



Category
<b>Student Disciplinary Policy – Part 2 Disciplinary Offenses – 3:02:00:02</b>
Approval
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<b>Responsible Party:</b> Vice President for Student Affairs

**Disciplinary Offenses**

1. Institutional disciplinary measures shall be imposed, through appropriate due process procedures, for conduct which adversely affects the institution’s pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property or persons on property owned or controlled by Motlow State Community College (MSCC).
2. MSCC adopts the following non-exclusive list of offenses for which both individuals and student organizations may be subject to disciplinary action.
  - A. **Conduct Dangerous to Self or Others:** Threatening or disruptive conduct, or attempted conduct, which poses a direct threat to the safety of others or where the student’s behavior is materially and substantially disruptive of the institution's learning environment.
  - B. **Hazing:** Hazing, as defined in T.C.A. § 49-7-123(a)(1), means any intentional or reckless act, on or off the property, of any higher education institution by an individual acting alone, or with others, which is directed against any other person(s) that endangers the mental or physical health or safety of that person(s), or which induces or coerces a person(s) to endanger such person(s) mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization;
  - C. **Disorderly Conduct:** Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs institutional functions, operations, classrooms, other groups or individuals;
  - D. **Obstruction of or Interference with institutional activities or facilities:** Any intentional interference with or obstruction of any institutional, program, event, or facility (including computer facilities), including the following:
    1. Any unauthorized occupancy of facilities owned or controlled by an institution or blockage of access to or from such facilities.

2. Interference with the right of any institution member or other authorized person to gain access to any activity, program, event or facilities sponsored or controlled by an institution;
  3. Any obstruction or delay of a campus security officer, public safety officer, police officer, firefighter, EMT, or any official of the institution, or failure to comply with any emergency directive issued by such person in the performance of his or her duty;
- E. **Misuse of or Damage to Property:** Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to another including, but not limited to:
1. any personal property,
  2. fire alarms,
  3. fire equipment,
  4. elevators,
  5. telephones,
  6. institution keys,
  7. library materials,
  8. computer equipment, and/or
  9. safety devices; and
  10. any such act against property belonging to a member of the institution community or a guest of the institution;
- F. **Theft, Misappropriation, or Unauthorized Sale of Property:** Any act of theft, misappropriation, or unauthorized possession or sale of institution property or any such act against a member of the institution community or a guest of the institution;
- G. **Misuse of Documents or Identification Cards:** Any forgery, alteration of or unauthorized use of institutional documents, forms, records or identification cards, including the giving of any false information or withholding of necessary information, in connection with a student's admission, enrollment or status in the institution;
- H. **Firearms and Other Dangerous Weapons:** Any possession of or use of firearms, dangerous weapons of any kind, or replica/toy guns, e.g. BB guns, pellet guns, paintball guns, water guns, cap guns, toy knives or other items that simulate firearms or dangerous weapons;
- I. **Explosives, Fireworks, and Flammable Materials:** The unauthorized possession, ignition or detonation of any object or article which could cause damage by fire or other means to persons or property or possession of any substance which could be considered to be and used as fireworks; on MSCC campuses or property owned or controlled by the institution; at an institution-sponsored event; or on property owned or controlled by an affiliated clinical site;
- J. **Alcoholic Beverages:** The use and/or possession, distribution, sale or manufacture of alcoholic beverages or public intoxication on property owned or controlled by the institution (MSCC) or controlled by an affiliated clinical site is prohibited. This offense includes the violation of any local ordinance, state, or federal law concerning alcoholic beverages, on or off institution owned or controlled property, where an affiliated group or organization has alcoholic beverages present and available for consumption; or in violation of any term of the Motlow Drug-Free Schools Policy ([MSCC Policy 3:00:00:00](#)) pursuant to Tennessee Code Annotated § 49-7-146, MSCC is required to notify a parent of a student under age twenty-one (21) if the student "has committed a disciplinary violation" with respect to the use or possession of alcohol or a controlled substance that is a violation of any federal, state, or local law, or of any rule or policy of MSCC, except as prohibited by the Family Education Rights and Privacy Act (FERPA). The trigger for notification will be:
1. a plea of guilty to the applicable code of conduct violation; or
  2. a final finding of guilt pursuant to disciplinary procedures, including completion of an appeal
- K. **Drugs:** The unlawful use, possession, distribution, sale or manufacture of any drug or controlled substance (including but not limited to, any stimulant, depressant, narcotic, hallucinogenic drug or

substances to include marijuana), being under the influence of any drug or controlled substance, or the misuse of legally prescribed or “over the counter” drugs is prohibited. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession or use of drugs, on property owned or controlled by the institution, at an institution-sponsored event, on property owned or controlled by an affiliated clinical site, or in violation of any term of the Motlow Drug-Free Schools Policy ([MSCC Policy 3:00:00:00](#)) pursuant to Tennessee Code Annotated § 49-7-146, Motlow College is required to notify a parent of a student under age twenty-one (21) if the student “has committed a disciplinary violation” with respect to the use or possession of alcohol or a controlled substance that is a violation of any federal, state, or local law, or of any rule or policy of the institution, except as prohibited by the Family Education Rights and Privacy Act (FERPA). The trigger for notification will be:

1. a plea of guilty to the applicable code of conduct violation; or
2. a final finding of guilt pursuant to disciplinary procedures, including completion of an appeal.

- L. **Drug Paraphernalia:** The use or possession of equipment, products or materials that are used or intended for use in manufacturing, growing, using or distributing any drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession of drug paraphernalia, on or off institution owned or controlled property;
- M. **Public Intoxication:** Appearing on institution owned or controlled property or at an institutional sponsored event while under the influence of a controlled substance or of any other intoxicating substance;
- N. **Gambling:** Unlawful gambling in any form;
- O. **Financial Irresponsibility:** Failure to meet financial responsibilities to the institution promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the institution;
- P. **Unacceptable Conduct in Disciplinary Proceedings:** Any conduct at any stage of an institutional disciplinary proceeding or investigation that is:
1. contemptuous,
  2. disrespectful,
  3. threatening, or
  4. disorderly, including false complaints, testimony or other evidence, and
  5. attempts to influence the impartiality of a member of a judicial body, verbal or physical harassment or intimidation of a judicial board member, complainant, respondent or witness;
- Q. **Failure to Cooperate with Institutional Officials:** Failure to comply with directions of institutional officials acting in the performance of their duties;
- R. **Violation of General Rules and Regulations:** Any violation of the general rules and regulations of the institution as published in an official institutional publication, including the intentional failure to perform any required action or the intentional performance of any prohibited action;
- S. **Attempts, Aiding and Abetting:** Any attempt to commit any of the offenses listed under this section or the aiding or abetting of the commission of any of the offenses listed under this section (an attempt to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission).
1. Being present during the planning or commission of any offense listed under this section will be considered as aiding and abetting.
  2. Students who anticipate or observe an offense must remove themselves from the situation and are required to report the offense to the MSCC Office of Public Safety;
- T. **Violations of State or Federal Laws:** Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference;

- U. **Violation of Imposed Disciplinary Sanctions:** Intentional or unintentional violation of a disciplinary sanction officially imposed by an institution official or a constituted body of the institution;
- V. **Sexual Misconduct:** Offenses including acts of sexual assault, domestic violence, dating violence and/or stalking as defined in MSCC Policy [8:02:00:00](#). All matters involving allegations of sexual misconduct will be governed by the procedures set for in MSCC Policy [8:02:00:00](#);
- W. **Harassment or Retaliation:** Any act by an individual or group against another person or group in violation of TBR policies, as well as federal and/or state laws prohibiting discrimination, including, but not limited to, MSCC Policy [8:04:00:00](#), and TBR Guideline [P-080](#);
1. **Student on student harassment:** Unwelcome conduct directed toward a person that is discriminatory on a basis prohibited by federal, state, or local law and that is so severe, pervasive, and objectively offensive that it effectively bars the victim's access to an educational opportunity or benefit.
- X. **Academic Misconduct:** Plagiarism, cheating, fabrication. For purposes of this section the following definitions apply:
1. **Plagiarism:** The adoption or reproduction of ideas, words, statements, images, or works of another person as one's own without proper attribution,
  2. **Cheating:** Using or attempting to use unauthorized materials, information, or aids in any academic exercise or test/examination. The term academic exercise includes all forms of work submitted for credit or hours,
  3. **Fabrication:** Unauthorized falsification or invention of any information or citation in an academic exercise.
- Y. **Unauthorized Duplication or Possession of Keys:** Making, causing to be made or the possession of any key for an institutional facility without proper authorization;
- Z. **Littering:** Dispersing litter in any form onto the grounds or facilities of the campus;
- AA. **Pornography:** Public display of literature, films, pictures or other materials which an average person applying contemporary community standards would find;
1. taken as a whole, appeals to the prurient interest,
  2. depicts or describes sexual conduct in a patently offensive way, and
  3. taken as a whole, lacks serious literary, artistic, political or scientific value;
- BB. **Abuse of Computer Resources and Facilities:** Misusing and/or abusing campus computer resources including, but not limited to the following:
1. Use of another person's identification to gain access to institutional computer resources,
  2. Use of institutional computer resources and facilities to violate copyright laws, including, but not limited to, the act of unauthorized distribution of copyrighted materials using institutional information technology systems,
  3. Unauthorized access to a computer or network file, including but not limited to:
    - a. altering,
    - b. using,
    - c. reading,
    - d. copying, or
    - e. deleting the file,
  4. Unauthorized transfer of a computer or network file,
  5. Use of computing resources and facilities to send abusive or obscene correspondence,
  6. Use of computing resources and facilities in a manner that interferes with normal operation of the institutional computing system,

7. Use of computing resources and facilities to interfere with the work of another student, faculty member, or institutional official,
8. Violation of any published information technology resources policy,
9. Unauthorized peer-to-peer file sharing;

**CC. Unauthorized Access to Institutional Facilities and/or Grounds:** Any unauthorized access and/or occupancy of institutional facilities and grounds is prohibited, including, but not limited to:

1. gaining access to facilities and grounds that are closed to the public,
2. being present in areas of campus that are open to limited quests only,
3. being present in academic buildings after hours without permission, and
4. being present in buildings when the student has no legitimate reason to be present;

**DD. Providing False Information:** Giving any false information to, or withholding necessary information from, any institutional official acting in the performance of his/her duties in connection with a student's admission, enrollment, or status in the institution;

**EE. Unauthorized Surveillance:** Making or causing to be made unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian. This includes, but is not limited to:

1. taking video or photographic images in shower/locker rooms,
2. residence hall rooms, and
3. men's or women's restrooms and storing, sharing, and/or distributing of such unauthorized images by any means;

**FF. Smoking Violations:** Violation of any MSCC and/or TBR smoking or other tobacco use rules or policies.

**GG. Violations of conduct requirements described in handbooks for specific programs of study.**

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

*This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.02, Disciplinary Offenses. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/26/16.*