



Middle Tennessee State University Academic Affairs, Student Life, and Athletics Committee

11:30 am CDT
Tuesday
August 28, 2018

MEC Training Room - 2nd Floor
Miller Education Center
503 East Bell Street
Murfreesboro, Tennessee 37132



**Middle Tennessee State University
Academic Affairs, Student Life, and Athletics Committee**

Tuesday, August 28, 2018 – 11:30 AM

ORDER OF BUSINESS

- I. Call to Order
- II. Roll Call
- III. Remarks by Committee Chairperson / President
- IV. Approval of the Minutes
 - May 30, 2018 (Action) [Tab 1](#)
- V. Rule Promulgation and Related Policy Revisions (Action) [Tab 2](#)
 - Policy 312 – Academic Misconduct
- VI. Rule Promulgation and Related Policy Revisions (Action) [Tab 3](#)
 - Policy 540 – Student Conduct
- VII. Approval of Expedited Tenure (Action) [Tab 4](#)
- VIII. Notification of Academic Degrees under Consideration (Information) [Tab 5](#)
- IX. Application and Enrollment Activity (Information) [Tab 6](#)
- X. Athletics Recap of 2017-18 (Information) [Tab 7](#)
- XI. Adjourn



**Middle Tennessee State University
Academic Affairs, Student Life, and Athletics Committee**

Tuesday, August 28, 2018

Tab 1

Approval of Minutes



**Middle Tennessee State University
Board of Trustees**

MEETING: Academic Affairs, Student Life, and
Athletics Committee

SUBJECT: [Minutes of the May 30, 2018 Academic
Affairs, Student Life, and Athletics
Committee Meeting](#)

DATE: August 28, 2018

PRESENTER: Mark Byrnes

ACTION REQUIRED: Voice Vote

STAFF RECOMMENDATION: Approval

BACKGROUND INFORMATION:

The Academic Affairs, Student Life, and Athletics Committee met in regular session on May 30, 2018.

Attached for your review and approval are the minutes from this meeting.

MINUTES OF THE ACADEMIC AFFAIRS, STUDENT LIFE, AND ATHLETICS COMMITTEE

May 30, 2018

The Academic Affairs, Student Life, and Athletics Committee met on Wednesday, May 30, 2018, at Middle Tennessee State University. Chairwoman Pam Wright called the meeting to order at 11:15 a.m. A quorum was present with the following Committee members in attendance: J.B. Baker, Joey Jacobs, Tony Johnston, Steve Smith, Pam Wright, Lindsey Weaver, Keith Huber and Chris Massaro. Trustee Pete Delay was unable to attend. Also present were Trustee Andy Adams; Sidney McPhee, President; Joe Bales, Vice President for University Advancement; Mark Byrnes, University Provost; Andrew Oppmann, Vice President for Marketing and Communications; Bruce Petryshak, Vice President for Information Technology and Chief Information Officer; Deb Sells, Vice President for Student Affairs and Vice Provost for Enrollment and Academic Services; Alan Thomas, Vice President for Business and Finance; Kim Edgar, Executive Assistant to the President and Chief of Staff and, Heidi Zimmerman, University Counsel and Board Secretary.

Chairwoman Wright began the meeting with approval of the minutes from the February 27, 2018 Committee Meeting. Trustee Smith made the motion, which was seconded by Trustee Johnston. A voice vote was taken and the Motion carried to approve the minutes from the February 27, 2018 Committee Meeting.

The next action item was approval of candidates for tenure and promotion. Provost Byrnes told the Committee that candidates are reviewed by six levels over the academic year. Trustee Smith asked if anyone was denied tenure this year. Provost Byrnes said there was. Trustee Smith requested a one-page summary of tenured, tenure-track, and temporary faculty and suggested that a discussion about tenure would be helpful for a future luncheon session. Trustee Smith made the Motion that the list of twenty-nine (29) Tenure and forty (40) Promotion Candidates be recommended to the Board for approval. The Motion was seconded by Trustee Johnston. A voice vote was taken and the Motion carried.

The next item was notification of academic degrees under consideration: a Bachelor of Arts and a Master of Arts in Art Therapy. Provost Byrnes said there are specific jobs for these degrees, and no college or university in Tennessee offers these. Pending the results of feasibility studies, the University may submit Letters of Notification to THEC.

Next, Dr. Sells distributed data on application and enrollment as of May 29, 2018. She monitors CUSTOMS registrations and guaranteed scholarship activity as compared to the same day last year to predict enrollment. New freshmen and new transfer registrations are up.

In other business, Trustee Adams asked if a plan for a trustees' emergency fund for students was going forward. Dr. McPhee said he will speak personally to each trustee about this.

The meeting adjourned 11:53 a.m. (CST).

Respectfully submitted, Academic Affairs, Student Life and Athletics Committee



**Middle Tennessee State University
Academic Affairs, Student Life, and Athletics Committee**

Tuesday, August 28, 2018

Tab 2

Rule Promulgation and Related Policy Revision
Policy 312
Academic Misconduct



**Middle Tennessee State University
Board of Trustees**

MEETING: Academic Affairs, Student Life, and
Athletics Committee

SUBJECT: Rule Promulgation and Related Policy
Revision: Academic Misconduct

DATE: August 28, 2018

PRESENTER: Heidi Zimmerman

ACTION REQUIRED: Roll Call Vote

STAFF RECOMMENDATION: Approval

BACKGROUND INFORMATION:

T.C.A. § 49-8-203(a)(1)(D) requires the promulgation of rules regarding academic misconduct. The proposed rule is drafted to comply with that requirement and is provided for review by the Academic Affairs, Student Life, and Athletics Committee. Upon its recommendation, the proposed rule must be approved by the Board of Trustees.

MTSU has a corresponding policy, Policy 312 Academic Misconduct, that is presented for revision. The policy revisions were initiated by the faculty, and there was extensive faculty input into the revised provisions. These include separate treatment for graduate students and a revision of the timeline of the disciplinary process.

The provisions of the rule and the policy are consistent with each other.

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Division of Publications
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For Department of State Use Only

Sequence Number: _____
 Rule ID(s): _____
 File Date: _____
 Effective Date: _____

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to Tenn. Code Ann. §§ 4-5-202, 4-5-207, and 4-5-229 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within ninety (90) days of the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by ten (10) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of ten (10) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	Middle Tennessee State University
Division:	
Contact Person:	Heidi Zimmerman, University Counsel
Address:	1301 E. Main Street, CAB 209, Murfreesboro, TN
Zip:	37132
Phone:	615-898-2025
Email:	Heidi.zimmerman@mtsu.edu

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0240-07-04	Academic Misconduct
Rule Number	Rule Title
0240-07-04-.01	Purpose
0240-07-04-.02	Scope
0240-07-04-.03	Definitions
0240-07-04-.04	Process
0240-07-04-.05	University Sanctions for Academic Misconduct
0240-07-04-.06	Appeal of Decision
0240-07-04-.07	UAPA Hearing
0240-07-04-.08	Records Maintenance

Rules
of
Middle Tennessee State University, Murfreesboro
Chapter 0240-07-04
Academic Misconduct

New

Table of Contents is added to Chapter 0240-07-04 Academic Misconduct and shall read as follows:

Table of Contents

0240-07-04.01 Purpose
0240-07-04.02 Scope
0240-07-04.03 Definitions
0240-07-04.04 Process
0240-07-04.05 University Sanctions for Academic Misconduct
0240-07-04.06 Appeal of Decision
0240-07-04.07 UAPA Hearing
0240-07-04.08 Records Maintenance

0240-07-04-.01 Purpose is added to Chapter 0240-07-04 Academic Misconduct and shall read as follows:

0240-07-04-.01 Purpose

This rule sets out the procedure to be followed when a Middle Tennessee State University (“MTSU” or “University”) faculty member believes a student has engaged in academic misconduct.

Authority: T.C.A. § 49-8-203(a)(1)(D).

0240-07-04-.02 Scope is added to Chapter 0240-07-04 Academic Misconduct and shall read as follows:

0240-07-04-.02 Scope

This rule applies only to situations where a faculty member alleges that a student has engaged in academic misconduct. Any allegation of misconduct related to externally-sponsored research should not be evaluated under this rule. Students wishing to appeal final course grades must do so through the process set out in University policy.

Authority: T.C.A. § 49-8-203(a)(1)(D).

0240-07-04-.03 Definitions is added to Chapter 0240-07-04 Academic Misconduct and shall read as follows:

0240-07-04-.03 Definitions

(1) Academic Exercise. Academic Exercise may consist of all forms of work submitted by a student for academic credit or hours.

(2) Academic Misconduct. Academic Misconduct may consist of acts of plagiarism, cheating, or fabrication.

(a) Plagiarism. Plagiarism includes, but is not limited to, the adoption or reproduction of ideas, words, statements, images, or works of another person as one's own without proper attribution. This includes self-plagiarism, which occurs when an author submits material or research from a previous academic exercise to satisfy the requirements of another academic exercise and uses it without proper citation of its reuse.

(b) Cheating. Cheating includes, but is not limited to, using or attempting to use unauthorized materials, information, or aids in any academic exercise or test/examination. Cheating also includes unapproved

collaboration, which occurs when a student works with others on an individual academic exercise without the express permission of the faculty member.

(c) Fabrication. Fabrication includes, but is not limited to, unauthorized falsification or invention of any information or citation in an academic exercise.

(3) Academic Misconduct Committee (Committee) refers to the Committee established under University policy.

(4) Faculty member. For the purposes of this rule, a faculty member is the University employee teaching a course or serving in a supervisory, advisory, or evaluative capacity in relation to the student(s) accused of academic misconduct, including graduate teaching assistants who are instructors of record. Graduate teaching assistants or others who are not instructors of record should present documentation of suspected misconduct to the supervising faculty member.

(5) Director of Student Academic Ethics (DSAE). A designee of the Vice Provost for Faculty Affairs whose responsibilities are to manage and ensure fairness in the investigation and timely resolution of alleged academic misconduct. The DSAE does not vote in academic misconduct hearings.

(6) Notice. For the purposes of this rule, a notice is a written communication sent to the student's official MTSU email account, or to the student's local address as indicated in the student information system, or both as specified in this rule. Students have the responsibility to check their University-issued email accounts regularly and to ensure that the local mailing address on file with MTSU is current. The requirement to provide notice will be satisfied and any period for response will begin on the date the notice is sent.

Authority: T.C.A. § 49-8-203(a)(1)(D).

0240-07-04-.04 Process is added to Chapter 0240-07-04 Academic Misconduct and shall read as follows:

0240-07-04-.04 Process

(1) Academic misconduct is prohibited. Whenever a faculty member believes that academic misconduct has occurred, he/she must provide notice to the student and submit a Student Academic Misconduct Referral Form (Referral) to the DSAE within seven (7) business days from the time the faculty member concludes that the alleged misconduct occurred. The Referral will provide:

- (a) the name of the student;
- (b) the course in which the academic misconduct occurred;
- (c) a description of the misconduct;
- (d) supporting documentary evidence (if available);
- (e) the course syllabus.

(2) A student who has been referred by a faculty member pursuant to this rule is prohibited from dropping a course in which misconduct is alleged, pending final resolution of the case. Students should continue attending class, absent a disciplinary sanction to the contrary, while this procedure is ongoing. If found responsible for committing academic misconduct, a student will not be allowed to drop the course, though continued class attendance is neither prohibited nor required. (Students receiving federal financial aid who stop attending a course may incur significant financial penalties. Students are encouraged to consult the MT One Stop.) Failure to comply with this directive will result in referral to the Office of Student Conduct for violation of general rules and regulations and violation of imposed disciplinary sanctions under University policy.

(3) The referring faculty member will assign neither a grade on the referred academic exercise, nor a final grade for the course, pending the resolution of the referral (if the referred exercise will affect the final grade). If a grade needs to be submitted at the end of the semester, a referred student will receive a temporary grade of

"Incomplete" (I) until the case is resolved.

- (4) The DSAE will review the case within five (5) business days of receipt of the Referral. If, in the DSAE's opinion, the Referral lacks substance or is otherwise deficient, the DSAE may consult with the referring faculty member and indicate either that additional information is needed or encourage that the Referral be withdrawn. Such a consultation may take place before and/or after the DSAE has met with the student.
- (5) For any Referral not withdrawn by mutual consent between the DSAE and the referring faculty member, the DSAE will send notice to the student and schedule a meeting to discuss the alleged academic misconduct violation. During this meeting the student can accept responsibility or not accept responsibility for the alleged academic misconduct. If the student accepts responsibility, the DSAE will decide on University sanctions (see Rule 0240-07-04-.05) appropriate to the case, and the matter will be resolved at that point. The DSAE will note the resolution on the Referral and provide copies to the faculty member and the department chair. This notice will be sent to the student's official MTSU email account with a hard copy letter sent via first class USPS mail to the student's local address as indicated in the student information system.
- (6) If a referred student fails to attend a scheduled meeting with the DSAE without a reasonable excuse, the DSAE may find the student responsible in absentia and determine appropriate sanctions. Cases heard in absentia may not be appealed.
- (7) If the student does not accept responsibility, the case will be heard by the Committee. The DSAE will:
 - (a) Determine whether the matter warrants consideration of suspension or expulsion of the student should the Committee find academic misconduct. If so, the student must be given the option of a hearing held pursuant to the Uniform Administrative Procedures Act (UAPA) as set forth in Rule 0240-07-04-.07, below. A waiver of this option must also be in writing.
 - (b) As the designee of the Vice Provost for Faculty Affairs, form the Committee from the pool of members for the purpose of the hearing according to University policy.
- (8) Institutional Hearing
 - (a) If the sanction of suspension or expulsion will not be considered or if the student has waived a hearing under the UAPA, the Committee will set an institutional hearing for the matter as soon as is feasible, ideally within fifteen (15) business days of the student's request for a committee hearing, allowing reasonable time for preparation. Both the faculty member and the student will be notified of the hearing.
 - (b) Outside of regular Fall and Spring semesters, hearings will be scheduled under only two (2) circumstances:
 1. If lack of resolution affects the student's ability to graduate in the Spring or Summer; or
 2. If the Vice Provost for Faculty Affairs determines that there are extenuating circumstances to warrant a special hearing.
 - (c) The DSAE will advise the student, in writing, of the following:
 1. The conduct violation and the circumstances alleged by the faculty member to constitute academic misconduct;
 2. The date, time, and place of the hearing;
 3. That the student may appeal a grade given by the faculty member in response to academic misconduct;
 4. The right to receive a list of the witnesses the University expects to present at the proceeding and those the University may present if the need arises;

5. The right to request a copy of the University's investigative file, redacted in accordance with the Family Educational Rights and Privacy Act of 1974, (20 U.S.C. § 1232g), and the federal regulations implementing that statute, as amended;
 6. The right to request copies of all documents, copies of all electronically stored information, and access to tangible evidence 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; and
 7. The rights the student will be afforded at the hearing as specified in Rule 0240-07-04-.04(8)(e).
- (d) The hearing will take place at the scheduled time, regardless of whether the student and/or the referring faculty member choose to attend. Failure to appear at a scheduled hearing abrogates the rights listed under Rule 0240-07-04-.04(8)(e) or (f), as applicable. A hearing may be rescheduled, under extraordinary circumstances, at the discretion of the DSAE.
- (e) The rights applicable to the referred student at the hearing include:
1. The right to present evidence pertinent to the case and to hear and respond to all testimony;
 2. The right to be accompanied by an advisor. An advisor may not actively or directly participate in the hearing, but may only consult with the student;
 3. The right to call witnesses; and
 4. The right to confront witnesses in support of the misconduct allegation.
- (f) The rights applicable to the referring faculty member at the hearing include:
1. The right to present evidence pertinent to the case and to hear and respond to all testimony;
 2. The right to be accompanied by an advisor. An advisor may not actively or directly participate in the hearing, but may only consult with the faculty member;
 3. The right to call witnesses; and
 4. The right to confront witnesses against the misconduct allegation.
- (g) The hearing will not be open to the public.
- (h) The Committee may exclude evidence it deems immaterial, irrelevant, or unduly repetitious.
- (i) Decisions shall be by majority vote of the Committee members present and voting. The DSAE is a non-voting ex-officio member of the Committee. The Committee may ask the referred student, referring faculty member, and any advisors present to leave the hearing while they deliberate and vote. Votes of individual Committee members will not be reported. In the event of a tie vote, the charge of misconduct is dismissed.
- (j) The standard of proof required for a finding of academic misconduct shall be by a preponderance of the evidence.
- (k) The DSAE will, on behalf of the Committee, issue a written decision indicating its finding concerning the charge of academic misconduct. The decision must specify the factual basis for the determination, and, if academic misconduct is found, state whether disciplinary sanctions will be imposed. The decision will be provided to the student, the faculty member, and the Vice Provost for Faculty Affairs. For graduate students found responsible of misconduct, the decision will also be provided to the student's faculty advisor, graduate program director, and department chair.
- (l) The student and the faculty member must be notified of the right to appeal the Committee's decision to the Provost.

- (m) Once it has been determined whether academic misconduct has occurred or not, the faculty member shall determine a grade for the exercise or examination and/or course.

Authority: T.C.A. §§ 49-8-203(a)(1)(D), 10-7-504(a)(4) and 4-5-301, et. seq.

0240-07-04-.05 University Sanctions for Academic Misconduct is added to Chapter 0240-07-04 Academic Misconduct and shall read as follows:

0240-07-04-.05 University Sanctions for Academic Misconduct

- (1) For undergraduates, appropriate sanctions will be determined by majority vote of the Committee and reported to the Vice Provost for Faculty Affairs. For graduate students, sanctions will be determined by majority vote of the student's faculty advisor, graduate program director and department chair (or academic dean, whichever is applicable) and reported to the Vice Provost for Faculty Affairs. Students will be provided notice of all sanctions.
- (2) Any finding or admission of responsibility will result in a record that will be maintained and referred to by the Committee in the event that a subsequent misconduct case arises, regardless of the severity of sanctions imposed in those instances.
- (3) Subsequent determinations of academic misconduct may result in more severe University sanctions. If a student has been found responsible for academic misconduct more than once, the DSAE will inform the sitting members of the Committee of the nature of prior offenses so that appropriate sanctions may be determined. These facts will not be revealed prior to the Committee's determination of responsibility in the present case in order to avoid prejudice.
- (4) Sanctions may include suspension or expulsion from the University but only if the student was provided the option of a UAPA hearing. (See Rule 0240-07-04-.07 for conducting the hearing required in such a case.)
- (5) Sanctions include, but are not limited to:
 - (a) Reprimand. A written reprimand will be given to a student whose conduct violates any part of these policies, and warns a student that any further violation(s) may result in more serious consequences;
 - (b) Specified Educational Program. Requirement to participate in specified educational program(s) or project(s) relevant to the offense and overseen by the DSAE;
 - (c) Restriction. A restriction upon a student's privileges for a period of time may be imposed. This restriction may include, but not be limited to, for example, denial of the ability to represent MTSU at any event, ability to participate in University travel, or use of facilities (labs, etc.).
 - (d) Probation. Any student placed on probation will be notified of the terms and length of the probation. Any conduct in further violation of this rule while on probationary status or the failure to comply with the terms of the probationary period may result in the imposition of more severe disciplinary sanctions, up to and including suspension or expulsion;
 - (e) Suspension. Separation from the University for a specified period of time. This includes all instructional delivery methods (i.e., on ground, online, hybrid, etc.). Suspension may be accompanied by special conditions for readmission or recognition. Any student receiving a sanction of suspension shall be restricted from the campus of MTSU during the period of separation unless on official business with the University verified in writing by the Dean of Students. A suspended student must submit a written request to be on campus to the Dean of Students a minimum of forty-eight (48) hours in advance of the scheduled time of his/her business on campus. The request must specify the specific reason to be on campus and the location that the student wishes to visit. The Dean of Students will issue a written decision regarding the request to be on campus, and the student is expected to carry that written decision with him/her during the time of the visit.

- (f) Expulsion. Permanent separation from the University. The imposition of this sanction is a permanent bar to the student's admission to MTSU. Any student receiving a sanction of expulsion shall be restricted from the campus of MTSU unless on official business with the University verified in writing by the Dean of Students. An expelled student must submit a written request to be on campus to the Dean of Students a minimum of forty-eight (48) hours in advance of the scheduled time of his/her business on campus. The request must specify the specific reason to be on campus and the location that the student wishes to visit. The Dean of Students will issue a written decision regarding the request to be on campus, and the student is expected to carry that written decision during the time of their visit.
- (g) Revocation of Admission, Degree, or Credential. Under circumstances deemed appropriate, an offer of admission, a degree, or a credential awarded may be revoked or rescinded.
- (h) Other Sanctions. Additional or alternate sanctions may be created and designed as deemed appropriate to the offense and the student's individual need for education, growth, and reform.

Authority: T.C.A. § 49-8-203(a)(1)(D).

0240-07-04-.06 Appeal of Decision is added to Chapter 0240-07-04 Academic Misconduct and shall read as follows:

0240-07-04-.06 Appeal of Decision

- (1) The student or faculty member may appeal the Committee's decision to the Provost within five (5) business days of receipt of the decision.
- (2) An appeal must be submitted in writing and may only be filed based on one (1) or both of the following conditions:
 - (a) An error in procedural due process that prejudiced the Committee to the extent that the student was denied a fundamentally fair hearing as a result of the error; and/or
 - (b) The emergence of new evidence that could not have been previously discovered by the exercise of due diligence and which, had it been presented at the initial hearing, would have substantially affected the decision of the Committee.
- (3) The Provost may:
 - (a) Affirm the decision;
 - (b) Reverse the decision in whole or in part; or
 - (c) Return the matter to the DSAE or Committee for reconsideration of the sanction.
- (4) The decision of the Provost is final.

Authority: T.C.A. § 49-8-203(a)(1)(D).

0240-07-04-.07 UAPA Hearing is added to Chapter 0240-07-04 Academic Misconduct and shall read as follows:

0240-07-04-.07 UAPA Hearing

Any matter that may result in suspension or expulsion of a student from the University is subject to be heard pursuant to the contested case provisions of the Uniform Administrative Procedures Act, T.C.A. § 4-5-301, et. seq., and shall be processed in accordance with University policy, unless the student waives the right to such a hearing in writing.

Authority: T.C.A. §§ 49-8-203(a)(1)(D) and 4-5-301, et. seq.

0240-07-04-.08 Records Maintenance is added to Chapter 0240-07-04 Academic Misconduct and shall read as SS-7038 (November 2017) RDA71693

follows:

0240-07-04-.08 Records Maintenance

Whenever there is a finding or admission of responsibility under this rule, these records will be maintained by the Vice Provost for Faculty Affairs permanently.

Authority: T.C.A. § 49-8-203(a)(1)(D).

* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Andy Adams					
J.B. Baker					
Pete DeLay					
Darrell Freeman, Sr.					
Joey Jacobs					
Christine Karbowiak					
Stephen B. Smith					
Pamela Wright					
Tony Johnston					

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Board on _____ (date as mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of ninety (90) days of the filing of the proposed rule with the Secretary of State.

Date: _____

Signature: _____

Name of Officer: Heidi Zimmerman

Title of Officer: University Counsel

Subscribed and sworn to before me on: _____

Notary Public Signature: _____

My commission expires on: _____

Agency/Board/Commission: Middle Tennessee State University

Rule Chapter Number(s): Chapter 0240-07-04 Academic Misconduct

All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Herbert H. Slatery III
Attorney General and Reporter

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective on: _____

Tre Hargett
Secretary of State

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

This rule is not anticipated to have an impact on small businesses.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://publications.tnsosfiles.com/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

This rule is not anticipated to have an impact on local government.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A)** A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

In 2016, Middle Tennessee State University (MTSU) initiated a comprehensive review of its policies. This review was initiated due to the separation of MTSU from the Tennessee Board of Regents system. MTSU is in the process of establishing rules for necessary key areas.

This rule describes the expectations for student conduct and disciplinary sanctions with regard to academic misconduct that MTSU may impose through the disciplinary procedures outlined in this rule.

- (B)** A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

T.C.A. §4-5-102(12), the definition of "rule" under the UAPA includes agency statements that relate to the discipline of students.

- (C)** Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Students enrolled at MTSU are most directly affected by this rule. A policy that mirrors the proposed rule was reviewed and approved by the FOCUS Act Transition Team (Team). The Team included student, staff and faculty representatives. The faculty, staff and students of MTSU urge adoption of these rules.

- (D)** Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

None

- (E)** An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

None

- (F)** Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Heidi Zimmerman, MTSU University Counsel and Cheryl Torsney, Vice Provost for Faculty Affairs.

- (G)** Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Heidi Zimmerman, MTSU University Counsel, and Cheryl Torsney, Vice Provost for Faculty Affairs.

(H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Heidi Zimmerman MTSU University Counsel 1301 E. Main Street, CAB 209 Murfreesboro, TN 37132 615-898-2025 Heidi.zimmerman@mtsu.edu	Cheryl Torsney Vice Provost for Faculty Affairs 1301 E. Main Street, CAB 111 Murfreesboro, TN 37132 615-898-2329 cheryl.torsney@mtsu.edu
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(I) Any additional information relevant to the rule proposed for continuation that the committee requests.

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312 Academic Misconduct

Approved by Board of Trustees

Effective Date: _____, 2018

Responsible Division: Academic Affairs

Responsible Office: University Provost

Responsible Officer: Vice Provost for Faculty Affairs

I. Purpose

This policy sets out the procedure to be followed when a Middle Tennessee State University (MTSU or University) faculty member believes a student has engaged in academic misconduct.

II. Scope

This policy applies only to situations where a faculty member alleges that a student has engaged in academic misconduct. Any allegations of misconduct related to externally-sponsored research should be evaluated under [Policy 211 Misconduct in Scholarly Activities and Research](#). Students wishing to appeal final course grades must do so through the process set out in [Policy 313 Student Grade Appeals](#).

III. Definitions

- A. Academic Exercise. All forms of work submitted by a student for academic credit or hours.
- B. Academic Misconduct. Acts of plagiarism, cheating, or fabrication.
 - 1. Plagiarism. Plagiarism includes, but is not limited to, the adoption or reproduction of ideas, words, statements, images, or works of another person as one's own without proper attribution. This includes self-plagiarism, which occurs when an author submits material or research from a previous academic exercise to satisfy the requirements of another academic exercise and uses it without proper citation of its reuse.
 - 2. Cheating. Cheating includes, but is not limited to, using or attempting to use unauthorized materials, information, or aids in any academic exercise or test/examination. Cheating also includes unapproved collaboration, which occurs

- when a student works with others on an individual academic exercise without the express permission of the faculty member.
3. Fabrication. Fabrication includes, but is not limited to, unauthorized falsification or invention of any information or citation in an academic exercise.
- C. Academic Misconduct Committee (Committee) refers to the Committee established under [Policy 32 University Committees](#).
 - D. Faculty member. For the purposes of this policy, a faculty member is the University employee teaching a course or serving in a supervisory, advisory, or evaluative capacity in relation to the student(s) accused of academic misconduct, including graduate teaching assistants who are instructors of record. Graduate teaching assistants or others who are not instructors of record should present documentation of suspected misconduct to the supervising faculty member.
 - E. Director of Student Academic Ethics (DSAE). A designee of the Vice Provost for Faculty Affairs whose responsibilities are to manage and ensure fairness in the investigation and timely resolution of alleged academic misconduct. The DSAE does not vote in academic misconduct hearings.
 - F. Notice. For the purposes of this policy, a notice is a written communication sent to the student's official MTSU email account, or to the student's local address as indicated in the student information system, or both as specified in this policy. Students have the responsibility to check their University-issued email accounts regularly and to ensure that the local mailing address on file with MTSU is current. The requirement to provide notice will be satisfied and any period for response will begin on the date the notice is sent.

IV. Process

- A. Academic misconduct is prohibited. Whenever a faculty member believes that academic misconduct has occurred, he/she must provide notice to the student and submit a Student [Academic Misconduct Referral Form](#) (Referral) to the DSAE within seven (7) business days from the time the faculty member concludes that the alleged misconduct occurred. The Referral will provide:
 1. the name of the student;
 2. the course in which the academic misconduct occurred;
 3. a description of the misconduct;
 4. supporting documentary evidence (if available);

5. the course syllabus.
- B. A referred student is prohibited from dropping a course in which misconduct is alleged, pending final resolution of the case. Students should continue attending class, absent a disciplinary sanction to the contrary, while this procedure is ongoing. If found responsible for committing academic misconduct, a student will not be allowed to drop the course, though continued class attendance is neither prohibited nor required. (Students receiving federal financial aid who stop attending a course may incur significant financial penalties. Students are encouraged to consult the MT One Stop.) Failure to comply with this directive will result in referral to the Office of Student Conduct for violation of general rules and regulations and violation of imposed disciplinary sanctions under [Policy 540 Student Conduct](#).
- C. The referring faculty member will assign neither a grade on the referred academic exercise, nor a final grade for the course, pending the resolution of the referral (if the referred exercise will affect the final grade). If a grade needs to be submitted at the end of the semester, a referred student will receive a temporary grade of "Incomplete" (I) until the case is resolved.
- D. The DSAE will review the case within five (5) business days of receipt of the referral. If, in the DSAE's opinion, the referral lacks substance or is otherwise deficient, the DSAE may consult with the referring faculty member and indicate either that additional information is needed or encourage that the referral be withdrawn. Such a consultation may take place before and/or after the DSAE has met with the student.
- E. For any referral not withdrawn by mutual consent between the DSAE and the referring faculty member, the DSAE will send notice to the student and schedule a meeting to discuss the alleged academic misconduct violation. During this meeting the student can accept responsibility or not accept responsibility for the alleged academic misconduct. If the student accepts responsibility, the DSAE will decide on University sanctions (see Section V.) appropriate to the case, and the matter will be resolved at that point. The DSAE will note the resolution on the referral and provide copies to the faculty member and the department chair. This notice will be sent to the student's official MTSU email account with a hard copy letter sent via first class USPS mail to the student's local address as indicated in the student information system.
- F. If a referred student fails to attend a scheduled meeting with the DSAE without a reasonable excuse, the DSAE may find the student responsible in absentia and determine appropriate sanctions. Cases heard in absentia may not be appealed.
- G. If the student does not accept responsibility, the case will be heard by the Committee. The DSAE will:

1. Determine whether the matter warrants consideration of suspension or expulsion of the student should the Committee find academic misconduct. If so, the student must be given the option of a hearing held pursuant to the Uniform Administrative Procedures Act (UAPA) as set forth in Section VII, below. A waiver of this option must also be in writing.
2. As the designee of the Vice Provost for Faculty Affairs, form the Committee from the pool of members for the purpose of the hearing according to [Policy 32 University Committees](#).

H. Institutional Hearing

1. If the sanction of suspension or expulsion will not be considered or if the student has waived a hearing under the UAPA, the Committee will set an institutional hearing for the matter as soon as is feasible, ideally within fifteen (15) business days of the student's request for a committee hearing, allowing reasonable time for preparation. Both the faculty member and the student will be notified of the hearing.
2. Outside of regular Fall and Spring semesters, hearings will be scheduled under only two (2) circumstances:
 - a. If lack of resolution affects the student's ability to graduate in the Spring or Summer; or
 - b. If the Vice Provost for Faculty Affairs determines that there are extenuating circumstances to warrant a special hearing.
3. The DSAE will advise the student, in writing, of the following:
 - a. The conduct violation and the circumstances alleged by the faculty member to constitute academic misconduct;
 - b. The date, time, and place of the hearing;
 - c. That the student may appeal a grade given by the faculty member in response to academic misconduct;
 - d. The right to receive a list of the witnesses the University expects to present at the proceeding and those the University may present if the need arises;
 - e. The right to request a copy of the University's investigative file, redacted in accordance with the Family Educational Rights and Privacy Act of 1974, (20

U.S.C. § 1232(g), and the federal regulations implementing that statute, as amended;

- f. The right to request copies of all documents, copies of all electronically stored information, and access to tangible evidence 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; and
 - g. The rights the student will be afforded at the hearing as specified in Section IV.H.5.
4. The hearing will take place at the scheduled time, regardless of whether the student and/or the referring faculty member choose to attend. Failure to appear at a scheduled hearing abrogates the rights listed under Section IV.H.5. or 6., as applicable. A hearing may be rescheduled, under extraordinary circumstances, at the discretion of the DSAE.
5. The rights applicable to the referred student at the hearing include:
 - a. The right to present evidence pertinent to the case and to hear and respond to all testimony;
 - b. The right to be accompanied by an advisor. An advisor may not actively or directly participate in the hearing, but may only consult with the student;
 - c. The right to call witnesses; and
 - d. The right to confront witnesses in support of the misconduct allegation.
6. The rights applicable to the referring faculty member at the hearing include:
 - a. The right to present evidence pertinent to the case and to hear and respond to all testimony;
 - b. The right to be accompanied by an advisor. An advisor may not actively or directly participate in the hearing, but may only consult with the faculty member;
 - c. The right to call witnesses; and
 - d. The right to confront witnesses against the misconduct allegation.
7. The hearing will not be open to the public.

8. The Committee may exclude evidence it deems immaterial, irrelevant, or unduly repetitious.
9. Decisions shall be by majority vote of the Committee members present and voting. The DSAE is a non-voting ex-officio member of the Committee. The Committee may ask the referred student, referring faculty member, and any advisors present to leave the hearing while they deliberate and vote. Votes of individual Committee members will not be reported. In the event of a tie vote, the charge of misconduct is dismissed.
10. The standard of proof required for a finding of academic misconduct shall be by a preponderance of the evidence.
11. The DSAE will, on behalf of the Committee, issue a written decision indicating its finding concerning the charge of academic misconduct. The decision must specify the factual basis for the determination, and, if academic misconduct is found, state whether disciplinary sanctions will be imposed. The decision will be provided to the student, the faculty member, and the Vice Provost for Faculty Affairs. For graduate students found responsible of misconduct, the decision will also be provided to the student's faculty advisor, graduate program director, and department chair.
12. The student and the faculty member must be notified of the right to appeal the Committee's decision to the Provost.
13. Once it has been determined whether academic misconduct has occurred or not, the faculty member shall determine a grade for the exercise or examination and/or course.

V. University Sanctions for Academic Misconduct

- A. For undergraduates, appropriate sanctions will be determined by majority vote of the Committee and reported to the Vice Provost for Faculty Affairs. For graduate students, sanctions will be determined by majority vote of the student's faculty advisor, graduate program director and department chair (or academic dean, whichever is applicable) and reported to the Vice Provost for Faculty Affairs. Students will be provided notice of all sanctions.
- B. Any finding or admission of responsibility will result in a record that will be maintained and referred to by the Committee in the event that a subsequent misconduct case arises, regardless of the severity of sanctions imposed in those instances.
- C. Subsequent determinations of academic misconduct may result in more severe University sanctions. If a student has been found responsible for academic misconduct more than once, the DSAE will inform the sitting members of the Committee of the

nature of prior offenses so that appropriate sanctions may be determined. These facts will not be revealed prior to the Committee's determination of responsibility in the present case in order to avoid prejudice.

- D. Sanctions may include suspension or expulsion from the University but only if the student was provided the option of a UAPA hearing. (See Section VII. for conducting the hearing required in such a case.)
- E. Sanctions include, but are not limited to:
1. Reprimand. A written reprimand will be given to a student whose conduct violates any part of these policies, and warns a student that any further violation(s) may result in more serious consequences;
 2. Specified Educational Program. Requirement to participate in specified educational program(s) or project(s) relevant to the offense and overseen by the DSAE;
 3. Restriction. A restriction upon a student's privileges for a period of time may be imposed. This restriction may include, but not be limited to, for example, denial of the ability to represent MTSU at any event, ability to participate in University travel, or use of facilities (labs, etc.).
 4. Probation. Any student placed on probation will be notified of the terms and length of the probation. Any conduct in further violation of these policies while on probationary status or the failure to comply with the terms of the probationary period may result in the imposition of more severe disciplinary sanctions, up to and including suspension or expulsion;
 5. Suspension. Separation from the University for a specified period of time. This includes all instructional delivery methods (i.e., on ground, online, hybrid, etc.). Suspension may be accompanied by special conditions for readmission or recognition. Any student receiving a sanction of suspension shall be restricted from the campus of MTSU during the period of separation unless on official business with the University verified in writing by the Dean of Students. A suspended student must submit a written request to be on campus to the Dean of Students a minimum of forty-eight (48) hours in advance of the scheduled time of his/her business on campus. The request must specify the specific reason to be on campus and the location that the student wishes to visit. The Dean of Students will issue a written decision regarding the request to be on campus, and the student is expected to carry that written decision with him/her during the time of the visit.
 6. Expulsion. Permanent separation from the University. The imposition of this sanction is a permanent bar to the student's admission to MTSU. Any student receiving a sanction of expulsion shall be restricted from the campus of MTSU unless on official

business with the University verified in writing by the Dean of Students. An expelled student must submit a written request to be on campus to the Dean of Students a minimum of forty-eight (48) hours in advance of the scheduled time of his/her business on campus. The request must specify the specific reason to be on campus and the location that the student wishes to visit. The Dean of Students will issue a written decision regarding the request to be on campus, and the student is expected to carry that written decision during the time of their visit.

7. Revocation of Admission, Degree, or Credential. Under circumstances deemed appropriate, an offer of admission, a degree, or a credential awarded may be revoked or rescinded.
8. Other Sanctions. Additional or alternate sanctions may be created and designed as deemed appropriate to the offense and the student's individual need for education, growth, and reform.

VI. Appeal of Decision

- A. The student or faculty member may appeal the Committee's decision to the Provost within five (5) business days of receipt of the decision.
- B. An appeal must be submitted in writing and may only be filed based on one (1) or both of the following conditions:
 1. An error in procedural due process that prejudiced the Committee to the extent that the student was denied a fundamentally fair hearing as a result of the error; and/or
 2. The emergence of new evidence that could not have been previously discovered by the exercise of due diligence and which, had it been presented at the initial hearing, would have substantially affected the decision of the Committee.
- C. The Provost may:
 1. Affirm the decision;
 2. Reverse the decision in whole or in part; or
 3. Return the matter to the DSAE or Committee for reconsideration of the sanction.
- D. The decision of the Provost is final.

VII. UAPA Hearing

Any matter that may result in suspension or expulsion of a student from the University is subject to be heard pursuant to the contested case provisions of the Uniform Administrative Procedures Act, T.C.A. § 4-5-301, et. seq., and shall be processed in accordance with [Policy 110 Cases Heard Pursuant to the Uniform Administrative Procedures Act](#), unless the student waives the right to such a hearing in writing.

VIII. Records Maintenance

Whenever there is a finding or admission of responsibility under this policy, these records will be maintained by the Vice Provost for Faculty Affairs permanently.

Forms:

Student [Academic Misconduct Referral](#)

Revisions: June 5, 2017 (original); _____, 2018.

References: T.C.A. § 4-5-301, et. seq., Policies 32 University Committees; 110 Cases Heard Pursuant to the Uniform Administrative Procedures Act; 211 Misconduct in Scholarly Activities and Research; 313 Student Grade Appeals; 540 Student Conduct.



312 Academic Misconduct

Approved by ~~President~~ Board of Trustees

Effective Date: _____ June 5, 2018

Responsible Division: Academic Affairs

Responsible Office: University Provost

Responsible Officer: Vice Provost for Faculty Affairs

I. Purpose

This policy sets out the procedure to be followed when a Middle Tennessee State [University](#) (MTSU or University) faculty member believes a student has engaged in academic misconduct.

II. Scope

This policy applies only to situations where a faculty member ~~charge~~ alleges that s-a student ~~with~~ has engaged in academic misconduct. Any allegations of misconduct related to externally-sponsored research ~~or other scholarly activity~~ should ~~first~~ be evaluated under [Policy 211 Misconduct in Scholarly Activities and Research](#). Students wishing to appeal final course grades must do so through the process set out in [Policy 313 Student Grade Appeals](#).

III. Definitions

- A. Academic ~~E~~exercise. All forms of work submitted by a student for academic credit or hours.
- B. Academic Misconduct. ~~Academic misconduct may consist of a~~ acts of plagiarism, cheating, or fabrication.
 1. Plagiarism. Plagiarism includes, but is not limited to, ~~T~~the adoption or reproduction of ideas, words, statements, images, or works of another person as one's own without proper attribution. This includes self-plagiarism, which occurs when an author submits material or research from a previous academic exercise to satisfy the requirements of another academic exercise and uses it without proper citation of its reuse.
 2. Cheating. Cheating includes, but is not limited to, ~~U~~using or attempting to use unauthorized materials, information, or aids in any academic exercise or

- test/examination. Cheating also includes unapproved collaboration, which occurs when a student works with others on an individual academic exercise without the express permission of the faculty member.
3. Fabrication. Fabrication includes, but is not limited to, Uunauthorized falsification or invention of any information or citation in an academic exercise.
- C. Academic Misconduct Committee (Committee) refers to the eCCommittee established under Policy 32 University Committees.
- D. Faculty member. For the purposes of this policy, a faculty member is the UUniversity employee teaching a course or serving in a supervisory, advisory, or evaluative capacity in relation to the student(s) accused of academic misconduct, including graduate teaching assistants who are instructors of record. Graduate teaching assistants or others who are not instructors of record should present documentation of suspected misconduct to the supervising faculty member.
- E. Director of Student Academic Ethics (DSAE). A designee of the Vice Provost for Faculty Affairs whose responsibilities are to manage and ensure fairness in the investigation and timely prosecution-resolution of alleged academic misconduct, and to conduct their timely resolution. The DSAE can not arbitrate cases and butdoes not vote in a academic misconduct hearings.
- ~~Ad hoc graduate disciplinary committee. a committee composed of the director of the graduate program in which the student is enrolled, the student's academic advisor or another member of the graduate faculty, and the department chair. This ad hoc committee may determine additional sanctions and report them to the Vice Provost for Faculty Affairs.~~
- F. Notice. For the purposes of this policy, a notice is a written communication sent to the student's official MTSU email account, or to the student's local address as indicated in the student information system, or both as specified in a student as directed by this policy. A notice provided to a student will be sent via the student's official MTSU email account as well as a hard copy letter sent via first class USPS mail to the student's local address as indicated in the student information system. Students have the responsibility to regularly check their University-issued email accounts regularly and to ensure that the local mailing address on file with MTSU is current. The requirement to provide notice will be satisfied when sent as indicated and any period for response will begin on the date the notice is sent. email and/or letter is sent, whichever is sent first.

IV. Process

- A. Academic misconduct is Plagiarism, cheating, and other forms of academic dishonesty are prohibited. Additional disciplinary sanctions may be appropriate; this issue will be determined by the ComWhenever a faculty member believes that academic misconduct

has occurred, he/she must provide notice to the student and submit an Student Academic Misconduct Referral Form (~~#Referral~~) ~~must be submitted to the DSAE within five (5) business day from time of misconduct discovery~~ in a timely manner within seven (7) ~~five (5)~~ business days from the time the faculty member concludes that the alleged misconduct occurred. The ~~form~~ Referral will provide:

1. the name of the student;
2. the course in which the academic misconduct occurred;
3. a description of the misconduct;
4. supporting documentary evidence (if available);
5. ~~and~~ the course syllabus.

A.B. A referred student ~~may not drop~~ is prohibited from dropping a course in which misconduct is alleged, ~~s may not be dropped~~ pending the final resolution of ~~an allegation of academic misconduct~~ the case. Students ~~may~~ should continue attending class, absent a disciplinary sanction to the contrary, while this procedure is ongoing. If found responsible ~~for~~ of committing academic misconduct ~~for which a grade penalty was the result,~~ a student will not be allowed to ~~may not~~ drop the course, though continued class attendance is neither prohibited nor required. (Students receiving federal financial aid who stop attending a course may incur significant financial penalties. Students are encouraged to consult the MT One Stop.) Failure to comply with this directive will result in referral to the Office of Student Conduct for violation of general rules and regulations and violation of imposed disciplinary sanctions under MTSU Policy 540 Student Conduct.

~~1. Whenever a faculty member identifies an instance of academic misconduct, an must be completed. The form will provide the name of the student, the course in which the academic misconduct occurred, a description of the misconduct, and whether the faculty member assigned a grade for the exercise or examination, or assigned an "F" in the course. Either a copy of the referral form or a detailed memorandum describing the allegation will be provided to the student, the faculty member's Department Chair, and the Vice Provost for Faculty Affairs (Vice Provost hereinafter to include his/her designee, the Coordinator of Academic Misconduct) within three (3) business days of the faculty member determining that academic misconduct has occurred.~~

C. The referring faculty member will assign neither a grade on the referred academic exercise ~~assignment~~, nor a final grade for the course, pending the resolution of the referral (if the referred ~~assignment~~ exercise will affect the final grade). If a grade needs to be submitted at the end of the semester, a referred student will receive a temporary grade of "~~I~~ Incomplete" (I) until the case is resolved.

~~D.~~ ~~As soon as is feasible after receipt of a referral, t~~The DSAE will review the form case within five (5) business days of receipt of the referral. ~~and, within three (3) business days of receipt of the form.~~ If, in the DSAE's opinion, the referral lacks substance or is otherwise deficient, the DSAE may consult with the referring faculty member ~~and~~ either indicate either that additional information is needed or encourage that the referral be withdrawn. Such a consultation may take place before and/or after the DSAE has met with the student.

~~E.~~ For any referral not withdrawn by mutual consent between the DSAE and the referring faculty member, the DSAE will ~~contact~~ send notice to the student and schedule a meeting to discuss the alleged academic misconduct violation. During this meeting the student can ~~choose to allow~~ accept ~~mit~~ responsibility or not accept responsibility for the alleged academic misconduct to the DSAE, or request that the ~~to hear their case or go be heard by~~ to the Academic Misconduct Committee. If the student chooses to let the DSAE hear the case and the student is found ~~admits responsibility.~~ If the student accepts responsibility, the DSAE will decide on University sanctions (see Section ~~GV~~.) appropriate to the case, and the matter will be resolved at that point. The DSAE will note the resolution on the ~~referral Academic Misconduct form~~ and provide copies to the faculty member and the department chair. This notice will be sent to the student's official MTSU email account with a hard copy letter sent via first class USPS mail to the student's local address as indicated in the student information system.

~~B-F.~~ If a referred student fails to attend a scheduled meeting with the DSAE without a reasonable excuse, the DSAE may find the student responsible in absentia and determine appropriate sanctions. Cases heard in absentia may not be appealed.

~~C-G.~~ If the student ~~chooses to have~~ does not accept responsibility, the case will be heard by the ~~committee~~ Committee., The ~~or has previously been found responsible for academic misconduct, the DSAE~~ will:

~~2-1.~~ Determine whether the matter warrants consideration of suspension or expulsion of the student should the Committee find academic misconduct. If so, the student must be given the option of a hearing held pursuant to the Uniform Administrative Procedures Act (UAPA) as set forth in Section ~~VII-V-1~~, below. A waiver of this option must also be in writing.

~~3-2.~~ As the designee of the Vice Provost for Faculty Affairs, ~~f~~Form the Committee from the pool of members for the purpose of an institutional ~~the hearing according to Policy 32 University Committees.~~

~~D-H.~~ Institutional Hearing

1. If the sanction of suspension or expulsion will not be considered or if the student has waived a hearing under the UAPA, the Committee will set an institutional hearing for

- the matter as soon as is feasible, ideally within fifteen (15) business days of the ~~Vice Provost's/DSAE's receipt of the form~~ referral student's request for a committee hearing, allowing reasonable time for preparation. Both the faculty member and the student will be notified of the hearing.
2. Outside of regular Fall and Spring semesters, hearings will be scheduled under only two (2) circumstances:
 - a. If lack of resolution affects the student's ability to graduate in the Spring or Summer; or
 - b. If the Vice Provost for Faculty Affairs determines that there are extenuating circumstances to warrant a special hearing.
 3. The DSAE will advise the student, in writing, of the following:
 - a. The conduct violation and the circumstances alleged by the faculty member to constitute academic misconduct;
 - b. The date, time, and place of the hearing;
 - c. That the student may appeal a grade given by the faculty member in response to academic misconduct;
 - ~~b-d.~~ The right to receive a list of the witnesses the University expects to present at the proceeding and those the University may present if the need arises;
 - ~~e.~~ The right to request a copy of the University's investigative file, redacted in accordance with the Family Educational Rights and Privacy Act of 1974, (20 U.S.C. § 1232(g), and the federal regulations implementing that statute, as amended;
 - ~~f.~~ The right to request copies of all documents, copies of all electronically stored information, and access to tangible evidence 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; and
 - g. The rights the student will be afforded at the hearing as specified in Section IV.H.5.
 4. The hearing will take place at the scheduled time, regardless of whether the student and/or the referring faculty member choose to attend. Failure to appear at a scheduled hearing abrogates the rights listed under Section IV.H.5. or 6., as

~~applicable IV:F:5 and 6. A hearing may be rescheduled, under extraordinary circumstances, at the discretion of the DSAE.~~

5. The rights applicable to the referred student at the hearing include:

a. The right to present evidence pertinent to the case and to hear and respond to all testimony;

b. The right to be accompanied by an advisor. An advisor may not actively or directly participate in the hearing, but may only consult with the student;

c. The right to call witnesses; and

d. The right to confront witnesses in support of the misconduct allegation.

6. The rights applicable to the referring faculty member at the hearing include:

a. The right to present evidence pertinent to the case and to hear and respond to all testimony;

b. The right to be accompanied by an advisor. An advisor may not actively or directly participate in the hearing, but may only consult with the faculty member;

c. The right to call witnesses; and

d. The right to confront witnesses against the misconduct allegation.

~~7. The right to present evidence pertinent to the case and to hear and respond to all testimony;~~

~~The right to be accompanied by an advisor. An advisor may not actively or directly participate in the hearing, but may only consult with the faculty member;~~

~~The right to call witnesses; and,~~

~~(4) The right to confront witnesses against the misconduct allegation.~~

The hearing will not be ~~opened~~ to the public.

8. ~~Formal rules of evidence will not be applicable, and~~ The Committee may exclude evidence ~~that~~ ~~which~~ it deems immaterial, irrelevant, or unduly repetitious.
9. Decisions shall be by majority vote of the Committee members present and voting. The DSAE is a non-voting ex-officio member of the Committee. The Committee may ask the referred student, referring faculty member, and any advisors present to leave the hearing while they deliberate and vote. Votes of individual Committee members will not be reported. In the event of a tie vote, the charge of misconduct is dismissed. ~~members present and voting.~~
10. The standard of proof required for a finding of academic misconduct shall be by a preponderance of the evidence.
11. The DSAE will, on behalf of the Committee, issue a written decision indicating its finding concerning the charge of academic misconduct. The decision must specify the factual basis for the determination, and, if academic misconduct is found, state whether ~~additional~~ disciplinary sanctions will be imposed. ~~Additionally, if the faculty member assigned a grade as a consequence of academic misconduct and the Committee determines no academic misconduct occurred, it will address whether that grade should stand or be changed.~~ The decision will be provided to the student, the faculty member, and the Vice Provost for Faculty Affairs. For graduate students found responsible of misconduct, the decision will also be provided to the student's academic faculty advisor, graduate program director, and department chair. ~~so that an ad hoc disciplinary committee may be convened to consider additional sanctions (see V:E , below).~~
12. The student and the faculty member must be notified of the right to appeal the Committee's decision to the Provost.
13. Once it has been determined whether academic misconduct has occurred or not, if academic misconduct has been determined to not have occurred, the faculty member shall determine a grade for the exercise or examination and/or course.

VG. University Sanctions for Academic Misconduct

- A. For undergraduates, appropriate sanctions will be determined by majority vote of the Committee and reported to the Vice Provost for Faculty Affairs. For graduate students, sanctions will be determined by majority vote of the student's faculty advisor, graduate program director and department chair (or academic dean, whichever is applicable) and reported to the Vice Provost for Faculty Affairs. Students will be provided notice of all sanctions.

3EB. Any finding or admission of responsibility will result in a record that will be maintained and referred to by the Committee in the event that a subsequent misconduct case arises, regardless of the severity of sanctions imposed in those instances.

C. Subsequent determinations of academic misconduct may result in ~~additional and~~ more severe University sanctions.4D. If a student ~~has been~~ found responsible for academic misconduct more than once, the DSAE will inform the sitting members of the ~~Academic Misconduct~~ Committee of the nature of prior offenses so that appropriate sanctions may be determined. These facts will not be revealed prior to the Committee's determination of responsibility in the present case in order to avoid prejudice.

5D. ~~For undergraduates, appropriate sanctions will be determined by majority vote of the Committee and reported to the Vice Provost for Faculty Affairs. For graduate students, additional sanctions may will be determined by majority vote of the student's academic advisor, graduate program director and department chair. ad hoc graduate committee defined in Section III:F of this policy, and reported to the Vice Provost for Faculty Affairs.~~

6ED. Sanctions may include suspension or expulsion from the University but only if the student was provided the option of a UAPA hearing. (See Section VII. IV.F for conducting the hearing required in such a case.)

E. Sanctions include, but are not limited to:

1. Reprimand. A written reprimand will be given to a student whose conduct violates any part of these policies, and warns a student that any further violation(s) may result in more serious consequences;
2. Specified Educational Program. Requirement to participate in specified educational program(s) or project(s) relevant to the offense and overseen by the DSAE;
3. Restriction. A restriction upon a student's privileges for a period of time may be imposed. This restriction may include, but not be limited to, for example, denial of the ability to represent MTSU at any event, ability to participate in University travel, or use of facilities (labs, etc.).
4. Probation. Any student placed on probation will be notified of the terms and length of the probation. Any conduct in further violation of these policies while on probationary status or the failure to comply with the terms of the probationary period may result in the imposition of more severe disciplinary sanctions, up to and including suspension or expulsion;
5. Suspension. Separation from the University for a specified period of time. This includes all instructional delivery methods (i.e., on ground, on-line, distance education hybrid, etc.). Suspension may be accompanied by special conditions for

- readmission or recognition. Any student receiving a sanction of suspension shall be restricted from the campus of MTSU during the period of separation unless on official business with the University verified in writing by the Dean of Students. A suspended student must submit a written request to be on campus to the Dean of Students a minimum of forty-eight (48) hours in advance of the scheduled time of his/her business on campus. The request must specify the specific reason to be on campus and the location that the student wishes to visit. The Dean of Students will issue a written decision regarding the request to be on campus, and the student is expected to carry that written decision with him/her during the time of the visit.
6. Expulsion. Permanent separation from the University. The imposition of this sanction is a permanent bar to the student's admission to MTSU. Any student receiving a sanction of expulsion shall be restricted from the campus of MTSU unless on official business with the University verified in writing by the Dean of Students. An expelled student must submit a written request to be on campus to the Dean of Students a minimum of forty-eight (48) hours in advance of the scheduled time of his/her business on campus. The request must specify the specific reason to be on campus and the location that the student wishes to visit. The Dean of Students will issue a written decision regarding the request to be on campus, and the student is expected to carry that written decision during the time of their visit.
7. Revocation of Admission, Degree, or Credential. Under circumstances deemed appropriate, an offer of admission, a degree, or a credential awarded may be revoked or rescinded.
8. Other Sanctions. Additional or alternate sanctions may be created and designed as deemed appropriate to the offense and the student's individual need for education, growth, and reform.

VI. Appeal of Decision

- A. The student or faculty member may appeal the ~~DSAE's~~ Committee's decision to the Provost within five (5) business days of receipt of the decision.
- AB. An appeal must be submitted in writing and may only be filed based on one (1) or both of the following conditions:
1. An error in procedural due process that prejudiced the ~~DSAE or e~~ Committee to the extent that the student was denied a fundamentally fair hearing as a result of the error; and /or
 2. The emergence of new evidence that could not have been previously discovered by the exercise of due diligence and which, had it been presented at the initial hearing, would have substantially affected the decision of the ~~DSAE or Ce~~ Committee.

BC. The Provost may:

1. Affirm the decision;
2. Reverse the decision in whole or in part; or
3. Return the matter to the DSAE or Committee for reconsideration of the sanction.

DC. The decision of the Provost ~~shall be~~ final.

VII. UAPA Hearing

Any matter that may result in suspension or expulsion of a student from the University institution is subject to be heard pursuant to the contested case provisions of the Uniform Administrative Procedures Act, T.C.A. § 4-5-~~31~~01, et. seq., and shall be processed in accordance with MTSU Policy 110 Cases Heard Pursuant to the Uniform Administrative Procedures Act, unless the student waives the right to such a hearing in writing.

VIII. Records Maintenance

~~Records of Academic Misconduct determined under this policy will be maintained by the Vice Provost for Faculty Affairs for five academic years from the time of the violation. Whenever there is a finding or admission of responsibility under this policy, these records will be maintained by the Vice Provost for Faculty Affairs permanently for _____ () consecutive years from the time of the violation. However, if the student was suspended or expelled as a result of academic misconduct, this record will be maintained permanently.~~

Forms:

Student Academic Misconduct Referral

Revisions: ~~none~~ June 5, 2017 (original); _____, 2018.

References: T.C.A. § 4-5-~~31~~01, et. seq., Policies 32 University Committees; 110 Cases Heard Pursuant to the Uniform Administrative Procedures Act; 211 Misconduct in Scholarly Activities and Research; 313 Student Grade Appeals; 540 Student Conduct.



**Middle Tennessee State University
Academic Affairs, Student Life, and Athletics Committee**

Tuesday, August 28, 2018

Tab 3

Rule Promulgation and Related Policy Revision

Policy 540

Student Conduct



**Middle Tennessee State University
Board of Trustees**

MEETING: Academic Affairs, Student Life, and
Athletics Committee

SUBJECT: Rule Promulgation and Related Policy
Revision: Student Conduct

DATE: August 28, 2018

PRESENTER: Heidi Zimmerman

ACTION REQUIRED: Roll Call Vote

STAFF RECOMMENDATION: Approval

BACKGROUND INFORMATION:

T.C.A. § 49-8-203(a)(1)(D) requires the promulgation of rules regarding student conduct. The proposed rule is drafted to comply with that requirement and is provided for review by the Academic Affairs, Student Life, and Athletics Committee. Upon its recommendation, the proposed rule must be approved by the Board of Trustees.

MTSU has a corresponding policy, Policy 540 Student Conduct, that is presented for revision. The policy revisions are being proposed to update the policy to confirm to recent legislative amendments (PC 824). Others reflect revisions to Policy 755 Alcoholic Beverages which allow for the sale and consumption of alcoholic beverages on campus, or consumption at approved events. A revision is proposed that would allow for considering imposition of an interim involuntary withdrawal or suspension should a student violate an interim or final "No Contact Directive" issued in conjunction with violation of the sexual harassment policy. Several additional revisions were made for purposes of clarity.

The provisions of the rule and the policy are consistent with each other.

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For Department of State Use Only

Sequence Number: _____
Rule ID(s): _____
File Date: _____
Effective Date: _____

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to Tenn. Code Ann. §§ 4-5-202, 4-5-207, and 4-5-229 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within ninety (90) days of the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by ten (10) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of ten (10) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	Middle Tennessee State University
Division:	
Contact Person:	Heidi Zimmerman, University Counsel
Address:	1301 E. Main Street, CAB 209, Murfreesboro, TN
Zip:	37132
Phone:	615-898-2025
Email:	Heidi.zimmerman@mtsu.edu

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that ALL new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0240-07-03	Student Conduct
Rule Number	Rule Title
0240-07-03-.01	Purpose
0240-07-03-.02	Definitions
0240-07-03-.03	Responsibility and Jurisdiction
0240-07-03-.04	Student Conduct Rules: Values and Behavioral Expectations
0240-07-03-.05	Classroom Misconduct
0240-07-03-.06	Disciplinary Sanctions
0240-07-03-.07	Student Conduct Hearing Officers and/or Boards
0240-07-03-.08	Disciplinary Procedures
0240-07-03-.09	Alternative Resolution of Disciplinary Incidents
0240-07-03-.10	Victim's Rights
0240-07-03-.11	Authority of the President

Rules
of
Middle Tennessee State University, Murfreesboro
Chapter 0240-07-03
Student Conduct

New

Table of Contents is added to Chapter 0240-07-03 Student Conduct and shall read as follows:

Table of Contents

0240-07-03.01 Purpose
0240-07-03.02 Definitions
0240-07-03.03 Responsibility and Jurisdiction
0240-07-03.04 Student Conduct Rules: Values and Behavioral Expectations
0240-07-03.05 Classroom Misconduct
0240-07-03.06 Disciplinary Sanctions
0240-07-03.07 Student Conduct Hearing Officers and/or Boards
0240-07-03.08 Disciplinary Procedures
0240-07-03.09 Alternative Resolution of Disciplinary Incidents
0240-07-03.10 Victim's Rights
0240-07-03.11 Authority of the President

0240-07-03-.01 Purpose is added to Chapter 0240-07-03 Student Conduct and shall read as follows:

0240-07-03-.01 Purpose.

- (1) Middle Tennessee State University (MTSU or University) is committed to fostering a campus environment that is devoted to learning, growth, and service. We accept and practice the core values of honesty and integrity, respect for diversity, positive engagement in the community, and commitment to non-violence. The Office of Student Conduct was created to uphold these values, educate the community about behavioral expectations, and hold members of the student community accountable to these rules and expectations.
- (2) Student members of the University community are expected to uphold and abide by standards of conduct that form the basis of these rules. Each member of the University community bears responsibility for their conduct. When community members fail to exemplify and uphold these standards of conduct, student conduct procedures are used to assert and uphold these standards.
- (3) The student conduct process at MTSU exists to protect the interests of the University community and the individual student while striking a balance between these two interests. Students and student organizations that do not act in accordance with MTSU rules and expectations will be challenged and may be sanctioned accordingly. Sanctions are designed to assist students and student organizations in achieving acceptable standards of behavior while providing tools and resources for life-long learning and conflict resolution.
- (4) The University is committed to respecting students' constitutional rights. These rules shall be interpreted in a way that does not violate students' constitutional rights, including, without limitation, the rights protected by the First Amendment to the United States Constitution.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).

0240-07-03-.02 Definitions is added to Chapter 0240-07-03 Student Conduct and shall read as follows:

0240-07-03-.02 Definitions.

- (1) Student. For the purposes of these rules, a student shall mean any person who is admitted and/or registered for study at MTSU for any academic period, either full-time or part-time, undergraduate, graduate, or professional studies. 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 University. Finally, a 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 these rules. In summary, the University considers a person a student when an offer of admission has been extended and thereafter as long as the student has a continuing educational interest in the University.
- (2) Student organization. For the purposes of these rules, a student organization is a group consisting primarily of currently enrolled students which has become officially recognized by the University following successful completion of the registration process.
- (3) University Official(s). For the purposes of these rules, a University Official is an administrator within the Office of Student Conduct, specifically, the Assistant Dean for Student Conduct and/or the Student Conduct Coordinator.
- (4) Notice. For the purposes of these rules, a notice is a written communication sent to a student or student organization as directed by these rules. A notice provided to a student will be sent via the student's official MTSU email account as well as a hard copy letter sent via first class USPS mail to the student's local address as indicated in the student information system. A notice sent to a student organization will be sent to the organization's president at that student's MTSU email address and his/her local address. Students have the responsibility to regularly check their University-issued email accounts and to ensure that the local address on file with MTSU is current. The requirement to provide notice will be satisfied when sent as indicated and any period for response will begin on the date the email and/or letter is sent, whichever is sent first.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).

0240-07-03-.03 Responsibility and Jurisdiction is added to Chapter 0240-07-03 Student Conduct and shall read as follows:

0240-07-03-.03 Responsibility and Jurisdiction.

- (1) The President of MTSU is authorized to take such action as may be necessary to maintain campus conditions and to preserve the integrity of the University and its educational environment. The President has determined that the responsibility for the administration of student conduct at MTSU is a function of the Dean of Students' office and/or the appropriate adjudicating body. The Dean of Students' designees are University Officials as defined in this rule at 0240-07-03-.02(3). The University Officials are authorized to make the determination and/or recommendation of the method of hearing for each complaint or allegation and to provide other opportunities for conflict resolution outside of the conduct process consistent with these rules. The University Officials shall implement policies and procedures for the administration of the student conduct program.
- (2) Matters concerning academic misconduct are the responsibility of the Office of the University Provost and/or the University Academic Misconduct Committee. This process is set out in detail in University policy.
- (3) Students and student organizations are responsible for compliance with University rules and policies at all times. 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.
- (4) Disciplinary action may be taken against a student or student organization for violations of these rules which occur on University owned, leased, or otherwise controlled property, while participating in international or distance learning programs, and off campus, when the conduct impairs, interferes with, or obstructs any University activity or the mission, processes, and functions of the University. MTSU may

also take disciplinary action for any off-campus behavior that affects a substantial University interest. A substantial University interest is defined to include:

- (a) Any situation where a student's conduct may present a danger or threat to the health or safety of others;
 - (b) Any situation that significantly impinges upon the rights, property, or achievements of others;
 - (c) Any situation that is detrimental to the educational mission and/or interests of the University.
- (5) MTSU may enforce these rules regardless of the status or outcome of any external proceedings instituted in any other forum, including any civil or criminal proceeding. Should a student withdraw from the University with University disciplinary action pending, the student's record may be encumbered by the appropriate University office until the proceedings have been concluded. The University may take action even if a student is absent from the proceeding.
- (6) 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 "education records" and are confidential within the meaning of those Acts.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A); T.C.A. § 10-7-504(a)(4).

0240-07-03-.04 Student Conduct Rules: Values and Behavioral Expectations is added to Chapter 0240-07-03 Student Conduct and shall read as follows:

0240-07-03-.04 Student Conduct Rules. Values and Behavioral Expectations. MTSU has adopted the following Community Standards of conduct. Each person who joins or affiliates with the University community does so freely and is expected to abide by these Community Standards. Following each Community Standard is a non-exclusive list of prohibited behaviors for which both students and student organizations may be subject to disciplinary action if such prohibited behavior is engaged in. These prohibited behaviors are considered inappropriate and in opposition to the Community Standards and expectations set forth by MTSU.

- (1) Community Standard: MTSU is committed to developing and nurturing a community devoted to learning, growth, and service. Behavior by students or student organizations including, but not limited to, the following, may be considered as being in violation of this Community Standard.

(a) Alcoholic Beverages.

1. The use and/or possession of alcoholic beverages on University owned or controlled property. This offense includes the violation of any local ordinance, state, or federal law concerning alcoholic beverages, on or off University owned or controlled property, where an affiliated group or organization has alcoholic beverages present and available for consumption. It will not be considered a violation of this rule if a student of legal drinking age possesses or consumes alcohol purchased from a third-party vendor during approved events taking place at a sports authority facility so long as the beverage is consumed within the sports authority facility. It will also not be considered a violation of this policy if a student of legal drinking age possesses or consumes alcohol provided at an event approved by the President to serve alcoholic beverages so long as the beverage is consumed within the confines of the designated area of the event.
2. A student who is under the influence of alcohol should not be reluctant to seek assistance in the event of a health or safety emergency for fear of being sanctioned. The Office of Student Conduct will generally not pursue disciplinary action against a student (or against a witness) for his/her improper use of alcohol (e.g., underage drinking) under that circumstance. This practice only applies to amnesty from violations of this rule. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.

(b) Drugs.

1. The unlawful possession or use of any drug or controlled substance (including, but not limited to, any stimulant, depressant, narcotic or hallucinogenic drug, or marijuana), sale or distribution of any such drug or controlled substance. This offense includes:
 - (i) the violation of any local ordinance, state, or federal law concerning the unlawful possession or use of drugs, on or off University owned or controlled property;
 - (ii) abusing legally obtained drugs by failing to take the drug as prescribed/directed and/or providing the prescribed drug to another person;
 - (iii) using a prescription drug that has not been prescribed to the individual.
 2. Any reasonable suspicion of drug use or possession including, but not limited to, the odor of burnt or raw marijuana, physical characteristics of impairment, and/or possession of any paraphernalia that can be used for drug consumption may lead to an investigation and possible violation of this rule.
 3. A student who is under the influence of drugs should not be reluctant to seek assistance in the event of a health or safety emergency for fear of being sanctioned. The Office of Student Conduct will generally not pursue disciplinary action against a student (or against a witness) for his/her improper possession or use of drugs under that circumstance. This practice only applies to amnesty from violations of this rule. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.
- (c) 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, but is not limited to, the violation of any local ordinance, state, or federal law concerning the unlawful possession of drug paraphernalia, on or off University owned or controlled property.
- (d) Public Intoxication.
1. Appearing on University owned or controlled property or at a University sponsored event while under the influence of a controlled substance or of any other intoxicating substance to the degree that the individual may be endangered; there is endangerment to other persons or property; or, the individual unreasonably annoys people in the vicinity.
 2. A student who is under the influence of alcohol or drugs should not be reluctant to seek assistance in the event of a health or safety emergency for fear of being sanctioned. The Office of Student Conduct will generally not pursue disciplinary action against a student (or against a witness) for his/her improper use of alcohol (e.g., underage drinking) under that circumstance. This practice only applies to amnesty from violations of this rule. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.
- (e) Explosives, Fireworks, and Flammable Materials. The unauthorized possession, ignition, or detonation of any object or article which could cause damage by fire or other means to persons or property, or possession of any substance which could be considered to be, and used, as fireworks.
- (f) Violation of General Policies. Any violation of the general policies or procedures of the University as published in an official University publication or posted on an official University web page or social media page.
- (g) Violation of State or Federal Laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference.
- (h) Disorderly Conduct. Any behavior that unreasonably disrupts the academic environment (e.g., including, but not limited to, that which interferes with teaching, classroom operations, research, etc.) or unreasonably interferes with operations, events, or programs on University owned or controlled

property, or during a University event. This includes, but is not limited to, unauthorized use of sirens, loudspeakers, and other sound amplification equipment.

- (i) 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 or University property, fire alarms, fire equipment, elevators, telephones, University keys, library materials, and/or safety devices.
- (j) Obstruction of or Interference with University Activities or Facilities. Any intentional interference with, or obstruction of, any University program, event, or facility including, but not limited to, the following:
 - 1. Any unauthorized occupancy of facilities owned or controlled by the University or blockage of access to or from such facilities;
 - 2. Interference with the right of any University member or other authorized person to gain access to any activity, program, event, or facilities sponsored or controlled by the University;
 - 3. Any obstruction or delay of a campus security officer, public safety officer, police officer, firefighter, EMT, or any official of the University, or failure to comply with any emergency directive issued by such person in the performance of his/her duty;
 - 4. Participation in, or inciting others to participate in, activities that substantially impede University operations;
 - 5. Interference of either: (1) the instructor's ability to conduct class; or (2) the ability of other students to participate in and profit from instructional activity; or,
 - 6. Obstruction of the free flow of pedestrian or vehicular traffic on University owned or controlled property, or at a University event.
- (k) Unacceptable Conduct in Disciplinary Proceedings. Any conduct at any stage of a University disciplinary process or investigation that is contemptuous, disrespectful, threatening, or disorderly. This includes, but is not limited to, false complaints, retaliation, providing false 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.
- (l) Unauthorized Access to University Facilities and/or Grounds. Any unauthorized access and/or occupancy of University 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, or being present in academic buildings after hours without permission.
- (m) Pornography or Obscenity. Public display on property owned, leased, or controlled by the University of literature, films, pictures, or other materials which an average person applying contemporary community standards would find taken as a whole, appeals to the prurient interest; depicts or describes sexual conduct in a patently offensive way; and, taken as a whole, lacks serious literary, artistic, political, or scientific value.
- (n) Student Identification Cards. Failure to possess at all times a valid student identification card or an alternate ID that will prove student status; or, failure to surrender ID card to a University Official upon proper request.
- (o) Gambling. Unlawful gambling in any form.
- (p) 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 University.

- (q) Litter. Dispersing litter in any form onto the grounds or facilities of the University.
 - (r) Sirens and Loudspeakers. Unauthorized use of sirens, loudspeakers, and other sound amplification equipment.
 - (s) Graffiti. Damage or defacement of MTSU property by painting, chalking, writing, stenciling, or by any other means of application on such property.
- (2) Community Standard: Honesty and Integrity. The notions of personal and academic honesty and integrity are central to the existence of the MTSU community. All members of the community will strive to achieve and maintain the highest standards of academic achievement in the classroom, and personal and social responsibility on and off campus. Behavior by students or student organizations including, but not limited to, the following, may be considered as being in violation of this Community Standard.
- (a) Theft, Misappropriation, or Unauthorized Sale of Property. Any act of theft, misappropriation, or unauthorized possession or sale of University property, or any such act against a member of the University community or a guest of the University, including identity theft.
 - (b) Failure to Cooperate with University Officials. Failure to comply with directions or directives of University Officials acting in the performance of their duties.
 - (c) Providing False Information. Giving any false information to, or withholding necessary information from, any University Official acting in the performance of his/her duties in connection with a student's admission, enrollment, or status in the University.
 - (d) Misuse of Documents or Identification Cards. Any forgery, alteration of, or unauthorized use of University documents, forms, records, or identification cards including, but not limited to, the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment, or status in the University.
 - (e) Financial Irresponsibility. Failure to meet financial responsibilities to the University promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the University.
 - (f) Violation of Imposed Disciplinary Sanctions. Intentional or unintentional violation of a disciplinary sanction officially imposed by a University Official or a constituted body of the University.
 - (g) 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 restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means.
 - (h) Unauthorized Duplication or Possession of Keys. Making, causing to be made, or the possession of any key for a University facility without proper authorization.
 - (i) Fire Drills. Failure to evacuate University facilities or willfully disregarding any emergency or fire alarm signal.

- (3) Community Standard: Respect for Diversity. The MTSU community is composed of individuals representing different races, ethnicities, sexual orientations, cultures, and ways of thinking. We respect individual differences and perspectives and acknowledge our commonalities. Behavior by students or student organizations including, but not limited to, the following may be considered as being in violation of this Community Standard.
- (a) Harassment or Retaliation. Any act against another person or group in violation of MTSU policies, as well as federal and/or state laws prohibiting discrimination or retaliation.
 - (b) Retaliation also includes, in this context, an act intended or reasonably likely to dissuade a person from participating in the student disciplinary process or pursuing a complaint about a violation of MTSU policies, as well as, state or federal law.
- (4) Community Standard: Commitment to Non-violence. MTSU is committed to the principles of nonviolence and peaceful conflict resolution. Community members will freely express their ideas and resolve differences using reason and persuasion. Behavior by students or student organizations including, but not limited to, the following, may be considered as being in violation of this Community Standard.
- (a) Threatening or Dangerous Conduct. Any conduct, or attempted conduct, which poses a threat to the safety of others or when the behavior is disruptive of the University's learning environment.
 - (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 education institution by an individual 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 which induces or coerces a person(s) to endanger such person(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) Firearms and Other Dangerous Weapons. Except as may otherwise be permitted by law, the possession or use of firearms, explosives, fireworks, inflammables, dangerous chemical mixtures, and/or dangerous weapons of any kind including, but not limited to, knives, tasers, asp batons, tactical or telescoping batons, brass knuckles, whips, BB guns, pellet guns, propelled missiles, and/or stun guns is prohibited. The possession or use of ammunition, which includes, but is not limited to, bullets, paint balls, pellets, and BBs is prohibited. Any possession or use of replica/toy guns including, but not limited to, BB guns or cap guns, pellet guns, paintball guns, water guns, "Super Soakers," toy knives, slingshots, or other items that simulate firearms or dangerous weapons is prohibited.
 - (d) Sexual Misconduct.
 - 1. Sexual misconduct includes dating violence, domestic violence, stalking and sexual assault as defined by University policy.
 - 2. A student who is a victim of sexual misconduct and who was under the influence of alcohol or drugs during the sexual misconduct incident should not be reluctant to seek assistance for fear of being sanctioned for his/her improper use of alcohol or drugs. The Office of Student Conduct will generally not pursue disciplinary action against the victim (or against a witness) for his/her improper use of alcohol or drugs (e.g., underage drinking) if the victim or witness is making a good faith report of sexual misconduct. Amnesty for improper use of alcohol or drugs will not be accorded to a student charged with sexual misconduct. This practice only applies to amnesty from violations of this rule. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A); T.C.A. § 49-7-123(a)(1).

0240-07-03-.05 Classroom Misconduct is added to Chapter 0240-07-03 Student Conduct and shall read as follows:

0240-07-03-.05 Classroom Misconduct.

- (1) The instructor has the primary responsibility for maintenance of academic integrity and controlling classroom behavior, and can order the temporary removal or exclusion from the classroom of any student engaged in disorderly conduct as defined in Rule 0240-07-03-.04(1)(h), or conduct that violates the general policies of the University for each class session during which the conduct occurs. Extended or permanent exclusion from the classroom, beyond the session in which the conduct occurred, or further disciplinary action can be effected only through appropriate procedures of the University. If an instructor wishes to remove a student from the classroom for a longer period of time or permanently, he/she must refer the student to the Office of Student Conduct.
- (2) The instructor is expected to outline behavioral expectations for each class at the beginning of the academic term and as needed throughout the semester.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).

0240-07-03-.06 Disciplinary Sanctions is added to Chapter 0240-07-03 Student Conduct and shall read as follows:

0240-07-03-.06 Disciplinary Sanctions.

- (1) A disciplinary sanction is a consequence for being found in violation of University rules and policies. The following disciplinary sanctions are applicable to both students and student organizations. Upon a determination that a student or student organization has violated these rules or the general policies of the University, disciplinary sanctions may be imposed, either singly or in combination, by the appropriate University Official.
- (2) Pursuant to T.C.A. § 49-7-146, the University will notify the parent/guardian of students under the age of twenty-one (21) who have been found responsible for alcohol and/or drug-related violations. In addition, the parent/guardian may be contacted in any instance in which the safety of the student has been threatened either through the student's own behavior or the behavior of others.
- (3) Definition of Sanctions:
 - (a) Restitution. Restitution may be required in situations which involve destruction, damage, loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or student organization is obligated 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, labor, or financial loss.
 - (b) Reprimand. A written or verbal reprimand or notice may be given to any student or student organization whose conduct violates any part of this rule and provides notice that any further violation(s) may result in more serious consequences.
 - (c) Service to the University or Local Community. A student or student organization may be required to donate a specified number of service hours to the University or the local community. All community service hours must be approved by the Office of Student Conduct prior to a student or student organization beginning the service.
 - (d) 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.
 - (e) 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 violation.
 - (f) Fines. Penalties in the form of monetary fines may be imposed against a student or student organization whenever the appropriate University 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 being taken.

- (g) Restriction. A restriction upon a student's or student organization's privileges for a period of time may be imposed. This restriction may include, but not be limited to, denial of the ability to represent the University at any event, ability to participate in University travel, eligibility to hold office in a student organization, use of facilities, parking privileges, participation in extracurricular activities, and/or restriction of organizational privileges.
- (h) Probation. Official notice that the continued enrollment of a student or recognition of a student organization on probation will be conditioned upon adherence to these rules. Any student or student organization placed on probation will be notified in writing of the terms and conditions of the probation. Any conduct in further violation of these rules while on probationary status or the failure to comply with the terms and conditions of the probation may result in the imposition of more severe disciplinary sanctions, specifically suspension or expulsion.
- (i) Housing Probation. Continued residence in campus or student housing may be conditioned upon adherence to these rules, as well as, University housing policies. Any student placed on housing probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon the activities of the student, including any other appropriate special condition(s). If a student incurs additional violations during the probationary period, the student may become a candidate for housing suspension.
- (j) Involuntary Housing Reassignment. A student may be involuntarily moved to another housing assignment if necessary.
- (k) Housing Suspension and Forfeiture. Removal from University housing for a specified period of time or permanently. A student suspended from housing may not reside, visit, or make any use whatsoever of a University housing facility or participate in any University housing activity during the period for which the sanction is in effect. A suspended student shall be required to forfeit housing fees (including any unused portion thereof and the Housing Pre-Payment). A suspended student must vacate the housing unit as directed by University staff. This sanction may be enforced with a University Police trespass restriction, if necessary.
- (l) Suspension. Separation of a student or a student organization from the University for a specified period of time. This includes all instructional delivery methods (including, but not limited to, on ground, on-line, distance education, etc.). Suspension may be accompanied by special conditions for readmission or recognition. Any student or student organization receiving a sanction of suspension shall be restricted from the campus of MTSU during the period of separation unless on official business with the University verified in writing by the Dean of Students' office. A suspended student must submit a written request to be on campus to the Dean of Students a minimum of forty-eight (48) hours in advance of the scheduled time of his/her business on campus. The request must specify the specific reason the student seeks to be on campus and the location that the student wishes to visit. The Dean of Students will issue a written decision regarding the request to be on campus, and the student is expected to carry that written decision with him/her during the time of the visit, if the request is approved. Students who have been suspended are not permitted to live or board in University facilities or housing unless otherwise approved or provided by the University. This sanction will be enforced with a University Police trespass restriction, if necessary.
- (m) Expulsion. Permanent separation from the University. The imposition of this sanction is a permanent bar to the student's admission, or a student organization's recognition by the University. A student or student organization that has been expelled may not enter University property or facilities without obtaining prior approval from the Dean of Students. Any student receiving a sanction of expulsion shall be permanently restricted from the campus of MTSU unless on official business with the University verified in writing by the Dean of Students. An expelled student must submit a written request to be on campus to the Dean of Students' office a minimum of forty-eight (48) hours in advance of the scheduled time of his/her business on campus. The request must specify the specific reason the student seeks to be on campus and the location that the student wishes to visit. The Dean of Students will issue a written decision regarding the request to be on campus, and the student is

expected to carry that written decision with him/her during the time of the visit, if the request is approved. Students who have been expelled are not permitted to live or board in University facilities or housing unless otherwise approved or provided by the University. This sanction will be enforced with a University Police trespass restriction, if necessary.

- (n) Revocation of Admission, Degree, or Credential. Under circumstances deemed appropriate, an offer of admission, a degree or a credential awarded may be revoked or rescinded.
- (o) Other Sanctions. Additional or alternate sanctions may be created and designed as deemed appropriate to the offense and the student's or student organization's need for education, growth, and reform.
- (p) Interim Involuntary Withdrawal or Suspension. As a general rule, the status of a student or student organization accused of violation of these rules should not be altered until a final determination has been made in regard to the charges. However, interim involuntary withdrawal or suspension, pending the completion of disciplinary procedures, may be imposed upon a finding by the appropriate University Official that the conduct or attempted conduct of the student or student organization poses a direct threat to the safety of any other member of the University, its guests, or property; or, if the behavior is materially and substantially disruptive of the University's learning environment or other campus activities. Violation of an interim or final "No Contact Directive" or other restriction issued in conjunction with an investigation conducted pursuant to MTSU policy concerning misconduct, discrimination, and harassment based on sex, including pregnancy, sexual orientation, and gender identity/expression may result in temporary discipline up to and including an interim involuntary withdrawal or suspension being imposed on the violating student. In any case of interim involuntary withdrawal or 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 interim involuntary withdrawal or suspension in an interim involuntary withdrawal/suspension hearing. During an interim involuntary withdrawal or suspension, the student or student organization shall be denied access to residence halls, campus (including all classes), and/or all other University activities or privileges for which the student or student organization might otherwise be eligible, as the Dean of Students or designee may determine to be appropriate. A preliminary hearing will be held by a designee of the Dean of Students in consultation with appropriate University Officials and the Vice President for Student Affairs, within four (4) working days of the interim involuntary withdrawal or suspension to determine if the interim involuntary withdrawal or suspension should continue until a formal hearing of the charges by a University adjudicating body can be held. During this preliminary hearing, the student or student organization will be given notice of the allegations supporting the imposition of interim involuntary withdrawal or suspension and a summary of the evidence that supports the allegations. The student or student organization will be afforded an opportunity to respond to the allegations. If the interim involuntary withdrawal or suspension is upheld, the formal hearing concerning withdrawal, suspension, or expulsion shall be held as soon as practical. Conditions may be placed on a student or student organization for his/her/its return to the University. The student or student organization may be required to provide documentation that he/she/it has taken steps to mitigate the previous behavior (e.g., including, but not limited to, having followed a treatment plan, submitted periodic reports, granted permission for the University to talk to the treating professional).
- (q) Temporary Student Organization Cease and Desist. A temporary organizational cease and desist is instituted when the University has received information indicating that the continued activity of the student organization could (1) potentially put students or the community at risk; (2) cause irreparable harm to the University or student organization; (3) influence the integrity of an investigation; and/or (4) increase the student organization's or University's fault or liability. A temporary student organization cease and desist can be issued by the University alone or in conjunction with a national/regional organization cease and desist. The Office of Student Conduct will notify the parent office (i.e. Student Organizations and Service and/or Fraternity and Sorority Life) and the designated student representative that the student organization has been temporarily restricted from conducting business. During the time of the temporary cease and desist, the student organization will be prohibited from conducting organizational business including, but not limited to, organizational meetings, social activities, philanthropic activities, and representation of the University. The cease and desist duration will be determined on a case by case basis.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A); T.C.A. § 49-7-146.

0240-07-03-.07 Student Conduct Hearing Officers and/or Boards is added to Chapter 0240-07-03 Student Conduct and shall read as follows:

0240-07-03-.07 Student Conduct Hearing Officers and/or Boards. Violations under these rules may be heard by the following administrative judge, hearing officers and/or boards:

- (1) The University Official shall conduct all preliminary reviews and disciplinary conferences. These staff members will also conduct investigations as necessary.
- (2) The Student Judicial Board shall consist of nine (9) students. The Board may be convened to hear cases involving alleged violations of University rules committed by students and student organizations. If the student or student organization is found responsible, the Board recommends appropriate disciplinary sanctions to the Dean of Students. This Board may also be convened to hear matters relative to the interpretations of the Student Government Association constitution and any other policies passed by the Senate, as well as cases regarding student parking citations. Information regarding application, selection procedures, qualifications, and vacancies can be found in the Student Government Association constitution.
- (3) The University Discipline Committee consists of eight (8) faculty members and six (6) students. The Committee determines whether or not a student is to be held responsible for violation(s) of these rules. If found responsible, the Committee recommends appropriate disciplinary sanctions to the Vice President for Student Affairs.
- (4) The Student Appeals Committee consists of four (4) faculty members and four (4) students, and hears appeals of disciplinary decisions rendered by the Student Judicial Board and the University Discipline Committee.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).

0240-07-03-.08 Disciplinary Procedures is added to Chapter 0240-07-03 Student Conduct and shall read as follows:

0240-07-03-.08 Disciplinary Procedures.

- (1) Responsibility for Administration. The administration of discipline is a function of the Dean of Students Office and/or the appropriate adjudicating body with the exception of matters concerning academic misconduct which is a function of the Office of the University Provost and/or the Academic Misconduct Committee. Complaints involving sexual discrimination, sexual harassment, dating violence, domestic violence, or stalking will be investigated pursuant to MTSU policy. If a violation is determined to have occurred, the student or student organization will be subject to the disciplinary process provided in this rule.
- (2) Standard of Proof. The standard of proof utilized in all student disciplinary matters is the preponderance of the evidence. Students should be aware that the student conduct process is different from criminal and civil court proceedings. The student conduct process is built on fundamental fairness. Due process, as defined in this rule, includes written notice of the student conduct rules that are in question and an opportunity to be heard by an objective decision-maker. Students will only be found in violation of the student conduct rules when it is more likely than not that a violation occurred. This is called a preponderance of the evidence. Sanctions will be fundamentally proportional to the severity of the violation, the student's willingness to comply with student conduct rules in the future, and the cumulative conduct history of the student.
- (3) Disciplinary Referral. Reports of behaviors and incidents involving students may be referred for evaluation and possible disciplinary action by the University Police, residence hall staff members, faculty, staff, students, and other members of the University and city community. Referrals should be in writing and should be directed to the Assistant Dean for Student Conduct. A hard copy of a written referral may also

be dropped off at the Office of Student Conduct. Contact information and email and office addresses can be located on the Office of Student Conduct website.

- (4) Preliminary Review. All disciplinary referrals will undergo a preliminary review. The appropriate University Official will review the referral to determine if the possibility exists that a student conduct rule was violated, if additional information is needed prompting an investigation, if immediate action is warranted, and if there are other University entities that need to be put on notice that the behavior has occurred. If the University Official determines that there is a possibility that a student conduct rules violation has occurred and additional information is not needed, he/she will issue a disciplinary charge(s) against the student or student organization. If the University Official determines that additional information is needed, he/she will conduct an investigation. If immediate action is needed, the University Official will consult with the appropriate University Officials such as, but not limited to, the Office of the University Counsel, to determine the best course of action. If other entities need to be informed of the matter, the University Official will consult with the appropriate University Officials to determine the specific information that will be shared about the behavior or incident.
- (5) Notice of Disciplinary Charges and Disciplinary Conference.
 - (a) A disciplinary charge means an allegation of a potential violation of the student conduct rules. The purpose of a disciplinary conference is to determine whether there is a preponderance of the evidence to support the charges, and if so, to determine responsibility and appropriate sanctions. When disciplinary charges are issued to a student or student organization, the Student Conduct office will issue a written notice of the alleged violation(s) and the student's rights, and establish a disciplinary conference meeting date and time for the student or student organization, and assigned University Official. During this disciplinary conference, the student or student organization will be reminded which University policy/policies have allegedly been violated, and the student or student organization will be given an opportunity to explain his/her/its version of the behavior or incident, or to otherwise refute the allegations. Students and student organizations must be notified in writing that they are afforded the following rights in the disciplinary conference:
 1. The right to know what disciplinary violation(s) they have been charged with;
 2. The right to tell their side of the story, present evidence, and request that fact witnesses be permitted to share information on their behalf;
 3. The right to be accompanied by an advisor of their choosing whose participation is limited to advising the student or student organization. The advisor cannot speak on behalf of the student or student organization or represent the student or student organization. The advisor cannot be a student who has been charged with a violation of the student conduct rules related to the same incident for which the meeting has been called;
 4. The right to receive the decision and their imposed sanctions in writing.
 - (b) The University Official will review the incident taking into account all information gathered pertinent to the matter, as well as the information provided by, or on behalf of, the student or student organization. A determination will be made as to whether or not there has been a violation of the student conduct rules and, if so, what the appropriate sanction(s) will be. The University Official may also determine that additional information or follow-up is needed prior to being able to make a determination regarding responsibility for a student conduct rules violation and may delay a decision until such a time that the needed information is acquired. The University Official can also refer the matter to the University Discipline Committee, if the case is particularly complex or the student or student organization would be best served by having a committee review the case.
 - (c) If the student or student organization alleged to have engaged in misconduct does not respond after having been provided notice of the disciplinary conference, the University Official will make a determination as to responsibility for the conduct violation based on the information gathered to that point and will impose a sanction as deemed appropriate.

(6) Hearing Options. The majority of student disciplinary cases are resolved at the Disciplinary Conference level when the student or student organization accepts responsibility for the violation and the recommended sanction(s). However, if this does not occur, the matter may proceed to a hearing. If the recommended sanction is suspension, expulsion or revocation of recognition of the student organization, the student or student organization has two (2) choices regarding resolution of the disciplinary case. The first choice is to request a hearing before the University Discipline Committee. The second choice is to request a hearing pursuant to the Uniform Administrative Procedures Act (UAPA). The University Official will explain the two (2) choices, and the student or student organization will indicate his/her/its selection in writing. Once the selection is made, the student or student organization cannot elect another option or revert back to the original decision rendered by the University Official. In addition, the Office of Student Conduct can refer a matter to a hearing when the case is unusually complex and/or problematic.

(a) Student Judicial Board (SJB) and University Discipline Committee (UDC) hearings.

1. The SJB and UDC will hear student disciplinary cases when requested by a student or student organization, or when referred by the Office of Student Conduct. The SJB and UDC makes its recommendation(s) to the Dean of Students or Vice President for Student Affairs, respectively. The Dean of Students and Vice President can uphold the recommendation(s), reverse the recommendation(s), or send the recommendation(s) back to the SJB or UDC for reconsideration of the sanctions only.
2. The Office of Student Conduct has the responsibility for scheduling SJB and UDC hearings, including the selection of date, time, and location as well as providing information to the student or student organization about the hearing format and process. The student or student organization will be notified of the hearing schedule a minimum of four (4) business days in advance of the actual hearing date. These hearings are closed to the public unless all parties agree, in writing, to an open hearing.
3. Students and student organizations are afforded the rights guaranteed in the Disciplinary Conference (see Rule 0240-07-03-.08 (5)(a)) as well as the following additional rights, which shall be provided in writing:
 - (i) The right to receive notice of the date, time, and place of the hearing at least four (4) business days in advance of the hearing;
 - (ii) The right to receive a list of the witnesses the University expects to present at the proceeding and those the University may present if the need arises;
 - (iii) The right to request a copy of the University's investigative file, redacted in accordance with the Family Educational Rights and Privacy Act of 1974, (20 U.S.C. § 1232(g), and the federal regulations implementing that statute, as amended;
 - (iv) The right to request copies of all documents, copies of all electronically stored information, and access to tangible evidence 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;
 - (v) The right to be accompanied by more than one (1) advisor at the discretion of the adjudicating body and the Office of Student Conduct. The advisor(s) cannot be another student who has been charged with a violation of the student conduct rules related to the same incident as the student. The student may choose to be advised by legal counsel; however, legal counsel's participation shall be limited to directly advising the student. Legal counsel cannot engage in direct or cross-examination, make opening or closing statements, or engage in argument;
 - (vi) The right to call witnesses on his/her/its behalf. It is the student or student organization's responsibility to contact his/her/its witnesses and inform them of the hearing unless the witness is also a University witness. University witnesses are contacted by the Office of Student Conduct;
 - (vii) The right to question witnesses;

(viii) The right to be informed of an appeal option, if applicable.

(b) Uniform Administrative Procedures Act.

1. All cases which may result in: (a) suspension or expulsion of a student from the University for disciplinary reasons; or, (b) revocation of the registration of a student organization, are subject to the contested case provisions of the Uniform Administrative Procedures Act (UAPA), T.C.A. § 4-5-301, et. seq., and shall be processed in accordance with the Uniform Contested Case procedures unless the student or student organization waives those procedures and chooses to have the case disposed of administratively in a disciplinary conference or by going before the University Discipline Committee. If the student/student organization wishes to pursue the case administratively or through the UDC, he/she/it must waive the right to a UAPA hearing in writing. Prior to making this decision, the University Official assigned to the matter will explain the differences between the hearing options and will provide to the student/student organization a document setting out the student/student organization's rights as are found in Rule 0240-07-03-.08 (E)(F).
2. In all cases involving a hearing under the UAPA contested case provisions, the President or designee shall determine, based upon the nature of the case, whether the hearing shall be before an administrative judge or a hearing officer alone or a Hearing Committee presided over by an administrative judge or a hearing officer. The President is responsible for appointing an administrative judge, a hearing officer and/or hearing committee at the request of the Office of Student Conduct. The Office of Student Conduct has the responsibility for working with the Office of the University Counsel to schedule UAPA hearings including the selection of date, time, and location as well as assisting in the scheduling of any necessary preliminary meetings.
3. The case will proceed pursuant to University policy and the UAPA.

(7) Separation of Functions

- (a) A person who has served as an investigator, University Official or advocate in a student disciplinary matter may not serve as an administrative judge or hearing officer, or assist or advise an administrative judge or hearing officer in the same proceeding.
- (b) A person who is subject to the supervision, direction or discretion of one who has served as investigator, University Official or advocate in a student disciplinary matter may not serve as an administrative judge or hearing officer or assist, or advise an administrative judge or hearing officer in the same proceeding.
- (c) A person may serve as an administrative judge or hearing officer at successive stages of the same disciplinary matter, unless a party demonstrates grounds for disqualifications in accordance with T.C.A. § 4-5-302.
- (d) A University Official may serve on the hearing committee, or as an administrative judge or hearing officer in the UAPA hearing where authorized by law and not subject to disqualification or other cause provided in T.C.A. Title 4, Chapter 5.
- (e) Nothing in this Rule prohibits an attorney for the University from providing legal advice to multiple University employees who serve in different roles in the process of disciplining a student.

(8) Interim Involuntary Withdrawal or Suspension Hearings.

- (a) Hearings conducted with regard to interim involuntary withdrawals or suspensions imposed prior to or pending the outcome of a disciplinary investigation or proceeding shall be conducted consistent with the minimum requirements of due process applicable to a UDC hearing, taking into account the need for a timely hearing. The evidence presented at the hearing shall be limited to that which is relevant to the basis asserted for imposition of the interim involuntary withdrawal or suspension. The following special conditions apply to involuntary withdrawal/suspension hearings:

1. The University shall conduct an assessment to consider the nature, duration, severity, and probability of the threat posed and/or disruption caused by the student or student organization, relying on the best available objective evidence and, if applicable and obtainable, the most current medical evidence;
 2. Failure of the student or representative of a student organization to appear for or cooperate with a mandated assessment will result in an involuntary withdrawal without further process;
 3. The University shall also determine whether reasonable modifications of its policies, practices, or procedures could sufficiently mitigate the identified risk;
 4. Absent exigent circumstances creating an imminent risk of harm, the University will make the decision to involuntarily withdraw or suspend based on the threat the student or student organization poses to others;
- (b) If exigent circumstances warrant the immediate removal of a student or student organization from the University, the student or student organization will receive, at a minimum, notice and an initial opportunity to present evidence immediately after being placed on the interim involuntary withdrawal or suspension, and the opportunity to initiate full due process within thirty (30) days of the removal.

(9) Appeals

- (a) Eligibility. A student who has been suspended or expelled from the University, or a student organization whose recognition has been revoked as the result of disciplinary action has the right to file an appeal. Students or student organizations subject to disciplinary action that does not include suspension or expulsion from the University, or revocation of recognition of the student organization do not have an appeals option.
- (b) It is the responsibility of the adjudicating body to inform the student or student organization of the right to appeal and to whom the appeal should be presented. It is not the function of the appeals process to permit a rehearing of the factual issues presented to the adjudicating body, but rather to ensure that the disciplinary procedure has been implemented fairly and consistently with these rules.
- (c) For UAPA decisions, the appeal procedures are set forth in University policy and the UAPA.
- (d) UDC decisions.
1. Time Limitations. An appeal must be submitted in writing and received by the Dean of Students within forty-eight (48) hours of the date on which notice was sent to the student or student organization as provided at 0240-07-03-.02(4) of this rule that the approving authority has affirmed the suspension or expulsion.
 2. Grounds for Appeal. The appeal must specify grounds which would justify consideration. The written appeal must contain the substantive proof on which the student or student organization is basing the appeal. Appeals that do not include the specific information that substantiates the appeal will be immediately denied. General dissatisfaction with the outcome of the decision shall not be accorded as a basis for consideration of an appeal. An appeal may be filed based on one (1) or both of the following conditions:
 - (i) an error in procedural due process by the adjudicating body which prejudiced the disciplined student or student organization to the extent that a fundamentally fair hearing was denied as a result of the error;
 - (ii) the emergence of new evidence which could not have been previously discovered by the exercise of due diligence and which, had it been presented at the initial hearing, would have substantially affected the original decision of the adjudicating body.

3. The Dean of Students will review the written appeal to determine if the appellant has met the requirements for filing an appeal. Appeals which do not allege sufficient grounds shall be denied consideration and dismissed. Appeals which do allege sufficient grounds will be accepted for consideration and forwarded to the appellate body. The appellate body shall not conduct a re-hearing, but will consider only the record made by the adjudicating body. The appellate body may, at its own discretion, permit written or oral statements from the concerned parties in interest at the time the appeal is considered. The alternatives available to the appellate body are affirmation of the recommended sanction, reversal of the decision, and return to the original adjudicating body for reconsideration of sanctions only.
- (10) Effect of Noncooperation. A student who fails to respond to a notice of disciplinary charges and disciplinary conference within the time frame specified will have a hold placed on his/her records. The hold will be removed at such time as the sanction imposed has been completed and the matter closed. In the event a student or student organization fails to cooperate, ignores, or otherwise does not respond after a reasonable amount of time to a notice of a Disciplinary Conference, he/she/it will be deemed to have waived the opportunity for a hearing. Decisions concerning responsibility and the imposition of sanctions may be made in the student's absence.
 - (11) Retention of Records. Disciplinary records are maintained by the Office of Student Conduct. A permanent disciplinary file will be maintained if a student is suspended or expelled from the University. Files developed in cases in which a lesser sanction has been imposed will be retained for a period of five (5) years after date of action unless sanctions specify that they should be retained for a longer period. Files developed in cases that are covered under the Clery Act will be retained for a period of seven (7) years after the date of action per federal requirements. Files developed in cases where a student is found not responsible for student conduct rules violations will be maintained for statistical purposes; however, the record will not be reportable as an official disciplinary record in that student's name.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A); T.C.A. § 4-5-301, et. seq.

0240-07-03-.09 Alternative Resolution of Disciplinary Incidents is added to Chapter 0240-07-03 Student Conduct and shall read as follows:

0240-07-03-.09 Alternative Resolution of Disciplinary Incidents.

- (1) Mediation. Students involved in conflict(s) with another individual(s) may elect to have the conflict(s) mediated with the assistance of a third party mediator assigned by the appropriate University Official. The Office of Student Conduct must agree that mediation is an appropriate resolution to the presenting disciplinary incident. The following conditions must be accepted by the parties:
 - (a) All parties involved must willingly agree to the mediation process;
 - (b) The resolution that results from the mediation process will be written, signed by all parties, and will bind the parties to the agreed terms until such terms are completed or an alternative agreement is developed by the parties;
 - (c) The agreement reached through mediation is not subject to any appeals process;
 - (d) If the agreement is not upheld, the parties may be referred back to the Office of Student Conduct for appropriate disciplinary action to be taken;
 - (e) If no form of resolution can be determined by mutual consent, the matter will be referred to the appropriate student conduct body.
- (2) Informal Agreement. There may be times when it is appropriate for a student to come to an informal agreement with the University regarding his/her behavior and attempts to correct the behavior. The Office of Student Conduct will make these determinations on a case by case basis. An informal agreement can only be initiated by the Student Conduct Coordinator, Assistant Dean for Student Conduct, and/or the Dean of Students.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).

0240-07-03-.10 Victim's Rights is added to Chapter 0240-07-03 Student Conduct and shall read as follows:

0240-07-03-.10 Victim's Rights.

- (1) Generally, a victim's input shall be sought during the disciplinary process; however, the right and responsibility for disposition of any individual complaint is reserved by the University. If a victim withdraws his/her/its complaint or refuses to offer testimony during the course of a disciplinary proceeding, the University reserves the right to proceed without his/her/its input.
- (2) Victims of sexual misconduct, sexual harassment, dating violence, domestic violence, and stalking are guaranteed specific rights within University policies. These victims are afforded the following rights:
 - (a) The victim shall be advised in writing of the date, time, and place of the hearing at least five (5) business days in advance of the hearing;
 - (b) The victim shall be given the opportunity to meet with the appropriate University Official to discuss the disciplinary process;
 - (c) The victim shall be given an opportunity to submit a written account of the alleged incident;
 - (d) The victim shall have the right to be accompanied at all stages of the disciplinary process by an advisor whose participation shall be limited to advising the victim. The advisor cannot be a student who has been charged with a violation of the student conduct rules related to the same incident as the victim or a student who has an open complaint against the victim. The victim may also be accompanied by legal counsel; however, counsel's participation shall be limited to directly advising the victim, i.e., legal counsel may not conduct direct or cross-examination, make opening or closing statements, or engage in argument. The victim may be accompanied by more than one (1) advisor at the discretion of the adjudicating officer or body. The intent of the victim to be accompanied by an advisor shall be indicated in writing to the student conduct coordinator at least five (5) days prior to the disciplinary hearing;
 - (e) The victim shall be afforded an opportunity to testify as a witness during a disciplinary hearing;
 - (f) The victim may reserve the right to decline to testify during a disciplinary hearing with the knowledge that such action could result in dismissal of allegations of University rules violations for lack of evidence;
 - (g) The victim shall be allowed to submit a written victim impact statement to the adjudicating body for their consideration during the sanction phase of the disciplinary process.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).

0240-07-03-.11 Authority of the President is added to Chapter 0240-07-03 Student Conduct and shall read as follows:

0240-07-03-.11 Authority of the President. The President of the University retains final authority on all University matters, including disciplinary decisions. Therefore, any disciplinary action is subject to final review by the President. At his/her discretion, the President may determine 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.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).

* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Andy Adams					
J.B. Baker					
Pete DeLay					
Darrell Freeman, Sr.					
Joey Jacobs					
Christine Karbowiak					
Stephen B. Smith					
Pamela Wright					
Tony Johnston					

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Board on _____, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of ninety (90) days of the filing of the proposed rule with the Secretary of State.

Date: _____

Signature: _____

Name of Officer: Heidi Zimmerman

Title of Officer: University Counsel

Subscribed and sworn to before me on: _____

Notary Public Signature: _____

My commission expires on: _____

Agency/Board/Commission: Middle Tennessee State University

Rule Chapter Number(s): Chapter 0240-07-03 Student Conduct

All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Herbert H. Slatery III
Attorney General and Reporter

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective on: _____

Tre Hargett
Secretary of State

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

This rule is not anticipated to have an impact on small businesses.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://publications.tnsosfiles.com/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

This rule is not anticipated to have an impact on local government.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A)** A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

In 2016, Middle Tennessee State University (MTSU) initiated a comprehensive review of the Student Conduct policy. This review was initiated due to the separation of MTSU from the Tennessee Board of Regents system. MTSU is in the process of establishing rules for necessary key areas.

This rule describes the expectations for student conduct and the disciplinary sanctions that MTSU may impose through the disciplinary procedures outlined in this rule.

- (B)** A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

T.C.A. 4-5-102(12)(E)(ii)-the definition of "rule" under the UAPA includes agency statements that relate to discipline of students.

- (C)** Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Students of MTSU are most directly affected by this rule. A policy that mirrors the proposed rule was reviewed and approved by the FOCUS Act Transition Team. The Transition Team included student, staff, and faculty representatives. The faculty, staff and students of MTSU urge adoption of these rules.

- (D)** Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

None

- (E)** An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

None

- (F)** Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Heidi Zimmerman, MTSU University Counsel and Sarah Sudak, MTSU Dean of Students

- (G)** Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Heidi Zimmerman, MTSU University Counsel and Sarah Sudak, MTSU Dean of Students

(H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Heidi Zimmerman, MTSU University Counsel 1301 E. Main Street, CAB 209 Murfreesboro, TN 37132 615-898-2025 heidi.zimmerman@mtsu.edu	Sarah Sudak 1301 E. Main St. Murfreesboro, TN 37132 615-898-5297 sarah.sudak@mtsu.edu
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(I) Any additional information relevant to the rule proposed for continuation that the committee requests.

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**Department of State
Division of Publications**

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Email: publications.information@tn.gov

For Department of State Use Only

Sequence Number: _____
Rule ID(s): _____
File Date: _____
Effective Date: _____

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to Tenn. Code Ann. §§ 4-5-202, 4-5-207, and 4-5-229 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within ninety (90) days of the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by ten (10) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of ten (10) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	Middle Tennessee State University
Division:	
Contact Person:	Heidi Zimmerman, University Counsel
Address:	1301 E. Main Street, CAB 209, Murfreesboro, TN
Zip:	37132
Phone:	615-898-2025
Email:	Heidi.zimmerman@mtsu.edu

Revision Type (check all that apply):

- _____ Amendment
 New
 _____ Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0240-07-03	Student Conduct
Rule Number	Rule Title
0240-07-03-.01	Purpose
0240-07-03-.02	Definitions
0240-07-03-.03	Responsibility and Jurisdiction
0240-07-03-.04	Student Conduct Rules: Values and Behavioral Expectations
0240-07-03-.05	Classroom Misconduct
0240-07-03-.06	Disciplinary Sanctions
0240-07-03-.07	Student Conduct Hearing Officers and/or Boards
0240-07-03-.08	Disciplinary Procedures
0240-07-03-.09	Alternative Resolution of Disciplinary Incidents
0240-07-03-.10	Victim's Rights
0240-07-03-.11	Authority of the President

SS-7038 (June 2016)

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RDA 1693

Rules
of
Middle Tennessee State University, Murfreesboro
Chapter 0240-07-03
Student Conduct

New

Table of Contents is added to Chapter 0240-07-03 Student Conduct and shall read as follows:

Table of Contents

0240-07-03.01 Purpose
0240-07-03.02 Definitions
0240-07-03.03 Responsibility and Jurisdiction
0240-07-03.04 Student Conduct Rules: Values and Behavioral Expectations
0240-07-03.05 Classroom Misconduct
0240-07-03.06 Disciplinary Sanctions
0240-07-03.07 Student Conduct Hearing Officers and/or Boards
0240-07-03.08 Disciplinary Procedures
0240-07-03.09 Alternative Resolution of Disciplinary Incidents
0240-07-03.10 Victim's Rights
0240-07-03.11 Authority of the President

0240-07-03-.01 Purpose is added to Chapter 0240-07-03 Student Conduct and shall read as follows:

0240-07-03-.01 Purpose.

- (1) Middle Tennessee State University (MTSU or University) is committed to fostering a campus environment that is devoted to learning, growth, and service. We accept and practice the core values of honesty and integrity, respect for diversity, positive engagement in the community, and commitment to non-violence. The Office of Student Conduct was created to uphold these values, educate the community about behavioral expectations, and hold members of the student community accountable to these rules and expectations.
- (2) Student members of the University community are expected to uphold and abide by standards of conduct that form the basis of these rules. Each member of the University community bears responsibility for their conduct. When community members fail to exemplify and uphold these standards of conduct, student conduct procedures are used to assert and uphold these standards.
- (3) The student conduct process at MTSU exists to protect the interests of the University community and the individual student while striking a balance between these two interests. Students and student organizations that do not act in accordance with MTSU rules and expectations will be challenged and may be sanctioned accordingly. Sanctions are designed to assist students and student organizations in achieving acceptable standards of behavior while providing tools and resources for life-long learning and conflict resolution.
- (4) The University is committed to respecting students' constitutional rights. These rules shall be interpreted in a way that does not violate students' constitutional rights, including, without limitation, the rights protected by the First Amendment to the United States Constitution.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).

0240-07-03-.02 Definitions is added to Chapter 0240-07-03 Student Conduct and shall read as follows:

0240-07-03-.02 Definitions.

- (1) Student. For the purposes of these rules, a student shall mean any person who is admitted and/or registered for study at MTSU for any academic period, either full-time or part-time, undergraduate,

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graduate, or professional studies. 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 University. Finally, a 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 these rules. In summary, the University considers a person a student when an offer of admission has been extended and thereafter as long as the student has a continuing educational interest in the University.

- (2) Student organization. For the purposes of these rules, a student organization is a group consisting primarily of currently enrolled students which has become officially recognized by the University following successful completion of the registration process.
- (3) University Official(s). For the purposes of these rules, a University Official is an administrator within the Office of Student Conduct, specifically, the Assistant Dean for Student Conduct and/or the Student Conduct Coordinator.
- (4) Notice. For the purposes of these rules, a notice is a written communication sent to a student or student organization as directed by these rules. A notice provided to a student will be sent via the student's official MTSU email account as well as a hard copy letter sent via first class USPS mail to the student's local address as indicated in the student information system. A notice sent to a student organization will be sent to the organization's president at that student's MTSU email address and his/her local address. Students have the responsibility to regularly check their University-issued email accounts and to ensure that the local address on file with MTSU is current. The requirement to provide notice will be satisfied when sent as indicated and any period for response will begin on the date the email and/or letter is sent, whichever is sent first.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).

0240-07-03-.03 Responsibility and Jurisdiction is added to Chapter 0240-07-03 Student Conduct and shall read as follows:

0240-07-03-.03 Responsibility and Jurisdiction.

- (1) The President of MTSU is authorized to take such action as may be necessary to maintain campus conditions and to preserve the integrity of the University and its educational environment. The President has determined that the responsibility for the administration of student conduct at MTSU is a function of the Dean of Students' office and/or the appropriate adjudicating body. The Dean of Students' designees are the University Officials as defined in this rule at 0240-07-03-.02(3). The University Officials are authorized to make the determination and/or recommendation of the method of hearing for each complaint or allegation and to provide other opportunities for conflict resolution outside of the conduct process consistent with these rules. The University Officials shall implement policies and procedures for the administration of the student conduct program.
- (2) Matters concerning academic misconduct are the responsibility of the Office of the University Provost and/or the University Academic Misconduct Committee. This process is set out in detail in University policy.
- (3) Students and student organizations are responsible for compliance with University rules and policies at all times. 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.
- (4) Disciplinary action may be taken against a student or student organization for violations of these rules which occur on University owned, leased, or otherwise controlled property, while participating in international or distance learning programs, and off campus, when the conduct impairs, interferes with, or obstructs any University activity or the mission, processes, and functions of the University. MTSU may also take disciplinary action for any off-campus behavior that affects a substantial University interest. A substantial University interest is defined to include:

- (a) Any situation where a student's conduct may present a danger or threat to the health or safety of others;
 - (b) Any situation that significantly impinges upon the rights, property, or achievements of others;
 - (c) Any situation that is detrimental to the educational mission and/or interests of the University.
- (5) MTSU may enforce these rules regardless of the status or outcome of any external proceedings instituted in any other forum, including any civil or criminal proceeding. Should a student withdraw from the University with University disciplinary action pending, the student's record may be encumbered by the appropriate University office until the proceedings have been concluded. The University may take action even if a student is absent from the proceeding.
- (6) 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 "education records" and are confidential within the meaning of those Acts.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A); T.C.A. § 10-7-504(a)(4).

0240-07-03-.04 Student Conduct Rules: Values and Behavioral Expectations is added to Chapter 0240-07-03 Student Conduct and shall read as follows:

0240-07-03-.04 Student Conduct Rules. Values and Behavioral Expectations. MTSU has adopted the following Community Standards of conduct. Each person who joins or affiliates with the University community does so freely and is expected to abide by these Community Standards. Following each Community Standard is a non-exclusive list of prohibited behaviors for which both students and student organizations may be subject to disciplinary action if such prohibited behavior is engaged in. These prohibited behaviors are considered inappropriate and in opposition to the Community Standards and expectations set forth by MTSU.

- (1) Community Standard: MTSU is committed to developing and nurturing a community devoted to learning, growth, and service. Behavior by students or student organizations including, but not limited to, the following, may be considered as being in violation of this Community Standard.

- (a) Alcoholic Beverages.

The use and/or possession of alcoholic beverages on University owned or controlled property. This offense includes the violation of any local ordinance, state, or federal law concerning alcoholic beverages, on or off University owned or controlled property, where an affiliated group or organization has alcoholic beverages present and available for consumption. It will not be considered a violation of this rule if a student of legal drinking age possesses or consumes alcohol purchased from a third-party vendor during approved events taking place at a sports authority facility so long as the beverage is consumed within the sports authority facility. It will also not be considered a violation of this policy if a student of legal drinking age possesses or consumes alcohol provided at an event approved by the President to serve alcoholic beverages so long as the beverage is consumed within the confines of the designated area of the event.

Deleted: .

1. A student who is under the influence of alcohol should not be reluctant to seek assistance in the event of a health or safety emergency for fear of being sanctioned. The Office of Student Conduct will generally not pursue disciplinary action against a student (or against a witness) for his/her improper use of alcohol (e.g., underage drinking) under that circumstance. This practice only applies to amnesty from violations of this rule. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.

- (b) Drugs.

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

- (i) the violation of any local ordinance, state, or federal law concerning the unlawful possession or use of drugs, on or off University owned or controlled property;
 - (ii) abusing legally obtained drugs by failing to take the drug as prescribed/directed and/or providing the prescribed drug to another person;
 - (iii) using a prescription drug that has not been prescribed to the individual.
2. Any reasonable suspicion of drug use or possession including, but not limited to, the odor of burnt or raw marijuana, physical characteristics of impairment, and/or possession of any paraphernalia that can be used for drug consumption may lead to an investigation and possible violation of this rule.
 3. A student who is under the influence of drugs should not be reluctant to seek assistance in the event of a health or safety emergency for fear of being sanctioned. The Office of Student Conduct will generally not pursue disciplinary action against a student (or against a witness) for his/her improper possession or use of drugs under that circumstance. This practice only applies to amnesty from violations of this rule. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.
- (c) 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, but is not limited to, the violation of any local ordinance, state, or federal law concerning the unlawful possession of drug paraphernalia, on or off University owned or controlled property.
- (d) Public Intoxication.
1. Appearing on University owned or controlled property or at a University sponsored event while under the influence of a controlled substance or of any other intoxicating substance to the degree that the individual may be endangered; there is endangerment to other persons or property; or, the individual unreasonably annoys people in the vicinity.
 2. A student who is under the influence of alcohol or drugs should not be reluctant to seek assistance in the event of a health or safety emergency for fear of being sanctioned. The Office of Student Conduct will generally not pursue disciplinary action against a student (or against a witness) for his/her improper use of alcohol (e.g., underage drinking) under that circumstance. This practice only applies to amnesty from violations of this rule. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.
- (e) Explosives, Fireworks, and Flammable Materials. The unauthorized possession, ignition, or detonation of any object or article which would cause damage by fire or other means to persons or property, or possession of any substance which could be considered to be, and used, as fireworks.
- (f) Violation of General Policies. Any violation of the general policies or procedures of the University as published in an official University publication or posted on an official University web page or social media page.
- (g) Violation of State or Federal Laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference.
- (h) Disorderly Conduct. Any behavior that unreasonably disrupts the academic environment (e.g., including, but not limited to, that which interferes with teaching, classroom operations, research, etc.) or unreasonably interferes with operations, events, or programs on University owned or controlled property, or during a University event. This includes, but is not limited to, unauthorized use of sirens, loudspeakers, and other sound amplification equipment.
- (i) 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

Deleted:

not limited to, any personal or University property, fire alarms, fire equipment, elevators, telephones, University keys, library materials, and/or safety devices.

- (j) Obstruction of or Interference with University Activities or Facilities. Any intentional interference with, or obstruction of, any University program, event, or facility including, but not limited to, the following:
 - 1. Any unauthorized occupancy of facilities owned or controlled by the University or blockage of access to or from such facilities;
 - 2. Interference with the right of any University member or other authorized person to gain access to any activity, program, event, or facilities sponsored or controlled by the University;
 - 3. Any obstruction or delay of a campus security officer, public safety officer, police officer, firefighter, EMT, or any official of the University, or failure to comply with any emergency directive issued by such person in the performance of his/her duty;
 - 4. Participation in, or inciting others to participate in, activities that substantially impede University operations;
 - 5. Interference of either: (1) the instructor's ability to conduct class; or (2) the ability of other students to participate in and profit from instructional activity; or,
 - 6. Obstruction of the free flow of pedestrian or vehicular traffic on University owned or controlled property, or at a University event.
- (k) Unacceptable Conduct in Disciplinary Proceedings. Any conduct at any stage of a University disciplinary process or investigation that is contemptuous, disrespectful, threatening, or disorderly. This includes, but is not limited to, false complaints, retaliation, providing false 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.
- (l) Unauthorized Access to University Facilities and/or Grounds. Any unauthorized access and/or occupancy of University 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, or being present in academic buildings after hours without permission.
- (m) Pornography or Obscenity. Public display [on property owned, leased or controlled by the University](#) of literature, films, pictures, or other materials which an average person applying contemporary community standards would find taken as a whole, appeals to the prurient interest; depicts or describes sexual conduct in a patently offensive way; and taken as a whole, lacks serious literary, artistic, political, or scientific value.
- (n) Student Identification Cards. Failure to possess at all times a valid student identification card or an alternate ID that will prove student status; or, failure to surrender ID card to a University Official upon proper request.
- (o) Gambling. Unlawful gambling in any form.
- (p) 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 University.
- (q) Litter. Dispersing litter in any form onto the grounds or facilities of the [University](#).

Deleted: campus

- (r) Sirens and Loudspeakers. Unauthorized use of sirens, loudspeakers, and other sound amplification equipment.
 - (s) Graffiti. Damage or defacement of MTSU property by painting, chalking, writing, stenciling, or by any other means of application on such property.
- (2) Community Standard: Honesty and Integrity. The notions of personal and academic honesty and integrity are central to the existence of the MTSU community. All members of the community will strive to achieve and maintain the highest standards of academic achievement in the classroom, and personal and social responsibility on and off campus. Behavior by students or student organizations including, but not limited to, the following, may be considered as being in violation of this Community Standard.
- (a) Theft, Misappropriation, or Unauthorized Sale of Property. Any act of theft, misappropriation, or unauthorized possession or sale of University property, or any such act against a member of the University community or a guest of the University, including identity theft.
 - (b) Failure to Cooperate with University Officials. Failure to comply with directions or directives of University Officials acting in the performance of their duties.
 - (c) Providing False Information. Giving any false information to, or withholding necessary information from, any University Official acting in the performance of his/her duties in connection with a student's admission, enrollment, or status in the University.
 - (d) Misuse of Documents or Identification Cards. Any forgery, alteration of, or unauthorized use of University documents, forms, records, or identification cards including, but not limited to, the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment, or status in the University.
 - (e) Financial Irresponsibility. Failure to meet financial responsibilities to the University promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the University.
 - (f) Violation of Imposed Disciplinary Sanctions. Intentional or unintentional violation of a disciplinary sanction officially imposed by a University Official or a constituted body of the University.
 - (g) 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 restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means.
 - (h) Unauthorized Duplication or Possession of Keys. Making, causing to be made, or the possession of any key for a University facility without proper authorization.
 - (i) Fire Drills. Failure to evacuate University facilities or willfully disregarding any emergency or fire alarm signal.
- (3) Community Standard: Respect for Diversity. The MTSU community is composed of individuals representing different races, ethnicities, sexual orientations, cultures, and ways of thinking. We respect individual differences and perspectives and acknowledge our commonalities. Behavior by students or student organizations including, but not limited to, the following, may be considered as being in violation of this Community Standard.
- (a) Harassment or Retaliation. Any act against another person or group in violation of MTSU policies, as well as federal and/or state laws prohibiting discrimination or retaliation.
 - (b) Retaliation also includes, in this context, an act intended or reasonably likely to dissuade a person from participating in the student disciplinary process or pursuing a complaint about a violation of MTSU policies, as well as, state or federal law.

(4) Community Standard: Commitment to Non-violence. MTSU is committed to the principles of nonviolence and peaceful conflict resolution. Community members will freely express their ideas and resolve differences using reason and persuasion. Behavior by students or student organizations including, but not limited to, the following, may be considered as being in violation of this Community Standard.

- (a) Threatening or Dangerous Conduct. Any conduct, or attempted conduct, which poses a threat to the safety of others or when the behavior is disruptive of the University's learning environment.
- (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 education institution by an individual 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 which induces or coerces a person(s) to endanger such person(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) Firearms and Other Dangerous Weapons. Except as may otherwise be permitted by law, the possession or use of firearms, explosives, fireworks, inflammables, dangerous chemical mixtures, and/or dangerous weapons of any kind including, but not limited to, knives, tasers, asp batons, tactical or telescoping batons, brass knuckles, whips, BB guns, pellet guns, propelled missiles, and/or stun guns is prohibited. The possession or use of ammunition, which includes, but is not limited to, bullets, paint balls, pellets, and BBs is prohibited. Any possession or use of replica/toy guns including, but not limited to, BB guns or cap guns, pellet guns, paintball guns, water guns, "Super Soakers," toy knives, slingshots, or other items that simulate firearms or dangerous weapons is prohibited.
- (d) Sexual Misconduct.
 - 1. Sexual misconduct includes dating violence, domestic violence, stalking and sexual assault as defined by MTSU policy.
 - 2. A student who is a victim of sexual misconduct and who was under the influence of alcohol or drugs during the sexual misconduct incident should not be reluctant to seek assistance for fear of being sanctioned for his/her improper use of alcohol or drugs. The Office of Student Conduct will generally not pursue disciplinary action against the victim (or against a witness) for his/her improper use of alcohol or drugs (e.g., underage drinking) if the victim or witness is making a good faith report of sexual misconduct. Amnesty for improper use of alcohol or drugs will not be accorded to a student charged with sexual misconduct. This practice only applies to amnesty from violations of this rule. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A); T.C.A. § 49-7-123(a)(1).

0240-07-03-.05 Classroom Misconduct is added to Chapter 0240-07-03 Student Conduct and shall read as follows:

0240-07-03-.05 Classroom Misconduct.

- (1) The instructor has the primary responsibility for maintenance of academic integrity and controlling classroom behavior, and can order the temporary removal or exclusion from the classroom of any student engaged in disorderly conduct as defined in Rule 0240-07-03-.04(1)(h), or conduct that violates the general policies of the University for each class session during which the conduct occurs. Extended or permanent exclusion from the classroom, beyond the session in which the conduct occurred, or further disciplinary action can be effected only through appropriate procedures of the University. If an instructor wishes to remove a student from the classroom for a longer period of time or permanently, he/she must refer the student to the Office of Student Conduct.
- (2) The instructor is expected to outline behavioral expectations for each class at the beginning of the [academic term](#) and as needed throughout the semester.

Deleted: semester

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).

0240-07-03-.06 Disciplinary Sanctions is added to Chapter 0240-07-03 Student Conduct and shall read as follows:

0240-07-03-.06 Disciplinary Sanctions.

- (1) A disciplinary sanction is a consequence for being found in violation of University rules and policies. The following disciplinary sanctions are applicable to both students and student organizations. Upon a determination that a student or student organization has violated these rules or the general policies of the University, disciplinary sanctions may be imposed, either singly or in combination, by the appropriate University Official.
- (2) Pursuant to T.C.A. § 49-7-146, the University will notify the parent/guardian of students under the age of twenty-one (21) who have been found responsible for alcohol and/or drug-related violations. In addition, the parent/guardian may be contacted in any instance in which the safety of the student has been threatened either through the student's own behavior or the behavior of others.
- (3) Definition of Sanctions:
 - (a) Restitution. Restitution may be required in situations which involve destruction, damage, loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or student organization is obligated 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, labor, or financial loss.
 - (b) Reprimand. A written or verbal reprimand or notice may be given to any student or student organization whose conduct violates any part of this rule and provides notice that any further violation(s) may result in more serious consequences.
 - (c) Service to the University or Local Community. A student or student organization may be required to donate a specified number of service hours to the University or the local community. All community service hours must be approved by the Office of Student Conduct prior to a student or student organization beginning the service.
 - (d) 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.
 - (e) 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 violation.
 - (f) Fines. Penalties in the form of monetary fines may be imposed against a student or student organization whenever the appropriate University 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 being taken.
 - (g) Restriction. A restriction upon a student's or student organization's privileges for a period of time may be imposed. This restriction may include, but not be limited to, denial of the ability to represent the University at any event, ability to participate in University travel, eligibility to hold office in a student organization, use of facilities, parking privileges, participation in extracurricular activities, and/or restriction of organizational privileges.
 - (h) Probation. Official notice that the continued enrollment of a student or recognition of a student organization on probation will be conditioned upon adherence to these rules. Any student or student organization placed on probation will be notified in writing of the terms and conditions of the probation. Any conduct in further violation of these rules while on probationary status or the failure to comply with the terms and conditions of the probation may result in the imposition of more severe disciplinary sanctions, specifically suspension or expulsion.

- (i) **Housing Probation.** Continued residence in campus or student housing may be conditioned upon adherence to these rules, as well as, University housing policies. Any student placed on housing probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon the activities of the student, including any other appropriate special condition(s). If a student incurs additional violations during the probationary period, the student may become a candidate for housing suspension.
- (j) **Involuntary Housing Reassignment.** A student may be involuntarily moved to another housing assignment if necessary.
- (k) **Housing Suspension and Forfeiture.** Removal from University housing for a specified period of time or permanently. A student suspended from housing may not reside, visit, or make any use whatsoever of a University housing facility or participate in any University housing activity during the period for which the sanction is in effect. A suspended student shall be required to forfeit housing fees (including any unused portion thereof and the Housing Pre-Payment). A suspended student must vacate the housing unit as directed by University staff. This sanction may be enforced with a University Police trespass restriction, if necessary.
- (l) **Suspension.** Separation of a student or a student organization from the University for a specified period of time. This includes all instructional delivery methods (including, but not limited to, on ground, on-line, distance education, etc.). Suspension may be accompanied by special conditions for readmission or recognition. Any student or student organization receiving a sanction of suspension shall be restricted from the campus of MTSU during the period of separation unless on official business with the University verified in writing by the Dean of Students' office. A suspended student must submit a written request to be on campus to the Dean of Students a minimum of forty-eight (48) hours in advance of the scheduled time of his/her business on campus. The request must specify the specific reason the student seeks to be on campus and the location that the student wishes to visit. The Dean of Students will issue a written decision regarding the request to be on campus, and the student is expected to carry that written decision with him/her during the time of the visit, if the request is approved. Students who have been suspended are not permitted to live or board in University facilities or housing unless otherwise approved or provided by the University. This sanction will be enforced with a University Police trespass restriction, if necessary.
- (m) **Expulsion.** Permanent separation from the University. The imposition of this sanction is a permanent bar to the student's admission, or a student organization's recognition by the University. A student or student organization that has been expelled may not enter University property or facilities without obtaining prior approval from the Dean of Students. Any student receiving a sanction of expulsion shall be permanently restricted from the campus of MTSU unless on official business with the University verified in writing by the Dean of Students. An expelled student must submit a written request to be on campus to the Dean of Students' office a minimum of forty-eight (48) hours in advance of the scheduled time of his/her business on campus. The request must specify the specific reason the student seeks to be on campus and the location that the student wishes to visit. The Dean of Students will issue a written decision regarding the request to be on campus, and the student is expected to carry that written decision with him/her during the time of the visit, if the request is approved. Students who have been expelled are not permitted to live or board in University facilities or housing unless otherwise approved or provided by the University. This sanction will be enforced with a University Police trespass restriction, if necessary.
- (n) **Revocation of Admission, Degree, or Credential.** Under circumstances deemed appropriate, an offer of admission, a degree or a credential awarded may be revoked or rescinded.
- (o) **Other Sanctions.** Additional or alternate sanctions may be created and designed as deemed appropriate to the offense and the student's or student organization's need for education, growth, and reform.
- (p) **Interim Involuntary Withdrawal or Suspension.** As a general rule, the status of a student or student organization accused of violation of these rules should not be altered until a final determination has been made in regard to the charges. However, interim involuntary withdrawal or suspension, pending the completion of disciplinary procedures, may be imposed upon a finding by the appropriate University Official that the conduct or attempted conduct of the student or student organization poses

a direct threat to the safety of any other member of the University, its guests, or property; or, if the behavior is materially and substantially disruptive of the University's learning environment or other campus activities. [Violation of an interim or final "No Contact Directive" or other restriction issued in conjunction with an investigation conducted pursuant to MTSU policy concerning misconduct, discrimination, and harassment based on sex, including pregnancy, sexual orientation, and gender identity/expression may result in temporary discipline up to and including an interim involuntary withdrawal or suspension being imposed on the violating student.](#) In any case of interim involuntary withdrawal or 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 interim involuntary withdrawal or suspension in an interim involuntary withdrawal/suspension hearing. During an interim involuntary withdrawal or suspension, the student or student organization shall be denied access to residence halls, campus (including all classes), and/or all other University activities or privileges for which the student or student organization might otherwise be eligible, as the Dean of Students or designee may determine to be appropriate. A preliminary hearing will be held by a designee of the Dean of Students in consultation with appropriate University Officials and the Vice President for Student Affairs, within four (4) working days of the interim involuntary withdrawal or suspension to determine if the interim involuntary withdrawal or suspension should continue until a formal hearing of the charges by a University adjudicating body can be held. During this preliminary hearing, the student or student organization will be given notice of the allegations supporting the imposition of interim involuntary withdrawal or suspension and a summary of the evidence that supports the allegations. The student or student organization will be afforded an opportunity to respond to the allegations. If the interim involuntary withdrawal or suspension is upheld, the formal hearing concerning withdrawal, suspension, or expulsion shall be held as soon as practical. Conditions may be placed on a student or student organization for his/her/its return to the University. The student or student organization may be required to provide documentation that he/she/it has taken steps to mitigate the previous behavior (e.g., including, but not limited to, having followed a treatment plan, submitted periodic reports, granted permission for the University to talk to the treating professional).

- (q) Temporary Student Organization Cease and Desist. A temporary organizational cease and desist is instituted when the University has received information indicating that the continued activity of the student organization could (1) potentially put students or the community at risk; (2) cause irreparable harm to the University or student organization; (3) influence the integrity of an investigation; and/or (4) increase the student organization's or University's fault or liability. A temporary student organization cease and desist can be issued by the University alone or in conjunction with a national/regional organization cease and desist. The Office of Student Conduct will notify the parent office (i.e. Student Organizations and Service and/or Fraternity and Sorority Life) and the designated student representative that the student organization has been temporarily restricted from conducting business. During the time of the temporary cease and desist, the student organization will be prohibited from conducting organizational business including, but not limited to, organizational meetings, social activities, philanthropic activities, and representation of the University. The cease and desist duration will be determined on a case by case basis.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A); T.C.A. § 49-7-146.

0240-07-03-.07 Student Conduct Hearing Officers and/or Boards is added to Chapter 0240-07-03 Student Conduct and shall read as follows:

0240-07-03-.07 Student Conduct Hearing Officers and/or Boards. Violations under these rules may be heard by the following [administrative judge](#), hearing officers and/or boards:

- (1) The University Official shall conduct all preliminary reviews and disciplinary conferences. These staff members will also conduct investigations as necessary.
- (2) The Student Judicial Board shall consist of nine (9) students. The Board may be convened to hear cases involving alleged violations of University rules committed by students and student organizations. If the student or student organization is found responsible, the Board recommends appropriate disciplinary sanctions to the Dean of Students. This Board may also be convened to hear matters relative to the interpretations of the Student Government Association constitution and any other policies passed by the Senate, as well as cases regarding student parking citations. Information regarding application, selection

procedures, qualifications, and vacancies can be found in the Student Government Association constitution.

- (3) The University Discipline Committee consists of eight (8) faculty members and six (6) students. The Committee determines whether or not a student is to be held responsible for violation(s) of these rules. If found responsible, the Committee recommends appropriate disciplinary sanctions to the Vice President for Student Affairs.
- (4) The Student Appeals Committee consists of four (4) faculty members and four (4) students, and hears appeals of disciplinary decisions rendered by the Student Judicial Board and the University Discipline Committee.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).

0240-07-03-.08 Disciplinary Procedures is added to Chapter 0240-07-03 Student Conduct and shall read as follows:

0240-07-03-.08 Disciplinary Procedures.

- (1) Responsibility for Administration. The administration of discipline is a function of the Dean of Students Office and/or the appropriate adjudicating body with the exception of matters concerning academic misconduct which is a function of the Office of the University Provost and/or the Academic Misconduct Committee. Complaints involving sexual discrimination, sexual harassment, dating violence, domestic violence, or stalking will be investigated pursuant to MTSU policy. If a violation is determined to have occurred, the student will be subject to the disciplinary process provided in this rule.
- (2) Standard of Proof. The standard of proof utilized in all student disciplinary matters is the preponderance of the evidence. Students should be aware that the student conduct process is different from criminal and civil court proceedings. The student conduct process is built on fundamental fairness. Due process, as defined in this rule, includes written notice of the student conduct rules that are in question and an opportunity to be heard by an objective decision-maker. Students will only be found in violation of the student conduct rules when it is more likely than not that a violation occurred. This is called a preponderance of the evidence. Sanctions will be fundamentally proportional to the severity of the violation, the student's willingness to comply with student conduct rules in the future, and the cumulative conduct history of the student.
- (3) Disciplinary Referral. Reports of behaviors and incidents involving students may be referred for evaluation and possible disciplinary action by the University Police, residence hall staff members, faculty, staff, students, and other members of the University and city community. Referrals should be in writing and should be directed to the Assistant Dean for Student Conduct. A hard copy of a written referral may also be dropped off at the Office of Student Conduct. Contact information and email and office addresses can be located on the Office of Student Conduct website.
- (4) Preliminary Review. All disciplinary referrals will undergo a preliminary review. The appropriate University Official will review the referral to determine if the possibility exists that a student conduct rule was violated, if additional information is needed prompting an investigation, if immediate action is warranted, and if there are other University entities that need to be put on notice that the behavior has occurred. If the University Official determines that there is a possibility that a student conduct rules violation has occurred and additional information is not needed, he/she will issue a disciplinary charge(s) against the student or student organization. If the University Official determines that additional information is needed, he/she will conduct an investigation. If immediate action is needed, the University Official will consult with the appropriate University Officials such as, but not limited to, the Office of the University Counsel, to determine the best course of action. If other entities need to be informed of the matter, the University Official will consult with the appropriate University Officials to determine the specific information that will be shared about the behavior or incident.
- (5) Notice of Disciplinary Charges and Disciplinary Conference.
 - (a) A disciplinary charge means an allegation of a potential violation of the student conduct rules. The purpose of a disciplinary conference is to determine whether there is a preponderance of the

evidence to support the charges, and if so, to determine responsibility and appropriate sanctions. When disciplinary charges are issued to a student or student organization, the Student Conduct office will issue a written notice of the alleged violation(s) and the student's rights, and establish a disciplinary conference meeting date and time for the student or student organization, and assigned University Official. During this disciplinary conference, the student or student organization will be reminded which University rule(s) have allegedly been violated, and the student or student organization will be given an opportunity to explain his/her/its version of the behavior or incident, or to otherwise refute the allegations. Students and student organizations must be notified in writing that they are afforded the following rights in the disciplinary conference:

1. The right to know what disciplinary violation(s) they have been charged with;
 2. The right to tell their side of the story, present evidence, and request that fact witnesses be permitted to share information on their behalf;
 3. The right to be accompanied by an advisor of their choosing whose participation is limited to advising the student or student organization. The advisor cannot speak on behalf of the student or student organization or represent the student or student organization. The advisor cannot be a student who has been charged with a violation of the student conduct rules related to the same incident for which the meeting has been called;
 4. The right to receive the decision and their imposed sanctions in writing.
- (b) The University Official will review the incident taking into account all information gathered pertinent to the matter, as well as the information provided by, or on behalf of, the student or student organization. A determination will be made as to whether or not there has been a violation of the student conduct rules and, if so, what the appropriate sanction(s) will be. The University Official may also determine that additional information or follow-up is needed prior to being able to make a determination regarding responsibility for a student conduct rules violation and may delay a decision until such a time that the needed information is acquired. The University Official can also refer the matter to the University Discipline Committee, if the case is particularly complex or the student or student organization would be best served by having a committee review the case.
- (c) If the student or student organization alleged to have engaged in misconduct does not respond after having been provided notice of the disciplinary conference, the University Official will make a determination as to responsibility for the conduct violation based on the information gathered to that point and will impose a sanction as deemed appropriate.
- (6) Hearing Options. The majority of student disciplinary cases are resolved at the Disciplinary Conference level when the student or student organization accepts responsibility for the violation and the recommended sanction(s). However, if this does not occur, the matter may proceed to a hearing. If the recommended sanction is suspension, expulsion or revocation of recognition of the student organization, the student or student organization has two (2) choices regarding resolution of the disciplinary case. The first choice is to request a hearing before the University Discipline Committee. The second choice is to request a hearing pursuant to the Uniform Administrative Procedures Act (UAPA). The University Official will explain the two (2) choices, and the student or student organization will indicate his/her/its selection in writing. Once the selection is made, the student or student organization cannot elect another option or revert back to the original decision rendered by the University Official. In addition, the Office of Student Conduct can refer a matter to a hearing when the case is unusually complex and/or problematic.
- (a) Student Judicial Board (SJB) and University Discipline Committee (UDC) hearings.
1. The SJB and UDC will hear student disciplinary cases when requested by a student or student organization, or when referred by the Office of Student Conduct. The SJB and UDC makes its recommendation(s) to the Dean of Students or Vice President for Student Affairs, respectively. The Dean of Students and Vice President can uphold the recommendation(s), reverse the recommendation(s), or send the recommendation(s) back to the SJB or UDC for reconsideration of the sanctions only.

Deleted: The University Official will explain the sanctions and options for case resolution.

2. The Office of Student Conduct has the responsibility for scheduling SJB and UDC hearings, including the selection of date, time, and location as well as providing information to the student or student organization about the hearing format and process. The student or student organization will be notified of the hearing schedule a minimum of four (4) business days in advance of the actual hearing date. These hearings are closed to the public unless all parties agree, in writing, to an open hearing.

3. Students and student organizations are afforded the rights guaranteed in the Disciplinary Conference ([see Rule 0240-07-03-.08 \(5\)\(a\)](#)) as well as the following additional rights, which shall be provided in writing:

(i) The right to receive notice of the date, time, and place of the hearing at least four (4) business days in advance of the hearing;

(ii) The right to receive a list of the witnesses the University expects to present at the proceeding and those the University may present if the need arises;

(iii) The right to request a copy of the University's investigative file, redacted in accordance with the Family Educational Rights and Privacy Act of 1974, (20 U.S.C. § 1232(g), and the federal regulations implementing that statute, as amended;

(iv) The right to request copies of all documents, copies of all electronically stored information, and access to tangible evidence 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;

(v) The right to be accompanied by more than one (1) advisor at the discretion of the adjudicating body and the Office of Student Conduct. The advisor(s) cannot be another student who has been charged with a violation of the student conduct rules related to the same incident as the student. The student may choose to be advised by legal counsel; however, legal counsel's participation shall be limited to directly advising the student. Legal counsel cannot engage in direct or cross-examination, make opening or closing statements, or engage in argument;

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(vi) The right to call witnesses on his/her/its behalf. It is the student or student organization's responsibility to contact his/her/its witnesses and inform them of the hearing unless the witness is also a University witness. University witnesses are contacted by the Office of Student Conduct;

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(vii) The right to question witnesses;

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(viii) The right to be informed of an appeal option, if applicable.

(b) Uniform Administrative Procedures Act.

1. All cases which may result in: (a) suspension or expulsion of a student from the University for disciplinary reasons; or, (b) revocation of the registration of a student organization, are subject to the contested case provisions of the Uniform Administrative Procedures Act (UAPA), T.C.A. § 4-5-301, et. seq., and shall be processed in accordance with the Uniform Contested Case procedures unless the student or student organization waives those procedures and chooses to have the case disposed of administratively in a disciplinary conference or by going before the University Discipline Committee. If the student/student organization wishes to pursue the case administratively or through the UDC, he/she/it must waive the right to a UAPA hearing in writing. Prior to making this decision, the University Official assigned to the matter will explain the differences between the hearing options and will provide to the student/student organization a document setting out the student/student organization's rights as are found in Rule 0240-07-03-.08 (E)(F).

2. In all cases involving a hearing under the UAPA contested case provisions, the President or designee shall determine, based upon the nature of the case, whether the hearing shall be before an administrative judge or a hearing officer alone or a Hearing Committee presided over by an administrative judge or a hearing officer. The President is responsible for appointing an

administrative judge, a hearing officer and/or hearing committee at the request of the Office of Student Conduct. The Office of Student Conduct has the responsibility for working with the Office of the University Counsel to schedule UAPA hearings including the selection of date, time, and location as well as assisting in the scheduling of any necessary preliminary meetings.

3. The case will proceed pursuant to University policy and the UAPA.

(7) Separation of Functions

(a) A person who has served as an investigator, University Official or advocate in a student disciplinary matter may not serve as an administrative judge or hearing officer, or assist or advise an administrative judge or hearing officer in the same proceeding.

(b) A person who is subject to the supervision, direction or discretion of one who has served as an investigator, University Official or advocate in a student disciplinary matter may not serve as an administrative judge or hearing officer or assist, or advise an administrative judge or hearing officer in the same proceeding.

(c) A person may serve as an administrative judge or hearing officer at successive stages of the same disciplinary matter, unless a party demonstrates grounds for disqualifications in accordance with T.C.A. § 4-5-302.

(d) A University Official may serve on the hearing committee, or as an administrative judge or hearing officer in the UAPA hearing where authorized by law and not subject to disqualification or other cause provided in T.C.A. Title 4, Chapter 5.

(e) Nothing in this Rule prohibits an attorney for the University from providing legal advice to multiple University employees who serve in different roles in the process of disciplining a student.

(8) Interim Involuntary Withdrawal or Suspension Hearings.

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(a) Hearings conducted with regard to interim involuntary withdrawals or suspensions imposed prior to or pending the outcome of a disciplinary investigation or proceeding shall be conducted consistent with the minimum requirements of due process applicable to a UDC hearing, taking into account the need for a timely hearing. The evidence presented at the hearing shall be limited to that which is relevant to the basis asserted for imposition of the interim involuntary withdrawal or suspension. The following special conditions apply to involuntary withdrawal/suspension hearings:

1. The University shall conduct an assessment to consider the nature, duration, severity, and probability of the threat posed and/or disruption caused by the student or student organization, relying on the best available objective evidence and, if applicable and obtainable, the most current medical evidence;
2. Failure of the student or representative of a student organization to appear for or cooperate with a mandated assessment will result in an involuntary withdrawal without further process;
3. The University shall also determine whether reasonable modifications of its policies, practices, or procedures could sufficiently mitigate the identified risk;
4. Absent exigent circumstances creating an imminent risk of harm, the University will make the decision to involuntarily withdraw or suspend based on the threat the student or student organization poses to others;

(b) If exigent circumstances warrant the immediate removal of a student or student organization from the University, the student or student organization will receive, at a minimum, notice and an initial opportunity to present evidence immediately after being placed on the interim involuntary withdrawal or suspension, and the opportunity to initiate full due process within thirty (30) days of the removal.

(9) Appeals

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- (a) Eligibility. A student who has been suspended or expelled from the University, or a student organization whose recognition has been revoked as the result of disciplinary action has the right to file an appeal. Students or student organizations subject to disciplinary action that does not include suspension or expulsion from the University, or revocation of recognition of the student organization do not have an appeals option.
- (b) It is the responsibility of the adjudicating body to inform the student or student organization of the right to appeal and to whom the appeal should be presented. It is not the function of the appeals process to permit a rehearing of the factual issues presented to the adjudicating body, but rather to ensure that the disciplinary procedure has been implemented fairly and consistently with these rules.
- (c) For UAPA decisions, the appeal procedures are set forth in University policy and the UAPA.
- (d) UDC decisions.
 - 1. Time Limitations. An appeal must be submitted in writing and received by the Dean of Students within forty-eight (48) hours of the date on which notice was sent to the student or student organization as provided at 0240-07-03-.02(4) of this rule that the approving authority has affirmed the suspension or expulsion.
 - 2. Grounds for Appeal. The appeal must specify grounds which would justify consideration. The written appeal must contain the substantive proof on which the student or student organization is basing the appeal. Appeals that do not include the specific information that substantiates the appeal will be immediately denied. General dissatisfaction with the outcome of the decision shall not be accorded as a basis for consideration of an appeal. An appeal may be filed based on one (1) or both of the following conditions:
 - (i) an error in procedural due process by the adjudicating body which prejudiced the disciplined student or student organization to the extent that a fundamentally fair hearing was denied as a result of the error;
 - (ii) the emergence of new evidence which could not have been previously discovered by the exercise of due diligence and which, had it been presented at the initial hearing, would have substantially affected the original decision of the adjudicating body.
 - 3. The Dean of Students will review the written appeal to determine if the appellant has met the requirements for filing an appeal. Appeals which do not allege sufficient grounds shall be denied consideration and dismissed. Appeals which do allege sufficient grounds will be accepted for consideration and forwarded to the appellate body. The appellate body shall not conduct a re-hearing, but will consider only the record made by the adjudicating body. The appellate body may, at its own discretion, permit written or oral statements from the concerned parties in interest at the time the appeal is considered. The alternatives available to the appellate body are affirmation of the recommended sanction, reversal of the decision, and return to the original adjudicating body for reconsideration of sanctions only.

(10) Effect of Noncooperation. A student who fails to respond to a notice of disciplinary charges and disciplinary conference within the time frame specified will have a hold placed on his/her records. The hold will be removed at such time as the sanction imposed has been completed and the matter closed. In the event a student or student organization fails to cooperate, ignores, or otherwise does not respond after a reasonable amount of time to a notice of a Disciplinary Conference, he/she/it will be deemed to have waived the opportunity for a hearing. Decisions concerning responsibility and the imposition of sanctions may be made in the student's absence.

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(11) Retention of Records. Disciplinary records are maintained by the Office of Student Conduct. A permanent disciplinary file will be maintained if a student is suspended or expelled from the University. Files developed in cases in which a lesser sanction has been imposed will be retained for a period of five (5) years after date of action unless sanctions specify that they should be retained for a longer period. Files developed in cases that are covered under the Clery Act will be retained for a period of seven (7) years after the date of action per federal requirements. Files developed in cases where a student is found

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not responsible for student conduct rules violations will be maintained for statistical purposes; however, the record will not be reportable as an official disciplinary record in that student's name.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A); T.C.A. § 4-5-301, et. seq.

0240-07-03-.09 Alternative Resolution of Disciplinary Incidents is added to Chapter 0240-07-03 Student Conduct and shall read as follows:

0240-07-03-.09 Alternative Resolution of Disciplinary Incidents.

- (1) Mediation. Students involved in conflict(s) with another individual(s) may elect to have the conflict(s) mediated with the assistance of a third party mediator assigned by the appropriate University Official. The Office of Student Conduct must agree that mediation is an appropriate resolution to the presenting disciplinary incident. The following conditions must be accepted by the parties:
 - (a) All parties involved must willingly agree to the mediation process;
 - (b) The resolution that results from the mediation process will be written, signed by all parties, and will bind the parties to the agreed terms until such terms are completed or an alternative agreement is developed by the parties;
 - (c) The agreement reached through mediation is not subject to any appeals process;
 - (d) If the agreement is not upheld, the parties may be referred back to the Office of Student Conduct for appropriate disciplinary action to be taken;
 - (e) If no form of resolution can be determined by mutual consent, the matter will be referred to the appropriate student conduct body.
- (2) Informal Agreement. There may be times when it is appropriate for a student to come to an informal agreement with the University regarding his/her behavior and attempts to correct the behavior. The Office of Student Conduct will make these determinations on a case by case basis. An informal agreement can only be initiated by the Student Conduct Coordinator, Assistant Dean for Student Conduct, and/or the Dean of Students.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).

0240-07-03-.10 Victim's Rights is added to Chapter 0240-07-03 Student Conduct and shall read as follows:

0240-07-03-.10 Victim's Rights.

- (1) Generally, a victim's input shall be sought during the disciplinary process; however, the right and responsibility for disposition of any individual complaint is reserved by the University. If a victim withdraws his/her/its complaint or refuses to offer testimony during the course of a disciplinary proceeding, the University reserves the right to proceed without his/her/its input.
- (2) Victims of sexual misconduct, sexual harassment, dating violence, domestic violence, and stalking are guaranteed specific rights within University policies. These victims are afforded the following rights:
 - (a) The victim shall be advised in writing of the date, time, and place of the hearing at least five (5) business days in advance of the hearing;
 - (b) The victim shall be given the opportunity to meet with the appropriate University Official to discuss the disciplinary process;
 - (c) The victim shall be given an opportunity to submit a written account of the alleged incident;
 - (d) The victim shall have the right to be accompanied at all stages of the disciplinary process by an advisor whose participation shall be limited to advising the victim. The advisor cannot be a student who has been charged with a violation of the student conduct rules related to the same incident as

the victim or a student who has an open complaint against the victim. The victim may also be accompanied by legal counsel; however, counsel's participation shall be limited to directly advising the victim, i.e., legal counsel may not conduct direct or cross-examination, make opening or closing statements, or engage in argument. The victim may be accompanied by more than one (1) advisor at the discretion of the adjudicating officer or body. The intent of the victim to be accompanied by an advisor shall be indicated in writing to the student conduct coordinator at least five (5) days prior to the disciplinary hearing;

- (e) The victim shall be afforded an opportunity to testify as a witness during a disciplinary hearing;
- (f) The victim may reserve the right to decline to testify during a disciplinary hearing with the knowledge that such action could result in dismissal of allegations of University rules violations for lack of evidence;
- (g) The victim shall be allowed to submit a written victim impact statement to the adjudicating body for their consideration during the sanction phase of the disciplinary process.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).

0240-07-03-.11 Authority of the President is added to Chapter 0240-07-03 Student Conduct and shall read as follows:

0240-07-03-.11 Authority of the President. The President of the University retains final authority on all University matters, including disciplinary decisions. Therefore, any disciplinary action is subject to final review by the President. At his/her discretion, the President may determine 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.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).

* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Andy Adams					
J.B. Baker					
Pete DeLay					
Darrell Freeman, Sr.					
Joey Jacobs					
Christine Karbowiak					
Stephen B. Smith					
Pamela Wright					
Tony Johnston					

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Board on 3/27/2018, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of ninety (90) days of the filing of the proposed rule with the Secretary of State.

Date: _____

Signature: _____

Name of Officer: Heidi Zimmerman

Title of Officer: University Counsel

Subscribed and sworn to before me on: _____

Notary Public Signature: _____

My commission expires on: _____

Agency/Board/Commission: Middle Tennessee State University

Rule Chapter Number(s): Chapter 0240-07-03 Student Conduct

All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Herbert H. Slatery III
Attorney General and Reporter

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective on: _____

Tre Hargett
Secretary of State

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

The rule is not anticipated to have an impact on small businesses.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

This rule is not anticipated to have an impact on local government.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A)** A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

In 2016, Middle Tennessee State University (MTSU) initiated a comprehensive review of the Student Conduct policy. This review was initiated due to the separation of MTSU from the Tennessee Board of Regents system. MTSU is in the process of establishing rules for necessary key areas.

This rule describes the expectations for student conduct and the disciplinary sanctions that MTSU may impose through the disciplinary procedures outlined in this rule.

- (B)** A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

T.C.A. 4-5-102(12)(E)(ii)-the definition of "rule" under the UAPA includes agency statements that relate to discipline of students.

- (C)** Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Students of MTSU are most directly affected by this rule. A policy that mirrors the proposed rule was reviewed and approved by the FOCUS Act Transition Team. The Transition Team included student, staff, and faculty representatives. The faculty, staff and students of MTSU urge adoption of these rules.

- (D)** Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

None

- (E)** An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

None

- (F)** Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Heidi Zimmerman, MTSU University Counsel and Sarah Sudak, MTSU Dean of Students

- (G)** Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Heidi Zimmerman, MTSU University Counsel and Sarah Sudak, MTSU Dean of Students

- (H)** Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

SS-7038 (June 2016)

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RDA 1693

Heidi Zimmerman, MTSU University Counsel
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(I) Any additional information relevant to the rule proposed for continuation that the committee requests.



540 Student Conduct

Approved by Board of Trustees

Effective Date: _____, 2018

Responsible Division: Student Affairs

Responsible Office: Dean of Students' Office

Responsible Officer: Dean of Students

I. Purpose

- A. Middle Tennessee State University (MTSU or University) is committed to fostering a campus environment that is devoted to learning, growth, and service. We accept and practice the core values of honesty and integrity, respect for diversity, positive engagement in the community, and commitment to non-violence. The Office of Student Conduct was created to uphold these values, educate the community about behavioral expectations, and hold members of the student community accountable to these rules and expectations.
- B. Student members of the university community are expected to uphold and abide by standards of conduct that form the basis of our Student Conduct Rules. Each member of the University community bears responsibility for their conduct. When community members fail to exemplify and uphold these standards of conduct, student conduct procedures are used to assert and uphold these standards.
- C. The student conduct process at MTSU exists to protect the interests of the University community and the individual student while striking a balance between these two interests. Students and student organizations that do not act in accordance with MTSU rules and expectations will be challenged and may be sanctioned accordingly. Sanctions are designed to assist students and student organizations in achieving acceptable standards of behavior while providing tools and resources for life-long learning and conflict resolution.
- D. The University is committed to respecting students' constitutional rights. This policy shall be interpreted in a way that does not violate students' constitutional rights including, without limitation, the rights protected by the First Amendment to the United States Constitution.

II. Definitions

- A. Student. For the purposes of this policy, a student shall mean any person who is admitted and/or registered for study at MTSU for any academic period, either full-time or part-time, undergraduate, graduate, or professional studies. 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 University. Finally, a 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 this policy. In summary, the University considers a person a student when an offer of admission has been extended and thereafter as long as the student has a continuing educational interest in the University.
- B. Student organization. For the purposes of this policy, a student organization is a group consisting primarily of currently enrolled students which has become officially recognized by the University following successful completion of the registration process.
- C. University Official(s). For the purposes of this policy, a University Official is an administrator within the Office of Student Conduct, specifically, the Assistant Dean for Student Conduct and/or the Student Conduct Coordinator.
- D. Notice. For the purposes of this policy, a notice is a written communication sent to a student or student organization as directed by this policy. A notice provided to a student will be sent via the student's official MTSU email account as well as a hard copy letter sent via first class USPS mail to the student's local address as indicated in the student information system. A notice sent to a student organization will be sent to the organization's president at that student's MTSU email address and his/her local address. Students have the responsibility to regularly check their University-issued email accounts and to ensure that the local address on file with MTSU is current. The requirement to provide notice will be satisfied when sent as indicated and any period for response will begin on the date the email and/or letter is sent, whichever is sent first.

III. Responsibility and Jurisdiction

- A. The President of MTSU is authorized to take such action as may be necessary to maintain campus conditions and to preserve the integrity of the University and its educational environment. The President has determined that the responsibility for the administration of student conduct at MTSU is a function of the Dean of Students' office and/or the appropriate adjudicating body. The Dean of Students' designees are University Officials as defined above. The University Officials are authorized to make the determination and/or recommendation of the method of hearing for each complaint or allegation and to provide other opportunities for conflict resolution outside of the

conduct process consistent with this policy. The University Officials shall implement policies and procedures for the administration of the student conduct program.

- B. Matters concerning academic misconduct are the responsibility of the Office of the University Provost and/or the University Academic Misconduct Committee. This process is set out in detail in [Policy 312 Academic Misconduct](#).
- C. Students and student organizations are responsible for compliance with University rules and policies at all times. 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.
- D. Disciplinary action may be taken against a student or student organization for violations of this policy which occur on University owned, leased, or otherwise controlled property, while participating in international or distance learning programs, and off campus, when the conduct impairs, interferes with, or obstructs any University activity or the mission, processes, and functions of the University. MTSU may also take disciplinary action for any off-campus behavior that affects a substantial University interest. A substantial University interest is defined to include:
 1. Any situation where a student's conduct may present a danger or threat to the health or safety of others;
 2. Any situation that significantly impinges upon the rights, property, or achievements of others;
 3. Any situation that is detrimental to the educational mission and/or interests of the University.
- E. MTSU may enforce its policy regardless of the status or outcome of any external proceedings instituted in any other forum, including any civil or criminal proceeding. Should a student withdraw from the University with University disciplinary action pending, the student's record may be encumbered by the appropriate University office until the proceedings have been concluded. The University may take action even if a student is absent from the proceeding.
- F. 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 "education records" and are confidential within the meaning of those Acts.

IV. Student Conduct Rules: Values and Behavioral Expectations

MTSU has adopted the following Community Standards of conduct. Each person who joins or affiliates with the University community does so freely and is expected to abide by these Community Standards. Following each Community Standard is a non-exclusive list of prohibited behaviors for which both students and student organizations may be subject to disciplinary action if such prohibited behavior is engaged in. These prohibited behaviors are considered inappropriate and in opposition to the community standards and expectations set forth by MTSU.

- A. Community Standard: MTSU is committed to developing and nurturing a community devoted to learning, growth, and service. Behavior by students or student organizations including, but not limited to, the following, may be considered as being in violation of this Community Standard.

1. Alcoholic Beverages.

- a. The use and/or possession of alcoholic beverages on University owned or controlled property. This offense includes the violation of any local ordinance, state, or federal law concerning alcoholic beverages, on or off University owned or controlled property, where an affiliated group or organization has alcoholic beverages present and available for consumption. It will not be considered a violation of this policy if a student of legal drinking age possesses or consumes alcohol purchased from a third-party vendor during approved events taking place at a sports authority facility so long as the beverage is consumed within the sports authority facility. It will also not be considered a violation of this policy if a student of legal drinking age possesses or consumes alcohol provided at an event approved by the President to serve alcoholic beverages so long as the beverage is consumed within the confines of the designated area of the event. See Policy 755 Alcoholic Beverages.
- b. A student who is under the influence of alcohol should not be reluctant to seek assistance in the event of a health or safety emergency for fear of being sanctioned. The Office of Student Conduct will generally not pursue disciplinary action against a student (or against a witness) for his/her improper use of alcohol (e.g., underage drinking) under that circumstance. This practice only applies to amnesty from violations of this policy. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.

2. Drugs.

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

- (1) the violation of any local ordinance, state, or federal law concerning the unlawful possession or use of drugs, on or off University owned or controlled property;
 - (2) abusing legally obtained drugs by failing to take the drug as prescribed/directed and/or providing the prescribed drug to another person;
 - (3) using a prescription drug that has not been prescribed to the individual.
- b. Any reasonable suspicion of drug use or possession including, but not limited to, the odor of burnt or raw marijuana, physical characteristics of impairment, and/or possession of any paraphernalia that can be used for drug consumption may lead to an investigation and possible violation of this policy.
 - c. A student who is under the influence of drugs should not be reluctant to seek assistance in the event of a health or safety emergency for fear of being sanctioned. The Office of Student Conduct will generally not pursue disciplinary action against a student (or against a witness) for his/her improper possession or use of drugs under that circumstance. This practice only applies to amnesty from violations of this policy. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.
3. 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, but is not limited to, the violation of any local ordinance, state, or federal law concerning the unlawful possession of drug paraphernalia, on or off University owned or controlled property.
 4. Public Intoxication.
 - a. Appearing on University owned or controlled property or at a University sponsored event while under the influence of a controlled substance or of any other intoxicating substance to the degree that the individual may be endangered; there is endangerment to other persons or property; or, the individual unreasonably annoys people in the vicinity.
 - b. A student who is under the influence of alcohol or drugs should not be reluctant to seek assistance in the event of a health or safety emergency for fear of being sanctioned. The Office of Student Conduct will generally not pursue disciplinary action against a student (or against a witness) for his/her improper use of alcohol (e.g., underage drinking) under that circumstance. This practice only applies to amnesty from violations of this policy. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.

5. Explosives, Fireworks, and Flammable Materials. The unauthorized possession, ignition, or detonation of any object or article which could cause damage by fire or other means to persons or property, or possession of any substance which could be considered to be, and used as, fireworks.
6. Violation of General Policies. Any violation of the general policies or procedures of the University as published in an official University publication or posted on an official University web page or social media page. These policies include, but are not limited to, the following:

[Policy 100 Use of Campus Property and Facilities Scheduling](#)

[Policy 312 Academic Misconduct](#)

[Policy 541 Residential Life and Housing Rules](#)

[Policy 750 Tobacco-Free Campus](#)

[Policy 775 Traffic, Parking, and Safety Enforcement](#)

[Policy 910 Information Technology Resources](#)

7. Violation of State or Federal Laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference.
8. Disorderly Conduct. Any behavior that unreasonably disrupts the academic environment (e.g., including, but not limited to, that which interferes with teaching, classroom operations, research, etc.) or unreasonably interferes with operations, events or programs on University owned or controlled property, or during a University event. This includes, but is not limited to, unauthorized use of sirens, loudspeakers, and other sound amplification equipment.
9. 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 or University property, fire alarms, fire equipment, elevators, telephones, University keys, library materials, and/or safety devices.
10. Obstruction of or Interference with University Activities or Facilities. Any intentional interference with or obstruction of any University program, event, or facility including, but not limited to, the following:
 - a. Any unauthorized occupancy of facilities owned or controlled by the University or blockage of access to or from such facilities;
 - b. Interference with the right of any University member or other authorized person to gain access to any activity, program, event, or facilities sponsored or controlled by the University;

- c. Any obstruction or delay of a campus security officer, public safety officer, police officer, firefighter, EMT, or any official of the University, or failure to comply with any emergency directive issued by such person in the performance of his/her duty;
 - d. Participation in, or inciting others to participate in, activities that substantially impede University operations;
 - e. Interference of either: (1) the instructor's ability to conduct class; or (2) the ability of other students to participate in and profit from instructional activity; or,
 - f. Obstruction of the free flow of pedestrian or vehicular traffic on University owned or controlled property, or at a University event.
11. Unacceptable Conduct in Disciplinary Proceedings. Any conduct at any stage of a University disciplinary process or investigation that is contemptuous, disrespectful, threatening, or disorderly. This includes, but is not limited to, false complaints, retaliation, providing false 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.
12. Unauthorized Access to University Facilities and/or Grounds. Any unauthorized access and/or occupancy of University 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, or being present in academic buildings after hours without permission.
13. Pornography or Obscenity. Public display on property owned, leased, or controlled by the University of literature, films, pictures, or other materials which an average person applying contemporary community standards would find taken as a whole, appeals to the prurient interest; depicts or describes sexual conduct in a patently offensive way; and, taken as a whole, lacks serious literary, artistic, political, or scientific value.
14. Student Identification Cards. Failure to possess at all times a valid student identification card or an alternate ID that will prove student status; or, failure to surrender ID card to a University official upon proper request.
15. Gambling. Unlawful gambling in any form.
16. 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 University.
17. Litter. Dispersing litter in any form onto the grounds or facilities of the University.
 18. Sirens and Loudspeakers. Unauthorized use of sirens, loudspeakers, and other sound amplification equipment.
 19. Graffiti. Damage or defacement of MTSU property by painting, chalking, writing, stenciling, or by any other means of application on such property.
- B. Community Standard: Honesty and Integrity. The notions of personal and academic honesty and integrity are central to the existence of the MTSU community. All members of the community will strive to achieve and maintain the highest standards of academic achievement in the classroom, and personal and social responsibility on and off campus. Behavior by students or student organizations including, but not limited to, the following, may be considered as being in violation of this Community Standard.
1. Theft, Misappropriation, or Unauthorized Sale of Property. Any act of theft, misappropriation, or unauthorized possession or sale of University property, or any such act against a member of the University community or a guest of the University, including identity theft.
 2. Failure to Cooperate with University Officials. Failure to comply with directions or directives of University officials acting in the performance of their duties.
 3. Providing False Information. Giving any false information to, or withholding necessary information from, any University official acting in the performance of his/her duties in connection with a student's admission, enrollment, or status in the University.
 4. Misuse of Documents or Identification Cards. Any forgery, alteration of, or unauthorized use of University documents, forms, records, or identification cards including, but not limited to, the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment, or status in the University.
 5. Financial Irresponsibility. Failure to meet financial responsibilities to the University promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the University.

6. Violation of Imposed Disciplinary Sanctions. Intentional or unintentional violation of a disciplinary sanction officially imposed by a University official or a constituted body of the University.
 7. 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 restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means.
 8. Unauthorized Duplication or Possession of Keys. Making, causing to be made, or the possession of any key for a University facility without proper authorization.
 9. Fire Drills. Failure to evacuate University facilities or willfully disregarding any emergency or fire alarm signal.
- C. Community Standard: Respect for Diversity. The MTSU community is composed of individuals representing different races, ethnicities, sexual orientations, cultures, and ways of thinking. We respect individual differences and perspectives and acknowledge our commonalities. Behavior by students or student organizations including, but not limited to, the following may be considered as being in violation of this Community Standard.
1. Harassment or Retaliation. Any act against another person or group in violation of MTSU policies, as well as federal and/or state laws prohibiting discrimination or retaliation including, but not limited to, [Policies 25 Equal Opportunity, Affirmative Action, and Nondiscrimination](#), [26 Discrimination and Harassment Based on Protected Categories Other Than Sex](#), and [27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation, and Gender Identity/Expression](#).
 2. Retaliation also includes, in this context, an act intended or reasonably likely to dissuade a person from participating in the student disciplinary process or pursuing a complaint about a violation of MTSU policies, as well as state or federal law.
- D. Community Standard: Commitment to Non-violence. MTSU is committed to the principles of nonviolence and peaceful conflict resolution. Community members will freely express their ideas and resolve differences using reason and persuasion. Behavior by students or student organizations including, but not limited to, the following, may be considered as being in violation of this Community Standard.

1. **Threatening or Dangerous Conduct.** Any conduct, or attempted conduct, which poses a threat to the safety of others or when the behavior is disruptive of the University's learning environment.
2. **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 education institution by an individual 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 which induces or coerces a person(s) to endanger such person(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.
3. **Firearms and Other Dangerous Weapons.** Except as may otherwise be permitted by law, the possession or use of firearms as set forth in [Policy 705 Weapons on Campus](#), explosives, fireworks, inflammables, dangerous chemical mixtures, and/or dangerous weapons of any kind including, but not limited to, knives, tasers, asp batons, tactical or telescoping batons, brass knuckles, whips, BB guns, pellet guns, propelled missiles, and/or stun guns is prohibited. The possession or use of ammunition, which includes, but is not limited to, bullets, paint balls, pellets, and BBs is prohibited. Any possession or use of replica/toy guns including, but not limited to, BB guns or cap guns, pellet guns, paintball guns, water guns, "Super Soakers," toy knives, slingshots, or other items that simulate firearms or dangerous weapons is prohibited.
4. **Sexual Misconduct.**
 - a. Sexual misconduct includes dating violence, domestic violence, stalking and sexual assault. See [Policy 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation and Gender Identity/Expression](#) for more detailed definitions of those terms along with the University process for investigating allegations of sexual misconduct. Also note that disciplinary matters involving incidents of sexual misconduct will proceed through the process set out in [Policy 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation, and Gender Identity/Expression](#) rather than the process specified in Section VIII of this policy.
 - b. A student who is a victim of sexual misconduct and who was under the influence of alcohol or drugs during the sexual misconduct incident should not be reluctant to seek assistance for fear of being sanctioned for his/her improper use of alcohol or drugs. The Office of Student Conduct will generally not pursue disciplinary action against the victim (or against a witness) for his/her improper use of alcohol or drugs (e.g., underage drinking) if the victim or witness is making a good faith report of sexual misconduct. Amnesty for improper use of alcohol or

drugs will not be accorded to a student charged with sexual misconduct. This practice only applies to amnesty from violations of this policy. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.

V. Classroom Misconduct

- A. The instructor has the primary responsibility for maintenance of academic integrity and controlling classroom behavior, and can order the temporary removal or exclusion from the classroom of any student engaged in disorderly conduct as defined in this policy, or conduct that violates the general policies of the University for each class session during which the conduct occurs. Extended or permanent exclusion from the classroom, beyond the session in which the conduct occurred, or further disciplinary action can be effected only through appropriate procedures of the University. If an instructor wishes to remove a student from the classroom for a longer period of time or permanently, he/she must refer the student to the Office of Student Conduct.
- B. The instructor is expected to outline behavioral expectations for each class at the beginning of the academic term and as needed throughout the semester.

VI. Disciplinary Sanctions

- A. A disciplinary sanction is a consequence for being found in violation of university rules and policies. The following disciplinary sanctions are applicable to both students and student organizations. Upon a determination that a student or student organization has violated these rules or the general policies of the University, disciplinary sanctions may be imposed, either singly or in combination, by the appropriate University official.
- B. Pursuant to T.C.A. § 49-7-146, the University will notify the parent/guardian of students under the age of twenty-one (21) who have been found responsible for alcohol and/or drug-related violations. In addition, the parent/guardian may be contacted in any instance in which the safety of the student has been threatened either through the student's own behavior or the behavior of others.
- C. Definition of Sanctions:
 1. Restitution. Restitution may be required in situations which involve destruction, damage, loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or student organization is obligated 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, labor, or financial loss.

2. Reprimand. A written or verbal reprimand or notice may be given to any student or student organization whose conduct violates any part of this policy and provides notice that any further violation(s) may result in more serious consequences.
3. Service to the University or Local Community. A student or student organization may be required to donate a specified number of service hours to the University or the local community. All community service hours must be approved by the Office of Student Conduct prior to a student or student organization beginning the service.
4. 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.
5. 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 violation.
6. Fines. Penalties in the form of monetary fines may be imposed against a student or student organization whenever the appropriate University 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 being taken.
7. Restriction. A restriction upon a student's or student organization's privileges for a period of time may be imposed. This restriction may include, but not be limited to, denial of the ability to represent the University at any event, ability to participate in University travel, eligibility to hold office in a student organization, use of facilities, parking privileges, participation in extracurricular activities, and/or restriction of organizational privileges.
8. Probation. Official notice that the continued enrollment of a student or recognition of a student organization on probation will be conditioned upon adherence to these policies. Any student or student organization placed on probation will be notified in writing of the terms and conditions of the probation. Any conduct in further violation of these policies while on probationary status or the failure to comply with the terms and conditions of the probation may result in the imposition of more severe disciplinary sanctions, specifically suspension or expulsion.
9. Housing Probation. Continued residence in campus or student housing may be conditioned upon adherence to this policy as well as University housing policies. Any student placed on housing probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon the activities of the student, including any other appropriate special condition(s). If a student incurs

additional violations during the probationary period, the student may become a candidate for housing suspension.

10. Involuntary Housing Reassignment. A student may be involuntarily moved to another housing assignment if necessary.
11. Housing Suspension and Forfeiture. Removal from University housing for a specified period of time or permanently. A student suspended from housing may not reside, visit, or make any use whatsoever of a University housing facility or participate in any University housing activity during the period for which the sanction is in effect. A suspended student shall be required to forfeit housing fees (including any unused portion thereof and the Housing Pre-Payment). A suspended student must vacate the housing unit as directed by University staff. This sanction may be enforced with a University Police trespass restriction, if necessary.
12. Suspension. Separation of a student or a student organization from the University for a specified period of time. This includes all instructional delivery methods (including, but not limited to, on ground, on-line, distance education, etc.). Suspension may be accompanied by special conditions for readmission or recognition. Any student or student organization receiving a sanction of suspension shall be restricted from the campus of MTSU during the period of separation unless on official business with the University verified in writing by the Dean of Students' office. A suspended student must submit a written request to be on campus to the Dean of Students a minimum of forty-eight (48) hours in advance of the scheduled time of his/her business on campus. The request must specify the specific reason the student seeks to be on campus and the location that the student wishes to visit. The Dean of Students will issue a written decision regarding the request to be on campus, and the student is expected to carry that written decision with him/her during the time of the visit, if the request is approved. Students who have been suspended are not permitted to live or board in University facilities or housing unless otherwise approved or provided by the University. This sanction will be enforced with a University Police trespass restriction, if necessary.
13. Expulsion. Permanent separation from the University. The imposition of this sanction is a permanent bar to the student's admission, or a student organization's recognition by the University. A student or student organization that has been permanently expelled may not enter University property or facilities without obtaining prior approval from the Dean of Students. Any student receiving a sanction of expulsion shall be restricted from the campus of MTSU unless on official business with the University verified in writing by the Dean of Students. An expelled student must submit a written request to be on campus to the Dean of Students' office a minimum of forty-eight (48) hours in advance of the scheduled time of his/her business on campus. The request must specify the specific reason the student seeks to be on campus and the location that the student wishes to visit. The

- Dean of Students will issue a written decision regarding the request to be on campus, and the student is expected to carry that written decision with him/her during the time of the visit, if the request is approved. Students who have been expelled are not permitted to live or board in University facilities or housing unless otherwise approved or provided by the University. This sanction will be enforced with a University Police trespass restriction, if necessary.
14. Revocation of Admission, Degree, or Credential. Under circumstances deemed appropriate, an offer of admission, a degree or a credential awarded may be revoked or rescinded.
 15. Other Sanctions. Additional or alternate sanctions may be created and designed as deemed appropriate to the offense and the student's or student organization's need for education, growth, and reform.
 16. Interim Involuntary Withdrawal or Suspension. As a general rule, the status of a student or student organization accused of violation of these policies should not be altered until a final determination has been made in regard to the charges. However, interim involuntary withdrawal or suspension, pending the completion of disciplinary procedures, may be imposed upon a finding by the appropriate University Official that the conduct or attempted conduct of the student or student organization poses a direct threat to the safety of any other member of the University, its guests, or property; or, if the behavior is materially and substantially disruptive of the University's learning environment or other campus activities. Violation of an interim or final "No Contact Directive" or other restriction issued in conjunction with an investigation conducted pursuant to [Policy 27 Misconduct, Discrimination, and Harassment Based on Sex, Including Pregnancy, Sexual Orientation, and Gender Identity/Expression](#) may result in temporary discipline up to and including an interim involuntary withdrawal or suspension being imposed on the violating student. In any case of interim involuntary withdrawal or 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 interim involuntary withdrawal or suspension in an interim involuntary withdrawal/suspension hearing. During an interim involuntary withdrawal or suspension, the student or student organization shall be denied access to residence halls, campus (including all classes), and/or all other University activities or privileges for which the student or student organization might otherwise be eligible, as the Dean of Students or designee may determine to be appropriate. A preliminary hearing will be held by a designee of the Dean of Students in consultation with appropriate University officials and the Vice President for Student Affairs, within four (4) working days of the interim involuntary withdrawal or suspension to determine if the interim involuntary withdrawal or suspension should continue until a formal hearing of the charges by a University adjudicating body can be held. During this preliminary hearing, the student or student organization will be given

notice of the allegations supporting the imposition of interim involuntary withdrawal or suspension against him/her and a summary of the evidence that supports the allegations. The student or student organization will be afforded an opportunity to respond to the allegations. If the interim involuntary withdrawal or suspension is upheld, the formal hearing concerning withdrawal, suspension, or expulsion shall be held as soon as practical. Conditions may be placed on a student or a student organization for his/her/its return to the University. The student or student organization may be required to provide documentation that he/she/it has taken steps to mitigate the previous behavior (e.g., including, but not limited to, having followed a treatment plan, submitted periodic reports, granted permission for the University to talk to the treating professional).

17. **Temporary Student Organization Cease and Desist.** A temporary organizational cease and desist is instituted when the University has received information indicating that the continued activity of the student organization could (1) potentially put students or the community at risk; (2) cause irreparable harm to the University or student organization; (3) influence the integrity of an investigation; and/or (4) increase the student organization's or University's fault or liability. A temporary student organization cease and desist can be issued by the University alone or in conjunction with a national/regional organization cease and desist. The Office of Student Conduct will notify the parent office (i.e. Student Organizations and Service and/or Fraternity and Sorority Life) and the designated student representative that the student organization has been temporarily restricted from conducting business. During the time of the temporary cease and desist, the student organization will be prohibited from conducting organizational business including, but not limited to, organizational meetings, social activities, philanthropic activities, and representation of the University. The cease and desist duration will be determined on a case by case basis.

VII. Student Conduct Hearing Officers and/or Boards

Violations under this policy may be heard by the following administrative judge, hearing officers and/or boards:

- A. The University Official shall conduct all preliminary reviews and disciplinary conferences. These staff members will also conduct investigations as necessary.
- B. The Student Judicial Board shall consist of nine (9) students. The Board may be convened to hear cases involving alleged violations of University rules committed by students and student organizations. If the student or student organization is found responsible, the Board recommends appropriate disciplinary sanctions to the Dean of Students. This Board may also be convened to hear matters relative to the interpretations of the Student Government Association constitution and any other

policies passed by the Senate, as well as cases regarding student parking citations. Information regarding application, selection procedures, qualifications, and vacancies can be found in the Student Government Association constitution (<http://www.mtsu.edu/sga/documents/constitution.pdf>).

- C. The University Discipline Committee. See [Policy 32 University Committees](#).
- D. The Student Appeals Committee. See [Policy 32 University Committees](#).

VIII. Disciplinary Procedures

- A. Responsibility for Administration. The administration of discipline is a function of the Dean of Students Office and/or the appropriate adjudicating body with the exception of matters concerning academic misconduct which is a function of the Office of the University Provost and/or the Academic Misconduct Committee, set out with specificity in [Policy 312 Academic Misconduct](#). Complaints involving sexual discrimination, sexual harassment, dating violence, domestic violence, or stalking will be investigated pursuant to [Policy 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation, and Gender Identity/Expression](#). If a violation is determined to have occurred, the student or student organization will be subject to the disciplinary process provided in this policy.
- B. Standard of Proof. The standard of proof utilized in all student disciplinary matters is the preponderance of the evidence. Students should be aware that the student conduct process is different from criminal and civil court proceedings. The student conduct process is built on fundamental fairness. Due process, as defined in this policy, includes written notice of the student conduct rules that are in question and an opportunity to be heard by an objective decision-maker. Students will only be found in violation of the student conduct rules when it is more likely than not that a violation occurred. This is called a preponderance of the evidence. Sanctions will be fundamentally proportional to the severity of the violation, the student's willingness to comply with student conduct rules in the future, and the cumulative conduct history of the student.
- C. Disciplinary Referral. Reports of behaviors and incidents involving students may be referred for evaluation and possible disciplinary action by the University Police, residence hall staff members, faculty, staff, students, and other members of the University and city community. Referrals should be in writing and should be directed to the Assistant Dean for Student Conduct. A hard copy of a written referral may also be dropped off at the Office of Student Conduct. Contact information and email and office addresses can be located on the Office of Student Conduct website.
- D. Preliminary Review. All disciplinary referrals will undergo a preliminary review. The appropriate University Official will review the referral to determine if the possibility exists that a student conduct rule was violated, if additional information is needed

prompting an investigation, if immediate action is warranted, and if there are other University entities that need to be put on notice that the behavior has occurred. If the University Official determines that there is a possibility that a student conduct rules violation has occurred and additional information is not needed, he/she will issue a disciplinary charge(s) against the student or student organization. If the University Official determines that additional information is needed, he/she will conduct an investigation. If immediate action is needed, the University Official will consult with the appropriate University Officials such as, but not limited to, the Office of the University Counsel, to determine the best course of action. If other entities need to be informed of the matter, the University Official will consult with the appropriate University officials to determine the specific information that will be shared about the behavior or incident.

E. Notice of Disciplinary Charges and Disciplinary Conference.

1. A disciplinary charge means an allegation of a potential violation of the student conduct rules. The purpose of a disciplinary conference is to determine whether there is a preponderance of the evidence to support the charges, and if so, to determine responsibility and appropriate sanctions. When disciplinary charges are issued to a student or student organization, the Student Conduct office will issue a written notice of the alleged violation(s) and the student's rights, and establish a disciplinary conference meeting date and time for the student or student organization and assigned University Official. During this disciplinary conference, the student or student organization will be reminded which University policy/policies have allegedly been violated, and the student or student organization will be given an opportunity to explain his/her/its version of the behavior or incident, or to otherwise refute the allegations. Students and student organizations must be notified in writing that they are afforded the following rights in the disciplinary conference:
 - a. The right to know what disciplinary violation(s) they have been charged with;
 - b. The right to tell their side of the story, present evidence, and request that fact witnesses be permitted to share information on their behalf;
 - c. The right to be accompanied by an advisor of their choosing whose participation is limited to advising the student or student organization. The advisor cannot speak on behalf of the student or student organization or represent the student or student organization. The advisor cannot be a student who has been charged with a violation of the student conduct rules related to the same incident for which the meeting has been called;
 - d. The right to receive the decision and their imposed sanctions in writing.

2. The University Official will review the incident taking into account all information gathered pertinent to the matter, as well as the information provided by, or on behalf of, the student or student organization. A determination will be made as to whether or not there has been a violation of the student conduct rules and, if so, what the appropriate sanction(s) will be. The University Official may also determine that additional information or follow-up is needed prior to being able to make a determination regarding responsibility for a student conduct rules violation and may delay a decision until such a time that the needed information is acquired. The University Official can also refer the matter to the University Discipline Committee, if the case is particularly complex or the student or student organization would be best served by having a committee review the case.
 3. If the student or student organization alleged to have engaged in misconduct does not respond after having been provided notice of the disciplinary conference, the University Official will make a determination as to responsibility for the conduct violation based on the information gathered to that point and will impose a sanction as deemed appropriate.
- F. Hearing Options. The majority of student disciplinary cases are resolved at the Disciplinary Conference level when the student or student organization accepts responsibility for the violation and the recommended sanction(s). However, if this does not occur, the matter may proceed to a hearing. If the recommended sanction is suspension, expulsion, or revocation of recognition of the student organization, the student or student organization has two (2) choices regarding resolution of the disciplinary case. The first choice is to request a hearing before the University Discipline Committee. The second choice is to request a hearing pursuant to the Uniform Administrative Procedures Act (UAPA). The University Official will explain the two (2) choices, and the student or student organization will indicate his/her/its selection in writing. Once the selection is made, the student or student organization cannot elect another option or revert back to the original decision rendered by the University Official. In addition, the Office of Student Conduct can refer a matter to a hearing when the case is unusually complex and/or problematic.
1. Student Judicial Board (SJB) and University Discipline Committee (UDC) hearings.
 - a. The SJB and UDC will hear student disciplinary cases when requested by a student or student organization, or when referred by the Office of Student Conduct. The SJB and UDC makes its recommendation(s) to the Dean of Students or Vice President for Student Affairs, respectively. The Dean of Students and Vice President can uphold the recommendation(s), reverse the recommendation(s), or send the recommendation(s) back to the SJB or UDC for reconsideration of the sanctions only.

- b. The Office of Student Conduct has the responsibility for scheduling SJB and UDC hearings, including the selection of date, time, and location as well as providing information to the student or student organization about the hearing format and process. The student or student organization will be notified of the hearing schedule a minimum of four (4) business days in advance of the actual hearing date. These hearings are closed to the public unless all parties agree, in writing, to an open hearing.

- c. Students and student organizations are afforded the rights guaranteed in the Disciplinary Conference (see Section VIII.E.1.) as well as the following additional rights, which shall be provided in writing:
 - (1) The right to receive notice of the date, time, and place of the hearing at least four (4) business days in advance of the hearing;
 - (2) The right to receive a list of the witnesses the University expects to present at the proceeding and those the University may present if the need arises;
 - (3) The right to request a copy of the University's investigative file, redacted in accordance with the Family Educational Rights and Privacy Act of 1974, (20 U.S.C. § 1232(g), and the federal regulations implementing that statute, as amended;
 - (4) The right to request copies of all documents, copies of all electronically stored information, and access to tangible evidence 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;
 - (5) The right to be accompanied by more than one (1) advisor at the discretion of the adjudicating body and the Office of Student Conduct. The advisor(s) cannot be another student who has been charged with a violation of the student conduct rules related to the same incident as the student. The student may choose to be advised by legal counsel; however, legal counsel's participation shall be limited to directly advising the student. Legal counsel cannot engage in direct or cross-examination, make opening or closing statements, or engage in argument;
 - (6) The right to call witnesses on his/her/its behalf. It is the student or student organization's responsibility to contact his/her/its witnesses and inform them of the hearing unless the witness is also a University witness. University witnesses are contacted by the Office of Student Conduct;
 - (7) The right to question witnesses;

(8) The right to be informed of an appeal option, if applicable.

2. Uniform Administrative Procedures Act.

- a. All cases which may result in: (a) suspension or expulsion of a student from the University for disciplinary reasons; or, (b) revocation of the registration of a student organization, are subject to the contested case provisions of the Uniform Administrative Procedures Act (UAPA), T.C.A. § 4-5-301, et. seq., and shall be processed in accordance with the Uniform Contested Case procedures unless the student or student organization waives those procedures and chooses to have the case disposed of administratively in a disciplinary conference or by going before the University Discipline Committee. If the student/student organization wishes to pursue the case administratively or through the UDC, he/she/it must waive the right to a UAPA hearing in writing. Prior to making this decision, the University Official assigned to the matter will explain the differences between the hearing options and will provide to the student/student organization a document setting out the student/student organization's rights as are found in Sections VIII.E.1. a. – d. and VIII.F.1.c.(1)-(8).
- b. In all cases involving a hearing under the UAPA contested case provisions, the President or designee shall determine, based upon the nature of the case, whether the hearing shall be before an administrative judge or a hearing officer alone or a Hearing Committee presided over by an administrative judge or a hearing officer. The President is responsible for appointing an administrative judge, a hearing officer and/or hearing committee at the request of the Office of Student Conduct. The Office of Student Conduct has the responsibility for working with the Office of the University Counsel to schedule UAPA hearings including the selection of date, time, and location as well as assisting in the scheduling of any necessary preliminary meetings.
- c. The case will proceed pursuant to University policy and the UAPA.

G. Separation of Functions

1. A person who has served as an investigator, University Official or advocate in a student disciplinary matter may not serve as an administrative judge or hearing officer, or assist or advise an administrative judge or hearing officer in the same proceeding.
2. A person who is subject to the supervision, direction or discretion of one who has served as investigator, University Official or advocate in a student disciplinary matter may not serve as an administrative judge or hearing officer or assist, or advise an administrative judge or hearing officer in the same proceeding.

3. A person may serve as an administrative judge or hearing officer at successive stages of the same disciplinary matter, unless a party demonstrates grounds for disqualifications in accordance with T.C.A. § 4-5-302.
4. A University Official may serve on the hearing committee, or as an administrative judge or hearing officer in the UAPA hearing where authorized by law and not subject to disqualification or other cause provided in T.C.A. Title 4, Chapter 5.
5. Nothing in this Section G. prohibits an attorney for the University from providing legal advice to multiple University employees who serve in different roles in the process of disciplining a student.

H. Interim Involuntary Withdrawal or Suspension Hearings.

1. Hearings conducted with regard to interim involuntary withdrawals or suspensions imposed prior to or pending the outcome of a disciplinary investigation or proceeding shall be conducted consistent with the minimum requirements of due process applicable to a UDC hearing, taking into account the need for a timely hearing. The evidence presented at the hearing shall be limited to that which is relevant to the basis asserted for imposition of the interim involuntary withdrawal or suspension. The following special conditions apply to involuntary withdrawal/suspension hearings:
 - a. The University shall conduct an assessment to consider the nature, duration, severity, and probability of the threat posed and/or disruption caused by the student or student organization, relying on the best available objective evidence and, if applicable and obtainable, the most current medical evidence;
 - b. Failure of the student or representative of a student organization to appear for or cooperate with a mandated assessment will result in an involuntary withdrawal without further process;
 - c. The University shall also determine whether reasonable modifications of its policies, practices, or procedures could sufficiently mitigate the identified risk;
 - d. Absent exigent circumstances creating an imminent risk of harm, the University will make the decision to involuntarily withdraw or suspend based on the threat the student or student organization poses to others;
2. If exigent circumstances warrant the immediate removal of a student or student organization from the University, the student or student organization will receive, at a minimum, notice and an initial opportunity to present evidence immediately after being placed on the interim involuntary withdrawal or suspension, and the opportunity to initiate full due process within thirty (30) days of the removal.

I. Appeals

1. Eligibility. A student who has been suspended or expelled from the University, or a student organization whose recognition has been revoked as the result of disciplinary action has the right to file an appeal. Students or student organizations subject to disciplinary action that does not include suspension or expulsion from the University, or revocation of recognition of the student organization do not have an appeals option.
2. It is the responsibility of the adjudicating body to inform the student or student organization of the right to appeal and to whom the appeal should be presented. It is not the function of the appeals process to permit a rehearing of the factual issues presented to the adjudicating body, but rather to ensure that the disciplinary procedure has been implemented fairly and consistently with these rules.
3. For UAPA decisions, the appeal procedures are set forth in university policy and the UAPA.
4. UDC decisions.
 - a. Time Limitations. An appeal must be submitted in writing and received by the Dean of Students within forty-eight (48) hours of the date on which notice was sent to the student or student organization as provided in Section II.D. of this policy that the approving authority has affirmed the suspension or expulsion.
 - b. Grounds for Appeal. The appeal must specify grounds which would justify consideration. The written appeal must contain the substantive proof on which the student or student organization is basing the appeal. Appeals that do not include the specific information that substantiates the appeal will be immediately denied. General dissatisfaction with the outcome of the decision shall not be accorded as a basis for consideration of an appeal. An appeal may be filed based on one (1) or both of the following conditions:
 - (1) an error in procedural due process by the adjudicating body which prejudiced the disciplined student or student organization to the extent that a fundamentally fair hearing was denied as a result of the error;
 - (2) the emergence of new evidence which could not have been previously discovered by the exercise of due diligence and which, had it been presented at the initial hearing, would have substantially affected the original decision of the adjudicating body.

- c. The Dean of Students will review the written appeal to determine if the appellant has met the requirements for filing an appeal. Appeals which do not allege sufficient grounds shall be denied consideration and dismissed. Appeals which do allege sufficient grounds will be accepted for consideration and forwarded to the appellate body. The appellate body shall not conduct a re-hearing, but will consider only the record made by the adjudicating body. The appellate body may, at its own discretion, permit written or oral statements from the concerned parties in interest at the time the appeal is considered. The alternatives available to the appellate body are affirmation of the recommended sanction, reversal of the decision, and return to the original adjudicating body for reconsideration of sanctions only.

- J. Effect of Noncooperation. A student who fails to respond to a notice of disciplinary charges and disciplinary conference within the time frame specified will have a hold placed on his/her records. The hold will be removed at such time as the sanction imposed has been completed and the matter closed. In the event a student or student organization fails to cooperate, ignores, or otherwise does not respond after a reasonable amount of time to a notice of a disciplinary conference, he/she/it will be deemed to have waived the opportunity for a hearing. Decisions concerning responsibility and the imposition of sanctions may be made in the student's absence.

- K. Retention of Records. Disciplinary records are maintained by the Office of Student Conduct. A permanent disciplinary file will be maintained if a student is suspended or expelled from the University. Files developed in cases in which a lesser sanction has been imposed will be retained for a period of five (5) years after date of action unless sanctions specify that they should be retained for a longer period. Files developed in cases that are covered under the Clery Act will be retained for a period of seven (7) years after the date of action per federal requirements. Files developed in cases where a student is found not responsible for student conduct rules violations will be maintained for statistical purposes; however, the record will not be reportable as an official disciplinary record in that student's name.

IX. Alternative Resolution of Disciplinary Incidents

- A. Mediation. Students involved in conflict(s) with another individual(s) may elect to have the conflict(s) mediated with the assistance of a third party mediator assigned by the appropriate university official. The Office of Student Conduct must agree that mediation is an appropriate resolution to the presenting disciplinary incident. The following conditions must be accepted by the parties:
 1. All parties involved must willingly agree to the mediation process;

2. The resolution that results from the mediation process will be written, signed by all parties, and will bind the parties to the agreed terms until such terms are completed or an alternative agreement is developed by the parties;
 3. The agreement reached through mediation is not subject to any appeals process;
 4. If the agreement is not upheld, the parties may be referred back to the Office of Student Conduct for appropriate disciplinary action to be taken;
 5. If no form of resolution can be determined by mutual consent, the matter will be referred to the appropriate student conduct body.
- B. Informal Agreement. There may be times when it is appropriate for a student to come to an informal agreement with the University regarding his/her behavior and attempts to correct the behavior. The Office of Student Conduct will make these determinations on a case by case basis. An informal agreement can only be initiated by the Student Conduct Coordinator, Assistant Dean for Student Conduct, and/or the Dean of Students.

X. Victim's Rights

- A. Generally, a victim's input shall be sought during the disciplinary process; however, the right and responsibility for disposition of any individual complaint is reserved by the University. If a victim withdraws his/her/its complaint or refuses to offer testimony during the course of a disciplinary proceeding, the University reserves the right to proceed without his/her/its input.
- B. Victims of sexual misconduct, sexual harassment, dating violence, domestic violence, and stalking are guaranteed specific rights within [Policy 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation, and Gender Identity/Expression](#). These victims are afforded the following rights:
1. The victim shall be advised in writing of the date, time, and place of the hearing at least five (5) business days in advance of the hearing;
 2. The victim shall be given the opportunity to meet with the appropriate University Official to discuss the disciplinary process;
 3. The victim shall be given an opportunity to submit a written account of the alleged incident;
 4. The victim shall have the right to be accompanied at all stages of the disciplinary process by an advisor whose participation shall be limited to advising the victim. The advisor cannot be a student who has been charged with a violation of the student conduct rules related to the same incident as the victim or a student who has an

- open complaint against the victim. The victim may also be accompanied by legal counsel; however, counsel's participation shall be limited to directly advising the victim, i.e., legal counsel may not conduct direct or cross-examination, make opening or closing statements, or engage in argument. The victim may be accompanied by more than one (1) advisor at the discretion of the adjudicating officer or body. The intent of the victim to be accompanied by an advisor shall be indicated in writing to the student conduct coordinator at least five (5) days prior to the disciplinary hearing;
5. The victim shall be afforded an opportunity to testify as a witness during a disciplinary hearing;
 6. The victim may reserve the right to decline to testify during a disciplinary hearing, with the knowledge that such action could result in dismissal of allegations of University rules violations for lack of evidence;
 7. The victim shall be allowed to submit a written victim impact statement to the adjudicating body for their consideration during the sanction phase of the disciplinary process.

XI. Authority of the President

The President of the University retains final authority on all University matters, including disciplinary decisions. Therefore, any disciplinary action is subject to final review by the President. At his/her discretion, the President may determine 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.

Forms: none.

Revisions: June 5, 2017 (Original); March 27, 2018; _____, 2018.

References: Family Educational Rights and Privacy Act of 1974; Tennessee Open Records Act; T.C.A. § 4-5-301, et. seq.; § 10-7-504(a)(4); § 49-7-123(a)(1); § 49-7-146; Policies 25 Equal Opportunity, Affirmative Action, and Nondiscrimination; 26 Discrimination and Harassment Based on Protected Categories Other Than Sex; 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation, and Gender Identity/Expression; 32 University Committees; 100 Use of Campus Property and Facilities Scheduling; 110 Cases Heard Pursuant to the Uniform Administrative Procedures Act; 312 Academic Misconduct; 541 Residential Life and Housing Rules; 705 Weapons on Campus; 750 Tobacco-Free Campus; 775 Traffic, Parking, and Safety Enforcement; 910 Information Technology Resources.



540 Student Conduct

Approved by Board of Trustees

Effective Date: **March 27, 2018**

Responsible Division: **Student Affairs**

Responsible Office: **Dean of Students' Office**

Responsible Officer: **Dean of Students**

I. Purpose

- A. Middle Tennessee State University (MTSU or University) is committed to fostering a campus environment that is devoted to learning, growth, and service. We accept and practice the core values of honesty and integrity, respect for diversity, positive engagement in the community, and commitment to non-violence. The Office of Student Conduct was created to uphold these values, educate the community about behavioral expectations, and hold members of the student community accountable to these rules and expectations.
- B. Student members of the university community are expected to uphold and abide by standards of conduct that form the basis of our Student Conduct Rules. Each member of the University community bears responsibility for their conduct. When community members fail to exemplify and uphold these standards of conduct, student conduct procedures are used to assert and uphold these standards.
- C. The student conduct process at MTSU exists to protect the interests of the University community and the individual student while striking a balance between these two interests. Students and student organizations that do not act in accordance with MTSU rules and expectations will be challenged and may be sanctioned accordingly. Sanctions are designed to assist students and student organizations in achieving acceptable standards of behavior while providing tools and resources for life-long learning and conflict resolution.
- D. The University is committed to respecting students' constitutional rights. This policy shall be interpreted in a way that does not violate students' constitutional rights including, without limitation, the rights protected by the First Amendment to the United States Constitution.

II. Definitions

- A. Student. For the purposes of this policy, a student shall mean any person who is admitted and/or registered for study at MTSU for any academic period, either full-time or part-time, undergraduate, graduate, or professional studies. 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 University. Finally, a 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 this policy. In summary, the University considers a person a student when an offer of admission has been extended and thereafter as long as the student has a continuing educational interest in the University.
- B. Student organization. For the purposes of this policy, a student organization is a group consisting primarily of currently enrolled students which has become officially recognized by the University following successful completion of the registration process.
- C. University Official(s). For the purposes of this policy, a University Official is an administrator within the Office of Student Conduct, specifically, the Assistant Dean for Student Conduct and/or the Student Conduct Coordinator.
- D. Notice. For the purposes of this policy, a notice is a written communication sent to a student or student organization as directed by this policy. A notice provided to a student will be sent via the student's official MTSU email account as well as a hard copy letter sent via first class USPS mail to the student's local address as indicated in the student information system. A notice sent to a student organization will be sent to the organization's president at that student's MTSU email address and his/her local address. Students have the responsibility to regularly check their University-issued email accounts and to ensure that the local address on file with MTSU is current. The requirement to provide notice will be satisfied when sent as indicated and any period for response will begin on the date the email and/or letter is sent, whichever is sent first.

III. Responsibility and Jurisdiction

- A. The President of MTSU is authorized to take such action as may be necessary to maintain campus conditions and to preserve the integrity of the University and its educational environment. The President has determined that the responsibility for the administration of student conduct at MTSU is a function of the Dean of Students' office and/or the appropriate adjudicating body. The Dean of Students' designees are University Officials as defined above. The University Officials are authorized to make the determination and/or recommendation of the method of hearing for each complaint or allegation and to provide other opportunities for conflict resolution outside of the

conduct process consistent with this policy. The University Officials shall implement policies and procedures for the administration of the student conduct program.

- B. Matters concerning academic misconduct are the responsibility of the Office of the University Provost and/or the University Academic Misconduct Committee. This process is set out in detail in [Policy 312 Academic Misconduct](#).
- C. Students and student organizations are responsible for compliance with University rules and policies at all times. 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.
- D. Disciplinary action may be taken against a student or student organization for violations of this policy which occur on University owned, leased, or otherwise controlled property, while participating in international or distance learning programs, and off campus, when the conduct impairs, interferes with, or obstructs any University activity or the mission, processes, and functions of the University. MTSU may also take disciplinary action for any off-campus behavior that affects a substantial University interest. A substantial University interest is defined to include:
 - 1. Any situation where a student's conduct may present a danger or threat to the health or safety of others;
 - 2. Any situation that significantly impinges upon the rights, property, or achievements of others;
 - 3. Any situation that is detrimental to the educational mission and/or interests of the University.
- E. MTSU may enforce its policy regardless of the status or outcome of any external proceedings instituted in any other forum, including any civil or criminal proceeding. Should a student withdraw from the University with University disciplinary action pending, the student's record may be encumbered by the appropriate University office until the proceedings have been concluded. The University may take action even if a student is absent from the proceeding.
- F. 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 "education records" and are confidential within the meaning of those Acts.

IV. Student Conduct Rules: Values and Behavioral Expectations

MTSU has adopted the following Community Standards of conduct. Each person who joins or affiliates with the University community does so freely and is expected to abide by these Community Standards. Following each Community Standard is a non-exclusive list of prohibited behaviors for which both students and student organizations may be subject to disciplinary action if such prohibited behavior is engaged in. These prohibited behaviors are considered inappropriate and in opposition to the community standards and expectations set forth by MTSU.

- A. Community Standard: MTSU is committed to developing and nurturing a community devoted to learning, growth, and service. Behavior by students or student organizations including, but not limited to, the following, may be considered as being in violation of this Community Standard.

1. Alcoholic Beverages.

- a. The use and/or possession of alcoholic beverages on University owned or controlled property. This offense includes the violation of any local ordinance, state, or federal law concerning alcoholic beverages, on or off University owned or controlled property, where an affiliated group or organization has alcoholic beverages present and available for consumption. [It will not be considered a violation of this policy if a student of legal drinking age possesses or consumes alcohol purchased from a third-party vendor during approved events taking place at a sports authority facility so long as the beverage is consumed within the sports authority facility. It will also not be considered a violation of this policy if a student of legal drinking age possesses or consumes alcohol provided at an event approved by the President to serve alcoholic beverages so long as the beverage is consumed within the confines of the designated area of the event. See Policy 755 Alcoholic Beverages.](#)
- b. A student who is under the influence of alcohol should not be reluctant to seek assistance in the event of a health or safety emergency for fear of being sanctioned. The Office of Student Conduct will generally not pursue disciplinary action against a student (or against a witness) for his/her improper use of alcohol (e.g., underage drinking) under that circumstance. This practice only applies to amnesty from violations of this policy. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.

2. Drugs.

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

- (1) the violation of any local ordinance, state, or federal law concerning the unlawful possession or use of drugs, on or off University owned or controlled property;
 - (2) abusing legally obtained drugs by failing to take the drug as prescribed/directed and/or providing the prescribed drug to another person;
 - (3) using a prescription drug that has not been prescribed to the individual.
- b. Any reasonable suspicion of drug use or possession including, but not limited to, the odor of burnt or raw marijuana, physical characteristics of impairment, and/or possession of any paraphernalia that can be used for drug consumption may lead to an investigation and possible violation of this policy.
 - c. A student who is under the influence of drugs should not be reluctant to seek assistance in the event of a health or safety emergency for fear of being sanctioned. The Office of Student Conduct will generally not pursue disciplinary action against a student (or against a witness) for his/her improper possession or use of drugs under that circumstance. This practice only applies to amnesty from violations of this policy. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.
3. 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, but is not limited to, the violation of any local ordinance, state, or federal law concerning the unlawful possession of drug paraphernalia, on or off University owned or controlled property.
 4. Public Intoxication.
 - a. Appearing on University owned or controlled property or at a University sponsored event while under the influence of a controlled substance or of any other intoxicating substance to the degree that the individual may be endangered; there is endangerment to other persons or property; or, the individual unreasonably annoys people in the vicinity.
 - b. A student who is under the influence of alcohol or drugs should not be reluctant to seek assistance in the event of a health or safety emergency for fear of being sanctioned. The Office of Student Conduct will generally not pursue disciplinary action against a student (or against a witness) for his/her improper use of alcohol (e.g., underage drinking) under that circumstance. This practice only applies to amnesty from violations of this policy. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.

5. Explosives, Fireworks, and Flammable Materials. The unauthorized possession, ignition, or detonation of any object or article which could cause damage by fire or other means to persons or property, or possession of any substance which could be considered to be, and used as, fireworks.
6. Violation of General Policies. Any violation of the general policies or procedures of the University as published in an official University publication or posted on an official University web page or social media page. These policies include, but are not limited to, the following:

[Policy 100 Use of Campus Property and Facilities Scheduling](#)

[Policy 312 Academic Misconduct](#)

[Policy 541 Residential Life and Housing Rules](#)

[Policy 750 Tobacco-Free Campus](#)

[Policy 775 Traffic, Parking, and Safety Enforcement](#)

[Policy 910 Information Technology Resources](#)

7. Violation of State or Federal Laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference.
8. Disorderly Conduct. Any behavior that unreasonably disrupts the academic environment (e.g., including, but not limited to, that which interferes with teaching, classroom operations, research, etc.) or unreasonably interferes with operations, events or programs on University owned or controlled property, or during a University event. This includes but is not limited to, unauthorized use of sirens, loudspeakers, and other sound amplification equipment.
9. 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 or University property, fire alarms, fire equipment, elevators, telephones, University keys, library materials, and/or safety devices.
10. Obstruction of or Interference with University Activities or Facilities. Any intentional interference with or obstruction of any University program, event, or facility including, but not limited to, the following:
 - a. Any unauthorized occupancy of facilities owned or controlled by the University or blockage of access to or from such facilities;
 - b. Interference with the right of any University member or other authorized person to gain access to any activity, program, event, or facilities sponsored or controlled by the University;

- c. Any obstruction or delay of a campus security officer, public safety officer, police officer, firefighter, EMT, or any official of the University, or failure to comply with any emergency directive issued by such person in the performance of his/her duty;
 - d. Participation in, or inciting others to participate in, activities that substantially impede University operations;
 - e. Interference of either: (1) the instructor's ability to conduct class; or (2) the ability of other students to participate in and profit from instructional activity; or,
 - f. Obstruction of the free flow of pedestrian or vehicular traffic on University owned or controlled property, or at a University event.
11. Unacceptable Conduct in Disciplinary Proceedings. Any conduct at any stage of a University disciplinary process or investigation that is contemptuous, disrespectful, threatening, or disorderly. This includes, but is not limited to, false complaints, retaliation, providing false 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.
12. Unauthorized Access to University Facilities and/or Grounds. Any unauthorized access and/or occupancy of University 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, or being present in academic buildings after hours without permission.
13. Pornography or Obscenity. Public display [on property owned, leased, or controlled by the University](#) of literature, films, pictures, or other materials which an average person applying contemporary community standards would find taken as a whole, appeals to the prurient interest; depicts or describes sexual conduct in a patently offensive way; and, taken as a whole, lacks serious literary, artistic, political, or scientific value.
14. Student Identification Cards. Failure to possess at all times a valid student identification card or an alternate ID that will prove student status; or, failure to surrender ID card to a University official upon proper request.
15. Gambling. Unlawful gambling in any form.
16. 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 University.

17. Litter. Dispersing litter in any form onto the grounds or facilities of the [campusUniversity](#).

18. Sirens and Loudspeakers. Unauthorized use of sirens, loudspeakers, and other sound amplification equipment.

19. Graffiti. Damage or defacement of MTSU property by painting, chalking, writing, stenciling, or by any other means of application on such property.

B. Community Standard: Honesty and Integrity. The notions of personal and academic honesty and integrity are central to the existence of the MTSU community. All members of the community will strive to achieve and maintain the highest standards of academic achievement in the classroom, and personal and social responsibility on and off campus. Behavior by students or student organizations including, but not limited to, the following, may be considered as being in violation of this Community Standard.

1. Theft, Misappropriation, or Unauthorized Sale of Property. Any act of theft, misappropriation, or unauthorized possession or sale of University property, or any such act against a member of the University community or a guest of the University, including identity theft.
2. Failure to Cooperate with University Officials. Failure to comply with directions or directives of University officials acting in the performance of their duties.
3. Providing False Information. Giving any false information to, or withholding necessary information from, any University official acting in the performance of his/her duties in connection with a student's admission, enrollment, or status in the University.
4. Misuse of Documents or Identification Cards. Any forgery, alteration of, or unauthorized use of University documents, forms, records, or identification cards including, but not limited to, the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment, or status in the University.
5. Financial Irresponsibility. Failure to meet financial responsibilities to the University promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the University.

6. Violation of Imposed Disciplinary Sanctions. Intentional or unintentional violation of a disciplinary sanction officially imposed by a University official or a constituted body of the University.
 7. 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 restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means.
 8. Unauthorized Duplication or Possession of Keys. Making, causing to be made, or the possession of any key for a University facility without proper authorization.
 9. Fire Drills. Failure to evacuate University facilities or willfully disregarding any emergency or fire alarm signal.
- C. Community Standard: Respect for Diversity. The MTSU community is composed of individuals representing different races, ethnicities, sexual orientations, cultures, and ways of thinking. We respect individual differences and perspectives and acknowledge our commonalities. Behavior by students or student organizations including, but not limited to, the following may be considered as being in violation of this Community Standard.
1. Harassment or Retaliation. Any act against another person or group in violation of MTSU policies, as well as federal and/or state laws prohibiting discrimination or retaliation including, but not limited to, [Policies 25 Equal Opportunity, Affirmative Action, and Nondiscrimination](#), [26 Discrimination and Harassment Based on Protected Categories Other Than Sex](#), and [27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation, and Gender Identity/Expression](#).
 2. Retaliation also includes, in this context, an act intended or reasonably likely to dissuade a person from participating in the student disciplinary process or pursuing a complaint about a violation of MTSU policies and state or federal law.
- D. Community Standard: Commitment to Non-violence. MTSU is committed to the principles of nonviolence and peaceful conflict resolution. Community members will freely express their ideas and resolve differences using reason and persuasion. Behavior by students or student organizations including, but not limited to, the following, may be considered as being in violation of this Community Standard.

1. **Threatening or Dangerous Conduct.** Any conduct, or attempted conduct, which poses a threat to the safety of others or when the behavior is disruptive of the University's learning environment.
2. **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 education institution by an individual 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 which induces or coerces a person(s) to endanger such person(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.
3. **Firearms and Other Dangerous Weapons.** Except as may otherwise be permitted by law, the possession or use of firearms as set forth in [Policy 705 Weapons on Campus](#), explosives, fireworks, inflammables, dangerous chemical mixtures, and/or dangerous weapons of any kind including, but not limited to, knives, tasers, asp batons, tactical or telescoping batons, brass knuckles, whips, BB guns, pellet guns, propelled missiles, and/or stun guns is prohibited. The possession or use of ammunition, which includes, but is not limited to, bullets, paint balls, pellets, and BBs is prohibited. Any possession or use of replica/toy guns including, but not limited to, BB guns or cap guns, pellet guns, paintball guns, water guns, "Super Soakers," toy knives, slingshots, or other items that simulate firearms or dangerous weapons is prohibited.
4. **Sexual Misconduct.**
 - a. Sexual misconduct includes dating violence, domestic violence, stalking and sexual assault. See [Policy 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation and Gender Identity/Expression](#) for more detailed definitions of those terms along with the University process for investigating allegations of sexual misconduct. Also note that disciplinary matters involving incidents of sexual misconduct will proceed through the process set out in [Policy 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation, and Gender Identity/Expression](#) rather than the process specified in Section VIII of this policy.
 - b. A student who is a victim of sexual misconduct and who was under the influence of alcohol or drugs during the sexual misconduct incident should not be reluctant to seek assistance for fear of being sanctioned for his/her improper use of alcohol or drugs. The Office of Student Conduct will generally not pursue disciplinary action against the victim (or against a witness) for his/her improper use of alcohol or drugs (e.g., underage drinking) if the victim or witness is making a good faith report of sexual misconduct. Amnesty for improper use of alcohol or

drugs will not be accorded to a student charged with sexual misconduct. This practice only applies to amnesty from violations of this policy. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.

V. Classroom Misconduct

- A. The instructor has the primary responsibility for maintenance of academic integrity and controlling classroom behavior, and can order the temporary removal or exclusion from the classroom of any student engaged in disorderly conduct as defined in this policy, or conduct that violates the general policies of the University for each class session during which the conduct occurs. Extended or permanent exclusion from the classroom, beyond the session in which the conduct occurred, or further disciplinary action can be effected only through appropriate procedures of the University. If an instructor wishes to remove a student from the classroom for a longer period of time or permanently, he/she must refer the student to the Office of Student Conduct.
- B. The instructor is expected to outline behavioral expectations for each class at the beginning of the [semester/academic term](#) and as needed throughout the semester.

VI. Disciplinary Sanctions

- A. A disciplinary sanction is a consequence for being found in violation of university rules and policies. The following disciplinary sanctions are applicable to both students and student organizations. Upon a determination that a student or student organization has violated these rules or the general policies of the University, disciplinary sanctions may be imposed, either singly or in combination, by the appropriate University official.
- B. Pursuant to T.C.A. § 49-7-146, the University will notify the parent/guardian of students under the age of twenty-one (21) who have been found responsible for alcohol and/or drug-related violations. In addition, the parent/guardian may be contacted in any instance in which the safety of the student has been threatened either through the student's own behavior or the behavior of others.
- C. Definition of Sanctions:
 1. Restitution. Restitution may be required in situations which involve destruction, damage, loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or student organization is obligated 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, labor, or financial loss.

2. Reprimand. A written or verbal reprimand or notice may be given to any student or student organization whose conduct violates any part of this policy and provides notice that any further violation(s) may result in more serious consequences.
3. Service to the University or Local Community. A student or student organization may be required to donate a specified number of service hours to the University or the local community. All community service hours must be approved by the Office of Student Conduct prior to a student or student organization beginning the service.
4. 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.
5. 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 violation.
6. Fines. Penalties in the form of monetary fines may be imposed against a student or student organization whenever the appropriate University 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 being taken.
7. Restriction. A restriction upon a student's or student organization's privileges for a period of time may be imposed. This restriction may include, but not be limited to, denial of the ability to represent the University at any event, ability to participate in University travel, eligibility to hold office in a student organization, use of facilities, parking privileges, participation in extracurricular activities, and/or restriction of organizational privileges.
8. Probation. Official notice that the continued enrollment of a student or recognition of a student organization on probation will be conditioned upon adherence to these policies. Any student or student organization placed on probation will be notified in writing of the terms and conditions of the probation. Any conduct in further violation of these policies while on probationary status or the failure to comply with the terms and conditions of the probation may result in the imposition of more severe disciplinary sanctions, specifically suspension or expulsion.
9. Housing Probation. Continued residence in campus or student housing may be conditioned upon adherence to this policy as well as University housing policies. Any student placed on housing probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon the activities of the student, including any other appropriate special condition(s). If a student incurs

additional violations during the probationary period, the student may become a candidate for housing suspension.

10. Involuntary Housing Reassignment. A student may be involuntarily moved to another housing assignment if necessary.
11. Housing Suspension and Forfeiture. Removal from University housing for a specified period of time or permanently. A student suspended from housing may not reside, visit, or make any use whatsoever of a University housing facility or participate in any University housing activity during the period for which the sanction is in effect. A suspended student shall be required to forfeit housing fees (including any unused portion thereof and the Housing Pre-Payment). A suspended student must vacate the housing unit as directed by University staff. This sanction may be enforced with a University Police trespass restriction, if necessary.
12. Suspension. Separation of a student or a student organization from the University for a specified period of time. This includes all instructional delivery methods (including, but not limited to, on ground, on-line, distance education, etc.). Suspension may be accompanied by special conditions for readmission or recognition. Any student or student organization receiving a sanction of suspension shall be restricted from the campus of MTSU during the period of separation unless on official business with the University verified in writing by the Dean of Students' office. A suspended student must submit a written request to be on campus to the Dean of Students a minimum of forty-eight (48) hours in advance of the scheduled time of his/her business on campus. The request must specify the specific reason the student seeks to be on campus and the location that the student wishes to visit. The Dean of Students will issue a written decision regarding the request to be on campus, and the student is expected to carry that written decision with him/her during the time of the visit, if the request is approved. Students who have been suspended are not permitted to live or board in University facilities or housing unless otherwise approved or provided by the University. This sanction will be enforced with a University Police trespass restriction, if necessary.
13. Expulsion. Permanent separation from the University. The imposition of this sanction is a permanent bar to the student's admission, or a student organization's recognition by the University. A student or student organization that has been permanently expelled may not enter University property or facilities without obtaining prior approval from the Dean of Students. Any student receiving a sanction of expulsion shall be permanently restricted from the campus of MTSU unless on official business with the University verified in writing by the Dean of Students. An expelled student must submit a written request to be on campus to the Dean of Students' office a minimum of forty-eight (48) hours in advance of the scheduled time of his/her business on campus. The request must specify the specific reason the student seeks to be on campus and the location that the student wishes

- to visit. The Dean of Students will issue a written decision regarding the request to be on campus, and the student is expected to carry that written decision with him/her during the time of the visit, if the request is approved. Students who have been expelled are not permitted to live or board in University facilities or housing unless otherwise approved or provided by the University. This sanction will be enforced with a University Police trespass restriction, if necessary.
14. Revocation of Admission, Degree, or Credential. Under circumstances deemed appropriate, an offer of admission, a degree or a credential awarded may be revoked or rescinded.
 15. Other Sanctions. Additional or alternate sanctions may be created and designed as deemed appropriate to the offense and the student's or student organization's need for education, growth, and reform.
 16. Interim Involuntary Withdrawal or Suspension. As a general rule, the status of a student or student organization accused of violation of these policies should not be altered until a final determination has been made in regard to the charges. However, interim involuntary withdrawal or suspension, pending the completion of disciplinary procedures, may be imposed upon a finding by the appropriate University Official that the conduct or attempted conduct of the student or student organization poses a direct threat to the safety of any other member of the University, its guests, or property; or, if the behavior is materially and substantially disruptive of the University's learning environment or other campus activities. [Violation of an interim or final "No Contact Directive" or other restriction issued in conjunction with an investigation conducted pursuant to Policy 27 Misconduct, Discrimination, and Harassment Based on Sex, Including Pregnancy, Sexual Orientation, and Gender Identity/Expression may result in temporary discipline up to and including an interim involuntary withdrawal or suspension being imposed on the violating student.](#) In any case of interim involuntary withdrawal or 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 interim involuntary withdrawal or suspension in an interim involuntary withdrawal/suspension hearing. During an interim involuntary withdrawal or suspension, the student or student organization shall be denied access to residence halls, campus (including all classes), and/or all other University activities or privileges for which the student or student organization might otherwise be eligible, as the Dean of Students or designee may determine to be appropriate. A preliminary hearing will be held by a designee of the Dean of Students in consultation with appropriate University officials and the Vice President for Student Affairs, within four (4) working days of the interim involuntary withdrawal or suspension to determine if the interim involuntary withdrawal or suspension should continue until a formal hearing of the charges by a University adjudicating body can be held. During this preliminary hearing, the student or student organization will be given

notice of the allegations supporting the imposition of interim involuntary withdrawal or suspension against him/her and a summary of the evidence that supports the allegations. The student or student organization will be afforded an opportunity to respond to the allegations. If the interim involuntary withdrawal or suspension is upheld, the formal hearing concerning withdrawal, suspension, or expulsion shall be held as soon as practical. Conditions may be placed on a student or a student organization for his/her/its return to the University. The student or student organization may be required to provide documentation that he/she/it has taken steps to mitigate the previous behavior (e.g., including, but not limited to, having followed a treatment plan, submitted periodic reports, granted permission for the University to talk to the treating professional).

17. **Temporary Student Organization Cease and Desist.** A temporary organizational cease and desist is instituted when the University has received information indicating that the continued activity of the student organization could (1) potentially put students or the community at risk; (2) cause irreparable harm to the University or student organization; (3) influence the integrity of an investigation; and/or (4) increase the student organization's or University's fault or liability. A temporary student organization cease and desist can be issued by the University alone or in conjunction with a national/regional organization cease and desist. The Office of Student Conduct will notify the parent office (i.e. Student Organizations and Service and/or Fraternity and Sorority Life) and the designated student representative that the student organization has been temporarily restricted from conducting business. During the time of the temporary cease and desist, the student organization will be prohibited from conducting organizational business including, but not limited to, organizational meetings, social activities, philanthropic activities, and representation of the University. The cease and desist duration will be determined on a case by case basis.

VII. Student Conduct Hearing Officers and/or Boards

Violations under this policy may be heard by the following [administrative judge](#), hearing officers and/or boards:

- A. The University Official shall conduct all preliminary reviews and disciplinary conferences. These staff members will also conduct investigations as necessary.
- B. The Student Judicial Board shall consist of nine (9) students. The Board may be convened to hear cases involving alleged violations of University rules committed by students and student organizations. If the student or student organization is found responsible, the Board recommends appropriate disciplinary sanctions to the Dean of Students. This Board may also be convened to hear matters relative to the interpretations of the Student Government Association constitution and any other

policies passed by the Senate, as well as cases regarding student parking citations. Information regarding application, selection procedures, qualifications, and vacancies can be found in the Student Government Association constitution (<http://www.mtsu.edu/sga/documents/constitution.pdf>).

- C. The University Discipline Committee. See [Policy 32 University Committees](#).
- D. The Student Appeals Committee. See [Policy 32 University Committees](#).

VIII. Disciplinary Procedures

- A. Responsibility for Administration. The administration of discipline is a function of the Dean of Students Office and/or the appropriate adjudicating body with the exception of matters concerning academic misconduct which is a function of the Office of the University Provost and/or the Academic Misconduct Committee, set out with specificity in [Policy 312 Academic Misconduct](#). Complaints involving sexual discrimination, sexual harassment, dating violence, domestic violence, or stalking will be investigated pursuant to [Policy 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation, and Gender Identity/Expression](#). If a violation is determined to have occurred, the student or student organization will be subject to the disciplinary process provided in this policy.
- B. Standard of Proof. The standard of proof utilized in all student disciplinary matters is the preponderance of the evidence. Students should be aware that the student conduct process is different from criminal and civil court proceedings. The student conduct process is built on fundamental fairness. Due process, as defined in this policy, includes written notice of the student conduct rules that are in question and an opportunity to be heard by an objective decision-maker. Students will only be found in violation of the student conduct rules when it is more likely than not that a violation occurred. This is called a preponderance of the evidence. Sanctions will be fundamentally proportional to the severity of the violation, the student's willingness to comply with student conduct rules in the future, and the cumulative conduct history of the student.
- C. Disciplinary Referral. Reports of behaviors and incidents involving students may be referred for evaluation and possible disciplinary action by the University Police, residence hall staff members, faculty, staff, students, and other members of the University and city community. Referrals should be in writing and should be directed to the Assistant Dean for Student Conduct. A hard copy of a written referral may also be dropped off at the Office of Student Conduct. Contact information and email and office addresses can be located on the Office of Student Conduct website.
- D. Preliminary Review. All disciplinary referrals will undergo a preliminary review. The appropriate University Official will review the referral to determine if the possibility exists that a student conduct rule was violated, if additional information is needed

prompting an investigation, if immediate action is warranted, and if there are other University entities that need to be put on notice that the behavior has occurred. If the University Official determines that there is a possibility that a student conduct rules violation has occurred and additional information is not needed, he/she will issue a disciplinary charge(s) against the student or student organization. If the University Official determines that additional information is needed, he/she will conduct an investigation. If immediate action is needed, the University Official will consult with the appropriate University Officials such as, but not limited to, the Office of the University Counsel, to determine the best course of action. If other entities need to be informed of the matter, the University Official will consult with the appropriate University officials to determine the specific information that will be shared about the behavior or incident.

E. Notice of Disciplinary Charges and Disciplinary Conference.

1. A disciplinary charge means an allegation of a potential violation of the student conduct rules. The purpose of a disciplinary conference is to determine whether there is a preponderance of the evidence to support the charges, and if so, to determine responsibility and appropriate sanctions. When disciplinary charges are issued to a student or student organization, the Student Conduct office will issue a written notice of the alleged violation(s) and the student's rights, and establish a disciplinary conference meeting date and time for the student or student organization and assigned University Official. During this disciplinary conference, the student or student organization will be reminded which University policy/policies have allegedly been violated, and the student or student organization will be given an opportunity to explain his/her/its version of the behavior or incident, or to otherwise refute the allegations. Students and student organizations [must be notified in writing that they](#) are afforded the following rights in the disciplinary conference:
 - a. The right to know what disciplinary violation(s) they have been charged with;
 - b. The right to tell their side of the story, present evidence, and request that fact witnesses be permitted to share information on their behalf;
 - c. The right to be accompanied by an advisor of their choosing whose participation is limited to advising the student or student organization. The advisor cannot speak on behalf of the student or student organization or represent the student or student organization. The advisor cannot be a student who has been charged with a violation of the student conduct rules related to the same incident for which the meeting has been called;
 - d. The right to receive the decision and their imposed sanctions in writing.

2. The University Official will review the incident taking into account all information gathered pertinent to the matter, as well as the information provided by, or on behalf of, the student or student organization. A determination will be made as to whether or not there has been a violation of the student conduct rules and, if so, what the appropriate sanction(s) will be. ~~The University Official will explain the sanctions and options for case resolution.~~ The University Official may also determine that additional information or follow-up is needed prior to being able to make a determination regarding responsibility for a student conduct rules violation and may delay a decision until such a time that the needed information is acquired. The University Official can also refer the matter to the University Discipline Committee, if the case is particularly complex or the student or student organization would be best served by having a committee review the case.
 3. If the student or student organization alleged to have engaged in misconduct does not respond after having been provided notice of the disciplinary conference, the University Official will make a determination as to responsibility for the conduct violation based on the information gathered to that point and will impose a sanction as deemed appropriate.
- F. Hearing Options. The majority of student disciplinary cases are resolved at the Disciplinary Conference level when the student or student organization accepts responsibility for the violation and the recommended sanction(s). However, if this does not occur, the matter may proceed to a hearing. If the recommended sanction is suspension, expulsion, or revocation of recognition of the student organization, the student or student organization has two (2) choices regarding resolution of the disciplinary case. The first choice is to request a hearing before the University Discipline Committee. The second choice is to request a hearing pursuant to the Uniform Administrative Procedures Act (UAPA). The University Official will explain the two (2) choices, and the student or student organization will indicate his/her/its selection in writing. Once the selection is made, the student or student organization cannot elect another option or revert back to the original decision rendered by the University Official. In addition, the Office of Student Conduct can refer a matter to a hearing when the case is unusually complex and/or problematic.
1. Student Judicial Board (SJB) and University Discipline Committee (UDC) hearings.
 - a. The SJB and UDC will hear student disciplinary cases when requested by a student or student organization, or when referred by the Office of Student Conduct. The SJB and UDC makes its recommendation(s) to the Dean of Students or Vice President for Student Affairs, respectively. The Dean of Students and Vice President can uphold the recommendation(s), reverse the recommendation(s), or send the recommendation(s) back to the SJB or UDC for reconsideration of the sanctions only.

- b. The Office of Student Conduct has the responsibility for scheduling SJB and UDC hearings, including the selection of date, time, and location as well as providing information to the student or student organization about the hearing format and process. The student or student organization will be notified of the hearing schedule a minimum of four (4) business days in advance of the actual hearing date. These hearings are closed to the public unless all parties agree, in writing, to an open hearing.
- c. Students and student organizations are afforded the rights guaranteed in the Disciplinary Conference [\(see Section VIII.E.1.\)](#) as well as the following additional rights, [which shall be provided in writing](#):
- ~~(1)~~ [\(1\)](#) The right to receive notice of the date, time, and place of the hearing at least four (4) business days in advance of the hearing;
 - [\(2\)](#) [The right to receive a list of the witnesses the University expects to present at the proceeding and those the University may present if the need arises;](#)
 - [\(3\)](#) [The right to request a copy of the University's investigative file, redacted in accordance with the Family Educational Rights and Privacy Act of 1974, \(20 U.S.C. § 1232\(g\), and the federal regulations implementing that statute, as amended;](#)
 - ~~(4)~~ [\(4\)](#) [The right to request copies of all documents, copies of all electronically stored information, and access to tangible evidence 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.;](#)
 - ~~(5)~~ [\(2\)](#) The right to be accompanied by more than one (1) advisor at the discretion of the adjudicating body and the Office of Student Conduct. The advisor(s) cannot be another student who has been charged with a violation of the student conduct rules related to the same incident as the student. The student may choose to be advised by legal counsel; however, legal counsel's participation shall be limited to directly advising the student. Legal counsel cannot engage in direct or cross-examination, make opening or closing statements, or engage in argument;
 - ~~(6)~~ [\(3\)](#) The right to call witnesses on his/her/its behalf. It is the student or student organization's responsibility to contact his/her/its witnesses and inform them of the hearing unless the witness is also a University witness. University witnesses are contacted by the Office of Student Conduct;
 - ~~(7)~~ [\(4\)](#) The right to question witnesses;

~~(85)~~ The right to be informed of an appeal option, if applicable.

2. Uniform Administrative Procedures Act.

- a. All cases which may result in: (a) suspension or expulsion of a student from the University for disciplinary reasons; or, (b) revocation of the registration of a student organization, are subject to the contested case provisions of the Uniform Administrative Procedures Act (UAPA), T.C.A. § 4-5-301, et. seq., and shall be processed in accordance with the Uniform Contested Case procedures unless the student or student organization waives those procedures and chooses to have the case disposed of administratively in a disciplinary conference or by going before the University Discipline Committee. If the student/student organization wishes to pursue the case administratively or through the UDC, he/she/it must waive the right to a UAPA hearing in writing. Prior to making this decision, the University Official assigned to the matter will explain the differences between the hearing options and will provide to the student/student organization a document setting out the student/student organization's rights as are found in §Sections VIII.E.1. a. – d. and VIII.F.1.c.(1)-(8).
- b. In all cases involving a hearing under the UAPA contested case provisions, the President or designee shall determine, based upon the nature of the case, whether the hearing shall be before an administrative judge or a hearing officer alone or a Hearing Committee presided over by an administrative judge or a hearing officer. The President is responsible for appointing an administrative judge, a hearing officer and/or hearing committee at the request of the Office of Student Conduct. The Office of Student Conduct has the responsibility for working with the Office of the University Counsel to schedule UAPA hearings including the selection of date, time, and location as well as assisting in the scheduling of any necessary preliminary meetings.
- c. The case will proceed pursuant to University policy and the UAPA.

G. Separation of Functions

1. A person who has served as an investigator, University Official or advocate in a student disciplinary matter may not serve as an administrative judge or hearing officer, or assist or advise an administrative judge or hearing officer in the same proceeding.
2. A person who is subject to the supervision, direction or discretion of one who has served as investigator, University Official or advocate in a student disciplinary matter may not serve as an administrative judge or hearing officer or assist, or advise an administrative judge or hearing officer in the same proceeding.

3. A person may serve as an administrative judge or hearing officer at successive stages of the same disciplinary matter, unless a party demonstrates grounds for disqualifications in accordance with T.C.A. § 4-5-302.
4. A University Official may serve on the hearing committee, or as an administrative judge or hearing officer in the UAPA hearing where authorized by law and not subject to disqualification or other cause provided in T.C.A. Title 4, Chapter 5.
5. Nothing in this Section G. prohibits an attorney for the University from providing legal advice to multiple University employees who serve in different roles in the process of disciplining a student.

HG. Interim Involuntary Withdrawal or Suspension Hearings.

1. Hearings conducted with regard to interim involuntary withdrawals or suspensions imposed prior to or pending the outcome of a disciplinary investigation or proceeding shall be conducted consistent with the minimum requirements of due process applicable to a UDC hearing, taking into account the need for a timely hearing. The evidence presented at the hearing shall be limited to that which is relevant to the basis asserted for imposition of the interim involuntary withdrawal or suspension. The following special conditions apply to involuntary withdrawal/suspension hearings:
 - a. The University shall conduct an assessment to consider the nature, duration, severity, and probability of the threat posed and/or disruption caused by the student or student organization, relying on the best available objective evidence and, if applicable and obtainable, the most current medical evidence;
 - b. Failure of the student or representative of a student organization to appear for or cooperate with a mandated assessment will result in an involuntary withdrawal without further process;
 - c. The University shall also determine whether reasonable modifications of its policies, practices, or procedures could sufficiently mitigate the identified risk;
 - d. Absent exigent circumstances creating an imminent risk of harm, the University will make the decision to involuntarily withdraw or suspend based on the threat the student or student organization poses to others;
2. If exigent circumstances warrant the immediate removal of a student or student organization from the University, the student or student organization will receive, at a minimum, notice and an initial opportunity to present evidence immediately after being placed on the interim involuntary withdrawal or suspension, and the opportunity to initiate full due process within thirty (30) days of the removal.

I. Appeals

1. Eligibility. A student who has been suspended or expelled from the University, or a student organization whose recognition has been revoked as the result of disciplinary action has the right to file an appeal. Students or student organizations subject to disciplinary action that does not include suspension or expulsion from the University, or revocation of recognition of the student organization do not have an appeals option.
2. It is the responsibility of the adjudicating body to inform the student or student organization of the right to appeal and to whom the appeal should be presented. It is not the function of the appeals process to permit a rehearing of the factual issues presented to the adjudicating body, but rather to ensure that the disciplinary procedure has been implemented fairly and consistently with these rules.
3. For UAPA decisions, the appeal procedures are set forth in university policy and the UAPA.
4. UDC decisions.
 - a. Time Limitations. An appeal must be submitted in writing and received by the Dean of Students within forty-eight (48) hours of the date on which notice was sent to the student or student organization as provided in Section II.D. of this policy that the approving authority has affirmed the suspension or expulsion.
 - b. Grounds for Appeal. The appeal must specify grounds which would justify consideration. The written appeal must contain the substantive proof on which the student or student organization is basing the appeal. Appeals that do not include the specific information that substantiates the appeal will be immediately denied. General dissatisfaction with the outcome of the decision shall not be accorded as a basis for consideration of an appeal. An appeal may be filed based on one (1) or both of the following conditions:
 - (1) an error in procedural due process by the adjudicating body which prejudiced the disciplined student or student organization to the extent that a fundamentally fair hearing was denied as a result of the error;
 - (2) the emergence of new evidence which could not have been previously discovered by the exercise of due diligence and which, had it been presented at the initial hearing, would have substantially affected the original decision of the adjudicating body.

- c. The Dean of Students will review the written appeal to determine if the appellant has met the requirements for filing an appeal. Appeals which do not allege sufficient grounds shall be denied consideration and dismissed. Appeals which do allege sufficient grounds will be accepted for consideration and forwarded to the appellate body. The appellate body shall not conduct a re-hearing, but will consider only the record made by the adjudicating body. The appellate body may, at its own discretion, permit written or oral statements from the concerned parties in interest at the time the appeal is considered. The alternatives available to the appellate body are affirmation of the recommended sanction, reversal of the decision, and return to the original adjudicating body for reconsideration of sanctions only.

- J. Effect of Noncooperation. A student who fails to respond to a notice of disciplinary charges and disciplinary conference within the time frame specified will have a hold placed on his/her records. The hold will be removed at such time as the sanction imposed has been completed and the matter closed. In the event a student or student organization fails to cooperate, ignores, or otherwise does not respond after a reasonable amount of time to a notice of a disciplinary conference, he/she/it will be deemed to have waived the opportunity for a hearing. Decisions concerning responsibility and the imposition of sanctions may be made in the student's absence.

- K. Retention of Records. Disciplinary records are maintained by the Office of Student Conduct. A permanent disciplinary file will be maintained if a student is suspended or expelled from the University. Files developed in cases in which a lesser sanction has been imposed will be retained for a period of five (5) years after date of action unless sanctions specify that they should be retained for a longer period. Files developed in cases that are covered under the Clery Act will be retained for a period of seven (7) years after the date of action per federal requirements. Files developed in cases where a student is found not responsible for student conduct rules violations will be maintained for statistical purposes; however, the record will not be reportable as an official disciplinary record in that student's name.

IX. Alternative Resolution of Disciplinary Incidents

- A. Mediation. Students involved in conflict(s) with another individual(s) may elect to have the conflict(s) mediated with the assistance of a third party mediator assigned by the appropriate university official. The Office of Student Conduct must agree that mediation is an appropriate resolution to the presenting disciplinary incident. The following conditions must be accepted by the parties:
 1. All parties involved must willingly agree to the mediation process;

2. The resolution that results from the mediation process will be written, signed by all parties, and will bind the parties to the agreed terms until such terms are completed or an alternative agreement is developed by the parties;
 3. The agreement reached through mediation is not subject to any appeals process;
 4. If the agreement is not upheld, the parties may be referred back to the Office of Student Conduct for appropriate disciplinary action to be taken;
 5. If no form of resolution can be determined by mutual consent, the matter will be referred to the appropriate student conduct body.
- B. Informal Agreement. There may be times when it is appropriate for a student to come to an informal agreement with the University regarding his/her behavior and attempts to correct the behavior. The Office of Student Conduct will make these determinations on a case by case basis. An informal agreement can only be initiated by the Student Conduct Coordinator, Assistant Dean for Student Conduct, and/or the Dean of Students.

X. Victim's Rights

- A. Generally, a victim's input shall be sought during the disciplinary process; however, the right and responsibility for disposition of any individual complaint is reserved by the University. If a victim withdraws his/her/its complaint or refuses to offer testimony during the course of a disciplinary proceeding, the University reserves the right to proceed without his/her/its input.
- B. Victims of sexual misconduct, sexual harassment, dating violence, domestic violence, and stalking are guaranteed specific rights within [Policy 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation, and Gender Identity/Expression](#). These victims are afforded the following rights:
1. The victim shall be advised in writing of the date, time, and place of the hearing at least five (5) business days in advance of the hearing;
 2. The victim shall be given the opportunity to meet with the appropriate University Official to discuss the disciplinary process;
 3. The victim shall be given an opportunity to submit a written account of the alleged incident;
 4. The victim shall have the right to be accompanied at all stages of the disciplinary process by an advisor whose participation shall be limited to advising the victim. The advisor cannot be a student who has been charged with a violation of the student conduct rules related to the same incident as the victim or a student who has an

- open complaint against the victim. The victim may also be accompanied by legal counsel; however, counsel's participation shall be limited to directly advising the victim, i.e., legal counsel may not conduct direct or cross-examination, make opening or closing statements, or engage in argument. The victim may be accompanied by more than one (1) advisor at the discretion of the adjudicating officer or body. The intent of the victim to be accompanied by an advisor shall be indicated in writing to the student conduct coordinator at least five (5) days prior to the disciplinary hearing;
5. The victim shall be afforded an opportunity to testify as a witness during a disciplinary hearing;
 6. The victim may reserve the right to decline to testify during a disciplinary hearing, with the knowledge that such action could result in dismissal of allegations of University rules violations for lack of evidence;
 7. The victim shall be allowed to submit a written victim impact statement to the adjudicating body for their consideration during the sanction phase of the disciplinary process.

XI. Authority of the President

The President of the University retains final authority on all University matters, including disciplinary decisions. Therefore, any disciplinary action is subject to final review by the President. At his/her discretion, the President may determine 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.

Forms: none.

Revisions: June 5, 2017 (Original); March 27, 2018; _____, 2018.-

References: Family Educational Rights and Privacy Act of 1974; Tennessee Open Records Act; T.C.A. § 4-5-301, et. seq.; § 10-7-504(a)(4); § 49-7-123(a)(1); § 49-7-146; Policies 25 Equal Opportunity, Affirmative Action, and Nondiscrimination; 26 Discrimination and Harassment Based on Protected Categories Other Than Sex; 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation, and Gender Identity/Expression; 32 University Committees; 100 Use of Campus Property and Facilities Scheduling; 110 Cases Heard Pursuant to the Uniform Administrative Procedures Act; 312 Academic Misconduct; 541 Residential Life and Housing Rules; 705 Weapons on Campus; 750 Tobacco-Free Campus; 775 Traffic, Parking, and Safety Enforcement; 910 Information Technology Resources.



**Middle Tennessee State University
Academic Affairs, Student Life, and Athletics Committee**

Tuesday, August 28, 2018

Tab 4

Approval to Award Expedited Tenure



**Middle Tennessee State University
Board of Trustees**

MEETING: Academic Affairs, Student Life, and Athletics Committee

SUBJECT: [Approval of Expedited Tenure](#)

DATE: August 28, 2018

PRESENTER: Mark Byrnes

ACTION REQUIRED: Voice Vote

STAFF RECOMMENDATION: Approval

BACKGROUND INFORMATION:

The University will sometimes find it necessary to expedite tenure review in order to recruit high-quality faculty, especially when hiring for administrative positions. In these cases, the University's review will be based on the candidate's curriculum vitae rather than a traditional tenure application file. The request will originate with the Department Chair/Director and be reviewed by the department tenure and promotion review committee, the Dean, the college tenure and promotion review committee, the Provost, and the President. [[Policy 204 Tenure, Section V](#)]

The following faculty, currently serving as administrators, have been reviewed for tenure by their department chair, department committee, college committee, and college dean according to MTSU Policy 204 Tenure and their respective college and department policies. The President and University Provost recommend that tenure be granted effective September 18, 2018.

	Name	Department	Rank
1	Anne Anderson	Economics and Finance	Professor
2	Cathy McElderry	Social Work	Professor



**Middle Tennessee State University
Academic Affairs, Student Life, and Athletics Committee**

Tuesday, August 28, 2018

Tab 5

**Notification of Academic Degrees under
Consideration**



**Middle Tennessee State University
Board of Trustees**

MEETING: Academic Affairs, Student Life, and
Athletics Committee

SUBJECT: [Notification of Academic Degrees
under Consideration](#)

DATE: August 28, 2018

PRESENTER: Mark Byrnes

ACTION REQUIRED: None

BACKGROUND INFORMATION:

Per THEC Policy A1.0 (New Academic Programs: Approval Process), “upon consideration by an institution to develop a new academic program in excess of 24 SCH and notification to the institutional governing board, the institution may submit a Letter of Notification to THEC.”

The following academic program is under consideration. Pending the results of feasibility studies, the university may submit Letters of Notification to THEC.

Bachelor of Science in Data Science

The area of data science continues to grow in popularity, as many of the emerging fields include big data concepts, analytics and machine learning. With the recent establishment of the Data Science Institute at MTSU, the university has the potential to become a leader in this field. A degree program would be interdisciplinary and would focus on practical implications of data, programming, data cleansing and mining, big data concepts, statistics and business intelligence, and predictive analytics and machine learning. It would also be a feeder to stem related Masters degrees. This degree would include faculty and staff from the departments of Math, Computer Science, Information Systems and Analytics, as well as many other departments that embrace data science.



Middle Tennessee State University
Academic Affairs, Student Life, and Athletics Committee

Tuesday, August 28, 2018

Tab 6

Application and Enrollment Activity



**Middle Tennessee State University
Board of Trustees**

MEETING: Academic Affairs, Student Life, and
Athletics Committee

SUBJECT: [Application and Enrollment Activity](#)

DATE: August 28, 2018

PRESENTER: Deb Sells

ACTION REQUIRED: None

BACKGROUND INFORMATION:

Update of most recent application and enrollment data for undergraduate new freshmen and new transfer students for fall, 2018.



Middle Tennessee State University
Academic Affairs, Student Life, and Athletics Committee

Tuesday, August 28, 2018

Tab 7

Department of Athletics Recap of 2017-18



**Middle Tennessee State University
Board of Trustees**

MEETING: Academic Affairs, Student Life, and
Athletics Committee

SUBJECT: [Athletics Recap of 2017-18](#)

DATE: August 28, 2018

PRESENTER: Chris Massaro

ACTION REQUIRED: None

BACKGROUND INFORMATION:

Summary of accomplishments in the Department of Athletics during the 2017-18 academic year.

17-18

YEAR IN REVIEW



2017-18 MIDDLE TENNESSEE ALL-SPORTS RECORD

MEN'S SPORTS

Sport	W	L	T	HIGHLIGHTS FROM THE 2017-18 SEASON
Football	7	6	0	Camellia Bowl Champions
Basketball	25	8	0	C-USA Regular Season Champs; NIT
Cross Country	126	27	0	C-USA Champions; NCAA Regional Champs
Outdoor Track	-	-	-	Finished 7th at the C-USA Championship and advanced to NCAA Regionals
Indoor Track	-	-	-	Third place at C-USA Championship
Baseball	27	27	1	10-5 vs in-state foes, including wins over Vandy and Tennessee
Golf	98	56	0	C-USA Champions, Advanced to NCAA Regionals
Tennis	22	5	0	Had a 10-match win streak
Total Record	305	129	1	

WOMEN'S SPORTS

Sport	W	L	T	HIGHLIGHTS FROM THE 2017-18 SEASON
Volleyball	7	23	0	First year under Head Coach Chuck Crawford
Soccer	8	10	0	Advanced to C-USA Tournament; DePriest C-USA Freshman of Year
Basketball	18	13	0	WNIT appearance
Cross Country	66	56	0	Finished 6th in C-USA
Golf	62	60	1	Finish 5th at C-USA Championship; Long 3rd, Burris ties for 9th
Outdoor Track	-	-	-	Finished 2nd at the C-USA Championship and advanced to NCAA Regionals
Indoor Track	-	-	-	C-USA Champions and advanced to the NCAA Championships
Softball	39	22	0	C-USA Tournament Champions, Advanced to NCAA Regionals
Tennis	19	8	0	Advanced to semifinals of C-USA Championship
Total Record	219	192	1	

ALL SPORTS RECORD: 524 wins, 321 losses, 2 ties (.620)

2017-18 C-USA CHAMPIONSHIPS (5)

Men's Cross Country
Men's Basketball
Women's Indoor Track
Men's Golf
Softball

2017-18 TEAMS IN POSTSEASON (8)

Men's Cross Country
Football
Men's Basketball
Women's Basketball
Men's Golf
Softball
Men's Outdoor Track
Women's Outdoor Track

INDIVIDUALS IN POSTSEASON

Abike Egbeniyi (Indoor Track)
Agnes Abu (Indoor Track)
Kigen Chemadi (Indoor Track)
Abike Egbeniyi (Outdoor Track)
Edidiong Odiong (Outdoor Track)

DIRECTOR'S CUP FINISHES

2017-18: 94 (199.0)	2009-10: 79 (217.5 points)	2000-01: 162 (73.5 points)
2016-17: 88 (217.5)	2008-09: 76 (259 points)	1999-00: 105 (149 points)
2015-16: 91 (214.0)	2007-08: 128 (138 points)	1998-99: 214 (10 points)
2014-15: 170 (91.0)	2006-07: 101 (178 points)	1997-98: 202 (10 points)
2013-14: 141 (112.25)	2005-06: Did not score past 100	1996-97: 196 (32.5 points)
2012-13: 164 (92.0)	2004-05: T169 (75 points)	1995-96: 152 (68.5 points)
2011-12: 151 (103.5)	2003-04: T132 (123 points)	1994-95: 109 (52.5 points)
2010-11: 103 (161.5 points)	2002-03: T162 (83.5 points)	1993-94: 123 (91 points)
	2001-02: 156 (89.5 points)	

MIDDLE TENNESSEE BLUE RAIDERS: 2017-18

CHAMPIONSHIP TRADITION

144 OVC CHAMPIONSHIPS

Baseball (24) - 1959*, 1968, **1976, 1981, 1982, 1987, 1988, 1990, 1991^, 1992**, 1993, 1994^, **1995, 1996***, 1997*, 2000^

Basketball (Men) (10) - **1975, 1977^, 1978***, 1982^, 1985^, 1986*, **1987, 1989***

Basketball (Women) (18) - 1980, **1983, 1984, 1985, 1986, 1987*, 1988, 1989, 1995***, 1996*, 1998^, 1999*, 2000^

Cross-Country (Men) (1) - 1983

Football (11) - 1956, 1957, 1958*, 1959*, 1962*, 1964, 1965, 1985, 1989, 1990*, 1992

Golf (16) - 1956, 1958, 1960, 1961, 1962, 1963, 1964, 1966, 1967, 1974, 1978, 1994, 1995, 1996, 1998, 2000

Indoor Track (Men) (9) - 1979, 1981, 1982, 1983, 1985, 1986, 1991, 1993, 2000

Indoor Track (Women) (5) - 1988, 1991, 1994, 1995, 1996

Outdoor Track (Men) (11) - 1977, 1978, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1993, 1994

Outdoor Track (Women) (3) - 1991, 1994, 1996

Softball (1) - 2000

Tennis (Men) (23) - 1976, 1979, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000

Tennis (Women) (11) - 1980, 1982, 1990, 1991, 1992, 1993, 1996, 1997, 1998, **2000**

Volleyball (1) - 1995^

*Co-Champions ^Tournament Championship
Bold - Won both regular season and tournament titles

57 SUN BELT CONFERENCE CHAMPIONSHIPS
Basketball (Men) (3) - 2010*, 2012, 2013

Basketball (Women) (13) - 2004^, 2005^, 2006^, **2007, 2009, 2010, 2011, 2012, 2013**

Baseball (5) - 2001*, 2003^, 2004*, **2009**

Cross Country (Men) (1) - 2009

Football (2) - 2001*, 2006*

Golf (Men) (1) - 2009^

Indoor Track (Men) (7) - 2001, 2002, 2003, 2004, 2006, 2009, 2011

Indoor Track (Women) (6) - 2001, 2002, 2003, 2004, 2005, 2012

Outdoor Track (Men) (4) - 2001, 2006, 2007, 2013

Outdoor Track (Women) (2) - 2000, 2005

Soccer (3) - 2004*, 2010^, 2012

Tennis (Men) (4) - 2005^, 2009^, 2011^, 2012^

Volleyball (7) - **2006*, 2007, 2009^, 2010**

*Co-Champions ^Tournament Championship
Bold - Won both regular season & tournament titles

16 CONFERENCE USA CHAMPIONSHIPS

Basketball (Men) (5) - 2014, ^2016, **2017, 2018**
Basketball (Women) (3) - **2014, ^2016**

12 NATIONAL CHAMPIONSHIPS

Team Competition Golf - 1965

Individual Competition

Gary Head - 1963 Golf
Larry Gilbert - 1965 Golf
Barry McClure - 1972 Track
Barry McClure - 1973 Track
Tommy Haynes - 1974 Track
Dionne Rose - 1994 Track
David McNamara and Julius Robberts - 1997 Tennis
Daniel Klemetz - 2002 Tennis
Mardy Scales - 2003 Track
Andreas Siljeström and Marco Born - 2005 Tennis
Andreas Siljeström and Marco Born - 2007 Tennis

Cross Country (Women) (1) - 2014
Cross Country (Men) (1) - 2017
Golf (Women) (2) - 2015, 2016
Golf (Men) (1) - 2018
Indoor Track (Men) (1) - 2017
Indoor Track (Women) (1) - 2018
Softball (Women) (1) - 2018

*Co-Champions ^Tournament Championship
Bold - Won both regular season & tournament titles

204 NCAA TOURNAMENT APPEARANCES

Baseball (14) - 1968, 1976, 1981, 1982, 1987, 1988, 1990, 1991, 1995, 2000, 2001, 2003, 2004, 2009

Basketball (Men) (9) - 1975, 1977, 1982, 1985, 1987, 1989, 2013, 2016, 2017

Basketball (Women) (18) - 1983, 1984, 1985, 1986, 1988, 1996, 1998, 2004, 2005, 2006, 2007, 2009, 2010, 2011, 2012, 2013, 2014, 2016

*Cross-Country (Men) (6) - 1966, 1971, ^2009, ^2011, 2016, 2017

*Cross-Country (Women) (3) - ^2009, ^2011, ^2014

Football (I-AA Playoffs) (7) - 1984, 1985, 1989, 1990, 1991, 1992, 1994

*Golf (Men) (17) - ^1963, ^1964, 1965, ^1967, ^1968, ^1974, ^1977, 2000 (first as Division I), ^2007, 2008, 2009, 2010, 2011, 2012, 2014, 2017, 2018

*Golf (Women) (2) - 2015, 2016

^Indoor Track (Men) (34) - 1970, 1971, 1972, 1973, 1974, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1991, 1993, 1994, 1995, 1996, 1999, 2000, 2001, 2002, 2003, 2004, 2006, 2011, 2012, 2014, 2016, 2017, 2018

^Indoor Track (Women) (12) - 1987, 1988, 1994, 1996, 2003, 2009, 2010, 2012, 2013, 2014, 2017, 2018

^Outdoor Track (Men) (40) - 1968, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1991, 1992, 1993, 1994, 1995, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2009, 2010, 2012, 2013, 2014, 2015, 2016, 2017, 2018

^Outdoor Track (Women) (12) - 1988, 1994, 2000, 2003, 2009, 2010, 2011, 2012, 2013, 2016, 2017, 2018

Softball (2): 2000, 2018

Soccer (1): 2010

*Tennis (Men) (16) - ^1994, 1995, 1996, 1997, ^1998, 2000, 2001, 2002, ^2003, 2005, 2006, ^2007, 2009, ^2010, 2011, 2012

*Tennis (Women) (4) - 2000, ^2002, ^2003, ^2004

Volleyball (7) - 1995, 2006, 2007, 2008, 2009, 2010, 2011

*NCAA appearances for track, cross country, golf and tennis are based on individual as well as team performances. Individual appearances are designated by ^.

OVC HALL OF FAME

Dr. Quill E. Cope (1978)
Charles M. Murphy (1982)
Jimmy Earle (1989)
Dr. Sam Ingram (1990)
E. K. Patty (1993)
John Stanford (1997)
Larry Joe Inman (2009)

OVC ALL-SPORTS TROPHIES

Combined - 1977
Women - 1982, 1986, 1988
Men - 1986, 1996, 1997, 1998, 1999, 2000
(The OVC All-Sports Trophy was a combined award prior to 1981)

SBC ALL-SPORTS TROPHIES (9)

2000-01, 2003-04, 2004-05, 2006-07, 2008-09, 2009-10, 2010-11, 2011-12, 2012-13

OVC ACADEMIC ACHIEVEMENT BANNER

1996

OVC FEMALE ATHLETE OF THE YEAR

1987 - Kim Webb, Basketball
1992 - Priscilla Robinson, Basketball
1996 - Nadia Graham, Track

OVC MALE ATHLETE OF THE YEAR

1981 - Greg Artis, Track
1986 - Don Griffin, Football
1990 - Jayhawk Owens, Baseball

SBC ATHLETE OF THE YEAR

2001 - Dewon Brazelton, Baseball
2004 - Mardy Scales, Track
2007 - Chrissy Givens, Basketball (Female)
2010 - Alysha Clark, Basketball (Female)

C-USA FEMALE ATHLETE OF THE YEAR

2014 - Ebony Rowe

OVC SCHOLAR ATHLETES

1982-83 - Arlene Hale
1983-84 - Mitzi Grogan
1984-85 - Maria Salas
1988-89 - Lianne Beck
1991-92 - Lea White

SBC COACH OF THE YEAR

2000 - Dean Hayes (Women's Outdoor Track)
2001 - Dean Hayes (Men's Indoor Track)
2001 - Dean Hayes (Women's Indoor Track)
2001 - Dean Hayes (Men's Outdoor Track)
2002 - Dean Hayes (Men's Indoor Track)
2002 - Dean Hayes (Women's Indoor Track)
2003 - Dean Hayes (Men's Indoor Track)
2003 - Kermit Davis (Men's Basketball)
2003 - Aston Rhoden (Women's Soccer)
2004 - Aston Rhoden (Women's Soccer)
2004 - Dean Hayes (Women's Indoor Track)
2004 - Steve Peterson (Baseball)
2005 - Dale Short (Men's Tennis)
2005 - Rachael Short (Women's Golf)
2005 - Dean Hayes (Women's Outdoor Track)
2006 - Dean Hayes (Men's Indoor Track)
2006 - Dean Hayes (Men's Outdoor Track)
2006 - Rick Stockstill (Football)
2007 - Rick Insell (Women's Basketball)

2007 – Johnny Moore (Men's Golf)
2007 – Dean Hayes (Men's Outdoor Track)
2007 - Matt Peck (Volleyball)
2008 - Whit Turnbow (Men's Golf)
2009 - Rick Insell (Women's Basketball)
2009 - Dean Hayes (Men's Indoor Track)
2009 - David McNamara (Men's Tennis)
2009 - Whit Turnbow (Men's Golf)
2009 - Dean Hayes (Men's Cross Country)
2009 - Rick Stockstill (Football)
2010 - Matt Peck (Volleyball)
2011 - Dean Hayes (Men's Indoor Track)
2011 - Whit Turnbow (Men's Golf)
2011 - Jimmy Borendame (Men's Tennis)
2012 - Rick Insell (Women's Basketball)
2012 - Kermit Davis (Men's Basketball)
2012 - Chris Adams (Women's Golf)
2012 - Jimmy Borendame (Men's Tennis)
2012 - Aston Rhoden (Soccer)
2013 - Kermit Davis (Men's Basketball)
2013 - Dean Hayes (Outdoor Track)

C-USA COACH OF THE YEAR

2014 - Keith Vroman (Women's Cross Country)
2015 - Chris Adams (Women's Golf)
2015 - Jim McGuire (Baseball)
2016 - Chris Adams (Women's Golf)
2017 - Kermit Davis (Men's Basketball)
2017 - Dean Hayes (Indoor Track)
2017 - Keith Vroman (Men's Cross Country)
2018 - Dean Hayes (Indoor Track)
2018 - Brennan Webb (Men's Golf)
As of June 2018

2017-18 HONORS

ACADEMICS

Fall 2017

- 196 of 329 (60%) of all student-athletes had a grade point average of 3.0 or higher.
- 105 (32%) of all student-athletes made the Dean's List by earning a grade point average of 3.5 or higher.
- 34 (10%) of all student-athletes had a perfect 4.0 grade point average.
- 13 of 15 teams had a semester grade point average of 3.0 or higher
- Tennis had the highest men's team grade point average of 3.78
- Golf had the highest women's team grade point average of 3.58
- Semester GPA for all student-athletes: 3.007
- Cumulative GPA for all student-athletes: 3.063

Spring 2018

- 185 of 323 (57%) of all student-athletes had a grade point average of 3.0 or higher.
- 108 (33%) of all student-athletes made the Dean's List by earning a grade point average of 3.5 or higher.
- 42 (13%) of all student-athletes had a perfect 4.0 grade point average.
- 11 of 15 teams had a semester grade point average of 3.0 or higher
- Men's Tennis had the highest men's team grade point average with a 3.776.
- Softball had the highest women's and overall team grade point average of 3.441.
- Semester GPA for all student-athletes: 2.988
- Cumulative GPA for all student-athletes: 3.096
- A perfect 100 percent of Middle Tennessee's athletic teams earned a multi-year Academic Progress Rate (APR) of over 930 as the National Collegiate Athletic Association (NCAA) released its annual APR report.
- The NCAA announced Public Recognition Awards for APR and baseball, women's golf and volleyball were honored.

FOOTBALL

Brad Anderson: Named the TSWA Player of the Week on Sept. 26

Robert Behanan: Voted Honorable Mention All-C-USA

Reed Blankenship: Voted Honorable Mention All-C-USA, Named to the C-USA All-Freshman Team

Matt Bonadies: Named to the Ray Guy Award Watch List

Walter Brady: Voted Honorable Mention All-C-USA

Chandler Brewer: Voted Honorable Mention All-C-USA

Khalil Brooks: Voted Second Team All-C-USA, Named C-USA Defensive Player of the Week on Sept. 11 and Oct. 9

Jordan Ferguson: Voted to the C-USA All-Freshman Team

Darius Harris: Named the Bart Starr MVP of the Camellia Bowl

Richie James: Named to the Biltnikoff and Paul Hornung Award Watch Lists, Named Preseason Second Team All-American by Athlon, Preseason

First Team All-C-USA

Ty Lee: Voted Second Team All-C-USA

Mike Minter: Named to the SPIRAL Tropical Bowl

Jovante Moffatt: Voted Honorable Mention All-C-USA

Canon Rooker: Voted Honorable Mention All-C-USA, Named to the Lou Groza Award Watch List, Named Preseason First Team All-C-USA, Named semifinalist for William V. Campbell Trophy, Named Semi-Finalist for Lou Groza Award

DJ Sanders: Voted Honorable Mention All-C-USA

Brent Stockstill: Voted Honorable Mention All-C-USA, Named to the Davey O'Brien, Maxwell, Wuerffel, Johnny Unitas Golden Arm Award and the Manning Award Watch Lists, Named to the AFCA Good Works Team, Named to the Dave O'Brien "Great 8" List on Sept. 11, Named the C-USA Offensive Player of the Week on 9/11/17, Named a Semi-finalist for the Wuerffel Trophy

Charvarius Ward: Selected to the Colleege Gridiron Showcase All-Star Game

Terelle West: Named C-USA Offensive Player of the Week on Nov. 27

VOLLEYBALL

Taylor Hammill: Named to the C-USA All-Academic Team

Bailey Mason: Named to the C-USA Fall Spirit of Service Award team

MEN'S GOLF

James Beckner: Named to C-USA All-Academic Team, Named to Google Cloud Academic All-District Men's At-Large team, Voted Google Cloud Academic Second Team All-American

Marcus Byrd: Named the C-USA Player of the Week on Sept. 27

Tyler Johnson: Voted the C-USA Freshman of the Year, Named Second Team All-C-USA, Named to C-USA All-Freshman Team, Named the C-USA Player of the Week on Sept. 20

Chip Thomas: Named to C-USA All-Academic Team

Brennan Webb: Named C-USA Coach of the Year

WOMEN'S GOLF

Sophie Burks: Named a WGCA All-American Scholar

Jenna Burris: Named Second Team All-C-USA, Named a WGCA All-American Scholar, 2018 Jim Castaneda Postgraduate Scholarship recipient

Hanley Long: Voted C-USA's Most Improved Golfer, Named First Team All-C-USA, Named C-USA Golfer of the Week on Oct. 4, Named to C-USA All-Academic Team, Named to C-USA All-Tournament Team, Named a WGCA All-American Scholar

CROSS-COUNTRY

Kigen Chemadi: Earned All-American honors, Named First Team All-C-USA, Named the USTFCCA National Athlete of the Week on Sept. 5

Amos Cheruiyot: Named Second Team All-C-USA

MIDDLE TENNESSEE BLUE RAIDERS: 2017-18

Geoffrey Cheruiyot: Named Second Team All-C-USA

Jacob Choge: Earned All-American honors, Named First Team All-C-USA, Named C-USA Athlete of the Week on Oct. 3, Oct. 17

Sampson Laari: Named the C-USA Championship Meet Outstanding Senior, Named First Team All-C-USA, Named to the C-USA All-Academic team

Keith Vroman: Named C-USA Coach of the Year, Named the USTFCCCA South Region Coach of the Year

SOCCER

Cameron Cox: Named Third Team All-C-USA

Peyton DePriest: Named Second Team All-C-USA, Voted C-USA Freshman of the Year

Amber Hoot: Named to C-USA All-Academic Team

Sydney Navarro: Named Second Team All-C-USA, Voted to the United Soccer Coaches scholar All-South Region Third Team

MEN'S BASKETBALL

Tyrik Dixon: Named to C-USA All-Defensive Team

Nick King: Named the C-USA Player of the Year, Voted the C-USA Newcomer of the Year, Named First Team All-C-USA, Selected Third Team All-American by USA Today, Voted a finalist for the Karl Malone Award, Named C-USA Player of the Week on Nov. 20, Dec. 11, Dec. 26, Feb. 12, Voted TSWA Player of the Week on Dec. 27, Named the TSWA Player of the Year

Giddy Potts: Named First Team Preseason All-C-USA, Voted Second Team All-C-USA

WOMEN'S BASKETBALL

Alex Johnson: Named First Team Preseason All-C-USA, Voted Second Team All-C-USA

Anna Jones: Named C-USA Freshman of the Week on Jan. 16 and Jan. 29, Named the USBWA National Freshman of the Week on Jan. 30, Named to the C-USA All-Freshman team

Abbey Sissom: Named C-USA All-Academic

INDOOR TRACK & FIELD

Agnes Abu: Earned the top scorer award at the C-USA Indoor Championship, Earned Second Team All-America honors

Kigen Chemadi: Earned Second Team All-America honors

Abike Egbeniyi: Named C-USA Track Athlete of the Week on Jan. 23 and Feb. 13, Earned Second Team All-America honors

Dean Hayes: Named the C-USA Indoor Track Coach of the Year

OUTDOOR TRACK & FIELD

Agnes Abu: Named to C-USA All-Academic Team

Abike Egbeniyi: First Team All-American, NCAA Runner-Up in the 800-meters, Named C-USA Female Track Athlete of the Week on Mar. 27, Apr. 17, Apr. 24, Named the C-USA Female Track Athlete of the Year

BASEBALL

Aaron Aucker: Voted Second Team All-C-USA, Named to C-USA All-Academic Team, Recipient of the C-USA Spirit of Service Award, Voted Third Team Google Cloud Academic All-American

Austin Dennis: Voted First Team All-C-USA, Named to C-USA All-Academic Team

Drew Huff: Voted C-USA Hitter of the Week on Apr. 2, Named the TSWA Player of the Week on Apr. 3

Jake Wyrick: Voted Second Team All-C-USA

MEN'S TENNIS

Chris Edge: Named Second Team All-C-USA, Voted First Team All-C-USA Doubles

Miguel Negre Fernandez: Voted Second Team All-C-USA Doubles, Named to C-USA All-Academic Team, Named C-USA Athlete of the Week on March 28, Named C-USA Athlete of the Month in December

Gian Issa: Named Second Team All-C-USA, Named ITA Ohio Valley Region Most Improved Senior

Tom Moonen: Named Second Team All-C-USA, Voted First Team All-C-USA Doubles, Named C-USA Player of the Week on Jan. 17

Gonzalo Morell Raschiatore: Named Second Team All-C-USA, Voted First Team All-C-USA Doubles, Named C-USA Athlete of the Week on March 14

WOMEN'S TENNIS

Kim Kermet: Named Second Team All-C-USA

SOFTBALL

Amber Baldwin: Named to C-USA All-Freshman Team, Named C-USA Pitcher of the Week on Mar. 12

Precious Birdsong: Named Second Team All-C-USA, Named to C-USA All-Tournament Team, Nominee for NCAA Woman of the Year award

Summer Burgess: Named Second Team All-C-USA, Named to C-USA All-Academic Team, Named to C-USA All-Tournament Team

Kirstyn Cuccia: Named to C-USA All-Tournament Team

Lexi Cushing: Named Second Team All-C-USA, Named C-USA Player of the Week on Feb. 19, Mar. 12

Morgan Harris: Named First Team All-C-USA, Named to C-USA All-Academic Team, Named Third Team NFCA All-Region, Nominee for NCAA Woman of the Year award

Cori Jennings: Named First Team All-C-USA, Named C-USA Co-Pitcher of the Week on Feb. 19 and Apr. 30, Voted the TSWA Pitcher of the Week on Apr. 24, Voted C-USA Tournament MVP, Named to C-USA All-Tournament Team, Named Third Team NFCA All-Region

Kristin Uselton: Named to C-USA All-Tournament Team

2018 RAIDERS CHOICE AWARDS

April 26, 2018; Tucker Theater

PRESIDENTS AWARD (MALE): Aaron Aucker, baseball; Ed Simpson, basketball

PRESIDENTS AWARD (FEMALE): Morgan Harris, softball

MALE ATHLETE OF THE YEAR: Nick King, basketball

FEMALE ATHLETE OF THE YEAR: Abike Egbeniyi, track

MALE NEWCOMER OF THE YEAR: Tyler Johnson, golf

FEMALE NEWCOMER OF THE YEAR: Peyton DePriest, soccer

FEMALE BREAKOUT PERFORMER OF THE YEAR: Lexi Cushing, softball

MALE BREAKOUT PERFORMER OF THE YEAR: Gian Issa, tennis

ALL-AMERICANS: Agnes Abu (800 Meter Run) - 2nd Team All-American (2017 Outdoor); Abike Eg-beniyi (800 Meter Run) - 2nd Team All-American (2017 Outdoor); Elizabeth Dadzie (Heptathlon) - 2nd Team All-American (2017 Outdoor); Jacob Choge (5000 Meter Run) - HM All-American (2017 Outdoor); Jacob Choge (10000 Meter Run) - 2nd Team All-American (2017 Outdoor); Eliud Rutto (800 Meter Run) - 2nd Team All-American (2017 Outdoor); Nick King - USA Today Third Team All-American; Agnes Abu (800 Meter Run) - 2nd Team All-American (2018 Indoor); Abike Egbeniyi (800 Meter Run) - 2nd Team All-American (2018 Indoor); Kigen Chemadi (3000 Meter Run) - 2nd Team All-American (2018 Indoor); Jacob Choge - All-American at 2017 NCAA Cross Country Championships; Kigen Chemadi - All-American at 2017 NCAA Cross Country Championships; Aaron Aucker - Preseason Third Team All-American (NCBWA)

SAEC ACHIEVEMENT AWARD: Male: Gian Issa, tennis; Vonnie Covington, volleyball

MAKE A DIFFERENCE AWARD: Keith Bunch, MT sports medicine; Rutherford County EMS (Matt Riley)

DIRECTOR'S CUP: Men's Tennis

TEAM GPA AWARD/SPRING 2017: Men's Tennis (3.743)

TEAM GPA AWARD/FALL 2017: Men's Tennis (3.783)

GAME/EVENT OF THE YEAR: Football's 35-30 win over Arkansas State to win the Camellia Bowl

PERFORMANCE OF THE YEAR: Drew Huff went 4-for-7, scoring three runs, driving in nine RBI, including a grand slam in the victory over Belmont. Huff was also a double short of the cycle. Not only did he break the school record for RBI in a game, but it also tied for second all-time in Conference USA, making him one of four in the league's history with nine RBI in a game. Drew went on to win hitter of the week in Conference USA with his performance.

PLAY OF THE YEAR: Precious Birdsong's single to shallow centerfield that scored Brooke McClure, the game winning run, from second base in extra innings of the rubber match game at WKU.

FOOTBALL



TY LEE

A second team All-C-USA pick, Ty Lee finished with a career-best 79 receptions (4th most in a season) for 955 yards (7th most in a season) and five touchdowns. Also had 109 yards on the ground and a score. His receptions led C-USA.

MEN'S CROSS COUNTRY



JACOB CHOGE

Choge won his second straight C-USA Individual Championship with a time of 23:54.12 in the 8K before finishing 3rd at the NCAA South Regional with a 10K time of 29:50.9. He was named to his second straight All-American team with a 34th place finish in the NCAA Cross Country Championship and a time of 29:55.6 in the 10K. In his four regular season meets, Choge never finished lower than 6th.

SOCCER



PEYTON DEPRIEST

Just a freshman, Peyton DePriest made a splash for Middle Tennessee, in C-USA and nationally. The freshman scored 13 goals, leading the team and the conference in goals scored. The mark also put her tied for second nationally for goals scored by a freshman, finishing tied for 20th overall.

DePriest's goals earned her Conference USA's Freshman of the Year award and a spot on the C-USA All-Freshman Team and All-C-USA Second Team. She was also the Middle Tennessee Female Newcomer of the Year at the most recent Raider's Choice Awards.

She helped lead MT back to the conference tournament after the Raiders missed out in 2016.

The Franklin, Tennessee native also had three assists while leading the squad in points with 29. 17 of her 29 points came during conference play, as did eight of her goals, three of which were game winners. She also led the Raiders in shots (57), shots on goal (30) and game winning goals (four).

VOLLEYBALL



DORA PEONIA

Dora Peonia completed her sophomore season with great strides of improvement. The Castel Bolognese, Italy native was efficient from the service line, inking 41 service aces throughout the season to record a new single-season program record in the 25-point scoring era. Peonia's efficiency from the line made her nationally ranked among the top-25 in aces per set and total service aces for five consecutive weeks. Beyond her success at the service line, Peonia recorded the most kills (292) and kills per set (2.82) of any Blue Raider in the 2017 season.

WOMEN'S CROSS COUNTRY



RACHEL KIGEN

Kigen finished 14th with a 5K time of 17:52.95 at the Conference USA Cross Country Championship, good enough for the C-USA All-Conference Second Team

She ran a 21:40.4 in the 6K at the NCAA South Regional after taking home a season high 4th place at the Brooks Twilight Classic .

MEN'S BASKETBALL



NICK KING

Nick King was named the 2017-18 Conference USA Player of the Year after averaging a team-high 21 points and 8.4 rebounds per game. King also was named to the C-USA First Team and a USA Today third-team all-American.

The Memphis, Tenn., native also shattered the Middle Tennessee single-season scoring record, notching 694 points, which broke Kim Cooksey's mark of 623 points from the 1985-95 season.

WOMEN'S BASKETBALL



ALEX JOHNSON

Despite an ankle injury in the season opener at Vanderbilt that sidelined her for 11 games, Alex Johnson still produced an all-conference worthy season. The junior forward overcame injury to lead the Lady Raiders in scoring with 13.5 points per game. She upped that average to 15.2 in C-USA only games. Johnson earned a spot on the C-USA All-Conference team for the second straight year for her efforts. Rounding into full strength for the first time, Johnson was at her best down the stretch when she averaged 19.9 points and .6 rebounds over the last eight contests, scoring 20 or more four times during that stretch. Johnson finished the season with 1,356 career points to move into 18th on the all-time scoring list. She was the C-USA Preseason Player of the Year and one of 20 players nationally to be named to the 2018 Katrina McClain Award Watch List.

BASEBALL



AUSTIN DENNIS

Before being drafted by the Houston Astros in the 2018 MLB Draft, Austin Dennis put together a spectacular junior season for the Blue Raiders. Dennis finished his season leading the team in batting average (.345), runs scored (62), and stolen bases (25). Dennis held the 2nd highest hitting streak on the team with 15 games and had the highest reached base streak on the team with 28 consecutive games.

As a reliever, Dennis held the 2nd lowest ERA (4.03), and was 2nd in saves (3) for the Blue Raiders. Dennis earned First-Team All Conference honors as a utility player for his efforts in 2018.

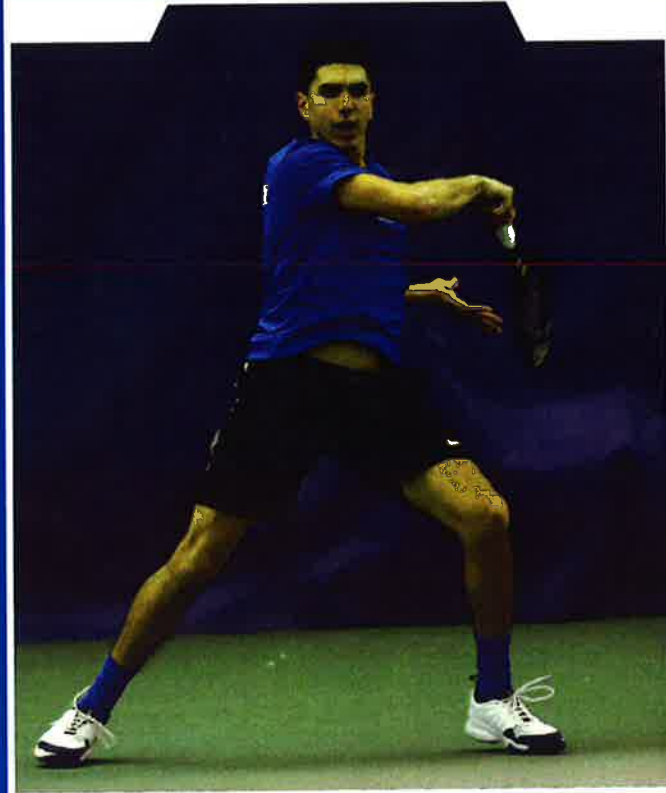
MEN'S GOLF



MARCUS BYRD

Byrd led the Blue Raiders with a 72.0 scoring average, five top ten finishes and 17 rounds of par or better. The junior finished the year strong with a fifth place finish at the NCAA Raleigh Regional that included two rounds of 67 to match his career high.

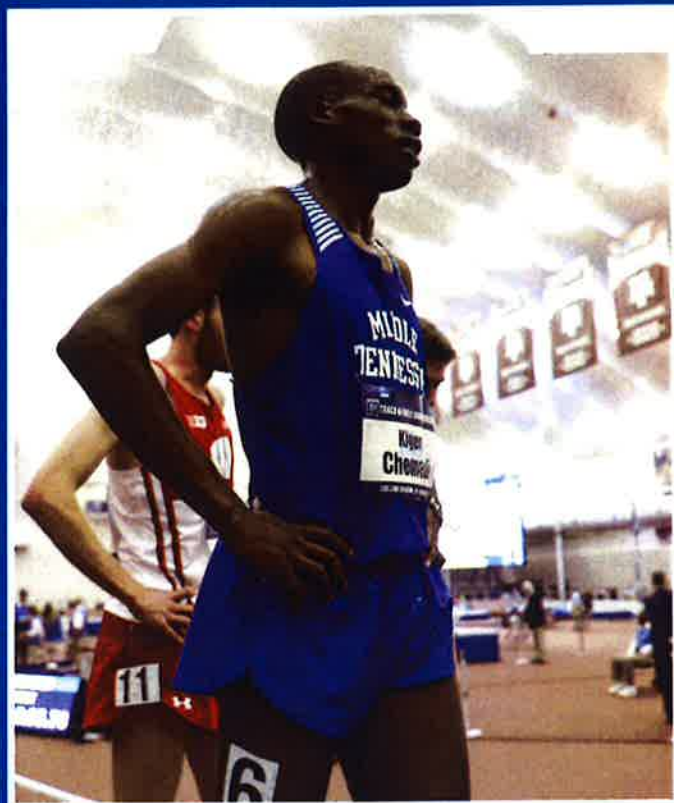
MEN'S TENNIS



GIAN ISSA

In his senior year, Issa earned ranked singles wins in the fall over opponents from No. 53 Princeton, No. 73 William & Mary, and No. 21 Vanderbilt. He also enjoyed a nine-match win streak in the fall and ending his career on an eight-match win streak, with all eight of those wins coming against opponents from a ranked team. He finished his career tied for the third most singles wins in a single season in program history (32). At the end of the year, Issa was honored with All-C-USA Second Team Singles placement and earned the ITA Ohio Valley Region Most Improved Senior award.

MEN'S TRACK & FIELD



KIGEN CHEMADI

Kigen Chemadi had great success in the indoor track season, holding the fastest Blue Raider time during the season in the mile and 3,000-meter event. At the Camel City Classic on Feb. 2, 2018, Chemadi broke the Blue Raider school record in the 3,000-meter race inking a time of 7:58.42. Similarly, he earned the champion title at the C-USA Indoor Track and Field Championships in the 5,000-meter. Chemadi qualified for the NCAA Indoor Track and Field Championships in the 3,000-meter and earned Second-Team All-American honors.

WOMEN'S GOLF



HANLEY LONG

Competed in all five spring tournaments and finished the year second on the team with a stroke average of 75.3. Long was voted Third Team All-Conference USA, selected to the Conference USA All-Academic Team, and C-USA Academic Medal Winner.

WOMEN'S TENNIS



KIM KERMIT

In her first season at MTSU, Kermet won matches at No. 1, 2, 3, and 4 and posted a season-best nine-match win streak from Jan. 20 to March 4. She finished the season on a three-match win streak, including two wins in the C-USA Championship against UTSA and FAU in straight sets at No. 3.

WOMEN'S TRACK & FIELD



ABIKE EGBENIYI

Abike Egbeniyi preformed at an incredible level during both the indoor and outdoor seasons during her junior campaign. The Lagos, Nigeria native earned Second-Team All-American for the 2018 indoor season and a First-Team All-American for the 2018 outdoor season after finishing second in the women's 800m finals. She ranks 11th in the country in the 800m and broke two C-USA Track & Field Championships records in the indoor 400m and the outdoor 800m during her junior campaign. Respectively, Egbeniyi holds the Blue Raider school record in the 800-meter event and earned the 2018 Blue Raider Female Athlete of the Year honor.

SOFTBALL



MORGAN HARRIS

Decorated four-year starter Harris was named to the First Team All-C-USA list and the National Fastpitch Coaches Association (NFCA) All-Mideast Region Third Team this past season. She was also a C-USA All-Academic team member.

The catcher finished her Blue Raider career as the all-time leader in RBI with 111. She also goes down as the number five all-time leader in career putouts (824).

Harris was instrumental in helping the Blue Raiders win their first conference championship this past year. The captain called nearly every game behind the plate, securing a pitching staff ERA of 2.79. She also caught two no-hitters and 10 shutouts. Harris threw out 19 base runners trying to steal on the year.

Harris was also a big offensive threat for the Raiders, batting .333 on the year out of the four-hole. The senior was 61-for-183 with nine doubles, four home runs and 39 RBI. She finished the year with a .448 slugging percentage and .359 on-base percentage. She also stole seven bases and had seven sacrifice hits. Harris had 11 multi-RBI games and 14 multi-hit games in her senior season.

Harris' success earned her the Female True Blue President's Award at the Raiders Choice Awards this past year, which is the top honor given to a female Blue Raider every season.