I. Purpose

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.

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 and assumes reasonable responsibility for the behavior of others. When community members fail to exemplify and uphold these standards of conduct, student conduct procedures are used to assert and uphold these standards.

The student conduct process at MTSU exists to protect the interests of the community and the individual student while striking a balance between the two. Individuals and organizations that do not act in accordance with our rules and expectations will be challenged and may be sanctioned accordingly. Sanctions are designed to assist students in achieving acceptable standards of behavior while providing tools and resources for life-long learning and conflict resolution.

II. Responsibility and Jurisdiction

A. The President of MTSU is authorized to take such action as may be necessary to maintain campus conditions and preserve the integrity of the Institution 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’ designee is the Office of Student Conduct, specifically the Assistant Dean for Student Conduct and the Student Conduct Coordinator (University Officials). 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 Academic Misconduct Committee. This process is set out in detail in Policy 312 Academic Misconduct.

C. For the purpose 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 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. 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.

D. Disciplinary action may be taken against a student or student organization for violations of this 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 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.

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 Institution with disciplinary action pending, the
student’s record may be encumbered by the appropriate Institutional office until the proceedings have been concluded. The Institution may take action if a student elects to be absent from the proceeding.

E. This policy 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.

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.

III. Student Conduct Rules: Values and Behavioral Expectations

MTSU has adopted the following non-exclusive list of prohibited behaviors for which both individuals and organizations may be subject to disciplinary action. These behaviors are considered inappropriate and in opposition to the community standards and expectations set forth by MTSU:

A. Community Standards. MTSU is committed to developing and nurturing a community devoted to learning, growth, and service. Each person who joins or affiliates with the community does so freely and accepts and practices the following rules and expectations:

1. 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.

   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. 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 (a) 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; (b) abusing legally obtained drugs by failing to take the drug as prescribed/directed and/or providing the prescribed drug to another person; (c) using a prescription drug that has not been prescribed to the individual.

Any reasonable suspicion of drug use or possession, including the odor of burnt or raw marijuana, physical characteristics of impairment, and/or possession of any paraphernalia that can be used for drug consumption will lead to an investigation and possible violation of this rule.

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 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.

4. 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.

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 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.

6. Violation of General Policies. Any violation of the general policies or procedures of the Institution as published in an official Institutional publication or posted on an
official Institutional 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 and Parking**
- **Policy 910 Information Technology Resources**

7. **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.

8. **Disorderly Conduct.** Any individual or group behavior that unreasonably disrupts the academic environment (e.g. interferes with teaching, classroom operations, research, etc.) or unreasonably interferes with operations, events or programs on institutionally owned or controlled property, or during a University event. This includes 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, Institution keys, library materials, and/or safety devices.

10. **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:

   a. Any unauthorized occupancy of facilities owned or controlled by the Institution or blockage of access to or from such facilities;

   b. 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;

   c. 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/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 an Institutional disciplinary process or investigation that is contumacious, disrespectful, threatening, or disorderly. This includes 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 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, or, being present in academic buildings after hours without permission.

13. Pornography or Obscenity. 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.

14. Student Identification Cards. (1) Failure to possess at all times a valid student identification card or an alternate ID that will prove student status; (2) 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 Institution.
17. Litter. Dispersing litter in any form onto the grounds or facilities of the campus.


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.

1. 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.

2. Failure to Cooperate with Institutional Officials. Failure to comply with directions or directives of Institutional officials acting in the performance of their duties.

3. 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.

4. 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.

5. 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.

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 Institution.

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 an Institutional 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.

1. Harassment or Retaliation. Any act by an individual or group 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.

1. Threatening or Dangerous Conduct. Any conduct, or attempted conduct, which poses a threat to the safety of others or when the student’s behavior is disruptive of the Institution’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. The possession or use of firearms as set forth in Policy 705 Weapons on Campus, explosives, fireworks, inflamables, dangerous chemical mixtures, and/or dangerous weapons of any kind, including, but not limited to, 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. Sexual misconduct is defined as 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 V of this policy.

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.

IV. 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 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 Student Conduct.

B. The instructor is expected to discuss behavioral expectations with each class at the beginning of the semester and as needed throughout the semester.

V. 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 individuals and organizations. Upon a determination that a student or student organization has violated any of the rules 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 Institutional officials.

B. Pursuant to T.C.A. § 49-7-146, the University will notify the parent/guardian of students under the age of 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 these policies and provides notice that any further violation(s) may result in more serious consequences;

3. Service to the University or 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 beginning the service;

4. Specified Educational/Counseling Program. Requirement 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. Requirement 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 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 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, for example, denial of the ability to represent the Institution at any event, ability to participate in Institution travel, eligibility to hold office in a student organization, use of facilities, parking privileges, participation in extracurricular activities, and/or restriction of organizational privileges, etc.;

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 organization placed on probation will be notified in writing 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, 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 Institutional housing policies. 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). If a student has additional violations during the probationary period, they will become a candidate for housing suspension.

10. Involuntary 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 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 Pre-Payment). A suspended resident must vacate the housing unit as directed by University staff. This sanction may be enforced with a University Police trespass restriction, if necessary. Housing suspension shall remain a part of the student resident’s disciplinary record.
12. Suspension. Separation from the Institution for a specified period of time. This includes all instructional delivery methods (i.e., on ground, on-line, distance education, 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’ office. A suspended student must submit a written request to be on campus to the Dean of Students 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. 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. 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 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 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 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 them during the time of their 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. This sanction will be enforced with a University Police trespass restriction, if necessary.

14. Revocation of Admission, Degree, or Credential.

15. 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.

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
Institutional official that the conduct or attempted conduct of the student poses a direct threat to the safety of any other member of the Institution, its guests, or property; or, if the student’s behavior is materially and substantially disruptive of the Institution’s learning environment or other campus activities. 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 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 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 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 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 for his/her return to the University. The student may be required to provide documentation that he/she has taken steps to mitigate the previous behavior (e.g., 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 organization could (1) potentially put students or the community at risk; (2) cause irreparable harm to the University or organization; (3) influence the integrity of an investigation; and/or (4) increase the organization’s or University’s fault or liability. A temporary organizational cease and desist can be issued by the University alone or in conjunction with a national/regional organizational 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 organization has been temporarily restricted from conducting business. During the time of the temporary cease and desist, the 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.
VI. Student Conduct Hearing Officers and/or Boards

Violations under this policy may be heard by the following 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) members selected from eligible members of the student body. Members shall be selected for a one (1) year term and are eligible to serve additional terms with reapplication and approval as prescribed in the Student Government Association (SGA) constitution. The Student Judicial Board may be convened to hear cases involving alleged violations of University rules committed by students and organizations. 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.

VII. 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. All matters involving sexual discrimination, sexual harassment, dating violence, domestic violence, or stalking will proceed pursuant to Policy 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation, and Gender Identity/Expression rather than the process specified in this Section VII.

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 policy 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 at judaff@mtsu.edu. A hard copy of a written referral may also be dropped off at the Office of Student Conduct, Keathley University Center, Room 208.

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 staff member determines that there is a possibility that a student conduct rule violation has occurred and additional information is not needed, he/she will issue a disciplinary charge(s) against the student. 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 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. 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, 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 and assigned University Official. This notice will be sent via the student’s official MTSU email as well as a hard copy letter to their local address as indicated in the student information system. 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. During this disciplinary conference, the student will be reminded which University policy/policies have allegedly been violated, and the student will be given an opportunity to explain his/her version of the behavior or incident, or to otherwise refute the allegations. Students 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. The advisor cannot speak on behalf of the student or represent the student. 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.

The University Official will review the incident taking into account the information provided by the student. A determination will be made as to whether or not the student is in violation and, if so, what the appropriate sanction(s) will be. If the recommended sanction is not a sanction that separates the student from the institution, University Official will explain the sanctions and needed follow-up to the student. If the recommended sanction is suspension or expulsion, the University Official will explain the student’s 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 the student’s 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 would be best served by having a committee review the case (see the University Discipline Committee option below).

F. Hearing Options. The majority of student disciplinary cases are resolved at the Disciplinary Conference level. However, there are instances when it becomes necessary for a disciplinary hearing to occur. If the recommended sanction for a student in a disciplinary conference is suspension or expulsion, the student has three choices regarding resolution of the disciplinary case. The first choice is to accept responsibility for the violation and the recommended sanction(s). The second choice is to request a hearing before the University Discipline Committee. The third choice is to request a hearing pursuant to the Uniform Administrative Procedures Act (UAPA). The University Official will explain the three choices to the student, and the student will indicate his/her selection in writing. Once the selection is made, a student 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 formal hearing when the case is unusually complex and/or problematic.

University Discipline Committee. The committee’s purpose is to hear student disciplinary cases referred by the Office of Student Conduct. The University Discipline Committee (UDC) makes its recommendation(s) to the Vice President for Student Affairs and Vice Provost for Enrollment and Academic Services. The Vice President can uphold
the recommendation(s), reverse the recommendation(s), or send the recommendation(s) back to the UDC for reconsideration of the sanctions only.

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

Students are afforded the rights guaranteed in the Disciplinary Conference as well as the following additional rights:

1. The right to be advised in writing of the date, time, and place of the hearing at least four (4) business days in advance of the hearing;

2. The right to be accompanied by more than one 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, 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.

3. The right to call witnesses on his/her behalf. It is the student’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 Student Conduct;

4. The right to question witnesses;

5. The right to be informed of an appeal option, if applicable.

Uniform Administrative Procedures Act. All cases which may result in: (a) suspension or expulsion of a student 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 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 wishes to pursue the case administratively or through the UDC, he/she must waive the right to a UAPA hearing in writing.
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 a hearing officer alone or a Hearing Committee presided over by a hearing officer. The President is responsible for appointing 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.

The case will proceed pursuant to Policy 110 Cases Heard Pursuant to the Uniform Administrative Procedures Act. The student’s rights are outlined in that process.

Interim Involuntary Withdrawal or Suspension Hearings. 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 Institution 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 Institution will make the decision to involuntary withdraw or suspend based on the threat the student or student organization poses to others;

If exigent circumstances warrant the immediate removal of a student or student organization from the institution, 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 30 days of the removal.
G. Appeals

Eligibility: A student or student organization who has been suspended or expelled from the University 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 Institution, do not have an appeals option. It is the responsibility of the body of original jurisdiction 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 it is to ensure that the disciplinary procedure has been implemented fairly and consistently with these policies.

Time Limitations: An appeal must be submitted in writing to the Dean of Students within forty-eight (48) hours of notice to the student or student organization that the approving authority has affirmed the suspension or expulsion. The student or student organization will be directed to pick up the decision letter from the Dean of Students office. If the student or student organization is unable or unwilling to pick up the decision letter, an official email will also be sent to the student’s or student organization advisor’s MTSU email account which shall serve as notice. A student or student organization cannot extend the 48-hour time limitation by refusing to acknowledge the notice, ignoring the notice, and/or because he/she does not agree with the decision.

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 or both of the following conditions:

1. an error in procedural due process by the body of original jurisdiction which prejudiced the disciplined student or student organization to the extent that he/she was denied a fundamentally fair hearing 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.

Appellate procedure: For UDC decisions, 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.

For UAPA decisions, the appeal procedures are set forth in Policy 110 Cases Heard Pursuant to the Uniform Administrative Procedures Act.

H. Effect of Noncooperation. A student who fails to respond to a notice of disciplinary charges and disciplinary conference within the time frame specified in the notice will have a hold placed on his/her records. The hold will be removed at such time as the student has appropriately responded to a notice of an alleged violation(s). 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 UAPA. Decisions may be made in the student’s absence.

I. 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 Institution. 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.

VIII. 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. Mediation may never be used for disciplinary matters concerning allegations of sexual assault. 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 their 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.

IX. Victim’s Rights

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 complaint or refuses to offer testimony during the course of a disciplinary proceeding, the University reserves the right to proceed without his/her input. 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. Victims of violence 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 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.

X. 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.

Forms: none.

Revisions: June 5, 2017 (New); __, 2017.

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 and Parking; 910 Information Technology Resources.