

SOUTHWEST TENNESSEE COMMUNITY COLLEGE**SUBJECT: Student Conduct & Disciplinary Sanctions****EFFECTIVE DATE: July 1, 2000; Revised March 29, 2013; Revised August 16, 2021;
Revised April 25, 2023****I. Purpose**

The purpose of this policy is to establish conduct and disciplinary procedures for Southwest Tennessee Community College (“Southwest” or “the College”) to maintain campus conditions and preserve the integrity of the College and its educational environment.

II. Policy Statement

- A. Students enrolled at Southwest 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.
- B. Admission to Southwest carries with its special privileges and imposes special responsibilities, apart from the rights and duties enjoyed by non-students. In recognition of the special relationship that exists between the College and the academic community that it seeks to serve, the Tennessee Board of Regents (“TBR”) has authorized the President of the College to take such action as may be necessary to maintain conditions on Southwest owned and controlled property and to preserve the integrity of the College and its educational environment
- C. 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 following policy has been developed to govern student conduct.
- D. This policy was enacted pursuant to [TBR 3.02.00.01](#). To the extent that a conflict exists between this policy and TBR regulations, the TBR regulations will control.
- E. Students are subject to all federal, state and local laws and ordinances. If a student’s violation of such laws or ordinances adversely affects Southwest’s pursuit of its educational objectives, the College may enforce its own policies regardless of the status or outcome of any external proceedings instituted by other civil or criminal authorities.

- F. Students are responsible for compliance with this and other Southwest policies and regulations.
- G. Disciplinary action may be taken against a student for violation of policies and regulations that occur on College 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 College activity or the mission, processes, and functions of the College. In the case of violations that occur off Southwest owned, leased, or controlled property, the College will consider whether the violation impairs, interferes with, or obstructs any College activity, or the mission, processes, and function of the College, including, but not limited to, conduct that:
1. Occurs in connection with any College activity, including but not limited to, international, distance, online, or remote learning programs, athletics events and other extracurricular activities, clinical, internship, practicum, and similar activities;
 2. Occurs while using College resources, such as computers and network systems;
 3. Involves or affects another member of the Southwest or TBR community (a student, faculty, staff member, or guest of the College); or
 4. Poses a credible, serious threat to the health and safety of the Southwest or TBR community.
- H. This policy, and related material incorporated herein by reference, is applicable to student organizations as well as individual students. Whether a student organization will be held responsible for a violation of these rules by one (1) or more of its members will be based on whether the:
1. Violation is endorsed by the student organization or any of its officers. "Endorsed by" includes, but is not limited to, active or passive consent or support, having prior knowledge that the conduct was likely to occur, or helping to plan, advertise, or promote the conduct;
 2. Violation took place during the course of an activity paid for by the student organization or by members of the student organization to support the activity in question;
 3. Prohibited conduct occurred on property owned, controlled, rented, leased, or used by the student organization or any of its members for an organizational event;
 4. Prohibited conduct was related to initiation, admission into, affiliation with, or as a condition for continued membership in the student organization; and

5. Officer(s) of the student organization had prior knowledge or reasonably should have known the prohibited conduct would likely take place.
- I. With regard to 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, the Tennessee Public Records Act, T.C.A. § 10-7-504, and/or other state and federal law, a student's disciplinary records and files are considered "education records" and are confidential
 - J. Matters involving sexual harassment, sexual assault, stalking, domestic violence, and dating violence occurring within an education program or activity, if within the scope of Southwest Policy 5:01:02:00/29 Sexual Misconduct, which follows TBR 6.03.00.00 that implements 34 C.F.R. Part 106 related to Title IX of the Education Amendments of 1972, shall proceed in accordance with Southwest Policy 5:01:02:00/29, Sexual Misconduct, and not this policy.

III. Definitions

- A. *Student* – For the purpose of this policy, a "student" shall mean any person:
 1. Admitted to, enrolled in, and/or registered for study (including for non-credit classes) at Southwest 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, following 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 College;
 2. Who engaged in academic misconduct as part of the application process; and/or
 3. Who previously attended Southwest and who was found to have violated the College's student conduct and disciplinary standards policy during the time of enrollment.
 4. Subject to a period of suspension or removal from campus resulting from a finding of a violation of this policy;

Unless explicitly provided otherwise in these rules, the term "student" shall also refer to a student organization.

- B. Definitions of *Disciplinary Offenses* and *Disciplinary Sanctions* are included in their respective sections, IV. and VI.

C. Other definitions:

1. *College* or *Southwest* – Southwest Tennessee Community College.
2. *Student* – defined above
3. *Faculty Member* – any person hired by the College to conduct instructional activities or who is otherwise considered by the College to be a member of its faculty.
4. *Staff Member* – any person employed by the College in a nonteaching or nonacademic capacity.
5. *Member of the College Community* – any person who is a student, member of the faculty or staff, College official, or any other person employed by the College.
6. *Code/ The Code* – the Southwest Code of Conduct and Discipline.
7. *College Premises* – all land, buildings, facilities and other property in the possession of or owned, used or controlled by Southwest (including adjacent streets and sidewalks).
8. *Student Organization* – any group that has complied with the formal requirements and been approved for College registration/recognition.
9. *College Activity* – any activity sponsored by the College, any agency of the College, or any College organization which may be attended in part or whole by students, faculty members, staff members, or other members of the general public and conducted on or off College premises.
10. *Judicial Officer* – a College official authorized by the College to determine whether a student or organization has violated the Code of Conduct and Discipline.
11. *Hearing Body* – any College official or group authorized by the College to determine whether a student or organization has violated the Code of Conduct and Discipline.
12. *Appeal Body* – any College official or group authorized by the College to hear appeals of decisions implemented by a hearing body.
13. *Appellant* – a student or organization who is appealing the decision of a hearing body.

14. *Complainant* – either Southwest or the person making a referral to the Director of Student Policy No. 3:02:00:01/8 Page 5 of 31 Activities relevant to a person or group alleged to be in violation of the Code of Conduct and Discipline.
15. *Accused* - the student or group alleged to have violated the College Code of Conduct and Discipline.
16. *Business Days* – days when Southwest is open for business (excluding holidays) even if no classes are scheduled.

Disciplinary Authority

- A. The Vice President for Student Affairs (or designee) has the authority to invoke Interim Suspension. As a general rule, the status of a student or student organization accused of violation of these regulations should not be altered until a final determination has been made in regard to the charges. However, interim suspension, pending the completion of disciplinary procedures, may be imposed upon a finding by the appropriate institutional official that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused, any other member of the institution its guests, property, or substantial disruption of classroom or other campus activities. In any case of interim suspension, the student, or student organization, shall be given an opportunity at the time of the decision, or as soon thereafter as reasonably possible, to contest the suspension.
- B. The Director of Student Development is the primary Conduct Officer for the College. The Director (or designee) administers the student and organizational disciplinary processes at the College.
- C. Student Disciplinary Committee has the authority to hear student and organizational misconduct matter. The Student Disciplinary Committee is composed of five (5) members: a chairman, two (2) student members, and two (2) faculty members. The two (2) student members will be appointed by the President of the College from a pool of students recommended by the President of the Student Government Association. Eligible student participants must have completed a minimum of twenty-four (24) credit hours at Southwest, have a minimum 2.5 cumulative GPA, and be in good standing. The two (2) faculty members are appointed by the President, and the chairperson of the Committee is appointed by the Vice President for Student Services and Enrollment Management. Committee members will be appointed annually and/or on an as needed basis. A quorum must be present in order for a hearing to be conducted by the Committee. However, a quorum may be waived at the request of the accused. A majority of the Committee members will constitute a quorum.

- D. The Academic Appeals Committee is a standing committee appointed by the President of the College. The Committee is comprised of three (3) faculty members and two (2) students. Ordinarily, one (1) of the faculty members should be a Department Chairperson. The Committee will be chaired by one (1) of the faculty members of the Committee. Committee members will be appointed annually and/or on an as needed basis. A quorum must be present in order for a hearing to be conducted by the Committee. However, a quorum may be waived at the request of the accused. A majority of the Committee members will constitute a quorum.
- E. Tennessee Uniform Administrative Procedures Act (TUAPA) – disciplinary charges which may result in: (a) suspension or expulsion of a student or student organization, from the College, for disciplinary reasons or (b) revocation of registration of a student organization, are subject to the contested case provisions of the Tennessee Uniform Administrative Procedures Act (TUAPA), T.C.A. §4-5-301 et seq., and shall be processed in accord with the Uniform Contested Case procedures adopted by the Board of Regents unless the student or organization, after receiving written notice, waives those procedures and elects to have the case disposed of in accord with College procedures or waives all right to contest the case under any procedure. These procedures shall be described in the College’s policy.

IV. Disciplinary Offenses

- A. Disciplinary measures shall be imposed according this policy and applicable procedures and processes.
- B. The College shall use the “preponderance of the evidence” standard. A preponderance of the evidence means the greater weight of the evidence or that, according to the evidence, the conclusion sought by the party with the burden of proof is the more probable conclusion.
- C. These rules shall not be used to violate rights guaranteed under the constitution of the State of Tennessee or the constitution of the United States.
- D. Southwest has adopted and published notice of offenses for which both individuals and student organizations may be subject to disciplinary action.
- E. Both students and student organizations may be subject to disciplinary action for the following disciplinary offenses identified in this policy:
 - 1. Threatening Conduct. Any conduct, threatened conduct, or attempted conduct that, poses a threat to a person’s safety, health, or personal well-being including, but not limited to, endangering the health, safety, or welfare of any person; engaging in conduct that causes a reasonable person to fear harm to their health, safety or welfare; or making

- an oral or written statement that an objectively reasonable person hearing or reading the statement would interpret as a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals;
2. **Disruptive Conduct.** Any conduct, threatened conduct, or attempted conduct that is disruptive to the College's learning environment, including, but not limited to, engaging in any action that interferes with the ability of the instructor to teach or other students to learn. Disruptive conduct in the class setting (which includes but is not limited to remote education and off-site locations) includes, but is not limited to, behavior that obstructs or disrupts the learning environment (e.g., offensive language, harassment of students or instructors, repeated outbursts from a student that disrupt the flow of instruction or prevent concentration, failure to cooperate in maintaining class decorum, etc.), text messaging, and the continued use of any electronic or other noise or light emitting device which disturbs others;
 3. **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;
 4. **Disorderly Conduct.** Any individual or group behavior which is abusive, obscene, lewd, indecent (including, without limitation, public exposure of one's sex organs, public urinating, and public sexual acts), violent, excessively noisy, disorderly, or which unreasonably disturbs institutional functions, operations, classrooms, other groups or individuals;
 5. **Obstruction of or Interference with College activities or facilities.** Any intentional interference with or obstruction of any College, program, event, or facility including but not limited to the following:
 - a. Any unauthorized occupancy of facilities owned or controlled by the College or blockage of access to or from such facilities;
 - b. Interference with the right of any College member or other authorized person to gain access to any activity, program, event or facilities sponsored or controlled by the College;
 - c. Any obstruction or delay of a security officer, public safety officer, police officer, firefighter, EMT, or any official of the College, or failure to comply with any emergency directive issued by such person in the performance of their duty;

- d. Participation in a demonstration that substantially impedes the College operations;
or
 - e. Obstruction of the free flow of pedestrian or vehicular traffic on property owned, leased or controlled by the College or at a College activity.
6. 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 the College or a member of the TBR community including, but not limited to, any personal property, fire alarms, fire equipment, elevators, telephones, institution keys, library materials and/or safety devices; 7. Theft, Misappropriation, or Unauthorized Sale of Property;
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 8. Misuse of Documents or Identification Cards. Any forgery, alteration of or unauthorized use of College 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 at the College;
 9. Weapons. Possessing, carrying, using, storing, or manufacturing any weapon on College controlled property or in connection with an institution affiliated activity, unless federal or state law provides a student with an affirmative right to possess or carry a weapon on College controlled property or in connection with a College-affiliated activity.
 10. Explosives, Fireworks, Flammable, and Hazardous Materials. The unauthorized possession, ignition or detonation of any object or article that represents a potential danger to the Southwest community, including, but not limited to, explosives, fireworks, flammable materials, ammunition, hazardous liquids, chemicals, or hazardous materials;
 11. Alcoholic Beverages and Alcohol-Related Conduct. The use, possession, and/or sale of alcoholic beverages on College owned or controlled property or in connection with any College activity unless expressly permitted by the College;
 12. Drugs. The unlawful possession, use, sale, or manufacture of any drug or controlled substance (including, but not limited to, any stimulant, depressant, narcotic or hallucinogenic drug, or marijuana). This offense includes using or possessing a prescription drug if the prescription was not issued to the student, as well as the violation of any local ordinance, state, or federal law concerning the unlawful possession or use of drugs;

13. Drug Paraphernalia. The use, possession, distribution, sale, or manufacture 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;
14. Public Intoxication. Appearing on Southwest owned or controlled property or at a College sponsored event while under the influence of alcohol, a controlled substance, or of any other intoxicating substance;
15. Gambling. Unlawful gambling in any form;
16. Financial Irresponsibility. Failure to meet financial responsibilities to the College promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the College;
17. Unacceptable Conduct Related to Disciplinary Proceedings. Any conduct at any stage of the College disciplinary proceeding or investigation that is contemptuous, threatening, retaliatory, or disorderly, including false complaints, false testimony or other falsification of evidence, and attempts to influence the impartiality of a member of an adjudicatory body, verbal or physical harassment or intimidation of the College official, hearing panel member, complainant, respondent or witness;
18. Failure to Cooperate with College Officials. Failure to comply with reasonable directions of the College officials acting in the performance of their duties. This includes, but is not limited to, failing to respond to a request to report to a Southwest administrative office, failing to cooperate in a College investigation, and/or failing to appear at a College hearing, including, without limitation, a disciplinary hearing;
19. 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 without having made an immediate report to the College prior to the commission of the planned offense 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 College;
20. Violations of State or Federal Laws. Any conviction of violation of state or federal laws, rules, or regulations prohibiting conduct or establishing offenses;

21. Violation of Imposed Disciplinary Sanctions. Intentional or unintentional violation of a disciplinary sanction imposed through the College disciplinary proceeding;
22. Sexual Misconduct. Committing any act of sexual assault, rape, sexual battery, domestic violence, or dating violence as defined by state or federal law;
23. Harassment, Stalking, or Retaliation. Any conduct that falls within T.C.A. § 39-17-308 (Harassment) or T.C.A. § 39-17-315 (Stalking) or “student-on-student harassment,” which means 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 educational opportunity or benefit. Engaging in “retaliation,” which is an act or omission committed by a student because of another person’s participation in a protected activity that would discourage a reasonable person from engaging in protected activity. Retaliation violates these standards regardless of whether the underlying allegation of a violation of policy is ultimately found to have merit. Retaliation can include, without limitation: an act or omission committed against a person’s family, friends, advisors, and or other persons reasonably expected to provide information in connection with the College investigation or hearing, and an act or omission committed by a student through a third party;
24. Discrimination. Any conduct prohibited by any federal or state law, rule, or regulation related to discrimination, harassment, or retaliation;
25. Academic Misconduct. Any action or attempted action designed to provide an unfair academic advantage or disadvantage for oneself or others. Academic misconduct includes a wide variety of behaviors such as plagiarism, cheating, fabrication, and other academic dishonesty. For purposes of this policy the following definitions apply:
 - a. Plagiarism. The adoption or reproduction of ideas, words, statements, images, or works of another person as one’s own without proper attribution. Examples include but are not limited to copying of passages from works of others into one’s own work without acknowledgment; summarizing or paraphrasing ideas from another source without proper attribution, unless such information is recognized as common knowledge; and using facts, statistics graphs, representations, or phrases without proper attribution;
 - b. Cheating. Using or attempting to use unauthorized materials, information, or aids in any academic exercise or test/examination. Examples include but are not limited to copying another’s work; obtaining or giving unauthorized assistance; unauthorized collaboration or collusion with another person; having another person take a test for a student; and the use of unauthorized materials or devices. The term academic exercise includes all forms of work submitted for credit or hours;

- c. Fabrication. Falsifying, fabricating, or misrepresenting data, research results, citations or other information in connection with an academic assignment. Unauthorized falsification or invention of any information or citation in an academic exercise.
26. Unauthorized Duplication or Possession of Keys. Making, causing to be made or the possession of, with the intent to use or make available for use by others, any key for a College facility without proper authorization;
 27. Litter. Dispersing litter in any form onto the grounds or facilities of the campus;
 28. 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/or (3) taken as a whole, lacks serious literary, artistic, political or scientific value;
 29. Abuse of Computer Resources and Facilities. Misusing and/or abusing campus computer resources including, but not limited to the following:
 - a. Use of another person's identification to gain access to Southwest computer resources;
 - b. Use of Southwest computer resources and facilities to violate copyright laws, including, but not limited to, the act of unauthorized distribution of copyrighted materials using Southwest information technology systems;
 - c. Unauthorized access to a computer or network file, including but not limited to, altering, using, reading, copying, or deleting the file;
 - d. Unauthorized transfer of a computer or network file;
 - e. Use of computing resources and facilities to send abusive or obscene correspondence;
 - f. Use of computing resources and facilities in a manner that interferes with normal operation of the College computing system;
 - g. Use of computing resources and facilities to interfere with the work of another student, faculty member, or College official; and
 - h. Unauthorized peer-to-peer file sharing.
 30. Unauthorized Access to College Facilities and/or Grounds. Any unauthorized access and/or occupancy of College facilities and/or 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;

31. **Providing False Information.** Giving any false information to, or withholding necessary information from, any College official acting in the performance of their duties in connection with a student's admission, enrollment, or status in the College.
32. **Observation Without Consent.** Observation Without Consent, which is prohibited by T.C.A. § 39-13- 607 (a criminal statute) for purposes of this policy, means knowingly spying upon, observing, or otherwise viewing an individual, regardless of whether a photo, video, or recording is made, when the individual is in a place where there is reasonable expectation of privacy, without the prior effective consent of the individual, if the viewing would offend or embarrass an ordinary person if the person knew the person was being viewed. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, living quarters, restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means;
33. **Smoking Violations.** Smoking or tobacco use in any College building or facility, in any College-owned vehicle, or on any College grounds or property, unless in a designated smoking or tobacco use area. For the purposes of these rules, "tobacco use" includes, but is not limited to, the personal use of any tobacco product, whether intended to be lit or not, which includes smoking tobacco or other substances that are lit and smoked, as well as the use of an electronic cigarette or any other device intended to simulate smoking, and the use of smokeless tobacco, including snuff; chewing tobacco; smokeless pouches; any form of loose-leaf, smokeless tobacco; and the use of unlit cigarettes, cigars, and pipe tobacco;
34. **Maintenance of Ethical and Professional Standards.** Failure to maintain the high ethical and professional standards of the various disciplines of the health professions may subject a student to suspension from a program, dismissal from a program, or other appropriate remedial action.
 - a. A student enrolled in a program leading to a degree or certificate in a health profession is subject to disciplinary action up to and including suspension and dismissal from a program for engaging in the following acts of misconduct, regardless of location:
 - i. Commission of an offense classified as a felony by Tennessee or federal criminal statutes;
 - ii. Unlawful use, possession, or sale of drugs or narcotics, whether or not felonious;
 - iii. Other unprofessional or unethical conduct that would bring disrepute and disgrace upon both the student and profession and that would tend to substantially reduce or eliminate the student's ability to effectively practice the profession in which discipline he or she is enrolled; or

- iv. Conduct that is in violation of either a relevant Tennessee statute establishing professional standards or a rule or regulation of a Tennessee regulatory board or other body responsible for the establishment and enforcement of professional standards.
 - b. A person applying for admission to a health profession program may be denied admission to the program on the basis of their violation of the aforementioned ethical and professional standards;
35. Traffic and Parking Fines. Receiving \$100.00 or more in traffic and/or parking violations on College property or College-controlled property during any semester
36. Indecent Exposure. Indecent Exposure, which is prohibited by T.C.A. § 39-13-511 (a criminal statute), for purposes of this policy means in a public place intentionally exposing one's genitals or buttocks to another or engaging in sexual contact or sexual penetration where the person reasonably expects that the acts will be viewed by another, and the acts will offend an ordinary viewer or are for the purpose of sexual arousal and/or gratification.

Disciplinary Holds

- A. Southwest may place a hold on a student's record when the student has:
 - 1. Withdrawn from the College while a disciplinary meeting and/or proceeding is pending;
 - 2. Not responded to a College official's request for a meeting or hearing; or
 - 3. Been suspended or expelled.
- B. A disciplinary hold may remain on a student's record until final resolution of a disciplinary meeting and/or disciplinary hearing.
- C. Southwest will not confer a degree or credential when a student record has been placed on hold, or when a student has a pending disciplinary meeting and/or disciplinary proceeding.
- D. Except for cases involving Academic Misconduct, the College will not revoke a degree or credential based on conduct occurring while a person was a student, but not discovered until after the awarding of a degree or credential.

V. Academic and Classroom Misconduct

All students are accountable for their behavior when it leads to a breach of conduct.

Classroom Misconduct

The instructor has the primary responsibility for maintenance of academic integrity and controlling class (which for this policy includes any remote class and/or offsite class such as a clinic site or other non-traditional class environment) behavior and responding to disruptive conduct.

- A. Disruptive behavior in the classroom may be defined as, but not limited to, behavior that obstructs or disrupts the learning environment (e.g., offensive language, harassment of students and professors, repeated outbursts from a student which disrupt the flow of instruction or prevent concentration on the subject taught, failure to cooperate in maintaining classroom decorum, etc.), text messaging, and the continued use of any electronic or other noise or light emitting device which disturbs others (e.g., disturbing noises from beepers, cell phones, palm pilots, lap-top computers, games, etc.).
- B. The instructor may order the temporary removal or exclusion from the class of any student engaged in disruptive conduct or other conduct that violates this policy 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 affected only through appropriate procedures.

Academic Misconduct/ Academic Dishonesty

- A. Academic misconduct is prohibited. Students guilty of academic misconduct, either directly or indirectly, through participation or assistance, are immediately responsible to the instructor of the class. In addition to other possible disciplinary sanctions which may be imposed in accordance with this policy, the instructor has the authority to take academic discipline consistent with the College policy, procedures, and processes.
- B. An instructor who determines that a student has engaged in academic misconduct may choose to exercise academic discipline by lowering to any extent, including to a grade of "F" or "zero," a student's grade in the course, assignment, or examination affected by the alleged academic misconduct.
- C. An instructor who initiates academic discipline shall inform the appropriate Chair and Dean (or other individual(s) identified by the College) in writing of the finding of academic misconduct, the basis therefor, the academic discipline imposed, and the appeals process within five (5) days of the imposition of academic discipline.
- D. A student may not withdraw from a course pending final resolution of an allegation of academic misconduct. Students are permitted and encouraged to continue attending class until the academic disciplinary decision, including all appeals, is final.
- E. A student charged with academic misconduct has the option of either accepting the academic discipline imposed by the instructor or initiating the appeals process to challenge

the allegation of academic misconduct or the severity of the academic discipline. If the student does not respond in writing within five (5) days by either accepting or appealing the academic discipline to the College academic misconduct appeals committee, the student waives the right to contest the academic discipline, at which time it becomes final.

- F. Southwest academic misconduct appeals committee shall consist of at least three (3) individuals and include at least one (1) student. The Vice President of Student Affairs or assigned designee will assemble the committee and coordinate the hearing but will not participate on the committee. Any individual who has an interest in the incident, a conflict of interest, or a bias is not permitted to serve on the committee. Southwest may maintain standing pools from which individuals may be appointed and/or appoint ad hoc academic misconduct appeals committees.
- G. The academic misconduct appeals committee will set a hearing date that is within fifteen (15) business days of receipt of date of the student's appeal. The student must receive at least seven (7) calendar days' notice of the date, time, and location of the hearing. A student will be notified of the due process protections provided for in this policy.
- H. The academic misconduct appeals committee will conduct the appeal hearing, consider the evidence presented, and decide based on a simple majority vote using a preponderance of the evidence standard. The committee can either uphold, overturn, or lessen the academic discipline. The results of the committee's decision will be conveyed to the student in writing, through the chief academic officer or other individual identified by the College, within ten (10) business days of the hearing.
- I. If the academic misconduct appeals committee upholds or lessens the academic discipline, the student may appeal in writing to the President within five (5) business days following receipt of the decision of the committee. The President will decide within ten (10) business days. The President's decision is final.
- J. The College's Vice President of Student Affairs, President, or other administrator identified by the College has the ability to extend any deadline in this section for good cause and upon written notice to the student.
- K. In addition to academic discipline, a student who is found responsible for academic misconduct, either one or more times, may be subject to disciplinary sanctions in accordance with this policy.
- L. Southwest will maintain permanently all submissions by the student and all decisions of College officials and committees relating to academic misconduct.

1. Cheating
 - a. Knowingly discovering or attempting to discover the content of an examination before the content is presented by the instructor.
 - b. Obtaining or attempting to obtain, use or supply any person with unauthorized material or device when contemplating or taking an examination.
 - c. Using or attempting to use or supply any person any material or device dishonestly for an examination.
 - d. Willfully receiving or supplying any aid not authorized by the instructor.
 - e. Intentionally sharing of information or working together in an academic exercise when such collaboration was not approved by the instructor.

2. Plagiarism
 - a. Representing to be their own, any work which is not the product of their own effort or study, if the work would affect his grade, credit, or status in the College.
 - b. Using another individual's or group's words or ideas without clearly acknowledging the source of that information, resulting in their false representation as one's own individual work.
 - c. Plagiarism may be either deliberate or unwitting; that is, it is the responsibility of a college student to know what constitutes plagiarism so that ignorance is not a legitimate defense against a charge of plagiarism.

VI. Disciplinary Sanctions

Southwest shall publish this policy, provide notice of potential disciplinary sanctions applicable to both students and student organizations. Disciplinary sanctions may be imposed only after a violation of this policy has been established. Disciplinary sanctions may be imposed, either singly or in combination, by the appropriate College officials.

Types of Sanctions

- A. *Restitution* – Restitution may be required in situations which involve theft, destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or student organization is obligated by the appropriate College authority to compensate a party or parties for a loss suffered as a result of disciplinary violation(s). This action may take the form of appropriate service, monetary compensation, or material replacement. Any monetary payment in restitution shall be limited to actual cost of repair, replacement or financial loss;

- B. *Warning* – The appropriate College official may notify orally or in writing the student or student organization that continuation or repetition of specified conduct may be cause for other disciplinary action;

- C. *Reprimand* – A written or verbal reprimand or censure may be given to any student or student organization whose conduct violates any part of this policy and provides notice that that any further violation(s) may result in more serious penalties;
- D. *Service to the College or Community* – A student, or student organization, may be required to donate a specified number of service hours to the College performing reasonable tasks for an appropriate College office, official(s), or the local community. The service required shall be commensurate to the offense (including but not limited to service for maintenance staff for defacing College 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. *Restriction* – A restriction upon a student’s or student organization’s privileges for a period of time may be imposed. This restriction may include, but is not limited to denial of the ability to represent the College at any event, ability to participate in the College sponsored travel, use of facilities, parking privileges, participation in extracurricular activities or restriction of organizational privileges;
- G. *Probation* – Continued enrollment of a student or recognition of a student organization on probation may be conditioned upon adherence to this policy. Any student or organization placed on probation will be notified in writing of the terms and length of the probation. Probation may include but not be limited to restrictions upon extracurricular activities, or any other appropriate special condition(s). Any conduct in further violation of this policy while on probationary status or the failure to comply with the terms of the probationary period may result in the imposition of further disciplinary action;
- H. *Suspension* – Suspension is the separation of a student or student organization from the College for a specified period of time. Suspension may be accompanied by special conditions for readmission or recognition;
- I. *Expulsion* – Expulsion entails a permanent separation from the College. The imposition of this sanction is a permanent bar to the student’s admission, or a student organization’s recognition by the College. A student or organization that has been expelled may not enter Southwest property or facilities or College-controlled property or facilities without obtaining prior approval from an appropriate campus official with knowledge of the expulsion directive;
- J. *Revocation and Withholding of Admission, Degree, or Credential; and*

- K. *Interim Involuntary Withdrawal or Suspension* – As a general rule, the status of a student or student organization accused of violation of these rules, this policy, or the College policy should not be altered until a final determination has been made in regard to the charges. However, interim or involuntary withdrawal or suspension, pending the completion of disciplinary procedures, may be imposed upon a finding that the conduct, or attempted conduct of the student poses a direct threat to the safety of any other member of the College, its guests, property, or the student's behavior is materially and substantially disruptive of the College's learning environment or other campus activities. In any case of interim or 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 in accordance with this policy.

The President may, either personally or through a designee, negotiate a mutually acceptable resolution to any disciplinary proceeding. The President may also rescind or convert any sanction imposed to a lesser sanction.

VII. Disciplinary Procedures

- A. Southwest will provide students with a system of constitutionally and legally sound procedures that provide the protection of due process of law in accordance with TBR Systemwide Student Rules, this policy, and applicable state and federal law. All policies adopted related to student conduct shall be subject to prior review and approval by the TBR Offices of General Counsel and Academic Affairs. Once adopted or amended, all disciplinary procedures shall be affirmatively communicated to the faculty, staff, and students of the College as well as published in appropriate websites, handbooks, and manuals.
- B. The Vice President of Student Affairs or the Vice President of Student Affairs's designee is responsible for matters within the scope of this policy, except that the Vice President of Academic Affairs is responsible for matters related to academic misconduct. In situations where the conduct could fall within both areas of responsibility, the two (2) offices will confer and decide which procedures will apply and advise the student or student organization in writing of the decision.
- C. Complaints related to discrimination, harassment, and retaliation that are not subject to another rule will be investigated and resolved in accordance with this policy and the College's restatement of this policy, procedures, and processes.
1. In determining whether the evidence establishes a violation of a Southwest policy, the College shall use the preponderance of the evidence standard for contested cases, as explained in TBR Policy 1.06.00.05, Uniform Procedures for Cases Subject to the

- Uniform Administrative Procedures Act and Department of State Rule 1360-04-01. At all times the burden of obtaining evidence and establishing a violation shall be on the College.
2. In the event of bias or conflict of interest by a College official, the College may appoint a substitute, who may or may not be employed by the College.
 3. The investigator shall conduct an appropriate investigation, which may include interviews of the parties and witnesses, as well as review of documents and other information. The purpose of the investigation is to determine whether the evidence establishes a violation of Southwest policy and procedures. The parties are encouraged, but not required, to provide information that they want the investigator to consider.
 4. The investigator shall provide written notice of receipt of a written complaint or the decision to initiate an investigation.
 5. The investigator shall notify students that the College will comply with FERPA and only disclose information in accordance with FERPA and other applicable law.
 6. The investigator shall prepare a report summarizing the investigation. The report shall include, but not be limited to, the dates of the alleged occurrences, the response of the respondent, the findings of the investigator, and recommendations regarding disposition of the complaint.
 7. The report shall be submitted to the College's President within sixty (60) calendar days following receipt of the complaint, absent cause for extending the investigation timeline. In situations where more time is needed to complete the investigation, written notice shall be provided to the parties explaining the reasons.
 8. The President shall review the investigator's report and shall make a written determination as to whether this policy, and Southwest policy, processes, and procedures have been violated and the appropriate disciplinary sanction, if any. The President's determination and the investigator's report shall be provided to the parties, unless prohibited by law.
 9. Either party may send a written request to reconsider to the President within ten (10) working days, absent good cause, of receipt of the President's determination.
 - a. The request to reconsider process shall consist of an opportunity for the parties to provide information to the President's attention that would change the determination and/or disciplinary sanction. A party must explain why the factual information was incomplete, the analysis of the facts was incorrect, the determination was affected

- by bias or a conflict of interest, procedural irregularity, and/or the appropriate standard was not applied, and how this would affect the determination. Failure to do so may result in denial of the request to reconsider.
- b. The parties will not be allowed to present their request to reconsider in person unless the President determines, in their sole discretion, to allow an in-person appearance.
 - c. The President shall issue a written response to the request to reconsider as promptly as possible. The decision will constitute the College's final decision.
 - d. The College shall provide written notice of the ability to contest the determination and/or disciplinary sanctions, including where applicable, the ability to request a contested case hearing pursuant to the UAPA, to the parties at the time the parties are advised of the determination and upon the resolution of any request to reconsider or appeal.
- D. Students and student organizations subject to any disciplinary sanction are entitled to a due process hearing in accordance with this policy and standards established by the constitutions of the State of Tennessee and the United States unless that right is waived after receiving written notice of the available procedures.
- E. All proceedings under this policy will be held in closed session and not open to the public. Formal rules of evidence shall not be applicable. The administrator or committee chair may exclude evidence which in their judgment is immaterial, irrelevant, or unduly repetitious.
- F. Written notice to a student or student organization is accomplished either by handing a copy to the student; sending documents via email to the student's or student organization's College email account; email account of record on file with the College; or by sending a copy via certified mail, registered mail, return receipt requested mail, or a nationally recognized delivery service that tracks delivery to the student's residence of record or the student organization's address of record.

Initiation of Changes

- A. Southwest may initiate the disciplinary process on the basis of written allegations received from any source, including any member of the college community. Complaints should be directed to the Vice President of Student Affairs or other administrator identified by the College, except that complaints relating to discrimination, harassment, and retaliation should be referred to the administrator identified by the College so that such complaints can be handled in accordance with Southwest policy and procedures. The College may also initiate disciplinary procedures without written allegations if it becomes aware of potential violations of these rules through other means.
- B. When the allegations, if proven, may warrant the imposition of a disciplinary sanction, the College shall inform the student of the allegations and proceed to gather information

concerning the matter, including, but not limited to, interviewing relevant witnesses and reviewing relevant documents and evidence. Students who may be the subject of disciplinary sanctions will be provided the minimum due process protections identified in this policy.

- C. After reviewing the evidence, the administrator with responsibility for the matter shall decide whether sufficient evidence exists to charge the student, and if so, the appropriate disciplinary sanction(s). Notice of the charges and disciplinary sanction(s), if any, shall be provided in writing to the student. If there is insufficient evidence to continue the disciplinary process, the matter will be closed, and written notice will be provided to the student.

Minimum Due Process Protections

Southwest will provide the following minimum procedural due process protection components in disciplinary matters:

- A. The student shall be advised, in writing, of the breach of the policy provision(s) of which he or she is charged;
- B. The student shall be advised of the time, date, and place of the hearing allowing reasonable time for preparation; and
- C. Students shall be advised of the following rights applicable at the hearing:
 1. The right to present their case;
 2. The right to be accompanied by an advisor of their choice. The advisor's participation shall be limited to advising the student, and not include advocating on behalf of the student, speaking on behalf of the student, or otherwise actively representing the student. An advisor is not permitted to interfere with the hearing;
 3. The right to call witnesses on their behalf;
 4. The right to confront witnesses against them; and
 5. The method and time limitations for appeal, if any is applicable.

Options for Students. Four potential processes exist for adjudication of disciplinary matters. The student will be informed in writing of each available option and the due process rights associated with each option. A student will have five (5) business days following written notification to select an option. If a student fails to return the election of a procedure in a timely manner, the student will be deemed to have waived the right to contest the disciplinary sanction. Selection of one option constitutes waiver of all other options.

- A. Contested Case Hearing: All cases which may result in either: suspension or expulsion of a student from the College for disciplinary reasons, or revocation of registration of a student

organization, are subject to the contested case provisions of the Uniform Administrative Procedures Act, T.C.A. § 4-5-301 et seq., and TBR Policy 1.06.00.05, Uniform Procedures for Cases Subject to the Uniform Administrative Procedures Act, unless the student or student organization, after receiving written notice, waives those procedures.

B. College Panel Hearing

1. Southwest panel hearing committee at a community college shall consist of at least three (3) individuals and include at least one (1) student. The Vice President of Student Affairs, or other administrator identified by the College will assemble the committee and coordinate the hearing but will not vote as to the committee's decision. An individual who has an interest in the incident, a conflict of interest, or a bias is not permitted to serve on the committee. The College may appoint individuals from standing pools and/or appoint ad hoc committees.
2. The committee will set a hearing date that is within fifteen (15) business days of receipt of the student's request for a panel hearing. The student must be notified of the date, time, and location of the hearing as soon as possible, but given at least seven (7) calendar days' notice. A student will be notified of the due process protections provided for in these rules.
3. The committee will conduct the hearing, consider the relevant evidence presented, and decide based on a simple majority vote. The committee can either uphold, overturn, or lessen the disciplinary finding and/or sanction. The results of the decision will be conveyed to the student in writing, through the Vice President of Student Affairs, or other administrator identified by the College, within ten (10) business days of the hearing.
4. If the committee upholds or lessens the disciplinary finding and/or sanction, the student may appeal in writing to the President within five (5) business days following receipt of the decision of the committee. The President will decide within ten (10) business days. The President's decision is final.
5. The President, Vice President of Student Affairs or other administrator identified by the College has the ability to extend deadlines for good cause and upon written notice to the student.
6. The College shall maintain all submissions by the student and all decisions of Southwest officials and committees permanently.

- C. Administrative Resolution. An administrative resolution involves the student meeting with a single administrator appointed by the Vice President of Student Affairs. There is no appeal. The decision of the administrator is final.
- D. A student may elect not to contest the disciplinary action, either affirmatively or by failing to return the election of a procedure in a timely manner, which serves as a waiver of the right to contest the disciplinary action.

Procedures Related to Interim Involuntary Withdrawal or Suspension Hearings

- A. When the Vice President for Student Affairs or other administrator identified by the College determines that an interim suspension or other interim measure is required for the health and safety of the institutional community and/or property, or to prevent an ongoing imminent threat of disruption to or interference with the normal operations of the College, the student will receive an opportunity for an informal hearing with the Vice President of Student Affairs or other administrator identified by the College to contest the interim measure.
- B. The informal hearing will be held within five (5) calendar days, absent good cause.
- C. The evidence presented at the hearing shall be limited to that which is relevant to the basis asserted for imposition of the interim suspension or other interim measure.

Alternative Resolution Procedures: The College, with the consent of all relevant parties, may use an alternative resolution method including, but not limited to, an apology, mediation, or a negotiated resolution.

VIII. Traffic and Parking

General

- A. The Director of Police Services is responsible for the enforcement of this code.
- B. The Director of Police Services may exclude or remove (tow) from the campus any vehicle used as an instrument in a crime, suspected of being stolen, abandoned or mechanically unfit, operated by a person under the apparent influence of intoxicants, or one that has not been properly registered in accordance with this code.
- C. While the State of Tennessee and Southwest have no legal responsibility for the care and/or protection of any vehicle operated or parked on a Southwest facility, there is a moral concern for the safety of such vehicles.

- D. If a vehicle and/or its contents are stolen or damaged in any way while on Southwest property, this information should be immediately reported to the Police Services office. Police Services will help in processing reports and/or claims to the appropriate agencies.
- E. Bicycle riding is considered regular traffic.

Definitions

- A. *Student* - Any person registered in a course offered by Southwest.
- B. *Employee* - Any non-student employed by Southwest.
- C. *Visitor* - Any individual on official business with, or present as a guest of Southwest.
- D. *Parking Area* - College designated locations where individuals are allowed to park a motor vehicle. Some locations may have designations for employees to park, as opposed to students.
- E. *Campus* - All areas falling within the jurisdiction of Southwest.
- F. *Permit* - The official motor vehicle authorization, which is a hang tag type permit that must be displayed by hanging from the inside rear-view mirror.
- G. *Temporary Parking Permit* - A permit issued by the Police Services Office for a brief period of time, usually no more than three (3) working days. This permit is also issued to visitors and guests.
- H. *Revocation or Suspension of On-Campus Driving Privilege* - The withdrawal of an individual's privilege to operate and/or park a motor vehicle on campus.

Registration of Vehicles/ Permits/ Decals

- A. Vehicle Registration
 - 1. Police Services will issue a parking permit for each registered vehicle.
 - 2. Any individual who obtains vehicle registration by misrepresentation will be subject to disciplinary and/or administrative action.

B. Permits

1. A temporary visitor/guest permit will be issued from Police Services. Visitors must acquire and display the permit and must adhere to all Southwest parking regulations.
2. Non-registered vehicles are not permitted to park in any Southwest parking facility, unless a temporary permit is obtained.
3. Proper registration allows the registrant to operate a vehicle on campus and to park in available designated spaces. It does not assure the registrant of a parking space and does not permit usage of parking facilities other than those outlined in the Traffic Code.

(Bicycles need not be registered.)

C. Permit Display

1. Cars, trucks, and vans must hang the permit from the rear-view mirror.
2. Motorcycles and motor bikes must permanently affix the permit to the windshield headlamp, or gas tank in a position where it is readily visible.

D. Parking Regulations

1. Parking regulations are enforced twenty-four (24) hours a day, seven (7) days a week. On-campus parking areas are designated in the following manner:
 - a. *Students* – Students are allowed to park in any Southwest parking facility that is not designated as Employee Parking, Restricted Parking, Reserved Parking, Handicapped Parking, or State Vehicle Parking.
 - b. *Employees* – Employees are allowed to park in any Southwest parking facility that is not designated for individuals with Restricted Permits, Handicapped or Disabled Permits, Reserved spaces, or State Vehicle spaces.
 - c. *Restricted* – Those individuals with Restricted Parking permits may park in any parking facility that is not designated as Handicap or Disabled, State Vehicle, or Reserved.
 - d. *Handicap or Disabled* – Specific spaces have been reserved within all parking facilities for students and employees with disabilities who have handicap/disabled permits or handicap license plates. These individuals may utilize these spaces, as well as any non-reserved spaces on campus.

- e. *Reserved* – Specific places have been designated for a specific college official such as the President. Only those individuals that the space is designated for may utilize this space.
- f. Bicycles shall be parked in designated areas and are not permitted inside any College building.

2. Prohibited Parking

- a. In any fire lanes. All drive-through areas in parking lots are considered fire lanes.
- b. Within fifteen (15) feet of a fire hydrant.
- c. In a driveway, unless there is a marked parking space within the driveway.
- d. On sidewalks or grassed areas.
- e. In any area designated as “No Parking” zone.
- f. In service or delivery areas (official vehicles are exempt).
- g. The standing or stopping of a vehicle in a traffic lane next to a parking space (double parking) is not permitted. If traffic is blocked by standing or stopping, the person for whom the vehicle is waiting may be held liable for the violation.

E. Traffic

1. Standing Violations

- a. An unattended vehicle will be considered parked.
- b. Double parking is not permitted. If traffic is blocked by standing or stopping of a vehicle, the person for who the vehicle is waiting may be held liable for the violation.
- c. Parking must be within the designated lines of a parking space, no line straddling.
- d. Parallel parked vehicles must be parked in the same direction as the flow of traffic.

2. Moving Violations

- a. All vehicles must come to a complete stop at stop signs.
- b. Reckless driving (defined as the operation of a vehicle in a manner endangering life and property).
- c. Exceeding the speed limit on campus (15 Miles per hour).
- d. Driving wrong way in a one-way lane.
- e. Driving across parking spaces.
- f. Bicycle riding is not allowed on campus sidewalks or grounds.

F. Fines/ Penalties

- 1. Citations issued for violations are payable within thirty (30) days at the Cashier's Office.

2. Once a citation is issued to a student, notice of such is entered into the computer by Police Services, which results in a "hold" being placed on the student's records and denial of permission to register.
3. Students who fail to pay parking fines or appeal the citation will be denied registration in further courses at Southwest Tennessee Community College, and will be denied academic transcripts.
4. Employees who fail to pay parking fines or appeal the citation will have the amount of the fine deducted from subsequent payroll checks.
5. Violations:

a. No vehicle registration permit	15.00
b. Parking permit not property displayed	15.00
c. Parked in fire lane	50.00
d. Handicapped or Disabled space violations	200.00*
e. Moving Violation	15.00
f. Parking vehicle outside legal parking space or over stall lines or blocking a legally parked car in a space	15.00
g. Unauthorized overnight parking	15.00
h. Parking a vehicle on campus for the purpose of habitation, repair or storage	15.00
i. Parking in a reserved space	15.00
j. Processing fee for replacing a lost or stolen parking permit	15.00
k. All other violations	15.00

* The fine for disabled/handicapped parking violations is established by statute and will be adjusted to comply with state law.

G. Appeals

1. A student wishing to appeal a traffic/parking citation must submit a "Request to Void Ticket" form to the Office of Student Activities within seventy-two (72) hours after receiving the traffic citation. The citation issued by Police Services must be attached to the form.
2. A Committee for Traffic Appeals composed of three (3) students. One (1) student appointed by the Student Government Association (SGA) Vice President and two (2) students from the student body appointed by the Advisor to the SGA Vice President. Appointments are one year.
3. The Committee will meet weekly to review traffic appeals.

4. Decisions of the Committee will be made by majority vote and based upon the regulations set forth in the Southwest Tennessee Traffic Code (which is given to all students when they obtain a parking decal) and the relevant facts. The Committee will have the authority to either affirm or invalidate citations.
5. If the committee affirms the citation, fines must be paid in accordance with established procedures.
6. Decisions of the Committee will be issued in writing within five (5) days of the hearing/review. A copy of the decision of the Committee will be sent to the student, Police Services, and the Office of Student Activities who will notify the student.
7. A student may appeal the Committee's decision by submitting a written request to the Vice President of Student Services and Enrollment.
8. Management within seventy-two (72) hours after issuance of the Committee's decision. The Vice President of Student Services and Enrollment.
9. Management will review the matter on the basis of the existing record, including but not limited to the Committee's written decision, and the student's appeal submission. The Vice President of Student Services and Enrollment Management will issue a written determination, within 5 days after the submission of the appeal, either upholding or reversing the Committee's decision.

Responsible

Source of Policy: N/A

Administrator: VP of Student Affairs

Related Policy: 3:02:00:01/6; 3:02:01:00/9
3:02:00:01/7; 5:01:02:01/29

TBR Policy Reference: 7.05.00.00
7.01.00.00

President

Date: April 25, 2023