



Category
Student Disciplinary Policy – Part 6 Disciplinary Procedures – 3:02:00:06
Approval
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Responsible Party: Vice President for Student Affairs

Disciplinary Procedures

1. Motlow State Community College (MSCC), in the implementation of Tennessee Board of Regents (TBR) regulations pertaining to discipline and conduct of students, shall ensure the constitutional rights of students by affording a system of constitutionally and legally sound procedures which provide the protection of due process of law. In furtherance of this mandate, MSCC hereby adopts policies setting forth the disciplinary procedures for the college. All disciplinary procedures shall be affirmatively communicated to the faculty, staff, and students at the institution as well as published in appropriate handbooks, manuals, and on the www.mscc.edu website.

2. Contested Case Procedure: All cases which may result in:
 - A. suspension or expulsion of a student from the institution for disciplinary reasons; or
 - B. revocation of registration of a student organization;

are subject to the contested case provisions of the Uniform Administrative Procedures Act (UAPA), T.C.A. §§ 4-5-301 et seq., and shall be processed in accord with the Uniform Contested Case procedures adopted by TBR, unless the student or organization, after receiving written notice, waives those procedures and elects to have the case disposed of in accord with institutional procedures or waives all rights to contest the case under any procedure. These procedures shall be described in the institution's policy.

 - C. For cases which may result in Interim Involuntary Withdrawal or Suspension, the institution must incorporate the guidelines set forth herein at paragraph 6 in its decision-making processes.

3. Institutional Procedures: For matters not subject to the requirements of UAPA or if a student waives UAPA procedures, MSCC establishes multiple methods for hearing and for the resolution of disciplinary matters.
 - A. Any student accused of a disciplinary offense or academic misconduct imposed through disciplinary sanctions will be afforded an opportunity to contest the charge through procedures initiated by and coordinated with the Dean of Students. The student must elect, in writing:
 1. disposition by the Dean of Students or,
 2. an institutional hearing before the Student Affairs Committee.

- B. If a student, absent good cause, fails to return the election of procedure within a three (3) day period, the student will be deemed to have waived his/her right to the processes described above and the College may proceed as it deems, in its sole discretion, appropriate in the circumstances.
4. Disposition by the Dean of Students. A student may request, in writing, that the Dean of Students adjudicates the case, thereby waiving his/her rights to due process. If a student elects to have disposition by the Dean of Students, the following procedures shall apply:
- A. The Dean of Students shall:
 - 1. notify the student within three (3) working days, in writing, of the alleged charges against him or her and;
 - 2. initiate an investigation which shall include interviews with all relevant parties, such as the accused, accuser, and possible witnesses, etc.
 - 3. review the evidence,
 - 4. make a determination of innocence or guilt, and
 - 5. decide upon a proper disciplinary sanction within ten (10) working days.
 - B. The accused student and the Dean of Students shall meet to discuss the Dean of Student's findings and recommended disciplinary sanction.
 - 1. The findings shall cite specific disciplinary offenses and specific sanctions as described in these regulations.
 - 2. The decision of the Dean of Students is final.
5. Institutional hearing before the Student Affairs Committee.
- A. A student accused of violating an offense may choose to have the case heard by the Student Affairs Committee. The committee, appointed by the President, is comprised of:
 - 1. four faculty members,
 - 2. two student members and;
 - 3. the Dean of Students (*ex-officio*).
 - 4. The appointment of faculty members shall be reviewed annually; reappointment can occur. The student members are selected annually.
 - B. If a student elects to have a hearing by the Student Affairs Committee, the following procedures shall apply:
 - 1. The Dean of Students for Student Affairs shall:
 - a. notify the student within three (3) working days, in writing, of the alleged charges and,
 - b. initiate an investigation.
 - 2. At the conclusion of the investigation, the accused student shall be informed in writing of the date, time and place of the hearing not less than ten (10) days prior to the day of the hearing.
 - a. the student may attend the hearing to present his or her case. However, the student's absence, absent good cause, will not hinder the Student Affairs Committee from meeting and rendering a decision,
 - b. the chairperson of the Student Affairs Committee shall preside at the hearing

- c. the Dean of Students shall present the results of the investigation and, when appropriate, make a recommendation to the committee
 - d. witnesses and/or statements from witnesses may be entered as evidence.
 - e. the accused shall have an opportunity to present his/her case in exercising any of the rights cited in Due Process for Institutional Hearing provisions of this policy.
 - f. members of the committee shall have an opportunity to ask questions.
 3. After all evidence, presentations and examinations of witnesses, the Committee shall:
 - a. retire to discuss the case and;
 - b. render a decision.
 4. Within a reasonable time, or three (3) working days, after the committee has rendered a decision, the presiding officer of the hearing will communicate the decision to all parties.
 5. The student shall be advised of his or her right to appeal the decision of the Student Affairs Committee.
 - a. The student will provide in writing to the Dean of Students, within three (3) working days, notification to appeal.
 - b. Failure to timely file the appeal shall constitute a waiver of any right to appeal.
 - c. The Dean of Students will render a final decision within ten (10) working days.
6. Due Process for Institutional Hearings: The following process applies to institutional hearings before the Student Affairs Committee at MSCC:
 - A. The Dean of Students shall:
 1. notify the student within a three (3) day period, in writing, of the alleged charges and,
 2. initiate an investigation.
 - B. At the conclusion of the investigation, the accused student will be informed in writing of the date, time and place of the hearing not less than ten (10) days prior to the day of the hearing.
 - C. The student shall be advised of the following rights applicable at the hearing:
 1. The right to present his or her case,
 2. The right to be accompanied by an advisor. The advisor's participation shall be limited, however, to advising the student and shall not include representing the student,
 3. The right to call witnesses on his or her behalf,
 4. The right to confront witnesses against him or her, and
 5. The student shall be advised of the method and time limitations for appeal if any is applicable.
 - D. Students subject to any disciplinary sanction are entitled to a due process hearing unless that right is waived by the student after receiving written notice of the available procedure.
7. Interim Suspension Hearings: Hearings conducted with regard to interim suspensions imposed pending the outcome of a disciplinary investigation or proceeding shall be conducted consistent with the Due Process for Institutional Hearings, taking into account the need for a timely hearing. The evidence presented at the hearing shall be limited to that which is relevant to the basis asserted from imposition of the interim suspension.

8. Interim Involuntary Withdrawal or Suspension Hearings: Hearings conducted with regard to interim involuntary withdrawals or suspensions, imposed prior to or pending the outcome of a disciplinary investigation or proceeding shall be conducted consistent with the minimum requirements of due process applicable to an institutional hearing, taking into account the need for a timely hearing. The evidence presented at the hearing shall be limited to that which is relevant to the basis asserted for the imposition of the interim involuntary withdrawal or suspension.
 - A. In determining whether a student should be involuntarily withdrawn or suspended for threatening or disruptive conduct, the institution shall consider the nature, duration, severity, and probability of the threat posed and/or the disruption caused by a student, relying on the best available objective evidence and, if applicable and obtainable, the most current medical evidence.
 - B. The institution shall also determine whether reasonable modifications of its policies, practices, or procedures could sufficiently mitigate the risk.
 - C. Absent exigent circumstances creating an imminent risk or harm, the assessment will be made prior to a decision to involuntarily withdraw or suspend based on the threat he or she poses to others.
 - D. If exigent circumstances warrant the immediate removal of a student from the institution, the student will receive, at a minimum, notice and an initial opportunity to present evidence immediately after being placed on involuntary withdrawal and the opportunity to initiate full due process within thirty (30) days of the removal.
9. The President of the college is authorized, at his or her discretion, to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or, subsequently, to convert any finding or sanction imposed to a lesser finding or sanction, or to rescind any previous finding or sanction, in appropriate cases.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.06 Disciplinary Procedures and due Process. 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: 1/29/12.