



THE UNIVERSITY OF
MEMPHIS®

Code of Student
Rights and
Responsibilities

Table of Contents

I.	INSTITUTIONAL POLICY STATEMENT	3
II.	DISCIPLINARY OFFENSES	4
	Definitions	4
	Disciplinary Authority	6
	Prohibited Conduct	7
III.	ACADEMIC & CLASSROOM MISCONDUCT	16
	Disruptive Behavior in the Classroom	16
	Academic Integrity Policy	16
	Appeals of Academic Integrity Policy Violations	18
IV.	DISCIPLINARY SANCTIONS	19
	Sanctions	19
	Parental Notification Policy	22
V.	DISCIPLINARY PROCEDURES	22
	University Discipline Process	22
	Interim Suspension	26
	Appeals	26
	Petitions for Readmission	27
	Victim Rights	28
	Behavioral Intervention Team (BIT)	29
	Retentions of Records	30
	Effect of Non Cooperation	30
	Student Organization Disciplinary Procedures	30

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 the student or organizational discipline process 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 Judicial and Ethical Programs (JEP), specifically the Associate Dean of Students for Judicial and Ethical Programs, as the coordinator of the University discipline process. The Associate Dean of Students for Judicial and Ethical Programs 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 Associate Dean of Students for Judicial and Ethical Programs shall also be charged with the implementation of policies and procedures for the administration of judicial investigations, hearings and appeals.

(4) For the purpose of these policies, a “student” shall mean any person who is admitted and/or registered for study at the University of Memphis 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 University. Finally, "student" shall also include any person subject to a period of suspension or removal from campus as a sanction which results from a finding of a violation of the University's policies governing student conduct. Students are responsible for compliance with University policies at all times.

(5) Disciplinary action may be taken against a student for violation of policy which occurs on University owned, leased or otherwise controlled property, while participating in international or distance learning programs, and off campus, when the conduct impairs, interferes with, or obstructs any University activity or its mission, processes, and functions.

(6) This policy, and related material incorporated herein by reference, is applicable to student organizations as well as individual students. Student organizations are subject to discipline for the conduct and actions of individual members of the organization while acting in their capacity as members of, or while attending or participating in any activity of, the organization.

(7) 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.

II. Disciplinary Offenses

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

- (1) "University" refers to The University of Memphis.
- (2) "Student" is defined in the previous section of this document (see number 3 above).
- (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) "Judicial Body or Judicial Board" refers to any group of faculty and/or students authorized by the University to determine whether a student or organization has violated the Code of Student Rights and Responsibilities.
- (13) "Hearing Body" refers to any University official or group authorized by the University to determine whether a student or organization has violated the Code of Student Rights and Responsibilities.
- (14) "Appeal Body" refers to any University official or group authorized by the University to hear appeals of decisions implemented by a hearing body.
- (16) "Appellant" refers to a student or organization who is appealing the decision of a hearing body.
- (15) "Shall," "should," and "will" 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 Judicial and Ethical Programs 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.

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’s continued presence on campus is determined to be a significant danger to the University community.
- (2) Associate Dean of Students for Judicial and Ethical Programs- The Associate Dean of Students for Judicial and Ethical Programs is the primary Discipline Officer for the University of Memphis. The Associate Dean administers the student and organizational disciplinary processes at the University and serves as the executive administrator for all hearing bodies 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 Academic Integrity Committee decisions in academic integrity matters. The UCSC also serves as an appeal body for instructor decisions to permanently remove a student from the classroom for inappropriate behavior.
- (4) Academic Integrity Committee- The Academic Integrity Committee adjudicates Academic Integrity 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 a sovereign body in response to 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 in the University community or themselves.

- (7) Tennessee Uniform Administrative Procedure Act (TUAPA) - Disciplinary charges that may result in suspension or expulsion 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) Disciplinary measures shall be imposed, through appropriate due process procedures, for conduct which adversely affects the University's pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property or persons on property owned or controlled by the University.
- (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 Self or 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 and/or verbal abuse, including, but not limited to actions causing bodily harm to another person, actions meant to provoke conflict with another person, or reckless disregard for the health, safety and welfare of any person,
 - (2) Threats and/or intimidation, including, but not limited to any threat or physically threatening behavior which causes a reasonable fear for a person's safety or engaging in behavior which is so persistent, pervasive, or severe as to deny a person's ability to participate in the University community,
 - (b) Hazing. 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 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 emergency 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 Sale 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, in connection with a student's admission, enrollment or status in the University. 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. Any possession of or use of firearms, ammunition, dangerous weapons of any kind, or replica/toy guns (e.g., BB guns, pellet guns, paintball guns, water guns, cap guns, 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 property or possession of any substance which could be considered to be and used as fireworks;

(j) Alcoholic Beverages. The use and/or possession of alcoholic beverages on institution owned or controlled property. This offense includes the violation of any 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) The intentional or unintentional furnishing or sale of alcohol to any person under the age of 21,
- (3) Consumption of alcoholic beverages associated with disruptive behavior,
- (4) Possession or use of false forms of identification to enter a liquor establishment or to procure alcoholic beverages,
- (5) Use of alcohol resulting in incapacitation that requires hospitalization or the recommendation of medical personnel that hospitalization occur,
- (6) Driving under the influence of alcohol.

(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 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,

(l) Drug Paraphernalia. The use or possession of equipment, products or materials that are used or intended for use in the unlawful manufacturing,

growing, using or distributing 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;

(n) Gambling. Unlawful gambling in any form;

(o) Financial Irresponsibility. Failure to meet financial responsibilities to the University promptly 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 an official institutional publications, including the intentional failure to perform any required action or the intentional performance of any prohibited action;

(t) Attempts, Aiding and Abetting. Any attempt to commit any of the offenses listed under this section or the aiding or abetting of the commission of any of the offenses listed under this section (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. The University of Memphis defines sexual misconduct as any sexual activity that does not involve the knowing consent of each individual. The University defines consent as informed, freely and actively given, mutually understandable words or actions which indicate a willingness to participate in mutually agreed upon sexual activity. Consent is not effective if it results from force, threats, intimidation or coercion. In addition, to engage in sexual activity with someone known to be unable to give consent is a violation of this policy (e.g. an intoxicated person, a person who is incapacitated, or a person with a mental or emotional impairment). Prohibited behavior under this policy includes but is not limited to:

- (1) Any form of sexual penetration without consent,
- (2) Any intentional touching or fondling, direct or through clothing, of the sex organs, buttocks, or breasts for the purpose of sexual gratification,

- (3) Indecent exposure with sexual intent,
- (4) Sexual harassment (see UM 1391 in University Policies and Procedures available at:
<http://policies.memphis.edu/umpolicies.asp?>)
- (5) The use of e-mail, text message, phone, or other forms of communication to send unwelcomed sexually explicit materials.

(x) Harassment, Stalking or Retaliation. Any act by an individual or group against another person or group in violation of TBR policies (5:01:02:00, 2:02:10:01 and TBR Guideline P-080), University of Memphis policies, as well as federal and/or state laws prohibiting discrimination. Specifically, harassment is considered to be conduct based on a person's race, color, religion, creed, ethnic or national origin, sex, sexual orientation, gender, disability, age, status as a veteran, or genetic information 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 or creates a hostile or abusive environment, or (c) is used as a basis or factor in a decision that tangibly affects employment, education, participation in educational activities or living environment.

(y) 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,
- (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.

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

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

(bb) 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.

(cc) 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.

(dd) Unauthorized Access to University of Memphis Facilities and/or Grounds. Any unauthorized access and/or occupancy of institutional facilities and grounds is prohibited, including, but not limited to, gaining access to facilities and 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 when the student has no legitimate reason to be present;

(ee) 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 men's or women's restrooms, and storing, sharing, and/or distributing of such unauthorized recordings/images by any means;

(ff) Smoking Violations. Violation of any University or TBR smoking or other tobacco use rules or policies.

(gg) 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 or any other fire safety equipment (or apparatus pertaining to such equipment),
- (2) Violation of 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.

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., repeated outbursts from a student which disrupt the flow of instruction or prevent concentration on the subject taught, failure to cooperate in maintaining classroom decorum, etc.), text messaging, and the continued use of any electronic or other noise or light emitting device which disturbs others (e.g., disturbing noises from electronic devices).

(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 effected only through appropriate procedures of the institution. The instructor may also report incidents of classroom misconduct to the Office of Judicial and Ethical Programs 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 Associate Dean of Students for Judicial and Ethical Programs 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 the decision to permanently remove the student from the class.

(3) The Office of Judicial and Ethical Programs 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 present 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 Judicial and Ethical Programs (JEP).
- (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 is suspension or expulsion from the University, the student will have the choice to appeal the decision 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. 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 review meeting. The Office of Judicial and Ethical Programs will then schedule an appeal hearing before the Academic Integrity Committee. The appeal hearing will be conducted pursuant to paragraph (11) set forth in Disciplinary Procedures contained below.
- (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 Judicial and Ethical Programs will then schedule an appeal hearing before the University Committee on Student Conduct. The appeal hearing will be conducted pursuant to paragraph (11) set forth in Disciplinary Procedures 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.

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/Reprimand.** The appropriate hearing body may notify a student or student organization that continuation or repetition of specified conduct may be cause for further disciplinary action. A warning/reprimand will remain in the student's disciplinary file for a period of one year from the issuance of the sanction and would be used as a basis for future sanctioning should further violation(s) of Code of Student Rights and Responsibilities occur in that period;
- (b) **Censure.** A censure may be given to any student or student organization whose conduct violates any part of these regulations and provides notice that any further violation(s) will result in more serious penalties. A censure will remain in the student's disciplinary file until graduation from the issuance of the sanction and would be used as a basis for future sanctioning should further violation(s) of Code of Student Rights and Responsibilities occur in that period;
- (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 in further violation of these policies while on probationary status or the failure to comply with the terms of the probationary period may result in the imposition of further disciplinary action;
- (d) **Suspension.** Suspension involves the separation of a student or student organization from the University for a specified period of time. Suspension and Dismissal may be accompanied by special conditions for readmission or recognition. 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 Associate Dean for Judicial and Ethical Programs (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 of these policies should not be affected until a final determination 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 constitutes an immediate threat to the physical safety and well-being of the accused, any other member of the University, its guests, property, or substantial disruption of classroom or other campus activities. The authority for interim suspension exists independently of the jurisdiction of the Office for Judicial and Ethical Programs 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 interim suspended from the University of Memphis must submit a written request to the Dean of Students (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 [see Disciplinary Procedures, Interim Suspension];
- (f) Revocation of Admission, Degree, or Credential;
- (g) Service to the University or Community. A student, or student 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;
- (h) Restriction. A restriction upon a student's or student 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;
- (i) Specified Educational/Counseling Program. A student or student 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;

- (j) Apology. A student or student organization may be required to apologize to an affected party, either verbally or in writing, for the behavior related to a disciplinary offense;
 - (k) Fines. Penalties in the form of fines may be imposed against a student or student 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;
 - (l) 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);
 - (m) 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;
 - (n) 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 student 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;
 - (o) Other educational conditions and/or sanction(s) deemed appropriate by the disciplinary hearing body charged with the adjudication of an alleged disciplinary violation.
- (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) A student alleged to have violated the University of Memphis Code of Student Rights and Responsibilities will be given notice of the alleged violation 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.
- (2) All matters involving allegations of impermissible sexual discrimination or harassment (including but not limited to sexual violence), or retaliation will be governed by the procedures outlined in TBR Guideline P-080 [Discrimination and Harassment- Compliant and Investigation Procedure] and/or University policy that reflects the requirements of that Guideline.
- (3) The charge letter will generally direct the respondent to contact the Office of Judicial and Ethical Programs to arrange an appointment to meet with a University Hearing Officer.
 - (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.
 - (b) If a respondent fails to make an appointment with the Hearing Officer in a timely manner, a disciplinary hold will be placed on the student’s University accounts.

- (4) During this meeting, the charged student 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, including witness statements pertaining to the matter in question.
- (5) The charged student 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) After meeting with the respondent, the Hearing Officer will identify potential witnesses or victims necessary to conduct a thorough investigation of the alleged violation. After gathering all pertinent information, the Hearing Officer will determine whether sufficient information exists to continue with the University disciplinary process. The standard used in determining responsibility for alleged violation(s) of the Code of Student Rights and Responsibilities shall be a preponderance of the evidence.
- (8) In the event that the Hearing Officer determines that sufficient information exists for the disciplinary process to continue, the Associate Dean of Students for Judicial Affairs (or designee) will determine: (a) if the alleged misconduct would warrant consideration of suspension or expulsion of a student 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 or expulsion of the offending student or organization:
 - (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).
 - (b) A student or organization may elect to waive a hearing pursuant to the Tennessee Uniform Administrative Procedures Act (TUAPA) in accordance with the Board's uniform contested case procedures and have the charge(s) against him/her disposed of before an appropriate University Hearing Body in accordance with the University Disciplinary Procedures.
 - (c) A student or organization may accept the sanction imposed by the Hearing Officer and waive all rights to appeal.

- (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 <http://tbr.edu/policies/default.aspx?id=4886>]
- (11) If a student or organization subject to a sanction of suspension waives the option of a TUAPA hearing and elects a hearing before the appropriate University Hearing Body, the following institutional hearing procedures shall be observed:
- (a) The respondent shall be advised in writing of the time and place of the hearing at least five (5) business days in advance of the hearing.
 - (b) The respondent shall be advised in writing of the alleged violation(s) of the University of Memphis Code of Student Rights and Responsibilities.
 - (c) The respondent shall be advised in writing of the following rights:
 - (1) The right to present his/her case;
 - (2) The right to be accompanied by an advisor whose participation shall be limited to advising the respondent. The respondent may also be accompanied by legal counsel; however, counsel's participation shall be limited to directly advising the student, i.e., legal counsel may not conduct direct or cross-examination, make opening or closing statements, or engage in argument. The respondent may be accompanied by more than one advisor at the discretion of the adjudicating officer or body. The intent of the respondent to be accompanied by an advisor or counsel shall be indicated to the judicial coordinator in writing prior to the disciplinary conference;
 - (3) The right to call witnesses on his/her behalf. It is the respondent's responsibility to contact his/her witnesses and inform them of the hearing unless the witness is also a university witness. University witnesses are contacted by the Office of Judicial Affairs and Mediation Services;
 - (4) The right to be present for all witness testimony and to question witnesses;
 - (5) The respondent shall be advised in writing of the Hearing Body's decision and of the method of appeal (if applicable).

- (12) A student subject to suspension may choose to have the Associate Dean of Students for Judicial and Ethical Programs (or designee) adjudicate the case. The following conditions must be met, however:
- (a) The student waives his or her right to have the case heard pursuant to the TUAPA.
 - (b) The Associate Dean of Students for Judicial and Ethical Programs (or designee) consents to adjudicate the case.
 - (c) The student is willing to accept the University's adjudication through the processes outlined in the University Code of Student Rights and Responsibilities.
- (13) Students who are subject to imposition of disciplinary sanctions other than suspension will be accorded a disciplinary hearing with a University Hearing Officer. The following procedural protections will be afforded the student during a disciplinary hearing:
- (a) The student shall be advised of the breach of regulations of which he or she is charged.
 - (b) The student shall be given an opportunity to identify relevant witnesses and present evidence on his or her behalf.
 - (c) The student may be accompanied by an advisor of his/her choice.
 - (d) The student 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.
- (14) All hearings shall be closed unless the respondent and the complainant both elect in writing to have an open hearing.
- (15) Formal rules of evidence shall not be applicable. The adjudicating body may exclude evidence which in its judgment is immaterial, irrelevant, or unduly repetitious.
- (16) If, at the conclusion of the disciplinary hearing, 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 Body 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 Body may find a respondent not in violation in instances where it believes that no violation of the Code of Student Rights and Responsibilities exists.

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 earlier in 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 elects to contest the interim suspension, the Office for Judicial and Ethical Programs will then be responsible for scheduling a hearing before the appropriate hearing body within (10) business days of the interim suspension going into effect. This hearing will follow regular University procedures. However, 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).

Appeals

- (1) A student found in violation of the Code of Student Rights and Responsibilities shall have the right to appeal the decision of a Hearing Body. 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 body 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.
- (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 committee at the time of the appeal hearing. A representative of the original Hearing Body will also prepare a statement for consideration by the Appeal Body. Appeal hearings are conducted in private and are not open to the respondent.
- (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 of the University of Memphis Code of Student Rights and Responsibilities previously made by the Hearing Body shall be the preponderance of the evidence and the charged student bears the burden of proof.

University Committee on Student Conduct- Procedures

- (1) Upon receipt of an appeal request, the Office for Judicial and Ethical Programs will convene a meeting of the UCSC. The Associate Dean (or designee) will prepare an investigative summary consisting of all the information used by the original Hearing Body in adjudicating the case. The respondent must submit any materials they wish to be reviewed by the Committee three (3) days prior to the hearing. Any information submitted subsequently will be considered at the discretion of the Chair of the Committee. All UCSC appeal hearings are conducted in private in order to protect the confidential nature of the proceedings.

Petitions for Readmission

- (1) A student who has been suspended or dismissed from the University of Memphis is not an active member of the University community. Thus, students who have been separated 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:

- (2) The petitioner must present a valid petition letter a minimum of thirty (30) days prior to the first day of classes of the semester for which the petitioner wishes to enroll.
- (3) The petitioner must provide documentary evidence that all conditions associated with their suspension or dismissal have been completed satisfactorily in the time periods outlined in the sanction letter.
- (4) The petitioner should include a letter describing the reason for the suspension/dismissal, 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.
- (5) After consideration of the petitioners request to re-enter the University, the Associate Dean of Students for Judicial and Ethical Programs (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 by violation(s) 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 a disposition of the allegations consistent with these rules. The rights referred to above are as follows:
 - (a) The victim shall be given the opportunity to meet with the Associate Dean of Students for Judicial and Ethical Programs (or designee) 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 shall be allowed to submit a written impact statement to the Hearing Body for consideration.

Behavioral Intervention Team (BIT)

- (1) The University of Memphis is concerned about the care, 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 unencumbered and uninhibited by threats of intimidation and harm. The purpose of the Behavioral Intervention Team for Students (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) Once an assessment has been made and a risk identified, the BIT will consider the most appropriate source of support for that student, with the goal of maximizing the student's chance of educational success. This may include, but is not limited to:
 - (a) Referral for professional mental health evaluation;
 - (b) Documentation from a mental health professional of a student's ability to return to the University and to resume participation in current educational programs, activities and services;
 - (c) Imposition of sanctions or limits designed to protect the individual or the University community;
 - (d) Voluntary withdrawal from the University for either a specified or unspecified period of time;
 - (e) Involuntary withdrawal or suspension from the University for either a specified or unspecified period of time.
- (3) A student may appeal the action of the BIT team by submitting a written request of appeal to the Associate Dean of Students for Judicial and Ethical Programs for consideration by the University Committee on Student Conduct.

Retention of Records

- (1) Disciplinary files will be destroyed if the student is not found to be responsible for a rules violation. 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 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 sanction 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.

Effect of Noncooperation

- (1) Students alleged to have violated University rules or regulations shall be provided notice of the allegation(s). A student who fails to respond to a notice of allegations shall be deemed to have waived all hearing rights (including those provided under the provisions of the TUAPA). In this instance, a decision may be made in the student's absence and/or a sanction imposed. In addition, a hold will be placed on his/her records. The hold will be removed at such time as the student has appropriately responded to a notice of an alleged violation(s) of these rules.

Student Organization Disciplinary Procedures

- (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 numbers 1 through 3 above.

- (2) Alleged violation(s) of University policy shall be reported immediately to the Office for Judicial and Ethical Programs. 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 to the hearing body related to the events/actions in question.
 - (b) If an organization fails to provide an appropriate representative during the preliminary meeting, a decision to pursue formal disciplinary action will be made in its absence.
- (3) If it is determined to pursue formal disciplinary action against the organization, the Office for Judicial and Ethical Programs shall conduct an investigation into the alleged violation(s) of the Code of Student Rights and Responsibilities. If warranted, a summary of the investigation will be presented to the appropriate hearing body as determined by the Associate Dean of Students for Judicial and Ethical Programs.
 - (a) All alleged violations of the Code of Student Rights and Responsibilities must be communicated to the organization in the form of a charge letter at least five (5) business days prior to any formal hearing.
 - (b) All formal hearings will be conducted in a timely manner.
 - (c) Organizations will have the opportunity to have a member present at the formal hearing and to speak on the organization's behalf if appropriate. The number of members that will be allowed to be present at a formal hearing will be determined by the hearing officer or chair of the hearing body.
- (4) TUAPA: All cases which may result in: (a) suspension or expulsion of a student 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.
- (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 Associate Dean of Students for Judicial and Ethical Programs within five (5) days of the organization being informed of the outcome of the formal disciplinary hearing.

- (6) All appeals will be submitted to the Associate Dean in writing and should outline the grounds for the appeal and any relief/accommodation requested from the decision of the original hearing body.
- (7) The Associate Dean will forward the organization appeal to the appropriate appeal body for a review the record of the original hearing. The appeal body has the authority to:
 - (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. In the event the sanction is suspension, expulsion or revocation of registration, the organization has the right to appeal pursuant to paragraph (4) above in this section;
 - (d) Remand the matter to the original hearing body for reconsideration.
- (8) The appeal body will communicate a decision to the organization within five (5) business days of the date of the appeal.

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.