



2023-24
NON-ACADEMIC STUDENT
CODE OF CONDUCT &
POLICIES

**WE
ARE
PIONEERS**

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PREAMBLE

This handbook is designed to serve as a guide to the code of conduct, rules, policies and services of the university; therefore, it is not intended to establish a contract and the university reserves the right to amend, modify, or change regulations, policies, and financial charges stated in this handbook throughout the year. In such a case, the university will make reasonable efforts to notify community members, in a timely manner, of any changes in policies and regulations (Tusculum University recognizes university issued e-mail accounts as the primary means of notification for official university business).

A. AUTHORITY, SCOPE, & JURISDICTION

A student who applies to Tusculum University accepts the authority of the University to establish policies and regulations regarding community members' behavior. This section contains the rules and expectations of conduct to be followed, whether a traditional or non-traditional student. Failure to comply with the established rules and expectations set forth in this Student Handbook will result in discipline, up to and including expulsion.

Ultimate authority for student discipline is vested in the Board of Trustees of the University. Operational authority is delegated through the President of the University and the Provost and Associate Vice President for Student Affairs to the Dean of Students for matters falling under the Code of Student Conduct. The Associate Vice President for Student Affairs and Retention charges the professional Student Affairs staff and other designated faculty and staff to exercise some of these duties. The Provost and Vice President for Academic Affairs has been delegated authority for academic related matters. The University hopes and expects that students and organizations will manage their individual and group behaviors pursuant to Tusculum University policies, rules and expectations. If students and/or student groups fail to do so, the University will enforce such policies, rules and expectations and determine appropriate penalties in accordance with the Student Handbook.

Jurisdiction and discipline of the University will apply to student (individual) and corporate (group or organization) conduct on University premises (whether owned, leased or managed) and at University events. It also applies to behavior occurring off-campus that indicates that the student may present a risk to the health or safety of her/himself or others, or otherwise adversely affect the University and/or the educational mission of the institution whether during periods of academic coursework or not. Examples of the University's jurisdiction include, but are not limited to, University athletic teams traveling to and participating in events off campus, recognized student organizations engaging in an event or activity off campus, off-campus internships, and off-campus work-study assignments, off-campus learning team meetings, community service and study abroad. Any exceptions to the Code must be approved by the Associate Vice President for Student Affairs and Retention and explicitly communicated by the faculty or staff in charge.

In addition to the procedures and penalties discussed in the Student Handbook for violation of Tusculum University policies, a student's misconduct may subject him/her to civil or criminal penalties if such conduct constitutes a violation of local, state or federal law. In such cases, the University may conduct its own disciplinary procedure and impose appropriate sanctions before, during, or after any criminal or civil proceedings as deemed appropriate by the Associate Vice President for Student Affairs and Retention or his/her designee.

B. STANDARDS FOR PERSONAL & COMMUNITY CONDUCT

Tusculum University places emphasis on education, and it seeks increased development and integration of the "whole person" in the intellectual, spiritual, social, and physical aspects of life. As an educational community, it respects and encourages the development of individual virtues such as integrity, rationality, compassion, self-discipline, and personal responsibility. The University also places special emphasis upon certain community ideals such as tolerance, civility, and respect for the person and conscience of others. Additionally, students are expected to participate in the building of a mutually supportive, responsible, and accountable community in which persons are expected to refrain from actions which are directly or indirectly injurious to other persons or to the community as a whole. Students are expected to actively participate in the process of deterring injurious conduct, through counseling others, and where other means fail or are inappropriate, reporting cases to the proper authorities. As a university related to the Presbyterian Church, it holds additional values such as honesty, the value and worth of each individual, the seriousness and inevitability of human shortcomings, and the hope for redemptive behavior. Such a community must depend upon the respect for certain principles and patterns of behavior by its members in order to function effectively.

Most policies concerning academics can be found in the University Catalog and provide the definitions, and operational structure for activities associated directly with academic coursework. The policies in this Code of Student Conduct provide the definitions and operational structure for life together on campus. Adherence to these Codes will be considered an understood prerequisite for acceptance to and ongoing membership in the University community.

C. ILLUSTRATIVE REGULATIONS

The following sections set out specific standards and expectations as examples, though they are not intended to be exhaustive in scope nor detail:

1. GENERAL BEHAVIOR

- a. Any conduct which has or presents a reasonable threat of a negative impact on the health, safety, rights, and property of the University, community members, or visitors;
- b. Any conduct which is or could reasonably be concluded to be an attempt to commit acts prohibited by this Code may be punished to the same extent as if the act had been completed;
- c. Aiding or encouraging others in the commission of an act prohibited under this Code including knowing presence during or subsequent to a violation of a standard of this Code (e.g. a student may be held responsible for any and all violations occurring when present in a room or area where a violation of University standards is taking place);
- d. Violation of established policies, rules or regulations promulgated through the official communications of Tusculum University (including but not limited to those policies covered in the Code of Student Conduct and applicable Student Handbook or University Catalog).
- e. Any conduct which has or could reasonably be concluded to have a negative impact on the good name or operation of the University; and
- f. Violations of expectations established under local, state, or federal law (as interpreted by the University and not dependent upon the outcome of external hearing bodies or subject to challenge on the ground that criminal charges involving the same incident have been reduced or dismissed);

2. ABUSE OF SELF OR OTHERS

- a. Inflicting mental or bodily harm upon any person (including one's self);

- b. Engaging in any intentional or reckless action from which mental or bodily harm could result (including to one's self);
- c. Causing a person to reasonably believe that the offender may cause mental or bodily harm;
- d. Harassing behavior, including, but not limited to, violation of the standards set forth in the Tusculum University Peer Harassment and Sexual Harassment Policies; and
- e. Discrimination against a person on the basis of race, religion, age, sex, national origin, sexual orientation, military or veteran status, disability, or genetic information except where such differentiation is sanctioned for cause in advance (e.g. organizations established to promote the interests of a specific segment of the community and are therefore restrictive in their membership).

3. ALCOHOL AND CONTROLLED SUBSTANCES

Note - Being under the influence of alcohol or other drugs does not diminish individual or corporate responsibility for a violation of the Code of Student Conduct; and offenses under this section should reflect the sanction guidelines established in the Alcohol and Controlled Substance Policy Enforcement Procedures.

- a. Unauthorized possession (including constructive possession), distribution or consumption of alcoholic beverages and any illegal controlled substance and paraphernalia as established through the Tusculum University Alcohol and Controlled Substance Policy;
- b. Public intoxication, presenting a threat to oneself or others, or engaging in disruptive behavior due to being under the influence of alcoholic beverages;
- c. Possession (including constructive possession), use, or trafficking in controlled substances or other violations of the Tusculum University Controlled Substance Policy;
- d. Use of cigars, incense, flavored or scented cigarettes, candles, smudge sticks of other substances which cause a scent perceivable as marijuana or masking the use of same will provide sufficient indicia to justify a search of any items on University property and can result in the student being found responsible for a violation of the Controlled Substances Policy as olfactory (smell) evidence is sufficient evidence to support a finding of responsibility;
- e. Smoking of any substance, use of any tobacco products, or vaping or e-cigarettes on Tusculum University's campus (see Smoking Policy herein - there is no smoking permitted in any building on a Tusculum campus or in vehicles of the University); and
- f. In addition to the foregoing regulations in this section, inhaling or ingesting any substance(s) that can or does have the effect of altering one's mental state (unless in compliance with a legal prescription).

4. COMPUTER USAGE

Improper access or other usage of the Tusculum University network as outlined in the Information Technology Appropriate Use Policy.

5. DISORDERLY OR DISRUPTIVE BEHAVIOR

- a. Intentional or reckless obstruction or disruption of teaching, research, administration, disciplinary proceedings, University events or activities, including violation of the Freedom of Expression Policy;
- b. Obstruction or disruption which reasonably or unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus;

- c. Failure to comply with the directions of University officials acting in their official capacity, including administrators, staff, faculty, and para-professional staff (including, but not limited to, refusing to furnish identification or failing to stop engaging in behavior when requested to do so or restricting access to any person, item, or venue to Student Affairs or Campus Safety personnel). Verbal and/or physical abuse directed toward any University official will not be tolerated and will constitute a serious violation. Any person who refuses to provide photo identification, at the request of a campus safety officer, may be asked to leave University property. Failure to comply with a request to leave the property may result in the person being escorted off campus by police;
- d. Conduct which is disorderly, indecent, breach of peace, or aiding, abetting, or procuring another person to engage in the foregoing on University premises or at functions sponsored by, or participated in by the University;
- e. Capturing unauthorized images of an individual where there is a reasonable expectation of privacy (especially images captured digitally or on film of a person undressed or dressing/undressing, or of a person's intimate body parts or engaged in intimate personal activity, such as, but not limited to, a locker room, changing room, restroom or residential living space).
- f. Without limitation, unauthorized recording of personal conversations, meetings, or activities (e.g. class sessions).
- g. Failure to observe the expectations established through the Noise Policy. The City of Tusculum has a noise ordinance which goes into effect at 11pm each night of the week;
- h. Card playing is permitted, but unsanctioned gambling for material gain is prohibited; and
- i. For residential students, failure to observe dining facility protocols, including, but not limited to: wearing shoes and shirts in dining facilities at all times; clearing own trays or packaging waste; not lending meal/board card to another; unauthorized removal of food, utensils, china, silverware and other service items; waste or blatant misconduct with food.

6. FACILITIES AND PROPERTY

- a. Unauthorized entry to or upon, or use of University property, equipment or resources, including but not limited to the telephone system, mail system, computer system, vehicle keys, buildings and furnishings, ledges, roofs or fire escapes of University-owned or operated buildings and service tunnels, or the duplication or use of keys (\$250 minimum fine);
- b. Theft, attempted theft, conversion of any property or services of the University, community members or guests (e.g. possession of stolen property, unauthorized sale of another's books, etc.); and
- c. Destruction, damage or defacement (including littering), misuse or tampering with any property or services of the University, community members or guests (e.g. possession of stolen property, unauthorized sale of another's books, vandalism, etc.).

7. HEALTH AND SAFETY

- a. Unauthorized storage, use or possession (or constructive possession) on any campus property (including items in vehicles) of weapons (as defined by local, state and federal law, and including any object or substance designed to inflict a wound or cause injury); explosives; projectiles; flammable materials (including solvents); biohazardous, volatile, or poisonous materials of any kind; or other items which may be hazardous to the health or safety of others. Items prohibited under this section include, but are not limited to, handheld guns (which includes pistols, stun, paint, pellet, dart, cap, BB, starter or water or toy guns which may be perceived to be actual weapons), long arms (such as rifles, shotguns, air rifles), bows, arrows, axes, knives or blades of any type, nun chucks, throwing stars, sling shots, firecrackers and fireworks.

Additionally, items which may not generally considered to be weapons, but which are wielded in a manner such that harm or the threat of harm is indicated, will be considered as a weapon under this policy (e.g. waving a baseball bat or knitting needle at another in a threatening manner). In addition to other sanctions, an automatic minimum fine of \$500 will be assessed under this policy, and suspension or expulsion from the University will be examined.

(Note Tennessee State Law [T.C.A. 39-17-1309] prescribes a maximum penalty of six [6] years imprisonment and a fine not to exceed three thousand dollars [\$3,000] for carrying weapons on school property);

Setting or causing to be set, any unauthorized fire in or on University premises (including grills or barbeques on a campus facility balcony or porch or under the eaves or overhangs) or storage of combustible engines or flammable materials in the aforementioned areas or inside a residential area. Ground fires in any form are not permitted on campus without permission obtained through the Office of Student Affairs on the residential campus or through the appropriate AOS student service staff;

- b. Intentionally initiating or causing to be initiated any false report, warning, or threat of fire, explosion, crime, or other emergency on University premises or at University sponsored events or tampering with fire alarms (e.g. battery removal, wire disconnection or shielded air passageways, etc.), extinguishers, or other fire equipment (in addition to other sanctions, an automatic minimum fine of \$250 will be assessed);
- d. Setting off or initiating a smoke detector response in or on University premises at the fault of the occupants that result in a dispatch from the Greeneville Fire Department. Reasons for dispatch under this section include, but are not limited to, cooking smoke, cooking fires, smoking, etc. A minimum \$150 fine will be assessed to responsible parties for dispatches that require the presence and response of the Greeneville Fire Department.
- e. Failure to comply with the directions of emergency (e.g. Fire or Police Department) personnel or University officials acting in their official capacity, including administrators, staff, faculty, and para-professional staff; or failure to comply with mechanical or electronic evacuation alarms or systems or otherwise evacuate or properly report hazardous or threatening incidents (in addition to other sanctions, an automatic minimum fine of \$100 will be assessed);
- f. Tampering with fire or safety signage (include exit floor plans or doorway signage) or breaching University security (e.g. propping open residence hall doors or loaning keys) (in addition to other sanctions, an automatic minimum fine of \$100 and related replacement/repair/cleaning costs will be assessed);
- g. Damage, misuse, or tampering with fire safety equipment including, but not limited to, covering of smoke detectors and misuse of fire extinguisher or fire suppressant systems.
- h. Failure to observe fire regulations requiring that halls, stairways, entrances, porches, evacuation routes, and balconies be kept clear of obstacles at all times; and
- i. Rough play on University premises, or use of outdoor recreation equipment in any facility other than facilities where such activity is explicitly permitted (e.g. gymnasium).

8. HONESTY/IDENTIFICATION

All forms of dishonesty and misconduct including, but not limited to the following:

- a. Cheating, plagiarism, or other forms of academic dishonesty (these cases are adjudicated

through processes administered by the Provost and Vice-President for Academic Affairs); with sanctions issued through the Tusculum University Conduct process.

- b. Tampering with the election of any recognized or chartered student organization;
- c. Forgery, alteration, tampering or unauthorized use of any University document, record, or instrument of identification (e.g. use of another's ID or PIN number);
- d. Transferring, lending, or borrowing University identification; and
- e. Failing to provide identification or furnishing false information to authorized University officials, offices, or judicial boards (including, but not limited to, being party to falsification; giving or providing false statements, written or oral; and/or providing false information during any University proceeding or to any University official).). Any person who refuses to provide photo identification, at the request of a campus safety officer, may be asked to leave University property. Failure to comply with a request to leave the property may result in the person being escorted off campus by police.

9. PROCESS & RESPONSIBILITY

- a. Failure to escort or manage guest's behaviors at all times while on, in, or at any campus property, facility or event (minor children must be accompanied [and may not stay in residence halls overnight] due to liability issues and unescorted non-students generally have no rights to be present on, in, or at any campus property or facility, beyond that specifically extended by an authorized agent of the institution [e.g. intercollegiate athletic events open to the general community]). Students are expected to inform their guests of all applicable University regulations and see that their guests act accordingly (e.g. payment for meals at Dining Halls, possession of alcoholic beverages, etc.);
- b. Abuse or misuse of University disciplinary process, including falsifying, distorting, or misrepresenting information in a University investigation or proceeding; disruption of or interference with an investigation or proceeding; attempting to intimidate, harass, or exert undue influence over a member of a hearing panel, witness, or party prior to or during a judicial proceeding; attempting to discourage an individual's proper participation in or use of, the judicial process; and
- c. Failure to comply with disciplinary sanctions imposed, including violation of the Code of Student Conduct while on probation or deferred suspension (Note - failure to complete sanctions is considered a serious offense which will result in a minimum \$100 fine and consideration of suspension).

D. ALCOHOL & CONTROLLED SUBSTANCE POLICY

ALCOHOL & DRUG RISK INFORMATION

Tusculum University has a zero-tolerance policy pertaining to the possession or use, of illegal substances including but not limited to; marijuana, opioids, controlled substances, abuse of prescription drugs, and any chemical ingested for the purpose of altering a person's ability to function in a manner expected of a reasonable person.

The general health risks related to alcohol and other drug abuse may be immediate or build for some time. Some of the physical effects of alcohol/other drug abuse can include: damage to the liver, heart and pancreas; digestive irritations; malnutrition; sexual problems; high blood pressure; brain damage and mental impairments (including negative effects on perception, information processing, learning, judgment, reaction time, sound processing and peripheral vision); increased risk of cancer, heart attack and stroke; and infections in general. Alcohol is the drug of choice for many of those students who abuse drugs. Alcohol is a central nervous system depressant which slows down respiration. Alcohol abuse/dependence can

ultimately rob a person of self-control which eventually can lead to broken relationships, loss of jobs, self-esteem, self-respect and even suicide. Alcohol problems can also lead to legal problems such as domestic violence and even criminal offenses and incarceration. Pregnant women who drink may produce a fetus with fetal alcohol syndrome who is small, mentally retarded or has defects of the heart or other organs. University students who engage in alcohol/other drug abuse also report experiencing a continuum of other unpleasant consequences and behaviors including hangovers, vomiting, accidents and injuries, blackouts, fights, missing classes, lower grades, damaging property, pulling fire alarms and other disciplinary problems which can result in suspension from school. Thus, alcohol/other drug abuse can contribute to academic failure and misconduct.

A major consequence of alcohol or other drug abuse may cause the development of an addiction. While almost anyone may develop an addiction, some students are more vulnerable than others due to inherited biological factors. In particular, students whose parents or grandparents had an alcohol or other drug problem, may develop an addiction more quickly and easily than other students. Alcohol or drug addicted students may cease growing intellectually and emotionally and may never learn to cope with problems constructively, but attempt instead to avoid and compound problems by getting "high". Combinations of various drugs cause make the effects of each stronger (potentiation) and can be fatal. Tusculum University is committed to increasing awareness about alcohol/drug issues, to prevention strategies that discourage irresponsible and illegal use, and to providing ongoing support for those individuals who have decided not to use alcohol and illegal drugs.

1. ALCOHOL

Tusculum University recognizes that the use of alcohol tends to have a deleterious effect on educational attainment and that students may deal with issues involving chemical dependency. Therefore, the University strives to provide education and assistance to students. Chemical dependency is a serious illness which can be treated successfully if identified early, if appropriate referral to community agencies is made, and if adequate support is afforded to those in the recovery process.

Possession or manufacture, sale, use, consumption, or delivery of alcoholic beverages or paraphernalia associated with the use of alcohol on University property or at University sponsored events is prohibited unless specifically provided for by the President of the University. Paraphernalia includes, but is not limited to: the public display of signs, posters or other objects with references to alcohol, accumulations of containers (i.e., bottles, cans, kegs, and boxes), bongs for drinking: "bar-like" structures, taps, kegs, or waste containers in excess of 5 gallons.

The entire campus community is expected to promote and enforce a sense of personal responsibility and exhibit responsible behavior toward the consumption of alcohol. In addition to seeking to support student treatment and education, the University reserves the right to initiate disciplinary procedures to maintain a healthy educational environment.

2. CONTROLLED SUBSTANCES

As an institution within the State of Tennessee, Tusculum University is committed to encouraging compliance with all state and local laws. Tusculum University is unalterably opposed to the illegal possession and/or improper use of hallucinogens, drugs, and narcotics by all members of the University community. In keeping with Tennessee and federal laws which prohibit the use, possession, sale or offering for sale of narcotics and hallucinogens, including marijuana, and Tennessee laws prohibiting improper possession, use and sale of drugs (e.g. amphetamines and barbiturates), Tusculum University will encourage and cooperate in the enforcement of these laws which may include actively engaging in prosecution of any community member by local law enforcement agencies.

Any chemical substance that is not for human consumption, but which is consumed by a person for purposes of producing a stimulant, depressive, hallucinogenic, or narcotic effect in that person is considered an illegal drug in those circumstances. In addition, any chemical "substantially similar" to a controlled substance listed in Schedule I or II (of the US Controlled Substances Act) is to be treated as if it were also listed in those schedules, for the purposes of this policy. Any substance that the Attorney General

temporarily places on a Schedule to avoid an imminent hazard to the public safety, shall be treated as if it were also listed in that schedule, for the purposes of this policy. Finally, any recommendation by the World Health Organization for the placing of substances on a schedule of the Single Convention on Narcotic Drugs or the Convention on Psychotropic Substances, shall be treated as binding until such time as this decision is ratified by the Commission on Narcotic Drugs.

The University reserves the right to inspect any and all parcels brought onto campus, to confiscate alcoholic beverages or other controlled substances and to initiate disciplinary procedures. Tusculum respects each student's right to privacy, but reserves the right to inspect students' rooms and packages as outlined in the housing agreement.

The following constitute violation of University policy:

- a. Use of non-prescribed hallucinogens, drugs, or narcotics - including those prescribed to others (note- olfactory evidence is permissible evidence in a drug hearing and is sufficient to establish a violation);
- b. Possession, including with intent to resale, and selling of any materials as outlined above as well as possession of drug-related paraphernalia - including constructive possession of the aforementioned (constructive possession provides that being in close proximity to prohibited items is enough to justify accountability as a hearing could conclude that the prohibited items could have belonged to them. Accountability based on constructive possession often results when prohibited items are found in a residence or in a room within a residence, and more than one person is present who could arguably be the owner of the prohibited items. This approach prevents students in violation from merely removing prohibited items from their personal possession upon imminent confrontation by University officials. Practically speaking, as it relates to University students, constructive possession means that students should be aware of their surroundings and avoid situations where prohibited items may be present, even if the student does not actually intend to use or handle the prohibited items personally. Assuming or trusting that a friend or acquaintance will take the responsibility for any prohibited items found has proven to be a critical mistake for many students);
- c. Improper use of prescription medications.
- d. Trafficking in these items, described in paragraphs 1, 2, and 3 above, whether procuring,

giving, selling, or causing to be procured, shared, given or sold.

3. ENFORCEMENT

It is the responsibility of each member of the Tusculum University community to uphold the standards and regulations of the University. Each individual is responsible for creating and keeping an academic and social environment which provides a comfortable atmosphere and which encourages good will and trust among all members of the campus community. To prevent the abuse of the standing alcohol and drug policy, the following enforcement procedures are maintained. Violations of the University alcohol policy may result in the following sanctions:

a. Individual Non-Disruptive Alcohol Violations

* The Office of Student Affairs has the right to allow students to benefit from educational/restorative opportunities to reduce or remove monetary fines and/or community service if judged appropriate. Failure to complete the agreed educational/restorative opportunities by the assigned deadline will result in reassignment of the standard listed monetary fine and/or community service hours. Failure to complete all agreed upon sanctions by assigned due date may result in suspension from the University.

i. First Offense

For students under the age of 21, a parental contact letter detailing the violation which will be delivered to student's parents. A 500 word reflection paper and 25 hours community service project to be determined and monitored by the Office of Student Affairs.

ii. Second Offense

Referral to the Peer Judicial Board for adjudication and recommendation of sanctions. Standard sanctions for the second offense may include six months probation, 2nd parental contact letter for students under the age of 21 detailing the violation and informing parent(s) of student conduct status, 50 hours of community service, a 1,000 word reflection paper, and Alcohol Abuse Counseling Assessment recommendation, arranged through the Office of Student Affairs.

iii. Third Offense

Referral to the Community Standards Board for adjudication and recommendation of sanctions. Standard sanctions for the third offense may include a monetary fine of \$300, participation in substance abuse assessment (Highly recommended), 75 hours of community service, parental contact letter send for students under the age of 21 detailing and informing parent of student conduct status, and the possibility of suspension lasting up to six months (may be deferred upon consideration of the potential for remediation).

b. Controlled Substance Policy Violation

i. First Offense

Referral to the appropriate judicial board for adjudication and recommendation of sanctions. May include a monetary fine, 30 hours of community service, parental contact letter detailing the violation and student conduct status, placed on a minimum of six months probation, 500 word reflection paper

ii. Second Offense

Referral to the appropriate judicial board for adjudication and recommendation of sanctions.

Sanctions for a second offense may include a suspension of six months, may include a monetary fine of \$300, parental contact letter detailing the violation and student conduct status, 1,000 word reflection/research paper with the topic assigned by the Office of Student Affairs, attend a substance abuse assessment with a campus counselor (recommended), 60 hours community service.

iii. Third Offense

Referral to the appropriate judicial board for adjudication and recommendation of sanctions. Sanctions for the third offense may include suspension/expulsion from the University, minimum monetary fine of \$500, 5 page research paper with the topic assigned by the Office of Student Affairs, 90 hours community service.

See Students' Rights, page 56 for the procedure for disciplinary hearings, process, appeals, and policies.

4. MEDICAL AMNESTY

Tusculum University is dedicated to creating a community of educated individuals focused on personal responsibility and sound decision-making. As a part of this process, the University community is committed

to providing guidance so that students can learn to develop a responsible approach to social challenges. The University recognizes that there may be times when students face medical emergencies involving excessive drinking and/or drug use. In such cases, if an individual seeks assistance due to a medical emergency, Tusculum University will not pursue disciplinary sanctions against the student for consumption or possession of alcohol or drugs.

Medical Amnesty applies only to the possession or consumption of alcohol and drugs. It does not preclude disciplinary sanctions due to any other violation of the Code of Student Conduct. Other such violations include, but are not limited to, assault, property damage or distribution of illicit substances (including possession of an amount appropriate for distribution). Additionally, the Policy does not prevent action by police, other law enforcement personnel, or other third parties.

Tusculum University Medical Amnesty Policy is applicable to:

- A student requesting medical assistance for oneself; or
- A student(s) seeking medical assistance for another person.

If a student/group calls on behalf of another student, that student/group is required to remain with the student experiencing the emergency until medical attention arrives.

Please note that Medical Amnesty *will not be granted to students who do not seek medical assistance*, and that students who are confronted by University staff or another third party will be referred to the Office of Student Affairs for disciplinary action. The student needing medical assistance will be required to meet with student conduct personnel and in lieu of disciplinary sanctions, may be expected to complete the following:

- A mandatory meeting with the University Counselor and Dean of Students or other educational referrals
- Responsibility for costs associated with hospital transportation, treatment, assessment, or damage
- Parental Notification

Please note that the referring student may also be required to meet with the Office of Student Affairs. As

long as the student seeking Medical Amnesty complies with all directives from the Associate Vice President for Student Affairs or his/her designee, there will be no disciplinary action taken related to a violation of possession or consumption of alcohol or drugs. Medical Amnesty is not intended to shield students or organizations in cases of extreme, flagrant, and repeated incidents. In cases where extreme, flagrant or repeated violations of the Code of Student Conduct occur, the University reserves the right to take disciplinary action on a case-by-case basis regardless of the manner in which the incident was reported. In each case, the Associate Vice President for Student Affairs or his/her designee will make the final determination as to the applicability of this provision. In the case of any emergency involving alcohol or other drugs, call Campus Safety at 423.470.2710 immediately for emergency medical assistance.

E. AIDS POLICY STATEMENT

This policy is based on current knowledge of the Human Immunodeficiency Virus (HIV), the virus that causes Acquired Immune Deficiency Syndrome (AIDS). This policy may be revised as new medical information develops.

Persons with any form of HIV infection, including AIDS, do not pose a health risk to others through ordinary, casual contact. HIV is transmitted perinatally, by sexual intercourse, and by exposure to contaminated blood. Although HIV may be found in the body fluids and secretions of infected persons, current medical knowledge indicates that the virus is transmitted only by means of contact with the blood, semen, or female genital secretions of infected persons. There has been no confirmed case of HIV transmission within any household or school as a result of casual contact. Therefore, there is no basis for routinely excluding or dismissing students or employees because they have AIDS or an asymptomatic HIV infection.

The University has adopted the following procedures with respect to HIV infection:

1. No consideration will be given to the existence of any form of HIV infection when the University decides whether to admit a student.
2. Students who are infected with HIV will be allowed to attend class without any restrictions, as long as they are physically and mentally capable.
3. Tusculum University does not require mandatory testing for HIV. Under Tennessee law, the University is obligated to report to state or local health departments any known cases of HIV. Otherwise, these reports are treated as confidential medical information, and cannot, without the written consent of the individual, be released to any other person, group, agency or insurer.
4. The National Collegiate Athletic Association (NCAA) with which Tusculum University is affiliated has additional policies and information regarding the relationship of athletic participation and HIV. Contact the office of the Head Athletic Trainer on the residential university for details.

F. AMOROUS RELATIONS POLICY

The University's Amorous Relations policy generally prohibits employee-student or supervisor-supervisee romantic and/or sexual relationships, even mutually consenting ones, as they present a real or perceived impropriety where the supervisor has, or is perceived to have, any professional responsibility for the academic performance or professional future of the student or other employee. There are extremely limited exceptions to this general prohibition (e.g. spouses, previously existing relationships) in which a relationship may be permitted. Under this policy, students have a duty to disclose any romantic and/or

sexual employee- student or supervisor-supervisee relationships, even mutually consenting ones, to the Associate Vice President for Student Affairs (ext. 5226) or the Director of Personnel Services (ext. 5345) to avoid any violations of code, appearance of impropriety, or disruption of the University environment.

G. CONFISCATION POLICY

Certain items are prohibited on University property, in University facilities, or at University events, because of health, fire or safety reasons; local, state or federal law; or University policy (e.g. drugs, weapons, and appliances and pets in the residence halls).

When these items are encountered or discovered by University officials, they are subject to confiscation, and the University, its employees, agents, and officers will not be responsible for any incidental loss or harm.

Residential students may request permission to retrieve pets which have not been turned over to animal control and which are still in the custody of Campus Safety upon their agreement to immediately remove the animal from University property and not return it to campus. Similarly, appliances may be retrieved by the residential student owner with the same caveat that it be immediately removed and not returned to the premises.

Unless there is a perceived need by the University authority to retain beverage alcohol for evidence in an incident, it will be disposed of upon confiscation (preferably by the student owning or exercising control over the container(s)). Weapons, controlled substances, and drug paraphernalia will be secured by Campus Safety or appropriate law enforcement personnel and will not be returned. Any releasable items which are not claimed by their rightful owner within six months become the property of Tusculum University and will be disposed of without recourse by the previous owner.

H. FREEDOM OF EXPRESSION POLICY

Tusculum University is committed to an environment in which a variety of ideas can be reasonably proposed and critically examined. It is often tolerant of the expression of ideas that are brought forth in a manner that would be considered less than reasonable and with little focus on the application of reflective examination. However, the University community recognizes that the freedom of inquiry and expression which is important to intellectual development and character maturation sometimes produces conflicts of belief and include ideas with which many, including the University in its official capacity, would take extreme exception.

However, when possible, the University seeks to apply the remedy of meeting speech which may be judged offensive or hurtful (that which may be deemed “poor” in that it is found deeply wanting when subjected to the mission and values of the institution) with more speech that seeks to illuminate and educate as a natural extension of its educational mission. Though this approach may be found to be burdensome to many who would prefer to limit the expression of perspectives which are deemed distasteful or even reprehensible by the majority on the grounds that they are harmful to diversity, civility, etc., the development of those very constructs in their common understanding relied upon a society which tolerated the open and permissive exchange of ideas which were often offensive to the majority perspective and hurtful to the sensibilities of many who were in the majority in various communities.

In these situations, it is the University’s role to encourage meaningful dialogue about ideas which evoke and even inflame passions as these are often the areas which are central to identity formation and vision development. Though the University may seek to provide what it considers to be an enlightened

perspective, it will also seek to provide a forum for all to be able to consider and articulate their perspective such that it may be fairly considered and weighed on its merits.

While supporting the internal consideration of viewpoints, the University will not, however, seek to provide equal time or support for other communications in clarifying the official position of the institution on a given issue or topic. The University will not permit speech or conduct which amounts to harassment or which exposes minors, University guests, etc. to an environment which diminishes the good name and standing of the institution.

Also implicit in the discussion of freedom of expression generally is the more specific right to dissent and demonstrate in a peaceful and non-disruptive manner without unreasonable obstruction or hindrance.

The University expects those who enjoy these freedoms must also accept responsibility for order and discipline. The use of University premises to dissent, demonstrate or otherwise express oneself shall be limited to students which must register the activity with the University through the Associate Vice President for Student Affairs and Retention (such registration shall provide a viewpoint neutral evaluation of the proposal and work to establish a time, place and manner which satisfies the interests of those in dissent to express themselves without interference due to: 1. the potential of being found a disruption to the operations of the University, and 2. external threats to the expression evoked by passions aroused by the activity).

Permissible speech does not include unlawful activity which may threaten or endanger the safety of any community member, destruction of property, or obstruction of the normal operations of the University.

Expression that is obscene, and that which amounts to harassment on matters of race, ethnicity, religion, gender or sexual orientation will not be tolerated.

The following definitions are provided:

- **Speech** - leafleting, picketing, speeches, demonstrating, petition circulation, fund raising, lawn signs, sandwich boards, tables, gatherings, posters, pamphlets, and similar speech related activities.
- **Dissent** - individual or group activity which expresses grievances held against, or changes desired of, society or campus or both. Dissent may be more general than a simple grievance or remedy and may have an ideological base. It often includes proposed solutions as well as complaints.
- **Disruption** - activity which disrupts or interferes with the operations of the University, reacts to the expression of peaceful dissent of others by attempting to deny their rights, or threatens the safety of any person on the campus and/or results in the destruction or defacing of property. Persons planning a demonstration should meet with the Associate Vice President for Student Affairs and Retention or designee to discuss arrangements for the event. Participants in demonstrations are not permitted to act, aid, abet, or procure another person to engage in the following on University premises or at functions sponsored by, or participated in by the University:
 - Gather in such a fashion as to physically hinder entrances to, exits from or passageways within any University facility, or to hinder the normal flow of pedestrian or vehicular traffic on or through the campus (site managers may restrict speech activity to a reasonable distance from any exit, entrance, staircase, parking lot or roadway to allow appropriate access/flow),
 - Assemble so as to intentionally or recklessly obstruct or disrupt teaching, research, administration, disciplinary proceedings, University events or activities, including participation in a campus demonstration which disrupts the normal operations of the University,
 - Create a volume of noise that prevents members of the University from carrying out their normal duties (especially disruption of teaching activities),

- Employ force or violence, or constitute an immediate threat of force or violence against persons or property,
- Otherwise violate the University Posting & Distribution Policy, or
- Fail to observe established closing hours of buildings.

Any person may request from the Associate Vice President for Student Affairs an interpretation of any provision of these regulations which he or she finds unclear or believes to have been misapplied. The Associate Vice President for Student Affairs may authorize speech activities which are determined not to cause disruption of campus activities despite a literal violation of these regulations. Persons in violation of these rules are subject to: institutional disciplinary proceedings, if a student or employee; an order to leave the immediate premises or property owned or controlled by the University issued by the Associate Vice President for Student Affairs or his/her designee; and persons failing to comply with such an order to leave or to remain off the immediate premises or property owned or controlled by the University are subject to arrest for criminal trespass.

I. HAZING POLICY

Tusculum University is opposed to any and all forms of hazing under whatever name or form it may occur. Decisive action will be taken to prevent it in keeping with the following declared policy:

Any organization chartered or sanctioned by Tusculum University may have its right to function revoked if it is found responsible for hazing. Similarly, an individual found responsible of hazing may be separated from the University.

1. **DEFINITION** - An act of hazing will include all conditions described by Tennessee statutes or any knowing, intentional or reckless act or behavior for the purpose of pledging, being initiated into, affiliating with, holding office in or maintaining membership in any group or organization, whether such behavior is on campus or off campus, or by one person or in concert with others, which, regardless of intent or consent of the participants: 1) produces or is reasonably likely to produce, bodily harm or danger, mental or physical discomfort, embarrassment, harassment, fright, stress, humiliation, ridicule, fear of ostracism, or otherwise compromises the dignity of an individual; 2) compels an individual to participate in any activity which is unlawful and/or contrary to the rules, policies and regulations of the University; or 3) will, unreasonably or unusually, impair an individual's academic efforts.

2. **BEHAVIORAL CONCERNS** (As an aid to the organizations and groups on our campus, the following illustrative, but not exhaustive list of "traditional" pledging activities are deemed to be inappropriate by Tusculum University [and may well be illegal]. If you are uncertain, you should not engage in the activity without consulting in advance with the Office of Student Affairs):

- a. Paddling in any form, shoving or otherwise striking individuals, or corporal punishment of any kind, or creating a fear of similar behavior;
- b. Compelling physically demanding activity of any kind including, but not limited to, calisthenics, running, or other types of required strenuous activity;
- c. Compelling an individual to be shaved, branded, tattooed, pierced, etc.;
- d. Compelling physical acts, such as walking backwards or confinement in a small space, which create the potential for physical or mental injury;
- e. Compelling individuals to engage in sexual behaviors, sexual or racial harassment or slurs, or exhibitionism;

- f. "Line-ups" in which pledges are verbally harassed, intimidated, or abused;
- g. Compelling an individual to engage in acts of personal servitude;
- h. Compelling an individual to forego opportunity for sufficient sleep, consumption of decent edible meals or access to or use of personal hygiene;
- i. Excluding an individual from social contact for prolonged periods of time;
- j. Compelling individuals to consume alcohol or drugs or any other substances (e.g. undue amounts or odd preparations of food or drink);
- k. Having substances thrown at, poured on or otherwise applied to the bodies of individuals;
- l. Compelling individuals to wear or carry unusual, uncomfortable, degrading/ provocative or physically burdensome articles or apparel; or causing an individual to be indecently exposed or exposed to the elements
- m. (Note - The wearing of small pledge pins or small ribbons is allowed, however, any non-apparel items worn with the intent or effect of degradation, humiliation, or bringing undue attention to a pledge is not permitted);
- n. Compelling individuals to participate in pranks or scavenger hunts (Note - Scavenger Hunts may only be permitted upon prior written approval of the Associate Vice President for Student Affairs or his/her designee. Scavenger hunt items must be approved at least two weeks in advance and any lewd or inappropriate items will not be permitted. *Furthermore, scavenger hunts will not be permissible at any time in the Residence Halls or Academic buildings or during academic hours [outside of University orientation programs];*
- o. Engaging in activities which impair an individual's academic efforts by causing exhaustion, loss of sleep or reasonable study time, or by preventing an individual from attending class (e.g., late night or early morning house duties);
- p. Transporting individuals against their will, abandoning individuals at distant locations, or conducting any "kidnap," "ditch" or "road trip" that may in any way endanger or compromise the health, safety or comfort of any individual;

3. CONSENT IS NO DEFENSE - Any of the activities described or reasonably related to above, upon which the initiation or admission into, or affiliation with, or continued membership in an organization, is directly conditioned, will be presumed to be "compelled activities," the willingness of an individual to participate notwithstanding.

4. APPLICABILITY OF COMMUNITY STANDARDS - The terms and concepts cited in this policy will be interpreted by University boards or officials in relation to acceptable and applicable community standards.

5. ACCOUNTABILITY EXPECTATION - All membership-related activities must be approved by the president, chair or leader of the group and the adviser to the group prior to the activity. The activity must not interfere with the rights and activities of others and will reflect the best interests of the members of the organization it represents as well as the University community as a whole.

6. ENFORCEMENT - The president, chair or leader of each group or student organization is responsible for informing the members (pledges, associate members, initiated members, affiliates, etc.) of the organization of the policy regarding hazing. It is suggested that the policy be read and distribute to each member of the organization during the first meeting of each semester.

The president, chair or leader of each group or student organization is responsible for informing guests and alumni members of this policy and is additionally responsible for controlling the actions of guests and

alumni members relative to this policy. Officers of organizations violating hazing policies may be held individually, jointly, and severally responsible for the group's actions, in addition to whatever organization accountability may be established.

It is the responsibility of any and all individuals who have firsthand knowledge of the planning or actual occurrence of a hazing activity to promptly report said knowledge to the Associate Vice President for Student Affairs or his/her designee.

J. HEALTH INFORMATION POLICY

Although not a covered entity under the Health Insurance Portability and Accountability Act (HIPAA), the University is committed to implementing the best practices associated with privacy and security of health information for the protection of its students, faculty, and staff. Therefore, to safeguard the privacy of individuals, the University requires its faculty, staff, and students to apply the “minimum necessary” standard as described in HIPAA. The minimum necessary standard stipulates that the amount of individually identifiable health information used, obtained, or disclosed to others is restricted to the minimum amount necessary to achieve the specific purpose of that use, request, or disclosure.

K. INFORMATION SYSTEMS APPROPRIATE USE POLICY

Information technology (“IT”), encompasses a vast and growing array of computing and electronic communications facilities and services. These facilities and services provide the means for Tusculum University students, faculty and staff to meet their daily requirements in meeting the overall mission of the University.

Users of these IT resources have a responsibility not to abuse those resources and to respect the rights of the members of the community as well as the University itself.

This IT Appropriate Use Policy (the “Policy” or “AUP”) provides guidelines for the appropriate use of Tusculum University IT resources as well as for the University’s access to information about and oversight of these resources.

Most IT use parallels familiar activity in other media and formats, making existing University policies important in determining what use is appropriate.

Using electronic mail (“email”) instead of standard written correspondence, for example, does not fundamentally alter the nature of the communication, nor does it alter the guiding policies.

University policies that already govern freedom of expression and related matters in the context of standard written expression govern electronic expression as well. This Policy addresses circumstances that are particular to the IT arena and is intended to augment but not to supersede other relevant University policies.

1. DEFINITIONS

The following definitions apply to the Tusculum University Appropriate Use Policy:

- a. IT Systems – These are the computers, terminals, phones, switches/hubs, printers, networks, modem banks, online and offline storage media and related equipment, software, and data files that are owned, managed, or maintained by students, faculty and staff of Tusculum University. For example, IT Systems include institutional and departmental information systems, faculty research systems, desktop computers, the University’s campus network, and University general

access computer clusters.

- b. Users – A “User” is any person, whether authorized or not, who makes any use of any Tusculum University IT System from any location.
- c. Systems Authority – While Tusculum University is the legal owner or operator of all IT Systems, it sometimes delegates oversight of particular systems to other departments or to a specific individual. That department or individual would then be responsible and would have “Systems Authority” for that particular system.
- d. Systems Administrator – Systems Authorities may designate another person as “Systems Administrator” to manage the particular system assigned to him or her. Systems Administrators oversee the day-to-day operation of the system and are authorized to determine who is permitted access to particular IT resources.
- e. Certifying Authority – This is the Systems Administrator or other University authority who certifies the appropriateness of an official University document for electronic publication in the course of University business.
- f. Specific Authorization – This means documented permission provided by the applicable Systems Administrator.

2. PURPOSE

The purpose of this Policy is to ensure an information technology infrastructure that promotes the basic missions of the University in teaching, learning, research, and administration. In particular, this Policy aims to promote the following goals:

- a. To ensure the integrity, reliability, availability, and superior performance of IT Systems;
- b. To ensure that use of IT Systems is consistent with the principles and values that govern use of other University facilities and services;
- c. To ensure that IT Systems are used for their intended purposes; and
- d. To establish processes for addressing policy violations and sanctions for violators.

3. SCOPE

This Policy applies to all Users of IT Systems, including but not limited to University students, faculty, and staff. It applies to the use of all IT Systems. These include systems, networks, and facilities administered by the Tusculum University Department of Information Systems (TCDIS), as well as those administered by individual schools, departments, University laboratories, and other University-based entities.

Use of IT Systems, even when carried out on a privately owned computer that is not managed or maintained by Tusculum University, is governed by this policy.

4. USE OF IT SYSTEMS

Although this Policy sets forth the general parameters of appropriate use of IT Systems, faculty, students, and staff should consult their respective governing policy manuals for more detailed statements on permitted use and the extent of use that the University considers appropriate in light of their varying roles within the community. In the event of conflict between IT policies, this Appropriate Use Policy will prevail.

- a. Appropriate Use – IT Systems may be used only for their authorized purposes – that is, to support the research, education, clinical, administrative, and other functions of Tusculum University. The particular purposes of any IT System as well as the nature and scope of authorized, incidental personal use may vary according to the duties and responsibilities of the

User.

- b. Proper Authorization – Users are entitled to access only those elements of IT Systems that are consistent with their authorization.
- c. Specific Proscriptions on Use – The following categories of use are inappropriate and prohibited:
 - 1) Use that impedes, interferes with, impairs, or otherwise causes harm to the activities of others. Users must not deny or interfere with or attempt to deny or interfere with service to other users in any way, including by “resource hogging,” misusing mailing lists, propagating “chain letters” or virus hoaxes, “spamming” (spreading email or postings widely and without good purpose), or “bombing” (flooding an individual, group, or system with numerous or large email messages). Knowing or reckless distribution of unwanted mail or other unwanted messages is prohibited. Other behavior that may cause excessive network traffic or computing load is also prohibited.
 - 2) Use that is inconsistent with Tusculum University’s non-profit status. The University is a non-profit, tax-exempt organization and, as such, is subject to specific federal, state, and local laws regarding sources of income, political activities, use of property, and similar matters. As a result, commercial use of IT Systems for non-University purposes is generally prohibited, except if specifically authorized and permitted under University conflict-of-interest, outside employment, and other related policies. Prohibited commercial use does not include communications and exchange of data that furthers the University’s educational, administrative, research, clinical, and other roles, regardless of whether it has an incidental financial or other benefit to an external organization. Use of IT Systems in a way that suggests University endorsement of any political candidate or ballot initiative is also prohibited. Users must refrain from using IT Systems for the purpose of lobbying that connotes University involvement, except for authorized lobbying through or in consultation with the University’s Administrative Offices.
 - 3) Harassing or threatening use. This category includes, for example, display of offensive, sexual material in the workplace and repeated unwelcome contacts with another.
 - 4) Use damaging the integrity of University or other IT Systems. This category includes, but is not limited to, the following six activities:
 - i. Attempts to defeat system security. Users must not defeat or attempt to defeat any IT System’s security – for example, by “cracking” or guessing and applying the identification or password of another User, or compromising room locks or alarm systems. (This provision does not prohibit, however, ITS or Systems Administrators from using security scan programs within the scope of their Systems Authority.)
 - ii. Unauthorized access or use. The University recognizes the importance of preserving the privacy of Users and data stored in IT systems. Users must honor this principle by neither seeking to obtain unauthorized access to IT Systems, nor permitting or assisting any others in doing the same. For example, a non-University organization or individual may not use non-public IT Systems without specific authorization. Privately owned computers may be used to provide public information resources, but such computers may not host sites or services for non-University organizations or individuals across the University network without specific authorization. Similarly, Users are prohibited from accessing or attempting to access data on IT Systems that they are not authorized to access.

Furthermore, Users must not make or attempt to make any deliberate, unauthorized changes to data on an IT System. Users must not intercept or attempt to intercept or access data communications not intended for that user.

- iii. Disguised use. Users must not conceal their identity when using IT Systems, except when the option of anonymous access is explicitly authorized. Users are also prohibited from masquerading as or impersonating others or otherwise using a false identity.
 - iv. Distributing computer viruses. Users must not knowingly distribute or launch computer viruses, worms, or other rogue programs.
 - v. Modification or removal of data or equipment. Without specific authorization, Users may not remove or modify any University-owned or administered equipment or data from IT Systems. This includes the loading of “pirated” software.
 - vi. Use of unauthorized devices. Without specific authorization, Users must not physically or electrically attach any additional device (such as an external disk, printer, or video system) to IT Systems.
- 5) Use in violation of law. Illegal use of IT Systems – that is, use in violation of civil or criminal law at the federal, state, or local levels – is prohibited. Examples of such uses are: promoting a pyramid scheme; distributing illegal obscenity; receiving, transmitting, or possessing child pornography; infringing copyrights; and making bomb threats. With respect to copyright infringement, Users should be aware that copyright law governs (among other activities) the copying, display, and use of software and other works in digital form (text, sound, images, and other multimedia). The law permits use of copyrighted material without authorization from the copyright holder for some educational purposes (protecting certain classroom practices and “fair use,” for example), but an educational purpose does not automatically mean that the use is permitted without authorization.
- 6) Use in violation of University contracts. All use of IT Systems must be consistent with the University’s contractual obligations, including limitations defined in software and other licensing agreements.
- 7) Use in violation of University policy. Use in violation of other University policies also violates this AUP. Relevant University policies include, but are not limited to, those regarding sexual harassment and racial and ethnic harassment, as well as University, departmental, and work-unit policies and guidelines regarding incidental personal use of IT Systems.
- 8) Use in violation of external data network policies. Users must observe all applicable policies of external data networks when using such networks.
- d. Free Inquiry and Expression – Users of IT Systems may exercise rights of free inquiry and expression consistent with the limits of the law.
- e. Personal Account Responsibility – Users are responsible for maintaining the security of their own IT Systems accounts and passwords. Any User changes of password must follow published guidelines for passwords. Accounts and passwords are normally assigned to single Users and are not to be shared with any other person without authorization by the applicable Systems Administrator. Users are presumed to be responsible for any activity carried out under their IT Systems accounts or posted on their personal web pages.
- f. Encryption of Data – Users are encouraged to encrypt files, documents, and messages for

protection against inadvertent or unauthorized disclosure while in storage or in transit over data networks. Users encrypting information are encouraged to use only endorsed software and protocols. Users who elect not to use endorsed encryption software and protocols on IT Systems are expected to decrypt information upon official, authorized request. (See Section V, "Conditions of University Access," below.) A staff member may only encrypt with the permission of his or her supervisor.

- g. Responsibility for Content – Official University information may be published in a variety of electronic forms. The Certifying Authority under whose auspices the information is published is responsible for the content of the published document. Users also are able to publish information on IT Systems or over Tusculum University's networks. Neither the University nor individual Systems Administrators can screen such privately published material nor can they ensure its accuracy or assume any responsibility for its content. The University will treat any electronic publication provided on or over IT Systems that lacks a Certifying Authority as the private speech of an individual user.
- h. Personal Identification – Upon request by a Systems Administrator or other University authority, Users must produce valid University identification.

5. COMPUTER RESOURCES CODE OF ETHICS

- a. Ethical and Responsible Use – All Users of any institutionally maintained electronic data, data files, software, and networks are expected to handle the resource in a responsible and ethical manner. A User's access to IT resources ceases when it invades the right of personal and/or institutional privacy; results in the destruction of personal and/or institutional property; demonstrates a potential for loss, embarrassment, litigation to the individual and/or institution; or causes a limited resource to be used in a wasteful or careless manner.
- b. Confidentiality – All information processed through Computer Systems is considered sensitive and/or confidential. The responsibility for the release or discussion of data is assigned to the official custodian of the data file(s). Access to information is based on a legitimate "need to know" and directly related to assigned duties.
- c. Examples of Irresponsible Use – The following examples attempt to convey the intent of irresponsible and/or unethical use: violation of the Family Educational Rights and Privacy Act of 1974; use of the resource for obscene material; deliberate wasteful use of the resource; unauthorized altering of hardware, software, or data; piracy of data or software belonging to another person; or careless use of the resource which may result in the release of restricted information.

6. CODE FOR COMPUTER RESOURCE USE

- a. Ethical and Responsible Use – Computer resources at Tusculum University are available to authorized students, faculty, staff and off-campus constituents. Access to these resources is obtained from the Systems Administrator and is granted with the understanding that they will be used as stated in the request and in keeping with the idea that one's interest ceases when it invades the right of personal and/or institutional privacy, results in the destruction of personal and/or institutional property, demonstrates a potential for loss, embarrassment, litigation to the individual and/or institution, or because of an otherwise irresponsible use of a limited resource. It is the policy of the office to avail these resources to as many users as possible and, to the extent possible, keep the number of restraints and restrictions on the individuals to a minimum with the ability to provide service to all who request use.
- b. Ethical and Responsible Use – For such a policy to work, it is essential that users observe responsible and ethical behavior in the use of the resources. In an effort to assist the user

community in effective use of the limited computer resources, it seems reasonable to highlight some specific responsibilities and type of behavior that represent abuse of a User's privileges. The examples do not constitute a complete list but are intended to convey the intent of the code.

- a. Users should not damage or attempt to damage equipment or to modify or attempt to modify equipment so that it does not function as originally intended. It is equally wrong to damage or modify or attempt to damage or modify the software components: operating system, compilers, utility routines, etc.
- b. Users should not use or attempt to use an account without authorization from the owner of the account. Users have the responsibility of protecting their accounts through the proper use of passwords, but the fact that an account is unprotected does not imply permission for an unauthorized person to use it. Further, accounts are to be used only for the purposes for which they have been established. Additionally, it is wrong to use a university-sponsored account for funded research, personal business, or consulting activities. There are special accounts for such purposes.
- c. Users should not use private files without authorization. Owners of such files should take precautions and use security mechanisms available. However, the fact that a file is not protected does not make it right for anyone to access it, unless it is specifically designated as a public access file. It is equally wrong for anyone to change or delete a file that belongs to anyone else without authorization. Violation of property rights and copyrights covering data, computer programs, and documentation is also wrong. In the event of accidental access of private files, confidentiality of those files must be maintained.
- d. Any deliberate wasteful use of resources is irresponsible; it encroaches on others' use of facilities and deprives them of resources. Printing of large unnecessary listing and the playing of games solely for entertainment are examples of such abuse. Users are expected to be aware of the resources they are using and to make reasonable efforts to use these resources efficiently.
- e. Administrators, faculty, staff of the Office of Computer Systems, and others in positions of trust within the Tusculum University community have a professional responsibility to insure that the equipment, software, and services provide the most efficient levels of support and consider the needs of the total user community. Such persons in positions of trust who misuse computing resources or take advantage of their positions to access data not required in the performance of their duties are displaying unprofessional behavior.
- f. All state and federal copyright laws will be abided by at all times. Users must not copy any part of a copyrighted program or its documentation that would be in violation of the law or the licensing agreement without the written and specific permission of the copyright holder.

7.CONDITIONS OF UNIVERSITY ACCESS

The University places a high value on privacy and recognizes its critical importance in an academic setting. There are nonetheless circumstances in which, following carefully prescribed processes, the University may determine that certain broad concerns outweigh the value of a User's expectation of privacy and warrant University access to relevant IT Systems without the consent of the User. Those circumstances are discussed below, together with the procedural safeguards established to ensure access is gained only when appropriate.

- a. Conditions – In accordance with state and federal law, the University may access all aspects of IT Systems, without the consent of the User, in the following circumstances:
 - 1) When necessary to identify or diagnose systems or security vulnerabilities and problems, or otherwise preserve the integrity of the IT Systems; or

- 2) When required by federal, state, or local law or administrative rules; or
 - 3) When there are reasonable grounds to believe that a violation of law or a significant breach of University policy may have taken place and access and inspection or monitoring may produce evidence related to the misconduct; or
 - 4) When such access to IT Systems is required to carry out essential business functions of the University; or
 - 5) When required to preserve public health and safety
- b. Process – Consistent with the privacy interests of Users, University access without the consent of the User will occur only with the approval of the Provost (for faculty users), the Provost/Vice Presidents (for staff users), the Associate Vice Presidents for Student Affairs (for student users), except when an emergency entry is necessary to preserve the integrity of facilities or to preserve public health and safety. The University through the Systems Administrators, will log all instances of access without consent. Systems Administrators will also log any emergency entry within their control for subsequent review by appropriate University authority. A User will be notified of University access to relevant IT Systems without consent, pursuant to Section V. A. (1-5); depending on the circumstances, such notification will occur before, during, or after the access, at the University's discretion.
- 1) NOTICE TO USERS: It is the policy of Tusculum University to protect all institutional computing resources including, but not limited to, hardware and software, consisting of the actual equipment being supplied by the university as well as the programs and related materials used in conjunction therewith. In accordance with local, state, and federal law, indiscriminate examination of individual's files is not permitted, nonetheless as a means of maintaining the integrity and security of those aforementioned resources.
 - 2) Tusculum University retains the right to inspect accounts and files stored on any system owned, maintained and/or leased by said University. While no prior authorization by individual users is required to inspect those files and accounts, you are, by virtue of accepting the account offered by Tusculum University and "logging" on to its computing equipment, granting to the university prior unrestricted permission, subject to university policy, to review, examine and/or otherwise view, by any method at the sole discretion of the University and without any additional advance notice to said user, any account and/or file stored on university computer resources.
 - 3) Should such a review take place, you will be given notice, as a courtesy only, of the results of said review within a reasonable time after the review is completed. While use of university computing resources for personal use is strictly forbidden, should you have materials for which you have reasonable expectation of privacy or which you consider to be confidential for any reason, you should retain those materials on a disk which can be secured as you would any other personal items or materials which you consider private in nature.
- c. User access deactivations – In addition to accessing the IT Systems, the University, through the appropriate Systems Administrator, may deactivate a User's IT privileges, whether or not the User is suspected of any violation of this policy, when necessary to preserve the integrity of facilities, user services, or data. The Systems Administrator will attempt to notify the User of any such action.
- d. Use of security scanning systems – By attaching privately owned personal computers or other IT resources to the University's network, Users consent to University use of scanning programs for security purposes on those resources while attached to the network.
- e. Logs – Most IT systems routinely log user actions in order to facilitate recovery from system malfunctions and for other management purposes. All Systems Administrators are required to

establish and post policies and procedures concerning logging of User actions, including the extent of individually-identifiable data collection, data security, and data retention.

- f. Encrypted material – Encrypted files, documents, and messages may be accessed by the University under the above guidelines.

8. ENFORCEMENT PROCEDURES

- a. Complaints of Alleged Violations – An individual who believes that he or she has been harmed by an alleged violation of this Policy may file a complaint in accordance with established University Grievance Procedures (including, where relevant, those procedures for filing complaints of sexual harassment or of racial or ethnic harassment) for students, faculty, and staff. The individual is also encouraged to report the alleged violation to the Systems Authority overseeing the facility most directly involved, or to the TCDIS, which must investigate the allegation and (if appropriate) refer the matter to University disciplinary and/or law enforcement authorities.
- b. Reporting Observed Violations – If an individual has observed or otherwise is aware of a violation of this Policy, but has not been harmed by the alleged violation, he or she may report any evidence to the Systems Authority overseeing the facility most directly involved, or to the TCDIS, which must investigate the allegation and (if appropriate) refer the matter to University disciplinary and/or law enforcement authorities.
- c. Disciplinary Procedures – Alleged violations of this policy will be pursued in accordance with the appropriate disciplinary procedures for faculty, staff, and students, as outlined in the Faculty Handbook, Staff Personnel Policies, various student regulations, and other applicable materials. Staff members who are members of University recognized bargaining units will be disciplined for violations of this policy in accordance with the relevant disciplinary provisions set forth in the agreements covering their bargaining units.
- d. Penalties – Individuals found to have violated this policy may be subject to penalties provided for in other University's policies dealing with the underlying conduct. Violators may also face IT-specific penalties, including temporary or permanent reduction or elimination of some or all IT privileges. The appropriate penalties shall be determined by the applicable disciplinary authority in consultation with the Systems Administrator.
- e. Legal Liability for Unlawful Use – In addition to University discipline, Users may be subject to criminal prosecution, civil liability, or both for unlawful use of any IT System.
- f. Appeals – Users found in violation of this policy may appeal or request reconsideration of any imposed disciplinary action in accordance with the appeals provisions of the relevant disciplinary procedures.

9. POLICY DEVELOPMENT

This Policy may be periodically reviewed and modified by the TCDIS and IT staffs, who may consult with relevant University committees, faculty, students, and staff.

L. PET POLICY

1. PETS

Tusculum University only permits fish as pets on its campus.

2. EMOTIONAL SUPPORT ANIMALS (ESAS) & SERVICE ANIMALS (SAS)

The Pet Policy excludes ESAs and SAs because by law these animals are not considered pets. ESAs and SAs ensure that persons with disabilities who require the assistance of a service or comfort animals are afforded access or reasonable accommodation to receive the benefit associated with such animals. The

Policy and requirements below is the policy and requirement as well as the protocols and expectations concerning of such animals.

SERVICE ANIMALS

The Americans with Disabilities Act (ADA) defines a Service Animal (SA) as a dog trained to provide assistance to an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. (In rare cases, a miniature horse has also met the definition of a service animal.) Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, alerting and protecting a person who has a seizure disorder, calming a person with Post Traumatic Stress Disorder (PTSD), etc. Service dogs are working animals, not pets. The work or task the animal has been trained to provide must be directly related to the person's disability. Service dogs are generally allowed to assist their owners in residence halls, public buildings, and at events on campus provided certain conditions are met.

EMOTIONAL SUPPORT ANIMALS (ESA):

Emotional Support Animal (ESA) – are defined as animals that alleviate one or more identified symptoms or effects of a person's disability. This animal provides the necessary support to an individual with a psychiatric disability and alleviates one or more identified symptoms of an individual's disability. Further, there must be an established relationship, or nexus, between the individual's disability and the assistance the animal provides. It allows the student with a disability to receive full benefit or enjoyment of the residential facility on campus. Emotional Support Animals may not be brought into University housing without expressed approval from ADA services and the Office of Student Affairs. It is important to note that animals needed to alleviate the psychological impact of disabilities may be referred to by various names. For example, companion animals, therapy animals, comfort animals, etc. At Tusculum University, we refer to these animals as Emotional Support Animals.

OWNER

The owner of an Emotional Support Animal is defined as the person who has applied and received approval for an ESA as a housing accommodation for a documented disability. This person must have a documented disability, verified by a mental health provider, which substantially limits one or more major life function.

3. VIOLATIONS OF PET POLICY

A student found with an unapproved animal may incur the following sanctions:

- First offense- \$500 fine, immediate removal of animal;
- Second offense- \$650 fine, immediate removal of animal; referral to Community Standards Board
- Third offense- \$1000 fine, loss of housing privileges.

Any student who claims their pet is “in the process” of becoming approved is also subject to these sanctions as their animal is not a SA or ESA.

When a student has an animal in their care (registered or unregistered) and is found neglectful of the animal's maintenance or behavior the following sanctions may occur in addition to the standard pet policy violation. These behaviors include, but are not limited to: running off leash, failure to clean up waste, damaging property, aggressive behavior, and disruptive pet behavior. Then the following sanctions may occur along with costs of any repairs incurred:

- First offense- \$150 fine

- Second offense- \$300 fine, referral to Community Standards Judicial Board
- Third offense- \$600 fine, immediate removal of animal

4. EMPLOYEES

Employees and students are not permitted to bring their pets to work / school. Very limited exceptions may exist for employees requiring a Service Animal (see Employee Handbook Policy 10.03 – Disabilities and Reasonable Accommodations. Please note Emotional Support Animals (ESAs) are NOT service animals and are NOT permitted for employees)

Should you choose to bring your pet on campus, the following rules will apply:

- Pets must have up-to-date vaccinations and flea/tick protection.
- Pets must be leashed at all times. Animals must not be permitted to initiate contact with anyone other than the owner, or engage in disruptive or aggressive behavior (e.g. sniffing, jumping up, rubbing, barking, growling, etc.).

As an owner, it is your responsibility to clean up the animal's waste. All waste must be picked up and disposed of in a plastic bag in the trash can located in the designated area. Plastic bags will not be provided by Tusculum University – the owner is responsible for carrying bags for waste disposal.

By bringing your pet on campus, you agree that any damage caused by the animal to other individuals or the University's property is the sole responsibility of you as the pet owner. Campus Safety has the authority to enforce these rules. Failure to abide by these rules will result in fines and/or removal of the animal from campus.

- First Violation: Warning/Removal from campus
- Second Violation: \$75 fine/Removal from campus
- Third Violation: \$150 fine/Removal from and prohibition from campus

Having a pet-friendly campus and keeping the grounds in good shape is a community effort. If you notice other pet owners who are not following these rules, please report the violation(s) to Campus Safety at 423- 636-7318.

5. EMOTIONAL SUPPORT ANIMAL POLICY

Expectations of Owner

The Emotional Support Animal's supervision and care will be the full responsibility of the owner who requested and received approval for the ESA. Only approved on-campus alternate caregivers may provide additional care for the ESA if the owner is traveling for college-sponsored events or emergencies. This part of the policy is designed to ensure that students understand the cost, time, and effort involved in the responsibilities of having an ESA on campus before going through the protocol for requesting an ESA.

- **Students must provide the college with at least two alternate caregivers, where at least one alternate caregiver resides off campus, to be contacted in case of emergency or removal of the ESA.** If the owner cannot (e.g. emergency situation, hospitalization, etc.) or does not provide for the care and supervision of the ESA as outlined in this policy, the alternate caregiver must agree to take responsibility for the removal of the ESA from campus in a timely way (within 6 hours for dogs and 12 hours for other animals). Should an alternate caregiver not be available, or not meet his or her commitment, Tusculum University reserves the right to have the ESA removed by Animal Control.

- **An ESA may not be left over night or for extended periods of time** in university housing (6 hours for dogs and 12 hours for other animals). If the owner must be away from his/her assigned room overnight or for a longer period of time for a college-sponsored event, an approved alternate caregiver must agree to take responsibility for the ESA.
 - It is the owner's responsibility to notify the Associate Vice President for Student Affairs and Retention, Claire Hensley (chensley@tusculum.edu), and the ADA Coordinator, Jessica Bucholz (jbucholz@tusculum.edu), in an emergency so that an alternate caregiver is allowed to remove the ESA in a timely way to meet the ESA's needs. Tusculum University reserves the right to have Greene County Animal Control (423-978-1777) remove the ESA if timely removal does not occur otherwise.
 - In the event that the owner needs to leave campus overnight or for an extended period of time, they must bring the ESA with them. In the case of travel due to college-sponsored events such as athletic events, etc., the ESA may be cared for only by an on-campus approved alternate caregiver. ESAs will not be permitted to travel with college-sponsored service trips, retreats, athletic teams, or other college-sponsored groups or events. Further, according to the residential facility policy, students may **not** share the key to their room. Instead, any approved on-campus alternate caregiver must complete a Roommate Acknowledgement Form and an Alternate Caregiver Responsibility Acknowledgement Form in order to care for the ESA in their assigned residential space.
- **An owner must ensure that an ESA is appropriately contained** in the owner's room when the owner is not present in the room. The ESA must also be appropriately contained when in the care of an approved on-campus alternate caregiver. As others may be entering or exiting the room, there should be precautions to prevent the animal from running at large. Crating or caging of the ESA is required when the owner is away. Animals running loose may be captured, restrained, and/ or removed from campus.
 - An ESA is permitted **ONLY** in the owner's personal living space or in an approved alternate caregiver's personal living space when the owner is travelling for a college-sponsored event. It may not be in common or shared living areas within the residential facility.
 - An ESA may not be outside of the owner's privately assigned residence or an approved alternate caregivers' assigned residence (room) except during transport to or from an outside area if/as necessary for relief, exercise, or transportation to or away from campus. If the animal is outside for any of the above reasons, it must be leashed or transported in a carrier.
- **The owner is responsible for feeding and watering the ESA** within the owner's assigned room. Bowls of food and water should be placed on mats to prevent spills from getting on the floor or carpet. The owner is expected to clean the floor/carpet immediately when food or water is spilled. Since open bags of food attract bugs, they are not allowed; food should be kept in sealed, plastic containers within the owner's assigned room.
- **The owner is responsible for all cleaning responsibilities and waste disposal** associated with the ESA, including hair/fur, waste management, litter, and bedding. For sanitation, emotional support animals must be spayed/ neutered. Soiled litter, soiled bedding, diapers, and solid waste (including feces from outside areas from pets which require outside toileting) must be secured in plastic bags and placed in *outside* trash receptacles. University owned supplies, equipment, or facilities (including but not limited to showers, sinks, and toilets) may not be used for cleaning purposes of the ESA or its cage, container, or litter box. Owners will need to seek a grooming location or grooming business off-campus for any ESA cleaning needs. Animals must be housebroken or kept in appropriate cages/habitats; pee pads are not allowed. Litter boxes must be

placed on mats to prevent tracking onto floors or carpet. Odor should not be detected outside of the student's private residential space and every effort should be made to prevent odor due to the ESA from being excessive in the owner's private space.

- **It is the owner's responsibility to know and abide by county and state ordinances, laws and/or regulations** relevant to licensing, vaccination, noise, restraint, at large animals, dangerous animals, and other requirements. The ESA must be immunized against disease common to that type of animal.
- **The owner is expected to follow veterinary recommendations for the prevention of flea, tick, or other infestation.** The owner's assigned residence will be inspected for pests as part of the university's routine inspections. If pests are detected and fumigation is necessary above and beyond standard pest management in university housing, the owner will be billed for the expense. The owner is expected to treat the emotional support animal for infestation at the owner's expense.
 - If the ESA becomes sick (vomits or is incontinent), the owner is expected to clean up immediately after the animal and obtain veterinary help when appropriate due to extended illness or poor health.
 - Tusculum University reserves the right to require veterinary care at the owner's expense if the owner is not attending to the ESA's welfare.
 - Tusculum University reserves the right to have an ESA removed from campus at the owner's expense if there is evidence of abuse or neglect.
- **Any mistreatment, suspected or observed, of an animal will be reported to authorities** for investigation. Any individual found to have abused an animal is subject to university disciplinary action; and, if abuse or neglect is conducted by the owner, the animal will be removed from campus immediately.
- **The owner must notify the ADA Coordinator, Jessica Bucholz (jbucholz@tusculum.edu), and the Associate Vice President for Student Affairs and Retention, Claire Hensley (chensley@tusculum.edu) if the ESA is no longer residing on campus.** A new animal may not simply be substituted, but rather a new request following the procedures in this policy must be initiated for approval. Approval will again be considered, based on the necessity of the animal's presence in conjunction with the individual's disability and whether the request is reasonable.
- Below is a summary from above of the expenses, which are the responsibility of the Owner:
 - The owner will not be asked to pay an up-front charge for the ESA.
 - The owner is expected to pay the following:
 1. Costs of feeding, cleaning (without the use of any university owned facility, equipment, or supplies), bedding, and waste disposal equipment.
 2. Costs for county licensing, vaccinations, and any needed veterinary care.
 3. Costs, if necessary, resulting from any behavior of the ESA, including bodily injury, property damage, non-standard cleaning and/or fumigation.
 - Tusculum University reserves the right to bill the owner's account for charges related to the emotional support animal.

Expectations of the Animal

- The Owner, not the university, is responsible for all actions of the emotional support animal, including bodily harm or damage to property or facilities. Although the owner is not charged up-front fees for cleaning or property damage, the owner is expected to pay if additional cleaning or repair costs are incurred.
- Emotional Support Animals must be at least one year old and house-broken, up to date on vaccinations, healthy, non-aggressive, spayed/ neutered, and able to live within the college residential facility without disrupting residents. An ESA may be a dog (most common), cat, small bird, rabbit, hamster, gerbil, fish, turtle, or other

small, domesticated animal that is traditionally kept in the home for pleasure. Under guidelines from HUD, reptiles (other than turtles), barnyard animals, monkeys, and other non-domesticated animals are not considered common household animals.

- If the ESA requires outside toileting or exercise, the ESA must be harnessed or leashed while outside or while in public areas of the residence hall while going to or from outside.
- The owner must be willing and able to control the ESA's behavior such that unacceptable or disruptive behavior is not allowed. The animal must be under the control of the owner at all times.
 - Examples of unacceptable behavior may include, but are not limited to: aggressive behavior; running loose and/or running away from the owner; excessive noise; excessive odor; excessive mess; any behavior that causes unreasonable disruption of routine for other residents or community members.
- If the ESA engages in unacceptable or disruptive behavior as described above, becomes a threat to the health or safety of community members, causes damage to property owned by the university or others, or fundamentally alters the nature of the Tusculum University operations, the university retains the right to require the removal of the ESA.

Removal of the Animal

Should it become necessary to remove an ESA from campus, the following procedures will be followed:

- In case of emergency, the University Emergency Evacuation Staff will make every reasonable effort to remove the ESA in an emergency evacuation but may not be held responsible for the care, injury, or loss of the animal. Emergency staff will determine if/when to remove the animal during fire alarms, etc.
- In cases of temporary removal (i.e. hospitalization or emergency situation that requires the owner's absence from campus), the student is expected to notify the ADA Coordinator and the Associate Vice President for Student Affairs and Retention of the need for absence and the inability to care for the animal.
 - The ADA Coordinator and the Associate Vice President for Student Affairs and Retention will make every reasonable effort to contact the emergency contact listed on the student's application.
 - If the emergency contact is able to be reached AND is able to come to campus to acquire the animal, the Associate Vice President for Student Affairs and Retention will work with the contact to allow them access to the owner's residence.
 - If the emergency contact is not able to be reached or is not able to come to campus within a timely manner, the college will contact Greene County Animal Control to come to campus and remove the animal.
 - The student will be permitted to bring the animal back to campus when they return and are able to care for the animal appropriately.
- Tusculum University reserves the right to require permanent removal of the ESA from university property in the following cases:
 - The ESA becomes a threat to the health or safety of community members or causes excessive damage to property or facilities.
 - The ESA's behavior is unacceptable or disruptive such as: uncontrollable noise; extreme odor; running loose; acting aggressively; or otherwise interfering with the community or with the nature of the university.
 - The ESA is ill, but veterinarian assistance is not sought if poor health continues.
 - The ESA is not kept clean or is unkempt.
 - The owner does not clean up after the ESA or properly dispose of waste, litter, or soiled bedding.

- There is evidence of abuse or neglect.
- The owner does not comply with this policy.
- In cases of permanent removal, the Associate Vice President for Student Affairs and Retention and the ADA Coordinator will notify the student of the need to remove the animal via email. The student will have 72 hours to remove the animal from campus.
 - If, after 72 hours, the animal is not removed from campus, Tusculum University reserves the right to contact Greene County Animal Control. The student may also face disciplinary proceedings, as explained in the student code of conduct.
 - Because the ESA is an accommodation, the student may apply to have another animal on campus as an ESA. See below for more detail.

6. EMOTIONAL SUPPORT ANIMAL PROCEDURES

Requesting an ESA

Students who wish to request an Emotional Support Animal on campus must follow the process outlined here. Although every case is considered individually, typically, for the safety of the university community, no exceptions can be made for trial periods, animals found on campus, or other situations. Tusculum University policy states that students living in university housing may NOT have pets, with the exception of fish, in their assigned residential unit. Until the policy is followed and the ESA is approved to be on campus, having an animal in university-owned residences is a violation of the no pet policy and will result in disciplinary proceedings, as outlined in the student code of conduct.

The Process

- Step 1: Information

Should a student inquire about an emotional support animal, they will first be required to communicate with the ADA Coordinator via email. They will be asked to consider the additional responsibilities, rules, regulations, and procedures required to obtain an emotional support animal. They will also receive information regarding who is eligible for an emotional support animal accommodation and the type of documentation necessary to apply for an emotional support animal. Following this conversation with the ADA Coordinator, students will be asked to consider whether they would like to apply for an ESA through the ESA process. If they determine that they would like to apply, they should move to step 2.

- Step 2: Receipt of Forms

Students who have considered the policies, procedures, and responsibility of an ESA and who have decided to apply should contact the ADA Coordinator for the application forms.

- Step 3: Submission of Application

In order to apply for an ESA, students must submit ALL parts of the application (see below) to the ADA Coordinator. Incomplete applications will not be considered by the ESA committee.

Because an ESA is a housing accommodation, applications for Fall semester ESAs must be submitted by March 1st for returning students and by June 15th for new students. Applications for Spring semester ESAs must be received by October 15th. Applications submitted after these dates will be considered. However, Tusculum University cannot guarantee that it will be able to meet the applicant's needs during the upcoming semester.

If the need for accommodation arises when an individual already resides in university housing, the student should contact the ADA Coordinator and provide the application as soon as possible. Tusculum University will accept and consider all requests, but cannot guarantee that it will be able to meet the accommodation needs during the semester or term in which the request is received.

- Step 4: Consideration of Application by ESA Committee

The ESA committee will meet once per month to review completed emotional support animal applications. At

this meeting, the ESA committee will consider each of the following items in making a decision about whether or not the ESA is an appropriate, reasonable accommodation necessary for full enjoyment of the residential facility:

1. Is the animal's presence necessary for the owner to have equal opportunity to use and enjoy college housing? Factors taken into account include:
 - a. Does the provided documentation indicate a documented mental, psychological, or psychiatric disability that substantially limits a major life function?
 - b. Does the provided documentation specifically indicate a disability-related need for the ESA?
 - c. Does the provided documentation indicate that the ESA alleviates one or more symptoms or effects of the owner's disability?
 - d. Is the documentation from a reliable source?
 - i. Mental health providers who provide documentation in support of an ESA should be licensed and practicing in the state of Tennessee or in the home state of the owner.
 - ii. Because of a great deal of unreliable sources for documentation on the internet, registrations and letters purchased online are generally not reliable sources of documentation.
 - iii. The applicant's mental health provider can submit a letter to the ESA committee in addition to the required application materials. However, the ESA committee will only consider applications in which Part III is completed in full by a mental health provider.
 - iv. Generally, students should have an ongoing relationship with the mental health provider who provides documentation in support of an ESA. An on-going relationship is generally defined as four or more visits with the mental health provider.
2. Is the request reasonable? Factors taken into account include:
 - a. Is the animal house-broken?
 - i. Generally, young animals less than one year old are not appropriate.
 - b. Is the animal up-to-date on shots and vaccinations?
 - i. Animals must have recommended shots and vaccinations for their species and age.
 - c. Does the animal have a clean bill of health from a veterinarian?
 - i. For the safety of the university community, ill animals will generally not be permitted as ESAs.
 - d. Is the animal licensed in Greene County, TN OR in the owner's home state or county (if a dog)?
 - e. Does the specific animal in question have a demonstrated history of aggression or substantial physical damage to property of others?
 - f. Does the specific animal in question have a demonstrated history of excessive noise, odor, or other behaviors which would disturb the college living environment?
 - g. Is the animal a reasonable species for college living?
 - i. Generally, animals that carry zoonotic diseases which cannot be vaccinated for, such as reptiles, rodents, and other rare species are not reasonable ESAs.
 - h. Is the animal a reasonable size for college living?

- i. Is the owner's living space a reasonable size for the animal, the owner, the animal's belongings, and any roommate(s)?
 - j. Has the owner obtained agreement from all roommates and suitemates via the Roommate Acknowledgement Form?
- Step 5: Notification from ESA Committee
Following the consideration of the application by the ESA committee, the student will receive written notification of the ESA Committee's decision. This will occur within 60 days of the receipt of the completed application.

Possible Outcomes

Following consideration of the completed ESA application, the ESA committee will make a determination and notify the student. The following are possible outcomes of the ESA Committee consideration.

- *ESA Application Approval*
This occurs if the student's documentation comes from a licensed mental health provider in the state of Tennessee or the student's home state and demonstrates a mental health disability which substantially limits the student, discusses a recommendation for a specific emotional support animal, provides evidence for why the emotional support animal is necessary, and shows how the emotional support animal mitigates the symptoms of the disability. In addition, for full approval, the specific ESA requested must be determined to be a reasonable accommodation for the student's current living situation, as discussed above. Finally, for full approval, the ESA committee must have consent from all current roommates or suitemates. Upon approval, the ESA committee will request a photo of the animal for records.
- *ESA Application Approval, Pending*
This occurs if documentation is appropriate, as discussed above, and if the specific ESA is reasonable, but the ESA is unable to move in immediately, due to a roommate or suitemate's conflicting disability or lack of consent or due to the fact that the ESA's size or belongings are unreasonable in the current living situation of an owner. In this case, the university will make every attempt to find an appropriate residential facility for the owner and the ESA. If the application was received prior to the housing accommodation deadline, this will be accomplished before the semester for which the student has applied to bring the ESA. If the student has submitted an application for the current semester, but the current living situation is deemed unreasonable, the university will make reasonable effort to find an appropriate residential facility, but cannot guarantee accommodation during the current semester. Upon approval, the ESA committee will request a photo of the animal for records.
- *ESA Application Partially Approved*
This occurs if documentation is appropriate, as discussed above, but if the specific ESA requested is unreasonable, as outlined previously. In this case, the owner may reapply for a different, more reasonable ESA by resubmitting part 2 of the application, veterinary records, and proof of licensing (if a dog) for the new animal.
- *More Information Needed*
This occurs if the information, documentation, application, or animal details are not sufficient for the ESA committee to make a decision regarding whether or not the ESA is necessary and appropriate at this time. In this case, the ESA Committee will be happy to reconsider the application when additional information is provided.
- *ESA Application Denied*
This occurs if the documentation and information provided is sufficient, but does not demonstrate a disability, which substantially limits the owner, or does not demonstrate a need for the ESA in the residence halls. Application denial can be appealed through the process outlined below.
- Step 6: Move in date
Following an ESA Application Approval or an ESA Application Approval, Pending decision by the ESA

Committee, the student owner will be contacted with an approved move-in date for the ESA. Having the animal in the residential facility prior to this date is a violation of the student code of conduct and may result in disciplinary proceedings, as outlined in the student handbook.

ESA Application Appeals Process

Students who wish to appeal the denial of an ESA should follow the procedures outlined here.

- Students who wish to appeal should first review and understand the written notice provided to them regarding the reason for denial of the ESA.
 - Students should provide the Dean of Students, with a written notice of appeal, within 30 calendar days of the denial of their ESA.
 - The written notice of appeal should include:
 - a. The Release of Information Form at the end of this document, which allows the ESA Committee to share documentation, including documentation of disability, documentation of vaccination and health, documentation of licensing, and other relevant documentation provided by the student or his/ her healthcare provider with the Dean of Students, in order to facilitate his/her decision.
 - b. Any disputes or questions regarding the ESA Committee written notice.
 - c. Explanation of why/ how the animal's presence is necessary for the owner to have equal opportunity to use and enjoy college housing.
 - d. Explanation of why/ how the student believes the request is reasonable, which may include documentation or explanation of the animal's history regarding safety (i.e. if a history of bites or attacks is present), documentation or explanation of how the owner would abide by the Tusculum University Emotional Support Animal Policy, and/ or other relevant documentation or explanation.
 - Following receipt of the written notice of appeal and the release of information form, the Dean of Students will contact the ESA Committee for copies of documentation and for the written notice of denial provided to the student.
 - The Dean of Students will make a decision, considering any new information provided in the student's notice of appeal, regarding the following:
 - a. Whether the animal's presence is necessary for the owner to have equal opportunity to use and enjoy college housing
- AND
- b. Whether the request is reasonable
 - The Dean of Students will notify the student of a decision within 14 calendar days of receipt of the notice of appeal.
 - a. Should the appeal be denied, the Dean of Students will notify the student in writing of:
 - i. The reason for denial.
 - ii. The process for requesting to be released from the housing requirement.
 - 1. Students who pursue this option must complete a housing exemption request form and submit it to the Coordinator for Housing and Student Records.
 - b. Should the appeal be approved, the Dean of Students will notify the student in writing of:
 - i. The approval of the appeal.
 - ii. A move-in date for the ESA.

Application Parts

The application parts discussed below have been developed to gather all necessary information for the ESA committee to make a decision regarding an ESA Application. Because all the information is necessary for consideration and for the safety of the university community, incomplete applications cannot be considered.

Tusculum University ESA Application

The Tusculum University ESA Application consists of five parts. Each of the parts is necessary to determine whether an ESA is a necessary, reasonable, and appropriate accommodation within the residential facilities.

- Part 1 of the application must be completed by the student owner and should provide information about the owner's need for the ESA, from their own perspective.
- Part 2 of the application must be completed by the student owner and should provide information about the specific animal requested and the owner's plan of care for the animal on campus.
- Part 3 must be completed by a licensed mental health professional in the state of Tennessee or the student's home state. It will serve as documentation, as described below.
- Part 4 must be completed by all roommates and suitemates living in the same assigned residence as the student owner. All roommates and suitemates must sign the Roommate Acknowledgement Form.
- Part 5 of the application must be completed with the information of at least two alternate caregivers. The student owner may list up to three alternate caregivers, with at least one alternate caregiver residing off-campus and no more than two alternate caregivers residing on-campus. All on-campus alternate caregiver must sign the Alternate Caregiver Responsibility Acknowledgement Form.

Documentation

Part 3 of the application will constitute documentation and must be provided by a licensed mental health professional in Tennessee or the student's home state. By policy, documentation is not provided by the Tusculum University counselors or the Tusculum University Health Clinic. Typically, students should have an ongoing relationship with the professional who provides the documentation.

Documentation MUST demonstrate each of the following items:

- the student has a diagnosed mental health disability
- the diagnosed mental health disability substantially limits the student
- the student and mental health professional have discussed the benefits of a specific ESA
- the provider recommends a specific ESA
- the specific ESA mitigates or assists with one or more symptoms of the mental health disability
- the specific ESA is necessary for full enjoyment and benefit of the college residential facility

Because of a plethora of unreliable sources for ESA documentation, certification, etc. available online, registration, certification, and/ or letters purchased online are generally not reliable sources of documentation. Tusculum University's ESA Committee does not recommend the purchase or use of any website which provides online ESA evaluations, documentation, letters, registration, or certification.

Veterinary Records

For the safety of the university community, veterinary records must be provided to the ESA committee at the time of the application AND annually until the animal leaves the residential facility or until the student moves off-campus, graduates, or otherwise leaves the college.

Veterinary records must indicate that the animal is spayed/ neutered and up to date on appropriate shots and vaccinations for its species. They must also indicate a clean bill of health for the animal.

Licensing (As appropriate)

According to Tennessee law, all dogs over the age of 4 months must be licensed. Proof of licensing in the student's home state or county OR a Greene County, Tennessee dog license are required for all dogs on campus. Dogs must wear the licensing tag on their collar at all times while on campus.

M.APPEAL OF A DENIAL OF A REQUEST FOR ACCOMMODATION

A student must appeal a denial of a request for accommodation in writing to the Associate Vice President for Student Affairs, within ten (10) business days of notification of the denial. The appeal must contain a detailed description of the basis for the student's appeal. The appeal will be reviewed by a committee consisting of: the Associate Vice President of Academic Affairs, the Dean of Students and the Director of Personnel Services. The decision of the committee is final.

N. GRIEVANCE PROCEDURE FOR STUDENT WITH DISABILITIES

All grievances concerning any aspect of the services or accommodations provided to a student with a disability, except an appeal of denial of an accommodation, should be brought to the ADA Services Coordinator within ten (10) business days of the incident resulting in the grievance. After consultation with the ADA Services Coordinator, if the student feels the matter is not resolved, the student must submit a written complaint to the Associate Vice President of Student Affairs and Retention. The grievance must contain a detailed description of the basis for the student's complaint. The grievance will be reviewed by a committee consisting of: the Associate Vice President for Student Affairs, the Dean of Students, and the Coordinator of Student Wellness and Resources. The decision of the committee is final.

O. INTELLECTUAL PROPERTY POLICY

Tusculum University, like other universities, has endeavored to create an academic and community environment conducive to the provision of public service and the creation of new information through the development by faculty and learners of many types of Intellectual Property (IP). In support of this environment a policy addressing "ownership of materials, compensation, copyright issues, and the use of revenue derived from the creation and production of all intellectual property applies to all members of the Tusculum University community and can be found on the Tusculum University website under Resources/ Human Resources/ Human Resources Policies/ Employee Relations – Intellectual Property.

P. NON-DISCRIMINATION STATEMENT

In compliance with Section 504 of the Rehabilitation Act of 1973, Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972 and the Age Discrimination Act of 1975 as amended, and with its own policies and philosophy, Tusculum University does not discriminate on the basis of race, religion, age, sex, national origin, sexual orientation, military or veteran status, disability, genetic information, or any other protected discriminatory factor, in its employment practices or in the provision of, or access to, educational programs and services, except where sex, age, or ability represent bona fide educational or employment qualifications.

Students should contact the Title IX Coordinator with questions or concerns regarding this policy, or with any complaints of discrimination in violation of this policy.

Title IX Coordinator for Tusculum University:

Ms. Mikaela Cooney
Title IX Co-
Coordinator
Department of Civic Studies
P.O. Box 5001
Greeneville, TN
37743

Garland Library, Room 123
mcooney@tusculum.edu

For complaints/grievances relating to Students with Disabilities, Sexual and Other Discriminatory Harassment, and disciplinary action or academic-related decisions not involving alleged discrimination, see the University's [Title IX web page](#).

Q. STUDENT ORGANIZATIONS POLICY

1. GENERAL STATEMENT OF PURPOSE

The University recognizes (1) the importance of organized student activities as an integral part of the total educational program of the University; (2) that university learning experiences are enriched by student organizational activity; and (3) that organizations provide a framework for students within which they may develop their own special talents and interests.

Inherent in the relationship between the University and organized student groups is the understanding that the purposes and activities of such groups should be consistent with the main objectives of the University. All student groups are to comply with the procedures and policies regarding registration and operation.

2. PROCEDURE FOR REGISTRATION OF NEW

ORGANIZATIONS PERMANENT ORGANIZATIONS

The group will file an application including its name, statement of purpose, constitution or statement regarding its method of operation, faculty/staff advisor, and the names of its officers or contact persons to the Student Government Association. In cases where a potential faculty/staff advisor is unknown to the group, Student Affairs staff will assist in identifying a University faculty or staff member who may wish to serve as an advisor (organizations are required to have a faculty/staff advisor).

Students may form new organizations by completing an application and submitting it along with an organizational constitution to the Student Government Association. The Student Government Association will meet, review the application and make a determination on the recommendation of the status of the prospective organization to be ratified by the Associate Vice President for Student Affairs. Organizations not recommended for recognition by the Student Government Association may request a written statement as to the grounds for such lack of endorsement and after responding to questions raised through a second review, the group may appeal to the Associate Vice President for Student Affairs.

Organizations chartered by the Student Government Association are eligible to petition the Student Government Association for funding and to participate in the annual Student Organization Fair. Assistance in developing new organizations is available in the Office of Student Affairs. New organizations will be given information on how to make purchases, plan and sponsor activities and petition Student Government Association for funding. Should the group not have elected its officers or completed other work connected with its formation at the time they initially see the Student Affairs staff, the Student Affairs staff will make arrangements for them to use University facilities for organizational purposes on a meeting-to-meeting basis until the organizational process is completed and the required information can be filed.

At the time of filing, three officers or contact persons for the organization will sign a statement indicating

that they are familiar with and will abide by the aforementioned responsibilities of student organizations. They will also sign the “Annual Statement of Commitment to University Principles” required of all student organizations.

Having ascertained that the group's purpose appears lawful, capable of operating within University regulations, has submitted the required forms and disclaimers, and the group appears to promote/support the mission and goals of the institution, the Student Affairs Advisor to the Student Government Association will endorse the application for a charter to the Associate Vice President for Student Affairs. Upon approval by the Associate Vice President for Student Affairs, appropriate University personnel will be notified that the group is then eligible for all of the rights of student organizations and the Student Government Association will be informed that the group may be eligible for student fee funding as per the procedures of the Student Government Association

Should the Student Affairs Advisor to the Student Government Association feel that the organization does not meet the requirements for registration, a written copy of the decision and reasons will be furnished to the applying organization. The group may seek to satisfy the concerns or appeal the decision to the Associate Vice President for Student Affairs whose decision on the matter will be final

REGISTRATION FOR A LIMITED PURPOSE: TEMPORARY STATUS

In some cases, groups will organize with some short-term (one which can be accomplished in less than one academic year) goal in mind such as the passage of some particular piece of legislation or the holding of some particular event. The organization's structure will expire on the date indicated on the registration form.

3. MEMBERSHIP REGULATIONS

Registered student organizations have freedom of choice in the selection of members, provided that there is no discrimination on the basis of race, religion, age, sex, national origin, sexual orientation, military or veteran status, disability, or genetic information (except that a waiver of this section may be granted by the Associate Vice President for Student Affairs if membership restriction is necessary to achieve the stated lawful purpose of the organization – though the group may still be ineligible for funding by the Student Government Association due to their exclusive/restrictive status).

Membership in registered student organizations is restricted to currently enrolled University students, faculty, and staff.

4. OFFICERS REGULATIONS

Student organizations are free to set qualifications and procedures for election and holding office, with the following provisions:

All officers must be regular members of the organization;

There is no discrimination on the basis of race, religion, age, sex, national origin, sexual orientation, military or veteran status, disability, or genetic information (except where the organizations lawful and University recognized purpose supports such restriction); and

Persons not currently enrolled at the University may not hold office or direct organizational activities.

5. RECORDS

All registered student organizations must maintain the following records in the Office of Student Affairs: An organizational information form listing the current officers and faculty/staff advisor (if applicable) is due at the beginning of each school year. Any changes during the year, other than membership, are to

be recorded within 10 days with the Office of Student Affairs

Membership rosters are to be provided at the beginning of each semester; and

A copy of the organization's current constitution, or statement of purpose and statement regarding its method of operation, is to be filed with the Office of Student Affairs

6. RIGHTS AND RESPONSIBILITIES OF REGISTERED STUDENT ORGANIZATIONS

Registered student organizations exist on the University campus on the assumption that their activities and programs contribute to the educational, civic and social development of the students involved. Registration of a campus organization does not imply University sanction of the organization or its activities. Registration is simply a charter to exist on the University campus and may be withdrawn by the University if the organization is found in violation of any federal, state or local laws, or University regulation or policy.

a. Use of the University's Name

Organizations may not use the name of the University or an abbreviation of the name of the University as part of its name, except to designate location or chapter, nor advertise or promote events in a manner which suggests that the function is sponsored or sanctioned by the University unless the event is formally cosponsored with an administrative or academic unit of the University.

b. Rights

Registered Student Organizations may:

- Use general University facilities subject to compliance with pertinent regulations (e.g. receiving approval for off-campus speakers, performers or presenters from Student Affairs), proper scheduling procedures, and the prior needs of the University itself.
- Distribute literature approved by Student Affairs relating to the organization's purpose and activities in those areas authorized by the current posting and handbill policies;
- Sponsor profit-making activities and solicit funds for organizational activities upon approval from Associate Vice President for Student Affairs in accordance with University regulations; and
- Request funding for an organizational event or program (Subject to the rules and regulations of the appropriate funding entities [e.g. Student Government Association or Student Activities Board]).

c. Responsibilities

- It is the responsibility of every registered student organization and/or its representatives to:
- Manage itself and carry out its activities within its own constitution, all applicable local, state and federal laws, and all University regulations and policies;
- Anticipate, provide for and promptly meet its legitimate financial obligations;
- Act accordingly in the best interests of its members and the University;
- Take reasonable precautions for the safety and comfort of participants at organization events; and
- Notify the appropriate advisor in the Office of Student Affairs of any and all changes in the organization's officers/contact persons, addresses, telephone numbers or constitution.

7. CONDUCT OF STUDENT ORGANIZATIONS

Student groups and organizations may be charged with alleged violations University policies or the broader issues of interfering with the operation of the University or operating in direct conflict with the mission of the University, or for ceasing to operate as an active organization or in concert with the purpose for which they were chartered by the University. A student group or organization and its officers may be held collectively and/or individually responsible when alleged violations occur either during an event sponsored by the organization or by an individual representing or associated with that organization or group.

Sanctions for group or organization misconduct may include probation, revocation or denial of registration or recognition in addition to any other appropriate sanctions provided herein or in the Code of Student Conduct. Organizations on probation may continue to hold meetings, but may not sponsor activities. Organizations on suspension may not hold meetings, sponsor or participate in activities.

R. PEER HARASSMENT AND RELATIONSHIP POLICIES & REPORTING PROCEDURE

Tusculum University does not condone harassment based on an individual's race, religion, ethnic origin, gender, sexual orientation or physical handicap. The campus community constitutes an environment where any form of harassment is unacceptable. This policy is in keeping with the spirit and intent of federal, state and University guidelines concerning discrimination and harassment. For issues dealing with sexual harassment, the "Sexual Harassment (Including Assault) Policy Statement and Reporting Procedure" should be consulted.

1. DEFINITION

Harassment is physical, verbal or any other behavior, including written or pictorial expression, that either recklessly disregards the harmful effect of the behavior on, or that intends to hurt, a specific individual, group of individuals, or campus organization by referring in a derogatory or threatening fashion to that individual's or organization members' race, religion, ethnic origin, gender, sexual orientation or physical handicap.

2. REPORTING PROCEDURES

The reporting procedures outlined below are designed to provide sufficient flexibility in responding to allegations of harassment. They are intended to be as formal or informal as the allegations dictate.

Any individual who believes he/she has been harassed (as defined above) should contact the Office of Student Affairs, which will help the individual explore the alternatives available to him/her (including designation of an appropriate case manager for students not engaged in study at the residential campus). Initial contact with the Office of Student Affairs will be kept confidential; no formal records will be kept, and all individuals are assured of anonymity (except as required by law [e.g. anonymous statistical reporting which may be required under the federal Campus Right to Know or Clery Act, or judicial subpoena]). The student may wish to consult someone with special sensitivity or expertise and the Office of Student Affairs will facilitate a referral to such a person if desired. If an individual desires to seek assistance outside the Office of Student Affairs, they are encouraged to approach someone in the counseling, wellness, ministry, human resources, or campus safety areas.

- a. *Informal Reporting Procedure* - An Informal Reporting Procedure may be the first step proposed to resolve an allegation of harassment. Any individual with an honestly perceived complaint will be provided the option to discuss the issue directly with the alleged harasser in the presence of the Associate Vice President for Student Affairs or his/her designee. This option is often viewed as

beneficial as, should the behavior not be so egregious as to warrant removal from campus, the high likelihood of future interaction (even if only in passing) due to the size of Tusculum University communities, can make an amicable resolution desirable for the complainant. However, if the individual does not desire a face-to-face meeting with the alleged harasser, he/she may write a letter or choose a contact person to mediate on his/her behalf, if they wish to pursue an informal resolution.

- b. *Formal Reporting Procedure* - Formal Reporting Procedure should be used if the individual making the complaint believes the severity of the complaint warrants it. The individual who desires to file a formal complaint of harassment will submit a detailed report of the incident directly to the Associate Vice President for Student Affairs or his/her designee. Note that any individual bringing forth a complaint of harassment may petition to terminate the proceedings at any stage, however, once a formal investigation is initiated, the Associate Vice President for Student Affairs will determine whether the University may continue as the complainant due to the dual nature of harassment offenses being both an offense against the individual and an offense against the community. Evidence of retaliation in response to formal or informal grievance procedures will be itself be regarded as harassment and will result in the filing of allegations to address said retaliatory behavior.

This report will include information about the date, time, place, participants' names and the harassing behavior. The report will be handled in accordance with the resolution procedures of the Code of Student Conduct with possible additional stipulations because of the nature of the allegations as herein indicated or as deemed appropriate by the Associate Vice President for Student Affairs or his/her designee. In harassment/assault cases, modification of the standard hearing procedures may be implemented by the Associate Vice President for Student Affairs or his/her designee to comply with legal expectations and to promote a fair and equitable process for the

resolution of allegations. Modifications may include measures such as the presence of an additional faculty or professional staff member, segregation of the alleged victim and alleged policy violator with desired inquiries/examination of the opposite party directed to the Community Standards

Board Chair who will determine whether the question is proper and, if so, in what phrasing or manner it is to be posed. Additionally, in compliance with FERPA and the Clery Act, the complainant and the accused in cases alleging violations analogous to a legal crime of violence will be informed of the final results, including the original findings and any appeals, in an equal, unconditional, and affirmative way.

3. PRINCIPLES

In investigating complaints of harassment, the following principles will be adhered to:

- Each complaint will be handled on an individual, case-by-case basis, considering the complete record and all relevant circumstances.
- Investigation will be conducted as promptly as possible, but shall be completed within 60 days unless good cause is presented to the Associate Vice President for Student Affairs and conveyed by the University to all parties.
- In investigating complaints of harassment, confidentiality should be maintained in consideration to both the aggrieved and the alleged harasser (except as mandated by law or subpoena).
- The complaint will be resolved in a manner which is consistent with this policy and equitable to all parties concerned.

The purpose of this policy is to end harassment and therefore it may not be used by a complainant to achieve personal goals not in conformity with the purpose of this policy.

S. POSTING & DISTRIBUTION POLICY

Student clubs and organizations are encouraged to take advantage of all available opportunities to advertise their meetings and activities. Utilization of the campus radio and television stations, and the newspaper are highly effective, as are designing and posting information across campus. Organizations may also send news release material to the campus Communications Office.

1. SCOPE AND PURPOSE

These regulations are designed to permit the orderly use of University property and resources by Tusculum University students, faculty, staff, and alumni, as individuals and corporate bodies with regard to posting and distribution on, in, or about University property or events.

2. GENERAL POLICIES

Generally, all materials being considered for posting or distribution must be sponsored or co-sponsored by a registered student organization or a University department. All materials must include the full name of the sponsoring department or student organization, and all content must be printed or translated in English.

The Office of Student Affairs will approve all postings submitted at least three days in advance of posting as follows:

One copy of posters or handbills (banner facsimile drawn by organization on letter paper) will be stamped, dated and kept by the Office of Student Affairs.

In the case of handbills, one copy will be stamped, dated and must be in the possession of each person distributing the handbill.

In the case of posters and banners, all copies for posting must be stamped by Office of Student Affairs.

Materials may not be posted on any undesignated areas, including wood or painted surfaces, doors, glass, walls, car windshields, or over previously posted materials. Tile or cement walls may be permissive but must be checked with facility manager.

Failure to comply with regulations in this policy or any relevant campus policies is grounds for suspension of posting privileges for one semester (15 school weeks). Continuing to post while privileges are revoked is grounds for suspension of the student organization and charter/recognition review.

3. CONTENT REGULATIONS

The University will give careful consideration to the circumstances surrounding the expression in determining whether any restriction is appropriate in accord with the values of the University. However, no materials adjudged obscene or discriminatory, promoting the possession or consumption of alcoholic beverages, promoting gambling, or designed for the purpose of personal or commercial gain (save used book sales or the like) will be approved.

Materials that are misspelled or grammatically incorrect will not be approved for posting and are grounds for removal and disposal due to the poor image this presents of the University as an institution of higher education. Costs of reproduction of corrected materials will be borne solely by the entity responsible for its production. For these reasons, advanced review is strongly recommended.

Anyone creating materials needs to be cognizant of the rules regarding the use of university logos as outlined in the official Brand Guide posted on the Tusculum website. Creation of new logos must be routed through the Office of Communications and Marketing.

4. SPECIAL REQUIREMENTS FOR POSTERS, FLYERS

- A "poster" as used here is any posting 14 inches by 17 inches or smaller;
- Posting is permitted on general University bulletin boards or posting strips. Use of departmental or special area boards requires that permission be obtained from the related office;
- Only one posting per event, idea or product is allowed per bulletin board;
- The University may remove and discard any posters displayed on campus property which are in violation of these policies;
- With prior approval from the Office of Student Affairs signs may be posted at designated areas in University residence hall locations. Poster size in the residence halls may not exceed 8-1/2 inches by 14 inches;
- Posters may only be displayed up to a maximum of four weeks prior to an event and organizations are responsible for removing posters within seventy-two (72) hours from the day following the event. Failure to remove poster as indicated may result in revocation of poster posting privileges for a semester (15 school weeks).
- In case of shortage of bulletin board space, the Office of Student Affairs will assign priority and determine removal date.
- The Associate Vice President for Student Affairs or his/her designee may, in certain instances, authorize extended posting periods for certain items of an academic or administrative nature.
Items approved for extended posting must be stamped by the Office of Student Affairs. These are the only postings that will not automatically be removed on the first and third Friday of each month.

5. SPECIAL REQUIREMENTS FOR BANNERS

- A "banner" as used here is printed or pictorial material displayed equal to or exceeding 24 inches by 36 inches in size;
- Banners are only permitted through special permission of the Associate Vice President for Student Affairs or her/his designee for general areas – Niswonger Commons, etc.; Student Life Coordinators for individual residential areas; or the facility coordinator for other campus facilities;
- Banners may only be displayed up to a maximum of two weeks prior to an event and organizations are responsible for removing banners by noon on the day following the event. Failure to remove banner as indicated may result in revocation of banner posting privileges for a semester (15 school weeks);
- In case of shortage of space, the Office of Student Affairs will assign priority and determine removal date;
- The University does not assume responsibility for loss or destruction of banners; and
- The University may remove and discard any unapproved or past due banners.

6. SPECIAL REQUIREMENTS FOR HANDBILLS

- A "handbill" as used here is defined as any printed or pictorial matter distributed by hand on University property.
- Handbills may be distributed outside University buildings only. Handbills must not be forced on individuals.

- Distribution of materials at an event is limited to the organization which has reserved the area for that event.
- The responsible organization's members are required to assist in the clean up after the distribution. Failure to do so may result in the assessment of a cleanup fee consisting of the labor costs and reasonable overhead as determined by the University. Organizations which cause a litter or nuisance problem may be denied handbill distribution privileges.

7. SPECIAL REQUIREMENTS FOR MASS MAILING/MAILBOX STUFFING

- In light of the potential for the campus mail services to be overwhelmed and for students to become inured to important information due to a bulk of unsolicited advertising, registered student organizations may be restricted with regard all-campus mailing each semester. For this reason, students are encouraged to consult with Student Affairs personnel before printing information and assuring that they meet the following criteria as well as any other campus advertising restrictions:
 - the event being sponsored must be open to the entire University community;
 - two sample copies must be provided to the Office of Student Affairs (one will be retained by the Office of Student Affairs if approved and one will be authorized and transmitted with other copies to the Campus Mail Center);
 - the organization must provide a minimum of a sixteen-hour Mail Room work day time period for the distribution to take place, therefore, mailings for dated events will need to be submitted sufficiently far in advance for this publicity method to work;
 - identical communications being distributed to the entire student population should not be provided with name labels, but rather set-up as a general mass mailing;
 - full sheets of paper must be either folded in half or thirds;
 - mail smaller than an index card (3" x 5") will not be distributed through the campus mail center (campus mail envelopes can be utilized for small notes or similar correspondence); and
 - the number needed for mass distribution varies each semester (you may obtain the current number of mailboxes being maintained by contacting the Campus Mail Center).

8. INFORMATION CHANNEL ANNOUNCEMENTS

These may be placed on the campus information channel by contacting the Marketing Department.

9. CAMPUS GLOBAL E-MAIL

Registered student organizations sponsoring events adjudged by the designated Office of Student Affairs representative to be of potential interest to the entire student population may have their event information placed within the daily campus activities update distributed to all students. In light of the potential for the campus community to become inured to repetitive information and ignore new communications, information being communicated for the first time will be highlighted at the top of the message, followed by information about events occurring prior to the next e-mail's delivery timeline, and then information about events which has already been disseminated to students via this process.

To request permission to send a global e-mail message, an organization must write out the message as they wish it to appear and the delivering representative must print and sign the message before providing it to Student Affairs (or the representative may e-mail the message from their Tusculum.edu account to Student Affairs). Student Affairs personnel will review messages between 3:00 p.m. and 4:00 p.m. and attach the message to the daily e-mail as written or with minor modifications if such will cause the

message to be approved and sent. Otherwise the organizational representative will be contacted and informed of the concerns. External requests to utilize the global e-mail messaging system need to be sponsored by a departmental unit or registered student organization to be considered for global/ mass e-mail distribution to the “all students” listserv.

Global/mass e-mail is not to be utilized to send:

- messages whose content is not relevant to the University’s mission of teaching, research, and public service,
- messages which do not comport with legal standards or University policy (e.g. harassment, etc.),
- commercial mailings (mailings promoting the products or services of a person or entity other than the University or its approved contractors and affiliates),
- direct solicitations (while direct solicitations are not permitted, the announcement of fundraising events disseminated via the “composite” e-mail process), or
- personal messages.

T. SMOKING POLICY

Tusculum University is a smoke free campus.

U. SOCIAL POLICY

Social life is an important component of any university experience. Because the University takes seriously the positive value of developing social relationships in a sensitive and mature manner, it has established guidelines and expectations to further that purpose for all Tusculum students. Tusculum University provides these guidelines in hopes of helping and encouraging students to develop this aspect of their life in an acceptable and responsible way.

A Social Function is an event attended by any individuals who are not members of the Tusculum University community, has been advertised, or, in the residential environment, where more than twice the number of students as assigned occupants within the residential room or half again as many people as the residents within a living area (wing/floor/house/etc.). Hosting such an event at Tusculum University requires that students receive approval for the event from the Associate Vice President for Student Affairs or his/her designee.

V. SOLICITATION, SALES AND FUNDRAISING EVENTS POLICY

Any solicitation/fund-raising event that involves seeking support (which includes both monetary and in-kind gifts) must be approved in advance through the Office of the Vice President for Institutional Advancement. A staff or faculty member, overseeing a fund-raiser should obtain authorization in writing from his or her supervisor and then the written authorization (including the date, time, place and manner of solicitation) should be submitted to the Vice President for Institutional Advancement, for final approval before beginning a fund-raising project. This policy is in place to avoid multiple constituents at Tusculum University calling on the same donor at the same time, requesting either in-kind donations or monetary support.

Fundraising events occurring on campus must also be approved by the Associate Vice President for Student Affairs and will be considered based upon their merit with the following expectations:

1. Most residential campus sales will only be approved to be held in the first floor level of the

Niswonger Commons or other areas where students, staff and faculty are not a "captive audience;"

2. No harassment will be permitted and there will be no door-to-door sales in the residence halls nor sales by individuals for profit (e.g. magazines, perfume, etc.);
3. University students, staff or faculty shall conduct all activity (unless specifically contracted vendors have been approved through the institution);
4. Fundraising events sponsored by registered campus organizations must provide sufficient support to the University sponsor to justify the relationship and use of premises (e.g. twenty percent or more of the profits);
5. If sales result, gross receipts must be deposited in a University account;
6. Nothing in this rule is intended to authorize sales of products or food on campus in conflict with existing exclusive contracts for similar merchandise or services or that conflict with the University's catering policy guidelines;
7. Applicable policies on gambling under the Code of Student Conduct must be observed; and
8. It is the responsibility of the sponsor to acquire any necessary state, county, or municipal licenses.

W. STUDENTS' RIGHTS AND RESPONSIBILITIES

Each student possesses individual rights and responsibilities in the context of the University community. Tusculum encourages an atmosphere that promotes mutual respect and consideration for the rights of other. Tusculum University is a distinctive educational community whose members are committed to the cultivation of the Civic Arts and institutional core values.

X. CODE OF CONDUCT DEFINITIONS

Unless definitions have been previously established herein, terms with special meaning in the Tusculum University Code of Student Conduct include:

1. The terms "University" and "institution" will mean Tusculum University and all of its undergraduate, graduate and professional schools, divisions, and programs;
2. The term "student" includes all persons admitted to the institution through such time as they receive their diploma or officially withdraw from the University, including both full-time and part-time students taking undergraduate or graduate classes, and whether pursuing a degree or auditing courses, and in break periods or on-going academic terms;
3. The terms "faculty" and "faculty member" means any person hired by the University to conduct classroom activities;
4. The terms "official" and "University official" includes any person employed or retained by the University for the performance of administrative, professional, or staff responsibilities;
5. The term "aggravated violation" means a violation which resulted or foreseeably could have resulted in significant damage to persons or property or which otherwise posed a substantial threat to the stability and continuance of normal University sponsored or affiliated activities;
6. The term "reckless" means conduct which one should reasonably be expected to know would create a substantial risk of harm to persons or property or which would otherwise be likely to result in interference with normal University or University sponsored activities;
7. The term "community member" includes any person who is a student, faculty member, University official or any other person employed by the University. A person's status in a particular situation will be determined by the surrounding facts;

8. The terms "premises" and "University premises" include all grounds, land, buildings, facilities and other property in the possession of or owned, used, controlled by the University (leased, etc.), or supervised by the University including private buildings located on University land;
9. The term "organization" means any number of persons who have complied with the formal requirements of the University for recognition;
10. The term "group" means any number of persons who have not yet complied with the formal chartering requirement of the University for becoming an organization but have functioned in an organized manner that associates them with the University, on or off University premises;
11. The terms "judicial body" and "board" means any person or persons authorized by the Dean of Students or their designee to determine whether a student has violated the Student Code and to recommend imposition of sanctions;
12. The terms "judicial officer" or "hearing officer" means a University official authorized by the Dean of Students or her/his designee to hear input regarding allegations of violations and render a sanction recommendation; or who serves to mediate between community members or on behalf of the community with a student who accepts responsibility for a violation of the Code of Student Conduct in pursuit of an Administrative Agreement;
13. The "Dean of Students," is that person designated by the University President to be responsible for the administration of the Student Code of Conduct, or his/her designee charged with acting on behalf of the above identified individual; and
14. The term "policy" is defined as the written regulations of the University as found in, but not limited to, the Student Handbook (located on the Tusculum University Web site), Motor Vehicle Operations Guide, the Undergraduate Catalogue and the Graduate Catalogues.

Y. CODE OF CONDUCT PROCEDURAL INFORMATION

1. BEHAVIORAL EDUCATION ENFORCEMENT PHILOSOPHY

Every society and community must have standards governing individual behavior, and a university is no exception. Such standards should always be applied equitably and impartially. In keeping with this necessity, it is the function of the judicial boards to apply institutional rules in specific cases in such a way that carefully protects a student's rights, both procedural and substantive, while also emphasizing the student's obligation to abide by the community norms which the standards reflect. The judicial boards are not and do not function as legal "courts of law," rather, they function as an appointed group of representatives from the campus charged with upholding specific "standards and expectations" for behavior in the Tusculum community.

Any member of the University community may file charges against any student, group or organization for misconduct. Charges will be prepared in writing and directed to the Office of Student Affairs or GPS Student Affairs Designee. Alleged violations of students while abroad will be resolved in an abbreviated hearing process which will provide administrative agreement and administrative hearing options. The timing guidelines for submission of charges is thirty days from the date the complainant reasonably should have become aware of the identity of the alleged party responsible for the incident (except sexual harassment charges which may be submitted within six months), though the Dean of Students has discretion in accepting matters for review beyond this timeframe.

2. DEFINITION OF TERMS

- a. *Administrative Agreement*: Students or organizations may choose to acknowledge their responsibility and plead "in violation" to pending allegations of violations of University policy and complete an Administrative Agreement. An Administrative Agreement is a "contract" process

between a student or organization and a designated Hearing Officer which seeks to establish mutually agreed upon outcomes for behavior in violation of University policy. The purpose of the sanction is to educate the individual or organization as to why the documented behavior was inappropriate in the University environment, mitigate any negative impact of the behavior, and protect the community. At any point during the discussion, either the University official or the student/organization may choose to not complete the administrative agreement and pass the case on to the appropriate hearing body. Once approved, finalized agreements are not appealable as they are by definition voluntary and a means of final resolution of pending issues.

- b. *Administrative Hearing:* Students or organizations may choose to have allegations they face heard by a Hearing Officer who will investigate the matter by hearing from the student and their witnesses and the examining any other information they deem relevant to determine whether responsibility exists. If responsibility is determined to exist, the Hearing Officer shall make a sanction recommendation.
- c. *Confidentiality:* All cases involving violations of University policy are considered generally confidential with a few exceptions:
 - i. notification of parents in emergencies or cases of alcohol and drug violations;
 - ii. notification of those university authorities with an educational need to know (e.g. coaches and advisors as determined by the Dean of Students, hearing board members, etc.);

Information from disciplinary files is not available to persons on campus without an educational need to know nor to any person off campus without the express consent of the student involved, except under legal compulsion, in cases where the safety of persons or property is involved, or under the exception providing for informing alleged victims of violent crimes (assault, etc.).

- d. *Violation Types:* Assignment of violation type is the responsibility of the Dean of Students based on the following benchmarks:
 - i. *Major Violations:* Violations of the Code of Student Conduct considered to be major include:
 - a) three or more violations or misbehavior;
 - b) damage or vandalism greater than \$200.00;
 - c) theft, attempted theft, or conversion;
 - d) failure to comply with a disciplinary sanction;
 - e) failure to comply with University agents;
 - f) aggravated intolerance, harassment, threat and/or assault of another;
 - g) risk to the health and safety of other community members (damage to access system, etc.); and
 - h) fire safety policy violations, including, but not limited to, tampering with a fire apparatus, reckless misuse of fire safety equipment, and covering of a smoke detector; and
 - i) Possession with intent to sale and the sale of illegal substances including, but not limited to, marijuana.
 - ii. *Minor Violations:* Violations of the policy considered minor are those not listed under the definition of major violations, and include, but are not limited to:
 - a) first non-disruptive Alcohol Policy violations;
 - b) unauthorized entry to, or use of University property, equipment or resources, including but not limited to the telephone system, mail system, computer system, vehicle keys, buildings and furnishings, roofs

- of University-owned or operated buildings and service tunnels, or the duplication of keys;
 - c) damage or destruction or misuse of any University property, or property of others on University premises
 - d) rough play in University buildings or on University premises,
 - e) Visitation and Escort violations; and
 - f) Quiet Hours policy violations.
- e. *Sanction*: A sanction is any action affecting the status of a student which is taken by the University in response to misconduct. The purpose of such action will be to maintain behavioral expectations which uphold the educational mission of the community as well as to help students recognize acceptable boundaries to their actions/activities and the consequences of future behavior choices. In recommending and determining a sanction, the hearing board, administrative hearing officer or the Dean of Students or his/her designee may consider the student's present demeanor and past disciplinary record, the nature of the offense, the severity of any damage, injury or resulting harm, and other relevant factors. If the allegations against the student are sustained, the adjudication body, may recommend and the Dean of Students may impose one or more of the following sanctions:
 - i. *Expulsion* – The most severe sanction, behavior is such that the student's presence on campus is not supportive of the mission of the University. The student is permanently separated from the institution. Notification will appear on the student's transcript. The student will also be barred from the University premises and related activities.
 - ii. *Suspension* – Separation of the student from the University system for a specified period of time, but not less than the duration of three courses/blocks. Notification may appear on the student's transcript. The student will not participate in any University-sponsored activity and may be barred from University premises. Suspension may be deferred when significant mitigating factors are present. However, if a student receives another disciplinary finding of responsibility during this period for a further violation of the Code of Student Conduct, the suspension will take effect as of the date of the later finding. Students returning to Tusculum following a period of suspension will normally return on probation for a designated period of time.
 - iii. *Interim or Summary Suspension* – The Dean of Students or his/her designee has the authority to invoke a summary suspension or limit access to the University and its programs and properties until completion of the hearing if there appears to be a danger of the student causing harm to him/herself or others, or if the person poses a threat to the well-being of the University community. In such cases, access to a hearing will be expedited (including, as necessary, through use of an ad hoc board constituted by the Dean of Students or his/her designee for this purpose);
 - iv. *University Housing Removal* – Removal of the residential student from University housing for a specific period of time. Removal from University housing may be deferred when significant mitigating factors are present, provided, however, that if a student receives a disciplinary sanction of at least probation during this period for a further violation of the Code of Student Conduct, the removal from housing will take effect as of the date of the later sanction.
 - v. *Loss of Privileges* – Students may be denied specific campus privileges for a designated period of time, including participation in student organizations and other University sponsored events.

- vi. *Community Compensation* – Students are assigned to perform a specified number of hours of work at a local agency. The student is responsible for identifying the agency, coordinating the hours, and having the agency report completion of the assigned community compensation hours. When appropriate, this work may be related to the policy violation which led to the imposition of the sanction.
- vii. *Fines* – Fines may be assessed for violations of living plans or University policies.
- viii. *Restitution* – The student is required to make payment to the University or another for loss or damage to property.
- ix. *Disciplinary Probation* – A specified period of time during which any further violation of the Code of Student Conduct will receive careful scrutiny and may subject the student to suspension or expulsion. Those on probation may not hold an office or hold committee responsibility in student organizations, but they may continue as members of organizations and may attend social functions.
- x. *Written Disciplinary Reprimand* – The student is warned that further misconduct may result in more severe disciplinary action.
- xi. *Revocation or Appending of Degrees*- The University reserves the right to revoke an awarded degree or append notation to the transcript for fraud in receipt of the degree or for serious disciplinary violations committed by a student prior to the student's graduation
- xii. *Other Sanctions* – Other sanctions may be imposed instead of or in addition to those specified above, such as work requirements, denial of participation in University activities, denial or restriction of privileges, and solutions worked out through arbitration and/or mediation, etc.
- xiii. *Group/Organization Sanctions* - In addition to the sanctions listed above, the following sanctions may be imposed upon groups or organizations: Deactivation – Loss of all privileges, including University recognition, for a specified period of time; and/or the loss of University housing for a group or organization
- f. *Sanction Endorsement or Modification* - In each case in which a judicial body determines that a student has violated the Student Code, the findings and sanction (s) will be recommended by the same judicial board to the Dean of Students or her/his designee. Following the hearing, the Dean of Students or her/his designee will advise the accused in writing of the judicial board's finding and, if appropriate, the sanctions imposed, as endorsed.
- g. *Student Sanction Records* - Other than University suspension or expulsion, disciplinary sanctions will not be part of the student's permanent academic record, but will be part of the student's confidential (educational/personal) record. Due to federal regulations, incident resolution documentation must be kept in the student's file for seven (7) years from the date of the incident. After this time, a student's record may be expunged of disciplinary actions other than residence hall expulsion, University suspension, or University expulsion.
- h. *Peer Judicial Board*: (hereafter referred to as the PJB) This board functions as the lower level adjudicating body of the residential University for resolving allegations of minor violations of the Code of Student Conduct:
 - i. PJB consists of fifteen students who are selected in the spring through the Student Government Association and approved by the Dean of Students or her/his designee.
 - ii. Vacancies due to a failure of the student body to select or due to the representatives' failure to perform his/her duties (determined by a three-quarter

vote of board) or resignation will be filled through recommendations tendered by the Student Government Association upon soliciting recommendations from the appropriate living area representative bodies and approval of the Dean of Students or his/her designee.

- iii. Members of the PJB who are charged with a violation of this Code or with a criminal offense may be suspended from their positions by the Dean of Students or his/her designee during the pendency of the charges against them. Members found responsible of any such violation or offense may be disqualified from any further participation in the administration of the University judicial system at the discretion of the Dean of Students or his/her designee.
- iv. The PJB Chief Justice and an Associate Justice will be selected by the Assistant Justices of the Board and will preside over cases before the Board.
- v. The PJB is trained and advised by the Dean of Students or his/her designee.
- vi. A hearing panel will be selected by the Chief Justice. The Chief Justice will select a minimum of five members of the Board to serve as the designated hearing body (providing for a rotation of those selected to serve from one hearing to the next). The Associate Justice will serve as a substitute should bias be established for any Board member.
- vii. Four members, inclusive of the chair, will constitute a quorum. A quorum is necessary for the PJB to review allegations brought before it, unless the accused waives this right upon direct inquiry after being informed of said right.
- viii. An ad hoc hearing board may be established by the Dean of Students or his/her designee whenever the regular hearing board is not constituted, is unable to obtain a quorum, or is otherwise unable to hear a case (e.g. opening, finals, or vacation periods).
- i. Community Standards Board: (CSB) Functions as the upper level disciplinary body of the residential University for resolving allegations of major violations of the CSC.
 - i. The Board is composed of four students, two faculty, and two staff members. Their responsibilities will include determining whether the accused is in violation or not in violation of the Code of Student Conduct and recommending sanctions to the Dean of Students. A separate non-voting (except in ties) chair, appointed by the Dean of Students or his/her designee will coordinate the council and chair the meetings.
 - ii. The students are upperclassmen who are in good standing at the University and are approved by the Dean of Students or his/her designee upon consideration of recommendations submitted by the Student Government Association in consultation with the Chair of the CSB.
 - iii. Two faculty are selected from recommendations of the faculty Professional Relations Committee who are familiar with the behavioral expectations and the curricular and co-curricular aspects of Student Affairs.
 - iv. Two staff members are selected from recommendations of the Staff Council who are familiar with the behavioral expectations and the curricular and co-curricular aspects of Student Affairs.
 - v. Vacancies resulting from a failure to perform duties (determined by three-quarter vote of the CSB) or resignation will be filled through the approval of

recommendations made by Student Government Association to the Dean of Students or his/her designee for student and staff positions and through the Professional Relations Committee for the faculty positions.

- vi. Members of the CSB who are charged with a violation of this Code, a criminal offense, or other improprieties may be suspended from their positions by the Dean of Students or his/her designee during the review of allegations of improper behavior.

Members found responsible of any such violation or offense may be disqualified from any further participation in the administration of the University judicial system at the discretion of the Dean of Students or his/her designee.

- vii. Five members, with at least three students and two faculty/staff, will constitute a quorum. A quorum is necessary for the CSB to review allegations brought before it, unless the accused waives this right upon direct inquiry after being informed of said right.

- viii. An ad hoc hearing board may be established by the Dean of Students or his/her designee whenever the regular hearing board is not constituted, is unable to obtain a quorum, or is otherwise unable to hear a case (e.g. opening, finals, or vacation periods).

- j. *Adult and Online Studies Community Standards Board (AOSCSB)*: Functions as the disciplinary body for Adult and Online Studies students for resolving allegations of violations of the CSC.

- i. The Board is composed of nine students, two faculty and two staff members. Their responsibilities will include determining whether the accused is in violation or not in violation of the Code of Student Conduct and recommending sanctions to the Dean of Students. A separate non-voting (except in ties) chair, appointed by Dean of Students or his/her designee will coordinate the council and chair the meetings. The students are in good standing at the University and should provide representation from across the Graduate and Professional Studies program components. Students will be provided the opportunity to self-nominate in the fall of each academic year for a one-year term and are approved by the Dean of Students or his/her designee upon consultation with the Student Government Association and the Chair of the AOSCSB.

- ii. Two faculty members who are familiar with the behavioral expectations and the curricular and co-curricular aspects of Student Affairs will serve on the AOSCSB. Faculty members should be selected from across the Graduate and Professional Studies component programs and recommendations will be solicited from the Student Government Association to the faculty's Professional Relations Committee.

- iii. Two staff members who are familiar with the behavioral expectations and the curricular and co-curricular aspects of Student Affairs will be appointed by the Dean of Students.

- iv. Vacancies resulting from a failure to perform duties (determined by three-quarter vote of the AOSCSB) or resignation will be filled through temporary appointments made by the Dean of Students designee for student and staff positions and through the faculty's Professional Relations Committee for the faculty positions.

- v. Members of the AOSCSB who are charged with a violation of this Code, a criminal offense, or other improprieties may be suspended from their positions by the Dean of Students or his/her designee during the review of allegations of improper behavior. Members found responsible of any such violation or offense may be disqualified from any further participation in the administration of the University judicial system at the discretion of the

Dean of Students or his/her designee.

- vi. Five members, with at least three students and two faculty/staff, will constitute a quorum. A quorum is necessary for the AOSCSB to review allegations brought before it, unless the accused waives this right upon direct inquiry after being informed of said right.
- vii. An ad hoc hearing board may be established by the Dean of Students or his/her designee whenever the regular hearing board is not constituted, is unable to obtain a quorum, or is otherwise unable to hear a case.

3. STUDENT RIGHTS

Tusculum University students have the right(s):

- a. To organize a personal life and behavior, to pursue individual activities, including freedom of movement, except when these interfere with the rights of others or violate established University, local, state, and federal laws regulations and policies.
- b. To have freedom from personal force, violence, threats or personal abuse and sexual harassment, either as individuals or groups within the University community.
- c. To dissent – to carry on individual or group activity which expresses grievances held against or changes desired in society, the University, or both (however, the activity needs to comply with campus activity policies and procedures).
- d. To have access to a statement of regulations promulgated by the University and receive a copy of same upon request. The University will make reasonable effort to make its policies known to students.
- e. To a process of fundamental fairness as outlined by University policies and procedures, including reasonable notice of a hearing and a written statement of the policies and procedures at issue (with information about the alleged misconduct upon which the violation allegation are based available upon request and such hearing notice will be provided through the campus e-mail and mail systems and, thereafter, behavior education processes may be conducted with or without the presence of the student); a presumption of not being responsible for a violation unless or until an admission of responsibility is entered or responsibility is determined by “a preponderance of the evidence” or “more likely than not” finding and any sanction will be proportionate to the severity of the violation.
- f. To request that an informal disciplinary conference (an Administrative Agreement or Administrative Hearing depending) be conducted to pursue the resolution of the matter;
- g. To have an opportunity to present a challenge to the objectivity of a hearing board member (which will be evaluated by the remaining members of the board);
- h. To testify on one’s own behalf including written and oral statements and physical exhibits, to have material witnesses testify at the responsibility hearing or have the absence of a witness whose statement is considered weigh against their credibility as they are not available for challenge, and, while all students admitted to the University are presumed to be of good character until it is shown otherwise, to have a character witnesses testify at the hearing;
- i. To decline to testify at a hearing. Students are reminded, however, that the hearing is not a formal judicial or criminal proceeding, and a hearing board may reasonably draw negative inferences from a refusal to answer questions or otherwise participate or cooperate in the hearing process;
- j. To be present at all phases of the hearing except the board deliberations, and the right to examine and refute evidence introduced at the hearing (although direct examination of witnesses may not be permitted in hearings of alleged assault or harassment, but questions of both parties in such cases will be reviewed by the CSB Chair and posed if determined to be appropriate);

- k. To be accompanied and assisted by an advisor at all phases of the hearing, provided that the advisor is a student, faculty, or staff member of Tusculum University and that the advisor understands that their role is solely to observe and advise the student and not to participate in any way in the hearing, including questioning witnesses or addressing the hearing body (in cases of sexual misconduct allegations, parties may utilize legal counsel, but counsel will still be bound to the advising role and may be excused for failure to observe this expectation);
- l. To receive a timely written decision;
- m. To an appeal or review of the original hearing as outlined in the appeals process (this right exists for all parties and if one party brings forth an appeal, all parties shall be notified of the need to submit appeals for final review);
- n. To be assured of confidentiality, in accordance with the terms of the federal Family Education Rights and Privacy Act and understanding the few exceptions thereto; and
- o. After a final decision has been rendered and all appeals finalized (note – all hearing outcomes are subject to appeal by all parties who have a right to be notified of the outcome, but only one appeal shall be heard from all parties simultaneously within the indicated timeline) to be free from subsequent hearing or sanctions for the same specific incident of alleged misconduct (except in cases where charges of obfuscation or dishonesty as related to the initial hearing are being reviewed).

4. STUDENT RESPONSIBILITIES

Tusculum University students bear the responsibility:

- a. To act as mature, honest and respectful members of the University community;
- b. To present University identification and comply with the directions of authorized University officials upon request;
- c. To refrain from actions which deny other members of the community their rights;
- d. To refrain from the use of force against another person or group, or personal abuse of another person;
- e. To preserve the right to privacy of property of individuals, groups, the community, and the University itself;
- f. To respect confidentiality of academic information about members of the Tusculum University community;
- g. To observe all established University, local, state and federal rules, regulations, and laws. Nothing in this document can affect in anyway the jurisdiction of courts and other civil authorities over any Tusculum University student. Membership in the University community does not mean a privileged or immune status from the laws and regulations that other residents of Tennessee must obey;
- h. To cooperate fully with any hearing officer or board/panel, to answer all questions truthfully and specifically, and to facilitate the body's discovery of truth however possible; and
- i. To give all testimony truthfully and honestly. All testimony given before officers and boards/panels is assumed to be under oath or affirmation.

5. OPTIONS FOR RESOLUTION

- a. Mediation is encouraged as a means to resolve many interpersonal disputes. The Dean of Students or his/her designee will inform complainants about the availability of mediation resources. Additionally, the Dean of Students may choose to place a hold on the resolution process until the parties make a reasonable attempt to achieve a mediated settlement (except in cases of harassment or assault). For a mediation outcome to be binding such that parties to the agreement who violate same may be held accountable for such through the discipline system,

the agreement must be facilitated by a Student Affairs hearing officer, endorsed by both parties, and approved by the Dean of Students or his/her designee.

- b. The student may choose to seek an Administrative Agreement or Administrative Hearing with an assigned hearing officer, rather than the standard hearing board process;
- c. Alternatively, allegations of Code of Student Conduct violations will be forwarded to chairs of the appropriate hearing body (residential minor violations to PJB, residential major violations to CSB, and GPS violations to AOSCSB) to convene a hearing;
- d. Situations that are assessed to bring a maximum sanction of a warning may be addressed by the following procedure:
 - i. A letter of warning may be sent to the student along with a copy of the violation;
 - ii. In such a case, if the student wants either to address the situation further or pursue pleading not responsible, he/she will have three (3) days to contact the staff member who sent the letter to declare his/her desire for a hearing by the PJB or AOSCSB as appropriate. If the student does not respond, then the warning for the violation will stand as recognized.

6. GENERAL PROCEDURES FOR THE RESOLUTION OF ALLEGATIONS OF VIOLATIONS OF THE CODE OF STUDENT CONDUCT

- a. *Filing of Charges* - At the request of any student, faculty or staff member, or independently, the University may file appropriate charges through the Office of Student Affairs alleging a violation by an accused student(s). Such charges should be filed no later than 30 days after the complainant reasonably should have become aware of the alleged violation and the identity of the student(s) involved, except in cases of sexual harassment/assault. In cases of sexual harassment/assault, charges may be filed up to six months after the complainant reasonably should have become aware of the alleged violation and the identity of the student(s) involved. However, the foregoing timeliness guidelines may be extended at the discretion of the Dean of Students. If a student has withdrawn or withdraws after the filing of such charges, at the University's discretion, either (1) a "registration hold" will be placed on the student's academic record (including a notation on the student's transcript indicating that judicial action is pending [applicable upon withdrawal after the hearing as well]) and the student will be notified that disciplinary action may be initiated upon the student's application for readmission, or (2) the University may proceed to resolve the disciplinary action.
- b. *Delays* - Any student charged with violating the Code of Student Conduct may request permission from the chair of the hearing board for a delay in hearing. In a case where criminal charges are pending against a charged student, upon this student's request, at least a 7-day summary delay will be granted to secure the advice of legal counsel (however this will not affect the implementation of suspension upon review of a deferred suspension status nor will it impact the application of an interim suspension status). All other delays will be granted at the discretion of the Dean of Students or his/her designee.
- c. *Notification* - In the event of a hearing, the charged student will be notified through campus e-mail or mail at least five calendar days prior to the date of the hearing (or one day for a hearing held to review an alleged violation of a summary/deferred suspension). Such notice will include the following:
 - i. The specific charge(s) citing the appropriate University policies or regulation(s) allegedly violated;
 - ii. A brief indication of the time and place the underlying behavior is alleged to have occurred;

- iii. The time and place of the proposed hearing.
 - iv. The source of general guidelines established for the hearing (reference to handbook web address and ability to access/obtain printed copy).
- d. *Advisor* - The student may request the assistance of an advisor (who is not licensed to serve as legal counsel in the U.S.) from the University community in the hearing, but must represent him/herself. When appropriate, the student may speak through an interpreter. When there is a pending criminal case against the student arising out of the same facts as the charge(s), the student may be accompanied by legal counsel, who will be present for the purpose of advising the student and will not participate in the hearing.
- e. *General Hearing Guidelines*
 - i. The hearing will be closed to all except the hearing board, complainant or situational representative, accused, and their advisors (who must be members of the Tusculum University community and may not be certified or licensed to serve as legal counsel).
 - ii. All hearing board members will be given the opportunity to review the hearing documents before the hearing convenes. The chair will direct all present at the hearing to state their names and relationship to the case, excuse unapproved parties, explain the format and procedures of the hearing, and answer any questions concerning the complaint and/or the procedures to be followed during the hearing.
 - iii. When the complainant, accused, a member of the hearing board or the chair charges that another member may not be impartial or able to judge the facts of the case objectively, the charged member may make a statement in his/her behalf and must then leave the room with all other parties except the remaining members of the hearing board who will discuss and vote on the member's impartiality. If a majority of the members judges the charged member not to be impartial, that person will not be removed from the hearing panel for the case in question.
The chair will have the complainant state the nature of the complaint (in a minor violation review, a formal complainant may not be assigned when the case is brought by the University with witnesses called by the chair as present to review their input for consideration).
 - iv. The chair will ask for a plea from the accused. If the accused fails to attend the hearing of which he/she has been formally notified, the hearing board will hear the case in his/her absence using any available information.
 - 1. If the plea is "in violation"
 - The accused and the complainant will be given an opportunity to make a statement.
 - Hearing board members will be given an opportunity to ask questions of either party or available witnesses to clarify their understanding of the circumstances of the violation.
 - 2. If the plea is "not in violation"
 - After the plea, the witness(es) will be asked to leave the room. The complainant and accused will remain.
 - The complainant and accused may give opening statements. The chair may specify a time limit on statements.
 - The hearing board will question the complainant and his/her witness(es) individually. The hearing board hearing is not a court of law

and need not, nor should it, observe the rules of evidence utilized by the courts, and should exclude unduly repetitious or irrelevant evidence.

Witnesses will appear as called by the hearing board, testify, and leave.

The chair may specify a time limit on the witnesses' testimony.

–The hearing board will question the accused and his/her witness(es) individually. Witnesses will appear as called by the hearing board, testify and leave. The chair may specify a time limit on the witnesses' testimony.

–The accused and complainant may question witnesses when recognized by the chair.

–The accused and complainant will be given the opportunity to question one another (except in cases of assault or harassment where questions may be reviewed for appropriateness and then posed or not posed by the Chair at his/her discretion).

–The complainant and accused will be given the opportunity to make summary statements (inclusive of statements from the complainant as to perceived impact of alleged behaviors) with the accused having the final opportunity to address the Board.

- v. The chair will then outline the procedures for receiving a letter regarding the finding and sanctions (if appropriate), appeals process, and answer any questions of the parties. The accused, complainant, and any witnesses will then be asked to leave the room. After deliberation, the hearing board will render a finding of “in violation” or “not in violation” by a simple majority vote (although a consensus opinion will be reasonably pursued). The Chair will participate in discussions of the allegations, but only vote in case of a tie.
- vi. If the accused is found “in violation” the chair will inform the hearing board of any relevant disciplinary history in the disciplinary file of the accused. Such information will be considered as the hearing board determines an appropriate sanction recommendation for the case.
- vii. Any person, including the complainant and the accused, who disrupts a hearing or who fails to adhere to the rulings of the presiding officer may be excluded from the proceedings.
- viii. Any recommendation of a hearing board will be based on a reasonable interpretation of the evidence and testimony at the hearing. Supporting evidence and records must be presented at the hearing.
- ix. The hearing board will determine findings of fact, recommend sanction(s) to be considered, and provide support. The entire record will be forwarded to the Dean of Students or his/her designee. Within the five working days after receiving the hearing board's determination, the Dean of Students or his/her designee will render the written decision. In the case of Title IX related matters (e.g. sexual harassment), the outcomes will be presented to the accused and the accuser).

The Dean of Students or his/her designee may request the hearing board to clarify its determination. Upon receipt of said request the hearing board will convene to address the questions raised.

f. *Appeal Procedures*

- i. There are three bases for appeal: a) the sanction awarded is not proportionate to the violation for which responsibility was found, b) there were failures in the system procedures [the process indicated herein was not followed], and c) there is new evidence available which was not available at the time of the hearing.
- ii. Appeals must be in writing and received within five calendar days of notice being sent to the student of the official sanctions. Appeals are forwarded to the Associate Vice President for Student Affairs or his/her designee. Appeal decisions will be based on a review of the appeal letter, the summary of the hearing and other supporting documents presented in the hearing, and a discussion with the hearing officer or board chair. If the Associate Vice President for Student Affairs or his/her designee finds abnormalities, he or she may refer the matter to the same or another hearing board as appropriate, or adjust the finding or sanctions to reflect the information determined through the appeal.
- iii. Subsequent and final appeal based solely on procedural grounds can be made to the Associate Vice President for Student Affairs.
- iv. After appeals to the appropriate University officials, and after all decisions are rendered, the case will be considered closed.

g. *Immediate Removal* - Any student suspended or expelled may be required to leave campus immediately upon official notification of the sanction or outcome of the hearing, even if the student plans to file an appeal. Should the student seek to appeal the action, he/she will need to arrange for any further access through the Dean of Students or his/her designee.

h. *Parental Notification* - Tusculum University recognizes that students, parents, and the University are in a partnership in which each has the responsibility to promote a healthy and productive educational experience. The University behavior education process exists to provide corrective action which is educational and developmental, to protect the campus community, and to maintain an environment conducive to learning. Violations of the University alcohol and/or drug policies can detract from the learning environment. The University believes parents can assist students in fulfilling their educational goals through the use of open dialogue.

Due to recent amendments to the Family Educational Rights and Privacy Act (FERPA), it is now permissible for Tusculum University to notify the parent or guardian of students under the age of 21 when those students have been found responsible for alcohol and drug related offenses. If a student under the age of 21 is found to be responsible for the use and/or possession of drugs or drug paraphernalia, the resultant sanction will include notification of the parent/guardian by the Dean of Students or his/her designee. In the event of a first non-disruptive violation of the alcohol policy by a student, the sanction benchmark includes, but is not limited to probation, developmental counseling, and community service. In addition to the aforementioned sanctions, a first disruptive or second non-disruptive violation of the alcohol policy by a student under the age of 21 has as a result the notification of the parent/guardian by the Dean of Students or his/her designee.

In addition, the parent/guardian may be contacted in any instance in which the health or safety of the student has been threatened either through the student's own acts or the acts of others.

i. *Transcript Encumbrances* - In pending cases that could result in suspension or expulsion (or cases of deferred suspension), a student records block and a transcript notation indicating that a judicial matter is pending may be placed on a student's records by the Dean of Students or his/her designee.

Z. RESIDENTIAL LIFE & HOUSING

RL1 UNDERGRADUATE CAMPUS HOUSING

As a Civic Arts University, Tusculum seeks to foster a spirit of community, benefiting from the full participation of each campus citizen. The student and the community are best served when the student is available to be involved in campus activities. National studies support, and campus experience confirms, that students who reside on campus are more likely to fully benefit from their educational experience. Of all the implications, however, three areas deserve special attention because they are directly attributed to on-campus living:

- **Academic Performance and Persistence**
Residential students are more likely to maintain excellent academic performance and earn a bachelor's degree than off-campus students. A recent review of grade point averages indicates this is also true on our campus. The average GPA of residence hall students is higher than the campus average, and each residence hall class average GPA is higher than the corresponding campus class average GPA.
- **Satisfaction with the Faculty**
Residential students tend to have more contact with faculty and are more satisfied with their interaction with faculty than off-campus students.
- **Student Development & Learning**
Residential students are more likely to establish strong interpersonal relationships, more likely to learn from group and interpersonal interaction.

To achieve these benefits, and maximize the University experience, all undergraduate students are required to live in the residential facilities unless they are granted an exemption based upon one of the criteria later defined in this policy statement. During fall and spring semesters, housing is limited to full-time students or to part-time students with approved accommodations/special needs. During the summer and break periods, housing is limited to students enrolled at Tusculum University during the term, or to students required to be in residence to participate in activities approved by the Associate Vice President for Student Affairs as related to the University mission.

Tusculum University's current student residences are designed to complement the pursuit of full-time undergraduate studies, with respect to their design as multiple resident units, their supervision by undergraduate resident assistants reporting to graduate and professional staff members, and their emphasis on educational programming and leadership development to complement students' curricular pursuits. For those reasons, students who are under the age of 17 or over the age of 30 are not normally eligible for University housing. Petitions for exceptions to this policy will be considered on an individual basis by the Housing Committee, whose decisions with respect to such petitions will be final (petitions may be submitted through the Vice President for Student Affairs).

To request an exception to the campus housing requirement, the student must complete an Undergraduate Campus Housing Exemption Request Form and provide a local address and telephone number and verification of one of the following:

- Notarized letter of local residency with a parent or legal guardian within a county contiguous to the Greeneville campus (may be completed in presence of University official through admission/registration process without needing to be notarized) by June 1, of the upcoming fall semester.
- Above 21 years of age as of June 1, of the upcoming fall semester,
- License of marriage,

- Junior with a minimum of 60-credit hours and in good academic and student conduct standing (this excludes dual enrollment and AP credits) (unofficial transcripts must be provided upon requests),
- Single student with legal dependent(s), or
- Military veteran – has served at least one-year active duty in the military forces.

Other documents may be required to verify need for the exception. If a local student is accommodated on campus, the student will be required to reside on-campus for the full academic year. Under full occupancy, exemptions may be considered on an individual basis based upon accumulated hours and grade point average. Students who have documented health problems that prohibit communal living should contact ADA Services or the Associate Vice President for Student Affairs for assistance in addressing any concerns.

Occasionally, financial need is cited as a reason for requesting a campus housing exemption. The University's Undergraduate Campus Housing Policy makes no provision for financial need as a reason that qualifies for an exception. Thus, requests made on this premise are not approved. Students needing financial assistance are advised to discuss their situation with the Office of Financial Aid. Moving off campus may impact financial aid eligibility. Students are encouraged to consult the financial aid office prior to completing the Undergraduate Campus Housing Exemption Request Form and/or making arrangements for off-campus lodging. It should be noted that some program directors (i.e. coaches, theater, music, etc.) may have a more restrictive campus housing requirement for members of their team or program that differs from the stated policy.

If an Undergraduate Campus Housing Exemption Request is denied, the applicant may appeal in writing to the Campus Housing Committee. The Campus Housing Committee includes key Cabinet representatives who review appeals and make final determinations. Normally, applicants will be notified of the decision within two weeks of the date of the appeal.

RL2 HOUSING PATTERNS

All housing arrangements are coordinated through the Office of Student Affairs, and include residence halls, program houses, and apartments. All regulations for residential living apply equally to all University traditional and non-traditional residential facilities.

1. *Standard Housing* - There are six standard style residence halls on the campus: Charles Oliver Gray East, South, and West are a solely female residence halls. Haynes and Katherine Halls are male facilities. Finally, Welty-Craig Hall is a co-ed facility.
2. *Village Housing* - There are six apartment buildings on Tusculum's campus. Village housing is suite style housing that accommodates five residents. Village housing runs a higher annual room cost.
3. *Non-Traditional Housing* - Designated University owned houses are available for individual accommodations and program houses or group living units. Student groups may apply each spring to live in these houses during the room sign-up process. Some University owned houses are not connected to the University's phone or internet system, but commercial services for both programs are provided.

RL3 HOUSING/ROOM ASSIGNMENT PROCESS

1. *Room Assignments* will be managed solely by the Office of Student Affairs. Student requests will be honored whenever possible. Priority for rooms is determined during the registration process in the spring semester. Priority for rooms is determined according to the order in

- which students complete the registration process, including payment of the housing deposit.
2. *Room Changes* - Room Changes will be facilitated in accordance with the policy, which recognizes that residency is both an expectation and a privilege, as well as a learning/growing experience. For this reason, all possible solutions to resolve roommate conflict situations will be pursued before a change will be endorsed.
Any roommate difficulty should be discussed with the Resident Assistant to try and resolve the issues presented. However, roommate changes are only permitted under extreme circumstances during the first two weeks of a semester as developing skills in working through challenging situations, etc. are part of the residential experience. Students requesting a roommate change must follow the format established by the Office of Student Affairs. The Coordinator of Housing is responsible for the individual facilities, will make and approve all final changes and residents who do not follow the appropriate room change process may be subject to judicial action and improper check-in/check-out fines (\$50.00 minimum).
3. *Single Rooms* - A student who requests, and is assigned to live in a single-occupancy room, is assessed an additional housing fee. A student who requests, and is assigned to live alone in a two-person room, is assessed an additional housing fee, adjusted on a yearly basis. For information on current fees, contact the Office of Student Affairs.
- a. Students who find themselves without a roommate will have these options:
- i. If space is available, accept the room as a single and begin paying the additional housing fee.
 - ii. Refuse to accept the room as a single, recognizing that they may be asked at any time to move or accept an assigned roommate, and continue to pay the double occupancy rate (this status may continue until the conclusion of the semester).
- b. At the start of the next semester, students who chose option (2) above will be required to select one of the following options:
- i. If space is available, accept the room as a single and begin paying the additional housing fee.
 - ii. Accept a roommate, or agree to move in with another student (which student moves is determined by credit hours and GPA if necessary).
 - iii. If a roommate is not available, then the student can refuse to accept the room as a single, recognizing that he or she may be asked at any time to move or accept an assigned roommate, and continue to pay the double occupancy rate.

This policy applies to a student who is assigned to a double occupancy room and is not assigned a roommate. A student assigned to a “built as single” room, without requesting a single room, will not be charged an additional fee, but may be asked to move at the conclusion of the semester.

If a student requests and receives a single room during the semester, the additional housing fee is prorated based upon the date of check-in into the new room.

4. *Use of Facilities During Break Periods* - There may be rare occasions when the University will find it necessary to house people in a student’s room during extended breaks. This might occur when needed maintenance is being performed during a break, and some residents in that hall need to be temporarily relocated. Another possibility is that of housing conference participants in University housing during an academic break. If the room you have been occupying is to be used, you will be given at least one week’s notice that the University is

invoking its contractual rights. Assistance will be given to students whose rooms are to be used in order to make any needed preparations.

RL4 RESIDENTIAL LIFE PROGRAM

Tusculum is a residential university. As such, the residential campus is more than just a place to live. The residence halls on campus serve as classrooms for learning human relations skills and serve as social centers for residents. Students living on campus become residents of a small neighborhood within each facility and a member of the larger community of all those who live on campus. As in every such community, policies and procedures are necessary to protect the rights of individuals and the welfare of the community at large. In keeping with the mission of the University to instill qualities of Judeo-Christian character, they also reflect the values and standards of conduct expected of residents. At all times, residents are expected to use good judgment and show respect for the rights and needs of others in the care and use of student housing and facilities.

The ideals of the Civic Arts encourage all of us to be active participants in our communities. The residence halls provide an immediate opportunity for community involvement. All residents are responsible for being active, positive participants in their residential community.

From the central administrative office, to the front-line live-in residential staff, the Residence Hall Staff is composed of highly trained professionals and para-professionals who offer service and guidance to the resident students on how to realize maximum benefit and enjoyment of their residence hall living experience.

RAs are para-professional staff members who are concentrated in the first-year housing clusters and serve the resident population by initiating programs to encourage interaction and integration, providing friendly support, acting as a resource person, and serving as a peer counselor/referral agent, as well as representing the University with respect to enforcement of the campus policies and procedures. These Resident

Assistants are the first line of contact, resource or counsel for residential students, who welcome your contact and look forward to getting to know you.

RL5 RESIDENTIAL LIFE & HOUSING SERVICES AND POLICIES

This section addresses a number of Residential Life and Housing policies, which supplement the Code of Student Conduct.

1. *Telecommunications* – Tusculum University manages its own internet services and telephone systems. Each student's room in residential housing is provided Ethernet access to the Tusculum University network/internet, which is covered by tuition. Even though local/emergency phone service is provided in residential housing, other telephone service is the responsibility of the student. Students are encouraged to provide their own cellular phone service long-distance service. Those students wishing to make long distance calls are otherwise required to make arrangements with a long-distance carrier of their choice.
2. *Laundry Facilities* are located in each living unit on campus. A special program has been implemented, which allows students to use the machines without needing to provide money or tokens. Those who do not live in facilities where this fee is applied may not use the machines in the aforementioned areas.

3. *Dining Services* - Dining service at Tusculum University is in the Niswonger Commons, and is operated by contract on behalf of the University by Chartwell's. All students living in University residence halls are required to participate in the board plan.

COMMUTER STUDENTS AND DINING HALL GUESTS: Commuting students, faculty, and staff, are encouraged to purchase a discount meal plan. The Business Office maintains a list of the available meal plans and rates.

POLICIES AND RULES: The following policies and rules are applicable to the dining facilities:

- Meal plan students must present student ID at each meal. Students will not be permitted to enter the dining hall without their student ID.
- Shoes and shirts must be worn at all times.
- No food, drink, utensils or other items may be taken from the dining hall.
- After eating, return your tray to the dish area, discarding your trash, and separating your silverware.

Please note that there are no refunds for any unused meals or when a student withdraws from the University during a semester. If a student request to be exempted from the meal plan during the semester is granted, board/meal charges will be refunded for the portion of the academic term remaining from four full weeks from the date withdrawal from the plan is approved.

COMMENTS AND SUGGESTIONS: You may offer comments by filling out comment cards available in the dining room, contacting the Director of Dining Services, or contacting the Office of Student Affairs. Let our Dining Services personnel know when we do things well or can otherwise help you enjoy your dining experience.

SPECIAL NEEDS: Students with special medical or dietary needs should consult with the Director of Dining Services to determine how their needs can be met. Thereafter, if the student believes that their dining needs cannot be made, they will need to contact ADA Services to complete an ADA Request for Exemption from Meal Plan Requirement form to document a disability in compliance with the Americans with Disabilities Act.

All requests for special needs accommodations or exemptions extend for one academic year, and must be renewed annually.

BAG LUNCHESES: Students on the meal plan who are planning to miss a normal meal-serving time due to a class field trip, athletic participation, or other school-sponsored activity may request a sack lunch for that meal in advance. Normally, when groups are involved, the faculty or staff member will make the request on behalf of the entire group, but students should follow up with the group's coordinators. Requests for bag lunches must be made in writing to the food service manager at least 72 hours in advance of the pick-up time.

CATERING: The University's contract with Chartwell's Services provides Chartwell's with the right of first refusal on all catering on campus, whether for University-related events or for events sponsored by external agencies. If you are planning an activity which involves catering, please contact the food service manager at least two weeks

in advance to make the necessary arrangements or order online at Tusculumuniversity.catertrax.com. The Director of Dining Services can be reached in person or by telephone at 423-787-8341.

5. *Maintenance Services* - All maintenance problems should be sent to tuwork@tusculum.edu or reported to Facilities Management or the Office of Student Affairs. Facilities Management personnel will complete the repairs as quickly as possible. In case of emergency, notify Campus Safety immediately. Should a work request not be completed in a timely fashion, students should contact Facilities Management directly and then the Office of Student Affairs.
6. *Custodial Services* are available for cleaning of residence hall hallways, lounges and lobby areas Monday through Friday. Cleaning that is needed as a result of improper behavior is to be done by the person (s) involved, or the cleaning will be assessed as a community damage charge. Residents are responsible for cleaning their own rooms.
7. *Damages/Vandalism* - Vandalism is any malicious and/or intentional destruction of property, buildings, or equipment. Students found to be responsible for vandalism will be assessed for the repair of their actions and are subject to disciplinary action. This charge will include all administrative costs, labor and materials associated with necessary repairs. Damage is any action that requires replacement of property or equipment as a result of an accident or improper use of an item. In the event of damage, students who self-identify their responsibility will be billed for associated costs, but are not subject to disciplinary action; otherwise, the situation will be managed as vandalism. To avoid damage, use Plasti-tak or a similar non-permanent mounting to display decorations. Nails, tacks, push pins, masking tape, and adhesive decals all cause wall damage. If the University is unable to determine who is responsible for particular damages, or there are damages to common areas (i.e. hallways, bathrooms, corridor doors), the costs will be prorated to the occupants of the hall or suite where the damage occurred. Although charges will be billed immediately, the work associated with repairs may be delayed at the discretion of the Office of Student Affairs and Facilities Management. The Office of Student Affairs may prorate charges to a particular group, if evidence warrants such action.
8. *Access and Occupancy* - Access to University residential facilities is available only when the University is in session. Occupancy of student residential spaces is contingent upon the resident maintaining registration as a full-time student. Unauthorized entrance into a locked residence hall room, other than the student's own room, or other locked University facility, will subject a student to suspension from the University and/or criminal trespass.
9. *Check-In/Check-Out* - When you move in, inspect the room carefully and return the room condition report form to the Office of Student Affairs. Any damages not noted on the form will be charged to you when you depart the room. The form is your protection against unnecessary charges. If you plan to move out of your room, let the RA know 24 hours in advance so he or she may be present to inspect the room and sign off as to the condition of the room. Students are expected to return the room to its original condition. Rooms requiring special cleaning will be assessed a cleaning fee that ranges from \$50-\$150 depending on the degree of cleaning required. The Office of Student Affairs shall make the final damage assessment, but if the student does not arrange to be present during the inspection, the inspection is final. When the residence halls close, you must be completely moved out by the date and time identified by the University. Graduates and/or students participating in graduation must be completely moved out by 5:00 p.m. on the day of graduation. Any student that does not formally check out with a RA will

be charged \$25.00 for improper check out. Additionally, \$30.00 per day will be assessed to students that are present or have constructive possession of a room without authorization.

10. *Identification Cards* - All students will be issued a photo-bearing Tusculum University student identification card at check-in. Student ID cards are required for admittance to the residence halls, cafeteria, library, University sporting events and other campus activities. When asked by any authorized University personnel (including RAs and Campus Safety Officers), students must present their ID cards.

Failure to present identification may jeopardize the privilege of remaining on campus as a method of determining the identity of students versus non-students is necessary for campus safety. Students who fail to properly identify themselves upon request by a University official will be subject to disciplinary action. Report lost ID cards to the Campus Safety Office immediately. Replacement cards will be issued for a \$20.00 fee.

11. *Locks and Keys* - It is the responsibility of residents to keep the room locked and keep the key on his/her person. Lost keys will be replaced at the rate of \$60.00 per core (lock) and \$2.50 per key. Residential room doors found unsecured with no residents present will be secured. Room access may be provided by Campus Safety once each semester at no cost. Thereafter, a \$10.00 fee will be assessed. However, students may obtain a loaner key from the Student Affairs Office for a twenty- four hour period if they believe their key is misplaced, but still in their possession (lost in room, left at home, etc.). Supplemental locks, chains or guards are not permitted in any campus owned residential space, and any impedance to proper access by campus officials, which results in damage to the facility due to the presence of such improper items, will be the financial responsibility of the residents of the space.

It is the responsibility of all individuals to maintain hall security by not propping outside residence doors. Only residents, staff and escorted guests are to be permitted access to residence halls. If a student breaks their key, he or she will need to turn in the "head" of the key before a duplicate key will be issued. Failure to turn in the "head" will result in the student being charged for a lock change.

12. *Expectation of Privacy* by residents in their rooms is recognized and supported by the University to the extent that it does not conflict with the University's responsibility to assure a safe and secure living and learning environment. This expectation of privacy carries with it the responsibility for students to conduct themselves within the policies of the University. In support of the foregoing standard, a student's room will be protected from search unless authorized for cause by the Associate Vice President for Student Affairs or his/her designee.

13. *Right of Inspection* by authorized University representatives within student quarters will be retained by the University to address standards of maintenance, preservation of existing physical structure, safety and security of University property, or when a violation of University policy is suspected. Throughout the year, including vacation periods, the University reserves the right to check and repair student rooms. Regular inspections will also be conducted to ensure the property is being maintained in a reasonably clean and healthy manner. The University will exercise reasonable care with the personal belongings of the student at all times.

14. *Residential Visitation* hours are intended for friends and family, never for unrestricted public access to residence halls. Each resident student is responsible not only for his/her own conduct, but for the conduct of his/her visitors. The Visitation Policy has been accepted by the Board of Trustees as a limited principle. The following requirements and expectations must be met and maintained for a living unit to acquire and retain the privilege:

- Visitation does not imply open residential areas. Guests are to be escorted to the room of visitation or through any private area of the residence hall by their host or hostess. Members

of the opposite sex do not have access to residence areas of any living units unless escorted. Members of the opposite sex do not have bathroom or shower privileges.

- Visitation Sunday through Saturday will be within the hours of 12:00 p.m. (noon) to 12:00 a.m.
 - There is no visitation when the University or the residence halls are officially closed. Lobby visitation hours are identical to regular visitation in each residence hall. Visitors under age eighteen are not permitted, except when the visitor is related to the student.
15. *Residential Overnight Guests* on campus are permitted if they are of the same gender as the resident host, the stay is limited to no more than two (2) nights in a given thirty (30) days, and permission of all roommates/ housemates is received. The resident must inform an RA or other residential staff from the floor about overnight guests in advance of the stay and all guests and vehicles are recommended to be registered with Campus Safety should an emergency be reported and contact with them is necessary (family crisis, vehicle incident, etc.).
16. *Quiet Hours* are established at the beginning of the fall semester by each residence hall or living facility. The minimum quiet times are 10:00 p.m. to 10:00 a.m. Sunday through Saturday evenings. From the last day of classes for the semester through the beginning of the next semester, Quiet Hours are observed 24 hours a day. During quiet hours, residents are expected to contain their noise level to that which cannot be heard from another room when the doors are closed (the same applies to houses, etc.). The maintenance of quiet hours is not a duty to be left up to the residential life staff but is to be a cooperative effort on the part of all residents which is supported by the staff.
17. *Consideration Hours* are the times other than quiet hours in which cooperation among residents is expected. During this period, the standard for establishing a violation is whether the noise level is disruptive as determined by an objective staff member. Staff will encourage students to negotiate reasonable standards and noise levels, but if the students cannot reach consensus, the staff member will evaluate the noise level against the ability for a "reasonable person" to engage in behaviors standard to a living environment while supporting the expectation that the residence halls should be conducive to the learning process. Stereo and other audio equipment are to be played at volumes which will not interfere with the activities of residential facility or community residents.
18. *Lofts & Bunk Beds* and other structures are not permitted in residence hall rooms. Due to restrictions established by the Fire Marshall, bunk beds are not permitted in Haynes or Welty-Craig Halls. Lofting beds is not permitted except with special permission from the Associate Vice President for Student Affairs.
19. *Insurance for personal possessions* should be provided by the student as the University is not responsible for loss or destruction of personal property, including loss by theft, fire, etc. Therefore, students should assure that their family insurance plan provides sufficient coverage for their possessions while away from home or examine whether a "renter's" insurance policy will best meet their needs.
20. *Publicly Abandoned Items* - The University reserves the right to dispose of any items left in the public areas for any period of time, and the University will take no responsibility for those items (e.g. dishes, cooking supplies, athletic equipment, and room furniture). Items left in public areas are a safety, community health, and cleaning issue. Therefore, any personal belongings that remain in a public area are subject to disposal. Tusculum University does not assume any responsibility for any personal property left in the

residence halls after closing and after a student has moved out of their assigned space. Any students who leave behind items in their rooms will be charged a minimum removal fee of \$50.00, in addition to any applicable cleaning charges. Storage facilities are not available on campus for student belongings.

21. *Residential Safety Policies*

- a. Possession of any open heating element or open flames or ignition points (e.g. heaters, burners, hot plates, sandwich presses, Foreman grills, toaster ovens, halogen lamps, candles, incense, potpourri pots, “hoverboard-type” devices, etc.) or any unapproved appliances, televisions or reception systems requiring wiring outside the room, etc. are not permitted, however, residents can use the following small food appliances: small coffee pot, nu-wave ovens (apartments and houses only), George Foreman grills (apartments and houses only), popcorn air popper, and under-counter refrigerator);
- b. Possession of extension cords or multi outlet adapters are not permitted, surge protector strip plugs are permitted to help protect equipment and reduce malfunctions;
- c. Possession of waterbeds, weight sets over 150 lbs. (smaller sets may be permitted with permission of all roommates and affected neighbors [beside, above and below the room] submitted to the Associate Vice President for Student Affairs for approval), etc. which have the potential to result in dramatic damage to the facility; or large furniture which blocks reasonable access to doors, windows, or heating and ventilation equipment or access to the room;
- d. Placement of any items in or on window, sill/ledge, balcony, railing, etc., or any antennas, cords, flags, signs, etc. out of the windows/doors, on the exterior of the facility, or visible from the exterior (except for University sanctioned decoration events); and
- e. Alterations or modifications made to either the interior or exterior surfaces of the room, balconies, porches, apartments or building without written approval of the Vice President for Student Affairs or a managing member of the Office of Student Affairs.

RL6 RESIDENCE LIFE EMERGENCY PROCEDURES

1. *Fire Procedures* - Any fire of whatever origin or size, must be reported to Campus Safety (5318) in order to ensure the safety of residents. In the case of an alarm sounding, secure your room (windows and doors) and immediately leave the area. Leave everything behind except your key. Exit in an orderly fashion (evacuation plans are posted on each floor). Do not use elevators. Walk, do not run. Keep calm. Move away from entrances and buildings once you are outside to allow emergency personnel unimpeded access to the building. Do not re-enter the building until told to do so by University staff. Additionally, fire drills will be held each semester in compliance with state fire laws to promote the awareness of all residents and assure the functionality of systems and processes dedicated to resident safety. Resident and guest participation and cooperation is mandatory.
2. *Severe Storm/Tornado Procedure* - In the event of a severe thunderstorm or tornado watch, students are advised to listen to local radio/ television stations for current weather information. A weather alert will go out if a tornado has been spotted in the local area. In the event of a warning, students are to seek shelter in University buildings, preferably near the center of the building away from windows. Students may also want to seek protection under heavy furniture. Do not leave buildings during a storm/ tornado warning. The official storm shelter area on campus is the lower level of the Pioneer Arena, outside of the Athletic Training and Health Services