

**SOUTHWEST TENNESSEE COMMUNITY COLLEGE****SUBJECT: Student Due Process Rights****EFFECTIVE DATE: July 1, 2000; Revised April 28, 2023****Purpose**

The purpose of this policy is to bring to the attention of students, faculty, and others regulations regarding due process right provided to students of Southwest Tennessee Community College (“Southwest” or “the College”).

**Definition**

Due Process- At Southwest, students have the right to fair treatment during the resolution of disciplinary matters, which will be adjudged using a system designed to allow them the opportunity to be heard and to present evidence on their behalf.

**Policy****I. Introduction**

Southwest policy [3:02:00:01/8](#), Student Conduct and Disciplinary Sanctions, and Tennessee Board of Regent’s (TBR) policy [3.02.00.01](#) provide detailed information regarding students’ rights, disciplinary proceedings, and sanctions. This policy is presented to iterate students’ right to due process as set forth in Southwest policy [3:02:00:01/8](#) and TBR [3.02.00.01](#).

**II. Minimum Due Process Protections**

The following are the College’s minimum procedural due process protection components in disciplinary matters:

- A. Students will be advised, in writing, of the alleged policy breach for which they are charged;
- B. Students will be advised of the time, date, and place of hearings, allowing reasonable time for preparation; and
- C. Students will be advised of the following rights applicable at the hearing:
  1. The right to present a case;

2. The right to be accompanied by their chosen advisor (advisor's participation will be limited to advising the student, and not include advocating on behalf of the student, speaking on behalf of the student, or otherwise actively representing the student. An advisor is not permitted to interfere with the hearing);
3. The right to call a reasonable number of supporting witnesses;
4. The right to confront opposing witnesses; and
5. The method and time limitations for appeal, if any.

### III. Options for Students

Cases that might result in suspension or expulsion of a student from Southwest for a disciplinary reason or result in revocation of registration of a student organization, are subject to the contested case provisions of the Uniform Administrative Procedures Act, T.C.A. § 4-5-301 et seq., and TBR policy [1.06.00.05](#), Uniform Procedures for Cases Subject to the Uniform Administrative Procedures Act, unless the student or student organization, after receiving written notice, waives those procedures.

TBR policy [3.02.00.01](#) states that students have four (4) potential processes for adjudication of disciplinary matters. One (1) of the options referenced by TBR applies only to TCATs. As a result, at Southwest, three (3) potential processes exist for adjudication of disciplinary matters. The student will be informed in writing of each available option and the due process rights associated with each. A student will have five (5) business days following written notification to select an option. If the student fails to return the election of a procedure in a timely manner, the student will be deemed to have waived the right to contest the disciplinary sanction. Selection of one (1) option constitutes waiver of all others.

#### 1. Southwest Panel Hearing

- a. A Southwest Panel Hearing Committee will consist of at least three (3) individuals, one (1) of which must be a student. The Director of Student Development will assemble the committee and coordinate the hearing but will not vote as to the committee's decision. An individual who has an interest in the incident, a conflict of interest, or a bias is not permitted to serve on the committee.
- b. The committee will set a hearing date that is within fifteen (15) business days of receipt of the student's request for a panel hearing. The student must be notified of the date, time, and location of the hearing as soon as possible, but given at least seven (7) calendar days' notice. The student will be notified of the due process protections provided for in these rules.

- i. The committee will conduct the hearing, consider the relevant evidence presented, and make a decision based on a simple majority vote. The committee can either uphold, overturn, or lessen the disciplinary finding or sanction. The results of the decision will be conveyed to the student in writing within ten (10) business days of the hearing through the Director of Student Development or designee appointed by the Dean of Students.
- ii. If the committee upholds or lessens the disciplinary finding or sanction, the student may appeal in writing to the President of the College within five (5) business days following receipt of the committee's decision. The President will make a decision within ten (10) business days. The President's decision is final.
  - The President, Dean of Students, and Director Student Development extend deadlines for good cause and upon written notice to the student.
  - The College will permanently maintain all submissions by the student and all decisions of College officials and committees.

## 2. Administrative Resolution

An administrative resolution involves the student meeting with a single administrator appointed by the Dean of Students or designee. There is no appeal. The decision of the administrator is final.

## 3. No contest of Disciplinary Action

A student may elect not to contest the disciplinary action, either affirmatively or by failing to return the election of a procedure in a timely manner, which serves as a waiver of the right to contest the disciplinary action.

## IV. Procedures Related to Interim Involuntary Withdrawal or Suspension Hearings

- A. When the Vice President of Student Affairs or designee determines that an interim suspension or other interim measure is required for the health and safety of the College community and/or property, or to prevent an ongoing imminent threat of disruption to or interference with the normal operations of the College, the student will receive an opportunity for an informal hearing with the Dean of Student to contest the interim measure.
- B. The informal hearing will be held within five (5) calendar days, absent good cause.
- C. The evidence presented at the hearing will be limited to that which is relevant to the basis asserted for imposition of the interim suspension or other interim measure.

