

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.

- (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 Senior Student Affairs Officer 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 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 Senior Student Affairs Officer 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 to the Senior Student Affairs Officer, or designee.
- (b) A decision by the University Hearing Board may be appealed to the Senior Student Affairs Officer.

7. Appellate Authority. The Senior Student Affairs Officer, or designee, 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 greater or 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 associations, associated student body organizations and professional and honor societies; or organizations registered by the University. Organizations which 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, religion, 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 organization has been registered by the University.
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 agreement 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 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, placed on probation, suspension, or restriction or may have its registration withdrawn by the Dean of Students, or by a Student Affairs Administrator appointed by the Senior Student Affairs Officer. 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 those provisions have been waived in writing by an authorized representative of the student organization. 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.
4. The organization operated or engaged in any activity in violation of the rules and regulations of the University, of any governing body of federal or state laws.

Smoking/Clean Air Policy Enforcement

1. A student found smoking in an unauthorized area can be charged with violating 2 (q) of the APSU Code of Student Conduct which states: Violation of general rules and regulations. Any violation of the general rules and regulations of the University published in an official University publication, including the intentional failure to perform any required action or the intentional performance of prohibited actions.
 - (a) Enforcement of this policy will be provided primarily by Public Safety with assistance from University officials.
 - (b) A student may be charged even if he/she puts the cigarette/cigar/pipe out — seeing the student smoking in an unauthorized area is sufficient.
 - (c) Students seen smoking in non-designated areas will be required to produce their APSU Gov's Card upon request.
 1. If student does not have the Card on their person he/she will be asked for an alternative picture I.D. Student may be charged with 2 (h) "Misuse of Austin Peay State University documents or identification. Any failure to carry the APSU ID card at all times or to show it upon proper request"
 2. If the student refuses to produce their APSU Gov's Card and/or another form of picture ID then he/she may additionally be charged with 2 (p) "Failure to cooperate with University officials. Failure to comply with directions of University officials in the performance of their duties."
 3. A student on the APSU property without any identification may be detained by Campus Police and/or denied access to the campus.
 - (d) Students who are verbally abusive or threatening toward any person attempting to enforce the policy may be charged with additional violations such as 2 (c) Harassment and/or 2 (d) Disorderly Conduct.
 - (e) Public Safety will issue a citation to the student for violation of the policy. The citation will contain information regarding the possible penalties and disciplinary process.
 - (f) A campus official or student observing the violation should complete a Disciplinary Complaint Form in the Central Student Affairs Office. This will result in a citation being issued to the student accused of violating the policy.
 - (g) Student may be cited for violation of the policy and fined as provided for in the Code under disciplinary sanction 2 (n): "Fines. Penalties in the form of fines may be enforced against a student whenever the appropriate hearing officer(s) or hearing body deems necessary. The sanction of fines may be imposed in addition to other disciplinary sanctions. Failure to pay fines to the Business Office within two weeks of the decision will result in further disciplinary action." If the student pays the fine then there is an inherent assumption that the student is pleading guilty and the hearing officer, as the chief judicial officer, is imposing the sanction.
 - (h) There will be graduated fines automatically imposed for violation of the policy:
 1. First Offense — \$25
 2. Second Offense — \$50
 3. Third Offense or more — \$100 and referral for Formal Disciplinary Charges