

2. University Response to Student Misconduct

This section summarizes some of the procedures for cases where misconduct has been reported. There are waiting period guidelines in the investigation/meeting/action processes to accommodate preparation of responses, scheduling hearings, etc. There is at least a week delay between the report of an incident and a scheduled hearing.

An incident can lead to student discipline for policy violations under Student Code of Rights & Responsibilities and/or Title IX and could also be a BIT case and a criminal case.¹ For example, student A hits student B, and the instructor observes the hit. If the hit rises to aggravated assault (e. g. use of brass knuckles) the instructor would need to notify the police. On the other hand, uncivil dialog, while distasteful, is not actionable.

The Office of Student Accountability may initiate the student conduct process on the basis of written allegations. Following a meeting with a student, a notice may be issued that the student violated behavioral expectations and responsibilities. The student may elect a formal hearing to contest a determination for misconduct and/or sanctions.

The Dean of Students can impose interim actions prior to the conclusion of the student conduct process. Examples include a no-contact directive, a disciplinary hold, and interim restrictions. If there is an immediate threat to the health or safety of any individual arising from allegations of misconduct as determined by a safety and risk analysis, a student may be removed on an emergency basis from the University.

Some faculty may be concerned about confrontation with a student in a hearing. As noted in the proposed revision of Student Code of Rights and Responsibilities¹ a student has the right to resolve allegations through a Student Conduct Board Hearing. Even though a student can name a Complainant as a hearing witness, only the Student Conduct Board (not the student or Complainant) may talk directly with a witness during a hearing, unless required by law. In situations where credibility is a factor and the respondent is at risk of removal, witnesses are subject to cross-examination facilitated by the respondent's advisor of choice, which could be an attorney.

3. Emergency Responses

Faculty who have been physically assaulted by a student, or believe it is eminent, should call University Police Services. (901-678-4357) or 911.

Police (x3848) or Tiger Patrol (X4663) can accompany faculty where safety is determined to be an issue.

Emergency issues (such as: suicidal student, active threat, possession of weapons, medical emergency, etc.) should be called into Law Enforcement/First Responders for immediate response and then followed up with a report to the University <https://www.memphis.edu/report/submit-a-report/>.

¹ The procedures are described in a revised Student Code of Rights and Responsibilities proposed by the Office of Student Accountability. Approved by the Faculty Senate, October 27, 2020. Note that both proposed and current codes have hearing processes and rules, and both could lead to the same outcomes.