



Code of Student Rights & Responsibilities

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The University of Memphis, a Tennessee Board of Regents institution, is an Equal Opportunity/Affirmative Action University. It is committed to education of a non-racially identifiable student body.



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I. Institution Policy Statement

(1) Students enrolled at the University of Memphis are citizens of their civic communities as well as the academic community. As such they are expected to conduct themselves as law-abiding members of the University at all times. Admission to the University of Memphis carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by non-students. In recognition of the special relationship that exists between the University and the academic community which it seeks to serve, the Tennessee Board of Regents (“TBR” or “the Board”) has authorized the President of the University of Memphis to take such action as may be necessary to maintain campus conditions and preserve the integrity of the University and its educational environment. The community of scholars at The University of Memphis is committed to the development of personal and academic excellence. The essence of a university is the pursuit, dissemination and application of knowledge. Members of the University of Memphis community should engage vigorously in the University’s academic life. As voluntary members of the University community, students are expected to act with civility towards others in order to foster and promote an educational environment conducive to the University’s mission.

(2) Pursuant to this authorization and in fulfillment of its duties to provide a secure and stimulating atmosphere in which individual and academic pursuits may flourish, the University of Memphis has developed the following policies, which are intended to govern student conduct. These policies are implemented consistent with directives of the Tennessee Board of Regents and are subject to Board approval. In addition, students are subject to all federal, state and local laws and ordinances. Students are responsible to both civil and criminal authorities and to the University for conduct that constitutes violation of the law and the University Code of Student Rights and Responsibilities. If a student’s violation of such laws or ordinances also adversely affects the University’s pursuit of its educational objectives, the University may enforce its own regulations regardless of the status or outcome of any external proceedings instituted by other civil or criminal authorities. Disciplinary action pursuant to these policies may be carried out prior to, simultaneously with, or following civil or criminal proceedings. Disciplinary outcomes including finding of responsibility and the imposition of sanctions shall not be subject to change as a result of criminal or civil outcomes.

(3) Responsibility for the administration of student and organizational discipline processes at the University of Memphis is a function of the Office of the Dean of Students. The Office of the Dean of Students has designated the Office of Student Conduct (OSC), specifically the Director of the Office of Student Conduct, as the coordinator of the University discipline process. The Director of the Office of Student Conduct is authorized to determine the appropriate form and method of disciplinary proceeding that a student or organization will be provided consistent with University procedures. The Director of the Office of Student Conduct shall also be charged with the implementation of policies and procedures for the administration of disciplinary investigations, hearings and appeals.

(4) The Code of Student Rights and Responsibilities and the student conduct process apply to the conduct of all individual students, both undergraduate and graduate (including law students) as well as all University affiliated student organizations. For the purpose of this policy, a “student” shall mean any person who is admitted and/or registered for study at a State Board of Regents institution for any academic period. This shall include any period of time following admission and/or registration, but preceding the start of classes for any academic period. It will also include any period which follows the end of an academic period through the last day for registration for the succeeding academic period, and during any period while the student is under suspension from the institution. [See Prohibited Conduct (1) on page 7].

(5) The University of Memphis retains conduct jurisdiction over students who choose to take a leave of absence or withdraw from any academic period prior to graduation from the University. A disciplinary hold may be placed on the student’s ability to re-enroll until such time as the student is in compliance with all sanctions outlined in the disciplinary resolution of the conduct in question. In the case of serious misconduct committed while enrolled but not discovered until after graduation, the University may revoke the involved student’s degree(s) and/or place a hold on future enrollment.

(6) The Code of Student Rights and Responsibilities applies to behavior that takes place on the University of Memphis campus, or at University sponsored events and may also apply to off-campus conduct in cases in which it is determined that said conduct constitutes a substantial University interest. Behavior considered a substantial University interest may include, but is not limited to the following:

(a) Any behavior that presents a danger or threat to the health or safety of any member of the University community.

(b) Any behavior that significantly impinges upon the rights, property, or achievements of any member of the University community, which breaches the peace, and/or causes social disorder.

(c) Any behavior that is substantially detrimental to the educational mission and/or interests of the University of Memphis.

(7) The Code of Student Rights and Responsibilities may also be applied to behavior conducted online, via email or other electronic medium.

(8) Confidentiality of Discipline Process. Subject to the exceptions provided pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g and/or the Tennessee Open Records Act, T.C.A. § 10-7-504(a)(4), a student’s disciplinary files are considered “educational records” and are confidential within the meaning of those Acts.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.01, Institution Policy Statement. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12. Amended: 3/29/14.

II. Disciplinary Offenses

Definitions: For the purpose of the student disciplinary rules, the following definitions apply:

- (1) "University" refers to The University of Memphis as well as all branch campuses.
- (2) "Student" shall mean any person who is admitted and/or registered for study at a State Board of Regents institution for any academic period. This shall include any period of time following admission and/or registration, but preceding the start of classes for any academic period. It will also include any period which follows the end of an academic period through the last day for registration for the succeeding academic period, and during any period while the student is under suspension from the institution.
- (3) "Faculty Member, Instructor, or Professor" means any person employed by the University to conduct academic activities.
- (4) "Staff Member" means any person employed by the University in a nonteaching or nonacademic capacity.
- (5) "University Official" includes any person employed by the University performing assigned academic, administrative, professional, or staff responsibilities.
- (6) "Member of the University Community" includes any person who is a student, member of the faculty or staff, University official, or any other person employed by the University.
- (7) "Code" or "the Code" refers to the University of Memphis Code of Student Rights and Responsibilities.
- (8) "University Premises" includes all land, buildings, facilities, and other property in the possession of, or owned, used, or controlled by the University or by organizations chartered and registered with the University, including adjacent streets and sidewalks.
- (9) "Student Organization," unless otherwise indicated, means any group that has complied with the formal requirements and been approved for University registration.
- (10) "University Activity" means any activity sponsored by the University, any agency of the University, or any University organization which may be attended in part or whole by students, faculty members, staff members, or other members of the general public and conducted on or off University premises.

- (11) "Discipline Officer, Hearing Officer and/or Judicial Officer" means a University official authorized by the University to determine whether a student or organization has violated the Code of Student Rights and Responsibilities.
- (12) "Hearing Body, Judicial Body or Judicial Board" refers to any official or group authorized by the University to determine whether a student or organization has violated the Code of Student Rights and Responsibilities.
- (13) "Appeal Body" refers to any University official or group authorized by the University to hear appeals of decisions implemented by a hearing body.
- (14) "Appellant" refers to a student or organization who is appealing the decision of a hearing body.
- (15) "Shall," "Should," "Will" and "Would" are used in the imperative sense.
- (16) "May" is used in the permissive sense.
- (17) "Policy" is defined as the written regulations of the University as found in official University publications or other online documents but not limited to the Code of Student Rights and Responsibilities. [see <http://policies.memphis.edu/umpolicies.asp?>]
- (18) "Complainant" is defined as the University of Memphis or the person making a referral to the Office of Student Conduct relevant to a person or group alleged to be in violation of the Code of Student Rights and Responsibilities.
- (19) "Respondent" is defined as the student or group alleged to have violated the University Code of Student Rights and Responsibilities.
- (20) "Original Jurisdiction" refers to a hearing body's authority to hear the facts of a case and take disciplinary action if a violation of University policy is determined to exist.
- (21) "Summary Discipline" refers to the authority of a faculty member to take action when it is determined that a student has violated the University Academic Integrity Policy.
- (22) "TBR" refers to the Tennessee Board of Regents.

Disciplinary Authority

- (1) Dean of Students - The Dean of Students is the Chair of the Behavioral Intervention Team (BIT). The Dean of Students (or designee) also has the authority to invoke Interim Suspension in cases where a student or organization is determined to be a significant danger to the University community.

- (2) Director of the Office of Student Conduct - The Director of the Office of Student Conduct is the primary student conduct officer for the University. The Director administers the student and organizational disciplinary processes at the University and serves as the executive administrator for all hearing and appeal bodies.
- (3) University Committee on Student Conduct - The University Committee on Student Conduct (UCSC) serves as an appeal body for Hearing Officer decisions related to behavioral issues and under certain circumstances in academic integrity cases (when the Academic Integrity Committee has made an original jurisdiction decision in a matter referred by an instructor) . The UCSC also serves as an appeal body regarding the permanent removal of a student from the classroom for inappropriate behavior and for appeals of Interim Suspension and/or Interim Measures.
- (4) Academic Integrity Committee - The Academic Integrity Committee adjudicates academic misconduct cases that have been referred by faculty. The Academic Integrity Committee also serves as an appeal body for faculty summary discipline decisions regarding student violation(s) of the University Academic Misconduct Policy.
- (5) Student Government Court - Student Government Court administers the Student Government Constitution bylaws and acts as the final authority for appeals of student traffic tickets and election code violations. Members of the Student Government Court also serve as members of the University Committee on Student Conduct and the Academic Integrity Committee.
- (6) Behavioral Intervention Team (BIT) - The Behavioral Intervention Team addresses student behavioral concerns that are inconsistent with the University's mission. Within this context, the BIT has the authority to mandate assessment with a mental health professional and to recommend interim suspension be imposed in cases where a student has been determined to be a risk to the safety of others or themselves.
- (7) Tennessee Uniform Administrative Procedure Act (TUAPA) - Disciplinary charges that may result in suspension from the University may, at a student's or organization's request, be heard in conformance with the requirements of the Tennessee Uniform Administrative Procedures Act. The TUAPA is an official state act defining certain procedures that are required when a student chooses to have their case heard through the Act's provisions. [see Section 2 of General Disciplinary Procedures (TUAPA)]

Prohibited Conduct

- (1) The University of Memphis considers behavior(s) described in the following articles as inappropriate for students and organizations at the University. Any student or organization found to have committed or to have attempted to commit the following acts is subject to the sanctions outlined in Section IV- Disciplinary Sanctions. Those subject to student discipline include:

- (a) Those enrolled at the University of Memphis (taking classes), including those between academic terms.
 - (b) Those who are not currently enrolled (or taking classes) but do have an ongoing relationship with the University of Memphis.
 - (c) Those who have been admitted to the University of Memphis.
 - (d) Organizations affiliated with the University of Memphis.
- (2) The University of Memphis has adopted the following non-exclusive list providing notice of offenses for which both individuals and organizations may be subject to disciplinary action:
- (a) Conduct Dangerous to Others. Any conduct, or attempted conduct, which constitutes a danger to any person's health, safety, or personal well-being, including, but not limited to, the following:
 - (1) Physical abuse, including, but not limited to actions causing bodily harm to another person, or reckless disregard for the health, safety and welfare of any person. Also, engaging in threatening/intimidating behavior which is so persistent, pervasive, or severe as to deny a person's ability to participate in the University community,
 - (2) Verbal threats and/or attempts to intimidate, including, but not limited to statements meant to provoke conflict with another person or which cause a reasonable fear for a person's safety.
 - (b) Hazing. As defined in T.C.A. § 49-7-123(a)(1), means any intentional or reckless act, on or off the property, of any higher education institution by an individual acting alone, or with others, which is directed against any other person(s) that endangers the mental or physical health or safety of that person(s), or which induces or coerces a person(s) to endanger such person(s) mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization. Hazing also includes the following: any action taken or situation created for the purpose of initiation into, admission into, affiliation with (or continued membership in), any group or organization which is intended to produce physical discomfort, injury, mental discomfort, embarrassment, or ridicule. Such actions or situations include but are not limited to the following: use of alcohol, paddling in any form, branding, creation of excessive physical and/or emotional fatigue; wearing of apparel which is conspicuous or not in good taste; engaging in public stunts;

participation in degrading or humiliating games and activities. All acts (active and passive) of hazing as well as allowing oneself to be hazed are prohibited.

(c) Disorderly Conduct. Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs institutional functions, operations, classrooms, other groups or individuals (e.g. public urination/defecation, participation in a disruptive or coercive demonstration);

(d) Obstruction of or Interference with Institutional Activities or Facilities. Any intentional interference with or obstruction of any institutional program, event, or facility including the following:

- (1) Any unauthorized occupancy of facilities owned or controlled by an institution or blockage of access to or from such facilities,
- (2) Interference with the right of any institution member or other authorized person to gain access to any activity, program, event or facilities sponsored or controlled by an institution,
- (3) Any obstruction or delay of a campus security officer, public safety officer, police officer, firefighter, EMT, or any official of an institution, or failure to comply with any directive issued by such person in the performance of his or her duty,
- (4) The use of force or violence (actual or threatened) to deny, impede, obstruct, impair, or interfere with the freedom of movement of any person, the performance of duties of any University employee, or the occupation of University property after being given due notice to depart,
- (5) Participation in a disruptive or coercive demonstration. A demonstration is considered disruptive or coercive if it substantially impedes University operations, interferes with the rights of others, or takes place on premises or at times where students are not authorized to be,
- (6) Obstruction of the free flow of pedestrian or vehicular traffic on University property or at University sponsored/supervised functions.

(e) Misuse of or Damage to University, or Private Property. Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to another including, but

not limited to, any personal property, fire alarms, fire equipment, elevators, telephones, institution keys, library materials and/or safety devices;

(f) Theft, Misappropriation, or Unauthorized Possession of Property. Any act of theft, misappropriation, or unauthorized possession of University or personal property;

(g) Misuse of Documents. Any forgery, alteration of or unauthorized use of institutional documents, forms, records, including the giving of any false information, or withholding of necessary information. This includes, but is not limited to failure to disclose complete official transcripts of all domestic and/or international coursework for the purpose of admission into the University or for consideration of transfer articulation.

(h) Firearms, Ammunition and Other Dangerous Weapons. Possession of or use of firearms, ammunition, dangerous weapons of any kind, as well as replica/toy weapons. (examples of prohibited items include but are not limited to: BB guns, pellet guns, paintball guns, water guns, cap guns, stun guns, tasers, toy knives or other items that simulate firearms or dangerous weapons);

(i) Explosives, Fireworks, and Flammable Materials. The unauthorized possession, ignition or detonation of any object or article which would cause damage by fire or other means to persons, or possession of any substance which could be considered to be fireworks or an explosive device;

(j) Alcoholic Beverages. The use and/or possession of alcoholic beverages on or off institution owned or controlled property. This offense includes the violation of any University policy, local ordinance, state, or federal law concerning alcoholic beverages, on or off University owned or controlled property, where an affiliated group or organization has alcoholic beverages present and available for consumption. This rule includes any violation of the following:

- (1) Possession or consumption of alcoholic beverages by students under the age of 21,
- (2) Possession or consumption of alcoholic beverages by students aged 21 and over on institution owned or controlled property,
- (3) The intentional or unintentional furnishing or sale of alcohol to any person under the age of 21,
- (4) Consumption of alcohol associated with disruptive behavior,

- (5) Possession or use of false forms of identification to enter a liquor establishment or to obtain alcoholic beverages,
- (6) Use of alcohol resulting in incapacitation that requires hospitalization or the recommendation of medical personnel that hospitalization occur,
- (7) Driving under the influence of alcohol.

A student who is under the influence of alcohol should not be reluctant to seek assistance in the event of a health or safety emergency for fear of being sanctioned. The Office of Student Conduct will generally not pursue disciplinary violations against a student (or against a witness) for his/her improper use of alcohol (e.g., underage drinking) under that circumstance. This practice only applies to amnesty from violations of the Student Code of Conduct. It does not grant amnesty for criminal, civil or legal consequences for violations of federal, state, or local law.

(k) Drugs and other Controlled Substances. The unlawful possession, use, or sale of any drug or controlled substance (including, but not limited to, any stimulant, depressant, narcotic, hallucinogenic drug, or marijuana). This offense includes the violation of any local ordinance, state, or federal law concerning drugs or controlled substances, on or off University owned or controlled property. This rule includes the following:

- (1) The unlawful possession or consumption of drugs or controlled substances,
- (2) The intentional or unintentional unlawful furnishing or sale of drugs or controlled substances to any person,
- (3) Consumption of drugs or controlled substances associated with disruptive behavior,
- (4) Obtaining prescription drugs under false pretenses,
- (5) Knowing misuse, possession or sale of prescription drugs,
- (6) Improper use of drugs or controlled substances resulting in incapacitation that requires hospitalization or the recommendation of medical personnel that hospitalization occur,
- (7) Driving under the influence of drugs,

A student who is under the influence of drugs should not be reluctant to seek assistance in the event of a health or safety emergency for fear of being sanctioned. The Office of Student Conduct will generally not pursue disciplinary violations against a student (or against a witness) for his/her improper possession or use of drugs under that circumstance. This practice only applies to amnesty from violations of the Student Code of Conduct. It does not grant amnesty for criminal, civil or legal consequences for violations of federal, state, or local law.

(l) Drug Paraphernalia. The use or possession of equipment, products or materials that are used or intended for use in the unlawful manufacture, growth, use or distribution of any drug or controlled substance. This offense includes the violation of any local ordinance, state, or federal law concerning the unlawful possession of drug paraphernalia, on or off University owned or controlled property;

(m) Public Intoxication. Appearing on University owned or controlled property or at a University sponsored event while under the influence of a controlled substance or of any other intoxicating substance;

A student who is under the influence of alcohol should not be reluctant to seek assistance in the event of a health or safety emergency for fear of being sanctioned. The Office of Student Conduct will generally not pursue disciplinary violations against a student (or against a witness) for his/her improper use of alcohol (e.g., underage drinking) under that circumstance. This practice only applies to amnesty from violations of the Student Code of Conduct. It does not grant amnesty for criminal, civil or legal consequences for violations of federal, state, or local law.

(n) Gambling. Unlawful gambling in any form;

(o) Financial Irresponsibility. Failure to meet financial responsibilities to the University including, but not limited to, knowingly passing a worthless check or money order in payment to the University;

(p) Unacceptable Conduct in Disciplinary Proceedings. Any conduct at any stage of a disciplinary proceeding or investigation that is contemptuous, disrespectful, threatening, or disorderly, including:

- (1) Failure to obey the directives of a disciplinary body or University official(s) in the performance of their duties,
- (2) Knowing falsification, distortion or misrepresentation of information before a disciplinary body,

- (3) Deliberate disruption or interference with the orderly conduct of a disciplinary proceeding,
- (4) Making false statements to any University disciplinary body,
- (5) Attempting to influence the impartiality of a member of a disciplinary body prior to, or during the course of, a disciplinary proceeding,
- (6) Harassment or intimidation of any participant in the University disciplinary process;

(q) Failure to Cooperate with a University Official or Police. Failure to comply with directions of University officials or police acting in the performance of their duties, including failure to comply with the reasonable directions of a member or agent of the University acting in the performance of his or her duty. Giving any false information to, or withholding necessary information from, any institutional official acting in the performance of his/her duties in connection with a student's admission, enrollment, or status in the institution;

(r) Repeated Traffic and Parking Violations. Any student who receives \$100.00 or more in traffic and/or parking violations on University controlled property during any semester;

(s) Violation of General Rules and Regulations. Any violation of the general rules and regulations of the University of Memphis as published in official institutional publications, including the intentional failure to perform any required action or the intentional performance of any prohibited action;

(t) Attempting to Violate the Rules Governing Student Conduct, or Aiding/Abetting. Any attempt to commit any of the offenses identified as prohibited conduct, or the aiding /abetting of the commission of any of the offenses listed as such. An attempt to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission. Being present during the planning or commission of any offense listed under this section will be considered as aiding and abetting. Students who anticipate or observe an offense must remove themselves from the situation and are required to report the offense to the University;

(u) Violations of State or Federal Laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference;

(v) Violation of Imposed Disciplinary Sanctions. Intentional or unintentional violation of a disciplinary sanction officially imposed by a University hearing body;

(w) Sexual Misconduct. Sexual misconduct is defined as dating violence, domestic violence, stalking and sexual assault. It may also include actions which would typically include sexual harassment. It is a form of sexual discrimination prohibited by Title IX of the Educational Amendments of 1972, of the Higher Education Act. Any allegation of sexual misconduct as defined herein will be investigated and adjudicated according to the procedures outlined in this document in Section V.(1) of Disciplinary Procedures. Prohibited behavior under this policy includes but is not limited to:

- (1) Sexual Assault. Any non-consensual sexual contact with the accuser by the accused, or the accused by the accuser when force or coercion is used to accomplish the act, the sexual contact is accomplished without consent of the accuser, and the accused knows or has reason to know at the time of the contact that the accuser did not or could not consent. Sexual contact includes, but is not limited to, the intentional touching of the accuser's, the accused's, or any other person's intimate parts, or the intentional touching of the clothing covering the immediate area of the accuser's, the accused's, or any other person's intimate parts, if that intentional touching can be reasonably construed as being for the purpose of sexual arousal or gratification.

Consent. Consent is defined as an informed decision, freely given, made through mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon sexual activity. Consent cannot be given by an individual who is asleep; unconscious; or mentally/physically incapacitated, either through the effect of drugs/alcohol or for any other reason; or is under duress, threat, coercion, or force. Past consent does not imply future consent. Silence or an absence of resistance does not imply consent. Consent can be withdrawn at any time.

- (2) Domestic Violence. Violence against a person when the accuser and the accused meet any of the following criteria: are current or former spouses; live together or have lived together; are related by blood or adoption; are related or were formally related by marriage; or, are adult or minor children of a person in a relationship described above.

Domestic violence includes, but is not limited to the following:

- (a) inflicting or attempting to inflict physical injury on the accuser by other than accidental

means;

- (b) placing the accuser in fear of physical harm;
- (c) physical restraint;
- (d) malicious damage to the personal property of the accuser, including inflicting, or attempting to inflict physical injury on any animal owned, possessed, leased, kept or held by the accuser;
- (e) placing the accuser in fear of physical harm to any animal owned, possessed, leased, kept or held by the accuser.

- (3) Dating Violence. Violence against a person when the accuser and accused are dating, have dated, or who have had a sexual relationship (“dating” and “dated” do not include fraternization between two individuals solely in business or non-romantic social context).

Dating violence includes, but is not limited to the following:

- (a) inflicting or attempting to inflict physical injury on the accuser by other than accidental

means;

- (b) placing the accuser in fear of physical harm;
- (c) physical restraint;
- (d) malicious damage to the personal property of the accuser, including inflicting, or attempting to inflict physical injury on any animal owned, possessed, leased, kept or held by the accuser;
- (e) placing the accuser in fear of physical harm to any animal owned, possessed, leased, kept or held by the accuser.

- (4) Stalking. A willful course of conduct involving repeated or continual harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and that actually causes the accuser to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

- (5) Sexual Harassment. Unwanted contact of a sexual nature which (a) adversely affects a term or condition of employment, education, participation in educational activities or living environment, (b) unreasonably interferes with employment or academic performance, (c) creates a hostile or abusive environment, or (d) is used as a basis or factor in a

decision that tangibly affects employment, education, participation in educational activities or living arrangement.

- (6) Other forms of sexual misconduct include but are not limited to:
 - (a) Recording (audio or video), photographing, or in any way transmitting sexual images or acts without consent of all involved parties.
 - (b) Engaging in voyeurism of sexual activities without the consent of all involved parties.

A student who is a victim of sexual misconduct and who was under the influence of alcohol and/or drugs during the sexual misconduct incident should not be reluctant to seek assistance for fear of being sanctioned for his/her improper use of alcohol or drugs. The Office of Student Conduct will generally not pursue disciplinary violations against the victim (or against a witness) for his/her improper use of alcohol or drugs (e.g., underage drinking) if the victim or witness is making a good faith report of sexual misconduct. Amnesty for improper use of alcohol or drugs will not be accorded to a student charged with sexual misconduct. This practice only applies to amnesty from violations of the Student Code of Conduct. It does not grant amnesty for criminal, civil or legal consequences for violations of federal, state, or local law.

(x) Academic Misconduct. Plagiarism, cheating, fabrication. For purposes of this section the following definitions apply:

- (1) Plagiarism. The adoption or reproduction of ideas, words, statements, images, or works of another person as one's own without proper attribution, or the reuse of one's own academic work previously submitted for academic credit at any academic institution (including the University of Memphis).
- (2) Cheating. Using or attempting to use unauthorized materials, information, or aids in any academic exercise or test/examination. The term academic exercise includes all forms of work submitted for credit or hours.
- (3) Fabrication. Unauthorized falsification or invention of any information or citation in an academic exercise. Providing false or misleading information to an instructor.
- (4) Any attempt to interfere or tamper with the academic work of another student.

- (5) Unauthorized sale, distribution, and/or solicitation of course notes or other course materials. Any sale, delivery, distribution, or solicitation of course materials without the consent of the author and/or the course instructor.

(y) Unauthorized Duplication or Possession of Keys. Making, causing to be made or the possession of any key for a University facility without proper authorization;

(z) Litter. Dispersing litter in any form onto the grounds or facilities of the campus;

(aa) Identification Cards. The alteration or misuse of a University of Memphis student identification card is prohibited. Misuse of a student ID card includes:

- (1) Failure to provide University ID to any staff member upon request,
- (2) Allowing others to use your University ID,
- (3) Representing an invalid University ID as valid to a University official or for the purpose of entry into a University function.

(bb) Abuse of Computer Resources and Facilities. Misusing and/or abusing campus computer resources including, but not limited to the following:

- (1) Use of another person's identification to gain access to University computer resources;
- (2) Use of University computer resources and facilities to violate copyright laws, including, but not limited to, the act of unauthorized distribution of copyrighted materials using institutional information technology systems;
- (3) Unauthorized access to a computer or network file, including but not limited to, altering, using, reading, copying, or deleting the file;
- (4) Unauthorized transfer of a computer or network file;
- (5) Use of computing resources and facilities to send abusive or obscene correspondence;
- (6) Use of computing resources and facilities in a manner that interferes with normal operation of the institutional computing system;

- (7) Use of computing resources and facilities to interfere with the work of another student, faculty member, or institutional official;
- (8) Violation of any published information technology resources policy (see Acceptable Use Policy available at: <http://policies.memphis.edu/umpolicies.asp?>);
- (9) Unauthorized peer-to-peer file sharing;
- (10) Accessing child pornography.

(cc) Unauthorized Access to University of Memphis Facilities and/or Grounds. Any unauthorized access or occupancy of institutional facilities and/or grounds is prohibited, including, but not limited to, gaining access to facilities and/or grounds that are closed to the public, being present in areas of campus that are open to limited guests only, being present in academic buildings after hours without permission, and being present in buildings with no legitimate reason; This includes unauthorized entry into or use of University or a Community member's premises and/or equipment, property, room, or distinct physical space.

(dd) Unauthorized Surveillance. Making or causing to be made unauthorized video/audio recordings or photographic images of a person in a location in which that person has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, and restrooms, as well as any storing, sharing, and/or distributing of such unauthorized recordings/images by any means;

(ee) Harassment. Conduct directed toward another member of the University community that includes, but is not limited to, repeated or continuing unconsented contact that would cause a reasonable person to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose.

(ff) Retaliation. Any intentional adverse action taken (by an individual or organization) against a participant in a University disciplinary proceeding.

(gg) Smoking Violations. Violation of any University or TBR smoking or other tobacco use rules or policies. [see University of Memphis policy on limited tobacco use available at: <http://policies.memphis.edu/UM1738.htm>]

(hh) Unauthorized use, abuse, or interference with fire safety equipment, building security systems, security or fire personnel or any other warning devices, including but not limited to:

- (1) Alteration, or misuse of fire hoses, fire hydrants, fire extinguishers, fire alarms, smoke detectors or any other fire safety equipment (or apparatus pertaining to such equipment),
- (2) Violation of any University policy as well as any federal, state or local law concerning fire protection equipment or firefighting personnel,
- (3) Tampering with locks, other door hardware, cameras or other equipment used to provide security on campus,
- (4) Failure to exit any University building during a fire drill or fire alarm,
- (5) Failure to comply with the directives of fire safety personnel acting in the performance of their duties.

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.02, Disciplinary Offenses. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12. Amended: 3/29/2014.

III. Academic and Classroom Misconduct

Disruptive Behavior in the Classroom

(1) May be defined as, but not limited to, behavior that obstructs or disrupts the learning environment (e.g., outbursts which disrupt the flow of instruction or prevent concentration on the subject taught, failure to cooperate in maintaining classroom decorum, text messaging, and the continued use of any electronic or other noise or light emitting device which disturbs others.

(2) At the University of Memphis, the instructor has responsibility for maintaining control over classroom behavior and can order the temporary removal or exclusion from the classroom of any student engaged in disruptive conduct or conduct that violates the general rules and regulations of the institution for each class session during which the conduct occurs. Extended or permanent exclusion from the classroom, beyond the session in which the conduct occurred, or further disciplinary action can be affected only through appropriate procedures of the institution. The instructor may also report incidents of classroom misconduct to the Office of Student Conduct and/or the Department Chair.

- (a) In instances where the instructor wishes that a student be permanently removed from the classroom, the matter will be referred to the Director of the Office of Student Conduct who will investigate the matter to determine the appropriateness of such action.
 - (b) If a student wishes to appeal being permanently removed from a class, they may do so by submitting a written letter of appeal to the University Committee on Student Conduct. An appeal hearing shall be conducted within ten (10) days of receipt of the appeal request.
- (3) The University may choose to initiate formal disciplinary action outside of and in addition to the action taken by the instructor related to incidents of classroom misconduct.

Academic Integrity

- (1) Plagiarism, cheating, and other forms of academic dishonesty are prohibited. Students guilty of academic misconduct, either directly or indirectly, through participation or assistance, are immediately responsible to the instructor of the class in addition to other possible disciplinary sanctions which may be imposed through the regular institutional disciplinary procedures.
- (2) An instructor who believes a student has committed an act of academic misconduct shall notify the student in writing of the basis for the belief and allow the student five (5) business days to respond to the allegation. The student shall respond to the allegation by scheduling a meeting with the instructor to discuss the matter. After meeting with the student to review the alleged misconduct, the instructor has two options: (a) they may make a decision regarding appropriate action, or (b) they may refer the matter to the Academic Integrity Committee.
 - (a) Summary Discipline- If, after the student has had the opportunity to respond to the alleged violation, the instructor finds sufficient evidence exists to conclude that a violation did occur, the instructor may make a decision regarding the appropriate penalty. The instructor may issue a failing or diminished grade for the course or issue a failing or diminished grade on the assignment or examination in question. The instructor will communicate their decision to the Chair of the Department within five (5) business days of their meeting with the student. After receiving notice of the action taken, the Chair will then notify the student of the instructor's decision within five (5) business days.
 - (b) Academic Integrity Committee- Rather than making a decision, the instructor may instead choose to defer disciplinary action to the Academic Integrity Committee. At this meeting, both the student and the instructor will be invited to provide information to support their

case. The Academic Integrity Committee may issue a failing or diminished grade for the course or issue a failing or diminished grade on the assignment or examination in question.

- (3) At the conclusion of the disciplinary process, all decisions regarding acts of academic misconduct will be communicated to the Office of Student Conduct.
 - (a) Once a student has been accused of an act of academic misconduct, the student may not drop or withdraw from the class until such time as the matter has been resolved. A student found responsible for academic misconduct is not permitted to withdraw from the course to avoid summary discipline.
 - (b) In cases where more than one student is suspected of academic misconduct, each student's case will be adjudicated separately.
- (4) Students found responsible for multiple acts of academic misconduct may be subject to further disciplinary action including suspension from the University. In the event the sanction may be suspension or expulsion from the University, the student will have the choice to select adjudication pursuant to the Tennessee Uniform Administrative Procedures Act (TUAPA).

Appeals of Academic Integrity Violations

- (1) A student found responsible by their instructor for act(s) of academic misconduct may seek a review by the Chair of the Department in which the course is located. A request for such a review must be submitted (in writing) within five (5) business days of receipt of notice of the instructor's decision. During this review, the student and instructor will present information to support their case. After reviewing the material presented by the instructor and the student, the Chair may:
 - (a) Uphold the action taken by the instructor, or
 - (b) Modify the action taken by the instructor.
- (2) Following this review, the student may request an appeal of the decision of the Department Chair by submitting a letter of appeal (in writing) to the Academic Integrity Committee within five (5) business days of the Department Chair's decision. The Office of Student Conduct will then schedule an appeal hearing before the Academic Integrity Committee. The appeal hearing will be conducted pursuant to the process set forth in Disciplinary Procedures (Appeals) identified in this document.
- (3) In cases where the faculty member has deferred disciplinary action to the Academic Integrity Committee, a student may appeal the original jurisdiction decision of the

Academic Integrity Committee by submitting a letter of appeal (in writing) to the University Committee on Student Conduct within five (5) business days of being notified of the Academic Integrity Committee's decision. The Office of Student Conduct will then schedule an appeal hearing before the University Committee on Student Conduct. The appeal hearing will be conducted pursuant to the process set forth in Disciplinary Procedures (Appeals) contained below.

- (4) A student may appeal a grade assignment for course work not associated with a finding of academic misconduct (as distinct from a student disciplinary sanction) through the appropriate University grade appeal procedures.
[see http://www.memphis.edu/ugcatalog/acad_reg/ug_grade_appeal.php] or,
[<http://www.memphis.edu/gradcatalog/gradeappeals.php>]

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.03 Academic and Classroom Misconduct. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12. Amended: 3/29/14.

IV. Disciplinary Sanctions

(1) The following disciplinary sanctions are applicable to both individual students as well as student organizations. Upon determination that a student or organization has violated any of the policies set forth in this document and/or the general policies of the University, disciplinary sanctions may be imposed by the appropriate hearing body.

(2) Definition of Sanctions:

- (a) Warning. A warning constitutes official written notice that a student or organization has violated University rules governing conduct and that repetition of inappropriate conduct would be cause for more serious disciplinary action. A warning will remain in the student's active disciplinary file for a period of one year from the issuance of the sanction (unless applicable State/Federal law dictates otherwise) and would be used as a basis for future sanctioning should further violation(s) of Code of Student Rights and Responsibilities occur;
- (b) Censure. A censure may be issued to any student or organization whose conduct violates University rules. Censure provides notice that any further violation(s) will result in more serious disciplinary action. A censure will remain in the student's active disciplinary file until graduation and would be used as a basis for future sanctioning should further violation(s) of Code of Student Rights and Responsibilities occur;

- (c) Probation. Any student or organization placed on probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon extracurricular activities, or any other appropriate special condition(s). Continued enrollment of a student or recognition of a student organization on probation may be conditioned upon adherence to these policies. Any conduct that constitutes further violation of these policies while on probation status or the failure to comply with the terms of the probation may result in the imposition of further disciplinary action including suspension;
- (d) Suspension. Suspension involves the separation of a student or student organization from the University for a specified period of time. Suspension may be accompanied by special conditions for readmission. All students suspended from the University of Memphis will be issued a No Trespass Directive barring them from University owned or controlled property and all University sanctioned events or functions. A student suspended from the University of Memphis must submit a written request to the Director of the Office of Student Conduct (or designee) 3 business days in advance to request permission to be present on University property. This request must specifically identify the nature of the official University business which the suspended student wishes to conduct as well as the location(s) that the student wishes to visit. A student suspended from the University must petition for permission to re-enroll;
- (e) Interim Suspension. As a general rule, the status of a student or student organization accused of violation(s) of the prohibited conduct identified in the Code of Student Rights and Responsibilities shall not be affected until a final determination of responsibility has been made in regard to the charges. However, interim suspension, pending the completion of disciplinary procedures, may be imposed upon a finding by the Dean of Students (or designee) that the continued presence of the accused on campus would constitute an immediate threat to the physical safety and well-being of the accused, any other member of the University, its guests, property, or would create a substantial disruption of classroom or other University activities. The authority for interim suspension exists independently of the jurisdiction of the Office for Office of Student Conduct and/or all University hearing bodies. The Dean of Students (or designee) also has the authority to revoke interim suspension if information becomes available which indicates such action is no longer necessary to ensure the safety of the campus community. All students/organizations placed on interim suspension status will be barred from University owned or controlled property and all University sanctioned events or functions. A student or organization placed on interim suspension status must obtain advance permission to be present on University property. Such permission may be granted by the Dean of Students (or designee). In

such instances, permission will be granted only in cases where a legitimate cause for presence on campus has been identified. In instances where approval is granted, the suspended student will arrive to campus at the University Police Services office located on Zach Curlin Boulevard to be escorted to their destination [for further information, see Disciplinary Procedures Interim Suspension in section V of this document];

- (f) Expulsion. Expulsion entails a permanent separation from the institution. The imposition of this sanction is a permanent bar to the student's admission, or a student organization's recognition to the institution. Any student receiving a sanction of expulsion shall be permanently trespassed from the campus (and all related University facilities/events).
- (g) Revocation of Admission, Degree, or Credential;
- (h) Service to the University or Community. A student, or organization, may be required to donate a specified number of service hours to the University performing reasonable tasks for an appropriate institution office, official(s), or the local community. The service required shall be commensurate to the offense;
- (i) Restriction. A restriction upon a student's or organization's privileges for a period of time may be imposed. This restriction may include, for example, denial of the ability to represent the institution at any event, ability to participate in University of Memphis sponsored travel, use of facilities, parking privileges, participation in extracurricular activities or restriction of organizational privileges;
- (j) Specified Educational/Counseling Program. A student or organization may be required to participate in specified assessment, educational or counseling program(s) relevant to the offense, or to prepare a project or report concerning a relevant topic;
- (k) Apology. A student or organization may be required to apologize to an affected party, either verbally or in writing, for the behavior related to a disciplinary offense;
- (l) Fines. Penalties in the form of fines may be imposed against a student or organization whenever the appropriate institutional authority deems appropriate. The sanction of fines may be imposed in addition to other forms of disciplinary sanctions. Failure to pay fines may result in further disciplinary action;
- (m) Housing Probation. Continued residence in campus or student housing may be conditioned upon adherence to these regulations as well as institutional

housing regulations. Any resident placed on housing probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon the activities of the resident, including any other appropriate special condition(s);

- (n) Housing Suspension and Forfeiture. A resident suspended from housing may not reside, visit, or make any use whatsoever of a housing facility or participate in any housing activity during the period for which the sanction is in effect. A suspended resident shall be required to forfeit housing fees (including any unused portion thereof and the Housing Deposit). A suspended resident must vacate the housing unit. Housing suspension shall remain a part of the student resident's disciplinary record;
- (o) Restitution. Restitution may be required in situations which involve destruction, damage, or loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or organization is obligated by the appropriate judicial authority to compensate a party or parties for a loss suffered as a result of disciplinary violation(s). Any such payment in restitution shall be limited to actual cost of repair, replacement or financial loss;
- (p) Other educational conditions and/or sanction(s) deemed appropriate by the disciplinary hearing body charged with the adjudication of an alleged disciplinary violation.
- (q) Interim Measures. As a general rule, the status of a student or student organization accused of violation(s) of the prohibited conduct identified in the Code of Student Rights and Responsibilities shall not be affected until a final determination of responsibility has been made in regard to the charges. However, interim measures, pending the completion of disciplinary procedures, may be imposed upon a finding by the Dean of Students (or designee) that the continued presence of the accused student or student organization would constitute an immediate (or foreseeable) threat to the physical safety and well-being of the accused, any other member of the University, its guests, property, or would create a substantial disruption of classroom or other University activities.

Examples of Interim Measures may include but are not limited to the following:

1. Restriction of Activities – a student and/or student organization may be required to cease a specific type of activity (e.g. social events)

2. Restriction of Access – a student may be temporarily restricted from being present in a specific building, area of campus, etc. pending the completion of disciplinary procedures.
3. Class Removal and/or Reassignment – a student may be removed and/or reassigned from a specific class or classes pending the completion of disciplinary procedures.
4. University Owned Housing Removal and/or Reassignment – a student may be required to vacate their University Owned Residence and/or relocate to an alternate University Owned Residence pending completion of disciplinary procedures.
5. No Contact Directive – a student and/or student organization may be directed to make no further contact (in-person, written, electronic, or through any other person or means) with a specific person(s), office(s), or organization(s) pending the completion of disciplinary procedures.

A student or student organization placed on interim measures must obtain advance permission to be present or engage in any activity identified as being restricted. Such permission may be granted by the Dean of Students (or designee). In such instances, permission may be granted only in cases where a legitimate cause for the activity has been identified. In instances where approval has been granted the student or organization will arrive to campus at the University Police Services office located on Zach Curlin Boulevard to be escorted to their destination

- (3) The President of the University is authorized, at his or her discretion, to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or, subsequently, to convert any sanction imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases.
- (4) Parental Notification. The University of Memphis recognizes that students, parents, and the University are in a partnership in which each has the responsibility to promote a safe and healthy educational environment. The University discipline process exists in an effort to provide such an environment and to protect the campus community. Pursuant to Tennessee Code Annotated §49-7-146, the University of Memphis is required to notify a parent of a student under age twenty-one (21) if the student “has committed a disciplinary violation” with respect to the use or possession of alcohol or a controlled substance that is a violation of any federal, state, or local law, or any rule or policy of the University of Memphis, except as prohibited by the Federal Education Rights and Privacy Act (FERPA). The trigger for notification will be 1) an admission of responsibility to the applicable code of conduct violation, or 2) a final finding of responsibility pursuant to the disciplinary procedures.

V. Disciplinary Procedures

- (1) All matters involving allegations of sexual misconduct (including but not limited to sexual violence, sexual harassment, domestic violence, dating violence, stalking, or harassment) will be governed by the procedures outlined in the Tennessee Board of Regents- Policy on Sexual Misconduct (6:03:00:00) [<https://policies.tbr.edu/policies/sexual-misconduct>] and/or University policy that reflects the requirements of that guideline.
- (2) A student or organization accused of any other violation(s) of the University of Memphis Code of Student Rights and Responsibilities will be given notice of the alleged violation(s) in the form of a charge letter. The charge letter will be communicated to the student in writing and will identify the alleged violation(s) and direct the respondent how to proceed to the next step of the University disciplinary process. In cases involving interim suspension, the Dean of Student's notice to the student informing them of the interim suspension will serve as official notice of alleged violation(s) of the Code of Student Rights and Responsibilities.
- (3) The charge letter will generally inform the respondent of the date, time, and location for the appointment to meet with a University Hearing Officer. The charge letter will generally be sent five (5) University business days prior to the appointment.
 - (a) Charge letters will be delivered to respondents via their University e-mail account. The University considers e-mail a valid form of communication. As such, it is every student's responsibility to check their University e-mail account on a regular basis. A charge letter will inform the respondent of the following:
 - (1) The right to present their case to the appropriate disciplinary authority.
 - (2) The right to be accompanied by an advisor.
 - (3) The right to identify witnesses who can speak on their behalf.
 - (4) The right to address any information being used by the University to resolve the alleged disciplinary violation(s).
 - (b) If the respondent fails to attend an appointment with the Hearing Officer, a disciplinary hold will be placed on the student's University accounts. In such instances, the University may also move forward with appropriate adjudication of the alleged misconduct [see Effect of Non-Cooperation on page 31].

- (4) During the meeting with the hearing officer, the charged student/organization will have the opportunity to contest the alleged violation(s) of the Student Code of Rights and Responsibilities and to present information on their behalf.
- (5) The charged student/organization has the right to be accompanied by an advisor of their choice, including legal counsel, but that advisor may not speak on behalf of the student.
- (6) All disciplinary meetings are conducted in private in order to protect the confidential nature of the proceedings.
- (7) The Hearing Officer may identify potential witnesses or victims necessary to conduct a thorough investigation of the alleged violation(s).
- (8) In the event that the Hearing Officer determines that sufficient information exists for the disciplinary process to continue, the Hearing Officer will determine:
 - (a) The alleged misconduct would warrant consideration of suspension from the University for disciplinary reasons (or revocation of registration of a student organization during the term of registration) or,
 - (b) The alleged misconduct would not warrant consideration of suspension of the student or organization from the University.
- (9) In cases where the alleged misconduct would warrant consideration of suspension:
 - (a) A student or organization in such a case who desires to contest the charge(s) of misconduct is entitled to a hearing in accordance with the uniform contested case procedures adopted by the Tennessee Board of Regents in compliance with the Tennessee Uniform Administrative Procedures Act (TUAPA). [see: <https://policies.tbr.edu/policies>]
 - (b) A student or organization may elect to waive a hearing pursuant to the Tennessee Uniform Administrative Procedures Act (TUAPA) and have the charge(s) addressed by an appropriate University Hearing Officer in accordance with the University disciplinary procedures.
- (10) In all cases involving a hearing under the TUAPA contested case provisions, the President or his/her designee shall determine, based upon the nature of the case, whether the hearing shall be before a Hearing Officer alone or a Hearing Committee presided over by a Hearing Officer. The case will proceed pursuant to the provisions of the TUAPA and TBR Policy 1:06:00:05 Uniform Procedures for Cases Subject to the Tennessee Uniform Administrative Procedures Act.
[see: <https://policies.tbr.edu/policies>]

- (11) If a student or organization subject to a sanction of suspension waives the option of a TUAPA hearing and elects to have the matter resolved by a University Hearing Officer, the disciplinary procedures will be the same as those related to non-suspension offenses.
- (12) Students or organizations subject to imposition of disciplinary sanctions other than suspension (or those subject to suspension who waive their right to the TUAPA process) will be accorded a disciplinary hearing with a University Hearing Officer. The following procedural protections will be afforded the student/organization during a disciplinary hearing:
- (a) The student/organization shall be advised of the breach of regulations of which he or she is charged.
 - (b) The student/organization shall be given an opportunity to identify relevant witnesses and present evidence on his or her behalf.
 - (c) The student/organization may be accompanied by an advisor of their choice, but that advisor may not speak on behalf of the student/organization.
 - (d) The student/organization will be advised in writing via University e-mail (and USPS mail if requested by the student) of all sanctions imposed as a result of the disciplinary hearing.
- (13) All hearings shall be closed.
- (14) Formal rules of evidence shall not be applicable. The Hearing Officer may exclude evidence which in their judgment is immaterial, irrelevant, or unduly repetitious. The standard used for determining responsibility for alleged violation(s) of the University of Memphis Code of Student Rights and Responsibilities shall be a preponderance of the evidence.
- (15) If, at the conclusion of this process, the Hearing Officer concludes that insufficient information exists to continue the University discipline process, a decision letter will be issued by the Hearing Officer. That decision letter will indicate:
- (a) Dropped Charges- a Hearing Officer may drop charges in instances where insufficient evidence exists to determine whether a violation occurred. In such instances, the University reserves the right to re-open an investigation if further information regarding the alleged violation(s) becomes available.
 - (b) Not in Violation- a Hearing Officer may find a respondent not in violation in instances where it believes that no violation of the Code of Student Rights and Responsibilities exists.

- (16) If, at the conclusion of this process, the Hearing Officer concludes that sufficient information exists to find the respondent responsible for the alleged violation(s), the Hearing Officer will notify the respondent of this decision and any disciplinary action associated with this action [see Section IV- Disciplinary Sanctions].

Interim Suspension

- (1) The Dean of Students (or designee) has the authority to temporarily remove a student or organization from the University if that student/organization meets the requirements set forth in Disciplinary Sanctions (Article 2.e.) as described on page 23 of this document.
- (a) The Dean (or designee) will inform any student/organization in writing of an interim suspension. This notice will serve the same role as a charge letter.
 - (b) If the student/organization elects to contest the interim suspension, the Office of Student Conduct will then be responsible for scheduling a hearing before the appropriate Hearing Body within ten (10) business days of receipt of such a request. This appeal hearing will follow regular University procedures. A student placed on interim suspension may contest this action by submitting written notice to the Office of the Dean of Students within five (5) business days of notification.
 - (c) If the individual or organization selects a hearing pursuant to the Tennessee Uniform Administrative Procedures Act (TUAPA), the Interim Suspension will remain in effect until the conclusion of the TUAPA process.
- (2) During the interim suspension period, the student/organization will be barred from University owned or controlled property and all University sanctioned events or functions without the consent of the Dean of Students (or designee).

Interim Measures

- (1) The Dean of Students (or designee) has the authority impose interim measures on a student or organization from the University if that student/organization meets the requirements set forth in Disciplinary Sanctions (Article 2.q.) as described on page 25 of this document.
- (a) The Dean (or designee) will inform any student/organization in writing of any interim measures. This notice will serve the same role as a charge letter.

- (b) If the student/organization elects to contest the interim measures, the Office for Office of Student Conduct will then be responsible for scheduling a hearing before the appropriate Hearing Body within (10) business days of receipt of such a request. This appeal hearing will follow regular University procedures. A student placed on interim suspension may contest this action by submitting written notice to the Office of the Dean of Students within five (5) business days of notification.
- (c) If the individual or organization selects a hearing pursuant to the Tennessee Uniform Administrative Procedures Act (TUAPA), the Interim Measures will remain in effect until the conclusion of the TUAPA process.
- (2) During the interim measures period, the student/organization will be barred from all of the specified items without the consent of the Dean of Students (or designee).

Appeals

- (1) A student/organization found responsible for violation(s) of the Code of Student Rights and Responsibilities shall have the right to appeal the decision of a Hearing Officer. A student may appeal a disciplinary sanction on the following grounds:
 - (a) New information, not available at the time of the original hearing, has become available which would substantially alter the outcome of the hearing.
 - (b) The University failed to conduct the disciplinary process fairly, or violated its procedures in such a way as to disadvantage the respondent.
 - (c) The decision of the Hearing Officer is unduly harsh in relation to the violation(s) of the University Code of Student Rights and Responsibilities.
- (2) All appeals of Hearing Officer decisions will be heard by the University Committee on Student Conduct. In some instances, when a quorum for the University Committee on Student Conduct cannot be attained, appeals may be heard by the Hearing Officer's Supervisor to provide timely due process.
- (3) Appeal hearings are not new disciplinary hearings; they are a review of the existing case materials. The Respondent will be asked to prepare a written statement which will be considered by the Appeal Body at the time of the appeal hearing. The Hearing Officer will also prepare a statement for consideration by the committee. Appeal hearings are conducted in private and are not open to the appellant.
- (4) The Appeal Body may take the following action upon consideration of the merit of the appeal:

- (a) Affirm the original decision;
 - (b) Reverse (overrule) the original decision;
 - (c) Amend the sanction prescribed in the original decision. The Appeal Body may lessen or strengthen the severity of the sanction;
 - (d) Remand the matter to the original Hearing Body for reconsideration.
- (5) The standard of proof required to overturn a finding of violation shall be the preponderance of the evidence and the appellant bears the burden of proof.
- (6) An appeal must be filed within ten (10) University business days from the date of the Decision Letter.

University Committee on Student Conduct (UCSC)

(1) Upon receipt of an appeal request, the Office of Student Conduct will schedule a meeting of the UCSC. The Director of the Office of Student Conduct (or designee) will direct the Hearing Officer to prepare an investigative summary consisting of all the information used by the original Hearing Body in adjudicating the case. The appellant must submit any materials they wish to be reviewed by the UCSC three (3) business days prior to the appeal hearing. Any information submitted subsequently will be considered at the discretion of the Chair of the UCSC. All appeal hearings are conducted in private and are not open to the appellant.

Petitions for Readmission

- (1) A student/organization who has been suspended from the University of Memphis is not an active member of the University community. Thus, students/organizations that have been suspended from the University for disciplinary reasons must petition to re-enter the University. In such instances, the petitioner must demonstrate that they have served the prescribed period of suspension and completed all listed conditions of their sanction. In order for a petition to be considered:
- (a) The petitioner must present a valid petition letter to the Office of Student Conduct a minimum of thirty (30) days prior to the first day of classes of the semester for which the petitioner wishes to enroll.
 - (b) The petitioner must provide documentary evidence that all conditions associated with their suspension have been satisfactorily completed in the time period outlined in the sanction letter.
 - (c) The petitioner should include a letter describing the reason for the suspension, the behavioral changes they have made during the period of

separation, and the educational career goals the petitioner wishes to pursue upon returning to the University.

- (2) After consideration of the petitioners request to re-enter the University, the Director of the Office of Student Conduct (or designee) may:
 - (a) Grant the petition for readmission;
 - (b) Deny the petition for readmission based on the petitioner's failure to demonstrate completion of the conditions associated with the suspension.

Victim's Rights

- (1) Students who are victimized through violation of the University rules shall be provided with certain rights. Additionally, although the victim's input shall be sought during the disciplinary process, the right and responsibility for disposition of any individual complaint is reserved by the University. If a victim withdraws a complaint or refuses to offer testimony during the course of a disciplinary proceeding, the University reserves the right to proceed with investigation and adjudication of the alleged misconduct. The rights referred to above are as follows:
 - (a) The victim shall be given the opportunity to meet with a Hearing Officer to discuss the disciplinary process.
 - (b) The victim shall be given an opportunity to submit a written account of the alleged incident.
 - (c) The victim shall have the right to be accompanied at all stages of the discipline process by an advisor or counsel whose participation shall be limited to advising the victim.
 - (d) The victim shall be afforded an opportunity to testify as a witness during the disciplinary process.
 - (e) The victim may decline to testify during the disciplinary process, with the knowledge that such action could result in dismissal of allegations of University rules violations for lack of evidence.
 - (f) The victim will be allowed, if he/she chooses, to submit a written impact statement.
- (2) Victims of alleged sexual misconduct have rights that include those listed above as well as those listed in the University of Memphis policy on Sexual Misconduct located at <http://umwa.memphis.edu/umpolicies/UM1786.htm>.

Behavioral Intervention Team (BIT)

- (1) The University of Memphis is concerned about the welfare and safety of all of its students, faculty, and staff. It is part of the mission of the University to try to promote an environment where individuals are free to learn, teach and work uninhibited by threats of intimidation and harm. The purpose of the Behavioral Intervention Team (BIT) is to address student behavioral concerns that are inconsistent with the University's mission. The members of this team act with a common purpose to address critical student behavioral or mental health concerns through review of situations/incidents, information gathering and sharing, and take action to ensure the safety and educational success of the student. The BIT does not replace other classroom management or disciplinary processes nor does it address student behaviors that require immediate health, police or mental health attention.
- (2) Notification of Parent(s)/Guardian(s)/Next of Kin/Emergency Contact
 - (a) In the event that emergency medical personnel are summoned to transport the student to a hospital for emergency care and the student is in fact transported to the hospital for emergency medical care or refuses to accept such transportation when recommended by the emergency medical personnel, the University will make reasonable efforts to notify the Parent(s), Guardian(s), Next of Kin, or Emergency Contact for the student based on information reported by the student maintained in the student database.
 - (b) In the event that a student is withdrawn either on an interim basis or upon completion of the process defined in subsection (4), the University will make reasonable efforts to notify the Parent(s), Guardian(s), Next of Kin, or Emergency Contact for the student.
 - (c) Notification will not be made if contraindicated by a mental health professional.
- (3) Mandatory Assessment
 - (a) In the event that the University is presented with a credible report that a student has threatened or attempted suicide, engaged in efforts to prepare to commit suicide or expressed a preoccupation with suicide, that student will be required to attend four sessions of professional assessment. These sessions are designed to foster students' willingness and ability to maintain a reasonable concern for their own self welfare.
 - (b) Confidentiality
 - a. All records associated with the reported incident are kept separately by the Behavioral Intervention Team.
 - b. All records associated with the mandated assessment are protected by federal and state laws regarding confidentiality.
 - (c) Appeals
 - a. A student may appeal the accuracy of the report to the Behavioral Intervention Team. In some instances, in order for the appeal to go

forward, a student will be required to sign a release of information authorizing the members of the Behavioral Intervention Team to contact and interview witnesses to the incident. An appeal may be made to the Dean of Students or designee. The decision of the Behavioral Intervention Team is final.

- b. The policy of four sessions of professional assessment is applied uniformly to all students who cross the threshold described above. The requirement of four professional assessments is not subject to appeal.

(d) Alcohol and Drugs – An assessment of a student can be mandated by the Dean of Students or designee if:

- a. A student becomes incapacitated as the apparent result of alcohol or other drug use; and
- b. Emergency medical personnel are summoned to transport the student to a hospital for emergency care; and
- c. The student is in fact transported to the hospital for emergency medical care or refuses to accept such transportation when recommended by the emergency medical personnel.

(e) Procedures

- a. The attending or responsible University employee who becomes aware of facts stated in subsection (a) must notify the Dean of Students of the student's name and the circumstances of the student's incapacitation. Other individuals (for example, the city Police Department or Certified Staff) may submit to the Dean of Students reports of student emergency transportation or refusal to accept such transportation.
- b. If the Dean of Students becomes aware of facts stated in subsection (a) (through notification under subsection (d) (a)), the Dean of Students will decide whether to require the student to undergo a mandatory assessment.
- c. If the Dean of Students decides that the student should be required to undergo a mandatory assessment, the Dean of Students shall so notify the student.
- d. After notification under subsection (e) (c), and unless successfully appealed under subsection (g), the student must undergo an assessment conducted at the direction of the Dean of Students.

(f) If the student completes the assessment, the results of the assessment and the fact that an assessment was conducted are confidential medical information and may not be disclosed without consent of the student and may not form the basis of a disciplinary proceeding or any other sanction imposed by the University. However, if the student fails to complete the assessment, this fact is not confidential medical information, and the Dean of Students may inform other responsible parties.

(g) Appeals – If the student disagrees with the decision of the Dean of Students directing a mandatory assessment, the following rules apply:

- a. The student may appeal the Dean of Student's decision to the Behavioral Intervention Team;
- b. Such an appeal must be submitted in writing within three business days after receipt by the student of the notice by the Dean of Students;
- c. The Behavior Intervention Team shall convene a hearing within five business days after receipt of the appeal;
- d. Prior to the hearing, the student shall be entitled to review the information leading to the referral;
- e. At the hearing, the Behavioral Intervention Team shall review all relevant evidence to determine whether to uphold the mandatory assessment directive. The student may be assisted at the hearing by any person chosen by the student. The decision of the Behavioral Intervention Team shall be final.

(4) Involuntary Withdrawal of Students

- (a) A student will be subject to withdrawal if the Dean of Students, on the basis of clear and convincing evidence, determines that the student is suffering from a mental disorder, as defined by the current American Psychiatric Association diagnostic manual or its equivalent; and, further, that as a result of the mental disorder, the student engage or threatens to engage in behavior that:
 - a. Poses a significant danger of causing harm to the student or to others, or
 - b. Substantially impedes the activities of other members of the campus community.
- (b) Whenever a student refuses to be withdrawn by the Dean of Students, as provided above, the matter may be referred to the Behavioral Intervention Team. The Behavioral Intervention Team may then implement an interim mandatory withdrawal (the equivalent of an interim suspension) if the Behavioral Intervention Team determines that the student is suffering from a mental disorder, and if the student's behavior either poses a significant danger of causing harm to the student or to others or substantially impedes the activities of other members of the campus community.
- (c) A student withdrawn on an interim basis shall be given an opportunity to appear before the Behavioral Intervention Team within thirty-six hours from the date of the interim withdrawal to discuss the following issues:
 - a. The reliability of the information concerning the student's behavior; and/or
 - b. Whether the student's behavior poses a significant danger of causing harm to self or others, or substantially impedes the activities of other members of the campus community.
- (d) In the event a student disagrees with the decision of either the Dean of Students or the Behavioral Intervention Team, the student shall make a written request to the Vice President for Student Affairs for an informal proceeding. Such proceeding will be held within seven class days after the student has been evaluated as

having to be withdrawn involuntarily from the campus. The student will remain withdrawn on an interim basis pending completion of the proceeding.

- (e) The Vice President for Student Affairs or designee will convene the informal proceeding. The student will be provided an opportunity to examine the evaluations and to discuss them. The student may be assisted by any person chosen by the student. The student may request and shall receive a precise statement of the reasons for any decision requiring withdrawal.
- (f) The Vice President for Student Affairs also may require the student to be seen by a mental health professional not on the staff of the University. A student who does not complete this mandatory evaluation may be withdrawn automatically from the University or be subject to further disciplinary action, including suspension or expulsion from the University.
- (g) At the conclusion of the proceeding, the Vice President for Student Affairs shall determine whether to uphold the withdrawal or to reinstate the student. The decision of the Vice President for Student Affairs shall be final.
- (h) When a student is withdrawn under this policy, the withdrawal will remain in effect until such time as the student adequately demonstrates that the problems that caused the withdrawal are no longer in existence. Upon being withdrawn, the student may no longer attend classes, may no longer use University facilities, must vacate University housing, and will be entitled to whatever refunds of tuition, fees, and room and board charges as would be appropriate given the timing of the withdrawal.
- (i) Students may not continue to attend classes or utilize University facilities during the period of interim withdrawal, without specific permission from the Dean of Students which may include restrictions as necessary to maintain an orderly and safe environment for the student and/or Campus community.

(5) Deference to Student Conduct Processes

- (a) As a general principle, the student conduct process and its policies and practices are preferred in the adjudication of serious instances of misconduct, without regard to whether there might be a mental disorder present. The procedures and specifications given in this rule are to be employed in those extraordinary situations in which, in the judgment of the appropriate administrative officers, the student conduct process is not applicable or cannot be applied.

Retention of Records

- (1) Disciplinary files will be destroyed if the student/organization is not found to be responsible for violation of the rules outlined in this document. A permanent file will be maintained if a student is suspended or interim suspended for violation(s) of the Code of Student Rights and Responsibilities. No reference to the suspension or expulsion will be made on the student's transcript unless the sanction so specifies.

Student disciplinary files in cases in which a lesser sanction (warning, censure, probation) has been imposed will be retained for a period of four (4) years after date of action or for one (1) year after the student has graduated (unless the sanction imposed by the University specifies that they should be retained for a longer period). Disciplinary files in cases covered under The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act will be retained for a period of seven (7) years after the date of action per Federal requirements.

- (2) The outcome of the University's disciplinary process is part of the educational record of the respondent and is protected from release under the Federal Education Rights and Privacy Act (FERPA), except under certain conditions.

Effect of Noncooperation

- (1) A student or organization accused of violation of University rules or regulations shall be provided notice of the allegation(s) in the form of a charge letter or interim suspension notice. A respondent that fails to respond to notice of allegations and/or an interim suspension notice shall be deemed to have waived all hearing rights (including those provided under the provisions of the Tennessee Uniform Administrative Procedures Act). In this instance, a decision may be made in the respondent's absence and a sanction imposed. In addition, a disciplinary hold will be placed on the respondent's records.

Student Organizations

- (1) Student organizations are subject to jurisdiction of the University's disciplinary system. The University may take disciplinary action if one (or more) of the following is substantiated:
 - (a) Any member of an organization violates University policy where the proscribed activity is deemed to have been in relation to the organization.
 - (b) Any member of an organization violates University policy where it is determined that organizational funds have been used to facilitate the commission of the proscribed behavior.
 - (c) A violation of University policy occurs in connection with an organization sponsored function.

- (d) Any member of an organization fails to cooperate during an investigation into alleged violation(s) of University policy as related to articles a, b, and c.
- (2) Alleged violation(s) of University policy shall be reported immediately to the Office of Student Conduct. A preliminary meeting with the President and or members of the Executive Body of the organization will be conducted within ten (10) business days to determine if further investigation is warranted.
 - (a) During this preliminary meeting, the organization's representative will present information related to the events/actions in question.
 - (b) If an organization fails to provide an appropriate representative during the preliminary meeting, a decision whether to pursue formal disciplinary action will be made in the absence of representation [see Effect of Non-Cooperation].
- (3) If the University decides to pursue formal disciplinary action, the Office of Student Conduct shall use the stated procedures outlined in Section V. Disciplinary Procedures within this document.
- (4) TUAPA: All cases which may result in: (a) suspension of a student or organization from the University of Memphis for disciplinary reasons, or (b) revocation of registration of a student organization are subject to the contested case provisions of the Tennessee Uniform Administrative Procedures Act (TUAPA), T.C.A. § 9-8-01 et seq., and shall be processed in accord with the Uniform Contested Case procedures adopted by the Board of Regents unless the student or organization, after receiving written notice, waives those procedures and elects to have the case disposed of in accord with University procedures or waives all right to contest the case under any procedure. [see: <https://policies.tbr.edu/policies>]
- (5) Appeals of any formal action taken in relation to violation(s) of the Code of Student Rights and Responsibilities will be directed to the Office of Student Conduct within five (5) days of the organization being informed of the outcome of the formal disciplinary hearing. The appeal process will follow the procedures outlined in Section V- Disciplinary Procedures (Appeals).

This policy is promulgated pursuant to, and in compliance with, TBR Rule 0240-02-03-.06 Disciplinary Procedures and due Process. To the extent that a conflict exists between this policy and TBR rule, policy and/or applicable law(s), the TBR rule, policy and/or law will control. History – Adopted by TBR: 12/8/11. Effective: 1/29/12. Amended: 3/29/14.