

IV. Student Rights & Responsibilities

Student Code of Conduct and Disciplinary Procedures

Introduction

(1) Students at the University of Tennessee at Chattanooga are members of both the University community and the larger community of which the University is a part. Accordingly, students are responsible for conducting themselves in a lawful manner and in compliance with University rules and policies. The University has established the following rules in order to advance the mission of the University by maintaining a safe and secure learning environment, protecting the rights and privileges of all members of the University community, providing a basis for orderly conduct of the affairs of the University, promoting a positive relationship between the University and its surrounding community, preserving institutional integrity and property, encouraging students to engage in conduct that brings credit to themselves and the University, and ensuring that each student who matriculates at the University graduates ready to contribute to society as an ethical and law-abiding citizen.

(2) The University of Tennessee is committed to respecting students' constitutional rights. Nothing in this chapter is intended or shall be interpreted to restrict students' constitutional rights, including but not limited to, rights of freedom of speech and assembly.

(3) Disputes between student organizations (including fraternity/sorority cases which may be within the jurisdiction of the appropriate Greek governing council and/or the Dean of Students office) shall be subject to the jurisdiction of the Vice Chancellor for Student Development or his or her designee.

(4) The Vice Chancellor for Student Development or his or her designee shall have jurisdiction over disputes between individual students and student organizations when such arbitration is requested by either of the parties involved.

Definitions

(1) The term "University" means the University of Tennessee at Chattanooga.

(2) The term "student" means a person admitted, enrolled or registered for study at the University of Tennessee at Chattanooga, either full-time or part-time, pursuing undergraduate, graduate, or professional studies, as well as non-degree students. Persons not officially registered or enrolled for a particular term but who have a continuing relationship with the University also are considered students for purposes of these rules.

(3) The term "student organization" means an organization that is composed solely of University students that has submitted a pending application or has completed the process for registration according to University rules.

(4) The term "University-controlled property" means all land, buildings, facilities, grounds, structures, or any other property owned, leased, used, maintained, or includes computers and network systems owned, maintained, or controlled by the University or funded by the University.

(5) The term "University-affiliated activity" means any activity on or off University-controlled property that is initiated, aided, authorized, sponsored, or supervised by the University.

(6) The term "University official" means an employee of the University, including faculty members and staff, or a University-recognized volunteer. Student employees may be considered University officials when acting in the performance of their duties (e.g., event staff, resident assistants, and teaching assistants).

(7) The term "member of the University community" means any person who is a student, University official, campus visitor, or participant in a University-sponsored or University-affiliated activity.

(8) The term "possession" means actual knowledge of a substance or property and/or being in such close proximity to the substance or property that it is a reasonable presumption that one had knowledge of the substance or property.

(9) The term "weapon" means any device, instrument, or substance that is designed to, or reasonably could be expected to, inflict a wound, incapacitate, or cause serious bodily injury or death, including, but not limited to, firearms (loaded and unloaded, real and replica), ammunition, electronic control devices (such as tasers and stun guns), devices designed to discharge an object (such as bb guns, air guns, pellet guns, potato guns, and slingshots), explosives, dangerous chemicals (such as mace, tear gas, and oleoresin capsicum), martial arts weapons, bows and arrows, artificial knuckles, nightsticks, blackjacks, dirks, daggers, swords, and knives with fixed blades longer than three (3) inches. The term "weapon" does not include chemical repellents available over-the-counter for self-defense; instruments used solely for personal hygiene, preparation of food, maintenance, University-related instruction, or University employment-related duties.

(10) The term "notice" means notice given in writing delivered by regular mail, courier service, or hand delivery to the address the University has on file for the student or student organization, or by e-mail to the student's or student organization's University-provided e-mail account.

Jurisdiction

(1) The Standards of Conduct apply to conduct that occurs on University-controlled property.

(2) The University also has the discretion to discipline a student for an act in violation of the Standards of Conduct that occurs off University-controlled property if the conduct adversely affects the interests of the University, including, but not limited to, conduct which:

(a) Occurs in connection with a University-affiliated activity, including, but not limited to, an overseas study program or a clinical, field, internship, or in-service experience;

(b) Involves another member of the University community; or

(c) Threatens, or indicates that the student may pose a threat to, the health or safety of him/herself or others or the security of any person's property, including, but not limited to, alcohol-related offenses, drug-related offenses, arson, battery, fraud, hazing, participation in group violence, rape, sexual assault or misconduct, stalking, and theft.

(3) The Standards of Conduct have been adopted in furtherance of the University's interests and serve to supplement, rather than substitute for, the enforcement of the civil and criminal law. Accordingly, University disciplinary action may be instituted against a student charged with conduct

that potentially violates both the criminal law and the Standards of Conduct without regard to the pendency of criminal charges or civil litigation. At the discretion of the Vice Chancellor for Student Development, or his/her designee, disciplinary action relating to a violation of the Standards of Conduct may be carried out prior to, simultaneously with, or following criminal proceedings. Students accused of violating the Standards of Conduct may not challenge the University disciplinary proceedings on the grounds that criminal charges, civil litigation, or other University proceedings regarding the same incident are pending or have been terminated, dismissed, reduced, or not yet adjudicated.

(4) Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if conduct is not discovered by the University until after a degree is awarded). Should a student withdraw from the University with disciplinary charges pending, the student's academic record and/or ability to register for classes may be encumbered by the appropriate University office.

(5) Graduate or professional programs within the University may initiate charges against students for alleged violations of professional standards or ethics as a separate issue or as an extension of alleged acts of academic dishonesty or other violations of the Standards of Conduct.

Standards of Conduct

A student or student organization may be disciplined for the following types of misconduct:

(1) Cheating, plagiarism, or any other act of academic dishonesty, including, but not limited to, an act in violation of The Honor Code.

(2) Providing false information to a University official.

(3) Falsifying, distorting, misrepresenting, or withholding information in connection with a University investigation or hearing.

(4) Forging, altering, destroying, falsifying, or misusing records, identification, or documents, whether in print or electronic form.

(5) Causing physical harm to any person (including oneself); endangering the health or safety of any person (including oneself); engaging in conduct that causes a reasonable person to fear harm to his/her health or safety; or making an oral or written statement (including electronically) that an objectively reasonable person reading the statement would interpret as a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals, although the speaker need not mean to carry out the act of unlawful violence in order to constitute a violation of this rule.

(6) Harassment, which is defined as unwelcome conduct that is so severe or pervasive, and objectively offensive, that it substantially interferes with the ability of a person to work, learn, live, or participate in or benefit from the services, activities, or privileges provided by the University. In no event shall this rule be construed to discipline a student for speech protected by the First Amendment to the United States Constitution (e.g., mere insulting or offensive speech).

(7) Sexual assault or misconduct. "Sexual assault" is defined as any sexual act or attempt to engage in any sexual act with another person without

the consent of the other person, or in circumstances in which the person is unable to give consent due to age, disability, or an alcohol/chemical or other impairment. "Sexual misconduct" is defined as any intimate touching of another person, or forcing a person to engage in intimate touching of another, without the consent of the other person, or in circumstances in which the person is unable to give consent due to age, disability, or an alcohol/chemical or other impairment. It is the responsibility of the person initiating sexual activity to ensure the other person is capable of consenting to that activity. Consent is given by an affirmative verbal response or acts that are unmistakable in their meaning. Consent to one form of sexual activity does not mean consent is given to another type of sexual activity.

(8) Invasion of another person's privacy when that person has a reasonable expectation of privacy, including, but not limited to, using electronic or other means to make a video or photographic record of any person in a location in which the person has a reasonable expectation of privacy, without the person's knowledge or consent. This includes, but is not limited to, making a video or photographic record of a person in shower/locker rooms or restrooms. The storing, sharing, and/or distributing of such unauthorized recordings by any means is also prohibited.

(9) Theft, misappropriation, unauthorized possession, or unauthorized sale of private or public property, including but not limited to University-controlled property.

(10) Vandalizing, destroying, damaging, engaging in conduct that reasonably could cause damage to, or misusing private or public property, including but not limited to University-controlled property.

(11) Participating in hazing. "Hazing" is defined as any intentional or reckless act, on or off University-controlled property, by one (1) student, acting alone or with others, which is directed against any other student, which 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. "Hazing" does not include customary athletic events or similar contests or competitions and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.

(12) Engaging in disorderly, lewd, indecent, or obscene conduct. "Disorderly" conduct means fighting or other physically violent or threatening conduct; creating a hazardous or physically offensive condition by any act that serves no legitimate purpose; making noise that could unreasonably disturb others who are carrying on lawful activities; or conduct that breaches the peace. "Lewd, indecent, or obscene" conduct includes, but is not limited to, public exposure of one's sexual organs, public urinating, and public sexual acts.

(13) Engaging in speech, either orally or in writing, which is directed to inciting or producing imminent lawless action and is likely to incite or produce such action.

(14) Any act of arson; falsely reporting a fire, the presence of an explosive or incendiary device, or other emergency; setting off a false fire alarm; or tampering with, removing, or damaging fire alarms, fire extinguishers or any other safety or emergency equipment from its proper location except when removed in a situation in which there is a reasonable belief of the need for such equipment.

(15) Possessing, using, or duplicating University keys, access cards, or identification cards without authorization; possessing, using, or entering University-controlled property without authorization.

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(16) Theft, misuse, or unauthorized use of information technology facilities, resources, or access codes, including, but not limited to: unauthorized entry into or transfer of a file; using another person's identification and/or password without that person's consent; using information technology facilities or resources to interfere with the work of another student, faculty member, staff member, or other member of the University community; using information technology facilities or resources to interfere with normal operation of a University information technology system or network; circumventing University information technology system or network security; using information technology facilities or resources in violation of copyright laws; falsifying an e-mail header; and conduct that violates the University's policy on the Acceptable Use of Information Technology Resources.

(17) Possessing, using, storing, or manufacturing any weapon or any facsimile of a weapon on University-controlled property or in connection with a University-affiliated activity, unless authorized in writing by the Chief of Police or his/her designee.

(18) Consuming, manufacturing, possessing, distributing, dispensing, selling, or being under the influence of alcoholic beverages on University-controlled property or in connection with a University-affiliated activity.

(19) Consuming, manufacturing, possessing, distributing, dispensing, selling, or being under the influence of alcoholic beverages, if prohibited by federal, state, or local law.

(20) Providing an alcoholic beverage to a person younger than twenty-one (21) years of age, unless permitted by law.

(21) Using, manufacturing, possessing, distributing, selling, dispensing, or being under the influence of drugs or drug paraphernalia, if prohibited by federal, state, or local law; using or possessing a prescription drug if the prescription was not issued to the student; or distributing or selling a prescription drug to a person to whom the prescription was not originally issued.

(22) Failing to pay a University bill, account, or other University financial obligation.

(23) Failing to respond to a request to report to a University administrative office; failing to comply with a lawful directive of a University employee or other public official acting within the scope of his/her duties; or failing to identify oneself to a University employee or other public official acting within the scope of his/her duties when requested to do so.

(24) Failing to appear at a University hearing, including, but not limited to, a hearing of a University judicial board, following a request to appear either as a party or as a witness.

(25) Violating the terms of an interim suspension, a no-contact directive, or a disciplinary penalty imposed by the University.

(26) Obstructing or disrupting teaching, learning, studying, research, public service, administration, disciplinary proceedings, emergency services, or any other University-affiliated activity, or the free flow of pedestrian or vehicular traffic on University-controlled property. In no event shall this rule be construed to discipline a student for speech protected by the First Amendment to the United States Constitution.

(27) Violating a University policy or rule, including but not limited to University policies or rules relating to facilities use, smoking, the acceptable

use of information technology resources, research or service misconduct, finder's fees relating to clinical investigations involving human subjects or access to University data or materials, University libraries, dining services, parking or transportation, University identification card use, sexual harassment, residence halls, and registered student organizations.

(28) Committing an act that is prohibited by local, state, or federal law.

(29) Attempting to commit a violation of a Standard of Conduct or being an accessory to the commission of an act or attempted act in violation of a Standard of Conduct.

Residence Hall Inspections

(1) Entry by University officials 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 officials 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 an apparent danger to persons, property, or the building itself.

(2) Inspection: Scheduled inspections by University officials, with the exception of daily janitorial and maintenance operations, shall be preceded, if possible, by twenty-four (24) hours' notice to the residents. During the inspection, there will be no search of drawers or closets or personal belongings.

(3) Search: University officials will not enter a room for purposes of a search except in compliance with state law or with the permission of the resident or the permission of the Vice Chancellor for Student Development or his or her designee. University officials shall have, if possible, the Resident Director or his or her designee accompany them on the search.

Due Process, Student Rights, and Student Organization Rights.

(1) Due process shall guarantee to the accused student or student organization the following:

(a) The right to be informed of charges in writing prior to the hearing.

(b) The right of reasonable time in which to prepare a defense.

(c) The right to a fair and just hearing.

(d) The right to challenge all charges and testimony used against the accused student or student organization and to question witnesses.

(e) The right to be informed in writing of:

1. The final decision of the case.

2. The proper procedure for appeal.

(f) The right to be accompanied by an advisor he/she/it chooses, at his/her/its own expense.

1. The accused student or student organization is responsible for presenting his/her/its own information, and therefore, advisors are not to speak

or participate directly in a University hearing.

2. A student or student organization should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the University hearing.

3. Delays will not normally be allowed due to the scheduling conflicts of an advisor.

(2) 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 shall be stated on the statement of charges.

(3) The Dean of Students office must keep accurate records of each hearing and the disposition of each case.

(4) In cases involving a complaint of sexual assault or misconduct, the alleged victim shall have the right to:

(a) Notice concerning the process by which the University will handle the complaint and an opportunity to ask questions about the process;

(b) A prompt, thorough, and impartial investigation of the complaint;

(c) The same opportunity as the accused student to present his/her explanation of the facts during the University's investigation;

(d) Have the investigation of the complaint concluded within sixty (60) days of the University's receipt of a complaint, unless circumstances make it impracticable for the University to complete its investigation within that timeframe;

(e) Notice of the outcome of the University's investigation;

(f) Have a disciplinary hearing conducted within thirty (30) days of a University charge that the accused student committed sexual assault or misconduct, unless circumstances make it impracticable for the University to conduct a hearing within that timeframe;

(g) Notice of the date, time, and location of the disciplinary hearing, the right to have the disciplinary hearing closed to the public, and the right to request rescheduling of the hearing for good cause;

(h) The same access as the accused student to any information or documents that will be used by the University during a disciplinary hearing, unless prohibited by law;

(i) Challenge the seating of any Student Conduct Board member for good cause, which will be determined at the discretion of the University Hearing Officer;

(j) Be accompanied by an advisor of his/her choosing during the University's investigation or a disciplinary hearing, but the advisor shall not be permitted to speak for the victim during a disciplinary hearing;

(k) The same opportunity as the accused student to be present during the hearing, present witnesses and other evidence, challenge the admissibility of evidence, and cross-examine adverse witnesses during the disciplinary hearing;

(l) Testify or remain silent at his/her option; however, choosing to remain silent may result in the University dismissing the charges against the accused student or the Student Conduct Board or University Hearing Officer finding that there is insufficient evidence to find the accused student guilty of the charges against him/her;

(m) Not to be questioned personally by the accused student during the disciplinary hearing;

(n) Submit a written impact statement to the Student Conduct Board or University Hearing Officer for consideration during the sanctioning phase of the disciplinary hearing, if the accused student is found guilty of the charges against him/her;

(o) Notice of the decision of the Student Conduct Board or University Hearing Officer within three (3) business days of the disciplinary hearing; and

(p) Appeal the decision of the Student Conduct Board or University Hearing Officer to the Vice Chancellor for Student Development.

Student Conduct Hearing Procedures.

(1) Complaints

(a) Any member of the University community may present a complaint to the Dean of Students office against a student or student organization for violations of the Student Code. Any complaint should be submitted as soon as possible after the event takes place. Any charge(s) shall be prepared in writing by the Dean of Students office.

(b) All charges shall be presented to the accused student or student organization in written form.

(2) Hearing Options

(a) An accused student or student organization desiring to contest the charge(s) against them must do so by requesting a hearing within five (5) days of their receipt of written notice of the charge(s).

(b) The accused student or student organization may, at their option, request a hearing before a panel of individuals (Student Conduct Board) or by a University Hearing Officer selected by the Vice Chancellor for Student Development (or his or her designee). A hearing before a Student Conduct Board will be chaired by a University Hearing Officer similarly selected. Board members and hearing officers shall be impartial and anyone lacking such impartiality shall recuse him/herself or may be removed by the Vice Chancellor for Student Development upon request of any party to a University hearing.

(c) A requested hearing shall be scheduled promptly after receipt of the request.

(d) In the absence of a voluntary written waiver of the accused student's or student organization's right to a hearing under the provisions of the Tennessee Uniform Administrative Procedures Act (T.C.A. § 4-5-108, et seq.), a requested hearing will be conducted in accordance with the University's APA hearing procedures and these procedures shall not apply.

(3) Hearing Procedures – The Student Conduct Board or University Hearing Officer sitting alone will conduct the hearing within the following general guidelines:

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- (a) All University hearings shall be closed to the public.
- (b) The accused student (and certain “victims” where permitted by law) or student organization, and their advisor, if any, shall be allowed to attend the entire portion of the University Hearing at which information is received (excluding deliberations).
- (c) Each party will be afforded a full and fair opportunity to present all evidence, including witnesses, reasonably relating to the charge or action at issue; evidence which is irrelevant, immaterial, repetitious or voluminous may be limited.
- (d) All procedural questions are determined by the University Hearing Officer.
- (e) The Student Conduct Board or University Hearing Officer sitting alone will consider all evidence presented, giving due consideration to the credibility or weight of each item presented; technical rules of evidence will not apply.
- (f) The standard for a finding of responsibility is a preponderance of the evidence.
- (g) Following the conclusion of the University hearing, the Student Conduct Board or University Hearing Officer sitting alone will consider the evidence and present written findings.
- (h) An appropriate record will be made of the hearing procedures. Deliberations shall not be recorded. Defects in the record will not invalidate the proceedings.
- (4) In cases involving an allegation of sexual assault or misconduct, the hearing procedures shall be modified to afford the alleged victim all of the rights described in Chapter 1720-02-05-.06(4).

Penalties.

- (1) Disciplinary penalties are primarily intended to educate students and student organizations about appropriate behavior, encourage students and student organizations to take responsibility for misconduct, promote the personal and professional development of students, discourage other students and student organizations from violating the Standards of Conduct, and protect members of the University community. The penalties imposed should be appropriate for the particular case based on the gravity of the offense (including without limitation how the violation affected or reasonably could have affected other members of the University community). Consideration may also be given to the student’s or student organization’s conduct record, the student’s or student organization’s responsiveness to the conduct process, student academic classification, and other aggravating or mitigating factors.
- (2) The following penalties may be imposed on any student found to have violated the Standards of Conduct:
- (a) Warning. A warning is a notice that the student is violating or has violated the Standards of Conduct.
- (b) Loss of Privilege. This penalty is intended to serve as a reminder of the Standards of Conduct and is for a specific period of time. Privileges that may be lost include, but are not limited to, scholarships, stipends, participation in extracurricular activities (e.g. intramurals), housing privileges, participation in social activities, and use of certain University-controlled property (e.g., information technology resources).
- (c) Educational Sanction. Students may be required to attend classes, at their own expense, dealing with issues such as the consequences of alcohol or drug use, civility, ethics, or other topics as deemed appropriate by the Vice Chancellor for Student Development or his/her designee.
- (d) Restitution. Restitution may be required in situations that involve destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. Restitution may take the form of a monetary payment or appropriate service to repair or otherwise compensate for the destruction, damage, or loss.
- (e) Disciplinary Reprimand. A disciplinary reprimand is used for minor violations of the Standards of Conduct. A reprimand indicates that further violations will result in more severe disciplinary actions.
- (f) Disciplinary Probation. This penalty permits a student to remain at the University on probationary status but with the understanding that a future violation of the Standards of Conduct may result in suspension. Probation may be for a defined or indefinite period. Other conditions of probation are specific to each individual case and may include a requirement of community service or other requirement or restriction.
- (g) Suspension for a Specific Period of Time. Suspension for a specific period of time means that the student is withdrawn from the University and is not eligible to apply for readmission for a designated period of time. Usually, the period of designated suspension does not exceed one (1) calendar year. Other conditions of suspension are specific to each individual case and may include a requirement of community service or other requirement or restriction. Upon return to the University following a suspension for a specific period of time, the student may be placed on indefinite disciplinary probation.
- (h) Permanent Dismissal. Permanent dismissal means that a student is permanently barred from matriculating as a student on the Chattanooga campus. This penalty is used when the violation of one (1) or more of the institution’s Standards of Conduct is deemed so serious as to warrant total and permanent disassociation from the University community without the possibility of re-enrollment; or when, by his/her repeated violation of the institution’s Standards of Conduct, a student exhibits blatant disregard for the health and safety of other members of the University community or the University’s right to establish rules of conduct.
- (i) Revocation of Admission or Degree. Revocation of admission or degree means revoking a student’s admission to the University or revoking a degree already awarded by the University. Revocation of a degree shall be approved by the University of Tennessee Board of Trustees.
- (3) A disciplinary hold may be placed on a student’s account until the completion of the student disciplinary process and/or until the student satisfies the terms and conditions of any penalties imposed. A student who at the time of commencement, is subject to a continuing disciplinary penalty or an unresolved disciplinary charge shall not be awarded a degree before the conclusion of all penalties and/or resolution of all disciplinary charges.
- (4) The following penalties may be imposed on a student organization found to have violated the Standards of Conduct:
- (a) Warning. A warning is a notice that the student organization is violating or has violated the Standards of Conduct.
- (b) Educational Sanction. Representatives of student organizations may be required to attend classes, at their own expense, dealing with issues such as the consequences of alcohol or drug use, civility, ethics, or other topics as deemed appropriate by the Dean of Students or his/her designee.

(c) **Loss of Privilege.** This penalty is intended to serve as a reminder of the Standards of Conduct and is for a specific period of time. Examples of privileges that may be lost include participating in extracurricular activities (e.g., intramurals), housing privileges, participating in social activities, and using certain University-controlled property.

(d) **Restitution.** Restitution may be required in situations that involve destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. Restitution may take the form of a monetary payment or appropriate service to repair or otherwise compensate for the destruction, damage, or loss.

(e) **Disciplinary Probation.** Disciplinary probation means that a student organization is permitted to retain University registration on a probationary status. Probation may be for a defined or indefinite period. Violation of the Standards of Conduct during the period of disciplinary probation may result in more serious penalties, including revocation of University registration.

(f) **Revocation of University Recognition.** In cases of serious misconduct, a student organization's University registration may be revoked.

(5) More than one (1) of the penalties listed above may be imposed for any single violation of the Standards of Conduct. Penalties may be applied retroactively to the date of the offense.

(6) Intoxication or impairment because of alcohol, drugs, chemicals, or other substances does not diminish or excuse a violation of the Standards of Conduct.

No Contact Directive.

In cases involving allegations of assault, injury, sexual abuse, harassment, or where there is reason to believe continued contact between a student/student organization and specific persons, including complainants and witnesses, may interfere with those persons' security, safety or ability to participate effectively in work or studies, the Vice Chancellor for Student Development, or his/her designee, may require that the student/student organization not have verbal, physical, or written contact with specific persons for a definite or indefinite period of time. The student/student organization will receive notice of the no contact directive. Any student, faculty or staff member or other person with a reasonable justification may request a no contact directive. In addition to an internal University no contact directive, complainants are advised that other similar options exist and can be obtained from law enforcement and civil and criminal courts.

Interim Suspension.

(1) When the Vice Chancellor for Student Development or his/her designee has reasonable cause to believe that a student's or student organization's continued presence on University-controlled property or at University-affiliated activities poses a significant risk of substantial harm to the health or safety of others or to property or poses an ongoing threat to the disruption of, or interference with, the normal operations of the University, the Vice Chancellor for Student Development or his/her designee may impose an interim suspension prior to the conclusion of a full hearing on the alleged misconduct.

(2) An interim suspension shall be confirmed by notice to the student or student organization that explains the basis for the interim suspension and shall remain in effect until the conclusion of a full hearing in accordance with the rules of the University of Tennessee, which shall be held without undue delay.

(3) Within three (3) business days of the imposition of the suspension, the student or student organization shall be offered an opportunity to appear personally before the Vice Chancellor for Student Development or his/her designee in order to discuss the following issues only: (i) the reliability of the information concerning the student's or student organization's conduct; and (ii) whether the conduct and surrounding circumstances reasonably indicate that the student's or student organization's continued presence on University-controlled property or at University-affiliated activities poses a significant risk of substantial harm to the health or safety of others or to property or poses an imminent threat of disruption of or interference with the normal operations of the University.

(4) During an interim suspension, the student or student organization shall be denied access to University-controlled property, including residence halls, and all other University-affiliated activities or privileges for which the student or student organization might otherwise be eligible, as the Vice Chancellor for Student Development or his/her designee determines in his/her sole discretion to be appropriate. A student or student organization who receives an interim suspension and violates the terms of the interim suspension shall be subject to further disciplinary action and may be treated as a trespasser. Permission to be on University-controlled property or participate in University-affiliated activities may be granted by the Vice Chancellor for Student Development or his/her designee.

Appeals.

(1) Decisions of the Student Conduct Board or University Hearing Officer sitting alone may be appealed to the Vice Chancellor for Student Development by delivering a signed statement containing:

(a) A statement that he/she appeals the decision;

(b) A brief statement of the grounds for the appeal. The appeal shall be submitted within five (5) business days of receiving written notification of the decision. The basis for filing an appeal is limited to the following grounds:

1. The student's or student organization's rights were violated in the hearing process;

2. New relevant material evidence or information has been provided that could not have been discovered at the time of the hearing;

3. The information presented did not support the decision by a preponderance of the evidence (more likely than not) standard; or

4. The sanction(s) imposed were not appropriate for the violation.

(2) The Vice Chancellor for Student Development may:

(a) Uphold the decision;

(b) Amend the decision;

(c) Return the case for reconsideration; or

(d) Overturn the decision.

(3) Either party may appeal to the Chancellor of the University. In cases of involving a finding that a student is guilty of sexual assault or misconduct, the alleged victim shall have the right to appeal the decision of the Student Conduct Board or University Hearing Officer to the Vice Chancellor for Student Development.

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Withdrawal or Temporary Suspension Due to Physical or Psychological Illness.

(1) 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, or constitutes a threat to members of the University community, due to, among other things, the use of alcohol, drugs, or a physical or mental incapacitating illness or condition, he or she may be withdrawn or temporarily suspended from the University as hereinafter provided.

(a) **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 (3) 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 or her decision. A student withdrawn under this procedure shall not be readmitted to the University without the approval of the Vice Chancellor for Student Development.

(b) **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" or "I".

(c) **Committee Composition and Hearing.** The panel referred to herein will include at least one (1) member of the faculty at large and representative of the Counseling Center or a psychologist. The Dean of Students or his or her designee 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.

(2) **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 an apparent 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. The University will then schedule a hearing within five (5) 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.

Parking Appeals.

Appeals of student parking tickets are reviewed by the Student Parking Appeals Board. Decisions concerning the appeals are based on a majority vote of the Board.

Composition of Student Parking Appeals Board.

(1) The Student Parking Appeals Board shall be composed of six (6) student members plus a Chair and six (6) alternates. Two (2) students will be appointed by the Student Senate from the general student body. Two (2) students will be appointed by the faculty, one (1) appointed by the President of SGA, and one (1) 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.

(2) All members must have a 2.00 cumulative grade point average and be enrolled as full time students and not be on any form of probation.

(3) The Chair will be elected by the Board and votes in case of a tie.

(4) A temporary chair will be elected by the members of the Board in the event:

(a) The Chair is a party to the case;

(b) The Chair is absent; or

(c) The Chair removes himself/herself from the case.

(5) Once appointed, students remain on the Student Parking Appeals 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 a clear and immediate danger to the physical safety or well-being of the members of the University community or safety of University property, he or she may direct that the accused student or organization be suspended pending initiation (and completion) of normal disciplinary proceedings provided those procedures are offered as soon as can reasonably be accomplished. The Chancellor may delegate this authority to the Vice Chancellor for Student Development.

Residence Hall Security

Guests of apartments 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 two area coordinators, 6 resident directors and 75 resident assistants. Formal training of directors and assistants is conducted through cooperative efforts of the Housing Office and Department of Campus Law Enforcement.

Residents can gain access to the building, to their floor, and to their individual rooms only by a key or keycard issued them by the Housing Office. All apartment doors have deadbolt locks. Residents are urged to keep them closed and deadbolted 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.

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, the Transformation Project/Women's Center 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. The Vice Chancellor for Student Development Office will work with the faculty member if a change of classes is requested.

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.

Maintenance of Ethical & Professional Standards-Nursing

A student enrolled at The University of Tennessee at Chattanooga in the School of Nursing is subject to disciplinary action up to and including dismissal for engaging in the following acts of misconduct, regardless of whether such misconduct is engaged in on or off University-owned or University-controlled property:

- A. Commission of an offense classified as a felony by Tennessee's criminal statutes or by Federal criminal statutes.
- B. Unlawful use, possession, or sale of drugs or narcotics, whether or not felonious.
- C. Plagiarism, falsification of records, or other acts which substantially impugn the integrity of the student.
- D. Other unprofessional and unethical conduct which would bring disrepute and disgrace upon both student and the nursing profession and which would tend to substantially reduce or eliminate the student's ability to effectively practice that profession.

A student applying for admission to UTC shall also be subject to the above provisions and may be denied admission or continuation on the basis of his or her failure to maintain the aforementioned ethical and professional standards.

The School of Nursing maintains extensive information regarding professional standards for Nursing students in the School of Nursing undergraduate and graduate handbooks.

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 pendency of the Grant.

IV. Student Rights & Responsibilities

Discrimination Complaint Procedures:

AFFIRMATIVE ACTION POLICY

A. EEO/AA Non-Discrimination Policy Statement

All qualified applicants will receive equal consideration for employment and admissions without regard to race, color, national origin, religion, sex, pregnancy, marital status, sexual orientation, gender identity, age, physical or mental disability, or covered veteran status.

Eligibility and other terms and conditions of employment benefits at The University of Tennessee Chattanooga are governed by laws and regulations of the State of Tennessee, and this non-discrimination statement is intended to be consistent with those laws and regulations.

In accordance with the requirements of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, The University of Tennessee affirmatively states that it does not discriminate on the basis of race, sex, or disability in its education programs and activities, and this policy extends to employment by the University.

Inquiries and charges of violation of Title VI (race, color, national origin), Title IX (sex), Section 504 (disability), ADA (disability), Age Discrimination in Employment Act (age), sexual orientation, or veteran status should be directed to the Office of Equity and Diversity (OED), 201 Human Resources Center, Dept. 5455, 720 McCallie Ave, Chattanooga, TN 37403-2598, Telephone (423) 425-5468. Requests for accommodation of a disability should be directed to the ADA Coordinator at the Office of Equity and Diversity. Charges of violation of the above policy should also be directed to the Office of Equity and Diversity. The University prohibits any retaliatory action against an employee for opposing a practice which the employee believes to be discriminatory, including the filing of an internal grievance or a charge with a state or federal civil rights enforcement agency. (Personal Policies and Procedures Manual; Section 220.)

B. 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 Manual 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. The equity and diversity officer should be contacted for this procedure.

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. 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 advances and the context in which the alleged incidents occurred, will be 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 the employees and students to the problem and to stress that sexual harassment, in any form, will not be tolerated.

C. Complaint Procedures

A civil rights complaint, including a complaint of sexual harassment, may be filed by any present or former employee of the University of Tennessee at Chattanooga or any applicant for employment at UTC, who believes that he/she, has been subjected to discrimination on the basis of race, color, gender, religion, national origin, age, disability, or veteran status. University policy strictly prohibits retaliation against any person who, in good faith opposes a practice which he/she believes to be discriminatory. Complaints of discrimination should be directed to the Office of Equity and diversity, 201 Human Resources Center, Dept. 5455, the University of Tennessee at Chattanooga, 720 McCallie Avenue, Chattanooga, TN 37403, (423) 425-5468. If the Director of Equity and Diversity is not available, contact the Office of the Chancellor. The Chancellor will direct the matter to the appropriate administrator.

The complaint must be filed within 300 calendar days of the alleged discrimination. In certain circumstances, at the discretion of the affirmative action officer, complaints filed outside of this time limit or that are not put in writing, may be investigated informally.

University Security Policy

To comply with state and federal laws, the UTC Police Department collects and maintains statistics concerning crime on campus and in areas of the University Community, including a public crime log accessible during business hours. UTCPD sends monthly reports on-campus crime to the Tennessee Bureau of Investigation via the *Tennessee-Incident Based Reporting System* (TIBRS). These statistics are then reported by TBI to the Federal Bureau of Investigation. To comply with the Jeanne Clery Act, the UTCPD also sends reports regarding crime on and around campus to the United States Department of Education. Each October, the UTCPD publishes the annual Security Handbook which contains statistics for the past three years not including year of production. A free copy of this report may be obtained from the UTC Police Department, 400 Palmetto Street, Dept 3954, Chattanooga, TN 37403-2598. For more current statistics and helpful links for research, please refer to www.utc.edu/administration/departments/publicsafety

Access to Student Records

Also known as the "Buckley Amendment," the Family Educational Rights and Privacy Act ("FERPA") is a federal law enacted in 1974 that affords students certain rights with respect to their education records. Specifically, FERPA affords students (1) the right to inspect and review their education records, (2) the right to request the amendment of the student's education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA, (3) the right to provide written consent before the University discloses personally identifiable information from the student's education records, except to the extent that FERPA authorizes disclosure without consent, and (4) the right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with FERPA. The University strives to fully comply with this law by protecting the privacy of education records and judiciously evaluating requests for release of information from those records.

I. Definitions

A. Student. A student is a person who attends or who has previously attended The University of Tennessee at Chattanooga, including attendance in person, by correspondence, by distance (using video conference,

satellite, internet, or other technology), or a period during which a person is working under a work study to exceed the University's cost of producing a copy of the education program. This does not include persons who have been admitted to the University but have not registered for classes.

B. Education Record. An education record is a record directly related to a student that is maintained by the University or by a person acting for the University. Excluded from the definition of an education record are:

1. Records that are kept in the sole possession of the maker of the record, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.

2. Law enforcement records created and maintained by the Office of Safety and Security solely for a law enforcement purposes.

3. Records made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional if the records are used only for treatment of a student and made available only to those persons providing the treatment.;

4. Records that relate to an individual who is employed by the University and that (i) are made and maintained in the normal course of business, (ii) are not available for use for any other purpose, and (iii) relate exclusively to the individual in that individual's capacity as an employee. This exception does not apply to records that relate to a student in attendance at the University who is employed as a result of his or her status as a student.

5. Peer graded papers before the papers are collected and recorded by faculty.

6. Records created or received by the University after an individual is no longer a student in attendance and which are not directly related to the individual's attendance as a student (i.e., alumni records).

C. Personally identifiable information. Personally identifiable information includes, but is not limited to:

1. A student's name;
2. The name of a student's parent or other family members;
3. The address of a student or a student's family;
4. A personal identifier, such as a student's social security number, student number, or biometric record;
5. Other indirect identifiers, such as a student's date of birth, place of birth, and mother's maiden name;
6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the University community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
7. Information requested by a person who the University reasonably believes knows the identity of the student to whom the education record relates.

II. Scope of Student Rights to Inspect and Review Education Records

A. A student shall be permitted to inspect and review his or her education records within 45 days following the date on which the University receives the student's request for access. To exercise this right, a student should submit to the registrar, dean, head of the academic department, or other appropriate official, a written request that identifies the record(s) the student wishes to inspect. The University official will make arrangements for access and advise the student of the correct official to whom the request should be addressed.

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 a fee not to exceed the University's cost of producing a copy of the education record as a condition to receiving it, unless the imposition of a fee effectively prevents a student from exercising the right to inspect and review the record. A student shall not be charged a fee to search for or retrieve the student's education records.

C. A student does not have the right to inspect and review:

1. The financial records of the student's parents.
2. Confidential letters and statements of recommendation which were placed in the University's records prior to January 1, 1975.
3. Confidential letters and statements of recommendation placed in the student's education records after January 1, 1975, 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*. The University shall not require any student to waive access rights. A party from whom a recommendation is sought may require such a waiver. A student who has signed a waiver shall be notified by the University of the names of parties providing confidential letters and statements of recommendation. Confidential letters and statements of recommendation shall be used only for the purpose for which they were solicited.
4. Records that personally identify other students even if the student also is personally identified. In such a case, the student shall simply be informed of the specific information about the student that is contained in the record.

D. Reasonable requests by a student for an explanation or interpretation of records shall be granted.

III. The Right to Seek to Amend Education Records

A. FERPA gives a student the right to request the amendment of the student's education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. The right to request the amendment of education records does not include a right to question substantive educational judgments that have been correctly recorded. Disputes between the University and the student concerning the content of a student's education record should be resolved informally, if possible.

B. A student who wishes to ask the University to amend a record should write the University official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed. The University official in charge of the office or department to which the challenge is submitted shall mark the date of the request on the front page of the request.

IV. Student Rights & Responsibilities

C. If the University decides not to amend the record as requested, within ten (10) days of the receipt of the student's request, the University will notify the student in writing of the decision and the student's right to a hearing regarding the request for amendment. The written notification to the student shall be reasonably in advance of the hearing and shall notify the student about:

1. When the hearing will be conducted (no later than 30 days from the date on which notification is given or mailed to the student);
2. Where the hearing will be conducted; and
3. Who will conduct the hearing (the official in charge of the office or department or his or her designee may act as hearing examiner).

D. A hearing on a student's request to amend the student's education record shall include the following procedures:

1. The hearing examiner should not have a direct interest in the outcome of the hearing.

2. The student may, at his or her own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.

3. The student shall be provided with a full and fair opportunity to present relevant 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.

4. The hearing examiner may request the presence of witnesses at the hearing in addition to those called by the student. 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.

5. Within thirty (30) days of the conclusion of the hearing, the hearing examiner shall make his or her decision in writing. In reaching a decision, the hearing examiner shall consider only the evidence presented at the hearing and must include in a summary of the evidence and the reasons for the decision in the written decision.

6. 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.

E. If, as a result of a hearing, the University decides that the information in the education record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the University shall inform the student of the right to place a statement in the record commenting on the contested information in the record and stating why he or she disagrees with the decision of the University.

IV. Release of Records to Third Parties

A. The University will not disclose personally identifiable information from a student's education records without the prior written consent of the student, except as authorized by FERPA. FERPA authorizes the University to disclose personally identifiable information from a student's education records without the prior written consent of the student when the disclosure is:

1. To school officials with legitimate educational interests. A school official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the University has contracted as its agent to act or provide a service instead of using University employees or officials (such as an attorney, auditor, consultant, volunteer, or collection agent), the person is under the direct control of the University, and the person is subject to the same conditions governing the use and re-disclosure of education records that apply to other school officials; a person serving on the Board of Trustees; a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks; or a contractor, consultant, volunteer, or other outside party to whom the University has outsourced University services or functions that would otherwise be performed by University employees, the party is under the direct control of the university with respect to the use and maintenance of education records, and the party is subject to the same conditions governing the use and re-disclosure of education records that apply to other school officials. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for the University. The determination as to whether a school official has a legitimate educational interest will be made by the custodian of records on a case-by-case basis.

2. Upon request, to officials of another school in which a student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer (this includes sending updated or corrected information and sending disciplinary or health records). The student shall be provided with written notification of the disclosure unless the student initiated the disclosure. In addition, the University is not required to obtain the written consent of a student before it responds to the request of an institution to explain the meaning or validity of an education record sent to it in connection with a student's new enrollment.

3. To authorized federal, state, or local 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.

4. To comply with a judicial order or lawfully issued subpoena. Release shall be made only after a reasonable attempt is made to notify the student of such order or subpoena, unless applicable law or the order or subpoena by its terms prohibits contacting the student. The University may also refrain from notifying a student if it receives an ex parte order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 U.S.C. § 2332b(g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. § 2331. The student bears the responsibility for keeping an up-to-date address on file in the Records and Registration Office. The records custodian shall notify the Office of General Counsel upon the receipt of a judicial order or subpoena.

5. To a party who is identified as the provider or creator of an education record (this is not a disclosure under FERPA).

6. To an appropriate party in connection with an emergency if the University determines, based on the totality of the circumstances, that (i) there is an articulable and significant threat to the health or safety of the student or other individuals and (ii) the party's knowledge of the information is necessary to protect the health or safety of the student or other individuals. Such health or safety emergencies shall be brought to the attention of the Office of the General Counsel. An appropriate party may be a parent of a student even if the student is not a dependent for income tax purposes.

7. To persons or organizations 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. The student shall be provided with written notification of the disclosure.

8. To accrediting organizations in order to carry out their accrediting functions.

9. To a parent of a student who is a dependent for federal tax purposes, as defined by Section 152 of the Internal Revenue Code of 1954. However, FERPA does not require the University to disclose information to parents. The University presumes that students are independent and generally does not release information based on a student's tax dependency. A student will be presumed to be a non-dependent

10. To organizations conducting a study for, or on behalf of, the University for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, if the study is conducted in a manner that does not permit personal identification of students by individuals other than representatives of the organization and the information is destroyed when no longer needed for the purposes for which the study was conducted.

11. Authorized by the student pursuant to a signed and dated written consent that specifies the records to be disclosed, states the purpose of the disclosure, and identifies the party or class of parties to whom the disclosure may be made. Regardless of whether the student is a dependent, a student may give a parent access to his or her educational records by submitting, by mail or personal delivery, a notarized form, which can be obtained in the Records and Registration Office.

12. To Veterans Administration officials pursuant to Title 38, section 3690(c), United States Code.

13. To the court, without a court order or subpoena, those records that are (i) necessary to defend the University when a student initiates legal action against the University or (2) relevant for the University to proceed with a legal action as a plaintiff against a student.

14. To an alleged victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense (or to the alleged victim's next-of-kin if the alleged victim dies as a result of the crime or offense), but only the final results of the disciplinary proceeding conducted by the University with respect to that alleged crime or offense, regardless of whether the University concluded a violation was committed. This disclosure is required by Tennessee law.

15. The disclosure of information concerning registered sex offenders, provided to the University under the Wetterling Act, including information made available under state sex offender registration and community notification programs.

16. To anyone the disclosure of the final results of a disciplinary proceeding conducted by the University with respect to a student who is an alleged perpetrator of a crime of violence or non-forcible sex offense, if the University has concluded the student committed a violation of the University's rules or policies. The University may not disclose the name of any other student, including a victim or witness, without the prior written consent of the other student. The "final results" are limited to the name of the student being disciplined, a description of the violation committed, and any sanction imposed by the University. Final results of disciplinary proceedings reached prior to October 7, 1998 shall not be released.

17. The disclosure to a parent of a student regarding the student's violation of any Federal, State, or local law, or of any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance if: (i) the University determines that the student has committed a disciplinary violation with respect to that use or possession; and (ii) the student is under the age of 21 at the time of the disclosure to the parent. This disclosure is required by Tennessee law.

18. The disclosure of information the University has designated as "directory information," unless a student has signed and filed a valid Request to Withhold Directory Information. Directory information is information contained in a student's education record that would not generally be considered harmful or an invasion of privacy if disclosed. The University has designated the following as directory information: 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 (e.g., undergraduate or graduate; full-time or part-time), degrees and awards received, dates of degrees, and the most recent previous educational agency or institution attended by the student. FERPA permits the University to disclose directory information without a student's consent unless a student signs and files a Request to Withhold Directory Information with the Records Office. In order to restrict directory information from being published in the printed student directory, students must sign and file the Request to Withhold Directory Information by the date designated in the Registrar's annual email to students regarding their FERPA rights. A student may not use the right to request that directory information be withheld to prevent disclosure of the student's name, e-mail address, or other identifiers in a class in which the student is enrolled. The University must continue to honor a request to not release directory information after an individual no longer attends the University if the request was made while the individual was in attendance at the University and the request has not been rescinded. Directory information does not include a student's social security number or student id number. In addition, a student's social security number, a student ID number, or other non-directory information will not be used either alone or in combination with other data to identify a student when disclosing or confirming directory information, unless the student has provided written consent. Instead, other directory information will be used to identify a student. When a person submits non-directory information (e.g., social security number) along with a request for directory information, the person will be informed that the University has not used the non-directory information to locate the student's records and that the University's response does not confirm the accuracy of the nondirectory information supplied with the request for directory information.

C. The custodian of a student's education records shall maintain a record of requests for access to and disclosures of information from a student's education records as long as the education records are maintained. The record shall indicate the name of the party who obtained or requested access, what information, if any, was received, and the legitimate interest the party had in requesting or obtaining the information. The record shall be kept with the student's records and shall be available only for inspection by the student and University personnel in charge of the particular records concerned. Recordkeeping is not required if the request was from, or the disclosure was to:

1. the student;
2. a school official determined to have a legitimate educational interest;
3. a party with written consent from the student;
4. a party seeking directory information; or

IV. Student Rights and Responsibilities

5. a federal grand jury or law enforcement agency pursuant to a judicial order or subpoena that by its terms requires nondisclosure.

When the University discloses personally identifiable information from a student's education record under the health or safety emergency exception, the University must include in the record of the disclosure:

1. the articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and
2. the parties to whom the University disclosed the information.

D. 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. This requirement does not apply to disclosures to parents of dependent students; disclosures made pursuant to court orders, lawfully issued subpoenas, or litigation; disclosures of directory information; disclosures made in connection with a disciplinary proceeding; or disclosures made to parents of a violation of law, rule or policy governing the use or possession of alcohol or a controlled substance, if the student is under age 21 at the time of the disclosure; or a party who is identified as the provider or creator of an education record.

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 Education Records

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

VII. University Resources

Questions related to FERPA or the University's policies concerning the privacy of students' education records should be directed to the Records and Registration Office, 109 Race Hall, 615 McCallie Avenue, Chattanooga, TN 37403, (423) 425-4416. Additional information can be found on the website of the Records and Registration Office, <http://www.utc.edu/Administration/Records/>.

VIII. Complaints

Complaints concerning alleged failures by the University to comply with the requirements of FERPA may be filed with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-5901.

Residency Classification

(Excerpts pertinent to UTC from the regulations for classifying students in-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 unemancipated 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 unemancipated 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 intersessions 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 higher educational institutions in which such person enrolls.

Rules for Determination of Status

(1) Every person having his or her *domicile* in this state shall be classified "in state" for fee and tuition purposes and for admission purposes.

(2) Every person not having his or her *domicile* in this state shall be classified "out of state" for said purposes.

(3) The domicile of an unemancipated person is that of his or her parents.

(4) The domicile of a married person shall be determined independent of the domicile of the spouse.

Out-of-State Students Who Are Not Required to Pay Out-of-State Tuition

(1) An unemancipated, currently enrolled student shall be reclassified out of state should his or her parent, having theretofore been domiciled in the state, move from the state. *However, such student shall not be required to*

pay out of state tuition or be treated as an out of state student for admission purposes so long as his or her enrollment at a higher educational institution or institutions shall be continuous.

(2) An unemancipated person whose parent is not domiciled in this state but is a member of the armed forces and stationed in this state or at Fort Campbell pursuant to military orders shall be classified out-of-state, but shall not be required to pay out-of-state tuition. Such a person, while in continuous attendance toward the degree for which he or she is currently enrolled, shall not be required to pay out-of-state tuition if his or her parent thereafter is transferred on military orders.

(3) A person whose domicile is in a county of another state lying immediately adjacent to Montgomery County, or whose place of residence is within thirty (30) miles of Austin Peay State University shall be classified out-of-state but shall not be required to pay out-of-state tuition at Austin Peay State University. Provided, however, that there be no teacher college or normal school within the non-resident's own state, of equal distance to said non-resident's bona fide place of residence.

(4) Part-time students who are not domiciled in this state but who are employed full-time in the state, or who are stationed at Fort Campbell pursuant to military orders, shall be classified out-of-state but shall not be required to pay out-of-state tuition.

(5) Military personnel and their spouses stationed in the State of Tennessee who would be classified out of state in accordance with other provisions of these regulations will be classified out of state but shall not be required to pay out of state tuition. *This provision shall not apply to military personnel and their spouses who are stationed in this state primarily for educational purposes.*

(6) A person who is domiciled in the Kentucky counties of Fulton, Hickman, or Graves shall be classified out-of-state and shall not be required to pay out-of-state tuition at The University of Tennessee at Martin if qualified for admission. This exemption is on condition that Murray State University in Murray, Kentucky, continue to admit Tennessee residents from selected Tennessee counties to enroll at that institution without payment of out-of-state tuition.

(7) Any dependent child not domiciled in Tennessee but who qualifies and is selected to receive a scholarship under the "Dependent Children Scholarship Act" (T.C.A. 49-4-704) because his or her parent is a law enforcement officer, fireman, or emergency medical service technician who was killed or totally and permanently disabled while performing duties within the scope of employment, shall be classified out-of-state but shall not be required to pay out-of-state tuition.

(8) The spouse of a student classified as "in-state" shall also be classified as "in-state."

(9) Students not domiciled in Tennessee but who are selected to participate in specified institutional undergraduate Honors Programs shall be classified out-of-state but shall not be required to pay out-of-state tuition.

(10) A person whose domicile is in Mississippi County, Arkansas, or either Dunlin County or Pemiscot County, Missouri, and who is admitted to Dyersburg State Community College, shall be classified out-of-state but shall not be required to pay out-of-state tuition.

(11) A person who is not domiciled in Tennessee, but has a bona fide place of residence in a county which is adjacent to the Tennessee state line and which is also within a 30 mile radius (as determined by THEC) of a city containing a two year TBR institution and who is admitted to a two year

TBR institution, shall be classified out-of-state, but shall not be required to pay out-of-state tuition. The two-year institution may admit only up to three (3%) of the full-time equivalent attendance of the institution without out-of-state tuition. (THEC may adjust the number of the non-residents admitted pursuant to this section every three (3) years). (See T.C.A. 49-8-102)

Presumption

Unless the contrary appears from clear and convincing evidence, it shall be presumed that an emancipated person does not acquire domicile in this state while enrolled as a full time student at any public or private higher educational institution in this state, as such status is defined by such institution.

Evidence to be Considered for Establishment of Domicile

If a person asserts that he or she has established domicile in this state, he or she has the burden of proving that he or she has done so. Such a person is entitled to provide to the public higher educational institution by which he or she seeks to be classified or reclassified in state, any and all evidence which he or she believes will sustain his or her burden of proof. Said institution will consider any and all evidence provided to it concerning such claim of domicile but will not treat any particular type or item of such evidence as conclusive evidence that domicile has or has not been established.

Residency Appeals Procedure

All residency appeals for a given semester must be submitted along with all necessary supporting evidence to the appropriate admissions office (Undergraduate or Graduate) no later than 5:00 p.m. on the last day to register for classes for each upcoming term or semester. These deadlines also apply to students seeking to pay in-state fees due to their full-time employment in the State of Tennessee. Decisions on appeals made before the deadline will be effective for that semester. Appeals received after the deadline will be effective the following semester.

The Assistant Director of Admissions serves as the primary classification officer for undergraduate students enrolled at The University of Tennessee at Chattanooga. The Dean of 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 Assistant Director of Admissions, 101 University Center. Appeals should include appropriate evidence to support the student's establishment of domicile in the state of Tennessee.

The decision of the Assistant Director of Admissions may be appealed to the Chairman of the Residency Appeals Committee by making this request in writing to the Assistant 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 within 5 business days of receiving notice from the Appeals Committee. The decision of the Chancellor may be appealed to the Office of the UT system President.

Effective Date

These regulations became effective with the beginning of the fall semester 1986 and supercede 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, unexcerpted

IV. Student Rights and Responsibilities

copy is available in the UTC Admissions Office.

Classification Officers

The Undergraduate Admissions office 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, 101 University Center.

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

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.
- 2. Meetings which would impose an unusual demand upon staff or facilities must have approval regardless of where they are held.

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.

Tobacco Products Use Policy

Tobacco smoking has been clearly established as a preventable cause of illness. Current research indicates that tobacco smoke exposure in confined areas also poses a health hazard to non-smokers. Smoke from cigarettes, cigars and pipes are also irritants to many non-smokers and can exacerbate allergic conditions. In an effort to protect the health of University students, faculty, staff and visitors, as well as to comply with state law (TCA 4-4-121), it is the policy of the University of Tennessee at Chattanooga to restrict tobacco use in all buildings.

TCA 4-4-121 - Smoking shall be prohibited in all buildings that are owned or operated by the State of Tennessee, except for those sleeping rooms in state park inns and cabins that are designated as smoking rooms or cabins. It is the intent of the general assembly that all buildings that are owned or operated by the state other than sleeping rooms in state park inns and cabins designated for smoking shall be completely smoke-free.

This policy shall be interpreted as meaning that the use of smokeless tobacco products will be prohibited in the same areas as tobacco smoking.

Policy

The use of tobacco products is prohibited in all buildings owned or leased by the University, either on or off campus.

Non-Smoking Areas

- 1. Smoking is prohibited inside any building owned or leased by the University of Tennessee at Chattanooga.
- 2. Smoking is prohibited in University vehicles.
- 3. Outdoor areas: Entrances to buildings - Entrances are defined as those doorways to buildings normally used for public ingress/egress and ADA accessible entrances. Smoking within 25 feet of these entrances is prohibited.

Appropriate signage indicating the prohibition of the use of tobacco shall be installed on all buildings and in areas exterior of buildings where tobacco usage is prohibited.

Permitted Outdoor Smoking Areas

Any outdoor area not specifically designated a non-smoking area. The Facilities Division shall place appropriate tobacco use receptacles in strategic locations outside of selected buildings

Enforcement

Enforcement of this policy shall be granted, but not limited to, the person responsible for activities carried out within the particular room and/or facility.

Violations

University Faculty and Staff: Violation of the provisions of the Tobacco Use Policy will constitute a violation of the University work rules. Appropriate disciplinary action may be taken by the supervisor.

Students: Violation of the provisions of the Tobacco Use Policy will constitute a violation of the student rules of conduct pursuant to the UTC Student Handbook. Appropriate disciplinary actions may be taken by the Office of Student Development.

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

Both commercial and noncommercial solicitation are prohibited in non-public areas of the University.

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.

Requests for approval of any form of solicitation must be made in writing to the Dean of Student's Office no later than seven working days preceding the date of the proposed date of the activity. Request forms are available in the main office of the University Center and on their website.

SOLICITATION OF FUNDS BY STUDENT ORGANIZATIONS

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.

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.

Prior to approval by the Dean of Students Office, 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 a guarantee of the availability of the space.

The Dean of Students Office will assist the organization in scheduling and coordinating outdoor space with the appropriate Facilities Management Office. Ordinarily, the academic buildings and the non-public areas of the Residence Halls will not be used for purposes of solicitation.

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.

The University of Tennessee at Chattanooga Fees (maximum)

<i>Maintenance Fee</i> (undergraduates)	per semester	\$3,032.00
<i>Maintenance Fee</i> (graduates)	per semester	\$3,636.00
<i>Tuition</i> (additional for out-of-state students)	per semester	\$7,603.00
<i>*Regional Tuition Fee</i>	per semester	\$1,900.75

**In addition to Maintenance Fee*

In lieu of the above charge for tuition and/or maintenance fee, part-time students may elect to pay fees computed by the semester hour (credit or audit) as follows:

Undergraduate Students:

In-State	\$253.00 per semester hour or fraction thereof;
Regional Tuition and Maintenance Fee	\$411.50 per semester hour or fraction thereof;
Out-of-State	\$887.00 per semester hour or fraction thereof;

Graduate Students:

In-State	\$404.00 per semester hour or fraction thereof;
Out-of-State	\$1,249.00 per semester hour or fraction thereof;
Regional Tuition and Maintenance Fee	\$615.25 per semester hour or fraction thereof;

The University of Tennessee at Chattanooga accepts credit cards via your MyMocsNet account. There is a convenience fee associated with this service.

The Web site may be accessed by logging on to www.utc.edu, clicking on the Money tab, then click "Go to My Account."

Athletic Fee

All students registered will be assessed an athletic fee of \$20.00 per hour or a maximum of \$240.00 per semester.

Debt Service Fee

The bond obligation fee of \$13.00 per credit hour, or a maximum of \$150.00, will be assessed to all students, per semester.

Facilities Fee

The Facilities Fee provides funding for custodial services, facilities upkeep, grounds maintenance, and campus transportation needs. This student fee is \$50.00 per student per semester.

Facilities Match Fee

The Facilities Match Fee of \$25.00 will be assessed to all students per semester.

Program and Service Fee

The program and service fee of \$10.00 per credit hour, or a maximum of \$120.00, will be assessed to all students, per semester.

Health Fee

The Student Health Fee provides funding for the Student Health Center. This student fee is \$25.00 per semester.

Green Fee

The Green Fee is \$10.00 per semester and is used to fund energy efficiency initiatives. The Green Fee is assessed to all students per semester.

Technology Fee

Students registered will be assessed a technology fee of \$12.00 per semester hour, or a maximum of \$100.00 per semester, applied to technological advancements on campus.

Library Fee

The Library Fee is \$25.00 per semester and is used to support operations, periodicals and data bases for Lupton Library.

Thesis Binding Fee

Payable, to the library by students who are required to write a graduate thesis, before the papers are presented to the director of graduate studies for final approval.

Application Fee

A nonrefundable fee payable with undergraduate or graduate application, one time only at each level-Domestic \$30.00 Graduate International \$35.00

Proficiency or Special Examination Fees

Payable for each proficiency or validation examination.
 Undergraduate \$64.00 per credit hour
 Graduate \$102.00 per credit hour

Auditors' Fees

Fees for courses being audited are the same as those for courses taken for credit. Auditors do not take examinations, receive credit or grades, and may or may not participate in the class activities as determined by the instructor.

Installment Plan

A student in good financial standing with the University, and having an anticipated source of funds, may defer up to 50% of fees. A \$20 non-refundable extension fee and 50% of the total fee balance are due at fee payment. The installment balance amount is due on the 45th calendar day of the term. An additional \$50 will be assessed if the balance is not paid on or before the due date.

Prepayment Plan

A prepayment plan has been developed. Under the plan, students and/or parents choose the academic year expenses they wish to prepay including room, board, tuition, fees, or books. The expenses can be prepaid over a period of eight months with the first installment due by May 10. The remaining seven monthly installments are payable on the tenth of each succeeding month. Students and/or parents wishing to participate in the prepayment plan should contact the Bursar's office for details.

Music Fee

In addition to the credit hour rate, a fee is assessed for music instructional courses. The fee is due at the regular fee payment dates. The fees are:

Per one-half hour (1/2) instruction	\$100.00
Per one hour (1) instruction	\$200.00

Lab Fee/Studio

Lab fee (per course)	\$25.00
Communication Course Fee	\$50.00
Practicum Course Fee	\$50.00
Production Course Fee	\$25.00 per semester
Safety & First Aid Licensure Fee	\$15.00

Lab course and Music fees are non-refundable after the 100% refund period ends for the term.

Differential Fee

A differential tuition fee will be charged to all students registered for courses in the College of Business, Engineering/Computer Science and Nursing.

College of Business - \$25.00 per hour
Engineering/Computer Science - \$50.00 per hour
Nursing - \$50.00 per hour

Online Support Fee

Online Support Fee - \$56.00 per credit hour

Seat Fee

Physical Therapy Doctorate Program - \$250.00
Occupational Therapy Doctorate Program - \$250.00
Nursing Anesthesia Program - \$1,000.00

Returned Check Fee

Any check received by the University which fails to clear the bank will incur a service charge of a maximum \$30.00 per check. In addition to the service charge, a check written to cover tuition, dorm and fees which fails to clear the bank will incur the appropriate late fee in effect at the time the check is redeemed. Check writing privileges will be revoked for those students writing three or more bad checks to the University.

Housing

Room rents vary from \$1,800.00 to \$3,825.00 per semester according to the accommodations available. A one-time \$25.00 non-refundable application fee is required from students applying for housing. In addition, a \$225.00 advance payment is required to hold a room. Fees not paid by regular fee payment will incur late fees. Late fees will be \$50.00 beginning the first official day of classes.

Housing Payment Plan

Housing students may choose to participate in the housing payment plan. Payment equivalent to 50% of rent is due and payable by official fee payment, plus a \$20 extension fee charge. The remaining balance is due and payable by the 45th calendar day of the term. A late payment charge of \$50 will be assessed if the installment is not paid on or before the due date.

General

A student will not be allowed to register with a debt due the University. Upon receipt of full, partial, or incomplete schedule students are registered and responsible for payment of fees. The Registration Office must be notified in writing prior to the first official day of classes that he or she wishes to cancel registration. Those students who withdraw after classes start will be responsible for a percentage of fees plus late fees according to the withdrawal charge under "Refund of Fees and Adjustments." Students who have not paid fees or confirmed attendance with the Bursar by the official deadline date will be *cancelled*. This applies to all students regardless of source of funds, including those whose fees are billed, deferred, waived or paid with personal funds.

No student is authorized to attend classes until he or she has properly registered and paid fees.

The University reserves the right to refuse to release to any student his or her transcript or degree for failure to return University property or for failure to pay any accounts due at the University.

Fall and Spring Semesters and Summer Terms

Students must pay their fees on the regular dates designated for this purpose. For more detailed information regarding fee payment dates, refund information, etc., refer to the UTC website at www.utc.edu. Students who register after classes begin during final registration will incur a \$50.00 late fee.

**The above fees are subject to change.*

IV. Students Rights & Responsibilities

Refund of Fees and Adjustments

General

No refund is due on courses which are dropped unless the charge for the remaining course(s) plus the percentage charge for the course(s) dropped is less than the maximum semester charge for tuition and/or maintenance fees. All refund periods are based on the official first day of classes for the University, as published in the catalog and schedule of classes.

All charges and refunds will be made to the nearest dollar. All charges and refunds are subject to subsequent audit and verification and errors will be corrected by appropriate additional charges or refunds. A statement of account will be sent to students who owe additional amounts.

Refunds on dropped courses, in accordance with the refund policy.

Fall, Spring and Summer Long Term

Refund for withdrawal or dropped classes during a fall or spring semester are as follows:

Number of Calendar days	Drop Charge†	Refund
Prior to first day	-0-	100%
1-7*	-0-	100%
8-14	20%	80%
15-21	40%	60%
22-28	60%	40%
29 or more	100%	-0-

*NOTE: Only seven calendar days to drop with no charge.

Drop†: Courses dropped which do not result in complete withdrawal.

Number of Calendar days	Withdrawal Charge††	Refund
Prior to first day	-0-	100%
1-7	-0-	100%
8-14	20%	80%
15-21	40%	60%
22-28	60%	40%
29 or more	100%	-0-

Withdrawal††: Complete withdrawal from classes.

Summer Terms: Short I and Short II

Refunds for withdrawal from *all* classes during each summer term are as follows:

** Number of Calendar days	Percentage of refund
1-4	100%
5-8	80%
9-12	60%
13-16	40%
17 & after	0%

If the courses dropped *do not result in complete withdrawal*, then the following refunds apply:

** Number of calendar days	Percentage of refund
1-4	100%
5-8	80%
9-12	60%
13-16	40%
17 & after	0%

**Counted from the first official day of classes. The above dates are subject to change.

Academic Calendar 2013-14

Fall Semester 2013

August 8 (Thursday)
 August 19 (Monday)
 August 25 (Sunday)
 August 26-Sept. 1 (Monday-Sunday)
 August 30 (Friday)
 September 1 (Sunday)
 September 2 (Monday)
 September 5 (Thursday)
 September 14 (Saturday)
 Sept 30-Oct.4 (Monday-Friday)
 October 15 (Tuesday)
 October 18 (Friday)
 October 20 (Sunday)
 October 21 (Monday)
 October 21-22 (Monday-Tuesday)
 November 4-15(Monday-Friday)
 November 8 (Friday)

 November 27 (Wednesday)
 Nov 28-Dec 1 (Thursday-Sunday)
 December 2 (Monday)
 December 3 (Tuesday)
 December 4-9 (Wednesday-Monday)
 December 10 (Tuesday)
 December 14 (Saturday)

August 19, 2013 - December 9, 2013

Deadline to pay Fall 2013 fees before cancellation

Classes begin
 Last day to register in day or evening classes
 Grace Registrations (no new registrations)
 Last day to change from credit to audit or audit to credit
 Last day to drop a class before a W (withdrawal) is recorded
 Labor Day holiday
 Rosh Hashana
 Yom Kippur
 Faculty notify undergraduate students of mid-term grades
 Deadline for submission of graduation application for May 2014
 Deadline for petitions for December 2013 Graduation candidates
Last day for official withdrawal from any class with a W
 Spring and Summer 2014 Course Schedules available for view online
 Fall Break -No Classes
 Spring 2014 Priority Registration for Current UTC students
 Deadline for faculty to submit grade changes to the Records Office for Spring or Summer incompletes
 Thanksgiving Travel Day (no classes)
 Thanksgiving Holiday
 Last day of classes for fall semester
 Reading Day
 Final Examinations
 Grades due from faculty by 12:00 Noon
 Commencement, 10:00 A.M.

Spring Semester 2014

December 13, 2013 (Friday)
 January 6, 2014 (Monday)
 January 12 (Sunday)
 January 13-19 (Monday-Friday)
 January 15 (Wednesday)
 January 19 (Sunday)
 January 20 (Monday)
 February 17-21 (Monday-Friday)
 March 7 (Friday)
 March 9 (Sunday)
 March 10 (Monday)
 March 10 (Monday)
 March 10-16 (Monday-Sunday)
 March 21 (Friday)

 March 31- April 11 (Monday-Friday)
 April 18 (Friday)
 April 21 (Monday)
 April 22 (Tuesday)
 April 23-28 (Wednesday-Monday)
 April 29 (Tuesday)
 May 3 (Saturday)

January 6, 2014 - April 28, 2014

Deadline to pay Spring 2014 fees before cancellation
 Classes begin
 Last day to register in day or evening classes
 Grace registration (no new registrations)
 Deadline for submission of August 2014 graduation applications
 Last day to drop a class before a W (withdrawal) is recorded
 Martin Luther King holiday
 Faculty notify undergraduate students of mid-term grades
 Deadline for submission of May 2014 Graduation candidates
Last day to withdraw online from any class with a W
 Summer 2014 Registration Begins
 Fall 2014 Course Schedules available for view online
 Spring Break- No Classes
 Deadline for faculty to submit grade changes to the Records Office
 for fall incompletes
 Fall 2014 Priority Registration for current UTC students
 Spring Holiday
 Last day of classes for spring semester
 Reading Day
 Final Examinations
 Grades due from faculty by 12:00 Noon
 Commencement 10:00 a.m.

Summer Sessions 2014

	Summer I Short Term	Summer II Short Term	Summer Long Term
Deadline to pay Summer 2014 fees before cancellation	May 8 (Th)	May 8 (Th)	May 8 (Th)
Last day to withdraw before fee obligation	May 13 (Tu)	June 24 (Tu)	May 13 (Tu)
Classes begin	May 14 (W)	June 25 (W)	May 14 (W)
Last day to register or change registration	May 20 (Tu)	July 1 (Tu)	May 23 (F)
Last day to change from credit to audit or audit to credit	May 20 (Tu)	July 1 (Tu)	
Last day to drop a class before a W (withdrawal) is recorded	May 20 (Tu)	July 1 (Tu)	May 23 (F)
Holiday		July 4 (Fri)	May 26 (M)
Faculty notify undergraduate students of mid-term grades	June 4-10 (W-Tu)	July 16-22 (W-Tu)	June 18-24 (W-Tu)
Holiday			July 4 (Fr)
Last day to withdraw from any class with a W	June 13 (F)	July 25 (F)	July 3 (Th)
Deadline for December 2014 graduation applications	June 13 (F)	June 13 (F)	June 13 (F)
Classes End	Jun 24 (Tu)	Aug 5 (Tu)	Aug 5 (Tu)
Final Examinations	Last Class Period	Last Class Period	Last Class Period
Grades Due from faculty by 12:00 noon	Jun 26 (Th)	Aug 7 (Th)	Aug 7 (Th)

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