



**Policy Title:** AA3035 - Student Criminal and Disciplinary History: Pre-Admission and Post Admission Review Policy

**Subject Area:** Student Affairs

**Responsible Official(s):** Dean of Students

**Responsible Office(s):** Office of the Provost

### **Policy Statement**

This policy is to protect students and the University community where admission of an applicant with a prior history of criminal behavior or disciplinary action for conduct may endanger the health, safety or welfare of others or interfere with the educational environment and mission of the University.

### **Definitions**

**Admissions unit** - the unit responsible for overseeing the applicable admissions process to University of Memphis for the respective program that the applicant has applied-, which for the undergraduate and graduate degree program and nondegree or noncredit programs is the Office of Admissions.

**Disciplinary Record** - all information about disciplinary outcomes taken against a specific student as a result of any violation of a school's code of conduct/rights and responsibilities.

**Law enforcement report** - the records of a law enforcement agency documenting an incident, arrest, or crime that typically include information about the date, nature, and persons involved in the underlying conduct.

**Responsive Action** - required actions which may include: 1) meeting with University of Memphis staff from the Office of Student Accountability or the Office for Institutional Equity, 2) training or educational participation, 3) drug, alcohol, forensic or other evaluation, 4) restriction from participation in campus activities (e.g., university housing or student employment), and/or 5) regulation of court compliance.

## **Policy**

The University of Memphis is committed to protecting the safety of students, employees, visitors, and all others who interact with the University. In order to promote this safety, and to the extent permitted by law, the University of Memphis reserves the right to deny or place conditions on admission, continued enrollment, or re-enrollment of applicants and participation in Campus Life, and use of University Housing by admitted students whose personal history and background, including their criminal or disciplinary record, indicates that their presence at the University may endanger the health, safety, welfare, or property of members of the academic community or interfere with the orderly and effective performance of the University's functions. Applicants to the University will be required to disclose information concerning disciplinary and criminal history instances on the application for enrollment. Admitted students must also make certain disclosures relating to such history. Representatives of the University shall identify and review all matters pertaining to such applicants and admitted students. As set forth below, a procedure will be followed in determining whether to approve or admit the applicant based on the information or place restrictions or conditions on an admitted student's participation in campus life.

## **Procedures**

### **Committee**

1. **Conduct Review Committee (CRC):** The University of Memphis will have a standing committee co-chaired by the Dean of Students and the Assistant Vice Provost Strategic Enrollment Management and its members include representatives from the following: University Police, Housing and Residence Life, UofM Global and the College of Professional & Liberal Studies, the Graduate School, the Office for Institutional Equity, and Student Accountability.

### **Pre-Admission and Post-Admission Review and Determination Procedures**

1. **Application Disclosure Questions:** To implement the policy's requirement that applicants disclose criminal and disciplinary history on the application, the CRC drafts and updates, as needed, questions on the application and supplemental forms for applicants to make such disclosures.
2. **Admissions Unit Academic Admissibility Determination:** Prior to any consideration of criminal or disciplinary history, the application will be reviewed by the applicable admissions unit to determine if the applicant is academically eligible for admission. After the admissions unit determines that an applicant is academically eligible, the application will go through the review process as provided below.
3. **Affirmative Responses to Application Questions:** If an applicant responds "yes" to any of the questions on the application, the following apply:

- a. *Supplemental Information:* If not already included in the application, the admissions unit will notify the applicant that they are required to provide a factual explanation regarding the underlying incident(s) for both criminal and disciplinary history responses and provide any relevant documentation, including a document from the institution detailing factual findings (for disciplinary history), the law enforcement report(s) and court record reflecting the conviction (for criminal history), and any other information the applicant would like considered. For information pertaining to criminal history, a form titled Criminal History Supplement Form will be provided to the applicant (Supplemental Form). The Supplemental Form may be included in the application. For applicants applying using the Common Application, the admissions unit will provide the applicant with the Supplemental Form.
  - b. *Applicant Responsibilities:* The applicant must provide accurate and thoroughly responsive information to the admissions unit and the CRC in a timely manner, as requested. Failure to do so may jeopardize eligibility for admission.
  - c. *Admissions Unit Preliminary Review:* A representative from the admissions unit will initially review the applicant's application and submitted supplemental information.
    - i. If the representative determines that the applicant answered "yes" to the criminal or disciplinary history questions in error by providing criminal or disciplinary history information other than what was requested on the application, the unit may determine the applicant as eligible for admission and post the decision accordingly.
    - ii. If the representative does not determine that the applicant answered "yes" in error, then the admissions unit representative will forward the applicant's application and supplemental information to the co-chairs of the CRC for review.
  - d. *Inquiry:* At any time, the CRC may request additional information from the applicant or from third parties.
  - e. *Individualized Review:* The CRC will perform an initial review of the application and supplemental information and consider:
    - i. The nature and gravity of the criminal and disciplinary history;
    - ii. The time that has passed since the criminal and disciplinary history;
    - iii. The age of the applicant at the time of the underlying conduct; and
    - iv. Any evidence of rehabilitation or good conduct produced by the applicant.
    - v. The benefit to the applicant in participating in campus life.
4. *Determination:* If CRC review finds the totality of the information responsive to the factors considered in the individualized review that the applicant's criminal and disciplinary history poses an unreasonable risk to the safety or security of the campus community, the CRC will determine that the applicant is not eligible for admission, and University of Memphis will deny admission to the applicant. If the CRC determines the applicant would be eligible for admission with certain conditions met, the CRC may

grant conditional admission on the applicant's compliance with responsive action specified by the CRC.

- a. *Notification of Determination:*
    - i. *Not Eligible for Admission:* If the CRC determines that the applicant is not eligible for admission, the respective admissions unit will deny admission and send notification to the applicant.
    - ii. *Eligible for Admission:* If the CRC determines that the applicant is eligible for admission, the respective admissions unit will update the applicant's admission application and post the decision accordingly.
    - iii. *Conditional admission:* If the CRC determines that the applicant's eligibility for admission is conditional based on the applicant's compliance with responsive action specified by the CRC, the admissions unit will update the admission application and notify the applicant accordingly.
  - b. *Timeline:* The review process will be completed within a reasonable period of time and may take 2-4 weeks following the CRC receiving all necessary supplemental information. This timeline may be extended if additional information is pending from the applicant or third parties or in other circumstances of worthy cause as determined by the University of Memphis. If the timeline is extended, the CRC or co-chair will notify applicants of the updated timeline for review.
5. *Housing and Residence Life:* In the CRC review for campus life participation, the CRC will determine applicants and students who are required to register as sex offenders as not eligible to participate in student housing and encourage off campus housing, absent rare, extenuating circumstances provided by the applicant or student. Applicants or students who are required to register as sex offenders who believe they have qualifying circumstances must submit a university housing request to the CRC by sending an email to [conductreviewcomm@memphis.edu](mailto:conductreviewcomm@memphis.edu) along with all information that the student or applicant would like considered. Unless the applicant or student has clearly demonstrated that there is not an unreasonable risk to the safety or security of the University of Memphis housing environment, the CRC will deny the request. This decision is final and not subject to appeal.
6. *Review of New or Updated Criminal or Disciplinary History:*  
Under the policy, applicants are required to promptly update their pre-admission and post-admission disclosures with any new or updated criminal or disciplinary history or other responsive information that occurs during the time after they apply but before they are attending. Applicants must disclose such new or updated information to the admission unit by sending an email to [conductreviewcomm@memphis.edu](mailto:conductreviewcomm@memphis.edu) within ten days of the change occurrence.

## **Appeals**

1. **Scope and Grounds:** An applicant or student may appeal any of the following CRC or co-chair determinations: not eligible for admission; revocation of admission; conditional admission; or responsive actions. Such appeal must be based on one or both of the

following grounds:

- a. The established procedures were not followed significantly, and the CRC's decision resulted in a material error to deny or condition admission.
  - b. New and material information that was not available at the time of the committee's decision has become available.
2. Request Submission: To request an appeal, the applicant or student must submit a request to [conductreviewcomm@memphis.edu](mailto:conductreviewcomm@memphis.edu) within 30 calendar days of the date of the original decision, stating the grounds for the appeal pursuant to above, the resulting action requested, and any and all supporting information for the request. This request will be sent to the Vice President for Enrollment Management or designee.
  3. Review and Determination: If the applicant or student submits an appeal form in accordance with the requirements herein, the Vice President for Enrollment Management or designee shall confirm whether there are applicable grounds for an appeal. If either or both grounds apply, the appeal officer will review and determine the appeal. The appeal determination shall be based on the record of documents provided by the applicant and the CRC. All new information requested to be considered must be submitted by the applicant with the appeal submission. Failure to provide adequate and timely information may result in denial of an appeal request. The Vice President for Enrollment Management or designee can consult with appropriate campus administrators including but not limited to the co-chairs of the CRC.
  4. Resulting Actions: The Vice President for Enrollment Management or designee may take any of the following actions:
    - a. Affirm the initial determination imposed by the CRC;
    - b. Reverse the decision made by the CRC and grant admission with no conditions;
    - c. Reverse the decision made by the CRC and grant admission with conditional admission or responsive actions; or
    - d. Modify the terms of the conditional admission and/or responsive actions determined by the CRC.

#### **Failure to Disclose Review and Enforcement Procedures**

1. Inquiry: If the University of Memphis discovers that a student may have failed to disclose criminal or disciplinary history, the CRC co-chairs will further inquire by contacting the applicant. The applicant must respond within ten days and either confirm or deny whether there is criminal or disciplinary history, and if there is, disclose such information in accordance with the policy. The University of Memphis may address a student's failure to respond under the Student Code of Rights and Responsibilities through the Student Accountability Office.
2. Pre-Attendance Review: Prior to the applicant's attendance, any previously undisclosed criminal or disciplinary information that is confirmed by the student or otherwise corroborated by supporting information, will be reviewed in accordance with the above

review procedures, as applicable.

- a. If after pre-admission review, it is determined that the student is not eligible for admission, the University of Memphis will notify the applicant that their admission is revoked, and the applicant will be required to withdraw from any registered courses.
  - b. If after pre-admission review, it is determined that the student is eligible for admission, with or without conditions, The University of Memphis may review the applicant's failure to disclose under the Student Code of Right and Responsibilities through the Office of Student Accountability.
  - c. Regardless of the determination after a post-admission review, the University of Memphis may review the applicant's failure to disclose under Student Code of Rights and Responsibilities through the Office of Student Accountability.
3. Post-Attendance Review: After the applicant's attendance as a student, any previously undisclosed criminal or disciplinary information that is confirmed by the student or otherwise corroborated by supporting information, will be reviewed under the Student Code of Rights and Responsibilities through the Office of Student Accountability.
4. Students with New Charges or Conviction: The University of Memphis may address under the Code Student Rights and Responsibilities any student with new criminal charges or a new conviction for conduct that occurred prior to applying, regardless of the timing of the charges or conviction. If such charges or conviction is for conduct other than that which University of Memphis could have considered under the policy for purposes of admission, the University of Memphis will not use it as the sole basis to expel or revoke the admission of the student from the University of Memphis.