

# Nashville State Community College

## 18-19 Student Conduct Policy

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### Part 1 Institution Policy Statement

- (1) Students enrolled in postsecondary educational institutions are citizens of their civic communities as well as the academic community. As such, they are expected to conduct themselves as law-abiding members of each community at all times. Admission to an institution of postsecondary education carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by non-students. In recognition of the special relationship that exists between Nashville State Community College and the academic community which it seeks to serve, the Tennessee Board of Regents ("TBR" or "the Board") has authorized the president of Nashville State Community College ("NSCC" or "institution") to take such action as may be necessary to maintain campus conditions and preserve the integrity of the institution and its educational environment.
- (2) Pursuant to this authorization and in fulfillment of its duties to provide a secure and stimulating atmosphere in which individual and academic pursuits may flourish, NSCC has developed the following policies, which are intended to govern student conduct on all of the campuses under its jurisdiction. In addition, students are subject to all federal, state, and local laws and ordinances. If a student's violation of such laws or ordinances also adversely affects the institution's pursuit of its educational objectives, NSCC may enforce its own policies regardless of the status or outcome of any external proceedings instituted by other civil or criminal authorities.
- (3) For the purpose of these policies, a "student" shall mean any person who is admitted and/or registered for study at NSCC for any academic period. This shall include any period of time following admission and/or registration, but preceding the start of classes for any academic period. It will also include any period which follows the end of an academic period through the last day for registration for the succeeding academic period, and during any period while the student is under suspension from the institution. Finally, "student" shall also include any person subject to a period of suspension or removal from campus as a sanction which results from a finding of a violation of the policies governing student conduct. Students are responsible for compliance with the Student Code of Conduct and with similar institutional policies at all times.
- (4) Disciplinary action may be taken against a student for violation of the policies which occur on institutionally owned, leased or otherwise controlled property, while participating in international or distance learning programs, and off campus, including clinical affiliation sites,

when the conduct impairs, interferes with, or obstructs any institutional activity or the mission, processes, and functions of the institution. NSCC may enforce its own policies regardless of the status or outcome of any external proceedings instituted in any other forum, including any civil or criminal proceeding.

- (5) These policies, and related material incorporated herein by reference, are applicable to student organizations as well as individual students. Student organizations are subject to discipline for the conduct and actions of individual members of the organization while acting in their capacity as members of, or while attending or participating in any activity of, the organization.
- (6) Confidentiality of Discipline Process. Subject to the exceptions provided pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g and/or the Tennessee Open Records Act, T.C.A. § 10-7-504(a)(4), a student's disciplinary files are considered "educational records" and are confidential within the meaning of those Acts.

*This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.01, Institution Policy Statement. 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.*

## Part 2 Disciplinary Offenses

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 NSCC. The academic community is defined as any person present on campus, whether they are employed or enrolled, or not. Allegations of misconduct may be brought to the Dean for Student Services by any member of the academic community.

- (1) NSCC has adopted this non-exclusive list, providing notice of offenses for which both individuals and organizations may be subject to disciplinary action.
  - (a) Threatening or Disruptive Conduct. Any 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.
    1. In determining whether a student should be involuntarily withdrawn or suspended for threatening or disruptive conduct, the institutions shall consider the nature, duration, severity, and probability of the threat posed or the disruption caused by a student, relying on the most current medical evidence or the best available objective evidence.
    2. The institution shall also determine whether reasonable modifications of its policies, practices, or procedures could sufficiently mitigate the risk.
    3. Absent exigent circumstances creating an imminent risk of 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.
    4. 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 for full due process within 30 days of the removal.

(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, or 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 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, any personal property, fire alarms, fire equipment, elevators, telephones, institution keys, library materials and/or safety devices.

(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 the property of a member of the NSCC 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 would 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.

(j) **Alcoholic Beverages.** The use, possession, distribution, sale or manufacture of alcoholic beverages, or public intoxication on NSCC owned or controlled property, at an NSCC sponsored event, or property owned or controlled by an affiliated clinical site is prohibited. This includes the violation of any local ordinance, state, or federal law concerning alcoholic beverages, on or off NSCC owned or controlled property, where an affiliated group or organization has alcoholic beverages present and available for consumption. It also includes any violation of any term of the NSCC Drug/Alcohol-Free Communities Statement and Policy. Pursuant to Tennessee Code Annotated §49-7-146, NSCC 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 of possession of alcohol or a controlled substance that is a violation of any federal, state, or local law, or any rule or policy of NSCC, except as prohibited by the Federal 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 the disciplinary procedures, including completion of an appeal.

(k) **Drugs.** The unlawful use, possession, distribution, sale or manufacture, of any drug or controlled substance (including any stimulant, depressant, narcotic, or hallucinogenic drug or substance, or marijuana), being under the influence of any drug or controlled substance, or the misuse of legally prescribed or "over the counter" drugs on property owned or controlled by NSCC; at an NSCC sponsored event; on property owned or controlled by an affiliated clinical site is prohibited. This includes any violation of any term of the NSCC Drug/Alcohol-Free Communities Statement and Policy. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession or use of drugs, on or off institution owned or controlled property. Pursuant to Tennessee Code Annotated §49-7-146, NSCC 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 of possession of alcohol or a controlled substance that is a violation of any federal, state, or local law, or any rule or policy of NSCC, except as prohibited by the Federal 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 the 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 contemptuous, disrespectful, threatening, or disorderly, including false complaints, testimony or other evidence, and attempts to influence the impartiality of a member of the Institutional Hearing Committee, verbal or physical harassment or intimidation of a hearing committee 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. This includes providing proof of identification when requested by college officials.

(r) Violation of General Rules and Policies. Any violation of the general rules and policies 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). Being present during the planning or commission of any offense listed under this section will be considered as aiding and abetting. Students who anticipate or observe an offense must remove themselves from the situation and are required to report the offense to the institution.

(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. Committing any act of sexual misconduct as defined by TBR

Policy 6:03:00:00 or NSCC Policy 7-05-00-00. All matters involving allegations of impermissible sexual misconduct will be governed by the procedures outlined in NSCC Policy 7-05-00-00: Sexual Misconduct Policy.

(w) Harassment or Retaliation. Any act by an individual or group against another person or group in violation of TBR regulations, as well as federal and/or state laws prohibiting discrimination, including, but not limited to, TBR policies 5:01:02:00,(F), 6:01:00:00, 6:02:00:00, and TBR Guideline P-080, as well as NSCC policies 7-01-00-00, 7-02-00-00, 7-03-00-00. All matters involving allegations of impermissible discrimination, harassment or retaliation will be governed by the procedures outlined in NSCC Policy 7-04-00-00: Discrimination and Harassment Complaint Resolution Procedures.

(x) Student on Student harassment. Any 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.

(y) 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.

(z) Unauthorized Duplication or Possession of Keys. Making, causing to be made or the possession of any key for an institutional facility without proper authorization.

(aa) Littering. Dispersing litter in any form onto the grounds or facilities of the campus.

(bb) 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.

(cc) 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, altering, using, reading, copying, or 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.
10. Any violation of the terms of the NSCC Acceptable Use and Wireless Policy and Procedures.

(dd) 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, gaining access to facilities and grounds that are closed to the public, being present in areas of campus that are open to limited guests only, being present in academic buildings after hours without permission, and being present in buildings when the student has no legitimate reason to be present;

(ee) 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;

(ff) 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, taking video or photographic images in men's or women's restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means;

(gg) Smoking Violations. Violation of the NSCC Tobacco-Free Campus Policy as

outlined in the NSCC Student Policy Handbook on the NSCC website. The use of any tobacco product on any NSCC owned or leased property constitutes a violation.

(hh) Violations of conduct requirements described in handbooks for specific programs.

- (2) Disciplinary action may be taken against a student for violations of the foregoing policies which occur at or in association with enrollment at NSCC 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 the institution, 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: 1/29/12.*

### Part 3 Academic and Classroom Misconduct

- (1) Classroom Misconduct: Nashville State Community College has a zero tolerance policy for disruptive conduct in the classroom. Students whose behavior disrupts the classroom will be subject to disciplinary sanctions.
- (a) The instructor has the primary responsibility for maintenance of academic integrity and controlling classroom behavior, and can dismiss from the class period any student engaged in disruptive conduct or conduct that violates the general rules and policies of the institution for each class session during which the conduct occurs. Extended or permanent exclusion from the classroom, beyond the session in which the conduct occurred, or further disciplinary action can be effected only through appropriate procedures of the institution.
- (b) If a student is dismissed from a class period by an instructor for engaging in disruptive conduct, the student must be permitted to return to the next class. Student dismissed from class at the White Bridge Road campus must meet with Instructional Dean or the Dean for Student Services before the next class period. Students dismissed from class at satellite campuses must meet with the Campus Director or the Dean for Student Services. Failure to meet with the Dean or Director prior to returning to class constitutes a separate violation of the Student Code of Conduct and may provide the basis for extended exclusion from the class pending the completion of the disciplinary process.
- (c) Instructors may bring formal student code of conduct charges for acts of classroom misconduct including disruptive and disrespectful behavior. Disciplinary sanctions may include removal from the class.



- (d) Disruptive behavior in the classroom may be defined as, but not limited to, behavior that obstructs or disrupts the learning environment (e.g., offensive language, harassment of students and professors, repeated outbursts from a student which disrupt the flow of instruction or prevent concentration on the subject taught, failure to cooperate in maintaining classroom decorum, etc.), text messaging, and the continued use of any electronic or other noise or light emitting device which disturbs others (e.g., disturbing noises from beepers, cell phones, laptop computers, games, etc.).
  - (e) Faculty establish class attendance and punctuality requirements, subject to state or federal laws, and inform students through the published syllabi for each course of those requirements, along with the consequences for failing to meet those requirements.
- (2) Academic Misconduct: Plagiarism, cheating, and other forms of academic dishonesty are prohibited. Students guilty of academic misconduct, either directly or indirectly, through participation or assistance, are immediately responsible to their instructors. Based on their professional judgment, instructors have the authority to impose the following academic sanctions: (a) require the student to repeat the assignment for full or partial credit; (b) assign a zero, an F, or any other grade appropriate for the assignment or examination; (c) assign an F for the course. In addition, disciplinary sanctions may be imposed through the regular institutional procedures.
- (a) An instructor may reduce a student's grade to any extent, including a grade of "F" on an assignment, test, or a course where it is determined that the student engaged in academic misconduct.
  - (b) The instructor must provide written notification to student that a sanction for academic misconduct has been imposed. Notification of the academic misconduct charge, underlying facts, and the academic misconduct sanction will be provided to the student in the form of an email or on the assignment itself. Notification of the right to appeal and the appeal process will be provided to the student through the course syllabus or with the notification of sanction.
  - (c) To initiate an appeal, the student(s) must contact the Dean for Student Services, in writing, within five (5) days of receipt of the notification of the faculty action. Failure to do so within five (5) days will constitute a waiver of appeal hearing rights.
  - (d) The Dean for Student Services will respond within ten (10) days of receipt of the written appeal request from the student(s) to schedule a pre-hearing conference.
  - (e) If a resolution is not reached at the conference, the Dean shall issue a hearing notice, providing a hearing date together with all other required notices.
  - (f) Appeals hearings of academic misconduct determinations and/or sanctions shall be conducted in accordance with the process outlined in this document under Part 6 (4).
  - (g) A student subject to a determination of academic misconduct will not be permitted to withdraw from the course to avoid sanction.

- (h) A student who is found responsible for Academic Misconduct may be subject to additional Disciplinary Sanctions imposed through the office of the Dean for Student Services.

*This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.03 Academic and Classroom Misconduct. 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.*

#### Part 4 Disciplinary Sanctions

- (1) Upon a determination that a student or student organization has violated any of the disciplinary offenses set forth in these policies, institutional disciplinary policies, or the general policies of an institution, disciplinary sanctions may be imposed, either singly or in combination, by the appropriate institution officials.
- (2) Definition of Sanctions:
- (a) Restitution. Restitution may be required in situations which involve destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or student organization is obligated by the appropriate judicial authority to compensate a party or parties for a loss suffered as a result of disciplinary violation(s). Any such payment in restitution shall be limited to actual cost of repair, replacement or financial loss;
  - (b) Warning. The appropriate institutional official may notify the student or student organization that continuation or repetition of specified conduct may be cause for other disciplinary action;
  - (c) Reprimand. A written or verbal reprimand or censure may be given to any student or student organization whose conduct violates any part of these policies and provides notice that any further violation(s) may result in more serious penalties;
  - (d) Service to the Institution or Community. A student, or student organization, may be required to donate a specified number of service hours to the institution performing reasonable tasks for an appropriate institution office, official(s), or the local community. The service required shall be commensurate to the offense (e.g., service for maintenance staff for defacing institutional property);
  - (e) Specified Educational/Counseling Program. A student or student organization may be required to participate in specified educational or counseling program(s) relevant to the offense, or to prepare a project or report concerning a relevant topic;
  - (f) Apology. A student or student organization may be required to apologize to an affected party, either verbally or in writing, for the behavior related to a disciplinary offense;
  - (g) Fines. Penalties in the form of fines may be imposed against a student or student organization whenever the appropriate institutional authority deems appropriate. The sanction of fines may be imposed in addition to other forms of disciplinary sanctions.

Failure to pay fines may result in further disciplinary action;

- (h) Restriction. A restriction upon a student's or student organization's privileges for a period of time may be imposed. This restriction may include, for example, denial of the ability to represent the institution at any event, ability to participate in institution or TBR sponsored travel, use of facilities, parking privileges, participation in extracurricular activities or restriction of organizational privileges;
  - (i) Probation. Continued enrollment of a student or recognition of a student organization on probation may be conditioned upon adherence to these policies. Any student or organization placed on probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon extracurricular activities, or any other appropriate special condition(s). Any conduct in further violation of these policies while on probationary status or the failure to comply with the terms of the probationary period may result in the imposition of further disciplinary action;
  - (j) Suspension. Suspension is the separation of a student or student organization from the institution for a specified period of time. Suspension may be accompanied by special conditions for readmission or recognition;
  - (k) Expulsion. Expulsion entails a permanent separation from the institution. The imposition of this sanction is a permanent bar to the student's admission, or a student organization's recognition to the institution. A student or organization that has been expelled may not enter institution property or facilities without obtaining prior approval from an appropriate campus official with knowledge of the expulsion directive;
  - (l) Revocation of Admission, Degree, or Credential;
  - (m) Interim Involuntary Withdrawal or Suspension. As a general rule, the status of a student or student organization accused of violation of these policies should not be altered until a final determination has been made in regard to the charges. However, interim involuntary withdrawal or suspension, pending the completion of disciplinary procedures, may be imposed upon a finding by the appropriate institutional official that the conduct, or attempted conduct of the student poses a direct threat to the safety of any other member of the institution, its guests, property, or the student's behavior is materially and substantially disruptive of the institution's learning environment or other campus activities. In any case of interim involuntary withdrawal or suspension, the student, or student organization, shall be given an opportunity at the time of the decision, or as soon thereafter as reasonably possible, to contest the suspension;
  - (n) Any alternate sanction deemed necessary and appropriate to address the misconduct.
- (3) The president of NSCC 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 sanction imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases.

*This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.04 Disciplinary Sanctions. 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.*

## Part 5 Traffic and Parking

- (1) NSCC has adopted an institutional Traffic and Parking Policy which governs traffic and parking on all of the campuses. The purpose of these policies is to facilitate the orderly and efficient flow of traffic, to provide a safe atmosphere for both pedestrians and motor vehicle operators, and to provide order with regard to parking within limited space. Institutional policies are published annually through signage and in the NSCC Traffic and Parking brochure and on the NSCC website.
- (2) Registration of Automobiles/Decals: All privately owned and/or operated vehicles for use on campus by students and faculty/staff must be registered with the college and must bear an official registration decal. Decals are obtained from campus security. Vehicles include motorcycles, motorbikes, scooters, pick-up trucks, vans and jeeps as well as automobiles. Large trucks and trailers are prohibited. The license plate number and driver license number must be given prior to issuance of decal.
  - (a) No student will be permitted to register another student's vehicle without the approval of the security officer on duty. Possession of a current decal to which an individual is not entitled is a violation.
  - (b) The entire vehicle registration decal must be adhered as designed and may not be taped or attached in a way that allows for easy removal. The decal should be adhered to the exterior lower corner of the rear window on the driver's side of the vehicle or on the rear bumper on the driver's side of the vehicle. Decals will be displayed on motorcycles, motor bikes, and scooters in the same manner in a position that can be clearly read by security personnel.
  - (c) Students who are employed part-time at Nashville State are to obtain student decals, not faculty/staff decals.
- (3) Parking: NSCC has adopted designated parking zones for faculty, staff, students, visitors, and other appropriate groups. The institution reserves the right to tow any vehicle that is improperly parked.
  - (a) Circumstances may necessitate that an individual drive a vehicle that is not registered. A temporary permit will be issued in the Security Office or at the Security Station in the Student Services Center lobby. Temporary permits are good for two weeks only.
  - (b) Special parking areas are provided for disabled students. Disabled parking is governed by the laws of the State of Tennessee. Handicapped parking is enforced 24 hours a day, every day. Cars parked in Handicapped parking must have a state issued permit. An NSCC parking decal is not required for disabled students, faculty or staff.
  - (c) The owner of a vehicle will be responsible for informing others who may use the vehicle concerning campus parking regulations, and will be responsible for any citations issued. Vehicles are not to be left overnight without approval from Security. Bicycles must use bike racks, and rollerblading/skateboarding are prohibited on campus.

- (d) Parking zones are identified by color and students are required to park in zones identified by their color white as student parking. Retired employees of Nashville State or persons who have been issued a retired or honorary decal may park anywhere on campus except in designated parking areas and disabled areas. Parking restrictions will not be enforced on Sundays or school holidays. There is not designated parking on campus after 3:00 p.m. Monday through Friday except for handicapped parking which is enforced 24 hours a day, every day.
  
- (e) The following constitute parking violations:
  - (1) Backed into a parking space/rear bumper not facing the nearest driveway;
  - (2) Parked too far from the curb;
  - (3) Parked in unmarked area (grass, sidewalks, road, fire lane, commercial, etc.);
  - (4) Parked in a restricted area;
  - (5) Parking in zone other than one designated for student use;
  - (6) Parked on or over lines;
  - (7) No official parking decal or expired vehicle registration;
  - (8) Parked on wrong side of street;
  - (9) Obstructing driveway;
  - (10) Improper display of decal;
  - (11) Parked within 10 feet of fire hydrant;
  - (12) Unauthorized parking in disabled zones.
  - (13) Possession of a current decal to which an individual is not entitled.
  
- (4) Traffic: NSCC has adopted policies with regard to motor and other vehicular traffic on institution owned, operated, or controlled sites. Those policies reflect the nature of traffic patterns, roads, and physical limitations of the campus. In addition to violations of the NSCC Traffic and Parking Policy, violations may include, but are not limited to, all traffic offenses provided under state, county, or municipal ordinance applicable to the locality of each institutional site.
  - (a) The speed limit for all vehicles is 15 miles per hour. Pedestrians always have the right of way. Loading and commercial zones are reserved for service vehicles. Unnecessary noise from horns, mufflers, and stereos is prohibited.
  
  - (b) The following constitute traffic violations:
    - (1) Speeding (over 15 miles per hour)
    - (2) Excessive noise
    - (3) Reckless driving
    - (4) Failure to yield to pedestrians
    - (5) Cutting diagonally across parking spaces
    - (6) Failure to come to a complete stop at stop signs
    - (7) Littering
  
- (5) Fines/Penalties: Parking and traffic violations are subject to fines and/or disciplinary sanctions. Fines are set by NSCC and approved by TBR, but shall not exceed the amounts provided for by the higher of state law, county, or municipal ordinance for the same offense. The fine for traffic and parking violations is \$25.00 for each violation except for disabled parking violations which is a \$200.00 fine. The fine for disabled/handicapped parking violations is established by statute and

will be adjusted to comply with state law. The fine for littering violations is \$50.00 for each violation.

Fines for violations must be paid to the Bursar's Office. Payment of any outstanding fines shall be prerequisite to completing registration for any semester. Any car, motorcycle, motor scooter, pickup truck, or van parking in a no parking zone, fire lane, loading zone, sidewalk, handicap space, or parking in zones other than one designated for student parking may be towed away at the owner's expense without notice. Individuals who receive five (5) or more traffic and parking citations will be towed or barred from parking on Nashville State campuses.

- (6) Appeals: NSCC has established an appeal process for appealing traffic/parking violations or fines which will be distributed to all persons with a parking decal. The procedures applicable to appeals of traffic/parking citations are set forth below.
  - (a) An appeal form must be completed, and filed, within three (3) days (excluding weekends and holidays) from the issuance of a citation. Appeal forms are available at the Office of Security, the lobby of the Student Services Center, the bursar, and on the college webpage. Failure to file an appeal form within three (3) days shall constitute a waiver of any appeal, absent good cause.
  - (b) Appeals are adjudicated by the Director of Safety and Security whose decision is final.

*This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.05 Traffic and Parking. 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.*

#### Part 6 Disciplinary Procedures

- (1) General: NSCC, in the implementation of TBR regulations pertaining to discipline and conduct of students, insures the constitutional rights of students by affording a system of constitutionally and legally sound procedures which provide the protection of due process of law. NSCC has enacted policies which are in compliance with this TBR Policy 3:02:01:00, as well as state and federal law. All disciplinary procedures are affirmatively communicated to the faculty, staff, and students of NSCC as well as published on the NSCC website as part of the Student Policy Handbook.
- (2) UAPA: All cases which may result in: (a) suspension or expulsion of a student, or student organization, from the institution, for disciplinary reasons or (b) revocation of registration of a student organization, are subject to the contested case provisions of the Tennessee Uniform Administrative Procedures Act (UAPA), T.C.A. § 4-5-101 et seq., and shall be processed in accord with the Uniform Contested Case procedures adopted by the Board of Regents unless the student or organization, after receiving written notice, waives those procedures and elects to have the case disposed of through the NSCC Institutional Hearing process or informal adjudication by the Dean for Student Services.
- (3) Additional Institutional Options: For students facing disciplinary action, four potential processes exist for adjudication of the case. The student shall be informed in writing of each option, including which options may be utilized based on the case, and the due process rights associated with each option. Options include election of 1) an NSCC Institutional Hearing; 2) informal

adjudication of the case by the Dean for Student Services; 3) not to contest the case, or 4) UAPA hearing in the circumstances described in Part 6 (2). Election of use of UAPA or the NSCC Institutional Hearing options entitle the student to due process. Student election of the use of informal adjudication or not to contest the case requires that the student waive, in writing, his/her right to due process. Selection of one option constitutes waiver of all other options. The student shall have five business days following written notification to select an option. In cases in which the student elects to have the Dean for Student Services informally adjudicate the case, the case shall be adjudicated according to the Informal Adjudication Procedure and the decision of the Dean will be final. If a student, absent good cause, fails to return the Election of Waiver of Hearing Procedures Form in a timely manner, the student will be deemed to have waived a right to the processes described above and NSCC may proceed as it deems, in its sole discretion, appropriate in the circumstances.

- (4) Student Due Process for Institutional Hearings: 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 adjudication options.
- (a) The student will be advised by the Dean of Student Services, in writing, of the breach of policy or policies of which she/he is charged. Written charges of alleged violations will include: the alleged rule violation, a statement of the facts to be presented, a statement that a hearing will be conducted before an Institutional Hearing Committee on the charges, together with notice of the date, time and place of hearing. The hearing date will be scheduled within 10 days of student election of and Institutional Hearing. The hearing will be conducted at the date, time, and place specified, unless postponed for good cause.
  - (b) Written charges and hearing determinations will be served by handing a copy to the person or by mailing via certified mail a copy to the person at his residence or last known residence. The student will have five business days following receipt of the copy to select a hearing option. Student failure to respond in writing within five days of receipt will constitute a waiver of all hearing options.
  - (c) The student accused of misconduct will be given an explanation of the evidence against her or him.
  - (d) The student accused of misconduct will be given a copy of the institutional rules and regulations concerning due process procedures.
  - (e) The student shall be advised of the following rights applicable at the hearing:
    - (1) The right to present his or her case. However, the student's absence, absent good cause, will not hinder the Institutional Hearing Committee from meeting and rendering a decision.
    - (2) The right to be accompanied by an advisor. The hearing committee may restrict the advisor's right to speak at the hearing. The advisor can be an attorney if NSCC is equally represented.
    - (3) The right to call witnesses in his or her behalf.

- (4) The right to confront witnesses against him or her.
  - (f) The Dean for Student Services will appoint an Institutional Hearing Committee which will consist of no fewer than three faculty members who will serve for one year or until leaving the institution, whichever comes first. Committee members may serve for multiple years. The Institutional Hearing Committee will be charged to hear evidence, to make findings of fact, and to make decisions based on those facts. The Dean for Student Services will coordinate the hearing committee, but will not vote as to the final committee decision.
  - (g) Any individual who has an interest in the case will not sit in judgment as a member of the hearing committee.
  - (h) The student will receive from the Dean for Student Services a written copy of the decision of the hearing committee with any sanctions within 10 days of the hearing.
  - (i) The student will be advised of his or her right to appeal to the President of NSCC within five business days following receipt of the Institutional Hearing Committee's decision. Appeals must be made by written communication. The President will send a written copy of his or her decision to the student within 10 days of receipt of the appeal. The decision of the President is final.
- (5) Interim Involuntary Withdrawal or Suspension Hearings: Hearings conducted with regard to interim involuntary withdrawal 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 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 or the disruption caused by a student, relying on the best available objective evidence and, if applicable and obtainable, on the most current medical evidence.
  - (b) The institutions 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 on 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 30 days of the removal.
- (6) Alternative Resolution Procedures: NSCC may establish alternative or multiple methods/bodies for hearings and/or for the resolution of disciplinary matters, with the consent of all relevant



parties. Alternative resolution methods may include, but are not limited to, mediation, diversion programs, and/or negotiated resolutions.

*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: 2/11/15.*