

**AUSTIN PEAY STATE UNIVERSITY  
POLICIES AND PROCEDURES MANUAL**

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Subject: Student Code of Conduct	
Initiating Authority: Vice President for Student Affairs	TBR Policy/Guideline Reference: 3:02:00:01, 3:01:01:00*
Approved:  <p style="text-align: right;">President: Signature on file</p>	

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I. General Regulations

A. Institutional Statement

1. Austin Peay State University (APSU) students are citizens of the state, local and national governments, and of the academic community, and are, therefore, expected to conduct themselves as law-abiding members of each community at all times. Admission to the University 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 the institution and the academic community which it seeks to serve, the Tennessee Board of Regents (TBR) has authorized the President of the University 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, the University has developed the following Regulations (known as the Code of Student

Conduct) that are intended to govern student conduct on the Austin Peay State University Campus.

In addition, students are subject to all national, 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, the University may enforce its own regulations regardless of any proceedings instituted by other authorities. Conversely, violation of any section of these Regulations may subject a student to disciplinary measures by the Institution whether or not such conduct does not violate state, local or national laws.

## B. Disciplinary Offenses

1. Generally, through appropriate due process procedures, institutional disciplinary measures shall be imposed for conduct that adversely affects the University'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 University or University-controlled property.
2. Individual or organizational misconduct that is subject to disciplinary sanction shall include but not be limited to the following examples:
  - a. Conduct dangerous to others. Any conduct which constitutes a serious danger to any person's health, safety or personal well being, including any physical abuse or immediate threat of abuse;
  - b. Hazing. Hazing means any intentional or reckless act in Tennessee on or off the property of any higher education institution by one (1) student acting alone or with others which is directed against any other student, that endangers the mental or physical health or safety of that student, or which induces or coerces a student to endanger such student'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. Harassment. Any act of harassment by an individual or group against a student, faculty member or another group. Harassment shall include, but not be limited to insults, heckling, verbal abuse, threats of physical abuse, unwanted suggestions of a sexual nature, repeated teasing or annoyance to another, repeated unsolicited phone calls made with the intent to harass, or other actions considered disturbing to others;
- d. Disorderly conduct. Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs other groups or individuals (this may include inappropriate behavior resulting from the use of or being under the influence of alcohol or drugs);
- e. Obstruction of or interference with University activities or facilities. Any intentional interference with or obstruction of any University activity, program, event, or facility, including the following:
  - (1) Any unauthorized occupancy of University or University-controlled facilities or blockage of access to or from such facilities.
  - (2) Interference with the right of any University member or other authorized person to gain access to any University or University-controlled activity, program, event or facility.
  - (3) Any obstruction or delay of a campus security officer, fireman, or any University official in the performance of his/her duty;

- (4) Any form of disruptive behavior in the classroom, during any campus event or activity, or at any location on campus;
- f. Misuse of or damage to property. Any act of misuse, vandalism, malicious or unwarranted damage, destruction, defacing, disfiguring or unauthorized use of property belonging to the University including, but not limited to, fire alarms, fire equipment, elevators, telephones, University keys, library materials, computing resources, and/or safety devices; and any such act against a member of the University community or a guest of the University;
- g. Theft, misappropriation, or unauthorized sale. Any act of theft, misappropriation, or unauthorized possession or sale of Institution property or any such act against a member of the University community or a guest of the University;
- h. Misuse of documents or identification cards. Any forgery, alteration of or unauthorized use of University 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 University; failure to carry the APSU ID card at all times or to show it upon proper request;
- i. Firearms and other dangerous weapons. And possession or use of firearms or dangerous weapons of any kind on University property; Firearms or dangerous weapons include, but are not limited to: rifles, handguns, BB guns, stun guns, knives, martial arts equipment, paint guns, bows and arrows, etc., or other objects with the potential to cause bodily harm;
- j. 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;

- k. Alcoholic beverages. The use and/or possession of alcoholic beverages and/or public intoxication on University owned or controlled property, or the violation of any local ordinance or state, or federal law concerning alcoholic beverages, on or off campus, or a violation of the terms of the Austin Peay State University Drug-Free Policy Statement. In addition, officially registered student organizations that sponsor events off campus, where alcoholic beverages are present and available for consumption, must adhere to all local, state and national laws concerning alcoholic beverages and must follow the University's Risk Management guidelines for Student Organizations.
- l. Drugs. The unlawful possession or use of any drug controlled substance or drug paraphernalia (including any stimulant, depressant, narcotic, or hallucinogenic drug or substance, or marijuana), or sale or distribution of any such drug or controlled substance, or a violation of any terms of the Austin Peay State University Drug-Free Policy Statement;
- m. Gambling. Gambling in any form.
- n. Financial irresponsibility. Failure to meet financial responsibilities to the University promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the Institution or a member of the Institution community acting in an official capacity;
- o. Unacceptable conduct in hearings. Any conduct at a University hearing involving contemptuous or disorderly behavior, or the giving of false testimony or other evidence at any hearing.
- p. Failure to cooperate with University officials. Failure to comply with directions of University officials acting in the performance of their duties;

- q. Violation of general rules and regulations. Any violation of the general rules and regulations of the University as published in an official University publication, including the intentional failure to perform any required action or the intentional performance of any prohibited action;
- r. Attempts and aiding and abetting the commission of offenses. Any attempt to commit any of the offenses listed in this document, or the aiding and abetting of the commission of any of the offenses (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).
- s. 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;
- t. Violation of imposed disciplinary sanctions. Intentional or unintentional violation of a disciplinary sanction officially imposed by a University official or a constituted body including, but not limited to, sanctions contained herein.
- u. Violations of University Residence Hall or Apartment policies or regulations. The violation of any policies or regulations that appear in printed materials distributed to resident students (i.e., housing license agreements, handbooks for resident students, etc.).
- v. Sexual Battery/Rape. Any act of sexual battery or rape as defined by state law.
- w. Tobacco. The use of tobacco products is prohibited in University buildings (except in individual resident rooms or otherwise designated areas) and in vehicles owned or operated exclusively by the University. (See APSU policy 99:022);
- x. Pets. With the exception of "service animals" and the exception of animals used for academic research

purposes, animals are prohibited on campus. The term "service animal" is defined as any animal individually trained to do work or perform tasks for the benefit of a person with a disability (e.g., a guide dog, signal dog, etc.). "Service animals" perform some of the functions and tasks that the individual with a disability cannot perform for him/herself. The University may require reasonable documentation that the animal is certified as a "service animal" by a recognized training program.

3. Disciplinary action may be taken against a student for violations of the foregoing regulations which occur on University owned, leased, or otherwise controlled property, or which occur off-campus when the conduct impairs, interferes with or obstructs any University activity or the missions, processes and functions of the University. In addition, disciplinary action may be taken on the basis of any conduct, on or off-campus, which poses a substantial threat to persons or property within the University community.
4. For the purposes of the Regulations, a "student" shall mean any person who is registered for study at Austin Peay State University for any academic period. A person shall be considered a student during any period that follows the end of an academic period that the student has completed until the last day for registration for the next succeeding regular academic period, and during any period while the student is under suspension from the University.

#### C. Academic and Classroom Misconduct

1. The instructor has the primary responsibility for control over classroom behavior and maintenance of academic integrity, and can order the temporary removal or exclusion from the classroom of any student engaged in disruptive conduct or conduct that violates the general rules and regulations of the University. Extended or permanent exclusion from the classroom or further disciplinary action can be effected only through appropriate procedures of the University.

2. Academic dishonesty may be defined as any act of dishonesty in academic work. This includes, but is not limited to, plagiarism, the changing or falsifying of any academic documents or materials, cheating, and giving or receiving of unauthorized aid in tests, examinations, or other assigned work. Students guilty of academic misconduct, either directly or indirectly through participation or assistance, are immediately responsible to the instructor of the class. Penalties for academic misconduct will vary with the seriousness of the offense and may include, but are not limited to, a grade of "F" on the work in question, a grade of "F" in the course, reprimand, probation, suspension, and expulsion.
3. If the student believes that he or she has been erroneously accused of academic misconduct, and if his or her final grade has been lowered as a result, the student may appeal the case through the academic grievance procedures.
4. Disruptive behavior in the classroom may be defined, but is 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 disrupts the flow of instruction or prevents concentration on the subject being taught, failure to cooperate in maintaining classroom decorum, etc.), and the use of any electronic or other device which disturbs or interrupts the concentration of others (e.g., disturbing noises from beepers, cell phones, palm pilots, lap-top computers, games, etc.).
5. Class attendance and punctuality requirements are contracted between the faculty and the students, through specific expectations for attendance and punctuality and specific consequences that are outlined by individual faculty members in the printed syllabus for each course. Students are expected to attend class regularly and on time and are responsible for giving explanations/rationale for absences and lateness directly to the faculty member for each course in which they are enrolled. In cases where student absences are the result of emergency circumstances (e.g., death in a family, a student's serious injury or incapacitation illness), and the student is unable to make immediate contact with

faculty, the student may contact the Office of Student Affairs for assistance in providing such immediate notification to faculty. However, the student remains responsible for verifying the emergency circumstances to faculty and for discussing arrangements with faculty for completion of course work requirements.

#### D. Disciplinary Sanctions

1. Upon a determination that a student or organization has violated any of the rules, regulations or disciplinary offenses set forth in these regulations, the following disciplinary sanctions may be imposed, either singly or in combination, by the appropriate University officials.
2. Definition of Sanctions
  - a. Restitution. A student who has committed an offense against property may be required to reimburse the University or other owner for damage to or misappropriation of such property. Any such payment in restitution shall be limited to actual cost of repair or replacement.
  - b. Reprimand. A written reprimand, or censure, may be given any student or organization whose conduct violated any part of these Regulations. Such a reprimand does not restrict the student in any way, but does have important consequences. It signifies to the student that he/she is in effect being given another chance to conduct himself/herself as a proper member of the University community, but that any further violation may result in more serious penalties.
  - c. Restriction. A restriction upon a student's or organization's privileges for a period of time may be imposed. This restriction may include, but is not limited to the following: denial of the right to represent the institution in any way, denial of the use of University facilities and/or parking privileges, restriction of participation in extracurricular activities, restriction of Organizational privileges including

registration, and restriction of the transfer of academic credit from another institution.

- d. University Probation. Continued enrollment of a student on probation may be conditioned upon adherence to these Regulations. Any student placed on probation will be notified of such in writing and will also be notified of the terms and length of the probation. Probation may include restrictions upon the extracurricular activities of a student. Parents may be notified. Any conduct in violation of these Regulations while on probationary status may result in the imposition of a more serious disciplinary sanction.
- e. Suspension. If a student is suspended, he/she is separated from the University or from a class for a stated period of time with conditions of readmission stated in the notice of suspension. Parents may be notified.
- f. Expulsion. Expulsion entails a permanent separation from the University. The imposition of this sanction is a permanent bar to the student's readmission to the University. Parents may be notified.
- g. Interim or summary suspension. Though as a general rule, the status of a student accused of violation of these Regulations should not be altered until a final determination has been made in regard to the charges against him/her, summary suspension may be imposed upon a finding by the appropriate institutional official or his/her designated representative that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused, or any other member of the University community or its guests, destruction of property, or substantial disruption of classroom or other campus activities. A final determination of the charges against any student summarily suspended shall be made through appropriate hearing procedures within ten (10) class days of such suspension, during which time the

accused shall forfeit all University rights and privileges as a student of the University. Parents may be notified.

- h. **Housing Probation.** A resident placed on housing probation is deemed not to be in good standing with the housing community, and his/her continued residence is conditioned upon adherence to these Regulations and the Housing Contract. Any resident placed on probation shall be notified in writing of the terms and length of the probation. Parents may be notified. Any conduct of a similar or more serious nature in violation of the probation shall result in suspension from housing.
- i. **Housing Suspension and Forfeiture.** A resident suspended from the housing may not reside in, visit, or make any use whatsoever of a housing facility or participate in any housing activity during the period for which the sanction is in effect. A suspended resident shall be required to forfeit residence hall fees (including any unused portion thereof and the Housing Deposit). A suspended resident must vacate the housing unit within forty-eight (48) hours. Housing suspension shall remain a part of the student's disciplinary record. Parents may be notified.
- j. **Service to the University.** A student may be required to donate a specified number of service hours to the University, by way of performing reasonable tasks for the appropriate University office or official. This service shall be commensurate to the offense the student is guilty of violating (i.e., service to maintenance staff for defacing University property).
- k. **Special Educational Program.** A student may be required to participate in any special educational programs relevant to the offense, to attend special seminars or educational programs, or to prepare a project or report concerning a relevant topic.



E. 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 Institution, a program, or a course for disciplinary reasons, (ii) the assignment of a grade which results in the grade of "F" in the course for academic misconduct, or (iii) 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 Tennessee Board of Regents, unless the student waives those procedures in writing and elects to have his or her case disposed of in accordance with the Institutional Hearing Procedures.

b. Cases that are not subject to the contested case procedures under the Tennessee Uniform Administrative Procedures Act and cases in which a student has waived the contested case procedures in writing shall be processed in accordance with Institutional Hearing Procedures. The University has established two (2) alternate Institutional Hearing Procedures:

(1) A hearing conducted by one or more Student Affairs Administrators.

(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.)

- 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 may be discussed informally with students. 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 involved in his/her personal records. The purpose of this notation is only to determine a student's prior involvement in a minor offense, when and if a second offense occurs at a later date. If the student is subsequently involved in another violation of regulations, 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 Director of Residence Life.
  
    - (2) All other FORMAL cases shall be heard by the Assistant Vice President for Student Affairs, or appropriate designee, EXCEPT in cases where such staff member is NOT available or has a bias toward either party in the pending case. In such cases the Assistant Vice President for Student Affairs 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 that 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 the student elects the procedure to be followed, an Election of Procedure form and/or waiver form shall be completed and signed by the accused student and the administrator conducting the conference. 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 the 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 a 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 twenty-four (24) hours of the presentation of charges.) (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.)
- 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. (The accused student may waive this right in writing.)
- 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 advisor 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 advisor 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 and shall determine

either 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 (9) persons: five (5) students, selected by the Student Tribunal Justices of the Student Government Association; two (2) faculty and two (2) administrators, all appointed by the University President.

(2) The Chair of the Board shall be appointed by the University President.

(3) A minimum of five (5) members of the Board are required to hear a disciplinary case, composed of at least two (2) students, one (1) faculty member and one (1) administrator.

(4) The Assistant Vice President for Student Affairs shall train and advise this Board in the appropriate disciplinary procedures.

5. Appeals

a. Any sanction imposed as the result of a hearing conducted under the Code shall be effective immediately upon notification of the student unless the hearing authority deems a stay of such sanction desirable pending appeal.

b. In any case where the decision results in separation from the University, the decision shall be reviewed by the Vice President for Student Affairs, or appropriate designee, prior to notifying the Office of the Registrar and the academic department in which the student has been enrolled.

c. Consideration of the appeal shall be limited to the record of the previous hearing on the following issues:

(1) Were the procedures of the Code properly followed in the hearing?

(2) Was the evidence presented at the hearing "substantial"?

(3) Was the sanction imposed in keeping with the gravity of the violation?

d. An appeal in writing setting forth the grounds for the appeal and addressed to the appropriate appellate authority (as outlined in the next section) must be received in the office of the Vice President for Student Affairs within three (3) class days after the student is notified of the sanction imposed at any hearing or appellate level.

6. Route of Appeals

a. A decision by a Student Affairs Administrator may be appealed first to the Vice President for Student Affairs, then to the President.

b. A decision by the University Hearing Board may be appealed first to the Vice President for Student Affairs, then to the President.

7. Appellate Authority. The Vice President for Student Affairs and the President shall have the authority to do any of the following upon review of an appeal:

a. Sustain the previous decision including the penalty imposed, or

b. Sustain the previous decision but impose a lesser penalty, or

c. Remand the case for further consideration, or

d. Reverse the previous decision.

8. Student Organization Disciplinary Procedures

a. Types of Student Organizations

Student organizations may be either organizations sponsored by the University, such as student government association, associated student body organizations, and professional and honor societies, or organizations registered by the University. Organizations that may be registered to operate on campus include the following:

- (1) honors and leadership organizations and recognition societies;
- (2) departmental organizations and professional fraternities and sororities;
- (3) social fraternities and sororities and
- (4) special interest groups (political, religious, athletic, etc.). Registration of a student organization by the University shall neither constitute nor be construed as approval or endorsement by the University of the purposes or objectives of the organization.

b. General Policies on Student Organizations

- (1) No student organization may carry on any activity on the campus unless the University has registered the organization.
- (2) The University shall not be responsible for injuries or damages to persons or property resulting from the activities of student organizations, or for any debts or liabilities by such organizations.

- (3) No student organization shall deny membership to any person on the basis of age, race, sex, religion, handicap, veteran status or national origin, provided that social fraternities and sororities may have sex-restricted membership.
- (4) No student organization or individual shall engage in or condone any form of hazing. (See statement on hazing in section on Disciplinary Offenses.)
- (5) Student organizations shall be vicariously responsible and liable for the conduct and actions of each member of the organization AND FOR THEIR GUESTS while acting in the capacity of a member or while attending or participating in any activity of the organization. Such actions must NOT be in violation of the Code of Student Conduct.
- (6) No lease or other agreements affecting real property for a period in excess of one year or for rental in excess of \$12,000 per year shall be entered into between the University and an organization without the approval of the Chancellor of the Tennessee Board of Regents or his/her designee.
- (7) No person, group or organization may use the name of the University in any manner, provided that registered student organizations may use the name of the University following the name of the organization. No person, group or organization may use the seal or any symbol of the University without the prior written approval of the President or his/her designee.
- (8) Student organizations that sponsor events off campus, where alcoholic beverages are present and available for consumption, must adhere to all local, state and national laws concerning

alcoholic beverages and must follow the University's risk management guidelines for student organizations.

- c. **Sanctions Against Student Organizations.** Any registered student organization may be given a REPRIMAND, may be placed on PROBATION, SUSPENSION, RESTRICTION or may have its REGISTRATION WITHDRAWN by the Assistant Vice President for Student Affairs, or by another Student Affairs Administrator appointed by the Vice President for Student Affairs. Such actions may be taken after having a hearing conducted in accordance with the procedures outlined in this document for disciplinary procedures. In the case of Withdrawal of Registration of an organization, the procedures to be used will be the contested case provisions of the Tennessee Uniform Administrative Procedures Act, unless an authorized representative of the student organization has waived those provisions in writing. Such action may be taken for any one of the following reasons:
- (1) The organization fails to maintain compliance with the initial requirements for registration.
  - (2) The organization ceases to operate as an active organization.
  - (3) The organization requests withdrawal of registration.
  - (4) The organization operated or engaged in any activity in violation of the rules and regulations of the University, of any governing body, federal or state laws.