



Academic & Student Affairs Committee

June 20, 2019

Roaden University Center, Room 282

AGENDA

- I.** Call to Order and Roll Call
- II.** Approval of Minutes
- III.** TTU Policy 205 (Faculty Tenure)
- IV.** TTU Policy 207 (Tenured Faculty)
- V.** TTU Policy 282 (Graduate Faculty Appointment and Responsibilities)
- VI.** Undergraduate Admission Requirement
- VII.** TTU Policy 302 (Student Conduct) and Rule
- VIII.** Provost's Update
- IX.** Other Business
- X.** Adjournment



**BOARD OF TRUSTEES
ACADEMIC AND STUDENT AFFAIRS COMMITTEE
MEETING**

**March 21, 2019
Roaden University Center, Room 282**

MINUTES

**AGENDA ITEM 1 – ROLL CALL, CALL TO ORDER, OPENING
COMMENTS**

DRAFT

The Academic and Student Affairs Committee met on March 21, 2019, in Roaden University Center, Room 282. Chair Jones called the meeting to order at 8:34 a.m.

Chair Jones asked Kae Carpenter, Secretary, to call the roll. The following members were present:

- Dr. Melissa Geist
- Capt. Barry Wilmore
- Student Trustee, Forrest Allard

Other board members and members of the public were also in attendance.

AGENDA ITEM 2 – APPROVAL OF MINUTES

Chair Jones asked if there were any recommendations or changes to the minutes. With no recommendations or changes, Student Trustee Allard moved that the Committee approve the December 6th Academic and Student Affairs Committee Minutes as presented. Trustee Geist seconded the motion. The motion carried unanimously.

**AGENDA ITEM 3 – LETTER OF NOTIFICATION: M.S. IN SUSTAINABLE
AGRICULTURE**

Provost Bruce stated the need for this new program, as there is an increased interest in safeguarding natural resources, while still meeting the demands of an ever-growing population. This has increased the demand for highly trained agronomists, soil scientists, plant breeders, and weed scientists necessary to make the technical advances essential to meet future production and sustainability challenges.

The Master of Science Degree in Sustainable Agriculture will address this need and focus on developing graduates who are flexible, innovative and able to solve real world problems. Provost Bruce provided preliminary financial projections and stated how those projections relate to the budget model they learned about in the recent budget training provided by Tennessee Tech's Vice President for Planning and Finance.

Trustee Geist moved to recommend approval of the Letter of Notification for the M.S. in Sustainable Agriculture for submission to THEC. Student Trustee Allard seconded the motion. The motion carried unanimously.

AGENDA ITEM 4 – LETTER OF NOTIFICATION: M.S. IN COMMUNITY HEALTH & NUTRITION

Provost Bruce stated that this degree is designed to provide early-career nutrition and dietetics professionals with advanced content knowledge in community health and nutrition, and the skills and tools to deliver high quality nutrition services to a variety of populations.

The focus of the program is to align with new Academy of Nutrition and Dietetics Graduate Degree Registration Eligibility Requirements, which go into effect January 1, 2024. Provost Bruce further stated that to sit for the exam to become a licensed dietetic, currently the individual is required to have a Bachelors degree; however, in 2024, the individual will be required to have a Masters degree to sit for the licensure exam. This will create an increased demand for Masters degrees in this discipline.

The goal is to provide an opportunity for both existing professionals to complete a graduate degree; and current students to continue into a graduate program following completion of the undergraduate nutrition and dietetics degree. Provost Bruce provided preliminary financial projections to the committee.

Trustee Wilmore moved to recommend approval of the Letter of Notification for the M.S. in Community Health & Nutrition for submission to THEC. Trustee Geist seconded the motion. The motion carried unanimously.

AGENDA ITEM 5 – TRANSFER OF COMMUNICATION DEPARTMENT

Provost Bruce stated that the Department of Communication will transfer from the College of Arts and Sciences to the College of Interdisciplinary Studies. The faculty of the department requested this move because they believe there will be growth for the program and its students by providing more focused programs.

Provost Bruce continued to explain that the move is a natural fit because communication is interdisciplinary in nature; it will improve the efficiency of the existing collaboration between the communication department and college of interdisciplinary studies; it will enable them to develop interdisciplinary coursework in communication and improve vital skills employers seek in all Tech graduates; it will allow them to expand their broadcasting and digital media offerings to meet student needs and interests by giving an academic home to the TV studio in the Volpe Library, making them more competitive with other journalism programs in the state and region; and it will allow them to streamline the process for adding master's level coursework to existing

graduate programs and answer the consistent demand from their undergraduates for advanced coursework at Tennessee Tech.

It is expected that this move will increase undergraduate and graduate enrollment, and improve student retention.

AGENDA ITEM 6 – TTU POLICY 260 (REQUIREMENTS FOR A BACCALAUREATE DEGREE AND GRADUATION)

Provost Bruce stated that the following policies were revised to reflect two primary changes in the University: the establishment of the Board of Trustees and the University's reorganization of the registrar and admissions office to the new position of Vice President for Enrollment Management and Career Placement. Other non-substantive changes were made for clarification.

Provost Bruce stated that Policy 260 establishes and details the requirements for obtaining a baccalaureate degree and graduating from Tennessee Tech and that it received all of the internal reviews and approvals.

Trustee Geist moved to send TTU Policy 260 (Requirements for a Baccalaureate Degree and Graduation) to the Board for approval and to place it on the Board's consent agenda. Trustee Wilmore seconded the motion. The motion carried unanimously.

AGENDA ITEM 7 – TTU POLICY 261 (ACADEMIC CREDIT FROM OTHER INSTITUTIONS)

Provost Bruce stated that the purpose of this policy is to create uniform standards in awarding academic credits from other institution. This policy was last approved in April 2015 and has now been updated to reflect the establishment of the Board of Trustees, removing all reference to the Tennessee Board of Regents (TBR), and reflecting the new title of Vice President for Enrollment Management and Career Placement. A few other non-substantive changes were made for clarification. This policy has received all of the internal reviews and approvals.

Student Trustee Allard moved to send TTU Policy 261 (Academic Credit from Other Institutions) to the Board for approval and to place it on the Board's consent agenda. Trustee Geist seconded the motion. The motion carried unanimously.

AGENDA ITEM 8 – TTU POLICY 263 (ACADEMIC RETENTION STANDARDS)

Provost Bruce stated that this policy creates uniform requirements for continued enrollment of undergraduate students. She stated that this policy was also approved in April 2015, and it has been updated to reflect the establishment of the Board of Trustees, removing all reference to TBR, and reflecting the new title of Vice President for Enrollment Management and Career Placement. A few other non-substantive changes were made for clarification. This policy received all of the internal reviews and approvals.

Trustee Wilmore moved to send TTU Policy 263 (Academic Retention Standards) to the Board for approval and to place it on the Board's consent agenda. Trustee Geist seconded the motion. The motion carried unanimously.

AGENDA ITEM 9 – TTU POLICY 121 (USE OF TENNESSEE TECH PROPERTY BY AFFILIATED USERS AND FOR FREE SPEECH ACTIVITIES) AND RULE

Katherine Williams, Dean of Students, stated that Policy 121 and the corresponding rule governs the use of Tennessee Tech property by affiliated users which includes faculty, staff, student users, and student organizations for official Tennessee Tech purposes. It also governs non-affiliated users use of Tennessee Tech property for free speech activities. The policy presented to the committee was an update to an existing policy that has been in place since 2012 with more clearly defined terms and provisions. The policy was approved by Administrative Council on February 20th.

Trustee Geist moved to send TTU Policy 121 (Use of Tennessee Tech Property by Affiliated Users and for Free Speech Activities) and Rule to the Board for approval and to place it on the Board's regular agenda. Student Trustee Allard seconded the motion. The motion carried unanimously.

AGENDA ITEM 10 – SPRING ENROLLMENT UPDATE

Dr. Brandon Johnson, Vice President for Enrollment Management and Career Placement, shared an enrollment update with the committee. He stated that total enrollment was down 2.3 percent compared to previous spring, undergraduate enrollment was down 3.1 percent compared to previous spring, and graduate enrollment was up 3.9 percent compared to previous spring.

He also stated that Tennessee Tech had a 3.5 percent increase in new freshman and transfer students, and a 1.3 percent improvement in freshman fall-to-spring retention.

AGENDA ITEM 11 – PROVOST'S REPORT

Provost Bruce shared an update with the Board regarding the dean searches and the tenure policies. She stated that the dean searches were well underway. She thanked the committees for their hard work and dedication to these searches, as well as the current deans, students, faculty and staff within the colleges, as they demonstrated their commitment through active participation in the searches.

She continued to explain that these committees were formed through a process of faculty nominations and elections of committee membership, followed by appointments of committee members, including additional faculty members, students, staff, and external committee members. Each committee was asked to play a very active role in identifying qualified individuals, recruiting and encouraging nominations and applications, and monitoring and screening the confidential applicant pool. They each narrowed the candidate pool down to a select number of candidates, that they interviewed via Skype or Zoom, which allowed them to narrow the candidate pool down to those that they wished to invite to campus.

Provost Bruce stated that each of the search committees were in a different part of this process: the College of Agriculture and Human Ecology had already brought candidates to campus, and were in the process of providing her with their recommendations; the College of Engineering interviews were underway on campus and would continue throughout the next few weeks; the Whitson Hester School of Nursing on campus interviews were scheduled to occur in the month of April.

Provost Bruce stated that the tenure policies were also on track and she thanked the committee for their hard work and dedication throughout the process. She continued to explain how she convened two committees during the fall semester to address the two separate aspects of tenure: one policy focused on pre-tenure (the requirements and procedures associated with the tenure-track time period, including the attainment of tenure) and one policy focused on post-tenure (the requirements and procedures associated with the time following the award of tenure).

She shared with the committee that Policy 205, Faculty Tenure, received approval from both Academic Council and Administrative Council on February 20th. Policy 207, Tenured Faculty, was expected to go to Academic Council on April 10th and Administrative Council on April 3rd. As a result, she would be able to present the two new policies for approval at the June Board of Trustees meeting, as planned.

DRAFT

AGENDA ITEM 12 – OTHER BUSINESS

In December, the Board approved a policy and rule related to access to public records. Consistent with the law, the policy and rule require proof of Tennessee citizenship to access public records. Prior to the rule becoming effective, interested parties requested a hearing on certain provisions in the rule, including the requirement of proof of Tennessee citizenship. Tennessee Tech conducted the hearing and intends to bring the rule and the staff's recommendations on the requested changes to the Board in June for consideration.

The Board Secretary received a request from a Tech student organization, the Society of Collegiate Journalists, to address the Board on the proof of citizenship requirement. The requestors asked to address this issue at this meeting rather than the June meeting because students would not be on campus in June.

This request was approved pursuant to Bylaw 5.4 and the speakers were granted 5 minutes to address the Board members, all of whom were present at this committee meeting.

AGENDA ITEM 13 – ADJOURNMENT

There being no further business, the meeting adjourned at 9:46 a.m.

Approved,

Tom Jones, Chair

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Agenda Item Summary

Date: June 20, 2019

Agenda Item: TTU Policy 205 (Faculty Tenure)

Review

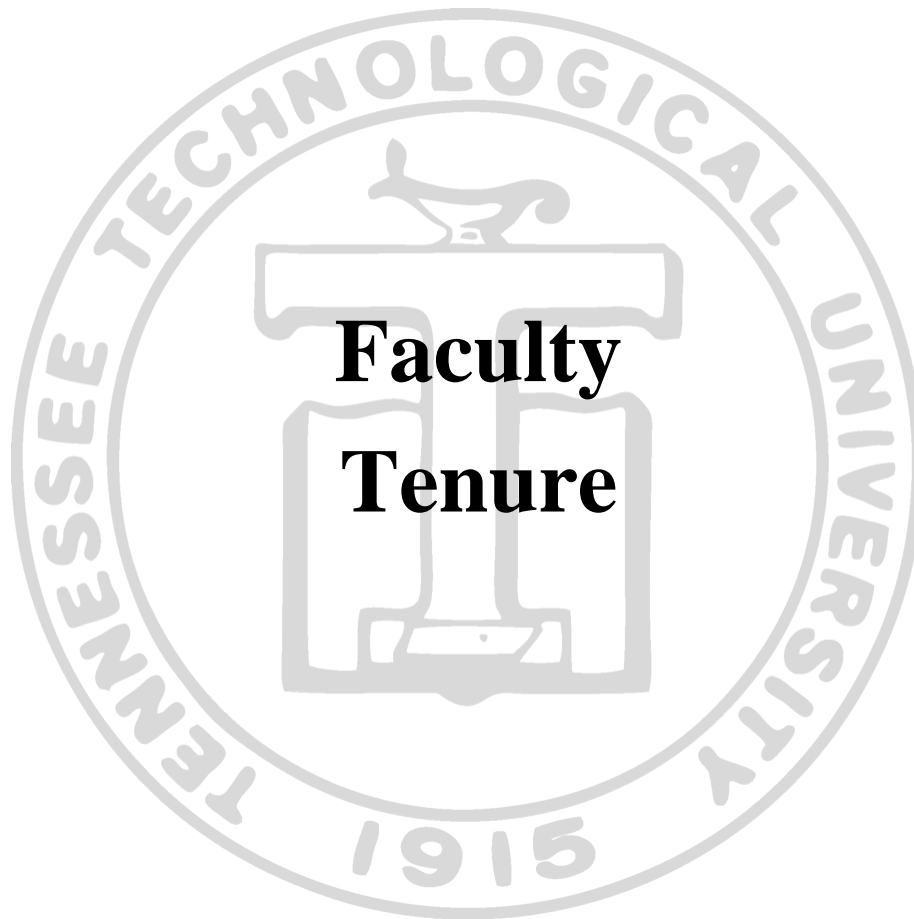
Action

No action required

PRESENTER(S): Provost Lori Bruce

PURPOSE & KEY POINTS: This policy addresses the process of obtaining tenure.

Tennessee Technological University Policy No. 205



Effective Date: July 1, 2019

Policy No.: 205

Policy Name: Faculty Tenure

Date Revised: July 1, 2019

I. Purpose

This policy addresses the process of obtaining tenure.

II. Relevance of Tenure

The tenure process is essential for building and maintaining the highest quality faculty at any university. Faculty quality is built, monitored, and maintained through the appraisal, by competent faculty and administrative officers, of each candidate for tenure. Tenure for faculty at a university is not a “job for life.” It is a guarantee of academic freedom and due process built on a rigorous credentialing process and peer review. Tenure is only granted when earned, and only revoked as described in TTU Policy 207 (Tenured Faculty). Tenure protects the reputation of the university and the pursuit of knowledge and truth. University faculty must be allowed to pursue knowledge and truth as a public good, without fear of reprisal, coercion, or undue outside influence. The awarding of tenure is recognition of the merit of a Faculty Member and of the assumption that he/she meets the long-term staffing needs of the Academic Department/Unit and Tennessee Tech. Tenure is awarded to members of the faculty who have exhibited professional excellence and outstanding abilities sufficient to demonstrate that their future services and performances justify the degree of permanence afforded by Academic Tenure.

III. Review

This policy will be reviewed every four years or whenever circumstances require review, whichever is earlier, by the provost, with recommendations for revision reviewed by the Faculty Senate and approved by the Academic Council, Administrative Council, University Assembly, and the Board of Trustees.

IV. Scope

The Faculty Tenure Policy governs aspects of the tenure process and rights and responsibilities for tenure-track faculty at Tennessee Tech. This policy is only applicable to those full-time Faculty Members who are on a Tenure-Track Appointment.

V. Definitions

- A. Academic Appointment:** a personnel status (as distinct from an assignment of responsibilities) in an Academic Department/Unit pursuant to which professional services in the areas of teaching, research/scholarship/creative activity, and service/outreach are retained by Tennessee Tech from a Faculty Member.
- B. Academic Department/Unit:** an academic organizational unit (e.g., a department or school) or program, including the Library, within Tennessee Tech, in which a Faculty Member holds Academic Rank.

- C. Academic Rank:** an element of faculty status limited to individuals who meet the minimum criteria that distinguish between academic ranks as established in TTU Policy 206 (Faculty Promotion).
- D. Academic Tenure:** a personnel status in an Academic Department/Unit pursuant to which the academic or fiscal year appointments of full-time faculty who have been awarded tenure are continued at Tennessee Tech unless removed pursuant to TTU Policy 207 (Tenured Policy).
- E. Board:** the Tennessee Tech Board of Trustees.
- F. Candidate/Candidate for Tenure:** a Faculty Member who meets the minimum eligibility requirements for consideration for tenure.
- G. Departmental/Unit Chair:** the chairperson of an academic department or the director of an academic unit of the university designated by some name other than department.
- H. Committee of the Whole:** a committee consisting of every Faculty Member in a department/unit who is qualified to vote on a particular tenure consideration.
- I. Financial Exigency:** the formal declaration that Tennessee Tech faces an imminent financial crisis, that there is a current or projected absence of sufficient funds for the campus as a whole to maintain its current programs and activities at a level sufficient to fulfill its educational goals and priorities, and that the budget can only be balanced by extraordinary means, which include the termination of existing and continuing academic and non-academic appointments.
- J. Faculty Member:** for the purpose of this policy, a Faculty Member is an employee holding Academic Rank as instructor, senior instructor, master instructor, assistant professor, associate professor, or professor.
- K. Immediate Family Member:** a spouse, domestic partner, cohabitant, child, stepchild, grandchild, parent, stepparent, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, great grandparent, brother, sister, half-brother, half-sister, stepsibling, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, or first cousin (that is, a child of an aunt or uncle) of a Faculty Member.
- L. Peers or Departmental/Unit Peers:** regular, full-time tenured members of the departmental/unit faculty whose professional responsibilities to Tennessee Tech lie in the areas of teaching, research/scholarship/creative activity, and service/outreach. The terms do not refer to those whose primary responsibilities are administrative, such as Departmental/Unit Chairs, directors of Centers of Excellence, assistant and associate deans, deans, assistant and associate vice presidents, vice presidents, the president, and any others in similar situations.
- M. Probationary Employment:** a period of full-time professional employment by a Faculty Member for whom an appointment letter denotes a Tenure-Track Appointment in which he/she does not have tenure and in which he/she is evaluated by Tennessee Tech

for the purpose of determining his/her satisfaction of the criteria for a recommendation for tenure.

- N. Tenure-Track Appointment: an academic or fiscal year appointment for regular full-time faculty with Academic Rank who are in a probationary period of employment before consideration for tenure.

VI. Consideration for Tenure

A. Probationary Employment

1. Faculty may be employed on annual tenure-track appointments for a period that may not exceed six years. The Faculty Member may apply for tenure at the beginning of the fifth, but no later than the beginning of the sixth year, except as provided in this policy or by law. A Faculty Member may apply for tenure only once.
2. A Faculty Member may receive a reduction of the probationary period in the following circumstances:
 - a. Reduction of the minimum probationary period may be made for a Faculty Member who shows exceptional accomplishment during the probationary period. Such requests for probationary period reductions are made upon recommendation of the departmental/unit peers to the Departmental/Unit Chair, then to the dean, the provost, and the president. The application for tenure does not occur until after the president's approval.
 - b. Credit toward completion of the probationary period may, upon the recommendation of the peers to the Departmental/Unit Chair and then to the dean, the provost, and the president, may be given for a maximum of two years of (a) previous full-time service at other colleges, universities, or institutes, provided that the prior service is relevant to Tennessee Tech's own needs and criteria, (b) previous full-time service in a temporary faculty appointment at Tennessee Tech, or (c) previous full-time service in an earlier Tenure-Track Appointment at Tennessee Tech that has been followed by a break in service. Any credit for prior service that is agreed upon must be recognized and confirmed in writing in the letter of appointment. Years of credit for prior service will be accepted in lieu of the final, not the initial, year(s) of the probationary period. Faculty Members who have received prior service credit may not subsequently request that the credit not be applied to their probationary period.

B. Calculating the Probationary Period

1. Only full-time continuous service at a university will be included in determining completion of the probationary period, except where a break in service was pursuant to an approved leave of absence.

- a. A period of approved leave of absence shall be excluded from the requisite period for completion of the probationary period unless the president specified in writing before the leave of absence that it shall be included in the probationary period. Absent good cause, leaves of absence may not be granted retroactively.

2. Stopping the Tenure Clock

- a. A Faculty Member in a Tenure-Track Appointment may request to stop the tenure clock during his/her probationary period when circumstances exist that interrupt the Faculty Member's normal progress toward building a case for tenure. In such cases, the Faculty Member may request to stop the tenure clock for one year if he/she demonstrates circumstances that reasonably warrant such interruption. Reasons for approving a request to stop the tenure clock will typically be related to a personal or family situation requiring attention and commitment that consumes the time and energy normally addressed to faculty duties and professional development. Examples of events that may warrant stopping the clock include, but are not limited to, childbirth or adoption, care of dependents, medical conditions or obligations, physical disasters or disruptions, or similar circumstances that require a fundamental alteration of one's professional life. The intent of this policy is to serve the best interests of Tennessee Tech while providing neither preference to nor adverse effect on a Faculty Member's process of developing a case for tenure. If approved, the "stop the tenure clock" year is not counted in the probationary period accrual.
- b. Discretion for stopping the tenure clock rests with Tennessee Tech and requires supervisory approval. A Faculty Member seeking a leave of absence and/or a stoppage of the tenure clock must submit his/her request in writing, and addressing the considerations described above, to his/her Departmental/Unit Chair for consideration and recommendation. If the request is based on the Faculty Member's health or care for an immediate family member, the Department/Unit Chair must forward the request to the Office for Human Resources and consult with Human Resources about the request. The Departmental/Unit Chair's recommendation is forwarded to the dean of the Faculty Member's college for consideration and recommendation; then to the provost for consideration and recommendation; and finally, to the president for approval or denial. Within one month of receiving the request, absent good cause, the president will notify the Faculty Member, in writing, of the decision to approve or deny such exceptions.

3. Administrative Appointments Before Tenure

A Faculty Member who is appointed to an administrative position prior to a tenure award remains eligible for tenure under two considerations: (1) the Faculty Member must qualify for tenure under Academic Department/Unit, college, and university policies, procedures, and/or guidelines; and (2) the Faculty Member must maintain a significant involvement in academic pursuits including teaching, research/scholarship/creative activity, and service/outreach. The time (or prorated portion of time) spent in the administrative position may be credited toward completion of the probationary period.

4. Department Transfer Before Tenure

Where a Faculty Member is serving a probationary period in an Academic Department/Unit and is subsequently transferred to another Academic Department/Unit, the Faculty Member may elect, with the approval of the president, to begin a new probationary period on the date that the transfer occurs. If he/she does not so elect, and confirm in writing to the president within one month of the transfer, absent good cause, time spent in the first appointment shall count toward establishing the minimum and maximum probationary period.

C. Minimum Eligibility Requirements for Consideration for Academic Tenure

1. Academic Tenure may be awarded only to full-time Faculty Members who: (a) have been employed pursuant to tenure-track appointments and have completed a probationary period of service as defined in this policy or as agreed upon in writing and signed by the appropriate academic officers; and (b) have been determined by Tennessee Tech to meet the criteria for recommendation for tenure and have been so recommended pursuant to this policy.
2. No Faculty Member shall be eligible for tenure unless the employee's contract specifies his/her tenure-track status.
3. A Faculty Member qualified for tenure under this policy who holds a non-faculty position may be awarded tenure in the faculty position only.

VII. Criteria to be Considered in Tenure Recommendations

A. General Tenure Criteria

1. The Faculty Member is expected to maintain professional levels of performance with the weightings agreed upon in a written agreement on responsibilities and consistent with the expectations established by the department/unit.
2. While the relative importance of the criteria for recommendation for tenure depends upon the nature, missions, and goals of the college and the Academic Department/Unit, all Faculty Members considered for tenure will be evaluated with respect to their performance in (a) teaching, (b) research/scholarship/creative activity, and (c) service/outreach. They are expected to demonstrate excellence in all areas. Specifically, demonstrated excellence in teaching is required for tenure.
3. Any Faculty Member whose duties require an unusual amount of professional activity not adequately covered by this policy, or librarians who are judged on performance of professional responsibilities, should prepare a document that will describe the expected performance to allow clear evaluation in relation to assigned and expected responsibilities.

B. Teaching

1. A candidate for tenure must present evidence of teaching excellence as indicated by: ability to organize and present subject matter in a logical and meaningful way; and, ability to motivate and stimulate creativity, intellectual curiosity, and learning in undergraduates and/or graduate students.
2. Performance Criteria. All Faculty Members are expected to demonstrate excellence in teaching. Faculty Members will be evaluated on the following teaching criteria based on the significance assigned by the Department/Unit:
 - a. Performance in teaching of students as evaluated by students and peers;
 - b. Performance in the advisement and mentoring of students;
 - c. Improvement of the courses they teach and also the curricular offerings of the department/unit, college, and university;
 - d. Effectiveness in teaching methods, including efforts to improve pedagogy with new techniques and integration of new instructional technologies;
 - e. Supervision of specialized instructional activities (student research/scholarship/creative activity, service learning, experiential learning, thesis and dissertation direction, internships, student teaching, etc.);
 - f. Honors received and recognition for teaching;
 - g. Currency and continued intellectual development in the field of specialization;
 - h. Seeking internal and external funding for instructional activities. Whether funded or unfunded, the quality of such proposals will be stressed in the evaluation. Other factors may include the reputation of the funding source and the competition for funding; and
 - i. Contributions to the scholarship of teaching (for example, textbooks, articles, workshops, presentations, instructional technology resources, etc.) may be included here or under research/scholarship/creative activity.

3. Documentation

- a. Documentation of excellence in teaching must include, at minimum, course materials and student evaluations for every course evaluated during the probationary period; and evidence of student projects or other forms of student mentorship.
- b. Other supporting material may include, but is not limited to: additional student input; evidence of evaluation by faculty peers; statement of teaching philosophy; teaching recognition; teaching scholarship; evidence of professional

development in teaching; evidence of disciplinary or interdisciplinary program or curricular development; alumni surveys and student exit interviews; and other evidence of excellence in teaching or mentoring, or both.

C. Research/Scholarship/Creative Activity

1. A candidate for tenure must present evidence of research/scholarship/creative activity when applying for tenure. Research/scholarship/creative activity includes those professional activities designed to discover, create, or disseminate greater knowledge, appreciation, or understanding of an academic discipline, including, but not limited to:
 - a. Pure research: seeking new knowledge, investigating realms not covered by current understanding or challenging current understanding.
 - b. Applied research: the application of known methods or theories to specific circumstances.
 - c. Pedagogical research: the development of pedagogical techniques and the application in the classroom or laboratory that furthers the dissemination of knowledge.
 - d. Artistic creativity and performance: the creation and exhibition of works of art or crafts, or the composition and/or performance of plays, music, etc.
 - e. Faculty development: formal and informal activities primarily directed to maintain and enhance faculty research, scholarship, or creative capabilities or performance.
2. Performance Criteria: Faculty Members will be evaluated on the following criteria based on the significance assigned by the Department/Unit:
 - a. Direct participation in research, scholarship, and/or creative activity. Faculty collaboration with undergraduate and/or graduate students may be included here.
 - b. Seeking internal and external funding for research, scholarship, and/or creative activity. Whether funded or unfunded, the quality of the proposal will be stressed in the evaluation. Other factors may include the reputation of the funding source and the competition for funding.
 - c. Scholarly publications in peer-reviewed journals and/or peer-reviewed creative activities.
3. **Documentation**
 - a. Documentation of excellence in research/scholarship/creative activity must include evidence of peer review of the candidate's record of research/scholarship by qualified peers. Such evidence should cite books, journal articles, monographs, or media of similar quality; externally-funded research; scholarly

presentations before one's professional peers at regional, national or international meetings/conferences; and/or creative activities, performances, or exhibitions that have undergone appropriate peer review.

- b. Other supporting materials may include, but is not limited to: written reviews and evaluations by qualified peers of performances, compositions, and other artistic creations; and evidence of internal/external funded grants. Unfunded proposals for internal/external grants, where documentation supports the quality of the proposal.

D. Service/Outreach

1. A candidate for tenure must present evidence of excellence in university, professional, and/or community/public service.
2. Performance Criteria. Participation in university service is expected of every Faculty Member. Although it is recognized that differences in emphases may exist, evaluation of service will be based on an appraisal of the Faculty Member's performance in all three (3) areas: university service, professional service, and community/public service. Evaluation will be based on the following criteria, with the department/unit to which a Faculty Member is assigned determining the degree of weight for each criterion. These criteria should include: community service programs; public service consultation; university committee and administrative responsibilities; and active contributions to professional associations.
3. Documentation of excellence in service/outreach includes evidence of a Faculty Member's activities in the following areas:
 - a. University service refers to work other than teaching and research/scholarship/creative activity done at the department/unit, college/school, or university level. A certain amount of such service is expected of every Faculty Member. University service includes, but is not limited to, serving on department/unit, college/school, and university committees. Some Faculty Members may accept more extensive citizenship functions, such as a leadership role in the Faculty Senate, membership on a specially appointed task force, service as advisor to a university-wide student organization, and/or membership on a university search committee.
 - b. Professional service refers to the work done for organizations related to one's discipline or to the teaching profession generally. Service to the profession includes association leadership, journal editorships, article and grant proposal review, guest lecturing on other campuses, and other appropriate activities. More is required than organizational membership and attendance. Examples of significant service would be that done by an officer of a professional organization or a member of the editorial staff of a journal.
 - c. Community/public service has a major emphasis on the application of knowledge for the solution of societal problems. Outreach primarily involves

sharing professional expertise and should directly support the goals and mission of Tennessee Tech.

VIII. Tenure Review Process

A. Administration of Tenure Review

1. The tenure process is for use by an Academic Department/Unit in the case of a candidate for tenure who is not the Departmental/Unit Chair. However, if a Departmental/Unit Chair is a candidate for tenure, he/she shall be omitted from the administrative chain, and the Dean of the college shall perform all tenure duties normally performed by the Departmental/Unit Chair. Likewise, in an academic division of the university designated by some name other than “department” or “unit,” the director of that division shall fulfill the role of the Departmental/Unit Chair (and if the director is a candidate, then the role is assumed by the person to whom he/she reports at the next higher administrative level).

B. Assessment of Satisfactory Progress Toward Tenure

1. As part of the annual evaluation of faculty on tenure-track appointments, the Departmental/Unit Chair, in consultation with the departmental/unit peers, shall assess whether or not the Faculty Member is making satisfactory progress toward achieving tenure. Deadlines for this assessment vary according to the Faculty Member’s years of service on Tenure-Track Appointment and are published on Tennessee Tech’s web site.
2. To complete this assessment, the Departmental/Unit Chair shall notify each tenure-track Faculty Member of the deadline to compile and submit a dossier of information similar to that required for tenure review. Once submitted, the dossier is reviewed by departmental/unit peers. The Departmental/Unit Chair or his/her designee shall then call a meeting of the departmental/unit peers to discuss the tenure-track Faculty Member’s progress. During this meeting, each peer will complete an annual evaluation form, thereby conveying to the Departmental/Unit Chair her/his assessment of the Faculty Member’s progress toward tenure. The chair of the department/unit shall then provide written results of the assessment to the Faculty Member.
3. In the event the Faculty Member’s performance is such as to justify non-renewal during the probationary period, the decision not to renew the appointment shall be made by the Departmental/Unit Chair in consultation with the tenured departmental/unit peers and with the approval of the appropriate administrative officers in accordance with this policy.

C. Membership of Tenure Review Committee

1. Departmental/unit peers qualified to vote in consideration of tenure are full-time Faculty Members with tenure appointments at Tennessee Tech who are not members of the candidate’s immediate family.
2. Once the tenure review process is initiated, a tenure committee of at least five members shall be formed. The committee may act as a Committee of the Whole or consist of (a) a

smaller number of qualified departmental/unit peers acting as a separate committee, or (b) of qualified departmental/unit peers and/or others as specified below.

- a. The tenure committee shall consist of no fewer than five persons. In the event there are fewer individuals in the department/unit who meet the definition of departmental/unit peers, the departmental/unit tenure committee must be expanded to include either individuals outside the department/unit who are tenured members of the university faculty and who shall be considered peers for all purposes of this process. The selection of these additional members of the tenure committee shall be done by those members of the department/unit who meet all the stated criteria, in consultation with the Departmental/Unit Chair, at the convening stipulated in Section VIII.D.4.
 - b. Even when there are five or more departmental/unit peers who meet all the required criteria for membership on the tenure committee, it may be desirable to incorporate into that committee either non-departmental/unit members or tenured members of the department/unit who do not meet all required criteria. This flexibility shall be left to the professional judgment of those members of the department/unit who meet all required criteria, acting in consultation with the Departmental/Unit Chair. However, all members of the committee must be tenured members of the faculty. This decision shall be made at the convening stipulated in Section VIII.D.4.
 - c. Members of the candidate's immediate family will not be counted in the plenum of departmental/unit peers. No evaluation and/or recommendation shall be submitted by peers (either within or outside one's department/unit) or administrators who are members of the candidate's immediate family.
3. Once constituted, the tenure committee shall elect its own chairperson, who shall not be the Departmental/Unit Chair.
 4. The Departmental/Unit Chair shall not vote with the departmental/unit peers and shall not be counted in determining the plenum on which a majority is to be determined, but may submit material to the Faculty Member's tenure dossier, and may participate in the meeting at which the recommendation of the peers is determined.

D. Procedures for Tenure Recommendations

1. General Provisions

- a. Consideration for tenure originates in the department/unit to which the Faculty Member has been assigned.
- b. Administrators and committees involved in the review process (departmental/unit committee, Departmental/Unit Chair, dean, and provost) shall only submit those materials, forms, letters, and other documentation required by the review process outlined below. This includes letters of recommendation which should specify the performance criteria used and explain how the candidate has or has not met those criteria.

- c. Except for the forms/letters added by administrators in the review process in accordance with this policy, no material can be added to the dossier once the departmental/unit review process has formally begun.
 - d. Members of the departmental/unit tenure review committee shall not make individual recommendations concerning candidates to administrators or others in the review process outside committee procedures.
2. Early in the academic year, the Departmental/Unit Chair shall determine whether a Faculty Member is eligible to be considered for tenure and notify eligible Faculty Members in writing that they must (a) respond in writing of their intent to be reviewed, and (b) compile their tenure dossiers for review in consideration for tenure.
 3. The eligible Faculty Member will initiate the tenure process by written notification to the Departmental/Unit Chair.
 4. The Departmental/Unit Chair shall compile a list of departmental/unit peers qualified to vote in consideration of tenure. This body of departmental/unit peers shall convene and vote to determine whether it wishes to act as a Committee of the Whole or to establish a departmental/unit tenure committee to conduct the tenure procedures.
 5. After the departmental/unit tenure committee has been established and its chairperson selected, responsibility for directing the process transfers to the chair of the tenure committee. This committee is an agent of the tenured members of the departmental/unit faculty, and gathers and summarizes information.
 6. The eligible Faculty Member will compile the dossier and submit it to the chair of the departmental/unit tenure committee.
 7. The chair of the departmental/unit tenure committee shall ensure that the candidate's tenure dossier is properly assembled and will send letters to all departmental/unit peers requesting evaluative information for the candidate's tenure dossier.
 8. In consultation with all the members of the committee, the departmental/unit tenure committee chair shall prepare a report on the contents of the tenure dossier and submit the report to the departmental/unit peers.
 9. The chair of the departmental/unit tenure committee will then send the letters inviting the peers and the Departmental/Unit Chair to review the dossier, and schedule a meeting for a discussion of the merits of the candidate and a vote by secret ballot which will determine which type of recommendation the peers wish to make concerning the tenure status of the candidate.
 - a. At the departmental/unit meeting, the qualifications of the candidate, should be candidly and professionally discussed. The candidate will not be present at this meeting. The Departmental/Unit Chair may participate in the initial phases of this discussion, sharing with the peers his/her professional judgment concerning the

materials submitted to the dossier. At an agreed upon point, the Departmental/Unit Chair shall withdraw from the meeting, after which discussion may continue.

- b. The chair of the departmental/unit tenure committee shall conduct the vote by secret ballot. In this vote, peers who, for compelling professional (such as leave of absence or attendance at professional meetings) or personal (such as hospitalization, being snow-bound) reasons cannot be physically present at the meeting may submit to the chair of the tenure committee an absentee vote. This privilege should not be lightly invoked, and shall not be extended to peers who are able to be physically present, inasmuch as participation in the discussion of the merits of the candidate is a significant element in the decision-making process. Should a peer who cannot be present at the meeting, due to compelling professional or personal reasons, believe that his/her absence destroys his/her ability to render a professional judgment, he/she may so inform the chair of the departmental/unit tenure committee in writing, in which case the absent peer shall not vote and shall not be counted in determining the plenum on which a majority is to be determined. Failure to vote counts as a negative vote.
 - c. Following the vote, each peer present shall complete an anonymous evaluation giving reasons for his or her vote.
10. The chairperson of the tenure committee shall then summarize the discussion held at the meeting and compile the results of the evaluations. Copies of this summary and compilation shall be sent to the candidate and shall be included with the ballots and the results of the vote in the tenure dossier. The chairperson of the tenure committee shall then transmit the complete dossier to the Departmental/Unit Chairperson.
 11. When the Departmental/Unit Chairperson receives the tenure dossier with the departmental/unit peers' votes, he/she shall review the complete dossier and write a letter explaining his/her tenure recommendation. The Departmental/Unit Chair shall then transmit a copy of the letter to the Faculty Member being considered for tenure and to the administrator to whom the Faculty Member immediately reports (if other than the Departmental/Unit Chair), add a copy of the letter to the tenure dossier, and transmit the complete tenure dossier to the Dean.
 12. The Dean of the college shall review the complete dossier and write a letter explaining his/her tenure recommendation. The Dean shall then transmit a copy of the letter to the Faculty Member being considered for tenure and to the Departmental/Unit Chair (or supervisor) to whom the Faculty Member immediately reports, add a copy of the letter to the tenure dossier, and transmit the complete tenure dossier to the provost.
 13. The provost shall review the complete dossier and write a letter explaining his/her tenure recommendation. The provost shall then transmit a copy of the letter to the Faculty Member being considered for tenure, the dean of his/her college, and the Departmental/Unit Chair (or immediate supervisor) to whom the Faculty Member reports; add a copy of the letter to the tenure dossier; and transmit the complete tenure dossier to the president.

14. Upon receipt of the dossier from the provost, the president shall review the complete dossier and make a recommendation.
 - a. If the recommendation is affirmative, the president will submit it to the Board.
 - b. If the recommendation is negative, the president will inform the candidate by letter of his/her decision and transmit a copy of the letter to the provost, the dean of his/her college, and the Departmental/Unit Chair (or immediate supervisor) to whom the Faculty Member reports.
15. For those candidates recommended to the Board for tenure, the president shall inform the candidate by letter of the action of the Board.
 - a. Tenure is awarded only by positive action of the Board, pursuant to the requirements and procedures of this policy. No Faculty Member shall acquire or be entitled to any interest in a tenure appointment at Tennessee Tech without approval pursuant to this policy. No other person shall have any authority to make any representation concerning tenure to any Faculty Member.
 - b. When the Board has taken action, the president shall return the completed dossier to the department/unit.

IX. Changes in Tenure-Track Status

A. Transfer of Tenure-Track Status

1. Faculty on probationary tenure-track appointments may have their Academic Appointments transferred within the institution to accommodate the changing needs of Tennessee Tech. Before implementing any such transfer, the tenure-track Faculty Member and the Academic Department/Unit in which his/her new Academic Appointment is to be located shall be consulted and informed of the reasons for the proposed transfer.
2. The information compiled in the Faculty Member's former Academic Department/Unit, including tenure-track reviews, shall be transferred to the receiving Academic Department/Unit.

B. Non-Renewal of Probationary Tenure-Track

1. When a tenure-track appointment of a Faculty Member is not to be renewed, the Faculty Member shall receive notice of non-renewal per the timeline in the published tenure track schedule.
 - a. For Faculty Members who are in their first academic year of service, termination is at the end of that year.
 - b. For Faculty Members in their second academic year of service and beyond, the Faculty Member may remain at Tennessee Tech one more academic year, but on a temporary appointment, not a Tenure-Track Appointment.

2. Faculty Members on tenure-track appointments shall not be terminated during the term of the annual appointment as stated in the employment contract except for reasons which would constitute adequate cause which includes, but is not limited to, the following:
 - a. Incompetence or dishonesty in teaching or research.
 - b. Willful failure to perform the duties and responsibilities for which the Faculty Member was employed or refusal or continued failure to comply with the policies of the Board, Tennessee Tech, or his/her Academic Department/Unit; or his/her willful failure to carry out specific assignments, when such policies or assignments are reasonable and non-discriminatory.
 - c. Conviction of a felony or a crime involving moral turpitude.
 - d. Improper use of narcotics or intoxicants, that substantially impairs the Faculty Member's fulfillment of his/her department/unit and University duties and responsibilities.
 - e. Capricious disregard of accepted standards of professional conduct.
 - f. Falsification of information on an employment application or other information concerning qualifications for a position.
 - g. Failure to maintain the level of professional excellence and ability demonstrated by other members of the faculty in the Academic Department/Unit in which he/she holds Academic Appointment.
3. A tenure-track Faculty Member who is dissatisfied with the reasons given for the non-renewal of his/her probationary Tenure-Track Appointment may appeal that decision through the Faculty Affairs Committee or through a committee specifically empowered by the president to hear such appeals. The committee shall make a recommendation to the president, and the president's decision shall be final.
4. A tenure-track faculty appointment may not be renewed as a result of Financial Exigency in compliance with TTU Policy 648 (Financial Exigency) or for curricular reasons.

X. Appealing Denial of Tenure

- A. A Faculty Member denied tenure may appeal the decision following Tenure Appeal Procedure in X.B.
 1. The provost will set up a Tenure Appeals Committee to review the original dossier and the formal letter of appeal prepared by the appellant.

2. The chair of Academic Council will serve as the chair of the Tenure Appeals Committee unless he/she is not a tenured Faculty Member, or cannot serve due to conflict of interest in which case the provost will appoint a past chair of the Academic Council who is a tenured Faculty Member, unless similarly disqualified.
3. The Tenure Appeals Committee will consist of five Faculty Members appointed by the provost in consultation with the chair of the Tenure Appeal Committee. One of the committee members must be from the same college/school as the appellant, unless there is conflict of interest. Any Faculty Member who may have a conflict of interest (including but not limited to, an Immediate Family Member, a peer of the appellant, or anyone who may have participated in the tenure process for the appellant) may not be appointed to serve on the Tenure Appeals Committee. Tenured Faculty Members from any department/unit or college/school within Tennessee Tech may serve on the committee. The Faculty Members must each be from a different department/unit, and at least three colleges/schools from the university must be represented on the committee.

B. Tenure Appeal Procedure

1. A Faculty Member who disagrees with a negative tenure decision may file a letter of intent to appeal the decision to the provost within 10 days of receiving notification of denial of tenure, absent good cause. The Faculty Member will also notify his/her chairperson and dean of the intent to appeal.
2. The provost will establish a Tenure Appeals Committee within 10 days of receiving the letter of intent, absent good cause.
3. The appellant will provide a formal letter of appeal to the provost within 10 days of filing his/her letter of intent, absent good cause. The formal appeal letter will include detailed evidence substantiating the Faculty Member's reasons for disagreeing with the tenure denial.
4. The Tenure Appeals Committee shall review the appellant's written appeal and the original tenure dossier. The committee may also conduct interviews with those involved in the tenure process, including the dean, the appellant's Departmental/Unit Chair, and any key Faculty Members who the committee may deem crucial, excluding the appellant. Members of the Tenure Appeals Committee will then deliberate and decide on the merits of the appeal. Absent good cause, the process will take place over 30 business days from the date the Tenure Appeals Committee forms and receives the mandate from the provost. The Tenure Appeals Committee shall vote on whether to uphold or deny the appeal, and the majority vote will become the recommendation of the committee; individual votes will be confidential to the extent allowed by law.
5. The chair of the Tenure Appeals Committee shall communicate in writing the committee's decision to the provost within 10 days of the Committee's decision, absent good cause. The provost will provide copies of the Tenure Appeals Committee's decision to the president and to the Dean and the Departmental/Unit Chair of the appellant.

- 6. Within a reasonable time, the president may accept the recommendation of the Tenure Appeals Committee, reject it, or request that the committee conduct more deliberations on matters warranting further investigation before making a final decision. If the president affirms the original decision of denial of tenure, the process is concluded. If the president overturns the original decision of denial of tenure, president will submit the new recommendation for granting tenure to the Board at its next meeting.
- 7. The president’s decision will be communicated to the appellant via letter within 60 days of the appellant’s filing the letter of intent to appeal, absent good cause.

XI. Interpretation

The president or his/her designee has the final authority to interpret the terms of this policy.

XII. Citation of Authority for Policy

T.C.A. § 49-8-301

XIII. Approved by:

- Academic Council: April 4, 2018; February 20, 2019
- Administrative Council: April 4, 2018; February 20, 2019
- University Assembly: April 18, 2018; April 17, 2019
- Board of Trustees: June 22, 2018; June xx, 2019



Agenda Item Summary

Date: June 20, 2019

Agenda Item: TTU Policy 207 (Tenured Faculty)

Review

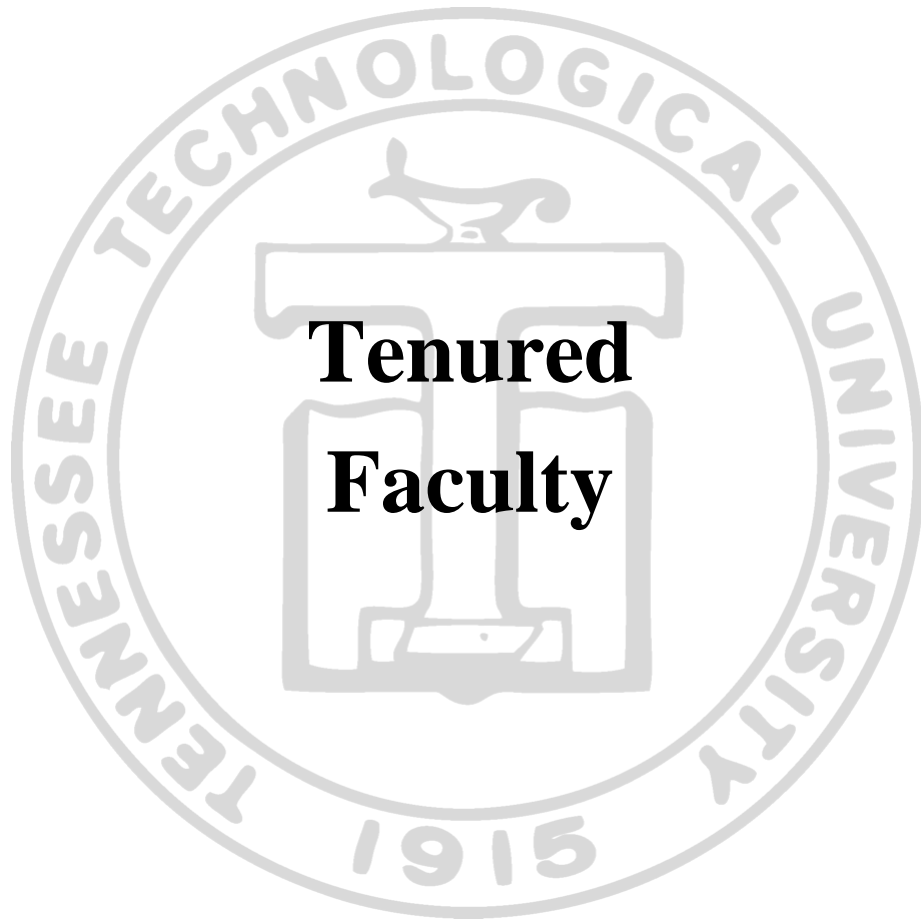
Action

No action required

PRESENTER(S): Provost Lori Bruce

PURPOSE & KEY POINTS: This policy addresses processes related to faculty tenure after tenure has been granted.

**Tennessee Technological University
Policy No. 207**



Effective Date: July 1, 2019

Policy No.: 207

Policy Name: Tenured Faculty

I. Purpose

This policy addresses processes related to faculty tenure after tenure has been granted. The process of obtaining tenure is detailed in TTU Policy 205 (Faculty Tenure).

- A. Tenure for faculty at a university is not a “job for life.” It is a guarantee of academic freedom and due process built on a rigorous credentialing process and peer review. Tenure is only granted when earned, and only revoked in accordance with this policy.
- B. Tenure protects the reputation of the university and the pursuit of knowledge and truth. University faculty must be allowed to pursue knowledge and truth as a public good, without fear of reprisal, coercion, or undue outside influence.
- C. Faculties are built by attracting, hiring, and retaining highly qualified professors in their fields. Tenure enables the university to attract and keep expertise and research dollars on campus.
- D. While tenure protects faculty from arbitrary dismissal, this policy provides an appropriate means to address the occasional problem of tenured faculty who appear to be failing to contribute to the university in a meaningful fashion.

II. Review

This policy will be reviewed every four years or whenever circumstances require review, whichever is earlier, by the Provost, with recommendations for revision reviewed by the Faculty Senate and approved by the Academic Council, Administrative Council, University Assembly, and the Board of Trustees.

III. Scope

This policy is only applicable to Faculty Members who hold Tenure.

IV. Definitions

- A. Tenure - a personnel status in a Unit defined by TTU Policy 205 (Faculty Tenure).
- B. Board - the Tennessee Tech Board of Trustees
- C. Faculty Member – for the purposes of this policy, an employee holding academic rank as instructor, senior instructor, master instructor, assistant professor, associate professor, or professor.
- D. Peers - regular, full-time tenured members of the same Unit as the Faculty Member excluding those whose primary responsibilities are administrative, including but not limited to, Academic Unit chairpersons, center directors, deans, assistant and

associate deans, President, vice presidents, assistant and associate vice presidents, provosts, assistant and associate provosts, and Immediate Family

- E. Immediate Family - spouse, domestic partner, cohabitant, child, stepchild, grandchild, parent, stepparent, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, great-grandparent, brother, sister, half-brother, half-sister, stepsibling, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, or first cousin.
- F. Unit - a Tennessee Tech academic department, school, or the Volpe Library

V. Transfer and Retention of Tenure

- A. Tenured Faculty Members may have their positions transferred within Tennessee Tech to accommodate changing needs. When a Faculty Member is transferred to another Unit, the transfer is made with tenure. In no instance may the Faculty Member be compelled to relinquish tenure as a condition of the transfer.
- B. Before a transfer, the Provost shall consult the tenured Faculty Member and the Peers in the receiving Unit. Approval of a majority of the Peers and the Faculty Member is required to complete the transfer.
- C. When a tenured Faculty Member is appointed to an administrative position, he/she retains tenure and rank in his/her former faculty position.

VI. Tenure Expiration and Relinquishment

- A. Tenure shall expire upon the resignation or retirement of the Faculty Member. Emeriti faculty retain certain rights and privileges as described in TTU Policy 219 (Emeriti Faculty).
- B. Consistent with federal and state law, tenure shall expire should a permanent physical or mental condition render a Faculty Member unable to continue to perform his/her essential duties, with or without an accommodation, as certified by appropriate medical authorities.
- C. A Faculty Member relinquishes his/her tenure during a period of an unapproved leave of absence, which includes but is not limited to a failure to report for service at the designated date of the beginning of any academic term. This failure to report or absence shall be deemed to be a resignation unless, in the opinion of the President, the Faculty Member has shown good cause for his/her failure to report.

VII. Tenured Faculty Evaluation and Remediation

- A. The professional performance of each Faculty Member is evaluated annually.

1. Faculty workloads vary in their percentage of effort for research, teaching, and service and may at times include additional responsibilities such as advisement, administration, or special assignments. Workloads can change over time. This necessitates annual “Agreements on Responsibilities” (AORs), which establish parameters to measure faculty performance.
 2. Department chairs will review faculty effort reports and rate each faculty member annually, taking into account these AORs.
 3. Deans will review all materials and rate each faculty member as well. They may or may not concur with the chair’s ratings.
- B.** Limited faculty remediation will be handled within individual departments. Should a chair deem a Faculty Member’s performance in a particular area below standard, developmental activities (mentoring, training, etc.) are encouraged and should be coordinated within the department and the Office for Human Resources as appropriate. Long-term unacceptable performance in one particular area (including, but not limited to, research), if accompanied by strong performance in other area(s) (including but not limited to, teaching and service), may be best addressed via reassignment of duties and adjustment of the AORs (including but not limited to, differential teaching loads).
- C.** An overall unsatisfactory performance requires immediate attention for the sake of the students, the Unit, and the university.
1. If a tenured Faculty Member receives an overall rating of “Unacceptable” from both his/her chair and dean, indicative of systemically poor performance across the majority of her/his duties as per the AOR, the Provost must initiate a Faculty Improvement Assessment (FIA).
 2. In addition to the procedures outlined below, an overall rating of “Unacceptable” carries with it sanctions that can include but are not limited to withholding all merit-based salary increases, and loss of eligibility for travel funds, summer appointments, overload pay, and internal grants.
- D.** Faculty Improvement Assessment (FIA)
1. To review an overall rating of “Unacceptable” the Provost (or her/his designee) will chair an FIA committee and select at least four tenured Peers, of equal or higher rank, from the Unit (if available) and relevant departments (if needed) to serve on the committee.
 2. The committee chair will gather the following documentation:
 - a. Dossier from the Faculty Member of work over the preceding five years related to teaching, research, service, and other responsibilities.

- b. Teaching evaluations from the previous five years, and other teaching related documents (including but not limited to grade distributions, enrollment data, observations) as appropriate
 - c. Current curriculum vita from the Faculty Member; and
 - d. Feedback from Peers, direct supervisor, and dean, including performance evaluations from the previous five years.
- 3. The FIA committee will review the documentation, and the committee chair will provide the Faculty Member with a written summary of the assessment and the conclusion as to whether the Faculty Member’s performance is unacceptable or not. The chair will also provide copies of this summary to the direct supervisor and dean as applicable.
 - a. If the majority of the FIA committee determines the Faculty Member’s performance is satisfactory, the Faculty Member’s chair and dean will revise the annual performance evaluation.
 - b. If the faculty of the FIA committee are evenly divided, or if a majority of the faculty determines the Faculty Member’s performance is unsatisfactory, the final decision passes to the Provost alone. If he/she determines the Faculty Member’s performance is unsatisfactory, then a Faculty Development Plan (FDP) shall be created.

E. Faculty Development Plans

- 1. The FDP will be created jointly by the Faculty Member and direct supervisor, subject to approval by the dean and Provost, by May 15, absent good cause.
- 2. The FDP is an attempt to elevate the Faculty Member to a higher level of performance. It must include specific, measurable goals, which can be reasonably attained by July 15 of the year following its creation, absent good cause.
- 3. Unless the FDP states otherwise, the Faculty Member will submit his/her regular annual evaluation materials as usual, including progress on the FDP as requested.
- 4. The Faculty Member will submit a report summarizing his/her progress on achieving the goals specified in the FDP not later than July 15 of the year following the creation of the FDP, absent good cause.
 - a. The dean, direct supervisor, and the FIA committee (minus the Provost or designee) will jointly review the report to determine (not later than August 15, absent good cause) whether the Faculty Member successfully achieved the goals of the FDP. The dean will chair the meeting of this FDP evaluation group.
 - b. A two-thirds majority positive vote of the FDP evaluation group confirms

satisfactory performance. The FDP is completed.

- c. Less than a two-thirds vote initiates an automatic appeal to the Provost. The Provost will render a decision within 10 working days, absent good cause, and his/her decision shall be final. Upon the Provost's finding of unsatisfactory performance, the Faculty Member is subject to VIII-B-4 below.

VIII. Termination of Tenured Faculty

- A. A tenured Faculty Member may be terminated due to curricular changes such as the deletion of an academic program or a substantial and continued reduction of student enrollment in a particular field. Similarly, a tenured Faculty Member may be terminated as a result of financial exigency. All personnel decisions that result from a declaration of financial exigency will comply with TTU Policy 648 (Financial Exigency).
 - 1. The Provost will make every possible effort to relocate the tenured Faculty Member in another vacant position for which he/she is qualified, prior to termination.
 - 2. The Faculty Senate shall have the opportunity to respond in writing to the Provost on a proposed termination of a tenured Faculty Member due to financial exigency or enrollment/curricular changes.
 - 3. If tenured Faculty Members must be terminated due to financial exigency or curricular changes, reductions shall take place within any department in the following order, unless the President determines that an exception should be made based on annual performance evaluations to reduce qualitative compromises:
 - a. Before a tenured Faculty Member is terminated, part-time faculty should not be renewed.
 - b. Before a tenured Faculty Member is terminated, temporary faculty, Lecturers, and tenure-track faculty in the probationary period should not be renewed.
 - c. Tenured Faculty Members with lower rank should be terminated before those with higher rank.
 - d. Among tenured Faculty Members with comparable rank, those with non-terminal degrees should be terminated before those with appropriate higher academic degrees.

- e. Among tenured Faculty Members with comparable rank and comparable degrees, those with less seniority in rank should be terminated before those with greater seniority.
4. The Provost's written notification to the Faculty Member of termination due to financial exigency or curricular changes shall explain the reasons and indicate that the Faculty Member has the opportunity to appeal the decision in writing within ten working days of receiving the notice, absent good cause.
- a. If the Faculty Member appeals, the Faculty Affairs Committee shall conduct a review and a hearing within ten working days of receiving the request, absent good cause.
 - b. The committee shall consider evidence including but not limited to the following: the Unit in which the reductions are required, the order of reductions within the Unit, exceptions to the normal order of reductions, and the possibility of departmental transfer within Tennessee Tech.
 - c. The committee shall report its findings and recommendation to the President within ten working days of receiving the Faculty Member's appeal request. In a reasonable amount of time, the President shall inform the Faculty Member in writing that the decision for termination stands or that it has been altered.
5. When a tenured Faculty Member is terminated due to financial exigency or curricular changes, the position will not be filled in the same areas of specialization for at least three years unless the terminated Faculty Member has been offered reappointment to the position with tenure and at his/her previous rank and salary plus raises that would have been awarded during the termination period.
- B. A tenured Faculty Member may be terminated for adequate cause. Reasons for adequate cause include (but are not limited to) the following:
- 1. Conviction of a felony or a crime involving moral turpitude;
 - 2. Improper use of narcotics or intoxicants, which substantially impairs fulfillment of duties and responsibilities;
 - 3. Falsification of information on an employment application or otherwise providing false information concerning qualifications for a position;
 - 4. Unsatisfactory completion of an FDP.

- 5. Refusal or continued failure to comply with the policies of the Board, Tennessee Tech, or his/her Unit;
 - 6. Willful failure to perform assigned duties and responsibilities when such assignments are reasonable and non-discriminatory, including but not limited to failure to participate in a required FDP;
 - 7. Incompetence or dishonesty in teaching, or research misconduct;
 - 8. Capricious disregard of accepted standards of professional conduct.
- C. Investigation as to the validity of accusations 1-3 and 5-8 (including but not limited to multiple accusations) falls under the purview of the Office for Human Resources and shall be handled according to related policies impacting all university employees. The Office for Human Resources will seek expert advice from concerned parties as appropriate, including but not limited to law enforcement, the Office of Research, deans, chairs/directors, faculty, and university counsel, before reporting its findings to the Provost.
- 1. In cases B.1-B.4, or in any case where Tennessee Tech may be under a legal obligation to act, the Provost alone makes the final determination as to whether the evidence supports a conclusion of a violation of policy/policies or otherwise is adequate cause for termination, and whether that warrants pursuit of termination.
 - 2. Subject to C.1, in cases B.5-B.8, the Provost, Faculty Senate President, and Faculty Trustee shall meet to determine, by majority vote, whether the evidence supports a conclusion of a violation of policy/policies or otherwise is adequate cause for termination, and whether that warrants pursuit of termination.
- D. Any proposed termination shall be preceded by discussion between the Faculty Member and appropriate administrative officers seeking a mutual resolution.
- E. If no mutually acceptable resolution is reached, the Faculty Member has the right to request a hearing before termination. That request must be made immediately following the conclusion of the aforementioned discussion. Faculty Members who do not attend such a discussion forfeit any appeal opportunity. Otherwise appeals of fiscally-based terminations will be handled as per VIII-A-4 above. Appeals of terminations for other causes will proceed as per the policies below.
- 1. The Faculty Member shall be provided with a written statement of the specific charges alleged by Tennessee Tech that constitute grounds for termination and a notice of hearing specifying the time, date, and place. The

statement and notice must be provided at least thirty days before the hearing. The Faculty Member shall respond to the charges in writing at least ten days before the hearing.

2. A Faculty Member may be suspended (with pay) pending completion of the process.
3. The Provost and Faculty Senate President shall jointly appoint a hearing committee consisting of six tenured Peers of equal or higher rank. If the Provost and Senate President are unable to agree as to the committee members, then each shall choose three Peers. Members of a related FIA committee may serve, but the majority of the committee shall be non-FIA members.
4. The Faculty Senate President (or designee) will serve as chairperson and the committee's seventh member. She/he shall direct the proceedings and rule on procedural matters.
5. The main purpose of the hearing is to determine whether termination of the Faculty Member is appropriate. Specific conduct of the hearing is the prerogative of the committee chair.
 - a. The burden of proof rests with Tennessee Tech and shall be satisfied only by clear and convincing evidence in the record considered as a whole, and shall be based solely on the hearing record.
 - b. During the hearing, the Faculty Member will be permitted to have an advisor present and may be represented by legal counsel of his/her choice.
 - c. The Faculty Member shall have the right to confront and cross-examine all witnesses.
 - d. A verbatim record of the hearing shall be made, and a copy made available to the Faculty Member for a reasonable fee upon his/her request.
 - e. Following the hearing, the committee shall prepare a report (within five days of receiving all evidence, absent good cause) specifying whether the committee has determined that termination is appropriate, and, if so, the specific reasons for termination. The committee chair will provide the President and the Faculty Member with a copy of the report.
 - f. The committee may at its discretion recommend or suggest actions other than termination.

- 6. After consideration of the committee’s report and the record, the President may at his/her discretion consult with the Faculty Member, the hearing committee, or others as necessary before reaching a final decision regarding termination. Following his/her review, the President shall notify the Faculty Member of his/her decision within a reasonable time, which, if contrary to the committee’s recommendation, shall be accompanied by a statement of the reasons.
- 7. A faculty member who has been awarded tenure and who has been dismissed or suspended for cause may obtain de novo judicial review of the final decision by filing a petition in chancery court having jurisdiction within thirty (30) days of the final decision and copies of the petition shall be served upon the Board and all parties of record.
 - a. Within forty-five (45) days after service of the petition, or within such further time allowed by the court, the Board or its designee shall transmit to the court the original or a certified copy of the entire record of the proceeding.
 - b. The chancellor may award back pay in the event a determination is made that dismissal was not appropriate.

IX. Interpretation

The Provost or his/her designee has the final authority to interpret the terms of this policy.

X. Citation of Authority for Policy

T.C.A. § 49-8-301

XI. Approved by:

Academic Council: April 10, 2019

Administrative Council: April 3, 2019

University Assembly: April 17, 2019

Board of Trustees:



Agenda Item Summary

Date: June 20, 2019

Agenda Item: TTU Policy 282 (Graduate Faculty Appointment and Responsibilities)

Review

Action

No action required

PRESENTER(S): Provost Lori Bruce

PURPOSE & KEY POINTS: This policy describes the appointment of graduate faculty and its procedures.

Version #: 1

**Tennessee Technological University
Policy No. 282**



Effective Date: ~~July 1, 2017~~ July 1, 2019

Policy No: 282

Policy Name: Graduate Faculty Appointment and Responsibilities Policy

Date Revised: July 1, 2019

I. Purpose

This policy describes the appointment of graduate faculty and its procedures.

II. Review

This policy will be reviewed every four years or whenever circumstances require review, whichever is earlier, by the Dean of the College of Graduate Studies, with recommendations for revision presented to the Graduate Studies Executive Committee (GSEC), Academic Council, University Assembly, and the Board of Trustees.

III. Definitions

- A.** Graduate faculty: faculty members in one of four membership categories who are appointed by the Provost and by virtue of their academic performance and credentials are responsible for teaching graduate courses, advising graduate students, and possibly serving on the Graduate Studies Executive Committee. There are four types of membership as defined below.
- B.** Adjunct member: part-time faculty member employed for graduate teaching, advisement, or research who holds an earned doctorate or equivalent terminal degree in an appropriate discipline from an appropriately accredited institution.
- C.** Associate member: full-time faculty member not eligible for full membership who holds an earned doctorate or equivalent terminal degree in an appropriate discipline from an appropriately accredited institution.
- D.** Clinical member: full or part-time faculty member who participates in directing educational experiences in a clinical/professional setting where the faculty member practices, who holds at least a master's degree and professional certification in an appropriate discipline from an appropriately accredited institution/agency/association and relevant experience in the field of study.

E. Full member: full-time faculty member, emeritus, senior affiliate faculty, or academic administrator holding faculty rank at the rank of assistant professor or higher, tenured or tenure-track, who holds an earned doctorate or equivalent terminal degree in an appropriate discipline from an appropriately accredited institution and who also has achieved an appropriate level of scholarship or creative activity and erudition characterized by peer reviewed publications, conference publications, recitals, exhibitions, and/or externally funded research grants.

F. Research advisor: any person who provides oversight to students' research endeavors and chairs or co-chairs the student's research advisory committee.

IV. Policy

A. An instructor of any course for which students receive graduate credit must be a member of the graduate faculty.

B. Responsibilities of Departmental Chairperson

1. The chairperson of any department offering a graduate degree may act in any capacity open to a graduate faculty member and has certain administrative responsibilities pertaining to the graduate program.

2. The chairperson is responsible for reviewing applications of prospective graduate students and making recommendations as to acceptance and status of applicants, acting as the advisor (or for designating one) for each student's first registration period, and nominating qualified faculty members for appointment to the graduate faculty.

3. The departmental chairperson also provides direction and coordination in supporting departmental faculty members in the development of research projects and in the appropriate utilization of facilities.

C. Appointment Process and Term of Appointments

1. A faculty member and departmental chair of the faculty member must complete an Application for graduate faculty membership form. Once complete, the application is approved and signed by the college dean and Dean of the College of Graduate Studies. The Dean of the College of Graduate Studies forwards the signed application to the Provost for final review and approval.

2. Once reviewed and approved by the Provost, the College of Graduate Studies notifies the faculty member, faculty member's chairperson, and the college dean of the approval to teach graduate level courses.

3. The term of appointment for full graduate faculty members is six years and all other member categories shall hold the term for three years. Criteria for reappointment are the same as used for the initial appointment.

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4. It is also possible for a member of the Graduate Faculty to have his/her Graduate Faculty status revoked by the dean of their college or school, or the Dean of the College of Graduate Studies, outside the periodic review process. Revocation may occur for egregious acts or when a Graduate faculty member fails to fulfill the responsibilities of a member of the Graduate Faculty to teach graduate student(s) effectively, in a civil, professionally appropriate manner; to do scholarly research and creative work of high quality or remain active in the practice of the profession; to adhere to university policies related to graduate programs; and to direct the research/professional development of graduate student(s) such that they progress toward graduation in a timely manner appropriate to the field. If Graduate Faculty status is revoked, the faculty member has the right to appeal the decision to the Provost. This appeal must be made in writing within 14 days of the Dean of the College of Graduate Studies providing notification of the removal of Graduate Faculty status. The Provost is the final arbiter of the decision to revoke Graduate Faculty status.

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D. Requirements and Responsibilities of Members

1. Each instructor is responsible for ensuring that students in graduate classes have sufficient background prerequisites required for the course.
2. Clinical Graduate Faculty may only teach clinical or practicum designated courses. All other Graduate Faculty appointments may teach any graduate level course.
3. All approved Graduate Faculty may serve as a committee member.
4. Associate Graduate Faculty may serve as a graduate student's academic advisor for master's or specialist degrees.
5. Full Graduate Faculty may serve as a graduate student's academic advisor for master's, specialist, or doctoral degrees.
6. A qualified member of the graduate faculty may be asked to serve as an instructor of a graduate course, as an instructor of a readings or special problems course, as a director of some phase of development of the research facilities of Tennessee Tech, as a member of the Graduate Studies Executive Committee, and/or as a member of a graduate student's advisory committee, including serving as the student's research advisor.
7. The graduate faculty member who serves as the student's advisor must chair or co-chair the advisory committee and must hold faculty rank in the department in which the student is majoring. For a doctoral student, the advisor must be an experienced faculty member and a full member of the graduate faculty.

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8. A student's research advisor may hold faculty rank in a department other than that in which the student is majoring but must have the research capability in a discipline closely related to a discipline associated with the student's department. The research advisor must have demonstrated significant research capability and be experienced in directing independent study.

9. A faculty member may not direct independent study/research courses taken by a student who is a relative of the faculty member and may not be a member of a relative's graduate advisory committee. For the purposes of this policy, "relative" means a parent, foster parent, parent-in-law, child, spouse, brother, foster brother, sister, foster sister, grandparent, grandchild, son-in-law, brother-in-law, daughter-in-law, sister-in-law, or other family member who resides in the same household. 10. At the discretion of the departmental chairperson, responsibilities of an associate or adjunct member of the graduate faculty may be any of those normally given to a full member of the graduate faculty, except serving on the Graduate Studies Executive Committee, or serving as a doctoral-level research advisor.

11. The student's departmental chairperson, the dean of the college, and the Associate Dean of the College of Graduate Studies must approve an associate or adjunct faculty member serving as a master's-level research advisor.

12. Non-university professionals may become voting members of graduate committees as consultants. These consultants must have earned a doctorate or equivalent terminal degree in an appropriate discipline and completed all procedures necessary to be appointed at the Adjunct level of the graduate faculty. Only one (1) such member may serve on an individual student's committee, and this member may not serve as academic or research advisor. Consultants not meeting the above requirements may serve on the committee, but do not have voting privileges.

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- E.** Graduate student advisory committee responsibilities include, but are not limited to, the following.
- 1.** The chairperson of an advisory committee assists the student in the selection of a course of study and works with the student in choosing a suitable thesis topic. The chairperson is expected to furnish appropriate assistance and encouragement when excessive difficulties arise in the investigation of the problem.
 - 2.** All advisory committee members are to consider the graduate student's application for admission to candidacy, including a review of both the proposed Program of Study and the research proposal, and, with other members of the advisory committee, will approve, make recommendations to improve, or disapprove.
 - 3.** The graduate student's committee chairperson must complete the Ph.D. comprehensive exam form, obtain all committee member signatures, and forward to the College of Graduate Studies by the deadline posted on the College of Graduate Studies calendar.
 - 4.** All advisory committee members are to assist in the conduct of all comprehensive examinations to insure that the student has satisfactory knowledge of the subject matter covered in the Program of Study.
 - 5.** The graduate student's committee chairperson must complete the exit comprehensive exam form and forward it to the College of Graduate Studies by the deadline posted on the College of Graduate Studies calendar. Failure to submit the exit comprehensive exam form to the College of Graduate Studies by the posted deadline will result in the graduate student's ineligibility to graduate.
 - 6.** It is the graduate student's advisory committee's responsibility to ensure the thesis/dissertation is error-free in regards to format, grammar, spelling, punctuation, and content, thereby meeting the standards of excellence expected by Tennessee Tech.
 - 7.** All advisory committee members are to review the student's thesis or dissertation (if one is required) prior to the defense in order to approve, make recommendations to improve, or disapprove.
 - 8.** All advisory committee members are to ensure that the thesis or dissertation is of suitable rigor and quality that presents a valid investigation, which has been properly completed.

9. On the day of the thesis/dissertation defense, the graduate student’s committee chairperson must complete the thesis/dissertation defense form and forward it, with all required signatures, to the College of Graduate Studies by the deadline posted on the College of Graduate Studies calendar. Failure to submit the thesis/dissertation defense form to the College of Graduate Studies by the posted deadline will result in the graduate student’s ineligibility to graduate.

V. Interpretation

The Dean of the College of Graduate Studies or his/her designee has the final authority to interpret the terms of this policy.

VI. Citation of Authority for Policy

T.C.A. § 49-8-301(a)

Approved by:

Graduate Studies Executive Committee: ~~November 1, 2016~~ April 2, 2019

Academic Council: ~~November 11, 2016~~ April 10, 2019

University Assembly: ~~November 16, 2016~~ April 17, 2019

Board of Trustees: ~~June 15, 2017~~

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Agenda Item Summary

Date: June 20, 2019

Agenda Item: Undergraduate Admission Requirements

Review

Action

No action required

PRESENTER(S): Vice President Brandon Johnson


PURPOSE & KEY POINTS: This item is presented to request approval for Tennessee Tech Admissions Requirements for first-time freshman under 21, to be implemented Fall 2020.




Enrollment Management & Career Placement

TENNESSEE TECH

6

To: Dr. Phil Oldham, President 

From: Dr. Brandon Johnson, Vice President for Enrollment Management and Career Placement 

Date: June 4, 2019

Subject: Undergraduate Admission Requirements

We request Board approval for the following Tennessee Tech Admissions Requirements for first-time freshman under 21, to be implemented Fall 2020. These undergraduate admission requirements have received all necessary institutional approvals.

Prospective students who earn a 2.5 High School Cumulative Grade Point Average (HS CGPA), 17 Composite ACT, and 15+ on all sub-scores, or have earned a 3.0 HS CGPA are admissible. Prospective students who do not meet the above criteria will be reviewed individually through a holistic approach.

Current Admissions Requirements for first-time freshman under 21 are: 2.50 High School Grade Point Average, and a 17 ACT Composite, and equal to greater than 15 ACT sub-scores, and completion of a college-preparatory high school curriculum.



Agenda Item Summary

7

Date: June 20, 2019

Agenda Item: TTU Policy 302 Student Conduct and Proposed Rule

Review

Action

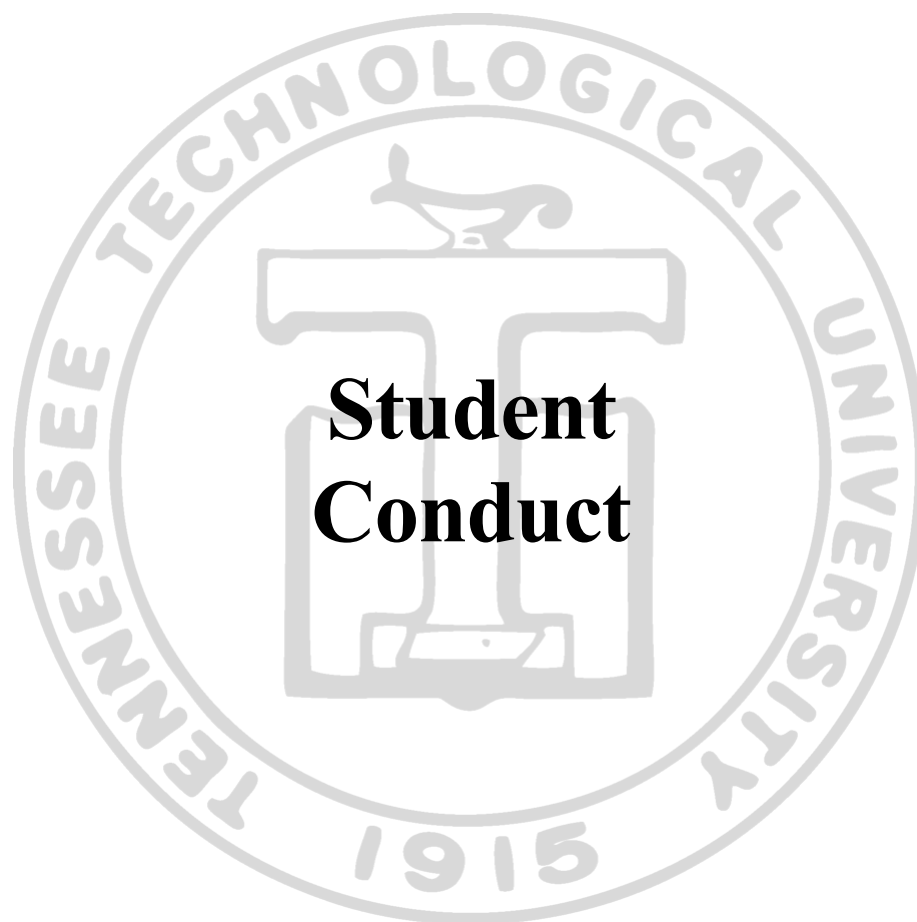
No action required

PRESENTER(S): Dean Katie Williams

PURPOSE & KEY POINTS:

The purpose of this revised policy and these revised rules is to amend with language that complies with the Student Due Process Protection Act of 2018. In addition, some terms related to prohibited conduct and disciplinary holds on records were clarified and a provision related to the application of Policy 302 to prospective students' pre-attendance conduct was added. The remaining revisions are editorial in nature.

**Tennessee Technological University
Policy No. 302**



Effective Date: July 1, 2017

Policy No: 302

Policy Name: Student Conduct

Date Revised: July 1, 2019

I. Purpose

The purpose of this policy is to describe standards of conduct and adjudication processes for student disciplinary matters.

II. Review

This policy will be reviewed every four years or whenever circumstances require review, whichever is earlier, by the Dean of Students with recommendations for revision presented to the Administrative Council, University Assembly, and the Board of Trustees.

III. Scope

- A.** This policy applies to Student or Registered Student Organization prohibited conduct on and off Tennessee Tech property. In the case of prohibited conduct that occurs off Tennessee Tech Property, Tennessee Tech will take into account whether the prohibited conduct adversely affects the interests of Tennessee Tech, including, but not limited to, prohibited conduct that:
 - 1.** Occurs in connection with a Tennessee Tech Activity, including, but not limited to, a study abroad program, clinical, internship, service learning placement, or similar program or,
 - 2.** Involves another member of the Tennessee Tech community or,
 - 3.** Poses a credible, serious threat to the health and safety of the Tennessee Tech community or Tennessee Tech Property.
- B.** Tennessee Tech will take into consideration the following standards when deciding whether misconduct is associated with a Registered Student Organization:
 - 1.** The prohibited conduct is endorsed by the organization or any of its officers (“endorsed by” includes, but is not limited to, the following: 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.** The prohibited conduct took place during the course of an activity paid for by the organization or paid by members of the organization to support the activity or conduct in question;
 - 3.** The prohibited conduct occurred on property owned, controlled, rented, leased, or used by the organization or any of its members for an organizational event;
 - 4.** The prohibited conduct was related to initiation, admission into, affiliation with, or as

a condition for continued membership in the organization;

5. One (1) or more officers of the organization had prior knowledge or reasonably should have known the prohibited conduct would likely take place.

C. This policy does not apply to academic misconduct.

IV. Definitions

- A. Student – any individual who is admitted, enrolled, or registered for credit courses at Tennessee Tech or who may no longer be enrolled or registered for credit courses, but engaged in prohibited conduct while the individual was a Student at Tennessee Tech. For the purposes of this policy, “admitted” means in attendance at Tennessee Tech on either the first day of classes, or on the first day residence halls are open, or the first day of the student orientation, advising, and registration program, whichever is earlier.
- B. Registered Student Organization (RSO) – any organization comprised primarily of currently enrolled Students that have successfully completed the registration process and otherwise complied with TTU Policy 315 (Student Organizations).
- C. Tennessee Tech Property –all land, buildings, facilities, grounds, structures, or any other property, including but not limited to movable objects, owned, leased, used, maintained, or operated by Tennessee Tech. For purposes of this policy, Tennessee Tech Property includes all streets, alleys, sidewalks, and public ways abutting such property. Tennessee Tech Property also includes computers and network systems owned, maintained, or controlled by Tennessee Tech or funded by Tennessee Tech.
- D. Tennessee Tech Activity – any activity on or off Tennessee Tech Property that is initiated, aided, authorized, sponsored, or supervised by Tennessee Tech.
- E. University Official – an employee or agent of Tennessee Tech, including, but not limited to, university police, faculty members and staff acting in the performance of his/her duties, as well as Student employees (e.g., event staff, resident assistants, graduate or teaching assistants, etc.).

V. General Provisions

- A. Each Student or RSO shall be responsible for his/her/its conduct from the time of admission to Tennessee Tech through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms.
- B. A Student or RSO is responsible for his/her/its guests or visitors and may be held accountable for the behavior of his/her/its guests or visitors on Tennessee Tech Property or in the handling or use of Tennessee Tech Property.
- C. Any Student that chooses to take a leave of absence or withdraw from Tennessee Tech during any academic period prior to graduation with a pending disciplinary matter will be

subject to a disciplinary hold placed on the Student’s account until resolution of the conduct in question.

VI. Prohibited Conduct

Prohibited conduct includes but is not limited to the following:

- A. ~~Harm to Others~~Physical Violence: ~~Causing physical harm to any person; endangering the health, safety, or welfare of any person; engaging in conduct that causes a reasonable person to fear harm to his/her 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; ru~~Violence of any nature against any person, on or off—Tennessee Tech Property, other than for self defense. This includes fighting; battery; the use of a weapon; restraining or transporting someone against his/her will; or any action that constitutes a true threat or endangers the physical health or safety of any person or causes reasonably apprehension of such harm;**
- B. Engaging in oral or written speech that is obscene; is defamatory; consists of fighting words; or is directed to inciting or producing imminent lawless action and is likely to incite or produce such action;**
- C. Any conduct that falls within the terms of Tennessee Code Annotated Sections § 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, or objectively offensive that it effectively bars the victim’s access to educational opportunity or benefit;**
- D. Discrimination: Any conduct that falls within the current terms of TTU Policy 006 (Nondiscrimination), TTU Policy 141 (Discrimination and Harassment—~~Complaint and Investigation Procedure~~), or similar policies;**
- E. Sexual Misconduct: The act of domestic violence, dating violence, sexual assault, and stalking as defined by TTU Policy 143 (Sexual Misconduct);**
- F. Hazing: Any conduct that falls within Tennessee Code Annotated Section 49-17-123(a)(1), including, but not limited to, intentional or reckless act on or off Tennessee Tech Property by one (1) Student acting alone or with others that is directed against any other Student, that endangers the mental or physical health or safety of that Student or that induces or coerces a Student to endanger the Student’s mental or physical health or safety;**
- G. Retaliation: Interfering with any aspect of a disciplinary matter or disciplinary hearing, including, but not limited to threatening or intimidating a complainant or witnesses or attempting to do the same;**
- H. Disruptive Behavior: Any individual or group behavior that unreasonably disrupts the academic environment (e.g. interferes with teaching, classroom operations, research, etc.)**

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or unreasonably interferes with operations, events, or programs on Tennessee Tech Property or during a Tennessee Tech Activity;

- I. Obstruction of or Interference with Activities on Tennessee Tech Property or Facilities:** Any substantial interference with or substantial obstruction of any Tennessee Tech program, event, or facility including the following:
 - 1.** Any unauthorized occupancy of facilities owned or controlled by Tennessee Tech or blockage of access to or from such facilities,
 - 2.** Interference with the right of any Tennessee Tech member or other authorized person to gain access to any activity, program, event, or facilities sponsored or controlled by Tennessee Tech,
 - 3.** Any obstruction or delay of a Tennessee Tech police officer, public safety officer, security officer, firefighter, EMT, or any University Official,
 - 4.** Participation in a demonstration that substantially impedes Tennessee Tech operations; or
 - 5.** Obstruction of the free flow of pedestrian or vehicular traffic on Tennessee Tech Property or at a Tennessee Tech Activity.
- J. Failure to Comply:** Refusing or ignoring directions of Tennessee Tech police or University Officials acting in the performance of his/her duties;
- K. Falsification:** Providing information that is materially false to, or withholding necessary information from, any University Official acting in the performance of his/her duties;
- L. Theft:** Unauthorized possession of Tennessee Tech Property or personal property of a member of the Tennessee Tech community;
- M. Fraud:** Deception, forgery, alteration including, but not limited to, the unauthorized use of Tennessee Tech documents, records, identification, computers, parking permits, identity theft, or any other similar actions prohibited by law;
- N. Misuse of or Damage of Property:** Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to Tennessee Tech or a member of the Tennessee Tech community including, but not limited to, any personal property, fire alarms, fire equipment, elevators, telephones, Tennessee Tech keys, library materials and/or safety devices;
- O. Trespassing and Unauthorized Entry:** Unauthorized access or attempting to gain access to any Tennessee Tech Property;
- P. Weapons:** Possession or carrying, whether openly or concealed, with the intent to go armed, any firearm, explosive, explosive weapon, bowie knife, hawk bill knife, ice pick, dagger, slingshot, leaded cane, switchblade knife, blackjack, knuckles, or any other weapon of like kind, not used solely for instructional or school-sanctioned ceremonial purposes, in any Tennessee Tech building or bus, campus, grounds, recreation area, athletic field, or any other property owned, operated, or while in use by Tennessee Tech in accordance with TTU Policy 422 (Weapons on Tennessee Tech Property). No Student shall use a weapon or instrument to simulate a weapon in acts that endanger or threaten any person;

- Q. Hazardous Materials:** Possession, ignition, or detonation of explosives, fireworks, flammable materials, ammunition, gasoline, chemicals, or hazardous liquids, chemicals or hazardous materials, and any other material or item of like kind representing a potential danger to the Tennessee Tech community;
- R. Alcohol and Drugs**~~Substance Abuse~~: The unlawful manufacture, distribution, possession, use or abuse of any controlled substance, illegal drug or alcohol on Tennessee Tech Property or as part of any activity sponsored by Tennessee Tech in violation of TTU Policy 172 (~~Alcohol and Drugs~~Substance Abuse Prevention);
- S. Paraphernalia:** The use or possession of equipment, products, or materials that are used or intended for use in the unlawful manufacture, growth, use, or distribution of 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;
- T. Parking or Traffic Violations:** In addition to the penalties described in TTU Policy 415 (Parking and Traffic Enforcement) and elsewhere in this policy, the possession or use of a motor vehicle on Tennessee Tech Property can be limited or revoked for any of the following:
 - 1. Possession or use of alcoholic beverages or drugs while operating a vehicle;
 - 2. Irresponsible operation of a vehicle;
 - 3. Leaving the scene of an accident;
 - 4. Failure to report an accident involving personal injury or property damage;
 - 5. Excessive violations of policies to include excessive parking citations;
 - 6. Falsifying vehicle registration or gaining such registration under false pretense;
 - 7. Possession, use, or sale of fraudulent parking permits.
- U. Violation of Information Technology Acceptable Use Policy:** Violation of a provision related to Tennessee Tech information technology facilities and resources as defined in TTU Policy 801 (Information Technology Acceptable Use);
- V. Unauthorized Use of Personal Recording Devices:** Use of electronic or other devices to make a photographic, audio, or video record of any person without his/her prior knowledge or consent in a violation of TTU Policy 180 (Personal Recording Devices);
- W. Invasion of Privacy:** Making, or causing to be made, unauthorized video/audio recordings or photographic images of a person in a location in which that person has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, and restrooms, as well as any storing, sharing, and/or distributing of such unauthorized recordings/images by any means;
- X. Violation of Student Housing Policy:** Violation of any provision outlined in TTU Policy 305 (Student Housing ~~Policy~~);
- Y. Gambling:** Unlawful gambling in any form;
- Z. Financial Irresponsibility:** Failure to meet financial responsibilities to Tennessee Tech

including, but not limited to, knowingly passing a worthless check or money order in payment to Tennessee Tech;

- AA.** Unacceptable Conduct in Disciplinary Proceedings: Any conduct at any stage of a disciplinary proceeding or investigation that is contemptuous, threatening, or disorderly, including:
 1. Failure to obey the directives of a disciplinary body or University Official(s) in the performance of their duties;
 2. Falsification, distortion or misrepresentation of information during a disciplinary proceeding;
 3. Disruption or interference with the orderly conduct of a disciplinary proceeding;
 4. Attempting to influence the impartiality of a member of a disciplinary body prior to, or during the course of, a disciplinary proceeding;
 5. Harassment, intimidation, or retaliating against of any participant in the Tennessee Tech disciplinary process;
- ~~AA.~~ **BB.** Attempting to Violate the Student Conduct Policy and/or ~~;~~ Aiding or ~~;~~ Abetting a Violation: Any attempt to commit any of the offenses identified as prohibited conduct, or the aiding/abetting of the commission of any of the offenses listed as such. 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 Tennessee Tech;
- ~~BB.~~ **CC.** Violation of Policies: Any violation of the general policies of Tennessee Tech as published in an Tennessee Tech publications including, but not limited to Tennessee Tech's Policy Central web site;
- ~~CC.~~ **DD.** Violations of State or Federal Laws: Any violation of state or federal laws, rules, regulations, etc. proscribing conduct or establishing offenses; and
- ~~DD.~~ **EE.** Violation of Imposed Disciplinary Sanctions: Violation of a disciplinary sanction officially imposed during a Tennessee Tech hearing proceeding.

VII. Disciplinary Sanctions

Upon a determination by clear and convincing evidence (unless otherwise required by federal or state law, rule, regulation) that a Student or RSO has engaged in prohibited conduct, the following disciplinary sanctions may be imposed, either singly or in combination, by the Dean of Students and/or a Tennessee Tech Judicial council:

- A.** Informal Warning: An oral or written warning to the Student or RSO found responsible for a violation of this policy when the circumstances and severity of actions do not warrant the development of an official Student conduct record;

- B. Official Warning:** A written notice to the Student or RSO found responsible for a violation. The warning will serve as official notification that continuation or repetition of specified conduct will be cause for further disciplinary action;
- C. No Contact Order:** An order of no contact with any individuals who are complainants, victims or witnesses in the student conduct process. This includes, but is not limited to, verbal, written, electronic, cellular, physical or social contact, or allowing others to make any similar contacts on a Student’s behalf. An order of no contact can also be issued as an interim sanction prior to the completion of the disciplinary process;
- D. Restitution:** A measure intended to compensate for the loss, damage, or injury caused by the Student or an RSO. This action may take the form of appropriate service, monetary compensation, or material replacement;
- E. Restriction of Privileges:** A restriction upon a Student or RSO’s privileges for a period of time. These restrictions may include, but are not limited to denial of the following:
 - 1. The ability to represent Tennessee Tech at any event;
 - 2. Use of Tennessee Tech facilities;
 - 3. Parking privileges;
 - 4. Participate in, be elected or appointed as a member or officer of Student Government or any RSO;
 - 5. Application for use of Tennessee Tech funds;
- F. Educational Action:** A measure intended to educate the Student or members of the RSO on the responsibilities to refrain from prohibited conduct and learn from the violation. Educational actions include, but are not limited to:
 - 1. Attendance at educational activities or substance education workshops;
 - 2. Completion of a prescribed number of community service hours;
 - 3. Participation in a counseling assessment; or
 - 4. Attendance at community education classes;
- G. Parental or Legal Guardian Notification:** Pursuant to [Tennessee Code Annotated Section F.C.A. § 49-7-146](#), Tennessee Tech is required to notify a parent or legal guardian of a Student under age twenty-one (21) if the Student “has committed a disciplinary violation with respect to the use or possession of alcohol, a controlled substance, or a controlled substance analogue that is a violation of any federal, state, or local law, or any rule or policy of [Tennessee Tech], except as prohibited by the Federal Education Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g).” Tennessee Tech will provide such notice if:
 - 1. The Student admits responsibility for engaging in the prohibited conduct; or
 - 2. There is a final finding of responsibility pursuant to the disciplinary procedures;
- H. Disciplinary Probation:** Continued enrollment of a Student or recognition of an RSO on probation may be conditioned upon adherence to this policy. Any Student or RSO placed on probation will be notified in writing of the terms and length of the probation. Probation may include restrictions of privileges or any other appropriate conditions. 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 up to and including expulsion or withdrawal of recognition;

- I. Housing Probation: Continued residence in Tennessee Tech student housing may be conditioned upon adherence to Tennessee Tech rules and policies related to Student conduct as well as Tennessee Tech housing policies. Probation may include restrictions upon the activities of the resident, including any other appropriate conditions;
- J. Interim Measures: The Dean of Students or designee may impose temporary measures prior to the beginning of a formal student conduct process. If Tennessee Tech imposes an interim measure, the Student or RSO may contest the measure following the procedures in Section IX. Section E. 6. XI (Procedures Related to Interim Measures and Interim Suspensions). Interim measures may become permanent depending on the outcome of the formal disciplinary hearing. Interim measures may include, but are not limited to:
 - 1. No contact orders;
 - 2. Removal from or reassignment of housing;
 - 3. Removal from or reassignment of on campus work study and work assignments;
 - 4. Removal from or reassignment of a specific class or academic activity;
 - 5. Restriction of access to specified buildings or Tennessee Tech Property;
 - 6. Restriction of privileges; or
 - 7. Other types of temporary measures;
- K. Interim Suspension:
 - 1. Interim suspension is the immediate removal of a Student from Tennessee Tech Property, including but not limited to, facilities, programs, privileges, classes, and premises pending a formal disciplinary hearing.
 - 2. The Dean of Students or designee may impose an interim suspension if, after an individualized assessment, the Dean of Students or designee determines that the Student's behavior poses a significant risk to the health or safety of others that cannot be eliminated by interim measures.
 - 3. The Dean of Students or designee may also impose an interim suspension when a Student is determined to constitute an immediate threat to Tennessee Tech Property or a substantial disruption to classroom and/or Tennessee Tech operations.
 - 4. A Student placed on interim suspension status must obtain advance permission from the Dean of Students or designee to be present on Tennessee Tech Property. The Dean of Students or designee will grant such permission only in cases where the Student has identified a legitimately necessary reason for his/her presence on campus.
 - 5. If Tennessee Tech imposes an interim suspension, the Student may contest the sanction following the procedures in Section IX. Section E. 6 (Procedures Related to Interim Measures and Interim Suspensions).
- L. Revocation of Registered Student Organization Status: A designated period of time in which an RSO is not recognized by Tennessee Tech and does not receive designated

privileges as defined by TTU Policy 315 (Student Organizations);

- M. Suspension of Housing Contract: The separation of a Student or members of an RSO from facilities maintained by Residential Life for a temporary or definite period of time, after which the Student or RSO is eligible to return or may be conditionally allowed to return. Subsequent policy violations may result in cancellation of housing contract(s);
- N. Cancellation of Housing Contract: A permanent separation of the Student or RSO from facilities maintained by Residential Life. A Student or RSO dismissed from these facilities is not be eligible for readmission into any Residential Life facilities maintained by Tennessee Tech;
- O. Suspension: The separation of a Student or RSO from Tennessee Tech for a specified period of time. Suspension may be accompanied by special conditions for readmission. All Students suspended from Tennessee Tech will be issued a no trespass directive barring them from Tennessee Tech Property and all Tennessee Tech Activities. A suspended Student must submit a written request to the Dean of Students or designee within three (3) business days, absent good cause, in advance to request permission to be present on Tennessee Tech Property or at a Tennessee Tech Activity. This request must specifically identify the nature of the official business that the suspended Student wishes to conduct as well as the locations that the Student wishes to visit;
- P. Expulsion: A permanent separation from Tennessee Tech. The imposition of this sanction is a permanent bar to the Student's admission to, or an RSO's recognition at, Tennessee Tech. Any Student that receives this sanction will be issued a no trespass directive barring him/her from Tennessee Tech Property and all Tennessee Tech Activities;
- Q. Withholding Degree: The awarding of a degree may be withheld until all disciplinary processes are complete and all sanctions, if any, are satisfactorily completed;
- R. Revocation of Degree: Revocation of a degree in cases when a Student has engaged in serious misconduct while enrolled, but not discovered until after graduation;
- S. Revocation of Admission: Revocation of admission when a person previously admitted to Tennessee Tech has engaged in serious misconduct prior to the first day of classes, or on the first day residence halls are open, or the first day of the student orientation, advising, and registration program, whichever is earlier;
- T. Any alternate sanction deemed necessary and appropriate to address the prohibited conduct.

VIII. Disciplinary Holds on Records

- A. Tennessee Tech may place a hold on a Student's record when the Student has:
 - 1. Withdrawn from Tennessee Tech and a disciplinary meeting and/or proceeding is pending;
 - 2. Not responded to the Dean of Students' Office's request for a meeting or a 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 proceeding.
- C. Tennessee Tech will not confer a degree when a Student has a pending disciplinary meeting and/or disciplinary proceeding.

IX. Disciplinary Procedures

A. Responsibility for Administration

1. The Dean of Students' Office is responsible for matters that are within the scope of this policy. The Provost's Office is responsible for matters that fall within the scope of TTU Policy 217 (Student Academic Misconduct). In situations where the conduct could fall within the scope of TTU Policy 302 and TTU Policy 217, the two Offices will confer, decide which policy to apply to the matter, and advise the Student in writing of their decision.
2. Complaints related to sexual misconduct will be investigated in accordance with TTU Policy 143 (Sexual Misconduct) and complaints related to discrimination and/or harassment will be investigated in accordance with TTU Policy 141 (Discrimination and Harassment—Complaint and Investigation Procedure). If Tennessee Tech determines that a policy violation occurred as a result of the processes outlined in TTU Policy 141 and/or TTU Policy 143, the Student will be subject to the disciplinary procedures outlined in this policy.
3. Other than the matters listed above in this Section A, reports of acts and incidents involving Students or RSOs should be referred to the Dean of Students Office for investigation.

B. Notice and Due Process Rights Related to Preliminary Meetings

1. A Student or RSO accused of any violation of this policy will be given written notice of the alleged violation. Tennessee Tech will deliver this notice by sending an email to the Student's or RSO's ~~president's~~ official Tennessee Tech email account. The notice will be effective on the date Tennessee Tech sends the email notification to the Student's or RSO's ~~president's~~ official Tennessee Tech email account.
2. Tennessee Tech will send the preliminary meeting notification letter at least ~~forty-eight~~ (48) hours prior to the preliminary meeting, absent good cause.
3. The preliminary meeting notification letter will include, at a minimum:
 - a. The time, place, and date of the preliminary meeting;
 - b. A written statement of the alleged violation and description of the alleged behavior including time, date and place of occurrence if such information is available;
 - c. Notice of the right to be accompanied by an advisor of choice, including an attorney, provided the Student or RSO consents to sign a release of ~~necessesary~~ necessary

education records to the advisor;

- d. Notice that the advisor may not speak on behalf of the Student or RSO in the disciplinary meeting;
- e. Notice of the right to -address any information that Tennessee Tech is relying on as a basis for the preliminary meeting.

3.4. Upon receipt of the preliminary meeting notification letter, the Student or RSO must contact the Dean of Students' Office within forty-eight (48) hours to schedule a preliminary meeting. Failure to do so will result in a disciplinary hold placed on the Student's account or in the case of an RSO, suspension of privileges.

C. Preliminary Meeting

1. During the preliminary meeting with the Dean of Students, the Student or RSO will have the opportunity to contest the alleged violation of this policy and present information.
2. The accused Student or RSO has the right to be accompanied by an advisor of their choice, provided the Student or RSO consents to the release of necessary education records to the advisor. The advisor, however may not speak on behalf of the Student or RSO in the preliminary meeting.
3. The Dean of Students may interview potential witnesses or victims necessary to conduct a thorough investigation of the alleged violation.
4. Following the preliminary meeting and investigation of the complaint, the Dean of Students will determine if sufficient information exists for the disciplinary process to continue.
 - a. If the Dean of Students concludes a violation did not occur, the conduct matter will be closed.
 - b. If the Dean of Students determines there is sufficient information to proceed with the disciplinary process, the Student or RSO will have a hearing regarding the alleged violation.
 - c. If the Dean of Students determines the alleged misconduct does not warrant consideration of suspension, expulsion, or revocation of degree or credential of a Student or revocation of registration of an RSO, the Student or RSO will have a hearing with the Dean of Students following the procedures in Section IX.E.4.

D. Hearing Options in Cases of Possible Suspension, Expulsion, or Revocation of Degree or RSO Registration

If the Dean of Students determines the alleged misconduct could ~~result in warrant consideration of~~ suspension, expulsion, or revocation of degree or credential of a Student or revocation of registration of an RSO, the Student or RSO will have the opportunity to:

1. Contest the alleged violation(s) under the Uniform Administration Procedures Act

(UAPA) in accordance with provisions outlined in the Uniform Administrative Procedures Act, Tennessee Code Annotated [Section](#) § 4-5-301 et seq. and related rules; or,

2. Waive a hearing pursuant to [the](#) UAPA and choose a hearing before the Dean of Students; or
3. Waive a UAPA hearing and choose a hearing before the Judicial Council.

E. Notice and Due Process Rights Related to Disciplinary Proceedings

1. Unless a Student or RSO waives in writing his/her/its right to a disciplinary proceeding, a Student or RSO accused of any violation of this policy will be given written notice of the alleged violation. Tennessee Tech will deliver this notice by sending an email to the Student's or RSO-president's official Tennessee Tech email account. The notice will be effective on the date Tennessee Tech sends the email notification to the Student's or RSO-president's official Tennessee Tech email account.
2. For proceedings ~~that which the alleged misconduct could result in warrant consideration of suspension, expulsion, or revocation of degree or credential of a Student or revocation of registration of an RSO, or that involve allegations of sexual misconduct,~~ Tennessee Tech will send ~~a the~~ notification letter at least seventy-two (72) hours prior to the disciplinary proceeding.
3. The notification letter will include, at a minimum:
 - a. The time, place, and date of the disciplinary proceeding;
 - b. The names of witnesses Tennessee Tech expects to present at the disciplinary proceeding and the names of witnesses Tennessee Tech may present if the need arises;
 - c. An explanation of the Student's or RSO-president's right to request a copy of the investigative file, which will be redacted as required by federal and state law;
 - d. An explanation of the Student's or RSO-president's right to request copies of all documents, copies of all electronically stored information, and access to tangible evidence that Tennessee Tech has in its possession, custody, or control and may use to support claims or defenses, unless use would be solely for impeachment.- All such documents will be redacted as required by federal and state law.
 - e. A written statement of the alleged violation and description of the alleged behavior including time, date and place of occurrence if such information is available;
 - f. Notice of the right to present his/her/its case to the appropriate disciplinary authority;

- g. Notice of the right to be accompanied by an advisor of choice, including an attorney, provided the Student or RSO consents to sign a release of necessary education records to the advisor;
- h. Notice that the advisor may not speak on behalf of the Student or RSO in the disciplinary meeting;
- i. Notice of -the right to call witnesses who can speak on his/her/its behalf; and
- j. Notice of the right to -address any information that is used by Tennessee Tech in a disciplinary proceeding;

4. Hearings before the Dean of Students

- a. The hearing shall be conducted consistent with the following Student or RSO rights:
 - i. The right to receive notices described in Section IX.E.3 prior to the hearing;
 - ii. The right to have the case heard based only on the alleged violation of the prohibited conduct specified in the written notice;
 - iii. The right to be accompanied by an advisor of their choice, provided the Student or RSO consents to sign a release of necessary education records. The advisor, however, may not speak on behalf of the Student in the hearing. An advisor may address questions of procedure to the Dean of Students to the extent that the questions do not interfere with the orderly proceeding of the hearing and request a recess to confer in private with the Student or RSO.
 - iv. The right to speak on his/her/its behalf, to call witnesses and to question all witnesses, and to present evidence, and to challenge the admissibility of evidence;
 - ~~v. The right to have the case heard based only on the alleged violation of the prohibited conduct specified in the written notice; and~~
 - ~~vi.v.~~ -The right to speak or remain silent in a hearing.
- b. Formal rules of evidence shall not be applicable. The Dean of Students may exclude evidence which, in his/her sole judgment, is immaterial, irrelevant, unduly repetitious, or unduly prejudicial, etc.
- c. The Dean of Students shall determine responsibility using the clear and convincing standard of proof unless otherwise required by federal or state law, rule, regulation, or Tennessee Tech policies.
- d. The Dean of Students shall issue a written decision that includes his/her findings and conclusions within three (3) business days after the conclusion of the hearing and all evidence is submitted.
- e. The Student or RSO will be advised in writing of the decision and all

sanctions imposed as a result of the disciplinary hearing via Tennessee Tech email account ~~and via the contact address on record.~~

- f. Any sanction imposed as a result of a hearing before the Dean of Students will be effective immediately upon notification of the Student or RSO.

5. Hearings before the Judicial Council

- a. The Judicial Council is comprised of six (6) faculty members, two (2) administrators, and six (6) Students. The Dean of Students serves as an ex-officio member. Faculty members of the Judicial Council are appointed for a two (2) year term by the Tennessee Tech president. Student members of the Judicial- Council are appointed for a one (1) year term by the President of the Student Government Association.
- b. The Chairperson will be elected by the Judicial Council membership on an annual basis.
- c. A minimum of seven (7) members of the Judicial Council are required to hear a disciplinary case, composed of at least three (3) Students and four (4) faculty members unless otherwise agreed by the parties.
- d. The Dean of Students will train and advise all members of the Judicial Council regarding Tennessee Tech hearing procedures on an annual basis or as necessary.
- e. The hearing shall be conducted consistent with the following Student or RSO rights:
 - i. The right to receive notices described in Section ~~IXB~~ prior to the hearing.
 - ii. The right to have the case heard based only on the alleged violation of the prohibited conduct specified in the written notice;
 - iii. The right to be accompanied by an advisor of his/her/its choice, provided the Student or RSO consents to sign a release of necessary education records to the advisor. The advisor, however may not speak on behalf of the Student or RSO in the hearing. An advisor may address questions of procedure to the Dean of Students to the extent that the questions do not interfere with the orderly proceeding of the hearing; and request a recess to confer in private with the Student or RSO.
 - ix. The right to speak on his/her/its behalf, to call witnesses and to question all witnesses, and to present evidence, and to challenge the admissibility of evidence;
 - x. The right to speak or remain silent in a hearing; and
 - xi. The right to challenge the seating of any Judicial Council member for bias, prejudice, interest, or any other good cause ~~good cause~~. The dismissal of a challenged hearing board member will be determined at the discretion of

the Judicial Council chairperson. If the chairperson is challenged, he/she may be excused with a majority vote of the Judicial Council.

- g. All hearings shall be closed unless the respondent and the complainant both elect in writing to have an open hearing.
- h. Formal rules of evidence shall not be applicable. The Judicial Council may exclude evidence which, in its judgment, is immaterial, irrelevant, unduly repetitious, or unduly prejudicial, etc.
- i. The Judicial Council shall determine responsibility using the clear and convincing standard of proof unless otherwise required by federal or state law, rule, regulation, or Tennessee Tech policies.
- j. The Judicial Council shall issue a written decision that includes its findings and conclusions within three (3) business days after the conclusion of the hearing and after all evidence is submitted.
- k. The Student or RSO will be advised in writing of the decision and all sanctions imposed as a result of the disciplinary hearing via Tennessee Tech email account and via the contact address on record.
- l. Any sanction imposed as a result of a Tennessee Tech hearing will be effective immediately upon notification of the Student or RSO.

6. Procedures Related to Interim Measures and Interim Suspensions

- a. When the Dean of Students determines that interim measures or an interim suspension are required for the health and safety of the Tennessee Tech community and/or Property, the Student or RSO will be given an opportunity for an informal hearing with the Dean of Students to contest the interim measure.
- b. The informal hearing will be held within five (5) calendar days, absent good cause.
- c. The information presented at the information hearing will be limited to that which is relevant to the basis asserted for imposition of the interim measures.
- d. The Student or RSO will be entitled to formal hearing in accordance with the procedures described in Section ~~IXB. (Notice and Due Process)~~ before a permanent measure is imposed.

X. Appeals

- A. Student or RSO may appeal a sanction imposed by the Dean of Students or Judicial Council following the procedures in this section.
- B. The Student Conduct Appeal Committee will hear all appeals. The Student Conduct Appeal Committee is comprised of one (1) faculty member, one (1) administrator, and one (1) Sstudent. A pool of eligible committee members will be identified by the

Dean of Students annually to ensure quorum can be achieved throughout the year.

- C. The Student or RSO must file a written appeal with the Dean of Students within ten (10) calendar days from the date of the decision letter, absent good cause.
- D. The bases for an appeal are as follows:
 - 1. New information, not available at the time of the original hearing, has become available which would substantially alter the outcome of the hearing;
 - 2. Tennessee Tech failed to conduct the disciplinary process in accordance with its procedures in such a way as to disadvantage the Student or RSO;
 - 3. The sanction is disproportionate to the violation.
- E. The Student Conduct Appeal Committee will consider the appeal based on the record and statements submitted by the Student or RSO and the Dean of Students. The Student Conduct Appeal Committee may request the accused Student or RSO and/or the Dean of Students appear before the Student Conduct Appeal Committee to clarify any questions regarding the appeal record or statements.
- F. The Student Conduct Appeal Committee will make its decision within ten (10) business days of receipt of all relevant information. This period may be extended in circumstances where it is not possible to establish a quorum (e.g., holidays, breaks).
- G. The Student Conduct Appeal Committee may take the following action(s) upon consideration of the merit of the appeal:
 - 1. Affirm the original decision;
 - 2. Reverse the original decision;
 - 3. Reduce the sanction prescribed in the original decision; and/or
 - 4. Remand the matter to the original hearing body for reconsideration.
- H. The standard of proof required to overturn a finding of violation shall be the clear and convincing evidence and the Student or RSO bears the burden of proof.
- I. A Student or RSO may file a written appeal the Student Conduct Appeal Committee's decision to the Vice President for Student Affairs. The Student or RSO must file a written appeal with the Vice President for Student Affairs office within ten (10) business days of the date of the decision letter. The appeal must state the reasons why the Student or RSO believes the decision should be overturned. After consideration of the appeal, the record, and any other relevant information, the Vice President for Student Affairs will issue a written decision within five (5) business days of receipt of the appeal and all relevant material.
- J. The Vice President of Students Affairs' decision is final, except in cases where a Student has been expelled or the Student's degree has been revoked. In those cases, the Student may appeal the Vice President of Student Affairs' decision to the

President. The Student must file a written appeal with the President’s office within ten (10) business days of the date of the decision letter. The appeal must state the reasons why the Student believes the decision should be overturned. After consideration of the appeal, the record, and any other relevant information, the President will issue a written decision as soon as reasonably possible.

XI. Conflicts of Interest

A. Consistent with the Student Due Process Protection Act, Tennessee Code Annotated Section 49-7-1704, student disciplinary proceedings must include protection for respondents and complainants analogous to, and no less protective than the conflict of interest provisions of Tennessee Code Annotated Section C.A. § 4-5-303.

XII. Application of Policy to Prospective Students

A. A prospective student’s admission to Tennessee Tech may be rescinded for pre-attendance conduct that is prohibited by this policy.

B. A prospective student may appeal Tennessee Tech’s admission decision by providing a written statement with supporting documentation to the Vice President of Student Affairs within 15 calendar days, absent good cause, of receipt of that decision. The Vice President of Student Affairs will issue a written decision within 30 calendar days, absent good cause, after the student has provided all supporting documentation. The decision of the Vice President is final.

XIII. Interpretation

The Vice President for Student Affairs or his/her designee has the final authority to interpret the terms of this policy.

XIV. Citation of Authority for Policy

Tennessee Tech Rule 0240-09-01; T.C.A. § 49-8-203(a)(1)(D)

Approved by President on June 6, 2019, pursuant to Policy 101, Section VII.A.



7


Memorandum

To: Dr. Philip Oldham, University President
Via: Marc Burnett, Vice President for Student Affairs
From: Katherine W. Williams, Dean of Students
Date: June 6, 2019
Subject: Request for Out of Cycle Approval of Revised Policy 302

The purpose of this memorandum is to request out of cycle approval of policy revisions to Student Conduct (Policy 302). The primary purpose of the policy revision is to amend with language that complies with the Student Due Process Protection Act of 2018. In addition, some terms related to prohibited conduct and disciplinary holds on records were clarified and a provision related to the application of Policy 302 to prospective students' pre-attendance conduct was added. The remaining revisions are editorial in nature.

Approval is requested at this time in order to request the Board of Trustees' approval of the policy and rule on June 20, 2019 and proceed with an amended rule filing with the Secretary of State.

Your consideration of this request is appreciated.

Approved:  6/6/2019
 Dr. Philip Oldham, President Date

<p>Department of State Division of Publications 312 Rosa L. Parks Ave., 8th Floor, Snodgrass/TN Tower Nashville, TN 37243 Phone: 615-741-2650 Email: publications.information@tn.gov</p>	<p>For Department of State Use Only</p> <p>Sequence Number: _____</p> <p>Rule ID(s): _____</p> <p>File Date: _____</p> <p>Effective Date: _____</p>
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Proposed Rule(s) Filing Form

7

Proposed rules are submitted pursuant to Tenn. Code Ann. §§ 4-5-202, 4-5-207, and 4-5-229 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within ninety (90) days of the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by ten (10) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of ten (10) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	Tennessee Technological University
Division:	
Contact Person:	Marc L. Burnett, Vice President for Student Affairs
Address:	1000 N. Dixie Avenue, Cookeville, TN
Zip:	38505
Phone:	931-372-3411
Email:	mburnett@tntech.edu

Revision Type (check all that apply):

- Amendment
- New
- Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that ALL new rule and repealed rule numbers are listed in the chart below. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0240-09-01	Student Conduct
Rule Number	Rule Title
0240-09-01-.04	Prohibited Conduct
0240-09-01-.06	Disciplinary Holds on Records
0240-09-01-.07	Disciplinary Procedures
0240-09-01-.09	Conflicts of Interest
0240-09-01-.10	Application of Rule to Prospective Students

Rules of
Tennessee Technological University

Chapter 0240-09-01
Student Conduct

Amendments

Table of Contents is amended by adding 0240-09-01-.09 Conflicts of Interest and 0240-09-01-.10 Application of Rule to Prospective Students to the Table of Contents and shall read as follows:

- 0240-09-01.01 Scope
- 0240-09-01.02 Definitions
- 0240-09-01.03 General Provisions
- 0240-09-01.04 Prohibited Conduct
- 0240-09-01.05 Disciplinary Sanctions
- 0240-09-01.06 Disciplinary Holds on Records
- 0240-09-01.07 Disciplinary Procedures
- 0240-09-01.08 Appeals
- 0240-09-01.09 Conflicts of Interest
- 0240-09-01.10 Application of Rule to Prospective Students

Rules of
Tennessee Technological University

Chapter 0240-09-01
Student Conduct

Amendments

Rule 0240-09-01-.04 Prohibited Conduct is amended by deleting subparagraph (1)(a) in its entirety and substituting a new definition entitled (a) Harm to Others and adding a new subparagraph (b). The definitions of prohibited conduct were re-lettered accordingly, so that as amended, 0240-09-01-.04 shall read as follows:

0240-09-01-.04 Prohibited Conduct

(1) Prohibited conduct includes, but is not limited to the following:

- (a) Harm to Others: Causing physical harm to any person; endangering the health, safety, or welfare of any person; engaging in conduct that causes a reasonable person to fear harm to his/her 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;
- (b) Engaging in oral or written speech that is obscene; is defamatory; consists of fighting words; or is directed to inciting or producing imminent lawless action and is likely to incite or produce such action;
- (c) Any conduct that falls within the terms of 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;
- (d) Discrimination: Any conduct that falls within the terms of any Tennessee Tech policy related to discrimination and harassment;
- (e) Sexual Misconduct: The act of domestic violence, dating violence, sexual assault, and stalking as defined by Tennessee Tech policy;
- (f) Hazing: Any conduct that falls within T.C.A. § 49-17-123 (a)(1), including, but not limited to, intentional or reckless act on or off Tennessee Tech Property by one (1) Student acting alone or with others that is directed against any other Student, that endangers the mental or physical health or safety of that Student or that induces or coerces a Student to endanger the Student’s mental or physical health or safety;
- (g) Retaliation: Interfering with any aspect of a disciplinary matter or disciplinary hearing, including, but not limited to threatening or intimidating a complainant or witnesses or attempting to do the same;
- (h) Disruptive Behavior: Any individual or group behavior that unreasonably disrupts the academic environment (e.g. interferes with teaching, classroom operations, research, etc.) or unreasonably interferes with operations, events, or programs on Tennessee Tech Property or during a Tennessee Tech Activity;
- (i) Obstruction of or Interference with Activities on Tennessee Tech Property or Facilities: Any substantial interference with or substantial obstruction of any Tennessee Tech program, event, or facility including the following:
 - 1. Any unauthorized occupancy of facilities owned or controlled by Tennessee Tech or blockage of access to or from such facilities;
 - 2. Interference with the right of any Tennessee Tech member or other authorized person to gain access to any activity, program, event, or facilities sponsored or controlled by Tennessee Tech;

3. Any obstruction or delay of a public safety officer, security officer, firefighter, EMT, or any University Official;
 4. Participation in a demonstration that substantially impedes Tennessee Tech operations; or
 5. Obstruction of the free flow of pedestrian or vehicular traffic on Tennessee Tech Property or at a Tennessee Tech Activity;
- (j) Failure to Comply: Refusing or ignoring directions of a University Official acting in the performance of his/her/its duties;
 - (k) Falsification: Providing information that is materially false to, or withholding necessary information from, any University Official acting in the performance of his/her/its duties;
 - (l) Fraud: Deception, forgery, or alteration, including, but not limited to, the unauthorized use of Tennessee Tech documents, records, identification, computers, parking permits, identity theft, or any other similar actions prohibited by law;
 - (m) Theft: Unauthorized possession of Tennessee Tech Property or personal property of a member of the Tennessee Tech community;
 - (n) Misuse or Damage of Property: Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to Tennessee Tech or a member of the Tennessee Tech community including, but not limited to, any personal property, fire alarms, fire equipment, elevators, telephones, Tennessee Tech keys, library materials and/or safety devices;
 - (o) Trespassing or Unauthorized Entry: Unauthorized access or attempting to gain access to any Tennessee Tech Property;
 - (p) Weapons: Possession or carrying, whether openly or concealed, with the intent to go armed, any firearm, explosive, explosive weapon, bowie knife, hawk bill knife, ice pick, dagger, slingshot, leaded cane, switchblade knife, blackjack, knuckles, or any other weapon of like kind, not used solely for instructional or school-sanctioned ceremonial purposes, in any Tennessee Tech building or bus, campus, grounds, recreation area, athletic field, or any other property owned, operated, or while in use by Tennessee Tech as prohibited by state law. No Student shall use a weapon or instrument to simulate a weapon in acts that endanger or threaten any person;
 - (q) Hazardous Materials: Possession, ignition, or detonation of explosives, fireworks, flammable materials, ammunition, gasoline or other hazardous liquids, chemicals or hazardous materials, and any other material or item of like kind representing a potential danger to the Tennessee Tech community;
 - (r) Substance Abuse: The unlawful manufacture, distribution, possession, use or abuse of any controlled substance, illegal drug or alcohol on Tennessee Tech Property or as part of any activity sponsored by Tennessee Tech in violation of state or federal law or related Tennessee Tech policies;
 - (s) Paraphernalia: The use or possession of equipment, products, or materials that are used or intended for use in the unlawful manufacture, growth, use, or distribution of 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;
 - (t) Parking or Traffic Violations: In addition to the penalties described in Tennessee Tech rules or policies related to traffic, parking, and safety and elsewhere in this rule, the possession or use of a motor vehicle on Tennessee Tech Property may be limited or revoked for any of the following:
 1. Possession or use of alcoholic beverages or drugs while operating a vehicle;
 2. Irresponsible operation of a vehicle;

3. Leaving the scene of an accident;
 4. Failure to report an accident involving personal injury or property damage;
 5. Excessive violations of policies to include excessive parking citations;
 6. Falsifying vehicle registration or gaining such registration under false pretense; or
 7. Possession, use, or sale of fraudulent parking permits;
- (u) Violation of Information Technology Acceptable Use: Violation of any provision related to Tennessee Tech information technology facilities and resources as defined in related state or federal laws or Tennessee Tech policies;
- (v) Unauthorized Use of Personal Recording Devices: Use of electronic or other devices to make a photographic, audio, or video record of any person without his/her/its prior knowledge or consent in a violation of Tennessee Tech policies;
- (w) Invasion of Privacy: Making, or causing to be made, unauthorized video/audio recordings or photographic images of a person in a location in which that person has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, and restrooms, as well as any storing, sharing, and/or distributing of such unauthorized recordings/images by any means;
- (x) Violation of Student Housing Policy: Violation of any provision outlined in Tennessee Tech rules, policies and procedures related to housing;
- (y) Gambling: Unlawful gambling in any form;
- (z) Financial Irresponsibility: Failure to meet financial responsibilities to Tennessee Tech including, but not limited to, knowingly passing a worthless check or money order in payment to Tennessee Tech;
- (aa) Unacceptable Conduct in Disciplinary Proceedings: Conduct at any stage of a disciplinary proceeding or investigation that is contemptuous, threatening, or disorderly, including, but not limited to:
1. Failure to obey the directives of a disciplinary body or University Official in the performance of its/his/her/its duties;
 2. Falsification, distortion, or misrepresentation of information during a disciplinary proceeding;
 3. Disruption or interference with the orderly conduct of a disciplinary proceeding;
 4. Attempting to influence the impartiality of a member of a disciplinary body prior to, or during the course of, a disciplinary proceeding; or
 5. Harassment, intimidation, or retaliating against any participant in the Tennessee Tech disciplinary process;
- (bb) Attempting to Violate the Student Conduct rule or related policies or Aiding/Abetting a Violation: Any attempt to commit any of the offenses identified as prohibited conduct, or the aiding/abetting of the commission of any of the offenses listed as such. 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 Tennessee Tech;
- (cc) Violation of Policies: Any violation of the general policies of Tennessee Tech as published in Tennessee Tech publications including, but not limited to, policies or procedures published on

Tennessee Tech's web site;

(dd) Violations of State or Federal Laws: Any violation of state or federal laws, rules, regulations, etc. proscribing conduct or establishing offenses;

(ee) Violation of Imposed Disciplinary Sanctions: Violation of a disciplinary sanction officially imposed during a Tennessee Tech hearing proceeding.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).

Rules of
Tennessee Technological University

Chapter 0240-09-01
Student Conduct

Amendments

Rule 0240-09-01-.06 Disciplinary Holds on Records is amended by deleting the word “registration” in paragraph (1), adding new language in paragraph (2), and renumbering accordingly, so that as amended, 0240-09-01-.06 shall read as follows:

0240-09-01-.06 Disciplinary Holds on Records

- (1) Tennessee Tech may place a hold on a Student record when the Student has:
 - (a) Withdrawn from Tennessee Tech and a disciplinary meeting and/or proceeding is pending,
 - (b) Not responded to the Dean of Students' Office's request for a meeting or a hearing, or
 - (c) Been suspended or expelled.
- (2) A disciplinary hold may remain on a student's record until final resolution of a disciplinary meeting and/or disciplinary proceeding.
- (3) Tennessee Tech will not confer a degree when a Student has a pending disciplinary meeting and/or disciplinary proceeding.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).

Rules of
Tennessee Technological University

Chapter 0240-09-01
Student Conduct

Amendments

Rule 0240-09-01-.07 Disciplinary Procedures is amended by substituting language in paragraph (2), adding paragraph (5), renumbering the remaining paragraphs, deleting language in new paragraph (6), and adding language in new paragraphs (7) and (8), so that as amended, 0240-09-01-.07 shall read as follows:

0240-09-01-.07 Disciplinary Procedures

(1) Responsibility for Administration

- (a) The Dean of Students' Office is responsible for matters that are within the scope of this rule and related policies. The Provost's Office is responsible for matters that fall within Tennessee Tech rules and policies related to student academic misconduct. In situations where the conduct could fall within both areas of responsibility, the two (2) Offices will confer, decide which rule or policies will apply to the matter, and advise the Student in writing of their decision.
- (b) Complaints related to discrimination, harassment, and sexual misconduct will be investigated in accordance with applicable Tennessee Tech policies. If Tennessee Tech determines that a discrimination, harassment, or sexual misconduct violation occurred, the Student will be subject to the disciplinary procedures outlined in this rule and related policies.
- (c) Other than the matters listed in 0240-09-01-.07 Section 1.(b), reports of acts and incidents involving Students or RSOs should be referred to the Dean of Students' Office for investigation.

(2) Notice and Due Process Rights Related to Preliminary Meetings

- (a) A Student or RSO accused of any violation of this rule or related policies will receive written notice of the alleged violation. Tennessee Tech will deliver this notice by sending an email to the Student's or RSO's official Tennessee Tech email account. The notice will be effective on the date Tennessee Tech sends the email notification to the Student's or RSO's official Tennessee Tech email account.
- (b) Tennessee Tech will send the preliminary meeting notification letter at least forty-eight (48) hours prior to the preliminary meeting, absent good cause.
- (c) The preliminary meeting notification letter will include, at a minimum:
 - 1. The time, place, and date of the preliminary meeting;
 - 2. A written statement of the alleged violation and description of the alleged behavior including time, date and place of occurrence if such information is available;
 - 3. Notice of the right to be accompanied by an advisor of choice, including an attorney, provided the Student or RSO consents to sign a release of necessary education records to the advisor;
 - 4. Notice that the advisor may not speak on behalf of the Student or RSO in the disciplinary meeting;
 - 5. Notice of the right to address any information that Tennessee Tech is relying on as a basis for the preliminary meeting.
- (d) Upon receipt of the preliminary meeting notification letter, the Student or RSO must contact the Dean of Students' Office within forty-eight (48) hours to schedule a preliminary meeting. Failure to do so will result in a disciplinary hold placed on the Student's account or in the case of an RSO, suspension of privileges.

(3) Preliminary Meeting

- (a) During the preliminary meeting with the Dean of Students, the Student or RSO will have the opportunity to contest the alleged violation and present information.
- (b) The Student or RSO has the right to be accompanied by an advisor of choice, provided the Student or RSO consents to the release of necessary education records to the advisor. The advisor, however, may not speak on behalf of the Student or RSO in the preliminary meeting.
- (c) The Dean of Students may interview potential witnesses or victims necessary to conduct a thorough investigation of the alleged violation.
- (d) Following the preliminary meeting and investigation of the complaint, the Dean of Students will determine if sufficient information exists for the disciplinary process to continue.
 - 1. If the Dean of Students concludes a violation did not occur, the conduct matter will be closed.
 - 2. If the Dean of Students determines there is sufficient information to proceed with the disciplinary process, the Student or RSO will have a hearing regarding the alleged violation.
 - 3. If the Dean of Students determines the alleged misconduct does not warrant consideration of suspension, expulsion, or revocation of degree or credential of a Student or revocation of registration of an RSO, the Student or RSO will have a hearing with the Dean of Students following the procedures in Section 6 (Hearings Before the Dean of Students).

(4) Hearing Options in Cases of Possible Suspension, Expulsion, or Revocation of Degree or RSO Registration

- (a) If the Dean of Students determines the alleged misconduct could result in suspension, expulsion or revocation of degree or credential of a Student or revocation of registration of an RSO, the Student or RSO will have the opportunity to:
 - 1. Contest the alleged violation(s) under the Uniform Administration Procedures Act (UAPA) in accordance with provisions outlined in the Uniform Administrative Procedures Act, Tennessee Code Annotated § 4-5-301 et seq. and related rules; or,
 - 2. Waive a hearing pursuant to the UAPA and choose a hearing before the Dean of Students; or,
 - 3. Waive a UAPA hearing and choose a hearing before the Judicial Council.

(5) Notice and Due Process Rights Related to Disciplinary Proceedings

- (a) Unless a Student or RSO waives in writing his/her/its right to a disciplinary proceeding, a Student or RSO accused of any violation of this rule or related policies will be given written notice of the alleged violation. Tennessee Tech will deliver this notice by sending an email to the Student's or RSO's official Tennessee Tech email account. The notice will be effective on the date Tennessee Tech sends the email notification to the Student's or RSO's official Tennessee Tech email account.
- (b) For proceedings that could result in suspension, expulsion, or revocation of degree or credential of a Student or revocation of registration of an RSO, or that involve allegations of sexual misconduct, Tennessee Tech will send a notification letter at least seventy-two (72) hours prior to the disciplinary proceeding.
- (c) The notification letter will include, at a minimum:
 - 1. The time, place, and date of the disciplinary proceeding;
 - 2. The names of witnesses Tennessee Tech expects to present at the disciplinary proceeding and the names of witnesses Tennessee Tech may present if the need arises;

3. An explanation of the Student's or RSO's right to request a copy of the investigative file, which will be redacted as required by federal and state law;
4. An explanation of the Student's or RSO's right to request copies of all documents, copies of all electronically stored information, and access to tangible evidence that Tennessee Tech has in its possession, custody, or control and may use to support claims or defenses, unless use would be solely for impeachment. All such documents will be redacted as required by federal and state law.
5. A written statement of the alleged violation and description of the alleged behavior including time, date and place of occurrence if such information is available;
6. Notice of the right to present his/her/its case to the appropriate disciplinary authority;
7. Notice of the right to be accompanied by an advisor of choice, including an attorney, provided the Student or RSO consents to sign a release of necessary education records to the advisor;
8. Notice that the advisor may not speak on behalf of the Student or RSO in the disciplinary meeting;
9. Notice of the right to call witnesses who can speak on his/her/its behalf; and
10. Notice of the right to address any information that is used by Tennessee Tech in a disciplinary proceeding.

(6) Hearings before the Dean of Students

(a) The Dean of Students will follow the procedures described in this section.

1. The hearing shall be conducted consistent with the following Student or RSO rights:
 - (i) The right to receive notice described in 0240-09-01-.07 Section 2 (Notice and Due Process Rights Related to Preliminary Meetings) prior to the hearing;
 - (ii) The right to have the case heard based only on the alleged violation of the prohibited conduct specified in the written notice;
 - (iii) The right to be accompanied by an advisor of choice, provided the Student or RSO consents to the release of necessary education records to the advisor. The advisor, however, may not speak on behalf of the Student in the hearing. An advisor may:
 - (I.) Address questions of procedure to the Dean of Students to the extent that the questions do not interfere with the orderly proceeding of the hearing; and
 - (II.) Request a recess to confer in private with the Student or RSO.
 - (iv) The right to speak on his/her/its behalf, to call witnesses, to question all witnesses, to present evidence, to challenge the admissibility of evidence; and
 - (v) The right to remain silent in a hearing.
2. Formal rules of evidence shall not be applicable. The Dean of Students may exclude evidence which, in his/her sole judgment, is immaterial, irrelevant, unduly repetitious, unduly prejudicial, etc.
3. The Dean of Students shall determine responsibility using the clear and convincing standard of proof unless otherwise required by federal or state law, rule, regulation, or Tennessee Tech policies.

4. The Dean of Students shall issue a written decision that includes his/her findings and conclusions within three (3) business days after the conclusion of the hearing and all evidence is submitted.
5. The Student or RSO will be advised in writing of the decision and all sanctions imposed as a result of the disciplinary hearing via Tennessee Tech email account.
6. Any sanction imposed as a result of a hearing before the Dean of Students will be effective immediately upon notification to the Student or RSO.

(7) Hearings before the Judicial Council

- (a) The Judicial Council is comprised of six (6) faculty members, two (2) administrators, and six (6) Students. The Dean of Students serves as an ex-officio member. Faculty members of the Judicial Council are appointed for a two (2) year term by the Tennessee Tech president. Student members of the Judicial Council are appointed for a one (1) year term by the President of the Student Government Association.
- (b) The Chairperson shall be elected by the Judicial Council membership on an annual basis.
- (c) A minimum of seven (7) members of the Judicial Council are required to hear a disciplinary case, composed of at least three (3) Students and four (4) faculty members, unless otherwise agreed by the parties.
- (d) The Dean of Students will train and advise all members of the Judicial Council regarding Tennessee Tech hearing procedures on an annual basis or as necessary.
- (e) The hearing shall be conducted consistent with the following Student or RSO rights:
 1. The right to receive notice described in 0240-09-01-.07 Section 2 (Notice and Due Process Rights Related to Preliminary Meetings) prior to the hearing.
 2. The right to have the case heard based only on the alleged violation of the prohibited conduct specified in the written notice.
 3. The right to be accompanied by an advisor of choice, provided the Student or RSO consents to the release of necessary education records to the advisor. The advisor, however, may not speak on behalf of the Student in the hearing. An advisor may:
 - (i) Address questions of procedure to the Dean of Students to the extent that the questions do not interfere with the orderly proceeding of the hearing; and
 - (ii) Request a recess to confer in private with the Student or RSO.
 4. The right to speak on his/her/its behalf, to call witnesses, to question all witnesses, to present evidence, to challenge the admissibility of evidence; and
 5. The right remain silent in a hearing; and
 6. The right to challenge the seating of any Judicial Council member for bias, prejudice, interest or any other good cause. The dismissal of a challenged hearing board member will be determined at the discretion of the Judicial Council chairperson. If the chairperson is challenged, s/he may be excused by a majority vote of the Judicial Council.
- (f) All hearings shall be closed unless the respondent and the complainant both elect in writing to have an open hearing.
- (g) Formal rules of evidence shall not be applicable. The Judicial Council may exclude evidence which, in its judgment, is immaterial, irrelevant, unduly repetitious, or unduly prejudicial, etc.
- (h) The Judicial Council shall determine responsibility using the clear and convincing standard of proof

unless otherwise required by federal or state law, rule, regulation, or Tennessee Tech policies.

- (i) The Judicial Council shall issue a written decision that includes its findings and conclusions within three (3) business days after the conclusion of the hearing and all evidence is submitted.
- (j) The Student or RSO will be advised in writing of the decision and all sanctions imposed as a result of the disciplinary hearing via Tennessee Tech email account and via the contact address on record.
- (k) Any sanction imposed as a result of a Tennessee Tech hearing will be effective immediately upon notification to the Student or RSO.

(8) Procedures Related to Interim Measures or Interim Suspensions

- (a) When the Dean of Students determines that interim measures or an interim suspension are required for the health and safety of the Tennessee Tech community and/or property, the Student or RSO will be given an opportunity for an informal hearing with the Dean of Students to contest the interim measure;
- (b) The informal hearing will be held within five (5) calendar days, absent good cause;
- (c) The information presented at the hearing will be limited to that which is relevant to the basis asserted for imposition of the interim measures; and
- (d) The Student or RSO will be entitled to formal hearing in accordance with the procedures described in 0240-09-01-.07 Section 2 (Notice and Due Process Rights Related to Preliminary Meetings) before a permanent measure is imposed.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).

Rules of
Tennessee Technological University

Chapter 0240-09-01
Student Conduct

New Rule

Rule 0240-09-01-.09 Conflicts of Interest is added to Chapter 0240-09-01 so that it shall read as follows:

0240-09-01-.09 Conflicts of Interest

- (1) Consistent with the Student Due Process Protection Act, Tennessee Code Annotated Section 49-7-1704, student disciplinary proceedings must include protection for respondents and complainants analogous to, and no less protective than the conflict of interest provisions of Tennessee Code Annotated Section 4-5-303.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-7-1704.

Rules of
Tennessee Technological University

Chapter 0240-09-01
Student Conduct

New Rule

Rule 0240-09-01-.10 Application of Rule to Prospective Students is added to Chapter 0240-09-01 so that it shall read as follows:

0240-09-01-.10 Application of Rule to Prospective Students

(1) A prospective student's admission to Tennessee Tech may be rescinded for pre-attendance conduct that is prohibited by this rule.

(2) Tennessee Tech will publish a process for appeal of such a rescission on Tennessee Tech's web site.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).

* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Tom Jones					
Trudy Harper					
Melissa Geist					
Rhedona Rose					
Purna Saggurti					
Johnny Stites					
Teresa Vanhooser					
Barry Wilmore					

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I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee Tech Board of Trustees on 06/20/2019, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of ninety (90) days of the filing of the proposed rule with the Secretary of State.

Date: _____

Signature: _____

Name of Officer: Marc Burnett

Title of Officer: Vice President for Student Affairs

Subscribed and sworn to before me on: _____

Notary Public Signature: _____

My commission expires on: _____

Agency/Board/Commission: _____

Rule Chapter Number(s): _____

All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Herbert H. Slatery III
Attorney General and Reporter

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective on: _____

Tre Hargett
Secretary of State



Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

The rule is not anticipated to have an impact on small businesses.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://publications.tnsosfiles.com/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The rule is not anticipated to have an impact on local government.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

This rule describes the expectations for student conduct and the disciplinary sanctions that TTU may impose through the disciplinary procedures outlined in this rule. The rule is revised to clarify certain actions that could be a basis for disciplinary action and to include language to make the rule consistent with the Student Due Process Protection Rights, Tennessee Code Annotated 49-7-1401 et seq.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

T.C.A. 4-5-102(12)(E)(ii)-the definition of "rule" under the UAPA includes agency statements that relate to discipline of students.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

The Board of Trustees urges adoption. Students of TTU are most directly affected by this rule. A policy that mirrors this rule was approved by the University President on June 6, 2019.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

None

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

None

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Marc Burnett, Vice President for Student Affairs

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Marc Burnett, Vice President for Student Affairs, Dr. Katherine Williams, Dean of Students

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

1000 N. Dixie Avenue, Cookeville, TN 38505; (931)372-3411; mburnett@tntech.edu and (931)372-6758 kwilliams@tntech.edu

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

N/A

Rules
Of
Tennessee Technological University, Cookeville
CHAPTER 0240-09-01
Student Conduct

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0240-09-01-.01 Scope

- (1) This rule and related policies apply both to Student or Registered Student Organization prohibited conduct on and off Tennessee Tech Property. In the case of prohibited conduct that occurs off Tennessee Tech Property, Tennessee Tech will take into account whether the prohibited conduct adversely affects the interests of Tennessee Tech, including, but not limited to, prohibited conduct that:
 - (a) Occurs in connection with a Tennessee Tech Activity, including, but not limited to, a study abroad program, clinical, internship, service learning placement, or similar program; or
 - (b) Involves another member of the Tennessee Tech community; or
 - (c) Poses a credible, serious threat to the health and safety of the Tennessee Tech community or Tennessee Tech Property.
- (2) Tennessee Tech will take into consideration the following standards when deciding whether misconduct is associated with a Registered Student Organization:
 - (a) The prohibited conduct is endorsed by the organization or any of its officers. "Endorsed by" includes, but is not limited to, the following: 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;
 - (b) The prohibited conduct took place during the course of an activity paid for by the organization or paid by members of the organization to support the activity or conduct in question;
 - (c) The prohibited conduct occurred on property owned, controlled, rented, leased, or used by the organization or any of its members for an organizational event;
 - (d) The prohibited conduct was related to initiation, admission into, affiliation with, or as a condition for continued membership in the organization;
 - (e) One (1) or more officers of the organization had prior knowledge or reasonably should have known the prohibited conduct would likely take place.
- (3) This rule does not apply to academic misconduct.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).

0240-09-01-.02 Definitions

- (1) "Student" – any individual who is admitted, enrolled, or registered for credit courses at Tennessee Tech or who may no longer be enrolled or registered for credit courses, but engaged in prohibited conduct while the individual was a Student at Tennessee Tech. For the purposes of this rule, "admitted" means in attendance at Tennessee Tech on either the first day of classes, or on the first day residence halls are open, or the first day of the student orientation, advising, and registration program, whichever is earlier.
- (2) "Registered Student Organization" ("RSO") – Any organization comprised primarily of currently enrolled Students that have successfully completed the registration process and otherwise complied with Tennessee Tech policies and requirements related to student organizations.
- (3) "Tennessee Tech Property" – all land, buildings, facilities, grounds, structures, or any other property including but not limited to movable objects owned, leased, used, maintained, or operated by Tennessee Tech. For purposes of this rule, Tennessee Tech Property includes all streets, alleys, sidewalks, and public ways abutting such property. Tennessee Tech Property also includes computers and network systems owned, maintained, or controlled by Tennessee Tech or funded by Tennessee Tech.
- (4) "Tennessee Tech Activity" – any activity on or off Tennessee Tech Property that is initiated, aided, authorized, sponsored, or supervised by Tennessee Tech.
- (5) "University Official" – an employee or agent of Tennessee Tech, including but not limited to Tennessee Tech police, faculty members and staff acting in the performance of his/her/its duties as well as Student employees (e.g., event staff, resident assistants, graduate or teaching assistants, etc.).

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).

0240-09-01-.03 General Provisions

- (1) Each Student or RSO shall be responsible for his/her/its conduct from the time of admission to Tennessee Tech through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms.
- (2) A Student or RSO is responsible for his/her/its guests or visitors and may be held accountable for the behavior of his/her/its guests or visitors on Tennessee Tech Property or in the handling or use of Tennessee Tech Property.
- (3) Any Student that chooses to take a leave of absence or withdraw from Tennessee Tech during any academic period prior to graduation with a pending disciplinary matter will be subject to a disciplinary hold placed on the Student's account preventing reenrollment until resolution of the conduct in question.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).

0240-09-01-.04 Prohibited Conduct

- (1) Prohibited conduct includes, but is not limited to the following:
 - (a) ~~Physical Violence: Violence of any nature within the scope of this rule other than for self-defense. This includes fighting; battery; the use of a weapon; restraining or transporting someone against his/her/its will; or any action that constitutes a true threat or endangers the physical health or safety of any person or causes reasonable apprehension of such harm; Harm to Others: Causing physical harm to any person; 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;~~
 - (b) Engaging in oral or written speech that is obscene; is defamatory; consists of fighting words; or is directed to inciting or producing imminent lawless action and is likely to incite or produce such action;

- ~~(b)~~ (c) Any conduct that falls within the terms of § 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;
- ~~(e)~~ (d) Discrimination: Any conduct that falls within the terms of any Tennessee Tech policy related to discrimination and harassment;
- ~~(d)~~ (e) Sexual Misconduct: The act of domestic violence, dating violence, sexual assault, and stalking as defined by Tennessee Tech policy;
- ~~(e)~~ (f) Hazing: Any conduct that falls within T.C.A. § 49-17-123 (a)(1), including, but not limited to, intentional or reckless act on or off Tennessee Tech Property by one (1) Student acting alone or with others that is directed against any other Student, that endangers the mental or physical health or safety of that Student or that induces or coerces a Student to endanger the Student's mental or physical health or safety;
- ~~(f)~~ (g) Retaliation: Interfering with any aspect of a disciplinary matter or disciplinary hearing, including, but not limited to threatening or intimidating a complainant or witnesses or attempting to do the same;
- ~~(g)~~ (h) Disruptive Behavior: Any individual or group behavior that unreasonably disrupts the academic environment (e.g. interferes with teaching, classroom operations, research, etc.) or unreasonably interferes with operations, events, or programs on Tennessee Tech Property or during a Tennessee Tech Activity;
- ~~(h)~~ (i) Obstruction of or Interference with Activities on Tennessee Tech Property or Facilities: Any substantial interference with or substantial obstruction of any Tennessee Tech program, event, or facility including the following:
 1. Any unauthorized occupancy of facilities owned or controlled by Tennessee Tech or blockage of access to or from such facilities;
 2. Interference with the right of any Tennessee Tech member or other authorized person to gain access to any activity, program, event, or facilities sponsored or controlled by Tennessee Tech;
 3. Any obstruction or delay of a public safety officer, security officer, firefighter, EMT, or any University Official;
 4. Participation in a demonstration that substantially impedes Tennessee Tech operations; or
 5. Obstruction of the free flow of pedestrian or vehicular traffic on Tennessee Tech Property or at a Tennessee Tech Activity;
- ~~(i)~~ (j) Failure to Comply: Refusing or ignoring directions of a University Official acting in the performance of his/her/its duties;
- ~~(j)~~ (k) Falsification: Providing information that is materially false to, or withholding necessary information from, any University Official acting in the performance of his/her/its duties;
- ~~(k)~~ (l) Fraud: Deception, forgery, or alteration, including, but not limited to, the unauthorized use of Tennessee Tech documents, records, identification, computers, parking permits, identity theft, or any other similar actions prohibited by law;
- ~~(l)~~ (m) Theft: Unauthorized possession of Tennessee Tech Property or personal property of a member of the Tennessee Tech community;
- ~~(m)~~ (n) Misuse or Damage of Property: Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to Tennessee Tech or

a member of the Tennessee Tech community including, but not limited to, any personal property, fire alarms, fire equipment, elevators, telephones, Tennessee Tech keys, library materials and/or safety devices;

- ~~(n)~~ (o) **Trespassing or Unauthorized Entry:** Unauthorized access or attempting to gain access to any Tennessee Tech Property;
- ~~(e)~~ (p) **Weapons:** Possession or carrying, whether openly or concealed, with the intent to go armed, any firearm, explosive, explosive weapon, bowie knife, hawk bill knife, ice pick, dagger, slingshot, leaded cane, switchblade knife, blackjack, knuckles, or any other weapon of like kind, not used solely for instructional or school-sanctioned ceremonial purposes, in any Tennessee Tech building or bus, campus, grounds, recreation area, athletic field, or any other property owned, operated, or while in use by Tennessee Tech as prohibited by state law. No Student shall use a weapon or instrument to simulate a weapon in acts that endanger or threaten any person;
- ~~(e)~~ (q) **Hazardous Materials:** Possession, ignition, or detonation of explosives, fireworks, flammable materials, ammunition, gasoline or other hazardous liquids, chemicals or hazardous materials, and any other material or item of like kind representing a potential danger to the Tennessee Tech community;
- ~~(e)~~ (r) **Substance Abuse:** The unlawful manufacture, distribution, possession, use or abuse of any controlled substance, illegal drug or alcohol on Tennessee Tech Property or as part of any activity sponsored by Tennessee Tech in violation of state or federal law or related Tennessee Tech policies;
- ~~(t)~~ (s) **Paraphernalia:** The use or possession of equipment, products, or materials that are used or intended for use in the unlawful manufacture, growth, use, or distribution of 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;
- ~~(s)~~ (t) **Parking or Traffic Violations:** In addition to the penalties described in Tennessee Tech rules or policies related to traffic, parking, and safety and elsewhere in this rule, the possession or use of a motor vehicle on Tennessee Tech Property may be limited or revoked for any of the following:
 1. Possession or use of alcoholic beverages or drugs while operating a vehicle;
 2. Irresponsible operation of a vehicle;
 3. Leaving the scene of an accident;
 4. Failure to report an accident involving personal injury or property damage;
 5. Excessive violations of policies to include excessive parking citations;
 6. Falsifying vehicle registration or gaining such registration under false pretense; or
 7. Possession, use, or sale of fraudulent parking permits;
- ~~(t)~~ (u) **Violation of Information Technology Acceptable Use:** Violation of any provision related to Tennessee Tech information technology facilities and resources as defined in related state or federal laws or Tennessee Tech policies;
- ~~(w)~~ (v) **Unauthorized Use of Personal Recording Devices:** Use of electronic or other devices to make a photographic, audio, or video record of any person without his/her/its prior knowledge or consent in a violation of Tennessee Tech policies;
- ~~(w)~~ (w) **Invasion of Privacy:** Making, or causing to be made, unauthorized video/audio recordings or photographic images of a person in a location in which that person has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, and restrooms, as well as any

storing, sharing, and/or distributing of such unauthorized recordings/images by any means;

~~(w)~~ ~~(x)~~ Violation of Student Housing Policy: Violation of any provision outlined in Tennessee Tech rules, policies and procedures related to housing;

~~(x)~~ ~~(y)~~ Gambling: Unlawful gambling in any form;

~~(y)~~ ~~(z)~~ Financial Irresponsibility: Failure to meet financial responsibilities to Tennessee Tech including, but not limited to, knowingly passing a worthless check or money order in payment to Tennessee Tech;

~~(z)~~ ~~(aa)~~ Unacceptable Conduct in Disciplinary Proceedings: Conduct at any stage of a disciplinary proceeding or investigation that is contemptuous, threatening, or disorderly, including, but not limited to:

1. Failure to obey the directives of a disciplinary body or University Official in the performance of its/his/her/its duties;
2. Falsification, distortion, or misrepresentation of information during a disciplinary proceeding;
3. Disruption or interference with the orderly conduct of a disciplinary proceeding;
4. Attempting to influence the impartiality of a member of a disciplinary body prior to, or during the course of, a disciplinary proceeding; or
5. Harassment, intimidation, or retaliating against any participant in the Tennessee Tech disciplinary process;

~~(aa)~~ ~~(bb)~~ Attempting to Violate the Student Conduct rule or related policies or Aiding/Abetting a Violation: Any attempt to commit any of the offenses identified as prohibited conduct, or the aiding/abetting of the commission of any of the offenses listed as such. 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 Tennessee Tech;

~~(bb)~~ ~~(cc)~~ Violation of Policies: Any violation of the general policies of Tennessee Tech as published in Tennessee Tech publications including, but not limited to, policies or procedures published on Tennessee Tech's web site;

~~(ee)~~ ~~(dd)~~ Violations of State or Federal Laws: Any violation of state or federal laws, rules, regulations, etc. proscribing conduct or establishing offenses;

~~(dd)~~ ~~(ee)~~ Violation of Imposed Disciplinary Sanctions: Violation of a disciplinary sanction officially imposed during a Tennessee Tech hearing proceeding.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).

0240-09-01-.05 Disciplinary Sanctions

- (1) Upon a determination by clear and convincing evidence (unless otherwise required by federal or state law, rule, or regulation) that a Student or RSO has engaged in prohibited conduct, the following disciplinary sanctions may be imposed, either singly or in combination, by the Dean of Students and/or a Tennessee Tech Judicial council:
 - (a) Informal Warning: An oral or written warning to the Student or RSO found responsible for a violation when the circumstances and severity of actions do not warrant the development of an official record;
 - (b) Official Warning: A written notice to the Student or RSO found responsible for a violation. The warning will serve as official notification that continuation or repetition of specified conduct will be

cause for further disciplinary action;

- (c) No Contact Order: An order of no contact with any individuals who are complainants, victims or witnesses in the student conduct process. This includes, but is not limited to, verbal, written, electronic, cellular, physical, or social contact, or allowing others to make any similar contacts on a Student's behalf. An order of no contact can also be issued as an interim measure prior to the completion of the disciplinary process;
- (d) Restitution: A measure intended to compensate for the loss, damage, or injury caused by the Student or an RSO. This action may take the form of appropriate service, monetary compensation, or material replacement;
- (e) Restriction of Privileges: A restriction upon a Student or RSO's privileges for a period of time. These restrictions may include, but are not limited to denial of the following:
 - 1. The ability to represent Tennessee Tech at any event;
 - 2. Use of Tennessee Tech facilities;
 - 3. Parking privileges;
 - 4. Participation in, election to, or appointment as a member or officer of Student Government or any RSO; or
 - 5. Application for use of Tennessee Tech funds;
- (f) Educational Action: A measure intended to educate the Student or members of the RSO on the responsibilities to refrain from prohibited conduct and learn from the violation. Educational actions include, but are not limited to:
 - 1. Attendance at educational activities or substance education workshops;
 - 2. Completion of a prescribed number of community service hours;
 - 3. Participation in a counseling assessment; or
 - 4. Attendance at community education classes;
- (g) Parental or Legal Guardian Notification: Pursuant to T.C.A. § 49-7-146, Tennessee Tech is required to notify a parent or legal guardian of a Student under age twenty-one (21) if the Student "has committed a disciplinary violation with respect to the use or possession of alcohol, or a controlled substance, or a controlled substance analogue that is a violation of any federal, state, or local law, or any rule or policy of [Tennessee Tech], except as prohibited by the Federal Education Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g)." Tennessee Tech will provide such notice if:
 - 1. The student admits responsibility for engaging in the prohibited conduct; or
 - 2. There is a final finding of responsibility pursuant to Tennessee Tech disciplinary procedures;
- (h) Disciplinary Probation: Continued enrollment of a Student or recognition of an RSO on probation may be conditioned upon adherence to Tennessee Tech rules and policies related to student conduct. Probation may include restrictions of privileges or any other appropriate conditions. Any conduct in further violation of Tennessee Tech rules and policies related to student conduct 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 up to and including expulsion or withdrawal of recognition;
- (i) Housing Probation: Continued residence in Tennessee Tech student housing may be conditioned upon adherence to Tennessee Tech rules and policies related to student conduct as well as Tennessee Tech housing policies and requirements. Probation may include restrictions upon the activities of the resident, including any other appropriate conditions;

- (j) Interim Measures: The Dean of Students or designee may impose temporary measures prior to the beginning of a formal student conduct process. If Tennessee Tech imposes an interim measure, the Student or RSO may contest the measure following the procedures in 0240-09-01-.07 Disciplinary Procedures, Section 8. (Procedures Related to Interim Action). Interim measures may become permanent depending on the outcome of the formal disciplinary hearing. Interim measures may include, but are not limited to:
1. No contact orders;
 2. Removal from or reassignment of housing;
 3. Removal from or reassignment of on campus work study or work assignments;
 4. Removal from or reassignment of a specific class or academic activity;
 5. Restriction of access to specified buildings or Tennessee Tech Property;
 6. Restriction of privileges; or
 7. Other types of temporary measures;
- (k) Interim Suspension:
1. Interim suspension is the immediate removal of a Student from Tennessee Tech Property, including but not limited to, facilities, programs, privileges, classes, and premises pending a formal disciplinary hearing.
 2. The Dean of Students or designee may impose an interim suspension if, after an individualized assessment, the Dean of Students or designee determines that the Student's behavior poses a significant risk to the health or safety of others that cannot be eliminated by other interim measures.
 3. The Dean of Students or designee may also impose an interim suspension when a Student is determined to constitute an immediate threat to Tennessee Tech Property or a substantial disruption to classroom and/or Tennessee Tech operations.
 4. A Student placed on interim suspension status must obtain advance permission from the Dean of Students or designee to be present on Tennessee Tech Property. The Dean of Students or designee will grant such permission only in cases where the Student has identified a legitimately necessary reason for his/her/its presence on campus.
 5. If Tennessee Tech imposes an interim suspension, the Student may contest the matter following the procedures in 0240-09-01-.07 Disciplinary Procedures, Section 8. (Procedures Related to Interim Action);
- (l) Revocation of Registered Student Organization Status: A designated period of time in which an RSO is not recognized by Tennessee Tech and does not receive designated privileges as defined by Tennessee Tech policies related to student organizations;
- (m) Suspension of Housing Contract: The separation of a Student or members of an RSO from facilities maintained by Residential Life for a temporary or definite period of time, after which the Student or RSO is eligible to return or may be conditionally allowed to return. Subsequent policy violations may result in cancellation of the housing contract(s);
- (n) Cancellation of Housing Contract: A permanent separation of the Student or RSO from facilities maintained by Residential Life. A Student or RSO dismissed from these facilities is not eligible for readmission into any Residential Life facilities maintained by Tennessee Tech;

- (o) Suspension: The separation of a Student or RSO from Tennessee Tech for a specified period of time. Suspension may be accompanied by special conditions for readmission. All Students suspended from Tennessee Tech will be issued a no trespass directive barring them from Tennessee Tech Property and all Tennessee Tech Activities. A suspended Student must submit a written request to the Dean of Students or designee at least three (3) business days, absent good cause, in advance to request permission to be present on Tennessee Tech Property or at a Tennessee Tech Activity. This request must specifically identify the nature of the official business that the suspended Student wishes to conduct as well as the locations that the Student wishes to visit;
- (p) Expulsion: A permanent separation from Tennessee Tech. The imposition of this sanction is a permanent bar to the Student's admission to, or an RSO's recognition at, Tennessee Tech. Any Student that receives this sanction will be issued a no trespass directive barring him/her from Tennessee Tech Property and all Tennessee Tech Activities;
- (q) Withholding Degree: The awarding of a degree may be withheld until all disciplinary processes are complete and all sanctions, if any, are satisfactorily completed;
- (r) Revocation of Degree: Revocation of a degree in cases when a Student has engaged in serious misconduct while enrolled, but not discovered until after graduation;
- (s) Revocation of Admission: Revocation of admission when a person previously admitted to Tennessee Tech has engaged in serious misconduct prior to the first day of classes, or on the first day residence halls are open, or the first day of the student orientation, advising, and registration program, whichever is earlier.
- (t) Any alternate sanction deemed necessary and appropriate to address the prohibited conduct.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).

0240-09-01-.06 Disciplinary Holds on Records

- (1) Tennessee Tech may place a ~~registration~~ hold on a Student record when the Student has:
 - (a) Withdrawn from Tennessee Tech and a disciplinary meeting and/or proceeding is pending,
 - (b) Not responded to the Dean of Students' Office's request for a meeting or a hearing, or
 - (c) Been suspended or expelled.
- (2) A disciplinary hold may remain on a student's record until final resolution of a disciplinary meeting and/or disciplinary proceeding.
- ~~(2)~~ (3) Tennessee Tech will not confer a degree when a Student has a pending disciplinary meeting and/or disciplinary proceeding.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).

0240-09-01-.07 Disciplinary Procedures

- (1) Responsibility for Administration
 - (a) The Dean of Students' Office is responsible for matters that are within the scope of this rule and related policies. The Provost's Office is responsible for matters that fall within Tennessee Tech rules and policies related to student academic misconduct. In situations where the conduct could fall within both areas of responsibility, the two (2) Offices will confer, decide which rule or policies will apply to the matter, and advise the Student in writing of their decision.
 - (b) Complaints related to discrimination, harassment, and sexual misconduct will be investigated in accordance with applicable Tennessee Tech policies. If Tennessee Tech determines that a discrimination, harassment, or sexual misconduct violation occurred, the Student will be subject to

the disciplinary procedures outlined in this rule and related policies.

- (c) Other than the matters listed in 0240-09-01-.07 Section 1.(b), reports of acts and incidents involving Students or RSOs should be referred to the Dean of Students' Office for investigation.

(2) Notice and Due Process Rights Related to Preliminary Meetings

~~(a) A Student or RSO accused of any violation of this rule or related policies will receive written notice of the alleged violation. Tennessee Tech will deliver this notice by sending an email to the Student's or RSO's official Tennessee Tech email account. The notice will be effective on the date Tennessee Tech sends the email notification to the Student's or RSO's official Tennessee Tech email account. The notification letter will include a written statement of the alleged violation and description of the alleged behavior including time, date, and place of occurrence if such information is available. The Student or RSO will also receive information regarding due process rights, which includes:~~

~~(b) Tennessee Tech will send the preliminary meeting notification letter at least forty-eight (48) hours prior to the preliminary meeting, absent good cause.~~

~~(c) The preliminary meeting notification letter will include, at a minimum:~~

- ~~1. The right to present his/her/its case to the appropriate disciplinary authority; The time, place, and date of the preliminary meeting;~~
- ~~2. The right to be accompanied by an advisor of choice, provided the Student or RSO consents to the release of necessary education records to the advisor. The advisor, however, may not speak on behalf of the Student or RSO in the preliminary meeting; A written statement of the alleged violation and description of the alleged behavior including time, date and place of occurrence if such information is available;~~
- ~~3. The right to identify witnesses who can speak on his/her/its behalf; and Notice of the right to be accompanied by an advisor of choice, including an attorney, provided the Student or RSO consents to sign a release of necessary education records to the advisor;~~
- ~~4. The right to review and address any information that is used by Tennessee Tech in a disciplinary proceeding. Notice that the advisor may not speak on behalf of the Student or RSO in the disciplinary meeting;~~
- ~~5. Notice of the right to address any information that Tennessee Tech is relying on as a basis for the preliminary meeting.~~

~~(b) d. Upon receipt of the preliminary meeting notification letter, the Student or RSO must contact the Dean of Students' Office within forty-eight (48) hours to schedule a preliminary meeting. Failure to do so will result in a disciplinary hold placed on the Student's account or in the case of an RSO, suspension of privileges.~~

(3) Preliminary Meeting

- (a) During the preliminary meeting with the Dean of Students, the Student or RSO will have the opportunity to contest the alleged violation and present information.
- (b) The Student or RSO has the right to be accompanied by an advisor of choice, provided the Student or RSO consents to the release of necessary education records to the advisor. The advisor, however, may not speak on behalf of the Student or RSO in the preliminary meeting.
- (c) The Dean of Students may interview potential witnesses or victims necessary to conduct a thorough investigation of the alleged violation.
- (d) Following the preliminary meeting and investigation of the complaint, the Dean of Students will determine if sufficient information exists for the disciplinary process to continue.

1. If the Dean of Students concludes a violation did not occur, the conduct matter will be closed.
2. If the Dean of Students determines there is sufficient information to proceed with the disciplinary process, the Student or RSO will have a hearing regarding the alleged violation.
3. If the Dean of Students determines the alleged misconduct does not warrant consideration of suspension, expulsion, or revocation of degree or credential of a Student or revocation of registration of an RSO, the Student or RSO will have a hearing with the Dean of Students following the procedures in Section 6 (Hearings Before the Dean of Students).

(4) Hearing Options in Cases of Possible Suspension, Expulsion, or Revocation of Degree or RSO Registration

- (a) If the Dean of Students determines the alleged misconduct could ~~result in warrant consideration of~~ suspension, expulsion or revocation of degree or credential of a Student or revocation of registration of an RSO, the Student or RSO will have the opportunity to:
 1. Contest the alleged violation(s) under the Uniform Administration Procedures Act (UAPA) in accordance with provisions outlined in the Uniform Administrative Procedures Act, Tennessee Code Annotated § 4-5-301 et seq. and related rules; or,
 2. Waive a hearing pursuant to the UAPA and choose a hearing before the Dean of Students; or,
 3. Waive a UAPA hearing and choose a hearing before the Judicial Council.

(5) Notice and Due Process Rights Related to Disciplinary Proceedings

- (a) Unless a Student or RSO waives in writing his/her/its right to a disciplinary proceeding, a Student or RSO accused of any violation of this rule or related policies will be given written notice of the alleged violation. Tennessee Tech will deliver this notice by sending an email to the Student's or RSO's official Tennessee Tech email account. The notice will be effective on the date Tennessee Tech sends the email notification to the Student's or RSO's official Tennessee Tech email account.
- (b) For proceedings which the alleged misconduct could result in suspension, expulsion or revocation of degree or credential of a Student or revocation of registration of an RSO, or that involve allegations of sexual misconduct, Tennessee Tech will send a the notification letter at least seventy-two (72) hours prior to the disciplinary proceeding.
- (c) The notification letter will include, at a minimum:
 1. The time, place, and date of the disciplinary proceeding;
 2. The names of witnesses Tennessee Tech expects to present at the disciplinary proceeding and the names of witnesses Tennessee Tech may present if the need arises;
 3. An explanation of the Student's or RSO's right to request a copy of the investigative file, which will be redacted as required by federal and state law;
 4. An explanation of the Student's or RSO's right to request copies of all documents, copies of all electronically stored information, and access to tangible evidence that Tennessee Tech has in its possession, custody, or control and may use to support claims or defenses, unless use would be solely for impeachment. All such documents will be redacted as required by federal and state law.
 5. A written statement of the alleged violation and description of the alleged behavior including time, date and place of occurrence if such information is available;
 6. Notice of the right to present his/her/its case to the appropriate disciplinary authority;
 7. Notice of the right to be accompanied by an advisor of choice, including an attorney, provided the

Student or RSO consents to sign a release of necessary education records to the advisor:

8. Notice that the advisor may not speak on behalf of the Student or RSO in the disciplinary meeting;

9. Notice of the right to call witnesses who can speak on his/her/its behalf; and

10. Notice of the right to address any information that is used by Tennessee Tech in a disciplinary proceeding;

~~(5)~~(6) Hearings before the Dean of Students

(a) The Dean of Students will follow the procedures described in this section.

1. The hearing shall be conducted consistent with the following Student or RSO rights:
 - (i) The right to receive notice described in 0240-09-01-.07 Section 2 (Notice and Due Process Rights **Related to Preliminary Meetings**) prior to the hearing;
 - (ii) The right to have the case heard based only on the alleged violation of the prohibited conduct specified in the written notice;
 - (iii) The right to be accompanied by an advisor of choice, provided the Student or RSO consents to the release of necessary education records to the advisor. The advisor, however, may not speak on behalf of the Student in the hearing. An advisor may:
 - (I.) Address questions of procedure to the Dean of Students to the extent that the questions do not interfere with the orderly proceeding of the hearing; and
 - (II.) Request a recess to confer in private with the Student or RSO.
 - (iv) The right to speak on his/her/its behalf, to call witnesses, to question all witnesses, to present evidence, to challenge the admissibility of evidence; and
 - (v) The right to remain silent in a hearing.
2. Formal rules of evidence shall not be applicable. The Dean of Students may exclude evidence which, in his/her sole judgment, is immaterial, irrelevant, unduly repetitious, unduly prejudicial, etc.
3. The Dean of Students shall determine responsibility using the clear and convincing standard of proof unless otherwise required by federal or state law, rule, regulation, or Tennessee Tech policies.
4. The Dean of Students shall issue a written decision that includes his/her findings and conclusions within three (3) business days after the conclusion of the hearing and all evidence is submitted.
5. The Student or RSO will be advised in writing of the decision and all sanctions imposed as a result of the disciplinary hearing via Tennessee Tech email account ~~and via the contact address on record.~~
6. Any sanction imposed as a result of a hearing before the Dean of Students will be effective immediately upon notification to the Student or RSO.

~~(6)~~(7) Hearings before the Judicial Council

- (a) The Judicial Council is comprised of six (6) faculty members, two (2) administrators, and six (6) Students. The Dean of Students serves as an ex-officio member. Faculty members of the Judicial Council are appointed for a two (2) year term by the Tennessee Tech president. Student members of the Judicial Council are appointed for a one (1) year term by the President of the Student

Government Association.

- (b) The Chairperson shall be elected by the Judicial Council membership on an annual basis.
- (c) A minimum of seven (7) members of the Judicial Council are required to hear a disciplinary case, composed of at least three (3) Students and four (4) faculty members, unless otherwise agreed by the parties.
- (d) The Dean of Students will train and advise all members of the Judicial Council regarding Tennessee Tech hearing procedures on an annual basis or as necessary.
- (e) The hearing shall be conducted consistent with the following Student or RSO rights:
 - 1. The right to receive notice described in 0240-09-01-.07 Section 2 (Notice and Due Process Rights [Related to Preliminary Meetings](#)) prior to the hearing.
 - 2. The right to have the case heard based only on the alleged violation of the prohibited conduct specified in the written notice.
 - 3. The right to be accompanied by an advisor of choice, provided the Student or RSO consents to the release of necessary education records to the advisor. The advisor, however, may not speak on behalf of the Student in the hearing. An advisor may:
 - (i) Address questions of procedure to the Dean of Students to the extent that the questions do not interfere with the orderly proceeding of the hearing; and
 - (ii) Request a recess to confer in private with the Student or RSO.
 - 4. The right to speak on his/her/its behalf, to call witnesses, to question all witnesses, to present evidence, to challenge the admissibility of evidence; and
 - 5. The right remain silent in a hearing; and
 - 6. The right to challenge the seating of any Judicial Council member for [bias, prejudice, interest or any other](#) good cause. The dismissal of a challenged hearing board member will be determined at the discretion of the Judicial Council chairperson. If the chairperson is challenged, s/he may be excused by a majority vote of the Judicial Council.
- (f) All hearings shall be closed unless the respondent and the complainant both elect in writing to have an open hearing.
- (g) Formal rules of evidence shall not be applicable. The Judicial Council may exclude evidence which, in its judgment, is immaterial, irrelevant, unduly repetitious, or unduly prejudicial, etc.
- (h) The Judicial Council shall determine responsibility using the clear and convincing standard of proof unless otherwise required by federal or state law, rule, regulation, or Tennessee Tech policies.
- (i) The Judicial Council shall issue a written decision that includes its findings and conclusions within three (3) business days after the conclusion of the hearing and all evidence is submitted.
- (j) The Student or RSO will be advised in writing of the decision and all sanctions imposed as a result of the disciplinary hearing via Tennessee Tech email account and via the contact address on record.
- (k) Any sanction imposed as a result of a Tennessee Tech hearing will be effective immediately upon notification to the Student or RSO.

~~(7)~~(8) Procedures Related to Interim Measures or Interim Suspensions

- (a) When the Dean of Students determines that interim measures or an interim suspension are required for the health and safety of the Tennessee Tech community and/or property, the Student or RSO will

be given an opportunity for an informal hearing with the Dean of Students to contest the interim measure;

- (b) The informal hearing will be held within five (5) calendar days, absent good cause;
- (c) The information presented at the hearing will be limited to that which is relevant to the basis asserted for imposition of the interim measures; and
- (d) The Student or RSO will be entitled to formal hearing in accordance with the procedures described in 0240-09-01-.07 Section 2 (Notice and Due Process Rights [Related to Preliminary Meetings](#)) before a permanent measure is imposed.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).

0240-09-01-.08 Appeals

- (1) A Student or RSO may appeal a sanction imposed by the Dean of Students or Judicial Council following the procedures in this section.
- (2) The Student Conduct Appeal Committee will hear all appeals.
 - (a) The Student Conduct Appeal Committee is comprised of one (1) faculty member, one (1) administrator, and one (1) Student.
 - (b) A pool of eligible committee members will be identified by the Dean of Students annually to ensure a quorum can be achieved throughout the year.
- (3) A Student or RSO must file a written appeal with the Dean of Students within ten (10) calendar days from the date of the decision letter, absent good cause.
- (4) The bases for an appeal are as follows:
 - (a) New information, not available at the time of the original hearing, has become available and would substantially alter the outcome of the hearing;
 - (b) Tennessee Tech failed to conduct the disciplinary process in accordance with its procedures in such a way as to disadvantage the Student or RSO; or
 - (c) The sanction is disproportionate to the violation.
- (5) The Student Conduct Appeal Committee will consider the appeal based on the record and statements submitted by the Student or RSO and the Dean of Students. The Student Conduct Appeal Committee may request the Student or RSO and the Dean of Students to appear before the Student Conduct Appeal Committee to clarify any questions regarding the appeal record or statements.
- (6) The Student Conduct Appeal Committee will make its decision within ten (10) business days of receipt of all relevant information. This period may be extended in circumstances where it is not possible to establish a quorum (e.g. holidays, breaks, etc.).
- (7) The Student Conduct Appeal Committee may take the following action(s) upon consideration of the merit of the appeal:
 - (a) Affirm the original decision;
 - (b) Reverse the original decision;
 - (c) Reduce the sanction prescribed in the original decision; and/or
 - (d) Remand the matter to the original hearing body for reconsideration.

- (8) The standard of proof required to overturn a finding of a violation shall be the clear and convincing evidence and the Student or RSO bears the burden of proof.
- (9) A Student or RSO may file a written appeal of the Student Conduct Appeal Committee's decision with the Vice President for Student Affairs. The Student or RSO must file a written appeal with the Vice President for Student Affairs' office within ten (10) business days of the date of the decision letter. The appeal must state the reasons why the Student or RSO believes the decision should be overturned. After consideration of the appeal, the record, and any other relevant information, the Vice President for Student Affairs will issue a written decision within five (5) business days of receipt of the appeal and all relevant material.
- (10) The Vice President for Student Affairs' decision is final, except in cases where a Student has been expelled or the Student's degree has been revoked. In those cases, the Student may appeal the Vice President for Student Affairs' decision to the President. The Student must file a written appeal with the President's office within ten (10) business days of the date of the decision letter. The appeal must state the reasons why the Student believes the decision should be overturned. After consideration of the appeal, the record, and any other relevant information, the President will issue a written decision as soon as reasonably possible.

0240-09-01-.09 Conflicts of Interest

- (1) Consistent with the Student Due Process Protection Act, Tennessee Code Annotated Section 49-7-1704, student disciplinary proceedings must include protection for respondents and complainants analogous to, and no less protective than the conflict of interest provisions of Tennessee Code Annotated Section 4-5-303.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-7-1704.

0240-09-01-.10 Application of Rule to Prospective Students

- (1) A prospective student's admission to Tennessee Tech may be rescinded for pre-attendance conduct that is prohibited by this rule.
- (2) Tennessee Tech will publish a process for appeal of such a rescission of Tennessee Tech's web site.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A)