

THE UNIVERSITY OF TENNESSEE AT CHATTANOOGA

TITLE: POLICY ON ADMISSION OF STUDENT APPLICANTS WITH CRIMINAL OR DISCIPLINARY HISTORY

SECTION I. PURPOSE AND APPLICATION

The University of Tennessee at Chattanooga ("UTC") is committed to maintaining a safe and secure learning community. Accordingly, UTC requires all prospective undergraduate and graduate students to provide complete and accurate information on admissions applications in response to questions about misconduct. For the purposes of this policy, "misconduct" includes without limitation: (1) conviction of a crime other than a minor traffic violation; (2) a plea of guilty, a plea of no contest, or any other plea other than not guilty, in response to a criminal charge other than a minor traffic violation; (3) a pending criminal charge other than a minor traffic violation; (4) expulsion, dismissal, suspension, probation, or other disciplinary sanction by a school, college, or university; (5) withdrawal from or otherwise leaving a school, college, or university while any disciplinary sanction, disciplinary charge, disciplinary hearing, or investigation of misconduct was pending, outstanding, or unresolved; and/or (6) any type of discharge from the military other than an honorable discharge. This policy outlines the process by which UTC reviews and makes determinations on the eligibility for admission of prospective students who disclose a history of misconduct.

Absent extraordinary circumstances, a prospective student who at any time during the admissions process fails to provide complete and accurate information concerning misconduct will not be admitted to UTC. An admitted student found to have provided incomplete or inaccurate information regarding misconduct at any time during the admissions process will be subject to revocation of admission and/or disciplinary sanctions.

SECTION II. ADMISSIONS CLEARANCE COMMITTEE

The Admissions Clearance Committee ("ACC") is a standing committee responsible for the review of applications by prospective students who have disclosed a history of misconduct and potentially pose an unreasonable risk to the safety and security of the UTC community. The ACC consists of the following members:

1. Dean of Students (Chairperson)
2. Associate Dean of Students / Director of Student Conduct
3. Admissions Representative(s) (or designee(s))
 - a. Director of Undergraduate Admissions (*for prospective undergraduate student cases*)
 - b. Associate Director of Undergraduate Admissions (*for prospective undergraduate student cases*)
 - c. Office of Graduate School Admissions representative (*for prospective graduate student cases*)
4. Title IX Coordinator
5. Department of Housing & Residence Life (Associate Vice Chancellor, Director, Associate Director, or designee)
6. UTC Police Department (Chief, Deputy Chief, or designee)
7. Counseling Center (Director, Associate Director, or designee)

SECTION III. REVIEW PROCESS

The eligibility for admission of a prospective student who has disclosed a history of misconduct on his or her admission application will be determined in accordance with the process described in this Section III.

1. Completion of Admissions Clearance Form. If the admissions office (Office of Undergraduate Admissions or the Office of Graduate School Admissions) receives an application in which the prospective student has reported misconduct, then the admissions office will contact the prospective student and request that the prospective student complete the [Admissions Clearance Form](#). If the prospective student fails to supply all required information on the form, then the form will be returned to the prospective student for completion. The prospective student's application will not receive further consideration until the admissions office receives from the prospective student the form completed in its entirety.
2. Initial Review by the Admissions Office. The admissions office will conduct an initial review of the completed *Admissions Clearance Form*.
 - a. If, based on its review of the information, the admissions office determines that the prospective student does not pose a risk to the safety and security of the UTC community, then the admissions office has the discretion to clear the application to proceed in the admissions process. The admissions office has such discretion in cases involving, without limitation, the following or similar matters:
 - (1) Disciplinary misconduct that does not involve violence, sexual misconduct, stalking, or threats
 - (2) Minor traffic violations
 - (3) Misdemeanor use or possession of alcohol
 - (4) Misdemeanor use or possession of illegal drugs/paraphernalia
 - (5) Other non-violent misdemeanors

The admissions office is not required to exercise such discretion and always has the option to refer an application to the ACC for review.
 - b. If, based on its review of the information, the admissions office determines that the prospective student potentially poses an unreasonable risk to the safety and security of the UTC community, then the admissions office will forward the application to the ACC for review.
3. Investigation. Applications forwarded to the ACC will be reviewed first by the Chairperson of the ACC (or his or her designee). The Chairperson (or his or her designee) will determine whether more information about the prospective student or the prospective student's misconduct is needed prior to review of the application by the ACC.
 - a. If the Chairperson (or his or her designee) determines that more information is not needed, then the application will be forwarded to the ACC for review and determination.

- b. If the Chairperson (or his or her designee) determines more information is needed, then he or she will request additional information from the prospective student, the UTC Police Department, and/or the Office of Student Conduct. Other than the prospective student, sources of more information may include, without limitation: a background check conducted by a third-party vendor; inquiries via the Tennessee Bureau of Investigation (TBI)/Federal Bureau of Investigation (FBI) criminal history databases; and/or requests for records and/or information from criminal courts, law enforcement agencies, or previously-attended educational institutions. After additional information has been collected, the prospective student's application and additional information obtained by the Chairperson (or his or her designee) will be forwarded to the ACC for review and determination.
4. Review and Determination by the Admissions Clearance Committee. The ACC will review the prospective student's application and additional information obtained by the Chairperson (or his or her designee) and may interview the prospective student. Utilizing the *preponderance of the evidence* standard, the ACC will determine by simple majority vote whether or not the prospective student, based on an evaluation of the totality of the information provided to the ACC, poses an unreasonable risk to the safety or security of the UTC community.
- a. The ACC may consider, without limitation, the following factors in making its determination:
 - (1) the overall criminal and/or disciplinary record of the prospective student;
 - (2) the nature of the criminal/disciplinary violations or charges;
 - (3) the seriousness of the criminal/disciplinary violations or charges;
 - (4) the prospective student's conduct related to the crimes/disciplinary violations or charges, the time elapsed since the crimes/disciplinary violations or charges, and the probability of recidivism; and/or
 - (5) evidence of the prospective student's rehabilitation since the occurrence of the criminal/disciplinary violations or charges.
 - b. The ACC will make one of two admission eligibility determinations:
 - (1) *Approved:* The ACC determines that the prospective student does not pose an unreasonable risk to the safety or security of the UTC community. The prospective student's application will be cleared to proceed in the admissions process. The ACC may condition its approval on the student agreeing to the imposition of certain restrictions, safeguards, sanctions, and/or training restrictions intended to mitigate risk to the safety or security of the UTC community (e.g., residing in UTC-controlled housing; not residing in UTC-controlled housing; restrictions on access to certain UTC-controlled facilities; restrictions on participation in certain UTC-sponsored activities; the imposition of disciplinary probation upon admission).

- (2) *Denied*: The ACC determines that the prospective student more likely than not poses an unreasonable risk to the safety or security of the UTC community. The prospective student will be denied admission.

c. The ACC will provide the student with written notice of its determination.

SECTION IV. APPEALS

1. Appeal to the Admissions Clearance Committee. A prospective student may appeal the decision of the ACC by submitting a written appeal to the Chairperson (or his or her designee) within five (5) calendar days of delivery of the ACC's determination to the prospective student. The appeal must include the grounds for appeal. The Chairperson (or his or her designee) will forward an appeal to the ACC for consideration only if the appeal is based on new and material information that was not available at the time of the ACC's determination. The decision of the Chairperson (or his or her designee) that an appeal is not based on new and material information is final and may not be appealed. If the Chairperson (or his or her designee) determines that the appeal is based on new and material information, then he or she will forward the appeal to the ACC, which will review the information and issue a decision in writing to the prospective student.
2. Appeal to the Vice Chancellor for Enrollment Management and Student Success. If the ACC denies the appeal, the prospective student may appeal the ACC's decision to the Vice Chancellor for Enrollment Management and Student Success (VCEMSS). Appeals must be submitted within five (5) calendar days of delivery of the ACC's decision to the prospective student. The prospective student must submit a brief statement to the VCEMSS outlining the grounds for appeal. The VCEMSS will review the appeal and issue a decision in writing to the prospective student. The decision of the VCEMSS is final.

SECTION V. HISTORY AND REVIEW

a. Version

This is the first version of this policy.

b. Periodic Review

This policy is effective August 1, 2019. This policy shall be reviewed on or before August 1, 2024.

Authorization

REVIEWED BY:

Yusef Hamad
Office of the General Counsel

2/6/19
Date

John Matthews III
Policy Review Committee Chair

2/6/2019
Date

REVIEWED AND APPROVED BY:

Steven R. Angl
Chancellor

2-7-2019
Date