

University of Tennessee at Chattanooga *Student Rights and Responsibilities*

UTC Student Code of Conduct and Disciplinary Procedures

As an institution dedicated to specific goals of excellence, the University community has a need to define its own standards of conduct and to govern itself in relation to the ideals it espouses. Standards of social conduct expected of students are enumerated in the Code of Conduct and instances of violation of this code are normally handled through the University's disciplinary procedures. An alternative procedure is available under the contested cases provision of the Administrative Procedures Act.

Jurisdiction

- A. The supervision of student discipline is delegated by the Chancellor to the Vice Chancellor of Student Development, who may identify appropriate Student Development personnel to assist in this duty.
- B. All students shall be subject to the disciplinary procedures.
- C. Disputes between student organizations (except in interfraternity cases which are within the jurisdiction of the IFC and Panhellenic) shall be subject to the jurisdiction of the Vice Chancellor of Student Development.
- D. The Vice Chancellor of Student Development or his delegated staff shall have jurisdiction over disputes between individual students and student organizations when such arbitration is requested by either of the parties involved.
- E. The Honor Code applies to academic matters primarily, although its purpose has implications for all student conduct. The Honor Code regulates certain activities of the students and faculty members in any college or division of the University during all sessions.

Regulations Governing Student Conduct*

**The Honor Code and Honor Court rules are listed under another section of the Student Handbook.*

All students violating civil or criminal law, whether on University property or not, are answerable to civil or criminal authorities. In addition, students at the University will be responsible for abiding by the regulations governing student conduct. Specific violations are:

1. Forgery, alteration, destruction or misuse of University documents, records, or identification.
2. Physical disruption, obstruction, or interruption of an official University scheduled class, function, or activity.
3. Threat, or harassment of any person, or conduct which poses a clear and present danger to the health, safety, or well-being of any person on University-owned or -controlled property or at University-supervised functions.

4. Physical abuse of any person or other conduct which threatens or endangers the health or safety of any person whether such conduct occurs on or off university property. *In no event shall this rule be construed to prevent speech protected by the First Amendment to the United States Constitution.*
5. Theft or damage to any property, public or private, belonging to the University, a member of the University community, or a campus visitor, upon University-owned property.
6. Violations of properly constituted rules and regulations governing the use of motor vehicles on University-owned property.
7. Lewd, obscene, indecent, or disorderly conduct on University-owned or -controlled property or at University-supervised functions.
8. Possession, while on University-owned or -controlled property or at a University-supervised activity, of any weapon such as, but not limited to, rifles, shotguns, ammunition handguns, air guns, explosives such as firecrackers, and bladed weapons, unless authorized by Student Development.
9. Unauthorized use of or entry into University facilities.
10. Possession or use of alcoholic beverages on University-owned property.
11. Gambling on University-owned or -controlled property.
12. Unlawful use, manufacture, possession, distribution, or dispensing of drugs or alcohol, on University property or during University activities.
13. Failure to comply with the directions of any administrative head (that is vice-chancellors, deans, department heads), as well as security officers, acting in the normal discharge of their duties.
14. Violation of local, state, or federal law, whether on or off campus, when it appears that the student has acted in a way which adversely affects or seriously interferes with the University's normal educational function, or which injures or endangers the welfare of any member of the University community. Such violation includes, but is not limited to, violation of state or federal drug laws, commission of or attempt or threat to commit rape, murder, felonious assault, arson or any other felonious crime against person or property.
15. Unauthorized use, or misuse, of the University's computing facilities. This includes:
 - a. Logging on an account without the knowledge and permission of the owner.
 - b. Changing, deleting, and adding to the programs, files and data without authorization of the owner.
 - c. Theft of program data and machine resources.
 - d. Attempts to thwart security of the computer system(s).
 - e. Attempts to disrupt the normal operations of the computer system(s), including hardware and software.
16. Violation of other written policies and regulations promulgated and announced by authorized personnel.
17. Participation of students in hazing activities. "Hazing" means any intentional or reckless act, on or off University property, by one student, acting alone or with others, which is directed against any other student, that endangers the mental or physical health or safety of that student, or which induces or coerces a student to endanger his or her mental or physical health or safety, and includes treatment of a violent, abusive, shameful, insulting, or humiliating nature. Such action is prohibited when connected with initiation into or affiliation with an organization and does not include participation in customary athletic events or similar competition. Students residing in University-owned residence halls are subject to the rules set forth in the *Student Handbook* and in the housing contract concerning *Residence Hall* living.

Investigations of Student Conduct

All University investigations shall be conducted in an ethical manner, keeping in mind the rights of students, and the following regulations shall be strictly observed.

Inspection and Search Policy: Entry by University authorities into occupied rooms in residence halls will be divided into three categories: inspection, search, and emergency. Inspection is defined as the entry into an occupied room by University authorities in order to ascertain the health and safety conditions in the room, or to make repairs on facilities, or to perform cleaning and janitorial operations. Search is defined as the entry into an occupied room by on-campus authorities for the purpose of investigating suspected violations of campus regulations and/or city, state, or federal law. An emergency situation exists when the delay necessary to obtain search authorization constitutes a danger to persons, property, or the facility itself.

Inspection: Scheduled inspections by on-campus authorities, with the exception of daily janitorial and maintenance operations, shall be preceded, if possible, by 24 hours notice to the residents. During the inspection, there will be no search of drawers or closets or personal belongings.

Search: On-campus authorities will not enter a room for purposes of search except in compliance with state law or with the permission of the resident or the written permission of the Vice Chancellor of Student Development or his representative. University authorities shall have, if possible, the head resident of the hall or a designee accompany them on the search.

Due Process and Student Rights

A. Due process shall guarantee to the defendant the following:

1. The right to be informed of charges in writing prior to the hearing.
2. The right of sufficient time in which to prepare a defense.
3. The right to a fair and just hearing.
4. The right to be protected against self-incrimination.
5. The right to challenge all charges and testimony used against the defendant and to question witnesses.
6. The right to be informed in writing of:
 - a. The final decision of the case.
 - b. The proper procedure for appeal.
7. The right to be advised and represented by a person of his or her choice.
8. The right to be faced by his or her accuser.

B. When a student is brought before the disciplinary dean in the Student Development Office, that student shall be free from expulsion, suspension, or deprivation of privileges of student status, or from pressure which could lead the student to withdraw from UTC, until such time as any and all recourse to appeal action has been exhausted, provided, however, nothing in this section shall limit the power of the Chancellor. The Chancellor may declare an emergency situation where there is clear and immediate danger to the physical safety or well-being of members of the University community. If under these conditions the disciplinary dean suspends a student, charges must be filed with the Student Conduct Board within five class days after suspension goes into effect.

C. Any student or student organization shall be formally charged in writing with the alleged offense. The date, time, and place of occurrence of the offense, and the date, time, and place of the hearing shall be stated on the statement of charges.

D. Initiators of disciplinary action, in accordance with the above, must initiate action by filing a written complaint, supplying the date of the alleged violation, the date of the complaint, the specific charge, the name of the accused, and the name of the accuser, with the disciplinary dean, the Vice Chancellor for Student Development and/or the Student Conduct Board chair, when appropriate.

E. The Student Development Office and Student Conduct Board must keep accurate records of each hearing and the disposition of each case.

Informal Hearing

Upon complaint or charge against a student or student organization, the disciplinary dean or his representative will summon the defendant for a conference. If it appears to both parties that the charge can be settled at an informal hearing, the student can proceed to have the matter attended to in this way. If the defendant is willing to accept the discipline assessed by the disciplinary dean after the informal hearing, a confidential record is made of the decision. An appeal of this decision is made to the Student Conduct Board in the manner described under “Appeals” below.

Formal Charges

If after consultation with the defendant(s), the disciplinary dean or his representative determines that a formal hearing is desirable, the student will be advised in writing of the charges against him or her and the time and place for the hearing of those charges. The student will also be advised in writing that he or she has the right to appear with an advisor of his or her choice and will be given the names of any witnesses. The defendant also must submit, in writing, the names of his or her witnesses.

Appearance and Right of Continuance

A. At the first session of the hearing by the disciplinary dean, there shall be read in the student’s presence a statement of the exact charges against him or her, as well as the range of punishment which may be recommended if the student is found guilty.

B. After being so informed, the student shall plead either guilty or not guilty to any or all of the offenses for which he or she is charged.

C. As to the charge, or charges, to which the student pleads guilty, the hearing officer may proceed to impose a sentence. The student will be allowed to state any extenuating circumstances which may be involved. The hearing officer may also undertake any further investigation deemed necessary before imposition of sentence.

D. As to the charge, or charges, to which the student pleads not guilty, the hearing officer shall move immediately to a formal hearing, except that upon proper motion, either party may be granted a continuance, of not more than 14 days. Any previous suspension remains in effect and any continuance beyond 14 days requires the consent of both parties.

E. An administrative hearing shall be closed unless otherwise requested by the student.

F. The hearing officer may close the hearing in the event of privileged testimony, disruption, or the threat thereof.

Failure to Appear

A. If, at the formal hearing of the case, the student defendant or his or her representative fails either to appear or to provide the hearing officer with adequate prior notice of reasonable excuse for not appearing, the case will be disposed of in a manner that is deemed just.

B. If, at the formal hearing of a student defendant’s case, the plaintiff either fails to appear or provide adequate prior notice of a reasonable excuse for not appearing, the case shall be dismissed for failure to prosecute, upon proper motion by the student defendant.

C. A case either decided by or dismissed under the provisions of A or B above may be reopened if:

1. The absent party presents sufficient excuse within five days following such decision or dismissal, and
2. The excuse is found reasonable by the hearing officer.

Perjury

A. Failure to present factual and truthful testimony is regarded as an offense subject to further disciplinary action. False evidence may be grounds for a new hearing and should be stricken from the record.

B. Evidence shall be accepted unless it is proven that it is presented or obtained in violation of promulgated University policies and regulations. In all hearings, the testimony of witnesses shall be taken orally, except as otherwise provided by these rules. Either party may object to the admission of testimony or other evidence, or to the competency of any witness, and the hearing officer shall rule on such objections at the time they are made. Failure to object during the hearing shall not, however, prejudice the rights of either party on appeal.

Disciplinary Actions and Penalties

Disciplinary actions are taken and penalties are assigned by staff members or recommended by the Student Conduct Board on the basis of all attendant circumstances. The penalties which may be assessed for violation of University regulations are:

A. *Loss of Privilege.* This penalty may involve loss of scholarship, stipend, right to participate in certain extracurricular activities, etc.

B. *Community Service.* Where deemed appropriate by the hearing officer/Conduct Board, a student may be assigned a number of hours of community service to be performed in a given time period on or off campus.

C. *Housing Probation.* Housing probation means a student is permitted to remain in University housing on a probationary status.

D. *Disciplinary Warning.* A disciplinary warning is used for minor infractions and consists of a restatement of the regulation violated with an official warning concerning future behavior.

E. *Disciplinary Reprimand.* Disciplinary reprimands are used for minor infractions or misconduct where it is evident the misconduct occurred with knowledge and awareness of the University regulations. Reprimands are given to students in either verbal or written form.

F. *Disciplinary Probation.* Disciplinary probation means that a student is permitted to remain in the University with a probationary status. Should a violation of regulations occur during probation, the student is normally suspended. Any specific probation conditions are described in a personal letter to the student.

G. *Suspension.* Suspension is used in cases of serious misconduct, or violation of probation, and means that the student's registration is cancelled and the student is not eligible to apply for readmission for a designated period of time. Suspension may be indefinite or for a specific time; a suspension may be deferred pending good behavior.

H. *Dismissal.* Dismissal is used when the misconduct is serious enough to warrant the decision that the student is not to return to the University.

Appeals

A. A decision of the disciplinary dean may be appealed to the Student Conduct Board by delivering to the Vice Chancellor of Student Development a signed statement containing: (1) a statement that he or she appeals the decision, (2) a brief statement of grounds of appeal. The appeal must be submitted within five business days of receiving written notification of the decision.

- B. Appeals of decisions of the disciplinary dean are referred to the Student Conduct Board for a review of the original hearing.
- C. On cases of appeal, the Student Conduct Board recommends appropriate action to the Vice Chancellor of Student Development.
- D. Either party may appeal the decision of the Student Conduct Board to the Chancellor of the University.

Hearing Procedures in Appeals Cases Before the Student Conduct Board

1. All appeals to the Student Conduct Board shall be closed unless otherwise requested by the defendant.
2. The Board shall be empowered to close the meeting in the event of disruption or the threat of disruption.
3. The scope of the review shall be limited to the determination by the Board that:
 - A. the decision of the disciplinary dean was supported by the evidence presented at the original hearing; and/or
 - B. the penalty applied was appropriate; and/or
 - C. that the adjudicatory process of the initial hearing was conducted in conformity with the prescribed procedures.
4. On appeal, the decision of the disciplinary dean shall stand unless the Board, by affirmative vote of the majority of voting members votes to modify or overturn it.

Uniform Administrative Procedures Act

An alternative to the above procedures, however, is the Uniform Administrative Procedures Act (Public Acts 1974, Chapter 725, Tennessee Code Annotated 4-507 et seq.). This Act provides that any party whose legal rights, duties or privileges are required by any statute or constitutional provision to be determined after an opportunity for a hearing shall be afforded an opportunity for such a hearing in accordance with the provisions of T.C.A. 4-514 — 4-526.

Whenever a student requests a hearing to which he or she is legally entitled by virtue of the Uniform Administrative Procedures Act, that hearing will be conducted in accordance with the provisions of the “contested cases” section of the Uniform Administrative Procedures Act (T.C.A. 4-514 —4-526) unless the student executes a waiver of his or her right to proceed under the Act and elects to follow the procedures set forth in the student handbook or procedures otherwise in use. If a student elects to invoke the hearing procedures of the Act, no right exists to pursue the University’s procedures herein stated, or to appeal through the Chancellor and the President of the Board of Trustees, since the Act provides a method of review of agency action. Appropriate waiver forms will be made available to students desiring to proceed under the University’s procedures.

Composition of Student Conduct Board

- A. The Student Conduct board shall be composed of six student members plus a chair. Two of the students will be appointed by the Student Senate from the general student body. Two students will be appointed by the faculty, one appointed by the president of the SGA, and one appointed by the Office of Student Development. Each appointing body shall also appoint the alternates. An alternate will serve when a regular member cannot be present or when a member is excused for reasons such as personal friendship with the principals.
- B. All members must have a 2.00 cumulative grade point average and be enrolled as full-time students and not be on disciplinary probation.
- C. The chair will be elected by the board and votes in case of a tie.

D. A temporary chair will be elected by the members of the board in the event:

1. The chair is a party to the case.
2. The chair is absent.
3. The chair removes himself from the case.

E. Once appointed, students remain on the Student Conduct Board until they terminate at the University, cease to be eligible to serve, or resign voluntarily.

Emergency Situations

When in the opinion of the Chancellor, conditions are such that there exists clear and immediate danger to the physical safety or well-being of the members of the University community or safety of University property, he may declare a state of emergency and suspend the normal disciplinary proceedings and proceed to establish emergency hearing procedures

Withdrawal or Temporary Suspension

When a student is unable to pursue his or her academic work effectively, or when his or her behavior is disruptive to the normal educational processes of the University community, due to among other things, use of alcohol, drugs, or other psychologically incapacitating illnesses or conditions, he or she may be withdrawn or temporarily suspended from the University as hereinafter provided.

Withdrawal

A student may be withdrawn from the University only after an evaluation of his or her mental, physical condition or behavior by a panel of at least three persons appointed by the Vice Chancellor for Student Development. The student shall be notified of the reasons for the evaluation and given an opportunity to present evidence to the committee. He or she shall enjoy the rights of normal due process procedures. The committee's findings and recommendations shall be forwarded to the Vice Chancellor for Student Development who will notify the student in writing of his decision. A student withdrawn under this procedure shall not be readmitted to the University without the approval of the Vice Chancellor for Student Development.

Temporary Suspension

Whenever a student, because of his or her mental or physical condition, is unable to pursue his or her academic work effectively, or is disruptive to educational processes or constitutes a danger to persons or property, he or she may be suspended from the University for a reasonable period of time by the Vice Chancellor for Student Development or the disciplinary dean. The University will then schedule a hearing within five class days of the beginning of the suspension. If the University does not withdraw the student after the hearing, he or she may return to the University at the end of the suspension period.

Grades

When a student is suspended or withdrawn from the University for reasons described in this section, he or she will be assigned a grade of W.

Committee Composition and Hearing

The panel referred to herein will include at least one member of the faculty at large and a representative of the Counseling Center or a psychologist. The Student Development disciplinary dean would normally have responsibility for preparing the charges and presenting the case. The student in question would have the right to normal due process provisions.

Special Procedures for Cases Involving Allegations of Sexual Offenses

The following procedures have been adopted by UTC pursuant to federal legislation entitled Student Right-to-Know and Campus Security Act.

Reporting a Sexual Offense

When a rape/sexual offense is reported, the University will make every effort to see that the victim is offered both medical and psychological care as well as information about prosecuting the suspect through both criminal and University disciplinary channels. A University student who is the victim of a sexual offense is encouraged to report the incident to the campus police. Jurisdiction for investigating such cases for the purpose of pursuing criminal charges rests with the Chattanooga Police Department. If the suspect is also a student, the student victim is encouraged to contact the Student Development Office immediately. Student Development staff members, including those from the Vice Chancellor for Student Development's Office and the Housing Department, can assist the victim in contacting the campus police and the disciplinary dean or the victim can contact those offices directly.

A victim of any form of sexual offense is encouraged to seek appropriate medical assistance. If immediate medical attention is warranted, the victim should be transported to a hospital emergency room. If immediate attention is not warranted, the University Student Health Service and the Student Counseling Center should be contacted as soon as possible for appropriate follow-up with the victim. It is important that the victim seek medical attention in order to ensure his/her personal well being and insure that any evidence is preserved as possible proof of criminal sexual assault in the event that criminal charges are pursued.

Victims' Rights

Special rights are allowed the victim if a suspect in a sexual offense case is a student and that suspect is charged with violating the UTC Code of Conduct. Both the accuser and the accused are entitled to the same opportunities to have others present during a campus disciplinary hearing. The victim, additionally, has the right to have counsel of his/her choice present during hearing. In the event a student defendant elects to have a public hearing, both the accuser and the accused have the right to have counsel, as well as others, present. In addition, both the accuser and the accused shall be informed of the outcome of any campus disciplinary proceeding brought as a result of these charges. Penalties for the violation of any Code of Conduct are listed in the Student Handbook, e.g. violation may lead to disciplinary action up to and including permanent dismissal from the University.

If requested by the victim, and changes are reasonably accommodated, the UTC Housing Office will provide a change in the resident's room assignment, and the Vice Chancellor for Student Development Office will work with the faculty member if a change of classes is requested.

NOTE: Nothing in this provision shall preclude the right of the Chancellor to declare an emergency situation and act according to the procedures outlined in Section B—Due Process and Student Rights of the Student Handbook.

Education Programs

The University provides the following programs aimed at promoting awareness of sex offenses and other crimes:

- A. Lectures in the University Center open to all students and employees.
- B. Video presentations and speakers available to Freshman Seminar Classes.
- C. Dormitory programs with outside speakers.
- D. Floor meeting discussions lead by resident assistants in dorms.
- E. Presentation at Freshman Orientation programs.
- F. Classroom discussions presented by various faculty members.
- G. Annual presentations to Fraternity and Sorority Pledges.
- H. Posters on campus bulletin boards.

Residence Hall Security

In traditional housing all visitors are greeted at the front desk and are escorted to their destination by a resident or a staff member. Since apartments in the complexes are accessed directly from outside, a check-in desk is not possible. Guests and visitors to these areas are met at the apartment doors or as they inquire at the apartment office. Each residence hall and apartment complex is staffed by a resident director and numerous resident assistants, usually one per floor. The University currently employs 5 resident directors and 40 resident assistants.

Formal training of directors and assistants is conducted through cooperative efforts of the Housing Office and Department of Campus Law Enforcement. All exterior doors to traditional residence halls are locked when desk personnel are not on duty. Residents can gain access to the building, to their floor, and to their individual rooms only by a key issued them by the Housing Office. All apartment doors have deadbolt locks. Residents are urged to keep them closed and dead bolted at all times. Windows are screened, and those windows that are accessible from the ground or roofs are equipped with security bars and/or screen. Numerous safety and security brochures, pamphlets, and flyers are distributed to all residents on a regular basis. Security personnel hold regular floor meetings with students as well as conduct periodic fire drills. On occasion, guest lectures or video presentations are presented to student residents covering such topics as date rape, theft prevention, fire safety, etc.

The University maintains smoke and fire alarms in all residence halls. These N.F.P.A. approved alarm systems are monitored 24 hours a day in the Campus Law Enforcement Telecommunications Center as well as in each residence hall. Public safety personnel are trained to assist the Chattanooga Fire Department in building evacuations during fire or other emergencies. During holidays, spring break, or other low-occupancy periods students in apartments are allowed to remain in their designated housing areas. However, resident directors must be notified of their intentions of staying. Both the Housing Staff and the University Police Department make periodic exterior door checks during these low-occupancy periods. In traditional halls efforts are made to close down floors and even

University Security Policy

In accordance with the Tennessee College and University Security Information Act of 1989 and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, amended 1998, the University of Tennessee at Chattanooga has prepared a report containing campus security policies, procedures, and statistics and other related information. This report may be viewed on-line at www.utc.edu under Campus Security or a free copy of this report may be obtained from the Department of Public Safety, 400 Palmetto Street, Chattanooga, TN 37402. Phone (423) 425-4357.

Statement of a Drug-Free Environment

The University of Tennessee is committed to ensuring that it is safe and free from the illegal use, manufacture, possession, distribution, or dispensing of controlled substances (as defined in the Controlled Substances Act, 21 U.S.C. Section 812). To accomplish this, the University has established a student drug abuse prevention program through the Office of Student Development. Further, students are subject to a Code of Conduct pertaining to use or possession of controlled substances, and recipients of certain federal financial assistance such as Pell Grants will be required to certify that they will be drug-free during the term of the Grant.

Sexual Harassment Policy

The University of Tennessee at Chattanooga recognizes that harassment in the University on the basis of sex is a violation of Section 703 of Title VII. For this reason, the University is adding this statement and the following guidelines to the *Faculty Handbook*, the *University Personnel Policy*, and the *Student Handbook*.

Sexual advances by any UTC employee (faculty or staff member) toward another employee or student which become a condition of employment or affect the academic relationship constitute an unlawful practice. Unsolicited or unwelcome physical or verbal behavior of a sexual nature which has the purpose or effect of creating an atmosphere of intimidation is a violation of Title VII.

In the case of such harassment, an employee or student has the right to pursue the EEO grievance procedure for redress. A copy of this grievance form may be secured from the Affirmative Action Officer, 104 Founders Hall. Students may also talk to the Student Advocates for guidance, the Dean of Student Life or the Dean of Multicultural Initiatives, Office of Student Development, University Center.

Guidelines: Sexual harassment in the workplace has long been recognized by EEOC as violation of Section 703 of Title VII of the Civil Rights Act of 1964, as amended. Cases involving the issue of sexual harassment have been litigated only recently, however. Since 1976, courts have supported EEOC's position that sexual harassment in the workplace is gender-based discrimination which violates Title VII and constitutes an unlawful employment practice. Additional cases involving issues of sexual harassment are being litigated now both by EEOC and private parties. The question of whether a particular action or incident establishes a purely personal, non-employment related relationship requires a factual determination. In making such a determination, the case record as a whole, as well as the totality of the circumstances, such as the nature of the sexual examined. The determination of the legality of a particular action will be made from the facts, on a case by case basis, because the same behavior may constitute sexual harassment in one context but not in another.

Sexual harassment, like racial harassment, generates a psychologically harmful atmosphere. Employees and students are guaranteed a working and learning environment free of discriminatory intimidation, whether racial or sexual. Therefore, UTC has an affirmative duty to maintain an atmosphere free of sexual harassment and intimidation. The best way to achieve such an environment is to prevent sexual harassment from occurring at all, by utilizing all possible methods to alert employees and students to the problem and to stress that sexual harassment, in any form, will not be tolerated.

EEO Grievance Procedure

Step 1: The employee or student arranges conference with the affirmative action officer to discuss grievance. If grievance cannot be resolved informally, proceed to Step 2.

Step 2: The employee or student completes the EEO grievance form and presents form to the affirmative action officer within seven working days following Step 1.

Step 3: The affirmative action officer or his or her delegate conducts an investigation of the grievance by conferring with the appropriate dean, director or department head and any persons deemed appropriate. The affirmative action officer or his or her delegate will complete the investigation regarding resolution of the grievance and will forward results of the investigation to the employee or student.

Step 4: If the grievance is not resolved following Step 3, the employee or student may request that an appropriate hearing body review the grievance. The appropriate hearing body shall be appointed by the Chancellor in consultation with the affirmative action officer. The employee or student must make a written request for such a hearing within seven working days following Step 3. This written request should include reasons for dissatisfaction with the results of Step 3 and should be forwarded to the affirmative action officer. The affirmative action officer schedules a meeting of the appropriate body within 30 days following the written request.

Step 5: The appropriate hearing body presents its written recommendations to the Chancellor. The Chancellor reviews these recommendations and informs the employee or student of his decision in writing within seven working days following the receipt of the recommendations.

Step 6: The employee or student may appeal the Chancellor's decision to the President of the UT system within 10 days following receipt of notification of the Chancellor's decision. The final administrative appeal is to the President.

Assembly Policy

The right of peaceable assembly is a guaranteed constitutional right and one which this institution does not intend to abrogate. The following regulations are intended to enumerate the essential provisions necessary to reconcile freedom of assembly with responsibility in any campus meeting conducted for the purpose of expressing opinions of the participants.

A. Peaceable Assembly: Description

Student gatherings may be conducted in areas which are generally available to the public, provided such gatherings:

1. are conducted in an orderly and peaceful manner;
2. do not obstruct in any way vehicular or pedestrian traffic;
3. do not interfere with classes, scheduled meetings, events, and ceremonies, or with other essential processes of the University;
4. if inside a building, are held in an assigned meeting room.

B. Advance Approval: Procedures

1. Only meetings which have been *approved in advance* through the proper office may be held:
 - (a) within University buildings;
 - (b) within University stadia; or
 - (c) adjacent to residential or academic facilities of the campus.

C. Disciplinary Action

Violations of the above University policy will result in appropriate disciplinary action.

Delegations Policy

Meetings between groups of students and administrative officers are desirable when acute problems affecting student life suddenly arise and the administration should be informed. Similarly, such meetings are necessary when students need fairly immediate access to discuss administrative policy or other critical matters pertaining to their welfare. So that the business of the University may continue to be conducted in an orderly fashion when such meetings between students and the administration are needed, the following rules are applicable to all student groups:

1. Student organizations or groups of students who wish to see the Chancellor or the Vice Chancellors are to choose a group of representatives not to exceed six to conduct their meeting with the appropriate official. Once selected, this group will remain the only delegation from that organization or group to see the official unless the group or organization formally removes one or more members from their delegation, in which case the University official is to be informed in advance.
2. Meetings of the delegation with University officials must be scheduled in advance so as not to interrupt the essential previous business of the University.
3. Meetings of the delegation with University officials will not take place where there are large congregations of students in or immediately adjacent to the building in which the meeting is to take place. Press conferences or communication with members of organizations can be conducted after the meeting and at some other convenient location.

Campus Rules Governing Disturbing Noise

- A. When registering an event, submit a complete outline of the proposed activities.
- B. Loud music should not begin before 8:00 P.M. in order to avoid conflicts with class activities; however, the civil laws must be obeyed at all times.
- C. Music at a reasonable sound level can begin earlier. The leaders of the organization are expected to take responsibility to see that other activities are not disturbed.
- D. If in the event that the sound level becomes too high and the leaders do not control it by their own actions, it is to be expected that the proper University officials will need to take charge and stop the program if necessary.

Chattanooga Code on Loud or Disturbing Noise

The following laws, taken in part from the Chattanooga Code, refer to loud and disturbing noise in the city.

Same—Enumeration of prohibited acts.

The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this chapter, but this enumeration shall not be deemed to be exclusive:

- (a) *Horns or other signal devices on vehicles.* The sounding of any horn or signal device on any automobile, motorcycle, bike, or other vehicle, while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or while in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of such signal device of any unreasonably loud or harsh sound, and the sounding of such device for any unnecessary and unreasonable period of time.
- (b) *Musical instruments.* The playing of any radio, phonograph or any musical instrument in such a manner or with such volume, in particular during the hours between 11:00 P.M. and 7:00 A.M., so as to annoy or disturb the quiet, comfort or repose of persons in any hospital or in any dwelling, hotel or other type of residence or of any persons in the vicinity.

(c) *Yelling, hawking, etc., in streets.* Yelling, hawking, shouting, hooting, whistling, or singing on the streets or sidewalks or in public places, particularly between the hours of 11:00 P.M. and 7:00 A.M., in a manner which disturbs the quiet, comfort, or repose of persons in any hospital, dwelling, hotel, or other type of residence in the vicinity.

(d) *Noise near schools, courts, churches, or hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church, or court, while the same is in session, or adjacent to any hospital, which unreasonably interferes with the working or sessions thereof.

(e) *Loudspeakers and amplifiers.* The use of mechanical loudspeakers and amplifiers on buildings, trucks, or other moving or standing vehicles for advertising or other purposes.

Loudspeakers, amplifiers and sound-amplifying devices.

It shall be unlawful to:

(a) Operate or allow the operation of any sound amplification equipment so as to create sounds registering fifty-five (55) db(A) between 9:00 P.M. and 9:00 A.M., as measured anywhere within the boundary line of the nearest residentially occupied property, hospital, school in session or nursing home, except in accordance with a permit obtained from the chief building official.

(b) As to multifamily structures including apartments, condominiums or other residential arrangements where boundary lines cannot readily be determined, it shall be unlawful to operate or allow the operation of any sound amplification equipment so as to create sounds registering fifty-five (55) db(A) between 9:00 A.M. and 9:00 p.m. or fifty (50) db(A) between 9:00 P.M. and 9:00 A.M., as measured from any point within the interior of another residential unit in the same complex or within the boundary line of the nearest residentially occupied property, except in accordance with a permit obtained from the chief building official.

(c) As to places of public entertainment having a capacity of one thousand (1000) or more persons, operate or allow the operation of any sound amplification equipment so as to create sounds registering more than sixty-five (65) db(A) between 9:00 A.M. and 9:00 P.M., or fifty (50) db(A) between 9:00 p.m. and 9:00 A.M., as measured anywhere within the boundary line of the nearest residentially occupied property, except in accordance with a permit obtained from the chief building official.

(d) Operate or allow the operation of any sound amplification equipment for advertising purposes or otherwise to attract customers so as to cast sounds which are unreasonably loud and disturbing or which register more than sixty (60) db(A) at or on the boundary of the nearest public right-of-way or park.

(e) Operate or allow the operation for personal use of any sound amplification equipment on the public right-of-way, including streets or sidewalks, or in the public parks so as to produce sounds registering more than sixty (60) db(A) fifty (50) feet or more from any electromechanical speaker between the hours of 9:00 A.M. and 9:00 P.M., or fifty (50) db(A) fifty (50) feet or more from any electromechanical speaker between the hours of 9:00 P.M. and 9:00 A.M.

Solicitation of Funds

The University Advancement Office oversees the fund-raising efforts that bring many additional dollars into the University to enhance its academic programs. In order to keep priority projects in the forefront and to avoid conflicts of interest, any and all solicitation of funds, no matter the size or the worthiness, must be cleared through the University Advancement Office and also receive the consent of the chancellor.

Solicitation on University Property

Solicitation and sales in public areas of the University are restricted to invitees and registered organizations, faculty, staff and students of the University and are subject to reasonable restrictions as to time, place and manner. Both commercial and non-commercial solicitation are prohibited in non-public areas of the University.

Registered student organizations may be authorized to solicit on campus as long as such solicitation is consistent with the aims of the organization and is not for the personal benefit of members. In interpreting the aims or purposes of the registered student organization, the statement in its constitution will be followed.

As it pertains to student organizations, "solicitation" is defined as the seeking of funds or support by a registered student organization from sources other than its members including the procurement of supplies, and other forms of support, and the selling and distribution of items, materials or products and services.

Requests for approval of any form of solicitation must be made in writing to the Office of Student Development no later than three business days preceding the date of the proposed date of the activity. Following content approval by the Office of Student Development, the requesting organization must make appropriate arrangements and scheduling with the administrative office of the facility to be used. Content approval for the project is not guaranteed of the availability of the space. The Office of Student Development will assist the organization in the scheduling and coordinating outdoor space with the appropriate facilities management office. Ordinarily, academic buildings and non-public areas of the residence halls will not be used for the purpose of solicitation.

Academics

Advisement

Undergraduate

The University makes every effort to assist the student in planning an academic program. Students are assigned faculty advisors to assist them in their choice of courses and progress towards a degree. Most upper-class students are advised by a member of the faculty of their major department. Students who have not completed 30 hours, with the exception of biology, medical technology, chemistry, engineering, music, environmental science, humanities, communication, education, human ecology, pre-physical therapy, and nursing majors, or who have not declared a major, will be advised by a member of the Faculty Advisory Council assigned by the Advisement Office at 258 Hooper Hall. An upper-class student who has chosen a major, but does not have an assigned advisor, may request one through the department head of the student's chosen major. Similarly, a student considering a major in a specific department may secure information and advice from the department head.

Graduate

The Graduate School Office coordinates the admission of students to graduate study at UTC. The Director of the Graduate School is the general advisor for graduate students in procedural matters. In matters relating to the academic program and particular courses, each student is counseled by a member of the faculty of his/her major department or school. In programs with related area(s) of study, a representative of the respective department or school should also be consulted. The

academic deans, division directors, department heads, and graduate coordinators serve as resource people for information about graduate school possibilities.

Honor System

Introduction

Honor Code Pledge: I pledge that I will neither give nor receive unauthorized aid on any test or assignment. I understand that plagiarism constitutes a serious instance of unauthorized aid. I further pledge that I will exert every effort to insure that the Honor Code is upheld by others and that I will actively support the establishment and continuance of a campus-wide climate of honor and integrity.

The Honor System is designed to foster a campus-wide climate of honesty and integrity in order to insure that students derive the maximum possible benefit from their work at The University of Tennessee at Chattanooga. The student becomes subject to the rules and regulations of the Honor Code upon registration. Each student is obligated to exert every effort to insure that the Honor Code is upheld by himself/herself and others. The Honor System is administered by the Honor Court, a committee consisting of eight students and four faculty members. The procedures which govern the court's work are described below. Any student accused of violating the Honor Code has a right to a hearing either before the Honor Court or in accordance with the Uniform Administrative Procedures Act.

Although the Honor Code applies only to student work, the principles which it embodies, especially the principle of giving proper credit for another's ideas, are binding upon all members of the academic community. The Honor System is designed to foster these principles and to develop in students rigorous standards of personal integrity by placing on students the primary responsibility for academic honesty. When it functions effectively, the Honor System creates a vastly more favorable climate for learning than does the presumption that students will be honest only when no opportunity is afforded them for dishonesty. In order to function effectively, however, the Honor System must have widespread support among students seriously committed to the ideals upon which it is based.

A. Purpose

The Honor Code is a means by which students can maintain their own integrity and also be loyal to the community which has admitted them to membership. Any person duly registered for any course is a student at The University of Tennessee at Chattanooga and acquires the privileges and responsibilities of membership in this community. The Honor Code of the University is based upon the assumption that the student recognizes the fundamental importance of honesty in all dealings within this community. The very nature of education makes it a cooperative enterprise between student and teacher and between student and student. Any act of dishonesty violates and weakens this relationship and lessens the value of the education the student is pursuing.

B. Jurisdiction

1. All students become subject to the rules and regulations of the Honor Code upon registration at The University of Tennessee at Chattanooga.
2. The Honor Code is violated by various types of misrepresentation or acts of dishonesty which bear on the academic evaluation of a student. The following are a few examples (not all inclusive) of violations of the Honor Code:
 - a. Failure to adhere to Honor Code Pledge.

- b. Bringing unauthorized material into examination area.
- c. Making use of unauthorized assistance during an examination or in preparing a graded assignment.
- d. Incorporating words or ideas of another author in a research paper without giving proper credit to their source. (Please see the appendix for a detailed statement on plagiarism.)
- e. Making unacknowledged use of another's computer program.
- f. Cases involving aggravating circumstances (e.g., selling answer keys, tests or papers) will be considered more serious violations.
- g. Assisting in any act of dishonesty including, but not limited to, the above examples.
- h. If an offense includes both an academic aspect (an Honor Code violation, e.g., cheating) and a social conduct violation (which is under the jurisdiction of the disciplinary dean and the Student Council Board, e.g., unauthorized entry), it should result in two separate hearings and the possibility of two separate penalties.

C. Right to a Hearing

Any student accused of violating the Honor Code is guaranteed the right to a hearing either before the Honor Court or in accordance with the Uniform Administrative Procedures Act (Public Acts 1974, Chapter 725, Tennessee Code Annotated 4-507 et seq.) The procedures of the Honor Court are described below. The Uniform Administrative Procedures Act provides the student the right to a hearing before an individual or committee selected by the Chancellor. This individual or committee submits to the chancellor a recommendation for the disposition of the case. The responsibility for the final decision rests with the Chancellor. At either type of hearing, the student has the right to confront his or her accuser and cross examine witnesses.

D. Duties and Powers of the Honor Court

The Honor Court shall perform the following:

1. Decide the question of guilt or innocence on suspected Honor Code violations.
2. Recommend appropriate disciplinary action.
3. Function as a study committee continually evaluating the nature and administration of the Honor Code.
4. Serve as an advisory committee reporting to the Chancellor of the University, Faculty Council, and SGA.

E. Composition of the Honor Court

The composition of the Honor Court shall consist of 12 student members (three appointed by the Faculty Council; three appointed by the president of the SGA, who shall assume office upon approval of the Senate; three appointed by the Office of Student Development; three appointed by the Senate [from outside the Senate]); and four faculty members or their alternates, who shall be appointed by the Faculty Council. The chair shall be one of the faculty members of the court and shall not vote. The Vice Chancellor for Student Development or his representative shall serve as an ex officio member of the Honor Court and shall not vote.

Procedures of the Honor Court

1. Both students and faculty may report suspected violations of the Honor Code to the chair of the Honor Court. The chair will provide a form on which these reports may be made. A student whose grade has been reduced because of a suspected violation of the Honor Code may also

appeal to the Court. Upon receiving the report or appeal, the chair will either schedule a hearing before the Honor Court or, at the discretion of the accused party, refer the case to the Chancellor for disposition in accordance with the Uniform Administrative Procedures Act. An Honor Court hearing will not be held, however, if the necessary witnesses, either students or faculty, are unwilling to appear.

2. An Honor Court hearing requires a quorum of six voting members. One of the members of the Court will serve as secretary and record minutes for the hearing. At the discretion of the chair of the Honor Court, a recording of the hearing may be made. A copy of this record will be made available to the accused party upon payment of a reasonable fee for transcription. No record is kept of the deliberation of the Honor Court which follows the hearing, except for a record of any votes that may be taken.

3. Hearings of the Honor Court are closed to all except witnesses, the accused, the person bringing the accusation, any legal representatives and members of the Court.

4. Members of the Honor Court who are relatives or close personal acquaintances of the accused party will excuse themselves from the hearing.

5. At the beginning of the hearing, the chair will read the report of the suspected violation. The accused party has the right to state his or her position and to present a written statement. The accused party, the accuser, and the Court may call and question witnesses. All persons except members of the Honor Court will be dismissed before the Court begins its deliberation. A verdict of guilty and a recommended penalty must be supported by a majority of the members of the Court who are present and voting. The accused party will be asked to return at the conclusion of the deliberation for the announcement of the decision of the Court. If the accused is found to have violated the Honor Code, he/she will be advised of the right of appeal to the Chancellor.

6. Both the accused party and the party reporting the suspected violation will be notified in writing by the chair of the Honor Court of the decision of the Court. Written notification will also be sent to the Chancellor and the Vice Chancellor for Student Development.

G. Failure to Appear

1. If, at the formal hearing of the case, the student defendant or his/her representative fails either to appear or to provide the hearing officer with adequate prior notice of reasonable excuse for not appearing, the case will be disposed of in a manner that is deemed just.

2. If, at a formal hearing of a student defendant's case, the plaintiff either fails to appear or provide adequate prior notice of a reasonable excuse for not appearing, the case shall be dismissed for failure to prosecute, upon proper motion by the student defendant.

3. A case either decided by or dismissed under the provisions of 1 or 2 above may be reopened if:

a. The absent party presents sufficient excuse within five days following such decision or dismissal, and,

b. The excuse is found reasonable by the hearing officer.

shortened version of the original), you must a. introduce the source in some manner at the beginning of the passage being paraphrased (or summarized) so that a reader can tell where your idea stops and the other person's begins;

H. Honor Court Penalties

1. If a student is found guilty of violating the Honor Code for the first time, normally the Court will place the student on disciplinary probation for one year and will recommend to the instructor that the student be given a grade of *F* in the course. In very serious cases the Court may recommend suspension or dismissal for a first offense. In very unusual situations, where circumstances warrant, the Court may recommend a lesser penalty.

2. If a student is found guilty of a second offense, the Court will recommend to the instructor that the student be given a grade of *F* in the course and will recommend to the Chancellor that the student be suspended from the University for the subsequent fall or spring semester. In the case of a student who will graduate at the end of the current semester, the Court will recommend that graduation be delayed until the end of the semester during which the suspension is in effect. In very serious cases the Court may recommend dismissal for a second offense.
3. If a student is found guilty of a third violation of the Honor Code, the Court will recommend to the instructor that the student be given a grade of *F* in the course and will recommend to the Chancellor that the student be dismissed from the University. If a student who would otherwise graduate at the end of the current semester is dismissed, he or she will not be allowed to graduate.
4. Any attempt to withdraw from the course, or the University, prior to an Honor Court hearing shall not exempt the student from the penalties imposed by the Court. The student will be reinstated in the course/University if necessary.
5. The student newspaper, the University Echo, will be asked to publish every semester a summary of the Honor Court actions (number of cases and their dispositions), but without names.

I. Appeals

The Chancellor will serve as the appeals officer for both the accused party and the person reporting the violation. Recommendations for suspension or dismissal may not be appealed to the Petitions Committee. Appeals to the Chancellor must be made in writing within five business days of receiving written notification of the decision of the Court.

Appendix

Plagiarism

To plagiarize means to take someone else's words and/or ideas (or patterns of ideas) and to present them to the reader as if they are yours. Plagiarism, then, is an act of stealing. It is also an unwise act because it does not help you learn, and it is a dangerous act because you can be severely punished for it. You should be on guard against plagiarism at any time when writing a paper to be turned in. In some papers you will write, you will be assigned to use only your own ideas and will probably not have to worry about plagiarism. At any time, however, that you read anything in preparation for a paper or consciously recall anything that you have read or heard, you must be prepared to provide documentation. Generally, when you use someone else's ideas and/or words, you will either *quote that person directly or you will paraphrase or summarize* that person's words. You must let the reader know which you are doing.

1. If you quote the source directly, you must
 - a. put quotation marks before and after that person's words;
 - b. let the reader know the source by (1) putting a foot note number at the end of the quotation, or (2) putting at least the source's name in parentheses after the quotation marks.
2. If you paraphrase:
 - a. a paraphrase is about the same length as the original, but in different words) or if you summarize (a summary is a severely
 - b. state the ideas taken from the source in your own words and your own arrangement. It is possible to plagiarize sentence patterns as well as exact words. A handy rule: if, in a paraphrase or summary, you use a stretch of more than three words in their exact order from a source, you should put those words into quotation marks;

- c. provide an exact source citation for the ideas paraphrased or summarized. This may be done either by footnote number at the end of the passages or by a parenthetical reference to the work and page(s). This citation provides credit to the author being used and allows the reader access to the material for further study.
3. You must also provide a footnote for any chart, graph, figure, table, summary, or other data taken directly from another source or any information derived from such materials. When you are assigned a research paper or project, check with your instructor to determine what particular footnote style you should follow. If, at any time, you have questions or doubts as to whether or not you are plagiarizing, check with your instructor before you complete your paper.

Statement from *Faculty Handbook*

Faculty have a general responsibility to make students aware that the Honor Code governs all their academic work at UTC. Faculty should stress that, although the Honor Code applies only to student work, the principles which it embodies, especially the principle of giving proper credit for another's ideas, are binding upon all members of the academic community. The Honor System at UTC places responsibility for maintaining academic honesty on the student, but faculty are free to supervise examinations and other graded work in whatever way they deem appropriate. Either through their own observation or through reports from students, faculty members may confront suspected violations of the Honor Code. The faculty member's handling of an incident of this sort should be guided by the following considerations:

- a. The faculty member will need to make a preliminary judgment about the seriousness of the incident. Specifically, he or she will need to judge whether it is a possible violation of the Honor Code or whether it is the result of a student's failure to master certain academic skills, especially writing skills. If the incident appears to be a violation of the Honor Code, the faculty member must then decide whether the seriousness of the incident and the evidence are sufficient to justify a formal report to the Honor Court. In reaching both of these decisions, faculty members are strongly encouraged to consult with the chair of the Honor Court.
- b. A student who is accused of or penalized for academic dishonesty has a right to a hearing before an individual or committee selected by the Chancellor. This right is provided by a State law, the Uniform Administrative Procedures Act. A student may choose as an alternative a hearing before the Honor Court. If a faculty member chooses not to report an instance of apparent academic dishonesty to the Honor Court, the faculty member should not penalize the students involved without their knowledge or consent.
- c. If a hearing of either type is held, a faculty member may be asked to attend as a witness. The faculty member has the obligation, when called upon, to present a clear and impartial account of the incident in question and to present to the hearing body any relevant evidence, especially written evidence, at the faculty member's disposal. The faculty member's role in such a hearing is not that of a prosecutor.
- d. Faculty members are sometimes concerned about legal liability they may incur as the result of handling cases of academic dishonesty. Should a student choose to be represented by legal counsel at an Honor Court or APA hearing, an attorney from the UT Office of the General Counsel will be present to represent the interests of the faculty member. Should a court case result from an instance of suspected academic dishonesty, a University attorney will be available to defend a faculty member acting within the scope of his or her duties.
- e. Faculty members are strongly encouraged to report suspected violations of the Honor Code to the Honor Court. The Honor Court is empowered to impose penalties more severe than those which an individual faculty member can impose. Only through the process of reporting suspected violations will it be possible to identify and deal with students whose academic work is habitually dishonest. There are, however, cases of

dishonesty which are so ambiguous that they are not readily resolved through process of a formal hearing. Faculty may choose to handle such cases through a conference with the parties involved as long as students are informed of their right to a hearing. Again, the chair of the Honor Court is available to consult with faculty about any instance of suspected academic dishonesty.

Student Records

The Office of Records maintains an academic record on any student who has ever attended UTC. This record currently includes the student's name, social security number, birthday, and credits transferred from other colleges. It includes all courses which a student has taken at UTC with credit hours, grades, and cumulative grade point average. Academic suspension or dismissal is recorded, as well as academic probation. The office also maintains for five years the student admission file, which includes high school and college transcripts, admission application, admission test scores, correspondence concerning admission to UTC, and various responses to student inquiries. Graduate admission files are maintained in The Graduate School Office.

A student's record is regarded as confidential and release of the record or of information contained therein is governed by regulations of the federal law on "Family Educational Rights and Privacy." Only directory information, such as a student's name, address, telephone listing, major fields of study, participation in officially recognized activities and sports, dates of attendance, degrees and awards received, UTC e-mail, college, classification, weight and height of athletic team members, enrollment status, and the most recent previous educational agency or institution attended by the student may be released by the institution without consent of the student unless the student has asked UTC to withhold such information. The law also provides for the release of information to University personnel who demonstrate a legitimate educational interest, other institutions engaged in research (provided information is not revealed to any other parties), and certain federal and state government officials.

A student may inspect and review records and is entitled to challenge the content of the records. However, the student may be denied access to a parent's financial statement and to confidential letters and statements of recommendation which were placed in the University's records prior to January 1, 1975.

A more thorough examination of records maintained on students and copies of records may be obtained from the Office of Records or The Graduate School Office. The Director of Records or the Director of the Graduate School will further explain and clarify the Family Educational Rights and Privacy Act to students, parents, or interested parties upon request. *See section in this publication entitled access to student records.*

Access to Student Records

Public Law 93-380, more commonly known as the Family Educational Rights and Privacy Act or Buckley Amendment, became effective on November 19, 1974. Substantial clarification of the Act was provided on January 2, 1975, when the president signed into law a bill containing the Buckley-Pell Amendment.

While it appears that the policies of The University of Tennessee at Chattanooga concerning student records are generally in harmony with P.L. 93-380, implementation of the Act required some expansion and modification of current institutional policies. These additions to and modifications of existing policies are delineated below:

I. Definitions

- A. Student. A person who attends or who has previously attended The University of Tennessee at Chattanooga.
- B. Student Record. Information or data maintained in University, college/school, or departmental files which relates to a personally identifiable student as a student. Excluded from this definition of a student record are records of individual UTC personnel, law enforcement records as maintained by the Office of Safety and Security, medical/psychological records as maintained by Student Health Services and the Counseling Center, and employment records as maintained by the Personnel Office and University units which employ students (provided such records are used solely for employment purposes).

I. Scope of Rights to Access

- A. A student shall be permitted to inspect and review his or her records within 45 days following the date on which he or she notifies the University of a desire to review such records.
- B. A student shall be provided with a copy of any part or all of his or her education record on request but may be charged an amount not to exceed the University's cost of producing the copy as a condition to receiving it.
- C. Reasonable requests by a student for an explanation or interpretation of records shall be granted.
- D. A student shall be entitled to challenge the content of his or her records.
- E. Disputes concerning the content of a student's education record may be settled informally between the University and the student. However, either the University or the student shall have the right to request a hearing in order to resolve the dispute.
- F. When a formal hearing is requested by a student, it shall be granted through adherence to the following procedures:
 - 1. A challenge by a student of his or her records shall be submitted in writing by the student to the University official immediately in charge of the office or department wherein the particular records challenged are maintained.
 - 2. The written challenge shall specify as briefly and precisely as possible the nature of the claimed inaccuracy or other defect in the records and the remedial action sought.
 - 3. The challenge shall be signed by the student.
 - 4. The University official in charge of the office or department to which the challenge is submitted shall mark the date of submission on the front page of the challenge.
 - 5. Within ten days after receipt of the challenge, the official shall notify the student in writing:
 - a. When the hearing will be conducted (no later than 30 days from the date on which notification is given or mailed to the student).
 - b. Where the hearing will be conducted.
 - c. Who will conduct the hearing (the official in charge of the office or department or his or her designee may act as hearing examiner. The hearing examiner shall not have a direct interest in the outcome of the hearing).
 - 6. The student shall be provided with a reasonable period of time for the hearing and shall be permitted to offer into evidence in support of the challenge including any records, testimony of witnesses, or other evidence which the student reasonably believes to support the challenge. Material which is redundant or immaterial need not be accepted or

considered as evidence. The hearing examiner may require that voluminous material be summarized if the examiner deems such action appropriate.

7. The hearing examiner may request the presence at a hearing of witnesses in addition to those called by the student. In reaching a decision, the hearing examiner shall consider the testimony of witnesses and all other evidence available. The student shall be made aware of and have an opportunity to rebut any evidence considered by the hearing examiner which would serve to disprove the student's challenge.

8. Within 30 days of the conclusion of the hearing, the hearing examiner shall notify the student in writing of the decision reached.

9. A record of the hearing shall be maintained in the office or department to which the challenge was submitted which notes all particulars of the challenge including date received, date of hearing, name of hearing examiner, names of witnesses, decision reached, and the date on which notification of decision was sent. The record shall include a copy of the challenge, the decision, and any written or other tangible evidence submitted.

10. Decisions of examiners shall be subject to review by the Executive Council.

III. Limitations on Access to Records

A. A student shall be denied access to a parent's financial records.

B. A student shall be denied access to confidential letters and statements of recommendation which were placed in the University's records prior to January 1, 1975.

C. A student shall be denied access to confidential recommendations respecting admission to the University, application for employment, or receipt of an honor or honorary recognition *if the student has signed a waiver of access rights*.

1. The *University* shall not require any student to waive access rights.

2. A party from which a recommendation is sought may require such a waiver.

3. A student who has signed a waiver shall be notified by the University of the *names* of parties providing confidential recommendations.

4. Confidential recommendations and letters shall be used only for the purpose for which they were solicited.

D. A student shall not be permitted to inspect records which personally identify other students even if the student also is personally identified. In such a case, the student shall simply be informed of the information contained in the record.

IV. Release of Records to Third Parties

A. Directory information, such as that contained in the campus telephone book, commencement programs, and sports brochures, shall be released to third parties without first obtaining the written consent of the student. (Directory information includes a student's name, address, telephone listing, UTC email address, major fields of study, college, classification, participation in officially recognized activities and sports, weight and height of athletic team members, dates of attendance, enrollment status, degrees and awards received, dates of degrees, and the most recent previous educational agency or institution attended by the student). However, public notice of the categories of information to be contained in such a directory shall be given, and a period of one week shall be provided during which a student may request the University not to release any or all such information about the student.

B. Information contained in University records shall be provided without a student's consent to third parties engaged in the validation, development, or administration of tests, accreditation activities, or research conducted on behalf of the University, provided such information is not revealed to any other parties.

- C. Records shall be released, without notifying or obtaining the consent of a student, to:
1. University personnel authorized by the University to have access to such records.
 2. Authorized federal and state government officials. (Specific requests for access by government officials shall be brought to the attention of the Office of General Counsel as soon as possible after receipt of such request and prior to the release of records.)
 3. Another college or university in which a student seeks to enroll. (The student shall be provided with written notification of such release.) units which employ students provided such records are used solely for employment purposes).
 4. A court through judicial order or subpoena. (Release shall be made only after an attempt is made to notify the student of such order or subpoena.)
- D. Records may be released by the University to any third parties including a parent with the written consent of the student.
1. Written consent of the student shall be signed and dated and shall specify:
 - a. Records to be released.
 - b. Reasons for release.
 - c. To whom the records are to be released.
 2. A record shall be maintained by the University which:
 - a. Indicates all parties which have obtained or requested access to a student's education records.
 - b. Indicates the legitimate interest each party receiving access has in receiving such access.
 - c. Is kept with the student's records and available only for inspection by the student and University personnel in charge of the particular records concerned.
- E. Whenever records are released to any third party, a written statement shall accompany the records' release stating that the release is conditional upon the third party not permitting any other party to have access to the records without the student's written consent.
- F. Education records shall be released to third parties in emergency situations involving health or safety. Such emergency situations shall be brought to the attention of the Office of the General Counsel.
- G. Education Records shall be released to a third party without a student's consent in connection with a student's application for, or receipt of, financial aid, if the information is necessary for such purposes as to determine eligibility, the amount, conditions or enforce the terms and conditions of the aid; but the student shall be notified in writing of the records sent.

V. Destruction of Education Records

All or part of a student's education records may at any time be removed from a file and destroyed by University personnel authorized to perform such act. However, once a student requests access to his or her records, such removal and destruction may not occur until access has been granted.

VI. Custodians of Student Records

The Director of Records shall serve as custodian of all undergraduate student records maintained by the Office of Records. The Director of Graduate School shall serve as custodian of graduate student records. All other student records shall be in the custody of Student Development.

Residency Classification

(Excerpts pertinent to UTC from the regulations for classifying students instate state and out-of-state for the purpose of paying college or university fees and tuition and for admission purposes. These regulations have been adopted by the Board of Trustees and approved by the Governor of Tennessee.)

Intent. It is the intent that the public institutions of higher education in the State of Tennessee shall apply uniform rules, as described in these regulations and not otherwise, in determining whether students shall be classified “in-state” or “out-of-state” for fees and tuition purposes and for admission purposes.

Definitions. Wherever Used in These Regulations.

- (1) “Public higher educational institution” shall mean a university or community college supported by appropriations made by the Legislature of this state.
- (2) “Residence” shall mean continuous physical presence and maintenance of a dwelling place within this state, provided that absence from the state for short periods of time shall not affect the establishment of a residence.
- (3) "Domicile" shall mean a person's true, fixed, and permanent home and place of habitation; it is the place where he or she intends to remain, and to which he or she expects to return when he or she leaves without intending to establish a new domicile elsewhere.
- (4) “Emancipated person” shall mean a person who has attained the age of 18 years, and whose parents have entirely surrendered the right to the care, custody, and earnings of such person and who no longer are under any legal obligation to support or maintain such deemed “emancipated person.”
- (5) “Parent” shall mean a person’s father or mother. If there is a non-parental guardian or legal custodian of an un-emancipated person, then “parent” shall mean such guardian or legal custodian; provided, that there are not circumstances indicating that such guardianship or custodianship was created primarily for conferring the status of an in-state student on such Un-emancipated person.
- (6) “Continuous enrollment” shall mean enrollment at a public higher educational institution or institutions of this state as a full-time student, as such term is defined by the governing body of said public higher educational institution or institutions, for a normal academic year or years or the appropriate portion or portions thereof since the beginning of the period for which continuous enrollment is claimed. Such persons need not enroll in summer sessions or other such intercessions beyond the normal academic year in order that his or her enrollment be deemed “continuous.” Enrollment shall be deemed continuous notwithstanding lapses in enrollment occasioned solely by the scheduling of the commencement and/or termination of the academic years, or appropriate portion thereof, of the public made before the deadline will be effective for that semester. Appeals received after the deadline will be effective the following semester.

The Director of Admissions serves as the primary classification officer for undergraduate students enrolled at The University of Tennessee at Chattanooga. The Director for the Graduate School serves as the classification officer for graduate students. Residence classification appeals should be made in writing (on the appropriate form which can be obtained from the Admissions Office) to the Director of Admissions, 129 Hooper Hall. Appeals should include appropriate evidence to support the student's establishment of domicile in the state of Tennessee.

The decision of the Director of Admissions may be appealed to the Chairman of the Residency Appeals Committee by making this request in writing to the Director. The chairman of the Committee will schedule a hearing to review the student's request and, following the hearing, the Committee will make a decision on the appeal. The student may be present at the Committee's hearing and may bring to the hearing any materials or other individuals (including legal counsel) that he or she believes will support the appeal. The student may appeal the Committee's decision to the Chancellor of UTC in writing, within 5 business days of receiving notice from the Appeals Committee.

Effective Date

These regulations became effective with the beginning of the fall semester 1986 and supersede all previous regulations. If a student classified out-of-state applies for in-state classification and is subsequently so classified, his or her in-state classification shall be effective as of the date on which reclassification was sought. However, out-of-state tuition will be charged for any quarter or semester during which reclassification is sought and obtained unless application for reclassification is made to the classification officer on or before the last day of regular registration of that quarter or semester. A complete, unaccepted copy is available in the UTC Admissions Office.

Classification Officers

The Director of Admissions serves as the initial residency classification officer for undergraduate students. All initial requests for classification or reclassification should be submitted in writing to the Office of Undergraduate Admissions, 129 Hooper Hall.

The Director of the Graduate School serves as the residency classification officer for graduate students. All initial requests for classification or reclassification should be submitted in writing to the Graduate School in Race Hall.

Student Expenses

Tuition is free to residents of Tennessee. Out-of-state students must pay the tuition charge. A student's residence is determined primarily by the residence of the student's parents. Exceptions, including guardianships, are given special consideration and are determined on the basis of the particular circumstances in each case. Any student who is classified as an out-of-state student may, at any time, request that a residence classification be reconsidered. When additional information concerning a student's residence classification is available, the student should provide the Director of Admissions with this information in order that a reappraisal of their residence status may be made. University fees are determined by the Board of Trustees and are subject to change without notice.

Advisement

Undergraduate

The University makes every effort to assist the student in planning an academic program. Students are assigned faculty advisors to assist them in their choice of courses and progress towards a degree. Most upper class students are advised by a member of the faculty of their major department. Students who have not completed 30 hours, with the exception of biology, medical technology, chemistry, engineering, music, environmental science, humanities, communication, education, human ecology, pre-physical therapy, and nursing majors, or who have not declared a major, will be advised by a member of the Faculty Advisory Council assigned by the Advisement Office at 258 Hooper Hall. An upper class student who has chosen a major, but does not have an assigned advisor, may request one through the department head of the student's chosen major. Similarly, a student considering a major in a specific department may secure information and advice from the department head.

Graduate Students

A graduate student may repeat a course only with approval of the student's major adviser, and all grades earned will be included in computing the grade point average. semester of attendance. Conditionally admitted students who do not earn at least a 1.0 grade point average in the first semester will also be subject to suspension.

4. Suspended students who enroll in other colleges or in correspondence courses during their semester of suspension must earn at least a 2.0 average on all hours attempted during this period in order to be eligible for automatic readmission to UTC. Students not meeting the 2.0 requirements must apply for readmission through the Admissions/Readmissions Committee.
 5. Students will be placed on probation when they return after the period of suspension. They must either achieve a 2.0 average in the semester following their return or raise their cumulative average to acceptable standards. If they fail to achieve either standard, they will be dismissed for an indefinite period and may not apply for consideration for readmission for one calendar year unless an appeal is filed with the Petitions Committee and acted upon favorably.
 6. Any students permitted to enroll despite the fact that his or her cumulative average is below continuation standards will be on probation. Students who are either suspended or dismissed have the right to appeal for reentry if they believe that extenuating circumstances were responsible for their poor academic achievement. Students who wish to appeal for reentry to the University prior to completing the suspension or dismissal period must complete a petition form available in the Records Office. Appeals for the term in which reentry is sought must be submitted to the Records Office by the third day of classes for the fall and spring semester and the second day of classes for any summer term. All students who have been academically dismissed must be readmitted by the Admissions or Petitions Committee. Although readmission is not automatic, dismissed students who wish to appeal for reentry after the lapse of at least one calendar year must complete their appeal through the Office of Undergraduate Admissions on special forms available in that office. Appeals for the fall semester must be completed and received in the Admissions Office by August 1. The deadline for spring semester is December 1 and the deadline for all summer sessions is May 1. Appeals received after these deadlines will be processed for the next possible term.
- Academic action is recorded on the academic record.

Attendance Policy and Excuses

Classes

At the beginning of the semester, faculty members will state to their classes their policy on absences. It is the responsibility of the students to inform instructors when illness or participation in University activity prevents attendance. Instructors will decide whether the students may make up work missed and what effect the absences may have on the requirements of the course. When absences are occasioned by University projects, students should check with instructors, informing them of the possibility of the out-of-town trip and the classes to be missed. If instructors wish written confirmation of the organized trip before granting the excuse, a list of classes along with the instructors' names and the dates of the trip should be submitted to the office of the appropriate academic dean. All excuse requests must be submitted at least three days before the event. This list should be signed by the faculty advisor of the organization, who certifies the accuracy of the information. The dean issues the approval and returns the list to the faculty advisor of the organization, who gives each student a copy of the approved list to show to the instructors. appeal shall present in writing the reasons on which the appeal is based, together with any and all supporting documents. Such appeal shall be addressed to the Faculty Grade Appeals Committee and be personally delivered to the head of the department in which the course in question is offered.

The Faculty Grade Appeals Committee shall consist of three faculty members and two alternate faculty members elected annually by the Faculty Council. In addition, two non-voting faculty members shall be selected at the time of an appeal by the head of the department (or dean of the school if appropriate) in which the appealed course is offered. The chair shall be the dean of the academic unit involved. Should the dean be the course professor involved in the appeal, the provost will serve as chair. The chair shall not vote on an appeal except in cases of a tie vote. A quorum for this committee will consist of four voting members counting the chair.

(a) Procedure after Appeal.

Upon receipt of a formal appeal, the head of the department involved shall notify the faculty member who awarded the grade, and shall immediately appoint two members of the department faculty to serve on the Faculty Grade Appeals Committee. The head shall forward these names, and the written appeal, together with all relevant material and information concerning the case, to the dean of the college or school, who will as soon as possible, call a meeting of the Faculty Grade Appeals Committee.

(b) Responsibilities of the Faculty Grade Appeals Committee.

The responsibility of the Grade Appeals Committee is to hear undergraduate student appeals whenever students feel that their rights have been seriously jeopardized by way of unfair, arbitrary, or malicious exercise of faculty grading prerogatives and desires to appeal the grade. The committee reviews grades after a student who is appealing has followed the current published procedures. As soon as possible after the committee is formed, the dean shall inquire of the student and the faculty member involved whether either desires a hearing before the committee. If no hearing is requested, the committee shall determine the appeal and issue its ruling on the basis of the record. If either party requests a hearing, such a hearing shall be held within 10 working days of the request, at which time both the student and the faculty member shall be afforded the opportunity to present further evidence. Within five days after the hearing, the committee shall, on the basis of all the material before it, determine the appeal and issue its ruling as it deems appropriate, either upholding the grade or requesting the faculty member to change it accordingly. Either party shall have the right to appeal to the Chancellor of the University.

3. Appeal to the Chancellor

Within five days of the decision of the Faculty Grade Appeals Committee, the student or the faculty member may present, in writing, a request for review by the Chancellor of the University. In such event, the Chancellor shall immediately request the complete record of the case from the Faculty Grade Appeals Committee and shall make a decision on the basis of the record. The Chancellor's decision shall be final. If the Chancellor upholds a decision of the Faculty Grade Appeals Committee against the faculty member, the faculty member shall be requested to change the grade in accordance with the committee's ruling.

Make-up Examination Policy

Students are responsible for meeting all course requirements, including graded exercises which are administered in class. Along with other course requirements, policies covering make-ups for graded exercises normally should be announced at the beginning of the course. In the event of an impasse between the instructor and the student over the question of a makeup, the student may appeal to the department head, division director, or program coordinator.

Grade Appeals Procedure

Preamble

Graduate students have a different appeals procedure and should contact the Graduate School for this information. It is the prerogative and responsibility of each member of the faculty to determine in accordance with his or her best judgment the grade for each student.

Whenever a student feels that his or her rights and interests have been seriously jeopardized by way of unfair, arbitrary, or malicious exercise of faculty grading prerogatives and desires to appeal the grade, the following appeal procedures shall be followed. (It is recognized that the following time frames are maximal and, that in cases where a failing grade prevents a student from continuing in the course, the appeal procedures can be accelerated.)

1. Conversation with the Instructor

The student who desires to appeal must within five calendar days of receiving notification of the grade seek an appointment with the faculty member who awarded the grade for the purpose of requesting clarification of the basis for the evaluation. If the student is unable to locate the faculty member personally, the request may be presented to the head of the department (or director or dean as appropriate) in which the course is offered. During these conversations, the student shall have had access to all his or her exams and papers for the period covered by the grade. If the complaint is not resolved by way of such discussions and the student is still convinced that the grade is arbitrary or unjust, a formal appeal may be made to the Faculty Grade Appeals Committee.

2. Appeal to the Faculty Grade Appeals Committee

Within five calendar days of the conversation with the faculty member who awarded the grade, the student desiring to proceed with a formal appeal shall present in writing the reasons on which the appeal is based, together with any and all supporting documents. Such appeal shall be addressed to the Faculty Grade Appeals Committee and be personally delivered to the head of the department in which the course in question is offered.

The Faculty Grade Appeals Committee shall consist of three faculty members and two alternate faculty members elected annually by the Faculty Council. In addition, two non-voting faculty members shall be selected at the time of an appeal by the head of the department (or dean of the school if appropriate) in which the appealed course is offered. The chair shall be the dean of the academic unit involved. Should the dean be the course professor involved in the appeal, the provost will serve as chair. The chair shall not vote on an appeal except in cases of a tie vote. A quorum for this committee will consist of four voting members counting the chair.

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Within five days after the hearing, the committee shall, on the basis of all the material before it, determine the appeal and issue its ruling as it deems appropriate, either upholding the grade or requesting the faculty member to change it accordingly. Either party shall have the right to appeal to the Chancellor of the University.

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