



<b>Policy Name:</b>	Student Discipline
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## Student Discipline

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### Part 1 Institution Policy Statement

- (1) Students enrolled in Tennessee Colleges of Applied Technology (“TCATs”) are citizens of the state, local and national governments, and of the academic community and are, therefore, expected to conduct themselves as law-abiding members of each community at all times. Admission to a TCAT 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 TCAT and the community which it seeks to serve, the Tennessee Board of Regents (“TBR” or “Board”) has authorized the directors of the TCATs under its jurisdiction to take such action as may be necessary to maintain campus conditions and preserve the integrity of the TCATs and their educational environment.
- (2) Pursuant to this authorization and in fulfillment of its duty to provide a secure and stimulating atmosphere in which individual and academic pursuits may flourish, the Board has developed regulations which are intended to govern student conduct on the TCATs under its jurisdiction and which regulations may be expanded or supplemented by the TCATs subject to Board approval. In addition, students are subject to all national, state and local laws and ordinances. If a student’s violation of such laws or ordinances also adversely affects the TCATs pursuit of its educational objectives, the TCATs may enforce their own regulations regardless of any proceedings instituted by other authorities. Conversely, violation of any section of these regulations may subject a student to disciplinary measures by the TCAT whether or not such conduct is simultaneously violative of state, local or national laws.
- (3) For the purpose of these regulations, a “student” shall mean any person who is admitted and/or registered for study at a TCAT 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 TCAT. Finally, "student" shall also include any person subject to a period of suspension or removal from campus as a sanction which results from a finding of a violation of the regulations governing student conduct. Students are responsible for compliance with the Student Disciplinary Policy and with similar TCAT policies at all times.

- (4) Disciplinary action may be taken against a student for violation of the regulations which occur on TCAT 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 TCAT activity or the mission, processes, and functions of the TCAT. TCATs may enforce their own regulations regardless of the status or outcome of any external proceedings instituted in any other forum, including any civil or criminal proceeding.
- (5) These regulations, and related material incorporated herein by reference, are applicable to student organizations as well as individual students. Student organizations are subject to discipline for the conduct and actions of individual members of the organization while acting in their capacity as members of, or while attending or participating in any activity of, the organization.
- (6) Confidentiality of Discipline Process. Subject to the exceptions provided pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g and/or the Tennessee Open Records Act, T.C.A. § 10-7-504(a)(4), a student's disciplinary files are considered "educational records" and are confidential within the meaning of those Acts.

## Part 2 Disciplinary Offenses

- (1) TCAT disciplinary measures shall be imposed, through appropriate due process procedures, for conduct which adversely affects the TCAT'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 a TCAT.
- (2) TCATs shall adopt and publish a non-exclusive list, providing notice of offenses for which both individuals and organizations may be subject to disciplinary action. The list may include any appropriate offense given the specific needs of the individual TCAT, subject to prior review and approval of the TBR Offices of General Counsel. TCATs are pre-authorized to implement any or all of the disciplinary offenses, in the form set forth immediately below, without need for prior review or approval:
  - (a) Threatening or Disruptive Conduct. Any conduct, or attempted conduct, which poses a threat to the safety of others or where the student's behavior is disruptive of the TCATs learning environment

- (b) Hazing. Hazing, as defined in T.C.A. § 49-7-123(a)(1), means any intentional or reckless act, on or off the property, of any TCAT 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 or attire which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs TCAT functions, operations, classrooms, other groups or individuals;
- (d) Obstruction of or Interference with TCAT activities or facilities. Any intentional interference with or obstruction of any TCAT, program, event, or facility including the following:
  1. Any unauthorized occupancy of facilities owned or controlled by a TCAT or blockage of access to or from such facilities;
  2. Interference with the right of any TCAT member or other authorized person to gain access to any activity, program, event or facilities sponsored or controlled by a TCAT;
  3. Any obstruction or delay of a campus security officer, public safety officer, police officer, firefighter, EMT, or any official of a TCAT, or failure to comply with any emergency directive issued by such person in the performance of his or her duty;
- (e) Misuse of or Damage to Property. Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to another including, but not limited to, any personal property, fire alarms, fire equipment, elevators, telephones, TCAT keys, library materials and/or safety devices;
- (f) Theft, Misappropriation, or Unauthorized Sale of Property. Any act of theft, misappropriation, or sale of school property or any such act against a member of the school community or a guest of the school;
- (g) Misuse of Documents or Identification Cards. Any forgery, alteration of or unauthorized use of TCAT 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 TCAT;
- (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;

- (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 TCAT owned or controlled property. This offense includes the violation of any local ordinance, state, or federal law concerning alcoholic beverages, on or off TCAT 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 TCAT 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 TCAT owned or controlled property;
- (m) Public Intoxication. Appearing on TCAT owned or controlled property or at a TCAT 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 TCAT promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the TCAT;
- (p) Unacceptable Conduct in Disciplinary Proceedings. Any conduct at any stage of a TCAT 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 TCAT Officials. Failure to comply with directions of TCAT officials acting in the performance of their duties;
- (r) Violation of General Rules and Regulations. Any violation of the general rules and

regulations of the TCAT as published in an official TCAT 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 TCAT;
- (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 TCAT official or a constituted body of the TCAT;
- (v) Sexual Battery or Rape. Committing any act of sexual battery or rape as defined by state law;
- (w) Harassment or Retaliation. Any act by an individual or group against another person or group in violation of TBR policies, as well as federal and/or state laws prohibiting discrimination, including, but not limited to, TBR policies 5:01:02:00,(F), 6:01:00:00, 6:02:00:00 and TBR Guideline P-080;
- (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.
  - 4. Facilitation. Helping or attempting to help another to violate a provision of the TCAT code of academic misconduct.
- (y) Unauthorized Duplication or Possession of Keys. Making, causing to be made or the

possession of any key for an TCAT 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 TCAT computer resources,
  - 2. Use of TCAT computer resources and facilities to violate copyright laws, including, but not limited to, the act of unauthorized distribution of copyrighted materials using TCAT 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 TCAT computing system,
  - 7. Use of computing resources and facilities to interfere with the work of another student, faculty member, or TCAT official,
  - 8. Violation of any published information technology resources policy,
  - 9. Unauthorized peer-to-peer file sharing;
- (cc) Unauthorized Access to TCAT Facilities and/or Grounds. Any unauthorized access and/or occupancy of TCAT 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 TCAT official acting in the performance of his/her duties in

connection with a student's admission, enrollment, or status in the TCAT;

- (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 TCAT smoking or other tobacco use rules or policies.
- (gg) Student on Student Harassment. Unwelcome conduct directed toward a person that is discriminatory on a basis prohibited by federal, state, or local law and that is so severe, pervasive, and objectively offensive that it effectively bars the victim's access to an educational opportunity or benefit. (Per the TBR Freedom of Speech and Expression Policy 1:03:02:60)

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

### Part 3 Academic and Classroom Misconduct

- (1) The instructor has the primary responsibility for maintenance of academic integrity and controlling classroom behavior. In addition, can order the temporary removal or exclusion from the classroom, for no more than one (1) day, of any student engaged in disruptive conduct or conduct that violates the general rules and regulations of the TCAT 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 TCAT.
- (2) Academic misconduct may be defined as any act of dishonesty in academic work. This includes, but is not limited to, plagiarism, the changing or falsifying of any academic documents or materials, cheating and giving or receiving of unauthorized aid in tests, examinations or other assigned work. Students guilty of academic misconduct, either directly or indirectly, through participation or assistance, are immediately responsible to the instructor of the class. Penalties

for academic misconduct will vary with the seriousness of the offense and may include, but are not limited to, a grade of "F" on the work in question, a grade of "F" in the course, reprimand, probation, suspension and expulsion. Upon a finding of academic misconduct, the student will be advised of his/her hearing rights. The student may accept the instructor's finding, grade reduction, and/or other sanction and waive his/her hearing rights. In the event a student believes he/she has been erroneously accused of academic misconduct, he/she may request a hearing. Hearings will be conducted pursuant to the procedures set forth at Part 6, Disciplinary Procedures, below. If the student is found responsible for the allegation(s) of academic misconduct, the grade as assigned by the instructor will stand. Should the hearing source absolve the student of the allegations of academic misconduct, the faculty member will reassess the student's grade based upon the hearing source's finding.

- (3) 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 instructors, 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.).

#### Part 4 Disciplinary Sanctions

- (1) Upon a determination that a student or organization has violated any of the rules, regulations or disciplinary offenses set forth in these regulations, the following disciplinary sanctions may be imposed, either singly or in combination, by the appropriate TCAT official.
- (2) Definition of Sanctions.
  - (a) Restitution. A student who has committed an offense against property may be required to reimburse the school or other owner for damage or misappropriation of such property. Any such payment in restitution shall be limited to actual cost of repair or replacement.
  - (b) Warning. The appropriate school official may notify the student that continuation of repetition of specified conduct may be cause for other disciplinary action.
  - (c) Reprimand. A written and/or verbal reprimand, or censure, may be given any student whose conduct violates these regulations. Such a reprimand does not restrict the student in any way, but does have important consequences. It may signify to the student that he or she is, in effect, being given another chance to conduct himself or herself as a proper member of the school community, but that any further violation will result in more serious penalties. In addition, a reprimand does remain on file in a student's personnel record for period of one year.



- (d) Service to the TCAT or Community. A student, or student organization, may be required to donate a specified number of service hours to the TCAT performing reasonable tasks for an appropriate TCAT office, official(s), or the local community. The service required shall be commensurate to the offense (e.g., service for maintenance staff for defacing TCAT property);
- (e) Specified Educational/Counseling Program. A student or student organization may be required to participate in specified educational or counseling program(s) relevant to the offense, or to prepare a project or report concerning a relevant topic;
- (f) Apology. A student or student organization may be required to apologize to an affected party, either verbally or in writing, for the behavior related to a disciplinary offense;
- (g) Fines. Penalties in the form of fines may be imposed against a student or student organization whenever the appropriate TCAT 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 privileges for a period of time may be imposed. This restriction may include, for example, denial of the right to be present at the school in any way, denial of use of facilities, parking privileges, or participation in extracurricular activities for a maximum of one year.
- (i) Probation. Continued enrollment of a student on probation may be conditioned upon adherence to these regulations. Any student placed on probation will be notified of such in writing and will also be notified of the terms and length of the probation. Probation may include restrictions upon the extracurricular activities of a student. Any conduct in violation of these regulations while on probationary status may result in the imposition of a more serious disciplinary sanction.
- (j) Suspension. If a student is suspended, he/she is separated from the school for a stated period of time with conditions of readmission stated in the notice of suspension.
- (k) Expulsion. Expulsion entails a permanent separation from the school. The imposition of this sanction does become a part of the student's permanent record, and is a permanent bar to his or her readmission to the school.
- (l) Revocation of Admission, Award or Credentials;
- (m) Any alternate sanction deemed necessary and appropriate to address the misconduct.

Interim Involuntary Withdrawal or Suspension. As a general rule, the status of a student or student organization accused of violation of TBR regulations, this policy, or TCAT 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 conduct, or attempted conduct of the student

poses a direct threat to the safety of any other member of the institution, its guests, property, or the student's behavior is materially and substantially disruptive of the TCATs 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 suspension;

- (3) The director of each college of applied technology is authorized, at his/her discretion, to subsequently convert any sanction imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases.

#### Part 5 Traffic and Parking

- (1) The purpose of these regulations shall be to facilitate the orderly and efficient flow of traffic on TCAT campuses, to provide a safe atmosphere for both pedestrians and motor vehicle operators, and to provide order with regard to parking within limited space

- (2) Parking Regulations.

- (a) The school may require registration with the director's office for all motor vehicles that are driven to campus by a student, faculty, staff member, or any other person authorized to use campus facilities. Additionally, the school may require students and faculty to display a parking permit or decal on their vehicles. Information concerning any such requirements will be available through the Student Services' office.
- (b) Painted lines, markings, or other visible signs will be used to designate authorized parking areas for students, faculty, staff, other employees, visitors, or any other persons authorized to use the school's facilities.
- (c) Inability to locate an authorized parking space on campus will not excuse improper parking.
- (d) Improper parking includes, but is not limited to, the following:
  - 1. Parking in unauthorized spaces or areas;
  - 2. Parking in driveways, sidewalks, intersections, or loading zones;
  - 3. Parking in any manner that blocks properly parked vehicles, such as "double-parking";
  - 4. Parking in spaces designated for use by disabled persons only;
  - 5. Parking within 15 feet of a fire hydrant.
- (e) Improperly parked vehicles may be towed at the owner's expense.

- (3) Traffic Regulations.

- (a) The responsibilities and duties of drivers of motor vehicles on campus include, but are not limited to, the following:
  - 1. Obeying all state and local laws regarding the operation of motor vehicles in addition to these regulations;
  - 2. Observing the maximum speed limit posted on campus;
  - 3. Exercising reasonable care under all circumstances and avoiding reckless driving of any kind;
  - 4. Obeying all traffic signs;
  - 5. Yielding right of way to all pedestrians at all times;
  - 6. Reporting all traffic accidents occurring on campus which involves injury to persons or property to the school's director or his/his designee.
  - 7. Refraining from littering from a vehicle.
  
- (4) Penalties for violations of traffic and parking regulations.
  - (a) Faculty, students and visitors are expected to comply with all state laws, county and municipal ordinances governing traffic/parking in their locality. State and local law enforcement authorities will enforce those provisions on TCAT~~TTT~~ campuses.
  - (b) Violators may also be subject to disciplinary action in accordance with the in accordance with the TCAT Student Disciplinary Policy governing student conduct and disciplinary sanctions.
  - (c) The fine for a disabled/handicapped parking violation is established by statute and will be adjusted as necessary to comply with state law.
  - (d) The TCAT Central Office specifically authorizes each of its constituent TCATs to reserve the right to tow any vehicle that is improperly parked or abandoned. Any fees associated with towing will be the responsibility of the owner/driver of the vehicle.

#### Part 6 Disciplinary Procedures

- (1) Hearing Process.
  - (a) Disciplinary Investigations
    - 1. Violations of the Student Disciplinary Rules should be reported to the campus administration.

2. The Director, or designee, shall inform the student of the allegation(s) and proceed to gather information concerning the case including, but not limited to, interviews with all relevant parties (accused, accuser, and possible witnesses).
3. The Director, or designee, shall review the evidence and determine whether a violation has occurred. If so, a proper disciplinary sanction will be determined.
4. The student will be notified of the findings of the investigation and the proposed sanction. The student shall be informed of his/her right to accept the decision and/or right to a hearing. The student may elect a hearing, or accept the findings and sanction, waive the right to a hearing after receiving written notice of those rights. Failure to make an election will be treated as a waiver.

(b) Uniform Administrative Procedures Act (UAPA) T. C. A. § 4-5-301 et seq.

The only cases which are subject to a UAPA hearing are those which may result in:

1. suspensions or expulsions of a student from the school for disciplinary offenses; or
2. revocation of registration of an official student organization during the term of registration. In those cases, students shall be afforded the opportunity to elect either a proceeding conducted pursuant to the Uniform Contested Cases Procedures as outlined in the provisions of UAPA or a proceeding conducted by the appropriate TCAT committee as outlined in subparagraph (c) immediately below. A student may waive, in writing, his/her right to a hearing after receiving written notice of those rights.

(c) Institutional Hearings

If a student elects a hearing under applicable TCAT procedures, then a review committee shall be established. The review committee will be appointed by the Director and be composed of two (2) student representatives, two (2) faculty members and one (1) non-faculty staff member. An alternate will be designated for any committee member be in attendance.

1. The student shall be advised, in writing, of the breach of regulation(s) of which she/he is charged;
2. The student shall be advised of the time, date, and place of the hearing allowing reasonable time for preparation;
3. The student shall be advised of the following rights applicable at the hearing:
  - a. The right to present his or her case,
  - b. The right to be accompanied by an advisor,
  - c. The right to call witnesses in his or her behalf,
  - d. The right to confront witnesses against him or her, and

- e. The student shall be advised of the method and time limitations for appeal, if any is applicable.

4. Students subject to any disciplinary sanction are entitled to a due process hearing unless that right is waived by the student after receiving written notice of the available procedures.

(d) Conduct of the Hearing

1. A student appearing before the review committee will be given a written statement of the cause for discipline and a time established for the hearing. The hearing must be scheduled no sooner than one (1) day and no more than five (5) school days after the statement is provided.
2. The review committee will receive evidence and/or testimony from any source relevant to the issues in the proceeding. This will include, but not be limited to all relevant evidence/witnesses identified by the responding student. A student may be accompanied by an advisor. The advisor may not participate in the hearing, but may be present and advise the responding student during any hearing.
3. The review committee will make a decision based on the facts presented within five (5) school days from the date of hearing. The decision will be in writing. The decision will be transmitted to the Director.
4. This written statement shall contain clear information concerning the student's right to appeal this decision to the Director with procedures for obtaining the same.
5. A student has two (2) school days to appeal the review committee's decision, in writing, to the Director.
6. Upon receipt of written notice for appeal from the student, the Director will make a decision within two (2) school days and respond to the student in writing.
7. The Director's decision will be final.

(2) Interim Involuntary withdrawal or Suspension Hearings: Hearings conducted with regard to interim involuntary withdrawal or 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.

- a) In determining whether a student should be involuntarily withdrawn or suspended for threatening or disruptive conduct, the institution shall consider the nature, duration, severity, and probability of the threat posed or the disruption caused by a student, relying on the best available objective evidence and, if applicable and obtainable, on the most current medical evidence.

- b) The institutions shall also determine whether reasonable modifications of its policies, practices, or procedures could sufficiently mitigate the risk.
- c) Absent exigent circumstances creating an imminent risk or harm, the assessment will be made prior to a decision to involuntarily withdraw or suspend based on the threat he or she poses on others.
- d) If exigent circumstances warrant the immediate removal of a student from the institution, the student will receive, at a minimum, notice and an initial opportunity to present evidence immediately after being placed on involuntary withdrawal, and the opportunity to initiate due process within 30 days of the removal.

3. Alternative Resolution Procedures: Institutions are authorized to establish alternative or multiple methods/bodies for hearings and/or for the resolution of disciplinary matters, with the consent of all relevant parties. Alternative resolution methods may include, but are not limited to, mediation, diversion programs, and or/negotiated resolutions.

*This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03 Systemwide Student Rules – Student Conduct and Disciplinary Sanctions. To the extent that a conflict exists between his 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 11/15/15*

*Revised to include Student on Student Harassment on 3-14-2018 per TBR Policy 1:03:02:60.*

**Sources**

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March 15, 2018 Part 2, Section 2 Subsection W Student Harassment