Proposed Student Code of Conduct

March 2017
Overview of Proposed Code Process

• External Program Review – Recommendation to revise Code of Conduct (2013)
• Drafting and Research Process (2014)
• Initial Vetting Process (2015)
  • Proposed Code presented and discussed with various campus constituencies (e.g. SGA, GSS, Greek Life, Sent to all students enrolled at UT, Parent’s Council, Student Life Council)
  • Edits made as a result of meetings and discussions
• Passed by Board of Trustees (October 2015)
• Rulemaking Hearing (October 2016)
  • Verbal and written feedback submitted
  • Edits made as a result of the rulemaking hearing & other circumstances
• Revised Code of Conduct to be presented to the Board of Trustees (March 2017)
Why Revise the Code?

• Program Review Recommendations
• The current Code is antiquated
  • No substantial changes in the past 40 years
• Not educational, convoluted and difficult to understand
• Lacks details and specificity regarding process
• Contains vague/unclear sanctions (e.g. indefinite suspension)
• Requires changes regarding Sexual Misconduct board composition (Jane Doe Settlement Agreement)
Notable Changes from Current Code
Notable Changes

• **Philosophy**
  • Establishes a more clearly stated philosophy of conduct that affirms a developmental and educational process, not just one that is punitive
  • Less legalistic

• **Records Retention and Disclosure**
  • Distinguishes between enrolled and students who are no longer enrolled
  • 7 years unless suspension or greater sanction

• **Sanction Improvements**
  • Eliminates indefinite suspension
  • Addition of deferred suspension
  • Includes educational sanction opportunities
  • Eliminates the sanction of revocation of degree except for situations involving academic/research misconduct

• **Good Samaritan/Amnesty Policy**
Notable Changes

• **Jurisdiction**
  • Modifies jurisdiction and clarifies student responsibility (off campus)

• **Process Clarifications**
  • Establishes a specific and explicitly defined process
  • Creates a streamlined process
  • Explains criteria used to determine individual and/or organization responsibility
  • Details procedures for students who fail to participate in the process

• **Hearing Process**
  • Includes additional hearing option – Student Life Hearing Officer
  • Eliminates Student Life Council
  • Contains Alternative Resolution Process (i.e. mediation)
Process Changes

• **Uniform Hearing Board**
  • Develops one uniform Board composed of Students, Faculty, and Staff (Student Conduct Board)
    • Exceptions for cases involving sexual misconduct and research misconduct

• **Elimination of Individual Hearing Boards**
  • Student Tribunal
  • Greek Judicial Board
  • Academic Review Board

• **Simplified Appeal Process**
Notable Edits to Proposed Code

Following Board of Trustees meeting in October 2015 & Rulemaking Hearing/Process
Edits to Proposed Code

• Specific reference to the University’s Policy on Sexual Misconduct, Relationship Violence, Stalking, and Retaliation in the Standards of Conduct & removal of definitions to avoid confusion and decrease length of Code

• Additional language to address optional legislative or policy changes
  • Weapons language to address any state or federal laws passed
  • Potential alcohol policy change

• Addition of student notification of the right to have an advisor
Edits to Proposed Code

- Edits to “Interim Administrative Actions” and addition of interim restriction(s) language
- Board composition exceptions for sexual misconduct and research misconduct
- Additional ground for appeal based on “personal prejudice or bias of SCB member”
- Addition of research misconduct information
- Consolidates student and student organization rights to formal hearing
Questions and Feedback?
The University of Tennessee, Knoxville Proposed Student Conduct Process

Incident

- No Violation of the Student Code of Conduct (Process Ends)
- Report Submitted to the Office of Student Conduct & Investigation Occurs (If Needed)
- Possible Violation of the Student Code of Conduct

Educational Conference
- Informal Hearing with Conduct Officer
  - Student Charged with Code Violation(s), Resolution by Agreement, Accepts Responsibility & Sanction Assigned (Process Ends)
  - Student Receives Notice of Allegations & Does Not Accept Responsibility and/or Sanction

Student Life Hearing Officer Hearing
- Formal hearing option when proposed sanction is less than a Deferred Suspension
  - Finding of Responsibility; Sanction Assigned; Appeal(s) Possible (If No Appeals, Process Ends)

Student Conduct Board (SCB) Hearing
- Formal hearing option when proposed sanction is Deferred Suspension or greater
  - Finding of Responsibility
  - Appeal(s) Possible

Administrative Procedures Act (UAPA) Hearing
- Formal hearing option when proposed sanction is Deferred Suspension or greater
  - Option to Appeal under UAPA Rules

Appellate Review

- Appellate Board Affirms Decision (Process Ends)
- Appeal Granted for Procedural Error; Send case to new or original board
- Appeal Granted for New Evidence; Send case to new or original board
- Appeal Granted for Personal Prejudice or Bias; Send case to new board

New or Original Board Hears Case; Responsibility Determined (Process Ends)