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 and in compliance with university rules and policies. The university has established rules in order to advance the mission of the university by maintaining a safe and secure 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 this handbook is intended or shall be interpreted to restrict students’ constitutional rights, including, but not limited to, rights of freedom of speech and assembly.

Students are responsible for being fully acquainted and for complying with the university catalog, handbook, and other rules and policies relating to students. Failure or refusal to comply with the rules and policies established by the university may subject a student to disciplinary action up to and including permanent dismissal from the university.

DEFINITIONS

(1) The term “University” means the University of Tennessee at Knoxville.

(2) The term “student” means a person admitted, enrolled or registered for study at the University of Tennessee, either full-time or part-time, pursuing undergraduate, graduate, or professional studies, as well as nondegree students. Persons not officially registered or enrolled for a particular term but who have a continuing relationship with the university also are considered students for purposes of these rules.

(3) The term “student organization” means 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 rules.

(4) The term “University-controlled property” means 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.

(5) The term “University-affiliated activity” means any activity on or off University-controlled property that is initiated, aided, authorized, sponsored, or supervised by the University.

(6) The term “University official” means an employee of the University, including faculty members and staff, or for purposes of this rule 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).

(7) The term “member of the University community” means any person who is a student, University official, campus visitor, or participant in a University-sponsored or university-affiliated activity.

(8) The term “possession” means 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.

(9) The term “weapon” means 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.

(10) The term “notice” means 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.
The Student Code of Conduct educates the university community about the institution’s expectations and student rights and responsibilities. It creates a standard by which students are expected to conduct themselves that is consistent with the educational goals of the university.

**JURISDICTION**
(1) The Standards of Conduct apply to conduct that occurs on University-controlled property.

(2) The University also has the discretion to discipline a student for an act in violation of the Standards of Conduct that occurs off University-controlled property if the conduct adversely affects the interests of the University, including, but not limited to, conduct which:

(a) 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;

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

(c) 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.

(3) The Standards of Conduct have been adopted in furtherance of the University’s interests and serve to supplement, rather than substitute for, the enforcement of the civil and criminal law. Accordingly, University disciplinary action may be instituted against a student charged with conduct that potentially violates both the criminal law and the Standards of Conduct without regard to the pendency of criminal charges or civil litigation. At the discretion of the Vice Chancellor for Student Life, or his/her designee, disciplinary action relating to a violation of the Standards of Conduct may be carried out prior to, simultaneously with, or following criminal proceedings. Students accused of 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.

(4) 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 encumbered by the appropriate University office.

(5) 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.

**FUNDAMENTAL RIGHTS OF THE ACCUSED**
Students and student organizations charged with violating the Standards of Conduct are entitled to the following rights under the University of Tennessee at Knoxville’s student conduct system:

(1) 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.

(2) Notice of the maximum allowable penalty (i.e., permanent dismissal).

(3) The right to a hearing closed to the public.
(4) The right to: (i) a non-adversarial hearing before the Director of Student Conduct and Community Standards or his/her designee; or (ii) an adversarial hearing before a University hearing board with jurisdiction.

(5) The right to be assisted by a Judicial Advisor** before a University hearing board. If an adversarial criminal proceeding has been initiated against a student (e.g., a criminal charge or indictment) arising out of the same conduct at issue in the disciplinary hearing, then the student also has a right to have an attorney present during the hearing before a University hearing board. The attorney’s role shall be limited to advising the student about answering questions that may be self-incriminating.

(6) Testify or remain silent in a University hearing at his/her option. However, a University hearing board is not prohibited from drawing an adverse inference against a student if the student remains silent or refuses to attend a disciplinary hearing or testify in response to evidence offered against him/her. A University hearing board shall not base its decision solely on a student’s failure to attend a hearing or a student’s refusal to testify or remain silent.

(7) Present the testimony of witnesses and other evidence.

(8) The presumption of innocence. The burden of proof rests with the University, such that the University must prove the student’s guilt by a preponderance of the evidence.

(9) A written decision specifying the rule violated, penalty assessed, and right of appeal.

(10) 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.

(11) Have his/her case heard only on the misconduct specified in the written notice.

(12) Challenge the admissibility of evidence.

(13) Cross-examine all available adverse witnesses.

(14) Appeal the decision of a University disciplinary board in accordance with “Appeal and Scope of Review” as detailed herein.

**Judicial Advisor = Student Conduct Assistant

FUNDAMENTAL RIGHTS OF THE COMPLAINANT
In cases involving a complaint of sexual assault or misconduct, the complainant shall have the right to:

(1) Notice concerning the process by which the University will handle the complaint and an opportunity to ask questions about the process;

(2) A prompt, thorough, and impartial investigation of the complaint;

(3) The same opportunity as the respondent to present his/her explanation of the facts during the University’s investigation;

(4) Have the investigation of the complaint concluded within sixty (60) days of the University’s receipt of a complaint, unless circumstances make it impracticable for the University to complete its investigation within that timeframe;

(5) Notice of the outcome of the University’s investigation;

(6) Have a disciplinary hearing conducted within thirty (30) days of a University charge that the respondent committed sexual assault or misconduct, unless circumstances make it impracticable for the University to conduct a hearing within that timeframe;

(7) Notice of the date, time, and location of the disciplinary hearing, the right to have the disciplinary hearing closed to the public, and the right to request rescheduling of the hearing for good cause;

(8) The same access as the respondent to any information or documents that will be used by the University during the disciplinary hearing, unless prohibited by law;

(9) Challenge the seating of any disciplinary board member for good cause, which will be determined at the discretion of the chairperson of the hearing board, or, if the seating of the chairperson is challenged, then at the discretion of the majority of the hearing board;

(10) Be accompanied by a person, other than a Student Conduct Assistant, of his/her choosing during the University’s investigation or a disciplinary hearing, but the person shall not be permitted to speak for the complainant during a disciplinary hearing;
(11) The same opportunity as the respondent to be present during the hearing, present witnesses and other evidence through a Student Conduct Assistant, challenge the admissibility of evidence through a Student Conduct Assistant**, and cross-examine adverse witnesses through a Student Conduct Assistant** during the disciplinary hearing;

(12) Testify or remain silent in a hearing at his/her option;

(13) Not to be questioned directly by the respondent during the disciplinary hearing;

(14) Submit a written impact statement to the Student Disciplinary Board for consideration of the sanctioning phase of the disciplinary hearing, if the respondent is found guilty of the charges against him/her, or to the Office of Student Judicial Affairs* for consideration during the sanctioning phase of the administrative hearing, if the respondent pleads guilty to the charges against him/her;

(15) Notice of the decision of the Student Disciplinary Board or the outcome of an administrative hearing within three (3) business days of the hearing; and

(16) Appeal the decision of a University disciplinary board in accordance with “Appeal and Scope of Review” for sexual assault or misconduct cases as detailed herein.

As an alternative to the procedures described in the “Fundamental Rights of the Accused,” any student or student organization 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 that opportunity for hearing in accordance with the Tennessee Uniform Administrative Procedures Act, T.C.A. § 4-5-301, et seq. The University’s procedures for conducting contested case hearings under the Tennessee Uniform Administrative Procedures Act are contained in Chapter 1720-01-05 of the Rules of the University of Tennessee, and the University’s rules concerning waivers of contested case hearings are contained in Chapter 1720-01-03 of the Rules of the University of Tennessee.

STANDARDS OF CONDUCT
A student or student organization may be disciplined for 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); 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 “Sexual Misconduct, Relationship Violence, and Stalking: Final Policy, Procedures, Programs, and Resources,” 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

* Office of Student Judicial Affairs = Office of Student Conduct & Community Standards
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.

SEXUAL MISCONDUCT AND RELATIONSHIP VIOLENCE
The University has adopted a policy that addresses sexual assault, dating violence, domestic violence, and stalking. A copy of that policy, titled “Sexual Misconduct, Relationship Violence, and Stalking: Final Policy, Procedures, Programs, and Resources,” can be found at http://sexualassault.utk.edu. The policy describes prohibited conduct for students; explains multiple options for reporting sexual assault, dating violence, domestic violence, and stalking to the University; sets forth the procedures the University will follow for promptly, thoroughly, and equitably investigating and resolving reports of sexual assault, dating violence, domestic violence, and stalking in order to eliminate the misconduct, prevent its recurrence, and address its effect on a complainant or the University community; identifies resources for complainants; and describes the University’s prevention and awareness programs relating to sexual assault, dating violence, domestic violence, and stalking. In the event of a conflict between Hilltopics and the policy, the policy takes precedence and controls.

HONOR STATEMENT
An essential feature of the University of Tennessee at Knoxville is a commitment to maintaining an atmosphere of intellectual integrity and academic honesty. “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 implementation of the Honor Statement, the following avenues will be utilized:

(1) The Honor Statement, with its attendant pledge, will appear 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 will be included in the catalogs (undergraduate and graduate), Hilltopics, and in a brochure specifically addressing the Honor Statement.

(3) The Honor Statement will be discussed during freshman, transfer, graduate student, and international student orientation programs.

(4) A thorough discussion of the Honor Statement in freshman English is encouraged.

(5) Implementation methods and alternatives will be discussed during faculty orientation programs.

(6) The Honor Statement is furthered by Standard of Conduct #1.
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 and 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.

Responsibilities
(1) All groups within the University community have responsibilities associated with the Honor Statement. These responsibilities are unique to each sector of the University community.

(2) 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.

(3) 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.

Process
(1) 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.

(2) 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:

(a) 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 Judicial Affairs*, 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 Judicial Affairs* shall provide the student with notice and information relating to an appeal of the instructor’s findings of academic dishonesty and/or academic penalties.

(b) Request that the Office of Student Judicial Affairs* charge the student with violating Standard of Conduct #1, and impose one or more of the disciplinary penalties described in “Penalties” as detailed herein. The instructor is not required to notify a student that a request has been made to the Office of Student Judicial Affairs*.

(3) The Office of Student Judicial Affairs* is responsible for determining whether to charge a student with violating Standard of Conduct #1. The decision of the Office of Student Judicial Affairs* 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 Judicial Affairs* may charge a student with violating Standard of Conduct #1 regardless of the response of the instructor to the alleged academic dishonesty.

(4) If a student denies a charge of academic dishonesty made by an instructor and/or the Office of Student Judicial Affairs*, and/or if the student does not accept the academic penalties imposed by the instructor and/or the penalties recommended by the Office of Student Judicial Affairs*, then the student may appeal to the appropriate Academic Review Board within seven (7) days of the date of the notice of the academic penalty or disciplinary charge, whichever occurs later. If the student does not file a timely notice of appeal, then the determination of academic dishonesty and the recommended academic penalty and/or disciplinary penalty become final.

The University of Tennessee College of Law has adopted and promulgated its own Code of Academic Conduct, contained in the Rules of the University of Tennessee, which governs academic dishonesty by students enrolled in the College of Law and controls in the event of a conflict between this section and the relevant section contained in the Rules of the University of Tennessee.

**Penalties**

**Student Penalties**

The following penalties may be imposed on any student found to have violated the Standards of Conduct:

(1) Warning. A warning is a notice that the student is violating or has violated the Standards of Conduct.

(2) Loss of Privilege. A loss of privilege is intended to serve as a reminder of the Standards of Conduct and is for a specific period of time. Privileges that may be lost include, but are not limited to, scholarships, stipends, participation in extracurricular activities (e.g., intramurals), housing privileges, participation in social activities, and use of certain University-controlled property (e.g., information technology resources).

(3) Education. Students may be required to attend classes, at their own expense, dealing with issues such as the consequences of alcohol or drug use, civility, ethics, or other topics as deemed appropriate by the Vice Chancellor for Student Life or his/her designee.

(4) Restitution. Restitution may be required in situations that involve destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical

* Office of Student Judicial Affairs = Office of Student Conduct & Community Standards
injury. Restitution may take the form of a monetary payment or appropriate service to repair or otherwise compensate for the destruction, damage, or loss.

(5) Disciplinary Reprimand. A disciplinary reprimand is used for minor violations of the Standards of Conduct. A reprimand indicates that further violations will result in more severe disciplinary actions.

(6) Disciplinary Probation. Disciplinary probation permits a student to remain at the University on probationary status but with the understanding that a future violation of the Standards of Conduct may result in suspension. Probation may be for a defined or indefinite period. Other conditions of probation are specific to each individual case and may include a requirement of community service or other requirement or restriction.

(7) Suspension for a Specific Period of Time. Suspension for a specific period of time means that the student is withdrawn from the University and is not eligible to apply for readmission for a designated period of time. Usually, the period of designated suspension does not exceed one (1) calendar year. Upon return to the University following a suspension for a specific period of time, the student may be placed on indefinite disciplinary probation.

(8) Indefinite Suspension. Indefinite suspension is imposed in cases of serious or repeated misconduct or in cases in which the prognosis for rehabilitation is uncertain. Indefinite suspension means that the student is withdrawn from the University for an unspecified period of time but typically for a minimum of one (1) calendar year from the effective date of the indefinite suspension. A student who receives the penalty of indefinite suspension is not eligible to apply for readmission until the student successfully petitions the Student Life Council to lift the suspension. The student will be expected to meet regularly with the Assistant Vice Chancellor for Student Life, or his/her designee, throughout the period of indefinite suspension. At a minimum, the student is expected to contact and begin meeting regularly with the Assistant Vice Chancellor for Student Life, or his/her designee, at least fifteen (15) weeks prior to the semester for which the student desires to be readmitted to the University. Upon return to the University following an indefinite suspension, the student shall be placed on indefinite disciplinary probation.

(9) Permanent Dismissal. Permanent dismissal means that a student is permanently barred from matriculating as a student at the University of Tennessee at Knoxville. 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. If a disciplinary hearing board desires to impose permanent dismissal, then the board shall communicate a recommendation of permanent dismissal to the Vice Chancellor for Student Life. In the event a recommendation of permanent dismissal is not approved by the Vice Chancellor for Student Life, he/she may substitute any less severe penalty; if probation is substituted, it may be for a greater period than the period specified for suspension. The Vice Chancellor for Student Life shall notify the Director of Student Conduct & Community Standards when a recommendation for permanent dismissal is not approved.

(10) 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, then 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.

The following penalties, by themselves, do not create a disciplinary record for a student in the Office of Student Judicial Affairs* for purposes of reporting a student’s conduct history: (a) warning; (b) loss of privilege; (c) education; and (d) restitution. However, those penalties may be considered as part of a student’s conduct history for purposes of determining what penalty should be imposed for a future disciplinary offense.

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 penalties 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.

**Student Organization Penalties**

The following penalties may be imposed on a student...
organization found to have violated the Standards of Conduct:

(1) Warning. A warning is a notice that the student organization is violating or has violated the Standards of Conduct.

(2) Education. Student organizations or their representatives may be required to attend classes, at their own expense, dealing with issues such as the consequences of alcohol or drug use, civility, ethics, or other topics as deemed appropriate by the Vice Chancellor for Student Life or his/her designee.

(3) Loss of Privilege. A loss of privilege is intended to serve as a reminder of the Standards of Conduct and is for a specific period of time. Examples of privileges that may be lost include participating in extracurricular activities (e.g., intramurals), housing privileges, participating in social activities, and using certain University-controlled property.

(4) Restitution. Restitution may be required in situations that involve destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. Restitution may take the form of a monetary payment or appropriate service to repair or otherwise compensate for the destruction, damage, or loss.

(5) 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 or his/her designee.

(6) Disciplinary Probation. Disciplinary probation means that a student organization is permitted to retain University registration on a probationary status. Violation of the Standards of Conduct during the period of disciplinary probation may result in more serious penalties, including revocation of University registration.

(7) Revocation of University Registration. In cases of serious or repeated misconduct, a student organization’s University registration may be revoked. More than one (1) of the penalties listed above may be imposed for any single violation of the Standards of Conduct.

Except for an interim suspension, disciplinary penalties shall not become effective until after opportunities for appeal have been exhausted. Penalties may be applied retroactively to the date of the offense. Coursework performed while disciplinary charges are pending or disciplinary proceedings are underway shall be considered conditional. Coursework may be affected or disregarded based on a final finding of misconduct or the penalty imposed, which may result in loss of course credit, a loss of tuition and/or fees, a delay in the awarding of a degree, or revocation of a degree that was awarded prior to a final decision in the disciplinary proceeding.

Intoxication or impairment because of alcohol, drugs, chemicals, or other substances does not diminish or excuse a violation of the Standards of Conduct.

NO CONTACT DIRECTIVE
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, or his/her designee, may require that the student/student organization not have verbal, physical, or written contact with specific persons for a definite or indefinite period of time. The student/student organization 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/student organization. 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.

INTERIM SUSPENSION
When the Vice Chancellor for Student Life or his/her designee 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 or his/her designee may impose an interim suspension prior to the conclusion of a full hearing on the alleged misconduct.
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.

Within three (3) business 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.

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 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 who 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 or his/her designee.

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.

INVOLUNTARY MEDICAL WITHDRAWAL OR SUSPENSION
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 evidence 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 or the Dean of Students. 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.

HEARING BOARDS

Greek Judicial Board
(1) This board has original jurisdiction in cases in which a Greek student organization has allegedly violated the InterFraternity Council (IFC), Panhellenic, or National Pan-Hellenic Council (NPHC) Rules, Constitution, or By-Laws, or University Standards of Conduct. Hearing procedures shall afford student organizations all of the rights set forth in “Fundamental Rights of the Accused” as detailed herein and be similar to the procedures used by the Student Disciplinary Board. Following a hearing, the board shall determine guilt or innocence and decide upon an appropriate penalty. Appeals from these decisions are to the Student Tribunal in accordance with “Appeal and Scope of Review” as detailed herein.

(2) An individual(s) member of a Greek student organization alleged to have violated a University Standard of Conduct will be referred to the Office of Student Judicial
Affairs* for appropriate action. The Director of Student Conduct & Community Standards, who will decide all jurisdictional questions, may assign jurisdiction over cases of individual discipline to the Greek Judicial Board, except for cases involving allegations of sexual harassment, sexual assault, or sexual misconduct. In such cases the Greek Judicial Board will operate under the procedures established for the Student Disciplinary Board. Appeals from these decisions are to Student Disciplinary Board and must be filed with the Office of Student Judicial Affairs* in accordance with “Appeal and Scope of Review” as detailed herein.

(3) Students serving as members of the Greek Judicial Board must be active members of a Greek organization and in good standing during their terms of office. Guidelines for appointing, replacing and removing board members will be suggested by the Greek Council to the Office of Student Judicial Affairs* for approval. Members of the Greek Judicial Board will be required to participate in training seminars scheduled by the Office of Student Judicial Affairs*.

**Student Disciplinary Board**
(1) Jurisdiction. The Student Disciplinary Board has the following responsibilities:

(a) To hear allegations of student misconduct involving violations of the Standards of Conduct;

(b) To determine the innocence or guilt of the student charged and establish an appropriate penalty in cases where the student is found guilty; and

(c) To hear individual discipline cases appealed from the Greek Judicial Board and to make decisions appropriate with appellate responsibility.

(2) Membership. Members of the Student Disciplinary Board must be sophomores or above. Undergraduate and law students must have at least a 2.0 overall grade point average. Graduate students must have at least a 3.0 grade point average in all graduate work attempted. Members shall be screened and selected by a committee that consists of Office of Student Judicial Affairs* staff. A member may be removed from office, for cause, by the Student Life Council following notice and a hearing.

(3) Hearing Procedures.
(a) For each hearing, three (3) to seven (7) student board members will be selected from a pool of members. A quorum of three (3) board members must be present in order to hear a case. A majority vote of the members present is required for all decisions of the board. The chairperson votes in all cases.

(b) Any board member who cannot hear the evidence fairly and objectively for any reason shall dismiss himself/herself from the case.

(c) The Director of Student Judicial Affairs shall appoint a chairperson prior to the start of each hearing. The chairperson shall conduct the hearing and rule on all motions, objections, and other procedural issues. The chairperson shall ascertain that the respondent has been advised of his/her rights and shall then read the statement of charges. A student who fails to appear before the Student Disciplinary Board in accordance with proper notification shall be deemed to have waived his/her rights to be present during the hearing, to know the evidence against him/her, to present evidence in his/her own behalf, and to exercise reasonable cross examination of witnesses appearing against him/her. This waiver shall become effective if the student fails to appear at the designated time and place of the hearing unless, at least twenty-four (24) hours prior to the hearing, the student communicates in writing to the Office of Student Judicial Affairs* good cause for granting a continuance of the hearing.

(d) The respondent shall enter a plea of guilty or not guilty. If a guilty plea is entered, he/she shall be advised of the maximum penalty.

(e) The chairperson is responsible for maintaining an orderly discussion throughout the hearing. Proceedings should be conducted with fitting dignity and should reflect the importance and seriousness of the hearings. Any person who fails to follow the instructions of the chairperson, after a warning, shall be referred to the Director of Student Conduct & Community Standards for appropriate disciplinary action.

(f) In the event that the respondent pleads guilty, the board shall review the circumstances of the case and make appropriate decisions or recommendations regarding the penalty.

(g) If respondent’s attorney is present, the accused’s attorney shall not question any individual, introduce evidence, raise objections, present arguments, or otherwise participate in the hearing. The failure of a

* Office of Student Judicial Affairs = Office of Student Conduct & Community Standards
respondent’s attorney to attend the hearing shall not be grounds for delaying the proceeding or challenging the validity of the proceeding.

(h) The Student Conduct Assistant, on behalf of the University, shall present such evidence as he/she has at the hearing, including any witnesses. He/she shall not present written statements as evidence, unless circumstances make such presentation necessary and unavoidable. Under similar restrictions the respondent may present written statements in his/her defense. Unsigned statements shall not be admitted as evidence. However, a statement submitted via electronic mail may be admitted if party against whom the statement is offered does not object to its admission or the chairperson determines that the statement’s authenticity and validity has been verified. Hearsay evidence is, however, admissible.

(i) After the presentation of evidence by the Conduct Assistant, the accused shall be allowed to present all relevant evidence. If a not guilty plea has been entered, evidence in mitigation of the alleged offense shall be presented only after the board has determined the issue of innocence or guilt.

(j) During 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. No mention will be made during the hearing on innocence or guilt of the student’s previous disciplinary record, unless appropriate as rebuttal to character evidence introduced by the accused.

(k) After a determination of guilt by the board, the Student Conduct Assistant, on behalf of the University, shall present the previous disciplinary record of the accused, if any, and evidence of any other aggravating circumstances, to the board together with the recommendation of the Director of Student Judicial Affairs as to an appropriate penalty.

(l) After presentation of evidence by the Conduct Assistant, the accused shall be allowed to present character evidence, evidence of mitigating circumstances, and an alternative penalty recommendation.

(m) After the board determines the penalty, the accused shall be advised in writing of its decision.

(n) The results of the board’s decision shall be kept on official University judicial forms. If a verbatim record of the hearing is prepared, it shall be retained in the custody of the Office of Student Judicial Affairs* and considered a confidential disciplinary record. If necessary for adjudication of an appeal, the Director of Student Conduct & Community Standards may prepare a summary, certified by the chairperson of the Student Disciplinary Board, or provide that portion of the record that has been designated by the Student Tribunal or Student Life Council as material to the appeal.

(o) A board member shall not 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.

(p) 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 “Fundamental Rights of the Accused” regarding sexual assault or misconduct as detailed herein. The board may consider evidence presented by the complainant as part of the University’s proof.

(4) Appeals. Appeals from decisions of the Student Disciplinary Board may be made to the Student Tribunal in accordance with “Appeal and Scope of Review” as detailed herein.

Academic Review Boards

(1) Jurisdiction. Academic Review Boards have original jurisdiction over cases of alleged academic dishonesty (i.e., violations of Standard of Conduct #1) that arise out of a course or program offered by the college or a student’s appeal of an academic penalty imposed as a result of alleged academic dishonesty relating to a course or program offered by the college. Jurisdiction may include cases of academic dishonesty which involve violations of other Standards of Conduct, but such cases shall initially be referred to the Office of Student Judicial Affairs* for determination of appropriate jurisdiction.

(2) Membership. The Academic Review Board of each college shall consist of an ad hoc group of three (3) faculty members and three (3) students selected from the college’s membership by the administrative head of the college. Alternative methods of selection of the three faculty members and the three students may be adopted by an individual college with the approval of the administrative head of the college. Also, under extenuating circumstances, a college may recommend, for approval

* Office of Student Judicial Affairs = Office of Student Conduct & Community Standards
by the Student Life Council, a board composition which differs from that prescribed above.

(3) Hearing Procedures.

(a) A quorum shall consist of four (4) members. The college shall make provision for alternates to insure the availability of a quorum.

(b) In order to establish continuity among the various Academic Review Boards and to ensure the maintenance of procedural due process, a member of the Vice Chancellor’s for Student Life staff shall serve as the non-voting chairperson of each Academic Review Board. His/her responsibilities shall include the scheduling of meetings, notification of parties and witnesses, and other duties as needed to ensure due process is afforded.

(c) Hearing procedures shall be established by the Office of Student Judicial Affairs*. Hearing procedures shall afford students all of the rights set forth in “Fundamental Rights of the Accused” as detailed herein and be similar to the procedures used by the Student Disciplinary Board. All decisions shall be by a majority vote.

(4) Appeals.

(a) Appeal of Decision Concerning Academic Dishonesty.

i. Student Appeal. A student may appeal a decision of the Academic Review Board that a student is guilty of academic dishonesty to the Student Life Council in accordance with “Appeal and Scope of Review” as detailed herein.

ii. University Appeal. The University may appeal a decision of the Academic Review Board that a student is not guilty of academic dishonesty to the Student Life Council in accordance with “Appeal and Scope of Review” as detailed herein. The administrative head of the college involved makes the decision whether to appeal.

(b) Appeal of Decision Concerning Academic Penalty.

i. A student may appeal a decision of the Academic Review Board concerning an academic penalty to the Student Life Council in accordance with “Appeal and Scope of Review” as detailed herein.

ii. If the Academic Review Board recommends that the instructor change the academic penalty proposed by the instructor, the Office of Student Judicial Affairs* shall notify the instructor of the Academic Review Board’s recommendation. The instructor may either accept or reject the Academic Review Board’s recommendation to change an academic penalty, and the instructor or the administrative head of the college involved shall notify the Office of Student Judicial Affairs* of the decision to accept or reject the Academic Review Board’s recommendation within seven (7) days of the Academic Review Board’s recommendation. If the instructor rejects the Academic Review Board’s recommendation, then the Office of Student Judicial Affairs* shall notify the student of the student’s right to appeal the instructor’s academic penalty in accordance with “Appeal and Scope of Review” as detailed herein, in which case the student shall submit the request for appeal within seven (7) calendar days of the notice of the instructor’s decision to reject the Academic Review Board’s recommendation.

iii. In the event the instructor rejects the recommendation of the Student Life Council following an appeal by the student of an academic penalty, then the student may appeal to the Chancellor, who, in consultation with the Provost, shall be the final decision maker concerning changes to student’s grades on the student’s official University academic record. The student must file a request for appeal within seven (7) calendar days of the notice to the student concerning the instructor’s rejection of the recommendation of the Student Life Council.

Student Tribunal

(1) Original Jurisdiction. The Student Tribunal has original jurisdiction in cases of conflicts between (non-Greek) student organizations, conflicts between individuals and student organizations, cases which involve allegations that a student organization has violated the Standards of Conduct, cases which involve interpretation of the Student Government Constitution, cases of challenge to results of Student Government elections, and discipline cases involving charges of dishonesty in these elections.

* Office of Student Judicial Affairs = Office of Student Conduct & Community Standards
Appellate Jurisdiction. The Student Tribunal has appellate jurisdiction to review decisions of the Student Disciplinary Board and the Greek Judicial Board. Any other jurisdiction may be assigned by the Director of Student Conduct & Community Standards. The forms to be used on appeal and other procedural requirements shall be established by the Office of Student Judicial Affairs*.

Membership. The Student Tribunal consists of three to seven (7) members, selected by the Director of Student Conduct & Community Standards or designee from the Student Disciplinary Board.

Hearing Procedures. A quorum of three (3) members is required for a hearing before the Student Tribunal, and a majority vote of the members present is required for all decisions. Other hearing procedures shall be established by the Office of Student Judicial Affairs*. In cases of original jurisdiction, the hearing procedures shall afford students all of the rights set forth in “Fundamental Rights of the Accused” as detailed herein and be consistent with the procedures used by the Student Disciplinary Board.

Appeals. Appeals from decisions of the Student Tribunal may be made to the Student Life Council in accordance with “Appeal and Scope of Review” as detailed herein.

Student Life Council

(1) Jurisdiction. The Student Life Council is the hearing board for appeals from decisions of the Student Tribunal, Academic Review Boards, and for appeals filed by the Vice Chancellor for Student Life or his/her designee. It is the final decision making board in the judicial system. The Council also hears petitions to lift the disciplinary penalty of indefinite suspension. The Council may periodically review the status of student conduct and the judicial system and make appropriate recommendations.

(2) Membership. The Student Life Council is composed of the following members:

(a) The Vice Chancellor for Student Life, who serves as the chairperson;

(b) All the Deans of the University of Tennessee at Knoxville; Assistant Vice Chancellor for Student Life;

(c) Three (3) faculty members, associate professor or above, appointed by the Faculty Senate (the initial appointments shall be staggered in terms so that one new faculty member is appointed each year after the initial appointment); and

(d) Eight (8) student members (one of whom shall be a graduate student), appointed by the Student Government Association, for a period of one (1) year.

(3) Except for appeals from the Student Tribunal, a majority of the Student Life Council shall constitute a quorum for the conducting of all business, and a majority vote of the members present is required for all decisions.

(4) Appeals from the Student Tribunal. A subgroup of eleven (11) members of the Student Life Council, four (4) of whom shall be students, shall hear appeals from the Student Tribunal or an Academic Review Board. The Vice Chancellor for Student Life or his/her designee shall serve as the chairperson of the subgroup and shall select the ten (10) other members of the subgroup from the general membership of the Student Life Council. The Student Life Council will hear appeals on the record, unless it elects by a majority vote of members present to hear the case de novo.

APPEAL AND SCOPE OF REVIEW

(1) Appeal. The disciplinary action of any board may be appealed to the next higher board.

(a) In all cases the request for appeal must be submitted in writing to the Office of Assistant Vice Chancellor within seven (7) calendar days of written notice of the board decision. If the seventh day falls on a weekend or holiday, the time is extended to the next regular workday.

(b) If written briefs are submitted or if required by the appellate board’s bylaws, they must be submitted within fourteen (14) calendar days of submission of the request for appeal. Under normal circumstances appeals will be heard within seven (7) days after written briefs have been submitted.

(c) 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.

* Office of Student Judicial Affairs = Office of Student Conduct & Community Standards
(d) Pending the outcome of an appeal, the penalty specified in the original decision shall not be imposed.

(2) Scope of Review. The appellate board will review the request for appeal together with any written briefs or other supporting documents to determine if the appeal presents a substantial question within the scope of review. The scope of review shall be limited to the following:

(a) Appropriateness of the Penalty. In cases appealing the appropriateness of the penalty, the appeal board shall uphold the penalty unless the penalty 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) New Evidence. In cases appealed on grounds of new evidence, the moving party must show that such evidence is material to the decision of the board on the issue of innocence or guilt, and that said evidence could not have been discovered by due diligence prior to the original hearing.

(c) Due Process. In cases appealed on the grounds of denial of due process, the moving party must show that the adjudicatory process of the initial hearing was not conducted in conformity with properly prescribed procedures. The moving party must also show that the alleged discrepancy was materially adverse to the moving party’s interest. 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.

(3) In cases of involving a finding that a student is guilty of sexual assault or misconduct, the complainant shall have the right to appeal the decision of a University disciplinary board to the next higher board. The appellate board will review the request for appeal together with any written briefs or other supporting documents to determine if the appeal presents a substantial question within the scope of review. The scope of review shall be limited to the following:

(a) Appropriateness of the Penalty. In cases appealing the appropriateness of the penalty, the appeal board shall uphold the penalty unless the penalty 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) New Evidence. A complainant may appeal a decision by showing that there is new evidence material to the decision of the board on the issue of innocence or guilt, and that the evidence could not have been discovered by the exercise of due diligence prior to the original disciplinary hearing.

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.