

# Middle Tennessee State University

## Student Disciplinary Policy

Part 1 Institution Policy Statement

Part 2 Disciplinary Offenses

Part 3 Academic and Classroom Misconduct

Part 4 Disciplinary Sanctions

Part 5 Traffic and Parking

Part 6 Disciplinary Procedures

### Part 1 Institution Policy Statement

- (1) Students enrolled in Middle Tennessee State University (“MTSU,” “the Institution” or “the University”) are citizens of their civic communities as well as the academic community. As such, they are expected to conduct themselves as law-abiding members of each community at all times. Admission to an institution of postsecondary education carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by non-students. In recognition of the special relationship that exists between the institution and the academic community which it seeks to serve, the Tennessee Board of Regents (“TBR” or “the Board”) has authorized the President of MTSU to take such action as may be necessary to maintain campus conditions and preserve the integrity of the Institution and its educational environment.
- (2) Pursuant to this authorization and in fulfillment of its duties to provide a secure and stimulating atmosphere in which individual and academic pursuits may flourish, the Institution has developed the following policy which is intended to govern student conduct. This policy is implemented consistent with directives of the TBR and is subject to Board approval. In addition, students are subject to all federal, state and local laws and ordinances. If a student’s violation of such laws or ordinances also adversely affects the Institution’s pursuit of its educational objectives, the Institution may enforce its own regulations regardless of the status or outcome of any external proceedings instituted by other civil or criminal authorities.
- (3) The responsibility for the administration of student discipline at MTSU is a function of the Dean of Student Life’s office and/or the appropriate adjudicating body. The Dean of Student Life’s designee is the Office of Judicial Affairs and Mediation Services, specifically the Assistant Dean for Judicial Affairs and the Judicial Coordinator (“University officials”). The Assistant Dean and/or Judicial Coordinator is authorized to make the determination and/or recommendation of the method of hearing each complaint or allegation and to provide other opportunities for conflict resolution outside of the judicial process consistent with these rules. The Assistant Dean and/or Judicial Coordinator shall implement policies and procedures for the administration of the judicial program and procedures for the conduct of hearings which are consistent with those in the General Regulations on Student Conduct.
- (4) For the purpose of these regulations, a “student” shall mean any person who is admitted and/or registered for study at MTSU for any academic period. This shall include any period of time

following admission and/or registration, but preceding the start of classes for any academic period. It will also include any period which follows the end of an academic period through the last day for registration for the succeeding academic period, and during any period while the student is under suspension from the institution. Finally, "student" shall also include any person subject to a period of suspension or removal from campus as a sanction which results from a finding of a violation of the policy governing student conduct. Students are responsible for compliance with Institutional policies at all times.

- (5) Disciplinary action may be taken against a student for violations of the policy which occur on Institutionally 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 Institutional activity or the mission, processes, and functions of the Institution. 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.
- (6) This policy, and related material incorporated herein by reference, is applicable to student organizations as well as individual students. Student organizations are subject to discipline for the conduct and actions of individual members of the organization while acting in their capacity as members of, or while attending or participating in any activity of, the organization.
- (7) Confidentiality of Discipline Process. Subject to the exceptions provided pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g and/or the Tennessee Open Records Act, T.C.A. § 10-7-504(a)(4), a student's disciplinary files are considered "educational records" and are confidential within the meaning of those Acts.

*This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.01, Institution Policy Statement. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.*

## Part 2 Disciplinary Offenses

- (1) Institutional disciplinary measures shall be imposed, through appropriate due process procedures, for conduct which adversely affects the Institution's pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property or persons on property owned or controlled by the Institution.
- (2) MTSU has adopted the following non-exclusive list providing notice of offenses for which both individuals and organizations may be subject to disciplinary action:
  - (a) Conduct Dangerous to Self or Others. Any conduct, or attempted conduct, which constitutes a danger to any person's health, safety, or personal well-being, including, but not limited to, the following:
    1. Physical and/or verbal abuse,
    2. Threats and/or intimidation,

3. Harm inflicted on self;
- (b) Hazing. Hazing, as defined in T.C.A. § 49-7-123(a)(1), means any intentional or reckless act, on or off the property, of any higher 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) Disorderly Conduct. Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs institutional functions, operations, classrooms, other groups or individuals;
  - (d) Obstruction of or Interference with Institutional Activities or Facilities. Any intentional interference with or obstruction of any Institutional program, event, or facility including the following:
    1. Any unauthorized occupancy of facilities owned or controlled by the Institution or blockage of access to or from such facilities,
    2. Interference with the right of any institution member or other authorized person to gain access to any activity, program, event or facilities sponsored or controlled by the Institution,
    3. Any obstruction or delay of a campus security officer, public safety officer, police officer, firefighter, EMT, or any official of the Institution, or failure to comply with any emergency directive issued by such person in the performance of his or her duty;
    4. Leading or inciting others to disrupt scheduled and/or normal activities of the University;
    5. Participating in behavior that disrupts the scheduled and/or normal activities of the University;
    6. 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.
  - (e) Misuse of or Damage to Property. Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to another including, but not limited to, any personal property, fire alarms, fire equipment, elevators, telephones, Institution keys, library materials and/or safety devices;
  - (f) Theft, Misappropriation, or Unauthorized Sale of Property. Any act of theft, misappropriation, or unauthorized possession or sale of institution property, or any such

act against a member of the institutional community or a guest of the institution, including identity theft.

- (g) Misuse of Documents or Identification Cards. Any forgery, alteration of or unauthorized use of institutional documents, forms, records or identification cards, including the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment or status in the Institution;
- (h) Firearms and Other Dangerous Weapons. Any possession of or use of firearms, dangerous weapons of any kind, or replica/toy guns, e.g. BB guns, pellet guns, paintball guns, water guns, cap guns, toy knives or other items that simulate firearms or dangerous weapons. This includes the possession or use of any kind of ammunition;
- (i) 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;
- (j) Alcoholic Beverages. The use and/or possession of alcoholic beverages on institution owned or controlled property. This offense includes the violation of any local ordinance, state, or federal law concerning alcoholic beverages, on or off institution owned or controlled property, where an affiliated group or organization has alcoholic beverages present and available for consumption;
- (k) Drugs. The unlawful possession or use of any drug or controlled substance (including, but not limited to, any stimulant, depressant, narcotic or hallucinogenic drug, or marijuana), sale or distribution of any such drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession or use of drugs, on or off institution owned or controlled property;
- (l) Drug Paraphernalia. The use or possession of equipment, products or materials that are used or intended for use in manufacturing, growing, using or distributing any drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession of drug paraphernalia, on or off institution owned or controlled property;
- (m) Public Intoxication. Appearing on institution owned or controlled property or at an institutional sponsored event while under the influence of a controlled substance or of any other intoxicating substance;
- (n) Gambling. Unlawful gambling in any form;
- (o) Financial Irresponsibility. Failure to meet financial responsibilities to the institution promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the institution;
- (p) Unacceptable Conduct in Disciplinary Proceedings. Any conduct at any stage of an institutional disciplinary proceeding or investigation that is contemptuous, disrespectful,

threatening, or disorderly, including false complaints, testimony or other evidence, and attempts to influence the impartiality of a member of a judicial body, verbal or physical harassment or intimidation of a judicial board member, complainant, respondent or witness;

- (q) Failure to Cooperate with Institutional Officials. Failure to comply with directions of institutional officials acting in the performance of their duties;
- (r) Violation of General Rules and Regulations. Any violation of the general rules and regulations, policies or procedures of the institution as published in an official institutional publication, including the intentional failure to perform any required action or the intentional performance of any prohibited action;
- (s) Attempts, Aiding and Abetting. Any attempt to commit any of the offenses listed under this section or the aiding or abetting of the commission of any of the offenses listed under this section (an attempt to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission). Being present during the planning or commission of any offense listed under this section will be considered as aiding and abetting. Students who anticipate or observe an offense must remove themselves from the situation and are required to report the offense to the institution;
- (t) Violations 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;
- (u) Violation of Imposed Disciplinary Sanctions. Intentional or unintentional violation of a disciplinary sanction officially imposed by an institution official or a constituted body of the institution;
- (v) Sexual Battery or Rape. Committing any act of sexual battery or rape as defined by state law;
- (w) Harassment or Retaliation. Any act by an individual or group against another person or group in violation of TBR or MTSU policies, as well as federal and/or state laws prohibiting discrimination, including, but not limited to, TBR policies 5:01:02:00, 2:02:10:01 and TBR Guideline P-080; and MTSU Policies I:01:10 and I:01:22.
- (x) Academic Misconduct. Plagiarism, cheating, fabrication. For purposes of this section the following definitions apply:
  - 1. Plagiarism. The adoption or reproduction of ideas, words, statements, images, or works of another person as one's own without proper attribution,
  - 2. Cheating. Using or attempting to use unauthorized materials, information, or aids in any academic exercise or test/examination. The term academic exercise includes all forms of work submitted for credit or hours,

3. Fabrication. Unauthorized falsification or invention of any information or citation in an academic exercise.
- (y) Unauthorized Duplication or Possession of Keys. Making, causing to be made or the possession of any key for an institutional facility without proper authorization;
- (z) Litter. Dispersing litter in any form onto the grounds or facilities of the campus;
- (aa) Pornography. Public display of literature, films, pictures or other materials which an average person applying contemporary community standards would find, (1) taken as a whole, appeals to the prurient interest, (2) depicts or describes sexual conduct in a patently offensive way, and (3) taken as a whole, lacks serious literary, artistic, political or scientific value;
- (bb) Abuse of Computer Resources and Facilities. Misusing and/or abusing campus computer resources including, but not limited to the following:
1. Use of another person's identification to gain access to institutional computer resources,
  2. Use of institutional computer resources and facilities to violate copyright laws, including, but not limited to, the act of unauthorized distribution of copyrighted materials using institutional information technology systems,
  3. Unauthorized access to a computer or network file, including but not limited to, altering, using, reading, copying, or deleting the file,
  4. Unauthorized transfer of a computer or network file,
  5. Use of computing resources and facilities to send abusive or obscene correspondence,
  6. Use of computing resources and facilities in a manner that interferes with normal operation of the institutional computing system,
  7. Use of computing resources and facilities to interfere with the work of another student, faculty member, or institutional official,
  8. Violation of any published information technology resources policy,
  9. Unauthorized peer-to-peer file sharing;
- (cc) Unauthorized Access to Institutional Facilities and/or Grounds. Any unauthorized access and/or occupancy of institutional facilities and grounds is prohibited, including, but not limited to, gaining access to facilities and grounds that are closed to the public, being present in areas of campus that are open to limited guests only, being present in academic buildings after hours without permission, and being present in buildings when the student has no legitimate reason to be present;

- (dd) Providing False Information. Giving any false information to, or withholding necessary information from, any institutional official acting in the performance of his/her duties in connection with a student's admission, enrollment, or status in the institution;
  - (ee) Unauthorized Surveillance. Making or causing to be made unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, and men's or women's restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means;
  - (ff) Smoking Violations. Violation of any TBR and/or institutional smoking or other tobacco use rules or policies. Tobacco use is not permitted in any MTSU-owned or leased property. This includes all grounds, vehicles and buildings owned or leased by MTSU, including off-campus property. See MTSU Policy I:01:03.
  - (gg) Fire Drills. Failure to evacuate University facilities or willfully disregarding any emergency or fire alarm signal.
  - (hh) Motor Vehicles. (1) Failure to register a motor vehicle which is used on campus with Parking and Transportation Services. (2) Failure to comply with the provisions of the Middle Tennessee State University *Parking and Traffic Regulations*.
  - (ii) Sirens and Loudspeakers. Unauthorized use of sirens, loudspeakers, and other sound amplification equipment.
  - (jj) Student Identification Cards. (1) Failure to possess at all times a valid student identification card; (2) failure to surrender ID card to University official upon proper request.
  - (kk) Sexual Misconduct. Sexual misconduct may include any sexual act or penetration accompanied by threat, coercion, use of restraint or force, or any act where the respondent knows or should have known that the victim was unable or incapable of giving consent.
  - (ll) Graffiti. Damage or defacement of MTSU property by painting, chalking, writing, stenciling, or by any other means of application on such property.
- (3) Disciplinary action may be taken against a student for violations of the foregoing which occur at or in association with enrollment at the Institution for any academic period. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree including periods prior to or between semesters. Conduct in violation of this policy occurring while a student is registered or enrolled at the Institution, but not discovered until after the awarding of a degree is actionable under these provisions and may

result in the retroactive application of a disciplinary sanction. Should a student withdraw from the institution with disciplinary action or academic misconduct action pending, the student's record may be encumbered by the appropriate institutional office until the proceedings have been concluded.

*This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.02, Disciplinary Offenses. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.*

### Part 3 Academic and 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 disruptive conduct or conduct that violates the general rules and regulations of the institution 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 institution. 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 Judicial Affairs and Mediation Services.
- (2) Plagiarism, cheating, and other forms of academic dishonesty are prohibited. Students guilty of academic misconduct, either directly or indirectly, through participation or assistance, are immediately responsible to the instructor of the class. In addition to other possible disciplinary sanctions which may be imposed through the regular institutional disciplinary procedures, the instructor has the authority to assign an appropriate grade for the exercise or examination, or to assign an F in the course, as is proportional to the nature and extent of academic misconduct.

Students have the option to appeal the grade assigned pursuant to the hearing procedures described in Part 6 Disciplinary Procedures. Such matters shall be heard by a sub-committee of the University Discipline Committee composed only of the faculty membership of that committee. When assigning a grade based on academic misconduct, the faculty member shall ensure that the student is made aware of his/her appeal rights.

- (3) Students may appeal a grade assignment associated with a finding of academic misconduct, as distinct from a student disciplinary sanction, through the grade appeal process as found in MTSU Policy III:00:09. Courses may not be dropped pending the final resolution of an allegation of academic misconduct.
- (4) Disruptive behavior in the classroom may be defined as, but not limited to, behavior that obstructs or disrupts the learning environment (e.g., offensive language, harassment of students and professors, repeated outbursts from a student which disrupt the flow of instruction or prevent concentration on the subject taught, failure to cooperate in maintaining classroom decorum, etc.), text messaging, and the continued use of any electronic or other noise or light emitting device which disturbs others (e.g., disturbing noises from beepers, cell phones, palm pilots, lap-top computers, games, etc.).

*This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.03 Academic*

*and Classroom Misconduct. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.*

#### Part 4 Disciplinary Sanctions

- (1) The following potential disciplinary sanctions are applicable to both individuals and organizations. Upon a determination that a student or student organization has violated any of the disciplinary offenses set forth in this policy or the general policies of the University, disciplinary sanctions may be imposed, either singly or in combination, by the appropriate institution or school officials.
- (2) Definition of Sanctions:
  - (a) Restitution. Restitution may be required in situations which involve destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or student organization is obligated by the appropriate judicial authority to compensate a party or parties for a loss suffered as a result of disciplinary violation(s). Any such payment in restitution shall be limited to actual cost of repair, replacement or financial loss;
  - (b) Warning. The appropriate institutional official may notify the student or student organization that continuation or repetition of specified conduct may be cause for other disciplinary action;
  - (c) Reprimand. A written or verbal reprimand or censure may be given to any student or student organization whose conduct violates any part of these regulations and provides notice that any further violation(s) may result in more serious penalties;
  - (d) Service to the Institution or Community. A student, or student organization, may be required to donate a specified number of service hours to the institution performing reasonable tasks for an appropriate institution office, official(s), or the local community. The service required shall be commensurate to the offense (e.g., service for maintenance staff for defacing institutional property). Community service hours must be approved by the Office of Judicial Affairs and Mediation Services prior to a student beginning the service.
  - (e) Specified Educational/Counseling Program. A student or student organization may be required to participate in specified educational or counseling program(s) relevant to the offense, or to prepare a project or report concerning a relevant topic;
  - (f) Apology. A student or student organization may be required to apologize to an affected party, either verbally or in writing, for the behavior related to a disciplinary offense;
  - (g) Fines. Penalties in the form of fines may be imposed against a student or student organization whenever the appropriate institutional authority deems appropriate. The sanction of fines may be imposed in addition to other forms of disciplinary sanctions. Failure to pay fines may result in further disciplinary action;

- (h) Restriction. A restriction upon a student's or student organization's privileges for a period of time may be imposed. This restriction may include, for example, denial of the ability to represent the institution at any event, ability to participate in institution or TBR sponsored travel, use of facilities, parking privileges, participation in extracurricular activities or restriction of organizational privileges;
- (i) Probation. Continued enrollment of a student or recognition of a student organization on probation may be conditioned upon adherence to these regulations. Any student or organization placed on probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon extracurricular activities, or any other appropriate special condition(s). Any conduct in further violation of these regulations while on probationary status or the failure to comply with the terms of the probationary period may result in the imposition of further disciplinary action;
- (j) Suspension. Suspension is the separation of a student or student organization from the institution for a specified period of time. Suspension may be accompanied by special conditions for readmission or recognition. 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 Student Life. A suspended student must submit a written request to be on campus to the Dean of Student Life a minimum of 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. 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;
- (k) Expulsion. Expulsion entails a permanent separation from the institution. The imposition of this sanction is a permanent bar to the student's admission, or a student organization's recognition to the institution. A student or organization that has been expelled may not enter institution property or facilities without obtaining prior approval from an appropriate campus official with knowledge of the expulsion directive. 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 Student Life. An expelled student must submit a written request to be on campus to the Dean of Student Life a minimum of 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. 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;
- (l) Revocation of Admission, Degree, or Credential;
- (m) Any alternate sanction deemed necessary and appropriate to address the misconduct at issue;
- (n) Interim Suspension. As a general rule, the status of a student or student organization accused of violation of these regulations should not be altered until a final

determination has been made in regard to the charges. However, interim suspension, pending the completion of disciplinary procedures, may be imposed upon a finding by the appropriate institutional official that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused, any other member of the institution its guests, property, or substantial disruption of classroom or other campus activities. In any case of interim suspension, the student, or student organization, shall be given an opportunity at the time of the decision, or as soon thereafter as reasonably possible, to contest the interim suspension. During an interim suspension, the student shall be denied access to residence halls, campus (including classes), and/or all other University activities or privileges for which the student might otherwise be eligible, as the Dean of Student Life or a designee may determine to be appropriate. A preliminary hearing will be held by a designee of the Dean of Student Life in consultation with appropriate University officials and the Vice President for Student Affairs, within four (4) working days of the interim suspension to determine if the interim suspension should continue until a formal hearing of the charges by a University adjudicating body can be held. During this preliminary hearing, the student will be given notice of the allegations supporting the imposition of interim suspension against him/her and a summary of the evidence that supports the allegations. The student will be afforded an opportunity to respond to the allegations. If the interim suspension is upheld, the formal hearing concerning suspension or expulsion shall be held as soon as practical. The student also has the option of having the case adjudicated by a Student Life dean;

- (o) Housing Probation. Continued residence in campus or student housing may be conditioned upon adherence to this policy as well as institutional housing regulations. Any resident 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 resident, including any other appropriate special condition(s);
  - (p) Housing Suspension and Forfeiture. A resident suspended from housing may not reside, visit, or make any use whatsoever of a housing facility or participate in any housing activity during the period for which the sanction is in effect. A suspended resident shall be required to forfeit housing fees (including any unused portion thereof and the Housing Deposit). A suspended resident must vacate the housing unit. Housing suspension shall remain a part of the student resident's disciplinary record.
- (3) The President is authorized, at his or her discretion, to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or, subsequently, to convert any sanction imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases.

*This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.04 Disciplinary Sanctions. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.*

(1) General Information

- (a) The purpose of these rules shall be to facilitate the orderly and efficient flow of traffic on the MTSU campus, to provide a safe atmosphere for both pedestrians and motor vehicle operators, and to provide order with regard to parking within limited space. These rules shall be published, at least annually, and, as appropriate, through signage, traffic/parking handbooks, student/faculty handbooks and institutional websites. They shall also serve to acquaint all administrators, faculty, staff, and students of the rules pertaining to registration of motor vehicles, traffic and parking regulations, and the penalties for violation of said regulations.
- (b) The University reserves the right to regulate the use of all vehicles, including motorcycles, motor scooters, mopeds, and bicycles, on the campus and to forbid the use of a vehicle by any person whose conduct indicates that he or she is not complying with University regulations, City of Murfreesboro ordinances, and/or state laws pertaining to motor vehicles.
- (c) The registrant of a permit is held responsible for the safe and lawful operation of the vehicle, the parking of the vehicle, and all traffic/parking citations issued against the vehicle, regardless of who is operating the vehicle at the time of the incident. A violation notice is not excused on the plea that another person was driving the vehicle or using another's parking permit.
- (d) Parking on the MTSU campus is permitted only in those areas designated for parking. Parking in all other areas is prohibited.
- (e) The University regards the possession and use of a vehicle on the campus as a privilege which may be revoked for justifiable reason. These reasons may include, but are not limited to, any of the following:
  - 1. Operating a vehicle while under the influence of alcohol/drugs.
  - 2. Failure to observe the regulations, ordinances, and laws governing the operation and parking of a vehicle.
  - 3. Leaving the scene of an accident.
  - 4. Five or more parking citations in a semester.
  - 5. Obtaining an MTSU parking permit through false pretenses. Parking Services may remove any permit which has been forged, altered, or obtained illegally.
  - 6. Failure to yield the right-of-way to an emergency vehicle when displaying red/blue flashing lights.
  - 7. Failure to obey an officer directing traffic.

- (f) Unless noted otherwise, all traffic and parking regulations are enforced 24 hours a day, 7 days a week.
- (g) The University assumes no responsibility for damage or loss to a vehicle while it is parked or operated on the campus.
- (h) Any vehicle receiving two (2) or more citations in one semester for "No Campus Permit" or failure to have a permit displayed as required by these rules will receive a written warning. If after three (3) working days following the issuance of the warning, the vehicle is found parked on campus without being properly registered and having the permit properly displayed as set forth in these rules, the vehicle will be towed at the owner's/registrant's expense. A working day is defined as a weekday unless it is an official University holiday.

## (2) Registration of Motor Vehicles

- (a) All motorized vehicles operated on the campus of MTSU must be registered with the Parking Services Office. Any vehicle parked on campus must have a current valid parking permit displayed in the vehicle.
- (b) Parking permits are issued only after all registration fees are paid. Permits are issued at the Parking and Transportation Services Office located at 1403 East Main Street in the rear of the building. You must complete the vehicle registration form available on PipelineMT and bring a photo ID with you to receive your parking permit. The issuance of permits will be limited to one permit per person with the exception of Womack Lane Apartments residents (who will be allowed two permits per family) and those who also have a motorcycle (who will be allowed a permit for a vehicle and a sticker permit for a motorcycle). All registrants will be responsible for their issued permits throughout the academic year.
- (c) The registrant of a permit will be responsible for parking violations received by any vehicle bearing his/her parking permit. Permits may only be used by the permit holder registered with Parking Services. Dependents, friends, and/or associates of any authorized permit holder are not authorized to use that person's permit while parking for their personal convenience.
- (d) Students are eligible to receive a student parking permit upon payment of all registration fees and completion of the registration form available on PipelineMT. Faculty and staff permits are payable at the Parking and Transportation Services Office located at 1403 East Main Street after completing the registration form available on PipelineMT. A completed vehicle registration form to receive a parking permit.
- (e) Cost of permits.
  - 1. Faculty/Administrators/Staff
    - (i) White - \$125.00.

- (ii) Green - \$105.00.
- 2. Students: no more than \$88.61.
- (f) Parking permits will be denied for faculty/administration/staff who have outstanding fines from prior semester(s) until they are paid in full. The first fine after permit expiration will result in towing of vehicle.
- (g) Permit colors. The area authorized for parking is denoted by the color of the permit.
  - 1. White - Available to Faculty/Administrators/Staff (including resident directors and graduate assistants). Vehicles displaying white permits also are permitted in Green parking areas. Faculty, administrators, and staff may not transfer their permit to any student (or student vehicle).
  - 2. Green - Available to administrators, faculty, staff, and students.
  - 3. Blue - Students and Employees with Disabilities: Available to qualified students and employees.
  - 4. Purple - Available to residents of Womack Lane Apartments only.
  - 5. Red - Available to residents of Scarlett Commons only.
  - 6. Gold - Available to residents of Greek Row only.
- (h) Any person who changes parking category should bring his/her original permit to Parking Services. Any additional fees associated with the change in permit will be paid at this time.
- (i) Damaged permits must be replaced within three (3) working days. The remnants must be turned in to Parking Services at the time of replacement. Failure to do so will result in the individual having to pay the full registration fee.
- (j) Temporary Parking Permits will be issued as follows:
  - 1. To any employee or student operating a vehicle as a temporary substitute for a registered vehicle. The permit will be valid for seven (7) days from the date of issuance and a total of three (3) may be issued during any semester. The permit will indicate the appropriate color code area in which the vehicle may park. This permit is subject to a fee.
  - 2. Temporary Parking Permits may be issued to visitors and will be valid for green color coded areas that are not marked as reserved.
  - 3. Temporary Loading/Unloading Permits may be issued at the discretion of Parking Services. This permit allows the operator of the vehicle up to but not to exceed thirty

(30) minutes parking in a loading/unloading zone for the express purpose of loading or unloading his/her vehicle.

- (k) Disabled Parking Permits-Any person, whether student or employee, may apply for disabled parking privileges.
  - 1. For parking on MTSU campus, persons must have a state-issued license plate or placard to obtain a Disabled Parking Permit. Persons must prove ownership of the state-issued plate or placard.
  - 2. Temporary disabled permits will be issued for injuries or disabilities of limited duration as specified by a physician's statement certifying an impairment. Those with temporary permits must park in white or green spaces only. The blue disabled parking spaces are reserved for those holding permanent disabled parking permits. Those holding temporary state-issued disabled placards may also park in the blue disabled parking spaces.
  - 3. Applicants denied a parking permit have the right to appeal to the Committee on Programs for Students and Employees with Disabilities, who will make the final decision as to whether someone receives a decal.
- (l) If a parking permit is lost or stolen, a "Parking Permit Loss Report" must be provided to Parking Services along with a replacement fee to obtain a new parking permit.
- (m) The acceptance by any person of a parking permit, whether temporary or permanent, shall constitute the acceptance of the regulations, ordinances, and/or laws governing the safe and responsible operation and parking of a vehicle on the campus.
- (n) The MTSU parking permit must be properly attached to the front windshield in the extreme lower corner on the driver's side or hung from the rearview mirror of the vehicle being operated with the decal number facing the outside of the car and clearly readable. In those cases where compliance with the above is not feasible, the permit must be clearly visible through front windshield when viewed from outside or the registrant must consult with Parking Services for proper placement of the permit. The responsibility of transferring and properly displaying the hang tag rests with the individuals to whom the permit was originally issued. If for some reason the hang tag is not transferred to the vehicle being parked on campus, the individual originally purchasing the hang tag will be required to obtain a temporary one-day permit. If an individual with a current permit receives a citation for a display violation, the citation will be cancelled only if the citation is taken to the Parking Services Office within seven (7) class days of issuance of the citation and the violator can show the current permit at that time. (Vehicle must be parked in designated parking area according to permit color for citation to be cancelled). No more than three (3) such citations will be cancelled per semester. (Note: In the event that a vehicle receives more than one "No Campus Permit" ticket while parked in the same location during a calendar day, those tickets will be reviewed as one offense.) A class day is considered Monday through Friday, unless it is an official University holiday for faculty, staff, and/or students.

- (o) Immediate family members of faculty, administrators, staff, and students must park at meters or register their vehicles with Parking Services by obtaining a temporary parking permit. Failure to comply may result in the vehicle being issued a "No Campus Permit" citation, and the fine will not be waived as it is assumed the student, faculty, or staff members parked the unregistered vehicle on campus.
- (p) It is considered fraudulent for a registered permit holder to give his/her permit to another person for use on the campus. Permits are transferable from vehicle to vehicle. Permits are not transferable from person to person. When a permit is reported as lost or stolen, but is found in another vehicle on campus, an inquiry will be made into the permit. In the event it is found that an individual reported a permit lost or stolen, but in fact gave the permit to another individual for use, both parties will be cited with a fine for their actions.

### (3) Parking Regulations

- (a) Color-coded parking is used to regulate the parking of vehicles. The color of the parking permit denotes the area in which a person may park.
- (b) The following spaces are reserved as noted:
  1. Students and employees with disabilities - reserved 24 hours a day
  2. Health Services - reserved 24 hours a day
  3. Library staff - reserved 24 hours a day
  4. Housing staff - reserved 24 hours a day
  5. Womack Lane Apartments parking area - reserved 24 hours a day
  6. Maintenance spaces - reserved 24 hours a day
  7. Scarlett Commons - reserved 24 hours a day
  8. Greek Row - reserved 24 hours a day
  9. Speech Clinic spaces - reserved Monday through Thursday from 8:00 a.m. to 4:00 p.m.
  10. CDC Parent spaces in Fairview parking lot - reserved Monday through Thursday from 8:00 a.m. to 4:00 p.m.
  11. University Deans – reserved 24 hours per day

- (c) Special Event Parking - It may occasionally be necessary to close spaces or a lot due to construction, a workshop or conference, or a special event. Parking and Transportation Services will give advance notice of closings whenever possible.
- (d) Vehicles are not to be parked at any time where parking is not designated, where curbing is painted yellow, where sidewalks intersect streets, on sidewalks, across parking lines, on campus lawns (grass), or other places where signs indicate no parking. Parking is allowed only in clearly designated parking spaces. Vehicles that are parked or waiting in a fire lane will be towed. In gravel lots, legal parking spaces are designated by concrete bumper blocks, except for those painted yellow.
- (e) Vehicles are not to be parked in any manner as to constitute a traffic/pedestrian hazard or to impede the flow of traffic/pedestrians.
- (f) Every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of the vehicle parallel to and within eighteen (18) inches of the right-hand curb.
- (g) All students and employees are to park in their assigned areas, Monday through Friday, 7:00 a.m. to 6:30 p.m., except for the following parking lots which will open for all permitted parking at 5:30 p.m.:
  - 1. Lot 19: The ROTC lot which is west of Forrest Hall and north of the Todd Building.
  - 2. Lot 23: The Jones field lot which is south of the baseball field.
  - 3. Lot 25: The lot located north of the Cason-Kennedy Nursing Building.
  - 4. Lot 36: The lot located south of the Walker Library.
  - 5. Lot 59: The lot located west of the Ellington Human Sciences Building.
  - 6. Lot 73: The lot located east of the Walker Library and south of the Bragg Mass Communication Building.
  - 7. Lot 76: The lot located east of Voorhies Industrial Studies and north of the Midgett Business Building.
- (h) After 6:30 p.m. Monday through Friday and on weekends, White and Green permit parking areas are open for any permitted vehicle. Yellow curbs, no parking zones, disabled and reserved spaces are in effect 24 hours a day, seven days a week.
- (i) Short-term parking is governed by parking meters. The parking meters are considered in operation from 7:30 a.m. to 6:30 p.m., Monday through Friday. A charge of fifty cents (50¢) for 30 minutes is required while parked in these spaces. Any bagged meter is considered to be white permit parking.

- (j) Vehicles are not permitted to park in campus directory drives. This is enforced 24 hours a day.
- (k) Vehicles will be towed from campus streets, parking areas, lawns, drives, restricted areas, loading areas, etc., if the vehicles are parked or left in violation of University regulations, City of Murfreesboro ordinances, and/or state laws pertaining to motor vehicles, or if said vehicle constitutes a traffic/pedestrian hazard. The cost of towing and any penalties will be the responsibility of the owner/registrant. All tow zones are enforced 24 hours a day.
- (l) The operator of any disabled vehicle parked in violation of University regulations must report the vehicle immediately to Parking Services. Failure to report may result in traffic citations and/or towing. The vehicle must be called in each day it is disabled and parked in violation of University regulations
- (m) No recreational vehicles such as boats, jet skis and all-terrain vehicles and their travel trailers should be parked or stored on campus property, except for equipment purchased by academic/administrative departments for University related purposes.
- (n) Advertising vehicles "For Sale" in University parking lots is prohibited. Any vehicle identified for such wrongful display for a period of 48 hours or more will be identified as a disabled vehicle and may result in traffic citations and/or towing.

#### (4) Operation of Motor Vehicles

- (a) All state laws, City of Murfreesboro ordinances, and University regulations pertaining to motor vehicles are applicable 24 hours a day, unless otherwise noted.
- (b) Speed limits are posted throughout the campus. All speed limits are radar enforced.
- (c) Passing on campus is prohibited.
- (d) All vehicles must come to a complete stop at intersections where a stop sign (either mounted on a post or painted on the street surface) is displayed.
- (e) Motorists are to yield the right-of-way to all pedestrians in a cross walk.
- (f) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals, or a police vehicle properly and lawfully making use of an audible signal only, the drivers of all other vehicles shall yield the right-of-way and shall immediately drive to a position parallel to and as close as possible to, the right hand edge or curb of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.
- (g) All persons riding on a motorcycle, either as operator or passenger, must wear a helmet of the type approved by the Commissioner of Safety for the State of Tennessee.

- (h) All vehicles must come to a complete stop for a school bus loading or unloading children.
- (i) Littering from a vehicle (as well as littering in general) is prohibited and subject to a fine.
- (j) Any person who drives in willful and wanton disregard for the safety of persons or property is guilty of reckless driving.
- (k) The driver of any vehicle shall obey the instructions of any official traffic-control device unless otherwise directed by a traffic or police officer.
- (l) U-turns are prohibited on the campus.
- (m) Loud mufflers, cut-outs, and any other noise-making devices attached to or located within or on any vehicle are prohibited.
- (n) Excessive loud playing of radios and stereos in vehicles is prohibited. The playing shall be deemed excessively loud if it is disturbing the academic environment of the campus.

(5) Towing/Booting of Vehicles

- (a) Vehicles will be towed/booted if the vehicle is parked or left in violation of University regulations, City of Murfreesboro ordinances, and/or state laws pertaining to motor vehicles, or if said vehicle constitutes a traffic/pedestrian hazard. The owner/registrator of the vehicle will be responsible for any fines assessed against the vehicle and the cost of towing/booting. Vehicles may be towed/booted for, but not limited to, the following:
  1. Parking in a disabled parking space/ramp without disability permit.
  2. Blocking a fire hydrant.
  3. Parked in a fire lane.
  4. Blocking the roadway, walkway, or disabled ramp.
  5. Parking so as to constitute a traffic/pedestrian hazard.
  6. Parking in a loading zone.
  7. Abandoned/immobile.
  8. Five or more traffic/parking citations (paid or not paid) in a semester.
  9. Parking in a campus directory drive.
  10. Excessive No-Campus-Permit violations.

11. Displaying a forged or altered permit.
  12. Parking on campus while parking privileges have been revoked.
  13. Displaying a lost or stolen permit.
  14. Any vehicle parked on campus with no visible means of identification; i.e. the license tag has been removed and the vehicle identification number covered or removed.
  15. Faculty/staff/administration with outstanding fines from prior semester who receive first fine after permit expiration.
- (b) Any person whose vehicle is impounded may appeal such action.
- (c) If a boot is removed by the owner/registrator of the vehicle and damaged, the owner/registrator will be responsible for the cost of the boot as well as the ticket fine and boot removal fee. The owner/registrator of the vehicle will be prosecuted if a boot is improperly removed and damaged.

(6) Visitors

- (a) A visitor is any person who has business or other reason to be on the campus but who is not a student or a member of the faculty, staff, or administration.
- (b) All visitors are requested to use parking meters or to report to the Parking Services Office at 1403 East Main Street to secure a visitor's parking permit. This permit will be made available free of charge. Everyone must pay to park at a meter.
- (c) Visitors are welcome on the campus and may park in any green color-coded space that is not marked as reserved. Visitors are reminded that they are subject to the regulations, ordinances, and laws pertaining to motor vehicles while on the campus and that violation of such may result in a citation and/or towing of the vehicle.
- (d) Visitors receiving an unregistered violation should sign the ticket and mail or deliver the ticket to Parking Services, P.O. Box 147, MTSU, Murfreesboro, TN 37132.
- (e) Requests for special guest parking should be submitted to the Parking Services Office as far in advance as possible. Special event parking requests should be submitted at least seven (7) days in advance. This time is needed to coordinate because of the numerous parking requests received.

(7) Womack Lane Apartments, Scarlett Commons, and Greek Row

- (a) All residents of Womack Lane Apartments, Scarlett Commons and Greek Row are required to obtain a parking permit according to their residential area. A maximum of two permits may be obtained by any family residing at Womack Lane Apartments.

- (b) Any resident of Womack Lane Apartments, Scarlett Commons or Greek Row who holds a valid Blue parking permit or White parking permit is also required to receive a special validation sticker that is to be placed adjacent to the MTSU parking permit. This validation sticker may be received through the director of Womack Lane Apartments, Scarlett Commons or Greek Row. (The validation sticker will be issued free of charge. There will be a different validation sticker for each resident area.)
- (c) Abandoned/immobile vehicles parked at Womack Lane Apartments, Scarlett Commons, and/or Greek Row will be towed at the owner's/registrant's expense.
- (d) The parking areas within Womack Lane Apartments, Scarlett Commons, and Greek Row are reserved for the residents of these areas only. All other vehicles are subject to be cited and/or removed at the owner's/registrant's expense.
- (e) The residents of Womack Lane Apartments, Scarlett Commons, and Greek Row are not allowed to park elsewhere on campus, except in the housing area in which they reside. Any designated overflow parking will be announced by public notice by the Parking Services Office to the residents.
- (f) Any resident of Womack Lane Apartments, Scarlett Commons, or Greek Row who holds a valid MTSU Blue parking permit may park in any legal Blue, White, or Green parking space as well as the parking meters.
- (g) Any resident of Womack Lane Apartments, Scarlett Commons or Greek Row who holds a valid MTSU White parking permit may park in any legal White or Green permit parking area.
- (h) Any resident of Womack Lane Apartments, Scarlett Commons or Greek Row who holds a valid MTSU parking permit may park in any legal green parking permit area during the Summer session time period. At all other time periods, residents must park in the housing area in which they reside or in the designated overflow parking areas that are announced by public notice by the Parking Services Office.

#### (8) Judicial Procedures

- (a) Any student, other than one holding a faculty/administrative/staff permit, who receives a parking/traffic citation may appeal the citation within seven (7) days of issuance by going to the SGA web site at <http://www.mtsu.edu/sga>. Specific hearing procedures are described in Part 6 of this policy, below.
- (b) Any employee or student holding a faculty/administrative/staff permit who receives a citation may appeal the citation within seven (7) days of issuance by filing an appeal form or by going to the Parking and Transportation Services web site at <http://www.mtsu.edu/parking>. An appeal form may be obtained at the Parking and Transportation Services Office. Attach the citation to the appeal form and forward to Parking and Transportation Services, P.O. Box 147. The MTSU Parking and Traffic

Committee will handle disposition of the appeal. Specific hearing procedures are described in Part 6 of this policy, below.

- (c) Any student or employee who has his/her vehicle towed may appeal such action to the appropriate judicial body. This can be done only after the vehicle has been secured from impoundment and within seven (7) days of the towing date. Specific hearing procedures are described in Part 6 of this policy, below.
- (d) The payment of citations will in no way restrict the Office of Judicial Affairs or the University Parking and Traffic Committee from revoking parking privileges.

(9) Accidents

- (a) All accidents involving a vehicle must be reported to the Department of Public Safety as soon as possible. The vehicle(s) are not to be moved until the investigating officer instructs the parties to do so. Failure to comply with the provisions of this paragraph may result in criminal prosecution.
- (b) A copy of the accident report will be furnished to all involved parties at \$1.00 per page. The copy may be secured at the Department of Public Safety, Monday through Friday, 8:00 a.m. - 4:00 p.m.

(10) Violations and Penalties

- (a) The following fines will be assessed for the listed violation:
  - 1. Parked in unassigned space \$25.00
  - 2. No campus permit \$30.00
  - 3. Overtime parking \$10.00
  - 4. Parked in reserved space \$30.00
  - 5. Parked by yellow curb \$30.00
  - 6. Improperly parked \$20.00
  - 7. Disabled space/ramp \$200.00 [The fine for disabled/handicapped parking violations is established by statute and will be adjusted to comply with state law.]
  - 8. Permit not displayed properly \$20.00
  - 9. Permit not legible \$20.00
  - 10. Parked in tow zone \$50.00
  - 11. Parked in a fire lane \$100.00
  - 12. Blocking fire hydrant \$100.00
  - 13. Blocking walk/road \$20.00
  - 14. Parked on grass \$20.00
  - 15. Failure to display permit \$20.00
  - 16. Parked in campus directory drive \$20.00
  - 17. Littering \$20.00
  - 18. Careless driving \$30.00
  - 19. Speeding \$30.00
  - 20. Failure to obey traffic control signal/sign \$20.00

21. One-way street \$20.00
22. Improper turn \$20.00
23. Displaying a White lost/stolen permit \$200.00
24. Displaying a Green lost/stolen permit \$185.00
25. Displaying a Blue lost/stolen permit \$200.00
26. Displaying a forged/altered permit \$200.00
27. Displaying an unauthorized permit \$200.00
28. Unidentifiable vehicle \$50.00

- (b) Vehicles of violators with five (5) or more citations (paid or not paid) in a semester will be towed/booted at the owner's/registrator's expense.
- (c) Citations may be given every four (4) hours. No more than two (2) tickets will be issued per day for the same violation at the same location. This does not apply to being parked in a parking meter.
- (d) Overtime parking citations (meters) will be given every hour.
- (e) All fines are to be paid at the Business Office in the Cope Administration Building, Monday through Friday, 8:00 a.m.-4:00 p.m.
- (f) Any student with unpaid parking fines will not receive grades or transcripts or be able to register for the next semester until the fines are paid.

(11) Parking Services/Public Safety

- (a) The Parking Services Office is located in 1403 East Main Street. The phone number is 898-2850. The office is open Monday through Friday from 7:30 a.m. to 4:30 p.m.
- (b) The Department of Public Safety is recognized by the State of Tennessee as an independent police agency and is empowered to perform all duties required by law.

*This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.05 Traffic and Parking. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.*

Part 6 Disciplinary Procedures

- (1) Responsibility for Administration. The administration of discipline is a function of the Dean of Student Life's Office and/or the appropriate adjudicating body.
- (2) Disciplinary Referral. Reports of acts and incidents involving students may be referred for evaluation and possible disciplinary action by the Department of Public Safety, residence hall staff members, faculty, students, and other members of the University community. Reports should be

directed to the Assistant Dean for Judicial Affairs and Mediation Services located in Keathley University Center, Room 128. All referrals are required to be submitted in writing.

(3) Preliminary Review and Investigation.

- (a) When an incident involving allegations of student misconduct is brought to the attention of the appropriate student personnel dean, an investigation shall be conducted. Such an investigation may include but not be limited to visiting the scene of an alleged incident, interviewing interested parties, and gathering relevant evidence.
- (b) A student or student organization (hereinafter referred to as "student") alleged to have acted in violation of University regulation(s) will be interviewed by the appropriate staff member. During this conference, the student will be advised as to which University regulation(s) have allegedly been violated and will be given an opportunity to explain his/her version of the act or incident, or to otherwise refute the allegations. The staff member will review the incident taking into account the information provided by the student. A determination will be made and the student will be advised as to whether or not sustained disciplinary proceedings are indicated, and if so, whether a sanction of suspension or expulsion will be sought by the University.
- (c) In the event that the alleged misconduct is such that the University seeks to impose a penalty of (1) suspension or expulsion of a student from the University, a program, or a course for disciplinary reasons, or (2) revocation of registration of a student organization during the term of registration, the appropriate staff members shall inform the student as follows:
  - 1. The student in such a case who desires to contest the charge(s) of misconduct is entitled to a hearing in accordance with the uniform contested case procedures adopted by the Tennessee Board of Regents in compliance with the Tennessee Uniform Administrative Procedures Act ("TUAPA").
  - 2. The student may elect to have the charge(s) against him/her disposed of in accordance with the University procedures or under the Tennessee Uniform Administrative Procedures Act in accordance with the Board's uniform contested case procedures.

(4) Hearing Procedures. The following procedures are available to students who are subject to disciplinary sanctions:

- (a) Tennessee Uniform Administrative Procedures Act (TUAPA). All cases which may result in: (a) suspension or expulsion of a student, or student organization, from the institution for disciplinary reasons; or, (2) revocation of the registration of a student organization, are subject to the contested case provisions of the Tennessee Uniform Administrative Procedures Act (TUAPA), T.C.A. Sec. 9-8-301, et. seq., and shall be processed in accord with the Uniform Contested Case procedures adopted by the Board of Regents unless the student or student organization, after receiving written notice, waives those procedures and elects to have the case disposed of in accord with institutional procedures or waives all right to contest the case under any procedure.

1. In all cases involving a hearing under the TUAPA contested case provisions, the president or his/her designee shall determine, based upon the nature of the case, whether the hearing shall be before a hearing officer alone or a Hearing Committee presided over by a hearing officer.
  2. The case will proceed pursuant to the provisions of the TUAPA and TBR Policy 1:06:00:05 Uniform Procedures for Cases Subject to the Tennessee Uniform Administrative Procedures Act. <http://tbr.edu/policies/default.aspx?id=4886>
- (b) Students subject to a sanction of suspension or expulsion who waive the option of a TUAPA hearing shall be accorded a hearing before the appropriate University adjudicating body. The following institutional hearing procedures shall be observed:
1. The respondent shall be advised in writing of the time and place of the hearing at least five (5) business days in advance of the hearing.
  2. The respondent shall be advised in writing of the breach of regulations of which he/she is charged.
  3. The respondent shall be advised in writing of the following rights:
    - (i) the right to present his/her case;
    - (ii) the right to be accompanied by an advisor whose participation shall be limited to advising the respondent. The respondent may also be accompanied by legal counsel; however, counsel's participation shall be limited to directly advising the student, i.e., legal counsel may not conduct direct or cross-examination, make opening or closing statements, or engage in argument. The respondent may be accompanied by more than one advisor at the discretion of the adjudicating officer or body. The intent of the respondent to be accompanied by an advisor or counsel shall be indicated to the judicial coordinator in writing prior to the disciplinary conference;
    - (iii) the right to call witnesses on his/her behalf. It is the respondent's responsibility to contact his/her witnesses and inform them of the hearing unless the witness is also a university witness. University witnesses are contacted by the Office of Judicial Affairs and Mediation Services;
    - (iv) the right to confront and question witnesses;
    - (v) the respondent shall be advised in writing of the adjudicating body's decision and of the method of appeal, if applicable.
  4. All hearings shall be closed unless the respondent and the complainant both elect in writing to have an open hearing.

5. Formal rules of evidence shall not be applicable. The adjudicating body may exclude evidence which in its judgment is immaterial, irrelevant, or unduly repetitious.
  6. Decisions of the adjudicating body relative to the responsibility of the respondent involved in an alleged violation shall be by majority vote of members present and voting. The chair of the adjudicating body votes only in the case of a tie.
  7. The standard of proof required for a finding of violation of the student code of conduct shall be the preponderance of the evidence.
- (c) A student subject to suspension or expulsion may choose to have the appropriate staff member adjudicate the case. The following conditions must be met:
1. The student, in writing, requests the procedure and thereby waives his or her right to have the case heard pursuant to the TUAPA and the institutional hearing process.
  2. The dean consents to adjudicate the case.
  3. The student is willing to accept the dean's adjudication as final and waives his/her right to appeal.
- (d) Students who are subject to imposition of disciplinary sanctions other than suspension or expulsion will be accorded a disciplinary conference with the appropriate university official. A preliminary review conference may be converted to a disciplinary conference at the student's election. The university official may refer any case which is unduly complex or which contains a genuinely disputed issue of material fact(s) for a hearing by the appropriate adjudicatory body. The following procedural protections will be afforded the student at and/or during the disciplinary conference:
1. The student shall be advised of the breach of regulations of which he or she is charged.
  2. The student shall be given an opportunity to call witnesses or present other evidence on his or her behalf.
  3. The student may be accompanied by an advisor of his/her choice.
  4. The student will be advised in writing of the sanctions imposed.
- (e) 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. Mediation may never be used for disciplinary matters concerning allegations of sexual violence. The following conditions must be accepted by the parties:
1. All parties involved must agree to the mediation process.

2. The resolution that results from the mediation process will be written, must be signed by all parties, and will bind the parties to abide by 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 no form of resolution can be determined by mutual consent, the staff member may recommend that the matter be referred to the appropriate judicial body.
- (f) Interim Suspension Hearings: Hearings conducted with regard to interim suspensions imposed pending the outcome of a disciplinary investigation or proceeding shall be conducted consistent with the minimum requirements of due process applicable to an institutional hearing, taking into account the need for a timely hearing. The evidence presented at the hearing shall be limited to that which is relevant to the basis asserted for imposition of the interim suspension.
- (5) Victim's Rights. Students who are victimized by violations of the University rules shall be provided with certain rights. Additionally, although the victim's input shall be sought during the disciplinary process, the right and responsibility for disposition of any individual complaint is reserved by the University. If a victim withdraws his/her complaint or refuses to offer testimony during the course of a disciplinary proceeding, the University reserves the right to proceed with a disposition of the allegations consistent with these rules. The rights referred to above are as follows:
- (a) The victim shall be advised in writing of the time and place of the hearing at least five (5) business days in advance.
  - (b) The victim shall be given the opportunity to meet with the appropriate staff member 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 discipline process by an advisor whose participation shall be limited to advising 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 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 judicial coordinator prior to the disciplinary conference.
  - (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) In addition to the written account of the alleged incident, the victim shall be allowed to submit a written impact statement to the adjudicating body for their consideration during the sanction phase of the disciplinary hearing.
- (6) Effect of Noncooperation. Students alleged to have violated University rules or regulations shall be provided notice of the allegation(s). A student who fails to respond to a notice of allegations within the specified time frame will have a hold placed on his/her records and transcripts. The hold will be removed at such time as the student has appropriately responded to a notice of an alleged violation(s) of these rules. In the event a student fails to cooperate, ignores, or otherwise does not respond after a reasonable amount of time, he/she may be referred for a hearing before the appropriate University adjudicating body and shall be deemed to have waived the election of a hearing pursuant to the TUAPA. In this instance, a decision may be made in the student's absence.
- (7) Retention of Records. Disciplinary files developed will be voided if the student is not found to be responsible for a rules violation. A permanent file will be maintained if a student is suspended or expelled as a result of his/her being found to be responsible for a rules violation. No reference to the suspension or expulsion will be made on the student's transcript unless the sanction so specifies. 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.
- (8) Procedure for Traffic Court. A student who receives a traffic citation that he/she believes was issued in error or was the result of actions by the student in response to a legitimate emergency may appeal such a citation in the SGA Traffic Court. The student will be afforded the opportunity for a hearing wherein the following procedures will be observed:
- (a) The student will be advised of the following rights:
1. the right to present his or her cause;
  2. the right to call witnesses in his/her behalf;
  3. in the case of a moving violation or tow, the right to confront the officer who wrote the citation and/or authorized the tow.
- (b) The citation(s) issued will be considered sufficient on its face to establish the violation and will remain sufficient to support a judgment if not contradicted or rebutted.
- (9) Structure of Judicial System.
- (a) The student judicial system of MTSU is organized as follows:
1. The Assistant Dean for Judicial Affairs and Mediation Services and/or the Judicial Coordinator shall review all disciplinary referrals and shall hear cases that are not subject to other conditions described herein.

2. The Student Judicial Board shall consist of seven (7) members and three (3) alternates selected from eligible members of the student body. Members shall be selected for one (1)-year terms, and are eligible to serve additional terms with reapplication and approval as proscribed herein. The chair and vice-chair of the Student Judicial Board will be selected by a majority vote of the committee members. Recruitment shall be campus-wide and the pool of candidates should reflect the diversity of the University community. The selection process includes an application and interview. Interviews for the Student Judicial Board will be conducted by a selection committee that shall be appointed by the Associate Vice President for Student Affairs or his/her designee and the President of the Student Government Association. The composition of the selection committee shall represent the diversity of the campus community.

The Student Judicial Board shall hear cases referred to it by the Office of Judicial Affairs and Mediation Services. In these cases, the board makes its recommendation to the Dean of Student Life or his/her designee.

3. The Student Traffic Court shall hear cases appealing traffic and parking citations. The decision of the Student Traffic Court will be final in such cases. Student Justices are appointed for an academic year term by the president of the Student Government Association with the consent of the Student Senate.
4. The University Discipline Committee should be composed of one (1) faculty member from each undergraduate college, four (4) at-large faculty members, and six (6) students; four (4) undergraduates and two (2) graduates when possible. The Dean of Students should serve as an ex-officio member. Faculty representation on this committee should reflect as closely as is practical the ethnic and gender makeup of the University community. Faculty members of the University Discipline Committee are appointed for a two (2) year term by the University president. Student members of the University Discipline Committee are appointed for a one (1) year term by the University President.

The University Discipline Committee hears cases referred to it by the Office of Judicial Affairs and Mediation Services and makes its recommendations to the Vice President for Student Affairs and Vice Provost for Enrollment and Academic Services.

The University Discipline Committee also has exclusive jurisdiction over cases involving academic misconduct. In these instances, a sub-committee composed only of faculty members of the University Discipline Committee will hear such matters.

5. The Student Appeals Committee should be composed of one(1) faculty member from each undergraduate college, and four (4) students; three (3) undergraduates and one (1) graduate, when possible. The Assistant Vice President for Student Affairs, a representative from the Admissions Office, a representative from Graduate Admissions and a representative from Undergraduate International Admissions should serve as ex-officio members.

The Student Appeals Committee shall hear (a) appeals in cases heard by the University Discipline Committee, (b) appeals in original cases heard by the Student Judicial Board, (c) adverse decisions regarding the initial or continued registration of student organizations, (d) appeals of decisions resulting from the interpretation and application of the Family Educational Rights and Privacy Act by institutional agencies and officials, and (e) appeals of decisions regarding classification of students for fee-paying purposes. Members of the Student Appeals Committee are appointed by the University president.

- (b) Committee Recommendations. Recommendations by the Student Judicial Board and the University Discipline Committee will be reviewed by the appropriate approving authority and are subject to the following alternatives: (1) the recommended sanction may be affirmed, (2) the decision may be reversed (overruled), or (3) the case may be returned to the original judicial body for reconsideration of the sanction(s) only (a finding of responsibility will not be reconsidered).
- (10) All matters involving allegations of impermissible sexual discrimination or harassment (including, but not limited to, sexual violence), or retaliation will be governed by the procedures outlined in TBR Guideline P-080 *Subject: Discrimination and Harassment – Complaint and Investigation Procedure* and/or MTSU policy that reflects the requirements of that Guideline.
- (11) Appeals
  - (a) Generally. A student who has been suspended or expelled as the result of disciplinary action has the right to appeal. It is the responsibility of the body of original jurisdiction to inform the student of the right to appeal and to whom the appeal should be presented. Disciplinary sanctions imposed through institutional hearings do not become effective until the sanctions assessed by the judicial body have been approved by the appropriate approving authority. (See “Committee Recommendations,” above.) It is not the function of the appeals process to permit a rehearing of the factual issues presented to the adjudicating body, but rather it is to ensure that the disciplinary procedure has been implemented fairly and consistently with these rules.
  - (b) Time Limitations. An appeal must be submitted in writing to the Dean of Students within forty-eight (48) hours of notice to the respondent or victim of the approving authority’s decision to affirm the sanction. The appropriate university official will attempt to contact the respondent or victim so that he/she may pick up the notification in person. An official email will also be sent to the student’s MTSU email account which shall serve as notice. A student cannot extend the time limitations by refusing to acknowledge the notice, ignoring the notice, and/or because he/she does not agree with the decision.
  - (c) Grounds for Appeal. The appeal must specify grounds which would justify consideration. The written appeal must contain the substantive proof the appellant is basing the appeal on. 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 or both of the following conditions:

1. an error in procedural due process by the body of original jurisdiction which prejudiced the disciplined student to the extent that he/she was denied a fundamentally fair hearing as a result of the error; or
  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.
- (d) Appellate procedure. 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 de novo hearing (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.
- (e) Action by appellate body. The alternatives available to the appellate body are:
1. The recommended sanction may be affirmed;
  2. The decision may be reversed (overruled); or
  3. The case may be returned to the original judicial body for reconsideration of the sanction(s) only (a finding of responsibility will not be reconsidered).
- (12) Authority of the president. The president of the University retains final authority on all campus matters, including disciplinary decisions. Therefore, any disciplinary action is subject to final review by the president of the University. 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.

*This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.06 Disciplinary Procedures and due Process. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12.*