

letter shall be written and sent within seven (7) class days of notification of sanction and copies to the appropriate hearing body or official.

3. The president of the University is authorized, in his/her discretion, to subsequently convert any sanction imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases.

Disciplinary Procedure

1. Alternative Hearing Procedures:

- (a) Procedures conforming to the Tennessee Uniform Administrative Procedures Act. All cases which may result in (i) suspension or expulsion of a student from the University for disciplinary reasons, or (ii) revocation of registration of a student organization during the term of the registration are subject to the contested case provisions of the Tennessee Uniform Administrative Procedures Act (TUAPA) and shall be processed in accordance with the uniform contested case procedures adopted by the Board of Regents, unless the student or student organization waives those procedures in writing and elects to have his or her case heard by either the University Hearing Board or an Administrative Hearing.
- (b) Cases which are not subject to the contested case procedures under the Tennessee Uniform Administrative Procedures Act and cases in which a student or student organization has waived the contested case procedures in writing shall be processed in accordance with Institutional Hearing Procedures. The University has established two alternate Institutional Hearing Procedures:
1. A hearing conducted by one or more Student Affairs Administrators; or
 2. A hearing conducted by the University Hearing Board. (NOTE: This option shall be available until the final ten (10) class days of each semester, or the final five (5) class days of the second summer term, during which time all disciplinary hearings will be conducted by appropriate Student Affairs Administrators, except those subject to TUAPA procedures as selected by the accused student or student organization.)
- (c) Cases which are not subject to the contested case procedures under the Tennessee Uniform Administrative Procedures Act and which involve very minor first offenses by students or student organizations, may be discussed informally with students or student organizations. In such cases, no formal record will be maintained in the judicial records of the University. The University official responsible for conducting this Informal Disciplinary Discussion shall note the name of the student or student organization involved in his/her personal records. The purpose of this notation is only to determine a student's or student organization's prior involvement in a minor offense, when and if a second offense occurs at a later date. If the student or student organization is subsequently involved in another violation of regulations, at the discretion of the hearing body, this Informal Record will become a part of the student's Formal Disciplinary Records.
- (d) Jurisdiction of Cases to be Heard by Student Affairs Administrators:
1. All formal cases involving incidents which occur in University residence halls and/or apartments and which involve on-campus residents shall be heard by the Residence Life staff or designee.
 2. All other formal cases shall be heard by the Dean of Students for Student

Affairs, or appropriate designee, except in cases where such staff member is unavailable or has a bias toward either party in the pending case. In such cases the Senior Student Affairs Officer shall assign one or more Student Affairs Administrators to hear the case.

2. Commencement of Disciplinary Proceedings.

- (a) A student accused of violating University disciplinary rules shall be called before the appropriate Student Affairs Administrator for a preliminary conference at which the student will be orally advised of the following:
 1. The charges against him/her;
 2. The rights afforded to him/her by the hearing procedures which are available;
 3. The hearing procedure options available; and
 4. The responsibilities of the accused student in the disciplinary procedures.
- (b) A student may WAIVE the right to a preliminary conference and an oral explanation of the items listed in (2) (a) above.
- (c) Once advised of the hearing options, the accused student must select an option within three class days of receipt of notice of pending charges against him/her. The student elects the procedure to be followed by completing and signing an Election of Procedure form and/ or waiver form. Once the election shall be made, the decision is final and may not be changed during the course of the hearing.
- (d) Cases of alleged sexual assault. Regardless of the procedure elected, in cases involving alleged sexual assault, both the accuser and accused shall be informed of the following:
 1. Both the accuser and the accused are entitled to the same opportunity to have others present during disciplinary proceedings, and
 2. Both the accuser and the accused shall be informed of the outcome of any disciplinary proceeding involving allegations of sexual assault.

3. Institutional Hearing Rights. These rights shall be afforded the accused student in all Institutional Hearings before the appropriate Student Affairs administrator or the University Hearing Board.

- (a) The right to choose the appropriate hearing option. (This right must be exercised within 24 hours of the presentation of charges. NOTE: This option shall be available until the final 10 class days of each semester, or the final five (5) class days of the second summer term, during which time all discipline hearings will be conducted by appropriate Student Affairs administrators, except those subject to TUAPA procedures as selected by the accused student.)
- (b) The right to written notice of the time and place of the hearing at least three (3) days in advance. A justified delay may be granted. (This right may be waived in writing by the accused student.)
- (c) The right to a written statement of the charges in detail sufficient to enable the student to prepare a defense.
- (d) The right to be accompanied by an adviser of the student's choice, but such participation shall be limited to advising the student.
- (e) The right to a statement of the possible sanctions that may be imposed as a result of a finding of a violation of the Code.
- (f) The right to present witnesses in the student's behalf and to question any witnesses

presented against the student. The student is responsible for the attendance of any witnesses to be present in the student's behalf.

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

1. The final administrative decision in the case.
2. The proper procedure for appeal.

(h) The right to be provided copies, upon request and in accordance with University Policy, of all complaints, reports, witness statements and other written materials used in determining the charges.

Rights of Complainant and/or Victim

The University member (student, faculty or staff) who authors "complaints" or "statements" as a victim in the alleged violation shall have the following rights:

- To be notified of his/her rights prior to making a statement.
- To be informed that any written statement made or signed will be shared with the accused student and that the accused student may request a copy of the statement.
- To attend the hearing.
- To have an adviser present during the hearing.
- To be given the opportunity to question all witnesses and the accused during the hearing.
- To be provided a copy of any statement he/she has written or dictated to others.
- To be able to submit a list of witnesses to be called to the hearing.
- To be permitted to drop the charges only up to the date of the hearing.
- To be notified of the outcome of the hearing, including the finding concerning responsibility and any sanctions taken.

4. Institutional Hearing Procedures.

(a) Hearings before a Student Affairs Administrator. The appropriate Student Affairs Administrator shall act as hearing officer in the hearing, shall determine the student's innocence or guilt and shall apply sanctions as appropriate.

(b) Hearings before the University Hearing Board. Procedures for the Board include the following:

1. The University Hearing Board shall be composed of nine persons: five students, (two automatically selected from the Student Tribunal Justices of the Student Government Association, and three selected at large from the student body who meet the same qualifications and are selected via the same procedures as those for Student Tribunal Justices as listed in the APSU SGA Constitution), two faculty and two administrators, all appointed by the University president. Additionally, student, faculty and administrator alternate members shall be selected to serve in the absence of regular members.
2. The Chair of the Board shall be appointed by the University president.
3. A minimum of five members of the Board are required to hear a disciplinary case, composed of at least two students, one faculty member, and one administrator.
4. The Dean of Students shall train and advise all regular and alternate members of this Board in appropriate disciplinary procedures.

5. Appeals.