STUDENT
CODE OF
CONDUCT

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I. PREAMBLE

Students at the University of Tennessee 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. In addition, the University has developed a set of aspirational goals titled, Principles of Civility and Community, which encourages all members of the University community to foster a learning environment where diversity is valued, respected, and celebrated.

The University has established the Student Code of Conduct (“Code”) in order to advance the mission of the University and sustain a culture of excellence by: maintaining a safe learning environment; requiring students to conduct themselves in ways that allow for their personal growth and development as well as others, in the most positive manner possible; 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 the University's reputation 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’s behavioral standards are set forth in the Code’s Standards of Conduct (Article IV). Students who engage in conduct that is inconsistent with the Standards of Conduct are subject to University disciplinary action. The process by which the University investigates and resolves alleged violations of the Standards of Conduct is called the student conduct process. The student conduct process resolves allegations of misconduct but also is an educational process designed to promote learning and development as it relates to appropriate decision making. The student conduct process is consistent, fair, and provides means of resolution that are commensurate with the skills and abilities of the participants in the process.

The effectiveness of the student conduct process rests partially 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. This involvement is vital to the establishment of true community standards.

II. JURISDICTION

SECTION 2.1 GEOGRAPHICAL LIMITS. The Code applies to conduct that occurs on University-controlled property. However, with respect to conduct that occurs off of University-controlled property, the University has the discretion under the Code to discipline a student for conduct that violates the Standards of Conduct only if the student’s conduct: (1) occurs in connection with a University-affiliated activity including, without limitation, an overseas study program or a clinical, field, internship, or in-service experience; (2) consists of academic dishonesty or research misconduct; (3) is prohibited by local, state, or federal law, and the conduct was committed within the Knoxville Area (or, for UTSI students, the conduct was committed within Coffee County or Franklin County); (4) is fairly attributable to a student organization based on...
SECTION 2.2 PROFESSIONAL AND ETHICAL STANDARDS. Graduate or professional programs within the University may take separate and independent disciplinary action against students for alleged violations of professional and/or ethical standards using procedures other than those contained in the Code.

SECTION 2.3 RESPONSIBILITY FOR CONDUCT. Each student shall be responsible for their 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 their conduct is not discovered until after a degree is awarded).

SECTION 2.4 STUDENT ORGANIZATIONS’ RESPONSIBILITY FOR VIOLATIONS OF THE STANDARDS OF CONDUCT. Notwithstanding anything in the Code to the contrary, a student organization may be found responsible for conduct that violates the Standards of Conduct only if the conduct is fairly attributable to the student organization and/or any of its members/alumni acting on the student organization’s behalf, and/or

SECTION 3.4 TIME EXTENSIONS AND RESCHEDULING. Any time period described in the Code may be rescheduled for good cause at the discretion of SCCS. Any meeting or hearing described in the Code may be rescheduled for good cause at the discretion of SCCS.

SECTION 3.5 VOLUNTARY IMPAIRMENT. A student’s voluntary impairment to themselves results from the use and/or consumption of alcohol, drugs, chemicals, or other substances does not excuse or diminish a violation of the Code, except as provided in Article XI (Policy on Amnesty for Individual Good Samaritans and Students in Need of Emergency Medical Attention).

SECTION 3.6 OTHER RIGHTS—SEXUAL MISCONDUCT, RELATIONSHIP VIOLENCE, STALKING, OR RETALIATION. In addition to rights granted in the Code, in cases involving an allegation of sexual misconduct, relationship violence, stalking, or retaliation, the Complainant and the Respondent shall have the rights outlined in the University’s policies and procedures for investigating and resolving complaints of sexual misconduct, relationship violence, stalking, or retaliation in accordance with Title IX of the Education Amendments of 1972, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, and other applicable law.

IV. STANDARDS OF CONDUCT

SECTION 4.1 ACADEMIC DISHONESTY. Cheating, plagiarism, or any other act of academic dishonesty, including, without limitation, an act in violation of the Honor Statement.

SECTION 4.2 FALSE INFORMATION. Providing false information to a University official.

SECTION 4.3 MISUSE OF INFORMATION IN CONNECTION WITH UNIVERSITY INVESTIGATION OR HEARING. Falsifying, distorting, misrepresenting, or withholding information in connection with a University investigation or hearing, except as provided in Section 5.1(i).

SECTION 4.4 MISCONDUCT RELATING TO RECORDS OR IDENTIFICATION. Forgery, altering, destroying, falsifying, or misusing records or identification, whether in print or electronic form.

SECTION 4.5 HARM TO OTHERS. Any time period described in the Code may be rescheduled for good cause at the discretion of SCCS. Any meeting or hearing described in the Code may be rescheduled for good cause at the discretion of SCCS.

SECTION 4.6 HARASSMENT. 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).


SECTION 4.8 INVASION OF PRIVACY. Invasion of another person’s privacy when that person has a reasonable expectation of privacy including, without limitation, 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. This includes, but is not limited to, the recording and/or distributing of such nonconsensual recordings by any means is also prohibited.

SECTION 5.1 USE OF UNIVERSITY FACILITIES. Involuntary or reckless conduct that causes a reasonable person to fear harm to their health, safety, or welfare or making a false statement that an objectively reasonable person hearing or reading the statement would interpret as a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals.

SECTION 5.2 DISCIPLINARY HOLD. 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, safety, or welfare of that student, or which induces or coerces a student to endanger their mental or physical health, safety, or welfare. "Hazing" does not include customary athletic rituals or 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.
SECTION 4.11 DISORDERLY CONDUCT. Fighting or other physically violent or physically threatening conduct, including, without limitation: unauthorized 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.

SECTION 4.12 LEWD, INDECENT, OR OBSCENE CONDUCT. Engaging in lewd, indecent, or obscene conduct, including, without limitation: public exposure of one’s sexual organs, public urinating, and public sexual acts.

SECTION 4.13 IMPELLING LAWLESS ACTION. 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.

SECTION 4.14 FIRE SAFETY. 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 dam aging 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.

SECTION 4.15 UNIVERSITY KEYS, ACCESS CARDS, AND IDENTIFICATION. Possessing, using, or duplicating University keys, University access cards, or University identification cards without authorization from the University.

SECTION 4.16 INFORMATION TECHNOLOGY. Theft, misuse, or unauthorized use of information technology facilities, resources, or access codes, including, without limitation: 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; using information technology facility or resources to violate copyright laws; falsifying an email header; or being under the influence of alcohol, narcotics, or other controlled substances.

SECTION 4.17 WEAPONS. Possessing, carrying, using, storing, or manufacturing any weapon on University controlled property or in connection with a University affiliated activity, unless authorized in writing by the Chief of Police or their designee or unless federal or state law affirmatively gives a student the right, irregardless of the Code, to possess or carry a weapon on University-controlled property or in connection with a University-affiliated activity.

SECTION 4.18 ALCOHOL RELATED CONDUCT– UNIVERSITY PROPERTY OR UNIVERSITY ACTIVITIES. Consuming, manufacturing, possessing, distributing, dispensing, selling, or being under the influence of alcohol, including, without limitation: alcoholic beverages on University-controlled property or in connection with a University-affiliated activity unless expressly permitted by University policy.

SECTION 4.19 ALCOHOL RELATED CONDUCT PROHIBITED BY LAW. Consuming, manufacturing, possessing, distributing, dispensing, selling, or being under the influence of alcoholic beverages, if prohibited by federal, state, or local law.

SECTION 4.20 PROVIDING ALCOHOL TO UNDERAGE PERSON. Providing an alcoholic beverage to a person younger than twenty-one (21) years of age, unless permitted by law.

SECTION 4.21 DRUGS AND DRUG PARAPHERNALIA. Using, manufacturing, possessing, distributing, dispensing, selling, or being under the influence of drugs, 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.

SECTION 4.22 FAILURE TO FULFILL A UNIVERSITY FINANCIAL OBLIGATION. Failing to timely fulfill a University bill, account, or other financial obligation owed to the University.

SECTION 4.23 FAILURE TO RESPOND, COMPLY, OR IDENTIFY. 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 their duties, except as provided in Section 5.1(6); or failing to identify oneself to a University employee or other public official acting within the scope of their duties when requested to do so.

SECTION 4.24 FAILURE TO APPEAR. Failing to appear at a University hearing, including, without limitation, a hearing of a University conduct board, following a request to appear either as a party or as a witness.

SECTION 4.25 VIOLATION OF INTERIM ADMINISTRATIVE ACTIONS, DISCERNMENT OF CONDITION OF RE-ENROLLMENT. Violating the terms of a no-contact directive, an interim restriction, a disciplinary sanction, or a condition of re-enrollment imposed by the University.

SECTION 4.26 OBSTRUCTION OR DISRUPTION OF UNIVERSITY ACTIVITY. Obstructing or disrupting teaching, learning, research, study, 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.

SECTION 4.27 VIOLATION OF UNIVERSITY POLICY OR RULE. Violating a University policy or rule including, without limitation, University policies or rules relating to facilities’ use, smoking, the acceptable use of information technology resources, research 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.

SECTION 4.28 ACT PROHIBITED BY LAW. Committing an act that is prohibited by local, state, or federal law.

SECTION 4.29 ATTEMPTED VIOLATION; ACCESSORY TO VIOLATION. 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.

SECTION 4.30 RETALIATION. Engaging in retaliation. Retaliation is an act or omission committed by a student because of another person’s participation in a protected activity that would discourage a reasonable person from engaging in protected activity. Retaliation includes, without limitation, the satisfaction of a Standard of Conduct regardless of whether the underlying allegation of a violation of the Standards of Conduct is ultimately found to have merit. Retaliation can include, without limitation: (1) an act or omission committed against a person’s family, friends, advisors, and/or other persons reasonably expected to provide information in connection with a University investigation or hearing; and (2) an act or omission committed by a student through a third party.

SECTION 4.31 RIGHTS OF THE RESPONDENT. The following summarizes the rights granted to a Respondent in the student conduct process:

(1) Right to be assisted by an Advisor during all stages of the student conduct process, in accordance with Section 5.3;

(2) Right to an opportunity for an Educational Conference, in accordance with Section 6.6;

(3) Right to resolve allegations of misconduct and/or sanctions through a Formal Hearing, in accordance with Section 7.2;

(4) Right to receive notice of meetings and hearings at which the Respondent may be present and receive access to records used during those meetings and hearings, as provided in the Code;

(5) Right to the presumption of innocence (i.e., the Conduct Officer bears the burden of presenting information demonstrating that it is more likely than not that the Respondent violated a Standard of Conduct, as alleged in the Notice of Allegations);

(6) Right to not be directly questioned in a hearing by anyone other than the Student Life Hearing Officer or the Chairperson of the Student Conduct Board ("SCB");

(7) Right to challenge the fairness and/or impartiality of a Student Life Hearing Officer, a member of the SCB, or a member of the Appellate Board;

(8) Right to have a SCB Hearing conducted in accordance with Article VIII including, without limitation, the right to present information to the SCB, the right to propose questions for the Chairperson to ask witnesses, the right to request that information be excluded from the SCB’s consideration, and the right to make a closing statement;

(9) Right to refrain from presenting information and witnesses during a hearing before the Student Life Hearing Officer or the SCB, and the right to not have the Student Life Hearing Officer or SCB draw an inference adverse to the Respondent if the Respondent chooses not to present information or witnesses;

(10) Right to Notice of Decision of the SCB, in accordance with Section 8.5;

(11) Right to appeal the decisions of the SCB that are contained in the Notice of Decision, in accordance with Section 8.6;
SECTION 5.2 RIGHTS OF THE COMPLAINANT.
A Complainant shall be granted equivalent rights to the rights granted to a Respondent under the Code including, without limitation:

(1) Right to meet with SCCS to ask questions and receive information about the student conduct process including, without limitation, the status of an investigation;

(2) Right to receive notice of meetings and hearings at which the Complainant may be present and receive access to records used during these meetings and hearings, as provided in the Code;

(3) Right to be assisted by an Advisor during all stages of the student conduct process, in accordance with Section 5.3;

(4) Right to present information and witnesses during meetings and hearings including, without limitation, investigations, or hearings before a Student Life Hearing Officer, and SCB Hearings;

(5) Right to not be directly questioned in a hearing by anyone other than the Student Life Hearing Officer or the Chairperson of the SCB;

(6) Right to challenge the fairness and/or impartiality of a Student Life Hearing Officer, a member of the SCB, or a member of the Appellate Board;

(7) Right to receive a copy of a notice of an initial, interim, or final decision, or a change in such a decision, issued by the Vice Chancellor for Student Life, SCCS, a Student Life Hearing Officer, the SCB, and/or the Appellate Board (e.g., Notice of Allegations, Notice of Decision, Notice of Final Decision), simultaneously with the Respondent’s receipt of a copy of the notice of the decision;

(8) Right to appeal a decision issued by SCCS, a Student Life Hearing Officer, and/or the SCB, and receive a notice informing the Complainant of the right to appeal simultaneously with the Respondent’s receipt of a notice of such information, in accordance with Articles VII and VIII; and/or

(9) Right to otherwise participate in the student conduct process.

Notwithstanding any provision of the Code to the contrary, including, without limitation, this Section 5.2, a Complainant shall not have the right to attend a meeting or hearing, receive information concerning, or otherwise participate in the student conduct process if such attendance, receipt of information, or participation would violate state or federal law.

SECTION 5.3 RIGHT TO AN ADVISOR.
The Complainant and the Respondent may choose to be assisted by one (1) Advisor during all stages of the student conduct process.

Section 5.3.1 Selection of an Advisor.
SCCS encourages a Complainant or a Respondent who chooses to be assisted by an Advisor to consider selecting a University employee who has received training from SCCS about the student conduct process. The Complainant and the Respondent may choose an Advisor who is not employed by the University to serve as an Advisor (e.g., friend, attorney). The Complainant and the Respondent should select as an Advisor a person whose schedule allows attendance at the scheduled date, time, and place for meetings and hearings scheduled by SCCS because meeting and hearing delays generally will not be granted due to the scheduling conflicts of an Advisor.

Section 5.3.2 Role of an Advisor.
The role of an Advisor is limited to assisting, advising, and/or supporting a Complainant or Respondent during the student conduct process. An Advisor is not permitted to speak for or on behalf of a Complainant or Respondent, appear in lieu of a Complainant or Respondent, participate as a witness, or participate directly in any other manner during any phase of the student conduct process including, without limitation, a SCB Hearing. However, in a UAPA Hearing, the Complainant and the Respondent are entitled to have an attorney advocate on their behalf.

Section 5.3.3 Notification of the Right to Have an Advisor.
SCCS shall provide written notice to the Complainant and the Respondent of their right to have an Advisor. The notice shall contain an explanation of the role of an Advisor during the student conduct process.
property. 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.

Section 6.4.3 Disciplinary Hold. The Respondent’s academic record (including, without limitation, the release of official or unofficial transcript), degree, ability to register for classes, and/or ability to enroll may be placed on disciplinary hold by SCCS or by another appropriate University office at the conclusion of the student conduct process or the interim suspension. Restrictions contained within no-contact directives (Section 6.4.3) are not interim restrictions.

An interim suspension is an official separation of the student from the University until the conclusion of the student conduct process or the interim suspension is lifted, whichever occurs first. While on interim suspension, the student loses all University rights and privileges (e.g., enrollment privileges), except for the rights and privileges to contest the allegations pursuant to the Code, shall not represent the University in any official manner, and shall not be present on University-controlled property or participate in University-affiliated activities without the prior approval of the Vice Chancellor for Student Life. When placed on interim suspension, the Respondent may be assigned a grade of “W” or “I”, whichever is deemed appropriate by the faculty member involved.

A Respondent who violates the terms of an interim restriction shall be subject to further disciplinary action and may be treated as a trespasser.

SECTION 6.5 COURSEWORK. Coursework performed during the student conduct process shall be considered conditional. Credit for such coursework may be affected, denied, delayed, and/or revoked based on a final finding of misconduct and/or a sanctions imposed under the Code. In addition, subject to the other provisions of the Code, a delay in the granting of a degree or diploma may be warranted if the student’s ability to graduate was impaired before a final decision under the Code may be revoked.

SECTION 6.6 EDUCATIONAL CONFERENCE.

Section 6.6.1 Scope of the Educational Conference. The Educational Conference is a meeting between the SCCS and the Respondent in which the following generally occurs:

(1) SCCS orally informs the Respondent about the allegations made against the Respondent and, if requested by the Respondent, provides the Respondent with a reasonable opportunity to review the written allegations, if any, received by SCCS.

(2) SCCS provides the Respondent with an opportunity to respond to the allegations including, without limitation, if an opportunity to present information concerning the alleged misconduct and/or to provide written information concerning the Respondent’s conduct; and

(3) Both SCCS and the Respondent may ask questions to each other and seek clarifying information about the allegations, the possible sanction(s), and the student conduct process.

(4) Based on information provided by the Respondent during the Educational Conference, SCCS may conduct a no-action determination (Section 7.4.1) or continue its investigation in order to determine whether it is more likely than not that the Respondent violated the Standards of Conduct.

Section 6.6.2 Notice of Educational Conference. A Notice of Educational Conference is a written notice through which SCCS notifies the Respondent that SCCS has received allegations that the Respondent has engaged in misconduct; instructs the Respondent to attend or schedule an Educational Conference; and provides the Respondent with other information about the student conduct process. A Notice of Educational Conference generally will include the following information:

(1) notice that SCCS has determined that the Respondent has engaged in misconduct; (2) notice of the Respondent’s right to be assisted and/or supported by a representative of the Respondent’s choice; (3) both SCCS and the Respondent may ask questions during the Educational Conference.

A Respondent who fails to attend or schedule an Educational Conference generally will include the following information:

(1) notice that SCCS has begun or will begin an investigation of allegations SCCS received concerning the Respondent’s conduct; (2) notice of a disciplinary hold, if any, that the University has implemented or will implement with respect to the Respondent; (3) a brief description of the Respondent’s alleged conduct; (4) a preliminary list of potential violations of the Standards of Conduct, based on the Respondent’s alleged conduct; (5) notice of the Respondent’s right to be assisted and/or supported by an advisor throughout the student conduct process, in accordance with Section 5.3, including information about the role of an Advisor; (6) the internet address where the Respondent can review a copy of the Code; (7) SCCS’s determination that the Respondent shall be offered an opportunity to attend an Educational Conference with SCCS to discuss the incident, or, in the alternative, an instruction that the Respondent contact SCCS to schedule an Educational Conference within the time frame designated in the Notice of Educational Conference; and (8) notice of the consequences of failing to comply with SCCS’s instruction to attend or schedule an Educational Conference.

Section 6.6.3 Consequences of Failing to Attend or Schedule an Educational Conference. If the Respondent fails to attend or schedule an Educational Conference after SCCS has sent the Respondent a Notice of Educational Conference, then the Respondent waives all rights to a Formal Hearing, and SCCS has the discretion to impose sanctions on the Respondent that SCCS has determined to be appropriate for misconduct and may impose appropriate sanction(s) for the misconduct (unless the Respondent’s absence is excused by SCCS). If the Respondent fails to attend the Educational Conference constitutes a separate violation of the Standards of Conduct.

SECTION 6.7 NOTICE OF ALLEGATIONS. A Notice of Allegations is a written notice that informs the Respondent that SCCS has concluded that it is more likely than not that the Respondent violated the Standards of Conduct. A Notice of Allegations generally includes, without limitation, the following information:

(1) a brief summary of the facts of Respondent’s alleged misconduct; (2) notice that SCCS has determined that it is more likely than not that the Respondent violated the Standards of Conduct; (3) notice of the specific Standard(s) of Conduct; (4) notice of the specific Standard(s) of Conduct; (5) notice of the specific Standard(s) of Conduct; (6) notice of the specific Standard(s) of Conduct; (7) notice of the specific Standard(s) of Conduct; (8) notice of the specific Standard(s) of Conduct; (9) the names of witnesses likely to present information concerning the alleged misconduct and/or the sanction(s); and (10) the names of witnesses likely to present information concerning the alleged misconduct.

VII. STUDENT CONDUCT PROCESS: RESOLUTIONS

SECTION 7.1 RESOLUTION BY AGREEMENT.

Section 7.1.1 Purpose and Effects of a Resolution Agreement. If the Respondent waives all rights to attend or schedule an Educational Conference after SCCS has sent the Respondent a Notice of Educational Conference, then the Respondent waives all rights to a Formal Hearing, and SCCS has the discretion to impose sanctions on the Respondent that SCCS has determined to be appropriate for misconduct and may impose appropriate sanction(s) for the misconduct (unless the Respondent’s absence is excused by SCCS). If the Respondent fails to attend the Educational Conference constitutes a separate violation of the Standards of Conduct.

Section 7.1.2 Revocation or Appeal of a Resolution Agreement. The Respondent may not revoke or appeal a Resolution Agreement signed by the Respondent and SCCS.

Section 7.1.3 Resolution Agreement—Sexual Misconduct. In a case involving sexual misconduct, SCCS will notify the Complainant about the proposed Resolution Agreement in writing and provide the Complainant with the opportunity to object to the proposed Resolution Agreement. The Complainant may notify SCCS of their objection in writing within five (5) business days from the date that SCCS informs the Complainant about the proposed Resolution Agreement. If the Complainant notifies SCCS of their objection, then SCCS may address the Complainant’s objection by modifying the proposed Resolution Agreement.
Resolution Agreement in a way that is agreeable to both the Respondent and the Complainant and has the effect of finally resolving the matter in dispute. Otherwise, SCCS will continue the student conduct process and resolve the allegations against the Respondent in accordance with the Code.

Section 7.1.4 Resolution Agreement—Academic Dishonesty. In order to resolve an allegation that the Respondent violated Section 4.1 (academic dishonesty) through a process and/or by a sanction or restriction, the Respondent and the Complainant may agree that the allegations will be resolved in a way that is agreeable to both the Respondent and the Complainant and has the effect of finally resolving the matter in dispute. Otherwise, SCCS will continue the student conduct process and resolve the allegations against the Respondent in accordance with the Code.

SECTION 7.2 RESOLUTION BY FORMAL HEARING.

Section 7.2.1 Types of Formal Hearings. A Formal Hearing is a process through which a Respondent has a right to contest allegations of misconduct and/or the sanctions proposed by SCCS by presenting information (including, without limitation, witnesses) to a decision maker other than the University employee(s) who conducted the investigation and/or Educational Conference. The Code provides for three types of Formal Hearings, depending on the gravity of the disciplinary sanctions that have been proposed by SCCS:

(1) A hearing before a Student Life Hearing Officer, which is described in Section 7.2.4;
(2) A hearing before the SCB (“SCB Hearing”), which is described in Section 7.2.4; and
(3) A contested case hearing under the Uniform Administrative Procedures Act (“UAPA Hearing”), which is described in accordance with the procedures for conducting contested case proceedings under the UAPA, Chapter 1720-01-05.

Section 7.2.2 Rights to a Formal Hearing. In every case, the Respondent has the right to resolve allegations of misconduct and/or proposed sanctions through a hearing before a Student Life Hearing Officer. A Respondent has the right to resolve allegations of misconduct and/or proposed sanctions through a SCB Hearing or a UAPA Hearing when SCCS proposes one (1) or more of the following sanctions: (1) deferred suspension; (2) suspension; (3) expulsion; (4) University housing removal; (5) withholding of degree; (6) revocation of degree; or (7) revocation or suspension of the student’s University registration.

Section 7.2.3 How to Request a Formal Hearing. A Formal Hearing may be requested by the Respondent only in writing utilizing the forms provided by SCCS. Orally requesting a Formal Hearing will not constitute a valid request for a Formal Hearing. If a Respondent timely requests a Formal Hearing and has a right to either have a UAPA Hearing or a SCB Hearing, then the University will conduct a UAPA Hearing unless the Respondent executes a written waiver of the right to the UAPA Hearing.

Section 7.2.4 Hearing before a Student Life Hearing Officer. A Student Life Hearing Officer is a University employee designated and trained by SCCS to conduct a Formal Hearing consistently with the procedures outlined in the Code for SCB Hearings (e.g., Article VIII), except as provided in this Section 7.2.4. In conducting a Formal Hearing, a Student Life Hearing Officer is the decision maker concerning whether the Respondent violated the Standards of Conduct, and, if so, what sanction(s) to impose. The decision of a Student Life Hearing Officer may be appealed to the Appellate Board using procedures consistent with the procedures outlined in the Code for appeals of decisions of the SCB.

Section 7.2.5 Consequences of Failing to Timely Elect a Formal Hearing. If the Respondent fails to elect a Formal Hearing within five (5) business days of SCCS transmitting a Notice of Allegations in writing to the Respondent, then the Respondent waives all rights to a Formal Hearing and SCCS has the discretion to determine the type of alternative resolution that SCCS’s determination of responsibility for misconduct and may impose sanction(s) deemed appropriate by SCCS (unless SCCS extends the time for the Respondent to request a Formal Hearing for good cause). If SCCS extends the time for the Respondent to request a Formal Hearing and the Respondent fails to elect a Formal Hearing within the additional time granted by SCCS, then the Respondent waives all rights to a Formal Hearing, and SCCS has the discretion to determine the Respondent to have accepted SCCS’s determination of responsibility for misconduct and may impose sanction(s) deemed appropriate by SCCS.

SECTION 7.3 ALTERNATIVE RESOLUTION.

Section 7.3.1 Proposal of Alternative Resolution. At any time during the student conduct process, allegations against the Respondent may be resolved through an alternative resolution process that is reached through a process and/or by a sanction or restriction not described in the Code. Before proposing an alternative resolution, SCCS shall determine whether an alternative resolution would be appropriate based on the facts and circumstances of the case, and, if so, what type of alternative resolution process should be used. In cases involving sexual misconduct, relationship violence, stalking, or retaliation, SCCS will consult with the Title IX Coordinator in making that determination. Examples of alternative resolution processes that may be proposed by SCCS include but are not limited to meetings, facilitated dialogue, conflict coaching, and restorative justice. The process of trying to reach an alternative resolution is voluntary (i.e., neither the Respondent nor the Complainant is required to participate). If an Alternative Resolution Agreement is not reached, then the student conduct process will proceed, and the allegations against the Respondent will be resolved through one of the other resolution methods in the Code.

Section 7.3.2 Alternative Resolution Agreement. An Alternative Resolution Agreement is a written agreement that confirms an agreement to resolve the allegations against the Respondent through an alternative resolution. To be valid, an Alternative Resolution Agreement shall in all cases be signed by SCCS and the Respondent, and shall include a waiver of the Respondent’s right, if any, to have a Formal Hearing on the allegations. Prior to the execution of an Alternative Resolution Agreement, if a Complainant has not participated with SCCS in the discussion of an alternative resolution, then SCCS will provide the Complainant with an opportunity to provide a timely objection to the proposed alternative resolution. In appropriate cases, SCCS may request the Complainant to sign an Alternative Resolution Agreement and determine that the Alternative Resolution Agreement is not effective without the Complainant’s signature. Neither the Respondent nor the Complainant may revoke or appeal an Alternative Resolution Agreement.

SECTION 7.4 CONCLUSION OF THE STUDENT CONDUCT PROCESS. This section 7.4 summarizes the different ways in which the student conduct process may be concluded. If more than one of the following concludes the student conduct process, then the student conduct process concludes on the date of the last event to occur. SCCS generally will provide the Respondent with written notice about the conclusion of the student conduct process within a reasonable time after the conclusion of the process. If permitted or required by law, SCCS also will provide the Complainant with written notice about the conclusion of the student conduct process within a reasonable time after the conclusion of the process.

Section 7.4.1 No Action Determination. The student conduct process concludes when SCCS makes a finding of determination that no action will be taken (e.g., SCCS determines that it is not more likely than not that the Respondent violated the Standards of Conduct; a Complainant declines to participate in the student conduct process, and SCCS does not have sufficient information or witnesses to move forward with the student conduct process).

SCCS may reinstate the student conduct process upon receipt of new information. If a Respondent has determined that no action will be taken, SCCS may reinstate the student conduct process after a student has graduated only if those involving Section 4.1 (academic dishonesty) or a violation of the University’s policy on research misconduct. A Complainant who is informed by SCCS of a no action determination may appeal the decision to the SCSS, in writing, within five (5) business days of the date that SCCS transmitted notice of the no action determination to the Complainant. The decision of SCCS is final and may not be appealed.

Section 7.4.2 Failure to Attend or Schedule an Educational Conference. In accordance with Section 6.6.5, the student conduct process concludes when SCCS has issued a Notice of Educational Conference; the Respondent either fails to attend an Educational Conference or fails to comply with SCCS’s instruction to contact SCCS to schedule an Educational Conference within the time frame designated in the Notice of Inquiry; and SCCS does not exercise its discretion to excuse the Respondent’s failure for good cause.

Section 7.4.3 Failure to Request a Formal Hearing after Notice of Allegations. In accordance with Section 7.2, the student conduct process concludes when the Respondent fails to elect a Formal Hearing within five (5) business days of SCCS sending or delivering a Notice of Allegations to the Respondent, and SCCS does not exercise its discretion to excuse the Respondent’s failure for good cause.

Section 7.4.4 Resolution Agreement. The student conduct process concludes when a Resolution Agreement is executed in accordance with Section 7.1.

Section 7.4.5 Alternative Resolution Agreement. The student conduct process concludes when an Alternative Resolution Agreement is executed in accordance with Section 7.3.

Section 7.4.6 Notice of Decision of a Student Life Hearing Officer—No Valid Appeal. The student conduct process concludes when a Student Life Hearing Officer has issued a Notice of Decision and neither the Respondent nor the Complainant has submitted a valid Notice of Appeal.
Section 7.4.7 Notice of Decision of a Student Conduct Board—No Valid Appeal. The student conduct process concludes when the Appellate Board has issued and transmitted a Notice of Decision under Section 8.5 and neither the Respondent nor the Complainant has submitted a valid Notice of Appeal under Section 8.6.

Section 7.4.8 Notice of Final Decision. The student conduct process concludes when the Appellate Board has issued a Notice of Final Decision.

Section 7.4.9 UAPA. The student conduct process concludes when a Formal Hearing has concluded, either through a final order, settlement, or otherwise, under the University’s rules for conducting contested case proceedings under the UAPA, Chapter 1720-01-05.

Section 7.4.10 Expiration and Satisfaction of All Sanctions. The student conduct process concludes when SCCS determines that the time periods for all sanctions given to the Respondent have expired (except for the sanction of expulsion, which does not expire), and the Respondent has satisfied all other terms and conditions of all sanctions that the Respondent received.

VIII. STUDENT CONDUCT BOARD: HEARINGS AND APPEALS

SECTION 8.1 NOTICE OF SCB HEARING.

Section 8.1.1 When a Notice of SCB Hearing is Sent. If the Respondent requests a SCB Hearing in accordance with Section 7.2, then SCCS will send the Respondent and the Complainant a Notice of SCB Hearing at least seven (7) business days in advance of the date of the hearing.

Section 8.1.2 Information in the Notice of SCB Hearing. The Notice of SCB Hearing generally will contain, or be accompanied by, the following information: (1) the date, time, and place of the SCB Hearing (SCCS may reschedule the SCB Hearing for good cause and issue a revised Notice of SCB Hearing that contains a new date, time, and place of the SCB Hearing); (2) a copy of the Notice of Allegations; (3) the sanction(s) that the Conduct Officer will request the SCB impose on the Respondent; (4) the names of all witnesses through whom the Conduct Officer is likely to present information during the SCB Hearing; (5) a notice of the right to the assistance and/or support of an Advisor during the SCB Hearing; (6) a description of all tangible or electronic information that the Conduct Officer is likely to present to the SCB, such as an investigative report, police report, incident report, witness statements, video or audio recordings, photographs, text messages, or phone records; (7) notice of the right to request a copy of SCCS’s investigative file, redacted to protect the identities of students covered by the Family Educational Rights and Privacy Act of 1974, (20 U.S.C. § 1232g), and the federal regulations implementing that statute, as amended; and (8) notice of the right to request copies of all documents, copies of all electronically stored information, and access to tangible evidence that the University has in its possession, custody, or control and may use to support claims or defenses, unless the use would be solely for impeachment.

Section 8.1.3 More than One Respondent. In cases involving more than one (1) Respondent, SCB Hearings concerning each Respondent’s conduct may be conducted separately upon written request of a Respondent submitted at the time of the Respondent’s request for a Formal Hearing. SCCS has the discretion to make the final determination of whether to grant such a request and will notify the Respondents of the decision.

Section 8.1.4 Consequences of Failing to Attend a SCB Hearing. If the Respondent fails to attend a SCB Hearing, then the Respondent waives all rights to a SCB Hearing. The SCB may: proceed with the SCB Hearing without the Respondent’s participation; hold the Respondent accountable for all decisions made in the Respondent’s absence including, without limitation, decisions concerning responsibility for alleged violations of the Standards of Conduct; and may determine that the Respondent’s failure to attend the hearing constitutes a separate violation of the Standards of Conduct. If the SCB determines, in the Respondent’s absence, that it is more likely than not that the Respondent violated the Standards of Conduct, then SCCS may implement the sanctions imposed by the SCB and conclude the student conduct process.

SECTION 8.2 COMPOSITION OF THE STUDENT CONDUCT BOARD.

Section 8.2.1 Eligible Pool. The University shall annually appoint a pool of persons who are eligible to serve on a SCB. The University may appoint University students, University faculty members, or University staff employees; however, an employee of SCCS is ineligible to serve on a SCB. Persons appointed by the University will be trained by SCCS to serve on a SCB.

Section 8.2.2 Appointment of the SCB.

(1) General. The SCB is appointed ad hoc for each hearing by SCCS from the pool described in Section 8.2.1. SCCS shall consist of at least one (1) nonvoting Chairperson and seven (7) voting members. SCCS shall not appoint persons on the basis of how SCCS anticipates that they will vote. The Chairperson shall be a University faculty member or staff employee who has received training from, and is certified by, the Campus Title IX Coordinator and the Family Educational Rights and Privacy Act of 1974, (20 U.S.C. § 1232g), and the federal regulations implementing that statute, as amended; and (3) a copy of all tangible or electronic information that they plan to present to the SCB and a brief summary of the information that they reasonably anticipate that each witness will provide to the SCB.

(2) Exception for Cases Involving Allegations of Sexual Misconduct. Notwithstanding anything to the contrary in Section 8.2.2(3), SCCS shall not appoint students to serve on the SCB in a case involving an allegation of sexual misconduct unless both the Respondent and the Complainant consent to having students appointed to serve on the SCB hearing their case.

(3) Exception for Cases Involving Allegations of Research Misconduct. Notwithstanding anything to the contrary in Section 8.2.2(3), SCCS shall not appoint students to serve on the SCB in a case involving an allegation of research misconduct.

Section 8.2.3 Fairness and Impartiality of SCB Members. Any member of the SCB who determines that they cannot decide a case fairly and impartially for any reason (e.g., having a personal prejudice or bias) shall excuse themselves from serving on the SCB, in which case SCCS shall appoint a substitute member of the panel in accordance with the rules in Section 8.2.2.

SECTION 8.3. GENERAL RULES GOVERNING SCB HEARINGS.

Section 8.3.1 Required Pre-Hearing Information and Copies—Complainant and Respondent. At least five (5) business days prior to the SCB Hearing, the Complainant and the Respondent must provide the following to SCCS in writing:

(1) The name of their Advisor, if any, who will attend the SCB Hearing;

(2) The names of all witnesses through whom they plan to present information to the SCB and a brief summary of the information that they reasonably anticipate that each witness will provide to the SCB;
the Respondent may record the hearing using any other method of recording. However, the University will provide a copy of the video or verbatim record to the Complainant and the Respondent upon request.

Section 8.3.4 Attendance and Participation. Attendance at a SCB generally is limited to members of the SCB, the Conduct Officer, the Complainant and the Complainant’s Advisor, the Respondent and the Respondent’s Advisor, and witnesses. Respondent, Complainant, the Respondent, Advisors, and witnesses may not be present during the deliberations of the SCB. Witnesses may attend the SCB Hearing only while they are presenting information to the SCB, unless the witness is the Complainant or the Respondent. The Chairperson and SCCS have the discretion to allow other persons to attend the SCB Hearing, in accordance with state and federal law. The Complainant and the Complainant’s Advisor shall not be excused from the hearing room when the Respondent’s Education Records or information obtained from the Respondent’s Education Records are disclosed unless the information is also part of the Complainant’s Education Records. However, the previous sentence shall not apply, and the Complainant and the Complainant’s Advisor shall have the right to attend the entire SCB Hearing, in cases of sexual misconduct, relationship violence, and stalking. The Chairperson may accommodate concerns for the personal safety, wellbeing, and/or fears of confrontations of the Complainant, the Respondent, and/or witnesses by permitting attendance or participation by closed circuit television, video conferencing, or other appropriate means, as determined in the discretion of the Chairperson.

SECTION 8.4 PROCEDURAL RULES FOR SCB HEARINGS.

Section 8.4.1 Right to Challenge the Selection of a SCB Member. At the beginning of the SCB Hearing, the Chairperson shall allow the Complainant and the Respondent, if applicable, to challenge a member of the SCB on the grounds that the person cannot be fair and impartial in deciding the case. If the Chairperson determines that the person cannot be fair and impartial, then SCCS will appoint a quorum of the SCB in accordance with Section 8.2.2 or, if a quorum of the SCB still exists, remove the SCB member and allow the SCB Hearing to continue without appointing a substitute member.

Section 8.4.2 Authority of the Chairperson. The Chairperson has the authority to maintain order and make any decisions necessary for the 8.9, orderly, and expeditious conduct of the SCB Hearing. The Chairperson shall be the final decision maker concerning what, how, and in what order information and witnesses are presented to the SCB.

Section 8.4.3 Exclusion of Information. Upon the Chairperson’s initiation or request, the Conduct Officer, the Complainant, the Respondent, or a member of the SCB, the Chairperson may exclude the following information from the SCB’s consideration: (1) irrelevant information; (2) information that unreasonably repeats information already provided to the SCB; (3) information that was not provided in advance of the hearing in accordance with Section 8.3.1, or information from witnesses who were not disclosed in advance of the hearing in accordance with Section 8.3.1; (4) information that is protected from disclosure under federal or Tennessee law; and/or (5) information about a person’s character or other appropriate means, as determined in the discretion of the Chairperson. However, the identity of all persons who present information to the SCB must be made known to the Respondent and the Complainant. The Respondent and the Complainant must be allowed to view and hear a person who is attending or participating by closed circuit television, video conferencing, or other similar means.

Section 8.4.4 Persons Who May Present Information. The only persons who may present information and/or witnesses during a SCB Hearing are the Conduct Officer, the Complainant, and the Respondent. The Complainant and/or the Respondent are responsible for presenting their own information and/or witnesses, if any, to the SCB (an Advisor shall not present information and/or witnesses to the SCB).

Section 8.4.5 Formal Rules. Formal rules of process, procedure, and/or technical rules of evidence, such as those applied in criminal or civil court, are not used in SCB Hearings. The Chairperson shall decide all procedural questions that arise during a SCB Hearing. The Chairperson may consult with SCCS for assistance in resolving procedural questions fairly and in accordance with the Code.

Section 8.4.6 Questioning of Witnesses. Witnesses will provide information to the SCB and answer questions from the Chairperson. The Chairperson may ask questions and/or submit a request for additional information to the Respondent, the Complainant, the Conduct Officer, and/or witnesses. The Conduct Officer, the Respondent and/or the Complainant shall not directly ask questions to each other or other witnesses. The Conduct Officer, the Respondent, the Complainant, and/or members of the SCB may propose questions for the Chairperson to ask witnesses by submitting the proposed questions to the Chairperson in writing. The Chairperson has the discretion whether to ask a witness a question proposed by the Conduct Officer, the Respondent, the Complainant, and/or members of the SCB. The method of questioning witnesses outlined in this Section 8.4.6 is used to preserve the educational tone of the SCB Hearing and to avoid the creation of an adversarial environment.

Section 8.4.7 Closing Statements. At the close of the SCB Hearing, the Chairperson may allow the Conduct Officer, the Complainant, and the Respondent equal opportunities to make statements to the SCB summarizing the information presented to the SCB and/or advocating the decision that the SCB should reach. The Conduct Officer and the Complainant may advocate that the SCB impose a specific sanction(s), and the Respondent may respond; however, the Respondent’s closing statement must be made by the Complainant and the Complainant’s Advisor. The Conduct Officer, and/or witnesses. The Conduct Officer, the Complainant, and/or members of the SCB may question the Complainant and the Complainant’s Advisor, the Respondent may be relevant to assess the manner and nature of communications between the parties, although the mere existence of a current or previous dating, romantic, intimate, or sexual relationship with the other person does not allow a Respondent to imply or infer consent. The Complainant’s and the Respondent’s prior sexual history may also be relevant in other limited circumstances, such as showing that to show that a person’s prior sexual history was or was not a factor in the alleged misconduct.

Section 8.4.8 Burden of Presenting Information Demonstrating Misconduct. The Conduct Officer bears the burden of presenting information demonstrating that it is more likely than not that the Respondent violated the Standards of Conduct or what sanctions should be imposed unless there is a tie vote of the SCB.

Section 8.5.1 Deliberation of the SCB. After the Chairperson determines that all relevant information has been received by the SCB, it will deliberate in private and decide, for each Standard of Conduct alleged in the Notice of Allegations to have been violated, whether it is more likely than not that the Respondent violated the Standard of Conduct. The SCB will decide by majority vote whether the Respondent violated the Standards of Conduct. The Chairperson shall not vote on the decision of whether the Respondent is responsible for violating the standard of Conduct or what sanctions should be imposed unless there is a tie vote of the SCB.

Section 8.5.2 Basis of Decision. The SCB shall not base its decision on information not presented during the SCB Hearing. However, if the SCB requests that additional information be provided after the SCB Hearing, the SCB may consider and base its decision on the additional information, as long as the Conduct Officer, the Respondent, and the Complainant have had a chance to review and respond to the additional information either in a resumption of the SCB Hearing or in writing.

Section 8.5.3 Determination of Sanction(s). If the SCB decides that the Respondent violated the Standards of Conduct, then the SCB will decide the appropriate sanction(s). After deciding the appropriate sanctions for a Respondent’s misconduct, the SCB may consider: (1) statements submitted by the Complainant and/or the Respondent to the SCB concerning the appropriate sanctions; and (2) a statement about the Respondent’s conduct history, which shall be provided to the Chairperson by SCCS in a sealed envelope prior to the SCB Hearing.

Section 8.5.4 Issuance of Notice of Decision. Within three (3) business days of the conclusion of the SCB Hearing, the Chairperson shall send the Notice of Decision and transmit a copy of the Notice of Decision to SCCS. SCCS shall notify the Respondent about the Notice of Decision and provide a copy of the Notice of Decision. If permitted or required under law, SCCS shall notify the Complainant about the Notice of Decision (simultaneously with the notification to the Respondent) and provide a copy of the Notice of Decision to the Complainant.

Section 8.5.5 Information in Notice of Decision. The following information shall be included in the Notice of Decision: (1) for each Standard of Conduct identified in the Notice of Allegations, the SCB’s decision concerning whether it is more likely than not that the Respondent violated the Standard of Conduct and the SCB’s rationale for the decision concerning the alleged violation of the Standard of Conduct including,
without limitation, a brief summary of the information upon which the SCB relied in making its decision; (2) the information that the SCB has imposed on the Respondent; and (3) information about the Respondent’s and the Complainant’s options, if any, to appeal the decision of the SCB.

SECTION 8.6 APPEALING DECISIONS OF THE STUDENT CONDUCT BOARD.

Section 8.6.1 Appealable Decisions. The Conduct Officer, the Complainant and/or the Respondent may appeal the decisions of the SCB that are contained in the Notice of Decision, but the grounds for appeal are limited to those described in Section 8.6.2.

Section 8.6.2 Notice of Appeal. An appeal is procedurally valid only if all of the following requirements are met: (1) an appeal shall be submitted in writing by fully completing a form approved by SCCS called a “Notice of Appeal”; (2) the Notice of Appeal shall be received by SCCS within five (5) business days of the date that SCCS transmitted the Notice of Decision; and (3) the Notice of Appeal shall not include information that is not included in the record of the SCB Hearing, except the Notice of Appeal may contain a summary of the new information described in Section 8.6.3(3).

Section 8.6.3 Grounds for Appeal. The Notice of Appeal shall explain the grounds for the appeal, which shall be limited to one (1) or more of the following grounds:

(1) Clearly Unreasonable Sanction. The sanction(s) imposed by the SCB is clearly unreasonable (i.e., has no sound basis or justification in reason).

(2) Material Procedural Error. A procedural error occurred prior to or during the SCB Hearing, and the procedural error reasonably could have had a material impact on the SCB in reaching its decision. Neither the failure of the Respondent or the Complainant to secure the attendance of an Advisor or witness nor the failure of an Advisor or witness to attend or otherwise participate in any phase of the student conduct process constitutes a procedural error. The failure of the Respondent or the Complainant to attend the SCB Hearing does not constitute a material procedural error.

(3) New Information. New information has been discovered, the information reasonably could have had a substantial impact on the SCB in reaching its decision, and the person submitting the Notice of Appeal did not know and reasonably could not have known about the information at the time of the SCB Hearing.

(4) Personal prejudice or bias of a SCB Member. A SCB member had a personal prejudice or bias that prejudiced them from fairly and impartially hearing the case. The fact that a SCB member voted to find a Respondent responsible or not responsible for violating a Standard of Conduct does not, by itself, demonstrate that the SCB member had a personal prejudice or bias for or against the Respondent, the Complainant, or the University.

Section 8.6.4 Effective Date of Sanction. The sanction(s) imposed by the SCB shall not be effective during the period in which a Notice of Appeal may be submitted, or, if a procedurally valid Notice of Appeal has been submitted (as determined by Section 8.6.2), until a Notice of Final Decision is issued by the Appellate Board, whichever is later. In cases in which the sanction of degree revocation is imposed, the sanction shall be presented to the Chancellor for approval before the sanction is imposed.

Section 8.6.5 Appellate Board. The Appellate Board is the University body that considers appeals of decisions of the SCB, after a procedurally valid Notice of Appeal has been submitted to SCCS. SCCS will appoint a pool of persons trained by SCCS who are eligible to serve on an Appellate Board. SCCS may appoint University students, University faculty members, or University staff employees to be members of that pool. SCCS will not appoint persons in the basis of how SCCS anticipates that they will vote.

Section 8.6.6 Determination of Procedural Validity of Notice of Appeal. Within five (5) business days after the receipt of a Notice of Appeal, SCCS will determine whether the Notice of Appeal is procedurally valid. A Notice of Appeal is procedurally valid only if it has been fully completed, timely submitted to SCCS, does not contain information outside of the record of the SCB Hearing, and does not contain a ground for appeal not listed in Section 8.6.3. If a Notice of Appeal is procedurally invalid and the time for submitting a Notice of Appeal under this Section 8.6.6 has expired, then SCCS shall send the Conduct Officer, the Respondent, and the Complainant (if permitted or required by law) a notice that the decision of the SCB has become final and any sanction(s) imposed by the SCB shall be effective.

Section 8.6.7 Appointment of Appellate Board. If the Notice of Appeal is procedurally valid, then SCCS shall appoint an Appellate Board to hear the appeal from the pool of persons who are eligible to serve on an Appellate Board. An Appellate Board shall be composed of one (1) nonvoting Chairperson and three (3) voting members. At least one (1) voting member of the Appellate Board shall be a University student; except, however, SCCS shall not appoint students to serve on an Appellate Board in a case involving an allegation of sexual misconduct unless both the Respondent and the Complainant consent to having students appointed to serve on the Appellate Board hearing the case. SCCS shall not appoint a person to serve as Chairperson or a voting member of the Appellate Board if the person served as a Chairperson or a voting member of the SCB whose decision is being appealed. In addition, an employee who works in SCCS or whose direct supervisor is the Conduct Officer who participated in the SCB Hearing shall be ineligible to serve as a member of the Appellate Board.

Section 8.6.8 Transmittal of Notice of Appeal. After the appointment of the members of the Appellate Board, SCCS shall transmit a copy of the Notice of Appeal to persons who have a need to know about the Notice of Appeal including, without limitation, the members of the Appellate Board and all non-appealing parties (e.g., if the Respondent appeals, the Conduct Officer and the Complainant would be the non-appealing parties). A non-appealing party may submit a written response to the Notice of Appeal to the Appellate Board within three (3) business days of SCCS’s transmittal of the Notice of Appeal. The written response shall be limited to: (1) responding to issues raised in the Notice of Appeal and shall not contain information that is not included in the record of the SCB Hearing; and (2) request the removal of a member of the Appellate Board on the grounds that the person cannot be fair and impartial in deciding the case. If SCCS determines that the person cannot be fair and impartial, then SCCS may appoint a substitute member of the SCB in accordance with Section 8.6.7.

Section 8.6.9 Reconsideration of Record. Any member of the Appellate Board who, in their discretion, believes that they cannot decide the appeal fairly and impartially for any reason shall recuse themselves from serving on the Appellate Board, in which case SCCS shall appoint a substitute member of the Appellate Board in accordance with Section 8.6.7.

Section 8.6.10 Review of the Record. The Appellate Board’s final decision shall be based on its review of the record of the hearing before the SCB, which shall be limited to: (1) the Notice of Allegations; (2) the Notice of Formal Hearing; (3) the Notice of Decision; (4) the transcript, copy, and other materials, of the hearing, and all other information submitted to the SCB during the hearing; and (5) the Notice of Appeal and any written responses, in accordance with Section 8.6.8.

Section 8.6.11 Potential Decisions of the Appellate Board. The Appellate Board shall reach one (1) of the following decisions, by a majority vote, if the appeal is determined to be procedurally valid:

(1) Affirm both the SCB’s finding that the Respondent violated the Standards of Conduct and the sanctions imposed by the SCB;

(2) In a case involving a clearly unreasonable sanction, the Appellate Board may modify the sanctions imposed by the SCB by imposing a greater or lesser sanction(s);

(3) In a case involving a material procedural error, the Appellate Board shall remand the case for a new hearing to be conducted by a new SCB or the same SCB. The Appellate Board should recommend to the Chairperson how to correct the procedural error. SCCS may appoint a substitute member for any member of the SCB who is unavailable to participate in the new hearing;

(4) In a case of new information that fits the criteria described in Section 8.6.3(3), remand the case to the same SCB for the limited purpose of hearing the new information and reconsidering its decision based on the new information. SCCS may appoint a substitute member for any member of the SCB who is unavailable to participate in hearing the new information or reconsidering the decision of the SCB;

(5) In a case in which a SCB member had a personal prejudice or bias, remand the case for a new hearing to be conducted by a new SCB.

Section 8.6.12 Notice of Final Decision. The Appellate Board shall issue a final decision through a written notice called a Notice of Final Decision. The Notice of Final Decision should be issued within ten (10) business days of the submission of the Notice of Appeal. The Notice of Final Decision shall be sent to SCCS, who will notify the Conduct Officer, the Respondent, the Chairperson of the SCB, and, if permitted or required by law, the Complainant about the Order, of Decision that has been made by the Notice of Decision. The decision of the Appellate Board is final and is not subject to appeal.

SECTION 8.7 OTHER ISSUES HEARD BY THE SCB. In addition to hearing disputes concerning violations of the Standards of Conduct, the Student Conduct Board shall also be the University body that hears disputes concerning the interpretation of the Student Government Constitution and disputes concerning the results of Student Government elections.
IX. SANCTIONS

SECTION 9.1 GENERAL RULES

Section 9.1.1 Purposes of Sanctions. The purposes of sanctions include, without limitation: (1) to educate the Respondent about appropriate conduct; (2) to promote the personal and professional development of the Respondent; (3) to discourage the Respondent and other students from violating the Standards of Conduct; and (4) to protect other members of the University community. The sanctions imposed on a Respondent should be proportional to the Respondent’s misconduct and appropriate for the particular case based on the gravity of the offense (including, without limitation, how the violation affected or reasonably could have affected other members of the University community). Consideration may also be given to the Respondent’s conduct record; whether the Respondent acted in self-defense, and, if so, whether the amount of force used was reasonable under the circumstances; the Respondent’s academic classification (e.g., undergraduate, graduate, freshman, sophomore, junior, senior); and other aggravating or mitigating factors.

Section 9.1.2 Administrative and Developmental Sanctions. A student who accepts responsibility or is found responsible for violating the Standards of Conduct will be subject to one (1) or more administrative sanctions. A student may also be given one (1) or more developmental sanctions.

SECTION 9.2 ADMINISTRATIVE SANCTIONS

Section 9.2.1 Warning. A warning is a written notice that informs the student that the student has violated the Standards of Conduct, that the misconduct must cease and/or not reoccur, and that further misconduct will likely result in the imposition of more serious sanctions.

Section 9.2.2 Disciplinary Probation. Disciplinary probation is imposed for a specified period of time during which the student may continue to be enrolled but must demonstrate conduct that conforms to the Standards of Conduct. Conditions may be placed on the student’s continued enrollment. A student may be placed on disciplinary probation to correct misconduct or in the case of repeated minor misconduct. Also, a student allowed to re-enroll following a suspension will be placed on disciplinary probation. Violations of the Standards of Conduct during a period of disciplinary probation may result in more serious sanctions such as suspension or expulsion from the University.

Section 9.2.3 Deferred Suspension. A deferred suspension is a designated period of time during which a student, while continuing to be enrolled, is given an opportunity to demonstrate the ability to abide by the Standards of Conduct. A student may be placed on deferred suspension for serious misconduct or in the case of repeated misconduct. If the student is found responsible for any additional violation(s) of the Standards of Conduct while the student is on deferred suspension, then the sanction of suspension will be the minimum sanction that will be imposed in a Formal Hearing on the subsequent misconduct. Students who are placed on deferred suspension generally also receive disciplinary probation and developmental sanctions.

Section 9.2.4 Suspension. A suspension is an official separation of a student from the University for a specific period of time and/or until certain conditions are met. A suspension may be imposed for serious misconduct and/or for a violation of deferred suspension. Suspension may include conditions that must be satisfied prior to a student being allowed to re-enroll and/or conditions that will be in place if the student is allowed to re-enroll. The effective date of a suspension may be imposed retroactively to the date that the misconduct occurred. While suspended, the student loses all University rights and privileges (e.g., enrollment privileges), shall not represent the University in any official manner, and shall not be present on University-controlled property without the prior approval of the Vice Chancellor for Student Life. The student may be required to meet with an assigned Student Life staff member periodically while suspended to ensure the student is making satisfactory progress regarding the developmental sanctions issued. The Vice Chancellor for Student Life will determine whether the student is eligible for reinstatement to University enrollment by the University’s admissions office(s). Students who are permitted to return to the University following a period of suspension will automatically be placed on disciplinary probation by SSCS for a designated period of time, which is designed to facilitate a smooth transition back to the University community. A student on post suspension disciplinary probation must abide by the Standards of Conduct and conditions placed on the student’s re-enrollment.

Section 9.2.5 Expulsion. Expulsion is a sanction that permanently bars a person from enrolling as a student at the University. This sanction generally is imposed when the student’s misconduct is deemed so serious as to be a fundamental disassociation from the University community without the possibility of re-enrollment; and/or when, by the student’s repeated misconduct, a student has exhibited a blatant disregard for the health, safety, or welfare of other members of the University community or the University’s right to establish rules of conduct.

A person has been expelled shall not be present on University-controlled property without the prior approval of the Vice Chancellor for Student Life.

Section 9.2.6 Withholding of Degree. The University may withhold a degree as a disciplinary sanction for a specified period of time or until the student’s completion of all other sanctions imposed, whichever occurs later.

Section 9.2.7 Revocation of Degree. The sanction of the revocation of a degree may be imposed if a student has obtained a degree at least in part through cheating, plagiarism, other academic dishonesty, or through research misconduct. Revocation of a degree shall be approved by the Chancellor before the revocation is effective. If approved by the Chancellor, this sanction will be noted on the student’s academic transcript on a permanent basis.

Section 9.2.8 Disciplinary Probation for Student Organizations. A student organization given the sanction of disciplinary probation is permitted to retain University student organization registration on a probationary status. As a condition of the disciplinary probation, the student organization also may be given developmental sanctions.

Section 9.2.9 Social Probation for Student Organizations. 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 or participate in University-affiliated activities. Any exceptions to social probation must be approved, in advance, by the Vice Chancellor for Student Life.

Section 9.2.10 Deferred Suspension for Student Organizations. A deferred suspension is a designated period of time during which a student organization, while continuing to be active, is given an opportunity to demonstrate the ability to abide by the Standards of Conduct. A student organization may be placed on deferred suspension for serious misconduct or in the case of repeated misconduct. If the student organization is found responsible for any additional violation(s) of the Standards of Conduct while the student organization is on deferred suspension, then the sanction of revocation or suspension of University registration will be the minimum sanction that will be imposed in a Formal Hearing on the subsequent misconduct. Student organizations that are placed on deferred suspension generally also receive disciplinary probation and developmental sanctions.

Section 9.2.11 Revocation or Suspension of University Registration. In cases of serious or repeated misconduct, a student organization’s University registration may be suspended or revoked.

SECTION 9.3 DEVELOPMENTAL SANCTIONS

In addition to an administrative sanction(s), one (1) or more of the following developmental sanctions may be imposed in an effort to foster student learning and development.

Section 9.3.1 Educational Activities. Educational activities are designed to educate the student about why certain conduct was inappropriate. Examples of such activities include, without limitation, offering a formal apology (in writing and/or in person); attending an educational class, training, 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 prompt given by SSCS.

Section 9.3.2 Restitution. Restitution is compensation for loss, damage, and/or injury incurred as a result of the student’s conduct. Compensation may take the form of money, service, and/or material replacement. Restitution may be required to be made to the University, a specific individual, or a specific organization. Normally, all restitution must be paid or made within two (2) weeks of the imposition of the sanction.

Section 9.3.3 Supervised Work/Service. A student may be assigned unpaid work or service that is both beneficial to the University community and/or likely to assist the student in understanding the effects of the student’s conduct.

Section 9.3.4 Loss or Restriction of Privileges. Specified student privileges are lost or restricted. Such privileges include, without limitation, representing the University in any official manner, the use of or access to University-controlled property, University parking privileges, or participation in University-affiliated activities (e.g., extracurricular activities).

Section 9.3.5 University Housing Reassignment or Removal. A student may be assigned to a different residence hall or residence hall room. A student’s residence hall contract also may be terminated, and the student may be prohibited from residing in University housing for a definite or indefinite period of time.

Section 9.3.6 Mandatory Education. A student may be required to participate in one (1) or more educational programs, classes, or workshops relating to the student’s misconduct including, without limitation, education concerning alcohol or drugs. The student may be held responsible for the payment of...
expenses relating to the educational program/class/ workshop(s).

X. HONOR STATEMENT

SECTION 10.1 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 System. 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.

SECTION 10.2 INFORMING STUDENTS AND FACULTY. The following methods will be used to inform students and faculty members about the Honor Statement: (1) the Honor Statement appears on under graduate and graduate applications for admission, and applicants will be required to acknowledge their affirmation of the Honor Statement in writing; (2) information regarding the Honor Statement is included in the undergraduate and graduate catalogs, Hilltopics; (3) the Honors System is discussed during student orientation programs; (4) faculty members are encouraged to discuss the Honor Statement with students in entry level English courses; (5) faculty notices may be included to include the Honor Statement in their course syllabus; (6) implementation methods and alternatives are discussed during faculty orientation programs; and (7) the enforcement of the Honor Statement through the Standards of Conduct (Section 4.1) and the student conduct process.

SECTION 10.3 ACADEMIC DISHONESTY. The Honor Statement prohibits cheating, plagiarism, and any other type of academic dishonesty.

SECTION 10.4 PLAGIARISM. Plagiarism is using the intellectual property or product of someone else without giving proper credit. The undocumented use of someone else’s work 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: (1) using without proper documentation (quotation marks and citation) written or spoken words, phrases, or sentences from any source; (2) summarizing without proper documentation (usually a citation) ideas from another source (unless such information is recognized as common knowledge); (3) borrowing facts, statistics, proper documentation (usually a citation) ideas from or sentences from any source; (2) summarizing without marks and citation) written or spoken words, phrases, or misrepresenting data, laboratory results, research results, citations, or other information in connection with an academic assignment; (4) serving as, or simulating the assistance of, a substitute for a student in the taking of an examination or the performance of an academic assignment; (5) altering grades, answers, or marks in an effort to change the earned grade or credit; (6) submitting without authorization the same assignment for credit in more than one course; (7) 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; (8) gaining an objectively unfair academic advantage by failing to observe the expressed procedures or instructions relating to an exam or academic assignment; and (6) 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.

SECTION 10.5 EXAMPLES OF OTHER TYPES OF ACADEMIC DISHONESTY. Specific examples of other types of academic dishonesty include, but are not limited to: (1) 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; (2) providing or receiving unauthorized assistance in connection with laboratory work, field work, scholarship, or another academic assignment; (3) falsifying, fabricating, or misrepresenting data, laboratory results, research results, citations, or other information in connection with an academic assignment; (4) serving as, or simulating the assistance of, a substitute for a student in the taking of an examination or the performance of an academic assignment; (5) altering grades, answers, or marks in an effort to change the earned grade or credit; (6) submitting without authorization the same assignment for credit in more than one course; (7) 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; (8) gaining an objectively unfair academic advantage by failing to observe the expressed procedures or instructions relating to an exam or academic assignment; and (6) 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.

SECTION 10.6 RESPONSIBILITIES ASSOCIATED WITH THE HONOR STATEMENT. All members of the University community have responsibilities associated with the Honor Statement. These responsibilities are unique to each sector of the University and are specifically designed for their own personal integrity in academic life. Each student is responsible for knowing and adhering to the terms and conditions of the Honor Statement. The student should acknowledge their adherence to the Honor Statement by writing, “Pledged,” and signing on a graded class assignment or examination. Although there is no formal report of academic dishonesty of another, each student, given the dictats of their own conscience, may choose to report any violation of the Honor Statement to a faculty member or to SCCS. The prevention of academic dishonesty, 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.

SECTION 10.7 ACADEMIC DISHONESTY—RESOLUTION BY THE ACADEMIC DEPARTMENT.

SECTION 10.7.1 Notice of Academic Dishonesty and Informal Opportunity to Respond to Allegations. The instructor, student, and/or academic advisor, as appropriate, shall describe the information supporting the allegation, and give the student an informal opportunity to respond to the allegation(s) and information. 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 within five (5) business days of the notice. The instructor does not have the authority under the Code to impose a sanction identified in Section 9.2 or Section 9.3. An academic penalty shall not take effect until after the deadline for an appeal has passed under Section 10.7.3, or, if the student appeals the penalty, the student conduct process has concluded and the penalty has been upheld, whichever is later.

SECTION 10.7.2 Decision Whether to Impose an Academic Penalty. 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 impose an academic penalty. The academic penalty may involve an instructor’s failure to prevent or discourage academic dishonesty, and/or academic dishonesty that unfairly places another on any class or University-related document. If an instructor imposes more than one (1) academic penalty, the instructor should notify the student in writing about the additional penalty and the student’s options to appeal the findings and/or penalties under Section 10.7.3. The notice should consist of the academic dishonesty, the reason for the penalty, and the student’s options to appeal the findings and/or penalties. The notice should be submitted to the student’s instructor. In addition, SCCS may request the Registrar to enter the grade for the course on the student's option to appeal the findings and/or penalties under Section 10.7.3, the student may request the Registrar to enter the grade for the course.

SECTION 10.7.3 Appeals of Academic Penalties. Within five (5) business days of the transmittal of the notice to the student described in Section 10.7.2, the student may appeal the academic penalty imposed by the instructor to SCCS. The student shall submit an appeal to Academic Penalty to SCCS, using a form approved by SCCS. The SCCS hears appeals of academic penalties. If SCCS does not issue a Notice of Allegations, then the instructor shall serve as the Conduct Officer in the SCCS Hearing. The decision of the SCCS, the or the Appellate Board if the decision is appealed, shall be the final decision of the University concerning the academic penalty. For academic penalties, if not appealed to the Appellate Board, is to reverse a grade of “F” for the course, then SCCS will inform the University’s Registrar of the SCCS’s decision and request the Registrar to enter the grade for the course that the student would have received if the student had not been accused of academic dishonesty. If there is a question about what grade the student would have received if the student had not been accused of academic dishonesty, the question will be referred to the Provost for resolution.

SECTION 10.8 ACADEMIC DISHONESTY—RESOLUTION THROUGH THE STUDENT CONDUCT PROCESS. After receiving notice from the instructor under Section 10.7.2, SCCS may proceed with the student conduct process and determine of whether to issue a Notice of Allegations for violating Section 4.1. A decision to issue a Notice of Allegations shall not be used by the student to support an appeal of an academic penalty imposed by the student’s instructor. In addition, SCCS may issue a Notice of Allegations for violating Section 4.1 regardless of the response of the instructor to the alleged academic dishonesty. If an instructor alleges that the student engaged in academic dishonesty, the student may appeal the academic penalty and/or SCCS issues a Notice of Allegations containing an allegation of a violation of Section 4.1, then the allegations against the student and the issue of whether an appropriate academic penalty shall be resolved through a Resolution Agreement, a Formal Hearing, or an Alternative Resolution Process.

SECTION 10.9 COLLEGE OF LAW. The University of Tennessee College of Law has adopted and promulgated its own Code of Academic Conduct, Chapter 1720-04-09. Chapter 1720-04-09 shall control in the event of a conflict between this Chapter and Chapter 1720-04-09.

SECTION 10.10 RESEARCH MISCONDUCT. Notwithstanding anything in this Code to the contrary, allegations of research misconduct shall be reported, assessed, and resolved under Section 1720-04-09, and any findings, findings, and/or penalties under Section 10.7.3, the Appellate Board if the decision is appealed, shall be the final decision of the University concerning the academic penalty. For academic penalties, if not appealed to the Appellate Board, is to reverse a grade of “F” for the course, then SCCS will inform the University’s Registrar of the SCCS’s decision and request the Registrar to enter the grade for the course that the student would have received if the student had not been accused of academic dishonesty. If there is a question about what grade the student would have received if the student had not been accused of academic dishonesty, the question will be referred to the Provost for resolution.
XI. POLICY ON AMNESTY FOR INDIVIDUAL GOOD SAMARITANS AND STUDENTS IN NEED OF EMERGENCY MEDICAL ATTENTION.

SECTION 11.1 BACKGROUND. The University of Tennessee holds paramount the health, safety, and welfare of students. Accordingly, all University students are expected to alert appropriate officials in the event of a health, safety, or welfare emergency including, without limitation, a situation involving the abuse of alcohol or other drugs.

SECTION 11.2 EXPECTATIONS. When individual students know or reasonably should have known that other individual students are in need of emergency medical attention, the individual students are expected to: (1) contact appropriate people to report the incident and request assistance (e.g., University staff members, law enforcement), and provide those people with the names and contact information for the individual students reporting the incident and the impaired individual students; and (2) demonstrate cooperation and care by remaining with the impaired individual students and providing reasonable assistance during and after the incident. Individual students who take all of the steps described in this Section 11.2 will be referred to as a “Good Samaritan” under the Code. The individual students in need of emergency medical attention will be referred to as an “impaired individual student” under the Code.

SECTION 11.3 AMNESTY FOR INDIVIDUAL GOOD SAMARITANS. Unless individual Good Samaritans have engaged in a repeated or serious violation of the Standards of Conduct (e.g., physical or sexual assault, property destruction, disorderly behavior, theft, second incident of misconduct involving alcohol or drugs), individual Good Samaritans will not be subject to formal University disciplinary action for misconduct discovered by the University as a result of the Good Samaritan’s report. While no formal University disciplinary action may be taken, the individual impaired students may be required to meet with a University staff member, participate in educational activities, and/or establish that the individual students have addressed issues that contributed to the misconduct.

SECTION 11.4 AMNESTY FOR STUDENT ORGANIZATIONS. Student organizations, through their officers and members, are also expected to take responsible action in emergency situations. While the Policy on Amnesty for Individual Good Samaritans and Students in Need of Emergency Medical Attention may not fully apply, adherence to steps described in Section 11.2 by a student organization’s officers and/or members will be considered a mitigating factor when determining the outcome of or sanction for misconduct. Additionally, the University will consider a failure of officers and/or members to adhere to steps described in Section 11.2 to be an aggravating factor when determining the outcome of or sanction for misconduct.

XII. EMERGENCY POWERS

When, in the judgment of the University’s Chancellor, conditions are such that it is impractical for the Student Conduct Board to function, the Vice Chancellor for Student Life may suspend these procedural regulations and appoint an ad hoc committee to hear a conduct matter. Any such ad hoc committee shall follow procedures that will assure that the Respondent is provided with due process. The final decision of the ad hoc committee may be appealed to the Vice Chancellor for Student Life, but the grounds for appeal are limited to those outlined in Section 8.6.3.

XIII. MAINTENANCE, DISCLOSURE, AND EXPUNGEMENT OF STUDENT DISCIPLINARY RECORDS

SECTION 13.1 MAINTENANCE OF STUDENT DISCIPLINARY RECORDS. The University maintains student disciplinary records separately from student academic records.

SECTION 13.2 DISCLOSURE OF STUDENT DISCIPLINARY RECORDS WHILE A STUDENT IS ENROLLED. While a student is enrolled in the University, SCCS may disclose disciplinary records to University officials who have a legitimate educational interest in the disciplinary records or to students who request to inspect their disciplinary records. SCCS may disclose disciplinary records to other persons only in accordance with state or federal law.

Section 13.2.1 While a student is enrolled in the University, SCCS may disclose disciplinary records to University officials who have a legitimate educational interest in the disciplinary records, subject to Section 13.2.2, or to students who request to inspect their disciplinary records. SCCS may disclose disciplinary records to other persons only in accordance with state or federal law and in some circumstances will be required by state or federal law to disclose disciplinary records (e.g., subpoena, judicial order).

Section 13.2.2 While a student is still enrolled in the University but applying for post-graduation employment or graduate school, SCCS will disclose a student’s disciplinary records to persons outside of SCCS only if one of the following sanctions was imposed on the student while the student was enrolled in the University: suspension; expulsion; withholding of degree; or revocation of degree. Notwithstanding the previous sentence, SCCS will disclose disciplinary records as required by state or federal law (e.g., subpoena, judicial order).

SECTION 13.3 DISCLOSURE OF STUDENT DISCIPLINARY RECORDS AFTER A STUDENT IS NO LONGER ENROLLED. After a student is no longer enrolled with the University, SCCS will disclose a student’s disciplinary records to persons outside of SCCS only if one of the following sanctions was imposed on the student while the student was enrolled in the University: suspension; expulsion; withholding of degree; or revocation of degree. Notwithstanding the previous sentence, SCCS will disclose disciplinary records as required by state or federal law (e.g., subpoena, judicial order).

SECTION 13.4 EXPUNGEMENT OF STUDENT DISCIPLINARY RECORDS. SCCS permanently maintains student disciplinary records for students who have received the following sanctions (or their equivalents under previous versions of the Code): suspension; expulsion; withholding of degree; or revocation of degree. SCCS expunges student disciplinary records for other students seven (7) years after graduation or the last date of enrollment, except as prohibited by law or a University litigation hold.

XIV. DEFINITIONS OF TERMS USED IN THE CODE

The following words, terms, or phrases, when used in the Code, shall have the following meanings:

(1) ATTEND: To participate in a meeting or hearing electronically or in person.

(2) BUSINESS DAY: Any weekday not designated by the University as a holiday or administrative closure day.

(3) CHAIRPERSON: A faculty or staff member appointed by SCCS to preside over and facilitate a SCB Hearing.

(4) CODE: CODE OF CONDUCT, or STUDENT CODE OF CONDUCT: The University of Tennessee, Knoxville’s Student Code of Conduct, Chapter 1720-04-03.

(5) COMPLAINTANT: An individual who may have been subjected to student conduct that violates the Standards of Conduct, regardless of whether that individual makes a complaint or report to SCCS. This term does not imply prejudgment concerning whether the Respondent violated the Standards of Conduct. SCCS is the final decision maker with respect to whether an individual is a Complainant for purposes of the Code.

(6) CONDUCT OFFICER: A University employee designated by SCCS to present information on behalf of SCCS to the Student Conduct Board. The Conduct Officer shall be employed in the Division of Student Life but is not required to be employed by SCCS. However, in a case involving academic dishonesty in which SCCS has not issued a Notice of Allegations, the instructor generally will be designated as the Conduct Officer.

(7) DISCIPLINARY HOLD: The University hold maintained by SCCS.

(8) DISCIPLINARY RECORDS: A written record that personally identifies a student as a Respondent and is maintained by SCCS.

(9) FACULTY MEMBER OR INSTRUCTOR: A person hired by the University to conduct teaching, research, or supervised clinical placements.

(10) FORMAL HEARING: A SCB Hearing, a hearing before a Student Life Hearing Officer, and/or a UAPA Hearing.

(11) GOOD FAITH: Having a belief in the truth of information that a reasonable person in the same position could have, based on the information known to the person communicating the information at the time the information was communicated by that person. Information is not communicated in good faith if it is communicated with knowing or reckless disregard for information that would negate the former information.
(12) KNOXVILLE AREA: The geographical area that consists of the following counties in the state of Tennessee: Knox, Anderson, Union, Grainger, Jefferson, Sevier, Blount, Loudon, and Roane.

(13) MEMBER OF THE UNIVERSITY COMMUNITY: A person who is a student, University employee, University volunteer, invited visitor to University controlled property, or participant in a University affiliated activity.

(14) NOTICE OR NOTIFY (given to students): Written notice transmitted by United States mail, courier service, or hand delivery to the address the University Registrar has on file for the student; and/or by email to a student’s University provided email account. When a notice is transmitted by United States mail or courier service, the notice is effective on the date that it is mailed or delivered to the courier service. When a notice is transmitted by hand delivery, the notice is effective on the date that it is delivered to the person to whom the notice is addressed. When a notice is transmitted by email, the notice is effective on the date that the email is sent. A student’s University issued email address is the official method of communication used by SCCS.

(15) POSSESSION: Direct control of a substance or property, actual knowledge of a substance or property and/or being in close proximity to the substance or property that it is a reasonable presumption that one had knowledge of the substance or property.

(16) PROTECTED ACTIVITY: A person’s good faith: (1) opposition to conduct prohibited under the Standards of Conduct; (2) report to the University about conduct prohibited under the Standards of Conduct to the University; (3) participation (or reasonable expectation of participation) in any manner in an investigation, meeting, hearing, or interim measure; or (4) exercise of rights or responsibilities under any provision of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

(17) REASONABLE PERSON: A sober, objectively reasonable person in the same situation, and with the same sex, gender identity, and sexual orientation as the person whose words and/or conduct are being evaluated.

(18) RELEVANT INFORMATION: Information having any tendency to make the existence of any fact that is of consequence to determining whether the Respondent violated the Standards of Conduct more probable or less probable than it would be without the information.

(19) RESPONDENT: A student or student organization who has been accused of violating the Standards of Conduct and/or whose conduct is being investigated by SCCS.

(20) SANCTION: An administrative sanction and/or a developmental sanction.

(21) SCB: Student Conduct Board.

(22) SCCS: The Office of Student Conduct and Community Standards, which acts through University employees designated by the Director of SCCS to act on behalf of the University in the student conduct process including, without limitation, University employees who work in SCCS and University employees who work in University Housing.

(23) STAFF MEMBER: A person employed 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.

(24) STANDARDS OF CONDUCT: Chapter 1720-04-03-.04.

(25) STUDENT: For purposes of the Code, the term “Student” means:

(a) A person enrolled or registered for study at the University, either fulltime or part-time, pursuing their academic, administrative, or auxiliary departments or divisions.

(i) A person enrolled or registered for study at the University, either full-time or part-time, pursuing their academic, administrative, or auxiliary departments or divisions. Such a person includes (but is not limited to): (1) A person who is not a student enrolled at the University and who has completed the immediately preceding academic term and is eligible for re-enrollment; (2) A person who has completed the immediately preceding academic term and is eligible for re-enrollment; (3) A person who has been admitted to the University and who has attended the University during a previous academic term and who engaged in misconduct during the time of enrollment; and/or (4) A person who has been admitted to the University and later matriculates at the University, with respect to misconduct:

1. That occurs as part of the application process; or

2. That occurs post admission and pre matriculation and falls within the jurisdiction of the Code (e.g., occurs on University-controlled property).

(26) STUDENT LIFE HEARING OFFICER. As more fully described in Section 7.2.4, a University employee designated by SCCS to conduct a Formal Hearing.

(27) STUDENT ORGANIZATION: An organization that is recognized solely by University students that has submitted a pending application or has completed the process for registration according to University rules.


(29) UAPA HEARING: A hearing conducted by an administrative judge or hearing officer in accordance with the University’s procedures for conducting a contested case hearing pursuant to the UAPA, Chapter 1720-01-.05.

(30) UNIVERSITY: The University of Tennessee, Knoxville; the University of Tennessee Institute of Agriculture; and their campuses, centers, institutes, and constituent parts including, without limitation, their academic, administrative, or auxiliary departments or divisions.

(31) UNIVERSITY-PROTECTED PROPERTY: Means any area, structures, facilities, or property owned, operated, controlled, or supervised by the University.

(32) UNIVERSITY-CONTROLLED PROPERTY: All land, grounds, structures, or any other property owned, controlled, or operated by the University. For purposes of this rule, University-controlled property includes, without limitation, all streets, alleys, sidewalks, and public ways abutting such property. University-controlled property also includes computers and network systems owned, controlled, or operated by the University or funded by the University.

(33) UNIVERSITY-FOCUSED PROPERTY: All land, grounds, structures, or any other property owned, controlled, or operated by the University.

(34) VICE CHANCELLOR FOR STUDENT LIFE: The University’s chief student affairs officer, to whom the Chancellor has delegated responsibility for the administration of the Code. For the purposes of the Code, the term also includes any University employee whom the Vice Chancellor for Student Life designates to act in place of the Vice Chancellor for Student Life.

(35) 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, without limitation, firearms (loaded and unloaded, real firearms and devices that would reasonably appear to a law enforcement officer to be real firearms), 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, but not water guns), explosives, dangerous chemicals (such as mace, tear gas, and oleoresin capsicum), martial arts weapons, bows and arrows, artificial knuckles, night sticks, blackjacks, dirks, daggers, swords, and knives with fixed blades longer than four (4) inches. The term “weapon” does not include pocket knives that fold (but not excluding switchblades); 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

(36) WRITTEN (OR IN WRITING): To communicate words either on paper and/or electronically. For example, a notice delivered via email constitutes a written notice under the Code. July 1, 2018