



THE UNIVERSITY OF  
**MEMPHIS**®

Code of Student  
Rights and  
Responsibilities

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## **INTRODUCTION**

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 this community should engage vigorously in this University's academic life. As voluntary members of the University community, students are expected to act with civility toward others in the community accordingly, in order to foster and promote an educational environment conducive to the University's mission.

## **INSTITUTION POLICY STATEMENT**

The University of Memphis students are citizens of the local, state and federal governments, and of the academic community. Students are, therefore, expected to conduct themselves as law abiding members of each community at all times. Admission to the University carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by non-students. In recognition of this special relationship that exists between the institution and the academic community which it seeks to serve, the Tennessee Board of Regents has, as a matter of public record, instructed the presidents of the universities and colleges under its jurisdiction to take such action as may be necessary to maintain campus conditions and to preserve the integrity of the institution and its educational environment. 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 any proceeding instituted by other authorities. Additionally, violations of any section of the Code may subject a student to disciplinary measures by the University whether or not such conduct is simultaneously violative of local, state, or federal laws.

## **POLICY FOR ACCEPTABLE USE OF INFORMATION TECHNOLOGY RESOURCES**

The primary purpose of The University of Memphis' information technology resources is to enhance and support the educational mission of the University. Access to the University's technology resources is a privilege granted to University students, faculty, staff, and approved guests. These resources include hardware, software, computer accounts, local area networks as well as connections to other computer networks via the Internet. Everyone using these resources is responsible for using them in an effective, ethical and lawful manner. All users must refrain from the following activities:

1. Using computing facilities to violate any University policy or regulation, or federal, state or local law;
2. Entering, without authorization, into any account to use, read, transfer or change the contents in any way;
3. Impersonating/misrepresenting another individual's computer account or e-mail username;
4. Granting another individual access to your computer account;
5. Using computing resources to interfere with the work of other students, faculty or University officials;
6. Using computing facilities to send obscene, abusive, threatening, defamatory or harassing messages;
7. Using computing resources to interfere with the normal operation of University computing systems and connected networks including, but not limited to, introducing viruses, flooding the network with messages, sending chain letters, or unfairly monopolizing resources that results in the exclusion of others;
8. Using University computing resources for profit or commercial purposes.

9. Using University IT resources to download, upload, store, access, or distribute copyrighted materials without proof of authorization from the copyright holder(s).

Intentional failure to comply with this policy will result in action which may include suspension of user privileges or other disciplinary action, including suspension or expulsion from the University or termination of University employment. In addition, violations may result in referral for prosecution by local, state or federal authorities.

## **THE UNIVERSITY OF MEMPHIS' POSITION ON DRUG AND ALCOHOL USE BY STUDENTS**

In accordance with local, state and federal laws and with University Regulations promulgated in accordance with the Tennessee Board of Regents policy, students are prohibited from unlawfully possessing, using, selling, manufacturing or distributing illicit drugs on University owned or controlled property. Also, students are prohibited from possessing, using, selling, manufacturing or distributing alcoholic beverages on University owned or controlled property.

At off-campus University sponsored (funded) events students are prohibited from unlawfully possessing, using, selling, manufacturing or distributing illicit drugs. Alcohol shall not be abused by those of legal drinking age, nor used, possessed or distributed by those who have not attained drinking age. Additionally, students are prohibited from being under the influence of illegal drugs or alcohol while on University owned or controlled property or while attending any University sponsored (funded) activity.

### **I. INTERPRETATION AND REVISION**

Any question of interpretation regarding the Code of Student Conduct shall be referred to the Vice President of Student Affairs or his or her designee for final determination. The Code of Student Conduct shall be reviewed annually under the direction of the Office of Student Judicial and Ethical Programs.

### **II. DEFINITIONS**

- a. The term "University" means The University of Memphis.
- b. For the purposes of these rules only, the term "student" includes all persons taking courses at the University, both full-time or part-time, credit or noncredit, pursuing undergraduate, graduate, or professional studies; and, all other adult persons who reside in University residence halls, including Student Family Housing.
- c. For the purposes of these rules only, the term "faculty member" means any person hired by the University to conduct classroom activities.
- d. The term "University official" includes any person employed by the University, performing assigned administrative or professional responsibilities.
- e. The term "member of the University community" includes any person who is a student, faculty member, University official or any other person employed by the University or who is a guest of the University.
- f. The term "University premises" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University (including adjacent streets and sidewalks).
- g. The term "organization" means any number of persons who have complied with the formal requirements for University registration.
- h. The term "judicial body" means any person or persons authorized by the President of the University to determine whether a student has violated the Code of Student

Conduct and to recommend imposition of sanctions. The term “judicial body” does not include the University Appeals Committee or the President of the University.

- i. The term “Judicial Officer” means a University official authorized by the Vice President of Student Affairs or Dean of Students to file charges and to impose sanctions on students who choose to admit violating the Code of Student Conduct. The duties of the Judicial Officer will usually be performed by the Associate Dean of Students for Judicial and Ethical Programs; however, the Vice President of Student Affairs or Dean of Students may appoint another individual to perform the duties of the Judicial Officer at his discretion.
- j. The term “University Appeals Committee” means any person or persons authorized by the President to consider an appeal from a judicial body’s determination that a student has violated the Code of Student Conduct, or from sanctions imposed by the Judicial Officer or hearing body.
- k. The “Vice President of Student Affairs” is that person designated by the University President to be responsible for the administration of the Code of Student Conduct.
- l. The term “shall” is used in the imperative sense.
- m. The term “may” is used in the permissive sense.
- n. The term “policy” is defined as the written regulations of the Student Handbook, Residence Life Handbook, Graduate and Undergraduate Catalogues and the Schedule of Classes.
- o. The term “cheating” includes, but is not limited to:
  1. use of any unauthorized assistance in taking quizzes, tests, or examinations;
  2. dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments;
  3. the acquisition, without permission, of tests or other academic material before such material is revealed or distributed by the instructor;
  4. the misrepresentation of papers, reports, assignments or other materials as the product of a student’s sole independent effort, for the purpose of affecting the student’s grade, credit, or status in the University;
  5. failing to abide by the instructions of the proctor concerning test-taking procedures; examples include, but are not limited to, talking, laughing, failure to take a seat assignment, failing to adhere to starting and stopping times, or other disruptive activity;
  6. influencing, or attempting to influence, any University official, faculty member, graduate student or employee possessing academic grading and/or evaluation authority or responsibility for maintenance of academic records, through the use of bribery, threats, or any other means or coercion in order to affect a student’s grade or evaluation;
  7. any forgery, alteration, unauthorized possession, or misuse of University documents pertaining to academic records, including, but not limited to, late or retroactive change of course application forms (otherwise known as “drop slips”) and late or retroactive withdrawal application forms. Alteration or misuse of University documents pertaining to academic records by means of computer resources or other equipment is also included within this definition of “cheating.”
- p. The term “plagiarism” includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full or clear acknowledgment. It also includes the unacknowledged use of materials prepared

by another person or agency engaged in the selling of term papers or other academic materials.

- q. The term “academic misconduct” includes, but is not limited to, all acts of cheating and plagiarism as defined herein.

### III. DISCIPLINARY AUTHORITY

- a. Academic Integrity Committee - All charges of academic misconduct are heard by the Academic Integrity Committee. The Academic Integrity Committee is a University-wide standing committee composed of five (5) faculty members and four (4) students, all appointed by the President. There must be at least five (5) members of the Committee present, including the chairperson, who is a faculty member, to constitute a quorum and to hear cases unless the student charged with academic misconduct or who is appealing an act of Summary Discipline knowingly waives the right to a quorum. A majority of the Committee members present for a hearing must be in agreement in order for a decision to be binding on a student.
- b. Student Government Court - Charges not involving academic misconduct may be heard by the Student Government Court. The Student Government Court is comprised of nine (9) students selected in accordance with the Student Government Association Constitution and By-Laws for terms that expire upon a student’s graduation, resignation or termination from the Court. There must be at least five (5) members of the Court present to constitute a quorum and to hear cases unless a student who has chosen the Court as his or her hearing forum voluntarily and knowingly waives the right to a quorum. A majority of the Court members present for a hearing must be in agreement in order for a decision to be binding on a student.
- c. Behavioral Standards Committee - Charges not involving academic misconduct may be heard by the Behavioral Standards Committee. The University’s Behavioral Standards Committee is composed of nine (9) members, including four (4) faculty members, four (4) students, and one chairperson, who is also a faculty member. The members are appointed by the University’s President from a pool recommended jointly by the Student Government Association President and the Vice President of Student Affairs. There must be at least five (5) members of the Committee present, including the chairperson, to constitute a quorum and to hear cases unless a student who has chosen the Committee as his or her hearing forum voluntarily and knowingly waives the right to a quorum. A majority of the Committee members present for a hearing must be in agreement in order for a decision to be binding on the student.
- d. Hearing before an Administrator - If a student chooses to admit violating a provision of the Code, the student may either accept the sanction proposed by the Judicial Officer, or choose to have a hearing before another administrator appointed by the Vice President of Student Affairs regarding his or her sanction(s). At this hearing, the student may present witnesses and other evidence relevant to the offense that may mitigate in the student’s favor.
- e. Tennessee Uniform Administrative Procedure Act (TUAPA) - Disciplinary charges that may result in suspension or expulsion from the University may, at the student’s option, 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 his or her case heard through the Act’s provisions. A more detailed description of the Act and its provisions may be obtained from the Office of Student Judicial and Ethical Programs.
- f. University Appeals Committee - Hears appeals of all decisions made by University

Hearing Bodies on matters of academic and social misconduct. The University Appeals Committee is composed of both faculty and students, who are appointed by the Vice President of Student Affairs.

#### **IV. PROHIBITED CONDUCT BY STUDENTS AND UNIVERSITY JURISDICTION**

Generally, University jurisdiction and discipline shall be limited to conduct which occurs on University premises or conduct occurring off-campus which adversely affects the University's educational mission and/or objectives. Any student found to have committed the following misconduct is subject to the disciplinary sanctions outlined below:

- a. Acts of dishonesty, including but not limited to the following:
  1. Cheating, plagiarism, or other forms of academic dishonesty.
  2. Furnishing false information to any University official, faculty member or office.
  3. Forgery, alteration, or misuse of any University document, record, or instrument of identification.
- b. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other University activities, including its public service functions on or off campus, or other authorized non-University activities, when the act occurs on University premises.
- c. Physical abuse or harassment (including verbal abuse/sexual harassment), threats of physical harm of any person or self, coercion and/or other conduct which threatens or endangers the health or safety of any person.
- d. Attempted or actual theft of and/or damage to property of the University or property of a member of the University community or other personal or public property.
- e. Hazing. Hazing means any intentional or reckless act in Tennessee on or off the property of any higher education institution by one (1) student acting alone or with others which is directed against any other student, that endangers the mental or physical health or safety of that student, or which induces or coerces a student to endanger such student'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.
- f. Failure to comply with directions of University officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
- g. Unauthorized possession, duplication of, or use of keys to any University premises or unauthorized entry into or use of University premises.
- h. Gambling in any form or manner.
- i. Violation of published University policies, rules or regulations.
- j. Violation of local, state, or federal law.
- k. Use, possession, distribution or manufacturing of illegal drugs and/or drug paraphernalia or other controlled substances except as expressly permitted by law.
- l. Use, possession or distribution of alcoholic beverages or public intoxication while on University owned or controlled property or while attending a University sponsored event.
- m. Possession of any firearms, explosives, or other weapons, including, but not limited to, pistols, rifles, shotguns, hand- guns, BB guns, paint guns, knives, or dangerous chemicals on University premises.
- n. Participation in a campus demonstration which disrupts the normal operations of the

University and infringes on the rights of other members of the University community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or areas; intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus.

- o. Obstructing the free flow of pedestrian or vehicular traffic on University premises or at University-sponsored or supervised functions.
- p. Disorderly conduct; a breach of the peace; or aiding, abetting, or procuring another person to breach the peace on University premises, or at functions sponsored by the University or in which the University participates.
- q. Failure to abide by emergency or fire evacuation procedures, deliberate deployment of a fire alarm or tampering with fire safety equipment.
- r. Attempting, assisting and/or being present during the planning of or actual act(s) which violate university policies.
- s. Sexual battery or rape as defined by state law.
- t. Theft or other abuse of computer time, including but not limited to:
  - 1. Unauthorized entry into a file, to use, read or change the contents, or for any other purpose.
  - 2. Unauthorized transfer of a file.
  - 3. Unauthorized use of another individual's identification and password.
  - 4. Use of computing facilities to interfere with the work of another student, faculty member or University official.
  - 5. Use of computing facilities to send or receive obscene messages.
  - 6. Use of computing facilities to interfere with normal operation of the University computing system.
- u. Abuse of the University Judicial System, including but not limited to:
  - 1. Failure to obey the summons of a judicial body or University official.
  - 2. Falsification, distortion, or misrepresentation of information before a judicial body.
  - 3. Disruption or interference with the orderly conduct of a judicial proceeding.
  - 4. Institution of a judicial proceeding knowingly without cause.
  - 5. Attempting to discourage an individual's proper participation in, or use of, the judicial system.
  - 6. Attempting to influence the impartiality of a member of a judicial body prior to, and/or during the course of the judicial proceeding.
  - 7. Failure to comply with the sanction(s) imposed under the Code of Student Conduct.
  - 8. Influencing or attempting to influence another person to commit an abuse of the judicial system.

## **V. VIOLATION OF LAW AND THE CODE OF STUDENT CONDUCT**

- a. If a student is charged only with an off-campus violation of federal, state, or local laws, but not with any other violation of this Code, disciplinary action may be taken and sanctions may be imposed for grave misconduct which demonstrates flagrant disregard for the University community. In such cases, no sanction may be imposed unless the student has been found guilty in a court of law or has declined to contest such charges, although not actually admitting guilt.
- b. University disciplinary proceedings may be instituted against a student charged with violation of a law which is also a violation of this Code of Student Conduct, for example, if both violations result from the same factual situation, without regard to the tendency

of civil litigation in court or criminal arrest and prosecution. Proceedings under this Code of Student Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

- c. When a student is charged by local, state, or federal authorities with a violation of law, the University will not request or agree to special consideration for that individual because of his or her status as a student or if the alleged offense is also the subject of a proceeding before a judicial body under the Code of Student Conduct. However, the University may advise off-campus authorities of the existence of the Code of Student Conduct and of how such matters will be handled internally within the University community, consistent with student record confidentiality requirements under state and federal laws. The University will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators. Individual students and faculty members, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

## **VI. DISCIPLINARY PROCEDURES**

The following procedures are applicable to all hearings for violations of this Code except those hearings that are heard in conformance with the requirements of the Tennessee Uniform Administrative Procedures Act.

### **A. Charges**

1. Any member of the University community may file a complaint against any student for misconduct. Complaints shall be prepared in writing and directed to the Office of Student Judicial and Ethical Programs. A complaint should be submitted as soon as possible after the event takes place, preferably within ten (10) days of the alleged misconduct.
2. The Office of Student Judicial and Ethical Programs may conduct an investigation to determine if the complaint has merit and/or if it can be disposed of administratively by the Judicial Officer or by mutual consent of the parties involved on a basis acceptable to the Judicial Officer. Such disposition shall be final and there shall be no subsequent proceedings.
3. All charges shall be presented to the accused student in written form. A time shall be set for a hearing, not less than five (5) days after the student has been notified.
4. All written notices will be mailed or hand-delivered to the address of the student as it appears on the official University records. Students are responsible for keeping the University Records Office informed of a current address.

### **B. Hearings**

1. Hearings shall be conducted in private in order to protect the confidential nature of the proceedings.
2. In hearings involving more than one accused student, the chairperson of the judicial body, in his or her discretion, may permit the hearings concerning each student to be conducted separately.
3. The complainant and the accused have the right to be assisted by any advisor they choose, at their own expense. The advisor may be an attorney. The accused is responsible for presenting his/her own case and advisors are not permitted to speak or to participate directly in any hearing before a judicial body.
4. The University, the accused and the judicial body shall have the privilege of

- presenting witnesses, subject to the right of questioning by the judicial body.
5. Pertinent records, exhibits and written statements may be accepted as evidence for consideration by a judicial body at the discretion of the chairperson.
  6. There shall be a record, such as a tape recording, of all hearings before a judicial body. The record shall be the property of the University.
  7. Hearings shall proceed in the following order:
    - a. reading of the alleged violation(s);
    - b. the student's denial or admission of the alleged violation(s);
    - c. presentation of evidence by the University and questions by the student charged and/or the hearing body;
    - d. presentation of evidence by the student charged and questions by the University and/or the hearing body; and
    - e. closing statements by both parties;
    - f. After the hearing, the judicial body shall determine by majority vote (if the judicial body consists of more than one person) whether the student has violated each section of the Code of Student Conduct which the student is charged with violating.
    - g. the judicial body's determination shall be made on the basis of whether it is "more likely than not" that the accused student violated the Code of Student Conduct.
    - h. the student shall be notified in writing of the decision within five (5) days of the disciplinary body's decision. Every attempt will be made to verbally notify the student of the decision prior to the five-day period. In cases involving alleged sexual assault, both the accused and accuser shall be notified in writing within five (5) days of the judicial body's decision.
    - i. no student may be found to have violated the Code of Student Conduct solely because the student failed to appear before a disciplinary body. In all cases, the evidence in support of the charges shall be presented and considered.

### **C. Academic Misconduct**

Proceedings before the Academic Integrity Committee may be initiated by a faculty member or student as provided:

1. Request for Hearing by Faculty Member: a faculty member who has good cause to believe that a student has engaged in academic misconduct in connection with a course taught by the faculty member or an examination proctored by the faculty member, or his or her designee, may request a hearing of the allegation of academic misconduct by contacting the Chair of the Academic Integrity Committee or the Judicial Officer.
  - a. A student found responsible for academic misconduct by the Academic Integrity Committee may be awarded a grade of "F" for the course, assignment, or examination at issue, and is also subject to additional disciplinary sanctions outlined in Section VI of this Code.
  - b. The Academic Integrity Committee shall determine and impose sanctions independently of the Judicial Officer.
2. Summary Discipline: a faculty member who has good cause to believe that a student engaged in academic misconduct in connection with a course taught by the faculty member or an examination proctored by the faculty member, or his or her designee may choose to exercise Summary Discipline as outlined below.
  - a. A student's grade in the course, or the assignment or examination affected by

the alleged academic misconduct may be lowered to any extent, including a grade of “F”.

- b. When a faculty member exercises Summary Discipline, the faculty member shall notify the appropriate department chair person of the action. The department chairperson shall notify the affected student in writing of the faculty member’s exercise of Summary Discipline and advise the student of his or her right to appeal the Summary Discipline to the Academic Integrity Committee.
- c. Student Appeal of Summary Discipline: a student may appeal an exercise of Summary Discipline by a faculty member to the Academic Integrity Committee. To initiate an appeal of Summary Discipline, the student must contact the Chair of the Academic Integrity Committee or the Office of Student Judicial and Ethical Programs within five (5) class days of receipt of notification of the summary action.
- d. Multiple Acts of Academic Misconduct: A student who receives more than one “F” as a result of Summary Discipline, may be summoned to appear before the Academic Integrity Committee, and may be subject to additional disciplinary sanctions described in Section VI of this Code.

#### **D. Classroom Misconduct**

1. The instructor has ultimate control over classroom behavior and may eject from the classroom any student engaged in disruptive conduct. Disruptive conduct is defined as conduct which may include, but is not limited to, intentional interference with the normal classroom procedure or presentation of the instructor or other student(s) and/or interference with another student’s right to pursue coursework.
2. The instructor shall report the incident to the Office of Student Judicial and Ethical Programs and the department chair. The Judicial Officer will meet with the instructor and the chair to determine the appropriate action before the next class period. If there is disagreement as to readmission, the student will be excluded from the classroom pending a hearing. If there is agreement for readmission, the student will be readmitted subject to disciplinary action (see section V).
3. When it is determined that the student should not be readmitted, or where there is disagreement, the Judicial Officer shall arrange a hearing. The hearing should be before the dean of the college where the incident occurred or a designee, the Judicial Officer or a designee, and a student appointed by the President (a three member committee). The purpose of the hearing will be to determine whether the student will be readmitted to the classroom. The hearing must be conducted within five (5) class days under the procedures set forth in the section entitled “Disciplinary Procedures” of this handbook. An appeal is available to the President of the University.
4. When a student is readmitted and circumstances warrant, the Judicial Officer may initiate formal disciplinary charges as set forth in the section entitled “Disciplinary Procedures” of this handbook.

#### **E. Victim’s Rights**

1. Some actions that violate the University rules involve victimization of one or more students by another student(s). This behavior may include acts of theft or damage to property, physical violence, and other acts that endanger the safety of others in the University community. If a student has filed a complaint and is identified as a victim, that student is entitled to certain rights during the disciplinary process.

2. If a complaint is filed with the Office of Student Judicial and Ethical Programs or with the Department of Residence Life, it is important to remember that the accused student is being charged with violating a University rule or regulation; therefore, the University is ultimately responsible for initiating charges, imposition of sanctions if the charged student chooses to admit the violation, implementation of the hearing process, and determination of sanctions following a finding of guilt. Although a victim's input may be sought during the disciplinary process, the ultimate disposition of the case rests with the University. If a victim withdraws his or her complaint during the course of the disciplinary proceeding, the University reserves the right to proceed with the case on the basis of evidence other than the testimony of the victim.
3. During the course of a disciplinary proceeding, victims have the following rights:
  - a. To meet with the Judicial Officer or his or her representative to discuss the disciplinary process.
  - b. To submit a written account of the alleged incident.
  - c. To be advised of the date, time and location of the disciplinary hearing, and to request rescheduling of the hearing for good cause.
  - d. To be accompanied by an advisor of the victim's choosing during the hearing process, although the advisor will not be permitted to speak for the victim during the hearing.
  - e. To testify as a witness during the hearing.
  - f. To decline to testify, with knowledge that such action could result in dismissal of the University's charges for lack of evidence.
  - g. To submit a written impact statement to the hearing panel for consideration during the sanctioning phase of the disciplinary process.

#### **F. Retention of Records**

Disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's confidential disciplinary record. After five (5) years, a student's confidential disciplinary record will be expunged of disciplinary actions other than residence hall expulsion, University suspension or University expulsion. A student may request after graduating to have his or her disciplinary record expunged upon application to the Office of Student Judicial and Ethical Programs.

### **VIII. DISCIPLINARY SANCTIONS**

The following sanctions may be imposed upon any student found responsible for violating the Code of Student Conduct:

- a. **Warning** - A notice in writing to the student that he/she is violating or has violated institutional regulations.
- b. **Probation** - Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found responsible for violating specific and/or any institutional regulation(s) during the probationary period.
- c. **Loss of Privileges** - Denial of specified privileges for a designated period of time. Loss of privileges may include, but will not be limited to, denial of the right to represent the University (as a member of an athletic team or in scholastic competition, for example ), a denial of the use of campus facilities, a denial of parking privileges, a denial of participation in extracurricular activities, etc.
- d. **Fines** - Cases involving a violation of the University's alcohol and drug regulations are subject to fines in the following amounts may be imposed:

1. First offense: \$50.00
2. Second offense: \$100.00
3. Third offense: \$125.00

All funds from fines will be used to support the University's alcohol and drug education and awareness programs.

- e. Restitution - Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
- f. Discretionary Sanctions - Work assignments, service to the University or other related discretionary assignments (such assignments must have the prior approval of the Judicial Officer).
- g. Residence Hall Suspension - Separation of the student from the residential hall facilities for a definite period of time, Conditions for readmission may be specified.
- h. Residence Hall Expulsion - Permanent separation of the student from the residence halls.
- i. University Suspension - Separation of the student from the University for a definite period of time. Conditions for readmission may be specified.
- j. University Expulsion - Permanent separation of the student from the University.
- k. Interim Suspension - In certain circumstances, the Vice President of Student Affairs or the Judicial Officer may impose a University or residence hall suspension prior to the hearing before a judicial body.
  1. Interim suspension may be imposed only: a) to ensure the safety and well-being of members of the University community or the preservation of University property; b) to ensure the student's own physical or emotional safety; or c) if the student poses a substantive threat of disruption of or interference with the normal operations of the University. In cases involving an interim suspension, the hearing will be scheduled within ten (10) days of the first day of the suspension.
  2. During the interim suspension, students shall be denied access to the residence halls and/or to the campus (including classes) and/or all other University activities or privileges for which the student might otherwise be eligible, as the Vice President of Student Affairs or the Judicial Officer determines to be appropriate.

If after a finding of a violation of the Code of Student Conduct, the judicial body determines that the violator intentionally selected the person or organization against whom the violation was committed, or selected the property that was damaged, because of the race, gender, religion, sexual orientation, national origin or ancestry of that person or persons in the organization or the owner or occupier of that property, the judicial body may impose a more serious sanction.

## IX. APPEALS

- a. A decision reached by a judicial body and sanction imposed may be appealed by accused students to the University Appeals Committee within five (5) class days of notification of the decision. Such appeals must be in writing and shall be delivered to the Office of Student Judicial and Ethical Programs.
- b. The University Appeals Committee is a standing committee of the University. There must be at least five (5) members of the committee present, including one chairperson, to constitute a quorum and to hear appeals unless a student voluntarily and knowingly waives the right to a quorum. The Committee shall limit its consideration of the appeal to the issues put forth in the written appeal and may not consider issues

outside the scope of the written appeal. In addition, the Committee, at its discretion, may ask both sides to make an oral presentation before the Committee. The appellee (or student) shall have no right to appear before the Committee without being requested to do so by the Committee.

- c. The Office of Student Judicial and Ethical Programs shall prepare a summary of the proceeding before the original hearing body that may be considered by the University Appeals Committee. The appealing student shall have a right to review the summary and submit a response challenging any statements in the summary. At the request of the Chair of the Committee, the Judicial Officer or his or her designee may attend a hearing of the University Appeals Committee to answer any questions concerning procedure at the original hearing.
- d. Except as stated in Article “c” and as required to explain the basis of new evidence, an appeal shall be limited to review of the record of the initial hearing and/or supporting documents for one or more of the following purposes:
  1. To determine whether the original hearing was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures giving the accused student a reasonable opportunity to prepare and to present a rebuttal of those allegations.
  2. To determine whether the sanction(s) imposed were appropriate for the violation of the Code of Student Conduct which the student or organization was found to have committed.
  3. To consider new evidence, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such evidence and/or facts were not known to the person appealing at the time of the original hearing.
- e. The University Appeals Committee, after granting the petition for appeal, shall have the authority to:
  1. Uphold the decision of the hearing body, including any sanction(s);
  2. Uphold the decision of the hearing body, but impose a lesser sanction;
  3. Remand the case to the hearing body for further consideration on the specific issues; or
  4. Reverse the decision of the hearing body.
- f. A student may petition the President for review of the appropriateness of any determination of any judicial hearing body, which has been affirmed or sustained by the University Appeals Committee, including those sustained with modification by the University Appeals Committee, within five (5) working days of notice of the decision of the University Appeals Committee.

## **X. STUDENT ORGANIZATION DISCIPLINARY PROCEDURES**

### **A. Scope of Regulations**

Student organizations are subject to jurisdiction of the University’s judicial system if an alleged violation of the rules and regulations of the University, local, state or federal law or one or more of the following is substantiated.

1. One or more members of the organization commit the alleged offense which is related to the organization.
2. One or more members of the organization commit the alleged offense and organization funds are used to finance the venture.
3. The organization fails to cooperate in the investigation of one or more individual offenders who are members or guests of the organization.

4. The alleged offense occurs in connection with an organization sponsored function. Organizations that violate their governing body rules and regulations will be subject to disciplinary action from their appropriate governing body or judicial branch. In the event no governing body exists for the organization, the Student Government Court will conduct a hearing.

#### **B. Initial Action**

1. Violations of University policy shall be reported to the Office of Student Judicial and Ethical Programs. Violations involving organizational governing body rules shall be reported to the Office of Student Involvement and Leadership or the appropriate council and/or advisor.
2. A preliminary conference with organizational officers will be held within 10 class days to determine if formal disciplinary action is warranted by the Office of Student Judicial and Ethical Programs or the Office of Student Involvement and Leadership or his or her designee. Allegations of violations should be reported in writing as soon as possible, preferably within 10 class days of the alleged infraction(s).
  - a. During the preliminary conference, organizational leaders will be allowed to provide their version of the alleged violation and to review and discuss their rights and responsibilities.
  - b. Failure of officers to appear at a conference or formal hearing shall in itself constitute a violation of the Code and may result in a decision being rendered without the input from organizational members.

#### **C. Interim Suspension**

The Associate Dean for Student Judicial and Ethical Programs may suspend on an interim basis any or all of the activities of a student organization while the organization is under investigation or engaged in the disciplinary hearing process for alleged violations of University rules and regulations. Student organizations are subject to interim suspension under one or more of the following conditions:

1. When the continued activity of the organization poses a threat of further violations of University rules or regulations and/or state or federal law.
2. When the continued activity of the organizations poses a threat or the creation of a condition, which endangers the health, safety, or property of the University or members of the University community.
3. When the continued activity of the organization poses a threat to disruption of or interference with the normal operations of the University.

Organizations that violate their governing body rules and regulations will be subject to disciplinary action from their appropriate governing body or judicial branch. In the event no governing body exists for the organization, the Student Government Court will conduct a hearing.

#### **D. Charges/Hearings**

1. All charges must be presented to the accused organization in writing. Written notices will be mailed or hand delivered to the organization's address on file with the Office of Student Involvement and Leadership.
2. Hearings by the appropriate committee should be conducted within 10 class days after an organization has been charged with a violation(s) of University or organizational governing body rules.

3. Organizations shall be notified of the alleged charge(s) in writing, a minimum of five (5) days prior to the hearing.
4. Organizations can choose to have their case determined by a hearing before an Administrator.

#### E. Appeals

1. Appeals involving University violations should be submitted to the Assistant Vice President for Student Affairs/Dean of Students. Appeals involving organizational governing body rules should be submitted to the appropriate governing body.
2. Appeals must be submitted in writing to the appropriate office within five (5) class days of the receipt of the determination.
3. The Assistant Vice President for Student Affairs/Dean of Students and the appropriate governing body will have 10 working days to respond to the appeal.
4. Grounds for appeals are limited to newly discovered evidence that was not presented at the hearing or if the evidence could not have been discovered prior to the hearing, procedural errors, or that the sanction is disproportionately severe. After granting the petition for appeal, the Assistant Vice President for Student Affairs/Dean of Students and the Associate Dean for Student Involvement and Leadership shall have the authority to:
  - a. Uphold the decision of the hearing body, including any sanction(s).
  - b. Uphold the decision of the hearing body, but impose a lesser sanction.
  - c. Remand the case to the hearing body for further consideration on the specific issues.
  - d. Reverse the decision of the hearing body.

#### F. Sanctions for Student Organizations

1. **Educational Sanctions.** Sanctions specified by the Associate Dean including, but not limited to, alcohol awareness programs, risk management programs, community service, letters of an apology, education workshop, essays or research papers.
2. **Written Reprimand.** A written statement of disapproval delivered to the organization.
3. **Restrictions.** Restrictions of some or all of the organization's activities or privileges including, but not limited to, social and recruitment privileges.
4. **Community Service.** Assignment to work a specific number of hours at a community service agency designated by the Associate Dean.
5. **Probated Suspension.** Warning that a finding of responsibility for violations of the University's Code of Student Conduct will result in suspension.
6. **Suspension of Registration.** Temporary severance of the organization's relationship with the University for a specific period of time. The period of time of the suspension and any requirement imposed must be satisfied prior to re-registration. All conditions of reinstatement must be specified in the organization's decision letter.
7. **Expiration of University Recognition.** Permanent severance of the organization's relationship with the University.  
If an alleged violation may result in suspension of registration or expulsion of University recognition, an organization may request a hearing conducted in accordance with the contested case provisions of the Tennessee Uniform Administrative Procedures Act.

## **SEXUAL ASSAULT**

### **What Acts are considered sex offenses?**

According to Tennessee law, sex crimes involve the use of force or coercion to sexually touch or sexually penetrate the victim's body. Threats of death or use of a weapon increases the severity of legal charges. Sex crimes can be prosecuted even if the victim knew the attacker, the victim did not fight back, the victim had sex with the attacker before being raped, or the victim was drunk or unconscious.

### **What should I do if I'm sexually assaulted?**

Seek medical attention immediately. Do not shower, change clothes or disturb the scene of the attack. Go to the emergency room or call the Memphis Sexual Assault Resource Center (272-2020). Ask a friend to go with you, if possible. Medical personnel will treat the physical consequences of assault, such as injury, infection, disease and pregnancy. They can collect evidence that will be needed if you report the crime. They are required to contact local law-enforcement agencies; however, you may choose whether to speak with police personnel. You may choose to report the crime through several means.

Individuals at the Memphis Sexual Assault Resource Center (272-2020), the Office of Student Judicial and Ethical Programs (678-2298), Police Services (678-4357), or the Center for Student Development counselors (678-2068) can talk with you about your decision to report the crime, help you find the resources you need, and respond to requests to change your academic or living situation because of the attack. Several community counseling services available to victims of sexual assault are listed in the Memphis Yellow Pages, under "Counseling". Remember, there is no shame in being raped. Whether or not legal charges are filed, students accused of sexual abuse or assault are subject to disciplinary actions from the University, including suspension or other sanctions deemed appropriate. Both the accuser and the accused are entitled to have an advisor present during the disciplinary proceedings, and both will be informed of the outcome of the proceedings.

### **How does the University educate students and staff about sex offenses?**

The offices and agencies listed above have information or referrals for rape awareness and prevention. In addition, the Center for Student Development, Student Health Services, and the Crime Prevention Unit of Police Services offer workshops, speakers, and programs on sexual assault education; participate in the Sexual Assault Awareness and Prevention and Campus Acquaintance Rape Education Programs; provide counseling for students; and distribute brochures on dating.

## **MEDIATION**

### **Purpose**

The mediation process provides an alternative to the formal hearing process. It is intended to allow the two people involved in an alleged sexual assault to discuss their respective understandings of the incident with the assistance of a trained mediator. Mediation is designed to encourage each person to speak directly with the other and to accept personal responsibility where appropriate. Its goal is to facilitate the resolution of the incident to the satisfaction of both persons involved.

### **Filing a Complaint**

Any student considering herself or himself a victim of sexual assault by another student at The University of Memphis may choose mediation as one alternative for confronting an alleged perpetrator. Requests for mediation should be filed with the Judicial Officer. Because both parties must voluntarily enter into mediation, the Judicial Officer will work with both parties to determine their willingness to participate in mediation and to verify that mediation is their choice among the alternatives provided by the University's student disciplinary system.

### **Assignment of a Mediator**

Once both parties have agreed to mediation, the Judicial Officer will assign an experienced mediator to the case. Either party may challenge the choice of a mediator for cause, and the Judicial Officer may then choose to assign a different mediator. The mediator will contact both parties to set the date, time, and location of the mediation session(s). The Judicial Officer will assign a mediator within two (2) weeks of the agreement to participate in mediation, and the mediation session(s) should be completed within three (3) weeks of the assignment of the mediator.

### **The Mediation Process**

The only parties who will be present at the mediation session(s) will be the two (2) persons directly involved in the incident and the mediator. During the mediation process the mediator will:

1. ask the parties to relate their respective versions of the incident in question, including both factual information and their feelings;
2. identify key issues that emerge in the first step and make these known to both persons;
3. seek the agreement of both parties on the issues as they have been identified or as they need to be modified;
4. facilitate discussion between the two parties to consider each issue more completely and generate solutions for each; and
5. work with both parties to develop a written document that will include a statement of agreement on each issue.

### **Mediation Outcome**

The statement of agreement shall become a part of the contract that both parties will sign at the completion of the mediation process. Any activity or behavior that either party has agreed to perform following the mediation shall be included in the contract. Any outcome of mediation must be agreed to by both parties. The contract shall be kept on file in the Office of Student Judicial and Ethical Programs. The signed agreement will be forwarded to the Judicial Officer for certification. Once approved, violation of the agreement by either party may result in the imposition of disciplinary sanction(s), including suspension from the University. If either party believes that the terms of the agreement have been violated, he or she may advise the Judicial Officer, and the Judicial Officer shall investigate the alleged violation. The student accused of the violation may request a hearing of the alleged violation before the Judicial Officer. If the alleged violation is proved, the Judicial Officer shall impose disciplinary sanction(s) against the violator.

### **Appeal**

Because participation in the mediation process is entirely voluntary and the final result is a product of mutual agreement, the outcome of mediation, including the terms of the mediation agreement, is not appealable. A finding of a violation of the mediation agreement is appealable to the University Appeals Committee pursuant to the procedure outlined in Section VII of the Code of Student Conduct.

### **Alternative Procedures**

If either party is dissatisfied with the mediation process at any step prior to the signing of a written agreement, that party may request that the mediation process cease. Once the mediation process for a particular incident has been discontinued, it cannot be reinitiated. The sexual assault charge may be pursued by the complainant within the University discipline system as provided for in the Code of Student Conduct.

**Confidentiality**

In order to promote honest, direct communication between the parties themselves and the mediator, and to facilitate the completion of agreed-upon terms, all information shared in the mediation process must remain confidential. In the event that a hearing is requested after some part of the mediation process has taken place, information disclosed during the mediation process may be admitted in the University's investigation or hearing processes only by the party who made the original disclosure. The Office of Student Judicial and Ethical Programs will maintain copies of the original complaint, the mediation agreement, and any documentation concerning completion of the original complaint, the mediation agreement, and any documentation concerning completion of the agreed-upon activities or behavior. Other records generated during the mediation process will be destroyed.