a University policy or rule, including but not limited to University policies or rules relating to facilities use, smoking, the acceptable use of information technology resources, research or service misconduct, finder's fees relating to clinical investigations involving human subjects or access to University data or materials, University libraries, dining services, parking or transportation, University identification card use, sexual harassment, residence halls, and registered student organizations.
28. Committing an act that is prohibited by local, state, or federal law.
29. Attempting to commit a violation of a Standard of Conduct or being an accessory to the commission of an act or attempted act in violation of a Standard of Conduct.
30. **Retaliation- Do we need to add this Standard?**

## VII. STUDENTS RIGHTS & RESPONSIBILITIES

- A. **Advisor - The complainant and the respondent may choose to be assisted in the conduct process by an advisor. Complainants and respondents who choose to have an advisor are encouraged to consider selecting a faculty or staff member who has received training in the University' Student Code of Conduct process. Complainants and respondents may obtain the names of trained advisors from the Office of Student**

- Conduct and Community Standards. Failure to secure an advisor is not grounds for an appeal. The role of an advisor is to assist and support a student throughout the conduct process. Specifically, upon the request of a student, an advisor may:
- a. Assist an accused student in the preparation of a response to a charge;
  - b. Accompany the complainant or the respondent to any meeting with a Conduct Officer, Student Conduct Board and/or Appellate Board, including the Educational Conference and formal hearings;
  - c. Assist the complainant or the respondent in the preparation of any appeals.
- B. University Resources - It is recommended that the complainant and the respondent access the services offered by various offices of the University including the Counseling Center, Office of the Dean of Students, Center for Health Education and Wellness, and Campus Ministers. Failure to use University resources that are available is not grounds for an appeal.
- C. The Rights of the Complainant - The complainant has the following rights during the conduct process conducted by the University:
1. The right to be informed of and have access to available University resources;
  2. The right to an explanation of the resolution options that are available;
  3. The right to notice of charge(s), account of the alleged misconduct, witnesses, and notice of the scheduled hearing delivered seventy-two (72) hours before the hearing. The student may request additional time by showing good cause.
  4. The right to notice of the maximum allowable sanction (i.e., permanent dismissal);
  5. The right to a hearing closed to the public.
  6. Challenge the seating of any board member for good cause. The dismissal of a challenged hearing board member shall be at the discretion of the hearing board chairperson. If the chairperson is challenged, he/she may be excused at the discretion of the majority of the hearing board.
  7. Challenge the admissibility of evidence.
  8. The right not to be retaliated against, or harassed by the respondent or acquaintances or supporters of the respondent, and the right not to have contact with the respondent;
  9. When a formal hearing is determined:
    - a. The right to unnecessary delay;
    - b. The right to testify or remain silent;
    - c. The right to present witnesses who can speak to the charges. Character witnesses are not allowed;
    - d. The right to have an advisor who can assist the complainant throughout the conduct process as outlined in Article IV, Section A [correct citation needed];
    - e. The right to remain present during the entire conduct hearing, with the exception of the deliberation phase, when neither the complainant nor respondent may be present;
    - f. The right to be informed without unnecessary delay of the outcome of the hearing; and,
    - g. The right to appeal the outcome of a Student Conduct Board hearing.
- D. In cases involving a complaint of sexual misconduct, the complainant shall have the right to:

1. Have the investigation of the complaint concluded within thirty (30) ~~sixty~~ of the University's receipt of a complaint, unless circumstances make it impracticable for the University to complete its investigation within that timeframe;
  2. Notice of the outcome of the University's investigation;
  3. Have a disciplinary hearing conducted within thirty (30) days of a University charge that the respondent committed sexual misconduct, unless circumstances make it impracticable for the University to conduct a hearing within that timeframe;
  4. Submit a written impact statement to the Student Conduct Board for consideration of the sanctioning phase of the hearing, if the respondent is found responsible of the charges against him/her, or to the Office of Student Conduct and Community Standards for consideration during the sanctioning phase of the administrative hearing, if the respondent accepts responsibility of the charges against him/her;
- E. **The Rights of the Respondent - The respondent ~~and~~ has the following rights during the University conduct process:**
1. **The right to be informed of and have access to available University resources.**
  2. **The right to be presumed not responsible.**
  3. **The right to an explanation of the charge(s).**
  4. The right to notice of charge(s), and an account of the alleged misconduct.
  5. The right to notice of the maximum allowable sanction (i.e., **expulsion**).
  6. The right to a hearing closed to the public.
  7. Challenge the seating of any board member for good cause. The dismissal of a challenged hearing board member shall be at the discretion of the hearing board chairperson. If the chairperson is challenged, he/she may be excused at the discretion of the majority of the hearing board.
  8. Challenge the admissibility of evidence.
  9. **The right not to be retaliated against, or harassed by the complainant or acquaintances or supporters of the complainant.**
  10. **The right to an explanation of the University's student Code of Conduct.**
  11. **The right to have an advisor who can assist the respondent throughout the conduct process as outlined in Article IV, Section A. [correct citation needed] If a criminal proceeding has been initiated against the respondent (e.g., a criminal charge or indictment) due to the same conduct being addressed in the conduct hearing, the student may have an attorney serve in the advisor capacity.**
  12. **When a formal hearing is requested:**
    - a. **The right to unnecessary delay;**
    - b. **The right to testify or remain silent;**
    - c. **The right to present witnesses who can speak to the charges. Character witnesses are not allowed;**
    - d. **The right to remain present during the entire conduct hearing, with the exception of the deliberation phase, when neither the respondent nor the complainant may be present;**
    - e. **The right to be informed without unnecessary delay of the outcome of the hearing; and,**
    - f. **The right to appeal the outcome of a Student Conduct Board hearing.**

## VIII. STUDENT CONDUCT PROCESS

A. Filing a Complaint and Investigations of Misconduct

1. Filing a Complaint - Any person may file a complaint against any student for an allegation of misconduct. The complaint shall be prepared in writing by the complainant and directed to the Office of Student Conduct and Community Standards. When the complainant is the University, the Director of Student Conduct and Community Standards will not act as the complainant, but will appoint a person to serve as the complainant for the University. Normally, this person will be appointed from within the Division of Student Life. Any complaint should be submitted as soon as possible after the event takes place. (Is there a time limit?) In sexual misconduct cases, the complaint may be filed at any time while both students are attending the University (refer to the Policy on Sexual Misconduct and Relationship Violence and Stalking Policy at <http://sexualassault.utk.edu>).
2. Standard of Responsibility  
The University utilizes the “preponderance of the evidence” standard of responsibility in conduct investigations and proceedings. The conduct investigator and hearing authority will determine, based on information presented, whether it is more likely than not that a student is responsible for one or more violations of the Student Code of Conduct. The burden of meeting the standard of responsibility rests with the complainant.
3. Investigating a Complaint  
Upon receiving a complaint, the Office of Student Conduct and Community Standards arranges for a preliminary investigation. The investigation will occur in a timely manner and generally will be concluded within 30 days upon submission of the complaint. The investigation will determine what if any standard of conduct has been violated. If it has been determined that the alleged misconduct does not violate a Standard of Conduct there may be no further action taken. Additionally, a lack of sufficient information may also result in no action being taken. If a preliminary investigation determines a Standard of Conduct has been violated then the conduct process will proceed and the Conduct Officer will determine the appropriate alleged violation(s) of the Standards of Conduct.

B. Informal and Formal Resolution of Complaint

1. Respondent Notification  
The Conduct Officer will notify the respondent via official University email regarding the complaint. The notification will include the alleged misconduct and a request to schedule an Educational Conference within three (3) days of the receipt of the communication. It is the respondent’s responsibility to arrange the requested meeting within the parameters stated within the notification.
2. Educational Conference (Informal Resolution)  
The Educational Conference, after consulting with the complainant, provides an opportunity for the respondent to share his or her insight and provide information into the alleged misconduct and to resolve the issue informally. If the respondent would like to use the informal process and indicates the violation(s) occurred he/she must:
  1. Accept responsibility for the alleged Standards of Conduct violated.
  2. Agree with the proposed sanction(s) resulting from the violation(s).

3. Agree to write a written response to the charges within --- days of the Educational Conference; the written response and a copy of the charges will be shared with the complainant.

If the respondent does not agree with all three conditions the matter will be referred to the formal process and the Conduct Officer will explain the formal resolution process to the respondent.

### 3. Formal Resolution Process

Three types of formal hearings are provided ~~utilized~~ ~~considered~~ when charges and sanctions cannot be agreed upon during an Educational Conference:

#### a. Administrative Hearing

An Administrative Hearing is used to resolve alleged violations of a less serious nature when the likely sanction does not rise to the level of suspension or expulsion. The Director of Student Conduct and Community Standards will assign a Conduct Officer who was not involved in the Educational Conference to serve as the Administrative Hearing Officer. Decisions rendered in an Administrative Hearing are final and not subject to appeal. [for discussion]

#### b. Student Conduct Board Hearing

A Student Conduct Board (SCB) Hearing is used to resolve alleged violations of a serious matter that may result in the sanction of suspension or expulsion for the respondent. Decisions rendered in a Student Conduct Board Hearing are subject to appeal as outlined in Article III, Section F. [to be cited correctly].

#### c. Uniform Administrative Procedures Act Hearing

The university, with the assistance and advice of students, employees and other members of the university community, has developed procedures for handling a variety of situations involving student rights and privileges. Examples of these procedures, including opportunities for a hearing, are included in this student handbook. The university believes that these procedures well serve the interests of students in obtaining full and fair hearings with minimum expense, complexity, and inconvenience. An alternative to these procedures, however, is the Uniform Administrative Procedures Act (Public Acts, 1974, Ch. 725 Tennessee Code Annotated §4-5-101 et seq.). This act provides that any party whose legal rights, duties or privileges are required by any statute or constitutional provision to be determined after an opportunity for a hearing, shall be afforded an opportunity for such a hearing in accordance with the provisions of Tenn. Code Ann. §4-5- 301 et seq. Whenever a student requests a hearing to which he/she is legally entitled by virtue of the Uniform Administrative Procedures Act, that hearing will be conducted in accordance with the provisions of the “contested cases” section of the Uniform Administrative Procedures Act (Tenn. Code Ann. §4-5- 301 et seq.), unless the student executes a waiver of his/her right to proceed under the Act and elects to follow the procedures set forth in the Student Code of Conduct. If a student elects to invoke the hearing procedures of the Act, no right exists to pursue the university’s procedures within **the Student Code of Conduct, including all appeals,** ~~herein stated, or to appeal through the Chancellor and to the President,~~ since the Act provides a method of review of agency action. The Appropriate

waiver forms are available to students desiring to proceed under the university's procedures within the Office of Student Conduct and Community Standards.

1. Formal Hearing Guidelines

- a. The Vice Chancellor for Student Life may exercise discretion as to the type of formal hearing that will be utilized given concerns of circumstance, timeliness or complainant.
- b. Any board member who cannot hear the evidence fairly and objectively for any reason shall recuse himself/herself from the case.
- c. If the respondent's attorney is present, the respondent's attorney shall not question any individual, introduce evidence, raise objections, present arguments, or otherwise participate in the hearing. The failure of a respondent's attorney to attend the hearing shall not be grounds for delaying the hearing or challenging the validity of the hearing.
- d. In cases involving more than one respondent, hearings concerning each student may be conducted separately at the discretion of the Director of Student Conduct and Community Standards.
- e. A verbatim record, such as a tape or digital recording, shall be made of any Administrative or Student Conduct Board hearing by the University. The complainant and respondent may take notes, which shall be their own property.
- f. No student shall be found responsible for a violation of the Student Code of Conduct solely because he or she fails to appear at the Educational Conference or formal hearing. However, the process may proceed without the presence of the respondent or the complainant.
- g. Hearings shall be conducted in private. No one is permitted to attend the hearing unless specified in this policy. The Director of Student Conduct and Community Standards may permit a staff member in training to observe a formal hearing. If an observer is present, he or she will be held to the same standard of confidentiality as members of the Conduct Body. Any questions of attendance shall be resolved by the hearing authority.
- h. No board member shall discuss cases prior to or after the hearing. The information received by members of the board during a case is considered strictly confidential. Violations of this confidence by any board member could result in disciplinary action.
- i. The complainant and the respondent have the right to be assisted by an advisor (as described in Article IV. Section A) [to be cited correctly].
- j. Relevant records, exhibits, written statements and telephone testimony may be accepted as information for consideration at the discretion of the hearing authority.
- k. All procedural questions are subject to the final decision of the hearing authority.
- l. At least three (3) days prior to the hearing, the complainant and the respondent must provide the following to the Director of Student Conduct:
  - i. The names of their advisors and witnesses;
  - ii. Summaries of the testimony that each of their witnesses will give at the hearing. These summaries should briefly review the verbal testimony that will be provided by the witness and may be written by the complainant,

- the respondent or the witnesses. Statements made in writing to the University of Tennessee Police Department or Student Conduct Investigator during the investigation of the incident are acceptable;
- iii. Copies of other relevant materials such as photographs, phone records, costs of damaged or stolen property, medical bills and diagrams.
  - iv. If a witness refuses to participate in the hearing, the Director of Student Conduct and Community Standards should be informed of the situation immediately. Character witnesses or character witness statements are not permitted.
  - v. When the Student Conduct Investigator participates in the hearing, he or she must provide to the Director of Student Conduct and Community Standards all relevant materials at least three (3) days prior to the hearing. Additionally, if the Student Conduct Investigator plans to have witnesses provide testimony at the hearing, summaries of witness testimony must be submitted with the other relevant materials.
- b. Copies of materials that are submitted by the complainant, and the respondent as well as other relevant materials will be made available for review at the discretion of the Director of Student Conduct and Community Standards. The respondent, their respective advisors, and the hearing authority will be permitted to review copies of the materials in the Office of Student Conduct and Community Standards (or at a location specified by the Director of Student Conduct and Community Standards) no more than two (2) days prior to the hearing. Those involved with the hearing will be notified by the Office of Student Conduct and Community Standards when materials are available for review. It is the responsibility of those involved with the hearing to contact the Office of Student Conduct and Community Standards to arrange a time to review the materials prior to the hearing if such review is desired.
  - c. Copies of materials will be provided to the complainant, the respondent, and the Student Conduct Board members and/or Administrative Hearing Officer immediately prior to the start of hearing and will be collected immediately following the hearing. If a complainant, respondent, or Student Conduct Investigator submits additional documents or materials that were not provided to the Director of Student Conduct and Community Standards at least three (3) days prior to the hearing, the SCB Chairperson or Administrative Hearing Officer will determine whether to accept such documents or materials before the hearing begins. Timeframes noted in this section may be reasonably adjusted by the Director of Student Conduct and Community Standards when unforeseen circumstances arise.
  - d. The Office of Student Conduct and Community Standards protects personal information of those involved in the conduct process to the extent necessary and possible. Accordingly, personal information that is not relevant to the fair resolution of a matter may be omitted from the documents available for review, at the discretion of the Director of Student Conduct and Community Standards and/or Vice Chancellor for Student Life.
  - e. In cases involving an allegation of sexual assault or misconduct, the hearing procedures shall be modified to afford the complainant all of the rights described

in the University's Policy on Sexual Misconduct... which can be found at <http://sexualassault.utk.edu>. The board may consider evidence presented by the complainant as part of the University's proof.

## 2. Formal Hearing Format

### a. Opening

The hearing authority reads the charge(s). The respondent admits or denies responsibility for violating the charge(s).

### b. Questions

Throughout the hearing, both parties may submit to the hearing authority one or more questions to be asked of a witness(es) or of the other party, the complainant or the respondent. Advisors are permitted to suggest questions to their advisees. It is the discretion of the hearing authority whether to ask the question(s).

### c. Presentation of Information

i. Complainant may present information, including witnesses.

ii. Respondent may comment upon the information presented by the complainant and present information, including witnesses.

iii. Complainant may comment upon the information presented by the respondent.

iv. The hearing authority has final discretion as to the presentation of information related to the matter at issue.

### d. Summary Statements

At the close of the presentation of information, the complainant and the respondent have the opportunity to make summary statements.

### e. Board Deliberations

All persons except the board members shall be excused from the hearing room. The decision shall be based solely upon the evidence presented.

### f. Determining Responsibility:

At the conclusion of the hearing, the hearing authority shall determine, by majority vote in the case of the SCB, whether it is more likely than not that the accused student is responsible for each of the Student Code of Conduct charges that were at issue. The hearing authority shall immediately announce their decision.

### g. Determining Sanctions:

If the hearing authority finds the respondent responsible for one or more violations of the Student Code of Conduct, a summary of the respondent's disciplinary history is shared with the hearing authority. The hearing authority receives such a summary only if a finding of responsibility is rendered.

### h. Responsibility and Sanction Decisions

The decision of the SCB/Administrative Hearing Officer regarding responsibility and/or sanction shall be effective immediately upon the determination.

### i. Communicating a Formal Hearing Outcome:

The hearing authority shall communicate in writing to the Director of Student Conduct and Community Standards the findings and the rationale for the decision concerning responsibility, including the information that influenced the

decision. The decision of the hearing authority shall be communicated to both the complainant and the accused student by the Director of Student Conduct and Community Standards in a timely manner.

### C. Appeal of SCB Hearing Decision

1. A formal hearing decision reached by the SCB may be appealed on the basis of the grounds listed below. Appeals can be initiated by the respondent or complainant. Written appeals must be received by the Director of Student Conduct and Community Standards within five (5) days of the decision and must explain the grounds for an appeal. If an appeal is requested, a written copy of the appeal will be presented to the other involved parties by the Director of Student Conduct and Community Standards.
2. An appeal must be based on one or more of the following grounds:
  - a. Appropriateness of the Sanction. In cases appealing the appropriateness of the sanction, the Appellate Board shall uphold the sanction unless the sanction is shown to be clearly unreasonable (i.e., that which has been clearly and fully proven to have no sound basis or justification in reason).
  - b. A substantial procedural error occurred prior to or during the hearing that unreasonably impaired the SCB's ability to render a fair decision.
  - c. New evidence or facts sufficient to alter the SCB's decision and not known to the person submitting the appeal at the time of the original hearing. The new evidence or facts could not have been introduced at the SCB hearing because they were not known at that time.
3. All appeals will go to the Appellate Board for consideration. The Appellate Board shall evaluate the appeal to ensure that it is based on proper grounds. If the Appellate Board determines the appeal has merit, the Appellate Board will examine the findings and rationale of the SCB's decision and may examine documents available to the SCB. The Appellate Board will either affirm the decision of the SCB or remand the case back to a SCB. If an appeal is based on procedural error, the Appellate Board may send the case to either the original board (a quorum is necessary) or a new board. If an appeal is upheld because the Appellate Board determines(ed) there is new evidence, the Appellate Board shall remand the case back to the original board (if the original board or a quorum of the original board is available) to hear only the new evidence. If the original board is unavailable to hear the case, a new board shall be used. If the Appellate Board remands the case to a new SCB, the procedures outlined under Article III., Sections D & E [to be cited appropriately] apply. The decision and the rationale for the decision of the Appellate Board must be provided in writing to the Director of Student Conduct and Community Standards, the SCB members that heard the case, when appropriate, the complainant and respondent. The decision of the Appellate Board is then final. [to be discussed and decided given University by-laws. ~~The decision of any board or administrative officer of the University of Tennessee at Knoxville is subject to review by the Chancellor and the President pursuant to the University of Tennessee Bylaws, Article V, Section 7.~~] All appeals (except those to the Student Life Council, which may elect to hear the case de novo) must be taken upon the record made before the original board. ~~Nothing contained in the foregoing shall be~~

~~construed as limiting the right of the Vice Chancellor for Student Life to request the Student Life Council to review the decision of any judicial board.~~

#### **D. Resolution of Academic Misconduct**

##### **1. Academic Department Resolution Process**

- a. When an act of alleged academic dishonesty is discovered by, or brought to the attention of an instructor, the instructor shall inform the student orally or in writing about the alleged academic dishonesty, describe the evidence supporting the allegation, and give the student an informal opportunity to respond to the allegation(s) and evidence. The instructor may proceed with imposing an academic penalty for academic dishonesty if the student has not responded to the instructor's notice to the student concerning the alleged academic dishonesty.
- b. After giving the student notice and an informal opportunity to respond, if the instructor concludes that the student engaged in academic dishonesty, then the instructor may take any or all of the following actions:  
Impose an academic penalty of a failing or reduced grade in an academic exercise, assignment, examination, and/or course; loss of credit for the work involved; an assignment to repeat the work, to be graded on its merits; or an oral or written reprimand.
  - i. If the instructor decides to impose an academic penalty, then the instructor shall notify the student of the charges, evidence, findings, penalties imposed, and the procedures to appeal the findings and/ or penalties. The notice should be countersigned by the department head.
  - ii. Copies of the notice to the student shall be submitted to the Office of Student Conduct and Community Standards, the administrative head of the instructor's academic unit, and, where different, the head of the academic unit in which the student is enrolled.
  - iii. After receiving notice from the instructor, the Office of Student Conduct and Community Standards shall provide the student with notice and information relating to an appeal of the instructor's findings of academic dishonesty and/or academic penalties.
- c. **Submit a formal written complaint to the Office of Student Conduct and Community Standards alleging a violation of Standard of Conduct #1, and recommending one or more of the disciplinary sanctions detailed herein.** The instructor is not required to notify a student that a complaint has been made to the Office of Student Conduct and Community Standards.

##### **2. Office of Student Conduct Resolution Process**

- a. The Office of Student Conduct and Community Standards is responsible for determining whether to charge a student with violating Standard of Conduct # 1. The decision of the Office of Student Conduct and Community Standards not to charge a student with violating Standard of Conduct # 1 may not be used by the student to support an appeal of an academic penalty imposed by the instructor. The Office of Student Conduct and Community Standards may charge a student with violating Standard of Conduct #1 regardless of the response of the instructor to the alleged academic dishonesty.



4. **Deferred Suspension** - Students may be placed on Deferred Suspension for a stated period of time for serious misconduct or in the case of repeated misconduct. A student who is on Deferred Suspension is not in good disciplinary standing with the University, and his or her tenure at the University is precarious. During the period of Deferred Suspension, the student must abide by all terms and conditions of University policies regarding student behavior and comply with any sanctions issued as a direct result of the student's misconduct. Students who are placed on Deferred Suspension are generally issued developmental sanctions that may include restrictions or requirements such as counseling, the denial of the opportunity to participate in intercollegiate athletics or club sports, the denial of the opportunity to perform in the name of the University, the denial of the privilege of serving as an officer of a student organization or the denial of the privilege to reside in University housing. Any additional misconduct or non-compliance with sanctions on the student's part during the time of the Deferred Suspension will constitute an additional violation of the Student Code of Conduct. If found responsible for an additional violation(s), the student will be immediately suspended from the University.
5. **Suspension** - Suspension is imposed for serious misconduct or for a violation of Deferred Suspension when it is believed that the student should be temporarily removed from the University community. A student who is suspended from the University is not in good disciplinary standing with the University for the time that he or she is suspended. Suspension may entail the imposition of conditions that the student must meet in order to resume studies at the University. Suspension also may include conditions that will be in place once the student resumes University studies. While suspended, the student loses all University rights and privileges, may not represent the University in any manner and may not visit the campus without prior approval of the Vice Chancellor for Student Life. Suspension may be for the remainder of a semester or for no more than four semesters.

The student must meet with the Assistant Vice Chancellor for Student Life periodically throughout the term of suspension to ensure the student is making satisfactory progress regarding the developmental sanctions issued. The Assistant Vice Chancellor for Student Life will determine whether the student may resume studies after determining if all conditions of the suspension have been met. If all conditions have been satisfied, the Assistant Vice Chancellor for Student Life will make a recommendation to the Vice Chancellor for Student Life for consideration and approval. Any misconduct on the student's part during the period of suspension will be reviewed by the Office of Student Conduct and Community Standards and the Assistant Vice Chancellor for Student Life before the student is allowed to resume studies. The Office of Student Conduct and Community Standards will strongly consider expulsion as a sanction for misconduct that occurs during a period of suspension. Suspension is permanently recorded in the Office of Student Conduct and Community Standards.

6. **Post-Suspension Probation** - Students who are permitted to return to the University following a period of Suspension will automatically be placed on Post-Suspension Probation by the Office of Student Conduct and Community Standards for a

designated period of time. This probationary period, which is exclusively utilized for students who are returning to the University following a period of suspension, is designed to ensure a smooth transition back to the University community. A student on Post-Suspension Probation must abide by University policy and all terms and conditions placed on his or her return. Any misconduct or non-compliance during Post-Suspension Probation will be resolved by the Office of Student Conduct and Community Standards. If a student is found responsible for any violation(s) of the Student Code of Conduct, the University will strongly consider an additional sanction of suspension or expulsion for the misconduct.

7. **Expulsion** - **Expulsion** means that a student is permanently barred from matriculating as a student at the University. This penalty is used when the violation of one (1) or more of the Standards of Conduct is deemed so serious as to warrant total and permanent disassociation from the University community without the possibility of re-enrollment; or when, by his/her repeated violation of the Standards of Conduct, a student exhibits blatant disregard for the health and safety of other members of the University community or the University's right to establish rules of conduct. **An expelled student is not in good disciplinary standing with the University. Expulsion is permanently recorded in the Office of Student Conduct and Community Standards.**
8. **Withholding of Degree** – The University may withhold awarding a degree as a disciplinary sanction if the respondent is found responsible for violating the Student Conduct Code and is of senior class status. The degree may be withheld until the completion of the resolution process, including completion of all sanctions imposed. A student of senior class status who is subject to a pending disciplinary proceeding is not eligible to receive a degree or participate in his or her respective Commencement ceremony until the conduct process is completed. Depending on the nature of the charge(s), the student may be allowed to remain on campus to complete academic requirements for degree status at the discretion of the Vice Chancellor for Student Life. However, the student's degree will be conferred privately after the completion of the conduct process, including completion of all sanctions imposed.
9. **Revocation of Degree** - Revocation of a degree means revoking a degree already awarded to a student by the University. If a disciplinary hearing board desires to revoke a degree, the board shall communicate the recommendation to the Vice Chancellor for Student Life, who shall either accept or reject the recommendation. Revocation of a degree shall be approved by the University of Tennessee Board of Trustees [\[do we need to consider approval by the chancellor rather than BOT?\]](#)
10. **Social Probation.** Social probation prohibits a student organization from sponsoring or participating in specified social activities. While on social probation, a student organization may not host social events (e.g., mixers, date parties, formals, and band parties) or participate in University-affiliated activities (e.g., Homecoming, All Sing, Carnicus, intramurals). Any exceptions to social probation must be approved, in advance, by the Vice Chancellor for Student Life.
11. **Revocation of University Registration.** In cases of serious or repeated misconduct, a student organization's University registration may be revoked.

- B. **Developmental Sanctions** - In addition to an administrative sanction, one or more of the following developmental sanctions may be imposed in an effort to foster student learning and development. A failure to comply with the stated sanction is considered a violation of the Student Code of Conduct and will be resolved as such. At the discretion of the University, developmental sanctions may also be used as remedial measures.
1. **Educational Activities** - Students may be required to perform activities that are designed to be educational. Examples of such activities include, but are not limited to, offering a formal apology (in writing and/or in person), attending an educational class or workshop, giving or attending a presentation, preparing and submitting a research project or paper on a designated topic, or offering a written reflection responding to a given prompt.
  2. **Payment of Restitution** - Restitution may be required for damages done or other payment for expenses incurred as a result of the student's actions. Restitution may be required to be made to the University, a specific department or a specific individual. Normally, all restitution will be paid within two weeks of the hearing resolution. Students who have been suspended will not be readmitted until restitution is made. No transcripts will be released from the University until restitution is made.
  3. **Supervised Work/Service** - Students may be assigned work or service performed under supervision that is both beneficial to the University community and likely to assist the individual in understanding the effects of the offending behavior.
  4. **Restriction** - A student's or privileges may be restricted. Such restrictions include, but are not limited to, denial of the right to represent the University in any way, denial of the use of or access to facilities, denial of parking privileges, denial of participation in extracurricular activities, denial of participation in intercollegiate athletics or club sports or denial of participation in University-sponsored events.
  5. **University Housing Transfer or Removal** - Students may be directed to transfer to another room or housing unit, or may be removed from University housing.
  6. **Loss of Recognition** - The University may withdraw recognition of a student organization, which includes denying it access to University resources for a specific period of time or permanently.
  7. **Mandatory Counseling/Advising** - Students may be required to participate in counseling and/or advising sessions. Such sessions may include evaluative measures for substance abuse or emotional well-being.

A disciplinary hold may be placed on a student's account until the completion of the student disciplinary process and/or until the student satisfies the terms and conditions of any sanctions imposed. A student who, at the time of commencement, is subject to a continuing disciplinary penalty or an unresolved disciplinary charge shall not be awarded a degree before the conclusion of all penalties and/or resolution of all disciplinary charges.

**Interim Suspension** - Allegations of routine infractions of the Student Code of Conduct will be addressed through the University's student conduct process. When the Vice Chancellor for Student Life has reasonable cause to believe that a student's or student organization's continued presence on University-controlled property or at University-affiliated activities poses a significant risk of substantial harm to the health or safety of

others or to property or poses an ongoing threat to the disruption of, or interference with, the normal operations of the University, the Vice Chancellor for Student Life may impose an interim suspension prior to the conclusion of a full hearing on the alleged misconduct.

- A. An interim suspension shall be confirmed by notice to the student or student organization that explains the basis for the interim suspension and shall remain in effect until the conclusion of a full hearing in accordance with the rules of the University of Tennessee, which shall be held without undue delay.
- B. Within three (3) days of the imposition of the suspension, the student or student organization shall be offered an opportunity to appear personally before the Vice Chancellor for Student Life or his/her designee in order to discuss the following issues only: (i) the reliability of the information concerning the student's or student organization's conduct; and (ii) whether the conduct and surrounding circumstances reasonably indicate that the student's or student organization's continued presence on University-controlled property or at University-affiliated activities poses a significant risk of substantial harm to the health or safety of others or to property or poses an imminent threat of disruption of or interference with the normal operations of the University.
- C. During an interim suspension, the student or student organization shall be denied access to University-controlled property, including residence halls, and all other University-affiliated activities (including academic work) or privileges for which the student or student organization might otherwise be eligible, as the Vice Chancellor for Student Life or his/her designee determines in his/ her sole discretion to be appropriate. A student or student organization that receives an interim suspension and violates the terms of the interim suspension shall be subject to further disciplinary action and may be treated as a trespasser. Permission to be on University-controlled property or participate in University-affiliated activities may be granted by the Vice Chancellor for Student Life.
- D. When a student is placed on interim suspension, he/she may be assigned a grade of "W" or "I," whichever is deemed appropriate by the faculty member involved.

**No Contact Directive - A student may be required to have no contact with another person for a specific time period or permanently.** In cases involving allegations of assault, injury, sexual abuse, harassment, or in cases where there is reason to believe continued contact between a student/ student organization and specific persons, including complainants and witnesses, may interfere with those persons' security, safety or ability to participate effectively in work or studies, the Vice Chancellor for Student Life, may require that the student not have verbal, physical, or written contact with specific persons for a definite or indefinite period of time. The student will receive notice of the no contact directive. Any student, faculty or staff member or other person with a reasonable justification may request that a no contact directive be issued to a student. In addition to an internal University no contact directive, complainants are advised that other similar options exist and can be obtained from law enforcement and civil and criminal courts.

#### **X. Amnesty & Good Samaritan Policy**

The University of Tennessee is a caring community that holds paramount the health and safety of students. Accordingly, all University students are expected to alert appropriate

officials in the event of any health or safety emergency, including those involving the abuse of alcohol or other drugs.

When a student is in need of medical attention as a result of alcohol or other drug (“AOD”) use, fellow students are expected to:

- A. Contact appropriate officials to report the incident and request assistance (i.e., University staff members, University Police, law enforcement);
- B. Provide their names and contact information to the appropriate officials; and,
- C. Demonstrate cooperation and care by remaining with the student in need of medical attention and providing assistance during and after the incident.

A student (other than a student-staff member) who seeks medical attention for an AOD impaired student by following the aforementioned steps will generally not be subject to formal University disciplinary action for Alcohol or Drug Policy violations relative to this incident. While no formal University disciplinary action may be taken, the student who acted as a Good Samaritan may be requested to meet with a University staff member to discuss the incident and adhere to any appropriate therapeutic and/or educational recommendations.

Similarly, an AOD impaired student who receives medical attention because another student (other than a student-staff member) followed the aforementioned steps will generally not be subject to formal University disciplinary action for Alcohol or Drug Policy violations relative to this incident. While the impaired student may be granted amnesty from formal University disciplinary action, the student will be required to meet with a University staff member, participate in substance abuse education and/or an evaluation at the University’s Counseling Center, and comply with any therapeutic and/or educational recommendations (i.e., counseling, therapy, outpatient or inpatient care).

The Amnesty & Good Samaritan Policy does not protect students from repeated, flagrant, or serious violations of the Student Code of Conduct (i.e., physical or sexual assault, property destruction, disorderly behavior, theft) nor does it prevent or preclude action by police or other legal authorities.

In general, the Amnesty & Good Samaritan Policy only applies for an initial alcohol or drug Code of Conduct violation, as it is the expectation of the University that students learn from poor decisions involving alcohol or other drugs and avoid such situations in the future. Therefore, if a student was previously responsible for an alcohol or drug violation or previously was covered by the Amnesty & Good Samaritan Policy, the applicability of the Amnesty & Good Samaritan Policy for subsequent incidents is at the discretion of the Vice Chancellor for Student Life.

Note that student clubs, teams, and organizations, through their officers and members, are also expected to take responsible action in emergency situations. While the Amnesty & Good Samaritan Policy may not fully apply, a group’s adherence to the aforementioned steps will be considered a mitigating factor when determining the outcome or sanction of an incident that merits disciplinary action. Additionally, the University will consider a

group's failure to adhere to the aforementioned steps to be an egregious factor when determining disciplinary action.

## **X. Emergency Powers**

When, in the judgment of the **University Chancellor**, ~~Student Life Council of the University of Tennessee~~, conditions are such that it is impractical for the Student Conduct Boards to function, the Vice Chancellor for Student Life may suspend these procedural regulations and appoint an ad hoc committee to hear conduct matters. Any such ad hoc committee shall follow procedures that will insure the protection of the rights of the students involved, as stated herein. Any decisions by the ad hoc committee may be appealed to the **Vice Chancellor for Student Life using the appeal procedures noted herein.** ~~Student Life Council.~~

## **XI. DEFINITIONS**

1. **Advisor** – A member of the University community, most frequently a ~~full-time~~ faculty or staff member, who assists a student by providing support throughout the student conduct process.
2. **Amnesty**- A decision by which an exemption is granted from the resolution of the Student Code of Conduct.
3. **Appellate Board** - A board of three voting members selected from the faculty, staff and student members of the Student Conduct Board (SCB) and one non-voting chairperson appointed by the Director of Student Conduct and Community Standards. The three voting members will include two faculty or staff members, and one student who did not serve on the initial SCB.
4. **Assistant/Associate Vice Chancellor for Student Life**- the University administrator who the Vice Chancellor for Student Life may designate to act in his/her absence.
5. **Complainant** - The University or person alleging that a student or student organization violated the Student Conduct Code as determined by the Director of Student Conduct and Community Standards.
6. **Conduct Body** - A person or persons authorized by the Vice Chancellor for Student Life to determine, at the formal hearing level, whether a student is responsible for one or more violations of the Student Code of Conduct and, if there is a finding of responsibility, the sanctions that apply.
7. **Conduct Officer** - A University official authorized by the Vice Chancellor for Student Life to hear information, present information and/or impose sanctions upon students who are found responsible for violating the Student Code of Conduct.
8. **Day** - Any weekday not designated by the Office of the Registrar as a holiday or administrative closure day.
9. **Director of Student Conduct and Community Standards** – The University staff member that is responsible for the leadership and daily management of the student conduct process.
10. **Faculty Member** - A person hired by the University to conduct classroom activities, research, or supervised clinical placements.
11. **Guest** - A non-University student who is visiting the University.
12. **Hearing Authority**– Refers to the Student Conduct Board or the Administrative Hearing Officer, depending on the type of formal hearing utilized.
13. **May** - “May” is used in the permissive sense.

14. Member of the University Community - The term “member of the University community” is defined as any person who is a student, University official, campus visitor, or participant in a University-sponsored or University-affiliated activity.
15. Notice - The term “notice” is defined as notice given in writing delivered by regular mail, courier service, or hand delivery to the address the University has on file for the student or student organization, or by e-mail to the student’s or student organization’s University-provided e-mail account.
16. Policy - Regulations of the University including, but not limited to, the Student Code of Conduct, Housing and Dining Contract or the Housing/Dining Services Agreement, and Undergraduate/Graduate Catalogs.
17. Possession - Actual knowledge of a substance or property and/or being in such close proximity to the substance or property that it is a reasonable presumption that one had knowledge of the substance or property.
18. Respondent – Refers to the Student accused of violating the Student Code of Conduct.
19. Retaliation – An act in response to a previous report of alleged student misconduct, in any manner, against a member of the University community who, in good faith, reports an alleged violation of the Student Code of Conduct to the University.
20. Shall - “Shall” is used in the imperative sense. Staff Member - A person hired by the University on a part- or full-time basis primarily involved in planning, organizing, staffing, directing and controlling efforts to achieve the goals and objectives of the University.
21. Student - A person admitted, enrolled or registered for study at the University, either full-time or part-time, pursuing undergraduate, graduate, or professional studies, as well as non-degree programs. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University and those admitted but not yet matriculated at the University (offenses by individuals admitted but not yet matriculated will be reviewed at a time determined by the Director of Student Conduct. **References to “student” in this policy also refer to student organizations.** A person’s status as a student in any particular situation shall be determined by the Vice Chancellor for Student Life.
22. Student Organization - An organization that is composed solely of University students that has submitted a pending application or has completed the process for registration according to University processes. **For the purposes of the Student Code of Conduct, student organizations are referred to in the policy as “students.”**
23. Student Code of Conduct - Any published policy, rule or regulation of the University that governs student conduct.
24. Student Conduct Board (SCB) - The conduct body that presides over formal hearings for alleged violations of the Student Code of Conduct. The board is convened when a student is likely to be suspended or expelled from the University if found responsible. Additionally, the matters that involve interpretation of the Student Government Constitution or matters that challenge the results of Student Government elections, and discipline cases involving charges of dishonesty in these elections will be heard by the SCB. A SCB panel generally consists of five voting members - two students and three faculty or staff members - and one non-voting chairperson appointed by the Director of Student Conduct and Community Standards. However, a necessary quorum to conduct a hearing exists if three SCB members – one student and two faculty or staff members –

- and one non-voting chairperson are present.
25. Student Conduct Board Chairperson – A faculty or staff member appointed by the Director of Student Conduct and Community Standards to preside over and facilitate Student Conduct Board hearings. Chairpersons are non-voting members who have received training in the student conduct process and are prepared to facilitate hearings in a manner that is both fair and impartial.
  26. University - The University of Tennessee, Knoxville.
  27. University-Affiliated Activity - Any activity on or off University-controlled property that is initiated, aided, authorized, sponsored, or supervised by the University.
  28. University-Controlled Property - All land, buildings, facilities, grounds, structures, or any other property owned, leased, used, maintained, or operated by the University. For purposes of this rule, University-controlled property includes all streets, alleys, sidewalks, and public ways abutting such property. University-controlled property also includes computers and network systems owned, maintained, or controlled by the University or funded by the University.
  29. University Official - An employee of the University, including faculty members and staff, or for purposes of this process a University-recognized volunteer. Student employees may be considered University officials when acting in the performance of their duties (e.g., event staff, resident assistants, and teaching assistants).
  30. Vice Chancellor for Student Life – The University’s chief student affairs officer, who is designated by the Chancellor to be responsible for the administration of the Student Code of Conduct. For the purposes of this process, the term also includes any individual that the Vice Chancellor for Student Life may designate to operate in his/her absence.
  31. Weapon - Any device, instrument, or substance that is designed to, or reasonably could be expected to, inflict a wound, incapacitate, or cause serious bodily injury or death, including, but not limited to, firearms (loaded and unloaded, real and replica), ammunition, electronic control devices (such as Tasers and stun guns), devices designed to discharge an object (such as bb guns, air guns, pellet guns, potato guns, and slingshots), explosives, dangerous chemicals (such as mace, tear gas, and oleoresin capsicum), martial arts weapons, bows and arrows, artificial knuckles, nightsticks, blackjacks, dirks, daggers, swords, and knives with fixed blades longer than three (3) inches. The term “weapon” does not include chemical repellents available over-the-counter for self-defense; instruments used solely for personal hygiene, preparation of food, maintenance, University-related instruction, or University employment-related duties.
  32. Witness - A person who has information relevant to a case and should be present at the hearing.

### **Involuntary Medical Withdrawal or Suspension**

**[Not a part of the Code. To be placed in different section of Hilltopics]**

When a student is unable to effectively pursue his/her academic work, or when his/her behavior is disruptive to the normal educational processes of the University, or constitutes a threat to members of the University community, due to, among other things, alcohol use, drug use, or a physical or mental incapacitating illness or condition, he/she may be withdrawn or temporarily suspended from the University as hereinafter provided.

Withdrawal - A student may be withdrawn from the University only after an evaluation of his/her mental and physical condition by a panel of at least three (3) persons appointed by the Vice Chancellor for Student Life. The student shall be notified of the reasons for the evaluation and given an opportunity to present **information** to the committee. The committee's findings and recommendations shall be forwarded to the Vice Chancellor for Student Life, who will notify the student in writing of his/her decision. A student withdrawn under this procedure shall not be readmitted to the University without the approval of the Vice Chancellor for Student Life.

Temporary Suspension - Whenever a student, because of his/her mental or physical condition constitutes an apparent danger to persons or property, or when his/ her behavior is disruptive to the normal educational processes of the University, he/she may be suspended from the University, for a reasonable period of time, by the Vice Chancellor for Student Life. If the University does not withdraw the student in accordance with procedures outlined above, he/she may return to the University at the end of the suspension period.

Grades - When a student is withdrawn or temporarily suspended from the University, he/she may be assigned a grade of "W" or "I," whichever is deemed appropriate by the faculty member involved.

### **Inspection and Search Policy**

**[Not a part of the Code. To be placed in different section of Hilltopics]**

Entry by University authorities into occupied rooms in residence halls, fraternity houses, or sorority houses on University-controlled property will be divided into three (3) categories: inspection, search, and emergency. Inspection is defined as the entry into an occupied room by University authorities in order to ascertain the health and safety conditions in the room, to check the physical condition of the room, to make repairs on facilities, or to perform cleaning and janitorial operations. Search is defined as the entry into an occupied room by on-campus authorities for the purpose of investigating suspected violations of campus regulations. An emergency situation exists when the delay necessary to obtain a search authorization constitutes an apparent danger to person, property, or the building itself.

1. Inspection: Scheduled inspections by on-campus authorities with the exception of daily janitorial operations shall be preceded, if possible, by twenty-four (24) hours' notice to the residents. During the inspection there will be no search of drawers, closets, or personal belongings.
2. Search: On-campus authorities will not enter a room for purposes of search without permission from the resident(s) or prior permission from the Dean of Students, the Vice Chancellor for Student Life, or a designee of Dean of Students or Vice Chancellor for Student Life, unless in compliance with federal or state law.
3. Procedure for Search in Residence Hall Rooms: A request for permission to search may be made by the Hall Director, Assistant Hall Director, or their superiors when reasonable cause exists to suspect that a violation is occurring or has occurred. If permission to search is verbally authorized, it must be verified in writing to the occupant(s) of the facility searched by the hall staff members requesting the search. A copy of the authorization form is presented to the occupant(s) or left in the room if the occupant(s) is absent. The authorization form shall contain the following:

- a. Description of the place to be searched;
  - b. Name of the person authorizing the search;
  - c. Description of the item(s) sought; and,
  - d. Name of the person requesting the search authorization.
4. Procedure for Search in Fraternity or Sorority Houses: For purposes of search, the fraternity or sorority house will be divided into open and closed areas. The closed areas will be the residential ~~dorm~~ section and chapter room. University authorities may enter the open areas for purpose of inspection or search without permission, but there will be no search of personal belongings or closed areas of the house. University authorities will not enter the closed areas without the written permission of the Dean of Students, the Vice Chancellor for Student Life, or their designees, or in compliance with federal or state laws.
5. Resident Complaint: Should a resident believe that a University staff member has misused or abused his/her authority to inspect his/her room, the resident should file a complaint. He/she may prepare a written statement for review by the Office of Student Conduct and Community Standards. Or, if he/she prefers, the resident may state his/her complaint to an Area Coordinator or to a staff member of the Office of Student Conduct and Community Standards. The complaint will then be investigated, appropriate action will be taken, and the student will be informed in writing of the results of the investigation.