



**POLICY 04:02:00
ACADEMIC CLASSROOM
CONDUCT AND DISCIPLINARY
SANCTIONS**

Please refer to Tennessee Board of Regents Policy No 3:02:00:01

TBR Rule 0240-02-03-.01	Institution Policy Statement
TBR Rule 0240-02-03-.02	Disciplinary Offense
TBR Rule 0240-02-03-.03	Academic and Classroom Misconduct
TBR Rule 0240-02-03-.04	Disciplinary Sanctions
TBR Rule 0240-02-03-.06	Disciplinary Procedures and Due Process

Part 1 Institutional Policy Statement

Pellissippi State Community College (Pellissippi State) students are citizens of the state, local, and national governments, and of the academic community and are, therefore, expected to conduct themselves as law-abiding members of each community at all times.

Admission to Pellissippi State carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by nonstudents. In recognition of the special relationship that exists between the College and the academic community that it seeks to serve, the Tennessee Board of Regents (TBR) has authorized the President of Pellissippi State under its jurisdiction to take such action, as may be necessary, to maintain campus conditions and preserve the integrity of the College and its educational environment.

Pursuant to this authorization and in fulfillment of its duties to provide a secure and stimulating atmosphere in which individual and academic pursuits flourish, the College has developed the following regulations that are intended to govern student conduct on the campus. In addition, students are subject to all national, state, and local laws and ordinances. If a student's violation of such laws or ordinances also adversely affects Pellissippi State's pursuit of its educational objectives, the College may enforce its own regulations regardless of any proceedings instituted by other civil or criminal authorities.

For the purpose of these policies, a "student" shall mean any person who is admitted and/or registered for study at Pellissippi State for any academic period. This shall include any period of time following admission and/or registration, but preceding the start of classes for any academic period. It will also include any period which follows the end of an academic period through the last day for registration for the succeeding academic period, and during any period while the student is under suspension from the institution. Finally, "student" shall also include any person subject to a period of suspension or removal from campus as a sanction which results from a finding of a violation of the regulations governing student conduct. Students are responsible for compliance with the Rules of Student Conduct and with similar institutional policies at all times.

Disciplinary action may be taken against a student for violation of the policies which occur on institutionally owned, leased or otherwise controlled property, while participating in international or distance learning programs, affiliated clinical sites, and off campus, when the conduct impairs, interferes with, or obstructs any institutional activity or the mission, processes, and functions of the institution. Institutions may enforce their own regulations regardless of the status or outcome of any external proceedings instituted in any other forum, including any civil or criminal proceeding.

These regulations, and related material incorporated herein by reference, are applicable to student organizations as well as individual students. Student organizations are subject to discipline for the conduct and actions of individual members of the organization while acting in their capacity as members of, or while attending or participating in any activity of, the organization.

Confidentiality of Discipline Process. Subject to the exceptions provided pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g and/or the Tennessee Open Records Act, T.C.A. § 10-7-504(a)(4), a student's disciplinary files are considered "educational records" and are confidential within the meaning of those Acts.

Part 2 Disciplinary Offenses

(1) College disciplinary measures shall be imposed, through appropriate due process procedures, for conduct that adversely affects Pellissippi State's pursuit of its educational objectives, that violates or shows a disregard for the rights of other members of the academic community, or that endangers property or persons on college or college-controlled property.

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

(a) Conduct dangerous to self or others. Any conduct, or attempted conduct, which constitutes a danger to any person's health, safety, or personal well-being, including, but not limited to, the following

1. Physical and/or verbal abuse,
2. Threats and/or intimidation,
3. Harm inflicted on self.

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

(c) Disorderly conduct. Any individual or group behavior that is abusive, obscene, lewd, indecent, violent, excessively noisy, or disorderly, or that unreasonably disturbs other groups or individuals.

(d) Obstruction of or interference with Pellissippi State activities or facilities. Any intentional interference with or obstruction of any college activity, program, event, or facilities, including the following:

1. Any unauthorized occupancy of college or college-controlled facilities or blockage of access to or from such facilities.
2. Interference with the right of any college staff member or other authorized person to gain access to any college or college-controlled activity, program, event, or facilities.
3. Any obstruction or delay of a campus security officer, public safety officer, police officer, firefighter, EMT, or any college official, or failure to comply with any emergency directive issued by such person in the performance of his/her duty.

(e) Misuse of or damage to property. Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring, or unauthorized use of property belonging to another including, but not limited to, any personal property, fire alarms, fire equipment, elevators, telephones, college keys, library materials, and/or safety devices.

(f) Theft, misappropriation, or unauthorized sale of property. Any act of theft, misappropriation or sale of Pellissippi State property or any such act against a member of the college community or a guest of Pellissippi State.

(g) Misuse of documents or identification cards. Any forgery, alteration of, or unauthorized use of Pellissippi State documents, forms, records, or identification cards, including the giving of any false information or withholding of necessary information in connection with a student's admission, enrollment, or status at the College.

(h) Firearms and other dangerous weapons. Any possession of or use on Pellissippi State-owned or -controlled property of firearms or dangerous weapons of any kind, or replica/toy guns, e.g. BB guns, pellet guns, paintball guns, water guns, cap guns, toy knives or other items that simulate firearms or dangerous weapons.

(i) Explosives, fireworks, and flammable materials. The unauthorized possession, ignition, or detonation on Pellissippi State-owned or -controlled property of any object or article that could cause damage by fire or any other means to persons or property, or possession of any substance that could be considered to be and used as fireworks.

(j) Alcoholic beverages. The use and/or possession of alcoholic beverages is not allowed on Pellissippi State-owned or -controlled property. This offense includes the violation of any local ordinance, state, or federal law concerning alcoholic beverages, on or off college owned or controlled property, where an affiliated group organization has alcoholic beverages present and available for consumption. Pursuant to Tennessee Code Annotated §49-7-146, Pellissippi State Community College is required to notify a parent of a student under age twenty-one (21) if the student has committed a disciplinary violation with respect to the use or possession of alcohol or a controlled substance that is a violation of any federal, state, or local law, or of any rule or policy of the institution, except as prohibited by the Family Education Rights and Privacy Act (FERPA). The trigger for notification will be 1) a plea of guilty to the applicable code of conduct violation, or 2) a final finding of guilt pursuant to disciplinary procedures, including completion of an appeal.

(k) Drugs. The unlawful possession or use of any drug or controlled substance (including, but not limited to, any stimulant, depressant, narcotic, or hallucinogenic drug or substance, or marijuana), or sale or distribution of any such drug or controlled substance. This offense includes the

violation of any local ordinance, state, or federal law concerning the unlawful possession or use of drugs, on or off institution owned or controlled property. Pursuant to Tennessee Code Annotated §49-7-146, Pellissippi State Community College is required to notify a parent of a student under age twenty-one (21) if the student has committed a disciplinary violation with respect to the use or possession of alcohol or a controlled substance that is a violation of any federal, state, or local law, or of any rule or policy of Pellissippi State, except as prohibited by the Family Education Rights and Privacy Act (FERPA). The trigger for notification will be 1) a plea of guilty to the applicable code of conduct violation, or 2) a final finding of guilt pursuant to disciplinary procedures, including completion of an appeal.

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

(m) Public Intoxication. Appearing on college owned or controlled property, affiliated clinical site, or at a college sponsored event, while under the influence of a controlled substance or of any other intoxicating substance.

(n) Gambling. Unlawful gambling in any form on Pellissippi State-owned or -controlled property.

(o) Financial irresponsibility. Failure to promptly meet financial responsibilities to Pellissippi State including but not limited to passing a worthless check or money order in payment to the College or to a member of the college community acting in an official capacity.

(p) Unacceptable conduct in disciplinary proceedings. Any conduct at any stage of a college disciplinary proceeding or investigation that is contemptuous, disrespectful, threatening, or disorderly, including false complaints, testimony or other evidence, and attempts to influence the impartiality of a member of a judicial body, verbal or physical harassment or intimidation of a judicial board member, complainant, respondent or witness.

(q) Failure to cooperate with Pellissippi State officials. Failure to comply with directions of college officials acting in the performance of their duties.

(r) Violation of general rules and regulations. Any violation of the general rules and regulations of Pellissippi State as published in an official Pellissippi State publication, including the intentional failure to perform any required action or the intentional performance of any prohibited action.

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

(t) Violations of state or federal laws. Any violation of state or federal laws or regulations prescribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference.

(u) Violation of imposed disciplinary sanctions. Intentional or unintentional violation of a disciplinary sanction officially imposed by a college official or a constituted body of the College.

(v) Sexual battery or rape. Committing any act of sexual battery or rape as defined by state law.

(w) Harassment or retaliation. Any act by an individual or group against another person or group in violation of TBR policies, as well as federal and/or state laws prohibiting discrimination, including, but not limited to, TBR policies 5:01:02:00, (F), 5:01:02:00, 2:02:10:01 and TBR Guideline P-080. All matters involving allegations of impermissible discrimination, harassment or retaliation will be governed by the procedures outlined in Tennessee Board of Regents *Guideline P-080 Subject: Discrimination and Harassment—Complaint and Investigation Procedure* or an institutional policy that reflects the current requirements of that Guideline.

(x) Academic misconduct. Plagiarism, cheating, fabrication. For purposes of this section the following definitions apply:

1. Plagiarism. The adoption or reproduction of ideas, words, statements, images, or works of another person as one's own without proper attribution.
2. Cheating. Using or attempting to use unauthorized materials, information, or aids in any academic exercise or test/examination. The term academic exercise includes all forms of work submitted for credit or hours.
3. Fabrication. Unauthorized falsification or invention of any information or citation in an academic exercise.

(y) Unauthorized duplication or possession of keys. Making, causing to be made or the possession of any key for an institutional facility without proper authorization.

(z) Litter. Dispersing litter in any form onto the group or facilities of the campus.

(aa) Pornography. Public display of literature, films, pictures or other materials which an average person applying contemporary community standards would find, (1) taken as a whole, appeals to the prurient interest, (2) depicts or describes sexual conduct in a patently offensive way, and (3) taken as a whole, lacks serious literary, artistic, political or scientific value.

(bb) Abuse of Computer Resources and Facilities. Misusing and/or abusing campus computer resources including, but not limited to the following:

1. Use of another person's identification to gain access to institutional computer resources.
2. Use of institutional computer resources and facilities to violate copyright laws, including, but not limited to, the act of unauthorized distribution of copyrighted materials using institutional information technology systems.
3. Unauthorized access to a computer or network file, including but not limited to, altering, using, reading, copying, or deleting the file.
4. Unauthorized transfer of a computer or network file.
5. Use of computing resources and facilities to send abusive or obscene correspondence.
6. (Use of computing resources and facilities in a manner that interferes with normal operation of the institutional computing system.
7. Use of computing resources and facilities to interfere with the work of another student, faculty member, or institutional official.
8. Violation of any published information technology resources policy.
9. Unauthorized peer-to-peer file sharing.

(cc) Unauthorized access to college facilities and/or grounds. Any unauthorized access and/or occupancy of institutional facilities and grounds is prohibited, including, but not limited to, gaining access to facilities and grounds that are closed to the public, being present in areas of campus that are open to limited guests only, being present in academic buildings after hours without permission, and being present in buildings when the student has no legitimate reason to be present.

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

(ee) Unauthorized surveillance. Making or causing to be made unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, and men's or women's restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means;

(ff) Smoking violations. Violation of college [smoking or other tobacco use rules or policies](#). (Please see policy 08:06:00.)

(gg) Violations of conduct requirements described in handbooks for specific programs of study.

- (3) Disciplinary action may be taken against a student for violations of the foregoing regulations which occur at or in association with enrollment at Pellissippi State Community College for any academic period. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree including periods prior to or between semesters. Conduct occurring while a student is registered or enrolled at the College, but not discovered until after the awarding of a degree is actionable under these provisions and may result in the retroactive application of a disciplinary sanction. Should a student withdraw from the College with disciplinary action or academic misconduct action pending, the student's record may be encumbered by the vice president of Student Affairs, or designee, until the proceedings have been concluded.

Part 3 Academic and Classroom Misconduct

(1) The instructor has the primary responsibility for control over classroom behavior and maintenance of academic integrity and can order the temporary removal or exclusion from the classroom of any student engaged in disruptive conduct or conduct that violates the general rules and regulations of Pellissippi State. Extended or permanent exclusion from the classroom or further disciplinary action can be effected only through appropriate procedures of Pellissippi State.

(2) Academic misconduct committed either directly or indirectly by an individual or group is subject to disciplinary action. Prohibited activities include, but are not limited to, the following practices:

(a) Cheating, including but not limited to, unauthorized assistance from material, people, or devices when taking a test, quiz, or examination; writing papers or reports; solving problems; or completing academic assignments.

- (b) Plagiarism, including but not limited to, paraphrasing, summarizing, or directly quoting published or unpublished work of another person, including online or computerized services, without proper documentation of the original source.
- (c) Purchasing or otherwise obtaining prewritten essays, research papers, or materials prepared by another person or agency that sells term papers or other academic materials to be presented as one's own work.
- (d) Taking a test, quiz, or examination for another student.
- (e) Providing others with information and/or answers regarding exams, quizzes, homework or other classroom assignments unless explicitly authorized by the instructor.
- (f) Any of the above occurring within the Web or distance-learning environment.

(3) Pellissippi State faculty are responsible for communicating information to their students about college and classroom requirements meant to promote academic honesty. Included in this information should be a discussion of the College's Statement of Academic Honesty. Instructors also have the responsibility to insure that exams, etc., are appropriately proctored to discourage instances of academic misconduct.

(4) Upon discovery of a student's participation in academic misconduct, the student is immediately responsible to the instructor of the class. The instructor will gather evidence of the misconduct, discuss it with his or her department dean, and meet with the offending student (or students), presenting evidence of the misconduct and describing the actions imposed. The instructor has the authority to assign an appropriate grade, including an F or a zero, for the exercise or examination as long as the assigned grade is, in the instructor's judgment, proportional to the nature and extent of the academic misconduct.

(5) In cases where the instructor feels that the academic misconduct merits the sanction of assigning an F for the course rather than a single exercise or assignment, the instructor shall inform the academic department dean, in writing, of the violation and the sanction imposed. The academic department dean will then notify the student, via a memo, of the sanction imposed by the instructor and the appeals process that is available if the student wishes to appeal the instructor's decision. A copy of this memo will be forwarded to the vice president of Academic Affairs and the vice president of Student Affairs. The student may continue to attend classes during the appeals process.

(6) Pellissippi State students accept full responsibility for the quality and authenticity of submitted course work. When confronted with any evidence of academic misconduct, students have two options available to them:

- (a) The student may accept the action/sanction imposed by the instructor, or
- (b) The student may initiate the academic misconduct appeals process.

(7) If the student believes that he/she has been erroneously accused of academic misconduct or if he/she believes the action or sanction is too severe for the incident, the student may appeal by completing the Academic Misconduct Appeals Form and submitting it to the instructor's department dean. Submission of the appeals form will initiate the appeals process, which will proceed as follows:

- (a) The student must complete the Academic Misconduct Appeals Form (see Attachment A, Form B), and submit it to the academic department dean for that course within five business days of notification of the sanction. Failure to initiate the appeals process within five business days, absent good cause, constitutes acceptance of the sanction and waiver of the right to an appeal.

(b) The academic department dean will forward the appeals form to the vice president of Academic Affairs, who will convene the Academic Misconduct Appeals Committee. This committee is made up of five faculty members and two students. (For further information regarding the Academic Misconduct Appeals Committee, please refer to Policy 08:01:00 Committee Structure and Memberships.) The vice president of Academic Affairs, or designee, will coordinate the committee hearing, but will not vote. Any individual involved with or who has an interest in the incident will not sit in judgment as a member of the hearing committee.

(c) The Academic Misconduct Appeals Committee will set a date for the hearing within 15 business days of the student appeal. The student must be notified of the date, time, and location of the hearing soon as possible, but given a minimum of one week's notice. The student has the following rights applicable at the hearing:

1. The right to present his or her case.
2. The right to be accompanied by an advisor. The hearing committee may restrict the advisor's right to speak at the hearing. The advisor may be an attorney if Pellissippi State is equally represented.
3. The right to call witnesses in his or her behalf.
4. The right to confront witnesses against him or her.

(d) The committee will then conduct the appeal hearing, consider all the evidence presented and make a decision by simple majority vote. The committee can either uphold or overturn the action or sanction of the instructor. If the committee upholds the sanction, the decision will be reported to the vice president of Student Affairs for record-keeping purposes. If the committee decides to overturn the sanction of the instructor, the student must receive grades on all assignments and the course in accordance with the normal grading policies of the instructor (unless some other instance of academic misconduct occurs).

(e) The vice president of Academic Affairs will send the student written notification of the decision of the Academic Misconduct Appeals Committee within ten business days of the hearing.

(f) If the Academic Misconduct Appeals Committee upholds the action or sanction of the instructor, the student does have the right to further appeal to the president of Pellissippi State within five business days following receipt of the Academic Misconduct Appeals Committee's decision. All appeals must be made in writing. The president will make a decision within ten business days; the president's decision is final.

Part 4 Disciplinary Sanctions

(1) Upon a determination that a student or student organization has violated any of the disciplinary offenses set forth in these regulations, the following disciplinary sanctions may be imposed, either singly or in combination, by the appropriate Pellissippi State officials:

- (a) **Restitution.** Restitution may be required in situations which involve destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or student organization is obligated by the appropriate judicial authority to compensate a party or parties for a loss suffered as a

result of disciplinary violation(s). Any such payment in restitution shall be limited to actual cost of repair, replacement or financial loss.

(b) Warning. The appropriate Pellissippi State official may notify the student or student organization that continuation or repetition of specified conduct may be cause for other disciplinary action.

(c) Reprimand. A written reprimand or censure may be given to any student or student organization whose conduct violates any part of these regulations and provides notice that any further violation(s) may result in more serious penalties.

(d) Service to the College or community. A student, or student organization, may be required to donate a specified number of service hours to the institution performing reasonable tasks for an appropriate institution office, official(s), or the local community. The service required shall be commensurate to the offense (e.g., service for maintenance staff for defacing institutional property).

(e) Specified educational/counseling program. A student or student organization may be required to participate in specified educational or counseling program(s) relevant to the offense, or to prepare a project or report concerning a relevant topic.

(f) Apology. A student or student organization may be required to apologize to an affected party, either verbally or in writing, for the behavior related to a disciplinary offense.

(g) Fines. Penalties in the form of fines may be imposed against a student or student organization whenever the appropriate institutional authority deems appropriate. The sanction of fines may be imposed in addition to other forms of disciplinary sanctions. Failure to pay fines may result in further disciplinary action.

(h) Restriction. A restriction upon a student's or organization's privileges for a period of time may be imposed. This restriction may include, for example, denial of the right to represent Pellissippi State at any event, ability to participate in college or TBR sponsored travel, the use of facilities, parking privileges, participation in extracurricular activities, or restriction of organizational privileges.

(i) Probation. Continued enrollment of a student or recognition of a student organization on probation may be conditioned upon adherence to these regulations. Any student or organization placed on probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon extracurricular activities, or any other appropriate special condition(s). Any conduct in further violation of these regulations while on probationary status or the failure to comply with the terms of the probationary period may result in the imposition of further disciplinary sanctions.

(j) Suspension. Suspension is the separation of a student or student organization from the institution for a specified period of time. Suspension may be accompanied by special conditions for readmission or recognition.

(k) Expulsion. Expulsion entails a permanent separation from Pellissippi State. The imposition of this sanction is a permanent bar to the student's admission, or a student organization's recognition at the College. A student or student organization that has been

expelled may not enter college property or facilities without obtaining prior approval from an appropriate campus official with knowledge of the expulsion directive.

(l) Revocation of admission, degree or credential.

(m) Interim suspension. As a general rule, the status of a student or student organization accused of violations of college regulations should not be altered until a final determination has been made in regard to the charges. However, interim suspension, pending the completion of disciplinary procedures, may be imposed upon a finding by the vice president of Student Affairs or his/her designated representative that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well being of the accused, or of any other member of the Pellissippi State community or its guests, property, or substantial disruption of classroom or other campus activities. In any case of interim suspension, the student, or student organization, shall be given an opportunity at the time of the decision or as soon thereafter as reasonably possible, to contest the suspension.

(n) Any alternate sanction deemed necessary and appropriate to address the misconduct.

(2) The president of Pellissippi State is authorized, at his/her discretion, to intervene in order to negotiate a mutually acceptable solution to any disciplinary proceedings, or, subsequently, to convert any sanction imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases.

Part 5 Disciplinary Procedures

- (1) General: Pellissippi State, in the implementation of TBR regulations pertaining to discipline and conduct of students, insures the constitutional rights of students by affording a system of constitutionally and legally sound procedures which provide the protection of due process of law. Pellissippi State has enacted policies which are in compliance with this TBR Policy 3:02:01:00, as well as state and federal law. All disciplinary procedures are affirmatively communicated to the faculty, staff, and students of Pellissippi State, as well as published in appropriate websites, handbooks, and manuals.
- (2) TUAPA: All cases which may result in: (a) suspension or expulsion of a student, or student organization, from the institution, for disciplinary reasons or (b) revocation of registration of a student organization, are subject to the contested case provisions of the Tennessee Uniform Administrative Procedures Act (TUAPA), T.C.A. § 4-5-101 et seq., and will be processed in accord with the Uniform Contested Case procedures adopted by the Board of Regents unless the student or organization, after receiving written notice, waives those procedures and elects to have the case disposed of through the Pellissippi State Institutional Hearing process or informal adjudication by the vice president of Student Affairs or designee.
- (3) Institutional Options: For students facing disciplinary action, four potential processes exist for adjudication of the case. The student will be informed in writing of each option, including which options may be utilized based on the case, and the due process rights associated with each option. Options include election of 1) a TUAPA hearing in the circumstances described in Part 6 (2), 2) a Pellissippi State Institutional Hearing, 3) informal adjudication of the case by the vice president of Student Affairs or designee, or 4) to not contest the case. Election of use of TUAPA or the Pellissippi State Institutional Hearing options entitles the student to due process. Student election of the use of informal adjudication, or to not contest the case, requires that the student waive, in

writing, his or her right to due process, including the right to appeal. Selection of one option constitutes waiver of all other options. The student will have five business days following written notification to select an option. If a student, absent good cause, fails to return the election of procedure in a timely manner, the student will be deemed to have waived a right to the processes described above and Pellissippi State may proceed as it deems, in its sole discretion, appropriate in the circumstances.

- (4) Student Due Process for Institutional Hearings: Students subject to any disciplinary sanction are entitled to a due process hearing unless that right is waived by the student after receiving written notice of the available adjudication options.
- (a) The student will be advised by the vice president of Student Affairs or designee in writing, of the breach of policy or policies of which she/he is charged. Written charges of alleged violations will include: the alleged rule violation, a statement of the facts to be presented, a statement that a hearing will be conducted before the Student Disciplinary Hearing Body on the charges, together with notice of the date, time and place of hearing. The hearing date will be scheduled within 15 business days of student election of an institutional hearing. The hearing will be conducted at the date, time, and place specified, unless postponed for good cause.
 - (b) Written charges and hearing determinations will be served by handing a copy to the person or by mailing via certified mail a copy to the person at his residence or last known residence. The student will have five business days to select a hearing option. Student failure to respond in writing within five days of receipt will constitute a waiver of all hearing options.
 - (c) Individuals accused of misconduct will be given an explanation of the evidence against them.
 - (d) Student accused of misconduct will be given a copy of the institutional rules and regulations concerning due process procedures.
 - (e) The student will be advised of the following rights applicable at the hearing:
 - 1. The right to present his or her case.
 - 2. The right to be accompanied by an advisor. The hearing committee may restrict the advisor's right to speak at the hearing. The advisor can be an attorney if Pellissippi State is equally represented.
 - 3. The right to call witnesses in his or her behalf.
 - 4. The right to confront witnesses against him or her.
 - 5. The student shall be advised of the method and time limitations for appeal, if any is applicable.
 - (f) The Student Disciplinary Hearing Body consists of three faculty members, two staff members and two students and will be charged to hear evidence, to make findings of fact,

and to make decisions based on those facts. (For further information regarding the Student Disciplinary Hearing Body, please refer to Policy 08:01:00 Committee Structure and Memberships.) The vice president of Student Affairs or designee will coordinate the hearing committee, but will not vote as to the final committee decision.

- (g) Any individual who has an interest in the case will not sit in judgment as a member of the hearing committee.
 - (h) The vice president of Student Affairs or designee will send the student a written copy of the decision of the hearing committee with any sanctions within 10 business days of the hearing.
 - (i) The student will be advised of his or her right to appeal to the president of Pellissippi State within five business days following receipt of the hearing committee's decision. Appeals must be made in writing. The president will make a decision regarding the appeal within 10 business days. The president's decision is final.
- (5) Interim Suspension Hearings: Interim suspension hearings are conducted to determine if the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well being of the accused, any member of the college community or its guests, the destruction of property, or substantial disruption of classroom or other campus activities. Hearings conducted with regard to interim suspensions imposed pending the outcome of a disciplinary investigation or proceeding will be conducted consistent with the minimum requirements of due process applicable to an institutional hearing, taking into account the need for a timely hearing. The evidence presented at the hearing will be limited to that which is relevant to the basis asserted for imposition of the interim suspension.
- (6) Alternative Resolution Procedures: Pellissippi State may establish alternative or multiple methods/bodies for hearings and/or for the resolution of disciplinary matters, with the consent of all relevant parties. Alternative resolution methods may include, but are not limited to, mediation, diversion programs, and/or negotiated resolutions.
- (7) The president of Pellissippi State is authorized, at his or her discretion, to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or, subsequently, to convert any finding or sanction imposed to a lesser finding or sanction, or to rescind any previous finding or sanction, in appropriate cases.

Reviewed/Recommended: President's Council November 28, 2011

Approved: President L. Anthony Wise, Jr. November 28, 2011