Middle Tennessee State University

Student Disciplinary Policy

Part 1 Institution Policy Statement

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(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.

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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: